

The regular meeting of the Peru Town Board was held on Monday September 28, 2009 at the Peru Town Hall. Those present were Mr. Cortland Forrence, Deputy Supervisor; Mr. Tom Powers, 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 7:02 PM by Mr. Forrence, with the Pledge of Allegiance.

Motion by Mr. Powers, seconded by Mr. Glushko to pass resolution #09.09.28-1; accepting the minutes from September 17, 2009 as written. Ayes 3 Nays 0

Motion Carried

Community Input.

Bob Duquette- Addresses the board and presents information to the board regarding his opinion on Mr. Glushko's statements addressing his return appointment to the board. Mr. Duquette again, requests Mr. Glushko to apologize.

Don McBrayer-Commends the board on the installation of the four way Stop signs recently installed. Asks the board if they would consider a four way Stop at the intersection of Brand Hollow and the Military Turnpike.

Cortland Forrence- Informs members of the community that Mr. Covell and Mr. Duquette were not the only requests made for the 2006 audit. He states that the sitting council also requested the NYS Comptrollers to visit the Town Of Peru. Mr. Forrence also states that numerous corrections have been made as a result of the audit.

Deputy Supervisor submits Tentative Budget; Town Clerk submits Tentative Budget to Town Board.

Mr. Forrence presents Tentative Budget to the Town Clerk. He states that he has spent time meeting with all department heads, board members and commends the secretarial staff for the assistance that they offered during the recent days.

Set workshops for budget issues.

Motion by Mr. Powers, seconded by Mr. McDonald set the following dates for budget workshops. October 1st, General; October 8th, Highway; October 14th, Water/Sewer; and October 19th Final Workshop. Ayes 3 Nays 0

Motion Carried

Set a workshop for health insurance issues.

Motion by Mr. Powers, seconded by Mr. Glushko to set a workshop for health insurance on October 15, 2009. Ayes 3 Nays 0

Motion Carried

Members agree that all workshops will be scheduled for 6:00 PM.

Update for Spitfire Drive Drainage easement issue.

Mr. Powers informs members the informational package has been sent to the engineer and they are waiting for a response on this matter. Board requests that this is on the next agenda.

DOT resolution allowing "Supervisor or Board Member" to sign Trail reimbursement requests.

Motion by Mr. Powers, seconded by Mr. McDonald to pass resolution #09.09.28-2; Authorizing the Supervisor to approve documents relating to a Federal Funded Transportation Project

PURSUANT to Town Resolution Number: 07.01.22.11

WHEREAS, the Project for the Town of Peru "Little Ausable River Trail – Phase 1", P.I.N. 780485 (the Project) requires a Town Authority to authorize and execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or "Marchiselli" Aid with the New York

State Department of Transportation in connection with the advancement or approval of the Project

NOW, THEREFORE, the Town of Peru Board, duly convened does hereby,

RESOLVE, that the Supervisor of the Board of the Town of Peru be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or "Marchiselli" Aid on behalf of the Town of Peru with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs with appropriations therefore that are not so eligible, and is further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further,

RESOLVED, this Resolution shall take effect immediately.

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

Approval/Signing of the Water/Sewer Re-levy Report to Clinton County

Motion by Mr. Powers, seconded by Mr. Glushko to pass resolution #09.09.28-3;

WHEREAS, In order to properly account for the monies due to the Water District, Sewer District and Valcour Sewer District, be it

RESOLVED, That the Peru Town Board now has authorized Clinton County to put tax levies on the properties of the attached list, dated 9/28/2009, of tax payers. The total amount of the levy is \$29,829.07.

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

To appoint elected persons to fill vacant positions (Supervisor and 2-year councilor positions).

Motion by Mr. Glushko, seconded by Mr. McDonald to pass resolution #09.08.28-4;

WHEREAS, the still vacated Town Supervisor and two year Town Board position should be filled as soon as possible after the 2009 Election results are certified to give the taxpayers and voters of Peru the full and legal representation to which they are entitled, and,

WHEREAS, the will of the people regarding who they wish to occupy those vacated positions will have been unquestionably expressed through the voting process; now therefore it is

RESOLVED that the candidates who are certified by the Clinton County Board of Elections as having received the majority of the votes for the Peru Town Supervisor and two year Town Board positions will be appointed to those positions by the Town Board at the next Town Board meeting following the board of Elections certification of the 2009 election results.

Roll Call: Mr. Powers-No Mr. McDonald-Yes Mr. Glushko-Yes
Motion Failed

Water/Sewer rates. Set Public Hearing.

