

**BOARD OF THE TOWN OF BUTTERNUTS  
REGULAR MEETING  
August 11, 2021  
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, John Hill - Board Member, Cory Wilber - Highway Superintendent, and Rebekah Huff - Town Clerk.

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

**Privilege of the floor:**

Two town residents followed up on issues discussed at the June 1, 2021 meeting regarding addressing the condition and safety, including lack of visibility due to high grass that hasn't been mowed, of Dunham's Crossroad and expressed concern that further progress has not been made based on what was previously and recently communicated regarding the plan for repair and upkeep of the roads.

**Minutes Corrections and Adopt for July 6, 2021 Regular Board Meeting:**

Motion to dispense of reading of minutes:

Introduced By:	Scot Lueck	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	Absent			
John Hill, Board Member		X		
Motion Carried	Yes	4		

Motion to accept minutes with correction:

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	Absent			
John Hill, Board Member		X		
Motion Carried	Yes	3		1

**Town Official Reports:**

Town Official	Read By	Items of Note
Town Clerk	Bruce Giuda	See Town Clerk's Report – <a href="#">Appendix C</a> .
Town Justice	Bruce Giuda	See Town Justice's Report – <a href="#">Appendix D</a> .
Dog Control	Bruce Giuda	There is an issue with a town resident's dogs barking. Scot Lueck checked on the situation and determined that there is a valid issue but it does not rise to the level where further involvement by the Board is warranted.
Town Assessor	Bruce Giuda	See Town Assessor's Report – <a href="#">Appendix E</a> .

Highway Superintendent	Cory Wilber	See Highway Superintendent's Report – <a href="#">Appendix F</a> .
		Highway Superintendent noted that he was still waiting on quotes for the trucks that are for sale.
		Highway Superintendent provided an update on work completed as a result of the July 2021 flood and estimated that had costs been required to be outlaid directly, that approximately \$400,000 to \$500,000 would be the cost incurred in damages. He noted that he has been preparing paperwork in accordance with what would be required for FEMA, if indeed FEMA funds ultimately become available related to the July 2021 flood, including tracking of all time, outright costs (if any) and estimate of the costs of such time under any/all shared services agreements in place.
		Highway Superintendent noted that there is an amended highway agreement that the Board needs to sign when representative is back from vacation at Suite-Kote.
		Highway Superintendent noted that \$375,232.92 was received for chips, which exceeded the budgeted favorably.
		Highway Superintendent noted that due to the flood, Dunham's Crossroad was closed, which should have been published in the Gazette, but was not.
		Highway Superintendent indicated that dust control costs approximately \$3,000/mile. He indicated that the 100 yards in front of a home are the most significant area that need to be considered in order to keep dust down. He also indicated that a spreader, which is available, can be used to spray calcium chloride on the roads to help keep dust down and the Board indicated this plan could be pursued. Highway Superintendent confirmed he would take the next steps on this plan.
Town Supervisor	Bruce Giuda	See Town Supervisor's Report – <a href="#">Appendix G</a> .
		Town Supervisor noted that the OSC audit report for the Town of Butternuts was issued and a written response has been crafted. It was noted that the issues identified have been addressed.

Motion to accept the Town Official reports:

Introduced By:	Scot Lueck	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	Absent			
John Hill, Board Member		X		
Motion Carried	Yes	4		

**Town Committee Reports:**

Committee	Responsible Board Member	Updates
Finance, Laws & Audit	Bruce Giuda	Monthly CPA sign-off report by Town Bookkeeper, Rebekah Huff, CPA, – <a href="#">Appendix F</a> .
Buildings & Grounds	Keith Lilley	Keith and Bruce went to obtain a trailer to replace the bridge at Copes Corners Park.
Parks	Scot Lueck	Camper assisted with the repair of the bridge and Supervisor would like to know whether there is anything that can be done to show appreciation for the assistance. No other items of note
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	Absent			
John Hill, Board Member		X		
Motion Carried	Yes	4		

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

Highway Superintendent has called for quotes for this as the plan changed and has planned to hire the job to be completed. Highway Superintendent indicated that based on the last meeting it was expected that the Highway Superintendent had committed to completing this work himself and that he was supposed to have gotten quotes for the use of a machine. The Highway Superintendent indicated that he did not understand this and thought that he could investigate quotes. This needs to be put out for bids on the date of the meeting, August 11, 2021. The Town currently has over 7,000 yards of “item” and 9,000 yards of sand. 1.25”- for “item” and 0.75”- for sand. Bids will be put out as legal notices.

**Motion to advertise for bids for 5,000 yards of sand ¾” or smaller and 5,000 yards of 1 ¼” screened gravel:**

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	Absent			
John Hill, Board Member		X		
Motion Carried	Yes	4		

**Old Business – Agenda Item 2 – Time Clock & Time Tracking System for Highway:**

The Highway Superintendent indicated that this system wasn’t working and complained until he noted that he was done and the Town Supervisor stepped in to assist. The Town Supervisor noted that if the system does not work, the money for the system needs to be refunded.

**Old Business – Agenda Item 3 – Mowing Grass at Town Hall:**

Town Supervisor requests that the area by the Town Hall grounds be mowed. The Highway Superintendent had confirmed that he would have his team perform maintenance on the Town Hall grounds. The Town Supervisor said that it was not completed so he hired Tim Deters to complete the mowing in July 2021.

**Old Business – Agenda Item 4 – Inventory:**

The Highway Superintendent reconfirmed that his team will complete the inventory by the date required, which is September 30, 2021.

**Old Business – Agenda Item 5 – Mill Street Bridge:**

The Town Supervisor has indicated that the requirements for this bridge appear to continue to be changing. NY State DOT Bridge contact and Town will work towards resolution but it appears that the DOT has not been clear on what is required to be done.

**Old Business – Agenda Item 6 – Dry Brook Repairs and Park Bridge Abutment:**

The Town Supervisor noted that the Town has a permit to complete the repairs and that the stones need to be ordered in order to begin the repairs. A truckload of stones and a truckload of large riprap (stackables) needs to be ordered. This project is planned to be completed by September 30, 2021.

**Old Business – Agenda Item 7 – CAT Loader Pricing:**

The Highway Superintendent is going to get quotes on the trade-in value and if not high enough, the Town may end up keeping the machinery.

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

Eric Scrivener resigned and there is perhaps a need for this role to be filled. This will be advertised as a legal notice.

**Motion to accept Eric Scrivener’s resignation:**

Introduced By:	Scot Lueck	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	Absent			
John Hill, Board Member		X		
Motion Carried	Yes	4		

**Motion to advertise for Development Administrator role:**

Introduced By:	Scot Lueck	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	Absent			
John Hill, Board Member		X		
Motion Carried	Yes	4		

**New Business – Agenda Item 2 – Contract for Engineering Services/ Cold Storage:**

The Town Supervisor is looking to develop a contract to construct a cold storage building and expects to have such at the next Board meeting for Board approval.

**New Business – Agenda Item 3 – Meeting Schedule, Budget Calendar & Budget Development:**

Budget calendar was reviewed and noted that the November 2021 meeting was changed to November 3, 2021 in order to meet the deadline for the Budget.

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

The Town Supervisor noted that he does not have any issues outside of ensuring that the Town’s machinery is operated by Town employees. The Highway Superintendent brought the NY State shared services agreement to the attention of the Board to consider. The Board needs to review the agreements and it will be put to a vote in the next meeting.

**New Business – Agenda Item 5 – Financial Reports May 2021 & June 2021:**

Motion to approve May 2021 Financial Reports as presented:

Introduced By:	Keith Lilley			
Seconded By:	Scot Lueck	Yes	No	Abstained
Bruce Giuda, Town Supervisor		X		
Keith Lilley, Board Member		X		
Scot Lueck, Board Member		X		
Paul Irwin, Board Member	Absent			
John Hill, Board Member				X
Motion Carried	Yes	3		1

Motion to approve June 2021 Financial Reports as presented:

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

**New Business – Agenda Item 6 – Approve Vouchers:**

Motion to approve vouchers 21290 to 21341 in the amount of \$142,561.94:

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

**New Business – Agenda Item 7 – Donation for Flood Relief:**

Motion to accept donation from Jeff & Marna Dunham:

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

**New Business – Agenda Item 8 – Budget Transfers:**

Motion to make a budget amendment to move \$10,000 from DA5140.1 to DA5140.1:

Introduced By:	Bruce Giuda			
Seconded By:	Scot Lueck	Yes	No	Abstained
Bruce Giuda, Town Supervisor		X		

Keith Lilley, Board Member		X		
Scot Lueck, Board Member		X		
Paul Irwin, Board Member	Absent			
John Hill, Board Member		X		
Motion Carried	Yes	4		

**Board Discussion:**

Scot Lueck noted that the renewable energy portion of the Site Plan Review application is in process and asked whether the Board should open up for public input. A Public Hearing will need to be held in October 2021, which can be done the night of the October Board meeting. Scot asked whether it needs to be run by the lawyer before or after the meeting. The Board said it could be done after the meeting.

The Town Supervisor noted that the second portion of the audit is expected to be completed shortly, which the Town Supervisor will share with the Board when completed.

**Privilege of the floor:**

County Representative Michelle Farwell first wanted to thank everyone for their response to the flood. The flood is estimated to be at \$12 to \$13 million in damages, which would not meet the threshold for assistance. There has been no clear response regarding state funding and therefore funding is currently not expected. There are various other towns in the same situation as Butternuts but it is not looking hopeful at this time. County Representative Farwell noted that if the shared services agreements aren't in place and a flood or other disaster occurs, those cannot be counted towards FEMA relief. It was suggested that Merzick take a look at it to address any concerns that the Board has on the shared services agreement. She thanked the Board for accepting the County's offer related to cold storage. The Town Supervisor needs to speak with the appropriate person to establish a purchase agreement for the cold storage. It was noted that County Route 8 Bridge will be delayed for a bit due to backordered parts, originally anticipated for August, but now hoping for September. The weight limit was kept the same at 18 ton. There is concern that the bridge would go to 8 ton, which would not permit a fire truck or a school bus to go over the bridge.

A Town Resident noted that fluorescent lights can be switched out with LED lights without much effort or cost.

**Adjournment:**

Motion to Adjourn at 8:45 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	Absent			
John Hill, Board Member		X		
Motion Carried	Yes	4		

Respectfully Submitted,

Rebekah Huff, CPA  
Town Clerk, Town of Butternuts