**Town of Lexington Town Board Meeting**

**May 5, 2020 Via Zoom**

Supervisor JoEllen Schermerhorn opened the meeting at 6:00 PM followed by the Pledge of Allegiance to the American Flag. There was a moment of silence in memory of Gary Truesdell, Gladys Van Valkenburgh, Deborah Jaeger kenneally, and Wallace (Casey) Hall.

**Present:** Supervisor JoEllen Schermerhorn

Council Members Bradley Jenkins

Michael Barcone

William Pushman

Bennett Wine

Superintendent of Highways Frank Hermance

Town Clerk Charlotte Jaeger

Town Attorney Tal Rappleyea

**Others Present:** Nancy and Lou Kizyma, Jo Cross, & Mike Ryan from the Mountain Eagle

**RESOLUTION # 44-20**

**Accept April 7, 2020 Minutes**

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 accepts the minutes from the April 5, 2020 meeting as presented.

**RESOLUTION # 45-20**

**Accept April 15, 2020 Special Meeting Minutes**

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 accepts the minutes from the April 15, 2020 Special meeting as presented.

**RESOLUTION # 46-20**

**Financial Reports for March**

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 financial reports through March 2020.

**Highway Report**

Superintendent of Highways Frank Hermance was attending the meeting on his new laptop. For the month of April the Highway department did some snow plowing, rented a boom mower to cut brush with and the sweeping of roads has begun. He is back to working with a full crew as of Monday, May 4, 2020.

**Open Pickup Bids**

2019 Ford F350 from All American $41,500

2020 Chevy from Sawyer $41,486.50

**RESOLUTION # 47-20**

**Accept Bid to Purchase Pickup Truck**

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 purchase a new pickup truck from Sawyer in the amount of $41,486.50.

**RESOLUTION # 48-20**

**Surplus 2004 Green Truck**

On a motion by Council Member Bennett Wine, seconded by Council Member Bradley Jenkins the following was,

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

Nays - 0

Therefore this Town Board give Highway Superintendent Frank Hermance permission to put the 2004 truck up for auction.

**RESOLUTION # 49-20**

**Surplus 2003 Pickup Truck**

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 gives Highway Superintendent Frank Hermance permission to sell the 2003 pickup truck.

**New Snow Plow Truck**

Superintendent of Highways Frank Hermance said that he would like to have a new 7500 plow truck but would settle for a 5500. The cost of the 7500 is around $187,00.00 and the smaller truck is around $63,00.00. Council Member Michael Barcone likes the one ton option better. Supervisor JoEllen Schermerhorn asked if Frank should get bids for the one ton and all were agreed that he should.

**Mary Kaplan Property**

Supervisor JoEllen Schermerhorn spoke to Michelle Yost and Peter Davidson. He wants to go with the buyout of the Hotel/ Post Office property as well as the small parcel next to the Hotel.

**RESOLUTION # 50-20**

**Support for Parcel numbers 127.20-2-31 and 127.20-2-10 for the NYC Flood Buyout Program**

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 the Town of Lexington Town Board moves to accept the NYC Flood Buyout Program.

**WHEREAS,** the Town of Lexington (the Town) is subject to flooding that can damage property, close businesses, disrupt traffic, and present a public health and safety hazard; and

**WHEREAS,** The Town adopted a local flood analysis (LFA) and mitigation plan that evaluated a range of potential flood mitigation options; and

**WHEREAS,** the Town is approving parcel numbers 127.20-2-23 and 127.20-2-10 to enter the NYC FBO program, consistent with Alternative B-5a in the LFA; and

**WHEREAS,** It is the Town’s decision to own these parcels should the landowner go through the voluntary flood buyout program; and

**WHEREAS,** the Town understands it will manage the parcels in conjunction with a Re-Use Plan prepared by the Town that identifies the municipality's long-term plan for the management, use, and development of these parcels. All activities are to be 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 Board will own these parcels after they go through the voluntary flood buyout program and will manage the properties consistent with a re-use plan that identifies the Town’s long term plan for the management, use and development of the parcels that is consistent with revitalizing the hamlet.

**Short Term Rentals**

Supervisor Schermerhorn said that she had received a complaint about garbage being strewn all over Valley View road so she asked the Highway department if they would clean it up and submit a bill that would be given to the homeowner. The Highway department cleaned up the mess.

Supervisor Schermenrhorn spoke to Council Member Michael Barcone about putting together a committee regarding short term rentals. Council Member Bennett Wine thought there should be at least a 2 week minimum but would prefer a month for rentals right now. Council Member Bradley Jenkins wanted to know what this would do for us as people will still come and go. Council Member Michael Barcone said that the CDC guidelines are very strict and he finds it hard to believe that short term rentals are following them.

Council Member Michael Barcone said that Shandaken had suspended their short term rental issue and he believes that the Town of Jewett has the most concise law regarding short term rentals. Supervisor Schermerhorn will make copies of the Town of Jewetts’ law for Board Members. Code Enforcement Officer Carl Giangrande has been checking on some of the larger short term rental properties. He believes they are distancing with small numbers of people. Council Member Bennett Wine asked if the Town requires registration for short term rentals would there be any liability to the Town? The answer was no. Council Member Bradley Jenkins asked what the Town could do as far as enforcing people to properly take care of their garbage and Town Attorney Tal Rappleyea said that the Town could call DEP or the State Police and have them issue tickets for littering.

**UPDATES**

Covid-19 – The Town Board is the Board of Health for the Town of Lexington. Health Officer Jo Cross said that the numbers in Greene County have been going up. There are no positive cases in the Town of Lexington.

Grievance Day – The Assessor will be back in his office after the 15th. People can make appointments for grievance day. Peggy has been in the office to help people.

Website – Council Member Bennett Wine showed what the homepage would look like and the development of the website is continuing.

Census 2020 – Supervisor Schermerhorn said that many people in Lexington did not receive a notice. She said that you can go on line to complete the census. Make sure you put your physical address as Lexington. It is very important for people in Lexington be counted.

Yearly Audits – The Town of Lexington got an extension to get the audits completed for the Courts and the Town. The Town will get a copy as soon as it is finished.

Comprehensive Plan – Lynn Byrne is back from Florida and she and Supervisor Schermerhorn will be working on updating the information. Nan Stolzenburg may also help along with the non-partisan group.

Farmers Market - The Farmers Market will start on May 23rd from 10am to 1pm. There will be social distancing in place. Health Officer Jo Cross thinks that if the numbers of Covid-19 cases continue to go up she believes that the opening should be postponed.

**Code Enforcement Report**

The Council Members can peruse at their leisure.

**Timberlake Road**- Council Member Bradley Jenkins said that he and Highway Superintendent Frank Hermance had been there and that immediate repairs need to be done. Bradley asked Town Attorney Tal Rappleyea if that would be considered an emergency and he said that it would. Superintendent of Highways Frank Hermance said that he would need a contractor to help with this as he does not have all of the right equipment. They would need at least 3 or 4 loads of rip rap. It was suggested that Floyd or Evergreen might be able to do the work.

**RESOLUTION #51-20**

**Sell Topsoil from Salt Shed**

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 sell the topsoil to Floyd Dart since he was the higher bid for $2,000.00. The other bid received was from Greg Rappleyea for $1,800.00.

**RESOLUTION # 52-20**

**Audit Committee Report**

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 approve the paying of the following expenditures.

**Highway Fund** No. 64 Through No. 72 = $ 17,037.45

**General Fund** No. 121 Through No. 152 = $ 76,274.91

**Lighting District** No. 5 Through No. 5 = $ 67.22

**Sewer District** No. 27 Through No. 31 = $ 839.22

**Windham Falls** = $ 0.00

**Public Be Heard**

**Adjourn**

On a motion by Council Member William Pushman, seconded by Council Member Michael Barcone and with all in favor the meeting was adjourned at 7:17 PM by Supervisor Schermerhorn.

**Town of Lexington Calendar of Events**

NYS Burning Ban 3/16/2020 – 5/14/2020

Farmer’s Market 5/23/2020 10 AM – 1 pm

Memorial Day Parade 5/25/2020 9 AM

Annual Grievance Day 5/28/2020 4-8PM

Town Board Meeting 6/2/2020 6PM

Town Clerk Conference 8/16-8/19/2020

Respectfully Submitted,

Charlotte Jaeger, Town Clerk