

The regular meeting of the Peru Town Board was held on Monday October 24, 2022 at the Peru Town Hall. Those present were Mr. Brandy McDonald Supervisor; Mr. James Douglass, Councilman (Excused) Mr. Melvin Irwin, Councilman; Mr. Richard Barber; Councilman; Mr. Gregg Bruno, Councilman and Mrs. Dianne Miller, Town Clerk. Also present were Mr. Courtney Tetrault, Water/Sewer Superintendent; Mr. Michael Farrell, Highway Superintendent; Mr. Bob Guynup, Zoning Officer;(Excused) Ms. Pamela Barber, Confidential Secretary to the Board, Mr. Matthew Favro, Town Attorney and Mr. T'Chaka Sikeleanos, Dog Control Officer,(Excused), Mrs. Helen Nerska, Historian and Mrs. Kristin Marino, Interim Recreation Director, (Excused).

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

Motion by Mr. Bruno; seconded by Mr. Barber to accept late Youth report for September 2022.
Ayes 4 Noes 0 **Motion Carried**

Motion by Mr. Barber; seconded by Mr. Bruno to accept the minutes from the October 13, 2022 Regular Meeting.
Ayes 4 Noes 0 **Motion Carried**

Community Input
NONE

Motion by Mr. Bruno; seconded by Mr. Irwin to accept and sign the final plus/minus change order for Rifenburg Contracting Sewer Project in the amount of \$162,747.84.

Ayes 4 Noes 0 **Motion Carried**
Mr. Bruno commented the final amount was negotiated well even though Rifenburg got more. Mr. Bruno stated "Lets put this behind us".

RESOLUTION- 22.10.24-1

There were present: (Board Members)

Richard Barber, Jr.
Kregg Bruno
Mel Irwin
Brandy McDonald

There were absent: (Board Members)

James Douglass

Also Present:

Dianne Miller, Town Clerk
Matthew Favro, Esq.

The following resolution was offered by Mr. Barber, who moved its adoption, and second by Mr. Bruno to wit:

BOND RESOLUTION OF THE TOWN OF PERU, CLINTON COUNTY, NEW YORK, ADOPTED ON OCTOBER 24, 2022, AUTHORIZING THE RECONSTRUCTION OF AND IMPROVEMENTS TO THE TELEGRAPH AND SULLIVAN ROAD CULVERT CROSSINGS AT AN ESTIMATED MAXIMUM COST OF \$2,080,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF UP TO \$2,080,000 OF BOND ANTICIPATION NOTES AND SERIAL BONDS OF THE TOWN TO PAY THE COST OF THE PROJECT

WHEREAS, Section 64(3) of the Town Law of the State of New York empowers the Town Board of the Town of Peru, Clinton County, New York (the "Town") to manage maintain and control Town properties as the purposes of the Town may require; and

WHEREAS, the Town Board of the Town has determined that it is desirable for the Town to reconstruct and improve the Telegraph and Sullivan Road culvert crossings in Peru, New York, including: (1) signage and traffic control for temporary vehicular bypass of the site, (2) tree-clearing, (3) demolition and removal of the existing structures including, but not limited to, pavement, culverts, guiderails, and wingwalls, (4) erosion and sediment control including but not limited to temporary bypasses of the existing streams during construction, (5) excavation of existing subgrade materials, (6) preparation of the culvert/wingwall bedding and subbase materials, (7) cast-in-place concrete footings and wingwalls, (8) offloading and installation of pre-cast open bottom culvert structures, (9) utility relocation and repair if needed, (10) backfilling and subbase preparation for reconstructed roadways, (11) installation of guiderails, (12) installation of pavement for reconstructed roadways, and (13) restoration of site (the "Project"); and

WHEREAS, the Town, as a local agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), ECL Section 8-0101, *et seq.*, and implementing regulations, 6 NYCRR Part 617 (the "Regulations"), having reviewed the impact of the Project upon the environment determined that the Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(25) of the Regulations; and

WHEREAS, the Town Board now desires to authorize the Project and the financing of the cost thereof.

NOW, THEREFORE BE IT RESOLVED ON OCTOBER 24, 2022 BY THE TOWN BOARD OF THE TOWN OF PERU, CLINTON COUNTY, NEW YORK (by favorable vote of not less than two thirds of said Board), AS FOLLOWS:

Section 1. The reconstruction and improvement of the Project, all as required for the purpose for which the Project is to be used, at a maximum estimated cost of \$2,080,000, including all professional costs, including legal advertising and legal services, equipment, machinery and other necessary appurtenances and all other necessary costs incidental to such work, which is estimated to be the total cost thereof, is hereby approved.

Section 2. The plan for the financing of the aforesaid specific object or purpose includes the issuance of up to \$2,080,000 of serial bonds, or any bond anticipation notes in anticipation of the issuance and sale of the bonds, which are hereby authorized to be issued pursuant to the Local Finance Law, and the levy of a tax to pay interest on said obligations.

Section 3. The Project constitutes a "Type II Action" under 6 NYCRR § 617.5(c)(25) of the Regulations that requires no further review under SEQRA.

Section 4. The full faith and credit of the Town is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years and such debt service payments may be made in substantially level or declining amounts as may be authorized by law.

Section 5. Pursuant to Sections 30.00, 50.00 and 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize the issuance of and to sell the serial bonds and any bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Town Supervisor, the chief fiscal officer. Such bonds or notes shall be of such form and

contents, and shall be sold in such manner, as may be prescribed by said Town Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The Town Supervisor is hereby further authorized, at his sole discretion, to execute all agreements, certificates and instruments in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town and such authorization is intended to include authority to enter into and execute on behalf of the Town all agreements, certificates and instruments required in connection with financing the Project costs.

Section 7. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and/or notes without resorting to further action of this Town Board.

Section 8. The following additional matters are hereby determined and declared:

- (a) Pursuant to paragraph 10 of Section 11.00 of the Local Finance Law, the period of probable usefulness of the Project is twenty (20) years; and
- (b) Current funds are not required by the Local Finance Law to be provided prior to the issuance of the bonds and any notes issued in anticipation thereof authorized by this resolution; and
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 9. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The reasonably expected source of funds to be used to initially pay for the expenditures authorized by Section 1 of this resolution shall be from the Town's General Fund. It is intended that the Town shall then reimburse expenditures from the General Fund with the proceeds of the bonds and bond anticipation notes authorized by this resolution and that the interest payable on the bonds and any bond anticipation notes issued in anticipation of such bonds shall be excludable from gross income for federal income tax purposes. This resolution is intended to constitute the declaration of the District's "official intent" within the meaning of Treasury Regulation Section 1.150-2 to reimburse the expenditures authorized by this resolution with the proceeds of the bonds and bond anticipation notes authorized herein. Other than as specified in this resolution, no monies are reasonably expected to be, received, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Peru, Clinton County, New York, by the manual or facsimile signature of the Town Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and maybe attested to by the manual or facsimile signature of the Town Clerk.

Section 11. The Town hereby covenants and agrees with the holders from time to time of the Bonds and any bond anticipation notes issued in anticipation of the sale of the Bonds, that the Town will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

Section 12. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds with a schedule of substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Town Supervisor, providing for the manual countersignature of a fiscal agent or of a designated Official of

the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Town Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Town Treasurer shall determine.

Section 13. Theodore A. Trespasz, Jr., Esq. is hereby appointed bond counsel to the Town in relation to the issuance of the obligations authorized herein.

Section 14. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution shall be subject to permissive referendum and a summary hereof (attached hereto as **FORM OF NOTICE I**) shall be published and posted within ten (10) days of adoption by the Town Clerk as provided by Section 90 of the Town Law. This Resolution shall become effective 30 days after publication of **FORM OF NOTICE I**. Following such effective date, in the event that no petition for a referendum was timely submitted and filed, the Town Clerk shall cause the publishing and posting of a notice in substantially the form provided in Section 81.00 of the Local Finance Law together with a summary of this Bond Resolution (attached hereto as **FORM OF NOTICE II**).

RESOLUTION NUMBER: 22.10.24-2

A RESOLUTION ACCEPTING THE RESIGNATION OF LLOYD PROVOST FROM THE TOWN OF HIGHWAY DEPT. MOTOR EQUIPMENT OPERATOR AND DEPUTY HIGHWAY SUPERINTENDENT POSITION EFFECTIVE OCTOBER 25, 2022.

MOTION: Mr. Bruno

SECOND: Mr. Barber

WHEREAS, Lloyd Provost has recommended that Town Board accepts his resignation from a Motor Equipment Operator position and Deputy Highway Superintendent for the Peru Highway Department offered October 19, 2022 and effective October 25, 2022.

THEREFORE, BE IT

RESOLVED, the Peru Town Board agrees with the recommendation of Lloyd Provost to accept his resignation and thanks him for his past service to the Town of Peru. His resignation will be effective October 25, 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 | Excused | |
| | Mel Irwin | x | |
| | Brandy McDonald | x | |

Carried:
4 Ayes 0 Noes

RESOLUTION NUMBER: 22.10.24-3

A RESOLUTION APPROVING THE APPOINTMENT OF TYLER JARVIS TO THE POSITION OF DEPUTY HIGHWAY SUPERINTENDENT EFFECTIVE OCTOBER 25, 2022.

MOTION: Mr. Barber

SECOND: Mr. Bruno

WHEREAS, The Peru Town Highway Superintendent has recommended that Tyler Jarvis be appointed to the position of Deputy Highway Superintendent and function during the absence or inability of the highway superintendent to act and is at the time and vested with all the powers and duties of the highway superintendent according to Town Law Section 32.

WHEREAS, the Deputy Highway Superintendent is appointed by and serves at the pleasure of the Highway Superintendent and must be a resident of the Town.

THEREFORE, BE IT

RESOLVED, the Peru Town Board agrees with the recommendation of the Highway Superintendent, Michael Farrell to fill this position with Tyler Jarvis effective October 25, 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 | Excused | |
| Mel Irwin | x | |
| Brandy McDonald | x | |

Carried:
4 Ayes 0 Noes

Request for Speed Limit Reduction for Calkins Road

New York State has denied the request for a lower speed limit on Calkins Rd.. Mr. Bill Everett would like to thank the board for their time and efforts.

Senior Citizen Exemption Limits

Motion by Mr. Barber seconded by Mr. Bruno to hold Public Hearing at 5:45 PM November 7, 2022 for Local Law #2 “ Section 467 Real Property Tax Law Sliding Scale Authorization”.

4 Ayes 0 Nays

This needs to be passed by December 1, 2022 and will go into effect 2024.

Telegraph Road Culvert Project Update

Mr. Farrell stated all structures are set with a few hiccups but all are resolved. Backfill, paving and guard rails will finish the project.

Sewer/Elm St Project Update

Mr. Tetrault states all pipes and structures are underground. Sidewalk and septic lines will be finishing the project.

Other Business

Helen Nerska stated on Saturday 10/29/2022 a metal detector group will be on River Road looking for treasures.

Mr. Farrell- He will be sending two highway employees to learn how to set and use the salt brine equipment in New Hampshire. The equipment should be arriving soon.

Public Comments on Agenda Items Only

NONE

