

At the Regular Meeting and Public Hearings of the Town of Eaton Council, held on October 10, 2023 at the Town of Eaton Offices, 35 Cedar Street, Morrisville, New York there were present:

Joseph Wicks, Supervisor
Stephen Dickerson, Councilperson
Jeff Golley, Councilperson
Dave Verne, Councilperson
Jean Hilts, Councilperson
Larry Phillips, Highway Superintendent
Dean Curtis, Town Clerk

Also Present: Amy Will Bookkeeper, Pam Locke Deputy Town Clerk, Paul Rhyde, Meg Lee, Jim Muscato, Dan Mason, Juliane Heffern, Hayden Scott, Tracy Akers, Scott and Heather Fitzgerald, Liberty Renewables

Supervisor Wicks opened the meeting at 6:00 with the Pledge of Allegiance.

After review of September 12th, 2023 Minutes Councilperson Dickerson moved to accept the minutes as submitted. Second by Councilperson Golley. All ayes. Motion Carried

After review of September 18th, 2023 Work Session Minutes Councilperson Verne moved to accept the minutes as submitted. Second by Councilperson Golley. All ayes. Motion Carried

At 6:02 pm Councilperson Golley Motioned to Recess Regular Meeting and open Public Hearing - (**“A Local Law Amending the Land Use Map of the Town of Eaton to Change the Zoning Designation for Certain Property from Being Zoned Residential District No. 2 (RD2) to Agricultural/ Residential/ Commercial District (ARC) in the Town of Eaton”**). Second by Councilperson Hilts. All Ayes. Motion Carried.

With all persons being heard for or against, at 6:05 pm Supervisor Wicks recessed the Public Hearing and continued the regular meeting. Motion by Councilperson Verne to close Public Hearing and continue with Regular Town Board Meeting. Second by Councilperson Hilts. All Ayes. Motion Carried.

PUBLIC COMMENT:

Scott and Heather Fitzgerald from Pratts Hollow had brought up concerns about local demolition and construction being performed at 4127 Pratts Road. Both have made several calls to our Codes Officer and even filed a local complaint about possible hazards and concerns about not having a permit. Both had indicated they thought people who were working on the building had been living in it without a Certificate of occupancy. Codes Officer Larry Cesario issued Building Permit #57-23 for foundation Repair. No Asbestos indicated other than the windows and they are not being replaced. No such knowledge or evidence of anyone living in the building.

Paul Rhyde had brought up concerns regarding wind/solar moratorium, Liberty Renewables was present to answer any questions and to invite all residents to their open house at Nichols Pond County Park October 19th from 3:00 – 6:00 pm. Discussion of Proposed project 24 Turbines, Total Capacity 100 MW. Liberty Renewables is a wind energy company based in Albany, NY. They are developing the Hoffman Falls wind energy project in the Towns of Fenner, Nelson, Eaton and Smithfield.

Hayden Scott from SEVAC. Despite the county ambulance service growing exponentially and taking over some areas of the county, SEVAC is committed to serving the residents of our coverage area as long as we are able to. However with the cost of doing business rising, we need support from the communities we serve now

more than ever. We need help with volunteers as well as financially. We try not to ask for much, but we need help. We appreciate the support that the town has given us in the past and has continued to give us today.

CODES OFFICER REPORT:

| 10/16/2023 13:32:51 | | TOWN OF EATON B2110 - B2555 September Codes Officer Report For the period 09/01/2023 through 09/30/2023 | | | |
|------------------------|------------|---|-------------------------|-------------------|----------|
| Type | Date | Comment | Name | Quantity | Fee |
| B2555 1.BP | 09/07/2023 | #39-23 4868 WESTCOTT FOUNDATIO FALLON, DANA WOODFORD BROTHERS | | 1 | 260.50 |
| 2.BP | 09/11/2023 | #41-33 3BDRM HS/SEPTIC SYSTEM | YOUSEY, TIMOTHY | 1 | 889.20 |
| 3.BP | 09/13/2023 | #42-23 20X20 SHED 3593 ENGLISH | PHILLIPS LARRY II | 1 | 170.00 |
| 4.BP | 09/26/2023 | #46-23 DECK 125-17-1-46 | GUILMETTE, DORIS | 1 | 201.60 |
| 5.BP | 09/27/2023 | #44-23 BED/BATH/DECK ADDITION | GALLUP, SHANE | 1 | 501.24 |
| 6.BP | 09/28/2023 | #45-23 2 BD MOD, 4026 CAMP RD | CLAREY, JAMES | 1 | 829.30 |
| 7.BP | 09/29/2023 | #47-23 10'5"X20' COVERED DECK | BLAIS, STEVEN | 1 | 201.50 |
| 8.BPR | 09/14/2023 | 4872 WESTCOTT ROAD | CONRAD, GILBERT RUSSELL | 7 | 3,053.34 |
| | | | | 1 | 50.00 |
| | | | | Total for B Fund: | 3,103.34 |
| | | | | Total Sales | 3,103.34 |

TOWN CLERK'S MONTHLY REPORT

TOWN OF EATON, NEW YORK

SEPTEMBER, 2023

TO THE SUPERVISOR:

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Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

| | | | |
|-----------------------|-----------|--------------------------------------|-----------------|
| A1255 | | | |
| | <u>20</u> | DECALS | <u>386.55</u> |
| | <u>1</u> | MARRIAGE LICENSES NO. 23023 TO 23023 | <u>17.50</u> |
| | <u>19</u> | LANDFILL TICKETS | <u>14.25</u> |
| | <u>3</u> | MARRIAGE CERTIFIED CPY | <u>30.00</u> |
| TOTAL TOWN CLERK FEES | | | 448.30 |
| <hr/> | | | |
| A1603 | | | |
| | <u>26</u> | DEATH CERTIFIED COPIES | <u>260.00</u> |
| TOTAL A1603 | | | 260.00 |
| <hr/> | | | |
| A2544 | | | |
| | <u>20</u> | DOG LICENSES | <u>201.00</u> |
| TOTAL A2544 | | | 201.00 |
| <hr/> | | | |
| B2555 | | | |
| | <u>7</u> | BUILDING PERMIT | <u>3,053.34</u> |
| | <u>1</u> | BUILDING PERMIT RENEWAL | <u>50.00</u> |
| TOTAL B2555 | | | 3,103.34 |

TOWN CLERK'S MONTHLY REPORT

SEPTEMBER, 2023

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DISBURSEMENTS

| | |
|---|-----------------|
| PAID TO SUPERVISOR FOR GENERAL FUND | <u>909.30</u> |
| PAID TO SUPERVISOR FOR PART TOWN FUND | <u>3,103.34</u> |
| PAID TO NYS DEC FOR DECALS | <u>6,676.45</u> |
| PAID TO NYS ANIMAL POPULATION CONTROL PROGRAM | <u>32.00</u> |
| PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES | <u>22.50</u> |
| PAID TO DEPT OF SOLID WASTE & SANITATION FOR LANDFILL | <u>365.75</u> |
| <hr/> | |
| TOTAL DISBURSEMENTS | 11,109.34 |

HIGHWAY REPORT:

All Sand hauled in. Callanan ran out of sand. Out fitting the Plows prior to winter. Still haven't paved/shimmed Hatch Lake Road but will complete once weather permits.

Replace fuel pump before winter see motion under new business.

SUPERVISOR REPORT:

Motion by Councilperson Dickerson to accept the Supervisor Report. Second by Councilperson Hilts. All Ayes. Motion Carried.

- Update about the town park and the MECS upcoming board meeting
- Mentioned of Pleasant St. house that needs demo
- Update about painting in the town hall

NEW BUSINESS:

There were two bids submitted. Cortland Pump for \$19,656.00 and S&W Services Inc. for \$16,762.50. Councilperson Golley motioned to accept and pay for bid from S&W Services. Second by Councilperson Verne. All Ayes. Motion Carried. (**See Attached**)

Motion by Councilperson Golley to adopt Resolution 20-2023 Local Law 3-2023 (**"A Local Law Amending the Land Use Map of the Town of Eaton to Change the Zoning Designation for Certain Property from Being Zoned Residential District No. 2 (RD2) to Agricultural/ Residential/ Commercial District (ARC) in the Town of Eaton"**) Second by Councilperson Dickerson All Ayes. Motion Carried.

Roll Call Golley Yes, Verne Yes, Supervisor Wicks Yes, Dickerson Yes, Hilts Yes

TOWN OF EATON TOWN BOARD RESOLUTION 20-2023

October 10, 2023

TOWN OF EATON LOCAL LAW NO. 3 OF 2023

("A Local Law Amending the Land Use Map of the Town of Eaton to Change the Zoning Designation for Certain Property from Being Zoned Residential District No. 2 (RD2) to Agricultural/ Residential/ Commercial District (ARC) in the Town of Eaton")

The following resolution was offered by Councilperson Golley, who moved its adoption, seconded by Councilperson Dickerson, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. 3 of 2023 amending the Land Use Map of the Code of the Town of Eaton to change the zoning

designation for certain property from being zoned Residential District No. 2 (RD2) to Agricultural/ Residential/ Commercial District (ARC), was presented and introduced at a regular meeting of the Town Board of the Town of Eaton held on September 12, 2023; and

WHEREAS, a public hearing was held on such proposed Local Law on the 10th day of October, 2023 by the Town Board of the Town of Eaton and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed Local Law having been heard, and said proposed Local Law having been in the possession of the members of the Town Board of the Town of Eaton in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, at its September 12, 2023, meeting this Board determined that the enactment of Proposed Local Law No. 3 of 2023 is an unlisted action that there are no other involved agencies, that this Board will act as lead agency for this application and further, rendered a negative declaration for purposes of SEQR; and

WHEREAS, a General Municipal Law 239 Referral Notice was duly sent to the Madison County Planning Department (MCPB) and, by referral # 130, dated September 29th, 2023, the Madison County Planning Department concluded that the referral will have no significant adverse inter-community or county-wide implications, and indicated a determination on the proposed Local Law could be made by the Town of Eaton Town Board on a local basis; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. 3 of 2023.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that proposed Local Law No. 3 of 2023 is hereby enacted as Local Law No. 3 of 2023, as follows:

**“TOWN OF EATON
LOCAL LAW NO. 3 of 2023**

A Local Law Amending the Land Use Map of the Town of Eaton to Change the Zoning Designation for Certain Property from Being Zoned Residential District No. 2 (RD2) to Agricultural/ Residential/ Commercial District (ARC) in the Town of Eaton

Be it enacted by the Town of Eaton Town Board, as follows:

Section 1. Amendment of the Land Use Map of the Town of Eaton (Section 120-8 of the Code of the Town of Eaton).

The Land Use Map of the Town of Eaton, as provided for in Section 120-8 of the Code of the Town of Eaton and filed with the Town Clerk, shall be amended to change the zoning use designation of certain lands described herein in **Schedule “A”** from Residential District No. 2 (RD2) to Agricultural/ Residential/ Commercial District (ARC) as such zoning districts are defined and regulated pursuant to the provisions of Chapter 120 of the Code of the Town of Eaton.

Section 2. Parcel Subject to Zone Change

The parcel of land which shall be the subject of said zoning change is as follows: the Parcel designated as Tax Map Parcel ID No. 137.-1-37.131 situated on New York State Route 12B (current owner being Uvanni Family, LTD Partnership), totaling approximately 11.49 acres – *see* **Schedule “A”**.

Section 3.

The Town of Eaton Land Use Map shall be amended and shall incorporate the change of zoning classification, as herein provided.

Section 4. Effective Date.

This Local Law shall become effective upon its filing with the New York Secretary of State.

**SCHEDULE “A”
BOUNDARY DESCRIPTION**

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

| | | | |
|--------------------------|-------------------|--------------|------------|
| David Verne | Councilor | Voted | Yes |
| Jean Hilts | Councilor | Voted | Yes |
| Stephen Dickerson | Councilor | Voted | Yes |
| Jeff Golley | Councilor | Voted | Yes |
| Joseph Wicks | Supervisor | Voted | Yes |

The foregoing resolution was thereupon declared duly adopted.

DATED: October 10th , 2023

Motion by Councilperson Verne to adopt Resolution 21-2023 Transfer of property from Morrisville Eaton Central School District to the Town of Eaton for Town Park. Second by Councilperson Golley. All Ayes. Motion Carried.

**RESOLUTION NO. 21-2023
OF THE TOWN OF EATON COUNCIL**

RESOLUTION TO APPROVE TRANSFER OF PROPERTY

WHEREAS, the Board of Education of the Morrisville-Eaton Central School District (the “District”) seeks to transfer District property which is located on Eaton Street in the Village of Morrisville, County of Madison, and State of New York, being a portion of tax parcel number 123.7-1-7 consisting of approximately 7.5 ± acres of land of the total 9.11 ± acres of the tax parcel (the “Property”), to the Town of Eaton; and

WHEREAS, the Town of Eaton seeks to acquire the premises for the construction and operation of a Town park benefitting the community; and

WHEREAS, the Town Board does hereby desire to accept the District’s transfer of the Property, subject to the conditions set forth in the Real Estate Purchase Agreement.

NOW, THEREFORE, be it

RESOLVED, that the acceptance of the Property is an Unlisted Action under the regulations of the State Environmental Quality Review Act, that the Town Board of the Town of Eaton shall act as Lead Agency, and, upon review of the Short Environmental Assessment Form, the transfer of title is determined by the Town Board not to have a significant adverse impact to the environment; be it further

RESOLVED, that the Town Board of the Town of Eaton does hereby accept title to the Property being a portion of parcel number 123.7-1-7, consisting of approximately 7.5 +/- acres of land located on Eaton Street in the Village of Morrisville, upon the terms and conditions set forth in the Purchase Agreement, and subject to the further clarification of the Town’s maintenance responsibilities upon transfer of such real property; be it further

RESOLVED, that the Town Board does further authorize the Supervisor to execute any and all documents to effectuate such transfer of real property.

Councilperson Hilts made a motion to move the 2024 **Tentative Budget to Preliminary** and advertise for a Public Hearing at the November 14th Meeting. Second by Councilperson Dickerson. All ayes. Motion carried. (6:05 pm for advertisement)

Motion by Councilperson Golley for Budget transfers for October 2023. Second by Councilperson Verne. All Ayes. Motion Carried.

Budget Transfers for October 2023

| <u>Appropriation Over Budget</u> | <u>Amount</u> | <u>Transfer from</u> |
|---|----------------------|-----------------------------|
| A1410.4 (Town Clerk Contractual) | \$200.00 | A1990.4 Contingency |
| A1420.4 (Attorney Contractual) | \$1,200.00 | A1990.4 Contingency |
| A1620.4 (Buildings Contractual) | \$500.00 | A1990.4 Contingency |
| B8020.4 (Planning Board Contractual) | \$200.00 | B1990.4 Contingency |

To allocate American Rescue Plan Act funds

| Account | Subsidiary Account | Debit | Credit |
|---------------------------|--------------------|----------|----------|
| A522 Expenditures | | \$787.00 | |
| A7110.4 Parks Contractual | \$787.00 | | |
| A200 Cash | | | \$787.00 |
| | | | |
| | | | |
| | | | |
| Account | Subsidiary Account | Debit | Credit |
| A688 Other Liabilities | | \$787.00 | |
| A980 Revenues | | | \$787.00 |
| A4089 Federal Aid, Other | \$787.00 | | |
| | | | |

PAY THE BILLS: Abstract 10-2023

General Vouchers numbered A 140-154 \$ 4,906.70; B's 40-43 \$ 1,224.16; SL 10 \$ 602.41; Highway Vouchers numbered DA 69-77 \$ 74,587.84; DB 25 \$ 3,630.40

After review of All Abstracts Councilperson Hilts moved to accept and pay the bills, second by Councilperson Dickerson. All ayes. Motion carried.

With no further business to present to the Board, Councilperson Verne moved adjourn the meeting. Second by Councilperson Hilts. All ayes. Motion carried. Meeting adjourned at 7:01 pm.

Respectfully submitted, Dean Curtis, Town Clerk