

**October 1, 2019**  
**Town of Lexington Town Board Public Hearing**  
**Snowmobile and ATV Laws for 2019**

Supervisor Berger opened the public hearing at 6:00 PM at the Municipal Building, 3542 Rte. 42, Lexington.

**Present:**

Supervisor  
Council Members

Town Clerk  
Superintendent of Highways  
Town Attorney

John Berger  
Michael Barcone  
Bradley Jenkins  
William Pushman  
JoEllen Schermerhorn  
Charlotte Jaeger  
Frank Hermance  
Tal Rappleyea

**Others Present:** John Noltz, Ralph J. Albino, Bob Murphy, John Murphy, Lynn Byrne, Lucy Veneski, Susan Falke, Alfred Truesdell, Jen Cawein, Chago Betes, Victorira Betes, Glen Howard, Deborah A. Bucci, Mary Cline, Sandra Conde, Anne Hall, John Falke, Roger Shoemaker, Bob Sainato, Sal Mancusso, and Sal Mancusso Jr.

Supervisor Berger started the public hearing by saying that the purpose of the hearing is designating Town highways for travel by snowmobiles and designating Town Highways for travel by ATVs. Lucy Veneski asked if this would affect private roads and the answer was no. She asked if the atvs would be allowed to ride up and down the road. Typically people would be traveling to and from a destination. Bob Murphy asked if snowmobiles would be open to the public or just for the people in Lexington. Supervisor Berger read the snowmobile law aloud. Bob Murphy then asked if the Town Highway department would maintain the shoulders of the roads for snowmobiles and Supervisor Berger said no. Glen Howard said that the snowmobile club would maintain them and asked if the Town could wing the top of the snowbanks. Bob Murphy was worried about his driveway being torn up, but the snowmobile law is specific to which Town Roads and where on those roads snowmobiles are allowed to go. Bob Sainato said that the fear of large numbers of people coming to Lexington to ride snowmobiles can't happen. Strangers will not come here to ride the roads because there is no place for them to park. The trails will be marked. Anne Hall said that people use their atvs on the road she lives on and rides them up and down the road for hours. She has asked them to ride in the other direction and not by her house. She does not want to be the bad guy, but they are loud and give off exhaust fumes. She is also worried about children driving these vehicles. Glen Howard said that there are snowmobile safety courses that are given. Lynn Byrne said that there is a big difference between snowmobiles and atvs. There is no way to police the atvs. If the atv law is passed it states 20 mph and along side the road. Bob Sainato said that people need to comply and that it would be safer & easier to police if there is a law. Bob Murphy doesn't want to have to be policing atvs and snowmobiles and does not want this area turned into a recreational site. Chago Betes said you need to be a Town resident. Lynn Byrne wanted to know if there is any way to identify people that are non compliant. Bob Sainato said that he has to register with the Town and will get a sticker. The Town would have records of who has what number. Sal Mancuso Jr. said that people will respect the laws and not abuse them. When there is no structure there are more problems. Glen Howard spoke to the Town of Roxbury and they have over 20 miles of trails alongside their roads. Bob Murphy was worried about being liable if someone gets hurt on his property. Town Attorney, Tal Rappleyea said that anyone can sue but there is assumption of risk and the property owner is not liable. There has to be gross negligence. John Falke said that it is a privilege and that since most people know each other they can police themselves. Lucy Veneski does not want to have to absorb the cost of lawsuits. Council Member, Bradley Jenkins asked about UTVs and Golf Carts and Town Attorney, Tal Rappleyea responded by saying that there is no authority under New York State. Roger Shoemaker said that his 90 year old wife uses an ATV on their property which has been in their family for 123 years. He was concerned about having to pay for a Town registration, but it is not needed if you are staying on your property. Supervisor Berger asked if there were any other comments and with none Council Member, JoEllen Schermerhorn made a motion to close the Public Hearing which was seconded by Council Member William Pushman and with no one opposed the Public hearing was closed at 6:50 PM.

## **October 1, 2019 Town Board Meeting**

Supervisor Berger opened the regular Town Board Meeting at 6:50 P. M. followed by the Pledge of Allegiance to the American Flag. There was a moment of silence in memory of Marguerite Sperbeck.

Town Attorney, Tal Rappleyea said that he would go over the Environmental Review. It is a 2 part review. He asked 11 questions that were all answered no, which means that there would not be negative environmental impact.

### **RESOLUTION # 78-19**

#### **Negative Declaration**

On a motion by Supervisor Berger, seconded by Council Member, Bradley Jenkins the following was,

ADOPTED: Ayes – 5 – Barcone, Berger, Jenkins, Pushman, and Schermerhorn  
Nays - 0

Therefore this Town Board moves to make a Negative Declaration.

### **RESOLUTION # 79-19**

#### **ATV and Snowmobile Laws for 2019**

On a motion by Supervisor Berger, seconded by Council Member, William Pushman the following was,

ADOPTED: Ayes - 5 - Barcone, Berger, Jenkins, Pushman, and Schermerhorn  
Nays - 0

Therefore, this Town Board adopts Local Law No. 4 of 2019, Designating Town Highways for Travel by ATVs and Local Law No. 5 of 2019, Designating Town Highways for Travel by Snowmobiles. The Laws are as follows;

### **Local Law No. 4 of 2019 Designating Town Highways for Travel by ATVS**

Be it enacted by the Town Board of the Town of Lexington as follows:

#### **SECTION 1. Purpose and Authority**

The Town Board of the Town of Lexington has determined that it is appropriate for ATVs (All-Terrain Vehicles) to access certain areas and/or trails adjacent to certain Town Highways and deems it appropriate to designate certain Town Highways for travel by ATVs.

The New York State Vehicle and Traffic Law 2405 authorizes municipalities to post and designate certain highways within such municipalities for travel by ATVs (All-Terrain Vehicles), as defined in 2281 of the Vehicle and Traffic law and the Town Board of the Town of Lexington shall hereby exercise such authority.

#### **SECTION 2. Town Highways Designated for Travel By ATVs**

- a) All Town Highways shall be and hereby are designated for travel by ATVs.
- b) The Highway Superintendent shall post such Town Highways with signage indicated such designation as soon as practicable after the enactment of this local law in accordance with the rules and regulations of the New York State Department of Transportation.
- c) A copy of this local law shall be filed with the Commissioner of the New York State Department of Transportation.

#### **SECTION 3. Rules and Requirements**

All persons traveling by ATV on Town Highways must:

- a) Be a resident or property owner or accompanied by a Town resident or property owner within the town and obtain a permit from the Town Clerk on a form prescribed by the Town with a fee set by resolution of the Town Board;
- b) Be at least 16 years of age and possess a valid drivers' license;
- c) Operate only a registered ATV on which a safety triangle must be displayed on the rear thereof;

- d) Wear a helmet at all times
- e) Operate only on the shoulder of the designated roads and not in the vehicle lane;
- f) Operate such ATVs no faster than 20 miles per hour;
- g) Operate only between Sunrise and Sunset, Eastern Time;
- h) Abide by all NYS Vehicle and Traffic Laws;
- i) Not trespass on any private land and must obtain permission from any landowner to operate an ATV on such property

#### SECTION 4. When Effective

This local law shall take effect immediately upon filing with the Secretary of State's Office.

### **Local Law No. 5 of 2019 Designating Town Highways for Travel by Snowmobiles**

Be it enacted by the Town board of the Town of Lexington as follows:

#### SECTION 1. Purpose and Authority

The Town Board of the Town of Lexington has determined that it is appropriate for snowmobiles to be operated on certain Town Highways and deems it appropriate to designate such Town Highways for travel by Snowmobiles.

The New York State Parks, Recreation and Historic Preservation Law 25.05 and 25.09 authorize municipalities to post and designate certain highways within such municipalities for travel by snowmobiles and the Town Board of the Town of Lexington shall hereby exercise such authority.

#### SECTION 2. Town Highways Designated for Travel by Snowmobiles

a) The following Town Highways shall be and hereby designated for travel by snowmobiles:

- i Jaeger Road;
- ii Beech Ridge Road South, from West Kill starting at the Route 42 intersection with Beech Ridge Road North to the Robert Sainato property, currently bearing the tax map number 126.00-1-37; and
- iii Jennings Hill Road.

b) The Highway Superintendent shall post such Town Highways with signage indicated such designation as soon as practical after the enactment of this local law in accordance with the rules and regulations of the New York State Department of Transportation and the manual of uniform traffic control devices

c) A copy of this local law shall be filed in the Office of Parks, Recreation and Historic Preservation.

#### SECTION 3. Rules and Requirements

All persons traveling by snowmobiles on the above-designated town highways must:

- a) Be at least 16 years of age or 10 years of age, if accompanied by an adult no less than 18 years of age;
- b) Wear a helmet at all times;
- c) Operate only on the shoulder of the designated roads;
- d) Operate only registered snowmobiles on the designated roads;
- e) Operate such snowmobiles no faster than 20 miles per hour;
- f) Be at least three inches of snow on the shoulder of the road;

#### SECTION 4. When Effective

This local law shall take effect immediately upon filing with the Secretary of State's office.

**RESOLUTION # 80-19**

**Set up Permitting Fee**

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Michael Barcone the following was,

ADOPTED: Ayes – 5 – Barcone, Berger, Jenkins, Pushman, and Schermerhorn  
Nays - 0

Therefore, this Town Board moves to set the permitting fee at \$25.00 per machine for the Town registration at which time a reflective sticker will be given.

Town Supervisor, Berger asked if the Town Board wanted to set up fines or wait and consult with the Town Judges and it was decided to wait and speak to the Judges.

**RESOLUTION # 81-19**

**Accept Minutes from September 3, 2019**

On a motion by Council Member Michael Barcone, seconded by Council Member JoEllen Schermerhorn the following was,

ADOPTED: Ayes – 4- Barcone, Berger, Pushman, and Schermerhorn  
Nays - 0  
Abstain-1- Jenkins

Therefore, this Town Board moves to accept the September 3, 2019 minutes as presented.

**RESOLUTION # 82-19**

**Accept Financial Reports through August 31, 2019**

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

ADOPTED: Ayes - 4- Barcone, Berger, Pushman, and Schermerhorn  
Nays - 0  
Abstain-1 – Jenkins

Therefore, this Town Board accepts the financial reports through August 31, 2019.

**RESOLUTION # 83-19**

**Accept Resignation from Nancy Bower**

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

ADOPTED: Ayes – 5 – Barcone, Berger, Jenkins, Pushman, & Schermerhorn  
Nays -0

Therefore, this Town of Lexington Town Board accepts the resignation of the Town Assessor, Nancy Bower effective November 1<sup>st</sup>. Supervisor Berger wanted to thank Nancy for her years of service and a fine job done and wish her luck in her future endeavors.

**RESOLUTION # 84-19**

**Appoint Beverly Dezan to the Planning Board – Retroactive**

On a motion by Council Member William Pushman, seconded by Council Member JoEllen Schermerhorn the following was,

ADOPTED: Ayes – 5 – Barcone, Berger, Jenkins, Pushman, & Schermerhorn  
Nays - 0

Therefore, this Town Board appoints Beverly Dezan to the Planning Board for a 5 year term retroactive starting January 1, 2019.

**RESOLUTION #85-19**

**Approve the signing of the GCEMS Contract for 2020**

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

ADOPTED: Ayes – 5 – Barcone, Berger, Jenkins, Pushman, and Schermerhorn  
Nays - 0

Therefore, this Town Board moves to sign the 2020 Contract with Greene County Emergency Medical Services for \$3,859.00. There were no changes compared to the 2019 contract including the cost.

**Schedule Budget Workshop**

It was determined after some discussion that the budget workshop will be on October 15, 2019 at 6:00 P. M. at the Municipal Building.

**RESOLUTION # 86-19**

**Change November Meeting Date**

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

ADOPTED: Ayes – 5 – Barcone, Berger, Jenkins, Pushman, & Schermerhorn  
Nays -0

Therefore, this Town Board will hold the November meeting on Thursday November 7, 2019 at 6:00 P. M. because election day is on Tuesday November 5, 2019.

**RESOLUTION # 87-19**

**Pay Balance of BAN**

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

ADOPTED: Ayes – 5 – Barcone, Berger, Jenkins, Pushman, & Schermerhorn  
Nays - 0

Therefore, this Town Board moves to pay off the Bond Anticipation Note which was to pay Greene County for Workers Compensation. The funds will come from the budgeted payment and the rest will come from the fund balance.

**RESOLUTION # 88-19**

**Audit Committee Report**

On a motion by Council Member, JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins the following was,

ADOPTED: Ayes – 5 – Barcone, Berger, Jenkins, Pushman, & Schermerhorn  
Nays - 0

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

**General Fund** No. 258 Through No. 280 = \$ 19,264.07

**Highway Fund** No. 191 Through No. 220 = \$ 37,490.22

**Sewer District** No. 61 Through No. 67 = \$ 1,109.70

**Lighting District** No. 9 Through No. 9 = \$ 476.19

**Code Enforcement Report**

Town Board members have a report to peruse at their leisure.

**Correspondence**

**Master Alarm System** will be changing to Doyle Security since the owner of Master Alarm is retiring.

Grant Notification: The Town of Lexington was not awarded the DEC Smart Growth grant for the Lexington Community Walking Path. There were 9 applications that were submitted and 6 were awarded.

Sexual Harassment Training in Ashland will be held on Oct. 2<sup>nd</sup> at 9am, Oct. 3<sup>rd</sup> at 6pm, and Oct 6<sup>th</sup> at 10am. Supervisor Berger is offering a class after the Town Board Meeting and a class after the Planning Board Meeting.

**Public Comments:**

Lynn Byrne mentioned that at the 4<sup>th</sup> Community meeting it was brought up that the Comprehensive Plan for Lexington should be updated. Bradley Jenkins said that Sean Mahoney from the Hunter Foundation said that it is important to have an updated Comprehensive Plan when applying for grants.

**RESOLUTION # 89-19**

**Update the Town of Lexington Comprehensive Planning**

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

ADOPTED: Ayes – 5 – Barcone, Berger, Jenkins, Pushman, & Schermerhorn  
Nays - 0

Therefore, this Town Board moves to update the Comprehensive Plan for Lexington and to have Supervisor Berger look into getting a grant from CWC to help with the cost. It can take 12 to 18 months to update the plan.

Mr. Sainato wanted to mention opportunity zones to the Board and explained that they give tremendous incentives to people to come in and to develop. There are certain qualifications and Mr. Sainato thought that Lexington might qualify. A gas station would be a good example.

**Adjourn**

On a motion by Council Member, Michael Barcone, seconded by Council Member, JoEllen Schermerhorn and with no further business and none opposed the meeting adjourned at 7:16 P. M.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk