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

**March 2, 2021 Via Zoom**

**Open Public Hearing**

**Local Law No. 3 of 2021 Town of Lexington Establishing Regulations Regarding Short Term Rentals**

Council Member Michael Barcone explained why a committee was formed to look at issues associated with short term rentals. They did a lot of research and they came up with some things to be written into law. The Town Board is very open to hearing what people have to say. He asked that people enter their name in chat that would like to speak because of the number of people on zoom.

Ashley was called upon by the Supervisor but she did not respond. Nancy Jordan wanted to say that a short term rental homeowners association was formed in Lexington and they have a strong interest in the success of Lexington. She is the acting President and a letter was submitted to the Town Board with a line by line analysis. They believe the cap would be detrimental and have adverse affects on future purchases, sales, and on the tax base. The association does not believe that there should be a law. The association is proposing to work with the Board to address problems and common concerns and they included a list of options and recommendations. She asked that the Board take into consideration their recommendations and that there is a very strong interest in working together. Board Member Michael Barcone said that they had received the association's letter and thanked them for it. James said that he and his family moved here about six months ago and he would like to speak out in support of the work of the committee. He thought that it was fantastic that the community was coming together to create an environment where things could be done safely regarding short term rentals. He had compared Lexington with other places and found Lexington to be the least onerous and invasive. He thinks it’s a really good thing that there should be standards and we should expect our community to follow those guidelines. Joe Pino was called but did not answer. Greyson has properties and a big issue was trash so he has his guests take their trash away themselves. He also had a problem with noise so he put up a barrier. Brandon and his family have a house in West Kill and have been renting it out. They are big fans of air bnb and when he heard about this law he started talking to other owners and he feels that the law is lacking in many areas. The law is inadequate especially when it comes to the cap. He thought that the cap was going to be taken taken out of the law. Garrett just purchased a house on Jennings Hill Rd. and has lived here for about 9 years and it took a long time to purchase a house because of people buying properties for air bnbs. Garrett managed an air bnb and lived on the property so if there was a problem it was addressed. He is in support of the proposal and thinks it is reasonable. Mark has a place on 23A and his family has been coming here for 3 generations and believes Lexington to be a get away place. He has only had positive experiences with air bnb and is not in favor of the law. Peter owns 2 properties and has been here for 20 years and he is an attorney. Overall he thinks it’s a great idea but he has 2 concerns. His insurance limits 30 nights a month. If you are currently air bnbing you will be grandfathered in but if you sell your property would it still be grandfathered in? What qualifies someone as a manager? Council Member Barcone said that they are looking for someone that can respond to a problem in a timely manner. Peter said that he has no problem with this law. Sara wanted to voice her support of the proposal and believes people need to give it a try as it is a proposal and changes can always be made. Cathy her house is on the market and it’s not selling and she does not want the rental issue to stop the house from selling. She has had great groups of renters and she does not want an association or regulations. Rich has had his property since 1994 and property values are up because of Covid and he thinks that the law would affect property values and why would we want to do something no one else is doing as far as the proposed law. Anne owns a house that was built in 1783 and she feels very lucky to have it. She is very supportive of this law. She is a big supporter of this Town and its growth. There needs to be affordable housing for low and middle income people who would live here and work here. If we allow all the properties to be bought up Lexington would be colonized by people with money who don’t live here. Council Member Barcone said that he wanted to clarify a couple of things. Everybody that has an air bnb would have several months to register with the Town. The 10 cap only comes into affect in 2022 and does not pertain to current air bnb owners. Mike S. he has a place in Lexington and Hunter. He wants to know the implementation and enforcement. Who and how will this be enforced. Is there a decibel ordinance for noise and what about trash. Council Member Barcone said that as the Law stands now registrations would be done through the Town Clerk and any inspections would be done through the Code Enforcer. The goal would be to have the contact manager in the data base so that if there is a problem the Town could help. Mike S. thinks it comes down to hosts caring about their property and if you are doing things the right way you should have no issues. Konstantyne he does not think that there is anything wrong with the regulation he thinks they need to have the right language and how it is enforced. What is the need for a water test and shouldn’t everyone have their water tested not just people with air bnbs. How is the short term rental defined and he believes there should be an ability to have an appeal process. The cap number needs to be more defined if someone sells their property. Casey has been a full time resident for 8 years and owns the Spruceton Inn. She is in favor of the safety precautions and they are reasonable to her. She explained that she needed to get special use permits for her business and it comes with conditions and can be revoked. She said that finding housing for people who want to move here or