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

**February 7, 2023 In Person & Via Zoom**

**Open Public Hearing**

**Local Law No. 1, 2, & 3 of 2023**

Supervisor JoEllen Schermerhorn opened the Public Hearing at 6:01 pm and read the proposed Local **Law No. 1 of 2023, Senior Citizens Tax Exemptions.**

There were no comments or discussion. A motion to close the public hearing was made by Council Member William Pushman and seconded by Council Member Michael Barcone and with none opposed the public hearing was closed at 6:05 pm and the public hearing for **Local Law No. 2 of 2023, Disabled and Low Income Tax Exemptions** was opened. Supervisor Schermerhorn read the proposed law aloud.

There were no comments or discussion. A motion to close the public hearing for Local Law No. 2 of 2023 was made by Council Member Bennett Wine, seconded by Council Member Bradley Jenkins and the public hearing for **Local Law No. 3 of 2023, Volunteer Firefighters and Volunteer Ambulance Workers Property Tax Exemptions** was opened. Supervisor Schermerhorn read the law aloud. There was some discussion to follow. Supervisor Schermerhorn said that this is relatively new since the Governor signed this in December. Fire Chief Paul Dwon said that the hope is to get more volunteers and he thanked the Town Board for their consideration of passing this law. Supervisor Schermerhorn asked if there are 2 active volunteers for one property would they get 20% off and Town Attorney Tal Rappleyea said no that the law was for 10%. They might be better off taking the discount off from their income tax instead. Kathy said that she supports this law as the volunteers spend countless hours volunteering and leave their families at a moments notice to go on a call. Council Member William Pushman made a motion to close the public hearing and the motion was seconded by Council Member Bennett Wine and with none opposed the public hearing was closed at 6:21

**Open Town Board Meeting**

Supervisor JoEllen Schermerhorn opened the regular Town Board meeting at 6:21 pm followed by the Pledge of Allegiance to the American Flag. There was a moment of silence in memory of Ann Rappleyea Robison, John Klein and Charles Van Etten.

**Present:** Supervisor JoEllen Schermerhorn

 Council Members Michael Barcone William Pushman

 Bennett Wine

 Bradley Jenkins

 Town Clerk Charlotte Jaeger

 Town Attorney Tal Rappleyea Zoom

Superintendent of Highways Kevin Simmons

**Others Present:** Gretchen Walker,Alfred Truesdell, Paul & Liza Dwon, John Nolty, John Falke, Jack & Kathy Jordan, Lisa Delenardis, Michael Callarone, Nicole Pursell, Helen Kerr, Sarah Jordan

**Zoom:** Mike Ryan from the Mountain Eagle, Larry Russ, Gabbi Moritz, Will Sperling, Nina, San, Orianna Riley, Rich, Riddhima Shelat, Bill Kellar, Shelly, Tod Schaffer, Moira Taylor, & Pao Hurtado

**RESOLUTION #14-23**

**Accept December 29, 2022 End of Year Minutes**

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

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

 Nays - 0

Therefore this Town Board moves to accept the December 29, 2022 minutes as presented.

**RESOLUTION # 15-23**

**Accept January 3, 2023 Minutes**

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

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

 Nays - 0

 Abstain- 1 – Jenkins

Therefore this Town Board moves to accept the Minutes from January3, 2023 from the Public Hearing

and Town Board Organizational meeting as presented.

**RESOLUTION # 16-23**

**Local Law No. 1 of 2023 Senior Citizens Real Property Tax Exemptions**

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 passes Local Law No. 1 of 2023 for senior citizens to receive real property tax exemptions using the same income levels as Greene County.

LOCAL LAW No. 1 OF 2023

TOWN OF LEXINGTON

SENIOR CITIZEN REAL PROPERTY TAX EXEMPTIONS

Be it enacted by the Town of Lexington as follows:

Section 1. Title

This Local Law shall be known as “A Local Law Establishing Income Levels for Real Property Taxes for

Senior Citizens.”

Section 2. Authorization

This local law is enacted pursuant to the requirements set forth in the New York State Real Property Tax

Law §467 to establish real property tax income levels for citizens who are 65 (sixty-five) years of age or

older.

Section 3. Exemption Levels

The Town of Lexington hereby adopts raising the maximum level of income for persons eligible for the

within exemption to a 50% exemption to $34,000.00. The “sliding scale” provisions of New York Real

Property Tax Law §467 (1)(b)(1) are also hereby adopted and are shown below.

Maximum Income Limit - $34,000.00 50%

$34,000.01 $34,999.99 45%

$35,000.00 $35,999.99 40%

$36,000.00 $36,999.99 35%

$37,000.00 $37,899.99 30%

$37,900.00 $38,799.99 25%

$38,800.00 $39,699.99 20%

$39,700.00 $41,499.99 10%

$41,500.00 $42,399.99 5%

Section 4. Repealer

Any prior local law currently in existence which is inconsistent with the terms of this local law is hereby

repealed.

Section 5. Effective

This Local Law shall take effect immediately in accordance with the requirements of the New York State

Municipal Home Rule Law

**RESOLUTION # 17-23Local Law No. 2 of 2023 Town of Lexington Disabled and Low Income Real Property Tax Exemptions**

On a motion by Supervisor Schermerhorn, 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 adopt Local Law No. 2 of 2023Town of Lexington Disabled and Low Income Real Property Tax Exemptions using the same income levels as Greene County.

LOCAL LAW No. 2 OF 2023

TOWN OF LEXINGTON

DISABLED AND LOW-INCOME CITIZENS

REAL PROPERTY TAX EXEMPTIONS

Be it enacted by the Town of Lexington as follows:

Section 1. Title

This Local Law shall be known as “A Local Law Establishing Income Levels for Real Property Taxes for

Disabled and Low-Income Citizens.”

Section 2. Authorization

This local law is enacted pursuant to the requirements set forth in the New York State Real Property Tax

Law §459 to establish real property tax income levels for disabled and low-income citizens.

Section 3. Exemption Levels

The Town of Lexington hereby adopts raising the maximum level of income for persons eligible for the

within exemption to a 50% exemption to $34,000.00. The “sliding scale” provisions of New York Real

Property Tax Law §459 (c) are also hereby adopted and are shown below.

Maximum Income Limit - $34,000.00 50%

$34,000.01 $34,999.99 45%

$35,000.00 $35,999.99 40%

$36,000.00 $36,999.99 35%

$37,000.00 $37,899.99 30%

$37,900.00 $38,799.99 25%

$38,800.00 $39,699.99 20%

$39,700.00 $41,499.99 10%

$41,500.00 $42,399.99 5%

Section 4. Repealer

Any prior local law currently in existence which is inconsistent with the terms of this local law is hereby

repealed.

Section 5. Effective

This Local Law shall take effect immediately in accordance with the requirements of the New York State

Municipal Home Rule Law

**RESOLUTION # 18-23**

**Local Law No. 3 of 2023 Volunteer Firefighters and Volunteer Ambulance Workers Real Property Tax Exemption**

On a motion by Council Member Bennett Wine, 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 adopt Local Law No. 3 of 2023 Volunteer Firefighters and Volunteer Ambulance Workers Real Property Tax Exemption.

LOCAL LAW # 3 -2023

TOWN OF LEXINGTON

VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS

REAL PROPERTY TAX EXEMPTION

Be it enacted by the Town of Lexington as follows:

Section 1: Title

This local Law shall be known as “A Local Law Establishing an option to provide a property tax exemption

to Volunteer Firefighters and Volunteer Ambulance Workers.”

Section 2: Authorization

This local law is enacted pursuant to the requirements set forth in the New York State Real

Property Tax Law 466-a. Volunteer firefighters and volunteer ambulance workers.

Section 3: Exemption Levels

The Town of Lexington hereby adopts the following criteria accordingly:

1. Real property owned by a member of the Town of Lexington Volunteer Fire Company or a member of

the Town of Lexington Volunteer BLS First Response shall be exempt from taxation of ten percent (10%)

of the assessed value of such property in the Town of Lexington, exclusive of special districts.

2. Such exemption shall be granted to a member of the Town of Lexington Volunteer Fire Company/BLS First

Response if:

(a) the applicant resides in the Town of Lexington and serves the residents of the Town

(b) the property is the primary residence of the applicant;

(c) the property is used exclusively for residential purposes; however if any portion is not used as its

residence but is used for other purposes, that portion will be taxed at the usual taxable rate.

(d) the applicant has been certified by the authority of the Town of Lexington Fire District of service for

at least 2 years, has been acquired as an Active Member according to the Membership Section of the

respective By-Laws.

3. Any certified member who has accrued more than twenty years of active service, shall be granted the ten

percent tax exemption for the remainder of his/her life as long as it is his/her primary residence.

4. Un-remarried spouses of deceased volunteers, killed in the line of duty, may apply for this property tax

exemption if:

(a) the deceased volunteer had been an active member for at least 5 years.

5. Un-remarried spouses of deceased volunteers may continue an exemption or reinstate a pre-existing

exemption if:

(a) the deceased volunteer had been an active volunteer member for at least twenty years and

(b) such deceased volunteer and spouse had been receiving the exemption for their property prior to the

death of the volunteer.

6. Application for such exemption shall be filed with the assessor on or before the annual taxable status date on

the form.

Section 4. Repealer

Any prior local law currently in existence which is inconsistent with terms of this local law is hereby repealed.

Section 5. Effective

This Local Law shall take effect immediately in accordance with the requirements of the New York State

Municipal Home Rule Law.

**STR Cap and Law Review**

Supervisor Schermerhorn said that there are 62 properties registered and that there are another 12 on the wait list. Supervisor Schermerhorn introduced the Code Enforcement Clerk Nicole Pursell and Nicole said that she has had this position for 3 months and that there are some gray areas in the law.

