

**Town of Henderson  
12105 Town Barn Rd.  
Henderson, NY 13650  
Town Board Meeting & Public Hearing  
October 12, 2021 – 6:30 PM Scheduled**

A Public Hearing & regular meeting of the Town Board of the Town of Henderson, County of Jefferson and the State of New York held at 12105 Town Barn Rd.at 6:30PM, on the 12<sup>th</sup> day of October 2021.

PRESENT:	Edwin Glaser	----	Supervisor
	Matthew Owen	----	Councilman
	Bryan Flagg	----	Councilman
	Carol Hall	----	Councilwoman Arrived @ 6:45PM
	Torre Parker Lane	----	Councilwoman
	Wendy Flagg	----	Town Clerk

Supervisor Glaser called the meeting to order at 6:30PM with the Pledge to the flag.

Large scale solar zoning amendments public hearing open and discussed by Board.

Public Comments by Lee Cagwin he believes there is a place for solar but not in all areas. Understands that it is the future but glad to see stricter guidelines in different areas.

**MOTION**

**CLOSE PUBLIC HEARING**

On a motion of Councilman Owen, second by Councilwoman Parker Lane following motion was

ADOPTED	Ayes 4	Glaser, Flagg, Owen, Parker Lane
	Nays 0	
	Absent	Hall

Motion to close the Public Hearing.

Supervisor Glaser called the public hearing for 2022 preliminary budget and Tax cap override (local law #3) to order at 6:45PM

Councilwoman Hall present. Floor open to public comments

Board received and reviewed letter from Gary Rhodes and his comments and concerns with 2022 preliminary budget.

Lee Cagwin is happy with the direction of the Town and way it is heading.  
Ginger Cook is concerned that increasing the tax cap will hurt the public that is on a fixed income.

Councilman Owen - if we increase the tax cap by a penny, we still would be over the tax cap.

**MOTION**

**CLOSE PUBLIC HEARING**

On a motion of Councilwoman Parker Lane, second by Councilman Owen following motion was

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

Motion to close the Public Hearing.

**MOTION**

**MINUTES**

On a motion of Councilman Flagg, second by Councilman Owen following motion was

ADOPTED    Ayes 4            Glaser, Flagg, Owen, Hall  
                 Nays 0  
                 Abstains       Parker Lane

Motion to approve minutes from the Town Board meeting on September 14, 2021, as written.

**MOTION**

**MINUTES**

On a motion of Councilwoman Parker Lane, second by Councilman Owen following motion was

ADOPTED    Ayes 4            Glaser, Parker Lane, Owen, Hall  
                 Nays 0  
                 Abstains       Flagg

Motion to approve minutes from the Budget workshop meeting on September 29, 2021, as written.

**MOTION**

**AUDIT OF CLAIMS**

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

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

Resolved to authorize payment of abstract #9P include vouchers 000436 for a total amount of \$28,100.23.

Summary by Payable Account

<u>Payable Acct</u>	<u>Total Amount</u>
General	\$0
Highway	\$28100.23
Water Dist. 1	\$0
Water Dist. 2	\$0
Special Lighting Dist.	\$0
Trust & Agency	\$0

MOTION

AUDIT OF CLAIMS

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

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

Resolved to authorize payment of abstract #10P include vouchers 000437-000487 for a total amount of \$178,437.35

Summary by Payable Account

<u>Payable Acct</u>	<u>Total Amount</u>
General	\$17,050.58
Highway	\$39,593.62
Water Dist. 1	\$2,195.36
Water Dist. 2	\$2,195.35
Sewer Capital Fund	\$115,680.00
Special Lighting Dist.	\$512.76
Trust & Agency	\$1,209.68

MOTION

SUPERVISOR REPORT

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

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

Motion to accept September Supervisor's report as presented by Supervisor Glaser.

Town Board members were provided with a copy of the monthly revenues and appropriations report.

Pat Scordo and Mark Tompkins from Gymo Engineering update Board on Sewer and water projects. Still reviewing survey data and waiting on grants for proposed sewer district.

Water District #3 – Looking at a bigger district, full original, pulling out Route 3 area with no utilities. The water tower must be rehabbed, painted on the inside and other maintenance items as well. Instead of putting these repairs all in the Water district #3 project we could possibly spread the cost out over all three districts as all would benefit from them. Just another avenue to be reviewed on getting cost under control for proposed district.

New water hook up for Michael Yonkovig property. Board believes that GYMO engineering, town's engineers should be reviewing and advising as to what hook up would be best for any new user hook up. The Board approves the new water hook up using the engineer recommendations.

New water hook up for Diane White at corner of County Route 72 and County Route 71. Again, there are several different ways to come in with water but Board request that Town's engineers advise as to what way would be best for customer and Town's water line protection. Board approves water hook up as long as engineer approval is followed by property owner.

Discussion for resolution with reference to the proposed wastewater treatment improvement project was held.

RESOLUTION # 2021-10-12-046

**WATER INFRASTRUCTURE IMPROVEMENT GRANT**

On a motion by Councilwoman Hall, seconded by Councilman Owen, the following motion was

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

Resolved to execute an application and any supporting documents requires to apply for Water infrastructure Improvement Act as below:

**RESOLUTION WITH REFERENCE TO THE PROPOSED  
TOWN OF HENDERSON, JEFFERSON COUNTY, NY  
WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT**

**WHEREAS**, the Town of Henderson engaged GYMO and Blue Line Engineering to complete an engineering report for the Town's Henderson Harbor Water Quality Improvement project identifying the current private septic system shortcomings, the proposed infrastructure improvements necessary to correct failing septic systems, and the projected costs for residents of the Town: and

**WHEREAS**, affordability for Town residents and property owners is a significant concern in advancement of the proposed project: and

**WHEREAS**, the Town is eligible for Clean Water State Revolving Loan and Grant funding based upon the Draft 2022 State Revolving Fund Intended Use Plan (IUP) ranking and the Town's desire to submit a competitive application to obtain WIIA funding to assist in making the project economically viable to the Town's sewer users.

**NOW, THEREFORE, be it RESOLVED as follows:**

1. The Town Board authorizes Municipal Solutions, Inc. to prepare an application for Water Infrastructure Improvement Act grant funds from the NYS Environmental Facilities Corporation (EFC).
2. The Town Board authorizes Ed Glaser and Wendy Flagg in her role as Town Clerk, to execute the application and any necessary supporting document required to apply for Water Infrastructure Improvement Act grant funds from the NYS Environmental Facilities Corporation (EFC).
2. This resolution shall take effect immediately.

Discussion on Tax Cap Override Levy decision held by Board

RESOLUTION # 2021-10-12-047

**LOCAL LAW #3 OVERRIDE TAX CAP LEVY**

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

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

Resolution to adopt Local Law # 3 as written below:

TOWN OF HENDERSON

LOCAL LAW NO. 3 FOR 2021

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT  
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

BE IT ENACTED by the Town Board of the Town of Henderson as follows:

**Section 1.** **Legislative Intent:** It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Henderson pursuant to General Municipal Law §3-c, and to allow the Town of Henderson to adopt a budget for the fiscal year beginning **January 1, 2022** and ending **December 31, 2022** that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

**Section 2.** **Authority:** This local law is adopted pursuant to subdivision 5 of the General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax limit by adoption of a local law approved by a vote of at least sixty percent (60%) of the Town Board.

**Section 3.** **Tax Levy Limit Override:** The Town Board of the Town of Henderson , County of Jefferson is hereby authorized to adopt a budget for the **fiscal year 2022** that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

**Section 4.** **Severability:** If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, individual, firm or corporation, or circumstance, shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5.** **Effective Date:** This local law shall take effect immediately upon filing with the Secretary of State.

Discussion of Assessment settlement regrading Stone Property was had by Board.

RESOLUTION # 2021-10-12-048

**ASSESSMENT SETTLEMENT STONE PROPERTY**

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

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

Resolution to settle proceeding to review real property assessment challenge at parcel #105.08-1-34 owned by Stone see below:

**TO SETTLE PROCEEDING TO REVIEW REAL PROPERTY ASSESSMENT CHALLENGE AT:**

13600 Cedarvale Drive  
Henderson, NY  
Parcel No:    105.08-1-34

**RESOLUTION #48 of 2021**

**WHEREAS**, certain premises owned by CHARLES K. STONE and GALE A. STONE ("STONE"), in the Town of Henderson at 13600 Cedarvale Drive, Parcel No.: 105.08-1-34 on the assessment roll and map of the Town of Henderson are assessed for the payment of taxes starting with tax year 2018 as follows:

2018	Parcel #: 105.08-1-34	\$1,143,200
2019	Parcel #: 105.08-1-34	\$1,143,200
2020	Parcel #: 105.08-1-34	\$1,143,200

and;

**WHEREAS**, STONE, has heretofore duly instituted in the Supreme Court proceedings to review the assessment and the determination of the Board of Review of the Town for tax years 2018 and 2020; and

