

**Town of Henderson
12105 Town Barn Rd.
Henderson, NY 13650
Public Hearing/Town Board Meeting
November 28, 2023 7:00PM**

1. Pledge
2. Public Hearing for Solar Energy System/ Large Scale Solar System Moratorium
3. Local Law #1 for Solar Energy System/ Large Scale Solar System Moratorium
4. Sewer Dist. #1 Final Order
5. Bond Resolution for Sewer Dist. #1
6. SEQR for Sewer Dist. #1
7. Public Hearing for Sun Communities Development of Hovey Island
8. Sun Communities Development of Hovey Island Discussion
9. Board & Public Comments
10. Executive Session (Highway Contract)

And any other business that might come before the Town Board!!

NOTICE OF PUBLIC HEARING Town of Henderson, New York

PLEASE TAKE NOTICE that a Local Law has been introduced by the Town Board of the Town of Henderson to establish a **Town Wide Six (6) Month Moratorium on all Solar Energy Systems and/or Battery Energy Storage Systems.**

The Local Law prohibits any Enforcement Officer, the Zoning Board of Appeals, or the Planning Board, from processing, reviewing, rendering any determination, granting any variance, or approval with respect to any Solar Energy Systems and/or Battery Energy Storage Systems during the duration of the Moratorium.

The Local Law declares that a violation shall be punishable by a fine not exceeding \$250 and/or injunctive relief to prohibit such activities.

PLEASE TAKE NOTICE that a public hearing upon the Local Law will be held at the Town Offices, 12105 Town Barn Rd, Henderson, New York on the Nov 28, **2023 at 7:00 p.m.** and that an opportunity to be heard in regard thereto will then and there be given to all persons.

Dated: November 14, 2023

Wendy Flagg - Town Clerk

Town of Henderson

12105 Town Barn Rd.
Henderson, New York 13650
(315) 938-5542
www.townofhendersonny.org

RESOLUTION # ____ OF 2023

ADOPTING LOCAL LAW 1 of 2023 Establishing a Townwide Six (6) Month Moratorium for Solar Energy Systems and/or Battery Energy Storage Systems

WHEREAS, the Town Board of the Town of Henderson recognizes that there is potential that person(s) might proceed with an application seeking approval for Solar Energy Systems and/or Battery Energy Storage Systems; and

WHEREAS, the Town Board of the Town of Henderson upon review of the Town of Henderson Zoning Law, its familiarity with lands within the Town, considering concerns expressed by some area residents, and in recognition of an obligation to promote the health, safety and welfare of the general public within the Town of Henderson, deems it to be in the public interest to stop and temporarily suspend the processing of any application(s) that may include Solar Energy Systems and/or Battery Energy Storage Systems within the Town of Henderson ; and

WHEREAS, the Town Board anticipates undertaking steps to potentially update, revise and/or amend its Zoning in regard to such activities within the Town and has determined that providing for a temporary moratorium is appropriate; and

WHEREAS, this action is considered a Type II action under SEQR per 6 NYCRR 617.5(c)(36).

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing regarding a possible moratorium for six (6) months was conducted on November ____, 2023 and such information and comments have been considered by the Town Board; and

BE IT FURTHER RESOLVED, that adoption of a six (6) month moratorium to provide adequate time to fully consider and potentially amend its Zoning Law and/or Solar Energy Law within the Town of Henderson regarding Solar Energy Systems and/or Battery Energy Storage Systems is appropriate and the Local Law establishing the Moratorium is approved; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately and the underlying Local Law shall become effective upon filing with the NYS Department of State.

