

The regular meeting of the Peru Town Board was held on Monday May 11, 2009 at the Peru Town Hall. Those present were Mr. Don Covel, Supervisor; Mr. Tom Powers, Councilman; Mr. Brandy McDonald, Councilman; Mr. Pete Glushko, Councilman; Mr. Bill Favreau, Town Attorney; and Mrs. Kathleen Flynn, Town Clerk.

The meeting was called to order at 7:02 PM by Mr. Covel, with the Pledge of Allegiance.

Motion by Mr. Powers, seconded by Mr. McDonald to pass resolution #09.05.11-1; approving the minutes from the April 27, 2009 meeting.

Mrs. Flynn refers to a discussion regarding the Mud Pond Road that she was not clear about. Mr. Covel agrees to discuss with Mrs. Flynn tomorrow to assist in clarification.

Mr. Powers agrees to move forward (approving the minutes), with the clarity of the above discussion placed into the minutes.

Ayes 4 Nays 0

Motion Carried

Community Input.

Henrietta Mastic- Ms. Mastic inquires what the status is of the Mud Pond Road and what meeting will be taking place. Ms. Mastic is interested in a certain 3 mile piece of that road.

Mike Mastic- Would like DOT to keep he and his mother informed of meetings to allow them to attend. He is concerned that the road that is being discussed will be going through his mother's front yard.

Motion by Mr. Powers, seconded by Mr. McDonald to accept the monthly reports, (Water/Sewer, Highway, Town Clerk, Youth, Dog Control, Zoning and Supervisors) as presented. Ayes 4 Nays 0

Motion Carried

Motion by Mr. Powers, seconded by Mr. Glushko to pass resolution #09.05.11-2;

WHEREAS, the Town of Peru is in need of 530 new water meters in order to complete the replacement of older, obsolete water meters for which there exists few if any replacement parts; and

WHEREAS, the Town has heretofore installed Neptune T-10 water meters as the older, obsolete water meters malfunctioned and has, in fact, replaced about 20% of the older water meters throughout the water districts with the Neptune T-10 water meters; and

WHEREAS, the Town now has on hand spare parts for Neptune T-10 water meters and also has purchased a water meter reading system that is compatible only with Neptune T-10 water meters; and

WHEREAS, the Town Board, in consultation with the Water and Sewer Superintendent, has determined that standardizing all of the Town's water meters will serve the interests of both efficiency and economy by allowing all of the Town's water meters to be read by one water meter reading system and also by allowing the Town to stock parts for just one type of water meter; accordingly

BE IT RESOLVED, the Town of Peru Water and Sewer Department is hereby authorized to advertise for bids for 530 Neptune T-10 water meters.

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

Motion

Carried

Water Meter Grant Application. Mrs. Douglas informs members of a potential grant regarding the purchasing of water meters.

Motion by Mr. Powers, seconded by Mr. Glushko passing resolution #09.05.11-3; Authorizing Adele Douglas to apply for this grant with the deadline of May 29, 2009, reporting back to the board at the next meeting, with engineering costs not to exceed \$2,000.00.

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

Carried

Motion by Mr. Covel, seconded by Mr. Powers, passing resolution #09.05.11-4;

WHEREEAS, the Town Of Peru receives permits from the New York State Department Transportation (NYSDOT) to temporarily obstruct, install, construct, maintain operate or replace any facilities within the bounds of a State highway right-of-way pursuant to Sections 52, 103, 203, 249 and/or 250 of the Highway Law; and

WHEREAS, the Town Of Peru also receives permits from the NYSDOT for special hauling permits, divisible load overweight permits and/or restricted vehicle permits pursuant to Subpart 154-1 and/or Subpart 154-2 of title 17. Official Compilation of codes, Rules and Regulations of the State of New York;

WHEREAS, the NYSDOT is waiving surety requirements previously required in the form of a performance bond and/or a Perm 17 insurance certificate provided that the municipality enter into an Undertaking and an Indemnification Agreement; and

WHEREAS, the Undertaking will indemnify and hold harmless the State of New York for the work performed by the town and requires that the town will comply with and perform work by the terms and conditions of the specific permits issued and said Undertaking shall be perpetual in nature until terminated by the parties; and

WHEREAS, The Indemnification Agreement will indemnify and hold harmless the State of New York for the operation of the various vehicle permits authorizing special hauling permits, divisible load overweight permits an/or restricted vehicle permits issued and said Indemnification Agreement shall be perpetual in nature until terminated by the parties; and

WHEREAS, entering into both the Undertaking and Indemnification Agreement represents a cost savings as compared to the previous bond and insurance requirements; now, therefore,

BE IT RESOLVED, upon the recommendation of the Town Board Members through a motion and vote on May 11, 2009, the Town Board Members hereby authorizes the Supervisor to execute the Undertaking and Indemnification Agreement in connection with the various permits issued by the NYSDOT.

RESOLVED, this Resolution shall take effect immediately.

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

Carried

Motion by Mr. Covel, seconded by Mr. Powers approving resolution #09.05.11-5;

WHEREAS, the Town Board of Peru agrees to move forward with the "Cell Phone Reimbursement Policy" as per IRC 275(d); 280(d) (4) and IRC 132(d) of the IRS Taxable Fringe Benefit Guide, January 2006.

BE IT RESOLVED, The Town Board has elected to set the policy of \$10.00 per month for each employee assigned a cell phone as a taxable fringe benefit.

RESOLVED, this Resolution shall take effect immediately and be assessed for the year 2009 on the employees yearly W-2 Form.

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

Failed

Motion by Mr. Covell, seconded by Mr. McDonald approving resolution #09.05.11-6;
WHEREAS, the Town Board of Peru agrees to move forward with the "Cell Phone Reimbursement Policy" as per IRC 275(d); 280(d) (4) and IRC 132(d) of the IRS Taxable Fringe Benefit Guide, January 2006.

BE IT RESOLVED, The Town Board has elected to set the policy of \$5.00 per month for each employee assigned a cell phone as a taxable fringe benefit.

RESOLVED, this Resolution shall take effect immediately and be assessed for the year 2009 on the employees yearly W-2 Form.

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

Carried

Motion by Mr. Covell, seconded by Mr. Glushko to pass resolution #09.05.11-7;

WHEREAS, Mr. Covell has introduced Town of Peru Local Law No. 1 of the year 2009 entitled A Local Law Regulating Outdoor Wood boilers.

NOW THEREFORE, it is hereby

RESOLVED, that a public hearing will be held on said proposed said Town of Peru Local Law No. One of the Year 2009 on May 28, 2009 at 6:30 O'clock PM at the Town Hall, 3036 Main Street, Town of Peru, Clinton County, New York; and it is hereby further

RESOLVED, 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
Mr. Covell-Yes **Motion**

Carried

Mr. Covell presented the list of citizens that have presented resumes for Mr. Cortland Forrence's vacated council position. In order of the secretary to the board receiving them are: James Falvo, James Douglas, Donald McBrayer, Gregg Bruno, Frederick Hoffman and Susan Polhemus. Members then discuss scheduling a Special Meeting to hold the interviews as follows.

May 26, 2009 6:30 PM-Mr. Falvo, 7:00 PM- Mr. Douglas 7:30 PM- Mr. McBrayer

May 27, 2009 6:30 PM- Mr. Bruno, 7:00 PM- Mr. Hoffman, 7:30 PM- Mrs. Polhemus

**Members then discuss whether or not interviews will be conducted in an open forum. Mr. Favreau agrees to report back to them regarding any legal ramifications this may have.*

Motion by Mr. Powers, seconded by Mr. Covell rescinding resolution #09.04.27-3. Ayes 4 Nays 0
Motion Carried

Motion by Mr. Powers, seconded by Mr. Covell to pass resolution #09.05.11-8;

WHEREAS, the Town Board of the Town of Peru (hereinafter referred to as the “Town”) has been discussing the possibility of the Town extending the Peru Water District in the Town of Peru, County of Clinton, and State of New York (hereinafter referred to as the “Water District”), to include the entire Bedard Subdivision; and

