

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 April 2017.

Present: Ron Wasmund .. Town Supervisor
Trisha Priest .. Town Clerk
Brenda Mallaber .. Councilwoman
Francis Feth .. Councilman
Paul Stang .. Councilman
James Wojdan .. Councilman
Robert Barber Jr. .. Highway Superintendent

Others Present: Legislators Paula Stockman and Dick Clancy. Dan Goss of Cattaraugus.

Supervisor Wasmund called the regular town board meeting to order at 7:05 pm.

RESOLUTION 2017-56

Approval of minutes

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

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

Resolved that the minutes of March 21, 2017 are approved with correction.

Privilege of the Floor Dan Goss submitted a letter of interest in doing the lawn maintenance at the towns cemeteries. His proposal was to mow the lawns approximately 12 times during spring through fall seasons , Charging \$70 for the Barber Cemetery and \$225 for East Hill Cemetery.

Report of town officials

Supervisor Wasmund Mr. Wasmund presented the Board with his monthly report. He presented the board with a purchase contract drafted by the Town's Lawyer for review. Mr. Wasmund gave an update on the FEMA funding. The town is still waiting on approval from the state for the design changes submitted for Buttermilk Falls. A sealed bid was received by Gowanda Ford Inc. on the trade of the 2016 3/4 Ford F250 XLT, 4X4 pickup for an unused 2017 3/4 ton crew cab 4x4 pick up. No other bids were received. The Bid List price for the 2017 pickup was \$35,192.28 the trade in value on the 2016 pickup was \$32,000.00. The net price less all taxes was \$3192.28.

Councilwoman Mallaber Mrs. Mallaber expressed concern about the diseased trees in the cemetery. The trees should be taken down before they come down causing damage.

Highway Superintendent Mr. Barber reported that South Hill is still sliding, four to five inches has been filled. He is working on getting owners permissions and a temporary easement to tile the east side of the road and redirect the water. The highway department has been skid paving, they will be doing Gibson to the dead end and Jark roads. The Excavator has broken down, it has a cylinder / Rod problem. A new rod has been made and it is being put back together. They have completed de-winterizing the equipment. He shared concerns about the longevity of the 2009 Mack truck. The truck has been expensive to maintain. He would like to bid out a newer truck and trade in the 2009 Mack. He shared information about the costs of leasing a newer loader with the board. There are new funds available in CHIPS this year. The CHIPS funds will increase including the extreme weather recovery fund to a total of \$127,570.00.

Town Clerk Trisha Priest presented the monthly review of the town clerk activities for the month of March 2017.

\$600.00 was collected during the month of March. The following Disbursements were made:

Town Supervisor	\$ 564.80
Department of ag & markets	\$ 7.00
Catt Co. DPW	\$ 28.20
DEC	\$ 0.00
NYS-DOH	\$ 0.00

RESOLUTION 2017-57

AQUISITION OF REAL PROPERTY

Supervisor Wasmund offered the following resolution and moved its adoption:

THE ACQUISITION OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 9068 OTTO EAST OTTO ROAD IN THE TOWN OF OTTO, CATTARAUGUS COUNTY, NEW YORK, FOR THE PURPOSE OF MAINTAINING THE PROPERTY TO CONTINUE ITS USE AS A HISTORICAL MUSEUM AND PREVENTING IT FROM FALLING INTO DISREPAIR.

WHEREAS, the Cattaraugus Area Historical Society, hereinafter referred to as “Society,” is the fee owner of real property located at 9068 Otto-East Otto Road, Otto, Cattaraugus County, New York, as recorded in Liber 709 of Deeds at page 682, further identified as Tax ID No. 36.009-2-55, hereinafter referred to as the “Property”; and

WHEREAS, the Society operates the Property as a historical museum, commonly known as the Medora Ball Museum, hereinafter referred to as the “Museum”; and

WHEREAS, the Property is in a state of disrepair, and the current owner and tenant are not able to maintain the Property in a way that serves Otto residents; and

WHEREAS, the Society asked the Town of Otto, hereinafter referred to as the “Town,” to take over ownership and maintenance of the Property, including the payment of any taxes, utilities, insurance, and all other costs of maintenance and repairs; and

WHEREAS, in exchange for ownership of the Property, the Town agrees to allow the Society to have use of the Property for historical society operations and functions; and

