

## 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 June 2019.

**Present:** Ron Wasmund .. Town Supervisor  
Brenda Mallaber .. 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 7:32pm

**Others Present:** Ann and Beth Boltz, Cheryl and John Mallen, Lisa and Charles Biniarz, Larry Fenger, and Karen Lee Hebner: all residents on Hebner Hill Road. Dan and Terri Steinbar, and Karen McAndrew

**Absent:** Marlene Gregory .. Councilperson

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

### Privilege of the floor

Chuck Biniarz wanted to discuss cutting down Hebner Hill Road in front of his home. He is concerned about his 1890 house and old stone foundation along with concerns about his well and septic. When the County Engineer was out to survey the road way, he was not able to guarantee that Chuck wouldn't be able to sue for damages if the change in the road happened. Mr. Biniarz was not getting his questions answered to his satisfaction. Mr. Biniarz is not aware of any car wrecks on the road the way it is and that if the road is fixed the traffic will be faster coming down the road if they can see. He also stated the he realizes the convenience is for the plow drivers. Karen Hebner agrees there have been no accidents. They both don't understand why this has to happen near their houses. He is here at the meeting to make the board aware. To further prove his point Mr. Biniarz stated that there was a truck just the other day that lost its trailer and if the dirt had been removed in front of his place the trailer would have hit is home if the lawn was leveled. Karen Hebner attested that the cars coming off the hill are speeding through there. She understands the town can't change that but maybe there should be a trooper sitting at the end of the road. Chuck Biniarz thinks the knoll slows the traffic down. Larry Fenger is concerned because backing out of his driveway is dangerous. He feels that the traffic will increase its speed down the road if they have more of a view of the road ahead. Karen Hebner would like to see the speed limit lowered. Mr. Fenger has had problems with going through the stop sign at the end of the road with the sand and ice in the winter.

Mr. Barber addressed the crowd. He wanted it to be clear that he is not targeting homeowners. That area of Hebner Hill Road has been known to be a blind spot. The road was scheduled this year to be resurfaced and for a minimal added expense the road could be corrected to reduce that danger by improving the visibility on the road. He cannot control the traffic or the driver behaviors but he can make the road safer for everyone. Mr. Barber got out the blue prints drafted by the county engineers department. The goal was to level out some spots to open up visibility. He agreed that this was also to make it safer not only for the Plow trucks but for the other vehicles passing by the plow trucks on that road. The department has been budgeting to make these changes to the road.

John Mallen described what the plow set up should be on the town plows so they could operate better on the road as is. Karen Hebner is concerned that the plow driver only plows in one direction once a day.

Chuck Biniarz wants the Town to promise that he won't have to sue the town or that he would have to leave his house because the drainage would change with this project. He wants a promise that his house won't slide off the foundation. Mr. Fenger also had concerns on whether the culverts could handle the change in drainage. Karen Hebner and Robert Barber discussed a possible alternative making changes on her side of the road.

Mr. Barber stated that with a lack of cooperation and that they couldn't come to an agreement, the Hebner Hill Road project has been postponed. The funding will instead be put into Traffic Street this year. Further discussion was had about reducing the speed limit on the road.

Karen Andrews announced that she has been appointed as the Chair of the Zoning Board to fill the vacancy with Colleen Feths resignation. Her goal is to make sure the Board does things legally. Her response to the proposed change on Hebner Hill Road was that the Town should make sure that the easements and moving the road documents be filed in the County Clerk's Office.

Dan Stienbar is interested in filling the vacancy on the Board of Appeals.

Terri Steinbar is concerned if someone from the Town were to dispute the validity of the variance given on the garage on North Otto Road.

Mr. Wodjan asked if there was a plan to get the Zoning Board and Board of Appeals members together so everyone knew what was expected.

Terri Steinbar asked about the historical museum. Mr. Wasmund stated that the Paperwork to transfer the deed is still in the hands of the Lawyers.

#### RESOLUTION 2019-33

##### Approval of minutes

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

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

Resolved that the minutes of May 21, 2019 are approved as submitted.

#### RESOLUTION 2019-34

##### Supporting the Cattaraugus County Real Property Tax Services in updating the 2020 assessment roll

**WHEREAS**, the Otto Town Board supports the efforts of Cattaraugus County's Real Property Tax Services in updating the 2020 assessment roll to full-market value; and

**WHEREAS**, the Town of Otto's final state equalization rate is 96.00 for the 2019 assessment roll; and

**WHEREAS**, the Town feels that it is necessary to conduct a reassessment project of all properties to maintain a uniform standard of assessment for the Town; and

**NOW, THEREFORE**, be it

**RESOLVED**, by the Town Board of the Town of Otto, New York, that the Town of Otto hereby requests State assistance, specifically from the New York State Office of Real Property Tax Services, to do a reassessment project to maintain a uniform standard of assessment in accordance with Section 305 of the Real Property Tax Law.

#### Report of town officials

**Supervisor Wasmund** Mr. Wasmund presented the Board with his monthly report. Mr. Wasmund received an email from Chris Holewinski, the County Assessor. The email addressed the need for the resolution allowing the assistance from the state for the revaluation.

**Code Enforcement Officer** Jeff Holler reported on his activities for the month from 05/22/2019-thru 06/18/2019. He placed 17 phone calls and conducted 9 inspections. He issued 2 permits, a woodshed at 8301 North Otto Road, A covered porch at 9359 Gibson Hill Road. He issued 1 violation notice, 9110 Otto-EOtto Road. \$72.00 was turned over to the Town Clerk.

**Town Clerk** Trisha Priest presented the monthly review of the town clerk activities for the month of May 2019.

\$1030.00 was collected during the month of May. The following disbursements were made:

Town Supervisor	\$ 951.36
Department of ag & markets	\$ 22.00
Catt Co. DPW	\$ 9.40
DEC	\$ 47.24
NYS-DOH	\$ 0.00

#### RESOLUTION 2019-35

##### Audit of Claims

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

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

Resolved that the bills contained on Abstract #906 in the amount of \$ 69,612.34 have been reviewed by the Town Board and are authorized for payment in the following amounts:

General Fund	No. 22 through 29	\$ 1603.97
Highway Fund	No. 60 through 66	\$ 68,008.37

#### RESOLUTION 2019-36

##### Supervisor's Monthly Report-May

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

APOPTED Ayes 3 Mallaber, Stang, Wojdan  
Nays 0

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

#### RESOLUTION 2019-37

##### Town Clerk's Report-May

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

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

Resolved that the Clerk's monthly report for the month of April 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 9:15pm. Carried unanimously.

The next board meeting will be held on July 17,2019 7PM at the Otto Town Hall.

Respectfully Submitted,

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Trisha Priest, Town Clerk