

**Eaton Town Council Regular Board Meeting Minutes,
Tuesday, October 8th, 2024 at 6:00 pm**

Town of Eaton Office Building, 35 Cedar Street, Morrisville, New York, there were present:

Joseph Wicks, Supervisor
Jeff Golley, Councilmember
Dave Verne, Councilmember
Stephen Dickerson, Councilmember
Jean Hilts, Councilmember
Dean Curtis, - Town Clerk
Pam Locke, Deputy Town Clerk
Larry Phillips, - Highway Superintendent
Amy Will, - Bookkeeper

Also present: Stephanie Mintel, Carol Borg, James Kallmerten, Jean Neidhardt, Kaaren Arrington, Caroline Wilson, Michael Bischoff, Celeste Amaral, Beckie Whiting, Pat Carey, Don Bigelow

Call to order & Welcome: The Meeting opened at 6:00 pm with the Pledge of Allegiance.

PUBLIC COMMENT (5 min):

Stephanie Mintel – egress voiced concerns about Codes Officer and Town of Eaton Law regarding a variance on egress for 8' x 12' deck and spending money on a Variance and Survey because they did not meet the set backs.

Caroline Wilson and Jean Neidhardt still having issues with hearing. Brought medical report and gave to Supervisor Wicks, Jean stated she is receiving negative texts and messages from neighbors. Ag and Markets is in contact with the Farm and hoping to do an independent inspection.

Celeste Amaral - CNY Regional NYSFOLA Conference

September 13, 2024

Conference Focus:

- Review of areas that fall under the control of lakefront residents to improve or sustain water quality.

Shorescaping:

- **Janet Allen (Wild Ones Chapter Habitat Gardening in CNY)** – provided a case study of why we are better off creating a lake friendly habitat minimize pesticides/herbicides by minimizing lawns and using native plants to landscape our yards. Her website contains many examples and list of native plants for our area (<https://www.hgcny.org/projects/shopping/>)
- **John Jablonski III (Lake Chautauqua Special Projects Coordinator)** – shared the projects around the lake that focus on reducing lawn size and chemicals. They have a program offering free of charge to the

homeowner, an assessment and recommendations to improve their landscape. We will follow up to learn more.

Septic Systems and Phosphorus Bioavailability:

- **Sharon Moran and Mackenzie Gregg (ESF Environmental Studies professor and student)** – Mackenzie shared her capstone study on the utilization of the NYS Septic System Replacement Fund Program (SSRP Septic systems remain out-of-sight and out-of-mind, to the detriment of the communities and watersheds).
- **Dr. David Matthews** (UFI Technical Director) – spoke on the bioavailability of phosphorus from septic systems. They are finding that dissolved phosphorus is immediately available to the algae; thus, reducing dissolved phosphorus has a more significant impact on the reduction of algal blooms. Septic systems release bio-available phosphorus unless the system has phosphorus removal capability. Areas to consider are types of systems, maintenance, type of soil used by the septic systems, and setback from the water's edge. Significant storm events also release phosphorus nutrients into the lakes adding to the phosphorus load.

Harmful Algal Blooms:

- **Dr. Greg Boyer** (Director of the Great Lakes Research Consortium) – Greg is an expert on harmful algal blooms (HABs) and helped analyze the 2023 summer Bradley Brook lake-wide bloom. Greg asked conference attendees to bring samples from their lakes. He examined the samples with an iOlight microscope and shared the results in real time. The microscope identifies the type of microcysts but not the toxicity. Further lab analysis is required to determine toxicity.

Invasive Species:

- Representatives from the **Finger Lakes Partnership for Regional Invasive Species Management (PRISM) and the iMapInvasives** organizations were present. Both programs offer the ability to identify and track invasive species (aquatic and land). Their websites have lots of information on using the tools and they are always willing to engage with community organizations. (<https://fingerlakesinvasives.org/>, <https://www.nyimapinvasives.org/>)

Panel Discussion (all speakers and additional invitees)

- Many questions from the audience focused on harmful algal blooms, septic systems, and shoredscaping.

Presentations available at the NYSFOLA website: <https://nysfola.org/regional-conferences/>

Don Bigelow - Report on Bradley Brook and Hatch lakes - D Bigelow- Director for Hatch Bradley Brook Lakes Assoc.(HBBLA).

- Bradley Brook has been algal bloom(HAB) free until mid Sept of 2024...an improvement from last year. Weeds in the lake were decimated last year due to the summer long HAB, but have recovered nicely with very little milfoil present. Zebra mussels, abundant in 2024, also were notable absent this year. Fish and invertebrate populations appear healthy and abundant.

