

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 20th day of April 2021.

Present: Ron Wasmund .. Town Supervisor
Brenda Mallaber .. Councilmember
Paul Stang .. Councilmember
Kevin Walker .. Councilmember
Marlene Gregory .. Councilmember
Trisha Priest .. Town Clerk
Robert Barber Jr. .. Highway Superintendent
Jeff Holler .. Code Enforcement Officer entered 7:36pm

Others Present: Mary Beth Brown, Dan Steinbar, and Terri Steinbar of the planning board.

Supervisor Wasmund called the regular board meeting to order at 7:00pm with a quorum present.

RESOLUTION 2021-22

Approval of minutes

On a motion made by Councilmember Gregory and seconded by Councilmember Walker, the following resolution was

ADOPTED Ayes 5 Gregory, Mallaber, Stang, Walker, Wasmund
Nays 0

Resolved that the minutes of March 16, 2021 are approved.

Privilege of the floor

Mary Beth Brown addressed the Town Board with a complaint of unsatisfactory work performed by the highway department on six trees that are along the road front of her property. She read a prepared letter.

April 20, 2021

To Whom it May Concern:

My name is Mary Beth Brown and my husband Keith Brown and I reside at 9399 Ball Road. We would like to express our disappointment with the unsatisfactory work that the Town of Otto Highway crew conducted on our property.

The crew severely damaged and dismantled six (6) trees on our front lawn. Three(3) of these trees are deciduous trees and three (3) were evergreens. These trees are now half trees. Branches and leaves have been completely removed leaving only half trees. We are extremely upset that this was done to these threes without our permission or even notification of possible work to be performed on private property. The way this looks from the road is awful any curb appeal is completely gone and our home value is now diminished.

Mr. Barber was requested to come and remove the three(3) evergreens that are completely destroyed, dig down as much as possible and remove the stumps and then we would go from there. Mr. Barber requested me to put in writing my request, which I did. I am curious as to why Mr. Barber did not obtain permission from us or give written notice that he was going to remove half of the trees and now wants written permission, trying to cover his tracks.

I believe that at this point, the town needs to remove the three (3) evergreens that were damaged and reimburse us the cost of replacing them, in addition to compensation of the damaged deciduous trees. As was stated by Mr. Barber during a telephone conversation, tree removal companies are extremely expensive, so if we have to hire a company to remove and replace these trees, we will expect full reimbursement from the Town of Otto. It would be in the interest of the town to conduct this portion of the clean-up from their destruction.

For all the taxpayers here in the Town of Otto, I would hate to move this issue into the courts, but I have no problem doing so. I just believe that the tax payers of Otto deserve better. Should our requests not be fulfilled, you will be hearing from our attorney from Hogan-Willig. As we all know, attorney fees add up quickly, so as to not burden the taxpayers of Otto with a significant suit, I expect this issue and our request is resolved in a quick and timely manner.

Respectfully, (signed) Mary Beth Brown

Mary Beth Brown

Keith Brown

The Town Clerk acquired the letter to make copies for each of the Board Members and Highway Superintendent. The original was returned to Mary Beth Brown.

Mr. Barber requested to speak on the matter. He explained he had been in contact with Mr. and Mrs. Brown, as well as their neighbors the Keating's, that they needed to trim back the trees and had given them three years to comply. The crew did not use the brush mower on the lower sections of tree. Those were manually trimmed. The upper portion was done with the mower.

Mrs. Brown interrupted asking why he needed to trim the trees. His response was that this was regular maintenance for road safety. The trees were now impeding on plowing and the line of sight for the road sign. The branches were now hitting the plow trucks. Mr. Barber stated that they stayed within the highway right of way and referred to the Highway Superintendent manual. Mrs. Brown asked if Ball Road was a three rod road which Mr. Barber replied that all Town roads are three rod roads. She then asked if this was a right of use road or a right of passage road. Mr. Barber could not answer with certainty but could get that specific information from the County.

Mr. Barber stated that the highway crew was working along that road trimming and clearing brush for three days and he was not approached by Keith or Mary Beth Brown. Mrs. Brown was home at the time that the trees were being trimmed and did not make an issue of it. She did not question the activity, She did not tell them to stop.

Mrs. Brown interrupted Mr. Barber and reiterated her opinion that the Town deserved better and that they were not notified or asked permission. She stated again that her demands should be met and that the evergreen trees should be removed, the stumps should be removed and top soil should be brought in and she should be reimbursed for three new evergreens that she will plant or she would have no choice but to contact her lawyer. Mr. Barber had asked her if she could stop slandering the Town on Facebook. Mrs. Brown stated that she didn't use his name but that it's her thoughts, opinions and her social media. Mrs. Brown stated that it was a shame how costly [a lawsuit] would be for the Town's people as legal cases can get costly as the Town Board should know. The Board interjected that this matter should be addressed in a closed session due to the implication of legal action being taken against the Town. Mrs. Brown stated she expects to receive a call from the Board. Mrs. Brown left the meeting at 7:24pm.

Terri Steinbar approached the Town Board on behalf of the Planning Board to put into place a moratorium on solar applications. There are questions that still need to be addressed regarding how much energy the grid can manage in our town. There are new considerations on restrictions. The process is time consuming and with the increased interest being expressed that it would be in the interest of the Town to survey the community and complete the other projects first. The Planning Board Chair, Karen McAndrew has put in countless hours on each project. They had not anticipated the amount of time one application would consume. The amount of communication between the County Economic Development Department, Town Board, Project developers and Cattaraugus County Industrial Development Agency. In mentioning this Mrs. Steinbar added that the committee would like to see if the Town would compensate Karen McAndrew for the time and effort she is putting in, to get the applications processed correctly. Karen is doing a lot of work and it's volunteer work. Questions arose as to how long a moratorium could be put into place. The Town Clerk gave Terri Steinbar a copy of the land use moratoria publication from the New York State Division of Local Government Services which outlines the process and considerations. Supervisor Wasmund will consult with the Town Attorney on the matter. Mrs. Steinbar also mentioned that there is still a seat open on the Planning Board. The position held by Bill Pratt has not been filled. Karen McAndrew because the Chair of the board when Colleen Feth left and recently they added Marcia Salisbury on the board.

Report of town officials

Supervisor Wasmund Mr. Wasmund presented the Board with his monthly report. Mr. Wasmund received a sealed bid for lawn mowing from Glenn Priest. The bid amount is for the same amount as last year. Mr. Wasmund received an email from Anne Waling, Project Developer for Northland Power in regards to the Christmiller Solar project.

The letter reads as follows:

March 20, 2021

To: Supervisor Wasmund , Town Clerk Trisha Priest, and Town of Otto Town Board

From: Anne Waling, Project Developer, Northland Power

Re: Christmiller Solar

Good evening,

While I am not there in person, I wanted to let you know some quick details of the Christmiller Solar project that Northland power is starting to develop in the Town of Otto. I understand that you are possibly going into a moratorium for applications for solar, but this is strictly informational.

-Christmiller Solar would be a **20 MW/approximately 200 acre** solar project

-While Northland has acquired a lease on the property, we are in very early development.

-**We plan to bid the project into the NYSERDA large scale RES-RFP** when it is announced (probably this month).

-If we were to win an award, we would hear about it in November-December of 2021

-It would only be **after the award announcement that we would put forth an application** (or at such a time as the town is no longer in moratorium).

NYSERDA requires us to inform the town of our intent to bid—we also believe this to be a courtesy to the host municipality. **Please consider this as formal notice that we will be bidding Christmiller into the NYSERDA Large Scale RES-RFP for 2021.**

I am fully available to answer questions that the board may have regarding this project. Thank you very much for your time.

Anne Waling

Northland Power

Anne.waling@northlandpower.com/518.593.0335

Highway Superintendent Mr. Barber reported that the highway department has been brush cutting on Skinner Hollow. They hauled in gravel and sand. He conducted culvert inspections looking at the size, length and conditions of the pipes. He has been trying to find culverts to purchase. The County 's order has been placed on back order. He wants to do the chip sealing early because the cost of oil and asphalt are expected to increase.

Mr. Barber has sent an email to Senator Borello regarding the safety of Zoar Valley Road. He discussed the desire for a bridge at the end of Forty Road.

Town Clerk Trisha Priest presented the monthly review of the town clerk activities for the month of March 2021.

\$1660.00 was collected during the month of March. The following disbursements were made:

Town Supervisor	\$	1541.16
Department of ag & markets	\$	6.00
Catt Co. DPW	\$	103.40
DEC	\$	9.44
NYS-DOH	\$	0.00

The Town Clerk submitted the Assessors March report on behalf of the Assessor to the Town Board.

The March report is as follows:

- The 2021 exemption deadline was March 1. Reminders were mailed to all Agricultural Assessment and applicants who had not returned their renewal mid-February. This notice reminded applicants that renewals would not be accepted after the deadline. One Otto Agricultural Assessment was removed.
- Ten building permits were reviewed for 2020. Additionally, two property owners requested an assessment review, which will take place in April, along with five internal reviews.
- The Town of Otto has chosen to discuss grievances with property owners in person. Please let my office know if any grievance forms (RP-524) are sent to the Town Hall so that we can keep BAR information organized.
- I have completed the requirements of the basic training for the designation of State Certified Assessor pursuant to the Real Property Tax Law and 20 NYCRR 8188. A copy of the certification has been given to your office.
- Four property transfers were added for the month of February.

Code Enforcement Officer Jeff Holler reported on his activities for the month from 03/06/2021 thru 04/20/2021. He took thirteen calls, conducted nine inspections and issued two permits. The first at 8500 N. Otto Road for barn addition, and the second was issued at 10088 North Otto Road for a pool house and mud room. The permits have been turned in to the County assessor and \$130.00 was handed over to the Town Clerk. He issued nine violations.

EXECUTIVE SESSION

RESOLUTION 2021-23

Enter into Executive Session

On a motion made by Councilmember Gregory and seconded by Councilmember Mallaber, the following resolution was

ADOPTED Ayes 5 Gregory, Mallaber, Stang, Walker, Wasmund
 Nays 0

Resolved that the board enter into Executive Session to at 8:24pm to discuss the presentation and letter given by Mary Beth Brown and the proposed or threatened legal action against the Town.

The Town Board emerged from executive session at 8:47pm and resumed the Town Board meeting.

RESOLUTION 2021-24

Cemetery lawn mowing bid acceptance

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

APOPTED Ayes 5 Gregory, Mallaber, Stang, Walker, Wasmund
 Nays 0

Resolved that the Cemetery Lawn mowing is awarded to Glenn Priest for the annual amount of \$4500 at a rate of \$250 for East Hill and \$75 for Barber per mowing, for a maximum of 14 times for 2021.

RESOLUTION 2021-25

Audit of Claims

On a motion made by Councilmember Stang and seconded by Councilmember Walker , the following resolution was

ADOPTED Ayes 5 Gregory, Mallaber, Stang, Walker, Wasmund
 Nays 0

Resolved that the bills contained on Abstract #004 in the amount of \$ 33,462.33 have been reviewed by Town Board and are authorized for payment in the following amounts:

General Fund	No.	20 through 23	\$ 836.84
Highway Fund	No.	35 through 46	\$ 31,898.45
Water District	No.	3 through 5	\$ 727.04
Sewer District	No.		\$ 0.00

RESOLUTION 2021-26

Supervisor's Monthly Report-March

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

ADOPTED Ayes 4 Gregory, Mallaber, Walker, Stang
 Nays 0

Resolved that the Supervisor's Monthly report for the month of March 2021 be accepted as submitted.

RESOLUTION 2021-27

Town Clerks Monthly Report-March

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

ADOPTED Ayes 5 Gregory, Mallaber, Stang, Walker, Wasmund
 Nays 0

Resolved that the Town Clerk's March 2021 Monthly report be accepted as submitted.

With no further discussion, on a motion of Councilmember Mallaber and seconded by Councilmember Walker, the meeting was adjourned at 9:00pm. Carried unanimously.

The next board meeting will be held on May 18, 2021 7PM at the Otto Town Hall.

Respectfully Submitted,

Trisha Priest, Town Clerk