

**Town of Henderson**  
**12105 Town Barn Rd.**  
**Henderson, NY 13650**  
**Public Hearing Local Law #2**  
OPT-OUT of NY RPT section 487  
**Town Board Meeting**  
**February 26, 2020 – 7:00 PM Scheduled**

A Public Hearing and regular meeting of the Town Board of the Town of Henderson, County of Jefferson and the State of New York held at the Henderson Town Offices, 12105 Town Barn Rd, Henderson, NY on the 26<sup>th</sup> day of February 2020.

PRESENT:	Edwin Glaser	----	Supervisor
	Carol Hall	----	Councilwoman
	Torre Parker Lane	----	Councilwoman
	Bryan Flagg	----	Councilman
	Wendy Flagg	----	Town Clerk

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

Supervisor Glaser opened the Public Hearing at 7:02 PM with a reading of proposed Local Law #2 to Opt-Out of NY RPTL section 487. Two up coming large scale solar projects are coming up in the Town and the Board on the advice of counsel believes this is an avenue that could possibly protect the Town from possible proposed PILOT programs.

Supervisor Glaser opened the floor up to public comments

No Public comments

MOTION

**CLOSE PUBLIC HEARING**

On a motion of Councilwoman Parker-Lane, second by Councilman Flagg the following motion was

ADOPTED	Ayes 4	Hall, Glaser, Parker-Lane, Flagg
	Nays 0	

Motion to close public hearing.

Public Hearing closed at 7:06 PM Regular meeting opened.

MOTION

**MINUTES**

On a motion of Councilwoman Parker-Lane, second by Councilman Flagg the following motion was

ADOPTED    Ayes 4            Hall, Glaser, Parker-Lane, Flagg  
                 Nays 0

Motion to approve minutes from the February 12, 2020 Town Board meetings.

RESOLUTION 2020-02-26-035

**AUDIT OF CLAIMS**

On a motion by Councilman Flagg, seconded by Councilwoman Parker-Lane, the following resolution was

ADOPTED    Ayes 4            Glaser, Parker-Lane, Hall, Flagg  
                 Nays 0

Resolved to authorize payment of abstract #3 include vouchers 177062-177094 for a total amount of \$83,112.27.

Resolution # 2019-12-17-078 was done in December 2019 naming the Town of Henderson as Lead Agency. After allowing the required time to allow for response from the proposed SEQR the Town of Henderson can move forward on the Negative Declaration for the Sewer project.

RESOLUTION 2020-02-26-036

**NEGATIVE DECLARATION (SEQR) FOR SEWER PROJECT**

On a motion by Councilwoman Hall, seconded by Councilwoman Parker-Lane, the following resolution was

ADOPTED    Ayes 4            Glaser, Parker-Lane, Hall, Flagg  
                 Nays 0

Resolved that the amended Town of Henderson Sewer District No 1 Wastewater Collection & Treatment Facilities will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

**RESOLUTION  
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 of the Town of Henderson Sewer District No. 1 in the Town of Henderson; and

**WHEREAS**, the Town Board of the Town of Henderson has reviewed a 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 would have a significant adverse impact on the environment; and

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

**WHEREAS**, having considered the action consisting of the amendment/extension of an improvement district and the potential environmental impacts associated with such action the Town Board has determined to proceed.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Henderson finds that the proposed action 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 and/or the 30-day period in which to object has passed.

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

1. Based upon the examination and consideration of the Long Environmental Assessment Form and comparison of the proposed action and criteria set forth at 617.7, no significant adverse impact on the environment is known by the amendment/extension of Sewer District No. 1.

2. The Supervisor for the Town of Henderson is authorized to execute the Long Environmental Assessment Form to the effect that the Town Board is issuing a "negative declaration" under SEQR.

3. 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.

4. 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.

5. This Resolution shall take effect immediately.

The foregoing Resolution was offered by Board Member, Carol Hall, and seconded by Board Member, Torre Parker-Lane, 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>
<u>                                </u>	Yes <u>      </u>	No <u>      </u>

Dated: February 26, 2020

    
Wendy Flagg, Town Clerk

Upon the advice of GYMO and Blue Line Engineering two different companies to help with funding for the sewer district were recommended, G&G Municipal Consulting and Municipal Solutions, Inc. G&G Municipal Consulting will perform an income survey for the Town and help secure grant funding for infrastructure projects. Municipal Solutions, Inc. will provide grant writing services to help secure funding consideration from several agencies and help with securing low interest loans. Both Companies have proven high success rates and can provide the Town with the added security of success.

RESOLUTION 2020-02-26-037

**CONTRACT WITH MUNICIPAL SOLUTIONS, INC.**

On a motion of Councilwoman Parker- Lane, second by Councilman Flagg, the following motion was

ADOPTED    Ayes 4            Hall, Parker-Lane, Glaser, Flagg  
              Nays 0

Resolved that the Town of Henderson Town Board allow Supervisor Glaser to enter into contract with Municipal Solutions, Inc. to provide grant writing and fiscal services to the Town as it pertains to the Amended Sewer District No. 1 Wastewater Collection & Treatment Facilities at an estimated cost of \$8,000.00 for the scope of the project.

RESOLUTION 2020-02-26-038

**CONTRACT WITH G&G MUNICIPAL CONSULTING**

On a motion of Councilwoman Parker- Lane, second by Councilman Flagg, the following motion was

ADOPTED    Ayes 4            Hall, Parker-Lane, Glaser, Flagg  
              Nays 0

Resolved that the Town of Henderson Town Board allow Supervisor Glaser to enter into contract with G&G Municipal Consulting and Grant Writing to provide an Income Survey to the Town to determine the Median Household Income as it pertains to the Amended Sewer District No. 1 Wastewater Collection & Treatment Facilities at an estimated cost of \$9,490.00 + postage for the scope of the project.

Scheduling a Public Hearing would be the next step towards forming the amended sewer district. Possibly looking to create an extended water district as well for the remainder of County Route 123 to Bayshore as well as Fargo to Eastman Tract. These are some of the next steps to work towards.

A visit to Town of Wolcott who is currently doing a new sewer district similar to ours with the exception of no waste treatment plant. They have about 600 users compared to our 450 but their project cost them around 13 million again without the treatment plant.

Update to Ethics, Investment and procurement policies still on hold due to requested changes. Workshop on March 6, 2020 at 4:00PM at Town offices scheduled to get these completed.

RESOLUTION 2020-02-26-039

**NEGATIVE DECLARATION (SEQR) FOR NY RPTL section 487**

On a motion of Councilwoman Parker- Lane, second by Councilwoman Hall, the following motion was

ADOPTED    Ayes 4            Hall, Parker-Lane, Glaser, Flagg  
              Nays 0

Resolved that:

**WHEREAS**, the Town Board for the Town of Henderson, New York has considered the adoption of Legislation in the Town of Henderson in connection with regulations opting out of NY RPTL §487; and

**WHEREAS**, the Town Board of the Town of Henderson has reviewed a Short Form Environmental Assessment Form for the purpose of assisting the Town Board in making a determination of significance in respect to the Legislation; of whether the enactment of the Legislation would have a significant adverse impact on the environment; and

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

**WHEREAS**, having considered the action consisting of the adoption of the Legislation and the potential environmental impacts associated with such action the Town Board has determined to proceed.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Henderson finds that the proposed action of adopting the legislation is subject to SEQR; and

**BE IT FURTHER RESOLVED** that the action constitutes an unlisted action under SEQR 617.2(al); 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 therefore, a coordinated review of the action under SEQR is neither required nor necessary; and

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

1. Based upon the examination and consideration of the Short Environmental Assessment Form and comparison of the proposed action and criteria set forth at 617.7, no significant impact on the environment is known by the adoption of the proposed legislation.
2. The Supervisor for the Town of Henderson is authorized to execute the Short Environmental Assessment Form to the effect that the Town Board is issuing a “negative declaration” under SEQR.
3. 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. All subsequent notices regarding the undertaking of the project as set forth in this report shall state that a negative declaration has been issued.
4. This Resolution shall take effect immediately.

