

# BOARD OF THE TOWN OF BUTTERNUTS

## REGULAR MEETING

September 7, 2021

Municipal Building

Meeting was called to order at 6:55 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, and Rebekah Huff - Town Clerk.

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

### Privilege of the floor:

Resident expressed concern regarding Nelson Road safety, on behalf of herself and her neighbors, including cars being left on the road, camper being added to the property, many different cars in the road, in a narrow section of the road. Recently the situation has digressed and an additional camper has been added to the property. There has been routine road obstruction, safety issues, and inconveniences, to the residents and commuters. There is also concern over the pollution, septic issues, and others. The Board is aware of the issues, but unfortunately does not have any real jurisdiction over the situation based on the report that was conducted by the Highway Superintendent. It was recommended that the residents call the Otsego County Department of Health, the Otsego County Sherriff, and the NY State Police as their next course of action.

Resident inquired on the status of the repair of Dunham’s Crossroad, given discussion of town. In addition, resident was inquiring on the state of the Coy Brook Road and Dunham’s Crossroad, which was not cleared of brush. Resident noted that the Highway Superintendent has been acting in an unprofessional manner in certain statements he has been making regarding resident’s complaints at the Board meetings.

### Minutes Corrections and Adopt for August 11, 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:	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		

Gary Schultes, Treasurer for Borden Hose, effort to reach out to each township that they provide services. According to their contract, four items are to be provided annually to the board, which were provided:

- 1) Membership list with the Officers

- 2) 2020's completed budget
- 3) 2021's current budget
- 4) IRS Form 990, stating assets and their values of the department
- 5) Insurance Policy listing the Town as an additional Insurer

There is an EMS crisis in the tri-county area, involving recruiting and retaining EMS and Fire personnel. Town Supervisor turned it over to Scot Lueck, based on his involvement with the Gilbertsville Fire Department, who suggested that an approach that might be positive would be to get into the schools, advertise and get involvement early by younger individuals.

Town Supervisor inquired as to the budget increase for the year, which was included as a 2% increase, which Mr. Schultes confirmed.

Mr. Schultes also communicated that a new service vehicle has been ordered and is expected in 2022.

**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	No report included.
Dog Control	Bruce Giuda	No issues noted.
Town Assessor	Bruce Giuda	No issues noted.
Highway Superintendent	Cory Wilber	No report included.
Town Supervisor	Bruce Giuda	The agenda serves as the Supervisor's report of what business he has conducted in the past month.

**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, – <a href="#">Appendix D</a> .
Buildings & Grounds	Keith Lilley	Keith noted that the south side along the creek at the park has been switched to 200-amp service and the north side will need updating, which will be completed after the park closes for the year.
Parks	Scot Lueck	Scot Lueck noted that after a lengthy period of time, horse shoe pits have been renovated at the park.  Scot inquired as to whether anyone else information or a reference for Nitrate testing for the water, for consideration for the upcoming year. Two different companies have been used but both have been awful.

		Health Inspection at Copes Corners Park has been completed. There was one violation, due to Camper #5 took the vacuum breaker with them and that caused the violation.  Campsites #2, #3 and #4 are going to be “transitional” spots to be kept open for the coming summer. All other spots are going to be for seasonal campers, who are already sending in reservations for the 2022 summer.
Highway & Machinery	Bruce Giuda	Highway and Machinery Report as of 9/7/2021; see <a href="#">Appendix E</a> . There are several issues that need to be addressed in the near term. The Dodge truck that had been planned to be purchased is not going to be manufactured this year and therefore the maintenance on the current vehicle must be maintained. The dealership indicated that price for the 2022 Dodge increased by \$10,000 but that the price that was given for the 2021 would be honored for the 2022 model. Town Supervisor recommended that the current vehicle be fixed and maintained and that the Town move forward with the purchase of the 2022 model. Town Supervisor expressed concern regarding the fact that the vehicles are being operated in a manner that may be causing damage to the machines, with error messages being dismissed without addressing, which could ultimately cause the vehicles to become out of service.
Ethics	Outside Committee – Niki McNeil	No items of note.
Hazard Mitigation/FEMA	Paul Irwin	Paul Irwin noted that after we are done doing work on the stream, we should be going back up and completing inspections considered for FEMA.
Personnel	Scot Lueck	No items of note.

**Motion to accept Town Committee Reports:**

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		X		
John Hill, Board Member		X		
Motion Carried	Yes	5		

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

Seward Sand & Gravel submitted a bid to screen the gravel for sand \$5.50/yard for 5,000 yards ([Appendix F\(a\)](#)).  
Seward Sand & Gravel submitted a bid to crush the gravel \$6.00/yard for 5,000 yards ([Appendix F\(b\)](#)).  
The prices noted are only good if both bids are accepted

Clark Company submitted a bid to screen the gravel for sand \$5.77/yard for 5,000 yards ([Appendix F\(c\)](#)).  
Clark Company submitted a bid to crush the gravel \$8.78/yard for 5,000 yards ([Appendix F\(d\)](#)).

**Motion to accept Seward Sand & Gravel’s bids in the amount of \$5.50/yard for 5,000 yards for sand and \$6.00/yard for 5,000 yards for gravel.**

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		

**Motion to go into Executive Session to conduct interviews for the Development Administrator:**

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 exit Executive Session to conduct interviews for the Development Administrator:**

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 2 – Time Clock/Time Tracking System for Highway:**

Town Supervisor noted that the backup paperwork for the time clock/time tracking system has not been provided, including the time cards. Town Supervisor noted that he has communicated to the Highway Superintendent that he wants to be present at the next payroll processing.

**Old Business – Agenda Item 3 – Park Bridge Abutment:**

Town Supervisor is getting resistance from the Highway Superintendent on this issue. The permit is 3 years old and must be renewed before August 31. Town Supervisor asked one of the Town employees if they can complete the work on overtime, which will be worked through the Highway Superintendent.

**Old Business – Agenda Item 4 – CAT Loader Pricing:**

Town Supervisor noted that he recommends that the Town continue with CAT as they trade-in the current loader for a new vehicle.

**Old Business – Agenda Item 5 – Auctions International Listings:**

Town Supervisor noted that this has not been completed as of the date of this Board Meeting.

**Old Business – Agenda Item 6 – Inventory:**

Town Supervisor noted that this has not been completed as of the date of this Board Meeting. The deadline for the inventory to be completed according to New York State law is September 30, 2021.

**Old Business – Agenda Item 7 – Highway Working Agreement:**

Town Supervisor reviewed the Amendment to the Agreement to Spend Town Highway Funds ([Appendix G](#)).

**Motion to accept and adopt the Amendment to the Agreement to Spend Town Highway Funds:**

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		

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

Town Supervisor noted that interviews were just conducted with two of the individuals who applied for the Development Administrator position. The first applicant did not come to the interview for a second time. Based on the interviews Marlene Brooks is the recommended individual to hire.

**Motion to hire Marlene Brooks as the new Development Administrator:**

Introduced By:	Bruce Giuda	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 2 – Contract for Engineering Services/ Cold Storage:**

Town Supervisor provided a draft contract for designing through bidding for the Cold Storage facility that is planned to be built to the Board. A discussion of whether the floor would be concrete or not, including what type of floor, doors, etc., was held.

The Board discussed the policy and when a request for proposal is required and what is considered a public works project or not and what was applicable in the consideration of this the contract. The timeline for the contract was also discussed. Scot Lueck inquired as to whether funds were available, which was confirmed by the Town Supervisor.

See [Appendix H](#) for copy of draft agreement under consideration with Depot Engineering Services.

**Motion to accept the contract and to authorize the Town Supervisor to sign the contract with Depot Engineering Services for the Cold Storage building:**

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		

**New Business – Agenda Item 3 – Agreement with Otsego County for Sale of Blue Building:**

Town Supervisor noted that certain elements of the contract are still being worked through but expects to have a contract to be signed by both parties of the agreement within the following month.

