

**Town of Henderson
12105 Town Barn Rd.
Henderson, NY 13650
Public Hearings &
Town Board Meeting
October 11, 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 11th day of October 2022.

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

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

Supervisor Glaser opened the Public Hearing for Local Law # 2, 2% Tax Cap Override for the Town of Henderson, at 7:02PM. Town Clerk provided public notice.

Public Comments:

David Poulin: Why we were doing this?

Supervisor Glaser explained that there are still some unknown figures that we do not have, and we do not want to be left short if they come in at a higher number.

Roger Preston: Is this permanent?

Supervisor Glaser: No, this process has to be redone every year if needed.

No further public comments

MOTION

CLOSE PUBLIC HEARING

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

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

Motion to close the Public Hearing on Local Law #2, 2% Tax Cap Override for the Town of Henderson at 7:07PM.

Supervisor Glaser opened the Public Hearing to discuss the Preliminary 2023 Budget at 7:08PM.

Supervisor Glaser briefly discussed some new line items and explained why some line item and codes had changed due to the Annual Reporting process with the State.

Public Comments:

Gary Rhodes provided a written letter to the Board which was reviewed by all members

Councilman Owen was concerned with the amount of the Library Tax rate and felt the tax rate should be lowered because of this tax. Also questioned funds for future projects or district expansions.

Supervisor Glaser explained that the current rate is necessary for the Town to build towards the future and replace old and outdated equipment. Expansions to new water and sewer districts is a lengthy process and to have funds available to begin those projects makes it feasible to help the Town grow and develop in the future. Reimbursements for those projects does come but not until the project is well into being completed.

No further public Comments

MOTION

CLOSE PUBLIC HEARING

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

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

Motion to close the Public Hearing on Preliminary 2023 Budget, 7:15PM

Public Comments regarding old business –.

Supervisor Glaser expressed concerns with Attorneys hired by those opposed to any expansion on Hovey Island, calling the Town Attorney and those cost being charged to the rest of the Town's taxpayers.

Sean James: When will online meetings be available, Town was offered free equipment to provide this with why can't they use it? Why can't member of community be on review board for campgrounds zoning laws?

Town attorney advised Supervisor Glaser not to accept donation due to strong opposition from both sides it is an exceptionally fine line. Price quotes are being gathered to provide the service.

Island District Zoning review will consist of couple of Planning Board members, Zoning Board of Appeals members, Zoning Officer, couple of Town Board Members and representative form County Planning. The review workshops will be held the 3rd Tuesday of each month at 6:00PM for the next three months. The public is always welcomed to attend but may not speak at a workshop. Letters of suggestions may be submitted. This is to review zoning in the Island districts not campgrounds.

David Poulin: Is it possible to add an agenda item each month in regard to an update of the Island District review?

Supervisor Glaser that should not be an issue

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
 Abstains Hall

Motion to approve minutes from September 13, 2022 Town Board meeting, as written

MOTION

MINUTES

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

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

Motion to approve minutes from the Budget Workshop on September 27, 2022, as written.

RESOLUTION # 2022-10-11-042

BUDGET TRANSFERS & AMENDMENTS

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

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

Resolution to approve the following budget transfers and amendments:

TRANSFERS

Credit: A1110.41 Justice reports to State

Debit: A1990.4 Contingency

Amount: \$4,000.00

To prevent an over expenditure in appropriations by year end

Credit: A1670.4 Central Printing & Mailing; Contractual

Debit: A1990.4 Contingency

Amount: \$5,000.00

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

Credit: DA5110.4 Maintenance of Roads; Contractual

Debit: DA5110.1 Maintenance of Roads; Payroll

Amount \$4,500.00

To balance over expenditure with additional for end of year expenses.

Credit: DA5140.1 Brush & Weeds; Payroll

Debit: DA5110.1 Maintenance of Roads; Payroll

Amount \$13,000.00

To balance over expenditure with additional for end of year expenses

Credit: DA5142.40 Fuel

Debit DA5110.1 Maintenance of Roads; Payroll

Amount 14,000.00

To prevent an over expenditure by year end. Account balance currently \$4,120.00

Credit: DA5142.41 Salt

Debit: DA9070.8 Union Welfare Benefits; Retirement Bank

Amount \$14,000.00

To prevent an over expenditure by year end. Account balance currently \$12,970.00

Credit: F8210.40 Water Testing

Debit: F8310.2 Equipment capital Outlay

Amount \$800.00

To balance over expenditure with additional for end of year expenses

MOTION

AUDIT OF CLAIMS

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

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

Resolved to authorize payment of abstract #9P include vouchers 00552-0557 for a total amount of \$39,133.04

Summary by Payable Account

<u>Payable Acct</u>	<u>Total Amount</u>
General	\$4,753.15
Highway Townwide	\$33,263.37
Water Dist. #1	\$558.26
Water Dist. #2	\$558.26

MOTION

AUDIT OF CLAIMS

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

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

Resolved to authorize payment of abstract #10 include vouchers 00560-00610 for a total amount of \$134,056.55.

Summary by Payable Account

<u>Payable Acct</u>	<u>Total Amount</u>
General	\$16,865.42
Highway	\$18,862.00
Water Dist. 1	\$2,032.11
Water Dist. 2	\$2,032.10
Special Lighting Dist.	\$560.79
Trust & Agency	\$951.63
Water Capital Fund	\$92,752.50

MOTION

SUPERVISOR REPORT

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

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

Motion to accept September Supervisor's report as presented.

