

Organizational Meeting 2014, Town Of Otto

January 21, 2014 the annual organization 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 21st day of January 2014

Present: Ron Wasmund .. Town Supervisor
Brenda Mallaber .. Councilwoman
Francis Feth .. Councilman
Paul Stang .. Councilman
James Wojdan .. Councilman
Trisha Priest .. Town Clerk
Robert Barber Jr. .. Highway Superintendent

Absent:

Others Present:

Jeff Hollar .. Code Enforcement Officer
Colleen Feth .. Chairwoman of the Comprehensive Planning Board

Supervisor Wasmund called the organizational meeting to order at 8:20pm.

RESOLUTION 2014-7

Salaries

On a motion made by Councilman Feth and seconded by Councilman Wojdan, the following resolution was ADOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

Resolved that the salaries for elected and appointed officials shall be as follows:

OFFICE	SALARY	HOW PAID
Town Supervisor	\$7500	Monthly
Town Councilman (4)	\$1925 (each)	Quarterly
Assessor	\$7300	Monthly
Water Superintendent	\$6500	Monthly
Historian	\$700	Annually
Animal Control Officer	\$2400	Annually
Code Enforcement Officer	\$6500	Quarterly
Town Justice	\$7500	Quarterly
Highway Supt.	\$40,000	Bi-Weekly
Comprehensive Planning Board of Appeals	\$25/meeting	
Board of Assessment Review	\$100 (each)	Annually
Waste water treatment plant operator	\$10,080	Annually

Supervisor Wasmund wished to discuss the salary of the town clerk.

EXECUTIVE SESSION

RESOLUTION 2014-8

ENTER INTO EXECUTIVE SESSION

On a motion made by Councilman Wojdan and seconded by Councilwoman Mallaber, the following resolution was

AADOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

Resolved that the Board enter into Executive Session to discuss the wages of Trisha Priest town clerk at 8:25pm

RESOLUTION 2014-9

RETURN TO REGULAR SESSION

On a motion of Supervisor Wasmund seconded by Councilman Stang, the following resolution was

AOPOTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

Resolved that the Board return to regular session at 8:37 PM.

RESOLUTION 2014-9

Town Clerk's Salary

On a motion made by Councilman Wojdan and seconded by Councilwoman Mallaber, the following resolution was

AOPOTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

Resolved, that the town clerks annual salary shall be reduced from the approved 2014 budget of \$7500 to \$6000 to be paid monthly.

RESOLUTION 2014-10

Appointment of Town Officials

On a motion made by Councilwoman Mallaber seconded by Councilman Feth to appoint the following Town Officials:

the following resolution was

AOPOTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

Tax Collector	Trisha Priest
Deputy Supervisor	James Wojdan
Deputy Town Clerk	Allison Girod
Water Superintendent	Dennis Huber
Registrar of Vital Stats.	Trisha Priest
Deputy Registrar of Vital Stats.	Allison Girod
Civil Defense Director	Ronald Wasmund
Animal Control Officer	Mary Dankert
Code Enforcement Officer	Jeff Holler
Records Management Officer	Trisha Priest

Board of Assessment Review: Douglas Wilder Sept. 2016; Jan Neal – Sept. 2015; Jerald Hintz – Sept. 2014.

Comprehensive Planning Board: Colleen Feth; Ronald Hebner, William Pratt, Karen McAndrew, Terry Steinbar

Board of Appeals: Marlene Gregory, Todd Wulf, Bonnie Visnesky, and Emily Moore.

Water Advisory Board: Colleen Robertson, John Visnesky, and William Arnold (this is an elected position – elected by the Water District).

Waste Water Advisory Board: Ken Robertson, and Mary Malek.

RESOLUTION 2014-11

On motion made by Councilman Feth seconded by Councilman Wojdan to designate the Bank of Cattaraugus, Community Bank, M&T, and MBIA/CLASS as the official depository for the Town of Otto.

AOPOTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-12

On motion made by Councilwoman Mallaber seconded by to designate the Springville Journal as the official newspaper for the Town of Otto.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-13

On motion made by Supervisor Wasmund seconded by Councilman Feth to establish that the regular meeting of the Otto Town Board will be held at 7:00 p.m. on the third Tuesday of each month at the Town Hall.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-14

On motion made by Councilwoman Mallaber seconded by Councilman Feth to designate the bulletin board in the Otto Post Office as the official bulletin board for the Town of Otto.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-15

On motion made by Supervisor Wasmund seconded by Councilman Stang to have the Town Clerk post the minutes of the Town Board meetings at the Otto Post Office and on the town website.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-16

On motion made by Councilman Feth seconded by Councilman Wojdan to adopt a mileage rate of \$.55/miles for business OUTSIDE of Town.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-17

On motion made by Councilman Feth seconded by Councilman Wojdan to grant Highway Supt. permission to purchase up to \$2500.00 worth of small tools per year without prior Board approval.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-18

On motion made by Councilwoman Mallaber seconded by Councilman Feth to have full-time highway employees work 40 hr./week except for snow removal and emergencies.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-19

On motion made by Councilman Feth seconded by Supervisor Wasmund to compensate wages at the rate of 1-1/2 times their base pay for house worked over 40 hours in any given week for highway employees. Employees

may also opt to take overtime as compensatory time not to exceed 60 hours saved at any time. Use of compensatory time must be approved by the Highway Supt.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-20

On motion made by Supervisor Wasmund seconded by Councilman Feth to pay highway employees on Tuesday following the two week period.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-21

On motion made by Councilman Wojdan seconded by Councilman Feth to have the following holidays for highway employees:

New Year's Day	Veteran's Day	Good Friday
Memorial Day	Election Day	Friday before Labor Day
Thanksgiving Day	Labor Day	Christmas Day
4 th of July		

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-22

On motion made by Councilman Feth seconded by Supervisor Wasmund to provide full-time highway employees vacation as follows: 1 week after 1 year; 2 weeks after 3 years; 3 weeks after 8 years; and 4 weeks after 20 years.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-23

On motion made by Supervisor Wasmund seconded by Councilman Feth to provide full-time highway employees 4 personal days per year and permission to accumulate up to 20 days. This pertains to personal days only. These 20 days may be carried over to the next year. A day is stipulated as 8 hours. The Highway Supt. is to have 48 hours prior notice unless of an emergency and it must be cleared by him.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-24

On motion made by Supervisor Wasmund seconded by Councilwoman Mallaber stating that the Highway Supt. understands that he is compensated as a working Highway Supt. This compensation will be weighed on a year to year basis at budget time. Also a base starting salary of \$20,300.00 per year will take effect. This is established for any new Highway Supt. This is subject to review and salary adjustment by the Town Board as the person proves capable to the board's satisfaction.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-25

On motion made by Councilman Wojdan seconded by Supervisor Wasmund to provide Highway employees 3 days with pay for a death in the immediate family to include step family with the following designation: parent or legal guardian, spouse, child, sibling, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, or grandparents.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
 Nays 0

RESOLUTION 2014-26

On motion made by Councilman Feth seconded by Councilwoman Mallaber to provide employees salary as follows: a new employee starting at \$10.00/hr., then increments over 2 years to be current with the top pay grade for full-time employees. Part-time motor equipment operators hourly rate shall be set between \$10.00 and the current top pay rate. This shall be decided by the Highway Supt.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
 Nays 0

RESOLUTION 2014-27

On motion made by Councilman Wojdan seconded by Supervisor Wasmund to provide full-time highway employees and highway supt. with medical insurance coverage through Blue Cross Blue Shield with temporary employees having the option to join the insurance group at their own expense.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
 Nays 0

RESOLUTION 2014-28

On motion made by Councilman Feth seconded by Councilwoman Mallaber to have the deputy highway supt.'s wage increased by \$.25/hr.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
 Nays 0

