

Monday August 11, 2008

Public Hearing scheduled regarding establishing a 60 day moratorium on outdoor woodboilers.

Mr. Covel states that the town attorney has advised the board not to hold the public hearing due to the proposed law not being made available to the public for the proper time. Mr. Covel feels that because the public is here, perhaps they should be heard.

Mr. Don Biggs (town attorney) further explains his reasoning. He states that the public has not had ample opportunity to view the proposed law. Due to the fact that there currently is a moratorium in place, he feels that there is no imminent need to put another moratorium forth. Mr. Biggs agrees with Mr. Covel stating that the community input should be acknowledged and heard.

6:48 PM

Motion by Mr. Covel, seconded by Mr. Glushko to open the Public Hearing regarding the communities concerns regarding outdoor wood boilers. Ayes 4 Nays 0

Ron LaMountain. Military Turnpike. Mr. Lamountain refers to a change made from the last law regarding the time frame that outdoor wood boilers can be used. He is not in favor of what is currently proposed. Mr. LaMountain refers to the work that he and many others put into in attempting to assist in the revisions of the law. Mr. LaMountain stated that their goal was to create a better law, not put a law in place that can be immediately changed. Mr. LaMountain refers to the set backs and indicates that the committee tried to be very fair regarding where people live, and considered all areas of the community. He requests that the boundaries and set backs be modified.

Mr. LaMountain states that the committee was unanimous in deciding that outdoor woodboilers should be restricted in the highly concentrated areas.

Mr. LaMountain then specifically asks if there was a moratorium in effect from May 29, 2008 to August 5, 2008.

Mr. Biggs responds informing Mr. LaMountain that he does not think that a moratorium was in place. Mr. Biggs states that if an individual was denied submitting an application it was because it was in good faith (by the employees) as the paperwork was not filed with the Secretary of State, and the employees believed that a moratorium was in place.

Jerry Ross. Elm Street. States that he appreciates the work that everyone has done regarding this. He overall supports the law and supports the restrictions in the hamlet. He also states that in the future he hopes for higher APA standards.

Nancy Long. Route 22. States that the moratorium excludes everything but the local law does not exclude gasification wood boilers. She tells the board that people are now stuck, even something that they are going to allow..

Lynda LaMountain. Military Turnpike. Asks for a clarification on the difference between extension #4 of May 29, 2008 and creating Local Law #3 on May 29, 2008. Mr. Biggs states that it is his understanding that Local Law #3 was enacted by the town board on May 29, 2008, extending a moratorium of 60 days, and was filed with the Secretary of State on August 5, 2008.

Holly Heller-Ross. Elm Street. Reminds the board that several residents (Elm Street) submitted a petition indicating they were in favor of either an extension or new moratorium, regarding outdoor woodboilers.

Dennis Mason. Fuller Road. Refers to portion of the law that states that you need to tell people that you have a woodboiler. He suggests that the moratorium should be restricted to the village. Mr. Mason believes that the problem is centralized to the hamlet.

Bob Millet. Peaseville. Already has a woodboiler and would like to install another. He states that this his prime source of heat, and has been for the last seven years. He is

currently in limbo due to this current problem. Mr. Millet would like to know whether he needs to purchase wood or oil.

Jason Nisoff. Peru. Specifically asks the board why there needs to be a law on this. He also refers to the town of Plattsburgh and how they look at each case individually.

Mark Robinson. Elm Street. States that he would like to clarify the record regarding a comment made that the residents are not communicating to neighbors that use woodboilers. He states that there has been an ongoing dialogue between neighbors for the last few years. Mr. Robinson has a health concern regarding outdoor woodboilers, and the pollutants they contain. He specifically asks if people have information that indicates otherwise, he respectfully asks to see it. He also informs the board that while people are advocating to restrict only the hamlet, he reminds the board that the town is expanding, land can be purchased in later years, subdivided, etc., which will still have the same pollutant effects. Mr. Robinson has an abundance of material that supports his statements and beliefs.

Motion by Mr. Powers, seconded by Mr. Glushko to close the Public Hearing. Ayes 5
Nays 0 **Motion Carried**

The regular meeting of the Peru Town Board was held on Monday August 11, 2008 at the Peru Town Hall. Those present were Mr. Don Covell, Councilman; Mr. Tom Powers, Councilman; Mr. Cortland Forrence, Councilman; Mr. Brandy McDonald, Councilman; Mr. Pete Glushko, Councilman; Mr. Don Biggs, Town Attorney; and Mrs. Kathleen Flynn, Town Clerk.

The meeting was called to order at 7:24 PM by Mr. Covell, with the Pledge of Allegiance.

No minutes available.

Public Comment.

Mark Cowen. Mr. Cowen is an attorney, representing Linda Covell. Mr. Cowen hand delivers a letter to the Town Clerk, Kathleen Flynn. This letter is formally requesting Mr. Paul Blaine, Code Officer for the Town Of Peru, to recuse himself from Linda Covell's application process for Frosty Springs Bottling Company due to the ongoing conflict between Mr. Covell and Mr. Blaine, and that another Code Enforcement Officer complete this process.

Motion by Mr. Powers, seconded by Mr. Glushko to table the establishment of a 60 day moratorium pertaining to Outside Woodboilers, under the recommendation of the town attorney.

Roll Call: Mr. Powers-Yes Mr. Forrence-Yes Mr. Covell-Yes
Mr. McDonald-Yes Mr. Glushko-Yes **Motion Carried**

Status of Completion of the accident report regarding the town's Codes and Zoning Jeep. Mr. Covell states that there was an accident involving a town vehicle. Mr. Covell states that the report was not complete, specifically missing the drivers name and accident site. Mr. Glushko informs Mr. Covell that he hand delivered the accident report to Mr. Covell. The only missing information was Mr. Blaine's driver license number. Mr. Glushko also states that the insurance claim has been settled and the check has been cashed. Mr. Covell asks again that the accident report is provided to him.

Motion by Mr. Glushko, seconded by Mr. Forrence to have the vehicle repaired.

Roll Call: Mr. Powers-Yes Mr. Forrence-Yes Mr. Covell-No
Mr. McDonald-Yes Mr. Glushko-Yes **Motion Carried**

Revised report on the status of the permits issued from February 20, 2008 thru April 1, 2008, when Mr. Covell was the Zoning Officer.

Mr. Glushko states that this information has been provided. Specifically he cites a memo indicating that the information was in the monthly report submitted to the board and accepted on April 4, 2008. Mr. Glushko informs Mr. Covell that there was an update to this report on June 3rd (monthly report) and another memo accepted and provided to the board on June 9th. This was written to the town board members, and all information was provided. Mr. Powers states that if all information was provided, was everything legitimate? Mr. Glushko tells Mr. Powers that everything has been taking care of.

Mr. Blaine addresses the board telling them that he keeps hearing that they are looking for more information, and if they are clear to him, then he will provide whatever they wish.

All agree that there is still one issue that needs to be legally resolved.
Mr. Covell asks for another copy.

Reports from all departments.

Reports from the Water/Sewer/Valcour, Highway, Town Clerk, Youth, Code/Zoning Departments and Supervisor report have been provided.

Mrs. Flynn refers to a lost youth employee check, that was issued last year. Board agrees to re-issue a check to the youth.

Mr. Forrence specifically asks Mr. Covell to provide the board with accurate, updated revenue and expense information.

Mr. Covell agrees, and hopes to have that information next week.

Mr. Powers points out sixteen line items that are in the negative. He encourages Mr. Covell to notify the department heads to allow them to anticipate what changes need to be made.

Mr. Blaine requests to obtain revenue and expense information for his department and also states that the information in the Enterprise report for his department is inaccurate. He also states his PS accounts are inaccurate. Mr. Covell agrees that all department heads need accurate and updated account information.

Motion by Mr. Powers, seconded by Mr. McDonald to accept the monthly reports, excluding the Dog Control report. Ayes 5 Nays 0 **Motion Carried**

Mr. Timmons informs the board that he would like to sell the town 1999 Dodge truck.

Motion by Mr. Powers, seconded by Mr. Forrence authorizing the Town Of Peru, Water Superintendent to advertise the town's 1999 Dodge 2500 pick-up 4X4, with the bid opening on September 8, 2008 at 10:00 AM, including a statement that the board reserves the right to reject any or all bids. The bid will be awarded at the regular meeting of the Peru Town Board on September 8, 2008. Ayes 5 Nays 0 **Motion Carried**

Policy proposal regarding the keys to all facilities and buildings town owned.

Members agree that all department heads should see the proposal and make comments on this. This will be signed by each department head, ensuring that all have actively participated. Mr. Glushko also offers different language for item 5.

Transfer the money from Gifts and Donations to Historian's Expense Line.

Motion by Mr. Powers, seconded by Mr. Covell passing resolution #08.08.11-1; authorizing line item 2705 (General Reserves) to be debited for an additional \$100.00 to the 2008 adopted budget.

Roll Call: Mr. Powers-Yes Mr. Forrence-Yes Mr. Covell-Yes
Mr. McDonald-Yes Mr. Glushko-Yes **Motion Carried**

Transfer money from the Contingency Fund to H fund for the Heyworth/Mason Building Fund.

Members agree that this was done at the last meeting.

Budget Transfers for the Highway Department.

Mr. Forrence suggests that a workshop with the Highway Superintendent and others to review current budget concerns is needed.

Members agree to set a date for Monday August 18, 2008 at 6:00 PM with the Highway Superintendent, and other general concerns.

Status of when Payroll through KVS will be taking effect.

According to Mr. Covell, KVS states that they have already loaded all information from ADP, and that payroll should be done within the town hall by September.

Tree Removal. Greg and Darrell have looked at the tree in question. Darrell will be able to cut it down when time permits. The tree is on town property, and is in danger of falling on a residents swimming pool.

Members discuss cutting down trees (using the prisoners) on the Mud Pond road. Under the advice of the attorney, Mr. Powers is advised not to do so.

Mr. Powers states that he and Mr. Glushko were asked (by motion) by board members to conduct interviews and hire an individual to temporarily serve as a receptionist. Mr. Powers would like it noted that Mr. Covell conducted the hiring on a certain individual, and Mr. Powers and Mr. Glushko were not involved in the decision.

Motion by Mr. Powers, seconded by Mr. Covell to hold a Public Hearing on Local Law #5, establishing a 60 moratorium, on the issuance of building permits within the Town Of Peru for outdoor wood burning boilers, on August 25, 2008 at 6:45 PM.

Roll Call: Mr. Powers-Yes Mr. Forrence-Yes Mr. Covell-Yes
Mr. McDonald-Yes Mr. Glushko-Yes **Motion Carried**

Other Business.

Brandy McDonald specifically asks where the checks that arrive in the town hall go. He is specifically referring to the insurance check for the Code Enforcement Officer vehicle repair. Mr. Covell informs him that they are deposited in the General Account.

Mr. McDonald specifically asks why the Code Enforcement Officer bills that have been submitted in May and June for gas have not been paid.

Mr. McDonald refers to an appeared abandoned camper that is sitting in the school parking lot. Members tell Mr. McDonald that it is the property of the schools.

Mr. McDonald also reminds members that employees from the Town Of Peru continue to go to Dr. Politi's office for physical exams. Mr. McDonald expresses concerns that a contract has not been written to have a price reduction for this service, as Dr. Politi's office have offered a \$60.00 savings per physical exam.

Motion by Mr. Forrence, seconded by Mr. Powers that Mr. Covell obtain a proposed contract to be reviewed by town board members for physical exams through Dr. Politi's office. Ayes 5 Nays 0 **Motion Carried**

Mr. Glushko specifically asks why the Zoning Officer and Dog Control Officer do not receive their paychecks at the same time as the other department heads.

Mr. Glushko informs members that Mr. Blaine has changed his office hours so that they begin at 9:00 AM

Mr. Blaine requests that his accruals are corrected to reflect an additional 8 hours that he is entitled to.

Motion by Mr. Glushko, seconded by Mr. Forrence to correct Mr. Blaine's accruals to properly reflect his 8 hours that have been omitted. Ayes 5 Nays 0 **Motion Carried**

Mr. Blaine has asked to see his personnel file and was denied. Mr. Blaine asks if there is a policy prohibiting this. Mr. Biggs responds that upon the limited research he has done, he has not found any civil service reason to deny this. Mr. Biggs states that if there is no

policy in place and Mr. Blaine has had access to his personnel files in the past, and the board has not changed any policy, then Mr. Blaine should have access to his file.

Mr. Powers asks Mr. Covell to develop a timeline for budget workshops for 2009.

Mrs. Flynn offers four letter from residences on School Street pertaining to giving permission for install sidewalks along their property. Members agree to keep this in mind when the time comes to install the sidewalks.

Public Comment.

Dennis Mason. Specifically asks about what will happen to the applications that were submitted when a moratorium was not in place (June 8th until August 4th) Mr. Biggs states that currently the town is attempting to get everyone back to the status quo. Mr. Mason specifically asks if there is something in writing that states what a reasonable time frame for a response to a request for a building permit. Mr. Biggs says he does not believe there is. Mr. Biggs again states that he believes that all employees thought a moratorium was in place and were acting in good faith.

Bob Cronin. Commends the board for handling the difficult discussions that arose this evening. He encourages the board to avoid personal attacks on each other, and thanks Mr. Forrence for returning and attending the meeting.

Mrs. Allen. Commends Mr. Forrence and all board members to all of the time and effort that they all have put into the Town Of Peru over the past few years.

Motion by Mr. Covell, seconded by Mr. Forrence to adjourn the meeting at 9:35 PM.
Ayes 5 Nays 0

Motion Carried

_____	<i>Supervisor</i>	_____	<i>Councilman</i>
_____	<i>Councilman</i>	_____	<i>Councilman</i>
_____	<i>Councilman</i>	_____	<i>Town Clerk</i>