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

**December 28, 2021 In Person & Via Zoom**

**Present:** Supervisor JoEllen Schermerhorn

Council Members Michael Barcone Bennett Wine

William Pushman

Town Clerk Charlotte Jaeger

Town Attorney Tal Rappleyea

Superintendent of Highways Frank Hermance

**Absent:** Council Member Bradley Jenkins

**Others Present:** John Falke, Jack & Kathy Jordan, Louie & Nancy Kizyma, Paul & Elaine Feckner, Alfred Truesdell, Barbara Richrath, Adam Lamberg, Susan, Larry & Devon Russ, David Goldberg, Shelly, Steven Weinberg, Moira Taylor, John Enochty, Sarah Pellizzari, Ariel Levy, Beverly Dezan, Lynn Byrne, Helen, Jen Cawein, Colleen Kortendick, Sascha, & Mike Ryan from the Mountain Eagle

**Public Hearing Re: Local Law to Opt Out of Cannabis Dispensary and or Cannabis on-site Comsumption Establishments within the Town of Lexington**

Supervisor Schermerhorn opened the public hearing at 6:12 pm and read some of the highlights regarding smoking and consumption. Steven and Casey said that they were in favor of opting in.

Larry does not see banning dispensaries would protect the residents in Town so is for opting in. Elaine

wanted to know who would make sure the cannabis is safe for people. She is against it so wants to opt out. Supervisor Schermerhorn said that the dispensaries will be strictly regulated. Helen wants to opt out because the Town can always opt in later on. She doesn’t want the Town to get into something that they may not agree with when the regulations come out and then we are stuck. Ray& Lessia want to opt out. Nancy wants to opt out, she is against it and does not want any extra traffic. Devon said that using marijuana in a car is illegal. The Town can regulate time and place and manner. David is concerned about traffic and he would want there to be enforcement of speed limits. John does not want it in our Town so he says to opt out. Jack has brought lots of documents and verified information regarding what the costs would be to the community. He believes some of this has fallen on deaf ears and that he has been ridiculed. Many surrounding Towns have already opted out. He says to opt out. Lynn would like to see the Town opt in and there is a lot of information available on the State website. She is for medical marijuana. Beverly is for opting in and wanted to point out that she is for medical marijuana as opioids are over used. Barbara wants to opt out as she believes marijuana can lead to other problems and says there is a big difference between medical and recreational use. Jenni does not want the lounges but as far as dispensaries she does not want to opt out. She believes if we opt out people will go to other places and we would lose out on any revenue. We have zoning that a lot of other towns don’t have. There is also no smoking on Town properties. Elaine wants to know why no traffic is being controlled on Spruceton Road and believes whatever revenue the Town takes in will be spent on enforcement. Kathy said that the Town Board has been elected to represent this community and to keep this Town safe. She said that the concentrates in cannabis are much higher than compared to years ago. Just because the state has made it legal does not make it right or safe. She talked to Moms that there children had committed suicide. She said let us heed the warnings from other states. Alfred managed a game farm and a ski area when marijuana use started to become popular and had to fire people because of it. He says to opt out. Jack brought 2 letters from people that wanted to opt out. John says that the fire/rescue is already at its limit without having to have problems with people smoking pot. Sascha says we could use the revenue so wants to opt in. Paul says this would be blood money so he says to opt out. Bill K. would say to opt in but is not really for the lounges. Nicole is for opting in. Nancy wanted to know where is it zoned for these dispensaries and Supervisor Schermerhorn said that we have a planning board and the dispensaries can’t be near schools or play grounds. Dispensaries are very regulated. Adam is for opting in for tax revenue. The licensing for these places will be exceptionally hard. Jack wanted to know what towns opted out and why did our Town Attorney advise other towns to opt out. Supervisor Schermerhorn has had people talk to her about opting in. Frank says to opt in because it’s been here for many years. Colleen would like to see the town opt in. Ariel & Joyce would like to see the Town opt in. John & Moira would like to opt in since people are using it already so why not get some revenue from it. Paul said that the Town wanted to put in a rehab place and that opting in would not help anyone.

