

**Town of Henderson
12105 Town Barn Rd.
Henderson, NY 13650
Public Hearing / Town Board Meeting
June 10, 2025**

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 6:00PM, on the 10th day of June 2025.

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

ABSENT: Karen Richmond --- Supervisor

Town Board meeting opened at 6:00PM with Deputy Supervisor Poulin leading the Pledge of Allegiance.

Public Hearing opened at 6:01PM for Defend & Indemnify Officers & Employees by Deputy Supervisor Poulin.

Public Comments: Ginger Cook Does the law include committee/commission members
Are we just updating the law
Sally Jones What is the reasoning for updating the law? Is it retroactive, How would Hovey Island be covered and what is Ed Glaser being covered for, is there rebuttal against a request

MOTION

CLOSE PUBLIC HEARING

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

ADOPTED Ayes 4 Owen, Parker Lane, Poulin, Witmer
Nays 0

Motion to close public hearing for Defend & Indemnify Officers & Employees.

MOTION

LOCAL LAW #18 DEFENSE AND INDEMNIFICATION

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

ADOPTED Ayes 4 Owen, Parker Lane, Poulin, Witmer
Nays 0
Motion to approve as follows:

TOWN OF HENDERSON

Local Law No. 18 of the year 2025 Defense and Indemnification

Be it enacted by the Town Board of the Town of Henderson as follows:

**REPEAL CHAPTER 18 in its entirety and
REPLACE with the following**

Section 1. Authority.

This local law is enacted pursuant to the authority of the New York State Municipal Home Rule Law and the New York Public Officers Law and shall repeal Chapter 18 of the Town Code and replace that Chapter with this Law.

Section 2. Title.

This chapter shall be known and may be cited as the Town of Henderson “Defense and Indemnification Law”.

Section 3. Legislative Intent.

The Town of Henderson enacts this Local Law for the purpose of formally adopting the benefits of New York Public Officers Law § 18, as the same may be amended from time to time and conferring the same upon “employees’ of the Town of Henderson, as defined herein.

Section 4. Definitions.

EMPLOYEE: Any member of a public board, employee or volunteer authorized to participate in a publicly sponsored volunteer program, or any other person holding a position by election, appointment, or employment in the service of the Town of Henderson, whether or not compensated, but shall not include any independent contractor. The term “employee” shall explicitly include a former employee, his or her estate, or judicially appointed personal representative.

GOVERNING BODY: The Town of Henderson Town Board.

TOWN: The political subdivision of the State of New York comprising the Town of Henderson.

Section 5. Benefits.

The Town Board of the Town of Henderson, in accordance with New York Public Officers Law § 18, does hereby confer the benefits of defense and indemnification, as described in the Public Officers Law § 18, upon its employees and agrees to be held liable for the costs incurred under the provisions of the Public Officers Law § 18.

Section 6. Defense.

- A. Upon compliance by the employee with the provisions of Section 8 of this Local Law, the Town shall provide for the defense of the employee in any civil action or proceeding arising out of any alleged act or omission, or allegedly occurred while the employee was acting within the scope of his or her public employment and/or duties. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or brought at the request of the Town.
- B. Subject to the conditions set forth in Subsection “A” of this Section 6, the employee shall be entitled to be represented by private attorney of his or her choice in any civil action or proceeding whenever the Town Attorney, determines that a conflict of interest exists or whenever a court, upon appropriate motion or otherwise by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by an attorney of his or her choice, provided, however, that the Town Attorney may require, as condition to payment of the fees and expenses of such representation, that appropriate groups of such employees be represented by the same attorney. Reasonable attorneys’ fees charged at the same hourly rate as the currently retained Town Attorney and litigation expenses shall be paid by the Town to such private attorney, from time to time, during the pendency of the civil action or proceeding, with the approval of the governing body. Such reasonableness shall be determined in the sound discretion of the Town Board in relation to the amount of hours expended and total fees incurred on any matter to which the defense applies.
- C. Except as otherwise provided by law, the duty to defend prescribed by this section shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.
- D. Any dispute with respect to representation of multiple employees by a single attorney or the amount of litigation expenses or the reasonableness of attorneys’ fees shall be resolved by a court of competent jurisdiction upon motion or by way of a special proceeding.
- E. Where the employee delivers all papers served and a written request for a defense to the Town under Section 8 of this Local Law, the Town shall take the necessary steps on behalf of the employee to avoid entry of a

default judgment, pending resolution of the question pertaining to the obligation to provide for a defense.

Section 7 Indemnification.

- A. The Town shall indemnify and save harmless its employee in the amount of any judgment obtained against such employee in a State or Federal court or in the amount of any settlement of a claim, provided that the act or omission from which such judgment or claim arose occurred while the employee was acting within the scope of his or her public employment or duties; provided, further, that in the case of a settlement, the duty to indemnify and save harmless shall be conditioned upon the approval of the amount of settlement by the Town Board.
- B. Except as otherwise provided by law, the duty to indemnify and save harmless prescribed by this section shall not arise where the injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee.
- C. Nothing in this section shall authorize the Town to indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties, or money recovered from an employee pursuant to §51 of the General Municipal Law -Prosecution of Officers for Illegal Acts; provided, however, that the Town shall indemnify and save harmless its employee in the amount of any costs, attorneys' fees, damages, fines or penalties which may be imposed by reason of an adjudication that an employee, acting within the scope of his or her public employment or duties, has, without willfulness or intent on his or her part, violated a prior order, judgment, consent, decree or stipulation of settlement entered in any court of this State or of the United States.
- D. Upon entry of a final judgment against the employee or upon the settlement of the claim, the employee shall serve a copy of such judgment or settlement, personally or ordinary mail, within thirty (30) days of the date of entry or settlement, upon the Supervisor of the Town of Henderson, and if not inconsistent with the provisions of this Section 7, the amount of such judgment or settlement shall be paid by the Town.

Section 8. Employee Cooperation Required.

The duty to defend or indemnify prescribed by this Local Law shall be conditioned upon:

- A. Delivery by the employee to the Town Attorney and to the Supervisor of a written request to provide for his or her defense, together with the original or a copy of any summons, complaint, notice, demand or pleading, within five (5) business days after he or she is served with such document.

- B. The full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the Town based upon the same act or omission and in the prosecution of any appeal.

Section 9. Effect on Other Provisions.

The benefits of this Local Law shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party; nor shall any provision of this Local Law be construed to affect, alter, or repeal any provision of the Workers' Compensation Law.

Section 10. Notice Required.

This Local Law shall not in any way affect the obligation of any claimant to give notice to the Town under applicable provisions of the Court of Claims Act, New York General Municipal Law § 50-e, or any other provision of law.

Section 11. Purchase of Insurance.

The Town, upon direction by the governing body, is hereby authorized and empowered to purchase insurance from any insurance company created by or under the laws of this State or authorized by law to transact business in this State against any liability imposed by the provisions of this Local Law.

Section 12. Payments for Public Purpose.

All payments made under the terms of this Local Law, whether for insurance or otherwise, shall be deemed to be for a public purpose and shall be audited and paid in the same manner as other public charges.

Section 13. Effect on Insurance.

The provisions of this Local Law shall not be construed to impair, alter, limit, or modify the rights and obligations of any insurer under any policy of insurance.

Section 14. Effect on Immunity.

Except as otherwise specifically provided in this Local Law, the provisions of this Local Law shall not be construed in any way to impair, alter, limit, modify, abrogate, or restrict any immunity to liability available to or conferred upon any unit, entity, officer, or employee of the Town by or in accordance with or by reason of any other provision of State or Federal statutory or common law.

Section 15. Effective Date.

This Local Law shall be effective upon filing with the New York State Department of State.

Old Business Public Comments: Ginger Cook question old petition Don Peter’s filed against Sewer project, time frame for permissive resolution should be made available, speed limit on Snowshoe Rd., Sally Jones everything on track for new sewer system, how many have responded to RFP for Engineer

MOTION

MINUTES

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

ADOPTED Ayes 3 Owen, Parker Lane, Poulin
 Nays 0
 Absent Richmond, Witmer

Motion to approve minutes from May 13, 2025Town Board Meeting.

MOTION

MINUTES

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

ADOPTED Ayes 3 Owen, Parker Lane, Poulin
 Nays 0
 Absent Witmer

Motion to approve minutes from May 20, 2025 Special Town Board Meeting.

MOTION

AUDIT OF CLAIM

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

ADOPTED Ayes 4 Owen, Parker- Lane, Poulin, Witmer
 Nays 0

Motion to authorize payment of abstract #5P include vouchers 25-00349– 25-00350 for a total amount of \$327.84. .

Summary by Payable Account

<u>Payable Acct</u>	<u>Total Amount</u>
General	\$327.84
Highway	\$ 0.00

MOTION

AUDIT OF CLAIM

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

ADOPTED Ayes 4 Owen, Parker- Lane, Poulin, Witmer
 Nays 0

Motion to authorize payment of abstract #6 include vouchers 25-00351– 25-00411 for a total amount of \$132,365.90.

Summary by Payable Account

<u>Payable Acct</u>	<u>Total Amount</u>
General	\$ 24,434.62
Highway	\$ 100,161.33
Water Dist. 1	\$ 2,247.41
Water Dist. 2	\$ 2,247.40
Special Lighting Dist.	\$ 558.56
Trust & Agency	\$ 1,066.12
Sewer Capital Fund	\$ 1,650.46

MOTION

SUPERVISOR REPORT

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

ADOPTED Ayes 4 Owen, Parker- Lane, Poulin, Witmer
 Nays 0

Motion to accept May Supervisor’s report as presented by Deputy Supervisor Poulin.

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

Monthly report presented by Recreation and Zoning Officer.

MOTION

2025 RECREATION EMPLOYEE APPROVAL

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

ADOPTED Ayes 4 Owen, Parker- Lane, Poulin, Witmer
 Nays 0

Motion to approve the following employees and wages for 2025 Summer recreation employees.

Sommer Bartlett	Director	\$22.00/HR.
Delany Caprara	Asst. Director	\$19.00/HR.
Kiah Dugar	Counselor	\$16.00/HR.
*Jeremey McGrath	Counselor	\$17.00/HR.
Cullen McNitt	Counselor	\$16.00/HR.
Ella Wainwright	Counselor	\$16.00/HR.
Trey Wainwright	Counselor	\$16.00/HR.
Kintree Sibrava	Alternate	\$15.50/HR.

*certification for Lifeguard Management or lifeguard which includes certification in CPR/First Aid an additional \$1.00 per hour.

MOTION

LWRP GRANT APPLICATION

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

ADOPTED Ayes 4 Owen, Parker- Lane, Poulin, Witmer
 Nays 0

Motion to apply for LWRP Grant for a cost of \$2,500.00 for 2025.

Town Hall July 10th at the Henderson Community Hall at 6:00pm

Board would like it advertised as a Town Board meeting so more than two Board members can be present

BOARD COMMENTS:

Councilperson Poulin comments concerning moorings that need to be repaired that are owned by the Town.

Councilperson Witmer comments on great job the Highway Dept. did on Town Boat launch

PUBLIC COMMENTS: Ginger Cook – speeding in mooring area, nice job of mowing by highway department and road work on Fargo rd.

Sally Jones – are there any speed limits posted in mooring area

Andrew Moore – Water St. needs repair by corner

Colman McGann – Is there a law about speeding in a mooring area

Meeting to adjourn by Councilperson Poulin second by Councilperson Owen 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

June 18	(Wednesday)	Zoning Board of Appeals	6:00PM
June 19	(Thursday)	JUNETEENTH TOWN OFFICES CLOSED	
June 19	(Thursday)	Recreation Commission Meeting	6:00PM
July 01	(Tuesday)	Planning Board Meeting	5:00PM
July 03	(Thursday)	TOWN OFFICE CLOSED FOR JULY 4 th HOLIDAY	
July 08	(Tuesday)	Town Board Meeting	6:00PM
July 10	(Thursday)	Town Hall Meeting @ Fire Hall	6:00PM
July 16	(Wednesday)	Zoning Board of Appeals Meeting	6:00PM
July 17	(Thursday)	Recreation Commission Meeting	7:00PM