**Town of Lexington Town Board Meeting**

**April 4, 2023 In Person & Via Zoom**

Supervisor JoEllen Schermerhorn opened the meeting at 6:00 PM followed by the Pledge of Allegiance to the American Flag. There was a moment of silence in memory of Frank Hermance and Brenda Rappleyea

**Present:** Supervisor JoEllen Schermerhorn

Council Members Bradley Jenkins

Michael Barcone

William Pushman

Bennett Wine (late)

Superintendent of Highways Kevin Simmons

Town Clerk Charlotte Jaeger

Town Attorney Tal Rappleyea (zoom)

**Others Present:** John Falke, John Nolty, Sarah Jordan, Liza Dwon, Kathy Jordan, Lisa **Zoom:** Larry, Mike, Jenny, Shelly, Richard, & Don

**RESOLUTION # 28-23**

**March 7, 2023 Minutes**

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins the following was,

ADOPTED: Ayes – 4 - Barcone, Jenkins, Pushman, & Schermerhorn

Nays -0

Absent-1- Wine

Therefore this Town Board accepts the minutes from March 7, 2023 as presented.

**RESOLUTION # 29-23**

**Financial Reports for February 2023**

On a motion by Council Member Michael Barcone, seconded by Council Member Bradley Jenkins the following was,

ADOPTED: Ayes – 4- Barcone, Jenkins, Pushman, Shcermerhorn

Nays -0

Absent-1 -Wine

Therefore this Town Board moves to accept the financial reports through February 2023.

**Highway Report**

Superintendent of Highways Kevin Simmons said that he had picked up the CAT broom for the loader today. He has some specs on a snowplow truck by Freightliner and it sounds like it might be possible to get it in January or February. Kevin said that he gave Rivenburg permission to leave their equipment in the parking area of the old garage while they are working in the area.

**RESOLUTION # 30-23**

**Supporting Participation in the New York City Funded Flood Buyout Program for the Lexington Hotel located on Route 13A, Parcel number 127.20-2-31**

On a motion by Council Member Michael Barcone, seconded by Council Member William Pushman the following was,

ADOPTED: Ayes – 5 – Barcone, Jenkins, Pushman, Schermerhorn, & Wine

Nays - 0

Therefore the Town of Lexington Town Board moves to accept the NYC Flood Buyout Program.

**WHEREAS,** the Town of Lexington (the Town) is subject to flooding that can damage property, close businesses, disrupt traffic, and present a public health and safety hazard; and

**WHEREAS,** The Town adopted a local flood analysis (LFA) and mitigation plan that evaluated a range of potential flood mitigation options; and

**WHEREAS,** the Town is approving parcel number 127.20-2-31 to enter the NYC FBO program, consistent with Alternative B-5a in the LFA; and

**WHEREAS,** It is the Town’s decision to own this parcel should the landowner go through the voluntary flood buyout program; and

**WHEREAS,** the Town understands it will manage the parcel in conjunction with a Re-Use Plan prepared by the Town that identifies the municipality's long-term plan for the management, use, and development of this parcel. All activities are to be subject to and consistent with the restrictions in Flood-Prone Areas identified in the Second Supplemental Agreement Among West of Hudson Watershed Stakeholders Concerning the New York City-Funded Flood Buyout Program, Page 5 (1)

a., I.,ii., iii., iv., and v.

**Now Therefore Be it Resolved,** that the Town Board will own this parcel after they go through the voluntary flood buyout program and will manage the property consistent with a re-use plan that identifies the Town’s long term plan for the management, use and development of the parcel that is consistent with revitalizing the hamlet.

**RESOLUTION # 31-23**

**Supporting Participation in the New York City Funded Flood Buyout Program for Town of Lexington Highway Garage on Route 42, Tax Parcel 127.04-3-11**

On a motion by Council Member Bennett Wine, seconded by Council Member Bradley Jenkins the following was,

ADOPTED: Ayes – 5 – Barcone, Jenkins, Pushman, Schermerhorn, and Wine

Nays -0

Therefore this Town Board moves to accept a New York City, DEP flood buyout for the highway garage on state route 42, parcel number 127.40-3-11.

**WHEREAS,** The Town of Lexington is subject to flooding that can damage property, close roads, disrupt traffic, and present a public health problem and safety hazard; and

**WHEREAS,** at the request of local communities, funding from the NYC Department of Environmental Protection (DEP) is being made available to help property owners who qualify for the NYC Funded Flood Buyout Program (NYCFFBO) based on eligibility criteria in five categories – 1) Hydraulic study properties (recommended by engineering analysis), 2) CWC Flood Hazard Mitigation Implementation Program 3) Community-approved Stream Management Project, 4) Erosion Hazard, and 5) Inundation Hazard, and

**WHEREAS,** the Town of Lexington has conducted a Local Flood Analysis (LFA)

including a hydraulic analysis of flooding in the Town and the LFA recommends certain properties that are subject to repetitive flood damages should be considered for flood buyout, and

**WHEREAS,** the property, the old Highway Garage on Route 42, (127.04-3-11) has been recommended for consideration for buyout in the LFA and the Town is requesting to participate in the NYCFFBO program under the Hydraulic study category.

**NOW, THEREFORE BE IT RESOLVED THAT:**

The Town of Lexington Town Board approves the Town of Lexington Highway Garage at Route 42, to enter into the NYCFBO program to permanently remove this flood hazard risk allowing the DEP to begin assisting them in the real estate process and that the City of New York, DEP would take ownership of the property.

**Ambulance District**

The Town of Lexington entered into a contract with Lamont Engineers to map out an ambulance district. The district is mapped out like the fire district. Doug Van Deusen has come up with some figures on what the cost would be to tax payers and it comes out to 62 cents per $1,000 assessed property which means if you are assessed at $200,000 the tax would be approximately $139 per year. There will be two public hearings regarding the ambulance district, April 18th and May 2nd. If there is a vote on May 2nd then there is a 30 day waiting period. If there is a petition then there has to be a Town wide vote.

**RESOLUTION # 32-23**

**Public Hearings for Ambulance District**

On a motion by Council Member Bennett Wine, seconded by Council Member William Pushman the following was,

ADOPTED: Ayes – 5 – Barcone, Jenkins, Pushman, Schermerhorn, & Wine

Nays -0

Therefore this Town Board moves to have a public hearing regarding the ambulance district on April 18th at 6 pm and on May 2nd at 6pm.

**Health Officer Report**

Health Officer Liza Dwon announced that there would be a take back day (old/expired or unused medications) at the Greene County Sheriffs’ located in Coxsackie on April 22nd from 10am – 2 pm. Council Member Barcone asked about a child/infant CPR class and Liza said she would be happy to set up a class for that. She also offers stop the bleed and child sitting classes. The numbers for Covid are holding and there haven’t been any spikes. Council Member Jenkins asked about the new system using text and Liza said that it has been working well so far because they are able to let the hospital know what to expect and are able to send pictures too.

**Zoning Board Report**

Supervisor Schermerhorn read the March report from Chair Sarah Pellizzari.

The ZBA had one applicant for a front yard variance and there will be a public hearing for that in April. They had to deny an incomplete application for solar relief at the Timberlake Camp. There is a process that needs to be followed said Supervisor Schermerhorn and all applicants need to start with the Code Enforcement Office.

The ZBA meets on the 4th Wednesday of the month at 6:00 pm. All applications and questions can be forwarded to Kim McGalliard the Zoning Board of Appeals Secretary at Kmcgalliard@lexingtonny.com.

**Code Enforcement Report**

The Town Board Members had reports to review at their leisure. There were 2 C of O searches and 3 building permits issued in March.

**RESOLUTION # 33-23**

**Audit Committee Report**

On a motion by Council Member William Pushman, seconded by Council Member Bennett Wine the following was,

ADOPTED: Ayes – 5– Barcone, Jenkins, Pushman, Schermerhorn, & Wine

Nays -0

Therefore this Town Board moves to approve the paying of the following expenditures.

**Highway Fund** No. 38 Through No. 60 = $ 44,258.13

**General Fund** No.72 Through No. 98 = $ 24,661.05

**Lighting District** No. 4 Through No. 4 = $ 313.49

**Sewer District** No. 12 Through No. 16 = $ 1,113.58

**Public Be Heard**

Council Member Bennett Wine mentioned that there will be an Inaugural run and hike on Bonnie’s Trails Sunday April 16th at 10 am and that there will be a dedication on October 14th.

Kathy asked the Town Board members if they had decided to have a grant written by Western Catskills and the Town Board tabled that decision for now until they could look further into the program.

Town Clerk Charlotte Jaeger wanted to make it known that a taxpayer in Lexington had their property put up for sale without their knowledge but luckily they found out about it quickly and contacted the police.

**Close Meeting and Open Executive Session**

**Litigation – No Action will be taken**

On a motion by Council Member Bradley Jenkins, seconded by Council Member Michael Barcone and with all in favor the regular Town Board meeting was closed and the executive session started at 6:58 pm.

**Close the Executive Session and Open Regular Meeting**

On a motion by Council Member William Pushman, seconded by Council Member Bennett Wine and with all in favor the executive session closed and the regular meeting opened at 7:11 pm.

**Adjourn**

On a motion by Council Member Michael Barcone, seconded by Council Member Bennett Wine and with none opposed the meeting was adjourned at 7:11 pm by Supervisor Schermerhorn.

**Town of Lexington Calendar of Events**

NYS Burning Ban 3/15/2023– 5/15/2023

Maple Brunch at W. K. Community Hall 4/16/2023 10 am – 1 pm

Patriot’s Day at W. K. Community Hall 4/22/2023 1 pm

Town Board Meeting & Public Hearing 5/2 2023 6 pm

Schoharie Watershed Summit -HTC 5/6/2023 9 am-3pm

Respectfully Submitted,

Charlotte Jaeger, Town Clerk