One of which is the definition for STR and the other question was per tax id or dwelling or structure.

Bennett said that there was a schedule of fines and Nicole wanted to know if the fines are the same for people with a permit and for people without a permit and how long to wait in between sending violations. Bennett said 30 days in between and Bradley agreed with the 30 days. If there are more that one listing on a property should separate violations be sent. Supervisor Schermerhorn said that the Board needs to go back and tighten up the rules. Nicole asked if there is a violation should there be another follow up inspection. Bennett asked where are we at with the inspections. Nicole said that 11 spots became available so they need to be inspected and that there were around 5 left at the end of 2022. Bennett said that Carl needs more help to do the inspections. Bill wanted to know how and when do we know when to expand the list. Supervisor Schermerhorn said that we are going to keep capping it. She said that 10% of the homes in Town should be a good number. She asked about water testing and how often should it be done. Nicole asked how should applicants provide evidence of fire mitigation. Should they show photos. Bennett said that maybe there should be random inspections. Nicole wanted to know what is considered camping. How we define what a STR is does it need to have a foundation, septic system, etc. Bradley said that this should be addressed in the zoning law. Clarifying that renewals need to be renewed every calendar year. Bradley said that this could pose a hardship on the Code Enforcement Officer for inspections. Liza said that there should be access into the area and having a septic and running water for camping. Supervisor Schermerhorn said that some people were operating illegally and that they have been shut down. Bennett asked Town Attorney Tal Rappleyea if he thinks that the Town should be including and Tal said he would do some research. Nicole said that the Town needs to make the definition of the cap clear in the law. Nicole said that people could consider long term rental. There are State standards for land lords. Kathy Jordan wanted to know why the number kept going up and she wanted to know if we did a cost analysis and how much is this costing the Town. Michael said that this is town government trying to work after hearing a number of complaints regarding short term rentals. Helen thought that we should have a full time enforcer and believes we should keep the cap where it is. She knows a number of people looking for long term rentals. Bradley said that the Board has to balance 2 sides. Todd said that having all the renewals in one month is impossible and there should be a rolling schedule. It was asked why does there need to be an annual inspection.

**RESOLUTION # 19-23**

**Establish a Standard Work Day for Elected and Appointed Officials**

On a motion by Council Member Bradley Jenkins, 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 establish the standard work for elected and appointed officials as follows;

Elected and Appointed Officials 6 hours = 1 day

Town Clerk and Highway Superintendent 8 hours = 1 day

Highway Workers 8 hours = 1 day

**Comprehensive Plan**

The survey has been reviewed by Nan. There will be meetings set up when the weather is better. One meeting will be at the Community Hall in West Kill and one at the Church Hall on Route 13.

**Health Officer Report**

Liza said that she filled out the EMS childrens survey. The Covid numbers were high but are coming down. February is heart health month.

**Fire Chief Report**

Paul said that there were 14 calls so far this year. They supplied mutual aid to Hunter. He said that he has training for the Brite life recovery coming up.

**Code Enforcement Report**

The Town Board members had copies of the report to peruse at their convenience.

**RESOLUTION #20-23**

**Audit Committee Report**

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 approve the paying of the following expenditures.

**Highway Fund** No.1 Through No. 19 = $ 73,069.98

**General Fund** No. 1Through No. 39 = $ 116,132.95

**Lighting District** No. 1 Through No. 2 = $ 689.34

**Sewer District** No. 1 Through No. 7 = $ 6,077.90

**Trust & Agency** No. 1 Through No. 1 =$ 90.00

**Thank You**

Supervisor Schermerhorn thanked people for volunteering to deliver meals on wheels and they can always use more.

**Public Be Heard**

Liza asked about the Ashland Ambulance contract. She wanted to know why the contract was signed.

She said that we should be getting better coverage. Supervisor Schermerhorn signed the contract to get our certificate and this contract is not the mountain top ambulance contract. Liza said the average time is 11 minutes to call out of service. Liza thinks that we should go back to the old contract until the mountain top board is created. Tal said that we are about 2 months away from having the 3 ambulance districts done. He is waiting for maps and a transitionary contract. He is working with the Comptrollers Office. There will be appointed boards and an election set up so everyone has a voice. It was asked when the first bill is due and Supervisor Schermerhorn said that she just got it in the mail. Michael Barcone asked why aren’t the ambulance workers in the building. Helen asked if we could ask Ashland to go back to the old contract. Bennett said that Liza made her point and Michael Barcone said that the response time needs to be faster.

**Calendar of Events**

Brooks TGIF Chicken BBQ February 10, 2023 3-6:30 pm

Town Board Meeting Tuesday March 7, 2022 at 6:00pm – Rep from Western Catkills

**Adjourn**

On a motion by Council Member Bennett Wine, seconded bySupervisor JoEllen Schermerhorn the and with all in favor the meeting adjourned at 7:41 pm.

 Respectfully Submitted,

 Charlotte Jaeger, Town Clerk