

The organizational meeting and the first regular January meeting of the East Otto Town Board was brought to order by Supervisor James Beach on Tuesday January 12, 2016 at 8:10 PM.

Jim led the pledge to the flag.

Present: Councilmen – David Forster, Michael Poch, Sidney Barber, and Highway Superintendent Thomas Benz.

Guests – Bob Bowen, Michael Guerin, Constable Doug Falk, John Gerard and Angie Sherman

Supervisor James Beach welcomed new Board Member Sidney Barber.

A motion was made by Mike Poch and seconded by Dave Forster to transfer \$300.00 from Buildings A 1620.2 to Buildings A 1620.4 to cover electronic payments of utilities. Poch, Barber, Forster and Beach were in favor. Motion carried.

A motion was made by Michael Poch and seconded by Sidney Barber to accept the resignation of Richard Grey from his seat on the Town Board. Poch, Barber, Forster and Beach were in favor. Motion carried.

A motion was made by David Forster and seconded by Michael Poch to appoint William Spors to the vacant Town Board seat based on the fact that he had the second highest vote count during the last general election. Roll Call as follows:

Councilman David Forster	Yes
Councilman Michael Poch	Yes
Councilman Sidney Barber	No
Supervisor James Beach	Yes

Motion carried.

Organizational:

1. Adopt the following salaries for elected and appointed officials:

	Annual Salary	Paid
Town Supervisor	\$ 7,000.00	Quarterly
Town Clerk	\$ 7,300.00	Quarterly
Town Clerk Deputy	\$ 250.00	Annually
Town Council Person (4)	\$ 1,440.00 each	Quarterly
Town Justice	\$ 5,668.00	Quarterly
Court Clerk	\$ 1,500.00	Quarterly
Appointed Assessor	\$ 7,020.00	Bi-Weekly
Highway Superintendent	\$ 48,056.00	Bi-Weekly
Tax Collector	\$ 2,600.00	Annually
Assistant Tax Collector	\$ 250.00	Annually
Town Historian	\$ 150.00	Annually
Constable	\$ 15.00	Hourly
Planning Board Chairman	\$ 1,000.00	Annually
Planning Board (4)	\$ 350.00 each	Annually
Examining Review Board Chairman	\$ 125.00	Annually
Examining Review Board (2)	\$ 75.00 each	Annually
Zoning Board of Appeals Chairman	\$ 350.00	Annually
Zoning Board of Appeals (3)	\$ 250.00 each	Annually
Code Enforcement Officer	\$ 5,400.00	Quarterly
Dog Control Officer	\$ 2,290.00	Annually
Budget Officer	\$ 1,680.00	Annually

Highway Employee Wages : In our organization a line for CDL Deputy Superintendent, CDL (commercial drivers license) full time, CDL part time.

CDL full time (3)	\$17.77 per hour	Bi-Weekly
CDL Deputy Superintendent (1)	\$17.77 per hour +.50 (\$18.27)	Bi-Weekly

2. Appoint the following:

Deputy Supervisor **	David Forster
Deputy Town Clerk	Helen Lincoln
Tax Collector	Ann Rugg
Assistant Collector	Helen Lincoln

Deputy highway Superintendent
 Assistant Deputy Highway Superintendent
 Registrar of Vital Statistics
 Sole Assessor 6 yr. Appointment 09/30/2019
 Highway Liaison **
 Records Officer
 Court Clerk
 Dog Control Officer
 Code Enforcement Officer
 Town Historian
 Constable
 Attorney for the Town based on time and materials
 Engineer for the Town
 Bookkeeper for the Town per contract
 Prosecutor for the Town based on time and materials

Bill McCabe
 Mark Westfall
 Ann Rugg
 Jeffrey Forster
 William Spors
 Ann Rugg (02/09/2016)
 Amy Schosek
 Mary Dankert
 Jeffery Holler
 Michelle Gogel
 Douglas Falk
 Brady & Swenson voucher per diem
 Vacant
 Donald Hill voucher monthly
 James Musacchio voucher per diem

Planning Board (5 year term)

Deanna Bowen	12/31/2016
Brian Church	12/31/2017
Chris Shattuck	12/31/2018
Carol Dill Chairman	12/31/2019
Jeff Russell	12/31/2020

Zoning Board of Appeals (5 year term)

	12/31/2016
J. Chris O'Neill	12/31/2017
Mike Jones	12/31/2018
Terry Kazmark	12/31/2019
Edward Perry Chairman**	12/31/2020

Board of Assessment Review (5 year term)

Rosemary Solecki	9/30/2020
	9/30/2019
James Dill	9/30/2016

3. Establish the two regular town board meetings to be held on the second and fourth Tuesday of the month at 8:00 PM.

4. Committees:

- a.) Code of Ethics Committee-Michael Poch & William Spors
- b.) Workplace Violence Prevention – Michael Poch
- c.) Health Insurance Committee – David Forster & Sidney Barber
- d.) Youth/Playground Coordinator – David Forster
- e.) Emergency “911” house numbers coordinator – William Spors

5. Designate the Bank of Cattaraugus, M&T, Cattaraugus County Bank, Community Bank and Five Star as the town depository for the Supervisor, Town Clerk, Collector and Town Justice monies and the financial institution providing the highest rate of interest for investment purposes.

6. Authorize Supervisor James Beach to invest town funds pursuant to the Town of East Otto investment policy adopted July 2001 as follows:

I. Scope:

This investment policy applies to all moneys and other financial resources available for investment by the Town of East Otto.

II. Objectives:

The objectives of this policy for the Town of East Otto are to:
 Conform with all applicable federal, state and other legal requirements;
 To safeguard all town monies;
 To provide funds to meet all operating requirements;

To obtain a reasonable rate of return on town funds that is invested

III. Delegation of Authority: The town board's responsibility for administration of the investment program is delegated to the Supervisor who is the chief fiscal officer of the Town of East Otto. The Supervisor will invest town monies as authorized by this policy. The Supervisor shall follow procedures that provide a satisfactory level of accountability for town monies that are invested by him and under his control.

IV. Prudence:

The Supervisor should invest town monies in a responsible manner as the custodian of the public trust and shall avoid any transaction that might impair public confidence in the Town of East Otto to govern effectively.

Investments should be made with judgment and care, under circumstance in which a prudent person would apply to his/her own affairs, not for speculation, but for investment and all investments shall be made considering safety of the principal as well as the income to be earned. The investing officer shall refrain from personal business activity that could interfere with his proper execution of his duties on behalf of the Town of East Otto. All investment decisions should be impartial.

Except as approved by the East Otto Town Board, all town monies shall be deposited in appropriate checking and savings accounts. Excess funds, not needed to meet current operating requirements, shall be invested in Certificate of Deposits. The Supervisor through inquiry shall obtain the best rate of return on the Certificate of Deposits. The Town Board shall approve the investment of town monies in other instruments (such as repurchase agreements), other than those included in this section, in advance.

V. Diversification:

Whenever possible the Supervisor of the Town of East Otto should attempt to diversify its investments (CD's) among several different banks and should always seek the best rate of return.

VI. Designation of Depositories:

Annually the Town Board of the Town of East Otto shall review and authorize the banks and trust companies where the Supervisor may deposit town funds.

VII. Collateralizing of Deposits:

In accordance with General Municipal Law, Section 10, all deposits of the Town of East Otto, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by a pledge of "eligible securities". The eligible securities pledge shall have a market value equal to or in excess of the amount invested by the Supervisor which exceeds Federal Deposit Insurance coverage.

VIII. Safekeeping and Collateralization:

Eligible securities pledged by the bank as collateral shall be held by a third party bank or trust company subject to the town's third party agreement(s) as reviewed and approved by the attorney for the town.

IX. Annual Review:

The Town Board shall review this investment policy on a yearly basis at the annual organizational meeting held in January of each year.

7. Designate the Ellicottville Times as the official town paper.

8. Designate the bulletin board in front of the town hall and at the entrance to the town clerk's office, as the official bulletin board for the Town of East Otto.

9. Authorize the Highway Superintendent to purchase up to \$500.00 in small tools without consultation.

Pursuant to Section 103 of the General Municipal Law requiring local governments to adopt policies for procurement; WHEREAS, SECTION 104 - b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurements of goods and services not subject to the bidding requirements of GML's 103 or any other law; and

WHEREAS, Comment has been solicited from those officers of the town involved with procurement; NOW THEREFORE, Be It RESOLVED: that the Town of East Otto does hereby adopt the following procurement policies and procedures:

Guideline 3. all estimated purchases of:

Less than \$10,000.00 but greater than \$4,000.00 require a written request for a proposal (RFP) and written / fax quotes from 3 vendors. Town Board approval.

Less than \$4,000.00 but greater than \$2,000.00 require an oral request for the goods and oral / fax quotes from 2 vendors. Town Board approval

Less than \$2,000.00 are left to the discretion of the purchaser.

All estimated public works contracts of :

Less than \$20,000.00 but greater than \$10,000.00 require a written RFP and fax / proposals from 3 contractors. Town Board Approval.

Less than \$10,000.00 but greater than \$3,000.00 requires a written RFP and fax / proposals from 2 contractors. Town Board Approval.

Less than \$ 3,000.00 are left to the discretion of the purchaser.

That in an emergency situation for said purchase or repair over \$2,000.00 the highway superintendent or other supervisory employee shall notify the Town Supervisor who shall conduct a telephone poll of the Town Board Members for approval which will be confirmed by resolution at the next Town Board meeting.

10. Authorize the supervisor to pay, prior to audit by the Town Board the following: Austin Security, National Fuel, National Grid, Constellation Electric Supplier, Health Insurance, Verizon, ATT, Telephone, Disability, Home Depot, Compensation, Postage, New York State Retirement, Insurance Premiums, Unemployment and Equipment lease payments.

11. Set mileage at 45¢ per mile. **

12. Resolve to pay school expenses for elected officials which provide necessary training for conducting Town Business.

13. Resolve to pay all materials, supply purchases and machinery rental not to exceed county or state bid prices unless authorized by the Town Board.

14. Resolved that section 18 (4) (A) of Public Officials Law shall apply to indemnification and saving harmless it's employees from any judgment or settlement of a claim covered by said section.

15. Resolve to pay highway employees on the Wednesday following the two week pay period. Time Sheets/reports must be received by the bookkeeper no later than 6:00 PM on the Saturday prior to pay day.

16. Resolve to prohibit smoking in the Town Hall Building and all Town Properties.

17. All boards are to notify the Town Clerk three (3) days prior to all meetings. Minutes from all board meetings will be filed with the Town Clerk one (1) week following each meeting.

18. All bills to be paid must be submitted on vouchers no later than 10:00 AM on the Monday before the first regular board meeting day of each month.

19. (a) Resolve to require a physical every two years for the full time highway employees.

(b) Highway employees are paid time and a half (1 1/2) for working on the following Holidays: New Year's Day, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving & Christmas.

(c) Earned Vacation Days are figured from their start date as follows:

1 week after 1 year of employment

2 weeks after 2 years of employment

3 weeks after 15 years of employment

There is an option to collect up to one week (40 hours) of unused vacation time as pay at the end of the year, without taking actual vacation time, with the approval of the Highway Superintendent.

(d) 5 paid sick days are allowed per calendar year. Employees will be allowed to carry over unused sick days but, will not be allowed to accumulate more than 5 unused days (40 hours) at anytime.

(e) 3 paid bereavement days are allowed for immediate family: spouse, parents, siblings, children, grandparents
There is no payment for unused bereavement days.

(f) All new full time hires will be offered the same Health Care coverage as is currently in effect for the Town Employees. The coverage will be effective from their starting date if they so desire even though there is a 6 month probationary period during which they may be terminated for cause. (change from 2002)

(g) Health Savings Account (HSA)

HSA's are tax advantaged accounts owned and controlled by the employee, designed to house funds that can be used to pay for current and future medical expenses on a tax free basis. This account rolls over from year to year and will move with the employee if they switch jobs or retire.

1. If an employee authorizes the Town of East Otto to withhold (from each paycheck) an amount to be deposited into their HSA, it will be mailed to their HSA at the end of each month at the same time the town files all other monthly reports.
2. If the Town of East Otto decides to contribute to the employee's HSA, The town's deposit will also be mailed to the employee's HSA at the end of each month at the same time the town files all other monthly reports.

20. Resolve to authorize the Town Clerk and the Justice to maintain a petty cash fund for making change in the amount of \$50.00.

21. Set the fee for copies at \$.35¢ per copy

Motion made by Sidney Barber and seconded by Mike Poch to adopt salaries, appointments and resolutions just read.

Councilman David Forster	Yes
Councilman Michael Poch	Yes
Councilman Sidney Barber	Yes
Councilman William Spors	Yes
Supervisor James Beach	Yes

All were in favor.

Motion made by William Spors and seconded by David Forster to move the adoption of a resolution Pursuant to Section 987 (1) of the Real Property Tax Law, that the Town of East Otto is hereby authorized to impose a \$1.00 service charge to cover the expense of mailing out a notice of Delinquency to tax payers. Forster, Poch, Barber, Spors and Beach were in favor. Motion carried. Motion carried.

Motion made by Michael Poch and seconded by Sidney Barber to assess a \$30.00 fee for any returned checks. Forster, Poch, Barber, Spors and Beach were in favor. Motion carried.

Motion made by David Forster and seconded by Michael Poch to appoint Lakeshore Testing Services (LETS) as the official testing service for drug and alcohol testing for 2016. In accordance with Town of East Otto drug and alcohol policy the Supervisor is the primary contact and the Deputy Supervisor the secondary contact in the drug and alcohol program. All were in favor. Motion carried.

