

At the Regular Meeting and Public Hearing of the Town Council, held on November 14<sup>th</sup>, 2023 at the Town of Eaton Office Building, 35 Cedar Street, Morrisville, New York, there were present:

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

Also Present: Amy Will Bookkeeper, Celeste Amaral, Don Bigelow, Ken Masker

The Meeting opened at 6:03 with the Pledge of Allegiance.

After review of the October 10<sup>th</sup> 2023 Minutes Councilperson Golley moved to approve the minutes. Second by Councilperson Verne. All ayes. Motion carried.

Motion by Councilperson Hilts to recess Regular Meeting at 6:05 pm and open Public Hearing for 2024 Budget Second by Councilperson Golley. All ayes. Motion carried.

#### **PUBLIC HEARING:**

At 6:05 pm, Supervisor Wicks recessed the Regular Meeting and opened the Public Hearing for the 2024 Budget. Supervisor Wicks reviewed the Budget with Council.

With all persons being heard for or against, at 6:06 pm Supervisor Wicks recessed the Public Hearing and continued the regular meeting. Motion by Councilperson Dickerson to close Public Hearing and continue with Regular Town Board Meeting. Second by Councilperson Verne. All Ayes. Motion Carried

#### **PUBLIC COMMENT:**

Ken Masker – had asked if there was any update on speed sign funding. Supervisor Wicks will discuss with Larry Phillips Highway Supervisor and follow up with Ken.

Ken Masker and Don Bigelow discussed the Bradley Brook Algae situation, water samples were taken but not during any heavy rain. Lake Association met with Soil & Water, DEC, Children's camp and property owners to discuss the Beaver situation.

Don Bigelow stated they did get two nuisance permits for Hatch Lake and they will be contacting local trappers to resolve the situation and DEC confirmed their options.

Don Bigelow mentioned they are going to test the road culverts to see exactly what is running through them that could affect the TSS (Total Suspended Solids) and phosphorus levels and other contaminates during heavy rain. This will determine the source pumping phosphorus into the lake. If they can't find the source then the source is the lake from the sediments.

**CODES OFFICER REPORT:**

Building Per	10/4/2023	#50-23 Septic Permit	Crouch, Charles	1	\$110.00
Building Per	10/5/2023	#51-23 Westcott Rd Foundation	Lynch, Elizabeth	1	\$153.20
Building Per	10/6/2023	#49-23 Shed	Mizgala, Suzanne	1	\$138.80
Building Per	10/18/2023	#55-23 Remodel Cottage	Runyon, Richard	1	\$641.50
Building Per	10/19/2023	#43-23 1 BD Home/Sept	Gates, Keith	1	\$726.25
Building Per	10/23/2023	#56-23 1013 Camp Rd	Taylor, Kathryn	1	\$640.50
Building Per	10/24/2023	#41-22 10' x 10' Deck	Benedict, Clyde	1	\$50.00
Septic	10/11/2023	#52-23 Camp Rd 3	Hall, Bradley & Colette	1	\$110.00
Solar Perm	10/11/2023	#53-23 Residential Solar Panel	Finley, Barbara	1	\$125.00
		Total B Fund			\$2695.25

**TOWN CLERKS REPORT:**

**TOWN CLERK'S MONTHLY REPORT**

TOWN OF EATON, NEW YORK

OCTOBER, 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:

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A1255

<u>16</u>	DECALS	<u>90.00</u>
<u>4</u>	MARRIAGE LICENSES NO. 23024 TO 23027	<u>70.00</u>
<u>21</u>	LANDFILL TICKETS	<u>15.75</u>
<u>4</u>	MARRIAGE CERTIFIED CPY	<u>40.00</u>

TOTAL TOWN CLERK FEES 215.75

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A1550

<u>1</u>	DOG REDEMPTION	<u>10.00</u>
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TOTAL A1550 10.00

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A1603

<u>47</u>	DEATH CERTIFIED COPIES	<u>470.00</u>
<u>1</u>	VITAL COPIES/GENEALOGY	<u>22.00</u>

TOTAL A1603 492.00

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A2544

<u>14</u>	DOG LICENSES	<u>186.50</u>
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TOTAL A2544 186.50

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A2770

<u>1</u>	MISC.REVENUE	<u>2.50</u>
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TOTAL A2770 2.50

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B2555

<u>7</u>	BUILDING PERMIT	<u>2,460.25</u>
<u>1</u>	SEPTIC PERMIT	<u>110.00</u>
<u>1</u>	SOLAR PANEL	<u>125.00</u>

TOTAL B2555 2,695.25

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## TOWN CLERK'S MONTHLY REPORT

OCTOBER, 2023

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## DISBURSEMENTS

PAID TO SUPERVISOR FOR GENERAL FUND	906.75
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PAID TO SUPERVISOR FOR PART TOWN FUND	2,695.25
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PAID TO NYS DEC FOR DECALS	1,528.00
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PAID TO NYS ANIMAL POPULATION CONTROL PROGRAM	29.00
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PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	90.00
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PAID TO DEPT OF SOLID WASTE & SANITATION FOR LANDFILL	404.25
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TOTAL DISBURSEMENTS	5,653.25
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## **HIGHWAY REPORT:**

- Hatch Lake Rd is paved and Shoulders done
- Hamilton Hill Rd crossing tomorrow, spoke with Verizon and the cable is now abandoned.
- Carey Rd crossing may be done on Thursday November 16<sup>th</sup>
- Installed new tires on units 6,7 & 8. New Brakes and Drums on Unit 7
- New Fuel Pump installed today November 14<sup>th</sup>, waiting on fuel management system, Manual tracking of fuel until fuel Management system arrives.
- Loader arrived 2 months early, swapped with Town of Augusta
- Still waiting to meet with windmill personnel
- Work program w/ Madison County 40 hour work week for 5 weeks class B driver
- BOCES – Brandyn Chapman intern for 3 weeks starting November 29<sup>th</sup> – December 15<sup>th</sup> 2023, from 8:30 – 11 Wednesday, Thursday, Friday, Weekends
- Roadway Excavation Quality Assurance Act, Updated Guidance

## **SUPERVISOR REPORT:**

Motion by Councilperson Golley to accept the Supervisor Report. Second by Councilperson Verne. All ayes. Motion Carried.

- Update about Town of Eaton Park- MESD vote in January for approval of land sale.
- Updated about painting in town building and need for more work to be done; siding, file room.

## **NEW BUSINESS:**

Motion by Councilperson Dickerson to approve 2024 budget Second by Councilperson Golley. All Ayes. Motion carried.

Motion by Councilperson Verne to advertise for **Fuel Bids for 2024**. Second by Councilperson Golley. All ayes. Motion carried.

Motion by Councilperson Hilts to adopt Resolution 22-2023 (“A Local Law Amending Chapter 120 of the Town of Eaton Code to Regulate Commercial Wind Energy Facilities within the Town of Eaton) and advertise for public hearing December 12, 2023 at 6:05 pm. Second by Dickerson. All Ayes. Motion Carried

**Roll Call:** Jeff Golley Yes, Dave Verne Yes, Joseph Wicks Yes, Stephen Dickerson Yes, Jean Hilts Yes. All Ayes. Motion Carried

## **TOWN OF EATON**

### **TOWN BOARD RESOLUTION 22-2023**

**November 14, 2023**

### **TOWN OF EATON LOCAL LAW 4 OF 2023**

(“A Local Law Amending Chapter 120 of the Town of Eaton Code to Regulate Commercial Wind Energy Facilities within the Town of Eaton)

Councilperson Hilts introduced proposed Local Law No. 4-2023, “Amending Chapter 120 of the Town of Eaton Code to Regulate Commercial Wind Energy Facilities within the Town of Eaton”, which will result in the repeal of existing regulations set forth in Article VC of Chapter 120 of the Town Code and the adoption of new regulations which are intended to preserve the health, safety and welfare of the Town while also facilitating the production of renewable energy, and made the following motion, which was seconded by Councilperson Dickerson:

**WHEREAS**, proposed Local Law 4-2023 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

**WHEREAS**, Volume 6 N.Y.C.R.R., Sections 617.3 and 617 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, the adoption of said Local Law is a Type I action for purposes of environmental review under SEQRA; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Eaton, such that there are no other involved agencies within the meaning of the SEQRA with respect to the proposed enactment of said proposed Local Law, with the result that the Town Board shall act as lead agency in this matter; and

**WHEREAS**, the Town Board has determined that a Full Environmental Assessment Form (EAF) shall be required in connection with this matter; and

**WHEREAS**, the said full EAF has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

**NOW, THEREFORE**, it is

**RESOLVED AND DETERMINED** that the enactment of proposed Local Law No. \_\_-2023 is a Type I action, there are no other involved agencies and this Board shall act as lead agency in this matter for purposes of SEQRA review; and it is further

**RESOLVED AND DETERMINED** that the Town Board has determined this action shall have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration under SEQRA; and it is further

**RESOLVED AND DETERMINED** that the reasons for the foregoing declaration are as follows:

1. If adopted, proposed Local Law No. 4-2023 will address changes in renewable energy and permit and regulate the construction of commercial wind energy systems in the Town of Eaton in a manner that preserves the health, safety and welfare of the Town while also facilitating the production of renewable energy.

2. In reviewing and regulating the placement and use of certain wind energy facilities, the Town has recognized that a carefully coordinated special use permit and site plan review will be taken by the Planning Board.

3. In regulating the placement and use of wind energy facilities, the Town proposed regulations are designed to minimize the impact of such uses on the environment and surrounding properties while encouraging appropriate placement of those facilities in the proper circumstances.

4. This Local Law seeks to accommodate public demand for wind energy facilities, while minimizing potential adverse impacts upon neighboring uses.

5. Aesthetic impacts will be reduced as a result of this Local Law which imposes various site requirements upon these facilities, including screening, height limitations, separations, design, proliferation, lighting, utility services, setbacks, and others.

6. Enactment of proposed Local Law No. 4-2023 will be more protective of the environment than the proliferation of wind energy facilities in the absence of regulations.

7. Proposed Local Law No. 4-2023 seeks to minimize aesthetic and other impacts of such uses on their neighbors, and as such, its adoption will have no significant effect on land use, air or water quality, traffic, solid waste production, drainage, animal or vegetation life; will not attract numbers of people to the Town; will not create any conflict with the Town's plans or goals; will not impair the character of any community or neighborhood resource; will not create any health hazard; will not result in any change in energy use; and will not create any demand for other action which would result in the above consequences; and it is further

**RESOLVED AND DETERMINED** that this Board adopts and incorporates into this Resolution the attached Notice of Negative Declaration; and it is further

**RESOLVED AND DETERMINED** that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. 4-2023 at Town Hall located at 35 Cedar Street, Morrisville, New York

in the Town of Eaton on December 12, 2023, at 6:05 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard.

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

<b>David Verne</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Jean Hilts</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Stephen Dickerson</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Jeff Golley</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>Joseph Wicks</b>	<b>Supervisor</b>	<b>Voted</b>	<b>Yes</b>

The foregoing resolution was thereupon declared duly adopted.

**DATED: November 14<sup>th</sup>, 2023**

Motion by Councilperson Verne to approve the Village of Morrisville and The Town of Eaton for Snow & Ice removal Contract for 2023-2024 Season, with authorization for Supervisor Wicks and Highway Superintendent Phillips to sign said Contract. Second by Councilperson Golley. All ayes. Motion carried.

Motion by Councilperson Dickerson for Budget Transfers. Second by Councilperson Hilts. All ayes. Motion carried

**Budget Transfers for November 2023**

<b><u>Appropriation Over Budget</u></b>	<b><u>Amount</u></b>	<b><u>Transfer from</u></b>
A1420.4 (Attorney Contractual)	\$800.00	A1990.4 Contingency
A1620.4 (Buildings Contractual)	\$1,500.00	A1990.4 Contingency
A5010.4 (Superintendent Contractual)	\$100.00	A1990.4 Contingency
A9050.8 (Unemployment Insurance)	\$200.00	A1990.4 Contingency
DA5142.4 (Snow Removal Contractual)	\$415.00	DA1990.4 Contingency
DB9785.6 (2020 Western Star Principal Contractual)	\$9.00	DB1420.4 Attorney



Motion by Councilperson Dickerson granting authority to Supervisor Wicks to move monies from 2023 Budget Resolution to Appropriate ARPA funds. Second by Councilperson Hilts. All Ayes. Motion Carried.

**To allocate American Rescue Plan Act funds**

Account	Subsidiary Account	Debit	Credit
A522 Expenditures		\$5,655.00	
A7510.4 Historian Contractual	\$5,000.00		
A7110.4 Parks Contractual	\$655.00		
A200 Cash			\$5,655.00
Account	Subsidiary Account	Debit	Credit
A688 Other Liabilities		\$5,655.00	
A980 Revenues			\$5,655.00
A4089 Federal Aid, Other	\$5,655.00		

**PAY THE BILLS:** Abstract # 11-2023

General A Fund	No.	155	through	173	9,103.94
General B Fund Part Town	No.	44	through	45	1,321.39
Street Lighting SL	No.	11	through	11	669.29
Highway Fund Townwide DA	No.	78	through	91	16,122.78
Highway Fund Part Town DB	No.	26	through	29	54,191.08
			<b>Total</b>		<b>\$ 81,408.48</b>

After review of Abstract 11 Motion by Councilperson Dickerson to accept and pay the bills. Second by Councilperson Golley. All ayes. Motion carried.

**ADJOURNMENT:**

With no further business to bring before the Board, Councilperson Dickerson moved to adjourn, Second by Councilperson Hilts. All ayes. Motion carried. Meeting adjourned at 6:50 pm.

Respectfully Submitted, Dean Curtis, Town Clerk/Tax Collector