**WHEREAS**, the parties have agreed that the assessment for the following years shall be reduced and set as:

2018	Parcel #: 105.08-1-34	\$600,000
2019	Parcel #: 105.08-1-34	\$550,000
2020	Parcel #: 105.08-1-34	\$500,000

**WHEREAS**, in consideration of the Town adjusting and/or setting the assessment as set forth above, the Petitioner agrees not to commence tax assessment review proceedings pursuant to Article 7 of the Real Property Tax Law of the State of New York or under any other applicable provision of law for tax years 2021, 2022 or 2023 except as otherwise authorized by RPTL § 727; and

**WHEREAS**, the Town reserves the right to adjust the assessment on the subject property for years 2021, 2022, or 2023 as authorized by RPTL §727 and similarly the Petitioner shall not be barred from challenging and/or commencing proceedings to review the assessment on the subject premises in those instances; and

**WHEREAS**, a compromise and settlement of the aforesaid proceedings upon the above basis is deemed in the best interest of the Respondents.

**NOW THEREFORE BE IT RESOLVED** by the Town Board of the Town of Henderson, New York that the Town attorneys of the Town of Henderson be and are hereby authorized, empowered and directed to enter into a formal Stipulation & Order of the aforesaid proceedings with counsel for STONE on the following terms and conditions:

1. The total assessment of the subject property shall be set as follows :

2018	\$600,000
2019	\$550,000
2020	\$500,000

2. That the above adjustments, with rebates for 2018, 2019 and 2020 are made in consideration of the Petitioner's agreement not to commence tax assessment challenges pursuant to Article 7 of the Real Property Tax Law of the State of New York, or under any other applicable provision of law, for tax years 2021-2023 so long as the assessment is fixed as set forth above.
3. That the Town reserves the right to adjust the assessment of the subject property as authorized by RPTL §727 during years 2021-2023.
4. That in the instances specified at paragraph 3, the Petitioner reserves the right to challenge the assessment on the subject property as relates to RPTL §727.



5. That an Order of the Supreme Court shall be made and entered settling the aforesaid proceedings to review said assessment without costs to either party as against the other and upon the terms and conditions set forth above; and

**BE IT FURTHER RESOLVED**, that the Town Assessor and all other municipal officers, agents or employees be and they hereby are directed to do such acts and things as may be necessary to give full force and effect to the aforesaid settlement.

This Resolution shall take effect immediately.

Discussion by Board to allow Supervisor Glaser to enter into a legal services agreement with Conboy, McKay, Bachman & Kendall, LLP to perform certain legal services necessary as it pertains to proposed Sewer District #1.

RESOLUTION # 2021-10-12-049

**LEGAL SERVICES AGREEMENT FOR SEWER DIST. NO.1**

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

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

Resolved to allow Supervisor Glaser to enter into a legal services agreement with Conboy, McKay, Bachman & Kendall, LLP to perform certain legal services necessary as it pertains to proposed Sewer District #1 effective October 13, 2021.

Board members reminded to attend Henderson Free Library's Open House on October 20<sup>th</sup> at 6:00PM

Board was given Cannabis information and unsafe building information to review for next meeting

Letter of resignation was read by Wendy Flagg from Planning Board and Zoning Board of Appeals as clerk.

Board approves appointment of Mary Cornell to position of Planning Board and Zoning Board of Appeals clerk.

Town Board members comments:

Councilman Owen would like to have all meetings begin at 7:00PM including all Public Hearings and have set agenda earlier to review materials and have agenda posted on website for public view.

**PUBLIC COMMENTS:** Bonnie Yonkovig agrees with having agenda available for public

Lee Cagwin possibly set a deadline for items to be heard.

Ginger Cook Thanks Wendy Flagg for her services as Planning Board and ZBA clerk.

No further business to discuss a motion by Councilwoman Parker-Lane second by Councilman Flagg 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 17	(Wednesday)	Zoning Board of Appeals	6:00PM
Nov 18	(Thursday)	Recreation Commission	7:00PM
Nov 24	(Wednesday)	Town Offices Closing @ Noon	
Nov 25	(Thursday)	Town Offices Closed for the Holiday	
Dec 07	(Tuesday)	Planning Board Hearings	5:00PM
Dec 14	(Tuesday)	Town Board Meeting	7:00PM
Dec 15	(Wednesday)	Zoning Board of Appeals	6:00PM
Dec 16	(Thursday)	Recreation Commission	7:00PM