The foregoing Resolution was offered by Board Member, _____, and seconded by Board Member, _____, and upon roll call vote of the Board was duly adopted as follows:

Ed Glaser, Supervisor	Yes ____	No ____
Carol Hall	Yes ____	No ____
Torre Parker-Lane	Yes ____	No ____
Bryan Flagg	Yes ____	No ____
Matthew Owen	Yes ____	No ____

Dated: November __, 2023

Wendy Flagg, Town Clerk

TOWN OF HENDERSON

LOCAL LAW #1 of 2023

Establishing a Townwide Six (6) Month Moratorium for all Solar Energy Systems and/or Battery Energy Storage Systems

ARTICLE 1 INTENT

Due to clean energy desires and technological changes there is an increased possibility of development of Renewable Energy Facilities within the Town of Henderson. The potential for such development within the Town is not fully addressed by the current zoning laws. The Town Board, in order to consider, formulate, and potentially amend both the Town of Henderson Zoning Law, and/or uses authorized within the Town and to safeguard the public health, safety and general welfare of its population, determines it to be reasonably necessary to provide a Moratorium for six (6) months to perform a review of the same.

ARTICLE 2 DEFINITIONS

BATTERY ENERGY STORAGE SYSTEMS - One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a small, medium, or large battery energy storage system as follows:

- (1) Small battery energy storage systems have an aggregate energy capacity less than or equal to 200 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- (2) Medium battery energy storage systems have an aggregate energy capacity greater than 201 kWh to 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.
- (3) Large battery energy storage systems have an aggregate energy capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

PERMIT/APPROVAL - No solar energy system or battery energy storage system shall be constructed, reconstructed, modified or operated in the Town of Henderson, except in compliance with the Zoning Law.

SOLAR ENERGY SYSTEM – An electrical energy facility composed of a combination of both solar panels and solar energy equipment.

ARTICLE 3 APPLICATION

This Local Law shall apply to all areas within the Town of Henderson.

ARTICLE 4 DURATION

This law shall be in effect for a period of six (6) months from the effective date of this Local Law.

ARTICLE 5 PROHIBITIONS

Neither the Town of Henderson Zoning Enforcement Officer, nor the Zoning Board of Appeals, nor the Town of Henderson Planning Board shall process, review, render any determination, nor grant any variance, or any approval, in respect to any Solar Energy Systems and/or Battery Energy Storage Systems within the Town during the duration of this Moratorium. No person shall construct a new Solar Energy System and/or Battery Storage System activity anywhere within the Town during the duration of this Moratorium unless municipal approval was granted in advance of the effective date of this local law.

ARTICLE 6 ENFORCEMENT

This Local Law shall be enforced by the Town of Henderson Zoning Enforcement Officer.

ARTICLE 7 VIOLATIONS

Any person violating any provision of this Local Law shall be guilty of an offense, and upon conviction thereof be punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250). Each week's continued violation after notice shall constitute a separate and additional violation.

In addition, the Town may seek injunctive relief in a court of competent jurisdiction to prohibit/stop such activities.

ARTICLE 8 SEVERABILITY

Should any portion of this Local Law be declared invalid, such decision shall not affect the validity of the remaining portions of this Local Law.

ARTICLE 9 EFFECTIVE DATE

This Local Law shall become effective after filing in the Office of the NYS Secretary of State.

At a regular meeting of the Town Board of the Town of Henderson, Jefferson County, New York, held at the Town Hall, in Henderson, New York, in said Town, on the 14th day of November, 2023, at 7:00 o'clock P.M., Prevailing Time.

PRESENT:

Supervisor

Councilman

Councilman

Councilman

Councilman

In the Matter
of
The establishment of an improvement district
in the Town of Henderson, Jefferson County,
New York, to be known as Sewer District
No. 1

FINAL ORDER

WHEREAS, the Town Board of the Town of Henderson, Jefferson County, New York, has heretofore duly caused a map, plan and report, including an estimate of cost, to be prepared by a competent engineer, duly licensed by the State of New York, which have been filed in the office of the Town Clerk of said Town in relation to the establishment of Sewer District No. 1, in said Town; and

WHEREAS, improvements in connection with the establishment of said Sewer District No. 1, consist of the construction of a sanitary sewer system, including original equipment, machinery, furnishings, apparatus, appurtenances, land or rights-in-land, and incidental improvements and expenses in connection therewith, as more fully described in the aforesaid map, plan and report; and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$28,000,000.00; and

WHEREAS, said capital project has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act (“SEQRA”), the implementation of which as proposed, it has been determined will not result in any significant adverse environmental impact and SEQRA compliance materials are available at the office of the Town Clerk for inspection during regular business hours; and

WHEREAS, following prior proceedings to establish Sewer District No. 1, it was determined to expand the potential boundaries of said Sewer District and an Order was duly adopted by said Town Board on September 26, 2023, reciting a description of the revised boundaries of said proposed Sewer District No. 1, the improvements proposed therefor, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said revised map, plan and report were on file in the Town Clerk’s office for public inspection, and specifying the 10th day of October, 2023, at 7:00 o’clock P.M., Prevailing Time, at the Town Hall, in Henderson, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such Order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of such publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which time all persons desiring to be heard were duly heard; and

WHEREAS, following said public hearing and based upon the evidence given thereat, said Town Board duly adopted a resolution on October 10, 2023 determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law and approving the establishment of said Sewer District No. 1, such resolution being adopted subject to permissive referendum for which no petition for referendum was filed; and

WHEREAS, notice of the adoption of said resolution was duly published and posted in the manner provided by applicable provisions of the Town Law, and proof of said publication and posting has been duly presented to this Town Board; and

WHEREAS, the hook up fee for a typical property therein, being a one or two-family home within the proposed Sewer District is \$-0- and the estimated cost to the typical property therein (one or two family home) in the first year in which, operation, maintenance, debt service and other charges and expenses are to be paid is \$693.00; and

WHEREAS, an application to the Office of the State Comptroller was not required based upon said typical cost to a one or two-family home property in the proposed Sewer District No. 1; and

WHEREAS, a detailed explanation of the manner by which were computed said estimated costs of hook-up fees and first year costs to the typical properties being a one or two family homes in said Sewer District, has been filed in the office of the Town Clerk where the same are available

during regular office hours for examination by any person interested in the subject matter thereof;
NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Henderson, Jefferson County,
New York, as follows:

Section 1. Sewer District No. 1, in the Town of Henderson, Jefferson County,
New York, is hereby established, to be bounded and described as set forth in Appendix A
attached hereto and made a part hereof.

Section 2. The establishment of Sewer District No. 1 and the construction of a
sanitary sewer system, including original equipment, machinery, furnishings, apparatus,
appurtenances, land or rights-in-land, and incidental improvements and expenses in connection
therewith, as more fully described in the aforesaid map, plan and report, is hereby authorized and
approved. The maximum estimated cost to said Sewer District No. 1, pursuant to these
proceedings for said improvements shall not exceed \$28,000,000.00. To the extent not paid from
other sources, said cost of said improvements for said District shall be financed by the issuance
of not to exceed \$28,000,000.00 serial bonds of said Town maturing in annual installments over
a period not exceeding forty years, payable from a levy upon the taxable real property in said
Sewer District No. 1, payable from assessments upon the several lots and parcels of land within
said Sewer District No. 1 deemed to be especially benefitted thereby, in just proportion to the
amount of benefit which the improvements shall confer upon the same in an amount sufficient to
pay the principal and interest on said bonds as the same become due, but if not paid from such
source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes
without limitation as to rate or amount sufficient to pay the principal of and interest on said
bonds as the same shall become due.

Section 3. The Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Jefferson County, New York, within ten days after the adoption of this order by this Town Board and to file a certified copy thereof within that time in the office of the State Department of Audit and Control, in Albany, New York, both pursuant to subdivision 1 of Section 209-g of the Town Law.

Section 4. This Order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The Order was thereupon declared duly adopted.

* * * * *

APPENDIX A

Boundaries of Sewer District No. 1 in the Town of Henderson

SUGGESTED DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Henderson, County of Jefferson, State of New York and being more particularly described as follows:

BEGINNING at a point in the southerly shoreline of Lake Ontario (Henderson Harbor) at its intersection with the easterly boundary of Jefferson County Assessment Parcel 98.14-1-57

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 98.14-1-57, the easterly terminus of Bayshore Drive and the easterly boundary of Jefferson County Assessment Parcel 98.14-1-63.5 to the northerly Highway Limits of New York State Route 3;

THENCE in a generally southwesterly direction, along the northerly Highway Limits of New York State Route 3, to the intersection of said Highway Limits with the westerly margin of Windward Lane and the northerly margin of County Route 123 (Harbor Road);

THENCE in a generally southwesterly direction, along the northerly margin of County Route 123 (Harbor Road) to a point of intersection of the easterly boundary of Jefferson County Assessment Parcel 98.14-1-70 extended;

THENCE in a generally southeasterly direction, passing through county Route 123 (Harbor Road) to the northeasterly corner of Jefferson County Assessment Parcel 98.14-1-70;

THENCE in a generally southeasterly direction, along the easterly boundary of Jefferson County Assessment Parcel 98.14-1-70 to the southeasterly corner thereof;

THENCE in a generally southwesterly direction, along the northerly Highway Limits of New York State Route 3 to the southwesterly corner of Jefferson County Assessment Parcel 98.14-1-71.2;

THENCE in a generally northerly direction, along the westerly boundary of Jefferson County Assessment Parcel 98.14-1-71.2 to the southerly road margin of County Route 123 (Harbor Road);

THENCE in a generally westerly direction, along the southerly road margin of County Route 123 (Harbor Road), to the easterly boundary of Jefferson County Assessment Parcel 98.14-1-73.3;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcels 98.14-1-73.3 and 98.14-1-73.1 to the northerly Highway Limits of New York State Route 3;

THENCE in a generally southwesterly direction, along the northerly Highway Limits of New York State Route 3 to the southwesterly corner of Jefferson County Assessment Parcel 98.17-1-49.1;

THENCE in a generally southerly direction, passing through New York State Route 3, to the northeasterly corner of Jefferson County Assessment Parcel 98.17-1-34.2;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 98.17-1-34.2 to the southeasterly corner thereof;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcels 98.17-1-34.2, 98.17-1-34.1 and 98.17-1-34.4, to the southeasterly corner of Jefferson County Assessment Parcel 98.17-1-33;

THENCE in a generally southwesterly direction, along the southerly boundary of Jefferson County Assessment Parcel 98.17-1-33 to the southwesterly corner thereof;

THENCE in a generally northwesterly direction, along the westerly boundary of Jefferson County Assessment Parcel 98.17-1-33 to the southerly highway limits of New York State Route 3

THENCE in a generally northwesterly direction, passing through New York State Route 3, to the westerly Highway Limits of New York State Route 3;

THENCE in a generally southwesterly and southerly direction, along the westerly Highway Limits of New York State Route 3, crossing County Route 72 (Harbor View Road) and continuing, to the southeasterly corner of Jefferson County Assessment Parcel 106.05-1-6.1;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcel 106.05-1-6.1 to the southwesterly corner of Jefferson County Assessment Parcel 106.05-1-6.1;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcels 106.05-1-18, 106.05-1-17, 106.05-1-16 and 106.05-1-14, to the southeasterly corner of Jefferson County Assessment Parcel 106.05-1-14;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcel 106.05-1-14 to the easterly boundary of Jefferson County Assessment Parcel 106.05-1-10;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 106.05-1-10 to northerly boundary of Jefferson County Assessment Parcel 106.05-1-7.2;

THENCE in a generally easterly direction, along the northerly boundary of Jefferson County Assessment Parcel 106.05-1-7.2 to the northeasterly corner of thereof;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcels 106.05-1-7.2, 106.05-1-8.21, and 106.09-1-1, to the northeasterly interior corner of Jefferson County Assessment Parcel 106.09-1-1;

THENCE in a generally easterly direction, along the northerly boundary of Jefferson County Assessment Parcel 106.09-1-1 to the westerly Highway Limits of New York State Route 3;

