

**Town of Henderson
12105 Town Barn Rd.
Henderson, NY 13650
Town Board Meeting
March 14, 2023**

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 14th day of March 2023.

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

ABSENT: Carol Hall ---- Councilperson

Public Comments regarding old business – Lee Cagwin asked if EDU valve for sewer will be applied to all vacant lots. Only a ½ of EDU will be applied to only improvable vacant parcels.

MOTION

MINUTES

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

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

Motion to approve minutes from February 14, 2023 Town Board meeting.

MOTION

MINUTES

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

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

Motion to approve minutes from February 27, 2023 Town Board workshop, as written.

MOTION

AUDIT OF CLAIMS

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

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

Resolved to authorize payment of abstract #3 include vouchers 00140-00201 for a total amount of \$157,899.39.

Summary by Payable Account

<u>Payable Acct</u>	<u>Total Amount</u>
General	\$14,635.85
Highway	\$75,192.46
Water Dist. 1	\$7,866.15
Water Dist. 2	\$5,067.93
Special Lighting Dist.	\$558.76
Trust & Agency	\$1,024.24
Sewer Capital Fund	\$53,554.00

MOTION

SUPERVISOR REPORT

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

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

Motion to accept January Supervisor’s report as presented by Supervisor Glaser.

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

Sewer update by Pat Scordo DOT wants DEC and Town to share driveway between sewer treatment station and fishing access. Driveway to treatment plant to be gated shortly after access. Need to speed up the easement process, a breakdown of crucial and semi crucial easements will be created. Need to focus on completion.

Well testing needed to be completed along County Route 123 testing wells and shore wells. Currently working with attorney to start sewer laws.

RESOLUTION # 2023-03-14-031

ESTABLISHING A CAPITAL RESERVE FUND TO FINANCE A “TYPE” OF HIGHWAY EQUIPMENT

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

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

Resolved to allow the following:

WHEREAS, the Town Board of the Town of Henderson is vested with the authority and responsibility to plan for replacement of its Highway Equipment; and

WHEREAS, the Town Board of the Town of Henderson is vested with the authority and responsibility to manage and control the finances of the Town and plan for the payment for such equipment; and

WHEREAS, Town Board considers establishing a “Type” of Highway

Equipment Reserve Fund to accomplish these legitimate objectives; and

WHEREAS, the Town Board is prepared to proceed.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Pursuant to NY General Municipal Law §6-c a "Type" Capital Reserve Fund to be known as the "Highway Equipment Reserve Fund" to finance certain Highway Equipment, shall be established.
2. The purpose of this reserve fund is to accumulate monies to finance the cost of a "Type" of Capital Improvement, as specified above.
3. The estimated maximum cost of the Highway Equipment Reserve Fund is \$750,000.00
4. The Town Supervisor, as Chief Fiscal Officer, is hereby authorized and directed to deposit an initial deposit of 125,000 from the Fund Balance.
5. The Town Supervisor, as Chief Fiscal Officer, is hereby authorized and directed to deposit and secure the monies of this reserve fund in the manner as provided by NY General Municipal Law §10 and which may be invested in the manner provided by NY General Municipal Law §11 and consistent with the investment policy of the Town of Henderson.
6. Any interest earned, or capital gains realized on all monies deposited or invested in this Highway Equipment and Repair Reserve Fund shall accrue to and become a part of the Reserve Fund.
7. The Chief Fiscal Officer shall account for the Reserve Fund in a manner which maintains a separate identity of the Highway Equipment Reserve Fund and shows the date and the amount of each sum paid into the fund, interest earned by the Fund, Capital Gains or losses resulting from investments of the Fund, the amount and date of each withdrawal from the fund and the total assets of the Fund, showing cash balances and a schedule of investments and shall, at the end of each fiscal year, render to the Town Board, , a detailed report of the operation and condition of the Highway Equipment Reserve Fund.

8. Except as otherwise provided by law, expenditures from the Highway Equipment Reserve Fund shall be made only for the purpose for which this Fund is established. No expenditures shall be made from this Reserve Fund without the approval of the Town Board and such additional actions or proceedings as may be required by NY General Municipal Law §6- c including a permissive referendum if required by NY General Municipal Law §6-c(4) and as the same may be amended from time to time.
9. The Town Supervisor, Town Clerk, and Town's agents are authorized to take such steps as necessary to accomplish the objectives of this Resolution.
10. This Resolution shall take effect immediately.

RESOLUTION # 2023-03-14-032

ESTABLISHING A "SPECIFIC" CAPITAL RESERVE FUND FOR WATER DISTRICT #1 REPAIR AND MAINTENANCE

On a motion by Councilperson Owen, second by Councilperson Flagg the following motion was.

