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

**May 2, 2023 In Person & Via Zoom**

**Public Hearing Ambulance District Formation**

Supervisor Schermerhorn opened the public hearing at 6:00 pm. Liza asked if the Supervisor had contacted the Town of Shandaken regarding Broad Street Hollow. Supervisor Schermerhorn said that she hadn’t yet but she would be.

**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 6:06 pm.

**Open Town Board Meeting**

Supervisor JoEllen Schermerhorn opened the regular Town Board meeting at 6:06 pm followed by the Pledge of Allegiance to the American Flag. There was a moment of silence in memory of Ellouise Kirk Cole.

**Present:** Supervisor JoEllen Schermerhorn

Council Members William Pushman Bradley Jenkins

Michael Barcone

Bennett Wine

Town Clerk Charlotte Jaeger

Town Attorney Tal Rappleyea (Zoom)

Superintendent of Highways Kevin Simmons

**Others Present:** Alfred Truesdell, Richard Zwerling, Emma Wilcox, Paul & Liza Dwon, John Nolty, John Falke, Moira Taylor, John Enochty, & Nicole Pursell

**Zoom:** Sarah Pellizari, Richard Andur, elangrydovinka, Shelly, David Hyundy, Sarah Mitchell Davison, & Mike Ryan from the Mountain Eagle

**RESOLUTION 34-23**

**Accept April 4, 2023 Minutes and Public Hearing Minutes from April 18, 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 accept the Minutes from April 4, 2023 meeting and from April 18, 2023 public hearing as presented.

**RESOLUTION #35-23**

**Financial Reports for March**

On a motion by Council Member William Pushmnan, 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 through March 2023.

**Highway Report**

Highway Superintendent Kevin Simmons said that they have been cleaning ditches and culverts. Looked at roads to be blacktopped. The new brush for the loader works good and is much faster. The paving will be done by Cobleskill Stone as they are on the County bid. The roads that should be done are New Rd., parts of Tumbleweed, and parts of Rusk Mtn. Rd. He is waiting for NY to pass the budget to see what the CHIPS money will be. Bennett wanted to thank the Highway Department guys for helping with the sign for Bonnies’ Trails and doing a great job.

**RESOLUTION #36-23**

**Formation of Town of Lexington Ambulance District**

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

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

Nays - 0

Therefore the following Resolution was adopted.

**Town of Lexington**

At the Town Board meeting on May 2, 2023 Councilman Barcone offered the following resolution and moved its adoption.

**WHEREAS;** the Town Board of the Town of Lexington has heretofore determined that the establishment of a Town -wide ambulance district, which district was and is known as Lexington Ambulance District; and

**WHEREAS;** the Town Board held a public hearing on the 18th day of April 2023 and on the 2nd day of May 2023, in accordance with 209-d of the NYS Town Law for the purpose of creating such district, and

**WHEREAS;** the Town Board of the Town of Lexington adopted an Order in accordance with the said Section 209-d of the NYS Town Law on the 2nd day of May 2023, and

**WHEREAS;** the Town Board passed a resolution subject to a permissive referendum on the 2nd day of May 2023 establishing an ambulance district, and

**WHEREAS;** the Town Board has found in the affirmative that all requirements of Section 209-e(1) of the NYS Town Law have been satisfied.

**NOW THEREFORE, BE IT RESOLVED,** that the Town Board hereby approves the establishment of the Ambulance District with the boundaries being determined as set forth in the notice for the public hearing, the Order attached hereto as Schedule “A”; and it is further

**RESOLVED;** that this Resolution s subject to permissive referendum and shall be binding on June 2, 2023 unless a petition is filed with the Town Clerk prior thereto in accordance with NYS Law, and it is further

**RESOLVED;** that the permission of the NYS Comptroller is not required for the within action since all matters herein are consistent with the requirements of Section 209-f of the NYS Town Law.

**RESOLUTION #37-23**

**Intermunicipal Agreement Between the Towns of Ashland and Lexington**

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 signing of this contract by Supervisor Schermerhorn. The agreement is as follows.

**INTERMUNICIPAL AGREEMENT BETWEEN THE TOWNS OF**

**ASHLAND AND LEXINGTON**

The Towns of Ashland and Lexington shall enter into an agreement based upon the following conditions:

1. The Town of Ashland shall operate an ambulance service covering the Towns of Ashland and Lexington.

2. The ambulance service will be classified as Basic Life Support by the NYS Department of Health and shall to the best of its ability operate at least one crew continuously, 24 hours per day.

3. The Town of Ashland shall enter into a cost sharing agreement with the Town of Lexington to ensure the tax burden from the ambulance service is shared in proportion to the cost of services rendered.

4. This agreement shall commence when the supervisors of both Ashland and Lexington sign the agreement.

5. The Town of Lexington shall remit payment to the Town of Ashland in three installments per year. For the year 2023, Lexington’s portion is 30% based on 2022 call volume. Budget for 2023 is $541,257.00 X 30% = $162,380.10. Each payment of $54,126.70 will be due on the following schedule: Payment #1 is due February 15, 2023, Payment #2 is due June 15, 2023, and Payment # 3 is due September 15, 2023.

6. The amount to be paid shall be finalized by October 31st for the following year.

7. The amount to be paid shall be based on the proportion of ambulance calls in the Town of Lexington during the previous year. This percentage shall be applied to the total previous year ambulance operational expenditures to determine the proportion of ambulance cost that shall be paid by Lexington. Capital and interest costs and any non-ambulance expenditures shall be exempted from this calculation. The Town of Ashland will provide details of the calculations used to determine the costs and percentages.

8. This agreement shall remain in place until 12/31/2023. A new contract must be renewed each year to remain in effect.

9. The contract may be terminated with a 30-day written notice by either party.

**Snow Plow Truck**

Highway superintendent Kevin Simmons found a 2024 Freightliner truck that could be here in January through Henderson. The price is $289,500.37. It would have a 5 year or 100,00 mile warranty. A new truck would need to be ordered and could take up to 2 years to get at a cost of $310,00 -$325,00. It was asked if it is better to lease with a contract or to float a bond. Town Attorney Tal Rappleyea said the price is slightly better with a bond but the lease would be the better way to go to get the truck sooner. The Town could always float a bond at a later date. Two companies, Alliance Capital and Sourcewell gave the Town of Lexington information on leasing the truck. The first payment would be due some time in 2024. Supervisor Schermerhorn said that we just made the last payment on the most recent truck that the Town purchased.

**RESOLUTION #38-23**

**Purchase the 2024 Freight liner Snowplow Truck**

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

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

Nays – 0

Therefore the Town Board of the Town of Lexington approves the purchase of the 2024 Freightliner plow truck.

**Short Term Rentals – Amend Law**

There was discussion at the previous Town Board meeting to amend Local Law # 3 of 2021. Town Attorney Tal Rappleyea made a draft of the requested changes. There was a discussion about some of the changes. Supervisor Schermerhorn said that it needs to be clear that permits are non-transferable. Section 1,2,& 3 are fine except in section 3 the definition needs to be tightened up. Nicole Purcell, STR/ CEO Clerk said that there was a lot of back and forth on section 4 regarding inspections, how often water tests should be done. If there are 3 violations in a year a permit would be revoked. Should take out some of the original language and possibly change the cap so there would not be a cap for residents and there would need to be 2 proofs of residency and what that proof would be. It was suggested that income tax should be one proof. Also change the language so the Town Board can change fees when needed without having to have a public hearing and changing the law. Inspection requirements need to be addressed. The Town Board Members felt that Carl needs to have help with the inspections and there should be research on how to get him some assistance. Supervisor Schermerhorn asked if it should state in the law that dwellings need to have a foundation, septic, electric, etc. and no tents. The zoning law refers to some of these issues. If there are 2 dwellings on one tax id. There should be 2 permits. Supervisor Schermerhorn said that there will be a public hearing before the next Town Board meeting on June 6th.

**RESOLUTION #39-23**

**Western Catskills: Community Block Grant**

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 have Western Catskills write the grant and approve the following resolution.

**RESOLUTION**

**APPROVING THE SUBMISSION OF A**

**COMMUNITY DEVELOPMENT BLOCK GRANT**

**WHEREAS, the Town of Lexington wishes to apply for Community Development Block Grant funding for the 2023 Program Year under the Housing and Community Development Act of 1974, as amended; and**

**WHEREAS, the Town of Lexington pursuant to regulations of the U. S. Department of Housing and Urban Development and the New York State Office of Community Renewal, has held a public hearing to discuss the content of the proposed application; and**

**WHEREAS, the Western Catskills Community Revitalization Council, on behalf of the Town of Lexington has surveyed housing conditions in the Town, and documented those conditions.**

**NOW, THEREFORE BE IT RESOLVED, that the Town of Lexington hereby apply for $500,000 in Program Year 2023 Community Development Block Grant Funds; and**

**BE IT FURTHER RESOLVED, the Town Supevisor is hereby authorized and directed to sign and all documents necessary for the submission of said applcation to the HCR’s Office of Community Renewal.**

**Greene County Charge Backs**

The charge backs from Greene County for the senior citizen mailing and for the tax bills to be sent out were $383.45 and $841.11.

Supervisor Schermerhorn said that Greene County passed a proclamation declaring the month of May 2023 as;

**Greene County Older Americans Month**

**Proclamation:**

**WHEREAS, the older residents of Greene County represent a wealth of knowledge and**

**experience and are one of the county's most valuable resources; and**

**WHEREAS, the Greene County Legislature is committed to supporting its senior citizens by**

**means of a vast array of programs and services offered by the Department of Human Services,**

**Aging division; and**

**WHEREAS, over one-fifth of the County's total population is comprised of citizens 65 years of**

**age or older; and**

**WHEREAS, a growing number of baby boomers are rapidly becoming older citizens, and the**

**number of individuals providing care to family members and friends is expanding significantly;**

**and**

**WHEREAS, Greene County benefits greatly from the dedication and community awareness of**

**its senior residents; and**

**WHEREAS, the month of May is nationally recognized as Older Americans Month and this**

**year's theme is “Aging Unbound”, which offers an opportunity to explore diverse aging**

**experiences and discuss how communities can combat stereotypes; and**

**WHEREAS, this Legislature encourages promoting flexible thinking about aging – and how we**

**all benefit when older adults remain engaged, independent, and include exploring an array of**

**aging experiences without being boxed in by expectations and stereotypes. We emphasize the**

**positive aspects of growing older, why everyone has a role to play in combating ageism –**

**NOW, THEREFORE, we, the members of the Greene County Legislature, hereby**

**proclaim the month of May 2023 as:**

**GREENE COUNTY OLDER AMERICANS MONTH**

**AND FURTHER, with great pleasure, we honor our senior citizens and how we all benefit**

**when older adults remain engaged, independent, and included in their communities, and**

**encourage them to continue to play a vital role in the Greene County community.**

**GREENE COUNTY LEGISLATURE**

**By: Patrick S. Linger, Chairman**

**Health Officer**

Health Officer Liza Dwon said that she is working on setting up a pediatric class (cpr for infants to 8 years) which may take place sometime in June. May 21-27 is EMS week and they will be going to WAJ and HTC schools to do demos. The Covid numbers are down as well as deaths.

**RESOLUTION #40-23**

**Appoint Super Admin and Back-Up Admin for the google email account**

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

ADOPTED; Ayes - 5 – Barcone, Jenkin, Pushman, Schermerhorn, & Wine

Nays - 0

Therefore this Town Board appoints Nicole Pursell as the Super admin and James Rooney the back up admin for the Town Google account.

**Fire Chief Paul Dwon** said that there will some training for fire and rescue at the Rehab center once it gets closer to opening. Life net is excited about the landing zone and Paul said that they still need to paint the H with a circle around it and to paint no parking on it and the wind sock location still needs to be determined.

**Supervisor Schermerhorn read the report from the Zoning Board Chair, Sarah Pellizzari which is recorded below.**

April Zoning Board of Appeals monthly report for the Town of Lexington Town Board:

We had a public hearing and approval for a 13 foot variance on a front yard setback for Dec Scotto’s

barn to be built.

We made a zoning district determination for a parcel located at tax map 144.00-2-45 owner Lexington

Arts + Science, LLC. There was a structure built on the parcel, and based on the zoning district it was

prudinent to see if its use is allowable with a permit, special use permit, or not at all based off the local

Zoning adopted in 2005 by The Town of Lexington Town Board. This parcel was determined to be in the

Hamlet District. Attached is the official Zoning District Map of Lexington. This map was adopted by The

Town of Lexington in 2005 as well. Greene County Planning Board helped with the zoning boundaries at that time.

We had a joint “Special Meeting” with the Planning Board to help a solar applicant understand the

perimeters setforth in the Solar Law for the Town of Lexington. The solar applicant is proposing a 200kw

roof mount on an existing structure at Timberlake Summer Camp.

We are still meeting the 4 th Wednesday at of every month at 6pm. All applications and questions can be forwarded to Kim McGalliard the Zoning Board of Appeals secretary kmcgalliard@lwxingtonny.com

Thank You,

Sarah Pellizzari

Town of Lexington

Chair Zoning Board of Appeals

Supervisor Schermerhorn said that the Patriots Day Celebration was very nice

**RESOLUTION #41-23**

**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. 61 Through No. 78 = $ 55,711.89

**General Fund** No. 99 Through No. 128 = $ 115,531.11

**Lighting District** No. 5 Through No. 5 = $ 295.80

**Sewer District** No. 17 Through No. 20 = $ 970.69

**Calendar of Events**

March 15 – May 15 No Burn Ban in NYS

May 9, 2023 6:30pm Planning Board Meeting

May 24, 2023 6:00pm Zoning Board of Appeals Meeting

May 25, 2023 4:00-8:00pm Board of Assessment Review (Grievance Day)

May 26, 2023 3:00-6:00pm Lex-WK UMC Brooks Chicken BBQ

May 27, 2023 10:00-1:00pm Farmers’ Market

May 29, 2023 9:00am Memorial Day Parade starting at the WK Community Hall

June 6, 2023 6:00pm Monthly Town Board Meeting & Public Hearing

**Public Be Heard:**

John E. wanted to bring attention to abandoned properties in the Town, especially the parsonage in West Kill. Supervisor Schermerhorn said that there is a process that needs to be followed.

John Nolty wanted to make it known that the Fire District is looking to get a state of the art fire house.

Richard Zwerling purchased a home a couple of years ago and that he received a letter on January 19th and he submitted an application on the 21st and he had to go to court because he was operating with out a permit. He wanted to put in an accessory apartment in. He had numerous conversations with CEO Carl Giangrande. He would like the cap increased. He needs the income from this property. Supervisor Schermerhorn said that there is a waiting list and that Carl would need to be part of the conversation.

**Adjourn**

On a motion by Council Member Bennett Wine, seconded by Council Member William Pushman and with none opposed the meeting was adjourned at 7:53 pm.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk