

TOWN OF BUTTERNUTS  
MEETING AGENDA  
August 21, 2024  
SPECIAL MEETING

AUDIT VOUCHERS

OPEN MEETING AND PLEDGE

PRIVILEGE OF THE FLOOR – THREE MINUTES EACH

MINUTES CORRECTIONS AND ADOPT - none

REPORTS: TOWN CLERK -TOWN JUSTICE – DOG CONTROL - ASSESSOR  
HIGHWAY SUPERINTENDENT'S REPORT - SUPERVISOR'S REPORT

COMMITTEE REPORTS- POLICY \* AUDIT / LAW \* HIGHWAY & MACHINERY \* BUILDINGS & GROUNDS  
PARK \* COMPREHENSIVE PLAN \* ETHICS BOARD

OLD BUSINESS 1. Annual Policy Reviews

NEW BUSINESS 1. Highway Working Agreement  
2. Approve Payments of Vouchers 24252 – 24258 - \$31,876.39

BOARD DISCUSSION -

PRIVILEGE OF THE FLOOR – THREE MINUTES EACH

ADJOURNMENT

# 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:

- GENERAL REPAIRS (5110 & 5120)** The sum of \$269,575.59 may be expended for general repairs upon 5.16 miles of town highways, including sluices, culverts, and bridges having a span of less than five feet and boardwalks or the renewals thereof.
- IMPROVEMENTS (5112)** The following sums shall be set aside to be expended for the improvement of town highways:

a) On the road Copes Corner, <sup>Cross Tube</sup> a distance of between Nelson & Opperman Rd  
For the sum of \$27,900.00

Project Type Shotcrete Cross Tube Width of Surface 60'

Thickness 3"-4" @ bottom Subbase \_\_\_\_\_

b) On the road River, <sup>Cross Tube</sup> a distance of Near 1400 River Rd

For the sum of \$12,779.44

Project Type Replace Rusted Crosstube w/ New 5' round plastic pipe w/ header

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

c) On the road Wilbur Hill, a distance of 1.38 miles

For the sum of \$23,200.06 From Shaw Brook to Mallory Corner

Project Type Single surface Chipsal Width of Surface 18'

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

d) On the road Shawbrack, a distance of 2.58 miles  
For the sum of \$ 43125.90  
Project Type Single Surface Chipseal Width of Surface 18'  
Thickness \_\_\_\_\_ Subbase \_\_\_\_\_

e) On the road Lilley Hill, a distance of 1.7 miles  
For the sum of \$ 162652.19 Chips  
Project Type Shim w/overlay, Fog + Chink Width of Surface 18'  
Thickness 2.5" Subbase \_\_\_\_\_

f) On the road \_\_\_\_\_, a distance of \_\_\_\_\_ miles  
For the sum of \$ \_\_\_\_\_  
Project Type \_\_\_\_\_ Width of Surface \_\_\_\_\_  
Thickness \_\_\_\_\_ Subbase \_\_\_\_\_

g) On the road \_\_\_\_\_, a distance of \_\_\_\_\_ miles  
For the sum of \$ \_\_\_\_\_  
Project Type \_\_\_\_\_ Width of Surface \_\_\_\_\_  
Thickness \_\_\_\_\_ Subbase \_\_\_\_\_

h) On the road \_\_\_\_\_, a distance of \_\_\_\_\_ miles  
For the sum of \$ \_\_\_\_\_  
Project Type \_\_\_\_\_ Width of Surface \_\_\_\_\_  
Thickness \_\_\_\_\_ Subbase \_\_\_\_\_

i) On the road \_\_\_\_\_, a distance of \_\_\_\_\_ miles  
For the sum of \$ \_\_\_\_\_  
Project Type \_\_\_\_\_ Width of Surface \_\_\_\_\_  
Thickness \_\_\_\_\_ Subbase \_\_\_\_\_

- j) On the road \_\_\_\_\_, a distance of \_\_\_\_\_ miles  
 For the sum of \$ \_\_\_\_\_  
 Project Type \_\_\_\_\_ Width of Surface \_\_\_\_\_  
 Thickness \_\_\_\_\_ Subbase \_\_\_\_\_
- 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 \$ \_\_\_\_\_

Executed in duplicate this 21 day of August, 2024

Burke Supervisor  
John Hill Councilman  
David Laurus Town Superintendent

Keith M. Lilly Councilman  
[Signature] Councilman  
Mesa Winchester Councilman member

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.

## **Town of Butternuts**

### **Motor Vehicle Incident Report Policy, Highway Department**

**Adopted April 26, 2017**

**Reviewed and approved August 21, 2024**

**To be reviewed in April of each year**

All motor vehicles and motorized equipment incidents which may cause significant physical damage to persons or property will be reported by highway department employees and an incident report form will be filled out by the driver as soon as is practicable. Any incident causing severe personal injury or severe property damage must be reported to the police and the driver must undergo mandatory drug testing.

Incident report forms will be reviewed by the Highway Superintendent and a determination will be made as to the preventable or not preventable nature of the incident.

The outcome of the review will be "preventable" or "not preventable" with a short explanation. The outcome will be presented to the driver and a copy of the incident report and the decision made by the Highway Superintendent goes in the employee's folder. The outcome is final but may be marked as "challenged" with an attached explanation by either the employee or by a majority vote of the Town Board.

**Town of Butternuts**  
**Vehicle Incident Report**

Please fill out the following questions to the best of your ability as soon as is practical after an incident involving a Town of Butternuts motorized vehicle which causes any significant property damage or personal injury.

Date of incident \_\_\_\_\_ Time of incident \_\_\_\_\_

1. Driver's name \_\_\_\_\_
2. Identification and description of Town vehicle which was involved (truck number? plow attached? was vehicle loaded?) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Names, contact information, description of other vehicle(s) involved \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. Names and contact information of any witnesses \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Jurisdiction and names of police if they were notified \_\_\_\_\_

\_\_\_\_\_

6. Description of the incident scene. Please make a simple diagram in the space below showing roads, vehicles, vehicle direction, and significant objects in the area (bridges, trees, guardrails, ditches, embankments, etc.)

7. Brief description of any injuries treated on-site or off-site (or say "no injuries requiring treatment")

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8. Brief description of damage to vehicles (or say "no vehicle damage")

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9. Brief description of other material damage caused by the incident at the scene

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10. Road surfaces conditions at the time of the incident

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11. Weather conditions at the time of the incident

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12. As the driver, please give a brief written description of the incident

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Driver's signature \_\_\_\_\_

Highway Superintendent's signature \_\_\_\_\_

## Town of Butternuts

### Procurement Policy & Procedures

Adopted as amended, March 8, 2023

Reviewed and approved on August 21, 2024

WHEREAS Section 104-b of the General Municipal LAW (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to bidding requirements of GML section 103 or any other law: and

WHEREAS, comments have been solicited from those officers of the town involved with procurement; NOW, THEREFORE, be it

RESOLVED: That the Town of Butternuts does hereby adopt the following procurement policies and procedures:

Guideline 1. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, section 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "Purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other town departments and history to determine the likely yearly value of the commodity to be acquired.

The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

Guideline 2. All purchases of a) supplies or equipment which will exceed \$20,000 in the fiscal year or b) public works contracts over \$35,000 shall be formally bid pursuant to GML, section 103.

Guideline 3. All estimated purchases of

- Less than \$20,000 but greater than \$10,000 require written request for a proposal (RFP) and written/fax quotes from 3 vendors.
- Less than \$10,000 but greater than \$500 require 3 written quotes from 3 vendors. These written quotes shall be submitted on Form GML3 and attached to a purchase order for review by the Board before payment.
- Less than \$500 are left to the discretion of the purchaser.



- All invoices shall be signed by the purchasers and attached to the voucher for review by the Board before payment.

#### **All estimated public works contracts of**

- Less than \$35,000 but greater than \$15,000 require a written RFP and written /fax proposals from 3 contractors.
- Less than \$15,000 but greater than \$8,000 require a written RFP and oral/fax proposals from 2 contractors.
- Less than \$8,000 are left to the discretion of the purchaser.

Any written RFPs shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/oral quote have been requested and the written/fax/oral quotes offered.

All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

Guideline 4. The lowest responsible proposal or quote shall be awarded the purchase or public works contract. However, the Purchaser may prepare a written justification providing reasons why it is in the town's and its taxpayers' interest to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

Guideline 5. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

Guideline 6. Except when directed by the town board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a) Acquisition of professional services (e.g., legal and engineering);
- b) Emergencies, defined as an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, property or the life, health, or safety of any person in the Town of Butternuts, require immediate action. Expenses for goods and services necessary for immediate remediation are exempt from normal procedures. All efforts to obtain goods and services shall be documented.
- c) Sole source situations.
- d) Goods purchased from agencies for the blind or severely handicapped;
- e) Goods purchased from correctional facilities;
- f) Goods purchased from another governmental agency;

- g) Goods purchased through "piggybacking" on other government contracts in accordance with the prerequisites of GML, section 103;
- h) Goods purchased at auction;
- i) Goods purchased for less than \$3,000;
- j) Public works contracts for less than \$8,000.

Guideline 7. If it is determined to be in the Town's best interest, cooperative purchasing arrangements with other localities may be entered into in order to procure goods/services.

Guideline 8. Purchases of commodities, services, or technology shall not be artificially divided for the purpose of satisfying the discretionary thresholds established by the Town Board.

Guideline 9. The unintentional failure to comply fully with the provision of General Municipal Law, section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Town of Butternuts or any officer or employee thereof.

Guideline 10. Department heads are responsible for purchases of goods and services not exceeding \$500.00 subject to audit and approval of invoices by the town board. For purchases of goods and services in excess of \$500.00, department heads must obtain the prior approval of the Town Board except in cases of emergency.

Guideline 11. No purchases shall be made on behalf of the town using personal credit cards or credit accounts except in the case of an emergency situation.

Guideline 12. This policy shall be reviewed by March of each year.