THENCE in a generally southerly direction, along the westerly Highway Limits of New York State Route 3 to a point of intersection of the northerly boundary of Jefferson County Assessment Parcel 106.09-1-6.3 extended;

THENCE in a generally easterly direction, passing through New York State Route 3, to the northwesterly corner of Jefferson County Assessment Parcel 106.09-1-6.3;

THENCE in a generally northerly direction, along the easterly highway limits of New York State Route 3 to the southwesterly corner of Jefferson County Assessment Parcel 106.09-1-4;

THENCE in a generally northeasterly direction, along the southerly boundary of Jefferson County Assessment Parcel 106.09-1-4 and continuing along the extension thereof, to the westerly boundary of Jefferson County Assessment Parcel 106.09-2-66;

THENCE in a generally northerly direction, along the westerly boundary of Jefferson County Assessment Parcels 106.09-2-66, 106.00-1-2.7, 106.00-1-2.11, and 106.00-1-3 to a point in the southern boundary of Jefferson County Assessment Parcel 106.05-1-6.21;

THENCE in a generally westerly direction along the southerly boundary of Jefferson County Assessment Parcel 106.05-1-6.21 to the easterly Highway Limits of New York State Route 3;

THENCE in a generally northerly direction along the easterly Highway Limits of New York State Route 3 crossing County Route 72 (Harborview Road) to the northeasterly road margin of County Route 72 (Harborview Road);

THENCE in a generally southeasterly direction, along the northeasterly road margin of County Route 72 (Harbor View Road) to the northerly boundary of Jefferson County Assessment Parcel 106.00-1-2.12;

THENCE in a generally easterly direction, along the northerly boundary of Jefferson County Assessment Parcel 106.00-1-2.12 to the northeasterly corner of Jefferson County Assessment Parcel 106.00-1-2.12;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcels 106.00-1-2.12 and 106.00-1-2.9 to the southeasterly corner of Jefferson County Assessment Parcel 106.00-1-2.9;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcel 106.00-1-2.9 to the northeasterly corner of Jefferson County Assessment Parcel 106.09-2-1.1;

THENCE in a generally southwesterly direction, along the southeasterly boundary of Jefferson County Assessment Parcel 106.09-2-1.1 to an easterly interior corner of Jefferson County Assessment Parcel 106.09-2-1.1;

THENCE in a generally southeasterly direction, along the northeasterly boundary of Jefferson County Assessment Parcels 106.09-2-1.1, 106.09-2-2, 106.09-2-3 and 106.09-2-4 to the northwesterly boundary of Jefferson County Assessment Parcel 106.09-2-5;

THENCE in a generally northeasterly direction, along the northwesterly boundary of Jefferson County Assessment Parcel 106.09-2-5 to the northeasterly corner of thereof;

THENCE in a generally southeasterly direction, along the northeasterly boundary of Jefferson County Assessment Parcel 106.09-2-5 to the southeasterly corner thereof;

THENCE in a generally southwesterly direction, along the southeasterly boundary of Jefferson County Assessment Parcel 106.09-2-5 to the northeasterly corner of Jefferson County Assessment Parcel 106.09-2-8;

THENCE in a generally southeasterly direction, along the northeasterly boundary of Jefferson County Assessment Parcels 106.09-2-8 and 106.09-2-9 to the northwesterly boundary of Jefferson County Assessment Parcel 106.09-2-15;

THENCE in a generally northeasterly direction, along the northwesterly boundary of Jefferson County Assessment Parcel 106.09-2-15 to the northeasterly corner of Jefferson County Assessment Parcel 106.09-2-15;

THENCE in a generally southeasterly direction, along the northeasterly boundary of Jefferson County Assessment Parcels 106.09-2-15, 106.09-2-16 and 106.09-2-18 to the northwesterly corner of Jefferson County Assessment Parcel 106.09-2-19.1;

THENCE in a generally easterly direction, along the northerly boundary of Jefferson County Assessment Parcel 106.09-2-19.1 to the northeasterly corner of Jefferson County Assessment Parcel 106.09-2-19.1;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 106.09-2-19.1 to the northerly road margin of County Route 71 (Penney Road);

THENCE in a generally easterly direction, along the northerly road margin of County Route 71 (Penney Road) to the easterly boundary of Jefferson County Assessment Parcel 106.09-2-19.2;

THENCE in a generally southerly direction, crossing County Route 71 (Penney Road), to the easterly boundary of Jefferson County Assessment Parcel 106.09-2-20;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 106.09-2-20 to the southeasterly corner thereof;

THENCE in a generally southerly direction, along the extension of the easterly boundary of Jefferson County Assessment Parcel 106.09-2-20, to the northeasterly interior corner of Jefferson County Assessment Parcel 106.09-2-21.1;

THENCE in a generally easterly direction, along the northerly boundary of Jefferson County Assessment Parcel 106.09-2-21.1 to the northeasterly corner thereof;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 106.09-2-21.1 to the southeasterly corner thereof;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcel 106.09-2-21.1 to the northeasterly corner of Jefferson County Assessment Parcel 106.09-2-28;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 106.09-2-28 to the southeasterly corner thereof;

THENCE in a generally easterly direction, along the northerly boundary of Jefferson County Assessment Parcel 106.09-2-30 to the northeasterly corner thereof;

THENCE in a generally southwesterly direction, along the easterly boundary of Jefferson County Assessment Parcel 106.09-2-30 to the southeasterly corner thereof;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcel 106.09-2-30 to the northeasterly corner of Jefferson County Assessment Parcel 106.09-2-48;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 106.09-3-48 to its easterly interior corner;

THENCE in a generally easterly direction, along the northerly boundary of Jefferson County Assessment Parcel 106.09-3-48 to the northeasterly corner thereof;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 106.09-3-48 to the centerline of Stony Creek;

THENCE in a generally easterly direction, along the centerline of Stony Creek as it winds and turns to the northeasterly corner of Jefferson County Assessment Parcel 106.09-3-46;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 106.09-3-46 to its southeasterly corner;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcel 106.09-3-46 to the northeasterly corner of Jefferson County Assessment Parcel 106.09-3-43;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 106.09-3-43 to the southeasterly corner thereof;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcel 106.09-3-43 to the northeasterly corner of Jefferson County Assessment Parcel 106.09-3-42;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 106.09-3-42 to the northerly boundary of Jefferson County Assessment Parcel 106.09-3-41;

THENCE in a generally easterly direction, along the northerly boundary of Jefferson County Assessment Parcels 106.09-3-41 and 106.09-3-49 to the most northerly corner of Jefferson County Assessment Parcel 106.09-3-49;

THENCE in a generally southeasterly direction, along the northeasterly boundary of Jefferson County Assessment Parcel 106.09-3-49 to its most easterly corner;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 106.09-3-49 to its southeasterly corner;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcel 106.09-3-49 to its southwesterly corner;

THENCE in a generally westerly direction, crossing New York State Route 178, to an angle point on the westerly highway limits of New York State Route 178 at the most easterly corner of Jefferson County Assessment Parcel 106.09-3-38.2;

THENCE in a generally southwesterly direction, along the westerly highway limits of New York State Route 178 to the intersection of said westerly highway limits with the westerly road margin of Town Barn Road;

THENCE in a generally southerly direction, along the westerly road margin of Town Barn Road to the southeasterly corner of Jefferson County Assessment Parcel 106.09-3-51;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcels 106.09-3-51 and 106.09-3-52, and continuing, along the extension of the southerly boundary of Jefferson County Assessment Parcel 106.09-3-52 to the centerline of Stony Creek;

THENCE in a generally southwesterly and westerly direction, along the centerline of Stony Creek as it winds and turns, crossing New York State Route 3, to the southwesterly corner of Jefferson County Assessment Parcel 106.13-1-7;

THENCE in a generally northerly direction, along the westerly boundary of Jefferson County Assessment Parcel 106.13-1-7 to the northwesterly corner thereof;

THENCE in a generally easterly direction, along the northerly boundary of Jefferson County Assessment Parcel 106.13-1-7 to the boundary of the Henderson Fire and Light District;

THENCE in a generally northerly direction, along the boundary of the Henderson Fire and Light District, to the southwesterly corner of Jefferson County Assessment Parcel 106.13-1-4;

THENCE in a generally northerly direction, along the westerly boundary of Jefferson County Assessment Parcel 105.13-1-4 to the southerly road margin of County Route 152 (Danley Road);

THENCE in a generally westerly direction, along the southerly road margin of County Route 152 (Danley Road) to a point in the southerly extension of the westerly boundary of Jefferson County Assessment Parcel 105.12-1-35.1;

THENCE in a generally northerly direction, westerly direction and northerly direction along the westerly boundary of Jefferson County Assessment Parcel 105.12-1-35.1 to its northwesterly corner;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcel 105.12-1-33 to its southwestly corner;

THENCE in a generally northerly direction, along the westerly boundary of Jefferson County Assessment Parcel 105.12-1-33 to the southeasterly corner of Jefferson County Assessment Parcel 105.12-1-22;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcels 105.12-1-22 and 105.12-1-21 to the southwestly corner of Jefferson County Assessment Parcel 105.12-1-21;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 105.12-1-45 to its southeasterly corner

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcels 105.12-1-45 to the northeasterly corner of Jefferson County Assessment Parcels 105.12-1-44;

THENCE in a generally southerly direction, along the easterly boundary of Jefferson County Assessment Parcel 105.12-1-44 to the southeasterly corner thereof;

THENCE in a generally southwestly direction, along the southerly boundary of Jefferson County Assessment Parcel 105.12-1-44 to the southwestly corner thereof;

THENCE in a generally northerly direction, along the westerly boundary of Jefferson County Assessment Parcel 105.12-1-44 to the southeasterly corner of Jefferson County Assessment Parcel 105.12-1-41;

THENCE in a generally southwestly direction, along the southeasterly boundary of Jefferson County Assessment Parcel 105.12-1-41 to the southwestly corner thereof;

THENCE in a generally northwestly direction, passing through Jefferson County Assessment Parcel 105.00-1-11.1 to the southeasterly corner of Jefferson County Assessment Parcel 105.12-1-39;

THENCE in a generally northeasterly direction, along the easterly boundary of Jefferson County Assessment Parcel 105.12-1-39 continuing along the extension of said easterly boundary, to the northerly road margin of Fargo Road;

THENCE in a generally easterly direction, along the northerly road margin of Fargo Road to its intersection with the southerly road margin of County Route 178 (Military Road);

THENCE in a generally northerly direction, along the southerly margin of County Route 178 (Military Road) to a corner thereof;

THENCE in a generally westerly direction, along the southerly margin of County Route 178 (Military Road) to its intersection with the southerly extension of the westerly boundary of Eastman Tract.

THENCE in a generally northeasterly direction, crossing County Route 178 (Military Road) to the intersection of the northerly margin of County Route 178 (Military Road) and the westerly boundary of Eastman Tract;

THENCE in a generally northeasterly direction, along the westerly boundary of Eastman Tract to the southerly boundary of Jefferson County Assessment Parcel 105.12-1-14.3;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcel 105.12-1-14.3 to the most westerly corner thereof;

THENCE in a generally northerly direction, along the westerly boundary of Jefferson County Assessment Parcels 105.12-1-14.3 and 105.12-1-14.12 to the northwesterly corner of Jefferson County Assessment Parcel 105.12-1-14.12;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcel 105.12-1-14.4 to the most westerly corner thereof;

THENCE in a generally northerly direction, along the westerly boundary of Jefferson County Assessment Parcel 105.12-1-14.4 to the northwesterly corner thereof;

