

The Regular Meeting of the Peru Town Board was held on Thursday, October 12, 2023 at the Peru Town Hall. Those present were Mr. Brandy McDonald Supervisor; Mr. James Douglass, Councilman; Mr. Kregg Bruno, Councilman; (Excused) Mr. Melvin Irwin, Councilman; (Excused) Mr. Richard Barber; Councilman and Mrs. Dianne Miller, Town Clerk. Also present were Ms. Pamela Barber, Confidential Secretary to the Board, Mr. Matthew Favro, Town Attorney; Mr. Michael Farrell, Highway Superintendent; Mr. T'Chaka Sikeleanos, Dog Control Officer; Mrs. Helen Nerska, Town Historian; Mr. Courtney Tetrault, Water/Sewer Superintendent (Late); Mr. Bob Guynup, Zoning Officer; and Mrs. Kristen Marino, Recreation Director (Excused).

The meeting was called to order at 6:00 PM by Mr. McDonald, with the Pledge of Allegiance.

**Motion** by Mr. Douglass seconded by Mr. Barber to include the reports from the following departments into the official record of tonight's meeting. (Water/Sewer/Valcour; Highway; Town Clerk; Dog Control; Youth Department; Code/Zoning; Supervisor's Report; Court; Website; and Banking Reports). **No Recreation and JCEO Reports**

**Ayes 3 Noes 0**

**Motion Carried**

**Motion** by Mr. Barber; seconded by Mr. Douglass to accept the minutes from the September 25, 2023 meeting.

**Ayes 3 Noes 0**

**Motion Carried**

**Motion** by Mr. Douglass seconded by Mr. Barber to accept the minutes from the October 4, 2023 Public Hearing.

**Ayes 3 Noes 0**

**Motion Carried**

**Community Input**

**NONE**

**RESOLUTION NO: 23.10.12-1**

### **LOCAL LAW NO. 1 OF 2023**

#### **A LOCAL LAW AMENDING LOCAL LAW NO. 3 OF 2000 – FLOOD DAMAGE PREVENTION**

**MOTIONED: Mr. Barber**

**SECONDED: Mr. Douglass**

**WHEREAS**, the Town Board of the Town of Peru finds that the potential and/or actual damages from flooding and erosion may be a problem for residents of the Town of Peru; and

**WHEREAS**, such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life; and

**WHEREAS**, the Town Board of the Town of Peru desires to amend the Town of Peru Flood Damage Prevention Local Law #3 of 2000 for the following purposes:

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Regulate uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damages;
5. Regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
6. Quality and maintain for participation in the National Flood Insurance Program.

**WHEREAS**, notice of said public hearing was duly advertised in Press Republican, the official newspaper of Town of Peru on September 26, 2023 and in Town Hall and the Town website, and

**WHEREAS**, said public hearing was duly held on October 4th at 5:45 at Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

**WHEREAS**, said Part 617 of the Environmental Conservation Law provides for an involved agency to review any action for the purpose of determining the effect of said action on the environment; and

**WHEREAS**, said determination of the effect of said action on the environment will be necessary to determine whether a Draft Environmental Impact Statement (DEIS) is required; and

**WHEREAS**, the Town Board is considered an involved agency in accordance with State Laws for the purpose of assessing the effect of this Local Law on the environment and whether or not said effect is significant enough to warrant the preparation of a Draft Environmental Impact Statement (DEIS); and

**WHEREAS**, the Town Board has previously declared the Local Law to be a Type I Action and a coordinated review was conducted; and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; now, therefore be it

**RESOLVED**, that the Town Board, in consideration of the Planning Board report and recommendations, comments made at the public hearing on the Local Law, the review of part 1 and the completion of parts 2 and 3 of the EAF Long Form (herein SEQRA documentation), and the review of related materials, accordingly issues a negative declaration under SEQRA for the proposed Local Law, determining that said amendments will NOT have a significant effect on the environment, and the preparation of a DEIS is NOT required; and said declaration is hereby referenced and incorporated herein and shown as the attached SEQRA documentation; and, be it further

**RESOLVED**, that the Town Board of the Town of Peru does hereby authorize and direct the Supervisor to complete and have prepared and to execute a “Notice of No Significant Environmental Impact” (NEGATIVE DECLARATION) for this Local Law and, be it further

**RESOLVED**, that the “Notice of No Significant Environmental Impact” (NEGATIVE DECLARATION), and all related material shall be maintained on file at the Town Offices of the Town Board and available for Public Inspection, and, the reasons for the decision are stated in the attached negative declaration, and be it further

**RESOLVED**, it is the opinion of the members of the Town Board that the best interests of the Town of Peru would be served by the adoption of said proposed amendment to the Town of Peru Local Law No. 3 of 2000 Flood Damage Prevention, and prompt filing of said law as

adopted with the Department of State of the State of New York in order for said Local Law to become effective at the earliest possible date; and now therefore be it

**RESOLVED**, that proposed amendment to the Town of Peru Local Law of 2000 as aforementioned,” be hereby adopted as Town of Peru Local Law No. 1 of 2023 Flood Damage Prevention; and, it is further

**RESOLVED**, that the Town Clerk is hereby directed to cause said Town of Peru Local Law No. 1 of 2023 to be duly filed with the Department of State of the State of New York, as required by section 27, subdivision 1 of the Municipal Home Rule Law and submit one copy of the Local Law to the DEC Central Office.

<b>Roll Call:</b>		<b><u>YES</u></b>	<b><u>NO</u></b>
	<b>Richard Barber, Jr.</b>	x	
	<b>Kregg Bruno</b>	<b>Excused</b>	
	<b>James Douglass</b>	x	
	<b>Mel Irwin</b>	<b>Excused</b>	
	<b>Brandy McDonald</b>	x	

**Carried:**  
**3 Ayes 0 Noes**

**RESOLUTION NUMBER: 23.10.12-2**

**RESOLUTION BY TOWN BOARD OF THE TOWN OF PERU TO PURCHASE  
PROPERTY KNOWN TO BE OWNED BY CHARLES CALLIORAS, CALCOM  
PROPERTIES, LLC.**

**MOTION: Mr. Douglass** **SECOND: Mr. Barber**

**WHEREAS**, Section 64(3) of the Town Law of the State of New York empowers the Town Board of the Town of Peru, to manage, maintain and control Town property and assets as the purposes of the Town may require.

**WHEREAS**, the Town Board has found the need to purchase the above mentioned property with a square footage of 35.7 acres that is surrounding the Town of Peru’s existing wastewater plant which also contains two collection mains. Owning this piece of property gives the Town more area for future expansion and property for equipment staging for upgrades to the Wastewater Facility.

**WHEREAS**, the total purchase price of the Calcom property will be \$65,000.00 (Sixty Five Thousand Dollars) and all closing costs on both sides (buyer’s and seller’s); and

**IT IS HEREBY RESOLVED**, by the Town Board of the Town of Peru, that the Town Supervisor is hereby authorized to sign the Real Estate contract on behalf of the Town of Peru.

This Resolution shall take effect immediately and shall be dated October 12, 2023.

<b>Roll Call:</b>		<b><u>YES</u></b>	<b><u>NO</u></b>
	<b>Richard Barber Jr.</b>	x	
	<b>Kregg Bruno</b>	<b>Excused</b>	
	<b>James Douglass</b>	x	
	<b>Mel Irwin</b>	<b>Excused</b>	
	<b>Brandy McDonald</b>	x	

**Carried: 3 Ayes 0 Noes**

**Mr. Favro stated documents are completed for transfer of property.**

**RESOLUTION NUMBER: 23.10.12-3**

**A RESOLUTION APPROVING THE AES, NORTHEAST PROPOSAL #5278 PERU FOR THE WATER SOURCE AND SYSTEM EVALUATION PROJECT AND AUTHORIZING THE SUPERVISOR TO EXECUTE THE SAME.**

**MOTION:** Mr. Barber

**SECOND:** Mr. Douglass

**WHEREAS**, the Town Board has the AES, Northeast proposal for #5278 Peru (T) - Water Source and System Evaluation (Project) before them, and.

**WHEREAS**, AES Northeast shall develop a watershed protection plan and perform evaluations of potential supplemental water sources.

**THEREFORE, BE IT**

**RESOLVED**, said proposal from AES, Northeast for the sum of \$86,167.00 (Eighty six thousand one hundred sixty seven dollars) is approved for the above mentioned project and the Supervisor be and hereby is authorized to execute said agreement.

**AND, BE IT**

**RESOLVED**, that this Resolution shall take effect immediately.

<b>Roll Call:</b>		<b><u>YES</u></b>	<b><u>NO</u></b>
	<b>Richard Barber, Jr.</b>	<b>x</b>	
	<b>Kregg Bruno</b>	<b>Excused</b>	
	<b>James Douglass</b>	<b>x</b>	
	<b>Mel Irwin</b>	<b>Excused</b>	
	<b>Brandy McDonald</b>	<b>x</b>	

**Carried: 3 Ayes 0 Noes**

**Mr. Favro stated he reviewed the agreement.**

**Motion** by Mr. Barber second by Mr. Douglass to table Resolution - Change Zoning on a Portion of Davey Drive to Neighborhood - Commercial  
**3 Ayes 0 Noes**

**RESOLUTION NUMBER: 23.10.12-4**

**A RESOLUTION APPROVING THE SINGLE AUDIT ACCEPTANCE LETTER FROM TELLING & HILLMAN, PC AND AUTHORIZING THE SUPERVISOR TO EXECUTE THE SAME.**

**MOTION:** Mr. Douglass

**SECOND:** Mr. Barber

**WHEREAS**, the Town Board has the Single Audit Acceptance Letter from Telling & Hillman, PC before it for the fiscal year 2021;

**WHEREAS**, The accounting firm will charge a lump sum of \$20,000. (Twenty Thousand dollars) and file it with the appropriate agencies of the Town's behalf. **NOW THEREFORE, BE IT**

**RESOLVED**, said letter is accepted and the Supervisor be and hereby is authorized to execute an agreement between Telling & Hillman PC and the Town of Peru; **AND, BE IT**

**RESOLVED**, that this Resolution shall take effect immediately.

<b>Roll Call:</b>		<b><u>YES</u></b>	<b><u>NO</u></b>
	<b>Richard Barber, Jr.</b>	<b>x</b>	
	<b>Kregg Bruno</b>	<b>Excused</b>	
	<b>James Douglass</b>	<b>x</b>	
	<b>Mel Irwin</b>	<b>Excused</b>	
	<b>Brandy McDonald</b>	<b>x</b>	

**Carried: 3 Ayes 0 Noes**

**Ms. Barber stated single audits are required when \$750,000 or more of grant money is spent in a fiscal year.**

**RESOLUTION NUMBER: 23.10.12-5**

**A RESOLUTION TO PURCHASE AND PAY THE BARNEY DOWNS ROAD ASPHALT INVOICE FROM JOINTA LIME VIA ACH BANK PAYMENT AND BE ON THE OCTOBER 23, 2023 BILL PAY ABSTRACT.**

**MOTION:** Mr. Douglass

**SECOND:** Mr. Barber

**WHEREAS,** The Town of Peru Town Board and Peru Highway Dept has found a need to purchase asphalt for the John Boswell Road paving and the town will not receive the invoice in time to be included in the October 12, 2023 bill paying abstract, and

**WHEREAS,** the cost is **estimated** to be \$35,797.00 (Thirty Five thousand seven hundred ninety seven dollars and no cents), and

**WHEREAS,** it has been determined that to make Jointa Lime wait until the next check run at the end of the month would put undue hardship on the Highway budget due to the fact that the payment of Jointa Lime has to made, bank processed, and CHIPS paperwork be filed before the 3<sup>rd</sup> of November to be reimbursable by December 2023. Therefore, the Highway Dept. is requesting this invoice be preapproved and an ACH Bank Payment be made as soon as the invoice is received on Monday, October 16th as promised by Jointa Lime and be included on the October 23, 2023 bill pay abstract.

**BE IT RESOLVED** that this resolution shall take effect immediately and the Town Supervisor is authorized to sign all the paperwork to execute this purchase as soon as possible.

<b>Roll Call:</b>		<b><u>YES</u></b>	<b><u>NO</u></b>
	<b>Richard Barber, Jr.</b>	<b>x</b>	
	<b>Kregg Bruno</b>	<b>Excused</b>	
	<b>James Douglass</b>	<b>x</b>	
	<b>Mel Irwin</b>	<b>Excused</b>	
	<b>Brandy McDonald</b>	<b>x</b>	

**Carried: 3 Ayes 0 Noes**

**Other Business**

Mrs. Nerska and Mr. Barber attended Clinton County 250 Centennial at Clinton Community College. Mr. Barber stated very impressive.

Discussion of revising zoning code and planning handbooks. Ali Webbinaro possibly hiring a consultant as other towns do. Ms. Webbinaro was going to inquire about pricing.

Ms. Nerska is in the process of possibly filing for grants to finish the paintings at Heyworth Mason Park and a mural on the Peru Hardware building.

Mr. Tetrault stated during heavy rainstorm over the past weekend the water tanks were shut down.

Mr. Farrell stated John Boswell Road is paved.

Mr. Farrell and the highway department were presented an award at the Lake George Summit for excellence with the success of the Salt Reduction Program. (Use of Salt Brine)

Mr. Farrell is a key spokesperson for this program to other towns.

Congratulations Mike and his team- GREAT JOB!!

**Public Comments on Agenda Items Only**

Mr. Davey asked for clarification on the tabled resolution concerning his property.

Ms. Barber stated Mr. Guynup had not sent necessary information regarding the Clinton County Planning Dept. and SEQRA for her to write the resolution for tonight’s meeting.

**RESOLUTION NUMBER: 23.10.12-6**

**A RESOLUTION AUTHORIZING THE POST-AUDIT PAYMENT OF CERTAIN CLAIMS, BILLS AND INVOICES OF THE TOWN**

**MOTION: Mr. Douglass**

**SECOND: Mr. Barber**

**WHEREAS**, the Town Board has reviewed and audited the following claims, bills and invoices for services rendered and goods provided to the Town in October 2023:

From Town of Peru Vouchers in October 2023; #202301383 through and including #202301482

Abstract dated 10/11/2023.

For the dollar amount totaling: \$146,396.76; of that, \$22,487.93 was wired, credit cards and prepaid; and \$123,908.83 is remaining to be paid and

**WHEREAS**, the Town Board finds said claims, bills, and invoices to be acceptable in form and reasonable in amount.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that payment of the aforementioned claims, bills and invoices is approved, and the Supervisor be and hereby is authorized to make such payment; and be it further,

**RESOLVED**, that this Resolution shall take effect immediately.

<b>Roll Call:</b>	<b><u>YES</u></b>	<b><u>NO</u></b>
<b>Richard Barber, Jr.</b>	<b>x</b>	
<b>Kregg Bruno</b>	<b>Excused</b>	
<b>James Douglass</b>	<b>x</b>	
<b>Mel Irwin</b>	<b>Excused</b>	
<b>Brandy McDonald</b>	<b>x</b>	

**Carried: 3 Ayes 0 Noes**

**Motion** by Mr. McDonald second by Mr. Douglass to adjourn regular meeting to go into Executive session at 6:38 PM to discuss personnel issue and possible litigation–no decision will be made

**Ayes 3 Noes 0**

**Motion** by Mr. Barber second by Mr. Douglass to adjourn Executive session and return to Regular meeting at 7:11 PM

**Ayes 3 Noes 0**

***Motion*** by Mr. Douglass second by Mr. Barber to adjourn the regular meeting at 7:12 PM.  
**Ayes 3 Noes 0** ***Motion Carried***

\_\_\_\_\_ ***Supervisor*** \_\_\_\_\_ ***Councilman***

\_\_\_\_\_ ***Councilman*** \_\_\_\_\_ ***Councilman***

\_\_\_\_\_ ***Councilman***