Mr. Powers reports to the board that he has information regarding new rates. This information is not available for all members at this meeting. Board members ask Mr. Powers to bring this information for them to review. This will be addressed and discussed at the next meeting.

Motion by Mr. Powers, seconded by Mr. McDonald to table the resolution to set a date for a Public Hearing on Water/Sewer Rates. Ayes 3 Nays 0 **Motion Carried**

Fund Transfer-Highway Department

Motion by Mr. Powers, seconded by Mr. McDonald to pass resolution #09.09.28-5;

WHEREAS, In order to meet the financial needs for the management of the Highway Accounts, and the employees, funds from the Highway Department accounts need to be transferred from line items with positive balances to line items with negative balances, and

WHEREAS, the outstanding positive balanced within the Highway Department are more than adequate to cover the accounts in need of transfers, be it

RESOLVED, that the Town Board has authorized the attached transfer, dated 28 September 2009, in the total amount of \$63,599.13 (from DA 5130.042 to DA 5112.02) to better align negative and positive line items.

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

Update Mud Pond Road

Mr. Biggs states that he is reviewing material (which have dates) as far back as 2/22/1991. Mr. Biggs indicates that he has not completed his work and will continue to review any and all material that can and will be provided to him. Mr. Biggs then states that when this is complete, he will provide the board with an opinion letter. Mrs. Mastic informs Mr. Biggs that she has information and will ask her attorney if she can provide that information to Mr. Biggs as well.

Water District Extensions. Set Public Hearings

Motion by Mr. Powers, seconded by Mr. McDonald to pass resolution #09.09.28-6;
WHEREAS, the Town Board of the Town of Peru (hereinafter referred to as the “Town Board” and/or “Town”) is considering the extension of its water district; 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, a determination of the effect of said project or action on the environment is necessary to determine whether a draft “*Environmental Impact Statement*” is required; and

WHEREAS, the effects of the project or action on the environment are to be examined by all “involved agencies” to make such determination; and

WHEREAS, the Town Board has before it a proposal to extend the water district, and

WHEREAS, the Project has been determined and is hereby determined to be a “unlisted action” requiring the assessment as to its effect upon the environment.

NOW, THEREFORE, it is hereby

RESOLVED by the Town Board of the Town of Peru, New York, as follows:

1. The Town Board does hereby declare itself by Resolution the “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

RESOLVED, that the Town Clerk is hereby directed and authorized to notify all interested and involved agencies in the Town's declaration of "lead agency" status for purposes of conducting a coordinated review of the environmental impacts of the proposed extension of the water district.

Roll Call: Mr. Powers-Yes Mr. McDonald-Yes Mr. Glushko-Yes

Motion Carried

Motion by Mr. Powers, seconded by Mr. McDonald to pass resolution #09.09.28-7;
WHEREAS, the Town Board of the Town of Peru (hereinafter referred to as the "Town Board" and/or "Town") is considering the extension of its sewer district; 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, a determination of the effect of said project or action on the environment is necessary to determine whether a draft "*Environmental Impact Statement*" is required; and

WHEREAS, the effects of the project or action on the environment are to be examined by all "involved agencies" to make such determination; and

WHEREAS, the Town Board has before it a proposal to extend the sewer district, and

WHEREAS, the Project has been determined and is hereby determined to be an "unlisted action" requiring the assessment as to its effect upon the environment.

NOW, THEREFORE, it is hereby

RESOLVED by the Town Board of the Town of Peru, New York, as follows:

2. The Town Board does hereby declare itself by Resolution the "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

RESOLVED, that the Town Clerk is hereby directed and authorized to notify all interested and involved agencies in the Town's declaration of "lead agency" status for purposes of conducting a coordinated review of the environmental impacts of the proposed extension of the sewer district.

