

## 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 October 2016.

**Present:** Ron Wasmund .. Town Supervisor  
Trisha Priest .. Town Clerk  
Francis Feth .. Councilman  
Brenda Mallaber .. Councilwoman  
Paul Stang .. Councilman  
Robert Barber Jr. .. Highway Superintendent  
James Wojdan .. Councilman  
Jeff Holler ..Code Enforcement Officer entered the meeting at 7:25pm

**Others Present:** Paula Stockman and Brian Goldfus

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

### RESOLUTION 2016-91

#### Approval of minutes

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

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

Resolved that the minutes of September 20, 2016 are approved with correction to the spelling of Whalen Road.

**Privilege of the Floor** Brian Goldfus wanted to make the town board aware of the condition of the wash tub building in town. He has been inside the building and there are holes in the floor and he could see the trees through the roof. He feels the building should be condemned now that the county owns the building. He is also concerned about the roofing on the Post office building and that it isn't secure and could blow off and cause damages or worse injuries. There are issues with the 25 slice building also there are no windows on the back side and there is loose metal sheeting banging when the wind blows. Mr. Hollar addressed the issue of being able to issue violations on building problems that can't be seen from the road. Unless he is invited onto a property he is not able to find issues unless they are seen from the road.

#### **Report of town officials**

**Supervisor Wasmund** Mr. Wasmund reported on the different options the town has for replacing Mr. Forster as assessor. He will reach out to Dan Martonis from real property.

**Councilman Stang** Mr. Stang reported that there will be a breakfast Nov 6th at the Otto Fire Hall and also the Ham and Turkey raffle on November 19, 2016 at 7pm.

**Highway Superintendent** Mr. Barber reported that the county helped with the road shoulders on Dake Hill Road. They provided flagmen. The town replaced the culvert in front of the Huber residence on Cemetery Hill Road. He gave an update on replacing the internet service at the town hall. Time Warner will not come in to the Town because of the cost to supply the service. He will check into DFT next. He has some idea's for the road slide issue on South Hill Road. He will be seeking permission from land owners to conduct a perk test of the effected area on the east side of the road. The Town has stock piled needed gravel from the creek while it was dry this summer. Mr. Barber questioned the ownership on the sidewalks in town.

**Code Enforcement Officer** Jeff Holler reported on his activities from September 20 through October 18, 2016. He turned in \$242.00 to the town clerk for 3 building permits, A garage at 8416 Scott Corners Road, a pole barn at 8761 Dake Hill Rd and Solar at 8531 North Otto Road. Mr. Holler made 13 phone calls, conducted 8 inspections, issued 4 violations

notices. He addressed the concerns over the condition of the buildings in the hamlet and explained the barriers that prevent him from issuing certain violations and the ineffectiveness of condemning a building or issuing non residency orders. In response to the sidewalk questions Mr. Holler cited Ch3 general requirements - Land/Property owner codes as the only regulation state has in place where sidewalks are concerned.

**Town Clerk** Trisha Priest presented the monthly review of the town clerk activities for the month of September 2016. \$1844.00 was collected during the month of June. The following Disbursements were made:

|                            |            |
|----------------------------|------------|
| Town Supervisor            | \$ 472.26  |
| Department of ag & markets | \$ 23.00   |
| Catt Co. DPW               | \$ 9.40    |
| DEC                        | \$ 1339.34 |
| NYS-DOH                    | \$ 0.00    |

On 10/18/2016 the clerk's office received from Barbara Gubala the 30-day advanced notice form as required when applying for an on-premises alcoholic beverage license.

Clerk Priest reported on the sewer district delinquencies and submitted the current spreadsheet of delinquency / relevy and payment transactions for 2016 for approval to submit to the Cattaraugus County Real Property Services.

#### RESOLUTION 2016-92

##### Audit of Claims

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

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

Resolved that the bills contained on Abstract #610 in the amount of \$ 229,833.26 have been reviewed by the Town Board and are authorized for payment in the following amounts:

|                |                     |               |
|----------------|---------------------|---------------|
| General Fund   | No. 60 through 61   | \$ 1633.00    |
| Highway Fund   | No. 159 through 174 | \$ 227,833.26 |
| Water District | No. 10              | \$ 65.93      |
| Sewer District | No.                 | \$ 0.00       |

#### RESOLUTION 2016-93

##### Wendel Engineering Supplement no.2-revision RESOLUTION 2016-70

On a motion made by Councilman Stang and seconded by Councilman Feth , the following resolution was proposed for authorization of additional services performed by Wendel Company.

WHEREAS Wendel Company's original Scope and Time of Completion of Construction assumed a construction duration of ten weeks based on the initial request for proposal which anticipated the installation of a smaller culverts and no utility relocation work.

WHEREAS during the design phase of the project on South Hill Rd, the size of the replacement culvert and the complexity of construction increased and also required utility relocation work. Increasing the entire project to twenty eight weeks.

WHEREAS supplement no.2 will increase the total contact amount from \$201,810 to \$266,810. presumed to be fully reimbursable from FEMA, can be summarized by the expense of addition construction administration increased by \$6100 and the additional construction observation by \$54,400. with additional invoicing at an increase of \$4,500.

THEREFORE be it resolved by roll call vote to authorize the additional construction services and fees by acceptance of the proposition in the Supplement No.2.

Stang -Yes Feth-Yes Mallaber-Yes Wasmund-Yes

#### RESOLUTION 2015-94

##### 2016 delinquent sewer user fee relevy

On a motion made by Supervisor Wasmund and seconded by Councilwoman Mallaber

WHEREAS the town board reviewed the status of payments made to the sewer district

the following resolution was

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

Resolved that the relevy of \$13,050.00 in delinquent sewer user fees for 2016 is approved for submission to the Cattaraugus County Real Property Tax service.

RESOLUTION 2016-95

Supervisor's Monthly Report-September

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

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

Resolved that the Supervisor's Monthly report for the month of September 2016 be accepted as submitted.

RESOLUTION 2016-96

Town Clerk's Report-September

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

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

Resolved that the Clerk's monthly report for the month of September 2016 be accepted as submitted.

With no further discussion, on a motion of Supervisor Wasmund and seconded by Councilman Feth, the meeting was adjourned at 9:22pm. Carried unanimously.

Town Board Workshop will be held on October 25, 2016 at 7pm

The Public hearing for the 2017 budget will be held on November 3, 2016 7pm

The next board meeting will be held on November 15, 2016 7PM at the Otto Town Hall.

Respectfully Submitted,

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Trisha Priest, Town Clerk