WHEREAS, the acquisition of the Property by the Town is for a public purpose; and

WHEREAS, the parties drafted a contract for the purchase and sale of the Property (“Contract”), to be executed as a result of this Resolution; and

WHEREAS, the conveyance of the Property has been determined by the Town Board, through the completion of a Short Environmental Assessment Form, to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act and the laws and regulations of the Town of Otto, the implementation of which action as proposed, the Town Board has determined, will not result in any significant environmental effects; and

NOW, THEREFORE, BE IT RESOLVED by the Town Board as follows:

1. The Board, by a favorable vote of two thirds of the members of the Board, authorizes Supervisor Wasmund to execute the Contract, incorporated into this Resolution by reference, with the Cattaraugus Area Historical Society.

2. The Board, by a favorable vote of two thirds of the members of the Board, is authorized by Town Law §§ 64 and 220 to approve, and does hereby approve, the acquisition of the Property, further identified by Tax ID No.: 36.009-2-55, under the terms of the Contract;
3. All officers and boards of the Town are hereby authorized to take such actions as they deem necessary or appropriate to complete the acquisition of the Property and to carry out the intent of this resolution;
4. This resolution is adopted subject to a permissive referendum pursuant to Town Law §§ 64 and 220.
5. Within 10 days after the adoption of this resolution by the Town Board, the Town Clerk shall, as set forth in Town Law § 90, post and publish a notice which shall set forth the date of the adoption of this resolution and contain an abstract of this resolution, concisely stating the purpose and effect thereof. Such notice shall specify that such resolution was adopted subject to a permissive referendum;
6. That, pursuant to Town Law § 91, this resolution shall not take effect until thirty days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the Town of Otto, voting on such proposition, if within thirty days after its adoption there be filed with the Town Clerk a petition subscribed and acknowledged by electors of the town qualified to vote upon a proposition to raise and expend money, in number equal to at least five per centum of the total vote cast for governor in the Town of Otto at the last general election held for the election of state officers, but which shall not be less than twenty five persons, protesting against such resolution and requesting that it be submitted to the qualified electors of the Town for their approval or disapproval. If such petition be so filed not more than seventy five days nor less than sixty days prior to a biennial Town election, a proposition for the approval of such resolution shall be submitted at such biennial Town election, a proposition for the approval of such resolution shall be submitted at such biennial Town election. If a petition be so filed at any other time, a proposition for the approval of such resolution shall be submitted at a special Town election to be held not less than sixty nor more than seventy five days after the filing of such petition. The petition may be made upon separate sheets and the signatures to each sheet shall be authenticated in the manner provided by the election law for the authentication of nominating petitions. The several sheets so signed and authenticated when fastened together and offered for filing shall be deemed to constitute one petition. If, within five days after the filing of such petition, a written objection thereto be filed with the Town Clerk, and a verified petition setting forth the objections be presented by the person so filing such objections to the Supreme Court or any justice thereof of the judicial district within which the Town of Otto is located, such court or justice within twenty days shall determine any question arising under and make such order as justice may require.

MOVED BY: James Wojdan
 SECONDED BY: Brenda Mallaber

The question of adoption of the foregoing resolution was duly put to a vote on a roll call, which resulted as follows:

AYE: 5
 NO: 0

The resolution was thereupon duly adopted.

RESOLUTION 2017-58

Audit of Claims

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

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

Resolved that the bills contained on Abstract #703 in the amount of \$ 45,583.98 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	No.	22 through 30	\$ 1042.75
Highway Fund	No.	41 through 56	\$ 44,511.23
Water District	No.	5	\$ 30.00
Sewer District	No.		\$ 0.00

RESOLUTION 2017-59

Supervisor's Monthly Report-March

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

ADOPTED Ayes 4 Feth, Stang, Mallaber, Wojdan
 Nays 0

Resolved that the Supervisor's Monthly report for the month of March 2017 be accepted as submitted.

RESOLUTION 2017-60

Town Clerk's Report-March

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

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

Resolved that the Clerk's monthly report for the month of March 2017 be accepted as submitted.

With no further discussion, on a motion of Councilwoman Mallaber and seconded by Councilman Wojdan, the regular meeting was adjourned at 8:24pm. Carried unanimously.

The next board meeting will be held on May 16,2017 7PM at the Otto Town Hall.

Respectfully Submitted,

Trisha Priest, Town Clerk