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

Town Supervisor noted that some questions still exist related to the agreement and that this requires further consideration before action and will be revisited at a future meeting.

**New Business – Agenda Item 5 – Financial Reports – July 2021:**

**Motion to amend and to approve June 2021 Financial Reports as amended:**

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 approve July 2021 Financial Reports as presented:**

Introduced By:	John Hill	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		

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

**Motion to approve vouchers 21343 to 21362 in the amount of \$44,315.49:**

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		

**New Business – Agenda Item 7 – Fuel Bids:**

Town Supervisor noted that while the Town has enough fuel currently, we need to get bids out. The Highway Superintendent typically handles matters related to fuel bids but has not completed this as of the date of this meeting.

**New Business – Agenda Item 8 – Salt Bids:**

Town Supervisor noted that the Town needs to get bids out for salt. The Highway Superintendent typically handles matters related to salt bids but has not completed this as of the date of this meeting.

**New Business – Agenda Item 9 – 2022 Tentative Budget:**

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

**Motion to approve the 2022 Tentative Budget:**

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		

**Board Discussion:**

Scot Lueck brought up Local Law 2021-1, Renewable Energy Systems Law, which he introduced as a bill to the Board. Scot intends to finalize a few points by September 21, 2021, at which point the law will be sent to the lawyer for approval, in order to be provided to the Board for approval to be advertised during the October 5, 2021 Board meeting. Scot would like to post to the Town website in order that the law can be reviewed for the public hearing. The following issues are still being worked through but will be finalized for review at the next meeting:

1. Shadow flicker – Scot would like to adjust the exposure to shadow flicker for non-participating residents in the law.
2. Identification of Sensitive Sites – Sites that would be treated in a different manner, such as school property, water’s edge, churches, historical places, businesses that may request to be included. Scot would like to include the school, the Village of Gilbertsville, cemeteries, waterways, and others to be determined, such as farmland with potential impact to livestock, etc.
3. Inclusion into the Comprehensive Plan.

**Privilege of the floor:**

County Representative Michelle Farwell noted that there is a new amount of FEMA funding for hazard mitigation. The bridge is expected to be completed by the end of the month. The county approved twenty positions to staff two ambulances 24 hours a day, which was funded through Rescue funding. Gilbertsville is currently answering 100% of the calls that they are receiving with six individuals, but, other towns in the county are not so the County is stepping in to respond to calls that have been unable to be responded to as of late. It will take months for the hiring and ambulances but the process has been started. In addition, the County hired a County Administrator, who is expected to start October 1. This individual has an extensive background, with a skillset that fits the needs of the county and the ability to do so as well. Two of this individual’s focuses are grant funding, federal, state and local, and making the County’s processes more efficient. In addition, cell service was just installed in Morris, NY. The individual is Josh Beams.

Town Supervisor inquired on whether reserve funds have been established for Otsego County. County Representative Michelle Farwell noted that while this has been requested multiple times, no clear decision has been made as action needs to be taken to bring the fund balance back to where it was prior to the COVID crisis. Currently there is no plan for how to use the Rescue funding that has been received. There is a plan being developed for the Otsego County Highway Department for capital, maintenance and replacement, in order to avoid having to borrow money in order to have equipment on a schedule, which then can be applied to other equipment, machinery, roads and bridges.

Town Supervisor inquired on the financial state of Otsego County, noting that the Town of Butternuts sales tax has been doing well and County Representative Michelle Farwell indicated the same is true for the county.

Resident noted that 2022 Town Budget process for the Town Budget is that it is approved with changes to become the preliminary budget.

Resident noted that there is an Eagle Court of Honor for a young man who made benches will be held at the park at 2 PM on Saturday.

Resident had a question regarding the COVID Rescue monies received and whether there is a timeline for spending such. Town Supervisor noted that the only stipulation that the funds cannot be spent to reduce taxes.

Resident inquired on status of the Mill Street bridge.

**Adjournment:**

**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