

BOARD OF THE TOWN OF BUTTERNUTS

REGULAR MEETING

October 5, 2021

Municipal Building

Meeting was called to order at 7:05 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, Paul Irwin – Board Member, Scot Lueck - Board Member, John Hill - Board Member, Rebekah Huff - Town Clerk, and Cory Wilber – Highway Superintendent.

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

Privilege of the floor:

County Representative Michelle Farwell noted that the County Highway 8 Bridge is not completed but anticipate there to be further progress shortly. She noted that there have been a series of meetings that are in the planning phase at the Department of Soil & Water to identify issues and how landowners and/or towns are able to handle them related to flooding and other Department of Conservation (DEC) and/or Highway Department regulations, requirements, next steps, etc.

Resident had a question related to cell phone service for Morris as compared to all of Otsego County. County Representative noted that all of the cell phone towers have been offered to cell phone providers, who have expressed no interest in having cell phone service being provided to the areas where there is currently no service. Town Supervisor inquired regarding the lease terms and whether there would be any leverage that the county has in mandating that the service providers take

Town Supervisor inquired on the recordkeeping regarding the roving ambulances that have just been acquired for the county. Ms. Farwell noted that there should be adequate records of what these ambulances are doing and that these records be monitored and therefore the level of service be appropriate from a taxpayer accountability perspective as when these funds are not covered through “Rescue Funds” this service will increase the tax levy.

Minutes Corrections and Adopt for September 7, 2021 Regular Board Meeting:

Motion to dispense of reading of minutes:

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		

Motion to accept minutes as amended:

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		

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	No Dog Control report as Dog Control Officer resigned.
Town Assessor	Bruce Giuda	See Town Assessor's Report – Appendix E .
Highway Superintendent	Cory Wilber	<p>See Highway Superintendent's Report – Appendix F.</p> <p>Town Supervisor inquired on the item for the clutch in the Freightliner. The Freightliner has been exceeded and therefore there will not be a clutch put into the truck.</p> <p>Town Supervisor and Board member discussed the potential for wings for Dodge dump truck, noting that trucks are not typically good with the wings but the potential for this being an option should be explored, including getting quotes, which the Highway Superintendent said he would be getting and expected to be approximately \$6,200.</p> <p>Town Supervisor inquired on the status of the Flat Iron bridge. Highway Superintendent noted that the DEC ended access to the water until May 2022.</p> <p>Town Supervisor inquired on the status of the Mill Street bridge. Highway Superintendent noted that he has spoken to the supervisor of the Bridge inspector for NY state, and that the department has told the Town that they cannot advise on how to fix the bridge, that the Town must hire an expert to determine how to fix the bridge and then the department will have to evaluate how the bridge was fixed and pass or fail the inspection. Highway Superintendent estimated that to fix the bridge it would be approximately \$25,000, which would include the cost of consulting with hydro specialist engineers to develop the plan and then fix the bridge.</p> <p>Scot Lueck inquired on whether the Town could put some fill in to the road by where some land was washed out by the Fire Department and the Highway Superintendent noted that he would be looking into it and expects to be able to complete.</p>
Town Supervisor	Bruce Giuda	<p>See Town Supervisor Report – Appendix G.</p> <p>Town Supervisor received a letter noting that Susquehanna SPCA has passed all of their inspections.</p> <p>Wilkinson EZ Pickup has been sold and therefore an alternate solution for trash pickup from the Copes Corner's Park for the 2022 season.</p> <p>Town Supervisor received a letter from the American Legion indicating that the rent is to be increased by double to \$200 per month to store the Town's records. Town Supervisor met with the Town Historian and is working through a plan to ensure that the records are stored appropriately, perhaps at the American Legion or another location to be determined, as well as potentially displayed due to the historical significance of the records.</p> <p>Copes Corners Park is closed for camping for 2022 with expenditures ending at approximately the budgeted amount. Revenues were projected for \$30,000 and final revenues were \$36,100. There are 25 sites and 22 have already been reserved and paid for the 2022 season. The other 3 sites are being retained for transient camping. The caretakers left and would like to come back next year for June through September for 2022. The backup caretaker has agreed to take care of the month of May 2022. If the</p>

	<p>Board is okay with the plan for the caretakers, contracts will be developed. The Park needs to be winterized. Also, a proposal to present to the DEC to reinforce the stream to avoid erosion on the stream will be developed and incorporated into the budget for 2022 completion.</p> <p>Town Supervisor is working with the appropriate individuals through the sale of a building to the County still, which is expected to be completed by the end of the year.</p> <p>Development administrator has started and is about to begin with her process. The Town Supervisor indicated that he's directed the Development Administrator to conduct her review on the Village as well as the rest of the Town, as there is no current process for monitoring the progress on the Village buildings, which is part of the Town's tax base.</p>
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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		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, – Appendix H .
Buildings & Grounds	Keith Lilley	Keith noted that he inquired to electricians regarding doing furnace servicing as well as light servicing, including the Highway building. He is working through identifying why the fans aren't working properly at the Highway Department Building, such as a fan to circulate the air to prevent nitrogen from being in the building at excessive levels.
Parks	Scot Lueck	Scot Lueck noted that the park is closed and that water quality was not an issue. Town Supervisor inquired as to whether there were any volunteers to help winterize the park, including the bathrooms.
Highway & Machinery	Bruce Giuda	No additional items of note; see previous discussion for Highway Superintendent's report.
Ethics	Outside Committee – Niki McNeil	No items of note.
Hazard Mitigation/FEMA	Paul Irwin	Paul Irwin inquired of County Representative Farwell on additional funds for hazard mitigation from FEMA and she encouraged our Town to apply for funds.
Personnel	Scot Lueck	No items of note.

Motion to accept Town Committee 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		

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

Town Supervisor noted that bids were not received in time for the last meeting and therefore the lowest bid was not accepted and therefore alternative solutions were evaluated. Bids were received for sand on an as-needed basis as follows:

ACK-ACRES Sand & Gravel Products bid for 2000 yards +/- if Town loads Town's trucks \$5.00/yard if ACK-Acres loads Town Trucks \$6.00 yards.

E&R Pope's Excavating, LLC bid for Ice Control Sand for \$5.00/yard.

Motion to accept purchase E&R Popes of sand if needed during the winter of 2021/2022:

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	

Motion to rescind motion to accept the Seward Sand & Gravel bids from the September 7, 2021 meeting:

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		

Old Business – Agenda Item 2 – CAT Loader Pricing:

Highway Superintendent noted that the price of a new John Deere loader would be approximately \$5,000, if the current loader that the Town has is traded in. The price for the trade-in went up to \$41,000.

Motion to trade in the CAT loader and purchase the 2022 John Deere 624 P Wheel Loader for a price after trade-in of \$4,999.67:

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		

Old Business – Agenda Item 3 – Auctions International Listing:

Town Supervisor noted that the Town really needs the money for this and it isn't clear whether it will receive it this year due to the timing of payment being 60 to 90 days. Highway Superintendent noted that he will be working on this right away.

Old Business – Agenda Item 4 – Inventory:

Highway Superintendent confirmed to the Supervisor that the inventory is half complete and is being worked on currently.

Old Business – Agenda Item 5 – Preliminary Budget 2022:

Town Supervisor introduced the 2022 Preliminary Budget. There are three phases, Tentative, Preliminary and Adopted. The Town Board reviewed and discussed the preliminary budget line by line.

Motion to approve the 2022 Preliminary to the Final Budget:

Introduced By:	Keith Lilley	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		

The Board determined that a Public Hearing for the Budget will be held beginning at 6:30 PM on November 3, 2021.

Old Business – Agenda Item 6 – Review Draft “Renewable Energy Systems Local Law”:

Scot Lueck noted that he made minor revisions, including: updating the Town of Butternuts Comprehensive Plan year, limiting the shadow flicker time to 15 hours per year, and sensitive sites including all school property, the Butternut creek, and two pipelines.

Paul Irwin had a question and the Board discussed who would be completing the evaluation of applicants, enforcement of the law, monitoring compliance of the law, and who would be paying for that for the Town of Butternuts. Further discussion of payment for such services ensued, which the Board determined should be the responsibility of the applicant, which was added to the law. Town Board also indicated that the document pages should be numbered in the final version. Town Supervisor will send the revised law to the lawyer for the Town for review.

The Board determined that a Public Hearing for the Renewable Energy Systems Local Law will be held from 6:00-6:30 PM on November 3, 2021.

New Business – Agenda Item 1 – Resignation DCO:

Motion to put the Facebook statement of Dog Control Officer, Elizabeth Fish, into the records and accept her official resignation (see [Appendix I](#)):

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		

Scot Lueck noted that he will handle dog complaints until a new Dog Control Officer is appointed.

New Business – Agenda Item 2 – Investment Policy:

Scot Lueck presented a draft Investment Policy but is continuing his process to develop a new policy and will present at the next meeting.

New Business – Agenda Item 3 – Salt Bids:

The Highway Superintendent is working through “piggybacking” on the County salt bids.

New Business – Agenda Item 4 – Fuel Bids:

The Highway Superintendent is working through “piggybacking” on the County fuel bids.

New Business – Agenda Item 5 – Financial Reports – August 2021:

Motion to approve August 2021 Financial Reports:

Introduced By:	Keith Lilley	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		

New Business – Agenda Item 6 – Approve Vouchers:

Motion to approve vouchers 21363 to 21401 in the amount of \$101,975.03:

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		

Board Discussion:

Scot Lueck brought up that the Fire Department would like to donate a working AED to the Town Hall on long-term loan. The device will be kept at Copes Corners during the open season and at the Town Hall during off-season.

Privilege of the floor:

No items for privilege of the floor.

Adjournment:

Motion to Adjourn at 9:41 PM:

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		

Respectfully Submitted,

Rebekah Huff, CPA
Town Clerk, Town of Butternuts