THENCE in a generally easterly direction, along the northerly boundary of Jefferson County Assessment Parcel 105.12-1-14.4 to the westerly boundary of Eastman Tract;

THENCE in a generally northeasterly direction, along the westerly boundary of Eastman Tract to the southerly boundary of Jefferson County Assessment Parcel 105.08-1-32;

THENCE in a generally westerly direction, along the southerly boundary of Jefferson County Assessment Parcel 105.08-1-32 to a corner thereof;

THENCE in generally northerly, westerly, northerly and northeasterly directions, along the westerly boundary of Jefferson County Assessment Parcel 105.08-1-32 to the southwest corner of Jefferson County Assessment Parcel 105.08-1-31;

THENCE in a generally northerly direction, along the westerly boundary of Jefferson County Assessment Parcel 105.08-1-31 to the northwesterly corner thereof;

THENCE in a generally easterly direction, along the northerly boundary of Jefferson County Assessment Parcel 105.08-1-31 to the shoreline of Lake Ontario (Henderson Harbor);

THENCE in a generally southerly, easterly, northerly, and northeasterly direction, along the shoreline of Lake Ontario (Henderson Harbor) as it winds and turns to the POINT OF BEGINNING.

Containing approximately 1,195± Acres of land per Jefferson County Tax Maps, more or less.

ALSO INCLUDING in the above described Henderson Sewer District No. 1 (as clarification), any lands underwater that may have been granted by the State of New York, within Jefferson County Assessment Parcel 105.12-1-23.1, that are part of boat access, docking and/or boat storage facilities.

SUBJECT TO the right, title or interest of the public in all streets, highways and roads which are contained within the above described parcel of land, as they may apply.

IT BEING the intent to describe the lands shown on a map titled "Proposed Sewer District No. 1 Map, Town of Henderson, Jefferson County New York", dated August 15, 2017, revised October 02, 2019, prepared by GYMO, Architecture, Engineering & Land Surveying, D.P.C., Watertown, New York.

BOND RESOLUTION

At a regular meeting of the Town Board of the Town of Henderson, Jefferson County, New York, held at the Town Hall, in Henderson, New York, in said Town, on 14th day of November, 2023, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT:

ABSENT:

The following resolution was offered by _____ who moved its adoption, seconded by _____ to-wit:

BOND RESOLUTION DATED NOVEMBER 14, 2023.

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$28,000,000 SERIAL BONDS OF THE TOWN OF HENDERSON, JEFFERSON COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF SEWER DISTRICT NO. 1 IN SAID TOWN.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12-A of the Town Law, the Town Board of the Town of Henderson, Jefferson County, New York (the "Town"), has established the Sewer District No. 1 (the "District"); and

WHEREAS, the capital project therefor as hereinafter described has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant adverse environmental impacts; and

WHEREAS, it is now desired to authorize the financing of the improvements proposed for such District; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Henderson, Jefferson County, New York, as follows:

Section 1. Improvements in connection with the establishment of Sewer District No. 1 in the Town of Henderson, consisting of the construction of a sanitary sewer system, including original equipment, machinery, furnishings, apparatus, appurtenances, land or rights-in-land, and incidental improvements and expenses in connection therewith, all as further described in the map, plan and report, prepared in connection with the establishment of such District, at a maximum estimated cost of \$28,000,000 are hereby approved.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose shall consist of the issuance of the \$28,000,000 serial bonds of said Town

authorized to be issued pursuant to this bond resolution; **PROVIDED, HOWEVER**, that to the extent that any grants-in-aid are received for such specific object or purpose, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Henderson, Jefferson County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. To the extent not paid from other sources, there shall be annually assessed upon and collected from the several lots and parcels of land within said Sewer District No. 1 deemed to be especially benefitted thereby, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at the Supervisor's sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing

or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing Order was duly put to a vote on roll call,
which resulted as follows:

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The resolution was thereupon declared duly adopted.

* * * * *