

## Regular Meeting, Town Of Otto

A regular meeting of the town board of the Town of Otto, Cattaraugus County and the State of New York was held at the Otto Town Hall, 8842 Otto- East Otto Road, Cattaraugus, NY on the 18th day of August 2015.

**Present:** Ron Wasmund .. Town Supervisor  
Trisha Priest .. Town Clerk  
Francis Feth .. Councilman  
James Wojdan .. Councilman  
Brenda Mallaber .. Councilwoman  
Paul Stang .. Councilman  
Robert Barber Jr. .. Highway Superintendent  
Jeff Holler ..Code Enforcement Officer entered the meeting at 7:38pm

### **Others Present:**

Dick Klancer-Legislator

Supervisor Wasmund called the regular meeting to order at 7:00 pm.

### RESOLUTION 2015-85

#### Approval of minutes

On a motion made by Councilman Wojdan and seconded by Councilman Feth, the following resolution was

APOPTED Ayes 5 Wasmund, Wojdan, Feth, Mallaber, Stang

Nays 0

Resolved that the minutes of July 22, 2015 are approved as submitted.

**Town Correspondence** The Town Clerk read aloud a letter received by Ann Rugg, Town Clerk of East Otto read as follows:

At the July 21, 2015 regular meeting, of the East Otto Town Board, the following resolution was presented in a motion by Councilman David Forster and seconded by Councilman Richard Grey:

**WHEREAS** a flash flood occurred on July 14, 2015 and

**WHEREAS** roads and residents homes were flooded and otherwise water damaged

**THEREFORE BE IT RESOLVED:** The Town Board of the Town of East Otto does hereby wish to acknowledge and praise the East Otto Town Highway Employees and the East Otto Fires Department volunteers along with neighboring Town employees and volunteers for their outstanding attention and dedicated service in protecting our residents and their property on Tuesday, July 14th, 2015. In addition we would like to acknowledge the Town of Otto Highway Department's immediate assistance following the storm. For several days they worked alongside our town employees in returning our roads to conditions which are now safe for travel by our residents.

The motion was carried unanimously by the following roll call vote:

Richard Grey YES

William Spors YES

David Forster YES

James Beach YES

### **Report of town officials**

**Supervisor** Mr. Wasmund presented the board with the year to date supervisors financial report.

Mr. Wasmund opened discussion on a problem pointed out to the Board Members in regards to the difficulty of cleaning the walls of the soot left behind from the furnace. It was discussed that a short term fix would be to repaint the court room. The highway superintendent was asked to look into estimates for a new furnace to fix the problem. Other

discussions lead to long term plans regarding the building and highway barns. The discussion was tabled but will be considered during the budgeting process.

**Highway Superintendent** Robert Barber Jr presented an update of the FEMA projects put together by Steve Rice of Simmons Recovery Consultants. Wendell Company put together a design plan that was submitted and approved by the Army Corp. of Engineers. This plan now needs to be resubmitted to FEMA because of a significant increase in the cost of the project based on findings in the geotechnical report. There has been a delay in payments being sent from FEMA for projects that have been completed. We may have to reach out to Senator Chuck Schumer to provide a little pressure on FEMA to get these payments sent more timely. The highway department has finished helping East Otto after the flooding that occurred there. They have been pulling shoulders on Thompson, Stafford and lower Gibson Hill roads. The crew is currently working on skid paving and road side mowing. The new truck should be here within the next two weeks. Right now it's being fitted with equipment. The lease-purchase agreement needs to be signed.

**Councilman Wojdan** Mr. Wojdan discussed the progress with the grant for the Otto Museum Historical Building. The grant is due by September. Documentation of not for profit status is needed in the application of the grant. He attended a meeting with the Cattaraugus historical society and felt there was no urgency or dedication to this project from the members. He expressed his disappointment that this grant process may go nowhere. There is another meeting on the 25th. The topic of taking over the society for the Otto Museum was tabled.

**Code Enforcement Officer** Jeff Holler presented a report on his activities for the period of July 21-Aug 18 2015. He took 25 calls, issued 3 permits, conducted 10 inspections, and sent out 9 final violation notices. A stop work order issued for 9322 Gibson Hill Road was delivered. He looked at the properties that the zoning board had listed for violations. Everyone needing a permit had one. Mr. Holler presented a suggestion that the town make a resolution to keep the sidewalks cleared because there is nothing currently in the zoning ordinance. He talked to the state department and that was their suggestion.

Mr. Wilder did not come to court. He resent him the summons. In regards to the recent burning of debris at the Wilder property the DEC has said fines will be issued if there are reports of open fires again. Mr. Hollar reported on the status of the Bartlett property. Mr. Bartlett does not have any new trucks. When Mr. Hollar spoke with him, Mr. Bartlett expressed his intention to get rid of the old truck after using it for parts. The situation on Wickham Road with the excess of cars has not changed. Mr. Malek is working on moving into the garage, he needs to have the building up to code in order to obtain an occupancy certificate. There are concerns about making the basement of the burned residence safe. Ninety dollars was turned in for the building permits.

**Town Clerk** The monthly review of the town clerk activities for the month of July was distributed to the board. \$1690.00 was collected during the month of July. The following Disbursements were made:

Town Supervisor	\$ 1665.00
Department of ag & markets	\$ 25.00
Catt Co. DPW	\$ 0.00
DEC	\$ 0.00

#### RESOLUTION 2015-86

##### Audit of Claims

On a motion made by Councilman Wojdan and seconded by Councilwoman Mallaber , the following resolution was

ADOPTED      Ayes    5            Mallaber, Feth, Stang, Wasmund, Wojdan  
                     Nays    0

Resolved that the bills contained on Abstract #508 in the amount of \$ 77,135.51 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	No. 52 through 55	\$ 1038.00
Highway Fund	No. 104 through 111	\$ 75712.51
Water District	No. 14 through 15	\$ 385.00

RESOLUTION 2015-87

Supervisor's Monthly Report-July

On a motion made by Councilman Feth and seconded by Councilman Wojdan, the following resolution was

ADOPTED       Ayes    5       Mallaber, Feth, Stang, Wojdan  
                  Nays    0

Resolved that the Supervisor's Monthly report for the month of July 2015 be accepted as submitted.

RESOLUTION 2015-88

Town Clerk's Report-July

On a motion made by Councilman Feth and seconded by Councilman Wojdan, the following resolution was

ADOPTED       Ayes    5       Mallaber, Feth, Stang, Wasmund, Wojdan  
                  Nays    0

Resolved that the Clerk's monthly report for the month of July 2015 be accepted as submitted.

RESOLUTION 2015-89

Lease Purchase Agreement 2016 Western Star Truck, dump body and plow equipment

Lessee: Town of Otto

Principal amount to be financed \$186,254.90

WHEREAS, the above Lessee is a political subdivision of the state in which the Lessee is located in the State of New York and is duly organized and existing pursuant to the Constitution and Laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee is authorized to acquire, dispose of and encumber real and personal property, including, without limitations, rights and interests in property, leases and easements necessary to the function or operations of the Town of Otto.

WHEREAS, the Town of Otto hereby finds and determines the execution of this lease-purchase agreement in the principal amount not to exceed \$186,254.90 for the purpose of acquiring a 2016 Western Star Truck with 14FT stainless steel side dump body, snow plow equipment including all attachments and accessories as to be described more specifically in the equipment leases is appropriate and necessary to the function and operation of the lease.

WHEREAS, First Niagara Leasing, INC. "Lessor" is expected to act as the Lessor under the Equipment Leases.

WHEREAS, the Town of Otto may pay certain capital expenditures in connection with the property prior to its receipt of proceeds of the equipment lease for such expenditures and such expenditures are not expected to exceed the principal amount.

WHEREAS, the US Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Town of Otto shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE,

On a motion made by Supervisor Wasmund and seconded by Councilman Wojdan, this resolution was

ADOPTED AND APPROVED       Ayes    5       Mallaber, Feth, Stang, Wasmund, Wojdan  
  Nays    0

Be it resolved, by the Governing Body of the Town of Otto :

The Lessee hereby determines that is has critically evaluated the financing alternatives available to it pursuant to 2 NYCRR Section 39.2 and that entering into the Equipment Lease and financing the acquisition of the property thereby is in the best interest of the Lessee. Such evaluation shall be available as a public record.

The specific reason for such determination is that entering into such Equipment Lease results in a lower overall cost to the Town of Otto. Execution of the equipment lease will not cause the Lessee to be in violation of the limits contained in Paragraph c of subdivision 6 of Section 109-b of the General Municipal Law.

This resolution is not subject to any mandatory or permissive referendum pursuant to the Local Finance Law or Section 109-b of the General Municipal Law.

This resolution is effective immediately on this 18th day of August, 2015.

With no further discussion, on a motion of Councilman Feth and seconded by Councilman Wojdan, the meeting was adjourned at 8:52 pm. Carried unanimously.

The next board meeting will be held on September 15, 2015 7PM at the Otto Town Hall.

Respectfully Submitted,

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Trisha Priest, Town Clerk