

## Organizational Meeting 2016, 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 5th day of January 2016

**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 7:30pm.

### RESOLUTION 2016-1

#### 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	ANNUAL SALARY	PAID
Town Supervisor	\$9000	Monthly
Town Councilman (4)	\$2040 (each)	Quarterly
Assessor	\$7980	Monthly
Town Clerk	\$8220	Monthly
Water Superintendent	\$6900	Monthly
Historian	\$900	Annually
Animal Control Officer	\$2400	Annually
Code Enforcement Officer	\$7,140	Quarterly
Town Justice	\$8160	Quarterly
Highway Supt.	\$43,550	Bi-Weekly
Comprehensive Planning Board of Appeals	\$25/meeting	Quarterly
Board of Assessment Review	\$100 (each)	Annually
Waste water treatment plant operator	\$8,400	Annually

### RESOLUTION 2016-2

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. 2016; Ronald Hebner – 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 2016-3

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

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

RESOLUTION 2016-4

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

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

RESOLUTION 2016-5

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.

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

RESOLUTION 2016-6

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.

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

RESOLUTION 2016-7

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.

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

RESOLUTION 2016-8

On motion made by Councilman Feth seconded by Councilman Wojdan to adopt a mileage rate of \$0.54/miles for business OUTSIDE of Town.

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

RESOLUTION 2016-9

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.

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

RESOLUTION 2016-10

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 2016-11

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 100 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 2016-12

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 2016-13

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 <sup>th</sup> of July |               |                         |

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

RESOLUTION 2016-14

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 2016-15

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 30 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 2016-16

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 \$24,960 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 2016-17

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 2016-18

On motion made by Councilman Feth seconded by Councilwoman Mallaber to provide employees salary as follows: a new employee starting at \$15.00/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 \$15.00 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 2016-19

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 2016-20

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 2016-21

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 1<sup>st</sup> of the anniversary date in that calendar year.

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

RESOLUTION 2016-22

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 2016-23

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 2016-24

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 2016-25

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 2016-26

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 2016-27

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 2016-28

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 2016-29

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.

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

RESOLUTION 2016-30

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.

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

RESOLUTION 2016-31

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.

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

RESOLUTION 2016-32

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. Prior year delinquencies are required to be paid prior to the issuance of a new license.

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

RESOLUTION 2016-33

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

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

RESOLUTION 2016-34

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.

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

RESOLUTION 2016-35

Cattaraugus County Multi-Jurisdictional Hazard Mitigation Plan

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

AOPTED 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 2016-36

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 2016-37

Youth Council 2016

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 2016 program year ending December 31, 2016.

RESOLUTION 2016-38

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 8:12. Carried unanimously.

Respectfully Submitted,

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Trisha A. Priest, Town Clerk