

## 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 19th day of March 2019.

**Present:** Ron Wasmund .. Town Supervisor  
Marlene Gregory .. Councilperson  
Paul Stang .. Councilperson  
James Wojdan .. Councilperson  
Trisha Priest .. Town Clerk  
Robert Barber Jr. .. Highway Superintendent  
Jeff Holler ..Code Enforcement Officer entered the meeting at 7:27pm

**Others Present:** Colleen and Fran Feth of Otto; Andrew Burr, Catt County Legislator; Dick Klancer, Catt County Legislator

**Absent:** Brenda Mallaber .. Councilperson

Supervisor Wasmund called the regular Town Board Meeting to order at 7:00pm.

### Privilege of the floor

Colleen Feth is interested in forming a committee for the historical society. She feels a committee would be able to brainstorm fundraising other than the Harvest Festival. The Planning Board would like to have some input and get other community members involved. Jim Wojdan mentioned that Linda Wojdan has some ideas to share regarding the Bi-centennial celebration coming up in three years. The question was asked where the ownership of the museum stands. Supervisor Wasmund has not received anything on the legal end of the process. The deed has not been filed. Colleen Feth expressed some concern regarding the zoning board of appeals. The planning Board will be sending the members of the appeals board a letter because the appeals process was not being followed. She would like to see those members come to a Zoning Board Meeting to review proper procedure. Fran Feth agrees that there were no checks and balances when it came to the variance request submitted by John Gerard for his garage. The Zoning Board wants everyone to be on the same page with procedure.

Andy Burr introduced himself to the Otto Town Board. He discussed different ways to approach the situation with the Masonic Building. The County's plan is to turn it over to the Town once it goes back to the County for back taxes. Working with the County Engineers in the department of public works could cut some costs of taking the building down. The desire is to take the building down and have the safety hazards taken care of.

Dick Klancer and Andy Burr discussed the condition of the County Roads. Mr. Burr was not impressed during the drive out to Otto and referred to those roads as indefensible. Highway Superintendent Barber offered shared services with the County to improve the roadways.

### RESOLUTION 2019-17

#### Approval of minutes

On a motion made by Councilperson Gregory and seconded by Councilperson Wojdan, the following resolution was

AOPTED        Ayes    4        Gregory, Stang, Wasmund, Wojdan

                  Nays    0

Resolved that the minutes of February 19, 2019 are approved as submitted.

### Report of town officials

**Supervisor Wasmund** Mr. Wasmund presented the Board with his monthly report. He will be meeting with Lawyers Nash & Connors on May 21st, 2019 to discuss the disposition of all parties to the lawsuit in regards to the Wszalek Lawsuit.

**Councilperson Stang** Mr. Stang spoke to Mr. King in regards to the internet franchise agreements. He was told that Spectrum didn't send out franchise agreements to the Towns. Verizon was not interested in an agreement in this area. It appears that Spectrum was the only service available to this area.

**Highway Superintendent** Mr. Barber attended the Advocacy Day held in Albany. They were advocating for parody. Much of the discussion at the gathering was about the mass transit system and the amount of money being requested for the service. He discussed what he heard about the division of New York State.

Mr. Barber reported that the water tank for the water district is leaking again in the same place. It was a simple fix. The previous plug was dislodged by a chunk of ice. He spoke with Mark Burr to see if they had similar issues with them. Mark Burr is expected to get back to him.

The highway department will be making repairs to the radiator on the Chipper. The radiator is currently being recored. The dump truck hit a deer there are two dents from the fender to the side door. They have done some brooming and have gotten the first layer of sand off the roadway.

The Hebner Hill CHIPS project is intended to grade down the knob. Chuck Binarz was okay with this in the past but now has some concerns this might lead to a structure issue. Both of his driveway entries will redone.

This week the culvert on Colvin road was discovered to be rotted out. An emergency culvert change was done. The chip sealing stone has been delivered. Lights for the building were ordered. The new radios were installed and the communication has been great. The annual billing will be \$1518.00 for the service.

**Code Enforcement Officer** Jeff Holler reported on his activities for the month from 02/20/2019-thru 03/19/2019. He placed 12 phone calls and conducted 6 inspections. He issued 2 permits, a deck at 9564 Forty Road and a Demo and repairs at 9080 Otto-East Otto Road. He received a special use permit which has been turned over to the Zoning Board. The permit is to convert a single family into a multi family dwelling. A Public hearing will be held April 30th, 2019. One violation was sent to 9201 Cattaraugus - Otto Road. Mr. Holler is putting together a list of violations to be send once the weather clears. \$120 was turned over to the Town Clerk.

**Town Clerk** Trisha Priest presented the monthly review of the town clerk activities for the month of February 2019. \$6476.00 was collected during the month of February. The following disbursements were made:

Town Supervisor	\$ 6407.00
Department of ag & markets	\$ 22.00
Catt Co. DPW	\$ 47.00
DEC	\$ 0.00
NYS-DOH	\$ 0.00

#### RESOLUTION 2019-18

##### NYS DOT Capital Project State-Aid Program funding

On a motion made by Councilperson Gregory and seconded by Supervisor Wasmund, the following resolution was

APOPTED      Ayes    4            Gregory, Stang, Wasmund, Wojdan  
                     Nays    0

WHEREAS, a project for the purchase of a new ten-wheel dump truck equipped for snow removal, P.I.N. 5763.08 is eligible for funding under a New York State Program administered by the New York State Department of Transportation (NYS DOT); and

WHEREAS, a sum not to exceed \$241,000.00 in program funding is available to progress the project.

WHEREAS, the Town of Otto desires to advance the project by making a commitment of 100% of the state share of the costs of the Capital Project Agreement Contract D036194.

NOW, THEREFORE, the Otto Town Board, duly convened does hereby

RESOLVE, that the Otto Town Board hereby approves the above - subject project; and it is hereby further

RESOLVED, that the Otto Town Board hereby authorizes the Supervisor of the Town of Otto to pay in the first instance 100% of the cost of the purchase price for the project or portions thereof; and it is further

RESOLVED, that the sum of \$241,000.00 is hereby appropriated from the Highway Fund and made available to cover the cost of participation in the above phase of the project; and it is further

RESOLVED, that the supervisor of the Town of Otto be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for State Aid on behalf of the Town of Otto with the NYSDOT in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's / sponsor's first instance funding of project costs and permanent funding of the local share of the federal-aid and state-aid eligible project costs and all project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a Certified Copy of this resolution be filed with the New York State Commissioner of Transportation of the State of New York by attaching it to any necessary agreement in connection with the project between the Town of Otto and the State of New York; and it is further

RESOLVED, this resolution shall take effect immediately.

#### RESOLUTION 2019-19

##### Asbestos Bid Acceptance

On a motion made by Councilperson Wojdan and seconded by Councilperson Stang , the following resolution was

APOPTED      Ayes    4      Gregory, Stang, Wasmund, Wojdan  
                  Nays    0

WHEREAS, two bids were received for the asbestos testing of the Masonic Building.

    Northeast Environmental Management for \$2960

    Neeson-Clark Associates, Inc. for \$2910

THEREFORE it be RESOLVED to grant the work to Neeson - Clark Associates, Inc. to conduct the Asbestos sampling and testing of the Masonic Building.

#### RESOLUTION 2019-20

##### Audit of Claims

On a motion made by Councilperson Wojdan and seconded by Councilperson Gregory , the following resolution was

APOPTED      Ayes    4      Gregory, Stang, Wasmund, Wojdan  
                  Nays    0

Resolved that the bills contained on Abstract #903 in the amount of \$ 25,631.66 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	No.	7 through	13	\$	753.45
Highway Fund	No.	24 through	35	\$	24818.21
Water District	No.	3		\$	60.00
Sewer District	No.			\$	0.00

#### RESOLUTION 2019-21

##### Supervisor's Monthly Report-February

On a motion made by Councilperson Stang and seconded by Councilperson Gregory, the following resolution was

APOPTED      Ayes    3      Gregory, Stang, Wojdan  
                  Nays    0

Resolved that the Supervisor's Monthly report for the month of February 2019 be accepted as submitted.

RESOLUTION 2019-22

Town Clerk's Report-February

On a motion made by Councilperson Stang and seconded by Councilperson Gregory, the following resolution was

APOPTED      Ayes    4      Gregory, Stang, Wasmund, Wojdan  
                 Nays    0

Resolved that the Clerk's monthly report for the month of February 2019 be accepted as submitted.

With no further discussion, on a motion of Councilperson Stang and seconded by Councilperson Wojdan, the meeting was adjourned at 9:12pm. Carried unanimously.

The next board meeting will be held on April 16,2019 7PM at the Otto Town Hall.

Respectfully Submitted,

---

Trisha Priest, Town Clerk