**Town of Lexington Town Board Public Hearing & Meeting**

**December 1, 2020 Via Zoom**

Supervisor JoEllen Schermerhorn opened the public hearing at 6:10 pm

**Present:** Supervisor JoEllen Schermerhorn

Council Members Michael Barcone Bradley Jenkins

William Pushman

Bennett Wine

Superintendent of Highways Frank Hermance

Town Clerk Charlotte Jaeger

Town Attorney Tal Rappleyea

**Others Present:** Elyse & Stephen Yanoff, Larry & Devon Russ, Mike Ryan form the Mountain Eagle, Harley Yanoff, Bridie Farrelll, Nancy & Matt Jordan, Eric Davison, Jen Cawein, Anne Hall, Regina Tortorella, Ryan Potter, Hillary Kolos, Aaron Perer, Lynn Byrne, Steven Weinberg, James Doran, Stephanie Wood, & Joe Montebello

**Public Hearing Short Term Rental Regulations Proposal**

Supervisor JoEllen Schermerhorn said that Council Member Michael Barcone and the committee on Short term rentals have been working on this proposal for about 6 months and is a work in progress.

The Town Board would most likely wait to vote on this. Council Member Michael Barcone had received several letters. He started by reading a letter from Stephen & Casey who are in favor of the regulations. The next letter was from Matt & Nancy. Nancy said that they had a couple of comments

one was concerning the ability to make an emergency phone call and the second was regarding the water test, who can conduct the test and the documentation needed. They believe the fee should be the same for everyone and the 10% cap is premature. Council Member Michael Barcone said that he would address those concerns. He said that the Town would need to form a data base that states who owns short term rentals, how many occupants are allowed, who the manager is, parking spaces, safety, etc. One of the biggest complaints has been garbage so that was taken into consideration as well. The water test can be done by a number of companies. There is a place right in Hunter. There just has to be some way for people to make a 911 call whether by a land line or over the internet. There is a lack of housing stock on the Mountain top so the 10% cap is a way to try to help with that. This number is just a starting point and not set. The fees would be beneficial to locals. The fees are not set in stone. Anne has a small business and supports the regulations. She thinks there should be safe guards. She thinks there should be one rental per person and she thinks we should build community. The Town is not anti short term rental but there needs to be a law in place in order to deal with complaints and to keep people safe. Steve asked about the 10% cap. He wanted to know how that number is arrived at. Michael Barcone said that 10% would be for out of area owners. Bridie asked if there was discussion as to how this would be enforced. The Code Enforcement Officer would be the one to do the inspection. The Board has to decide on what the structure will be for violators. It was also brought up how do you know who has short term rentals. There is a soft ware program for this. Stephen wanted to know how it would work if you had an air bnb on the same property as a business or residence. Michael Barcone said that if you have a bed and breakfast, that is in a separate category. A barn that would have special events and catering would require a special use permit. Stephanie said that where she is from they have coalitions that address issues that the public has. She wondered why the Town would look at short term rentals for safety and not private residences. Short term rentals would be considered a business. Regina believes restrictions will scare away people or potential business. Anne supports the regulations, she wants to transform and build this community. Eric said that these regulations are pretty minimal and should not be an impediment at all. Supervisor Schermerhorn said that this is not just an issue in Lexington but on the whole Mountain top. She is hopeful that the Towns could work together and possibly share services. Larry asked how close we are to the 10% mark but this could not be answered yet. Council Member Barcone said that the long term goal is to have some shared services and he thanked everyone for their participation. Bridie asked if there was a way to tax short term rentals and Town Attorney Tal Rappleyea said that it is very difficult to do this. Anne thanked the Town Board for allowing the community members to share their thoughts.

**Close the Public Hearing**

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman and with none oppose the Public Hearing was closed at 7:03.

**Regular Town Board Meeting**

Supervisor JoEllen Schermerhorn opened the Town Board meeting at 7:03 pm followed by the Pledge of Allegiance to the American Flag. There was a moment of silence in memory of Robert Hoagland and

Irene Hoagland Wilcox.

**RESOLUTION #97-20**

**Accept November 5, 2020 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 moves to accept the November 5, 2020 minutes as presented.

**RESOLUTION # 98-20**

**Accept October 2020 Financial Report**

On a motion by Council Member Michael Barcone, 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 accept the Financial Report for October 2020.

**Highway Report**

Superintendent of Highways Frank Hermance said that they were finishing trimming and chipping trees/branches that fell along the roads. He talked to soil and water about the culvert on Rappleyea Road. Supervisor JoEllen Schermerhorn read correspondence from SWAC that the application has been approved for funding for the design of the culvert. Superintendent Hermance believes that the culvert will pretty much be paid for as well.

**Alarm System**

Supervisor Schermerhorn said that the Town needs to have a company take over for Master Alarms.

She spoke to someone from Doyle about this. She can look into other companies too.

**Mortgage Tax/ Assessment Rolls**

The Town received $16,365.00 from the County for mortgage tax and $1,000.00 charge back for the Assessment software.

**2021 Greene County Exemptions for Seniors and Dissabled**

Supervisor Schermerhorn would like to go with the figures that the County has established. Town Attorney Tal Rappleyea thought this needed to be done by a law which means there would need to be a public hearing. It was decided that the hearing would take place before the January meeting.

**RESOLUTION # 99-20**

**Dispose of Tentative Rolls**

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 dispose of the Assessor’s copy of tentative rolls dated from 2004 to 2015.

**RESOLUTION # 100-20**

**2021 Humane Society Contract**

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 accept the contract for 2021 with the Humane Society. The annual report from the Humane Society is on file in the Town Clerk’s office.

**RESOLUTION #101-20**

**Commercial Picnic Table for Playground**

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 of the Town of Lexington approves the purchase of a ADA compliant

commercial picnic table for the playground located on 13A.

**Short Term Rental Discussion**

Council Member Bennett Wine asked if it would be legal to have a review process to create a standard for people who don’t live in Town. Town Attorney Tal Rappleyea said you can do anything that you want as long as it does not violate the New York state constitution. Council Member Bradley Jenkins is worried about discrimination. Bennett wants to decide who can have an air bnb and who can not. Council Member William Pushman asked why would you need a whole other process when Council Member Michael Barcone & the committee has already come up with one. Primary residence is determined by where you vote, your driver’s license, and how you file your taxes. Supervisor Schermerhorn said that we need residents to do the jobs of plowing, mowing, cleaning, etc. Council Member Bennett Wine asked if a license could be revoked after a certain number of violations and Town Attorney Tal Rappleyea answered yes to that. The Town of Jewett allowed 12 months for STRS to register. Noise ordinance is very hard to enforce but by having other things in place like number of occupants, parking, etc., hopefully that will help with the noise levels. Bennett questioned the 30 days or less stay for air bnb definition. When the law is made you can always make amendments if needed.

Bridie said it would be interesting to see the data for length of stay.

**Covid – 19**

There are 2 cases in the Town of Lexington at this time. The County is trying to get a Town by Town break down.

**West Kill – Spruceton Road**

Council Member Bennett Wine was up there the day after Thanksgiving and there wasn’t anyone in the turn around and the big parking lot was a third full. He believes that there would need to be more parking signs and they should be bigger but he is not sure that it is necessary. DEC should be petitioned to make the parking lots bigger. Council Member Michael Barcone has been in contact with Michele Hinchey to go over options. She would like to see the Catskills get some funding.

**Trout update**

Council Member Michael Barcone said that 60% of the stream maintains temperatures and a steady flow to sustain the brown trout ecosystem. We are still waiting for the genetic testing results.

**Decorations**

Supervisor Schermerhorn wanted to thank the Fire Company and the Highway department for putting up lights & decorations. This helps to boost spirits during the pandemic. The Fire Company is looking

for donations of lights to decorate the tree on the lawn of the Municipal Building

**RESOLUTION #102-20**

**Audit Committee Report**

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 approve the paying of the following expenditures.

**Highway Fund** No. 225 Through No. 250 = $ 23,154.72

**General Fund** No. 313 Through No. 338 = $ 10,400.20

**Lighting District** No. 11 Through No. 11 = $ 292.34

**Sewer District** No. 64 Through No. 70 = $ 21,274.74

**Windham Falls** No. 12 Through No. 12 = $ 270.00

**Public Be Heard**

Bridie asked about internet contracts and being able to get out of them without paying large penalties. She has one with Hughes Net and the internet doesn’t work. She was concerned because of Covid and people having to work from home & remote learning. She was worried about people having this issue.

**Calendar of Events**

End of Year Meeting Tuesday, December 29th at 6:00pm via Zoom

Town Board Meeting Tuesday, January 5th at 6:00pm via Zoom

**Adjourn**

On a motion by Council Member Bradley Jenkins, seconded by Council Member Michael Barcone and with no further business and all in favor Supervisor Schermerhorn adjourned the meeting at 8:15 pm.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk