**Town of Lexington Town Board Meeting**

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

Supervisor JoEllen Schermerhorn opened the Town Board meeting at 6:02 pm followed by the Pledge of Allegiance to the American Flag. There was a moment of silence in memory of Ted Mead, Mary Kaplan, George Serras, Salvatore Mancuso, and Leonard Haines Jr.

**Present:** Supervisor JoEllen Schermerhorn

Council Members Michael Barcone Bradley Jenkins

William Pushman

Town Clerk Charlotte Jaeger

Town Attorney Tal Rappleyea

Superintendent of Highways Frank Hermance

**Absent:** Council Member Bennett Wine

**Others Present:** John Nolty, Kathy & Jack Jordan, Kevin Simmons Jr., Bill Keller, Helen Kerr, Allen, Jo Cross, Alida Joy & James, Bill, Lynn, Shelly, Nicole, Rick, Larry, & Mike Ryan from the Mountain Eagle

**RESOLUTION #69-21**

**Accept October 21, 2021 Budget Workshop Minutes**

On a motion by Council Member Bradley Jenkins, seconded by Council Member Michael Barcone the following was,

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

Nays - 0

Absent- Wine

Therefore this Town Board moves to accept the October 21, 2021 Budget Workshop minutes as

presented.

**RESOLUTION #70-21**

**Accept November 3, 2021 Town Board Minutes**

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

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

Nays -0

Absent-1 - Wine

**RESOLUTION #71-21**

**October 2021 Financial Report**

On a motion by Council Member Bradley Jenkins, seconded by Council Member Michael Barcone the following was,

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

Nays – 0

Absent-1- Wine

Therefore this Town Board moves to accept the financial report for the month of October 2021.

**Highway Report**

Supervisor Schermerhorn said that it was great to have Frank back. She gave an update on Howard Road. The one side of the road is open but the road keeps sinking and the town has to keep filling it in with stone. They are working on getting driveways from State Route 42. There is one property that is landlocked and would need a right of way. Councilman Jenkins was worried about liability if there is damage to property. Town Attorney Tal Rappleyea said that no the Town would not be liable. Tal has been trying to work with one of the property owners about the Town putting in a driveway from Route 42 along with an easement for the landlocked property. The owner is in the process of selling and is not receptive of this. Eminent Domain may be an option in which case there would need to be a survey and an appraisal done.

**RESOLUTION # 72-21**

**West kill Cottage Eminent Domain**

On a motion by Council Member Bradley Jenkins, seconded by Council Member Michael Barcone the following was,

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

Nays - 0

Absent-1 – Wine

Therefore this Town Board moves to use eminent domain to put in a driveway from State Route 42 on the West Kill Cottage property with an easement for the landlocked property.

**RESOLUTION # 73-21**

**Surveyor and Appraiser**

On a motion by Council Member Michael Barcone, seconded by Council Member Bradley Jenkins the following was,

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

Nays - 0

Absent-1- Wine

Therefore this Town Board moves to let the Town Attorney Tal Rappleyea see about a surveyor and an appraiser.

**Morse Road – Road #122**

Superintendent of Highways Frank Hermance wrote and signed a letter to abandon Morse Road or Lexington Route 122. Council Member Bradley Jenkins wondered if there were any other property owners adjoining Morse Road. Town Attorney Tal Rappleyea said there weren’t any.

**RESOLUTION # 74-21**

**Accept Abandonment of Morse Road – #122**

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

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

Nays - 0

Absent-1 – Wine

Therefore this Town Board moves to accept the abandonment of Morse Road.

**Town Road off from Fuller Road by Mosquito Point**

Supervisor Schermerhorn asked Superintendent of Highways Frank Hermance if this road was being used or maintained and he answered no. Council Member Bradley Jenkins asked about an escrow regarding this road and Town Attorney Tal Rappleyea said that the money was probably long gone since the deed was from 1960.

**RESOLUTION #75-21**

**Columbia - Greene Humane Society/SPCA Contract**

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

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

Nays - 0

Absent-1- Wine

Therefore this Town Board moves to accept the agreement from the Columbia – Greene Humane Society/SPCA for the period of January 1, 2022 through December 31, 2022.

**Delegate from the Town for the New York City Classes**

No one would be going from the Town of Lexington.

**RESOLUTION #76-21**

**Reappoint Susan Falke-Turk to the BAR**

On a motion by Council Member Michael Barcone, seconded by Council Member Bradley Jenkins the following was,

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

Nays - 0

Absent-1- Wine

Therefore this Town Board moves to reappoint Susan Falke- Turk to the Board of Assessment Review for a 5 year term.

**RESOLUTION # 77-21**

**Accept Letter of Resignation from Daneil Davern Sr.**

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

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

Nays -0

Absent-1 – Wine

Therefore this Town Board moves to accept the letter of resignation from Daniel Davern Sr. from the Planning Board effective December 31, 2021.

**Senior Citizen & Disabled Tax Exception Maximum Income Limits**

There will be a public hearing at the Organizational Meeting on January4, 2022.

**Short Term Rental Applications**

The Town Board has decided to start with the cap of 10 new short term rentals on January 1st.

There was also clarification to contact the emergency contact person/ property manager first regarding complaints and record it.

**RESOLUTION #78-21**

**Support of the Land Acquisition Reduction Recommendations in the 2020 August National Academies (NAS) Expert Panel Report**

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

ADOPTED: Ayes – 3 – Barcone, Pushman, & Schermerhorn

Nays -1 – Jenkins

Absent- 1 – Wine

Therefore this Town Board moves to join in the Delaware County Board of Supervisors petition to request that a moratorium on new purchase contracts for fee title and DEP Conservation easements, be implemented in Delaware County pending a comprehensive review of the land acquisition program to identify the need for the continuation of land acquisition, the benefits of land acquisition, the impact of land acquisition community sustainability and the other tools available to achieve MOA land acquisition objectives.

**Covid-19 Update**

Health Officer Jo Cross said that numbers of cases are really sky rocketing. The escalation started in September. The Delta Variant is wreaking havoc in Greene County. People are still continuing to get vaccinated and hopefully that will make a difference.

**RESOLUTION # 79-21**

**Pay Stipends**

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

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

Nays - 0

Absent-1- Wine

Therefore this Town Board moves to give an amount of $500.00 to Jo Cross and $1000.00 to Peggy Rappleyea, Carl Giangrande, and Charlotte Jaeger for doing extra things brought about by the Covid situation.

**AED**

Supervisor Schermerhorn would like to purchase a couple of AEDs with the ARPA money received.

**RESOLUTION # 80-21**

**Audit Committee Report**

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

Absent-1 – Wine

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

**Highway Fund** No.195 Through No. 220 = $ 30,553.81

**General Fund** No. 282 Through No.337 = $ 25,602.48

**Lighting District** No. 11 Through No. 11 = $ 290.57

**Sewer District** No. 76 Through No. 88 = $ 7,464.43

**Public Be Heard**

Helen is concerned that we only have one time to opt out. Her information is from reputable websites.

She said that the local law would need to be adopted by December 31st. She believes the Town should opt out because they can always opt back in again at a later date. Bill agrees since so many other Towns

opted out. Jack said that our Town Attorney has advised other Towns to opt out and he found it offensive that a Board Member would say things to the newspaper and ridicule their townspeople. Alex

agreed with Helen regarding opting out. Kathy wanted to know if the Board read any of the articles or went on any of the websites that she provided. She urged the Board to opt out. Helen wanted to know why the Board was hesitant to opt out when they have the option of opting back in. She thinks the people of the Town should be heard. The State doesn’t even know what they are doing yet. Supervisor

Schermerhorn said that the Town of Lexington has zoning in place. Michael said that he thinks there is sense in what was said and there should be discussion with the Town Attorney present. While he supports opting in he thinks that there should be something formal. Supervisor Schermerhorn reminded people that smoking and drinking is not allowed on Town property which includes the playground and pocket park so cannabis use would not be allowed there either.

**RESOLUTION # 81-21**

**Public Hearing on a Local Law regarding opting out of Cannabis**

On a motion by Council Member Bradley Jenkins, seconded by Council Member Michael Barcone the following was,

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

Nays -0

Absent-1 – Wine

Therefore this Town Board moves to have a public hearing on December 28th followed by the year end meeting.

**Calendar of Events**

West Kill-Lexington Community Coffee Hour 12/10 12/17 2-4 pm

Santa is Coming to Town! 12/11 2 pm

Fire Commissioners Election 12/14 6-9 pm

Retirement for Town Judge Basil 12/20 11 am

End of the Year Town Board Meeting 12/28 6 pm

Next Town Board Meeting 01/04 6 pm

**Adjourn**

On a motion by Council Member Bradley Jenkins, seconded by Council Member Michael Barcone and with none opposed the meeting was adjourned at 7:55 pm.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk