**Town of Lexington Town Board Meeting**

**May 3, 2022 In Person & Via Zoom**

Supervisor JoEllen Schermerhorn opened the regular Town Board meeting at 6:05 pm followed by the Pledge of Allegiance to the American Flag. There was a moment of silence in memory of Dale Klein and Frank Rauchut

**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, Paul & Liza Dwon, Jen Cawein

Zoom: Allen Cross, Lynn Byrne, Chris Dwon, Richard Andur, James Doran, & Mike Ryan from the Mountain Eagle

**RESOLUTION 35-22**

**Accept April 5, 2022 Minutes**

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

ADOPTED: Ayes – 4 – Barcone, Jenkins, Pushman, & Schermerhorn

Nays - 0

Abstain 1 –Wine

Therefore this Town Board moves to accept the Minutes from April 5, 2022 meeting as presented.

**RESOLUTION #36-22**

**Financial Reports for March**

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 this Town Board moves to accept the financial report through March 2022.

**Highway Report**

Highway Superintendent Kevin Simmons said that Howard Road is sliding and getting worse. He got the quotes for the driveways. It will be 5 weeks before the culvert comes for Rappleyea Rd. Evergreen hopes to start in a couple of weeks on the Spruceton Rd. culvert for Petit Brook which is funded by trout unlimited.

**Open Paving Bids**

The Town received 3 bids for work to be done on Terrace drive, Kelly Drive, Beech Ridge Rd., Jennings Hill, Mark Drive & Mark drive cul de sac. The bids were from Cobleskill Stone Products Inc. for $349,125.00, Peckham Road Corp. for $295,023.56, and Callanan Industries, Inc. for $315,297.00.

**RESOLUTION # 37-22**

**Award Paving Bid**

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 award the paving bid to Peckham Road Corp., since they were the lowest bidder. It was mentioned that the Town probably will not be able to do all of the roads listed this year.

**Comprehensive Plan Meeting**

Supervisor Schermerhorn said that the meeting was last week which went very well and the next step is working on the survey.

**Short Term Rentals**

Council Member Micheal Barcone said that the committee had their formation meeting and they looked at where the law is going and two of the main concerns they came up with are,

1. A few properties registering multiple spaces on one property

No camping in the Hamlets but elsewhere in the Town it could be possible and also glamping. Definitions need to be clear. In some cases a special use permit can be issued. The committee is going to see how other communities are dealing with this issue. James asked Council Member Barcone if you end up next to an STR where people park on your property or their garbage ends up on your yard, or if there is a lot of noise what can you do. You can go to the short term rental committee of grievance & appeals.

2. For appeals and grievances send a written and signed letter to the Town for the Appeals Committee.

A warning will be sent, if a second complaint is received then the complaint is sent to the Code Enforcement Officer and a fine will be issued.

Council Member Barcone said that it is necessary for rentals to be accessible for Fire/Rescue teams and that sanitation is also important. There may need to be an amendment to the law and that the committee will be meeting again in May.

**UHY**

Supervisor Schermerhorn said that the audit has been late the last couple of years and that the Town may be looking for a different accounting firm.

**NYS Climate Act**

Supervisor Schermerhorn said that this law was signed in 2019 and she suggested that people go out online and look at it. The Town received a notice from Kevin Young that they are looking for comments from the public. Council Member Pushman said that by 2040 there will be no further sale of gas stoves and all vehicles should be electric. The Town Board decided to table this for now.

**Slope Failure on Rte 23A**

This property was looked at a couple of years ago and there didn’t seem to be any help. Roman has asked the Town Supervisor to write a letter to try to get them some help. It seems this might be a NYS

DOT problem. It really doesn’t have anything to do with the Town but Supervisor Schermerhorn is willing to try to help the property owner by writing a letter and to contact CWC. The Council Members

agreed to try to help by writing a letter.

**Health Officer**

Health Officer Liza Dwon said that the numbers are up and that there have been 5 deaths from Covid in the last month. She suggested everyone check for ticks and make sure you mark the location and write down the date. Supervisor Schermerhorn asked Liza if she heard about the hammerhead worms? They are an invasive worm and if you touch them it can cause a skin irritation.

Supervisor Schermerhorn thanked Liza and Heather for giving the AED/CPR class.

**Bonnies’ Trails**

Council Member Wine said that he had some volunteers; Jen, Helle, & Devon along with himself and that they did some work on the trails but not a lot.

**Farmer’s Market**

Lynn Byrne said that the first Market on the 28th of May will start at 10am and end at 2pm. They are still looking for some volunteers. James said that they will be celebrating spring and everything maple (maple syrup will be supplied by Maple Hill Farms) and there will be a blue grass band and samples of Sap House Brown Ale from West Kill Brewing. The idea is to celebrate the seasons with music, food, & friends.

**CEO Report**

The Town Board Members had reports to peruse at their convenience.

There was one Certificate of Occupancy or Compliance issued, three C of O Searches, and 7 permits issued.

**Vacant Buildings**

Supervisor Schermerhorn said that the Board Members had received forms regarding vacant buildings and the idea is sending letters to property owners asking what their intention is like rehab it, let if fall down, sell it, etc. These letters may encourage people to either do things with their property or sell it, opening it up for people interested in buying property. The problem with this particular model it only refers to residential houses and would not help with the barns in the area. Lynn Byrne said that the Town has a protocol to follow since it was used on the building next to the church.

**Vacancy at Greene County Planning for a Planner**

The County will continue to take referrals from Towns and the referrals will be logged with a no action letter and there won’t be any Greene County Planning Board meetings until the Planner Position is filled.

**RESOLUTION #38-22**

**Planning Board to use Discretion on making a Decision or always send to Zoning Board of Appeals**

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 gave the Planning Board permission to use their discretion in this instance

since there really wasn’t anything that the Zoning Board of Appeals could do. This was done with the understanding that it was done on a case by case basis and it is very unlikely that this same situation would happen again. This lot line adjustment would not have any adverse effects.

**RESOLUTION #39-22**

**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.70 Through No. 86 = $ 42,756.54

**General Fund** No. 99 Through No.125 = $ 18,026.79

**Lighting District** No. 4 Through No. 4 = $ 313.56

**Sewer District** No. 22 Through No.26 = $ 3,451.97

**Calendar of Events**

March 15 – May 15 No Burn Ban in NYS

May 10, 2022 6:30pm Planning Board Meeting

May 13, 2022 3:30-6:30pm Lex-Wk Community Hall Chicken BBQ

May 18, 2022 6:00pm Zoning Board of Appeals Meeting

May 26, 2022 4:00-8:00pm Board of Assessment Review (Grievance Day)

May 27, 2022 3:00-6:00pm Lex-WK UMC Brooks Chicken BBQ

May 28, 2022 10:00-2:00pm Farmers’ Market

June 7, 2022 6:00pm Monthly Town Board Meeting

**Close Regular Meeting and Enter Executive Session**

On a motion by Council Member William Pushman, seconded by Council Member Michael Barcone the meeting closed at 7:48 pm with all in favor. The executive session was necessary to talk about negotiations. There will be no action taken.

**Close Executive Session and Open Regular Meeting**

On a motion by Council Member Michael Barcone, seconded by Council Member Bennett Wine and with all in favor the executive session ended and the regular meeting opened at 8:18 pm.

**Adjourn**

On a motion by Council Member William Pushman, seconded by Council Member Bennett Wine and with none opposed the meeting was adjourned at 8:19 pm.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk