

The regular meeting of the Peru Town Board was held on Monday July 11, 2022 at the Peru Town Hall. Those present were Mr. Brandy McDonald Supervisor;(Excused) Mr. James Douglass, Deputy Supervisor; Mr. Gregg Bruno, Councilman; Mr. Melvin Irwin, Councilman; Mr. Richard Barber; Councilman, 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. Bob Guynup, Zoning Officer;, and Mr. John Flynn, Recreation Director (Absent) and Mr. Cliff Christon, Dog Control Officer (Excused).

The meeting was called to order at 6:00 PM by Mr. Douglass, with the Pledge of Allegiance.

Motion by Mr. Barber; seconded by Mr. Bruno to include the reports from the following departments into the official record of tonight's meeting. (Water/Sewer/Valcour; Highway; Town Clerk; Dog Control; Youth Department; Code/Zoning; Supervisor's Report; Court; Website; and Banking Reports). **No JCEO Report.**
Ayes 4 Noes 0 **Motion Carried**

Motion by Mr. Bruno; seconded by Mr. Irwin to approve the minutes from the June 27, 2022 meeting.
Ayes 4 Noes 0 **Motion Carried**

Community Input

Mr. Bruno stated Mr. Pat Remillard asked about the road closure/barrier located at Sullivan Road & Telegraph Road. Mr. Farrell stated the barrier was legally set by Luck Brothers, Inc. Mr. Farrell also spoke to our Town Attorney Mr. Favro for the safety of our residents the road closure was necessary as the huge opening in the road would be a danger.

Approval of P & H Senesac, Inc. Payment App #4 for Lagoon Decommissioning Project

Motion by Mr. Bruno; second by Mr. Barber to approve payment to P & H Senesac, Inc. App. #4 for the Lagoon Decommissioning Project for the amount of \$ 55,921.71.
4 Ayes 0 Noes

Approval of Luck Bros. Inc., App #1 for Telegraph Culvert Project

Motion by Mr. Bruno; second by Mr. Irwin to approve payment to Luck Brothers, Inc., App # 1for the Telegraph Culvert Project for the amount of \$ 151,192.50.
4 Ayes 0 Noes

Approval of Luck Bros., Inc. Change Directive # 1 and #2 for Telegraph Culvert Project

Motion by Mr. Bruno; second by Mr. Barber to approve a decrease Change Directive #1 for (\$26,592.80) and increase Change Directive #2 \$75,543.95 for Telegraph Culvert Project.
4 Ayes 0 Noes

Mr. Farrell stated with no ledge found, cement will be poured for footings. Luck Bros. will be back on site on July 18 to begin preparation of box culvert #2

Approval of Rifenburg's Payment App # 14 for Sewer Lines Upgrade Project

No motion needed approved at June 27, 2022 Regular Meeting. Mr. Irwin asked if this was final payment. Ms. Barber stated no, the retainage payment can take up to a year for final payment.

Approval of New Computer Purchase for Codes Officer

Motion by Mr. Bruno; second by Mr. Irwin to approve the purchase of a new computer tower for Codes Officer.
4 Ayes 0 Noes

Mr. Guynup stated the tower needed to be updated and approximate cost will be \$ 719.00.

RESOLUTION- 22.07.11-1

Please see attached resolution

Ms. Barber explained this was final approval for the third increase, low interest bond.

Motion by Mr. Bruno second by Mr. Barber to approve Resolution 22.07.11.-1
4 Ayes 0 Noes

RESOLUTION NUMBER: 22.07.11-2

A RESOLUTION ACCEPTING THE RESIGNATION OF RON AND CAROL ALLEN FROM THE TOWN OF PERU HISTORIANS POSITION EFFECTIVE JULY 31, 2022.

MOTION: Mr. Barber

SECOND: Mr. Bruno

WHEREAS, Ron and Carol Allen has recommended that Town Board accepts their resignation offered July 11, 2022.

THEREFORE, BE IT

RESOLVED, the Peru Town Board sadly agrees with the recommendation of Ron and Carol Allen to accept their resignation and thanks them for their unwavering dedication and past service to the Town of Peru. Their resignation will be effective July 31, 2022.

AND, BE IT

RESOLVED, that this Resolution shall take effect immediately.

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

Carried:

4 Ayes 0 Noes

Helen Nerska emailed a letter of interest for the position of Town Historian.

Motion by Mr. Barber; second by Mr. Bruno to have Helen Nerska be appointed the Town Historian effective August 1, 2022. She has a vast amount of experience working with the Clinton County Historical Society and comes highly recommended by Mr. and Mrs. Allen

4 Ayes 0 Noes

A plaque will be purchased to honor Ron and Carol Allen for their voluntary service as our Town Historians.

RESOLUTION NUMBER: 22.07.11-3

A RESOLUTION ACCEPTING THE RESIGNATION OF CLIFF CHRISTON FROM THE TOWN OF PERU DOG CONTROL OFFICER POSITION EFFECTIVE JULY 31, 2022.

MOTION: Mr. Bruno

SECOND: Mr. Barber

WHEREAS, Cliff Christon has recommended that Town Board accepts his resignation offered July 11, 2022.

THEREFORE, BE IT

RESOLVED, the Peru Town Board agrees with the recommendation of Cliff Christon to accept his resignation and thanks him for his past service to the Town of Peru. His resignation will be effective July 31, 2022.

AND, BE IT

RESOLVED, that this Resolution shall take effect immediately.

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

**Carried:
4 Ayes 0 Noes**

Resident T’Chaka Sikelianos has shown interest in the Dog Control Officer position. Mr. McDonald and Mr. Douglass will be meeting with him next week.

Telegraph Road Culvert Project Update

Mr. Farrell spoke with Luck Brothers they will be moving back July 18, 2022 and rebar will arrive July 21, 2022. The 3 sided culvert box is still on schedule with the 4th being a natural bottom.

Sewer/Lagoon/Elm St. Project Update

Mr. Tetrault stated truck load # 14 has been removed from the Lagoon project. The contractors are finding the sludge is thicker.

No start date from Luck Brothers for Elm Street.

Other Business

Mr. Tetrault stated issues with the generator on Maiden Lane are slowly being taken care of. The generator is under warranty.

Arold Construction is doing sewer line camera inspections/smoke testing as part of the South Side EPG grant..

Mr. Farrell will be attending a state meeting in Saratoga July 13, 2022. Meetings will be continuing locally to discuss the salt brine with other towns and methods, product and equipment representatives. Mr. Farrell is hoping to receive funds.

Ms. Barber stated the internet went down today due to power outage within our area and caused many issues. The firewall and switch were replaced by Layer8. Signing with Layer8 as an MSP was one of the best investment the Town has made.

The locks/keys will be finished at the town hall July 12, 2022.

The band “Friction” will now be playing July 24, 2022 due to a band member in “See 3” being out of town on family illness.

Mr. Guynup communicated the many calls to his office due to the burning of apple trees on Mannix and Connors Road. He said it was a DEC issue not a town issue.

Mr. Bruno stated that for the last 3 meetings a representative from the Youth Commission was not in attendance. Communication is very difficult with no representative present.

Mr. Barber stated several projects were being finished (bell tower, stage etc.) and a stamp for the concrete has been purchased by Mr. Tetrault.

The town will be receiving the second payment from American Rescue Plan Act Local Fiscal Recovery Funds in the amount of \$354,716.87 an exact date has not been given-The town received the first half last summer.

Public Comments on Agenda Items Only

Mr. Ryan asked the dollar amount being paid to Rifenburg App #14. The amount is \$ 103,903.71

RESOLUTION NUMBER: 22.07.11-5

**A RESOLUTION AUTHORIZING THE POST-AUDIT PAYMENT OF CERTAIN CLAIMS,
BILLS AND INVOICES OF THE TOWN**

MOTION: Mr. Bruno

SECOND: Mr. Irwin

WHEREAS, the Town Board has reviewed and audited the following claims, bills and invoices for services rendered and goods provided to the Town in July 2022:

From Town of Peru Vouchers in July 2022; #202200826 through and including #202200901,

Abstract dated July 6, 2022

For the dollar amount totaling: \$463,910.83, of that, \$68,936.04 was wired, credit cards and prepaid; and \$394,974.79 is remaining to be paid and

WHEREAS, the Town Board finds said claims, bills and invoices to be acceptable in form and reasonable in amount;

NOW, THEREFORE, BE IT

RESOLVED, that payment of the aforementioned claims, bills and invoices is approved and the Supervisor be and hereby is authorized to make such payment; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Roll Call:	YES	NO
Richard Barber, Jr.	x	
Kregg Bruno	x	
Mel Irwin	x	
James Douglass	x	
Brandy McDonald	Excused	

Carried:

4 Ayes 0 Noes

Motion by Mr. Barber; seconded by Mr. Bruno to adjourn the regular meeting at 7:00 PM.
Ayes 4 Noes 0 **Motion Carried**

_____ *Supervisor* _____ *Councilman*

_____ *Councilman* _____ *Councilman*

_____ *Councilman*

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE Town BoardOF THE Town of Peru

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Sanitary Sewer

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Peru*(Public Body)*

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

Five million seven hundred sixty five thousand (\$5,765,000)pursuant to the provisions of subject to NYS Local Finance Law; and**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ _____

under the terms offered by the Government; that the _____

and Town Clerk _____ of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas 4 Nays 0 Absent 1

IN WITNESS WHEREOF, the Town Board _____ of the
Town of Peru _____ has duly adopted this

to be executed by the officers below in duplicate on this 2022 , 11th day of July resolution and caused it

(SEAL)

Attest:

Dianne Miller

Dianne Miller
Title Town Clerk

By

James Douglass

Title

Deputy Town Supervisor