

**Town of Henderson
12105 Town Barn Rd.
Henderson, NY 13650
Town Board Meeting
August 9, 2022**

A 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 7:00PM, on the 9th day of August 2022.

| | | | |
|----------|-------------------|------|--------------|
| PRESENT: | Edwin Glaser | ---- | Supervisor |
| | Bryan Flagg | ---- | Councilman |
| | Matthew Owen | ---- | Councilman |
| | Torre Parker Lane | --- | Councilwoman |
| | Wendy Flagg | ---- | Town Clerk |

| | | | |
|---------|------------|------|--------------|
| ABSENT: | Carol Hall | ---- | Councilwoman |
|---------|------------|------|--------------|

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

Public Comments regarding old business –.

Expansion of Association Island by Sun Communities was a topic by several in attendance. Again, Supervisor Glaser explained that no formal application to expand has been submitted by the owners.

Lindsey Witmer spoke against expansion of Association Island by Sun Communities and asked Board to implement a temporary moratorium on campground expansions for the concerned citizens of the Town.

MOTION

MINUTES

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

| | | |
|---------|--------|----------------------------------|
| ADOPTED | Ayes 4 | Glaser, Flagg, Owen, Parker Lane |
| | Nays 0 | |

Motion to review and discuss a possible moratorium on special use permits and site plan reviews pertaining to certain zoning districts as the Town moves forward updating the Comprehensive Plan and zoning laws towards the Town's future.

MOTION

MINUTES

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

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

Motion to approve minutes from the Town Board meeting on July 12, 2022, as written.

RESOLUTION # 2022-08-09-037

BUDGET TRANSFERS & AMENDMENTS

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

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

Resolution to approve the following budget transfers and amendments:

TRANSFERS

Credit: A7110.4 Parks Contractual

Debit: A1990.4 Contingency

Amount: \$3,000.00

To balance over expenditures in appropriations and additional for remaining year expenses

AMENDMENTS

Credit: DA3501 CHIPS Revenue

Debit: DA0599 Appropriated Fund Balance

Amount: \$91,000.00

To bring in additional CHIPS revenue for road building.

CR: DA5112.2 Permanent Road Building

CR: DA0599 Appropriated Fund Balance

Amount \$15,900.00

To balance over-expenditure in appropriations; align w/ 284 Agreement

MOTION

AUDIT OF CLAIMS

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

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

Resolved to authorize payment of abstract #7P include vouchers 000427-000428 for a total amount of \$12,944.46.

Summary by Payable Account

| <u>Payable Acct</u> | <u>Total Amount</u> |
|---------------------|---------------------|
| General | \$4,238.20 |
| Highway | \$7,988.27 |
| Trust & Agency | \$767.99 |

MOTION

AUDIT OF CLAIMS

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

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

Resolved to authorize payment of abstract #8 include vouchers 000429-000489 for a total amount of \$176,135.86.

Summary by Payable Account

| <u>Payable Acct</u> | <u>Total Amount</u> |
|------------------------|---------------------|
| General | \$20,311.44 |
| Highway | \$100,217.33 |
| Water Dist. 1 | \$6,117.75 |
| Water Dist. 2 | \$6,117.73 |
| Special Lighting Dist. | \$539.69 |
| Trust & Agency | \$1,124.92 |
| Water Capital Fund | \$41,710.00 |

MOTION

SUPERVISOR REPORT

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

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

Motion to accept July Supervisor's report as presented by Donna Martel.

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

Jerry Tackley represented the Rohde Center and asked for the town 's continued support of the program that supports so many residents through the area. Reviewed the Annual report for 2021/2022.

Dana Keefer represented the Henderson Business Community Council and explained the banner program they are looking at and the future plans of the Council as they head towards becoming a 501c3 organization. This will open many grant opportunities for the organization as it continues to work with and support the Community and Businesses in the area.

Pat Scordo from GYMO engineering updated the Board on sewer district progress. GYMO would like the Board to actual review the plans and see if some laterals may be able to be doubles up as the Town is responsible for each lateral. This may help cut some construction cost and save some issues that may develop down the road as the project develops. Still also working on Water Tower expansion as well as possible water district #3 and sewer district #2 that would help incorporate in Snowshoe area and points in between Sewer Dist. #1.

Grant update, the Community Block Developing Grant is sent in along with WIA Grant hopefully hear results in December or early 2023. Waiting on results for Comprehensive plan funding and waterfront revitalization grant.

RESOLUTION # 2022-08-09-038

BOND INCREASE SEWER DIST # 1

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

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

The following resolution was approved as follows:

BOND RESOLUTION DATED AUGUST 9, 2022.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$11,085,000 SERIAL BONDS OF THE TOWN OF HENDERSON, JEFFERSON COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF THE SEWER DISTRICT NO. 1, IN AND FOR SAID TOWN.

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WHEREAS, pursuant to proceedings to be 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, has determined to proceed with the establishment of the Sewer District No. 1, in the Town of Henderson (the “Sewer District”); and

WHEREAS, the improvements for said Sewer District shall consist of the construction of a sanitary sewer plant with related infrastructure, including original furnishings, equipment, machinery, apparatus, appurtenances, land or rights-in-land, and incidental improvements and expenses in connection therewith; and

WHEREAS, the maximum amount proposed to be expended by the Town for said improvements is now determined to be \$25,000,000, an increase of \$11,085,000 over than heretofore authorized; 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, the implementation of which has heretofore been determined will not result in any significant adverse environmental impact: and

WHEREAS, it is now desired to authorize the financing of the increased cost of said improvements; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Henderson, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying the additional cost of the establishment of the Sewer District No. 1 in the Town of Henderson, Jefferson County, New York, and the improvements therefor, consisting of the construction of a sanitary sewer plant with related infrastructure, including original furnishings, equipment, machinery, apparatus, appurtenances, land or rights-in-land, and incidental improvements and expenses in connection therewith, as described in the preambles hereof, at a revised maximum estimated cost of \$25,000,000, which specific object or purpose is hereby authorized at said maximum estimated cost, there are hereby authorized to be issued an additional \$11,085,000 serial bonds of the Town of Henderson, Jefferson County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose shall consist of:

- (a) By the \$13,915,000 serial bonds heretofore authorized by a bond resolution dated and duly adopted August 11, 2020, with a supplemental resolution dated and duly adopted on August 10, 2021: and
- (b) By the issuance of the additional \$11,085,000 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 40 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. There shall be annually assessed upon the taxable real property in said Sewer District which the Town Board shall apportion and assess upon the several lots and parcels of land in the manner provided by law, 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 the Town, including, but not limited to, the power to sell said serial 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 such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. 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 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 8. The Supervisor is hereby further authorized, at the Supervisor's sole discretion, to execute a project financing 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 serial 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. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this Town Board.

Section 11. 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 12. 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 13. 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; provided, however, that no bond anticipation notes or bonds shall be issued prior to the completion of the proceedings for the establishment of the Sewer District No. 1 in the Town and the subsequent ratification and confirmation of this bond resolution by re-adoption thereafter by the Town Board.

Budget calendar set for the following dates September 27, 2022 Budget workshop, October 11, Preliminary Budget Public Hearing and November 9, Adoption of Budget.

Board Members no comments

PUBLIC COMMENTS: Glen Heyer – When does the Sewer district plan to start, Next Spring? Yes, will begin with the treatment plant first out on NYS Route 3.

Lisa Kerber – Were does Sewer Dist. #1 cover, does it cover Eastman Tract? Yes
Do we have an option to opt out of sewer district? No, we have already form ed the district.

No further business to discuss a motion by Councilman Flagg second by Councilwoman Parker Lane 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

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|---------|-------------|--|--------|
| Sept 05 | (Monday) | Labor Day Town Offices Closed for Holiday | |
| Sept 06 | (Tuesday) | Planning Board Meeting | 5:00PM |
| Sept 13 | (Tuesday) | Town Board Meeting | 7:00PM |
| Sept 21 | (Wednesday) | Zoning Board of Appeals | 6:00PM |
| Sept 22 | (Thursday) | Recreation Commission | 7:00PM |
| Oct 04 | (Tuesday) | Planning Board Meeting | 5:00PM |
| Oct 10 | (Monday) | Columbus Day Town Offices Closed for Holiday | |
| Oct 11 | (Tuesday) | Town Board Meeting | 7:00PM |
| Oct 19 | (Wednesday) | Zoning Board of Appeals | 6:00PM |
| Oct 20 | (Thursday) | Recreation Commission | 7:00PM |