

At the Regular Meeting of the Town Council, Town of Eaton held on March 21, 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  
Paula Highers, Councilperson  
Larry Phillips, Highway Supervisor (absent)  
Dean Curtis, Town Clerk/Tax Collector

Also present: Amy Will (Bookkeeper), Ken Masker, Linda Hoxie, Carol Borg, John Hoxie, Don Bigelow, Colton Mennig, Suzy McRae, Robin Perry, Andrew Elliott, Janet Elliott

The Meeting opened at 6:01 with the Pledge of Allegiance.

After review of the February 14, 2023 minutes, Councilperson Highers moved to accept the minutes as submitted. Second by Councilperson Golley. All Ayes. Motion Carried.

**At 6:05 pm Motion by Councilperson Verne to recess the Regular Town Board Meeting and open the Public Hearing – Local Law 1-2023 (“A Local Law Imposing a Moratorium on the Establishment of Commercial Wind Energy Facilities and Ground Solar Energy Facilities within the Town of Eaton”) Second by Councilperson Golley. All Ayes. Motion Carried. (on file with Town Clerk).**

With all persons being heard for or against, at 6:12 pm Supervisor Wicks recessed the Public Hearing and continued the regular meeting. Motion by Councilperson Golley to close Public Hearing and continue with Regular Town Board Meeting. Second by Councilperson Highers. All Ayes. Motion Carried.

#### **PUBLIC COMMENT:**

Ken Masker, President of the Hatch and Bradley Lake Association presented information about costs of speed signs and proposed a cost sharing between them and the Town. Board will review proposal. Approximately 10 others from the association were present to support.

#### **HIGHWAY REPORT:**

Superintendent Philips was excused from the meeting but passed along information that he is making the updates to the codes report that showed some small failures that included emergency lighting and CO2 detector. Additionally Larry was contacted by the Town of Howard and they are looking to buy our next truck.

#### **TOWN CLERK REPORT:**

Town Clerks Monthly Report Submitted.

#### **SUPERVISOR REPORT:**

Supervisor Wicks discussed the DRI not getting awarded and possibly pursuing a project by project MOU agreement with PCD in Hamilton in order to move forward with some of the projects that the public commented on in the DRI application. This would build off the Town's Comprehensive Plan as well. Joe plans to discuss further with Mayor Lane when appropriate as well. Additionally Joe also updated about the town park and the barriers that the school districts has because of regulations at the state level. Joe will move forward with an updated land survey in order to see how best to proceed.

#### **OLD BUSINESS:**

#### **NEW BUSINESS:**

**Motion by Councilperson Verne to adopt Resolution 8-2023 Local Law 1-2023 (“A Local Law Imposing a Moratorium on the Establishment of Commercial Wind Energy Facilities and Ground Solar Energy Facilities within the Town of Eaton”). Second by Councilperson Golley. All Ayes. Motion Carried.**

**TOWN OF EATON**  
**TOWN BOARD RESOLUTION 8-2023**

**March 14, 2023**

**LOCAL LAW NO. A OF 2023**

**(“A Local Law Imposing a Moratorium on the Establishment of Commercial Wind Energy Facilities and Ground Solar Energy Facilities within the Town of Eaton”)**

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

**WHEREAS**, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. A-2023, “A Local Law Imposing a Moratorium on the Establishment of Commercial Wind Energy Facilities and Ground Solar Energy Facilities within the Town of Eaton,” was presented and introduced at a regular meeting of the Town Board of the Town of Eaton held on February 14, 2023; and

**WHEREAS**, a public hearing was held on such proposed local law on this 14th day of March 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**, the enactment of Proposed Local Law No. A-2023 has previously been determined to be a Type II action and will have no significant effect on the environment thus concluding the SEQR review process; and

**WHEREAS**, it is in the public interest to enact said Proposed Local Law No. A-2023.

**NOW, THEREFORE**, it is

**RESOLVED**, that the Town Board of the Town of Eaton, Madison County, New York, does hereby enact proposed Local Law No. A-2023 as Local Law No. 1-2023 as follows:

**“TOWN OF EATON**  
**LOCAL LAW NO. 1 OF 2023**

**A LOCAL LAW IMPOSING A MORATORIUM ON THE ESTABLISHMENT OF COMMERCIAL WIND ENERGY FACILITIES AND GROUND SOLAR ENERGY FACILITIES WITHIN THE TOWN OF EATON**

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

Section 1. Short Title.

This Local Law shall be known and cited as the “Commercial Wind Energy Facilities and Ground Solar Energy Facilities Moratorium Law of the Town of Eaton, New York.”

Section 2. Legislative Findings.

The Town Board hereby finds that without adequate regulations governing the location and placement of ground mounted solar panel energy arrays, such facilities may have a detrimental impact on the scenic rural character of the Town, the continuation of agriculture as a viable business activity, and on residential neighborhoods and the community in general. Such facilities, if not properly sited, may have adverse visual impacts, render agricultural uses unviable or uneconomical, and have a detrimental effect on the value of other

properties. Presently the Town of Eaton does not have any specific regulations for the location or placement of such facilities.

The Town Board further finds that without adequate regulations governing the location, placement and operation of commercial wind energy facilities, such facilities may also have detrimental impacts upon the Town, including impacts on the scenic rural character of the Town, its rural character, its agricultural resources, its residential neighborhoods, birds and wildfowl, public communications, and the quality of life of the community in general.

The Town desires to study and evaluate the land use impacts of commercial wind energy facilities and ground mounted solar panel energy facilities and consider a revised local law regulating their location and placement in order to preserve and protect the Town's aesthetic and visual resources, the continuation of agriculture as a viable business activity, and the property values within the Town by providing specific regulations and restrictions on the location, size and siting of ground solar energy facilities within the Town.

During the period in which the moratorium established by this Local Law is in effect, the Town will evaluate potential restrictions concerning ground solar facilities that may be necessary or appropriate to achieve the herein stated objectives of this Local Law. The Town Board further finds that although a review of the Town's zoning law as envisioned by this Local Law had previously been commenced, due to unforeseen circumstances such review was not timely completed, and that such a review remains necessary to protect the future health, safety and welfare of present and future residents of the Town of Eaton.

### Section 3. Authority and Purpose.

The Town Board of the Town of Eaton hereby adopts this Local Law pursuant to its general zoning authority under Article 16 of the Town Law and its general home rule authority under the Municipal Home Rule Law for the purposes of addressing the potential threat to the public health, safety and welfare described at Section 2 above.

### Section 4. Definitions.

For purposes of this Local Law, the term commercial wind energy facility shall mean any wind turbine or grouping of turbines, regardless of the manner of its or their mounting, which has a rated capacity to produce more than 100 kW of electricity.

For purposes of this Local Law, the term ground solar energy facility shall mean: structures, facilities, systems and/or equipment, or any combination thereof, including, but not limited to, solar panels and the hardware with or on which such panels are mounted, the purpose of which is to collect, absorb, concentrate or direct solar energy, which structures, facilities, systems and/or equipment, or any combination thereof, are located, installed, constructed or developed on the ground of a parcel, or on a pad or base substantially on grade with the ground. Ground solar facilities shall not include structures, facilities, systems and/or equipment, or any combination thereof, that are located, installed, constructed or developed on or above the roof of an existing improvement.

### Section 5. Intent.

The intent of this Local Law is to provide a temporary, interim measure to suspend the development of commercial wind energy facilities and ground solar energy facilities until such time as the Town has had an opportunity to research the options for regulation of such facilities and to develop, consider and enact a local law establishing new regulations for the installation of commercial wind energy facilities and ground solar energy facilities. It is the intent of the Town Board to protect the public health, safety, and welfare by enacting this interim moratorium law for a reasonable period. During said period, the Town Board, or such other panel or body as may be designated by the Town Board for this purpose shall complete an evaluation and assessment of existing land use plans and regulations for lands within the Town and make recommendations to the Town Board as to potential amendments to address the potential threat to the public health, safety and welfare described at Section 2 above. The Town Board may thereafter enact necessary modifications to the Town's zoning law and map, thereby a race of diligence will be avoided. The Town Board declares that the enactment of this local law is necessary to protect the public interest, including the public health, safety and welfare, while such examination and modifications are undertaken.

### Section 6. Regulations.

- A. Except as otherwise provided herein, effective on the effective date of this Local Law, and continuing until the date six (6) months from the effective date of this Local Law, unless the Town Board, by resolution, establishes an earlier date, no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval,

certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, or use or operation of any commercial wind energy facility or any ground solar energy facility, nor shall any such application be accepted, processed or continue to be processed with respect to any such property located in the Town of Eaton.

- B. The Town Board may extend the moratorium period provided for herein by two (2) additional periods not to exceed 180 days each.

**Section 7. Supersession of Town Law and Zoning Code.**

The provisions of this Local Law, and any moratorium (or extension thereof) enacted hereunder, shall supersede in their application to the Town of Eaton any and all contrary provisions the Town of Eaton zoning law and of Article 16 of the New York Town Law, including, but not necessarily limited to the provisions of Article 16 of the Town Law with respect to any time periods within which the Town or the Planning Board is required to act in regard to any application, and/or with respect to default approval of any such application within such time periods as may be prescribed in said Town Law.

**Section 8. Appeal Provisions.**

The Town Board shall have the power by resolution to exempt or modify the application of any provision of this local law with respect to a written request for such exemption or modification, upon its determination, in its absolute legislative discretion, that such exemption or modification is not inconsistent with the stated spirit and intent underlying the enactment of this local law and will serve to promote and protect the health, safety, morals, and general welfare of the Town. In evaluating any such request, the Town Board shall take into account the scope, size and location of any proposed facility, the existing land uses near the proposed facility, and in granting any such request, the Town Board shall specifically determine that the proposed commercial wind energy facility or ground solar energy facility, as applicable, does not have a significant adverse impacts which are inconsistent with the spirit and intent of this local law. The Town Board shall have absolute discretion in its determination whether to consider and/or grant any such request.

**Section 9. Penalties for Offenses.**

Any person, firm, entity, or corporation acting in violation of the provisions of this Local Law shall be guilty of an offense punishable by a fine not to exceed \$250.00 or imprisonment of not more than 15 days, or both. Each day of continuance of an offense shall be considered a separate offense. In addition to such penalties, the Town of Eaton may enforce this Local Law by injunction and/or such other appropriate civil remedies as may be available.

**Section 10. Severability.**

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any part of this Local Law which shall be given effect without such invalid part or parts.

**Section 11. Repeal of Existing Laws.**

All ordinances, local laws, or parts thereof in conflict with the provisions with this Local Law are hereby repealed to the extent necessary to give this Local Law full force and effect during the effective period.

**Section 12. Effective Date.**

This Local Law shall take effect immediately upon filing with the Secretary of State.”

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>Paula Highers</b>	<b>Councilor</b>	<b>Voted</b>	<b>Yes</b>
<b>David Verne</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: March 14, 2023**

**Councilperson Golley made a motion to adopt Resolution 9-2023 to propose the Tax Exemption agreement between Christopher Community PILOT and the Town of Eaton. Second by Councilperson Verne. All Ayes. With Councilperson Highers Abstaining. Motion Carried. (on file with Town Clerk)**

**Motion by Councilperson Highers to allow Town Clerk Dean Curtis to attend NYSTCA conference in Syracuse, April 23 – 26<sup>th</sup>, Second by Councilperson Golley. All Ayes. Motion Carried.**

**Motion by Councilperson Verne to allow Town Highway Supervisor to attend Association of Towns Training in Ithaca June 5-7, Second by Councilperson Highers. All Ayes. Motion Carried.**

**Motion by Councilperson Verne to update the Town of Eaton Covid -19 Safety Policy. Second by Councilperson Golley. All Ayes. Motion Carried.**

## Town of Eaton COVID-19 Safety Policy

The Eaton Town Council is committed to providing a healthy and safe workplace for all employees. This policy includes updated measures we are taking to mitigate the spread of Coronavirus.

### EMPLOYEE SCREENING, EXPOSURE AND CONFIRMED ILLNESS PROTOCOLS

**Stay home when you are sick.** No employee shall report to work if they have any COVID-19 symptoms. Employees are expected to self-monitor on a daily basis, including taking their temperature and watching for COVID-19 symptoms. According to CDC guidance on "Symptoms of Coronavirus," the term "symptomatic" includes employees who have the following symptoms or combinations of symptoms: fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, new loss of taste or smell, nausea or vomiting, diarrhea. This list does not include all possible symptoms. Symptoms may change with new COVID-19 variants and can vary depending on vaccination status.

Employees are required to immediately disclose to the Town Supervisor, or their direct supervisor, if they begin to experience symptoms, including during or outside of work hours, or if they have a positive COVID-19 test, or are in close contact with a confirmed or suspected COVID-19 case.

### COVID-19 PAID MEDICAL LEAVE

Municipal officers and employees who are subject to a mandatory quarantine or isolation due to COVID-19 are eligible for paid sick leave. This applies to all full and part-time employees. Such employees would be compensated at their regular rate of pay and would not have to use their accruals during this period.

Municipal officers and employees subject to a mandatory order of isolation due to COVID-19 will receive paid time off at their normal salary, or average weekly wage, for the entirety of the isolation (up to 14 calendar days/10 work days).

Employees are eligible for up to three "rounds" of COVID-19 Leave, each consisting of up to 14 calendar days/10 work days, for testing positive for COVID-19. Employees receive paid leave to the extent they:

- a. Have not previously exhausted the three "rounds" of COVID leave (COVID-19 Paid Leave does not create a "bank" of days to be used for orders of isolation);
- b. provide proof of isolation by a governmental entity or completed self-affirmation (without the order of isolation, there is no eligibility); and
- c. would otherwise be scheduled to work during the period of isolation.

CDC guidance recommends isolating for 5 days, with day 0 being the first day of symptoms, or if asymptomatic, the day the employee was tested (not the day the employee receives the positive test result, although for many this is the same day). If an asymptomatic positive employee becomes symptomatic, the clock restarts and begins on the date of onset of symptoms.

If the employee has no symptoms, they may end isolation after day 5 and return to work on day 6 (wearing a mask for days 6-10). If the employee has no symptoms and has two negative tests 48 hours apart, you are most likely no longer infectious and a mask is no longer required. If an employee is symptomatic, the employee's symptoms are improving and the employee has been fever free for 24 hours, they may return to work on day 6 (wearing a mask for days 6-10). If

symptoms are not improving and the employee has not been fever free for 24 hours, isolation continues until the employee is fever free for 24 hours and symptoms are improving. *This means that most periods of isolation will only be 5 days*; however, more than 5 days may be taken if, at the conclusion of day 5, symptoms are not improving and the employee has not been fever free for 24 hours.

If the employee does not use a full ten (10) days in any round, the remaining days for that round are forfeited. As mentioned above, they are not “banked” or available to use in future rounds of paid COVID leave.

The CDC no longer recommends quarantining as a result of being exposed to COVID-19. Now, if exposed, the CDC recommends masking and watching for symptoms.

If an employee has exhausted all three rounds of COVID-19 leave, they may use their eligible leave accruals.

**Motion by Council person Golley to adopt Resolution 10-2023 Authorizing the Modification of the 2023 Town Outside Village (DB) Operating Budget. Second by Councilperson Verne. All Ayes. Motion Carried.**

**RESOLUTION NO. 10-2023  
OF THE TOWN OF EATON COUNCIL**

A RESOLUTION AUTHORIZING THE MODIFICATION OF THE  
2023 TOWN OUTSIDE VILLAGE (DB)  
OPERATING BUDGET

WHEREAS, by virtue of a resolution adopted by the Town of Eaton Council on 3/8/2022 the Town Highway Superintendent was authorized to purchase a new Volvo Wheeled Excavator, and

WHEREAS, the purchase of this wheeled excavator has now been finalized, and

WHEREAS, this necessary expenditure was not included in the 2023 Town Outside Village (DB) Operating Budget, and

WHEREAS, there is sufficient fund balance available in the Town Outside Village (DB) Operating Budget, together with American Rescue Plan Act Funds, to fund this expense in full;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, by the Town of Eaton Council that the original authorizing resolution to purchase a new Volvo Wheeled Excavator is corrected to authorize a total expenditure of not more than \$200,000.00, and

RESOLVED, by the Town of Eaton Council that the 2023 Town Outside Village (DB) Operating Budget is hereby amended to modify revenue and expenditure budget lines DB910 and DB5130.2 as follows:

Account No.	Description	Debit	Credit
DB910	Fund Balance, Unreserved		\$150,000.00
DB5130.2	Equipment	\$150,000.00	

Dated: March 21, 2023

**Motion by Councilperson Golley for budget transfers (for ARPA). Second by Councilperson Highers. All Ayes. Motion Carried.**

**Budget Transfers for March 2023**  
To allocate American Rescue Plan Act funds

Account	Subsidiary Account	Debit	Credit
A522 Expenditures		\$10,647.40	
A1220.4 Supervisor Contractual	\$9,695.00		
A7110.4 Parks, Contractual	\$952.40		
A200 Cash			\$10,647.40
DB522 Expenditures		\$48,777.00	
DB5130.2 Equipment	\$48,777.00		
DB200 Cash			\$48,777.00
DB5031 Interfund Transfer			\$48,777.00
Account	Subsidiary Account	Debit	Credit
A688 Other Liabilities		\$59,424.40	
A980 Revenues			\$59,424.40
A4089 Federal Aid, Other	\$59,424.40		
A9901.9 Transfers, Other Funds (Highway DB – Town Outside Village)		\$48,777.00	

**PAY THE BILLS: Abstract # 3**

General Vouchers numbered- A 27-41 \$ 14,656.91; B 10-14 \$ 1,735.67; SL-3 \$ 530.91

Highway Vouchers numbered DA 16-26 \$109,059.94; DB 3-7 \$ 284,853.13

After audit of the Vouchers, Councilperson Highers moved to accept and pay the bills. Second by Councilperson Verne, All Ayes. Motion carried.

With no further business to bring before the Council, Councilperson Highers moved to adjourn. Second by Councilperson Golley. All Ayes. Motion Carried. Meeting adjourned at 6:37 pm.

Respectfully submitted, Dean Curtis, Town Clerk/Tax Collector