

Town of Lexington Town Board Meeting June 4, 2019

The Town of Lexington Town Board Meeting was called to order at 6:00 P. M. by Supervisor Berger at the Municipal Building 3542 Route 42, Lexington, followed by the Pledge of Allegiance to the American Flag.

Present:	Supervisor	John Berger
	Council Members	Michael Barcone
		Bradley Jenkins
		William Pushman
		JoEllen Schermerhorn
	Town Clerk	Charlotte Jaeger
	Highway Superintendent	Frank Hermance
	Town Attorney	Tal Rappleyea

Others Present: Mitch Baumann, Teddy Friedman, Sharon Potter, Taris Charysyn, Steve & Bonnie Blader, Alfred Truesdell, Robert C. Hermance, Glenn Howard, Elizabeth Hapeman, Rose Williams, Jenni Cawein, Daniel Davern, Nancy Orr, Sarah Mitchell-Davison, Darren Nelson, Bennett Wine, Steven Weinberg, Jon Scieszka, Michael Ryan from the Mountain Eagle, and a number of people that did not sign in.

RESOLUTION # 54-19

Accept May 7, 2019 Minutes

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

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

Therefore this Town Board of the Town of Lexington accepts the May 7, 2019 minutes as presented.

RESOLUTION # 55-19

Accept Financial Report through April 30, 2019

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

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

Therefore this Town Board of the Town of Lexington accepts the financial report through April 30, 2019.

Donation from Big Valley Trailbreakers Snowmobile Club, Inc

Town of Lexington resident Glenn Howard presented the Town of Lexington Town Board with a check for \$500.00 from Big Valley Trailbreakers Snowmobile Club, Inc. They usually ask the money to be used toward the youth program but since there isn't one this year the Board can use the money however they see fit.

Presentation of Windham Falls to Board Members

Mitch Baumann, Darren Nelson, and Teddy Friedman were on hand to give a presentation on the Windham Falls Recovery facility that they would like to open in Lexington on Route 42, currently the Euphoria. Mitch Baumann gave a quick background on the type of facility he wants to open. He started by saying he has been doing this for over 25 years. He offers a higher end resort facility where people come voluntarily to get help. They offer family intense weekends where family stay locally to visit their loved ones for 4 to 5 days. They offer a number of activities such as horse back riding, swimming, tennis, volley ball, etc. There will be around 100 full-time jobs and 20 part-time jobs. The facility is staffed 24 hours a day. He wanted everyone to know that he was in a program for over a year because he had a problem 20 plus years ago.

He opened up the floor to questions.

Supervisor Berger asked how many towns had Mr. Baumann done this in and Mr. Baumann said that he hoped Lexington would be the 12th. Bonnie asked why are they interested in Greene County and Mr. Baumann responded with, Greene County has at times reached the 8th highest rate in the United States for addiction. He lost his brother to addiction because he did not get the help he needed.

There will be a scholarship program in place for local residents that may need help. They do not accept people with armed or violent nature. They process and assess by State guidelines and can refer people out that need help if they are not a good fit for this program.

Bennett asked what percent of scholarships would be offered and Mr. Baumann said he could only have 3 or 4 at a time. An average stay is 42 -45 days with a total of 60 beds.

It was asked what happened to all of the other facilities that Mr. Baumann was involved in and Mr. Baumann's response was that they went corporate. Their intent is to build this facility as a long term investment. One resident wanted to know what happens when Mr. Baumann decides to retire and another resident wanted to know if the County could or would buy it. Mr. Baumann would sell the facility but does not believe the County could ever afford to buy this type of facility.

There was a question about the septic and DEP and Darren from Kaaterskill Associates said that there would not be a problem.

It was asked if they have their own ambulance and Mr. Baumann said they would make arrangements with the local ambulance service.

Taris wanted to know who would compensate for the loss of property value and Mr. Baumann said that the property value would go up not down.

Nancy asked if people relocated to work at the facility and Mr. Baumann said that yes people do relocate to be closer to work. They would run 3 shifts a day similar to a hospital.

It was asked what the safety-security of the facility would be and Mr. Baumann said that people are there voluntarily and if they want to leave they are driven by the full time drivers on the site.

The winter weather was mentioned and Mr. Baumann is aware of the weather problems and will provide emergency housing for staff if the weather is bad.

Bennett thinks bringing in educated people is not a bad thing and believes that our community needs to grow.

Kaitlin said she just graduated from, U Albany and states that if there are no jobs here for her she will not be staying even though she has lived here all of her life and other young people feel the same.

