**Town of Lexington Town Board Meeting**

**September 7, 2021 In Person & Via Zoom**

Supervisor JoEllen Schermerhorn opened the Town Board meeting at 6:00 pm followed by the Pledge of Allegiance to the American Flag.

**Present:** Supervisor JoEllen Schermerhorn

Council Members Michael Barcone

Bradley Jenkins William Pushman

Bennett Wine

Town Clerk Charlotte Jaeger

Town Attorney Tal Rappleyea

Superintendent of Highways Frank Hermance

**Others Present:** Jo Cross (Health Officer), Bruce Thomas, Kevin Simmons, Kathy Jordan, Helen Kerr, Arlene & Eric Towse, Jack Jordan, & Mike Ryan from the Mountain Eagle

**RESOLUTION # 49-21**

**Accept August 3, 2021 Town Board 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 moves to accept the August 3, 2021 Town Board minutes as

presented.

**RESOLUTION #50-21**

**July 2021 Financial 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 accept the financial report for the month of July 2021.

**Highway Report**

Supervisor Schermerhorn read a letter sent regarding the abandoned part of Reres Road. He wanted to know about liability because of people using ATVs on it. It was decided that the owner of the property should post it since the Town abandoned the road it reverts back to the land owner.

Supervisor Schermerhorn gave an update on the 3 different culverts that need to be replaced. One on Truesdell Rd., Rappleyea Rd., and Spruceton Rd. All 3 are being paid for with grant money.

Superintendent of Highways Frank Hermance said that they are paving and drawing sand.

**Resolution # 51-21**

**Bond from the BOGC to Purchase Cat Backhoe/loader**

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 agrees to purchase the Cat 420 Backhoe with a bond from the Bank of Greene County with an interest rate of 1.45%. The Town will use $30,000.00 for down payment and finance $80,000.00. The length of the bond will be 5 years or possibly 4 years.

**2nd Amendment Petition/ Resolution**

Bruce Thomas had presented the Town Board with a copy of an ongoing petition that has 55 names of Lexington residents on it so far along with a resolution that he would like the Town Board to pass. The Resolution is listed below.

Second Amendment Resolution

Whereas, the second amendment to the constitution of the United States of America states, “A well-regulated malaita being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed”.

Whereas, we start therefor with a strong presumption that the right to keep and bear arms is exercised individual and belongs to all Americans; Whereas, therefore the right to keep and bear arms is a fundamental individual right and shall not be infringed; and all further and future local state and federal acts, laws, orders rules or regulations regarding firearms, firearms accessories, and ammunition are a violation of the second amendment”.

Notwithstanding any other law regulation rule or order to the contrary, no agent, department, employee or official of the town of Lexington, NY while acting in their official capacity, shall knowingly and willingly, participate in any way in the enforcement of any unlawful acts.

An unlawful act is defined as “any state law, act, or order rule or regulation enacted subsequent to the effective date hereof, which restricts an individual’s constitutional right to keep and bear arms.”

Those restrictions would include “any state act, law, order, rule, or regulation which bans or effectively bans registers or effectively registers or limits the lawful use of fire arms accessories or ammunition.”

Any such “unlawful act” is invalid in the town and shall be null void and of no effect in the town of Lexington, NY. Anyone accused of violating this local law may be sued by a resident of the town.

**Second Amendment Resolution**

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

NOT ADOPTED: Ayes – 2 – Jenkins and Pushman

Nays – 3 – Barcone, Schermerhorn, Wine

Therefore this resolution was not passed because the majority felt that when they take their oath of office it states that they will uphold the Constitution of the United States and the Constitution of the State of New York. The Town Board members all support the second amendment.

**Cannabis Adult Use and Retail Dispensaries**

Supervisor JoEllen Schermerhorn said that she went to Massachusetts and visited a dispensary she said it was a very nice place and that she had to show her license before she could get in and then again once she was in they scanned it. The people there were very knowledgeable. It was not crowded and there weren’t any lines. She is not for lounges and there is no smoking on Town properties. Council Member Wine said that his choice is a martini he personally does not use pot. He thinks if it is OK to sell alcohol then it is OK to sell cannabis. Kathy asked if any of the board members read any of the articles by Rene and Council Member Bennett Wine said that he had and he found it to be incomplete.

Kathy believes that she has a pretty good track record. Kathy is worried about baked goods that children could get into. She believes that the decision should not be up to just the board but the citizens.

Kathy said to check out Sally Schindel from Arizona. Supervisor Schermerhorn said that people use it for medicinal purposes. Council Member Pushman said that he is not big on it but people could go to other Towns to get it because it is legal. Helen wanted to know if the Town Board knew what the surrounding Towns were doing. Council Member Barcone said that the Towns need to opt out by the end of December or if not they are automatically opted in. If the Town Board opts out they can always opt back in but it is a process. It was asked where a dispensary could be located and the answer was in the hamlets and it would need a special use permit. Arlene said that our Town is so small so there really

isn’t a place for one. Kathy said that if the Town opts in people could come in from other states. It is unclear as to how the sales tax would be dispersed. Helen suggested that they find out more information before they make a decision. The Town Board decided to hold off on making a decision.

Council Member Barcone said that he is not for the smoking lounges. He does understand the concern.

Helen said that the police don’t have a test to determine if someone is driving under the influence. Kathy said that she thinks the people should voice their opinions.

**RESOLUTION # 52-21**

**Surplus Backhoe**

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 Highway Superintendent Frank Hermance put the old

backhoe up for sale.

**RESOLUTION # 53-21**

**Cell Services**

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 gives Council Member Bennett Wine permission to pursue getting cell service in Lexington. He will be speaking with Senator Hinchey along with other people.

**Updates**

Supervisor Schermerhorn said that the November Town Board meeting should be changed to 11/3/21 because of Election Day. She would like to schedule a Budget Workshop for 10/14 and have the Public Hearing for the Budget on 11/3.

STR Applications are available through October 31, 2021 for the 2022 year.

Council Member Michael Barcone mentioned that there was a fire at a short term rental and luckily the renters followed the instructions of the host to get the fire extinguisher and the damage was minimal.

Forest Ranger Christine Nelson has been promoted and will not be covering this area anymore and she will be missed.

**Covid-19 Update**

Superviosr Schermerhorn had handouts from Jo Cross she said that we need to be cautious especially with the kids back in school.

**RESOLUTION # 54-21**

**Audit Committee Report**

On a motion by Council Member Benett Wine, seconded by Council Member Michael Barcone

the following was,

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

Nays - 0

Absent-1 - Jenkins

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

**Highway Fund** No.136 Through No. 153 = $ 16,701.07

**General Fund** No.203Through No. 234 = $ 17,361.52

**Lighting District** No. 8 Through No. 8 = $ 287.06

**Sewer District** No. 49 Through No. 57 = $ 1,367.98

**Public Be Heard**

Bruce Thomas had brought a copy of a petition and a 2nd Amendment Resolution. He thanked the Town Board for their consideration.

Kathy asked if the Town had an update on when the road work would be done on 23A on the way to Prattsville. The Town did not have an update. It was suggested that people write letters to the State DOT.

**Calendar of Events**

Farmer’s Market 9/4/21 & 9/18/21 10am-1pm

Blue Grass Gospel Concert 9/11/21 6-8pm

Meet NY State Senator Michelle Hinchey 9/19 4-5pm

Town Board Meeting 9/7/21 6pm

**Close Meeting and go into Exectutive Session**

On a motion by Council Member Bradley Jenkins, seconded by Council Member Michael Barcone and with all in favor the meeting was closed and the Town Board went into Executive session at 7:16 pm.

The reason for the Executive Session was to discuss the Highway Union Contract.

**Close Executive Session and Open Meeting**

On a motion by Council Member Michael Barcone, seconded by Council Member William Pushman and with all in favor the Executive Session ended and 8:10 and the Meeting was opened.

**RESOLUTION # 55-21**

**Health Reimbursement Arrangement**

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

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

Nays – 0

Abstain-1- Jenkins

Therefore this Town Board approves the Health Reimbursement Arrangement. The Resolution is as follows;

**TOWN OF LEXINGTON**

**RESOLUTION**

**HEALTH REIMBURSEMENT ARRANGEMENT**

**WHEREAS,** Town of Lexington has determined that it would be in the best interest to its employees to adopt a “Health Reimbursement Arrangement” allowing Town of Lexington employees to receive reimbursement of Medicare Premiums in not enrolled in the Group Health Plan, so-called; be it known that a vote was taken and all were in favor except for one abstention.

**RESOLVED,** that Town of Lexington adopt a so-called “Health Reimbursement Arrangement” all in accordance with the specifications annexed hereto; and, be it known that the Town of Lexington “Health Reimbursement Arrangement” Plan Document was executed August 1, 2021.

**RESOLVED FURTHER,** that the Company undertake all actions necessary to implement and administer said plan.

**Adjourn**

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins and with none opposed the meeting was adjourned at 8:12pm.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk