**Town of Lexington Town Board Meeting**

**March 7, 2023 In Person and Via Zoom**

Supervisor JoEllen Schermerhorn opened the Town Board meeting at 6:00 PM at the Municipal Building located at 3542 Rte. 42, followed by the Pledge of Allegiance. There was a moment of silence in memory of Alan Epstein.

**Present:** Supervisor JoEllen Schermerhorn

Council Members Bradley Jenkins

William Pushman

Bennett Wine (Zoom - late)

Michael Barcone

Superintendent of Highways Kevin Simmons

Town Clerk Charlotte Jaeger

Town Attorney Tal Rappleyea (zoom)

**Others Present:** Alfred Truesdell, John E Falke, Jack & Kathy Jordan, Antonia Besculides, Nicole Pursell, Paul & Liza Dwon, & Peggy Rappleyea. **Zoom:** Larry, Eric Davison, Shelly, Lynn Byrne, Bev Dezan, Richard Amdur, Will Sperling, Andres, Caitlin McColl, Nina, Sarah Mithcell Davison, and Mike Ryan from the Mountain Eagle

**RESOLUTION # 21-23**

**Accept February 7, 2023 Public Hearing(s) and Town Board Minutes**

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 February 7, 2023 minutes as presented for the public hearings and regular Town Board meeting.

**RESOLUTION # 22-23**

**Accept January 2023 Financial Report**

On a motion by Council Member Bradley Jenkins, 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 Financial Report for January 2023.

**Highway Report**

Supervisor Schermerhorn said that the Highway department needs a new broom attachment and that the Highway Superintendent Kenvin Simmons has several quotes for one. The lowest price is $14,566.00. The highway department also needs a new snow plow tuck as well and it can take 2 years to get a new one. Highway Superintend Kevin Simmons and Council Member Bradley Jenkins will go and look at some plow trucks. There has been a bit of snow which is a nuisance so the highway department has been out plowing.

**RESOLUTION # 23-23**

**CAT Broom Attachment for Loader**

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

ADOPTED: Ayes – 5 – Barcone, Jenkins, Pushman, Schermerhorn, & Wine

Nays - 0

Therefore this Town Board gives Highway Superintendent Kevin Simmons permission to get a CAT broom attachment to go onto the loader.

**RESOLUTION # 24-23**

**2022 Audit of Town Clerk/Tax Collector Financial Report**

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

ADOPTED: Ayes – 5 – Barcone, Jenkins, Pushman, Schermerhorn, & Wine

Nays – 0

Therefore this Town Board accepts the audit of the Town Clerk/Tax Collector financial report done by

Supervisor Schermerhorn and Council Member Bradley Jenkins.

**AUD Extension**

Supervisor Schermerhorn received a draft of the audit. There was an extension filed with the State Comptroller’s Office.

**Sewer District**

The reconciliation was done through Kevin Young’s office and has been accepted by DEP. The sewer bills for 2023 will be $100.00 for commercial and residence will be $106.64 or double for a 2 family house.

**RESOLUTION # 25-23**

**Send Out 2023 Sewer Bills**

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

ADOPTED: Ayes – 5 – Barcone, Jenkins, Pushamn, Schermerhorn, & Wine

Nays - 0

Therefore this Town Board moves to have the 2023 sewer bills sent out.

**Fire District Contract**

Supervisor Schermerhorn said that the contract regarding the bays was signed by the Fire District Chairman and the Town Supervisor.

**Western Catskills Presentation by Antonia Besculides,**

Antonia explained that the Western Catskills Community Revitalization Council Inc., is a not for profit organization that helps with home repair, mobile home replacement, housing and financial counseling, as well as help with apartments and for waste water laterals. They have been around for 41 years. She gave out a small packet to the Board members to look at and wanted to explain that there are Community Development Block grants available to Towns. They are for people who live here permanently, that have a low to moderate income and it goes by the County median income and for Greene County that is $45,000.00 for singles and goes higher for families. These grants are about bringing in State and Federal funds to help people. There are basically 3 types of housing grants available; 1) housing rehabilitation which includes mobile home replacement 2) home buyer down payment assistance grants 3) private water -waste water which includes putting in wells, septic systems, and putting in laterals for sewers. How it works is that Western Catskills is hired to write the grants and if the grant is approved they oversee the project. The grant goes by statistics such as how many seniors, veterans, vacant housing and rentals could be included. There would be a lien for five years as long as you live there you do not have to pay anything. There can be roof repairs, wheelchair ramps. handicap accessible bathrooms, help with foundations, plumbing, & electric.,etc. Council Member Wine asked how they know if we have a lot of vacant housing and who approaches about rehabbing a vacant house and Antonia said the individual property owner has to be the one to seek the grant. The grants are on a first come first serve basis. The work is put out to bid and is all done by local contractors. New York State does the auditing on these grants. Council Member Wine asked about housing for people to live and work here. Antonia thinks that vacant properties comes in to play here and if rehabilitated that could attract more places for people to live. If there is lead or asbestos it has to be taken out. There has to be homeowners insurance and taxes need to be paid up to date. It costs $4,500.00 to write the grant. If you generate a wait list and the longer the wait list the better chance of getting the grant. You have to have two and a half times the number of people on the wait list that you want to have projects done for. Lexington resident Peggy Rappleyea is on the Western Catskills Board. Everyone that applies for the grant has to meet with the housing and financial adviser. There are also grants available to people that are not dependent on the Town and the phone number to call is 607-652-2823.

**Farmers Market**

Bev Dezan thanked the Town Board for their support of the market and asked to put a refrigerator in the garage. She also mentioned that the market is run by volunteers. They have the funds to purchase the refrigerator(s). Council Member William Pushman said that they will find a space. The Town Board will have an answer at the next meeting. Lynn Byrne said that it looked like all of the vendors would be coming back and possibly some new ones.

**Re-affirm the Town of Lexington Support of the December 2022 Revised FAD**

This dealt with land acquisition by DEP across the water shed and in Delaware County.

The NY State Department of health agreed with the findings of Delaware County. The Town Board decided to table this for now.

**Code Enforcement Office**

Supervisor Schermerhorn reminded people that the Code Enforcement Office is the place to start for any permits. Carl will notify the Planning Board if anyone needs to be put on the agenda.

**Short Term Rentals – Law Recommendations**

The original STR committee met and went over some things that need to be changed or added to the existing law. The recommendations are as follows;

1. Is a permit per tax id or per dwelling? The Committee feels that it should be per dwelling and that includes apartments and would need separate permits for each listing.

2. Is there a difference in violations and fees and when to revoke a permit? They would have 30 days to remedy a violation, if there are 3 violations in a calendar year the permit would be revoked.

3. How often should inspections take place? All inspections happen for a new str and then an inspection can take place if there is a complaint.

4. How often should a water test be done? Every 3 years after the initial one with a signed affidavit.

5. How should properties/applicants provide evidence of fire mitigation? It is checked during the initial inspection and after that affidavits should be signed that everything is up to date. The affidavits will be sent with the renewal notice.

6. Explicit language for updating contact information. If there are any information changes you have 5 days to notify the town.

7. Resident vs. Non-Resident Cap. There would be no cap for residents but they need to have a permit.

Bradley asked how long do you have to live here? In Shandaken they have a proof of one year ownership. What proves residency? Bradley suggested the Town ask Town Attorney Tal Rappleyea.

Bennett asked what the specific number would be for the cap for non-residents. Nicole said that Shandaken has a cap of 150 which they have reached and they have a wait list.

Michael said that these were the things discussed and there should be privileges for being a full time resident. These suggestions will be sent to Tal and then a public hearing will be set. Nicole said that there should be language in the law that the Town could change the fees. Tal said the fees could be done by resolution at the organizational meeting. Bob said that the address that you use to file your income tax is a way to prove your residence.

**Health Officer Report**

Health Officer Liza Dwon said that Greene County Public Health did a presentation and that Greene County is in second place for over doses out of 57 Counties. She said that she can get Narcan kits from the County though there are some bad drugs out right now that it will not work on. She said that article 30 of the EMS Law can be changing where they will finally be considered an essential service which would be huge but if that happens an Associates degree may be required which will take away from having young volunteers.

**RESOLUTION #26-23**

**Audit Committee 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 approve the paying of the following expenditures.

**Highway Fund** No. 20 Through No. 37 = $ 28,682.45

**General Fund** No. 40 Through No. 71 = $ 77,044.16

**Lighting District** No. 3Through No. 3 = $ 348.81

**Sewer District** No. 8Through No. 11 = $ 1,020.85

**Public Be Heard**

Liza asked about the ambulance contract and if it had been changed. Supervisor Schermerhorn said that the contract she signed is in effect but they are working towards transitioning to the new contract. Bob asked who we are in contract with and he wanted to know what we are paying. Town Attorney said that he can foil the contract. Council Member Wine said that this is the 4th meeting going over this information. Bob said that he was just asking for some clarity and Supervisor Schermerhorn said that she has an open door and people can come talk to her. There was some more discussion until Council Member Barcone said that the Town Board needed to go into Executive Session. Peggy thanked the Board for listening to Antonia’s presentation and hoped the Board would consider taking her advice.

**Close Regular Meeting / Open Executive Session**

**Contractual and Litigation**

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins and with all in favor the regular meeting was closed and the Town Board went into executive session at 7:32 pm.

**End Executive Session / Open Regular Meeting**

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman and with none opposed the executive session was ended and the regular meeting was opened at 7:49 pm.

**RESOLUTION # 27-23**

**Lamont Engineers Contract**

On a motion by Council Member Bradley Jenkins, 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 moves to enter into a contract with Lamont Engineers to map out the ambulance district for the Town of Lexington at an approximate cost of $7,000.00.

**Adjourn**

On a motion by Council Member Bennett Wine, seconded by Council Member William Pushman and with no further business and with none opposed Supervisor Schermerhorn adjourned the meeting at 7:58 pm.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk