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

**In Person & Via Zoom November 1, 2022**

**Present:** Supervisor JoEllen Schermerhorn

Council Members Bradley Jenkins

William Pushman

Bennett Wine

Michael Barcone

Superintendent of Highways Kevin Simmons

Town Clerk Charlotte Jaeger

Town Attorney Tal Rappleyea (zoom)

**Others Present:** Paul & Liza Dwon and Alfred Truesdell **Zoom:** Lynn Byrne, Larry Russ, Nicole Pursell & Mike Ryan from the Mountain Eagle

**Open Public Hearing Local Law #5 of 2022**

Supervisor JoEllen Schermerhorn opened the public hearing at 6:00 PM at the Municipal Building located at 3542 Rte. 42, Lexington. Supervisor Schermerhorn went over the proposed Local Law No.5 of 2022. A Local Law to override the tax levy limit established in General Municipal Law 3-c. There were no comments.

**Close Public Hearing**

On a motion by Council Member William Pushman, seconded by Council Member Michael Barcone and with none opposed the public hearing was closed at 6:06 pm.

**Open Public Hearing 2023 Budget**

Supervisor Schermerhorn opened the 2nd public hearing on the proposed 2023 budget. She went over all of the changes that were made from the budget workshop page by page. There was some discussion on the budget for the ambulance and the cost and there were questions about billing. A person receiving treatment is responsible for paying for services. The Town is responsible for calls that are made and people are not transported. Liza asked why the cost was going up when Ashland was charging people for transport. Supervisor Schermerhorn explained how the ambulance would work. Supervisor Schermerhorn said that the budget went up approximately 10% but by using some fund balance it is actually going up 4.97%.

**Close Public Hearing**

On a motion by Council Member William Pushman, seconded by Council Member Michael Barcone and with all in favor the public hearing was closed at 6:33pm.

**Open Town Board Meeting**

Supervisor Schermerhorn opened the Town Board meeting at 6:33 pm followed by the Pledge of Allegiance to the American Flag. There was a moment of silence for Paul Tillman, Edward Haines, Charles Visich, and Willie Conde.

**RESOLUTION # 72-22**

**Accept October 4, 2022 Minutes**

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 moves to accept the October 4, 2022 minutes as presented.

**RESOLUTION # 73-22**

**Accept October 12, 2022 Budget Workshop Minutes**

On a motion by Council Member Bradley Jenkins, 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 accept the October 12, 2022 budget workshop minutes as presented.

**RESOLUTION # 74-22**

**Accept September 2022 Financial Report**

On a motion by Council Member Bradley Jenkins, 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 accept the Financial Report for September 2022.

**Highway Report**

Supervisor Schermerhorn said that the salt shed roof was finished. Superintendent of Highways Kevin Simmons said that they have been getting the trucks ready for winter. The truck that was at Ben Funck was fixed and the cost was not as expensive as first thought.

**RESOLUTION #75-22**

**Local Law # 5 of 2022**

On a motion by Council Member Bennett Wine, 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 # 5 0f 2022.

**Town of Lexington**

**Local Law # 5 For the Year 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 Lexington as follows:

**Section 1.** **Legislative Intent:** It is intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Lexington pursuant to General municipal law 3-c, and to allow the Town of Lexington 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 General Municipal Law 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Town Board.

**Section 3.** **Tax Levy Limit Override:** The Town Board of the Town of Leington, County of Greene is hereby authorized to adopt a budget for the fiscal year 2023 that requires a real proety 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, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order of operation to the c lause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the jperson, 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 # 76-22**

**2023 Budget**

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

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

Nays – 0

Therefore this Town Board of the Town of Lexington adopts the 2023 budget.

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| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | **Code** | | **Fund** | | **2023 Adopted Budget** | | **Less Estimated Revenues** | **Less Fund Balance** | | | **Amount to Be**  **Raised by**  **Taxes** | | **A** | GENERAL | | 703,420 | | 59,586 | | | 63,000 | **580,834** | | | **DA** | HIGHWAY | | 833,700 | | 73,000 | | |  | **760,700** | | | **TOTALS** | | | **1,537,120** | | **132,586** | | | **63,000** | **1,341,534** | | |  | | |  | |  | | |  |  | | | **SPECIAL**  **LIGHTING** | | | **4,000** | | **4,000** | | |  | **4,000** | | | **Fire District** | | | **106,755** | | **106,755** | | |  | **106,755** | | |  | | |  | |  | | |  |  | | |  | | |  | |  | | |  |  | |  **Summary of Town Budget 2023** |
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**RESOLUTION # 77-22**

**County Waste Contract for 2023**

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 sign the contract with County Waste for a cost of $ 91.82 per month for the municipal building and $ 91.82 per month for the highway garage.

**Short Term Rental Issues:**

Supervisor Schermerhorn appointed Nicole Pursell as the Code Enforcement Officer Clerk at a rate of $17.75 per hour for 2022 and then $18.00 per hour for 2023.

Supervisor Schermerhorn said that there is a waiting list of 10 – 12 at this time. She received correspondence from Spencer Hoffman regarding Mary Kaplan’s estate. Patrick only has permission to deal with the Post Office property apartment. Liza asked how many inspections were left to be done and it was answered that there were 10 left. Bennett does not feel that the cap should be raised at this time. It was discussed whether the Town Board would wait to raise the cap.

**Sexual Harassment Training**

Supervisor Schermerhorn has a few more people that need to take the training.

**2023 Sewer Budget**

Supervisor Schermerhorn said that the budget went up just a little bit.

**Jewett Nutrition Site - “Meals on Wheels”**

Supervisor Schermerhorn said that the site would be opening on November 3rd and that she has some volunteers lined up for the “Lexington route” and she is looking for a few more.

**Update:**

The Dedication of the road sign for Tunis Rappleyea Jr will be on Veteran’s Day, November 11, 2022 at 1pm.

**Farmers Market**

Supervisor Schermerhorn read a letter from the Farmer’s Market that thanked a number of volunteers and that the market season was a success.

Supervisor Schermerhorn said that the market is doing really well. They asked to use a room in the garage behind the municipal building and would like to put a commercial refrigerator out there and asked that the Town purchase more picnic tables. Supervisor Schermerhorn said that there was not an empty room available. Lynn said that they really would like to have a place for a commercial refrigerator.

**Comprehensive Plan Update**

Lynn said that Nan Stolzenburg needs to take the lead and tabulate the survey results and to set up community meetings.

**Health Officer Update**

Liza said that the Covid numbers are up and that some people are getting it more than once.

Paul said that they have had 96 calls so far this year and he said that the benefit for Ken Aurigema was coming up and that they have raffles with some really nice prizes. The Fire Company will participate with the Community Hall Association for the tree lighting.

**RESOLUTION # 78-22**

**Helicopter Pad**

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

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

Nays – 0

Therefore this Town Board moves to put a notice out for bidders for an 85’ x 85’ helicopter pad.

**RESOLUTION # 79-22**

**Walking Path**

On a motion by Council Member Bradley Jenkins, 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 put a notice out for bidders for a walking path at the sewer district.

**Bonnie’s Trails**

Council Member Bennett Wine said that the trails are marked and that there are 6 trails with 6 different colors. They still need about 15 posts for markings in the fields. He thanked Devon Russ, Athena Bilias, Bev, Lynn, Jen, & Helle. There will be a dedication in the spring.

**CEO Report**

The Town Board Members had the reports to peruse.

**RESOLUTION # 80-22**

**Audit Committee Report**

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 moves to approve the paying of the following expenditures.

**Highway Fund** No. 167 Through No. 185 = $ 32,834.49

**General Fund** No. 268 Through No. 300 = $ 62,425.68

**Lighting District** No. 10 Through No. 10 = $ 304.56

**Sewer District** No. 55 Through No. 64 = $ 7,997.11

**Windham Falls** No. 1 Through No. 1 =$ 271.25

**Public Be Heard**

Liza asked if the Town was going to accept the cost of 30%. She is concerned about coverage and the times it will take to reach Lexington residents. Supervisor Schermerhorn said that they still need to work out the details and she invited Liza to attend those meetings. Paul said that he was in contact with Matt from Brite Life Recovery (Windham Falls) regarding the elevator and sprinkler system as the fire

company will need additional training.

**Adjourn**

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins and with no further business and with none opposed Supervisor Schermerhorn adjourned the meeting at 7:29pm.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk

**Calendar of Events**

Election Day 11/08/2022 6am-9pm

Dedication of sign for Tunis Rappleyea Jr. 11/11/2022 1pm

Farmer’s Holiday Market 11/12/2022 10am-2pm

Fire Co Fund Raiser 11/19/2022 4pm – 7pm

Town Board Meeting 12/06/2022 6pm