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

Supervisor Glaser spoke with Board about Highway Superintendents request for a \$1,000.00 per year raise for 2023 instead of the increase discussed at Budget workshop. Board agrees to accept request. Medical Insurance will be discussed after research is done if elected official is able to be added to policy.

RESOLUTION # 2022-10-11-043

LOCAL LAW #2 OVERRIDE 2% TAX CAP

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

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

Resolution to approve the following:

**ENACT A LOCAL LAW TO
OVERRIDE 2% TAX CAP**

WHEREAS, the Town Board for the Town of Henderson, New York has devoted considerable time and attention to budgetary issues for the upcoming fiscal year; and

WHEREAS, the Town Board intends to adopt legislation to provide greater financial flexibility during budget deliberation, if needed.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board for the Town of Henderson, New York as follows:

1. The forgoing recitation is incorporated herein and made a part hereof as if set forth hereafter.

2. The Town Board hereby enacts the Local Law to Override the Tax Levy Limit as being in the best interests of the Town of Henderson.

3. The Supervisor for the Town of Henderson and the Town Clerk for the Town of Henderson, their respective agents and employees are authorized to sign all documents and take all steps necessary to enact this legislation.

4. This Legislation shall be filed with the New York State Department of State; the President of the New York State Energy Research and Development Authority; and with the New York State Commission of Taxation and Finance.

5. This Resolution shall take effect immediately.

TOWN OF HENDERSON

LOCAL LAW NO. 2 FOR 2022

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, 2023** and ending **December 31, 2023** 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 2023 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.

RESOLUTION # 2022-10-11-044

ESTABLISHING A CAPITAL RESERVE FUND

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

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

Resolution to approve the following:

**Establishing a Capital Reserve Fund to finance a
“Type” of Capital Improvement**

WHEREAS, the Town Board of the Town of Henderson is vested with the authority and responsibility to plan for the construction, reconstruction, and/or acquisition of Capital Projects; 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 of Capital Projects; and

WHEREAS, the accountant for the Town of Henderson has provided guidance and expertise and has recommended the Town Board consider establishing a “Type” of Capital Buildings Reserve Fund to accomplish these legitimate public 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 "Capital Buildings Reserve Fund" to finance a type of Capital Improvement including the construction, reconstruction, and/or acquisition of land and/or buildings shall be established.
2. The purpose of this reserve fund is to accumulate monies to finance the cost of a "Type" of Capital Improvement, including the construction, reconstruction, and/or acquisition of buildings, including any preliminary studies, surveys, furnishings, equipment, machinery or apparatus related to such improvement projects.
3. 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.
4. Any interest earned, or capital gains realized, on all monies deposited or invested in this Capital Buildings Reserve Fund shall accrue to and become a part of the Capital Buildings Reserve Fund.
5. The Chief Fiscal Officer shall account for the Reserve Fund in a manner which maintains a separate identity of the Capital Buildings 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, with the assistance of the Town's Accountant, a detailed report of the operation and condition of the Capital Buildings Reserve Fund.
6. Except as otherwise provided by law, expenditures from the Capital Buildings 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) as the same may be amended from time to time.

7. The Town Supervisor, Town Clerk, and Town Accountant are authorized to take such steps as necessary to accomplish the objectives of this Resolution.
8. This Resolution shall take effect immediately.

November Board meeting to change date due to Election Day. Board meeting will be held on Wednesday November 9th at 7:00PM at town offices located at 12105 Town Barn Rd., Henderson, NY.

The first and second quarter of the Town Supervisor's accounting records have been audited by the Town Board with all requirements satisfied. Third quarter to be reviewed next month.

New Copiers to be leased at 36 months instead of buying out right to help keep up with the technology of systems.

Bids for heating boiler replacement at water plant were discussed and would like to try and get third bid if possible.

Recycling Center had inspection and received high reviews on cleanliness and organization of area. Congratulations Jason, Hunter, David and Mark.

Councilwoman Hall asked if having our meeting being taped by the public and press has to be disclosed before they do so. It is believed that was allowed without disclosure.

PUBLIC COMMENTS:

Gail Smith – Meeting for April 2024 Eclipse coming up and will be working with NYS Regional Park System as Robert G. Wehle State Park is becoming involved with project.
Joel Grimshaw – What was discussed about the zoning laws for island district.
Workshops will be held every third Tuesday for the next three months.

No further business to discuss a motion by Councilwoman Hall 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

Nov 01	(Tuesday)	Planning Board Meeting	5:00PM
Nov 08	(Tuesday)	ELECTION DAY TOWN OFFICES CLOSED	
Nov 09	(Wednesday)	Town Board Meeting	7:00PM
Nov 11	(Friday)	VETERANS DAY TOWN OFFICES CLOSED	
Nov 16	(Wednesday)	Zoning Board of Appeals	6:00PM
Nov 17	(Thursday)	Recreation Commission	7:00PM
Nov 24	(Thursday)	HAPPY THANKSGIVING OFFICES CLOSED	
Dec 06	(Tuesday)	Planning Board Meeting	5:00PM
Dec 13	(Tuesday)	Town Board Meeting	7:00PM
Dec 21	(Thursday)	Zoning Board of Appeals Meeting	6:00PM