work here is very hard. It would be good to coordinate with other towns and to share resources. Matt is a 7 year resident of Windham and is the acting treasurer of the homeowners association of Lexington. He owns “The Farm” in Lexington and he feels that this regulation is unenforceable, overreaching, and discriminatory especially when treating residents and nonresidents differently. Irene resides in West Kill and believes the Town violates its duty of care to its people after learning that there can be arsenic in the water. Everyone should be tested and the government should pay for it. Many properties in this town are not habitable. She said that the firehouse next to her is not properly maintained. Nancy L. has a family with 2 children. She bought property on North Lexington 2 years ago and loves the area. She rents her property on air bnb and makes it safe for her guests and likes to support local businesses. She wants to be a good neighbor and host as well at other people that she talked to. She thinks the law should be a last resort and likes the idea of the association. There should be a collaborative approach. Kim said she and her husband have had a short term rental on Spruceton Rd. since 2015 and focuses on small groups of people. She does agree with the cap although it is not clear (10 per person or 10 per year or 10 over all). Residency shouldn’t come into play at all. In general there should be less regulation and is in favor of the association where people can come together and work with the Board to solve issues. Hilary said she and her husband live on 23A full time but also does air bnb. She is in favor of some regulations. There are 3 things that are not clear one being the fees and how affordable will they be, two the time- is it under 30 days, and three- who is considered a resident. A big issue is affordable housing but does not think the short term rental limitation will solve the problem. Council Member Barcone said that the annual registration fee proposed would be $250.00 per year. Lino is a new owner of vacant land and is looking to build a place. He has concerns about permits and the laws if he should want to rent it. Todd has been here since 2014/15 he and his wife live in the city, they do air bnb their place and he does not have a problem with the regulations. Jen is the Planning Board Chair in the Town of Lexington. Lexington has strong regulation now. In our zoning we require special use permits for hotels, motels, bed and breakfast, and for a lodging facility and technically a short term rental could fall under that. In order to get a special use permit you need to go in front of the Planning Board and pay an application fee you need to comply with DEP, DEC, have a site plan, and potentially approval from the Board of Health. The proposed regulation is a simplification but it does not seem burdensome. An association is a great idea for people to communicate. Jen mentioned that she is also on the Greene County Planning Board. She also said that we have a history of tourism and we want to encourage the good actors but address some of the challenges. Vanessa bought a place on 23C a year ago and feels that putting harsh restrictions would hinder sales. She is in favor of having managers. Eric said he wanted to thank the board members for their time and energy. He is lawyer and a long time property owner. A lot of people participated tonight and if they band together can hire counsel against the Town. He suggests that the Town does this as a pilot program to see what is working and what is not before making it into law. Rick has property on Tumbleweed and on Beech Ridge. He has been renting for at least 20 years and he has not had many problems. He thinks the problems ( garbage, noise, & parking) need to be addressed but this way is cumbersome and hard to enforce. He loves it here and he thinks the Town should go after the people causing the problems. Air bnb does self regulate. Mathew wants to know how a personal property owner is compared to a renter. He thinks there should be accountability across the board say like for garbage. What if there is a complaint about noise would someone come right away or 2 days later. Council Member Michael Barcone said that the property manager would be responsible in that situation. Caroline asked Jen if the Town made a distinction between residents or nonresidents in other regulations in the Town. She also asked if the Town was doing anything about affordable housing and she felt that is was being put on the backs of renters. Caroline said that she has 2 small cabins on Mink Hollow Rd. Jenni said that they go by landowners and that the Town is looking at revising the Comprehensive Plan where they are looking at new businesses and trying to be self sufficient. Chris said that he is a resident of Jewett. One suggestion, when a person sells their house make the registration with the land not just the owner and this will limit the competition. Felicia has found that every time a community has regulations people feel safer. She does think that Towns do need some regulation. Ali stands against the regulations and the fees and added costs of insurance and water tests. It seems strange to have water tested for air bnbs but not all residents. It seems that even the Board didn’t agree at the last meeting and now it feels like back against the wall. Its the concept of having regulations at all. We pay taxes. Council Member Barcone said that when it comes to the water test, that is something that is put on to any commercial public serving business. It is cheap to have your water tested and can be done in Hunter. Beverly is a resident of Lexington that has had to call police because of an unruly air bnb. She is for the regulations. Tim resides in North Lexington and has been renovating an old farm house. He would like to use the house for his family as much as he can but he would also like to use it as an air bnb. In Jersey City they differentiate for people who live in their homes, 2 family homes, and people who just want to rent out for some of the time. There is no regulation for people renting out for 60 to 90 days. Konstantyne wanted to know what happens next.

Would there be a record of what was discussed and would there be any changes to the law. Supervisor Schermerhorn said that the public hearing would be closed and the regular meeting would start and the Board members will be discussing the law.

**Close Public Hearing**

On a motion by Council Member William Pushman, seconded by Council Member Bennett Wine and with all in favor the Public Hearing was closed at 7:50 pm.

**Open Town Board Meeting**

Supervisor JoEllen Schermerhorn opened the regular Town Board meeting at 7:50 pm followed by the Pledge of Allegiance to the American Flag. There was a moment of silence in memory of George Dart, John Knapp Jr., Maureen Thompson McCullar, Roger Shoemaker, & Annastasia Berezowsky

**Present:** Supervisor JoEllen Schermerhorn

Council Members Michael Barcone Bradley Jenkins

William Pushman

Bennett Wine

Town Clerk Charlotte Jaeger

Town Attorney Tal Rappleyea

Superintendent of Highways Frank Hermance

**Others Present:** Mike Ryan from the Mountain Eagle, Eric & Caroline Egas, Nancy & Matt Jordan, James Doran, Kashka Glowacka, Alex Rodriguez, Kim & Robert, Felicia Senigo, Devon & Larry Russ,

Beverly Dezan, Taris Charysyn, Nilda, Donald, Greysin, Rick, Tim Snyder, Brandon aka Birocra, Colleen, Irene Aldridge, M, Casey Scieszka, Brianne, Karen Varon, Peter Jensent, Konstantyn, Chris Hopstock, Anne Khoury, Attossa Kia, Trisha, Lynn Byrne, Robert, Nancy Lainez, Jen Cawein, Hilary Kolos, Rowan, Diego Marin, Aaron Cohen, Chris Polizois, Patricai Kelaher, Erika Sampaio, Erik Davis, Anne Hall, Sacha Tobac, Sara Mitchel Davis, Hannah Black, Nunzio, Nik Walser, Mathew Walser, John Limanto, Dan Gutman, Ali G., Ella, Lino Brescia, Ashley Drewes, Mike Sportan, Ed Coerdero, Todd Yeager, Piannace, Rick, Omar Zatari, Cathy S., BAR, Marisa Caruso, Garrett Landes, Charlene Benson, Jillian Nelson, Kevin Varblarcum, John, Nunzio Degreg, MIA, Daian Fiontas, Julia Lake, William, Ann Thompson, John, Laganaries, & John. If I missed you I sincerely apologize.

**RESOLUTION #26-21**

**Accept Februaary 2, 2021 Public Hearing & Town Board Minutes**

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 February 2, 2021 minutes as presented.

**RESOLUTION #27-21**

**Accept Financial Report for January**

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

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

Therefore this Town Board accepts the January monthly financial report.

**Highway Report**

Superintendent of Highways Frank Hermance said that they are either plowing snow or patching holes. Beech Ridge is in bad shape. They are hoping to have the bridge on Route 42 open on March 15th.

**RESOLUTION # 28-21**

**2020 Audit for Clerk/Collector**

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

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

Nays - 0

Therefore the Town of Lexington Town Board moves to accept the audit of the Town Clerks books for 2020 conducted by Supervisor Schermerhorn and Council Member Bradley Jenkins.

**Resolution # 29-21**

**Emergency Plan for Town of Lexington**

On a motion by Council Member William Pushman, 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 adopt the Town of Lexington Public Health Emergency Plan.

**RESOLUTION # 30-21**

**Web Master**

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 appoints James Doran as the web master as he would like to add some things to the web site.

Council Member Bennett Wine thanked James for taking this on and encourages people to volunteer to help. James wanted to thank the Board for the opportunity to work on the website and he would be putting up an email address on the website for people who would like to volunteer or if they have a story to tell.

