

**BOARD OF THE TOWN OF BUTTERNUTS
REGULAR MEETING
July 6, 2021
Town of Butternuts Municipal Building**

Meeting was called to order at 7:08 PM by Bruce Giuda, Town Supervisor.

Minutes recorded by Rebekah Huff, Town Clerk.

Agenda: See [Appendix A](#).

Attendees: Bruce Giuda - Supervisor & Board Member, Keith Lilley - Board Member, Scot Lueck - Board Member, Paul Irwin - Board Member, John Hill - Board Member, Cory Wilber - Highway Superintendent, and Rebekah Huff - Town Clerk.

Visitor Sign-In Sheet - see [Appendix B](#).

Privilege of the floor:

No items noted.

Minutes Corrections and Adopt for June 1, 2021 Regular Board Meeting:

Motion to dispense of reading of minutes:

Introduced By:	Keith Lilley	Yes	No	Abstained
Seconded By:	Paul Irwin			
Bruce Giuda, Town Supervisor		X		
Keith Lilley, Board Member		X		
Scot Lueck, Board Member		X		
Paul Irwin, Board Member		X		
John Hill, Board Member		X		
Motion Carried	Yes	5		

Motion to accept minutes as presented:

Introduced By:	Bruce Giuda	Yes	No	Abstained
Seconded By:	Keith Lilley			
Bruce Giuda, Town Supervisor		X		
Keith Lilley, Board Member		X		
Scot Lueck, Board Member				X
Paul Irwin, Board Member		X		
John Hill, Board Member		X		
Motion Carried	Yes	4		1

Town Official Reports:

Town Official	Read By	Items of Note
Town Clerk	Bruce Giuda	See Town Clerk's Report – Appendix C .
Town Justice	Bruce Giuda	See Town Justice's Report – Appendix D .
Dog Control	Bruce Giuda	There is an issue with a town resident's dogs barking. Concern has been raised due to continued complaints and inconsistent responses and lack of improvement in the issue. Scot Lueck will look into this with the resident submitting the complaints but will not be interacting with the Dog Control Officer.
Town Assessor	Bruce Giuda	See Town Assessor's Report – Appendix E . Assessor has increased Town's assessment value in this period. He plans to begin his review process in July 2021.

Highway Superintendent	Cory Wilber	<p>See Highway Superintendent's Report – Appendix F.</p> <p>Highway Superintendent had an issue related to a mold remediation cost that came out of the Highway Garage Budget line. The Town Supervisor clarified that due to the issue relating to the Highway Garage that it was appropriately included as an expense of the Highway Garage.</p> <p>Town supervisor inquired on whether there were any trucks that still needed to have their front tires changed. The Board was told that these specific front tires were purchased for snow plowing only and that these tires would be changed as soon as snow plowing was done. There are still two trucks that have these snow steer tires on the front. Highway Superintendent noted that the tires on the Mack truck may not need to be changed due to low usage. The Western Star truck has been declared surplus and the front tires need to be changed before the truck can be listed for sale.</p> <p>Mining permit issue. There are trees that are being removed by Davies, a tree company that works for NYSEG, which are danger trees to not hit electrical wires. Town Supervisor indicated that nothing should be done by the Highway crew.</p> <p>Auctions International – Supervisor indicated that the Board had declared a list of nine items as surplus in May 2021. These items were going to be sold on the Auctions International website as to be listed by the Highway Superintendent. As of the date of this meeting, July 6, 2021, these items still have not been listed and the Supervisor indicated that the funds from the auction are needed to fund two new trucks that have already been ordered. See Appendix N for list of Surplus/Excess Equipment.</p> <p>CAT Loader & Excavator Pricing - CAT loader and excavator pricing to be provided so that purchase can be considered. The replacement of this machinery is supposed to be every other year but we appear to be off schedule and it has been multiple years. Highway Superintendent will have CAT pricing by the next Board meeting for the Board to review.</p> <p>Update on anyone being hired part-time for mowing - Mowing is done and no one was hired.</p>
Town Supervisor	Bruce Giuda	<p>See Town Supervisor's Report – Appendix G.</p> <p>Town Supervisor is working to consolidate all of the financial records into New York Class, including organization of the records. There are several CDs that are coming due this month that will be moved into the new program. There is no penalty for cashing-in of funds in New York Class. Once the funds are cashed in a due-to/due-from will be resolved to address the Wayne Bank mistake from 2020.</p> <p>Building project at the park is almost complete. There are Wi-Fi issues at the park and so a service call to address is occurring the second week of July 2021.</p>

Motion to accept the Town Official reports:

Introduced By:	Scot Lueck	Yes	No	Abstained
Seconded By:	Paul Irwin			
Bruce Giuda, Town Supervisor		X		
Keith Lilley, Board Member		X		
Scot Lueck, Board Member		X		
Paul Irwin, Board Member		X		
John Hill, Board Member		X		
Motion Carried	Yes	5		

Town Committee Reports:

Committee	Responsible Board Member	Updates
Finance, Laws & Audit	Bruce Giuda	Monthly CPA sign-off report by Town Bookkeeper, Rebekah Huff, CPA. See Appendix H .
Buildings & Grounds	Keith Lilley	No issues outside of the Wi-Fi booster. Service call to address second week of July.
Parks	Scot Lueck	Picnic table costs have come down but not low enough. Town Supervisor made a survey for Copes Corners and received some feedback. Feedback was discussed, indicating a preference for plastic, 6-foot plastic picnic tables for campsites. Town Supervisor to share feedback with the Board.
Highway & Machinery	Bruce Giuda	No items of note.
Ethics	Outside Committee – Niki McNeil	No items of note.
Hazard Mitigation/FEMA	Paul Irwin	No items of note.
Personnel	Scot Lueck	No items of note.

Motion to accept Town Committee Reports:

Introduced By:	Keith Lilley	Yes	No	Abstained
Seconded By:	John Hill			
Bruce Giuda, Town Supervisor		X		
Keith Lilley, Board Member		X		
Scot Lueck, Board Member		X		
Paul Irwin, Board Member		X		
John Hill, Board Member		X		
Motion Carried	Yes	5		

Old Business – Agenda Item 1 – Screen Sand & Gravel:

Town Supervisor inquired on screening sand and gravel and whether there is a definitive plan for the winter. Highway Superintendent is to put the plan for securing and processing sand and gravel at the latest by the next Board Meeting. Concern was expressed as to whether there would be some issue in securing what is needed for the upcoming year.

Old Business – Agenda Item 2 – Unpaid Vouchers and Town Procurement Policy and PO System:

There were two unpaid vouchers from the prior meeting. Town Supervisor reiterated that large purchases need to be discussed with the Board prior to being made. The budget process is the time for purchases and a plan for the upcoming year as to what is needed or desired for the upcoming year. The auction vendor has declined to accept a return for one of the vouchers and Auto Plus has been informed regarding no additional purchases by the Highway Superintendent.

Old Business – Agenda Item 3 – Eagle Fire Engine and Hose Company Contract:

Motion to accept and sign the contract between Town of Butternuts and Eagle Fire Engine and Hose Company for period from 2022 through 2024 (see [Appendix I](#)):

Introduced By:	Keith Lilley	Yes	No	Abstained
Seconded By:	Bruce Giuda			
Bruce Giuda, Town Supervisor		X		
Keith Lilley, Board Member		X		
Scot Lueck, Board Member		X		
Paul Irwin, Board Member		X		
John Hill, Board Member		X		
Motion Carried	Yes	5		

Old Business – Agenda Item 4 – Mowing Grass at Town Hall:

Town Supervisor requests that the area by the Town Hall grounds be mowed. Highway Superintendent has confirmed that he will have his team perform maintenance on the Town Hall grounds.

Old Business – Agenda Item 5 – Inventory:

Town Supervisor noted that an inventory must be completed for the Highway Garage and provided an example of an Inventory tracker. It is state law that an inventory must be completed by September. Highway Superintendent confirmed that his team will complete the inventory by date required. See [Appendix J](#).

Old Business – Agenda Item 6 – Mill Street Bridge:

Town Supervisor has a plan for Mill Street Bridge that is to be shared with the Town Highway Superintendent that had been developed by an Engineer. Town Supervisor and Town Highway Superintendent will meet separately to discuss and address the plan. Town Supervisor indicated that the signs should be installed at earliest time possible in order to be prepared for when the work on the bridge is complete and cleared.

Old Business – Agenda Item 7 – Dry Brook Repairs and Park Bridge Abutment:

Town Supervisor requested an update on the work being done on these projects. Town Supervisor and Highway Superintendent to continue to discuss as project progresses. It was noted that the planned work cannot be modified outside of the permit that was issued. Project is planned to be completed by September 30, 2021.

Old Business – Agenda Item 8 – Salt Use on Town Roads:

Town Supervisor brought to attention of the Board the Highway Superintendent’s plan to use a mix of salt and sand on Town roads. A grant was obtained for the Salt Shed under the Water Quality Improvement program and therefore appropriate storage of materials needs to be maintained in order to keep material from leeching into water, the creek which is a fragile and protected body of water, including other bodies of water, wells, etc. that could be contaminated. Town Supervisor noted that vigilance must be maintained regardless of the method. Highway Superintendent noted that there was an issue with contamination that was the result of spillage from a truck operator who had materials in his truck and had unloaded them improperly. This situation will be monitored consistently to prevent contamination of land and/or water due to salt runoff.

New Business – Agenda Item 1 – Resignation of Development Administrator:

Eric Scrivener has been promoted and therefore he must resign from his current position and will formally resign, returning all of his equipment. Town Supervisor recommends that the Town Assessor’s review should proceed with his process, which is intense, and the Development Administrator role should be revisited at a later date.

New Business – Agenda Item 2 – Copes Corners Park Rates for 2022:

Review of the proposed rate schedule completed by the Board; see [Appendix K](#) for schedule and rates agreed to by the Board.

Motion to approve the Copes Corners Park Rates for 2022 as amended on proposed schedule during meeting:

Introduced By:	Scot Lueck	Yes	No	Abstained
Seconded By:	Bruce Giuda			
Bruce Giuda, Town Supervisor		X		
Keith Lilley, Board Member		X		
Scot Lueck, Board Member		X		
Paul Irwin, Board Member		X		
John Hill, Board Member		X		
Motion Carried	Yes	5		

New Business – Agenda Item 3 – Meeting Schedule and Budget Calendar:

Town Supervisor has been working on a schedule for the upcoming Budget process for 2022 and will have proposed dates in order to meet required timelines for the next Town Board meeting.

New Business – Agenda Item 4 – Shared Services Agreement and Otego, etc.:

Town Supervisor has concerns over the borrowing and renting of Town equipment and personnel with other towns in accordance with a proposed Shared Services agreement with Otego. Paul Irwin, Board Member, expresses concern over losing control over use of equipment and personnel. Town Supervisor indicated that meticulous records should be maintained of what resources are shared to/with the Town and other towns. Town Supervisor and Board will continue to evaluate and decide whether to amend and/or proceed with agreement and how liability should be considered. Town Supervisor also noted it’s not clear what other Shared Services agreements are currently in place for the Town. See draft Otego agreement at [Appendix L](#).

New Business – Agenda Item 5 – Financial Reports for May 2021:

Motion to approve Financial Reports for April 2021 as presented (see [Appendix M \(A, B, C\)](#)):

Introduced By:	Keith Lilley	Yes	No	Abstained
Seconded By:	Paul Irwin			
Bruce Giuda, Town Supervisor		X		
Keith Lilley, Board Member		X		
Scot Lueck, Board Member				X
Paul Irwin, Board Member		X		
John Hill, Board Member		X		
Motion Carried	Yes	4		1

New Business – Agenda Item 6 – Approve Vouchers:

Motion to approve vouchers 21245 to 21289 in the amount of \$83,472.39:

Introduced By:	Bruce Giuda	Yes	No	Abstained
Seconded By:	John Hill			
Bruce Giuda, Town Supervisor		X		
Keith Lilley, Board Member		X		
Scot Lueck, Board Member		X		
Paul Irwin, Board Member		X		
John Hill, Board Member		X		
Motion Carried	Yes	5		

Privilege of the floor:

Resident raised a question regarding whether to limit the seasonal versus daily-use sites at Copes Corners.

Resident raised a question regarding the proposed Shared Services agreement and how union as compared to non-union employees are treated in the agreement.

County Representative Michelle Farwell had a comment clarifying using a salt-sand mix on the roads and commented that a 1:6 ratio is noted to be most effective based on discussions she has held with the County Highway Superintendent.

County Representative Michelle Farwell raised an issue related to a waiving of penalties and fees on taxes for a property where a tax issue was noted and not communicated to the property owner.

County Representative Michelle Farwell had a comment regarding payment of taxes being reduced from three years to two years, which is going into effect in 2021. Technically after two years, the County would own a property, and there is a liability to the County if that were the scenario. Property owners have until September 2021 to make payment or the property goes up for auction.

Supervisor had a question regarding whether the County was building any reserves; the county is not doing so.

Resident had a question regarding when the abatement for the Highway Garage Project can be applied for based on timing of project completion.

Resident had a question regarding schedule for bridge repairs; County Representative Michelle Farwell noted that she believes so but the work is not expected to be completed until Fall 2021. In addition, funding for additional repairs is being sought by the County.

Resident had questions regarding Court schedule and whether it was still active.

Board Discussion:

Two items were brought to the Board's attention by Scot Lueck, the first being a legally required investment policy and the second being progress on a solar and wind power energy plan for the Town. He is working on both and will bring them to the Board soon.

Executive Session:

Motion to enter Executive Session at 9:10 PM to discuss contract negotiations:

Introduced By:	Bruce Giuda	Yes	No	Abstained
Seconded By:	Scot Lueck			
Bruce Giuda, Town Supervisor		X		
Keith Lilley, Board Member		X		
Scot Lueck, Board Member		X		
Paul Irwin, Board Member		X		
John Hill, Board Member		X		
Motion Carried	Yes	5		

Motion to come out of Executive Session at 9:49 PM to discuss:

Introduced By:	Bruce Giuda	Yes	No	Abstained
Seconded By:	Keith Lilley			
Bruce Giuda, Town Supervisor		X		
Keith Lilley, Board Member		X		
Scot Lueck, Board Member		X		
Paul Irwin, Board Member		X		
John Hill, Board Member		X		
Motion Carried	Yes	5		

Motion to Adjourn at 9:50 PM:

Introduced By:	Bruce Giuda	Yes	No	Abstained
Seconded By:	Scot Lueck			
Bruce Giuda, Town Supervisor		X		
Keith Lilley, Board Member		X		
Scot Lueck, Board Member		X		
Paul Irwin, Board Member		X		
John Hill, Board Member		X		
Motion Carried	Yes	5		

Respectfully Submitted,

Rebekah Huff, CPA
Town Clerk, Town of Butternuts