- The lake presently has a significant ongoing bloom since mid September, on the surface and in the water column, with water clarity down to 4 ft. The Lakes Association continues its internal water quality testing program sampling and measuring Total Phosphorus from the lake, tributaries and culverts as well as lake water column temperatures.. We have also continued participation in the DEC CSLAP testing program through 2024. Greg Boyer from ESF reviewed the Bradley algal samples and indicated that the present HAB does have algal species that are typically toxin producing and should be avoided.
- Hatch Lake water clarity is very good and has experienced no HABS this year. Water samples reviewed by Boyer found limited algal species and all are typical and non-toxic. Hatch continues to have extensive milfoil growth somewhat reduced by the harvesting activity in the summer. Testing (Total Phosphorus and Temperature) also continues on Hatch lake along with CSLAP testing.
- Septic systems were identified during the 2024 UFI lakes study to be a significant nutrient inflow and algal fertilizer. Regardless, we have seen little septic tank replacement activity in 2024. Some residents find the required systems too expensive for a summer part-time residence but are interested in a Holding Tank solution, presently not allowed by MADCO DOH and the Town. We feel the use of Holding Tanks should be reconsidered as an effective solution for septic tank replacement on the very small, seasonal lakeside lots as seen on our lakes. But they must be properly designed (with full tank alarms and secure covers) , installed and maintained to be effective. The HBBLA will initiate a discussion with MADCO DOH and Planning on this subject.

REGULAR MONTHLY MEETING:

RESOLUTION 2024- 96 : Open the public hearing

On a motion of Councilmember Golley, seconded by Councilmember Verne, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that Town Board recess the Regular Town Board Meeting and open the Public Hearing at 6:13 p.m.

Supervisor Wicks provided a brief overview of the proposed local law.

RESOLUTION 2024- 97 : Close the public hearing

On a motion of Councilmember Hilts, seconded by Councilmember Dickerson, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

With all persons being heard for or against, Resolved that the public hearing be closed at 6;16 p.m. and continue with the Regular Scheduled Town Board Meeting.

CODES OFFICER REPORT:

**Town of Eaton
Codes Officer Report
09/01/2024 - 09/30/2024**

Type	Date	Comment	Name	Fee
Variance	09/19/2024	485 Westcott Rd	Marra, Michael	175.00
Building Permit	09/10/2024	#52-24 2926 Evans Rd	Orth, Mary	242.00
Septic Permit	09/23/2024	#54-24 Candy Ln Lot #2417	Benedict, Clyde	175.00
Building Permit	09/25/2024	#56-24 16 x 40 Lean 5303 Pugh Rd	Chapman, Chad	266.00
Building Permit	09/27/2024	#59-24 8x10 & 6x6 deck	Burt, Elaine	187.40
Building Permit	09/27/2024	#57-24 Ext Door 8x12 deck	Mintel, Walter	214.40
Building Permit Ren	09/10/2024	#07-19 2861 Evans Rd 2 yrs	Orth, David	100.00
Building Permit Ren	09/12/2024	#51-21 2023 & 2024 20yrs	Broedel, Jamie	100.00
Building Permit Ren	09/27/2024	#05-23 Chris Community	Rich & Gardner	50.00
Generator Permit	09/12/2024	2391 Nichols Camp Rd	Perrotti, Steph	110.00
COFO	09/26/2024	#18-23 3290 Westland Dr	Mchugh Dawn & Patrick	75.00
		Total		\$1,694.80

TOWN CLERKS REPORT:

TOWN CLERK'S MONTHLY REPORT

TOWN OF EATON, NEW YORK

SEPTEMBER, 2024

TO THE SUPERVISOR:

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>368.56</u>
	<u>1</u>	MARRIAGE LICENSES NO. 24007 TO 24007	<u>17.50</u>
	<u>13</u>	LANDFILL TICKETS	<u>9.75</u>
	<u>1</u>	MARRIAGE CERTIFIED CPY	<u>10.00</u>
TOTAL TOWN CLERK FEES			405.81
A1603			
	<u>63</u>	DEATH CERTIFIED COPIES	<u>630.00</u>
TOTAL A1603			630.00
A2544			
	<u>37</u>	DOG LICENSES	<u>367.00</u>
TOTAL A2544			367.00
B2110			
	<u>1</u>	VARIANCE	<u>175.00</u>
TOTAL B2110			175.00
B2555			
	<u>5</u>	BUILDING PERMIT	<u>1,084.80</u>
	<u>5</u>	BUILDING PERMIT RENEWAL	<u>250.00</u>
	<u>1</u>	GENERATOR	<u>110.00</u>
TOTAL B2555			1,444.80
B2590			
	<u>1</u>	CERTIFICATE OF OCCUPANCY	<u>75.00</u>
TOTAL B2590			75.00

TOWN CLERK'S MONTHLY REPORT

SEPTEMBER, 2024

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DISBURSEMENTS

PAID TO SUPERVISOR FOR GENERAL FUND	<u>1,402.81</u>
PAID TO SUPERVISOR FOR PART TOWN FUND	<u>1,694.80</u>
PAID TO NYS DEC FOR DECALS	<u>6,801.44</u>
PAID TO NYS ANIMAL POPULATION CONTROL PROGRAM	<u>65.00</u>
PAID TO NYS HEALTH DEPT FOR MARRIAGE LICENSES	<u>22.50</u>
PAID TO DEPT OF SOLID WASTE & SANITATION FOR LANDFILL	<u>250.25</u>
TOTAL DISBURSEMENTS	10,236.80

Review minutes of September 10th, 2024 Regular Town Board Meeting

RESOLUTION 2024- 98 : Approval of Minutes – 09/10/2024

On a motion of Councilmember Verne, seconded by Councilmember Golley, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that the minutes for September 10th, 2024 be approved

Review minutes of September 23rd, 2024 Work Session for Tentative Budget Meeting

RESOLUTION 2024- 99 : Approval of Minutes – 09/23/2024

On a motion of Councilmember Golley, seconded by Councilmember Dickerson, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that the minutes for Work Session for Tentative Budget Meeting September 23rd, 2024 be approved

HIGHWAY REPORT:

- Sand and Salt is delivered
- Howlett Road project is complete
- Shoulders of Roads to be added
- New Hire is working out well

SUPERVISOR REPORT:

- Town of Eaton park update: subdivision meeting 10/22/24 Supervisor Wicks met with SUNY Morrisville Horticulture prof to have students work on park
- Court grant was submitted
- Architectural drawing were drafted for the new addition

RESOLUTION 2024- 100 : Approval of October 8th, 2024 Supervisor Report

On a motion of Councilmember Hilts, seconded by Councilmember Golley, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that the Supervisor Report Submitted on October 8th, 2024 is accepted and approved

OLD BUSINESS:

NEW BUSINESS:

- **Adopt local law 2-2024 authorizing a tax levy in excess of the limit established in General Municipal Law 3-C for the 2025 Fiscal Year**

RESOLUTION 2024- 101 : Adoption of local law 2-2024 authorizing a tax levy in excess of the limit established in General Municipal Law 3-C for the 2025 Fiscal Year:

On a motion of Councilmember Verne, seconded by Councilmember Dickerson, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that Resolution #101 - 2024 Local Law 2-2024 allow the Town of Eaton to adopt a budget for the fiscal year commencing January 1, 2025 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c

Roll Call JG - Yes, DV – Yes, SW – Yes, SD – Yes, JH – Yes

**TOWN OF EATON
TOWN BOARD RESOLUTION**

**A LOCAL LAW AUTHORIZING A TAX LEVY IN EXCESS OF THE LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW §3-C FOR THE
2025 FISCAL YEAR**

RESOLUTION 24-101

Moved by Councilmember Verne
Seconded by Councilmember Dickerson

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law titled Local Law 2 of 2024 to authorize a tax levy in excess of the limit established in General Municipal Law §3-c for the 2025 fiscal year within the Town of Eaton, was presented and introduced at a regular meeting of the Town Board of the Town of Eaton held on September 10, 2024; and

WHEREAS, a public hearing was held on such proposed Local Law on the 8th day of October, 2024 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 Town Board, by resolution, determined that enactment of the Proposed Local Law is a Unlisted action for the purposes of environmental review, the Town Board would act as Lead Agency, and the action will require the submission of a Short Environmental Assessment Form; and

WHEREAS, Volume 6 N.Y.C.R.R. Section 617.3 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible, the Lead Agency shall make a determination of significance; and

WHEREAS, the Lead Agency has completed and submitted a Short Environmental Assessment Form and the same has been carefully reviewed and thoroughly considered by the Board; and

WHEREAS, the Board has considered and discussed fully the potential environmental impacts of the proposed action.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of The Town of Eaton hereby determines that the proposed action will not have a significant adverse effect on the environment and this resolution hereby adopts a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R., Part 617 et seq.; and

WHEREAS, upon consideration of all of the previous proceedings had herein, the Town Board has determined that it is in the public interest to enact said Proposed Local Law No. 2 of 2024.

NOW, THEREFORE, it is

RESOLVED that Town Board of the Town of Eaton, Madison County, New York, does hereby enact Proposed Local Law No. 2 of 2024 as Local Law No. 2 of 2024 as follows:

**“TOWN OF EATON
LOCAL LAW NO. 2 OF 2024**

**A LOCAL LAW AUTHORIZING A PROPERTY TAX LEVY IN EXCESS OF THE LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C
FOR THE 2025 FISCAL YEAR**

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Eaton to adopt a budget for the fiscal year commencing January 1, 2025 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Council of the Town of Eaton, County of Madison, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2025 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This Local Law shall take effect upon filing with the New York State Department of State.”

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

Stephen Dickerson	Councilman	Voted	Yes
Jean Hilts	Councilman	Voted	Yes
David Verne	Councilman	Voted	Yes
Jeffrey Golley	Councilman	Voted	Yes
Joseph Wicks	Supervisor	Voted	Yes

The foregoing Resolution was thereupon declared duly adopted.

- **2025 Western Star Dump Truck**

RESOLUTION 2024 - 102 :2025 Western Star Dump Truck

On a motion of Councilmember Golley, seconded by Councilmember , the following resolution was:

ADOPTED: Ayes: 5, Nays: 0

Resolved that authorization be given to the Town Supervisor to issue the required down payment for the 2025 Western Star Dump Truck in the amount of \$210,000.00 to Tracey Road Equipment

- **Tentative Budget to Preliminary Budget**

RESOLUTION 2024 - 103 : Tentative Budget to Preliminary Budget

On a motion of Councilmember Dickerson, seconded by Councilmember Hilts, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that Town Board move the 2025 Tentative budget to Preliminary budget and advertise for a Public Hearing at November 12th meeting at 6:10 pm Ad #NY01274100 / 2651724

- **Budget Transfers**

RESOLUTION 2024- 104 : September 2024 Budget Transfers :

On a motion of Councilmember Golley, seconded by Councilmember Verne, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that the Board grant authority to Supervisor Wicks to move monies within 2024 Budget to keep all lines in balance

Budget Transfers for October 2024

<u>Appropriation Over Budget</u>	<u>Amount</u>	<u>Transfer from</u>
A1110.4 (Justice Contractual)	\$ 118.35	A1990.4 (Contingency)
A1410.4 (Town Clerk Contractual)	\$ 136.86	A1990.4 (Contingency)
A1620.2 (Buildings Equipment)	\$1181.97	A9901.9 (Bldg Capital Improv)

- **ARPA Transfers**

RESOLUTION 2024- 105 : September 2024 ARPA Funds Transfers:

On a motion of Councilmember Golley, seconded by Councilmember Hilts, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that the Board grant authority to Supervisor Wicks to move monies from 2024 Budget Resolution to Appropriate ARPA funds

To allocate American Rescue Plan Act funds

Account	Subsidiary Account	Debit	Credit
A522 Expenditures		\$8,505.51	
A3510.1 Dog Control Personal Svc	\$172.34		
A1410.1 Town Clerk Personal Svc	\$1,532.59		
A1410.101 Deputy Clerk Personal Svc	\$351.62		
A1355.1 Assessor Personal Svc	\$1,071.15		
A1620.1 Buildings Personal Svc	\$152.79		
A1110.1 Justice Personal Svc	\$557.55		
A1110.102 Court Clerk Personal Svc	\$325.51		
A1220.1 Supervisor Personal Svc	\$350.76		
A13401 Budget Personal Svc	\$52.07		
A5010.1 Hwy Super Personal Svc	\$2,732.18		
A1220.101 Supervisor Clerk Personal Svc	\$553.43		
A9050.8 EB Unemployment Ins	\$52.84		
A9030.8 EB Social Security	\$600.68		
A200 Cash			\$8,505.51
A688 Other Liabilities		\$8,505.51	
A980 Revenues			\$8,505.51
A4089 Federal Aid, Other	\$8,505.51		

Audit and approval of Bills

- **PAY THE BILLS:**

RESOLUTION 2024- 106 : Audit of Claims for Abstract 10 for 2024 dates.

On a motion of Councilmember Verne, seconded by Councilmember Golley, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that the bills contained on Abstract #10 have been reviewed by the Town Board and are authorized for payment in the following amounts:

Abstract 10 – 2024

General A Fund	No.	145	through	158	\$3,779.55
General B Fund Part Town	No.	38	Through	43	\$2,368.93
General H – Capital Machine	No.	3	Through	3	\$100.00
Street Lighting SL	No.	10	through	10	\$588.45
Highway Fund Townwide DA	No.	69	through	77	\$96,933.92
Highway Fund Part Town DB	No.	29	Through	32	\$150,640.71
			Total		\$254,411.56

EXECUTIVE SESSION

RESOLUTION 2024- 107 : Executive Session

On a motion of Councilmember Hilts, seconded by Councilmember Dickerson, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that this Board move into an Executive Session for 1. F. employment at 6:33 p.m.

RESOLUTION 2024- 108 : Return to Regular Session

On a motion of Councilmember Golley, seconded by Councilmember Verne, the following resolution was: ADOPTED: Ayes: 5, Nays: 0

Resolved that the Board return to regular session at 6:45 p.m.

No Action was taken during the Executive Session

ADJOURNMENT:

With no further business, on a motion of Councilmember Dickerson, seconded by Councilmember Hilts, the meeting was adjourned at 6:46 p.m. Carried unanimously.

Respectfully Submitted, Dean Curtis, Town Clerk/Tax Collector