**Town of Lexington Public Hearing and Town Board Meeting**

**March 3, 2020**

**Open Public Hearing**

Supervisor JoEllen Schermerhorn opened the public hearing at 6:00 PM at the Municipal Building located at 3542 Rte. 42, Lexington. Supervisor Schermerhorn read the proposed Local Law No. 1 of 2020 “Establishing Grievance Day”.

**Present:** Supervisor JoEllen Schermerhorn

Council Members Bradley Jenkins

William Pushman

Bennett Wine

Superintendent of Highways Frank Hermance

Town Clerk Charlotte Jaeger

Town Attorney Tal Rappleyea

**Others Present:** Emmett Turk, John Falke, Nancy Orr, Daniel Davern Sr., Chris Dwon, Mary Palazzolo, John Nolty, Glenn Howard, Santiago Betes, Michele Yost, Peter Manning, & Barry

Local Law No. 1 of 2020

“Establishing Grievance Day”

SECTION 1. TITLE AND PURPOSE

This Local Law of the town of Lexington, Greene County, New York shall be known as the “Grievance Day Establishment Law”

The purpose of this law is to establish the day for hearing by the Board of Assessment Review of the Town of Lexington of grievances addressed to real property tax assessment of an alternate date as permitted by Real Property Tax Law {512(1a).

SECTION 2. APPLICABILITY AND DURATION

This local law shall be applicable to all grievances addressed to assessment of lands within the Town of Lexington and shall be in effect and indefinitely or until modified or repealed by the Town Board of the Town of Lexington.

SECTION 3. GRIEVANCE DAY

All grievances addressed to assessments of real property withing the Town of Lexington shall be heard by the Board of Assessment Review of the Town of Lexington the Thursday following the fourth Tuesday in May of each year.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**Public Comments**

JohnFalke asked who is on the Board of Assessment Review and it was answered Mary Cline, Ron Lipton, and Jim Tilp. Board Member Bradley Jenkins explained the reason we needed to change the date is because we have a new assessor who also works in another town. There were no other comments.

**Close Public Hearing**

Supervisor Schermerhorn closed the public hearing at 6:05 PM

**Open Regular Board Meeting**

Supervisor Schermerhorn opened the meeting at 6:05 PM followed by the Pledge of Allegiance to the American Flag. There was a moment of silence in memory of Richard Grinnell, Carole Jaeger Sutton, and Melissa Soule.

**RESOLUTION # 28-20**

**Accept February 4, 2020 Minutes**

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

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

Nays - 0

Abstain-1 – Barcone

Therefore this Town Board moves to accept the February 4, 2020 minutes as presented.

**RESOLUTION # 29-20**

**Accept January 2020 Financial Report**

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

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

Nays - 0

Therefore this Town Board moves to accept the Financial Report for January 2020.

**Highway Report**

Superintendent of Highways Frank Hermance said that they had been out 14 times for snow in February, that they have started cutting back brush along the roads, and have been working on trucks.

**RESOLUTION # 30-20**

**Expenditure of Highway Monies**

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

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

Nays - 0

Therefore this Town Board moves to approve the expenditure of highway monies.

TOWN OF LEXINGTON, NEW YORK AGREEMENT FOR

THE EXPENDITURE OF HIGHWAY MONIES

Agreement between the Town Superintendent of the Town of Lexington, Greene County, New York, and the undersigned members of the Town Board of Lexington.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that money levied and collected in the Town for the repair and improvement of highways, and received from the State Aid for the repair and improvement of highways, shall be expended as follows,

**1. GENERAL REPAIRS**

The sum of $76,000.00 shall be set aside to expended for primary work and general repairs upon 35.28 miles of Town highways, including sluices, culverts, and bridges having a span of less than five feet or the renewal thereof.

**2. PERMANENT IMPROVEMENTS**

The following sums shall be set aside to be expended for the permanent improvement of Town highways $126,948,.28

a. On the road commencing at County Rte. 52- Grinnell Rd. and leading to a distance of

2,587 feet. Type is motor pave, width of travel surface is 18 feet, thickness is 2.5 inches stone, sub base is gravel.

b. On the road commencing County Rte. 6 – Rusk Mountain, and leading to, a distance of

2,323 +/- feet. Type is motor pave width of travel is 18 feet, thickness is 2.5 inches sub-base.

c. On the road commencing at County Rte.6 - Spruceton Rd. and leading to a distance of

6,838 feet, full depth reclamation width of travel is 18 feet, thickness is 4-6 inches, sub base is gravel.

**RESOLUTION # 31-20**

**Local Law No. 1 of 2020**

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

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

Nays - 0

Therefore this Town Board moves to adopt Local Law No. 1 of 2020 “Establishing Grievance Day”.

**RESOLUTION # 32-20**

**Windham Falls Recovery Development Agreement**

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 of Lexington Town Board moves to enter into a contract with Windham Falls. This is an added strength since there are 28 conditions that the Planning Board asked for plus a couple that were added. If the conditions are not met the Town has the authority to revoke the special use permit.

**Scenic Byway**

Mary Palazzolo (Town Historian) said that she, Christine Dwon, and Nancy Orr have been working on bringing the scenic byway to Lexington. In 2017 the Town of Shandaken received a grant from DEC to extend the mountain cloves scenic by way through Jewett and Lexington. Peter Manning used the information and pictures supplied by the Lexington scenic by way committee ( Mary, Chris, & Nancy).

Mary introduced Peter Manning and he thanked the Board for the opportunity to speak. He wanted to make sure that the Town was in agreement with the proposed plan. He gave an overview of the process. He said once the plan is submitted there are usually some revisions and after which the law would be passed. There is also a regional recreation plan in process to extend Devils Path in which there is a comment period until the end of March. There are some opportunities available with the byway because it promotes but it also preserves. He would like the Town to adopt the byway proposal next month or the month after. John Falke asked some questions and some discussion ensued. He also mentioned that when hikers get hurt it is a burden on the fire company. John Nolty asked what the benefit is to the Town and it was answered that it is economic promotion plus preservation. Council Member Barcone said that it would also make it a priority for the roads to be repaired. Supervisor Schermerhorn asked how do we keep the plan updated and Peter Manning said that he put in a recommendation to update the plan every 2 to 3 years. Council Member Wine asked about the traffic surveys and Peter Manning said that you can get the information on-line. The data is collected by New York State DOT. Greene County Highway also will help to get the data. Council Member Wine was concerned about cell phone service and Nancy Orr answered that by being on the byway it could actually help to get this type of service. Supervisor Schermerhorn thanked Nancy, Mary, & Chris for working on this project with Peter Manning and Michele Yost.

**2020 Sewer District O&M Budget**

**Repair Sewer Road Bids**

Supervisor Schermerhorn said that the budget had been passed and that there were 3 bids to open for the road repair they are as follows: Blue Mountain $22,850.00, Belgium Trucking $34,278.00, and

KCK Paving $29,350.00.

**RESOLUTION # 33-20**

**Accept Sewer Bid**

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

ADOPTED: Ayes – 5 – Barcone, Jenkins, Pushmna, Shcermerhorn, & Wine

Nays - 0

Therefore this Town Board moves to accept the bid from Blue Mountain.

**Website Proposal**

Council Member Bennett Wine has been working on getting proposals for a new website. Bennett said that there were 6 proposals, the lowest bid being $2,500.00 to a high of 9,000.00. He recommended Civic plus even though they weren’t the cheapest he thought they were the best value.

**RESOLUTION # 34-20**

**Accept Website Bid**

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

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

Nays - 0

Therefore this Town Board moves to go with Civic Plus for the new website at a cost of $3,250.00 per year.

Supervisor Schermerhorn mentioned that the emails that the Town is currently using should be changed as well. It was suggested to change to gmail.

**RESOLUTION # 35-20**

**Town Clerk Conference**

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 this Town Board gives the Town Clerk, Charlotte Jaeger permission to attend the NYSTCA conference in Albany in April.

**DEP Acquisition # 9112 and # 9581**

The Town has been notified by DEP that there is a 3.6 acre parcel off of Reme Road onto Norwegian Road and a 17 acre parcel along the schoharie across the road from Evelyn Herdmans’ house, the road being 23A. There will be no usage on the 3.6 acres but on the 17 acre parcel there would be hunting, trapping, hiking, & fishing. Michele Yost said that it is important for the Town to comment on these acquisitions.

**UPDATES**

**Brook Char**

Judd Weisberg is working with Trout Unlimited and they will be covering the cost of the testing of the fish. Council Member Michael Barcone said that DEC couldn’t get stones over the bridge so they have to go back in and they will do the testing then. He has not gotten a map yet.

**Comprehensive Plan**

Supervisor Schermerhorn said that the Town of Lexington did not get the grant because we received a grant for the hamlet revitalization. She said that the Town will look at the plan to see what needs to be updated & will work on it.

**Farmers Market**

Supervisor Schermerhorn said that the Farmers Market will not be awarded any grant money because they used the Town as a lead agency and they do not give grants to municipalities.

**Short Term Rentals**

Council Member Michael Barcone spoke to the Town of Shandaken on this matter. He will be forming a committee to address this issue.

**Code Enforcement Report**

The Town Board have copies to peruse at their leisure.

There was 1 certificate of occupancy issued, 4 C of O searches, and 2 building permits issued.

**Assessors Report**

Supervisor Schermerhorn said that she would make sure all of the Town Board members got a copy.

**Health Officer – Jo Cross**

Jo Cross is a retired nurse and her specialty was public and community health and was a visiting nurse for Greene County. She said that Corona virus has been around awhile but this is a new strain.

People with underlying health issues need to be especially careful. People should take precautions.

Hand washing is very important along with eating well. She gave her phone number 518-989-6776.

Shew would like to do a survey to see who might need help during emergencies. People on oxygen, that use wheel chairs and that need medication. It would be helpful if people keep a list of their medications. She would like to work with the Fire Department and Rescue Squad on this.

**RESOLUTION # 36-20**

**Audit Committee Report**

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins 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. 29 Through No. 44 = $ 14,520.61

**General Fund** No. 54 Through No. 87 = $ 38,048.42

**Lighting District** = $ 0.00

**Sewer District** No. 8 Through No. 14 = $ 2,700.66

**Windham Falls** No. 6 Through No. 6 = $ 1,350.00

**Public Be Heard**

Glen gave a report on the snowmobile club. He said that because of no snow they have not been able to utilize the new law. He will GPS the route and hopefully they will get some funding.

He feels that the Town Board and the Highway should use better material to treat the roads in the winter. He said that the plow truck went by his house with the plow down and the road was bare. Chago said they went by his house too and he said that the plow was spreading dirt on top of dirt. Council Member Bradley Jenkins said that they could use washed stone dust. Superintendent of Highways Frank Hermance said that we use the same material as other Towns. Emmett said that the roads need to be taken care of in case of a fire. Council Member Bradley Jenkins said that it is hard to tell if a road is slippery when you are in the plow truck and not everyone knows how to drive in bad weather.The County uses straight salt in Spruceton.

Barry asked about the Windham Falls project because he was concerned about security since we do not have a local police department. The Town put stipulations that there has to be 24 hour security.

John Nolty wanted to know if the Town had come up with a plan for a new fire house. Supervisor Schermerhorn said that the Fire District would be the one to do that. There is property on County Route 13 that belongs to the fire department.

**Adjourn**

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins and with no further business and all in favor Supervisor Schermerhorn adjourned the meeting at 8:00 PM.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk