

The organizational meeting and the first regular January meeting of the East Otto Town Board was brought to order by Supervisor Ann Rugg on Tuesday January 9, 2018 at 6:02 PM.

Ann led the pledge to the flag.

Present: Councilmen – David Forster, William Spors, Sidney Barber, Councilwoman: Angela Sherman. Highway Superintendent Thomas Benz, and CEO Jeff Holler.

Guests – Bob Bowen, Michael Guerin Pearl Guerin, Mark Westfall, Tammi Herr and Sean Lexer.

A motion was made by William Spors and seconded by Angela Sherman to change the Encumbered amount from the “close out” meeting in account DA5142.401 from \$2,8674.10 to \$2,8674.22 a difference of \$0.12. Forster, Spors, Barber, Sherman and Rugg were in favor. Motion carried.

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

	Abstract #	Claim #	Amount
Highway 1 Encumbered 2017	E01	01-04	\$ 11,148.09
Highway 1	101	01	\$ 2,762.46
Highway 3 Encumbered 2017	E31	01-06	\$ 3,408.55
Highway 4 Encumbered 2017	E41	01	\$ 28,674.22
General	001	001-011	\$ 5,507.13

A motion was made by Dave Forster and seconded by Bill Spors to approve with corrections made and waive the reading of the December 27, 2017 close out minutes. Forster, Spors, Barber, Sherman and Rugg were in favor. Motion carried.

A motion was made by Dave Forster and seconded by Bill Spors to accept the audit of the November and December 2017 prepaid utility bills audited. Forster, Spors, Barber, Sherman and Rugg were in favor. 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	\$ 6,000.00	Quarterly
Court Clerk	\$ 1,620.00	Quarterly
Appointed Assessor	\$ 1,200.00	Quarterly
Deputy Assessor	\$ 5,820.00	Quarterly
Highway Superintendent	\$ 50,983.00	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	\$ 83.00 per meeting	Quarterly

Planning Board (4)	\$ 29.00 each per meeting	Quarterly
Examining Review Board Chairman	\$ 125.00	Annually
Examining Review Board (2)	\$ 75.00 each	Annually
Zoning Board of Appeals Chairman	\$ 29.00 per meeting	Quarterly
Zoning Board of Appeals (3)	\$ 20.00 each per meeting	Quarterly
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)	\$18.85 per hour	Bi-Weekly
CDL Deputy Superintendent (1)	\$18.85 per hour +.50 (\$19.35)	Bi-Weekly

2. Appoint the following:

Deputy Supervisor **	David Forster
Deputy Town Clerk	Marilyn Whitmer
Assistant Collector	Marilyn Whitmer
Deputy highway Superintendent	William McCabe
Assistant Deputy Highway Superintendent	Mark Westfall
Registrar of Vital Statistics	Deanna Bowen
Assessor 6 yr. Appointment 09/30/2019	Jeffrey Forster
Deputy Assessor	Tim Forster
Highway Liaison **	Sidney Barber
Records Officer	Deanna Bowen
Court Clerk	Amy Schosek
Dog Control Officer	Mary Dankert
Budget Officer	Jim Beach
Code Enforcement Officer	Jeffery Holler
Town Historian	Michelle Gogel
Constable	Douglas Falk
Attorney for the Town based on time and materials	Brady & Swenson voucher per diem
Engineer for the Town	Vacant
Bookkeeper for the Town per contract voucher monthly	Bahgat & Laurito-Bahgat, CPA
Prosecutor for the Town based on time and materials	James Musacchio voucher per diem
Planning Board (5 year term)	
Brian Church (Chairman)	12/31/2019
Brittnie Phillips	12/31/2022
Vacant	12/31/2020
Darrin Jones	12/31/2018
Douglas Kirchner	12/31/2021
Zoning Board of Appeals (5 year term)	12/31/2016

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:

WHEREAS: Section 103 of the General Municipal Law permits the Town of East Otto to make purchases of apparatus, materials, equipment, and supplies, and may make such purchases, or may contract for such services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies as may be required by the Town of East Otto therein through the use of a contract let by the United States of America or any agency thereof, any state or any other county or political subdivision of district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section and made available for use by other governmental entities;

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 3:00 PM on the Friday 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 Sid Barber and seconded by Dave Forster to adopt salaries, appointments and resolutions just read.

Councilman David Forster yes

Councilman William Spors yes

Councilman Sidney Barber yes

Councilman Angela Sherman yes

Supervisor Ann Rugg yes

All were in favor. Motion carried.

Motion made by Bill Spors and seconded by Dave Forster to assess a \$30.00 fee for any returned checks.

All were in favor. Motion carried.

Motion made by Dave Forster and seconded by Bill Spors to appoint Lakeshore Testing Services (LETS) as the official testing service for drug and alcohol testing for 2018. 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 made by Bill Spors and seconded by Sid Barber 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, on January 9, 2018

Councilman David Forster yes

Councilman William Spors yes

Councilman Sid Barber yes

Councilman Angela Sherman yes

Supervisor Ann Rugg yes

All were in favor. Motion carried.

The Clerk paid to the Supervisor \$212,297.60 for the first installment on the 2018 Tax warrant. The Clerk paid to the Supervisor \$479.10 for December 2017 fees and commissions.

Highway: Tom has been looking at used rollers and reported the findings to the board. Discussion took place regarding possibly replacing the 2008 Peterbilt truck do the amount of repairs it has needed.

Clerk: Told the board due to the Executive order signed by Governor Cuomo tax payers were allowed to pay their 2018 taxes early. Many taxpayers took advantage of this.

Deanna met with Tina Kennedy who submitted a letter of interest in the cleaning position.

A motion was made by Dave Forster and seconded by Bill Spors to appoint Tina Kennedy to clean the Town Hall at \$15.00 per hour for 2-3 hours a month. Forster, Spors, Barber, Sherman and Rugg were in favor. Motion carried.

CEO report: Jeff issued 3 permits (Barn, Deck/Misc. and Campground), answered 7 phone calls, completed 3 inspections and gave the clerk \$635.00 for permits issued.

Supervisor: Ann told the board of upcoming training in Salamanca in February. Ann stated she will be having a meeting with Armstrong regarding broadband internet. She told the board the 2017 Justice audit needs to be completed.

A motion was made by Dave Forster and seconded by Sid Barber to sign the Expenditure of Highway Monies agreement. Forster, Spors, Barber, Sherman and Rugg were in favor. Motion carried.

Public Comment: There was none.

The next meeting will be February 13, 2018 at 6pm.

A Motion was made by Bill Spors and seconded by Sid Barber to adjourn at 7:50 PM. Forster, Spors, Barber, Sherman and Rugg were in favor. Motion carried.

Respectfully Submitted,

Deanna Bowen
Town Clerk