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

**In Person & Via Zoom July 5, 2022**

**Present:** Supervisor JoEllen Schermerhorn

Council Members Bradley Jenkins

William Pushman

Bennett Wine (Zoom)

Michael Barcone

Superintendent of Highways Kevin Simmons

Town Clerk Charlotte Jaeger

Town Attorney Tal Rappleyea (zoom)

**Others Present:** James Rooney, Larry Russ, Ron Lipton, & James Doran **Zoom:** Jenni Cawein, Alida, Michael, Alex Rodriques, James, Kim McGalliard, Shelly, Sam Bugurtz, & Mike Ryan from the Mountain Eagle

**Open Public Hearing**

Supervisor JoEllen Schermerhorn opened the public hearing at 6:01 PM at the Municipal Building located at 3542 Rte. 42, Lexington. Supervisor Schermerhorn went over the proposed Local Law No. 3 of 2022, Town of Lexington; AUTHORIZING REMOTE ATTENDANCE FOR TOWN BOARD MEMBERS. The Town would need to pass this law in order to be in compliance with the State law.

Jenni asked about Zoom for the Planning Board. It could be open to the public but Planning Board members that attend via Zoom would not be able to vote.

Bennet thought there should be clarification for all of the Boards.

**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 6:10 pm.

**Open Town Board Meeting**

Supervisor Schermerhorn opened the Town Board meeting at 6:11 pm followed by the Pledge of Allegiance to the American Flag.

**RESOLUTION # 47-22**

**Accept June 7, 2022 Minutes**

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 moves to accept the June 7, 2022 minutes as presented.

**RESOLUTION # 48-22**

**Accept June 16, 2022 Special Meeting 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 June 16, 2022 Special meeting minutes as presented.

**RESOLUTION # 49-22**

**Accept May 2022 Financial 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 accept the Financial Report for May2022.

**Highway Report**

Highway Superintendent Kevin Simmons said that the guide rails on Rappleyea Road should be done on July 11th. The work on the culvert on Truesdell Road will take place late summer. The black top/ paving is done. He attended Highway school in Ithaca and has been asked to represent Greene County Highway Superintendents in September. He also said that we may be able to use Prattsville’s mower in a couple of weeks.

**RESOLUTION # 50-22**

**Mower for Tractor**

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 let Council Member Bradley Jenkins and Highway Superintendent Kevin Simmons purchase a mower that is compatible to the tractor that the Town Highway department has, with a cost of up to $5,000.00.

**Solar Energy System PILOT Law**

Supervisor Schermerhorn explained that this is a law that Greene County generated and she clarified that it does not take away from the power of the Town Planning Board. Bennett asked if the Town would be able to change the law and Town Attorney Tal Rappleyea said that the law would need to be repealed. Supervisor Schermerhorn asked what was the time period for the PILOT and Town Attorney said 20 years. There will be a public hearing at the next Town Board meeting regarding this.

**RESOLUTION # 51-22**

**Local Law No. 3 of 2022 A Local Law Authorizing Remote Attendance for Town Boards**

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

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

Nays - 0

Therefore this Town Board moves to adopt Local Law No. 3 of 2022 which will allow Board Members to participate remotely as long as there is a quorum in person. This local law will meet the State law requirements.

TOWN OF LEXINGTON

LOCAL LAW #3 OF 2022

A LOCAL LAW AUTHORIZING REMOTE ATTENDANCE FOR TOWN BOARDS

BE IT ENACTED by the Town Board of the Town of Lexington as follows:

SECTION 1. AUTHORITY AND PURPOSE

On April 9, 2022 Governor Hochul signed an amendment to the Open Meetings Law to allow (until July 1, 2024) the expanded use of videoconferencing by public bodies in the conduct of open meetings, under extraordinary circumstance, regardless of a declaration of emergency. In order to continue meeting virtually, a town must pass a local law to opt in.

Pursuant to the amendment to the Open Meetings Law, beginning on July 17, 2022, the Town of Lexington may continue holding Hybrid Public Meetings, permitting members of the Board to appear virtually, under the circumstances set forth herein below.

SECRTION 2. VIDEOCONFERENCING

A. The Town Board of the Town of Lexington must meet in person at a physical location open to the public with a minimum number of members present to fulfill the Board’s quorum requirement.

B. Members of the Town Board may attend meetings virtually due to extraordinary circumstances; however, those members attending virtually may not count towards a quorum but may participate and vote. A quorum shall only be met by in-person member attendance.

C. Extraordinary Circumstances shall be defined as: disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.

D. The Town Supervisor shall retain discretion over permitted extraordinary circumstances for meetings of the Town Board and Committees.

E. The meeting minutes must identify which, if any, Board members are participating remotely.

F. Members of the public will be allowed to attend, observe and participate where public comment or participation is authorized at the available location and virtually.

G. All meetings conducted by videoconferencing, so that members of the Board can be heard, seen, and identified.

H. Each meeting conducted using videoconferencing shall be recorded and such recordings posted or linked on the public website of the Board within five (5) business days following the meeting and shall remain so available for a minimum of five (5) years thereafter.

I. The in person participation requirements of the law shall not apply during a state disaster emergency declared by the Governor or when a local state of emergency is declared by the Board of Supervisors Chairman if it is determined that the circumstances necessitate the emergency declaration would affect or impair the ability for the public body to hold an in person meeting.

J. Town Board will broadcast all meetings using the Google Meet platform or equivalent pursuant to meeting notice.

K. This law shall be posted upon the Town’s website.

SECTION 3. CONFLICTING LANGUAGE

This local law is intended to supplement Local Law #2 of 2022 entitled Local Law Allowing Members of the Town Board to Participate in Town Board Meetings via Videoconference From Locations Outside the Town of Lexington Boundary Lines. To the extent any provision therein conflicts with the provisions of this local law, the terms of this local law #3 of 2022 shall control.

SECTION 4. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of State.

**NYS DEC Grant for Zero Emissions: EV Charging Stations**

Supervisor Schermerhorn said that the Municipality is eligible for a no match grant. If we are interested in having an electric vehicle charging station the deadline is September 30, 2022 or until the grants run out. Bennett doesn’t think there is anything to lose and Michael said that there are people that already own those vehicles. Supervisor Schermerhorn asked Council Member Barcone to look into this.

**Greene County Money**

Greene County decided to give every Town and Village $100,000.00. Supervisor Schermerhorn said that she would like to use the money toward a new highway garage. She would like to use the money for site work but needs to check that it could be used for that. She would also look into grants to help with the funding.

**Comprehensive Plan Update**

The Committee is getting ready to put the survey on the website and are getting post cards to get the word out. Supervisor Schermerhorn said that she would like to go door to door. She said that some people have offered to volunteer to help. Jenni said an email blast could help with this too. Kim said that there should be a mailing as well as going door to door. James said to put survey on the website and to use the radio as well as face book. Kim said that they will definitely utilize all of those avenues.

Bennett wanted to know what the percentage of the Town we have email addresses for and what is the end date? Jenni said that it is important to get people to respond and a date that was discussed was the end of summer. Jenni asked if would be easy to do a hard copy and Kim said yes. Ron said that the census did better by knocking on doors than through the mail. Bennett asked Kim if she remembered what the timeline was with the Broadband survey. Kim said she could find that information and email him.

**Short Term Rental Committees**

Council Member Michael Barcone said that the committee met a couple of times and they have talked about a waiting list and the cap and how it’s working or not working. They want to review a few things and are not recommending to raise the cap at this time.

**RESOLUTION # 52-22**

**Budget Transfers**

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 approves the following budget transfers;

**From: To:**

**General**

Contingent A1990.4 $2,050.00

Retirement A9010.8 $5,690.00 Rescue Squad A3625.4 $7,740.00

**Highway**

Retirement DA9010.8 $ 356.01 Unemployment DA9050.8 $ 356.01

**Farmers Market**

Supervisor Schermerhorn said that the market is doing really well.

**Code Enforcement Report**

Town Council Members have reports.

**Communications**

Supervisor Schermerhorn read a letter from Alex Rodriquez from the Lexington arts and science regarding the upcoming Upstate Art Weekend.

Alex said that this would be a great way for people to get to know Lexington. There will be around

150 artists. The walking path goes up through the lexartsci property to diamond notch and back down. The path will be marked. There is no alcohol allowed and there is parking for around 40 cars. He was looking for traffic control for people crossing the road. It was suggested that he should see about a crosswalk and to contact the Sheriffs’ department about the event. Bill said that the stop bar should be changed on Rappleyea Road. There was some discussion about a crosswalk at the end of Rappleyea Road.

**RESOLUTION # 53-22**

**Audit Committee Report**

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 approve the paying of the following expenditures.

**Highway Fund** No. 110 Through No. 121 = $ 203,324.60

**General Fund** No. 163 Through No.185 = $ 19,316.60

**Lighting District** No. 6 Through No. 6 = $ 295.51

**Sewer District** No. 33 Through No. 37 = $ 1,123.38

**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 7:25 pm.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk

**Calendar of Events**

July 2,16, & 30 10am-1pm (2) Farmers’ Market

July 9 Blue Grass Concert

July 12 Planning Board Meeting

July 22-24 Upstate Art Weekend

July 23 Car Show

August 2 6pm Town Board Meeting