

April 20, 2021

State of New York
County of Fulton
Town of Oppenheim

Minutes of the Oppenheim Town Board meeting held on April 20, 2021 held at the Oppenheim Town Hall located at 110 State Highway 331, St. Johnsville. NY 13452

Present

Cynthia Breh	--	Supervisor
Robert Pierce	--	Councilman
Kathleen Montana	--	Councilwoman
Gloria Brys	--	Town Clerk
Scott DeNinno	--	Highway Superintendent
Dave Rackmyre	--	Codes Enforcement Officer

Absent

Robert Norris	--	Councilman
Dennis Yost	--	Councilman
Joanne Capek-Young	--	Bookkeeper
Ty Stowell	--	Dog Control Officer

Supervisor Cynthia Breh called the meeting to order at 6:30 pm with the Pledge to the Flag.

Highway Report

Mr. DeNinno stated that the sweeping of roads has been completed.

Cold patching and grinding of dirt roads has begun.

Mr. DeNinno said that the town employees will be cutting brush and tree canopy on various roads throughout the town during the month of May.

Mr. DeNinno stated that Bridge funding has been announced for this budget year. He has gotten proposals from engineering firms for preparation of BridgeNY applications for the Youkers Bush (Timmerman Creek) and Belden Corners (Little Sprite Creek) bridges. JMT was chosen because they are the only ones who actually came out and looked at the bridges. The cost of preparation for the application will be approximately \$1000 to \$1500 per application. It has been suggested by JMT Engineering that the Beldens Corner Road bridge be reduced to one lane. The Youkers Bush bridge was also inspected by JMT Engineers to ascertain the possibility of placing additional dead load on the bridge due to paving. They stated that the bridge is able to carry more than the 10 tons it is posted for. In order to get an actual load limit for the bridge it will require an engineering study which will cost approximately \$7,000 to \$8,000.

The NYS budget passed with increases in CHIPS, PaveNY, and Extreme Winter Recovery funding. Our current expected funding level is \$289,835.60. This does not include funds that was held back by the Governor. If this money is reallocated as rollover funds, it would be a total closer to \$330,000.

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Mr. DeNinno said that quotes have started coming in for paving and road work.

Mr. DeNinno stated that they are forced to make repairs to the excavator to correct an overheating condition as well as a bad water pump. He said that this piece of machinery is in dire need of replacement and the estimated replacement cost is \$165,000 before any trade in values are applied.

Robert Pierce made a motion to accept the Highway Report and Kathleen Montana seconded it and Supervisor Breh was in favor.

Supervisor's report

Supervisor Breh said that she has been getting calls about the noise in town. NYS already has a law regarding noise control.

Supervisor Breh said that a trailer was brought into town without permit. The Code Officer was notified of the situation and has since rectified the situation.

She said that on April 13, 2021, she gave NYMIR Discrimination and Harassment class to Council member Kathleen Montana and Town Clerk Gloria Brys. Superintendent DeNinno is going to give it to the Highway Employees.

Supervisor Breh said that the St. Johnsville Recreational Program is asking the Town of Oppenheim for \$4,300 to help fund their program. She recommended that we don't provide funding to the St. Johnsville Recreational program as we don't even fund a summer program for our own children in the Town of Oppenheim.

Codes Enforcement

Dave Rackmyre was present and had a report for the board members, He has 7 new permits and issued 4 violation notices. Permit fee year to date is \$441.00.

Robert Pierce made a motion to accept the Codes Enforcement report and Kathleen Montana seconded it and Supervisor Breh was in favor,

Dog Control Officer

Ty Stowell was absent but had a written report for the board members.

He picked up a dog on Sweet Hill Road, the dog was licensed and up to date on shots and was returned to the owner.

He received a call about a dog barking late at night on the North Road. The owner showed Mr. Stowell pictures from a trail camera which showed that there was a deer in the back yard.

Kathleen Montana made a motion to accept the Dog Control Officer's report and Robert Pierce seconded it and Supervisor Breh was in favor.

Dennis Gray - resident of the Town of Oppenheim

Mr. Gray read a letter that he wrote to the board.

The letter is as follows:

①

GOOD EVENING

I WOULD LIKE TO INTRODUCE

MYSELF TONIGHT. MY NAME IS

DENNIS GRAY. I LIVE AT

THE INTERSECTION OF CO HWY.

108 AND 151. JUST A MILE

EAST OF INGHAMS MILLS. I AM

HERE TONIGHT TO EXPRESS MY

FEELINGS ON THE PROPOSED SOLAR

FARM DIRECTLY BEHIND HOUSE.

THE FIELDS IN QUESTION WERE

FARMED BY MYSELF, MY SIBLINGS,

MY CHILDREN, FATHER, GRANDFATHER,

GREAT GRANDFATHER SINCE 1895

(2)

AND IN THE PAST, EVEN
SOME PEOPLE IN THE PAST THAT
WERE ASSOCIATED WITH THE
BOARD HELPED MAKE THE FIELDS
WHAT THEY ARE TODAY. A LOT
OF HARD WORK AND SWEAT WENT
INTO THESE FIELDS. IF THEY ARE
TURNED INTO SOLAR FIELDS, THEN
THEY WILL NEVER BE AGRICULTURAL
AGAIN IN MY LIFETIME OR ANY-
BODY ELSE IN THIS ROOM. I
DON'T THINK THERE IS HARDLY
A SINGLE PERSON ON THE

(3)

TOWN BOARD OR THEIR FAMILIES
THAT WOULD LIKE TO HAVE THE
SOLAR FIELDS OUT THEIR BACK
DOOR. ONCE THE PROPERTY BECOMES
SOLAR, THEN THE ASSESSMENT IS
CHANGED FROM AGRICULTURAL
TO VACANT LAND. THIS IN TURN
LOWERS THE AMOUNT OF TAXES
DUE FROM THAT PROPERTY ~~PER~~
THRU THE PILOT PROGRAM SO THEN
OTHER TAXPAYERS HAVE TO
MAKE UP THE DIFFERENCE. ALSO
IT HAS BEEN SAID THAT THE SOLAR

(4)

COMPANY SHOULD RECEIVE SOME BENEFITS AND/OR CONSIDERATIONS FOR THE MONEY PAID TO THE TOWN ~~MANAGELY~~ WHICH IS SAID TO BE APP. \$7500 / YR. AS A START-UP FEE OR KICKBACK. NOW WHEN YOU DO THE CALCULATIONS ON THE TOTAL TOWN PROPERTY ASSESSMENTS OF 53,900,000, YOU COME UP WITH ~~.00018~~^{.00015} PER DOLLAR ASSESSMENT THAT THE SOLAR CO. GIVES THE TOWN. THIS IN TURN ON A PROPERTY ASSESSED AT \$50,000 IS ONLY \$7.50 GAINED REVENUE. ALSO, PERTAINING TO THE \$801,578 THAT THE TOWN RECEIVES FROM

(5)

TAXES, THE AMOUNT THAT A SOLAR COMPANY GIVES TO THE TOWN ANNUALLY IS ONLY $1/10000$ OF EVERY DOLLAR OF TAX REVENUE. SO ~~THESE~~ THESE AMOUNTS ARE QUITE TRIVIAL TO WHAT A SOLAR FARM DOES TO THE ENVIRONMENT AND LANDSCAPE AND LAND USE. THE TOWN'S PEOPLE MOST LOOK TO THE FUTURE OF POTENTIAL LAND OWNERS IN THE TOWN. THE PROPERTY NEXT TO A SOLAR FARM WILL DECREASE IN VALUE. WHICH RESULTS IN DIFFERENT THINGS. WHEN A LAND OWNERS PROPERTY DECREASES IN VALUE, THEN THE

⑥

LOST REVENUE IS PASSED ON TO THE OTHER TAX PAYERS IN THE TOWN. ALSO, IF THE ADJOINING LANDOWNERS DECIDE TO SELL THEIR PROPERTY, THEN THEIR PROPERTY WILL DEFINITELY SELL FOR LESS. AND IF SOMEONE WANTS TO BUY PROPERTY IN THE TOWN, THEY ARE SURELY GOING TO HESITATE FOR FEAR OF OTHER SOLAR FARMS NEXT TO THEM.