**RESOLUTION # 31-21**

**Scenic Byway**

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

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

Nays -0

Therefore this Town Board moves to give the Mountain Clove Scenic Byway $1000.00 to promote it. The Towns of Jewett and Lexington are being added to the byway.

There is enough money in the General Fund budget to make this donation.

$3,8000.00 is needed in total and hopefully other Towns will help with the cost.

**Covid-19**

Supervisor Schermerhorn said that there were only 3 new cases since yesterday. Lexington has had a total of 10 cases so far.

**Short Term Rentals Local Law No 3 of 2021**

Supervisor Schermerhorn wanted to look at section 3 and she wanted to define what a short term rental should be and she thinks it should be 30 days or less. Council Member Barcone said that long term rentals fall into a different class according to NY state. Town Attorney Tal Rappleyea would be able to confirm that. Council Member Barcone would like to scrap resident and nonresident. He would like a 6 month window for current air bnb and once 2022 starts it would be 10 new rental properties and then the Board could talk about further expansion. Counsel members Pushman and Jenkins agreed with that.

Council Member Barcone suggested tabling this law for now and the other Board members agreed.

A $250.00 flat rate was agreed upon. Violation fines were discussed. The first one should be a warning, the second would be $500.00 and they would go up in $500.00 increments. Council Member Jenkins asked if the Code Enforcement Officer could give out the fines or if the Town Justice would have to.

They will get clarification from the Town Attorney. Supervisor Schermerhorn said to change from resident to property owner. Fire numbers need to be visible for every resident. The qualification of a property manager would be someone that shows up when there is a problem. The response needs to be 60 minutes or 30 miles. Supervisor Schermerhorn said to omit unlimited number of STRS. They should form a review or appeals committee. There can be people from the association, town residents, and maybe a public official. Council Member Michael Barcone said that it will take a little while to get everything in order so if the Law were to pass in April it should be enacted on June 1st. Applications would need to be in by the end of the year. Council Member Michael Barcone asked Matt & Nancy Jordan if it would be acceptable for an appeals committee be formed and for association members to be on it. They were in agreement. Supervisor Schermerhorn said that the changes would need to be sent to Town Attorney Tal Rappleyea. Mike Ryan asked if the Town Board would talk to the association before the next meeting or wait till after the law if passed. Supervisor Schermerhorn said after the law is passed. She said they could have alternates on the committee.

**RESOLUTION # 32-21**

**Table the vote for Local Law No 3 of 2021**

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

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

Nays – 0

Therefore this Town Board has decided not to vote on Local Law No. 3 of 2021 as it is but would like to make some changes.

**RESOLUTION # 33-21**

**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. 17 Through No. 41 = $ 31,215.47

**General Fund** No. 45 Through No. 66 = $ 10,759.49

**Sewer District** No. 8 Through No. 11 = $ 732.65

**Lighting District** No. 2 Through No. 2 = $ 296.07

**Public Be Heard**

Highway Superintendent Frank Hermance said that the Highway garage needs a generator and it should be at least 10,000 watts. Council Member Michael Barcone said that he could look into it and give Frank a referral.

Supervisor Schermerhorn said that Central Hudson had been in contact with her throughout the day regarding the power outages.

Irene wanted to know who to talk to about the Fire house in West Kill. She was told to talk to Dan Davern who is the Fire Commissioner Chairman.

Alex wanted to remind everyone of the zoom meeting taking place on Wednesday at 6:00 pm regarding the revitalization of Lexington The information can be found at lexartsci.com.

**Calendar of Events**

Town Board Meeting Tuesday April 6, 2021 at 6:00pm via Zoom

**Adjourn and Go into Executive Session**

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman the regular Town Board meeting adjourned at 8:45 pm.

On a motion by Council Member Michael Barcone, seconded by Council Member Bradley Jenkins and with all in favor the Board went into executive session at 9:10. The reason for the delay is that the Supervisor had technical difficulty.

**End Executive Session and Adjourn**

On a motion by Council Member Bennett Wine, seconded by Council Member Bradley Jenkins the executive session meeting adjourned at9:35pm with all in favor.

On a motion by Council Member William Pushman, seconded by Council Member Michael Barcone and with all in favor the meeting ended at 9:35 pm.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk