

ORGANIZATIONAL MEETING, TOWN OF EAST OTTO, JANUARY 16, 2024

A regular meeting of the Town Board of the Town of East Otto, County of Cattaraugus and the State of New York was held at the Town Hall, 9014 East Otto Springville Rd East Otto NY on the 16th day of January 2024.

PRESENT:

Ann Rugg	Supervisor
Dave Forster	Council Member
Bill Spors	Council Member
Sid Barber	Council Member
Karen Graser	Council Member
Deanna Bowen	Clerk
Tom Benz	Superintendent of Highways

The Pledge of Allegiance was recited and led by Supervisor Rugg to open the Town Board Meeting.

RESOLUTION 1-2024

2024 SALARIES/APPOINTMENTS/INVESTMENT POLICY/EMPLOYEE BENEFITS

On a motion of Councilmember Spors, seconded by Councilmember Barber, the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved that the Board adopts the following salaries, appointments, and policies:

	Annual Salary	Paid
Town Supervisor	\$ 7,840.00	Quarterly
Town Clerk	\$ 8,421.00	Quarterly
Town Clerk Deputy	\$ 300.00	Annually
Town Council Person (4)	\$ 1,584.00 each	Quarterly
Town Justice	\$ 7,000.00	Quarterly
Court Clerk	\$ 2,000.00	Quarterly
Appointed Assessor	\$ 9,600.00	Annually
Highway Superintendent	\$ 62,056.00	Bi-Weekly
Tax Collector	\$ 3,032.00	Annually
Assistant Tax Collector	\$ 300.00	Annually
Town Historian	\$ 150.00	Annually
Constable	\$ 20.00	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	\$ 5,760.00	Quarterly
Dog Control Officer	\$ 2,290.00	Annually
Budget Officer	\$ 1,848.00	Annually

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

CDL full time (3)	\$24.04 per hour	Bi-Weekly
CDL Deputy Superintendent (1)	\$24.04 per hour +.50 (\$24.54)	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	James Graser Jr.
Registrar of Vital Statistics	Deanna Bowen
Assessor 6 yr. Appointment 09/30/2024	Cattaraugus County
Highway Liaison **	Dave Forster
Records Officer	Deanna Bowen
Court Clerk	Denise Richards
Dog Control Officer	Samantha Smith
Budget Officer	Jim Beach
Code Enforcement Officer	Jeffery Holler
Town Historian	Michelle Gogel
Constable	Douglas Falk/Alternate Kim
Chase	
Attorney for the Town based on time and materials	Brady & Swenson
Engineer for the Town	Vacant
Bookkeeper for the Town per contract	Bahgat & Laurito-Bahgat,
CPA	voucher monthly
Prosecutor for the Town based on time and materials	James Musacchio voucher
	per diem.
Planning Board (5-year term)	
Ken Phillips (Chairman)	12/31/2027
Kim Phillips	12/31/2025
David Duerr	12/31/2024
Kelli Forster	12/31/2028
Vacant	12/31/2026

Zoning Board of Appeals (5-year term)

Vacant	12/31/2026
Vacant	12/31/2027
Mike Jones	12/31/2028
Terry Kazmark	12/31/2024
Vacant	Chairman** 12/31/2025

Board of Assessment Review (5-year term)

Chairperson:

Heidi Kazmark 9/30/2024

Rosemary Solecki 9/30/2025

James Houck 9/30/2026

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

4. Committees:

a.) Code of Ethics Committee- Sid Barber

b.) Workplace Violence Prevention – Dave Forster

c.) Audit Committee- Ann Rugg/Karen Graser

d.) Youth/Playground and Town Property Coordinator – Dave Forster

e.) Wind and Solar-Ann Rugg

f.) Historical Museum-

5. Designate the Bank of Cattaraugus, M&T, Cattaraugus County Bank, Citizens Bank, Community Bank, NY Class 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 money 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 the 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 or her 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 the 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 the 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 Springville Journal 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/oral 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 or written quotes from 2 vendors. Town Board approval

Less than \$2,000.00 is 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 written RFP proposals from 3 contractors. Town Board Approval.

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

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

That in an emergency 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: Doyle Security, National Fuel, National Grid, Credit Cards, 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 55¢ per mile.

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

13. Resolve to pay for 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 9:00AM 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 10 unused days (80 hours) at any time.

(e) 3 paid bereavement days are allowed for immediate family: spouse, parents, siblings, children, grandparents, and grandchildren.

There is no payment for unused bereavement days.

(f) All new fulltime 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 6month probationary period during which they may be terminated for cause. (Change from 2002)

(g) Health Savings Account (HSA)

HAS'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

RESOLUTION 2-2024
RETURNED CHECK FEE

On a motion of Councilmember Forster, seconded by Councilmember Graser the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved to assess a \$35 fee for any returned checks.

RESOLUTION 3-2024
DRUG AND ALCOHOL POLICY

On a motion of Councilmember Barber, seconded by Councilmember Forster the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved to appoint Lakeshore Testing Services (LETS) as the official testing service for drug and alcohol testing for 2024. In accordance with Town of East Otto drug and alcohol policy the Supervisor is the primary contact, and the Deputy Supervisor is the secondary contact in the drug and alcohol program.

RESOLUTION 4-2024
AUDIT OF CLAIMS

On a motion of Councilmember Forster, seconded by Councilmember Barber the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved that the bills contained on Abstract #13 and Abstract #1 have been reviewed by the Town Board and are authorized for payment in the following amounts:

Abstract #13			
General Fund	\$	572.46	Voucher 100-101
Highway	\$	3,431.05	Voucher 152-156
Abstract #1			
General Fund	\$	12,159.01	Voucher 1-6

RESOLUTION 5-2024
UTILITY BILLS

On a motion of Councilmember Forster, seconded by Councilmember Spors the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved to approve the payment of the December utility bills.

RESOLUTION 6-2024

MEETING MINUTES

On a motion of Councilmember Forster, seconded by Councilperson Spors the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved that the Board approves the meeting minutes from December 12, 2023 and December 28, 2023 as submitted.

RESOLUTION 7-2024

BUDGET TRANSFERS

On a motion of Councilmember Forster, seconded by Councilmember Barber, the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved that the Board authorize the following budget Transfers:

GENERAL FUND

BUDGET TRANSFER:

\$902 from 1420.4 Attorney-Contractual to 1410.4 Town Clerk Contractual

\$182 from 1620.4 Buildings-Contractual to 1620.43 Buildings-Verizon

\$230 from 1990.4 Contingent to 3510.4 Animal Control-Contractual

\$150 from 5010.2 Supt. Highway-Equipment to 5010.4 Supt. Highway-Contractual

\$900 from 8020.1 Planning-Personal to Planning Contractual

RESOLUTION 8-2024

BUDGET TRANSFERS

On a motion of Councilmember Forster, seconded by Councilmember Barber, the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved that the Board authorize the following budget Transfers:

HIGHWAY FUND

BUDGET TRANSFER:

\$50,000 from 5110.41 General Repairs-Blacktop to 5110.4 General Repairs-Contractual

\$42,000 from 5110.42 General Repairs-Gravel to 5110.4 General Repairs-Contractual

\$3,515 from 5130.43 Machinery-Tools to 5130.29 Machinery-Equipment ARPA

\$5,975 from 5130.43 Machinery-Tools to 5130.42 Machinery-Fuel

\$200 from 9060.8 Employee Benefits-Hospital & Medical to 9050.8 Employee Benefits-Unemployment Insurance

\$1,500 from 9060.8 Employee Benefits-Hospital & Medical to 9050.81 Employee Benefits-Medical Buyout

RESOLUTION 9-2024

BUDGET MODIFICATION

On a motion of Councilmember Spors, seconded by Councilmember Barber, the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nays	0	

Resolved that the Board authorize the following budget modification:

We resolve to increase the budget for the FEDERAL AID-ARPA revenue account: A4089 in the amount of \$1,392.49.

RESOLUTION 10-2024

BUDGET MODIFICATION

On a motion of Councilmember Barber, seconded by Councilmember Graser, the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nays	0	

Resolved that the Board authorize the following budget modification:

We resolve to increase the budget for the SUPERVISOR EQUIPMENT ARPA expense account: A1220.29 in the amount of \$259.50.

RESOLUTION 11-2024

BUDGET MODIFICATION

On a motion of Councilmember Barber, seconded by Councilmember Spors the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nays	0	

Resolved that the Board authorize the following budget modification:
We resolve to increase the budget for the TOWN CLERK-EQUIPMENT ARPA expense account: A1420.29 in the amount of \$354.49.

RESOLUTION 12-2024
BUDGET MODIFICATION

On a motion of Councilmember Graser, seconded by Councilmember Barber, the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved that the Board authorize the following budget modification:
We resolve to increase the budget for the SAFETY INSPECTION EQUIPMENT-ARPA expense account: A3620.29 in the amount of \$259.50.

RESOLUTION 13-2024
BUDGET MODIFICATION

On a motion of Councilmember Spors, seconded by Councilmember Barber, the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved that the Board authorize the following budget modification:
We resolve to increase the budget for the SUPT. HIGHWAY EQUIPMENT-ARPA expense account: A5010.29 in the amount of \$259.50.

RESOLUTION 14-2024
BUDGET MODIFICATION

On a motion of Councilmember Barber, seconded by Councilmember Forster, the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved that the Board authorize the following budget modification:
We resolve to increase the budget for the ZONING-CONTRACTUAL-ARPA expense account: A8010.49 in the amount of \$259.50.

RESOLUTION 15-2024
BUDGET MODIFICATION

On a motion of Councilmember Forster, seconded by Councilmember Spors, the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved that the Board authorize the following budget modification:
We resolve to increase the budget for the STATE AID-CHIPS revenue account:
DA3501 in the amount of \$80,883.99

RESOLUTION 16-2024
BUDGET MODIFICATION

On a motion of Councilmember Barber, seconded by Councilmember Forster, the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved that the Board authorize the following budget modification:
We resolve to increase the budget for the CAPITAL IMPROVEMENTS expense
account: DA5112.201 in the amount of \$80,883.99

RESOLUTION 17-2024
BUDGET MODIFICATION

On a motion of Councilmember Forster, seconded by Councilmember Barber, the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved that the Board authorize the following budget modification:
We resolve to increase the budget for the SALES TAX DISTRIBUTION revenue
account: DA1120 in the amount of \$48,100.00

RESOLUTION 18-2024
BUDGET MODIFICATION

On a motion of Councilmember Spors, seconded by Councilmember Barber, the following resolution was

ADOPTED	Ayes	5	Forster, Spors, Barber, Graser, Rugg
	Nayes	0	

Resolved that the Board authorize the following budget modification:
We resolve to increase the budget for the MACHINERY EQUIPMENT expense
account: DA5130.2 in the amount of \$48,100.00

CEO REPORT

- 1 Permit and 1 Special Use Application for a total of \$175 which was deposited to Town Clerk
- 15 phone calls
- 8 inspections
- 5 Violation Notices Sent
- 1 summons

With no further business, on a motion from Councilmember Spors, seconded by Councilmember Barber the meeting was adjourned at 7:13 PM.

Carried unanimously.

The next meeting will be held on February 13, at 6:00pm.

Respectfully Submitted

Deanna Bowen
Town Clerk

Respectfully Submitted,

Deanna Bowen
Town Clerk