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

Resolved to allow the following:

WHEREAS, the Town Board of the Town of Henderson is vested with the authority and responsibility to plan for repair and maintenance of Water District 1; and

WHEREAS, the Town Board is interested in establishing a "specific" Capital Reserve Fund to assist in financing such repairs and maintenance of Water District 1; and

WHEREAS, pursuant to New York General Municipal Law Section 6-C, as the same may be amended from time to time, the Town Board is authorized to establish such a Capital Reserve Fund; and

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 herein.

2. The Town Board establishes a specific Capital Reserve Fund to be known as the "Water District 1 Repair and Maintenance Reserve Fund" and the purpose of which is to accumulate money to be used for the repair and maintenance of Water District 1 infrastructure.

3. The estimated maximum cost for the Water District 1 Repair and Maintenance Reserve Fund is \$750,000.00.

5. The Town Supervisor, as the Chief Fiscal Officer, is hereby authorized and directed to deposit and secure money to this Reserve Fund in a manner provided by General Municipal Law Section 10, as the same may be amended from time to time. Reserve Fund money may be invested in any manner authorized by General Municipal Law Section 11 so long as the same is consistent with the investment policy of the Town of Henderson. Any interest earned, or capital gains realized, on the fund shall accrue to and become a part of that Reserve Fund.

5. The Town Supervisor, with the assistance of agents, shall account for the Reserve Fund in a manner which maintains a separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the Fund, capital gains or losses resulting from the sale of investments of the Fund, the amount and date of each amount of each withdrawal from the Fund, and the total assets of the Fund showing a cash balance and schedule of investments. The Town Supervisor shall render to the Town Board a detailed report of the operation and condition of the Reserve Fund by the end of each fiscal year for the Town of Henderson.

6. Except as otherwise might be provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the fund is established. No expenditures shall be made from this Reserve Fund without the express approval of the Town Board and as such additional actions or proceedings as may be required by General Municipal Law Section 6-C.

7. The Town Supervisor is authorized to deposit \$50,000.00 into the Reserve Fund from the Fund Balance.

8. The Town Supervisor for the Town of Henderson, and the Town Clerk, their respective agents and employees are hereby authorized to sign all documents and take all steps necessary give full force and effect to this resolution.

9. This Resolution is subject to permissive referendum pursuant to New York General Municipal Law Section 6-C.

RESOLUTION # 2023-03-14-033

ESTABLISHING A “SPECIFIC “ CAPITAL RESERVE FUND FOR WATER DISTRICT #2 REPAIR AND MAINTENANCE

On a motion by Councilperson Owen, second by Councilperson Flagg the following motion was.

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

Resolved to allow the following:

WHEREAS, the Town Board of the Town of Henderson is vested with the authority and responsibility to plan for repair and maintenance of Water District 2; and

WHEREAS, the Town Board is interested in establishing a “specific” Capital Reserve Fund to assist in financing such repairs and maintenance of Water District 2; and

WHEREAS, pursuant to New York General Municipal Law Section 6-C, as the same may be amended from time to time, the Town Board is authorized to establish such a Capital Reserve Fund; and

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 herein.

2. The Town Board establishes a specific Capital Reserve Fund to be known as the "Water District 2 Repair and Maintenance Reserve Fund" and the purpose of which is to accumulate money to be used for the repair and maintenance of Water District 2 infrastructure.

3. The estimated maximum cost for the Water District 2 Repair and Maintenance Reserve Fund is \$750,000.00.

5. The Town Supervisor, as the Chief Fiscal Officer, is hereby authorized and directed to deposit and secure money to this Reserve Fund in a manner provided by General Municipal Law Section 10, as the same may be amended from time to time. Reserve Fund money may be invested in any manner authorized by General Municipal Law Section 11 so long as the same is consistent with the investment policy of the Town of Henderson. Any interest earned, or capital gains realized, on the fund shall accrue to and become a part of that Reserve Fund.

5. The Town Supervisor, with the assistance of agents, shall account for the Reserve Fund in a manner which maintains a separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the Fund, capital gains or losses resulting from the sale of investments of the Fund, the amount and date of each amount of each withdrawal from the Fund, and the total assets of the Fund showing a cash balance and schedule of investments. The Town Supervisor shall render to the Town Board a detailed report of the operation and condition of the Reserve Fund by the end of each fiscal year for the Town of Henderson.

6. Except as otherwise might be provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the fund is established. No expenditures shall be made from this Reserve Fund without the express approval of the Town Board and as such additional actions or proceedings as may be required by General Municipal Law Section 6-C.

7. The Town Supervisor is authorized to deposit \$15,000.00 into the Reserve Fund from the Fund Balance.

8. The Town Supervisor for the Town of Henderson, and the Town Clerk, their respective agents and employees are hereby authorized to sign all documents and take all steps necessary give full force and effect to this resolution.

9. This Resolution is subject to permissive referendum pursuant to New York General Municipal Law Section 6-C.

MOTION

WAIVE 7 DAY NOTICE OF RESOLUTION

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

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

Motion to waive written notification of resolution without 7-day notice prior to Town Board Meeting.

RESOLUTION # 2023-03-14-034

AUTHORING SHARED DRIVEWAY W/ NYS DEC

On a motion by Councilperson Owen, second by Councilperson Flagg the following motion was.

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

Resolved to allow the following:

Authoring a Concurrent Use and Occupancy Agreement and Finally a Permanent Easement with NYS Departmental Conservation in Relation to the Construction of a New Shared Access Driveway from the State Fisherman's Parking Area on Stoney Creek Over Town of Henderson Property to NYS Rt 3

Whereas the Town of Henderson desires to construct a driveway to access their property (Tax ID # 106.13-1-7) from NYS RT 3.

Whereas, the adjacent DEC Fisherman's Access Site currently provides access to the public using the Fisherman's access driveway directly to NYS Rt 3 from the State site.

Whereas, both the Town of Henderson and the State of New York agree that by constructing a single access Driveway on the Town Property, adequate access will result providing single driveway access to both Town Property and also for Public Access to the State Fisherman's Access Site.

And whereas, the Town of Henderson agrees to ultimately convey a permanent easement for public access to the above said Fisherman's Access Site over the Town's Property.

Now Therefore Be It Resolved, that the Supervisor of the Town of Henderson is hereby authorized and directed by the Town Board to execute the above referenced agreement and easement on behalf of the Town, subject to the review of the Town attorney as to form and content, and be it further

Resolved, That a certified copy of this resolution be forwarded to the NYS DEC.

Members from the Recreation Commission asked to extend summer recreation back to 6 weeks from the current 4 weeks. Applications are currently being accepted for Director and Assistant Director. Stewart's grant was once again received. The Board asked them to stay within their budget and review hourly wages and possibly request additional funding from the Town of Ellisburg to offset any overages.

Gail Smith asked about placing an information board at the Town Boat launch. The need to communicate with the public who use of launch would help showcase fishing derbies and other events going on in Town. The board will review the size that is available at electrical pole.

Page

MOTION

2023 CHEVY SILVERADO 1500LT PICK UP TRUCK

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

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

Motion for Highway Department to purchase 2023 Chevy Silverado 1500LT crew pickup truck from Bob Johnson Chevrolet for a total price of \$50,041.95. A plow package from Whitesboro plow for \$5800.00. These funds were set aside in the 2023 budget for this truck replacement.

Information on Algal blooms and Land banks was discussed. Algal blooms are just another important reason for the development of the sewer system. Land banks are ways to gather funds for municipal purchases of land.

Website upgrades have been discussed with web designer to make it more user friendly and get more information out to the public. A review of several other Town's sites has been done and the Board will have a designer upgrade the site and include other organizations info so they can participate as well.

New Business: Enforcement Officer Eric Sheldon wants the Board to begin reviewing unsafe building and structures as the time to clean up is approaching. He has several he will be sending letters of concern to as some owners have changed.

PUBLIC COMMENTS:

Concerns from Jerry Tackley, Lee Cagwin and Robert Whiteman about Hovey Island development were made. Discussion from time share/ condos, to density of out buildings and medical/ emergency needs.

Judith Whitney brought up the plus sides to the expansion for new business development and increase to those existing businesses. Participation in upcoming events the Town organizations have coming up.

David Perry discussed concerns of people running for office or board positions that are unavailable to the public since they only live in town seasonally. Local Law is on the books for having to attend ¾ of the scheduled meetings in order to serve on Planning and Zoning Boards. Something should be done for the Town Board as well if resident plans on running for position.

Gail Smith says the Total Eclipse Event is moving forward with lots of support.

No further business to discuss a motion by Councilperson Owen second by Councilperson 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

March 15	(Wednesday)	Zoning Board of Appeals	6:00PM
March 16	(Thursday)	Recreation Committee	7:00PM
April 04	(Tuesday)	Planning Board Meeting	5:00PM
April 11	(Tuesday)	Town Board Meeting	7:00PM
April 19	(Wednesday)	Zoning Board of Appeals	6:00PM
April 20	(Thursday)	Recreation Commission	7:00PM
May 02	(Tuesday)	Planning Board Meeting	5:00PM
May 09	(Tuesday)	Town Board Meeting	7:00PM
May 17	(Wednesday)	Zoning Board of Appeals	6:00PM
May 18	(Thursday)	Recreation Commission	7:00PM
May 23	(Tuesday)	Grievance Day (Assessment)	TBA
May 29	(Monday)	Memorial Day **Town Offices Closed**	