WHEREAS, the Town has determined that in order to properly proceed with the consideration of the extension of said Water District that the Town Board, acting on behalf of the proposed Water District, must retain engineering services for the preparation of a Map, Plan and Report regarding the proposed extension of the Water District; and

WHEREAS, said proposal is to include the preparation of a general plan to establish the necessary facilities as well as the proposed boundaries of the proposed Water District, an inventory of any existing facilities, and estimates for annual operation and maintenance costs, and district delineation and boundary maps; and

WHEREAS, the Town has determined that in order to properly proceed with the Map, Plan and Report it will be necessary to retain the services of an engineering firm; and

WHEREAS, the Town has determined that it is now necessary to formally retain Thomas P. LaBombard, PE, for the submittal of the necessary Map, Plan, and Report for the extension of said Water District.

NOW, THEREFORE, it is hereby

RESOLVED, that the Town Board of the Town of Peru does subject to permissive referendum, hereby authorize and direct Thomas P. LaBombard PE to prepare and submit a Map, Plan and Report for the establishment of the proposed Water District Extension, and it is further

RESOLVED, that the sum of up to One Thousand Dollars (\$1,000.00) is appropriated from the General Fund for this purpose.

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

Motion Carried

Motion Mr. Powers, seconded by Mr. McDonald to pass resolution #09.05.11-9;

WHEREAS, the Town Board of the Town of Peru (hereinafter referred to as the “Town”) has been discussing the possibility of the Town extending the Peru Sewer District in the Town of Peru, County of Clinton, and State of New York (hereinafter referred to as the “Sewer District”), to include the entire Bedard Subdivision; and

WHEREAS, the Town has determined that in order to properly proceed with the consideration of the extension of said Sewer District that the Town Board, acting on behalf of the proposed Sewer District, must retain engineering services for the preparation of a Map, Plan and Report regarding the proposed extension of the Sewer District; and

WHEREAS, said proposal is to include the preparation of a general plan to establish the necessary facilities as well as the proposed boundaries of the proposed Sewer District, an inventory of any existing facilities, and estimates for annual operation and maintenance costs, and district delineation and boundary maps; and

WHEREAS, the Town has determined that in order to properly proceed with the Map, Plan and Report it will be necessary to retain the services of an engineering firm; and

WHEREAS, the Town has determined that it is now necessary to formally retain Thomas P. LaBombard, PE, for the submittal of the necessary Map, Plan, and Report for the extension of said Sewer District.

NOW, THEREFORE, it is hereby

RESOLVED, that the Town Board of the Town of Peru does subject to permissive referendum, hereby authorize and direct Thomas P. LaBombard PE to prepare and submit a Map, Plan and Report for the establishment of the proposed Sewer District Extension, and it is further

RESOLVED, that the sum of up to One Thousand Dollars (\$1,000.00) is appropriated from the General Fund for this purpose.

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

Carried

Other Business

Mr. Covell asks Mr. Glushko and Mr. Powers if they have begun the audit for the different departments. Mr. Glushko responds indicating that he will begin in the near future.

Mr. Powers inquires about the AUD. He requests an update is placed on the next agenda.

Mr. Powers informs members that there will be a head to head meeting for officials regarding the School Street Sidewalks on May 18th.

Mr. Farrell informs members that the speed bumps have arrived.

Mr. John Ryan asks the board if the interviews will be conducted in executive session.

Mr. Jim Douglas specifically asks the board if the person that is appointed by the board will be the person that will be on the ballot for Mr. Forrence's replacement.

Mr. Gregg Bruno informs members that he would be willing to be interviewed in the Public sector.

Mr. Don McBrayer refers to the amount of money that is being charged for the cell phones. He suggests that the board randomly pull one employees name per month and review their telephone log.

Mr. Bruno does not feel that the employees cell phones need to be scrutinized. He states that this is a recommendation, not a law. He also states that if the employees are not going over the limit of minutes, then it is not costing the town any extra money.

Motion by Mr. Powers, seconded by Mr. Glushko to adjourn the meeting at 8:28 PM.
Ayes 4 Nays 0 **Motion Carried**

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

_____ **Councilman** _____ **Councilman**

_____ **Town Clerk**

