**Town of Lexington Town Board Meeting**

**October 6, 2020**

Supervisor JoEllen Schermerhorn opened the meeting at 6:05PM at the Municipal Building located at 3542 Rte. 42, Lexington followed by the Pledge of Allegiance. There was a moment of silence in memory of Mary Westman

**Present:** Supervisor JoEllen Schermerhorn

Council Members Bradley Jenkins

William Pushman

Bennett Wine

Superintendent of Highways Frank Hermance

Town Clerk Charlotte Jaeger

Town Attorney- via zoom Tal Rappleyea

**Others Present:**  David Goldberg, Lynn Byrne, Paul Dwon, Bruna Naspolini,& Mike Ryan from the Mountain Eagle (All Via Zoom) James Doran (In Person)

**RESOLUTION # 78-20**

**Accept September 1, 2020 Minutes**

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

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

Nays - 0

Abstain-1- Pushman

Therefore this Town Board moves to accept the September 1, 2020 minutes noting that the date for the Town Board meeting under the Calendar of Events should be 10/06/20 and not 10/05/20.

**RESOLUTION # 79-20**

**Accept August 2020 Financial Report**

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 for August 2020.

**Highway Report**

Superintendent of Highways Frank Hermance said that they were finishing up blacktop patching and that they are working on Sanders getting ready for the winter season. There are a couple of culverts that need to be replaced. The Backhoe needs work. He would like to rent one for a month. He sent the roller back a month early so that would help offset the cost. He would like permission from the Board to rent the Backhoe. The Board had no problem with Frank renting the backhoe. Frank also wanted to report that the County told Frank not to black top a small section because they were replacing the bridge at the end of Spruceton Rd. Frank complained to Greene County because they never black topped it. Supervisor Schermerhorn and Superintendent of Highways Frank Hermance will send the County a letter. Council Member Bennett Wine complimented Frank on getting the no parking signs and putting them up on Spruceton Road.

**RESOLUTION # 80-20**

**Resignation of BAR Member James Tilp**

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 moves to accept the resignation of James Tilp and thanks him for his years of service.

**RESOLUTION # 81-20**

**Raising the Fee for Dog Licenses**

On a motion by Council Member Bennett Wine, 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 raise the cost of a dog license for spade/ neutered dogs from $6.00 to $8.00 and for unaltered dogs from $13.50 to $16.00 beginning January 1, 2021.

**Hunter Public Library Appeal for Donation**

Supervisor JoEllen Schermerhorn read a letter that she received from the Board of Trustees of the Hunter Public Library asking for a $500.00 donation from the Town per year. Supervisor JoEllen Schermerhorn said that the Town of Lexington does not give donations. The Town of Lexington has

5 school districts in it. The Hunter Public Library is funded by HTC taxes. Council Member Bennett Wine thought that the Town should put money in the budget in order to give donations. Supervisor JoEllen Schermerhorn said that it would be difficult to determine who should get the donations.

**UPDATES**

**Covid-19**

Supervisor JoEllen Schermerhorn said that the number of positive cases is on the rise in Greene County. There were no new deaths or hospitalizations. Council Member Michael Barcone said that

he believes that Greene County really needs to update their dashboard and include townships. Ulster County does a great job of notifying localities and letting those localities know when there are infections in the community and he is bothered that Greene County does not do that. Supervisor JoEllen Schermerhorn said that she would speak to Jo Cross the Towns’ Health Officer about it.

**Census 2020**

The date for the 2020 Census has been extended. Supervisor Schermerhorn is very concerned about how the census was done.

**West Kill – Spruceton Road Speed Concerns**

Supervisor Schermerhorn has had a number of calls and emails pertaining to speeding on the Spruceton road. She believes it is a problem in other places as well. Council Member Bennett Wine said that he bikes along that road and that for the most part people don’t exceed the speed limit. Council Member Michael Barcone said that the Sheriff sent deputies up and they really didn’t issue any tickets. Sherri ff Kusminsky said that he would put a speed monitor up coming out of the West Kill hamlet passed the Community Hall. There is more traffic especially with the construction going on but there are also families that are walking in the road. James Doran said that when he rode his bike on Spruceton road

he was grateful to be out of the city traffic and that he was only buzzed twice, once by a Porche and by a Bottini truck. It was agreed that utility companies & UPS tend to travel at a faster pace as well as people on their way home from work. Mr. Goldberg said that it is hard to enforce the speed limit and his solution would be to lower the speed limit and if the speed limit is the same all the way through it would be easier to maintain the same speed. Supervisor Schermerhorn said that it is a County road and the State DOT sets the speed limit. Council Member Bradley Jenkins said that the State would do a study and the State could actually raise the limit and not lower it. Paul Dwon said his concern was parking especially in case of an emergency. Council Member Michael Barcone has been speaking to

some elected officials in Albany as well as Michelle Hinchey about getting parking areas increased.

He suggested people start making calls and writing letters. It is important that people sign in so that people know how much the trails are being used. It was suggested that a petition be started to expand the parking areas. A traffic counter would be another way to gather information. It was decided that a committee should be made up to gather information. Council Member Bennett Wine suggested that

something should be put on the website. Mr. Goldberg thought that maybe the two issues could be combined. Council Member Michael Barcone said he could get in touch with the 3500 club. Town Attorney Tal Rappleyea said that an individual in Jewett gave a donation and it was used to pay for

extra police coverage. Council Member Bennett Wine said that he would take pictures. James Doran

Volunteered his help. Supervisor Schermerhorn would like people to report back at the next meeting.

**Short Term Rentals**

Council Member Michael Barcone presented the Short Term Rental proposal. He thanked the committee for their hard work on it. The proposal is as follows:

**TOWN OF LEXINGTON SHORT TERM RENTAL COMMITTEE SUGGESTED REGULATIONS**

THE TOWN OF LEXINGTON SHORT TERM RENTAL COMMITTEE HAS ADOPTED THE FOLLOWING DEFINITION OF “SHORT TERM RENTAL”

**Definition:**

Short-term rental and vacation rental shall mean and include those that are furnished apartments or living units in a dwelling ordinarily occupied for residential purposes or otherwise directly by the owner or through an owner’s agent or hosting platform.

**Hosted Property- owner resides on the property**

**Un Hosted Property- owner not living on property, but mush have local property manager**

**Local Property Manager- Person in charge of managing the property**

**Proposed Regulations:**

1) Short Term Rental (STR) operation by licensed permit, granted upon initioal inspection renewable annually, financed by licensing fee as follows: $150.00 for Lexington residents; $300.00 for non-residents; $50.00 for each additional dwelling unit on the same lot. Licenses are granted as pet lot.

2) STR operations shall have 90 days to apply for an STR license after the public announcement of said regulations.

3) Any STR operator in Lexington who rents an STR more than 90 days after the announcement of said regulations without applying for a STR license shall be subject to a fine to be determined by the Lexington Town Board.

4) Lexington Short Term Rental licenses shall be granted only to the property owner of the STR being registered.

5) Upon applying for a STR license, the STR operator must provide a water test result of the potable water supply of the rented dwelling that complies with Subpart 5-1(non-community water system) of the New York State Sanitary Code. Water test shall be required upon annual renewal of the STR license. Failure to meet New York State Sanitary Code Standards shall requiret hat STR operator to notify guests of the filure, and provide potable bottled water to the guests, until such time as the failure is remedied. Upon failure of a water test, STR operator shall be reqquired to submit a quarterly tesst for a period of one year to continue operation.

6) The STR shall request an inspection of the STR property at the time of application, to be scheduled by the town Code Enforcer. Such inspection must be completed within thirty days of the request. The STR license shall be maintained upon passing said inspection, or revoked until such time as remedies are effected.

7) New STR operators whose rental property has a Certificate of Occupancy may commence to rent their property on issuance of a STR license. New STR operators whose rental property DOES NOT have a C of O SHALL NOT be allowed to rent their property until such time as a successful inspection is completed. At any given time a violation is issued, the host has thirty days to remedy the violation. If a host receives three violations and the violations are not remedied and the host is still renting the dwelling **revocation** of said license will ensue.

8) Any legal resident of Lexington who is a resident host i. e. rents lodging in his/her fulltime legal residence may apply for a Lexington STR license. STR operation licenses in Lexington granted to non-Lexington residents or Lexington residents who are not resident hosts of the licensed property shall be limited in number to 10% of the currently existing number of dwelling units in the town.

9) STR host shalll provide the ability to make an emergency telephone call.

10) STR host must be able to provide an on-premise response to an emergency call from a gust within 60 minutes of receiving the request.

**11) MUST POST: Fire safety requirement, concerning smoke alarms, CO alarms, and fire extinguishers , as per the most recent version to the National Fire Safety Code. Fire extinguisher certificaton required every 12 months.**

**12) STR host shall display the fire number of the rental property for prominent visibility from the street curb in numerals at least 4 inches high.**

**13) Placard delineating clear route of exit in case of emergency required in every bedromm, to be affixed t the back, inside surface of the bedroom door.**

**14) STR host shall provide information delineating local restrictions on property boundaries/noise/trespass/garbage disposal, etc., as per zoning code, including emergency telephone numbers, to be made available in every rented dwelling unit.**

**15) STR operator is recommended to maintain appropriate STR liability insurance.**

**16) Lexington STR regulations shall be reevaluated at such times as the Town of Lexington reevaluates their Comprehensive Plan.**

**Respectfully Submitted – Lexington Short-Term Rental Committee**

**Michael Barcone - Chair**

**Eric Davison**

**Beverly Dezan**

**Jenni Cawein**

**Peggy Rappleyea**

**Short Term Rental Registration Procedure**

1. A filled out application form along with payment gets presented to the town clerk.

2 The town clerk then enters their information into the database.

3. the town clerk makes a file for that property.

4. The town clerk then gives the original completed application form along with the file to the code enforcer.

5. The code enforcer then contacts the property owner to set up a site visit.

6. The code enforcer performs the site visit. If they are approved, the building inspector will issue a certificate along with the information sheet that they can either pick up or get mailed to them.

**The information sheet and certificate are to be clearly posted in each dwelling.**

**7. The code enforcer then places the notes in the file along with the original registration form and then gives files that are approved, or not approved, back to the town clerk for entry into the database. The town clerk then files the folder into a special area just for short term rental properties.**

The STR Committee had examples of the Information sheet for short term rental occupants, short term rental license application, and for the site visit. Michael Barcone said that he believes that there are around 33 short term rentals in Town. Supervisor Schermerhorn asked about seasonal rentals and it was discussed about renewals. There should be lease agreements for people renting for longer terms. Paul Dwon mentioned that vacant lots were being used as well. Supervisor Schermerhorn said that she was aware of it and told the Code Enforcement Officer about it. There will be a public hearing where people can discuss this further.

**Harassment Classes**

Supervisor Schermerhorn would be staying after the meeting to give another harassment class.

**2021 Budget**

Supervisor Schermerhorn said that the tax cap is 1.56%. She handed out copies of a tentative budget for 2021 to the Board members to review. She told them to take a look and double check her figures.

**Code Enforcement Report**

The Town Board have copies to peruse at their leisure. The Board commented on how busy Carl has been.

**RESOLUTION # 82-20**

**Audit Committee Report**

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushaman

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. 175 Through No. 203 = $ 42,739.22

**General Fund** No. 257 Through No. 291 = $ 18,533.09

**Lighting District** No. 9 Through No. 9 = $ 261.84

**Sewer District** No. 46 Through No. 59 = $ 2,644.40

**Windham Falls** No. Through No. = $ 0.00

**Public Be Heard**

Council Member Bennett Wine would like to use electronic copies and not paper. If anyone else would like to opt out contact the Town Clerk.

**Calendar of Events**

Harassment Training 10/8 at 7pm

Farmer’s Market 10/10; 10/24

2021 Budget Workshop 10/14

Election Day Tuesday Nov. 3rd 6 am – 9 pm

Next Board Meeting & Thurs. Nov 5th 6 pm

Public Hearing

**Close Regular Meeting and go into Executive Session – No Action will be taken**

Council Member William Pushman made a motion to close the regular meeting and go into executive session and Council Member Bradley Jenkins seconded that motion and with none opposed the Board went into Executive Session.

**Close Executive Session**

Council Member Bennett Wine made a motion to close the Executive Session and Council Member

Michael Barcone seconded the motion and with none opposed the Board closed Executive Session and went back into the regular meeting at 8:38 PM.

**Adjourn**

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman and with no further business and all in favor Supervisor Schermerhorn adjourned the meeting at 8:40 PM.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk