

At the Regular Meeting of the Eaton Town Council, held on September 12th, 2023 at the Town of Eaton Office Building, 35 Cedar Street, Morrisville, New York, there were present:

Joseph Wicks, Supervisor
David Verne, Councilperson (absent)
Jeff Golley, Councilperson
Stephen Dickerson, Councilperson
Jean Hilts, Councilperson
Dean Curtis, Town Clerk/Tax Collector
Larry Phillips, Highway Superintendent

Also present: Amy Will, Bookkeeper, Steven Tuttle, Steven Blais, Ken Masker, Debra Ketcham

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

After review of August 3rd, 2023 Minutes Councilperson Golley moved to accept the minutes as submitted. Second by Councilperson Hilts. All ayes. Motion carried.

At 6:02 pm Councilperson Dickerson Motioned to Recess Regular Town Council Meeting and open Public Hearing – (“A Local Law Extending 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.

With all persons being heard for or against, at 6:17 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 Hilts. All Ayes. Motion Carried.

PUBLIC COMMENT: Debra Ketcham raised concerns about people trespassing on her land looking for Pins on neighbors property. Ken Masker

CODES OFFICER REPORT: (see agenda packet)

TOWN CLERKS REPORT: (see agenda packet),

HIGHWAY REPORT: Hatch Lake will be Shim Paved within the next few weeks. Crow Hill, Leach Road, and South Street all have been completed with Stone & Oil. Will Soon be Hauling in Sand from Callahan.

SUPERVISOR REPORT:

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

Supervisor comments;

- SEVAC update
- Clean up days postponed
- Budget next steps
- Town park
- County IT service cost decrease

NEW BUSINESS:

Motion by Councilperson Golley to adopt Resolution 15-2023 Local Law 2-2023 (“A Local Law Extending a Moratorium on the Establishment of Commercial Wind Energy Facilities and Ground Solar Energy Facilities within the Town of Eaton”). Second by Councilperson Hilts. All Ayes. Motion Carried.

**TOWN OF EATON
TOWN BOARD RESOLUTION 15-2023**

September 12, 2023

TOWN OF EATON LOCAL LAW NO. 2 OF 2023

**(“A Local Law Extending for an Additional Period of Six (6) Months the
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 Councilor Golley, who moved its adoption, seconded by Councilor Hilts, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law No. 2-2023, “A Local Law Extending for an Additional Period of Six (6) Months the 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 August 3, 2023; and

WHEREAS, a public hearing was held on such proposed local law on this 12th day of September 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. 2-2023 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. 2-2023.

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. 2-2023 as Local Law No. 2-2023 as follows:

**“TOWN OF EATON
LOCAL LAW NO. 2 OF 2023**

**A LOCAL LAW EXTENDING FOR AN ADDITIONAL PERIOD OF SIX (6) MONTHS THE
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. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law § 10.

SECTION 2. INTENT.

It is the intent of the Town Board of the Town of Eaton to extend the moratorium on the establishment of commercial wind energy facilities and ground solar energy facilities within the Town of Eaton for a period of six (6) months.

SECTION 3. LEGISLATIVE PURPOSE.

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. At present, 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 continue its study and evaluation of the land use impacts of commercial wind energy facilities and ground mounted solar panel energy facilities to revise its 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.

The Town has adopted 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”). Since passage of the moratorium, the Town has been preparing proposed amendments to the local Zoning Law for public comment. It has been determined that a moratorium extension limited to an additional six (6) months in duration from the date of expiration of the moratorium, coupled with a mechanism for a “hardship”

appeal procedure, will achieve an appropriate balancing of interests between, on the one hand, the public need to safeguard the character and other resources of the Town of Eaton and the health, safety and general welfare of its residents, and, on the other hand, the rights of individual property owners and businesses desiring to conduct such activities during such period.

This Local Law shall therefore act as an extension to the moratorium adopted by the Town of Eaton Town Board on March 14, 2023 (Local Law No. 1 of 2023), which shall expire September 14, 2023, for an additional six (6) months, resulting in a new expiration date of March 14, 2024.

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 4. VALIDITY & SEVERABILITY

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section of this Local Law.

SECTION 5. EFFECTIVE DATE.

This local law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of six (6) months from the date of the expiration of the twelve (12) month moratorium memorialized in 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”), on March 14, 2023.”

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	Absent
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: September 12, 2023

Motion by Councilperson Dickerson to adopt Resolution 16-2023 to appropriate American Rescue Plan Act funds to the Morrisville Public Library. Second by Councilperson Golley. All Ayes. Motion Carried.

**TOWN OF EATON
TOWN BOARD RESOLUTION 16-2023**

September 12, 2023

A resolution to appropriate American Rescue Plan Act funds to the Morrisville Public Library

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

WHEREAS, the United States Congress passed the American Rescue Plan Act of 2021, effective March 11, 2021 (“ARPA” or the “Act”); and

WHEREAS, the Act created the Coronavirus Local Fiscal Recovery Fund (“CLFRF”) which, among other things, appropriated money to cities, non-entitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (“COVID-19”); and

WHEREAS, the Town of Eaton (the “Town”) has received a distribution of funds (“ARPA Funds”) through the CLFRF; and

WHEREAS, the Final Rule adopted by the Department of Treasury provides that participants may use ARPA Funds for the provision of government services up to the amount of the experienced revenue loss, whether that be the standard allowance amount or the amount calculated using the formula set forth in the Rule; and

WHEREAS, government services generally include any service traditionally provided by a government, unless Treasury has stated otherwise. The Rule and other guidance provides that “government services” expressly recognized by Treasury include, but are not limited to, (a) road building and maintenance, and other infrastructure; (b) health services; (c) general government administration, staff, and administrative facilities; (d) environmental remediation; (e) provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles); (f) maintenance or pay-go funded building infrastructure; and (g) modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; and

WHEREAS, the Town Board has identified a project or expenditure which, in the judgment of the Town Board, qualifies as a permitted use of the ARPA Funds, in direct support of the provision of governmental services, which consists of renovating the “local history room” at the Morrisville Public Library, the purpose of which room is, in part, to properly store and maintain historical Town of Eaton government records and artifacts (the “Expenditure”); and

WHEREAS, the Board believes that it is in the best interest of the Town and its residents to approve the Expenditure and authorize the use of a portion of ARPA funds for the Expenditure.

NOW THEREFORE, BE IT

RESOLVED, the Board believes, in exercising its reasonable judgment, that the Expenditure meets the criteria in ARPA and the Final Rule, and is a permissible expenditure of ARPA Funds for the provision of government services; be it further

RESOLVED, the Expenditure is hereby authorized and shall be paid for from the ARPA Funds in the amount of/an amount not to exceed \$5,000; be it further

RESOLVED, that the Town Board finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements; be it further

RESOLVED, that this resolution shall be in full force and effect immediately upon its adoption.

The foregoing resolution was thereupon declared duly adopted.

Motion by Councilperson Golley to introduce 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.” and advertise Public Hearing October 10th, 2023 second by Councilperson Hilts. All Ayes. Motion Carried.

**TOWN OF EATON
TOWN BOARD RESOLUTION 20-2023**

September 12th , 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”)

Councilor Golley introduced proposed Local Law No. 3-2023, titled “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,” and made the following motion, which was seconded by Councilor Hilts:

WHEREAS, proposed Local Law No. 3-2023 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town 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 an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, a Short 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. 3-2023 is an Unlisted 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 based upon the following reason:

1. Situated directly across from the parcel on New York State Route 12B, which, as a primary roadway, is a gateway into the Town of Eaton, there are five (5) parcels currently zoned ARC zoned for commercial uses; 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. 3-2023 at the Town Hall located at 35 Cedar Street, Morrisville, New York in the Town of Eaton on October 10, 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; and it is further

RESOLVED AND DETERMINED that notice of said public hearing shall be provided at least five (5) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Eaton; and be it further

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	Absent
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: September 12th, 2023

CERTIFICATION

STATE OF NEW YORK)
COUNTY OF MADISON)

I, the undersigned Clerk of the Town of Eaton, Madison County, New York, **DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on September 12th, 2023.

Sent GML to Madison County on 9/15/2023. Sent Notice of Public Hearing to Oneida Daily Dispatch and Affidavit posted to General Town Bulletin Board.

Motion by Councilperson Dickerson for Budget transfers for September 2023. Second by Councilperson Hilts. All Ayes. Motion Carried.

Budget Transfers for September 2023

<u>Appropriation Over Budget</u>	<u>Amount</u>	<u>Transfer from</u>
A1355.4 (Assessor Contractual)	\$406.00	A1990.4 Contingency
A1420.4 (Attorney Contractual)	\$200.00	A1990.4 Contingency
A1910.4 (Unallocated Insurance Contractual)	\$180.00	A1990.4 Contingency
A5010.4 (Superintendent Contractual)	\$200.00	A1990.4 Contingency
A9060.8 (Health Insurance)	\$5,160.00	A9901.9 Bldg Capital Improv

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

To allocate American Rescue Plan Act funds

Account	Subsidiary Account	Debit	Credit
A522 Expenditures		\$13,266.00	
A1620.2 Buildings Equipment	\$12,800.00		
A7110.4 Parks Contractual	\$ 466.00		
A200 Cash			\$13,266.00
DB522 Expenditures		\$25,000.00	
DB9730.6 (BAN Principal – Roberts Rd)	\$25,000.00		
DB200 Cash			\$25,000.00
DB5031 Interfund Transfer			\$25,000.00
Account	Subsidiary Account	Debit	Credit
A688 Other Liabilities		\$38,266.00	
A980 Revenues			\$38,266.00
A4089 Federal Aid, Other	\$38,266.00		
A9901.9 Transfers, Other Funds (Highway DB – Town Outside Village)		\$25,000.00	

Motion by Councilperson Hilts authorizing and interfund transfer of \$80,000 from the General Fund B (Town Outside Village) Operating Fund to the Highway DB (Town Outside Village) Operating Fund. Second by Councilperson Dickerson. All Ayes. Motion Carried.

Motion by Councilperson Golley acknowledging the Roberts Road Culvert Project has been completed, and authorizing the transfer of \$313.43, the unexpended balance of the capital projects fund, to the Highway DB (Town Outside Village) Operating Fund, to be applied toward the debt service. Second by Councilperson Hilts. All Ayes. Motion Carried.

Motion by Councilperson Golley to refund Tim Yousey \$100 for overpayment for Subdivision He paid \$275 for a 3 lot Subdivision and should have paid for a 2 lot which is \$175. Second by Councilperson Dickerson. All Ayes. Motion Carried Refund Check # 1608 10/4/2023

Motion by Councilperson Dickerson to refund Jeff Golley \$50 for Boundary Line Change, since both lots are owned by same owner, does not require Planning Board Approval. Second by Councilperson Hilts. Jeff Golley Abstained. All Ayes. Motion Carried. Refund Check #1609 10/4/2023

Motion by Councilperson Hilts Authorizing Town Clerk to Shred/Destroy Expired Dog License Renewals 2018-2019 per the NYS LGS-1 as described in attached document. Second by Councilperson Dickerson. All Ayes. Motion Carried.

ABSTRACT 9 – 2023

General Vouchers numbered A 121-139 \$ 17,336.34; B's 36-39 \$ 740.95; SL 9 \$ 588.18 Highway Vouchers numbered DA 63-68 \$ 4,348.08; DB 19-24 \$ 304,040.29

After review of Abstract 9, Councilperson Golley moved to accept and pay the bills. Seconded by Councilperson Hilts. All Ayes, Motion Carried.

With no further business to bring before the Board, Councilperson Dickerson moved to adjourn, second by Councilperson Golley. All Ayes. Motion Carried. Meeting adjourned at 7:08 pm

Respectfully submitted, Dean Curtis, Town Clerk