

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 8, 2019 at 6:00 PM.

Ann led the pledge to the flag.

Present: Supervisor Ann Rugg, Councilmen – David Forster, Angela Sherman.

Highway Superintendent Thomas Benz, Clerk Deanna Bowen and CEO Jeff Holler.

Guests – Bob Bowen, and Sean Lexer.

A motion was made by Dave Forster and seconded by Angela Sherman to accept resignation of Jeff Forster, Assessor. Forster, Sherman and Rugg were in favor. Motion carried.

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

	Abstract #	Claim #	Amount
Highway 1 Encumbered 2018	E01	01-03	\$ 202.08
General	001	01-04	\$ 816.43

A motion was made by Dave Forster and seconded by Angela Sherman to approve and waive the reading of the December 27, 2018 close out minutes. Forster, Sherman and Rugg were in favor. Motion carried.

A motion was made by Dave Forster and seconded by Angela Sherman to accept the contract for Bahgat & Laurito-Bahgat for 2019. Forster, 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	\$ 7,020.00	Quarterly
Highway Superintendent	\$ 52,512.00	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 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)	\$19.42 per hour	Bi-Weekly
CDL Deputy Superintendent (1)	\$19.42 per hour +.50 (\$19.92)	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	Tim Forster
Highway Liaison **	Dave Forster
Records Officer	Deanna Bowen
Court Clerk	Deanna Bowen
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 per diem	Brady & Swenson voucher
Engineer for the Town	Vacant
Bookkeeper for the Town per contract	Bahgat & Laurito-Bahgat, voucher monthly
CPA	James Musacchio voucher per diem
Prosecutor for the Town based on time and materials	
Planning Board (5 year term)	
Brian Church (Chairman)	12/31/2022
Brittnie Phillips	12/31/2020
Tammi Herr	12/31/2019
Darrin Jones	12/31/2023
Douglas Kirchner	12/31/2021
Zoning Board of Appeals (5 year term)	
Vacant	12/31/2016
Vacant	12/31/2022
Mike Jones	12/31/2023

Terry Kazmark	12/31/2019
Edward Perry Chairman**	12/31/2020
Board of Assessment Review (5 year term)	
Chairperson:	
Annemarie McCabe	9/30/2019
Rosemary Solecki	9/30/2020
Charles Herr	9/30/2021

3. Establish the one regular town board meetings to be held on the second Tuesday of the month at 6:00 PM.

4. Committees:

- a.) Code of Ethics Committee- Dave Forster and Angela Sherman
- b.) Workplace Violence Prevention – Angela Sherman and Ann Rugg
- c.) Health Insurance Committee – Dave Forster and Sid Barber
- d.) Youth/Playground Coordinator – Bill Spors
- e.) Emergency “911” house numbers coordinator – Bill Spors and Sid Barber
- f.) Audit Committee- Bill Spors and Dave Forster

5. Designate the Bank of Cattaraugus, M&T, Cattaraugus County Bank, Citizens 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 Ann Rugg 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:

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 12:00

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 Angela Sherman and seconded by Dave Forster to adopt salaries, appointments and resolutions just read.

Councilman David Forster yes

Councilman Angela Sherman yes

Supervisor Ann Rugg yes

All were in favor. Motion carried.

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

All were in favor. Motion carried.

Motion made by Angela Sherman and seconded by Dave Forster to appoint Lakeshore Testing Services (LETS) as the official testing service for drug and alcohol testing for 2019. 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 Angela Sherman and seconded by Dave Forster 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 8, 2019

Councilman David Forster yes

Councilman Angela Sherman yes

Supervisor Ann Rugg yes

All were in favor. Motion carried.

The Clerk paid to the Supervisor \$473.45 for December 2018 fees and commissions.

Supervisor: Ann told the board she is working on a policy for internet use.

Highway: Tom told the board about contract options from Teitsworth Auctions for internet auction for the truck. Discussion took place about the internet auction options.

CEO report: Jeff answered 3 phone calls and completed 1 inspection.

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

A Motion was made by Angela Sherman and seconded by Dave Forster to adjourn at 7:10 PM. Forster, Sherman and Rugg were in favor. Motion carried.

Respectfully Submitted,

Deanna Bowen
Town Clerk