

**Town of Henderson
12105 Town Barn Rd.
Henderson, NY 13650
Public Hearing / Town Board Meeting
April 9, 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 9th day of April 2024.

PRESENT:	Edwin Glaser	----	Supervisor
	Matthew Owen	----	Councilperson
	Torre Parker Lane	---	Councilperson
	David Poulin	---	Councilperson
	Lindsay Witmer	---	Councilperson
	Carol Hall	---	Deputy Supervisor

Supervisor Glaser opened the Public Hearing for Solar Moratorium Extension for another 3 months for Solar Energy Facilities and /or Battery Energy Storage Systems at 7:01 PM.

Ginger and Louis Cook support the extension and encourage the Board to continue to research information on solar systems.

Greg Bond asks Board to not extend the moratorium and additional three months

MOTION

CLOSE PUBLIC HEARING

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

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

Motion to close Public Hearing.

RESOLUTION # 2024-04-09-032

**ADOPTING LOCAL LAW #4 OF 2024 EXTENDING A TOWN WIDE MONTH
MOTATORIUM FOR SOLAR ENERGY FACILITIES AND/OR BATTERY
ENERGY STORAGE SYSTEMS**

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

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

Board resolved the following:

RESOLUTION #32 OF 2024

**ADOPTING LOCAL LAW 4 of 2024
Extending a Townwide Month Moratorium
for Solar Energy Facilities and/or Battery Energy Storage Systems**

WHEREAS, the Moratorium regarding Solar Energy Facilities and/or Battery Energy Storage Systems was recently adopted by the Town Board and which is due to expire on/about May 5, 2024; and

WHEREAS, the Town Board for the Town of Henderson, New York is considering a number of steps to update, revise and amend its Zoning with regard to Solar Energy Facilities and/or Battery Energy Storage Systems, but anticipates that completion of that process will not be accomplished by June 5, 2024; and

WHEREAS, in light of the above, the Town Board has determined that extending the moratorium for up to an additional Three (3) months is reasonably necessary and appropriate to ensure that adequate time exists within which the Town Board might adopt reasonable amendments to Town Zoning in respect to Solar Energy Facilities and/or Battery Energy Storage Systems.

NOW BE IT RESOLVED, that a public hearing Amending Local Law 1 of 2023 to extend the moratorium for an additional Three (3) months (subject to earlier cancellation by Resolution) was conducted on April 9, 2024; and

BE IT FURTHER RESOLVED, that extending the moratorium to provide adequate time to amend Zoning in regard to Solar Energy Facilities and/or Battery Energy Storage Systems is appropriate and the local law is approved; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

Ed Glaser, Supervisor

Yes

No

Torre Parker-Lane	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Matthew Owen	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
David Poulin	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Lindsay Witmer	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

TOWN OF HENDERSON

LOCAL LAW #4 of 2024

Amending Local Law 1 of 2023 Extending the Townwide Moratorium for all Solar Energy Facilities and/or Battery Energy Storage Systems

ARTICLE I INTENT

The Town Board, in order to consider, formulate, and potentially amend the Town’s Zoning pertaining to Renewable Energy Facilities and Battery Energy Storage Systems and to safeguard the public health, safety and general welfare of its population, determines it to be reasonably necessary to extend the six (6) month moratorium by three (3) additional months (from June 5 – Sept 5, 2024) to complete the Zoning amendment process.

ARTICLE II 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 battery energy storage systems shall be constructed, reconstructed, modified or operated in the Town of Henderson, except in compliance with the Zoning Law.

RENEWABLE ENERGY FACILITIES and/or SOLAR ENERGY FACILITIES – An electrical energy facility composed of a combination of both solar panels and solar energy equipment.

This provision applies equally to Wind Energy Conversion Systems and Solar Energy Conversion Systems, however those renewable energy systems may be defined.

