

**Town of Henderson
12105 Town Barn Rd.
Henderson, NY 13650
Public Hearing / Town Board Meeting
March 12, 2024**

A regular meeting 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 12th day of March 2024.

PRESENT:	Edwin Glaser	----	Supervisor
	Matthew Owen	----	Councilperson
	Torre Parker Lane	---	Councilperson
	David Poulin	---	Councilperson
	Lindsay Witmer	---	Councilperson
	Wendy Flagg	----	Town Clerk

Councilperson Witmer remarked on demo of videoconferencing is on for tonight's meeting.

Supervisor Glaser opened the Public Hearing for Proposed videoconferencing Technology to be used for Town Board, Planning Board and Zoning Board of Appeals meetings at 7:02PM.

No public Comments

MOTION

CLOSE PUBLIC HEARING

On a motion of Councilperson Owen, second by Councilperson Witmer following motion was.

ADOPTED	Ayes 5	Glaser, Poulin, Owen, Witmer, Parker Lane
	Nays 0	

Motion to close Public Hearing.

RESOLUTION # 2024-03-12-028

ENACT A LOCAL LAW AUTORIZING THE TOWN BOARD, PLANNING BOARD AND ZONING BOARD OF APPEALS TO USE VIDEOCONFERENCING TECHNOLOGY TO PARTICIPATE IN PUBLIC MEETINGS

On a motion of Councilperson Poulin, second by Councilperson Parker Lane following motion was.

ADOPTED	Ayes 5	Glaser, Poulin, Owen, Witmer, Parker Lane
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Nays 0
Board resolved the following:

RESOLUTION # 28 of 2024

**ENACT A LOCAL LAW AUTHORIZING THE TOWN BOARD,
PLANNING BOARD and ZONING BOARD OF APPEALS
TO USE VIDEOCONFERENCING TECHNOLOGY
TO PARTICIPATE IN PUBLIC MEETINGS**

WHEREAS, the Town Board for the Town of Henderson, New York has considered expanding options for participation at meetings; and

WHEREAS, the Town Board intends to adopt legislation to Authorize the Town Board, Planning Board and Zoning Board of Appeals to Use Videoconferencing Technology to Participate In Public Meetings.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board for the Town of Henderson, New York as follows:

1. The forgoing recitations are incorporated herein and made a part hereof as if set forth hereafter.
2. The Town Board hereby enacts the Local Law Authorizing the Town Board, the Planning Board and the Zoning Board of Appeals to Use Videoconferencing Technology to Participate in Public Meetings as being in the best interests of the Town of Henderson.
3. A policy addressing that use will be adopted and must be followed by the Town's boards.
4. The Supervisor for the Town of Henderson and the Town Clerk for the Town of Henderson, their respective agents and employees, are authorized to sign all documents and take all steps necessary to enact this legislation.
5. This Resolution shall take effect immediately.

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

	YES	NO
Edwin Glaser, Supervisor	<u> X </u>	<u> </u>
Matthew Owen	<u> X </u>	<u> </u>
Torre Parker-Lane	<u> X </u>	<u> </u>
David Poulin	<u> X </u>	<u> </u>
Lindsay Witmer	<u> X </u>	<u> </u>

TOWN OF HENDERSON

Procedures for Member Videoconferencing Pursuant to Public Officers Law §103-a

In compliance with Public Officers Law (POL) §103-a(2)(a), the Town of Henderson, including the Town Board of the Town of Henderson, the Planning Board of the Town of Henderson and the Town of Henderson Zoning Board of Appeals (collectively known as the “Town”) following a public hearing, authorized by resolution on March 12, 2024 the use of videoconferencing as described in POL §103-a is authorized.

The following procedures are hereby established to satisfy the requirement of POL §103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance.

1. Town members shall be physically present at any meeting of the Town unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.

3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the Supervisor and/or Chairman of their respective Board prior to the scheduled meeting in order for proper notice to the public to be given.
4. If there is a quorum of members participating at a physical location(s) open to the public, the Town may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public *shall not* count toward a quorum of the Town but may participate and vote if there is a quorum of members at a physical location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to POL §105 or §108, the Town shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.
6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL §103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.
7. The public notice for the meeting shall inform the public:
 - (i) that extraordinary circumstances videoconferencing will (or may) be used,
 - (ii) where the public can view and/or participate in such meeting,
 - (iii) where required documents and records will be posted or available, and
 - (iv) the physical location(s) for the meeting where the public can attend.
8. The Town shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the Town's website (www.townofhendersonny.org) within five (5) business days following the meeting and shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon request.
9. If members of the Town are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Town shall provide the opportunity for members of the

public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Town shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.

10. Open meetings of the Town conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL §103-a shall be broadcast pursuant to the requirements of POL §103(f) and shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, “disability” shall have the meaning defined in Executive Law § 292.
11. The in-person participation requirements of POL §103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law §28 if the Town determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Town to hold an in-person meeting.
12. These procedures shall be conspicuously posted on the Town’s website (www.townofhendersonny.org).
13. These procedures may be amended, changed or repealed by resolution by the Town Board.

MOTION

ARPA FUNDS ALLOCATION BIG APPLE

On a motion of Councilperson Owen, second by Councilperson Parker Lane following motion was.

ADOPTED Ayes 5 Glaser, Poulin, Owen, Witmer, Parker Lane
Nays 0

Motion to allocate ARPA Funds to purchase videoconferencing equipment from Big Apple Music for a total amount of \$6200.00.

Supervisor Glaser opened the Public Hearing for Town Law chapter 37 Meetings 7:10PM.

Councilperson Poulin presents reasons and what changes to law are about.

No public Comments

MOTION

CLOSE PUBLIC HEARING

On a motion of Councilperson Owen, second by Councilperson Parker Lane following motion was.

ADOPTED Ayes 5 Glaser, Poulin, Owen, Witmer, Parker Lane
 Nays 0

Motion to close Public Hearing.

MOTION

AMEND TOWN LAW CHAPTER 37 MEETINGS

On a motion of Councilperson Poulin, second by Councilperson Parker Lane following motion was.

ADOPTED Ayes 5 Glaser, Poulin, Owen, Witmer, Parker Lane
 Nays 0

Motion to amend Local Law Chapter 37 meetings as follows:

WHEREAS Henderson town law Chapter 37, Meetings, provides the standard agenda for the conduct of meetings by the Town Board.

WHEREAS The Town of Henderson has limited resources and capabilities. The Town Board has responsibilities for all aspects of town government functions. Revised town law Chapter 37 will result in improved oversight by the town board and improved transparency and communication of the workings of the town to the citizens of the town.

THEREFORE, BE IT RESOLVED that the following changes to Chapter 37 be enacted. Changes are marked up in RED. Italics indicate original text.

IMPLEMENTATION PLAN FOR REVISIONS

- First monthly reports may not be included until 3 months after approval of the law change to allow development of report template and initial population of data
- Review with affected personnel for feedback and conduct working sessions as needed prior to first monthly report.

Chapter 37
MEETINGS

§ 37-2. *Standard operating procedure.*

The conduct and behavior of all town officials will be professional, courteous, and respectful at all times during meetings.

The Supervisor or any Councilperson may have an item placed on the agenda.

The standard operating procedure for regularly scheduled meetings shall be as follows:

Note that it is acceptable to deviate from the order below as long as all subjects are covered.

A. Pledge of Allegiance.

B. Open the floor for public comment.

1. Time to be limited to three minutes per individual at the discretion of the supervisor.

2. Each speaker ~~must~~ is requested to state his or her name and the subject he or she will be addressing. The purpose ~~of this requirement~~ is to help ensure that comments relate to town business and in the case of a public hearing, the subject of the hearing. **Explicit sign-in is not required for other than Public Hearings, however, the Town Clerk may need a means to accurately reflect speakers in the meeting minutes.**

3. Comments by speakers must be addressed to the town board. Attendees may not address the board until recognized by the town supervisor.

4. Discussion between speakers and attendees of the public meeting or hearing is prohibited. A speaker may disagree with or support prior speakers in comments directed to the town board.

5. Comments must relate to the purpose of a hearing or legitimate town business at a board meeting.

6. Speakers should present their remarks in a courteous manner and may not make personal comments about public officials, town residents or others.

7. Placards, banners or other signs should not be permitted in meeting rooms nor should the distribution of flyers.

8. A person who disregards the directives of the supervisor in enforcing the rules, disturbs the peace at a meeting makes impertinent or slanderous remarks or generally conducts himself in a boisterous or inappropriate manner while addressing the town board should be barred from further participation and forfeit any balance of time remaining for his comments,

9. After a final warning, if a speaker refuses to step down, the town supervisor should request that a police or peace officer remove the individual from the meeting room. The authority is section 240.20 of the Penal Law, providing that a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, 1) he makes unreasonable noise, 2) in a public place, he uses abusive or obscene language, or makes an obscene gesture, or 3) without lawful authority, he disturbs any lawful assembly or meeting of persons or 4) he creates a hazardous or physically offensive condition by any act which serves no legitimate purpose. Disorderly conduct is a criminal offense constituting a violation.

C. Guest Speakers

D. Reading and approval of minutes.

E. Reading and approval of warrants.

F. Correspondence

G. Reports designated department heads, commissions and committee chairpersons submit monthly reports in a standardized format to be determined to both the Town Board and the Town Clerk prior to the regular Town Board meeting detailing information from the previous calendar month. Examples of items to report: budget status, long range planning items, items of concern, help needed, etc.

Designated heads will periodically report in person during the Town Board meeting as denoted below. Actual month of in person report will be designated by the head in their monthly report as part of the report agenda.

1. Supervisor Monthly

Budget reports should be prepared and reviewed as of the end of each month during the fiscal year. The budget report shows the original budget, any authorized amendments, actual transactions to date (i.e., revenues, expenditures, and encumbrances listed by account code) and the differences between the amended budget and actual transactions (shown as variances).

2. Assessor Semi-annual

Include statistics on the following:

- Tax Exemptions approved
- Tax Exemptions not approved
- Tax Exemptions awaiting disposition

3. Mooring Administrators (April and October only for written reports)

Annual

4. Highway Superintendent Quarterly

Status of annual agreement on highway plan for repairs and improvements (Highway Law 284)

Monthly summaries of work completed

Annually include updated AMP for equipment and roads

5. Justices Annual (not to interfere with required independence of Judicial Branch)

6. Planning Board Semi-annual

7. Recreation Commission Annual

8. Sanitation Department Semi-annual

9. Water Districts Quarterly

Include adverse trends in water quality parameters and actions addressing out of specification or adverse trend parameters

Annually include updated AMP

10. Town Clerk/Collector Semi-annual

Include statistics on FOIL requests:

- #Requests being processed,
 - # greater than 30 working days,
 - # of extensions on one FOIL request
- #Requests denied
- #Appeals greater than 10 working days
- #Appeals denied

Include any new and list of all uncorrected Notice of Defects submitted (N.Y. Gen. Mun. Law § 50-G)

11. *Zoning Board of Appeals* Semi-annual

Include statistics on running total of the following:

- Appeals approved
- Appeals approved with modifications
- Appeals not approved

12. *Zoning Enforcement Officer* Quarterly

H. *Special committee reports.*

I. *Unfinished business.*

Review open action items from previous meetings

J. *New business*

K. *Announcements.*

L. *Review new action items created in this meeting*

Schedule as necessary Public Hearings for any item discussed

M. *End of meeting critique focusing on good practices and behaviors to continue and practices and behaviors to improve upon.*

N. *Adjournment*

§ 37-6. **Prior written notification of resolutions and meeting materials**

A. *Resolutions shall not be considered by the Town Board without prior written notification being distributed to all Board members at least one week prior to the Town Board meeting unless a majority of the entire Board votes to waive the one-week notice.*

B. *Meeting materials will be distributed to all members of the Town Board by at least the preceding Thursday PM to allow sufficient review time unless a majority of the entire Board votes to waive this requirement. Stated differently, if meeting materials for an agenda item is not distributed to the Town Board by the preceding Thursday PM, then that agenda item may be discussed but not voted on and should be moved to the following meeting.*

Old Business Public Comments: Ginger Cook – after executive session at last month’s meeting were there any votes? No

Thanked Board for putting documents on website

Clarification is needed on Engineering work done concerning Gilman Rd. Solar Project, who authorized for it to proceed?

Asked about decommissioning plan and building permit concerning Military Rd. solar project.

MOTION

MINUTES

On a motion of Councilperson Parker Lane, second by Councilperson Witmer following motion was.

ADOPTED Ayes 5 Glaser, Owen, Parker Lane, Poulin, Witmer

Nays 0

Motion to approve minutes from February 13, 2024, Town Board meeting and February 14, 2024 workshop.

MOTION

AUDIT OF CLAIMS

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

ADOPTED Ayes 5 Glaser, Witmer, Poulin, Owen, Parker- Lane
 Nays 0

Motion to authorize payment of abstract #3 include vouchers 24-00139– 24-00193 for a total amount of \$67,894.50.

Summary by Payable Account

<u>Payable Acct</u>	<u>Total Amount</u>
General	\$29,134.18
Highway	\$32,402.59
Water Dist. 1	\$2,369.20
Water Dist. 2	\$2,368.18
Special Lighting Dist.	\$570.83
Trust & Agency	\$1049.52

MOTION

SUPERVISOR REPORT

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

ADOPTED Ayes 5 Glaser, Poulin, Owen, Parker-Lane, Witmer
 Nays 0

Motion to accept February Supervisor’s report as presented by Supervisor Glaser.

Councilperson Poulin feels Board should be reviewing budget and spending.

Bookkeeper Donna Martel explains that Town Board members are provided with a copy of the monthly revenues and appropriations report that is sent every month with the abstract. It is up to Board to review it each month and ask questions.

Discussing Budget and how best to handle it with Board and Bookkeeper. Fund balance review will be reviewed at April meeting.

Highway department asks to replace loader they currently have with new CAT loader. One currently will be traded with a balance of \$48,243.00 being due at delivery for new one.

MOTION

ARAP FUNDS HIGHWAY DEPT. LOADER

On a motion by Councilperson Witmer, second by Councilperson Owen the following motion was

ADOPTED Ayes 5 Glaser, Poulin, Owen, Parker-Lane, Witmer
 Nays 0

Motion to allocate \$48,243.00 ARAP funds towards trade in of Volvo Loader and pay balance of CAT Loader.

MOTION

JOHN ALLEN SANITATION FOR SOLAR ECLIPSE

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

ADOPTED Ayes 5 Glaser, Poulin, Owen, Parker-Lane, Witmer
 Nays 0

Motion to move forward with John Allen Sanitation's quote of \$510.00 for 6 portable restrooms for the eclipse festival on April 8,2024.

Eclipse update by Gail Smith all information is available on NY.eclipse.com for activities through out weekend. A welcome booth will be set up by Motel, next to red barn for the eclipse. A safety meeting will be held with federal, state and local authorities and emergency services to make sure safety concerns are in place and plans will be executed by all. It will be a closed meeting to the public.

Pat Scordo from GYMO Engineering gave sewer project update. A 100% of final plans have been submitted to DEC and EFC for their 60-day review on March 8,2024. May 15th is the target date to go out to bid. There are 77 easements total to be signed. A sewer committee has been formed to get signatures and provide information. The request for additional engineer funding would be better off discussing in executive session. Mr. Scordo has been emailing Board back and forth concerning additional engineering requests. They are asking for additional information and more details on project, special meetings both public and one on one, and more review of project details. These are all additional expenses to GYMO. The meeting from February 14,2024 cost over \$6,000.00 to have all the people from different companies on hand to bring new Board members up to speed and answer questions. More details and itemized billing would help with billing questions.

Nexamp Military Road solar field answers by Zoning Officer Eric Sheldon. The French drains are possibly over near their driveway they put in. There are several culverts on private road that may need attention and may be causing flooding but not knowing the elevations of the property it is difficult to tell the flow of the water. They are generating power, but it just is not going anyplace. The underground service has to be approved by National grid. The Community Host agreement should be paid by the end of the month. Board would like to schedule a walk-through of the site.

A motion to extend the Solar Moratorium that is in place was presented but Councilperson Owen. A committee that was formed has been reviewing the laws, and the technical aspects and if any changes are made to zoning laws it must go to County, Jefferson, for review. The extended three months will also give seasonal residents the opportunity to speak at public hearings concerning changes.

MOTION

SCHEDULE PUBLIC HEARING TO EXTEND SOLAR MORATORIUM

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

ADOPTED Ayes 5 Glaser, Poulin, Owen, Parker-Lane, Witmer
 Nays 0

Motion to hold Public Hearing to extend the current Solar Moratorium by another three months to be held on April 9, 2024 meeting at 7:00 PM at Town Offices.

Town Attorney Jim Burrows explains to the Board the process to move forward with approving the proposed zoning laws.

Supervisor Glaser Opens Public Hearing to proposed zoning laws at 9:30pm. Explains that the Town Attorney Burrows has made a few changes to the law such as removing the word misdemeanor to violation due to misdemeanor is a criminal offense vs. violation which would be just that, nothing criminal. If somebody is charged the Town could be responsible for paying for attorney if they could not afford one along with other judicial fees. If Board could wait 10 to 12 days to review suggested changes and correct errors, then they would be corrected since they have been made aware of issue. Board wishes to move forward.

PUBLIC COMMENTS:

Judi McKee Sanders – What is the rush to push this project through? Why not wait 10 or 12 days to review and have it right?

Ginger Cook – Disagrees it is not being rushed and they have been reviewed over and over.

Eric Sheldon – It was mentioned misdemeanor which would require an attorney for which the Town could end up paying.

Board asked to keep public hearing open until March 13, 2024 meeting.

Public Comments: Tom Ditch – Area around Dollar General needs to be cleaned up looks like a war zone. Zoning Officer will do a site visit
Ginger Cook – Meeting last month in highway barn for sewer project should have been provided earlier in project. Disapprove of letter sent out by Town regarding sewer final notice.

Amended by request form April 9th and May 12th Ginger Cook asked to have comments regarding Dollar General removed as she said she did not say that.

MOTION

EXECUTIVE SESSION ENTER

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

ADOPTED Ayes 5 Glaser, Witmer, Poulin, Owen, Parker- Lane
 Nays 0

Motion to enter into executive session to discuss pending litigation against the Town.

MOTION

EXECUTIVE SESSION EXIT

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

ADOPTED Ayes 5 Glaser, Witmer, Poulin, Owen, Parker- Lane
 Nays 0

Motion to exit executive session.

Meeting to adjourn until March 13,2024 a motion by Councilperson Witmer second by Councilperson Poulin 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

March 18	(Monday)	Recreation Commission Meeting	6:00PM
March 20	(Wednesday)	Zoning Board Meeting	6:00PM
March 21	(Thursday)	Solar Committee Meeting	7:00PM
March 27	(Wednesday)	Sewer Committee Meeting	7:00PM
March 28	(Thursday)	Solar Committee Meeting	7:00PM
April 04	(Thursday)	Planning Board Meeting	5:00PM
April 08	(Monday)	Town Offices Closing @ Noon /NO COURT	
April 08	(Monday)	Solar Eclipse Festival	All Day

April 09	(Tuesday)	Town Board Meeting	7:00PM
April 10	(Wednesday)	Town Board Workshop	7:00PM
April 11	(Thursday)	Solar Committee Meeting	7:00PM
April 17	(Wednesday)	Zoning Board Meeting	6:00PM
April 17	(Wednesday)	Sewer Committee Meeting	7:00PM
April 18	(Thursday)	Solar Committee Meeting	7:00PM
April 22	(Monday)	Recreation Commission Meeting	6:00PM
April 24	(Wednesday)	Sewer Committee Meeting	7:00PM
April 25	(Thursday)	Solar committee meeting	7:00PM
May 07	(Tuesday)	Planning Board	5:00PM