

The regular meeting of the Peru Town Board was held on Monday, July 13, 2009 at the Peru Town Hall. Those present were Mr. Don Covel, Supervisor, Mr. Tom Powers, Councilman; Mr. Brandy McDonald, Mr. Don Biggs, and Mrs. Kathleen Flynn, Town Clerk. Excused, Mr. Pete Glushko, Councilman.

The meeting was called to order at 7:04 AM by Mr. Covel, with the Pledge of Allegiance.

**Motion** by Mr. Powers, seconded by Mr. Covel to pass resolution #09.07.13-1; approving the minutes from the Public Hearing on June 22, 2009. Ayes 3 Nays 0

***Motion Carried***

**Motion** by Mr. Covel, seconded by Mr. McDonald to pass resolution #09.07.13-2; approving the minutes from the regular meeting of June 22, 2009.

**Discussion.** Mr. Powers would like it noted in the minutes that he did not approve the bills for a specific reason and that was the purchase of personal equipment (sneakers for Mr. Flynn)

Ayes 3 Nays 0

***Motion Carried***

***Public Comment.***

**Ken Mott.** Addresses the board regarding what he describes as a harassment complaint that he filed against the Zoning Officer. He believes that he is not being treated fairly by the Zoning Officer regarding certain requirements and stipulations that are being placed upon his building requests. Mr. Mott states that he is being harassed by the Zoning Officer by his changing demands and requests.

**Donald McBrayer.** Recognizes the passing of former Councilman Bernard Rock. Also, Mr. McBrayer inquires as to whether or not he can place the monthly reports from the Town Of Peru department heads on the town website.

**Kregg Bruno.** Refers to the still vacant seat on the board. Mr. Bruno states that he has been nominated by the Democratic Party to run for that position, and is asking for support from the board to allow him to fill that seat through the end of the year. Mr. Bruno states that he knows that the time and commitment will be significant as budget time is approaching and he would like to assist in this process.

***Reports from all departments***

**Motion** by Mr. Powers, seconded by Mr. Covel to accept and approve the reports as presented, excluding Dog Control and Youth. Ayes 3 Nays 0 ***Motion Carried***

***Route 442 Water & Sewer District Expansion***

Mr. Biggs explains to the board that there was a misunderstanding on the part of the engineer regarding the map, plan and report. He explains that the town is not in a position to move forward.

**Motion** by Mr. Powers, seconded by Mr. McDonald to table the approval of Route 442 Water and Sewer District Expansion. Ayes 3 Nays 0 ***Motion Carried***

***Hire a surveyor for construction layout for Heyworth Mason Park Development Project.***

***Motion*** by Mr. Powers, seconded by Mr. Covel to pass resolution #09.07.13-3;

**WHEREAS**, the Town having previously issued a request for proposals to layout and install grading stakes for construction of the Heyworth/Mason Park improvements; and

**WHEREAS**, Architecture, Engineering and Land Surveying Northeast, PLLC having submitted a proposal for the work at a cost of \$7,480.00; and

**WHEREAS**, the proposal of Architecture, Engineering and Land Surveying Northeast, PLLC was the least expensive of the three proposals received; and

**WHEREAS** Architecture, Engineering and Land Surveying Northeast, PLLC has submitted a proposed letter- agreement dated July 10, 2009 consistent with its proposal, and now; be it

**RESOLVED** that the Town accepts the proposal of Architecture, Engineering and Land Surveying Northeast, PLLC dated July 10, 2009 and authorizes the Town Supervisor to countersign the letter-agreement dated July 10, 2009 on behalf of the Town of Peru

***Roll Call:*** Mr. Powers-Yes Mr. Covel-Yes Mr. McDonald-Yes  
***Motion Carried***

***OWB Law – SEQR Step (Authorizing Supervisor to sign and file an EAF (Environmental Assess Form ) for no significant impact.)***

***Motion*** by Mr. Powers, seconded by Mr. McDonald to pass resolution 09.07.13-4;

WHEREAS, the Town Board of the Town of Peru (hereinafter referred to as the “Town Board” and/or “Town”) is considering the enactment of a local Law entitled “A Local Law Amending Local Law #6 of 2008 Regulating Outdoor Wood Boilers”; and

**WHEREAS**, the “State Environmental Quality Review”, (hereinafter referred to as the “SEQR”) of the Environmental Conservation Law provides for the review of projects which constitute an “action” with respect to the effect of such projects on the environment; and

**WHEREAS**, the Town Board has previously declared itself to be “lead agency” in accordance with the provisions of SEQR for purposes of assessing the effect of the Project on the environment and determining whether said effect is sufficiently significant to require the preparation of a “*Draft Environmental Impact Statement*”, and be it further

**WHEREAS**, the Town Board, acting as the “lead agency,” has received a completed Full Environmental Assessment Form (Parts 1, 2 and 3) a true copy of which is attached hereto and related materials giving information about the Project and its potential effects on the environment (collectively, the “Environmental Compliance File”)

**NOW, THEREFORE**, it is hereby

**RESOLVED**, The Town Board hereby determines, based upon all currently available information, after careful review and consideration of the Environmental Compliance File, that the action contemplated in this instance is a Type I Action and that the Project will not have a significant effect on the environment. Accordingly, the preparation of a draft "*Environmental Impact Statement*" is not required at this time.

**RESOLVED**, The "Notice of No Significant Environmental Impact" (Negative Declaration) shall be disseminated to those "involved agencies" and governmental units as required by the Environmental Conservation Law and any local law of the Town, and the Environmental Compliance File, as aforesaid, shall be maintained on file at the Town Hall Offices of the Town Board and made available for public inspection at regular business hours of the Town.

**THIS RESOLUTION** shall become effective immediately upon its adoption by the Town Board of the Town.

**Roll Call:** Mr. Powers-Yes Mr. McDonald-Yes Mr. Covel-Yes

***Motion Carried***

***Pass a Local Law Amending Local Law #6 of 2008 Regulating Outdoor Wood Boilers***

This law was presented to the board

***Motion*** by Mr. McDonald, seconded by Mr. Powers to pass resolution #09.07.13-5;

**WHEREAS**, a public hearing having been held on the issue involved herein on June 22, 2009; be it

**RESOLVED** that Local Law #1 of 2009 entitled "A Local Law Amending Local Law #6 of 2008 Regulating Outdoor Wood Boilers" is hereby enacted.

*Discussion.* Mr. Powers refers to the fact that Mr. Glushko is not here to approve this and asks the councilman if they feel they should wait. Mr. McDonald thanks everyone for their patience and involvement in this lengthy process.

**Roll Call:** Mr. Powers-Yes Mr. McDonald-Yes Mr. Covel-Yes

***Motion Carried***

***Valcour District Bond Resolution***

Mr. Covel presented information regarding needing to obtain a bond for the above. Members agree that this needs to be discussed at a Special Meeting.

**Motion** by Mr. Powers, seconded by Mr. McDonald to table the resolution to approve the Valcour District Bond Resolution. Ayes 3 Nays 0  
**Motion Carried**

**Motion** by Mr. Powers, seconded by Mr. McDonald to schedule a Special Meeting regarding the need for the Town Of Peru to obtain a BAN for the Valcour District on Friday July 17, 2009 at 8:30 AM at the Peru Town Hall. Ayes 3 Nays 0

**Motion Carried**

***Heavy Equipment traffic on Cook Road***

Mr. Biggs explains that the town is working on a performance bond (regarding the above) and the contractor is in agreement that the town needs to be repaired. Mr. Biggs asks that the Highway Supervisor write a letter explaining the damage done to the Cook Road by the heavy equipment that has been traveling on the road. Mr. Farrell agrees to do this.

***Other Business.***

Mr. Covell refers to a New York State Municipal Worker's Compensation Alliance Important Update regarding public employee workplace violence prevention.

**Motion** by Mr. Covell, seconded by Mr. Powers, appointing Mr. Glushko, Mr. McDonald, and Mr. Farrell, to work with Mr. Biggs in developing a written workplace violence prevention program. Ayes 3 Nays 0  
**Motion Carried**

Mr. McDonald refers to Mr. Powers comment earlier in the meeting pertaining to Mr. Flynn's sneakers. Mr. McDonald states that he has never seen anything of this sort submitted by Mr. Flynn before. Mr. McDonald also states that Mr. Flynn ruined his sneakers and a windbreaker at Laphams Mills fields. Mr. McDonald says that the town pays for various uniforms and cleaning for employees in other departments and that is never discussed.

Mr. Powers states that the wall is finished at the Little Ausable Park, but he is still in need of some sand. Mr. Timmons agrees to get what Mr. Powers requests.

Mrs. La Mountain- Refers to the OWB law that was passed this evening, saying that everyone is happy to see this situation is over. She also thanks Mr. Biggs for all of his efforts. Mrs. LaMountain states that good intentions cannot take away the right of others, and lastly she refers to Mr. Powers and says that he will find out that some of the town people do not live by his lead.

Mr. Bruno addresses the board asking why there needs to be a Special Meeting to finalize the Valcour issue. He once again refers to his offer to sit on the council to assist in these decisions.

Garret Mastic. Resident and neighbor of Mr. Mott. He describes Mr. Mott as a model citizen and neighbor and does not seem happy with the way he is being treated by the Zoning Officer.

Kathy Flynn. Addresses the board regarding Pam Barber in her efforts in the coordination of the Concerts at the Little Ausable Park. Mrs. Flynn states that she set up over 100 chairs inside the Community Center by herself and took them all down due to the weather conditions. She asks

the board if somehow she could get some assistance if the weather becomes inclement on Sunday evenings.

**Motion** by Mr. Covell, seconded by Mr. McDonald to adjourn the regular meeting at 8:07 PM.  
Ayes 3 Nays 0

**Motion Carried**

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

\_\_\_\_\_ **Councilman** \_\_\_\_\_ **Town Clerk**