**Close Public Hearing**

On a motion by Council Member William Pushman, seconded by Council Member Michael Barcone and with none opposed the public hearing was closed at 6:58 pm.

**Open Town Board Meeting**

Supervisor Schermerhorn opened the Town Board meeting at 7:01 pm followed by the Pledge of Allegiance to the American Flag. There was a moment of silence for Marion Mead and Margaret Stapleton.

**RESOLUTION # 83-21**

**Accept December 7, 2021 Town Board Minutes**

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

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

Nays - 0

Absent- 1 Jenkins

Therefore this Town Board moves to accept the December 7, 2021 Town Board minutes as

presented.

**RESOLUTION # 84-21**

**Accept December 15 Special Meeting Minutes**

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

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

Nays - 0

Absent-2 – Jenkins & Wine

Therefore the special meeting minutes from December 15, 2021 were accepted as presented.

**RESOLUTION # 85-21**

**November 2021 Financial Report**

On a motion by Council Member Bennett 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 accept the financial report for the month of November 2021.

**Highway Report**

Supervisor Schermerhorn said that a driveway was put in off from Route 42 because of the Howard Road failure. The Town will be closing the road past Kevin Van Valkenburgh’s house. The Town is working on a solution for a couple of other driveways.

Superintendent of Highways Frank Hermance said that one of the trucks broke down, the transmission went out and that it is under warranty since it only has 23,000 miles on it. Supervisor Schermerhorn thanked Superintendent of Highways Frank Hermance for his 12 years of service followed by a round of applause by everyone in attendance.

**Local Law Opt-Out**

Supervisor Schermerhorn asked which Council Member wanted to give their thoughts. She said that we really don’t have the population but who knows what the out come will be. She does believe that it will be safer for people to go to a dispensary. She is for opting in for the dispensaries but is not for the lounges. People need to be responsible so their children do not get it. She went to a dispensary in Massachusetts and it was not crowded and it was very secure. Bennett was sorry that he missed the last meeting and he had heard that Helen was very thought provoking and persuasive. He wanted to apologize to Kathy & Jack Jordan for a sarcastic remark that he made but he does not agree with a lot of the information that they have provided. He believes that marijuana has been illegal for far too long.

He is for opting in for the dispensaries and also for lounges but is willing to compromise. He believes

that if people can go to a bar for alcohol they should have a choice to get marijuana. He said that any argument made against marijuana can be made against alcohol as well. He votes to opt in for dispensary but vote to opt out of lounges. Michael does not believe in prohibition of any legal products.

It is your responsibility to keep your children safe. He would like to opt out of the lounges but would like to opt in for the dispensaries because the Town would still get revenue even if there is not a dispensary located here. Bill believes he is the lone duck. He would like to opt out. He would rather wait and see what the regulations will be since the Town could opt back in later. He mentioned that a number of surrounding Towns opted out. He would like to hear from the Town Attorney. Supervisor Schermerhorn asked Attorney Tal Rappleyea if he wanted to speak. Town Attorney Tal Rappleyea said that he is a little more conservative and he would like to wait and see what the regulations are going to be because you can opt back in later. He did say that we do have protections that other Towns don’t because we have zoning. Michael asked what regulations might come down from the state and Town Attorney Tal Rappleyea said that he really didn’t know.

**RESOLUTION # 86-21**

**Local Law # 4 of 2021**

**A Local Law Adopted Pursuant to Cannabis Law 131 Opting Out of Licensing And Establishing On-Site Cannabis Consumption Establishments Within the Town of Lexington**

On a motion by Supervisor Schermerhorn, 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 passes a local law to opt out of on-site consumption of cannabis. Local Law #4 of 2021 is as follows:

TOWN OF LEXINGTON

LOCAL LAW # 4 OF 2021

A LOCAL LAW ADOPTED PURSUANT TO CANNABIS LAW § 131 OPTING OUT OF LICENSING AND ESTABLISHING ON-SITE CANNABIS CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF LEXINGTON

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF LEXINGTON AS FOLLOWS:

A local law adopted pursuant to Cannabis Law § 131 opting out of licensing and establishing retail cannabis dispensaries and/or on-site cannabis consumption establishments within the Town of Lexington, County of Greene, State of New York.

Section 1. Legislative Intent

It is the intent of this local law to opt the Town of Lexington out of hosting retail cannabis dispensaries and/or on-site cannabis consumption establishments within its boundaries.

Section 2. Authority

This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes municipalities to opt-out of allowing retail cannabis dispensaries and/or on-site cannabis consumption establishments to locate and operate within their boundaries.

Section 3. On-Site Consumption Opt-Out

The Town Board of the Town of Lexington, County of Greene, hereby opts-out of establishing cannabis on-site consumption establishments within its boundaries.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State. Pursuant to Cannabis Law § 131, this local law is subject to a permissive referendum and thus may not be filed with the Secretary of State until the applicable time period has elapsed to file a petition or a referendum has been conducted approving this local law.

**Opt out of Dispensaries**

Council Member William Pushman made a motion to opt out of Dispensaries but there was **not** a second to the motion.

**Annual Dog Control Report**

Bruce Feml submitted an annual dog control report for 2021.

**RESOLUTION # 87-21**

**2022 EMS Greene County Contract**

On a motion by Council Member William Pushman, seconded by Council Member Bennett Wine the following was,

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

Nays –0

Absent-1 – Jenkins

Therefore the Town of Lexington Town Board moves to participate in an agreement with Greene County Emergency Medical Systems, Inc., for 2022 at a cost of $3,916.00.

**RESOLUTION # 88-21**

**Accept Resignation from Zoning Board Member Steven Rossignol**

On a motion By Council Member William Pushman, 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 accept the resignation from Steve Rossignol as a Zoning Board member since he has been elected Town Justice and can not do both. Supervisor Schermerhorn thanked Steve for his years of service.

**RESOLUTION # 89-21**

**Accept Resignation from Charlotte Jaeger as Planning Board Secretary**

On a motion by Supervisor Schermerhorn, 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 accepts the resignation of Charlotte Jaeger as Planning Board Secretary effective December 31, 2021.

**Continuation of Jenni Cawein as Town Planning Board Member as well as for Greene County Planning Board Member**

Supervisor Schermerhorn read a letter that Jenni sent the Town Board.

**RESOLUTION # 90-21**

**Ambient Environmental Inc. Proposal**

On a motion by Council Member Bennett 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 accepts the proposal submitted by Ambient Environmental Inc. for an assessment which will cost $1,585. The assessment is to check for asbestos in the crawl space.

**RESOLUTION # 91-21**

**Adopt Executive Order No. 11.1 issued December 26, 2021 Pertaining to Granting Exemptions Under Sections 459-C and 467 of the Real Property Tax Law**

On a motion by Supervisor Schermerhorn, seconded by Council Member William Pushman the following was,

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

Nays -0

Absent-1 – Jenkins

**WHEREAS, SAID EXECUTIVE ORDER AUTHORIZES, BY LOCAL OPTION, THE GOVERNING BODY, TO DIRECT THE ASSESSOR TO GRANT THE FOREGOING EXEMPTIONS ON THE 2022 ASSESSMENT ROLL TO SUCH PROPERTY OWNERS WHO RECEIVED SUCH EXEMPTIONS ON THE 2021 ASSESSMENT ROLL, WITHOUT REQUIRING A RENEWAL FORM TO BE FILED. NOTWITHSTAINDING SAID DIRECTION, THE ASSESSOR MAY REQUIRE A RENEWAL APPLICATION TO BE FILED WHEN HE OR SHE HAS REASON TO BELIEVE THAT AN OWNER WHO QUALIFIED FOR THE EXEMPTION ON THE 2020 ASSESSMENT ROLL MAY HAVE SINCE CHANGED HIS OR HER PRIMARY RESIDENCE, ADDED ANOTHER OWNER TO THE DEED, TRANSFERRED THE PROPERTY TO A NEW OWNER, OR DIED.**

**RESOLVED, THAT THE TOWN BOARD ADOPTS SAID LOCAL OPTION, EFFECTIVE IMMEDIATELY**

Supervisor Schermerhorn said that there will not be a public hearing in January because the laws passed last year will stand since the dollar amounts set by Greene County did not change.

**CDC Update**

Instead of a 10 day quarantine it is now 5 days if you do not have symptoms.

**RESOLUTION # 92-21**

**Budget Transfers**

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

Absent-1 – Jenkins

Therefore the following Budget Transfers were approved by this Town Board.

**GENERAL FUND**

From: A1990.4 Contingent $ 2,502.69 To: A1220.2 Supervisors Equipment $2,502.69

From: A1990.4 Contingent 23.37

From: A3625.4 Rescue Squad $ 3,852.00

From: A3650.4 Demo of Unsafe Bldgs $ 2,121.63 To: A1320.4 Independent Audit $5,997.00

From: A3650.4 Demo of Unsafe Bldgs $ 560.00 To: A1620.11 Inventory Clerk $ 560.00

From: A3650.4 Demo of Unsafe Bldgs $ 345.54 To: A1620.2 Equip. Maintenance $ 345.54

From: A3650.4 Demo of Unsafe Bldgs $ 295.00 To: A1920.4 Muni Assoc Dues $ 295.00

From: A3650.4 Demo of Unsafe Bldgs $ 1,677.10 To: A7110.4 Parks $1,677.10

From: A3650.4 Demo of Unsafe Bldgs $ 2,436.86 To: A7510.2 Historian Equipment $2,436.86

From: A3650.4 Demo of Unsafe Bldgs $ 1,236.27 To: A8160.4 Refuse & Garbage $1,236.27

From: A9040.8 Workmans Comp $ 1,819.27 To: A9030.8 Social Security $1,819.27

From: A9040.8 Workmans Comp $ 648.31 To: A9060.8 Health Ins. $ 648.31

**HIGHWAY FUND**

From: DA 5110.4 General Repairs $ 3,750.00 To: DA5110.45 Rentals $ 3,750.00

From: DA5110.1 General Repairs, P. S $12,067.27 To: DA5142.1 Snow Removal P.S $12,067.27

**RESOLUTION # 93-21**

**Authorization for the Supervisor to Pay any Last Minute 2021 Bills**

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

Absent-1 – Jenkins

Therefore this Town Board moves to let the Town Supervisor pay any last minute bills that come in for 2021.

**RESOLUTION # 94-21**

**Audit Committee Report**

On a motion by Council Member William Pushman, seconded by Council Member Bennett Wine

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.221 Through No. 252 = $ 154,366.21

**General Fund** No. 338 Through No. 364 = $ 100,219.92

**Sewer District** No. 76 Through No. 88 = $ 1,383.74

**Trust** No. 1 Through No. 2 =$ 2,551.24

**Public Be Heard**

Lou just wanted to say that he agrees with medical marijuana but not the recreational.

Nancy wanted to know where the dispensaries could be placed according to the zoning if it was just in the commercial areas. Jenni said that it would require a special use permit and it would mostly be for the Hamlets but there are provisions for outside of the Hamlets. Kathy said that Bennett said that he did not agree with some of the facts that she provided and would like to know which ones he did not agree with. Bennett said that there were some secondary sources that he didn’t agree with and he looked at CDC reports along with some other sources. Elaine wanted to know what the Greene County EMS contract is for. Supervisor Schermerhorn said that it supports the Paramedic Fly Cars. We have a contract with the Town of Ashland for transporting to hospitals. Elaine said that the Dwons are wonderful and Supervisor Schermerhorn agreed and said that our Rescue members are as well. It was said that hospitals are going on diversions and there can be wait times of 5 to 6 hours for the ambulances at the hospitals. Alfred wondered about the Ashland ambulances going out of Greene County and Supervisor Schermerhorn said that would not be happening unless there was a mass casualty accident.

**Oaths of Office**

Town Justice Devon Russ will be giving oaths of office either ahead of the January 4thmeeting and or at the January 4th meeting.

**Calendar of Events**

Town Board Meeting 1/4/2022

**Adjourn**

On a motion by Council Member William Pushman, seconded by Council Member Bennett Wine.With none opposed the meeting was adjourned at 8:08 pm.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk