

Town of Butternuts

January 11, 2023

Regular meeting

Meeting was called to order at 7:32 PM.

Minutes by Town Clerk, Lucy Richards.

Board Members present: Supervisor Bruce Giuda, Councilman Keith Lilley, Councilman Paul Irwin, Councilman Teresa Winchester, and Councilman John Hill. Highway Superintendent Cory Wilber was also present.

Visitors present : Jerry Madsen, Steven Gayle and Barbara Lilley.

Keith Lilley made the motion to dispense with the reading of the minutes, Bruce Giuda seconded the motion, all agree motion passed. Teresa Winchester made the motion to accept December 14, 2022 minutes, Keith Lilley seconded the motion, all agree motion carried.

Reports: Town Clerk, Town Justice, Dog Control, Highway Superintendent, and Supervisor's Report.

Committee Reports: Policy, Audit, Highway & Machinery, John Hill reported that the lettering on vehicles nearly done. Numerous highway signs are missing. Fire extinguisher inside and out are recommended. Highway Superintendent legal notices for stone and gravel need to be submitted. A dead end sign needs to be in place at Mill Street Bridge.

Bruce Giuda made the motion to approve report, John Hill seconded the motion, all agree motion carried.

Old Business: (1) Comprehensive Plan review of surveys has commenced. (2) Noise Ordinance Local Law #2 needs further study. (3) Tokio Marine Risk assessment / Action Plan , company available to assist the town. (4) Building use policy review will be done in February and March. (5) Lettering on New Trucks and Equipment nearly complete. (6) Highway inventory complete. (7) Dry Brook retaining wall (8) Sign for Highway Garage, Keith Lilley made the motion to spend up to \$2000.00 for a sign for the Highway Garage, Teresa Winchester seconded the motion, all agree motion carried. (9) Paint Repair on Volvo Trucks numbered 220 and 221 will be scheduled May 1,2023 and May 15,2023. (10) Cory Wilber will get the paper work ready for bidding on the Sand /Gravel Screening Options.

New Business: (1) Resolution #15-2023 Health Buyback Compensation for Highway Superintendent. Teresa Winchester made the motion to approve The Health Buyback Compensation, John Hill seconded the motion, all agree motion carried. (2) Resolution #16-2023 Personal Use of Town Pick-up Truck by Highway Superintendent John Hill made the motion to approve, Paul Irwin seconded the motion, all agree, motion carried. (3) Planning Board Appointments Bruce Giuda made the motion to approve Keith Klingman as a Planning Board member a reinstatement, John Hill seconded the motion, all agree motion carried. Other candidates will be invited to the next Planning Board Meeting to be interviewed. (4) Ethics Board Appointment Keith Lilley made the motion to reappoint John Sheldon to the Ethics Board, John Hill seconded the motion, all agree motion carried. (5) Payroll Services and Procedures will be reviewed next month. (6) Payment of Vouchers last year 2022 Voucher # 22400 through #22402. This year 2023 Voucher #23001 through # 23041 Totaling \$56,562.00. Teresa Winchester made the motion

to approve payment of Vouchers Totaling \$56,562.00, Keith Lilley seconded the motion, all agree motion carried. (7) No Financial Reports.

Board Discussion: Shared Code Enforcement Officer it was suggested that a shared, 4 Towns, maybe more efficient. A suggestion was made that the board needs to find a way to work together more effectively.

Adjournment: Bruce Giuda made the motion to adjourn the meeting at 9:04 PM, John Hill seconded the motion, all agree, motion carried.

Respectfully Submitted,

Lucy Richards

# AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

TOWN OF BUTTERNUTS COUNTY OF OTSEGO

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected for the repair and improvement of highways, and received from the state or other sources for the repair and improvement of highways, shall be expended as follows:

1. **GENERAL REPAIRS** (5110 & 5120) The sum of \$404,077.35 may be expended for general repairs upon 5.32 miles of town highways, including sluices, culverts, and bridges having a span of less than five feet and boardwalks or the renewals thereof.
2. **IMPROVEMENTS** (5112) The following sums shall be set aside to be expended for the improvement of town highways:

a) On the road COYE BROOK, a distance of 2.0 miles

For the sum of \$ 134,464.74

Project Type PUGMILL PAVE Width of Surface 20'

Thickness 1.75" Subbase N/A

b) On the road COYE BROOK, a distance of 2.0 miles

For the sum of \$ 39,743.96

Project Type SINGLE SURFACE Width of Surface 20'

Thickness N/A Subbase N/A

c) On the road COYE BROOK, a distance of .6 miles

For the sum of \$ 39,635.28

Project Type PUGMILL PAVE Width of Surface 20'

Thickness 1.75" Subbase N/A

d) On the road COYE BROOK, a distance of .6 miles

For the sum of \$ 11,932.81

Project Type SINGLE SURFACE Width of Surface 20'

Thickness N/A Subbase N/A

e) On the road DUNHAMS CROSS, a distance of 1.0 miles

For the sum of \$ 67,261.66

Project Type PUGMILL PAVE Width of Surface 20'

Thickness 1.75" Subbase N/A

f) On the road DUNHAMS CROSS, a distance of 1.0 miles

For the sum of \$ 21,771.98

Project Type SINGLE SURFACE Width of Surface 20'

Thickness N/A Subbase N/A

g) On the road PITTSLEY, a distance of .3 miles

For the sum of \$ 21,592.64

Project Type PUGMILL PAVE Width of Surface 20'

Thickness 1.75" Subbase N/A

h) On the road PITTSLEY, a distance of .3 miles

For the sum of \$ 5,955.10

Project Type SINGLE SURFACE Width of Surface 20'

Thickness N/A Subbase N/A

i) On the road COYE BROOK, a distance of 1.42 miles

For the sum of \$ 27,683.08

Project Type SINGLE SURFACE Width of Surface 20'

Thickness N/A Subbase N/A

j) On the road HALBERT HILL, a distance of N/A miles

For the sum of \$ \$34,036.10

Project Type CULVERT REPLACEMENT Width of Surface N/A

Thickness N/A Subbase N/A

k) On the road \_\_\_\_\_, a distance of \_\_\_\_\_ miles

For the sum of \$ \_\_\_\_\_

Project Type \_\_\_\_\_ Width of Surface \_\_\_\_\_

Thickness \_\_\_\_\_ Subbase \_\_\_\_\_

l) On the road \_\_\_\_\_, a distance of \_\_\_\_\_ miles

For the sum of \$ \_\_\_\_\_

Project Type \_\_\_\_\_ Width of Surface \_\_\_\_\_

Thickness \_\_\_\_\_ Subbase \_\_\_\_\_

m) Misc. Highway Materials, Cold Patch, Culvert Pipe, Dust Control Agents, Aggregates, Fuel, etc.

For the sum of \$ \$404,077.35

Executed in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 20

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Town Superintendent

\_\_\_\_\_  
Councilman

NOTE: This Agreement should be signed by a majority of the members of the Town Board and by the Town Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. This Agreement does not have to be approved by the County Superintendent.

<u>Account#</u>	<u>Account Description</u>	<u>Fee Description</u>	<u>Qty</u>	<u>Local Share</u>
	Marriage Lic.	MARRIAGE LICENSE FEE	1	17.50
			<b>Sub-Total:</b>	<b>\$17.50</b>
A1255	Conservation	Conservation	1	8.80
			<b>Sub-Total:</b>	<b>\$8.80</b>
A2544	After expiration date	After expiration date	2	10.00
	Dog Licensing	Female, Spayed	8	48.00
		Female, Unspayed	1	12.00
		Male, Neutered	4	24.00
			<b>Sub-Total:</b>	<b>\$94.00</b>
			<b>Total Local Shares Remitted:</b>	<b>\$120.30</b>
Amount paid to:	NYS Ag. & Markets for spay/neuter program			15.00
Amount paid to:	NYS Environmental Conservation			151.20
Amount paid to:	State Health Dept. For Marriage Licenses			22.50
<b>Total State, County &amp; Local Revenues:</b>	<b>\$309.00</b>		<b>Total Non-Local Revenues:</b>	<b>\$188.70</b>

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Jacqueline Foster, Town Clerk, Town of Butternuts during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

_____	_____	_____	_____
Supervisor	Date	Town Clerk	Date

**TOWN OF BUTTERNUTS  
TOWN COURT**

P.O. BOX 26  
GILBERTSVILLE, NY 13776  
607-783-2758  
FAX 607-240-5063

January 10, 2023

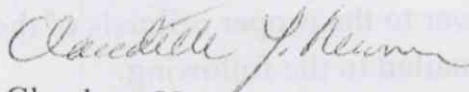
Dear Board Members and Supervisor:

Enclosed please find my monthly check for the Fines and Surcharges, along with my cashbook report.

Please be advised that I have emailed my Certificate of Completion for Continuing Judicial Education Program to the Town Clerk for filing. Additionally, I have sent a separate letter advising you that my dockets are ready for auditing. Please be advised that I hope to be away the third weekend in February, so I will not be available then.

I thank you for all of your assistance and wish you all a healthy and Happy New Year.

Sincerely,



Claudette Y. Newman  
Butternuts Town Justice

encls.

Town of Butternuts  
Dog Control Officer Report

For service period 10 December<sup>2022</sup> through 6 January 2023

Date	Time	Mileage	Name & Nature of call
12-21	0.1	0.0	Merrill - potential dangerous dog
12-28	1.7	1.4	Nichols - dog running at large
12-31	2.6	87.7	Grabs - dog at large, killed chickens
1-6	0.4	0.0	DCO paperwork

Totals - 4.8 hr 89.1 miles

Respectfully submitted by,

*Lueck*

Scot Lueck, DCO



I have been working with Brendan Becker to try to complete the grant requirements for the salt shed. We think we have everything done and will follow up shortly to check on the status of payment.

I have been working with Mr Merzig to push the completion of the sale of the blue building. The legal posting of our resolution of sale was published December 20, 2022 and we must wait 30 days before we can close the deal. Legal documents have been drawn up and will be mailed here for me to sign. I have advised him about the quantity and price for the fuel in the tank which will be reimbursed at closing. He has also advised me not to pay the county solid waste tax bill (\$105) and will ask the county to waive the expense since they have been using the building and land for over a year for free. I should be able to complete this sale shortly after the 30 day waiting period.

Been in touch with Otsego County Office of Emergency Offices about another AED for the Town. They have several models of surplus used units and we qualify to receive one. I talked with our EMS member Scot Lueck and he recommended a particular model that is the same as what they use. I picked it up this morning in Cooperstown and the status is that the battery is good but there are no paddles. I will work with Scot to acquire or purchase a set of paddles.

I am in the process of getting our excess funds and reserve funds invested with NBT. It seems difficult to get ahold of the NBT rep that came to our meeting. I'll keep trying.

I have had significant issues and problems with our payroll processing company. There have been very serious problems in 2 of the last 3 payrolls. I have been in touch with several companies and we will discuss this later on the agenda. I need a system that is reliable, easy to monitor and also simplifies keeping track of all facets of payroll, including holidays, vacation days, sick days, and personal days automatically. I am also getting late, and inaccurate payroll from Cory. I am going to require that all payroll summary sheets AND the time cards are in my possession before I call in the payroll to the processor.

I have worked with Otsego Connect and should see some paperwork shortly. They seem ready to go and will need a payment for parts and supplies before they start. I have requested an invoice and / or a contract.

I have located the necessary forms to apply for a capital abatement for remediating our old highway garage. There is a ton of paperwork needed and I will have to go back over 10 years to get documents to support this request. If successful it could be a substantial settlement from the DOL.

I'm finishing the books for 2022 and will have Steve Lawton "roll over" my accounting software into 2023. I have also asked for his help to streamline our websites, and install a "subdomain" for Copes Corners Park onto our town website. This would eliminate a need for 2 websites and should send anything for Copes right to the town site. I'll have an answer shortly. Jacquie Foster has agreed to work on our website for the short term, at least. We will need to discuss some form of compensation for her.

# Re: AED Availability

**Bruce Giuda** <supervisor@townofbutternuts.org>  
To Deanna Smith

2:42 PM

Reply Reply all Forward Delete Add to Safe Senders Add to Blocked Senders

Hello Deanna and THANKS for the offer. The Town of Butternuts could certainly use one of these AED's. After talking to our emergency squad they recommend that we get a "Physio control Life Pak 500" since that's what they have and what they are used to training people on. Please let me know the how, where, and when concerning picking this unit up. Thanks, once again for the generous offer.

Bruce Giuda / Supervisor  
ph - 607-337-0554

On 01/06/2023 12:19 PM EST Deanna Smith <[smithd@otsegocounty.com](mailto:smithd@otsegocounty.com)> wrote:

Good afternoon, the Office of Emergency Services has the following AED's available as surplus equipment. Your municipality is eligible to receive 1 AED at this time. There is no cost to acquire an AED, however the Town will be responsible for preventive maintenance and the replacement of pads and batteries. Currently we have 13 - Physio control Life Pak 500's and 16 - Philips Heart Start AED's available. Please let our office know if you would be interested in receiving an AED and which model you would prefer. You can contact us by email or the at the number listed below. Thank you.

Deanna Smith  
Sr. Clerk  
Otsego County  
Office of Emergency Services  
Phone - 607-547-4328  
Fax - 607-547-4377  
E-mail: [smithd@otsegocounty.com](mailto:smithd@otsegocounty.com)

Confidentiality Clause: "This information has been disclosed to you from confidential records which are protected by state law. State law prohibits you from making further disclosure of it without specific written consent of the person to whom it pertains, or as otherwise permitted by law. Any unauthorized further disclosure in violation of state law may result in a fine or jail sentence or both. A general authorization for the release of medical or other information is NOT sufficient authorization for further disclosure." HCCE LLC Copyright 2002

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**TRANSFER AND RELEASE REGARDING  
OTSEGO COUNTY AUTOMATED EXTERNAL DEFIBRILLATOR (AED)**

In consideration of the transfer of an Automated External Defibrillator (AED) owned by Otsego County and Otsego County Emergency Services (hereafter County), the transferor, to OTSEGO COUNTY, transferee, Town of Butternuts:

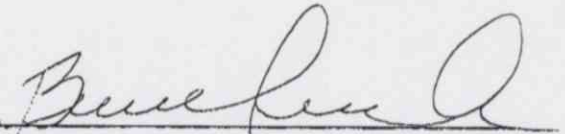
The transferee agrees as follows:

1. Transferee is satisfied with the condition of the AED and agrees that the AED is being transferred to the transferee "AS IS" with no guarantees or warranties regarding condition of the unit or fitness for the use intended.
2. Transferee agrees to hold the County harmless and indemnify the County in the event any action against the County involving the use or condition of the AED after the date of transfer.
3. Transferee agrees to maintain the unit in functional working condition and to purchase disposable items (batteries, pads) upon the usage or expiration of same.
4. Transferee agrees that upon their decision to cease use of the AED it will be returned to the Otsego County Office of Emergency Services.

Dated: 01/11/2023



Damon West



Bruce Gieda

Resolution #15-2023 HEALTH BUYBACK COMPENSATION FOR HIGHWAY SUPERINTENDENT

The Butternuts Town Board shall provide additional compensation to the Highway Superintendent in the form of a "Health Buyback". This compensation is in addition to the annual salary of \$48,000.00 listed in the 2023 budget for Highway Superintendent. The amount paid for Health Buyback shall be the same as provided for the highway employees in the Teamsters contract. For 2023 the Health Buyback listed in the Teamsters contract is \$495 per month which is a total of \$5940.00 for the year. This amount will be paid biweekly as part of the normal payroll schedule.

Resolution # 16-2023 PERSONAL USE OF TOWN PICKUP TRUCK BY HIGHWAY SUPERINTENDENT

The Butternuts Town Board hereby authorizes the Highway Superintendent to use the Town pickup truck for personal conveyance from the highway garage to his home, and vice versa.

TOWN OF BUTTERNUTS  
PO BOX 318  
1234 STATE HIGHWAY 51  
GILBERTSVILLE NY 13776

### **MEDIA ANNOUNCEMENT**

The Town of Butternuts has begun the process of updating the Town Comprehensive Plan. The current Comprehensive Plan is nearing ten years old and in need of refreshing. The Town Planning Board, as the lead for the task, will be seeking public input to help guide the development of the plan.

A Comprehensive Plan establishes an agreed upon vision of the future. It sets goals and objectives across a number of topics to create a path toward reaching that vision. Finally, the plan includes a focused set of strategic actions that demonstrate how the goals can be achieved. Once adopted, the Comprehensive Plan will act as a guide for local governments and community institutions to work together for the benefit of the residents and business owners.

The Town of Butternuts Planning Board will hold two public meetings to allow residents and those who own or operate businesses that are located in or do business in the Town. While the Village of Gilbertsville is a separate entity, we encourage Village residents and business owners to participate as well.

The meetings will be held at the Gilbertsville-Mt. Upton Central School cafeteria on:  
Thursday, January 26, 7:00 – 9:00 pm and  
Saturday, January 28, 1:00 – 3:00 pm

Media contact: Steven Gayle, Chair, Town of Butternuts Planning Board  
[Sgayle.butternuts.planning@gmail.com](mailto:Sgayle.butternuts.planning@gmail.com)  
607-783-2722

## COMMITTEES OF THE BUTTERNUTS TOWN BOARD

Following is a general list of duties for each particular committee. If there any activity to report at a Board meeting such reports shall be in writing, and shall be submitted to the Town Clerk for the record.

*Teresa*  
1 POLICY – Shall review current policies and make recommendations for change or improvement. Shall develop new policies at the request of the majority of the Board. Will be responsible for bringing all policy matters and procedures to the attention of the Board, such as an annual review. Shall strive to organize all current policies in a format that is useful and available to anyone who needs to refer to them, or anyone who may request to see current policies.

*Paul*  
2 AUDIT / LAW- Shall perform all mandatory audits of all departments annually and keep records of audits. If necessary shall forward audits to state or other agencies who need to see the completed audits. Will work with Supervisor if requested to review and reconcile Town financial accounts.

*John*  
3 HIGHWAY AND MACHINERY - Shall work with Highway Superintendent to identify short and long term plans for road maintenance, truck and equipment needs and other highway department concerns. Shall monitor any dangerous road conditions that have not been remediated and report to the Board. Shall report any concerns to the Board about vehicle safety, maintenance, inspections, condition or care to the Board. Shall meet to review road or other conditions at the request of the Highway Superintendent.

*Keith*  
4 BUILDINGS AND GROUNDS – Shall be the primary contact person for all buildings and grounds maintenance situations. Shall develop a plan of action for improvements and make recommendations to the Board using the procurement policy as a guide. Shall develop a written calendar for maintenance of all buildings and systems (annual or otherwise) and see to it that all maintenance is done in a timely manner.

*Bruce*  
5 PARKS – Shall work to maintain and improve the Copes Corners Park. This includes both the campground side and the public side for use by Town residents and others. Shall work with the caretakers to address daily and other issues related to campers and pavilion rentals. Shall refer any safety or general concerns immediately to the Town Supervisor. Shall refer any building or grounds issues to Building Committee. Shall monitor needs and requests of campers and caretakers and bring recommendations to the Board for review and possible action.