Roll Call: Mr. Powers-Yes Mr. McDonald-Yes Mr. Glushko-Yes

Motion Carried

Motion by Mr. Powers, seconded by Mr. McDonald to pass resolution #09.09.28-8;

WHEREAS, the Town Board has received a map, plan and report in connection with the proposed extension of the water district throughout what is commonly referred to as the "Bedard

Subdivision" and the same has been filed with the Town Clerk; and

WHEREAS the description of the proposed extension is as follows:

Beginning at the northern end of the existing water district at Spaulding Brook approximately 245.27' east of NYS route 22B,
Thence proceeding in accordance to the deed description filed with the Clinton County Clerk, Volume 802, page 53 from Clinton Adirondack Timber to Donald Swain N10 degrees 48' W 841.54'
Thence proceeding northerly parallel to Route 22B, 1403.03'
Thence proceeding northeasterly approximately 111.78'

Thence proceeding N6 degrees 3' E 639.30'
Thence proceeding S 83 degrees 24' east approximately 765.18' to the existing water district
Thence proceeding southerly to Spaulding Brook
Thence proceeding westerly along Spaulding Brook to the point of beginning

Total area of the proposed water district extension is approximately 55 acres

and,

WHEREAS no improvements, pipes, laterals or other physical facilities are proposed or contemplated as the Town Board simply desires to extend the geographical limits of the water district, and

WHEREAS there are no physical improvements required for this water district extension and therefore, with the exception of the cost of the preparation of the map, plan and report (\$1,000.00), there will be no cost to the district for this extension; and

WHEREAS all costs for connection, water main extension and permitting will be borne by the future developer; and

WHEREAS given that there are no costs to the district associated with this extension there will be no annual amortized expenses to be borne by the district or its users; and

WHEREAS the "use cost" to any future users within the extension will be the same as the "use cost" to those users already in the district, currently fifty Dollars (\$50.00) for the first 6000 gallons and \$3.75 for each additional 1000 gallons of water used, such amount to be billed quarterly; and

WHEREAS based on average usage in the district, the average household in the extension could expect to pay \$170.00 per quarter or \$680.00 annually as a use cost; and

WHEREAS the district currently has an indebtedness of \$2,570,696 which is retired by an ad valorem tax on the customers in the district. The average home in the extension could expect to pay \$527.00 annually as an ad valorem tax; and

WHEREAS the average home in the extension could expect to pay \$1207.00 per year in combined use and ad valorem charges; and now, therefore, it is hereby

RESOLVED and ORDERED that a Public hearing shall be had on the proposed water district extension on October 26, 2009 at 6:30 pm; and it is further

RESOLVED and ORDERED, that the Town Clerk is hereby authorized, and directed to publish and post a Public Hearing Notice to be published in the *Press-Republican* and on the sign board of the Town maintained pursuant to Town Law §30(6), the publication thereof, and said posting to be not less than ten (10) days, nor more than twenty (20) days, before the date set for such Public Hearing.

Roll Call: Mr. Powers-Yes Mr. McDonald-Yes Mr. Glushko-Yes

Motion Carried

Motion by Mr. Powers, seconded by Mr. McDonald to pass resolution #09.09.28-9;

WHEREAS, the Town Board has received a map, plan and report in connection with the proposed extension of the sewer district throughout what is commonly referred to as the "Bedard Subdivision" and the same has been filed with the Town Clerk; and

WHEREAS the description of the proposed extension is as follows:

Beginning at the northern end of the existing water district at Spaulding Brook approximately 245.27' east of NYS route 22B,
Thence proceeding in accordance to the deed description filed with the Clinton County Clerk, Volume 802, page 53 from Clinton Adirondack Timber to Donald Swain N10 degrees 48' W 841.54'
Thence proceeding northerly parallel to Route 22B, 1403.03'
Thence proceeding northeasterly approximately 111.78'
Thence proceeding N6 degrees 3' E 639.30'
Thence proceeding S 83 degrees 24' east approximately 765.18' to the existing water district
Thence proceeding southerly to Spaulding Brook
Thence proceeding westerly along Spaulding Brook to the point of beginning

Total area of the proposed water district extension is approximately 55 acres

and,

WHEREAS no improvements, pipes, laterals or other physical facilities are proposed or contemplated as the Town Board simply desires to extend the geographical limits of the sewer district, and

WHEREAS there are no physical improvements required for this sewer district extension and therefore, with the exception of the cost of the preparation of the map, plan and report (\$1,000.00) , there will no cost to the district for this extension; and

WHEREAS all costs for connection, sewer main extension and permitting will be borne by the future developer; and

WHEREAS given that there are no costs to the district associated with this extension there will be no additional annual amortized expenses to be borne by the district or its users; and

WHEREAS the “use cost” to any future users within the extension will be the same as the “use cost” to those users already in the district, currently fifty Dollars (\$50.00) for the first 6000 gallons and \$5.25 for each additional 1000 gallons of water used, such amount to be billed quarterly; and

WHEREAS based on average usage in the district, the average household in the extension could expect to pay \$200.00 per quarter or \$800.00 annually as a use cost based upon the current usage rate ; and

WHEREAS the district currently has an indebtedness of \$225,000.00 which is retired by an ad valorem tax on the customers in the district. The average home in the extension could expect to pay \$45.00 annually as an ad valorem tax; and

WHEREAS the average home in the extension could expect to pay \$845.00 per year in combined use and ad valorem charges; and now, therefore, it is hereby

RESOLVED and ORDERED that a Public hearing shall be had on the proposed sewer district extension on October 26, 2009 at 6:30 pm; and it is further

RESOLVED and ORDERED, that the Town Clerk is hereby authorized, and directed to publish and post a Public Hearing Notice to be published in the *Press-Republican* and on the sign board of the Town maintained pursuant to Town Law §30(6), the publication thereof, and said posting to be not less than ten (10) days, nor more than twenty (20) days, before the date set for such Public Hearing.

Roll Cal: Mr. Powers-Yes Mr. McDonald-Yes Mr. Glushko-Yes

Motion Carried

Other Business

Mr. Powers delivers information regarding human resource information to the councilmembers.

Mr. Powers also informs members that he attended a conference regarding H1N1. Mr. Powers states he delivered information to Mr. Timmons and Mr. Farrell.

Mr. McDonald refers to citizens inquiring why he, Mr. Glushko and Mr. Forrence refused to put forth a Deputy Supervisor. Mr. McDonald states that he had never voted on this issue before the past few weeks. Also, Mr. McDonald refers to comments made on a website indicating that he possibly made comments regarding loyalty to certain insurance companies. Mr. McDonald firmly states that he never stated such. Mr. McDonald also states that the position of the Deputy Supervisor was eliminated with a motion made by Mr. Powers in January of 2007. He suggests that citizens review the minutes on the town website for further information.

Mr. Glushko refers to information circulating regarding the STAR program. Mr. Glushko would like citizens to know that that the STAR program remains unchanged, and it refers to School tax relief. Mr. Glushko explains that it is the enhanced STAR rebate program was not funded, (which is the extra check that was received in previous years).

Mr. Forrence informs members that the town received a letter regarding the town passing a resolution pertaining to I-98 interstate. Members agree to review and discuss at the next meeting.

Mr. Farrell informs members that the Highway Department is out of gravel,. He states that there are some options that he is researching and would like to know how the board wishes him to proceed. Mr. Forrence asks Mike to speak to other townships and bring information back to the board regarding this issue.

Public Comments on Agenda Items

Fred Hoffman-Asks Mr. Glushko specifically where the Comptroller Report names Mr. Duquette for findings that he (Mr. Glushko) refused to appoint Mr. Duquette as Deputy Supervisor. Mr. Hoffman also asks council members who signed the letter requesting the Comptroller to review town records. Mr. Forrence offers to show Mr. Hoffman the letter.

Kregg Bruno-Refers to a statement made earlier in the meeting by Mr. Powers, (referring to a cost savings to the town of \$14,000.00) because the Supervisor and Councilmember positions have not been replaced. Mr. Bruno specifically asks if these positions have already been budgeted for. Mr. Powers says that they have been but if the money is not spent it is rolled over for next year.

Mr. Duquette- Specifically asks the board if the town is receiving funding for the Mud Pond Road from the State. Mr. Duquette also states that there are three people running for the two year term. Mr. Geoffrey Spear, Mr. Kregg Bruno, and Ms. Lynn Patno. Mr. Duquette also states that he accompanied Mr. Covell to the NYS Comptroller Office requesting in February of 2006 asking for them to review specific town records.

Don McBrayer-Thanks Mr. Forrence for the work that he has done for the town.

Henrietta Mastic-Specifically asks the board why they stopped admitting that Mud Pond Road was not a town road. She states that before she lived on this road, the town maintained it and once she began living there, they stopped.

Approve/Pay bills

Motion by Mr. Powers, seconded by Mr. McDonald to approve the bills in the amount of \$148,718.54 (excluding one bill in the amount of \$250.00). Ayes 3 Nays 0

Motion Carried

Motion by Mr. Powers, seconded by Mr. McDonald to approve the bills in the amount of \$5,054.00. Ayes 3 Nays 0

Motion Carried

Motion by Mr. Powers, seconded by Mr. McDonald to adjourn the meeting at 9:07 PM. Ayes 3 Nays 0

Motion Carried

_____ ***Deputy Supervisor*** _____ ***Councilman***

_____ ***Councilman*** _____ ***Town Clerk***