

State of New York  
County of Fulton  
Town of Oppenheim

January 30, 2024

Minutes of the Oppenheim Town Board Public Hearing was held on January 30, 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
Christopher Langlois	--	Attorney

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

The Public Hearing is for Local Law #1 of 2024 which is concerning the town board member and the position of Deputy Highway Superintendent/Highway department employee. Anyone present may speak for or against the local law.

Supervisor Breh said that this is not a question and answer hearing it is just for comments on the local law.

**Public comments**

Brenda Miller said that we are only talking about one person. The public wrote in Brian Millers name and he won the election.

Attorney Langlois said it is a local law about a position.

Brian Shafer said that he thinks Brian Miller will serve well on the town board. He will have information on the highway department.

Joyce Ploss wanted to know if he will excuse himself from voting.

Attorney Langlois stated that he should not vote on anything to do with the Highway department.

Brian Shafer wanted to know if voting on equipment does he not put his input in and does he have to excuse himself. If he votes it is not a gain for himself.

January 30, 2024 (cont)

Leigh Ann Loucks said that there are 1144 voters in the town of Oppenheim. It is not fair to change the law for one person and that is obviously what the local law is,

Brian Shafer stated that if Oppenheim has that many voters then more people should have showed up to vote.

Patricia Haberek said that we did not realize what effect the election would have on the people. Do we change the law because of the person or the position. We need to get along and respect each other. If another council position opens up next year, do we change the law for the person or the position. She said whatever the decision is she will respect that.

George Stanley said we are not changing the law, we are only trying to adopt the local law.

Attorney Langlois said that one person cannot hold both positions.

Chris Coviak stated that he worked with Brian for 7 months and he thinks he should be able to sit on the board. He said that he learned a lot from Brian while working at the Highway department. He stated that Brian has the knowledge and 20 plus years with the Highway department.

George Stanley wanted to know if there is a job description for both positions.

Scott DeNinno stated that the cases of Whitehall Doctrine and Ryan v. Green has nothing to do with it because they did not address these positions. He stated that there is no state law that addresses these positions.

There were no more public comments.

Nicholas Vasil made a motion to close the public hearing at 7:02 pm and Robert Norris seconded it and Kathleen Montana was in favor.

Robert Norris made a motion to approve Local Law #1 of 2024 and Kathleen Montana seconded it.

Vote: Robert Norris - Yes  
Kathleen Montana - Yes  
Nicholas Vasil - No  
Supervisor Breh - No

Seeing the vote was 2 for and 2 against , the local law #1 of 2024 did not pass.

Nicholas Vasil made a motion to adjourn the meeting at 7:05 pm and Robert Norris seconded it and Kathleen Montana and Supervisor Breh were in favor.