

The regular meeting of the Peru Town Board was held on Monday February 28 2022 at the Peru Town Hall. Those present were Mr. Brandy McDonald, Supervisor; Mr. Richard Barber, Councilman; Mr. Kregg Bruno, Councilman; Mr. James Douglass, Councilman; Mr. Mel Irwin, Councilman and Mrs. Dianne Miller, Town Clerk. Also present were Mr. Courtney Tetrault, Water/Sewer Superintendent; Mr. Michael Farrell, Highway Superintendent; Ms. Pamela Barber, Confidential Secretary to the Board; Mr. Matt Favro, Town Attorney; Mr. John Flynn, Youth Director; Mr. Bob Guynup, Zoning Officer (Excused) and Mr. Cliff Christon, Dog Control Officer(Absent).

The meeting was called to order at 6:04 PM by Mr. McDonald, with the Pledge of Allegiance.

**Motion** by Mr. Barber seconded; by Mr. Douglass to accept the minutes from the January 28, 2022 Special Meeting.

Ayes 3 Noes 0

**Motion Carried**

**Motion** by Mr. Douglass; seconded by Mr. Barber to accept the minutes from the February 7, 2022 Special Meeting.

Ayes 3 Noes 0

**Motion Carried**

**Motion** by Mr. Irwin; seconded by Mr. Douglass to accept the minutes from the February 14, 2022 Regular meeting.

Ayes 4 Noes 0

**Motion Carried**

### **Community Input**

Ryan McCune representative for Northway Solar LLC stated solar service was being installed at 3831 Rt. 22 Peru, NY. The property is 20-27 acres. The town will be receiving a one time check for \$ 14,126.00. The monies are to be used exclusively to benefit the residents of Peru and the environment.

### **RESOLUTION NUMBER: 22.02.28-1**

#### **A RESOLUTION APPROVING THE AGREEMENT BETWEEN THE TOWN OF PERU AND NORTHWAY SOLAR, LLC AND AUTHORIZING THE SUPERVISOR TO EXECUTE THE SAME.**

**MOTION: Mr. Bruno**

**SECOND: Mr. Douglass**

**WHEREAS**, the Company proposes to develop and construct a 5 MW AC solar facility (the "Solar Project") on a portion of land located at 3831 NY-ST 22 within the Town of Peru and currently identified as SBL No. 257.-2-1.33 (the "Property"); and

**WHEREAS**, on December 8, 2021, the Town of Peru Planning Board conditionally approved the Solar Project subject to providing a Public Environmental Benefit ("the agreement") in accordance with the Town's solar law; and

**WHEREAS**, the applications and approvals for the "Moffat Solar Project" were assigned to Nexamp Solar, LLC via notice by Renua Energy to the Town dated December 30<sup>th</sup>, 2021; and

**WHEREAS**, Northway Solar LLC is a project company and wholly owned subsidiary of Nexamp Solar, LLC created for the sole purpose of constructing and operating the Solar Project; and

**WHEREAS**, pursuant to the Town of Peru Solar Law #1 of 2020, the developer of a Tier 3 or 4 Solar Energy System shall be required to contribute to a public benefit project within the town that facilitates greenhouse gas reduction, energy efficiency, multimodal transportation ecological diversity or habitat preservation; and

**WHEREAS**, the company has utilized the Standard Appraisal Methodology codified in the 2021-2022 New York State Budget to determine Fair Market Value for the Solar Project; and

**WHEREAS**, the Town Counsel has reviewed and approved The Agreement, as written; and,

**WHEREAS**, the Company desires to make a one-time monetary contribution to the Town in accordance with the terms of this Agreement for the purposes of facilitating a public benefit project to be determined by the Town.

**NOW, THEREFORE**, be it resolved by the Town Board of the Town of Peru that; The Town accepts The Environmental Contribution Agreement as delivered to the Town by Northway Solar, LLC on February 17<sup>th</sup>, 2022, and approved by Town Counsel on February 17<sup>th</sup>, 2022.

Be it Further Resolved that, The Town Board of the Town of Peru authorizes the Town Supervisor, Brandy Mcdonald to sign the Agreement,

And, be it resolved, that this Resolution shall take effect immediately

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

Carried: 5 Ayes 0 Nays

**RESOLUTION NUMBER: 22.02.28-2**

**A RESOLUTION FOR THE ACCEPTANCE OF THE DECOMMISSIONING PLAN FROM NORTHWAY SOLAR, LLC**

**MOTION: Mr. Barber**

**SECOND: Mr. Bruno**

**WHEREAS**, the Company proposes to develop and construct a 5 MW AC solar facility (the "Solar Project") on a portion of land located at 3831 NY-ST 22 within the Town of Peru and currently identified as SBL No. 257.-2-1.33 (the "Property"); and

**WHEREAS**, on December 8, 2021, the Town of Peru Planning Board conditionally approved the Solar Project; and

**WHEREAS**, the Solar Project is eligible for a Building Permit, subject to providing a Decommissioning Plan ("the plan") in accordance with the Town's solar law; and

**WHEREAS**, the applications and approvals for the "Moffat Solar Project" were assigned to Nexamp Solar, LLC via notice by Renua Energy to the Town dated December 30<sup>th</sup>, 2021; and

**WHEREAS**, Northway Solar LLC is a project company and wholly owned subsidiary of Nexamp Solar, LLC created for the sole purpose of constructing and operating the Solar Project; and

**WHEREAS**, pursuant to the Town of Peru Solar Law #1 of 2020, the developer of a Tier 3 or 4 Solar Energy System shall be required to sign a Decommissioning Plan, and provide a surety for the Decommissioning of the Solar Project; and

**WHEREAS**, the Town Counsel has reviewed and approved The Decommissioning Plan and proposed surety as written;

**NOW, THEREFORE**, be it resolved by the Town Board of the Town of Peru that; The Town accepts The Decommissioning Plan and proposed surety as delivered to the Town by Northway Solar, LLC on January 21<sup>st</sup>, 2022, and approved by Town Counsel on February 21<sup>th</sup>, 2022.

Be it Further Resolved that, the Town Board of the Town of Peru authorizes the Town Supervisor, Brandy McDonald to sign the Agreement,

And, be it resolved, that this Resolution shall take effect immediately

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

Carried: 5 Ayes 0 Noes

**Emergency Purchase of Brentwood Industries WWTP tank #1**

Mr. Bruno asked why this purchase was an emergency. Mr. Tetrault stated due to issues with current equipment and the time frame is extended due to slow manufacturing.

**RESOLUTION NUMBER: 22.02.28-3**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF PERU IN THE COUNTY OF CLINTON, STATE OF NEW YORK, MAKING AN EMERGENCY PURCHASE OF POLYCHEM CHAIN AND FLIGHT EQUIPMENT WITHOUT USING COMPETITIVE BIDDING**

**MOTION: Mr. Bruno**

**SECOND: Mr. Irwin**

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

**WHEREAS**, the Town Board has received a request from the Town Water Superintendent to purchase a Polychem chain and flight equipment for the WWTP Tank #1 on an expedited basis without using the competitive process;

**WHEREAS**, the Town Board finds that this purchase is necessary on an expedited basis because the current WWTP Tank #1, if left in its current condition and failed, could result in restricted capacity and inadequate treatment of incoming wastewater and must match the existing equipment on the WWTP Tank #2 for system to work most efficiently, and

**WHEREAS**, the estimated total purchase price of the Polychem Solutions chain and flight equipment for the WWTP Tank #1 will be \$55,900 (Fifty Five Thousand Nine Hundred Dollars); and

IT IS HEREBY RESOLVED, by the Town Board of the Town of Peru, in regular session that the Town Water/Sewer Supervisor is hereby allowed to purchase a Polychem Solutions chain and flight equipment for the WWTP #1 tank at an estimated cost of \$55,900 (Fifty Five Thousand Nine Hundred Dollars); and he shall do so as soon as possible;

This Resolution shall take effect immediately and shall be dated February 28, 2022.

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

**Carried: 5 Ayes 0 Noes**

RESOLUTION NUMBER: 22.02.28-4

A RESOLUTION APPROVING THE AMENDED CONTRACT OF LIZ TEDFORD OF TEDFORD CONSULTING FOR THE PERU SEWER COLLECTION UPGRADE PROJECT.

**MOTION: Mr. Bruno**

**SECOND: Mr. Douglass**

**WHEREAS**, the Town of Peru’s Sewer Collection System Upgrade Project is funded in part by USDA Rural Development (RD), and

**WHEREAS**, RD requires a Board Resolution to amend any Contracts for Administrative tasks set forth in a Form E-Project Budget document, and

**WHEREAS**, due to the extended time frame for the Project it is necessary to increase the Contract amount for Tedford Consulting to cover costs not to exceed \$39,763, and

**WHEREAS**, the Form E line A.5-Bookkeeping and Reporting is not necessary for those tasks as they are being performed by Tedford Consulting under Line A.4-Fiscal Coordination;

**THEREFORE**, be it Resolved that Form E line A.5 be reduced to \$0.00 and those funds be added to the Town’s Contract with Tedford Consulting under Form E line A.4-Fiscal Coordination, without increasing project costs, and

**THEREFORE**, be it also Resolved that the Town hereby approves the amended Contract with Tedford Consulting.

AND, BE IT

RESOLVED, that this Resolution shall take effect immediately.

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

**Carried: 5 Ayes 0 Noes**

**RESOLUTION NUMBER: 22.02.28-5**

**A RESOLUTION APPROVING THE REAPPOINTMENT OF MARK LUKENS TO THE TOWN OF PERU PLANNING BOARD.**

**MOTION: Mr. Douglass**

**SECOND: Mr. Barber**

**WHEREAS**, The Peru Town Planning Board has recommended that Mark Lukens be reappointed to the Town Planning Board through December 31, 2028.

**THEREFORE, BE IT**

**RESOLVED**, the Peru Town Board agrees with the recommendation of the Planning Board and reappoints Mark Lukens to a seven year term effective January 1, 2022 through December 31, 2028.

**AND, BE IT**

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

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

**Carried: 5 Ayes 0 Noes**

**Elm St. Project Schedule**

March 22- Opening of Bids and Review by AES, Northeast @ 10:00 am  
March 28- Approval and Award of Bid for the Elm St. Project (If within budget) at meeting.

**Youth Commission By-Laws**

Mr. Irwin asked what amendment was added to the by-laws at the January 2022 meeting as technical difficulties with zoom occurred. Mr. Marino stated for members to be 7 instead of 9. Mr. Irwin recommended holding off for a year. After discussion, the decision was to be 7 with recommendation from Mr. Favro and change the wording in the by-laws.

**Heyworth Mason Park Bell Tower Design**

Mr. Arnold designed the concept for Mr. Barber to discuss with the council. They all agreed to the design. Mr. Barber stated Mr. Arnold was reducing the bill by \$500.00 as a donation to the Town. Mr. Barber will also be speaking with K & S Bodyworks about the possibility of painting the Bell Tower. Jeffords Steele and Arnold Fabrication are being extremely supportive and generous with this project.

**Heyworth Mason Park Stage Center**

Discussion on quotes for a portable Stage Cover. Mr. Barber recommended asking Otter Creek Awnings for pricing. Also mentioned was Fosters and Taylor Rental. The board members will be moving forward for quotes.

**Sewer Project Update**

Mr. Tetrault stated at this time no update.

**Other Business**

Mr. Barber asked to speak to Mr. Favro privately before the meeting continues.

Mr. Favro stated further discussion was needed at next meeting after speaking Mr. Barber.

Ms. Barber stated after Mr. Irwin asked when concerts will begin the last week in June and bands are already calling.

Mr. Irwin asked to have the electricity service changed at the Heyworth Mason Park Stage. Mr. Tetrault stated yes the electricity was going to be upgraded for the 2022 Concert Series.