Motion made by Sidney Barber and seconded by William Spors to adopt the previous resolutions by a duly constituted quorum of the board of Town Council of the Town of East Otto present, if so provided by law,

Councilman David Forster	Yes
Councilman Michael Poch	Yes
Councilman Sidney Barber	Yes
Councilman William Spors	Yes
Supervisor James Beach	Yes

All were in favor.

A motion was made by David Forster and seconded by Sidney Barber to adopt all of the following committees:
Committees:

- a.) Code of Ethics Committee-Michael Poch & William Spors
- b.) Workplace Violence Prevention – Michael Poch
- c.) Health Insurance Committee – David Forster & Sidney Barber
- d.) Youth/Playground Coordinator – David Forster
- e.) Emergency “911” house numbers coordinator – William Spors

Forster, Poch, Barber, Spors and Beach were in favor. Motion carried.

A motion was made by Dave Forster and seconded by Bill Spors to authorize the Supervisor to pay all general and highway funds bills audited. Poch, Barber, Spors, Forster and Beach were in favor. Motion carried.

	Abstract #	Claim #	Amount
Encumbered 2015	E01	1-3	\$ 967.59
Highway 3	301	1-3	\$ 1,029.92
Encumbered 2015	EG1	01	\$ 175.61

A motion was made by Dave Forster and seconded by Sidney Barber to approve and waive the reading of the December 29, 2015 close out minutes as written. Poch, Spors, Beach, Barber and Forster were in favor. Motion carried.

A motion was made by Dave Forster and seconded by Mike Poch to accept the audit of the December 2015 utility bills paid. Poch, Spors, Beach, Barber and Forster were in favor. Motion carried.

The Clerk paid to the Supervisor \$128,013.28 for the first installment on the 2016 Tax warrant.

A motion was made by Mike Poch and seconded by Sidney Barber to authorize the supervisor to sign the agreement to spend highway funds in the amount of \$241,810.00 for 43.17 miles of roads. Poch, Spors, Beach, Barber and Forster were in favor. Motion carried.

Highway: There is a contract signed by the property owner for the Town to clean out the ditch between Bowen and Razy Roads.

The following notice was filed with the Town Clerk concerning the closing of Traffic Street for reasons of public safety:

The seasonal part of Traffic St between Mr. Duerr and Mr. Guerin (The seasonal part of Traffic St.) was closed today Jan. 7th at 12:00 noon. The road was closed due to ice on the roadway caused by private citizens plowing the road. Road will remain closed until further notice! It is illegal to plow a town road under NY State Highway Law 214 (depositing ashes snow, ice, etc. upon highway causing a hazard, by private citizens plowing the road it is causing it to become ice and thus a hazard) there have been two vehicles off the road in this section with one hitting the guide rail.

Mike Poch stated that the Town should file notice with the sheriff's office and try to find out who is plowing the road since they would assume liability for anything that happened to anyone injured once the road becomes an ice hazard. Tom has filed notice with the sheriff's dept.

The shop ceiling has been pressure washed and needs paint. Tom will get an estimate.

Senator Tom Reed will be at the Town Hall on January 30th at 2:00 for a town hall meeting.

CEO report: Jeff issued 6 permits (a lean to addition, permit to convert house to a seasonal cabin, a campground, a corn crib and 2 other additions), answered 12 phone calls, completed 5 inspections and gave the clerk \$350.00 for permits issued. He has a meeting with ISO on Monday.

The Town has received a \$5,000.00 Grant through the Justice Court System for video surveillance equipment. The money has not yet been received.

Public comment: John Gerard a N. Otto resident questioned the board on why Traffic Street has been completely closed to Traffic since that has not usually been the case in the past. Tom Benz explained that because someone has been plowing it the width of the road that is plowed by the town there is no warning to anyone using the road that it is not being maintained thus putting them in a potentially dangerous situation. Previously the road was unplowed and if people used it they could gauge the risks for themselves. Councilman Sid Barber stated that emergency equipment and first responders do not wish to go down the road because it is not safe. Mr. Gerard requested that the barricade be removed. Tom is reluctant to do so because plowing that section make it unsafe.

Mr. Guerin addressed the board again reading the section of law that he believes applies. Should he read the law he is quoting more closely he will realize that the road is plowed and maintained to his residence which is not located on the seasonal portion to which the law he refers relates. Tom stated again that there are no residences on the seasonal portion of the road which remains unmaintained during the winter months.

A motion was made by Dave Forster and seconded by Mike Poch to cancel the January 26, 2015 meeting. The next meeting will be February 9, 2016. Poch, Spors, Beach, Barber and Forster were in favor. Motion carried.

A Motion was made by Bill Spors and seconded by Sid Barber to adjourn at 9:45 PM. Poch, Spors, Beach, Barber and Forster were in favor. Motion carried.

Respectfully Submitted,

Ann Rugg
Town Clerk