NOW I KNOW THAT NONE OF THE ADJOINING LANDOWNERS ARE IN FAVOR OF THIS ~~SO~~ POTENTIAL SOLAR SITE. ALSO, THE PRESENT

(7)

OWNER HAS ONLY OWNED THE
PROPERTY FOR 9 YEARS. HE
LIVES OUT OF STATE, NEVER
INTENDS TO LIVE ^{HERE} AND DOESN'T
CONTRIBUTE ANYTHING TO THE
LOCAL ECONOMY. IF HE WANTS
SOLAR ON HIS PROPERTY FOR
DESPERATE NEED OF MONEY,
THEN WHY DOESN'T HE EXTEND
THE FUTURE SOLAR FARM ON
CO. HWY. 151. IT WOULD NOT
AFFECT ANY OTHER LANDOWNERS
OR THEIR VIEWS, YOU WOULD
ALMOST WANT TO THINK THAT

(8)

ALL OF ~~THIS~~ ^{THE} NONSENSE THIS
IS CAUSING IS BECAUSE THE
OWNER, ERIC JOHNSON, IS BEING
UNDICTIVE. NOW MAYBE THE
SOLAR COMPANY WILL ESTABLISH
A BUFFER OF FENCING, PLANTED
TREES AND SHRUBS, BUT THIS
WILL TAKE A LIFETIME TO
GROW. THERE MUST BE A
NEGATIVE EFFECT ON COMMUNITIES
IN THE COUNTY SINCE ONLY 2
TOWNSHIPS HAVE THEM. ALSO, LIKE
I SAID BEFORE, THERE ISN'T A
SINGLE PERSON IN THIS ROOM

(9)

THAT WOULD BE PHYSICALLY
AFFECTED BY THIS SITE. I HOPE
THE TOWN BOARD REJECTS THE
APPLICATION FOR A PERMIT FOR
THIS PROPOSED SOLAR FARM SINCE
THIS IS SOME OF THE NICEST
AGRICULTURAL LAND THAT IS SLOWLY
BECOMING COMMERCIAL + ANOTHER
THING THAT I WANT TO MENTION
IS THE INFUX OF THE MENNONITES
FROM PA. INTO OUR COMMUNITY.
IN THE PAST 3-4 YEARS THEY
HAVE PURCHASED NUMEROUS
THE
PROPERTIES IN TOWN OF OPPENHEIM

(10)

AND SURROUNDING AREA. THEY KEEP THEIR PROPERTIES NEAT AND PRODUCTIVE. THAT IS WHY ~~THEY~~ THEY ARE SUBMITTING SIGNED PETITIONS OPPOSING SOLAR FARMS. I THINK THEY HOPE TO DEVELOP A COMMUNITY FREE OF THE RAT RACE THAT THEY ARE COMING FROM. BUT THEY WON'T BE ABLE TO UNLESS THE TOWN IMPLEMENTS SOME TYPE OF ZONING AND/OR A MORATORIUM. THE MENNONITE PEOPLE CONTRIBUTE SO MUCH TO THE ECONOMY, WHERE AS THE

(1)

PRESENT OWNER NEVER INTENDS
ON LIVING HERE. I HOPE THE
TOWN ISN'T INCLINED TO GIVE
THE SOLAR COMPANY ~~NO~~ BENEFITS
SUCH AS THE PILOT PROGRAM ETC.
BECAUSE WHAT ABOUT GIVING
SOME BENEFITS TO US FOR THE
\$30,000+ PER YEAR THAT OUR FAMILIES
HAVE PAID IN TAXES, APP. 1 MILLION
DOLLARS IN MY LIFE TIME. A FEW
OTHER THINGS THAT I WOULD
LIKE TO MENTION ARE: MY WELL
WHICH IS JUST A DUG WELL
FOR MY HOUSE IS VERY CLOSE

(12)

TO THE PROPOSED SITE. ONCE THE COMPANY STARTS DISTURBING THE LANDSCAPE AND VEINS IN THE GROUND, THIS WILL ULTIMATELY AFFECT MY WATER SOURCE. SO WHO IS GOING TO FIX THE PROBLEM AND HOW. ALSO, ACCORDING TO THE TOWN ORDINANCE ON SOLAR FARMS, THE BUFFER MUST BE 200 FEET FROM PROPERTY AND 50 FEET FROM VACANT LAND. SO DOING THE CALCULATIONS, THERE IS ONLY 335 FEET OF ROAD FRONTAGE

(13)

SUBTRACT THE 200 FEET FROM
MY PROPERTY ON THE WEST AND
THE 50 FEET FROM THE ABSENTEE
OWNER PROPERTY LINE ON THE
EAST. THIS ONLY LEAVES 85 FEET
OF ROAD FRONTAGE FOR POLES
AND ACCESS ROAD. THIS IS
DEFINITELY NOT ENOUGH ROOM.
SO PEOPLE MAY TRY TO ENACT
A VARIANCE, ^{SO} ~~SO~~ WHAT IS THE
PURPOSE OF ORDINANCES. I
HAVE BEEN TOLD BY SOME TOWN
OFFICIALS THAT TO START THE
PROCESS THE FOLLOWING MUST BE
DONE: THE SOLAR COMPANY AND/OR

(14)

LAND OWNER MUST FIRST GO
TO THE CODES OFFICER (DAVID
RACKMYER) TO APPLY FOR A
PERMIT. THEN HE GOES BEFORE
THE TOWN BOARD TO BE VOTED
ON, TO ~~BE~~ EITHER YES OR NO,
TO APPROVE THE APPLICATION
FOR THE PERMIT. THEN IF GRANTED,
IT GOES TO THE COUNTY PLANNING
BOARD. THEY MAY DENY IT IN ITS
ENTIRETY OR MAKE CHANGES. I
JUST HOPE THAT PEOPLE MIGHT
O.K. THE PERMIT JUST TO LIVE
THEIR POCKETS. THAT WILL BE A
REALLY SAD DAY FOR THE TOWN

(15)

OF OPPENHEIM. NOW I KNOW
WHAT I HAVE SAID MIGHT NOT
BE 100% ACCURATE, BUT I BELIEVE
I'M CLOSE. SO I HOPE THAT
EVERYBODY TRUST ME AND DON'T
LISTEN TO PEOPLE WHO WILL TRY
TO ALTER FACTS FOR THEIR OWN
BENEFIT AND CHANGE YOUR MINDS

I SINCERELY

THANK YOU

Dennis M. Gray

April 20, 2021 (cont)

Solar Project

Dallas Manson from Nexamp Asset Management Services was present to do a presentation on a solar farm that is to be at 582 Cohwy 150 in the Town of Oppenheim. A description of the proposed solar farm is construction of a 2.5 MW solar farm on a 47 acre parcel of land. The proposed solar farm will be constructed on approximately 18.5 acres (fenced area). She did a slide show which included a map of where the solar farm will be.

Supervisor Breh asked Dallas Manson if Nexamp has ever gave a presentation to the Town of Oppenheim board or received or had a permit approved by the town board and she said no and also if they had been digging test holes and she also said no.

Bookkeepers Report

Joanne Capek-Young had a written report for the board members.

Kathleen Montana made a motion to accept the Bookkeepers report and Robert Pierce seconded it and Supervisor Breh was in favor.

Town Clerks report

Town Clerk Brys presented the report for March.

Kathleen Montana made a motion to accept the Town Clerks report and Robert Pierce seconded it and Supervisor Breh was in favor.

Executive Session

Robert Pierce made a motion to have an executive session at 7:40 p.m. on legal matters and Kathleen Montana seconded it and Supervisor Breh was in favor.

Robert Pierce made a motion to call the meeting back to order at 8:15 p.m. and Kathleen Montana seconded it and Supervisor Breh was in favor.

Motions

Motion made by Kathleen Montana and seconded by Robert Pierce to let the Historical Society have their garage sale in August.

Adopted

Ayes - 3 Montana, Pierce, Breh

Absent - 2 Norris, Yost

Motion made by Robert Pierce and seconded by Kathleen Montana not to fund the Recreational Project in St. Johnsville

Adopted

Ayes - 3 Pierce, Montana, Breh

Absent - 2 Norris, Yost

April 20, 2021(cont)

Approval of Minutes

Motion made by Kathleen Montana and seconded by Robert Pierce to accept the minutes for March 16, 2021

Adopted

Ayes - 3 Montana, Pierce, Breh

Absent - 2 Norris, Yost

Motion made by Kathleen Montana and seconded by Robert Pierce to authorize payment of vouchers

Adopted

Ayes - 3 Montana, Pierce, Breh

Absent - 2 Norris, Yost

With no further business on a motion by Kathleen Montana and seconded by Robert Pierce the meeting was adjourned at 8:35 p.m.

Respectfully submitted

Gloria J. Brys