

Organizational Meeting 2015, Town Of Otto

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 6th day of January 2015

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

Supervisor Wasmund called the organizational meeting to order at 7:02pm.

RESOLUTION 2015-1

Salaries

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

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

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

OFFICE	SALARY	PAID
Town Supervisor	\$9000	Monthly
Town Councilman (4)	\$2000 (each)	Quarterly
Assessor	\$7800	Monthly
Town Clerk	\$8000	Monthly
Water Superintendent	\$6900	Monthly
Historian	\$900	Annually
Animal Control Officer	\$2400	Annually
Code Enforcement Officer	\$6500	Quarterly
Town Justice	\$8000	Quarterly
Highway Supt.	\$41,950	Bi-Weekly
Comprehensive Planning Board of Appeals	\$25/meeting	Quarterly
Board of Assessment Review	\$100 (each)	Annually
Waste water treatment plant operator	\$10,920	Annually

RESOLUTION 2015-2

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

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

Deputy Supervisor	James Wojdan
Tax Collector	Trisha Priest
Registrar of Vital Stats.	Trisha Priest
Deputy Registrar of Vital Stats. /Deputy Town Clerk	Allison Girod
Water Superintendent	Dennis Huber
Civil Defense Director	Ronald Wasmund
Animal Control Officer	Mary Dankert
Code Enforcement Officer	Jeff Holler
Records Management Officer	Trisha Priest
Waste water treatment plant operator	John Woodward
Tax Assessor	Jeffrey Forster

Board of Assessment Review: Douglas Wilder Sept. 2016; Jan Neal – Sept. 2015; Jerald Hintz – Sept. 2018.

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

Board of Appeals: Marlene Gregory, Todd Wulf, Bonnie Visnesky, Emily Moore, John Vanderbosch and Joe Poccobello, alternate.

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 2015-3

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

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

RESOLUTION 2015-4

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

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

RESOLUTION 2015-5

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.

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

RESOLUTION 2015-6

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.

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

RESOLUTION 2015-7

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.

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

RESOLUTION 2015-8

On motion made by Councilman Feth seconded by Councilman Wojdan to adopt a mileage rate of \$0.575/miles for business OUTSIDE of Town.

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

RESOLUTION 2015-9

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.

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

RESOLUTION 2015-10

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 2015-11

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 hours worked over 40 hours in any given week for highway employees. Employees may also opt to take overtime as compensatory time not to exceed 80 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 2015-12

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 2015-13

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 2015-14

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 2015-15

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 in case of an emergency and it must be cleared by him.

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

RESOLUTION 2015-16

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 2015-17

On motion made by Councilman Wojdan seconded by Supervisor Wasmund to provide Highway employees 3 days bereavement 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 2015-18

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 2015-19

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 2015-20

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 2015-21

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 2015-22

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 severely 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 2015-23

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 2015-24

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 2015-25

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 will not be exempt from Sewer Fees.

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

RESOLUTION 2015-26

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 2015-27

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 2015-28

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 2015-29

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 2015-30

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 2015-31

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 2015-32

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 2015-33

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 2015-34

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 2015-35

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 2015-36

On motion made by Councilman Stang seconded by Councilman Wojdan 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

RESOLUTION 2015-37

Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan

On a motion made by Supervisor Wasmund and seconded by Councilman Feth, the following resolution was

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

WHEREAS, the Town of Otto, with the assistance from Cattaraugus County, has gathered information and prepared the Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan; and

WHEREAS, the Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Otto is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Town of Otto has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Otto Town Board that The Town of Otto adopts the Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

RESOLUTION 2015-38

Vital Statistic Registrar compensation

On a motion made by Supervisor Wasmund and seconded by Councilwoman Mallaber, the following resolution was

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

Resolved that the appointed registrar of vital statistics and the deputy registrars will be compensated in accordance to public health law §4124 and town law §27§5-17c. special salaries;

whereas local registrars who are not paid a specified salary receive as compensation, the fees collected for issuing copies of birth and death certificates.

Whereas they also receive from the appointing municipality \$.50 for each new certificate of live birth and certificate of death filed, each report of fetal death received and each burial permit issued.

RESOLUTION 2015-39

Youth Council 2015

On a motion made by Councilman Stang and seconded by Councilman Feth, the following resolution was

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

WHEREAS, it is necessary to make application to the Cattaraugus County Youth Bureau/ NYS Office of Children and Family Services.

WHEREAS, it is necessary for the supervisor to sign for the Town of Otto, now, therefore be it

RESOLVED, the Town Board does hereby authorize the Supervisor of the Town of Otto to enter into agreements with the Cattaraugus County Youth Bureau/ NYS Office of Children and Family Services to run youth programs for the 2015 program year ending December 31, 2015.

RESOLUTION 2015-40

Authorized Mandatory Training

On a motion made by Councilman Stang and seconded by Councilman Wojdan be it granted that all appointed and elected town officials are authorized to attend required trainings without prior approval from the Town Board.

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

With no further business, on a motion of Councilman Wojdan and seconded by Councilman Feth, the meeting was adjourned at 7:58pm. Carried unanimously.

Respectfully Submitted,

Trisha A. Priest, Town Clerk