

**Town of Henderson
12105 Town Barn Rd.
Henderson, NY 13650
Town Board Meeting
October 8, 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 5:00PM, on the 8th day of October 2024.

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

Town Board meeting opened at 5:00PM with the Board entering into executive session to preform interviews and have discussion on candidates for two Board of Assessment Review positions opened and one planning Board position opened.

MOTION

ENTER INTO EXECUTIVE SESSION

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

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

Motion to enter into executive session to discuss and interview candidates for open positions on Board of Assessment Review and Planning Board

MOTION

EXIT EXECUTIVE SESSION

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

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

Motion to exit out of executive session.

Pledge of Allegiance was led by Supervisor Richmond to open meeting at 6:00 PM

MOTION

OPEN PUBLIC HEARING FOR 2% TAX OVERRIDE TAX

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

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

Motion to open Public Hearing

Public Comments: Ginger Cook, Gary White, Janice McClellan

MOTION

CLOSE PUBLIC HEARING FOR 2% TAX OVERRIDE TAX

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

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

Motion to close Public Hearing

RESOLUTION # 2024-08-11-046

LOCAL LAW #6 OVERRIDE 2% TAX CAP

On a motion of Councilperson Owen, second by Councilperson Witmer following resolution was

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

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.
5. This Resolution shall take effect immediately.

TOWN OF HENDERSON

LOCAL LAW NO. 6 FOR 2024

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, 2025** and ending **December 31, 2025** 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 2025 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.

Old Business Public Comments: Ginger Cook

MOTION

MINUTES

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

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

Motion to approve minutes from September 10th & 11th , 2024, Town Board Meeting.

MOTION

MINUTES

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

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

Motion to approve minutes from September 23rd, 2024 Town Board Budget Workshop

RESOLUTION# 2024-10-08-047

BUDGET TRANSFERS & AMENDMENTS

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

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

Motion to approve following:

CR: A1220.2 Supervisor; Equipment

DB: A1310.2 Finance; Equipment

Amount \$1,200.00

To balance over expenditure in appropriations. Line item was over expended from unanticipated laptop purchase.

CR: A1355.2 Assessor; Equipment

DB: A1355.40 Assessor; Contractual

Amount \$400.00

To balance over expenditure in line item. Line item was over expended from that

CR: A1420.40 Law/Attorney; Contractual General Matters

DB: A1620.2 Operations Building; Equipment

Amount \$20,000.00

To prevent line item over expenditure before year end.

CR: A1420.41 Law/Attorney; Hovey Island

DB: A1620.2 Operations Building; Equipment

Amount \$57,200.00

To balance over expenditure with \$37,200 additional for year end.

CR: A1440.40 Engineer; Contractual

DB: A1620.21 Operations Building; Equipment Improvement

Amount \$5,000.00

To balance over expenditure from Gilman Road Solar project services that Town did not have a valid Development Agreement to cover costs of project.

CR: A1670.4 Central Printing & Mailing; Contractual

DB: A1620.21 Operations Building; Equipment Improvement

Amount \$50,000.00

To balance over expenditure in line item with additional for year end. Line items used for copy paper, legal notices, postage meter rental machine, pre-stamped envelopes.

CR: A4020.41 Registrar of Vital Statistics; Contractual

DB: A1410.41 Dog Control; Contractual

Amount \$500.00

To balance over expenditure in line item with additional for year end. This is where Town Clerk brings in revenues for death & marriage certificates and town pays these collections out to Town Clerk.

CR: A6991.4 Grant Coordinator; Contractual

DB: A1410.41 Dog Control; Contractual

Amount \$700.00

To balance over expenditure in line item with \$200 additional for year end. Cost of Waterfront Revitalization plan grant writing,

CR: A6991.41

DB: A1620.21 Operations Building; Equipment Improvement

Amount \$5,000.00

To balance over expenditure in line item with no additional for year end.

CR: A8010.4 Zoning; Contractual

DB: A1410.41 Dog Control; Contractual

Amount \$200.00

To balance over expenditure with additional for year end.

CR: A8020.41 Planning Boards; Contractual

DB: A1620.21 Operations Building; Equipment Improvement

Amount \$1,500.00

To balance over expenditure in line with additional for year end. All Planning Board members paid from this line item.

CR: DA5140.1 Brush & Weeds; Lawn Mowing Payroll

DB: DA1990.4 Contingency

Amount \$5,200.00

To balance over expenditure in line item with no additional for year end.

MOTION

AUDIT OF CLAIM

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

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

Motion to authorize payment of abstract #10 include vouchers 24-00620– 24-00679 for a total amount of \$90,224.73.

Summary by Payable Account

<u>Payable Acct</u>	<u>Total Amount</u>
General	\$46,552.51
Highway	\$35,780.91

Water Dist. 1	\$3,213.23
Water Dist. 2	\$3,213.19
Special Lighting Dist.	\$572.81
Trust & Agency	\$892.08

money

MOTION

SUPERVISOR REPORT

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

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

Motion to accept September Supervisor’s report as presented by Supervisor Richmond.

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

Monthly report presented by Interim Highway Supervisor Gary White.

RESOLUTION #2024-10-08-048

NBRC AUTHORIZATION GRANT APPOINTMENT

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

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

Resolved to approve the Following:

A resolution authorizing that Karen Richmond, who is the Town Supervisor, is empowered to act on behalf of Town of Henderson as the Authorized Official.

Resolved by the Town Board of the Town of Henderson as follows:

WHEREAS, the Town, requires the Town Council to designate the source of any money appropriated after the budget is adopted; and

WHEREAS, the Town of Henderson has been awarded NBRC funding in the amount of (\$1,000,000.00) for the NBRC23GNY08 Award number for the Town of Henderson .

NOW THEREFORE, Karen Richmond, Town Supervisor of the Town of Henderson is hereby authorized, on behalf of the Town of Henderson to apply for, accept, and expend grant funds from Northern Borders Regional Commission (NBRC). The named

authorized official has permission to sign all NBRC investment documents that bind the applicant.

RESOLUTION #2024-10-08-049

AGREEMENT WITH NYS DOT SNOW & ICE

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

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

Resolves to allow Karen Richmond, Town Supervisor, to enter into agreement with the State of New York Department of Transportation entitled: “Agreement to Extend Municipal Snow and Ice Agreement” said agreement between the State of New York and the Town of Henderson extends the time period through June 30, 2029. Also, allows Supervisor Richmond to enter into agreement with State of New York Department of Transportation Supplemental Agreement Cover for Snow & Ice Agreements # 2, # 3, and #4.

MOTION

TRIATHLON 2025 USE OF TOWN BOAT LAUNCH

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

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

Motion to allow the Triathlon to use Town Boat Launch on July 12, 2025 closing launch from 5:00AM to approximately 2:00PM until event is completed.

MOTION

ENTER INTO AGREEMENT W/ PENN POWER

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

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

Motion to allow Karne Richmond, Town Supervisor, to enter into agreement with Penn Power System for generator Maintenance.

MOTION

ENTER INTO AGREEMENT W/ HYDE & STONE

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

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

Motion to allow Karen Richmond, Town Supervisor, to enter into agreement with Hyde & Stone for Heating and Air Condition System Maintenance.

RESOLUTION #2024-10-08-050

REDUCTION OF SPEED LIMIT ON COUNTY ROUTE 123

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

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

Resolves to authorize Town Clerk to submit request to reduce speed limit from 55MPH to 25 MPH from County Route 178 (also known as Military Road) to New York State Route 3 West (Intersection near Ice Cream Trolley and Dollar General Markets) to New York State Department of Transportation and Jefferson County Highway Department for their review.

MOTION

APPOINTMENTS OF BAR & PLANNING BOARD

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

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

Motion to approve appointments of the following:

Cory Morris to Board of Assessment Review Term ending 09/30/2025

Judi McKee-Sanders to Board of Assessment Review Term ending 09/30/2029

Francis Walter to Planning Board term ending 12/31/2026

MOTION

GYMO TO RESUME DAY TO DAY ENGINEER ACTIVITIES

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

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

Motion to approve GYMO Engineering Firm to conduct activities associated with normal day – day activities associated with Town Engineer type duties (not new sewer or water district activities).

MOTION

GYMO TO RESUME EMINENT DOMAIN PROCESS

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

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

Motion to approve GYMO Engineering Firm to resume eminent domain process as needed and directed by Town Supervisor Karen Richmond for Sewer District #1

BOARD COMMENTS: Dave Poulin, Matthew Owen

PUBLIC COMMENTS: Sally Jones, Judi McKee Sanders, Ginger Cook

MOTION

ENTER INTO EXECUTIVE SESSION

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

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

Motion to enter into executive session to discuss current litigation and personnel issues.

MOTION

EXIT EXECUTIVE SESSION

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

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

Motion to exit out of executive session.

Meeting to adjourn by Councilperson Parker Lane 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

Oct 10	(Thursday)	Town Hall @ Community Hall	7:00PM
Oct 14	(Monday)	Columbus Day **Town Offices Closed**	
Oct 16	(Wednesday)	Zoning Board of Appeals	6:00PM
Oct 17	(Thursday)	Recreation Commission	7:00PM
Oct 22	(Tuesday)	Public Hearing for 2025 Budget	7:00PM
Nov 05	(Tuesday)	ELECTION DAY **Town Offices Closed**	6AM-9PM
Nov 06	(Wednesday)	Planning Board	5:00PM
Nov 11	(Monday)	Veterans Day **Town Offices Closed**	
Nov 12	(Tuesday)	Town Board Meeting	7:00PM
Nov 20	(Wednesday)	Zoning Board of Appeals	6:00PM
Nov 21	(Thursday)	Recreation Commission	7:00PM
Nov 27	(Wednesday)	**Town Offices Close @ Noon**	
Nov 28	(Thursday)	Thanksgiving **Town Offices Closed includes recycling**	