

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

A Public Hearing of the Town Board of the Town of Henderson, County of Jefferson and the State of New York was held at 12105 Town Barn Rd.at 7:00PM, on the 28<sup>th</sup> day of November 2023.

PRESENT:	Edwin Glaser	----	Supervisor
	Carol Hall	----	Deputy Supervisor/Councilperson
	Matthew Owen	----	Councilperson
	Bryan Flagg	----	Councilperson
	Torre Parker Lane	---	Councilperson
	Wendy Flagg	----	Town Clerk

Supervisor Glaser called the meeting to order at 7:00PM with the Pledge to the flag.

Supervisor Glaser spoke of the current Zoning Laws on large-scale solar projects and believes we need more mechanical information. For example, battery storage, fire safety, use of the actual property to save mature trees and landscape. Towns all across the Country are revising their solar laws as more information and issues develop. Now is our time to review our laws.

Councilperson Parker Lane has an issue because a project is already before the Planning Board. Supervisor Glaser reminds her that it is simply a pre submission and is considered an incomplete application at this time. If there was an actual project with a complete application, it would be exempt from any changes that might be made.

Public Hearing was opened at 7:10PM to discuss a proposed 6-month moratorium on Solar Energy Systems/ Large Scale Solar projects.

Ginger Cook – In a current PILOT agreement it says battery storage is allowable. This needs to be reviewed. Feels the solar companies should pay fund the fire protection equipment that may be needed by the fire company.

Tom Ditch is worried and concerned with the environmental issues they may cause.

Town Clerk tells Board that Jefferson County has also done several updates and changes to their solar laws, and they would be a valuable resource to use.

Letters were read into the record from:  
Evans Fox LLP in favor of the 6-month moratorium.  
Gary Rhodes against the 6-month moratorium

Fred Ball, Nexamp representative, against the 6-month moratorium

Steve Yaussi – has not only concerns with the mechanics and environment but the beauty of the landscape, the scenic corridor and contaminates.

Judi McKee Sanders explained that when Military Rd. project was happening that other areas for projects were discussed that were not agricultural or viewable lands, but they were not chosen because of the extra expense to the contractor to clear land and run lines. Please do 6-month moratorium to review saving the corridor overlay district.

Frank Keen has concerns with stakes already put in place for driveway and poles and how ugly it looks from Gilman Road. This project not only affects the neighbors to the project but the whole Town.

Robert Whiteman spoke about how the Planning Board has gained information about safety, glare, and many other factors. He welcomes a moratorium on battery storage but not the solar field.

MOTION

**CLOSE PUBLIC HEARING**

On a motion by Councilperson Parker Lane, seconded by Councilperson Flagg, the following motion was.

ADOPTED    Ayes 5                    Glaser, Flagg, Owen, Hall, Parker Lane  
                  Nays 0

Motion to close the Public Hearing on 6-month moratorium for Solar Energy Systems/ large scale solar projects and /or Battery Energy Storage Systems.

RESOLUTION # 2023-11-28-049

**LOCAL LAW #1 ESTABLISHING TOWNWIDE SIX (6) MONTH MORATORIUM FOR SOLAR ENERGY SYSTEMS and/or BATTERY STORAGE SYSTEMS**

On a motion by Councilperson Owen, seconded by Supervisor Glaser, the following motion was.

ADOPTED    Ayes 4                    Glaser, Flagg, Owen, Hall  
                  Nays 1                   Parker Lane

Board resolved to adopt Local Law #1 as follows:

**RESOLUTION #49 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 28, 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, Owen, and seconded by Supervisor, Glaser, and upon roll call vote of the Board was duly adopted as follows:

Ed Glaser, Supervisor	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Carol Hall	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Torre Parker-Lane	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Bryan Flagg

Yes

No

Matthew Owen

Yes

No

Dated: November 28, 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.

Pat Scordo reviews why the resolution is needed for clarifying/confirming the negative declaration SEQR of Sewer Dist. #1 is needed. EFC requested that the additional extension be specified in the SEQR.

RESOLUTION # 2023-11-28-050

**CLARIFYING/CONFIRMING NEGATIVE DECLARATION (SEQR) FOR AMENDMENT/EXTENSION OF TOWN OF HENDERSON SEWER DISTRICT NO. 1**

On a motion by Councilperson Owen, seconded by Supervisor Glaser, the following motion was.

ADOPTED Ayes 5 Glaser, Flagg, Owen, Hall, Parker Lane  
Nays 0

Board resolved to approve the following resolution as follows:

**RESOLUTION # 2023-11-28-050  
CLARIFYING/CONFIRMING  
NEGATIVE DECLARATION (SEQR) FOR  
AMENDMENT/EXTENSION OF  
TOWN OF HENDERSON SEWER DISTRICT NO. 1**

**WHEREAS**, the Town Board for the Town of Henderson, New York has considered the amendment/extension (including the six (6) houses on NYS Route 3 South of "Ryan's Lookout") of the Town of Henderson Sewer District No. 1 in the Town of Henderson including the preliminary Engineering Report dated September 29, 2023; and

**WHEREAS**, the Town Board of the Town of Henderson reviewed the updated Long Form Environmental Assessment Form for the purpose of assisting the Town Board in making a determination of significance in respect to whether the Project (as amended/extended) would have a significant adverse impact on the environment; and

**WHEREAS**, the Town reviewed the criteria for determining significance of an action that is set forth at 6 NYCRR §617.7(c); and

**WHEREAS,** The Board previously completed its SEQR review and issued a Negative Declaration, but in an abundance of caution, the Board intends to repeat its process and verify that it has considered all parcels within the District, as amended/extended.

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Board of the Town of Henderson finds that the proposed action (including the amendment/extension) is subject to SEQR; and

**BE IT FURTHER RESOLVED,** that the action constitutes a Type 1 action under SEQR 617.4(b)(6); and

**BE IT FURTHER RESOLVED,** that the Town Board is the agency with jurisdiction by law to fund, approve, or directly undertake this action, and has received approval from other involved agencies to serve as lead agent for coordinated review of the action under SEQR.

**BE IT FURTHER RESOLVED,** by the Town Board of the Town of Henderson, New York:

1. Based upon its examination and consideration of the Long Environmental Assessment Form Parts 1 and 2, and after consulting with the Town Engineers, and comparison of the proposed action and criteria set forth at 617.7, no significant adverse impact on the environment is known by the project known as the Sewer District, as amended/extended.
2. This SEQR review includes all District extension areas, including the six (6) houses along NYS Route 3, south of Ryan's Lookout.
3. The Supervisor for the Town of Henderson is authorized to execute the Long Environmental Assessment Form Part 3 to the effect that the Town Board is issuing a "negative declaration" under SEQR.
4. The Town Clerk is hereby directed to file and circulate Part 3 in accordance with the requirements for a Type I action of the Long Environmental Assessment Form.
5. A complete copy of the EAF including its negative/declaration shall be maintained in the Town Clerk's Office in a file that will be readily accessible to the Public. Further, the Town Clerk is hereby authorized to publish a notice to that effect in the Environmental Notice Bulletin. All subsequent notices regarding the undertaking of the project as set forth in this report shall state that a negative declaration has been issued.

6. This Resolution shall take effect immediately.

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

Supervisor Ed Glaser	Yes <u>  X  </u>	No <u>      </u>
Carol Hall	Yes <u>  X  </u>	No <u>      </u>
Torre Parker-Lane	Yes <u>  X  </u>	No <u>      </u>
Bryan Flagg	Yes <u>  X  </u>	No <u>      </u>
Matthew Owen	Yes <u>  X  </u>	No <u>      </u>

Dated: November 28, 2023

Wendy Flagg, Town Clerk

The Final Order for Sewer District No.1 was reviewed and offered.

RESOLUTION # 2023-11-28-051

**FINAL ORDER FOR SEWER DISTRICT NO. 1**

On a motion by Supervisor Glaser, seconded by Councilperson Parker Lane, the following resolution was.

ADOPTED   Ayes 5           Glaser, Flagg, Owen, Hall, Parker Lane  
          Nays 0

Board resolved to approve the following resolution as follows:

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 28<sup>th</sup> day of November, 2023, at 7:00 o'clock P.M., Prevailing Time.

PRESENT:

Supervisor Edwin Glaser



Councilperson Carol Hall

Councilperson Matthew Owen

Councilperson Bryan Flagg

Councilperson Torre Parker Lane

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 10<sup>th</sup> 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:

Supervisor Glaser                    VOTING Yes

Councilperson Hall                    VOTING Yes

Councilperson Owen                    VOTING Yes

Councilperson Flagg                    VOTING Yes

Councilperson Parker Lane            VOTING Yes

The Order was thereupon declared duly adopted.

November 28, 2023

Wendy Flagg, Town Clerk

\* \* \* \* \*

APPENDIX A

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

Bond resolution was discussed by Board.

RESOLUTION # 2023-11-28-052

**BOND RESOLUTION FOR SEWER DISTRICT NO. 1**

On a motion by Supervisor Glaser, seconded by Councilperson Parker Lane, the following resolution was.

ADOPTED    Ayes 5                    Glaser, Flagg, Owen, Hall, Parker Lane  
                  Nays 0

Board resolved to approve the following resolution as follows:

**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 28<sup>th</sup> day of November, 2023, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Edwin Glaser, and upon roll being called, the following were

**PRESENT:**

Supervisor Edwin Glaser

Councilperson Carol Hall

Councilperson Matthew Owen

Councilperson Bryan Flagg

Councilperson Torre Parker Lane

**ABSENT:**

The following resolution was offered by Supervisor Glaser who moved its adoption,  
seconded by Councilperson Parker Lane to-wit:





BOND RESOLUTION DATED NOVEMBER 28, 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 Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Glaser	VOTING	Yes
Councilperson Hall	VOTING	Yes
Councilperson Owen	VOTING	Yes
Councilperson Flagg	VOTING	Yes
Councilperson Parker Lane	VOTING	Yes

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

NOVEMBER 28, 2023

Wendy Flagg, Town Clerk

Public Hearing for Sun Communities Development of Hovey Island was opened by Supervisor Glaser at 7:50PM

Public Comments:

Ken Vance – Please review and request that drawings show actually what was discussed at Planning Board and the need for an actual site plan.

Robert Whiteman – Concerned that no storage is available for canoe, kayaks, etc. Take safety aspects into account with lot setbacks.

Jacklyn Wenschhof – How Will sewer be handled? They will have to follow Department of Health guidelines.

Ginger Cook – Have all documents been provided to GYMO? Has Board asked their questions?

Town Attorney Jim Burrows explained the process of the project and the need to complete SEQR. Until the SEQR is complete you cannot move forward with what the Planned Development District should be. You must complete SEQR first.

MOTION

**CLOSE PUBLIC HEARING FOR SUN COMMUNITIES DEVELOPEMNT OF HOVEY ISLAND**

On a motion by Supervisor Glaser, seconded by Councilperson Parker Lane, the following resolution was.

ADOPTED    Ayes 4            Glaser, Flagg, Hall, Parker Lane  
                 Nays 1            Owen

Motion to close the Public Hearing concerning the Development of Hovey Island by Sun Communities.

Board Comments:

Carol Hall – would like to revisit fishing tournament issues.

Matthew Owen – open and transparent government is still an issue.

PUBLIC COMMENTS:

Ginger Cook – Referred to the resolution of transparency and she is not satisfied.

Judi McKee Sanders – The Town could put up an electronic sign at Town office to promote times and meetings.

MOTION

**ENTER INTO EXECUTIVE SESSION**

On a motion by Councilperson Parker Lane, second by Supervisor Glaser the following motion was.

ADOPTED    Ayes 5            Glaser, Flagg, Owen, Hall, Parker Lane  
                 Nays 0

Motion to enter into executive session to discuss on going Teamster Contract

MOTION

**EXIT EXECUTIVE SESSION**

On a motion by Councilperson Parker Lane, second by Councilperson Hall the following motion was.

ADOPTED    Ayes 5            Glaser, Flagg, Owen, Hall, Parker Lane  
                 Nays 0

Motion to exit executive session.

MOTION

**ADJOURN TOWN BOARD MEETING TO DECEMBER 5, 2023**

On a motion by Councilman Parker Lane, second by Councilwoman Hall the following motion was.

ADOPTED    Ayes 5            Glaser, Flagg, Owen, Hall, Parker Lane  
                 Nays 0

No further business to discuss a motion by Councilperson Parker Lane second by Councilperson Hall the meeting was adjourned. Carried unanimously.

Respectfully submitted,  
Wendy Flagg / Town Clerk/Collector

All Town meetings held at  
12105 Town Barn Rd., Henderson, NY 13650

Nov 15	(Wednesday)	Zoning Board of Appeals	6:00PM
Nov 16	(Thursday)	Recreation Commission Meeting	7:00PM
Nov 23	(Thursday)	Offices & Court Closed for Thanksgiving	
Dec 05	(Tuesday)	Planning Board	5:00PM
Dec 12	(Tuesday)	Town Board Meeting	7:00PM
Dec 20	(Wednesday)	Zoning Board of Appeals	6:00PM
Dec 21	(Thursday)	Recreation Commission Meeting	7:00PM
Dec 25	(Monday)	Offices & Court Closed for Holiday	