RESOLUTION 2020-02-26-040

**ENACT LOCAL LAW #2 TO OPT OUT OF NY RPTL section 487**

On a motion of Councilman Flagg, second by Councilwoman Parker-Lane, the following motion was

ADOPTED    Ayes 4            Hall, Parker-Lane, Glaser, Flagg  
                 Nays 0

Resolved that:

**WHEREAS**, the Town Board for the Town of Henderson, New York has devoted considerable time and attention to Green Energy issues including Wind and Solar Energy Systems; and

**WHEREAS**, the Town Board has determined that the orderly growth of such Energy Systems may promote the health, safety and welfare of the community, and must do so in an environmentally friendly fashion, but must pay real property taxes as other projects; and

**WHEREAS**, pursuant to the New York Environmental Quality Review Act, this Board, as the only involved agency has reviewed Parts 1, 2, and 3 of a Short Form Environmental Assessment Form, has made a determination that the adoption of the Local Law in the Town of Henderson, New York will result in no significant adverse impacts upon the environment and has adopted a negative declaration in connection therewith.

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

1.        The forgoing recitation is incorporated herein and made a part hereof as if set forth hereafter.
2.        The Town Board hereby enacts the Local Law titled “To Opt Out of NY RPTL §487” as being in the best interests of the Town of Henderson.
3.        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.
4.        This Legislation shall be filed with the New York State Department of State; the President of the NYS Energy Research and Development Authority, the office of Real Property Services of Jefferson County and the Town Clerk of the Town of Henderson.
5.        This Resolution shall take effect immediately.

MOTION

**NEW APPOINTMENTS**

On a motion of Supervisor Glaser, seconded by Councilwoman Parker-Lane, the following resolution was

ADOPTED    Ayes 4            Glaser, Flagg, Hall, Parker-Lane  
                 Nays 0

Motion to accept Jerrica White to open position on recreation commission to expire December 31, 2022 and accept Robert Whiteman to open position on Board of Assessment Review to expire September 30, 2024.

Town Board member appointment Board asked to go into executive session to discuss previous interview of personnel.

MOTION

**ENTER INTO EXECUTIVE SESSION**

On a motion of Councilwoman Hall, seconded by Councilwoman Parker-Lane, the following motion was

ADOPTED    Ayes 4            Glaser, Flagg, Hall, Parker-Lane  
                 Nays 0

Motion to enter into executive session to discuss pending personnel.

MOTION

**EXIT OUT OF EXECUTIVE SESSION**

On a motion of Councilwoman Hall, seconded by Councilwoman Parker-Lane, the following resolution was

ADOPTED    Ayes 4            Glaser, Flagg, Hall, Parker-Lane  
                 Nays 0

Motion to exit executive session.

Page 7 February 26, 2020

Town Board has decided to table appointment of person to fill Town Board opening.

Town Boat Launch due to the increase of the new bid it was discussed to do only half the boat launch at this time to use the FEMA funds that were awarded from 2017 damage. Supervisor Glaser will look into this possibility and a letter from contractor possibly holding price for project.

**PUBLIC COMMENTS:** Robert Whiteman – Any word on sandbags and other items available for high water?

Supervisor Glaser spoke of his conversation with Joe Plummer who said they are currently filling sandbags. No word on any other assistance that may be available.



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

Court on Monday night at 4:00PM, All Town meetings held at  
12105 Town Barn Rd., Henderson, NY 13650

March 03	(Tuesday)	Planning Board Hearing	5:00PM
March 11	(Wednesday)	Town Board Meeting	7:00PM
March 18	(Wednesday)	Zoning Board of Appeals Hearing	5:00 PM
March 19	(Thursday)	Recreation Commission	7:00PM
March 25	(Wednesday)	Town Board Meeting	7:00PM

Respectfully submitted,  
Wendy Flagg / Town Clerk/Collector