**Town of Lexington Town Board Meeting**

**October 5, 2021 In Person & Via Zoom**

Supervisor JoEllen Schermerhorn opened the Town Board meeting at 6:05 pm followed by the Pledge of Allegiance to the American Flag. There was a moment of silence in memory of Thomas Soule, Donna Falke, and Tom Cervola.

**Present:** Supervisor JoEllen Schermerhorn

Council Members Michael Barcone Bennett Wine

Town Clerk Charlotte Jaeger

Town Attorney Tal Rappleyea

Superintendent of Highways Frank Hermance

**Absent:** Council Member Bradley Jenkins

William Pushman

**Others Present:** Jo Cross (Health Officer),Mike Ryan from the Mountain Eagle, Jack & Kathy Jordan, Kevin Simmons Jr, Charlotte Meigs, James Doran, Lynn Byrne, Alida Jo Way, Jen Cawein, Shelly, Bill Keller, Helle Thorning, Allen Cross, Will & Catilin, & Alex-Lexartsci

**RESOLUTION #56-21**

**Accept September 7, 2021 Town Board Minutes**

On a motion by Council Member Michael Barcone, seconded by Council MemberBennett Winethe following was,

ADOPTED: Ayes – 3- Barcone, Schermerhorn, & Wine

Nays - 0

Absent- 2 Jenkins & Pushman

Therefore this Town Board moves to accept the September 7, 2021 Town Board minutes as

presented.

**RESOLUTION #57-21**

**August 2021 Financial Report**

On a motion by Council Member Bennett Wine, seconded by Council Member Michael Barcone the following was,

ADOPTED: Ayes – 3- Barcone, Schermerhorn, & Wine

Nays – 0

Absent-2 Jenkins & Pushman

Therefore this Town Board moves to accept the financial report for the month of August 2021.

**Highway Report**

Superintendent of Highways Frank Hermance said that they just blacked topped 3.2 miles and it did not come out of the Town budget. They have been patching and are getting ready for winter.

Supervisor Schermerhorn said that they would have to pass a resolution at the next meeting to get reimbursed for the black top work that was done on N. Beech Ridge Road. The culvert replacement on

Truesdell Road will not be done until the spring, the culvert in Spruceton should be done this fall, and the culvert on Rappleyea Road may have to wait until Spring.

**RESOLUTION # 58-21**

**Bond to Purchase Cat Backhoe/loader**

On a motion by Council Member Michael Barcone, seconded by Council Member Bennett Wine the following was,

ADOPTED: Ayes – 3 – Barcone, Schermerhorn, & Wine

Nays – 0

Absent-2 – Jenkins & Pushman

Therefore this Town Board agrees to take the Bond out for 5 years with an interest rate of 1.45%. The cost of the backhoe is $109,750.85 and the Town will put $30,000.00 down so just under $80,000.00 will be financed.

**Morse Road – Road #122**

Alex Rodriquez sent Supervisor Schermerhorn and the Town Board a letter that he would like to take over the Town Road known as Morse Road or Road # 122. Town Attorney Tal Rappleyea said that the Town can abandon the road but it depends on if there is a deed or not as to whether the property needs to be appraised and put up for bid to sell. The road is a dead end road and is in need of some repair.

**RESOLUTION # 59-21**

**Abandon Morse Road – #122**

On a motion by Council Member Bennett Wine, seconded by Council Member Michael Barcone the following was,

ADOPTED: Ayes – 3 – Barcone, Schermerhorn, & Wine

Nays - 0

Absent-3 – Jenkins & Pushman

Therefore this Town Board moves to abandon Morse Road also know as road # 122.

**RESOLUTION #60-21**

**Abandon Property by Mosquito Point**

On a motion by Council Member Bennett Wine, seconded by Council Member Michael Barcone the following was,

ADOPTED: Ayes – 3 – Barcone, Schermerhorn, & Wine

Nays – 0

Absent-2 – Jenkins & Pushman

Therefore this Town Board moves to abandon the small parcel of property that the Town has a deed for

near Mosquito Point off of Fuller Rd. since the property is not being used as originally intended. Greg Rappleyea owns the property on either side of this small parcel and would be interested in purchasing it.

**RESOLUTION #61-21**

**Supporting Participation in the New York City Funded Flood Buyout Program for the Town of Lexington Highway Garage at Route 42 with Supervisor Schermerhorn as the Lead Contact Person**

On a motion by Council Member Michael Barcone, seconded by Council Member Bennett Wine the following was,

ADOPTED: Ayes – 3 – Barcone, Schermerhorn, & Wine

Nays - 0

Absent-2 -Jenkins & Pushman

Therefore this Town Board moves to participate in the NYC Flood Buyout program as listed below and to make Supervisor JoEllen Schermerhorn the lead contact person for the Town.

SUPPORTING PARTICIPATION IN THE NEW YORK CITY FUNDED

FLOOD BUYOUT PROGRAM FOR

Town of Lexington Highway Garage at Route 42

**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, and for the Count of Greene to own the property, and

We understand that this County-owned property will be managed by the County in conjunction with a Re-Use Plan prepared by the County that identifies the communities’ long term plan for management, use, and development of the parcel. All activities are 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, Pge 5 (1) a., I., ii., iii., iv., and v..

**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 DEP to begin assisting them in the real estate process. Further that the Town of Lexington Town Board opts to allow the County of Greene to own the property as Open Space with the above acknowledgment conditions.

**RESOLUTION #62-21**

**Reschedule November Meeting & Public Hearing**

On a motion by Council Member Michael Barcone, seconded by Council Member Bennett Wine the following was,

Adopted: Ayes – 3 – Barcone, Schermerhorn, & Wine

Nays - 0

Absent-2 – Jenkins & Pushman

Therefore this Town Board moves to change the monthly meeting to Wednesday November 3rd because Election Day is on the 2nd. The public hearing for the budget will be at time as well.

**Short Term Rental Applications**

There was some discussion about extending the deadline for the applications but that did not go to a vote. The Board members also talked about a subscription service as well as a possibility for a shared service with the Town of Jewett for that.

**Covid-19 Update**

Health Officer Jo Cross said that we were the most infectious region at 7%. Over 50% of the County was vaccinated. The number of cases are on the rise and there have been some deaths all of which were not vaccinated people. Wearing a mask and being cautious is the best way to go.

**RESOLUTION # 63-21**

**Audit Committee Report**

On a motion by Council Member Michael Barcone, seconded by Council Member Bennett Wine

the following was,

ADOPTED: Ayes – 3 – Barcone, Schermerhorn, & Wine

Nays - 0

Absent-2 – Jenkins & Pushman

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

**Highway Fund** No.154 Through No. 171 = $ 42,765.68

**General Fund** No. 235 Through No. 261 = $ 11,776.20

**Lighting District** No. 9 Through No. 9 = $ 289.23

**Sewer District** No. 58 Through No. 67 = $ 1,834.16

**Public Be Heard**

Kathy asked where the Board stands on the cannabis issue. She has some more information to share. Supervisor Schermerhorn said that they were missing 2 Board Members at this meeting and it was asked that the Board wait to see what other Towns were doing. Kathy thought we should learn from

other States that already allow cannabis use. She said that revenue came up short and she thinks our Town should make a stand against it. Jack said that our Sheriff is against it. Supervisor Schermerhorn

said that the State doesn’t even have any regulations in place yet and the Town Board would not be making a decision tonight.

**Adjourn and Go into Executive Session**

**Highway Union Contract**

On a motion by Council Member Bennett Wine, seconded by Council Member Michael Barcone the regular Town Board meeting adjourned at 7:05 and went into Executive Session.

**End Executive Session & Return to Regular Meeting**

On a motion by Council Member Bennett Wine, seconded by Council Member Michael Barcone the executive session ended at 7:39 pm with all in favor.

**RESOLUTION # 64 -21**

**Highway Union Contract**

On a motion by Council Member Michael Barcone, seconded by Council Member Bennett Wine the following was,

ADOPTED: Ayes – 3 – Barcone, Schermerhorn, & Wine

Nays - 0

Absent-2 – Jenkins & Pushman

Therefore this Town Board agrees to the terms and conditions of the Collective Bargaining Agreement by and between the Town of Lexington and the Laborers’ International Union of North America, Local No.17. The new agreement will be effective January 1, 2022 through December 31, 2024.

**Calendar of Events**

Budget Workshop October 21 @ 6pm

Farmers’ Market October 16 & 30 10am- 1pm

Holiday Market @ Community Hall in West Kill November 13 10am-2pm

Lexington Arts & Science Meeting Re: Lexington Hamlet October 16 @ 1:30pm

**Adjourn**

On a motion by Council Member Bennett Wine, seconded by Council Member Michael Barcone and with none opposed the meeting was adjourned at 7:40 pm.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk