

## 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 2023.

**Present:** Ron Wasmund .. Town Supervisor  
Paul Stang .. Councilmember  
Marlene Gregory .. Councilmember  
Brenda Mallaber .. Councilmember  
Trisha Priest .. Town Clerk  
Robert Barber Jr. .. Highway Superintendent  
Jeff Holler .. Code Enforcement Officer (7:15pm)

**Absent:** Kevin Walker .. Councilmember

Supervisor Wasmund called the regular board meeting to order at 7:05pm with a quorum present.

**Supervisor Wasmund** Mr. Wasmund presented the Board with his monthly report. Mr. Wasmund has reached out to the Lawyer asking about the Masonic Building lot and the museum deed. There is no new information on either property. Ron received audit questions from FEMA regarding one of the FEMA work projects.

### RESOLUTION 2023-17

#### Approval of minutes

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

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

Resolved that the minutes of the March 2023 meeting are approved as written.

### RESOLUTION 2023-18

#### Local Law 2023-01

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

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

#### LOCAL LAW NO. 1 OF THE YEAR 2023

#### Moratorium for the siting of commercial solar power projects

A local law imposing a temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for the Siting of Commercial Solar Power Projects in the Town of Otto in order to allow for the adoption of appropriate regulations pertaining to such land uses,

Be it enacted by the Town Board of the Town of Otto ("Town") as follows:

**WHEREAS**, the Town of Otto has received a number of inquiries about siting and locating commercial solar panel wind turbine installations on land within the Town of Otto, and **WHEREAS**, current local laws, ordinances and regulations do not adequately address many of the issues and concerns which must be considered to fairly address the impacts of such uses upon the Town, and

**WHEREAS**, the Town Board has determined that it is necessary to protect the public interest and welfare by imposing a temporary moratorium on new siting, location and establishment of Commercial Solar and Wind Power Projects while the Town undertakes a comprehensive review of concerns and issues raised by these uses, and

**WHEREAS**, such moratorium is intend to allow the Town sufficient and necessary time to address such concerns and issues and enact new laws, ordinances or regulations, and/or appropriate amendments to existing laws, ordinances or regulations to properly address community impacts, concerns or issues in a manner which is meaningful and consistent with the Town’s comprehensive plan,

**NOW, THEREFORE**, the Town Board of the Town of Otto hereby declares that no new applications shall be issued and no permits or approvals shall be granted by any officer, department, board or agency of the Town of Otto with respect to the siting, location or establishment of Commercial Solar and Wind Power Projects within the Town of Otto for a period of twelve (12) months beginning upon its filing with the Secretary of State unless earlier terminated by other local law, duly adopted, and the exceptions for the three permits pending for current projects being built. This Local Law shall be subject to renewal for a cumulative period of up to an additional twelve (12) months, if necessary, by Resolution(s) of the Town Board.

As used in this law, the term “Commercial Solar Panel Project(s)” shall mean and include, but not be limited to, an array or collection of photovoltaic panels or collectors that convert sunlight to electrical energy and which, together with appurtenant facilities, covers an aggregate area of land greater than 100square feet. Residential, business and industrial properties with rooftop solar panel installations which generate electricity solely servicing the property where the rooftop installations are located are exempt from this moratorium as are all municipal and school installations and properties.

This local law is intended to supersede all applicable provisions of the Town of Otto Code, to the extent required to give effect to the provisions hereof for the effective period hereof.

**Highway Superintendent** Mr. Barber reported on the activities of the highway department. They have reestablished the roadway to the creek at the fire department for drafting water. They used a fire truck to clear out the clogged culverts that filled up this winter. The blue truck keeps quitting on them and needs to be sent out for servicing. Duane started back two weeks ago and they have a full crew now. Saplings have been cut down Marek Road. There were a few trees that came down with this last storm. Plowing equipment has been removed from the trucks. Mr. Barber spoke with Robin and Thom Degenfelder about the lot of land that the Town has been using for years as a gravel drop / storage space. They would like to sell it to the Town. Paul Stang has also spoken with them and feels this is something the Town should do. An approximate cost was discussed at \$2000 per acre for approximate 5 acre lot.

**Code Enforcement Officer** Jeff Holler reported on his activities for the month from 3/21/2023-04/18/2023. He took nine calls. He conducted eleven inspections. He issued one building permit at 9305 North Otto Road for an addition deck. Mr. Holler has submitted the semi-annual report to the state and turned in the permit to the County Assessor. Four violation notices were sent. Thirty dollars was turned over to the clerk for the permit.

**Town Clerk** The monthly review of the town clerk activities for the month of March 2023.

\$1365.00 was collected during the month of March. The following disbursements were made:

Town Supervisor	\$1215.82
Department of ag & markets	\$ 6.00
Catt Co. DPW	\$56.40
DEC	\$64.28
NYS-DOH	\$22.50

Tax Collection : Tax collection has been finalized. The unpaid tax balance was \$125,551.37 for 81 parcels was returned to the County for collection. The total interest and penalties paid to the Town was \$1888.19.

Assessors Report via Email:

The March report is as follows:

- The 2023 exemption deadline was March 1. Property owners who did not submit a renewal application were reminded either by phone or mail.
- Pursuant to §506 of NYS Real Property Tax Law the Notice of Completion of Tentative Assessment Roll must be displayed on the bulletin board at the Town Hall and published in the town's official paper. I have provided a copy of this notice for your bulletin board. My office will take care of publishing the notice and the invoice will be sent to the town.
- Fifty-three building permits and properties were reviewed for Roll Year 2023. We work with many Code Enforcement Officers throughout the year; Otto Code Enforcement Officer Jeff Holler has always been one of the most attentive and helpful. His prompt delivery of permits and availability whenever my team has questions helps us keep assessments fair and equitable for Otto property owners.
- The Assessing Office has corresponded with several property owners about their assessments, tax bills, and exemptions.
- There was one property transfer in February. You can find more information about these sales here:  
<https://www.cattco.org/real-property-and-gis/sales>

#### RESOLUTION 2023-19

##### Purchase Agreement

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

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

Whereas it is desirous of the Town to continue to utilize a property owned by Thomas and Robin Degenfelder, and  
Whereas Thomas and Robin Degenfelder wish to sell that piece of property,  
Therefore it be resolved to enter into a purchase agreement between the Town of Otto and Mr. & Mrs. Degenfelder for the same property the Town is currently using at the corner of Bobseine and North Otto Roads.

#### RESOLUTION 2023- 20

##### Audit of Claims

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

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

Resolved that the bills contained on Abstract #004 in the amount of \$ 10502.39 have been reviewed by Town Board and are authorized for payment in the following amounts:

General Fund	No.	20	through	24	\$1460.25
Highway Fund	No.	29	through	38	\$8849.14
Water District	No.	6	through	8	\$193.00
Sewer District	No.		through		

#### RESOLUTION 2023-21

##### Supervisor's and Clerk's Monthly Report-March

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

ADOPTED      Ayes    3           Mallaber, Gregory, Stang,

Nays 0

Resolved that the Supervisor's and Clerk's March 2023 report be accepted as submitted.

With no further discussion, on a motion of Councilmember Gregory and seconded by Councilmember Mallaber, the meeting was adjourned at 7:47pm. Carried unanimously.

The next board meeting will be held on May 16, 2023 at 7PM at the Otto Town Hall.

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Respectfully Submitted,  
Trisha Priest, Otto Town Clerk