ARTICLE III APPLICATION

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

ARTICLE IV DURATION

This law shall be in effect for a period of up to Three (3) months from June 5 – Sept 5, 2024 unless sooner cancelled by the Town Board by Resolution.

ARTICLE V PROHIBITIONS

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

ARTICLE VI ENFORCEMENT

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

ARTICLE VII 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) or imprisonment for a period not to exceed fifteen (15) days or both. Each week's continued violation after notice shall constitute a separate and additional violation.

ARTICLE VIII 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 IX EFFECTIVE DATE

This Local Law shall become effective on June 5, 2024 or after having been sooner filed in the Office of the NYS Secretary of State.

Old Business Public Comments: Ginger Cook – Concerns over March 12th meeting minutes.

MOTION

MINUTES

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

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

Motion to approve minutes from March 12, 2024 with amendment (Ginger Cook's comments), Town Board meeting and March 13, 2024 workshop and Special Meeting March 25, 2024

Councilperson Witmer commented that abstract was not available on website for viewing by public.

Supervisor Glaser objects to voucher #24-00217 for Costello, Cooney & Fearon, PLLC for \$5,000.00. He feels it is a waste of taxpayers' money, our Town attorney is capable of handling lawsuits and has lots of good reviews and outcomes.

MOTION

AUDIT OF CLAIM

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 #4 include vouchers 24-00197– 24-00259 for a total amount of \$146,192.00.

Summary by Payable Account

<u>Payable Acct</u>	<u>Total Amount</u>
General	\$36,174.51
Highway	\$27,169.72
Water Dist. 1	\$2,393.11
Water Dist. 2	\$2,393.10
Special Lighting Dist.	\$575.04
Trust & Agency	\$1049.52
Sewer Capital Fund	\$76,437.00

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 March 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 from GYMO Engineering gave sewer update. Summary was emailed to the Board. SPEDS Report was approved by DEC, and they agreed to schedule. May 15th is still targeting date to go to bid. The outstanding easement numbers have changed due to additional hook ups along Route 3, 49 critical and 72 unsigned. The Town will take over County Route 123 and County will take over end of Military Road. County will provide funding for paving and drainage issues. If we keep with schedule the bids will close October 1st the State is looking for 100% commitment and eminent domain was brought up.

Councilperson Poulin said at the scheduled workshop discussed decisions. Risk is that easements are not signed and cannot or should not have lawyer sign off. Easements are particularly important and crucial to get signed. Sewer Committee is making progress getting 4 easements a week signed. Will schedule a workshop before the 15th.

Councilperson Poulin will be meeting with Pat Scordo tomorrow to discuss contract and reviewing actual bid specs. This is an investment in the future and wants to make Sure it meets standards, asking Board to allow to spend two hours not in project cost.

MOTION

MEETING WITH POULIN AND GYMO EXPENDITURE

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

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

Nays 0

Motion to allow meeting with GYMO Engineering and Councilperson Poulin to review bid documents and contracts for up to (2) two hours.

GYMO Engineering will go forward with bidding process. Board discusses change orders presented by GYMO Engineering for sewer district #1.

MOTION

AMENDMENT #1 FOR GYMO ENGINEERING SEWER DIST #1

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

ADOPTED	Ayes 3	Glaser, Owen, Parker-Lane
	Nays 2	Poulin, Witmer

Motion to agree to pay amendment #1 for additional services performed by Engineer for Sewer Dist. #1 for \$483,000.00.

MOTION

AMENDMENT #2 FOR GYMO ENGINEERING SEWER DIST #1

On a motion by Councilperson Poulin second by Councilperson Parker Lane the following motion was

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

Motion to agree to pay amendment #2 for additional services performed by Engineer for Sewer Dist. #1 for \$6,000.00. Sewer Dist. #1 community meeting held on 2/28/2024.

Gail Smith, representative from Henderson Business Community Council expressed thanks to the Town and local fire and safety crews for all their help in a successful eclipse festival. The support from state agencies coast guard, NY State police, Jefferson County Sheriff's Department, the Tourism Council and many others who helped with the festival. Everyone was pleased with the way the parks managed the people and all were full to capacity.

Councilperson Witmer has been researching a waterfront restoration grant. Town would be responsible for 25% and possible State 75% reimbursement. More discussion to be held at May meeting. If approved an invoice for \$150,000.00 will be submitted in June.

Newyorkclass.org is a program with no guarantee. There has never been a loss, but 12-month CD's might be a better way to go that Watertown Savings Bank offers. Bookkeeper, Donna Martel explains the process and reasons these are better.

MOTION

WATERTOWN SAVINGS BANK CD'S

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

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

Motion to allow Bookkeeper, Donna Martel, to work with Watertown Savings Bank to create two 12-month CDs for \$513,000.00 and \$490,000.00.

Town Hall dates set for Thursday May 16, 2024, Thursday June 11, 2024 and Thursday October 10, 2024 at 7:00pm at Henderson Community Hall.

Recycling hours of operation put on hold will not be changing

Motion to fill Planning Board member vacancy with alternate Karen Richmond.

MOTION

PLANNING BOARD VACANCY

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

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

Motion to approve Karen Richmond to Planning Board vacancy to replace Robert Whiteman. Term ends December 31, 2024.

Discussion of maintenance of baseball field at Henderson Recreation property. Field is in need of baseball mix to be provided by Northern Nurseries who is sole provider of mix in area with a quote of \$6,000.00. Automated External Defibrillator (AED) is also needed by South Jefferson Little League at each field. Board will continue discussions after quotes are received and discussions with Henderson ambulance service are had. Bookkeeper Donna Martel and Deputy Supervisor Carol Hall warn that this material was not included in the 2024 Budget.

MOTION

BASEBALL FIELD MIX PURCHASE

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

ADOPTED Ayes 4 Owen, Parker-Lane, Poulin, Witmer
 Nays 1 Glaser

Motion to agree to pay Northern Nurseries a total up to \$6,000.00 for baseball field mix and clay to improve the baseball field at Henderson recreation park.

Discussion on purchase of additional equipment for video conferencing for additional microphone.

MOTION

VIDEO CONFERENCING EQUIPMENT ADDITIONAL PURCHASE

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

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

Motion to agree to pay additional \$608.00 for bench microphone to enhance video conferencing equipment.

PUBLIC COMMENTS:

Sarah Sibrava – Concerns with sewer project and easement

Jaelyn Wenschhof – questions on sewer project

Ginger Cook – Support for maintenance of Town’s Grounds

Questions on March minutes concerning sewer costs

Supervisor Glaser has paperwork submitted by concerned citizens in regard to Sun Communities. Citizen asked to be made part of the Town’s records.

Questions as to why Town Board is calling for an executive session. Supervisor Glaser does not know why.

MOTION

EXECUTIVE SESSION ENTER

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 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 Owen, the following motion was

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

Motion to exit executive session.

Meeting to adjourn by Councilperson Owen second by Councilperson Parker Lane the meeting was adjourned. Carried unanimously.

Respectfully submitted,
Carol Hall Took notes for
Wendy Flagg / Town Clerk/Collector

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

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 02	(Thursday)	Special Meeting on Sewer project	7:00PM
May 07	(Tuesday)	Planning Board	5:00PM
May 08	(Wednesday)	Sewer Committee Meeting	7:00PM
May 09	(Thursday)	Solar Committee Meeting	7:00PM
May 14	(Tuesday)	Town Board meeting	7:00PM
May 15	(Wednesday)	Town Board Workshop	7:00PM
May 15	(Wednesday)	Zoning Board Meeting	6:00PM
May 20	(Monday)	Recreation Commission Meeting	6:00PM
May 27	(Monday)	Memorial Day Town Offices Closed	
May 28	(Tuesday)	Grievance Day	10:00am-Noon & 6pm-8pm