

State of New York

March 19, 2024

County of Fulton

Town of Oppenheim

Minutes of the Oppenheim Town Board meeting held on March 19, 2024 held at the Oppenheim Town Hall located at 110 State Highway 331, St. Johnsville. NY 13452

Present

Cynthia Breh	--	Supervisor
Kathleen Montana	--	Councilwoman
Nicholas Vasil	--	Councilman
Robert Norris	--	Councilman
Brian Miller	--	Councilman
Gloria Brys	--	Town Clerk
Scott DeNinno	--	Highway Superintendent

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

Residents in attendance - 2

Public Comment - 6:31 pm

There were no public comments

Opening of bids

There was only 1 bid for millings and no bids for gasoline or diesel fuel.

Carver Sand & Gravel - \$19.25 per ton

Highway report

Countryman water conditioning has ordered the needed parts for the installation of the water treatment system. He will be calling to schedule once parts arrive.

Truck 4 (2008) Mack was towed to Utica Mack. It died while moving it around the yard here, and failed to re-start. It also had power steering leaks. The estimate of repairs is \$12,000. Mr. DeNinno recommended that we proceed with the repairs, as we cannot sell the truck in the state it currently is in.

Mr. DeNinno has been in contact with an engineer to evaluate the Lotville road bridge (culvert) for repairs. The steel I-beams of this bridge are in deteriorated condition and must be replaced, along with the wooden deck. Mr. DeNinno suggest that we post Lotville Road from Sweet Hill to King Road with a 4 ton weight limit.

Motion made by Robert Norris and seconded by Brian Miller to accept the Highway report and Kathleen Montana, Nicholas Vasil and Supervisor Breh were in favor.

March 19, 2024 (cont)

Appointment of Deputy Superintendent

Superintendent of Highways Scott DeNinno appointed Brian Miller as Deputy Superintendent of Highways.

Dog Control Officer

The dog control officer had no report.

Codes Enforcement Officer

Dave Rackmyre submitted a report for the board members.

The total permit fees year to date is \$425.00.

He issued one certificate of compliance

Scott DeNinno stated that when he was Codes Enforcement officer he took in 5 times the amount of money that Dave Rackmyre has for building permits.

Robert Norris made a motion to accept the Code Enforcement Officers report and Nicholas Vasil seconded it and Kathleen Montana, Brian Miller and Supervisor Breh were in favor.

Bookkeepers Report

Joanne Capek-Young submitted a report for the board members.

Nicholas Vasil made a motion to accept the Bookkeepers report and Robert Norris seconded it and Kathleen Montana, Brian Miller and Supervisor Breh were in favor.

Town Clerks Report

Town Clerk Brys presented the report for February 2024.

Brian Miller made a motion to accept the town clerks report and Kathleen Montana seconded it and Nicholas Vasil, Robert Norris and Supervisor Breh were in favor.

Supervisor Report

Supervisor Breh said there was a resolution in 2015 to switch to M & T Bank. The board members were Stephanie Grey, Rodney Montana, Pat Haberek and Cheryl Lynch.

Supervisor Breh said that she had a count of the meetings that were missed for each board member,

2021 - Robert Pierce missed 5 out of 12

Robert Norris missed 3 out of 12

2022 - Robert Pierce missed 8 out of 14

Robert Norris missed 4 out of 14

2023 - Robert Pierce missed 10 out of 16

Robert Norris missed 6 out of 16

Kathleen Montana only missed 1 meeting for 2021, 2022, and 2023

Nicholas Vasil has not missed any meetings

Supervisor Breh has only missed 1 meeting in 10 years

Robert Norris stated that he does not have to explain to the public why he misses meetings as he has a full time job.

March 19, 2024 (cont)

Supervisor Breh said we need to do a Corrective Action Plan for the Capital Reserve Fund, Highway Debt Service Reserve Fund (DA) and a Highway Machinery & Equipment Fund (DA).

Brian Miller made a motion to accept Resolution #42 for the Capital Reserve Fund and Robert Norris seconded it , It is as follows:

TOWN OF OPPENHEIM

03.19.2024 CORRECTIVE ACTION PLAN

ESTABLISHING A CAPITAL RESERVE FUND (A201.2)- RESOLUTION OF 08.21.2015

RESOLUTION #42

Resolved, that pursuant to Section 6-c of the General Municipal Law, as amended there is hereby established a capital reserve fund to be known as the "Capital Reserve Fund" The purpose of this reserve fund is to accumulate moneys to finance the cost of specific capital improvements. The specific items to be financed from the reserve fund are the construction/reconstruction of town buildings. The estimated maximum cost of such capital improvements is \$400,000.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by section 10 of the General Municipal Law. The governing board/ the chief fiscal officer may invest the money in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law and the investment policy of town of Oppenheim. Any interest earned or capital gains realized on the moneys so deposited or so invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the reserve fund.

Except as otherwise provided by law, expenditures from the reserve fund shall be made only for the purpose for which the Reserve Fund was established. No expenditure shall be made from this Reserve Fund without the approval of the governing board and such additional actions proceedings as may be required by Section 6-c of the General Municipal Law and any other law.

Adopted

Brian Miller - Yes

Robert Norris - Yes

Kathleen Montana - Yes

Nicholas Vasil - Yes

Supervisor Breh - Yes

March 19, 2024 (cont)

Brian Miller made a motion to table the resolutions for the Highway Machinery & Equipment Reserve Fund and the Highway Debt Service Reserve Fund and Robert Norris seconded it,

Adopted

Ayes - Miller, Norris, Montana, Vasil, Breh

Nays - 0

Supervisor Breh said that she looked up how much we paid the Attorney in 2017 through 2023.

2017 - \$ 54.00

2018 - \$3,215.00

2019 - \$1,548.65

2020 - \$2,222.00

2021 - \$2,016.00

2022 - \$5,067.00

2023 - \$8,196.00

Supervisor Breh stated that she can call the Attorney anytime she wants to because the resolution that was passed is illegal.

Robert Norris said that the Supervisor needs board approval. The Supervisor is part of the Town Board. He said the Supervisor has no more authority than the board members. He said that if the Supervisor calls the Attorney without approval, then she will be responsible for the call.

Supervisor Breh said she wants the Attorney come to our meeting every other month.

Robert Norris said that we don't need to pay the Attorney travel time plus to sit at the meeting. If we need him for something we will call him to come to the meeting.

Supervisor Breh made a motion to have the Attorney come to our meeting every other month and Nicholas Vasil seconded it.

Brian Miller - No

Robert Norris - No

Kathleen Montana - No

Nicholas Vasil - Yes

Supervisor Breh - Yes

The vote was 3 for No and 2 for Yes so the motion to have the Attorney come to our meeting did not pass.

Time Clock

Howard Gage (resident) said that he heard that there was a problem concerning the time clock for the highways employees. Scott DeNinno said that he moved the time clock to his office so he could monitor it. A new time clock has been ordered.

Supervisor Breh ask Brian Miller to tell the honest truth if he ever logged in or out another highway employee and he said "Yes I have"

Bid for Millings

Robert Norris made a motion to accept the bid for millings from Carver Sand & Gravel at a price of \$19.25 a ton and Kathleen Montana seconded it.

Adopted

Ayes - 5 Norris, Montana, Vasil, Miller, Breh

Nays - 0

Motions

Motion made by Robert Norris and seconded by Kathleen Montana to accept Resolution #43 for the court's records for fiscal year ending in 2023 and that the required examination was conducted for Judge Joanne Capek Young

Adopted

Ayes - 5 Norris, Montana, Vasil, Miller, Breh

Nays - 0

Motion made by Robert Norris and seconded by Kathleen Montana to post the section of the Lotville Road between Sweet Hill Road and King Road to all traffic in excess of 4 tons starting April 8, 2024 and remain in effect until such time that the posting signs are removed.

Adopted

Ayes - 5 Norris, Montana, Vasil, Miller, Breh

Nays - 0

Motion made by Robert Norris and seconded by Brian Miller to have Truck #4 (2008 Mack) fixed at Utica Mack for an estimate of \$12,000.

Adopted

Ayes - 5 Norris, Miller, Vasil, Montana, Breh

Nays - 0

Approval of Minutes

Motion made by Robert Norris and seconded by Brian Miller to accept the minutes of February 20, 2024

Adopted

Ayes - 4 Norris, Miller, Vasil, Montana, Breh

Nays - 0

● March 19, 2024 (cont)

Permission to call Attorney

The board members gave approval for Town Clerk Brys to call the Attorney concerning the invoice from the Attorney

Motion made by Brian Miller and seconded by Robert Norris to authorize payment of vouchers. The total for the General Vouchers is \$41,961.94 and the total for the Highway vouchers is \$15,971.69

Adopted -

Ayes - 5 Miller, Norris, Vasil, Montana, Breh

Nays - 0

With no further business on a motion by Robert Norris and seconded by Kathleen Montana the meeting was adjourned at 9.26 pm

Respectfully submitted

Gloria J. Brys