RESOLUTION 2014-29

On motion made by Councilman Feth seconded by Councilman Wojdan to have full-time Highway employees pay increased by 1 cent/hr./year of employment after 5 years of service. This stipend will take effect January 1st of the anniversary date in that calendar year.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
 Nays 0

RESOLUTION 2014-30

On motion made by Councilman Wojdan seconded by Councilman Feth to have highway supt. follow procurement Policy (CF33) as established by the Otto Town Board and adopted as:

WHEREAS, Section 104-B of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services subject to the bidding requirements of GML, 103 or any other law: and WHEREAS, contents have been solicited from those officers of the town involved with procurement;

NOW, THEREFORE, be it RESOLVED; that the Town of Otto does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determining the applicability of GML, 103. Every town officer, board, department head, or other personnel with requisite purchasing authority (hereinafter Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2. All purchases of a.) supplies or equipment which will exceed \$10,000 in the fiscal year or b) public works contracts over \$20,000 shall be formally bid pursuant to GML 103.

Guideline 3. All estimated purchases of:

Less than \$10,000 but greater than \$5,000 require written request for a proposal (RFP) and written/fax quotes from 3 vendors.

Less than \$5,000 but greater than \$3,000 requires an oral request for the goods and oral/fax quotes from 2 vendors or more if possible.

Less than \$3,000 but greater than \$250 is left to the discretion of the purchaser. All estimated public works contract or:

Less than \$20,000 but greater than \$10,000 requires a written RFP and fax/proposals from 3 contractors.

Less than \$10,000 but greater than \$5,000 requires a written RFP and fax/proposals from 2 contractors.

Less than \$5,000 but greater than \$500 is left to the discretion of the Purchaser.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase of public works contracts.

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepared a written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5. A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 6. Except when directed by the town board, no solicitation or written proposals or quotations shall be required under the following circumstances:

- a. Acquisition of professional services;
- b. Emergencies;
- c. Sole source situations;
- d. Goods purchased from agencies for the blind or severally handicapped;
- e. Goods purchased from correctional facilities;
- f. Goods purchased from another governmental agency;
- g. Goods purchased at auction;
- h. Goods purchased for less than \$250.00;
- i. Public works contracts for less than \$500.00

Guideline 7. This policy shall be reviewed annually by the Town Board at its Organizational Meeting or as soon thereafter as is reasonable practicable.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-31

On motion made by Councilman Feth seconded by Supervisor Wasmund stating that the Highway Supt. keep a perpetual list of expenses for each major piece of equipment to include miles driven, fuel used, and repair expenses. This is to be reported to the Board on a bi-monthly basis.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-32

On motion made by Councilman Feth seconded by Councilwoman Mallaber to give the Supervisor the authority to pay health insurance and utility bills before additional penalties are added.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-33

On motion made by Supervisor Wasmund seconded by Councilman Feth to exempt Otto Historical Building, Church, and Otto Fire Hall from Special District Taxes. Otto Fire Hall and Lutheran Parsonage will not be exempt from Sewer Fees.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-34

On motion made by Supervisor Wasmund seconded by Councilman Wojdan stating that the Otto Town Board has duly adopted, that it be resolved, that the Town of Otto has elected to enforce the NYS Fire and Building Codes, and the Otto Zoning Ordinance and that said Town shall appoint the necessary inspectors to implement the same. The revision is determined to apply to the enforcement and implementation is the Town Board. Be it further resolved, that all rental units in the Town can be subject to inspection upon a change of occupancy; said inspection being for the purpose of enforcing the NYS Fire and Building Codes. Any owner or occupancy may request that his single family residential unit be inspected. Be it further resolved that the following fees will be charged for inspection under the Codes, and issuance of the permit, which fees are based on the estimated construction costs:

- | | | | |
|----|-----------------------|------|---|
| A. | 0-\$5000 | Fee: | \$30.00 |
| B. | \$5000-\$10,000 | Fee: | \$30.00 +\$6.00/\$1,000 for each \$1,000. |
| C. | \$10,000 - \$50,000 | Fee: | \$100.00 |
| D. | In excess of \$50,000 | Fee: | \$150.00 |

Also effective January 1, 1985 new state executive law required municipalities to approve a building permit for the installation of a solid fuel-burning stove and free-standing masonry fireplaces, and the homeowner or business wishing to install such an appliance an inspection of the unit and its connection will be made and a permit for use, approved if found safe. A fee for this is \$20.00. Also effective January 1, 2011 there will be a \$25.00 fee for the replacement of the roof.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-35

On motion made by Councilman Wojdan seconded by Councilwoman Mallaber stating that all town employees shall be notified that in the event of a complaint concerning any town highway related problem the complaint should be immediately referred to the Highway Supt. The Highway Supt. shall maintain a log of these complaints showing date, road applicable, nature or complaint and how it was resolved.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
 Nays 0

RESOLUTION 2014-36

On motion made by Supervisor Wasmund seconded by Councilman Wojdan stating that NO person shall cause the remains of a human being to be buried, or establish burial grounds for such purpose in the Town of Otto in any ground not set apart and recognized as a municipal, religious, or not-for-profit corporation cemetery without having deposited adequate and appropriate funds for the perpetual maintenance of said grounds. Adequate and appropriate funds are relative terms and are intended to allow for a vast range in the cost of maintenance among various townships.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
 Nays 0

RESOLUTION 2014-37

On motion made by Councilman Feth seconded by Supervisor Wasmund stating that it be resolved that Section 18(4) of Public Officers Law shall apply to indemnification and saving its employees from a judgment or settlement of a claim covered by said Section 18.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
 Nays 0

RESOLUTION 2014-38

On motion made by Councilman Stang seconded by Councilman Wojdan to charge the presenter of a returned check of insufficient funds, a fee in the maximum amount allowed by GML general obligations § 5328. Repayment shall be made in cash or money order to include initial payment plus the returned check fee to satisfy the presenters obligation.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
 Nays 0

RESOLUTION 2014-39

On motion made by Supervisor Wasmund seconded by Councilwoman Mallaber to set the fine structure on all town laws and ordinances.

Whereas, fines that accrue over time for failure to comply with an order of the court shall to be a minimum of \$0 or conditional discharge, not to exceed of \$350.00 for the 1st offense, not less than \$350 for the 2nd offence not to exceed \$700 for the 2nd offence, not less than \$700 and not to exceed \$1000 on the 3rd offence.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
 Nays 0

RESOLUTION 2014-40

On motion made by Councilman Wojdan seconded by Councilman Feth to have Lake Shore Employee Testing Service Inc. do the Drug and Alcohol Testing for the Town.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan

Nays 0

RESOLUTION 2014-41

On motion made by Councilman Wojdan seconded by Councilwoman Mallaber to charge \$10.00 for a spayed/neutered dog and \$20.00 for an unsprayed/unneutered dog. This includes a \$1.00 and \$3.00 state fee. No dogs will be exempt from these fees.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-42

On motion made by Councilman Wojdan seconded by Councilwoman Mallaber to charge \$450.00 for opening of a full grave and \$250.00 for cremation at the East Hill Cemetery. Also the amount for purchasing a plot is \$300.00 for a single plot.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-43

On motion made by Councilman Stang seconded by Supervisor Wasmund the Town of Otto adopts the records retention and disposition of schedule MU-1

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

RESOLUTION 2014-44

On motion made by Councilman Stang seconded by to charge a \$2.00 second tax notice fee to be collected by the tax collector on tax bills not paid in full on the last day of February.
Whereas, a town tax collector is required by NYS Real Property tax law to mail a second notice to delinquent tax payers no sooner than February 1st and no later than March 15th.

APOPTED Ayes 5 Feth, Mallaber, Stang, Wasmund, Wojdan
Nays 0

With no further business, on a motion of Councilman Wojdan and seconded by Councilman Feth, the meeting was adjourned at 9:20pm. Carried unanimously.

Respectfully Submitted,

Trisha A. Priest, Town Clerk