Sharon reminded people of what used to be in the Town; gas station, grocery store, bar, hotel, & restaurant and she misses those amenities.

Nancy mentioned that the scenic by ways and the Town Revitalization looked at putting in a gas station and store.

It was asked about what the salaries would be and Mr. Baumann responded that there would be a good mix. The low paying jobs would range from \$12 to \$17 an hour on up to salaries of over \$200,000.00. At this time Supervisor Berger asked Darren about the drawings that he had with him. Mr. Nelson showed some rough sketches of the proposed project. Mr. Baumann designs the building personally.

There was a question how outings would be managed and Mr. Baumann responded by saying that there are always 2 staff members escorting 6 to 8 people plus a driver. Clients are not allowed to meander around the property unaccompanied.

It was asked how long the construction would last and Darren said that would be hard to answer and Mr. Baumann said he wanted to be open in February of 2020.

It was asked how they planned to get the job done in 8 to 10 months and Mr. Baumann said that he would hire a general contractor and it would be up to them.

Supervisor Berger thanked the gentlemen for their presentation. He then explained that they wanted a letter of support from the Town Board but Supervisor Berger was reluctant to issue one because he did not want to influence the Planning Board. The next step in the process is for them to address the Planning Board with a special use permit and then after that there would be a public hearing. This was an open forum but is not typical during a Town Board meeting. Supervisor Berger said he wanted to know what people are thinking hence the informality.

Bennett asked what is the process and Supervisor Berger said that the Planning Board would do due diligence and investigate the entire operation, do an environmental impact, and make sure that it fits in Lexington's overall Comprehensive Plan. It was asked if the Planning Board could say no and Supervisor Berger said yes that there are Zoning Laws that this may or may not fit within. Supervisor Berger said that commercial and light industrial are encouraged in the Hamlets but we do not have commercial zoning per say. Supervisor Berger asked the Board if they wanted to discuss this and the Board members did not feel that they should discuss it at this time.

Taris asked if Windham Falls was on the agenda for the next Planning Board Meeting and Charlotte, Planning Board Secretary answered that they were not.

Michael Ryan asked Supervisor Berger if it troubled him that this is the first that he is hearing of this, Supervisor Berger said not at all.

Bennett asked if everything meets the legal standard what is the next step and Supervisor Berger said that they would be given a building permit. Bennett asked that if everything is legal and the Board did not like it could they say no, Supervisor Berger responded by saying that they could not say no but they

could put on restrictions. Jenni said that we have some iffy language in the Zoning under residential care facilities and as a Town we need to decide if it meets that criteria.

Council Member Barcone said that there is a lot of optimism on the side of the proposed project especially when it comes to DEP and that people will be able to voice their opinions to the Planning Board. He does not believe the Town Board should give approval or a letter of support.

Hamlet Revitalization

This was specifically for the Hamlet of Lexington. Supervisor Berger said the initial question was where is main street and what could it be. He said that a cluster of 3 locations would begin the rebuilding of the Hamlet. Unfortunately all 3 properties are privately owned. If the owners are not willing to do anything then there will be no change. Supervisor Berger said that it is not beneficial to take it by Eminent Domain. Bonnie said that the Arts Ensemble is the one property that they should focus on the most because it makes the most sense. Supervisor Berger asked who would purchase this property to get this ball rolling. Bonnie thought a committee of people in Town might be able to get that done. Supervisor Berger asked if they could have a list of names of people to be on the committee. Supervisor Berger suggested a committee of 10 be formed by August or September. It was mentioned that in terms of Revitalization, that Western Catskills said that to acquire the property is the most imperative.

Open Truck Bids

The Town received 5 bids. Begnal 2019 5500 Regular cab 4x4 for \$63,659.50, Romeo Ford of Kingston 2019 Ford F550 for \$64,869.00, Sawyer Dodge 2018 for \$62,350.00, & Begnal for 2018 truck, and Ben Funk 2019 International for \$75,805.00. The lowest bid was a 2018 from Begnal at \$62,159.50. Council Member Jenkins asked what the difference is between the 2018 and 2019 as far as delivery goes. Superintendent Hermance said the 2018 is available now, but he would have to wait for the 2019. Supervisor Berger asked Superintendent Hermance how are we going to pay for the truck. After a bit of discussion it was decided that the white Ford would be put up for auction and it might bring in \$3,000.00 and \$12,000.00 would be taken out of General Repair to use toward the new truck.

RESOLUTION # 56-19

On a motion by Council Member William Pushman, 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 purchase the 2018, Dodge 5500 regular cab 4x4 from L.T. Begnal Motor Co, Inc. for \$62,159.50.

Supervisor Berger asked Council Member Jenkins his thoughts on having a truck this size and Council Member Jenkins responded that since the pickup trucks are not in good shape that this is one will be needed.

Taris asked why the trucks aren't washed off and better taken care of so they might last longer.

Superintendent Hermance said that he only has one heated bay and no wash station. So if you rinse the trucks off then they freeze.

RESOLUTION # 57-19

Amend Rte. 42 Highway Garage Resolution # 44-19

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 the Town of Lexington Town Board adopts Resolution # 57-19
Supporting Participation in the New York City Funded Buyout Program for
Town of Lexington Highway Garage at Route 42

WHEREAS, The Town of Lexington is subject to flooding that can damage property, close roads, disrupt traffic, and present a public health problem and safety hazard; and

WHEREAS, at the request of local communities, funding from the NYC Department of Environmental Protection (DEP) is being made available to help property owners who qualify for the NYC Funded Flood Buyout Program (NYCFFBO) based on eligibility criteria in five categories – 1) Hydraulic study properties (recommended by engineering analysis), 2) CWC Flood Hazard Mitigation Implementation Program 3) Community-approved Stream Management Project, 4) Erosion Hazard, and 5) Inundation Hazard, and

WHEREAS, The Town of Lexington has conducted a Local Flood Analysis (LFA) including hydraulic analysis of flooding in the Town and LFA recommends certain Properties that are subject to repetitive flood damages should be considered for flood buyout, and

WHEREAS, the property, the old Highway Garage on Route 42, (127.04-3-33) has been recommended for consideration for buyout in LFA and the Town is requesting to participate in the NYCFFBO program under the Hydraulic study category, and for the County of Greene to own the property, and
We understand that this County-owned property will be managed by the County in conjunction with a Re-Use Plan prepared by the County that identifies the communities’ long term plan for the management, use and development of the parcel. All activities are subject to and consistent with the restrictions in Flood-Prone Areas identified in the Second Supplemental Agreement Among West of Hudson Watershed Stakeholders Concerning the New York City-Funded Flood Buyout Program, Page 5 (1) a., I., ii., iii., iv., and v..

NOW, THEREFORE BE IT RESOLVED THAT:

The Town of Lexington Town Baord approves the Town of Lexington Highway Garage at Route 42, to enter into the NYCFFBO program to permanently remove this flood hazard risk allowing the DEP to begin assisting them in the real estate process. Further that the Town of Lexington Town Board opts to allow the County of Greene to own the property as Open Space with the above acknowledged management conditions.

RESOLUTION # 58-19
Audit Committee Report

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

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

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

<u>General Fund</u>	No. 139 Through No. 159 = \$ 12,207.11
<u>Highway Fund</u>	No. 102 Through No. 125 = \$ 40,315.90
<u>Sewer Fund</u>	No. 28 Through No. 30 = \$ 580.06
<u>Lighting Fund</u>	No. 5 Through No. 5 = \$ 290.56

Code Enforcement Report

The Board Members all received reports to peruse.

Public Comment

Taris wondered if the Town Board would consider a committee for Architectural Review. Supervisor Berger would not have a problem with an Architectural Review Committee. Rose wanted to know what the purpose of this committee would be. The purpose would be to consider if buildings fit or not along the corridors, not Town wide.

Janice asked if the benefit would outweigh the cost of Eminent Domain.

Supervisor Berger said that it would be too costly.

Janice mentioned that the website is not up to date. She asked if an agenda could be put on before the meetings. Council Member William Pushman said that Special Meetings and Public Hearings are posted beforehand. Supervisor Berger said that the website is a part time job with minimal pay. He said perhaps someone would be willing to take over the website. Sal said to send a newsletter and that if we

did not pay for the landfill we could use that money to pay for the newsletter since it would be too much money for the mailings. Bob suggested that if it was posted outside people would be able to see it when they drive by. There will be a new sign that will be on the Municipal Lawn to post announcements soon.

Executive Session

A motion was made to close the regular meeting to go into Executive Session by Council Member William Pushman, seconded by JoEllen Schermerhorn and with none opposed the motion carried at 7:53 P. M. No action will be taken.

Close Executive Session

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman the Executive session ended at 8:12 P. M. with all in favor.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk