The Organizational Meeting of the Town Board of the Town of Lexington was called to order on January 5, 2016 at 6:30 P.M., by John Berger at the Lexington Municipal Building, followed by the pledge of allegiance.

PRESENT: Supervisor .................................. John Berger
Council Members.............................. Michael Barcone
William Pushman
Jo Ellen Schermerhorn
Bradley Jenkins
Town Clerk ........................................Alice Marie Cross
Superintendent of Highways .......... Absent Frank Hermance
Town Attorney................................. Tal Rappleyea
Code Enforcement Officer..........Adam Cross

OTHERS PRESENT: Colleen Kortendick Barcone, Betty Hapeman, Rose Williams, Alfred Truesdell, John Falke, Lois Jenkins, Jonathan Yarger, and Michael Ryan from the Windham Journal

RESOLUTION # 1-16
APPROVE DECEMBER 1, 2015 MINUTES

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the following resolution was,

ADOPTED - Ayes - 5 - Berger, Jenkins, Barcone, Schermerhorn, & Pushman.
Nays – 0

This Town of Lexington town board moves to accept the minutes of the regular meeting held on December 1, 2015.

RESOLUTION # 2-16
APPROVE DECEMBER 28, 2015 MINUTES

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the following resolution was,

ADOPTED - Ayes - 5 - Berger, Jenkins, Barcone, Schermerhorn, & Pushman.
Nays – 0

This Town of Lexington town board moves to accept the minutes of the end of year meeting held on December 28, 2015.

RESOLUTION # 3-16

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

ADOPTED : Ayes - 5 - Berger, Pushman, Barcone, Schermerhorn & Jenkins.
Nays - 0

This Town of Lexington Town Board moves to accept the Financial Report of November 2015 as presented by Supervisor Dixie Baldrey.

CODE ENFORCEMENT OFFICER REPORT

Supervisor John Berger reviewed the report and each Council Member has a copy of the Code Enforcement Officers Report. The month of shows 0 Certificate of Occupancy and 2 permits.

RESOLUTION # 4-16
2015 Inventory

On a motion by Council Member William Pushman, seconded by Council Member Michael Barcone, the following resolution was,
ADOPTED: Ayes - 5 - Berger, Pushman, Barcone, Schermerhorn & Jenkins.
Nays - 0

This Town of Lexington Town Board moves to accept the 2015 Inventory report as presented by Supervisor John Berger.

**EMPLOYEE HANDBOOK, PURCHASING POLICY, INVESTMENT POLICY, AND CODE OF ETHICAL POLICY**

Supervisor John Berger asked if the Town Board had a copy of each to review for next month’s meeting.

**RESOLUTION #5-16**
**TOWN BOARD MONTHLY MEETING NIGHT**

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

ADOPTED: Ayes - 5 - Berger, Jenkins, Barcone, Schermerhorn, & Pushman.
Nays - 0

Resolved, that this Town Board designates the 1st Tuesday of each month at 6:30 pm to be the regular meeting night of the Town Board of the Town of Lexington, and the meetings will be held at the 3542 Route 42, Municipal Building.

**RESOLUTION #6-16**
**Highway Committee**

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

ADOPTED: Ayes - 5 - Berger, Pushman, Barcone, Schermerhorn, & Jenkins.
Nays - 0

This Town of Lexington Town Board moves to accept the current Highway Committee for 2016 as presented by Supervisor John Berger.

Highway Committee:
Chairman – Council Member – Bradley Jenkins
Supt. of Highways, Frank Hermance
Council Member – William Pushman
Edwin Dippold

**RESOLUTION #7-16**
**CALLING SPECIAL MEETINGS**

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

ADOPTED: Ayes - 5 - Berger, Jenkins, Barcone, Schermerhorn, & Pushman.
Nays - 0

It is resolved, that Special Meetings may be called by the Supervisor, provided that 48 hours advance notice be given to Town Board Members, when practical, and that the Supervisor will call a Town Board meeting at the request of two or more Town Board Members.

**RESOLUTION #8-16**
**DESIGNATION OF BANKS**

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

ADOPTED: Ayes - 5 - Berger, Jenkins, Barcone, Schermerhorn, & Pushman.
Nays - 0
Resolved, that this Town Board does hereby designate the Bank of Greene County, Tannersville, NY and the NBT Bank, NA., of Grand Gorge, & Windham, NY, as the official depositories for the Town of Lexington funds for the year 2016.

It further resolves, that all funds guarantee a third party Collateral Agreement with the following institutions, which are NBT Bank, NA, Key Bank of New York.

RESOLUTION # 9-16
INVESTMENT OF IDLE MONIES

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

ADOPTED - Ayes – 5 - Berger, Jenkins, Barcone, Schermerhorn, & Pushman.
Nays - 0

Resolved, that this Town Board hereby authorizes the Town Supervisor to invest idle moneys to MMD’s, CD’s, Treasury Notes, Treasury Bills, and Treasury Bonds at the above banks, with records of account balances to be submitted to the Town Board monthly.

RESOLUTION # 10-16
DESIGNATION OF OFFICIAL NEWSPAPER

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

ADOPTED - Ayes – 5 - Berger, Jenkins, Barcone Schermerhorn, & Pushman.
Nays - 0

Resolved, that this Town Board does hereby designate the Windham Journal of Windham, NY, and the Catskill Daily Mail as the Official Newspapers for the Town of Lexington for the year 2016.

RESOLUTION # 11-16
MILEAGE COMPENSATION & DINNERS FOR TOWN OFFICIALS

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

ADOPTED - Ayes - 5 -- Berger, Jenkins, Barcone, Schermerhorn, & Pushman.
Nays – 0

Resolved, that this Town Board does hereby fix mileage compensation at the IRS rate per mile for the following: Assessor, Code Enforcement Officer, Dog Warden, Justices, Town Supt. of Highways, Election Inspectors, Town Clerk/Collector, Town Supervisor, Town Council Members, Planning Board Members, or any appointed or otherwise elected official that goes on official Town business.

Be it further resolved, that this Town Board authorizes payment of meals for Town Officials that attend official meetings, not to exceed $ 22.00 maximum for a dinner and a $ 45.00 maximum per day.

RESOLUTION # 12-16
AUTHORIZE PAYMENT OF DUES TO ASSOCIATIONS AND ETC.

On a motion by Council Member , seconded by Council Member , the following resolution was

ADOPTED - Ayes - 5 - - Berger, Jenkins, Barcone, Schermerhorn, & Pushman
Nays - 0

Resolved, that this Town Board authorizes payment of dues to the following Associations: NYS Association of Towns, NYS Planning Federation, Association of Magistrates of NYS, Magistrates Association of Greene County, NYS Tax Receivers and Collectors, Greene County Highway Supt. Association, NYS Supt. of Highways, Assoc., NYS Assessors Association, Greene County Assessors Association, Mountain Top Supervisor’s and Mayor’s Assoc., Columbia-Greene Town Clerk’s Assoc., NYS Town Clerk Association, and the Assoc. of Public History for New York State.
RESOLUTION # 13-16
PAYMENT OF BILLS IN ADVANCE OF BOARD MEETING

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman, the following resolution was

ADOPTED - Ayes - 5 - Berger, Jenkins, Barcone, Schermerhorn, & Pushman.
Nays – 0

Resolved, that this Town Board authorizes the Supervisor to pay certain claims of indebtedness in advance of Town Board meetings, i.e., electric bills, postage, fuel oil bill, gasoline bill, diesel fuel bill, telephone bill, payroll, and Key Bank Credit Card.

RESOLUTION # 14-16
AUTHORIZE SUPERVISOR'S REPORT TO STATE COMPTROLLER

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

ADOPTED - Ayes - 5 -- Berger, Jenkins, Barcone, Schermerhorn, & Pushman.
Nays -0

Resolved, that this Town Board authorizes the Supervisor to use the annual Supervisor’s Financial Report to the State Comptroller for the Annual Financial Report to the Town Board to be filed in the Town Clerk’s Office, where it will be available to all interested persons and to publish an abbreviated form of the report for the 2015 year in the Windham Journal and Catskill Daily Mail.

RESOLUTION # 15-16
APPOINTMENTS

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED - Ayes - 5 -- Berger, Barcone, Jenkins, Schermerhorn, & Pushman.
Nays - 0

Resolved, that this Town Board makes the following appointments:

Attorney for the Town............................................. Tal Rappleyea
Disaster Coordinator ........................................... Paul Dwon
Code Enforcement Officer / Zoning Officer...........Adam Cross
Cemetery Custodian ............................................. George Dart / Roseann West
Registrar of Vital Statistics ................................. Alice Marie Cross
Historian .............................................................. Karen Deeter/Janie Barcone
Deputy Historian ................................................. Mary Palazzolo
Deputy Town Clerk .................................................. Chris Dwon
Deputy Town Clerk .............................................. Alida Bloodgood
Deputy Town Clerk ............................................... Rose Williams
Deputy Supervisor ................................. JoEllen Schermerhorn
Bookkeeper .............................................................. Michelle Brainard
Dog Control Officer ............................................. Bruce Feml
Records Management Officer .............................. Alice Marie Cross
Health Officer.......................................................... Dr. Jacqueline Maier

Youth Director............................................... Will Carr
Inventory Clerk.................................................. Andrea Searcy
Web Master.................................................... Donna Poulin
Planning Board Secretary................................. Debra Kappel
Zoning Board Secretary...................................... Vacant
Court Clerk Substitute...................................... Michelle Blain
Court Security..................................................... Donald Schoenborn

Be it further resolved that this Town Board authorizes the Supervisor to make the following committee appointments:

Highway Committee:
RESOLUTION # 16-16

SALARIES OF ELECTED & APPOINTED OFFICIALS

On a motion by Council Member William Pushman, seconded by Council Member Michael Barcone, the following resolution was ADOPTED - Ayes - 5 -- Berger, Barcone Jenkins, Schermerhorn, & Pushman. Nays - 0

This Town Board moves to approve the following salaries of the appointed and elected officials of the Town of Lexington for the 2016 year with the amounts stated below from the 2016 Adopted Budget, and the payments made being as specified.

2016 Salaries

<table>
<thead>
<tr>
<th>Official Name</th>
<th>Title/Position</th>
<th>Payment Method</th>
<th>Annual Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Berger</td>
<td>Supervisor</td>
<td>Budgeted</td>
<td>$6,729.</td>
</tr>
<tr>
<td>Robert Basil</td>
<td>Town Justice</td>
<td>Budgeted</td>
<td>$4,800.</td>
</tr>
<tr>
<td>Lubko Kizyma</td>
<td>Town Justice</td>
<td>Budgeted</td>
<td>$4,800.</td>
</tr>
<tr>
<td>Mike Barcone</td>
<td>Council Member</td>
<td>Budgeted</td>
<td>$2,485.</td>
</tr>
<tr>
<td>Bradley Jenkins</td>
<td>Council Member</td>
<td>Budgeted</td>
<td>$2,485.</td>
</tr>
<tr>
<td>William Pushman</td>
<td>Council Member</td>
<td>Budgeted</td>
<td>$2,485.</td>
</tr>
<tr>
<td>JoEllen Schermerhorn</td>
<td>Council Member</td>
<td>Budgeted</td>
<td>$2,485.</td>
</tr>
<tr>
<td>Frank Hermance</td>
<td>Supt. of Highways</td>
<td>Budgeted</td>
<td>$25,755.</td>
</tr>
<tr>
<td>Alice Marie Cross</td>
<td>Town Clerk/Tax Collector</td>
<td>Budgeted</td>
<td>$30,804.</td>
</tr>
<tr>
<td>Alida Bloodgood</td>
<td>Deputy Town Clerk</td>
<td>Paid Hourly</td>
<td>$15.00</td>
</tr>
<tr>
<td>Christine Dwon</td>
<td>Deputy Town Clerk</td>
<td>Paid Hourly</td>
<td>$15.00</td>
</tr>
<tr>
<td>Rose Williams</td>
<td>Deputy Town Clerk</td>
<td>Paid Hourly</td>
<td>$15.00</td>
</tr>
<tr>
<td>Alice Marie Cross</td>
<td>Registrar of Vital Statistics</td>
<td>Budgeted</td>
<td>$180.00</td>
</tr>
<tr>
<td>Alice Marie Cross</td>
<td>Records Management Officer</td>
<td>Budgeted</td>
<td>$180.00</td>
</tr>
<tr>
<td>Adam Cross</td>
<td>Code Enforcement Officer</td>
<td>Budgeted</td>
<td>$13,711.</td>
</tr>
<tr>
<td>Dart &amp; West</td>
<td>Cemetery Custodian</td>
<td>Budgeted</td>
<td>$571.00</td>
</tr>
<tr>
<td>Karen Deeter</td>
<td>Historian</td>
<td>Budgeted</td>
<td>$554.00</td>
</tr>
<tr>
<td>Mary Palazzolo</td>
<td>Deputy Historian</td>
<td>Budgeted</td>
<td>$200.00</td>
</tr>
<tr>
<td>Deborah Kappel</td>
<td>Planning Board Secretary</td>
<td>Budgeted</td>
<td>$2,133.</td>
</tr>
<tr>
<td>John Loftus</td>
<td>BAR Member</td>
<td>Budgeted</td>
<td>$150.00</td>
</tr>
<tr>
<td>James Tilp</td>
<td>BAR Member</td>
<td>Budgeted</td>
<td>$150.00</td>
</tr>
<tr>
<td>Mary Cline</td>
<td>BAR Member</td>
<td>Budgeted</td>
<td>$150.00</td>
</tr>
<tr>
<td>Robert Hermance</td>
<td>Planning Bd. Chairman</td>
<td>Budgeted</td>
<td>$1,000.</td>
</tr>
<tr>
<td>Ray Albino</td>
<td>Deputy Planning Bd. Chairman</td>
<td>Budgeted</td>
<td>$680.00</td>
</tr>
<tr>
<td>Beverly Dezan</td>
<td>Planning Bd. Member</td>
<td>Budgeted</td>
<td>$490.00</td>
</tr>
<tr>
<td>Taris Charsysn</td>
<td>Planning Bd. Member</td>
<td>Budgeted</td>
<td>$490.00</td>
</tr>
<tr>
<td>Jennifer Cawein</td>
<td>Planning Bd. Member</td>
<td>Budgeted</td>
<td>$490.00</td>
</tr>
<tr>
<td>Tal Rappleyea</td>
<td>Town Attorney</td>
<td>Voucher</td>
<td>$500.00</td>
</tr>
<tr>
<td>Michelle Brainard</td>
<td>Bookkeeper</td>
<td>Budgeted</td>
<td>$8,593.</td>
</tr>
<tr>
<td>Bruce Feml</td>
<td>-Dog Control Officer</td>
<td>Budgeted</td>
<td>$1,500.</td>
</tr>
<tr>
<td>Dr. Jacqueline Maier</td>
<td>Health Officer</td>
<td>Budgeted</td>
<td>$155.00</td>
</tr>
<tr>
<td>Charlette Jaeger</td>
<td>Domestic Engineer</td>
<td>Paid Hourly</td>
<td>$18.00</td>
</tr>
<tr>
<td>Peggy Rappleyea</td>
<td>Assessor Clerk</td>
<td>Paid Hourly</td>
<td>$17.00</td>
</tr>
<tr>
<td>Peggy Rappleyea</td>
<td>Court Clerk</td>
<td>Paid Hourly</td>
<td>Monthly</td>
</tr>
<tr>
<td>Vacant</td>
<td>-- ZBA Secretary</td>
<td>Paid Hourly</td>
<td>Voucher</td>
</tr>
</tbody>
</table>
Andrea Searcy ---- Inventory Clerk ---- Budgeted ---- Paid upon Completion ---- $546.
Will Carr---- Youth Director ---- Budgeted -- Paid upon completion -- $1,584.
Michelle Blain ---- Substitute Court Clerk --- Paid Hourly ---- $16.00
Court Security Service --- Donald Schoenborn ---- $42.00 --- Nightly
Web Master…..Donna Poulin Paid Annually…$600.00

RESOLUTION # 17-16
F.P. Kane Payroll Approval

On a motion by Council Member Bradley Jenkins, seconded by Council Member
William Pushman, the following resolution was

ADOPTED: Ayes - 5 - Berger, Pushman, Schermerhorn, Barcone, & Jenkins
Nays - 0

Resolved that the payroll period ending December 26, 2016 for F. P. Kane be approved for payment.

RESOLUTION # 18-16
RENEW MAINTENANCE AGREEMENT / COPY MACHINE

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

ADOPTED - Ayes - 5 - Berger, Barcone, Jenkins, Schermerhorn, & Pushman.
Nays – 0

This Town Board moves to renew the maintenance agreement from 1/20/2016 to 1/20/2017 with Hudson
Valley Equipment, Inc. at a cost of $794.00 for the Copystar CS-3035 Copier.

RESOLUTION # 19-16
Deputy Superintendent of Highways

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

ADOPTED :Ayes - 5 - Berger, Pushman, Barcone, Schermerhorn & Jenkins.
Nays - 0

This Town of Lexington Town Board moves to create the position of Deputy Superintendent of Highway
as presented by Supervisor John Berger.

RESOLUTION # 20-16
Approve Humane Society Contract

The Municipality and the Humane Society both agree to and accept the terms, provisions, and
stipulation.

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

ADOPTED: Ayes - 5 - Baldrey, Schermerhorn, Pushman, Barcone, and Jenkins
Nays – 0

This Town of Lexington Town Board moves to accept the Humane Society Contract and approve for Supervisor John Berger
to sign.

PUBLIC CONCERNS:

Elizabeth Hapeman inquired about 13A's appearance and Supervisor John Berger said that the owner of
the hotel cannot be made to do anything but he  is looking into maybe having the owner sell.

RESOLUTION # 21-16
Pay The Bills

6
On a motion by Council Member William Pushman, seconded by Council Member Michael Barcone, the following resolution was

ADOPTED - Ayes - 5 -- Berger, Barcone, Jenkins, Schermerhorn, & Pushman.

Nays – 0

Resolved that the bills be paid on General Fund Abstract #1 in the following amounts:

| General Fund | No. 1 through 15 = $6,132.88 |

Resolved that the bills be paid on Highway Fund Abstract #1 in the following amounts:

| Highway Fund | No. 1 through 5 = $8,047.00 |

Adjourn

With no further business, on a motion from Council Member Bradley Jenkins, seconded by Council Member JoEllen Schermerhorn, the meeting shall be adjourned. Carried unanimously.

Supervisor John Berger adjourned the meeting.

Respectfully submitted,

Alice Marie Cross, Town Clerk
The Organizational Meeting of the Town Board of the Town of Lexington was called to order on February 2, 2016 at 6:30 P.M., by John Berger at the Lexington Municipal Building, followed by the pledge of allegiance.

PRESENT:   Supervisor  ......................... John Berger
Council Members....................... Absent: Michael Barcone
William Pushman
Jo Ellen Schermerhorn
Bradley Jenkins
Town Clerk .............................. Alice Marie Cross
Superintendent of Highways ............ Frank Hermance
Town Attorney......................... Tal Rappleyea
Code Enforcement Officer............... Adam Cross


RESOLUTION # 22-16
APPROVE JANUARY MINUTES

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member William Pushman, the following resolution was, ADOPTED:

Ayes - 4 - Berger, Jenkins, Schermerhorn, & Pushman.
Nays – 0
Absent – 1 - Barcone

This Town of Lexington town board moves to accept the minutes of the regular meeting held on January 5, 2016.

SEWER UPDATE

Nick Warner gave the update on the Sewer Project. The building is nearing completion. Plumbers finishing up and electrician work is almost completed. All of the collection system piping and structures have been installed; getting ready to test the equipment and make sure everything is running as it should be. Lexington Hotel tank was installed last week and Lexington House installation is starting this week. The rest of the hookups will be done in March /April. F. P. Kane says that each hookup should take a day but if not they will make provisions for the families. The residents have received an application for them to fill out and return with $100.00 for the yearly fee.

RESOLUTION # 23-16
CREATE CHIEF OPERATOR POSITION

Supervisor John Berger went over the description of the part time position, who will serve directly under Supervisor. The 3rd contact in emergency is LVDV This is a salary position $20,000.00 per year. The hours will be anywhere from 10 to 25 hours per week, no vacation time nor benefits. This will include ground and building maintenance, and upkeep of the system.

On a motion by Council Member Supervisor John Berger, seconded by Council Member William Pushman, the following resolution was, ADOPTED:

Ayes - 4 - Berger, Pushman, Schermerhorn, & Jenkins.
Nays - 0
Absent – 1 - Barcone

This Town of Lexington Town Board moves to create a Chief Operator position.

RESOLUTION # 24-16
LVDV OPERATIONS, INC. CONTRACT

Supervisor John Berger asked the Town Board if they have read the contract and if there was any questions. Council Member Bradley Jenkins said that he thought the training was included in the contract, Supervisor John Berger said the dirty water is part of the contract but the clean water is not. Nick Warner said the manufacturers will be on site to do a crash course training based on the equipment. This training will be a
day or two. This contract says we only pay if we use them. Supervisor John Berger said that the Town of Lexington does not directly pay. Payment will be part of the O & M Budget.

On a motion by Council Member Supervisor John Berger, seconded by Council Member Bradley Jenkins, the following resolution was, ADOPTED : Ayes - 4 - Berger, Pushman, Schermerhorn & Jenkins.
Nays - 0
Absent – 1- Barcone

This Town of Lexington Town Board moves to appoint Amelia Osborn to the Chief Operator position.

RESOLUTION # 25-16

APPOINT OPERATOR

Supervisor John Berger appointed Amelia Osborn for the position of the operator. Supervisor John Berger outlined the position.

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

ADOPTED : Ayes - 4 - Berger, Pushman, Schermerhorn & Jenkins.
Nays - 0
Absent – 1- Barcone

This Town of Lexington Town Board moves to approve Amelia Osborn to fill the Chief Operator position.

GREENE COUNTY CWC BOARD OF DIRECTOR'S SEAT

Supervisor John Berger recommended Robert Pelham, Supervisor from the Town of Windham for this seat. The Town Board of Lexington had no problem with endorsing Robert Pelham.

LETTER OF SUPPORT TO PRATTSVILLE

Supervisor John Berger presented a request from Kevin Piccoli Co-chairman of the NYRCR to write a letter letting Acting Commissioner Basil Seggos know our support of this project. The Town Board was in favor of the letter.

MINUTE BOOK

Council Member William Pushman asked about the whereabouts of the old Minute Book that was presented at the December 1, 2015 Town Board meeting. Council Member William Pushman is interested in getting some donations or doing whatever we can to preserve this piece of history. Town Clerk Alice Marie Cross said it is in the safe and she is interested in pursuing a grant after tax time to see about getting it preserved.

Jessie Ravage who is the Preservation Consultant said at the December 1, 2015 Town Board meeting that she may be able to help us raise funds to restore this important piece of history.

HIKING CLUB

Bennett Wine, Bonnie Blader and a small group of residents have created the Lexington Hiking Club. The first hike had 18 people and the second hike in December had 20. They have spoken with DEP and this is an easy process, they need to get a permit and leave forest in natural state. A representative from DEC went hiking with them and was impressed with the trails and let them know they would need insurance. The Town is not able to help them with insurance and so Bennett Wine will pursue partnering with another hiking club. The trails are endless in this area and offer so much for residents and visitors. Government is trying to lighten the restrictions to bring in revenue. Bennett would like to make Royal Acres a parking area for hikers and would like the Town Boards blessing. Bennett Wine requested that the hikers or cross country skiers be able to park on the road for 2 to 3 hours in February 2016. Superintendent of Highways Frank Hermance said as long as it is not snowing, it will be okay.

RESOLUTION # 26-16
OFFICIAL DELEGATE TO ASSOCIATION OF TOWNS ANNUAL MEETING

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

ADOPTED - Ayes - 4 -- Berger, Jenkins, Schermerhorn & Pushman.
Nays – 0
Absent – 1 - Barcone

Resolved, that this Town Board authorizes Supervisor John Berger to be the official delegate to the Association of Town 2016 Annual Meeting.

RESOLUTION # 27-16
AMBULANCE CONTRACT - ASHLAND

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman, the following resolution was

ADOPTED: Ayes - 4 -- Berger, Jenkins, Schermerhorn & Pushman.
Nays – 0
Absent – 1 - Barcone

This Town Board moves to approve having the supervisor sign with Town of Ashland ambulance contract for the year 2016.

SUPERVISOR JOHN BERGER'S HOURS

Supervisor John Berger informed the Town Board that his hours at present will be all day Thursdays, Fridays and by appointment on Saturdays.

AUDIT OF TOWN CLERK’S, COURTS and HIGHWAY RECORDS

Council Member JoEllen Schermerhorn and Council Member William Pushman let the Town Board know that the Town Clerks records were audited and were fine. Council Member Bradley Jenkins and Council Member Michael Barcone will audit the Court’s. Council Member JoEllen Schermerhorn and Council Member William Pushman will audit Highway.

RESOLUTION # 28-16
MUNICIPAL BUILDING BACK DOOR

Supervisor John Berger explained the condition of the back door and has priced around and should be able to get a new door completely installed for $1500.00 or less.

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

ADOPTED: Ayes - 4 -- Berger, Jenkins, Schermerhorn & Pushman.
Nays – 0
Absent – 1 - Barcone

This Town Board moves to approve having the back door replaced.

RESOLUTION # 29-16
MOVE MONEY FROM BUILDING RESERVE

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

ADOPTED: Ayes - 4 -- Berger, Jenkins, Schermerhorn & Pushman.
Nays – 0
Absent – 1 - Barcone

This Town Board moves to approve moving the money for the back door from the building reserve fund.

RESOLUTION # 30-16
CDPHP HEALTH INSURANCE
Council Member inquired as to the health insurance deductions and read the union contract that was signed in November 2015. The union contract states that there is no premium or out of the pocket expense. Council Member Bradley Jenkins read the minutes from the October and November 2015 Town Board meetings and that there was not a resolution to accept the health insurance. Some of the Town Board remembered that it would stay as it was and some said that the employees said they would have to pay ½. Supervisor John Berger said that the employees should pay bills that they receive until this matter is solved.

Dixie Baldrey explained that the insurance company said the town is only allowed to pay ½ of the deductibles.

On a motion by Council Member Bradley Jenkins, seconded by Council Member JoEllen Schermerhorn, the following resolution was

ADOPTED:  Ayes - 4 -- Berger, Jenkins, Schermerhorn & Pushman.
  Nays – 0
  Absent – 1- Barcone

This Town Board moves to accept the health insurance and have Supervisor John Berger as well as the Town Board look into what needs to be done to meet the union requirements.

**Conference Attendance**

Council Member Bradley Jenkins inquired about attending conferences. What is the procedure at this time. Supervisor John Berger said if there is enough money in the persons budget than it could be worked out.

**PUBLIC CONCERNS:**

Elouise Cole inquired about fixing the 2 post lights outside. Supervisor John Berger said we are working on it.

Sal Mancusio read in the Windham Journal a few weeks ago about the sewer district being extended which would include the Municipal Building. Sal wanted to know about the increase cost to the Town and Supervisor John Berger told him there is none.

**RESOLUTION # 31-16**

**Pay The Bills**

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

ADOPTED - Ayes - 4 -- Berger, Jenkins, Schermerhorn & Pushman.
  Nays – 0
  Absent – 1- Barcone

Resolved that the bills be paid on General Fund Abstract # 1 in the following amounts:
  General Fund  No. 16 through 41 = $164,979.31

Resolved that the bills be paid on Highway Fund Abstract # 1 in the following amounts:
  Highway Fund  No. 3 through 23= $60,188.33

Resolved that the bills be paid on Special District Fund Abstract # 1 in the following amounts:
  Special District  No. 1 through 1 = $232.19

**RESOLUTION # 32-16**

**F.P. Kane Payroll Approval**

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED:  Ayes - 4 -- Berger, Jenkins, Schermerhorn & Pushman.
  Nays – 0
  Absent – 1- Barcone

Resolved that the payroll period ending January 2016 for F. P. Kane be approved for payment.

Adjourn

With no further business, on a motion from Council Member Bradley Jenkins, seconded by Council Member JoEllen Schermerhorn, the meeting shall be adjourned. Carried unanimously.
Supervisor John Berger adjourned the meeting.

Respectfully submitted,

Alice Marie Cross, Town Clerk
Open Meeting: 6:30

Flag Salute

Approve Minutes Regular Meeting Feb 2nd


Glen Faulker MTC Update

Michelle Yost, David Kukle, Scenic Byway

Sewer Project Update

Workers’ Comp Insurance

Western Catskills Agreement

Pay Bills

Adjourn
March 1, 2016

The Town Board Meeting of the Town Board of the Town of Lexington was called to order on March 1, 2016 at 6:30 P.M., by Supervisor John Berger at the Lexington Municipal Building, followed by the pledge of allegiance.

PRESENT: Supervisor ................................. John Berger
Council Members............................. Michael Barcone
                                          William Pushman
                                          Jo Ellen Schermerhorn
                                          Bradley Jenkins
Town Clerk ...................................... Alice Marie Cross
Superintendent of Highways ..........Frank Hermance
Town Attorney ......................... Tal Rappleyea
Code Enforcement Officer.................. Absent: Adam Cross

OTHERS PRESENT: Alfred Truesdell, John Falke, Elouise Cole, Allen Cross, Sal Mancuso, Bennett Wine, Daniel Grinnell, Susan Falke, Emment Turk, Colleen Barcone, Steve Blader, Bonnie Blader, Kendco Gitchall, Don Bramley, Glen Faulkner, Betty Hapeman, Rose Williams, Michelle Yost, Judd Weisberg, Ron Lipton, and Michael Ryan from the Windham Journal

Broadband Update

Bonnie Blader of the Broadband Committee introduced General Manager Glen Faulkner of Margaretville Cable to give an update on the grant submission. Glen Faulkner discussed the expectations of Round 2 expansion grant. Glen Faulkner expressed that Margaretville Cable is still committed to the Lexington Broadband project.

Scenic Byway – Michelle Yost

Michelle Yost from CWC explained what Mountain Cloves Scenic Byway could do for the town. Mountain Clove is the first scenic byway road for Catskill Park, but it is not just a road. It’s a road with a story to tell. A scenic byway might offer magnificent views or fascinating historical sites or amazing wildlife. It might offer access to an exhilarating array of outdoor activities or reveal captivating cultures, spellbinding art or spectacular structures...whether a scenic byway offers one or many of these things, it always offers a great experience and would bring visitors to the town.

Michelle would love to include Lexington and Jewett to capture notch on 42. Supervisor John Berger asked about including Route 6 and Michelle said that it could be included. If we are interested, we could do an addendum with Hunter.

Flood and Stream Projects

Michelle Yost handed out a short version of the Town of Lexington Along Schoharie Creek and the West Kill Flood Hazard Mitigation Analysis and Plan and went over the results. Superintendent of Highways Frank Hermance inquired about Beech Ridge Rd and Michelle funding has been has been allocated to do engineering design to determine the scope of work needed to be done, expected in 2017. John Falke went explained that when the water is to shallow it causes the water temperature to rise and the fish cannot survive.

Michelle Yost informed everyone that on April 2, 2016 there is a Steams to Tunnel: Watershed Management in the Schoharie Basin from 9 to 2 p.m at Hunter Elementary School.

Michelle Yost thank the committee consisting of Beverly Dezan, Lynne Byrne and Judd Weisberg for the wonderful job they are doing.

Logging Bond

Superintendent of Highways Franck Hermance spoke about the logging that is going on in Lexington and surrounding towns. He gave Attorney Tal Rappleyea a copy of a logging bong that one of the local towns uses. Attorney Tal Rappleyea is going to look into this and get back to the Town.

RESOLUTION # 33 -16
APPROVE FEBRUARY MINUTES

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member William Pushman, the following resolution was,
ADOPTED - Ayes - 4 - Berger, Jenkins, Schermerhorn, & Pushman.  
Nays – 0  
Abstain – 1 - Barcone  

This Town of Lexington town board moves to accept the minutes of the regular meeting held on February 2, 2016.  

RESOLUTION # 34-16  
Financial Report – as of 01/31/16  

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was adopted:  

ADOPTED : Ayes - 5 - Berger, Jenkins, Schermerhorn, Barcone, & Pushman.  
Nays – 0  

This Town of Lexington Town Board moves to approve the financial report as of January 31, 2016.  

Sewer Update  

Supervisor John Berger informed the Town Board that the dates have been changed substantial from 12/19/2015 to 3/3/2016 and Final from 5/17/2016 to 7/30/2016.  

Workers Compensation Insurance  

Supervisor John Berger said that when he was at the conference last month he sat in a Workers Compensation Alliance class and it was suggested for us to go back and look at to when the agreement to sign. Superintendent of Highways Frank Hermance said it was when Lois Jenkins was on the board and that was in the 80’s. Supervisor John Berger to contact Lois Jenkins for any help.  

County Road Route 6  

Supervisor John Berger said he received a call from a resident regarding County Route 6 and Shoemaker Road. Water from the road is running onto his property and he would like it taken care of. Supervisor John Berger asked Frank Hermance if he would call the county to find out if anything is going to be done and if so when so John can give this gentleman an update.  

Western Catskill Agreement  

Supervisor John Berger requested permission to sign the agreement for the park grant. Supervisor John Berger said that we would have to put up front $2,375.00 in order for the first draw to be received but the Town would get the money back from that draw. Project to begin on April 15, 2016.  

Supervisor John Berger and the Town Board decided to table the signing until it is confirmed of the ownership and the tanks.  

PUBLIC CONCERNS:  

Allen Cross of the Highway employees asked about the follow up regarding the health insurance. Supervisor John Berger said it is remaining as the Town Board voted and that the Union rep needs to be present in order to discuss further. The Union and Town are in litigation so it cannot be talked about at present.  

John Falke asked about possible pending Amelia Osborn’ position regarding liabilities and workers’ compensation. Supervisor John Berger said she is covered under the town policy. Supervisor John Berger said he would check into to see if anything else is required.
March 1, 2016

RESOLUTION # 35-16
Pay The Bills

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED - Ayes - 5 – Berger, Barcone, Jenkins, Schermerhorn & Pushman.
Nays – 0

Resolved that the bills be paid on General Fund Abstract # 3 in the following amounts:
General Fund No. 42 through 79 = $24,010.46

Resolved that the bills be paid on Highway Fund Abstract # 3 in the following amounts:
Highway Fund No. 24 through 36 = $17,174.19

Resolved that the bills be paid on Special District Fund Abstract # 2 in the following amounts:
Special District No. 2 through 3 = $243.65

RESOLUTION # 36-16
Open Executive Session – Discussion Relating to Pending Litigation

On a motion by Supervisor John Berger, seconded by Council Member JoEllen Schermerhorn, to open for executive session

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.
Nays – 0

RESOLUTION # 37-16
Close Executive Session

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, to come out of executive session

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.
Nays – 0

RESOLUTION # 38-16
Return to Board Meeting

On a motion by Council Member Bradley Jenkins, seconded by Council Member Michael Barcone, to return to the regular meeting.

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.
Nays – 0

Adjourn

With no further business, on a motion from Council Member Bradley Jenkins, seconded by Council Member Michael Barcone, the meeting shall be adjourned. Carried unanimously.

Supervisor John Berger adjourned the meeting. 

Respectfully submitted,

Alice Marie Cross, Town Clerk
The Town Board Meeting of the Town Board of the Town of Lexington was called to order on April 5, 2016 at 6:30 P.M., by Supervisor John Berger at the Lexington Municipal Building, followed by the pledge of allegiance and a moment of silence of William (Billy) Mellott.

PRESENT: Supervisor .............................. John Berger  
Council Members............................. Michael Barcone  
William Pushman  
Jo Ellen Schermerhorn  
Bradley Jenkins  
Town Clerk .................................... Alice Marie Cross  
Superintendent of Highways ............ Frank Hermance  
Town Attorney............................... Absent: Tal Rappleyea  
Code Enforcement Officer............... Adam Cross

OTHERS PRESENT: Alfred Truesdell, John Falke, Bennett Wine, Emment Turk, Colleen Barcone, Bonnie Blader, Janice Barcone, Richard Messinl (Labor Union 17), and Velga Kundtins (WCCRC, Inc)

Western Catskills Community Revitalization Council Presentation

Velga Kundtins gave a presentation of who they are and what they do as well as different programs that are available. Velga discussed the Community Development Block Grant and the NYS Homes and Community Renewal program that is available and what they might be able to do for Lexington.

RESOLUTION # 38-16  
Open Executive Session – Collective Bargaining Agreement

On a motion by Council Member William Pushman, seconded by Council Member Michael Barcone, to open for executive session

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.  
Nays - 0

RESOLUTION # 39-16  
Close Executive Session

On a motion by Supervisor John Berger, seconded by Council Member William Pushman, to come out of executive session

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.  
Nays - 0

RESOLUTION # 40-16  
Return to Board Meeting

On a motion by Supervisor John Berger, seconded by Council Member Bradley Jenkins, to return to the regular meeting.

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.  
Nays - 0

No action was taken.

RESOLUTION # 41-16  
APPROVE MARCH MINUTES

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member William Pushman, the following resolution was,  
ADOPTED - Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.  
Nays - 0

This Town of Lexington town board moves to accept the minutes of the regular meeting held on March 1, 2016.
RESOLUTION # 42-16  
Financial Report – as of 02/29/16 and Code Enforcement Reports January thru March

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

ADOPTED: Ayes - 5 - Berger, Jenkins, Schermerhorn, Barcone, & Pushman.  
Nays - 0

This Town of Lexington town board moves to accept the financial report for February 2016 and the Code Enforcement reports January thru March 2016.

RESOLUTION #43-16  
Approve Supervisor to Sign Park Agreement

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

ADOPTED: Ayes - 5 - Berger, Jenkins, Schermerhorn, Barcone, & Pushman. 
Nays - 0

This Town of Lexington town board moves to approve for Supervisor John Berger to sign the park agreement.

Supervisor John Berger asked Adam Cross to give an update about the parks. Adam said that they are two different parks and not attached and as far as the oil tanks it was tested and approved that all is well. Adam said that we would have to put up front $2,375.00 in order for the first draw to be received but the Town would get the money back from that draw.

RESOLUTION # 44-15  
Reappoint John Loftus to the BAR

Motion was made by Council Member Bradley Jenkins, seconded by Council Member William Pushman, to reappoint John Loftus to the BAR.

ADOPTED - Ayes - 5 - Baldrey, Barcone, Jenkins, Schermerhorn, & Pushman. 
Nays - 0

This Town of Lexington town board moves to reappoint John Loftus to the Bar.

Sewer Update

Supervisor John Berger informed the Town Board Amelia Osborn and him have been going thru the training and testing of all the equipment with everyone company involved. John said that the generator will be retested due to a slight problem.

Broadband Update

Bonnie Blader of the Broadband Committee gave update and information about April 24th. They are meeting at the Lexington Methodist Church or at the Lexington Historical Society at 3:30 PM for 3 hours. We will be taught the new song “Second Round Woes”, to the tune of “Second Hand Rose”.

RESOLUTION # 45-15  
Court Metal Detector

Supervisor John Berger said that the Lexington Court would like to donate their metal detector to the Cairo Court since they do not use it.

Motion was made by Council Member Bradley Jenkins, seconded by Council Member William Pushman, to donate the metal detector to Cairo's Court.

ADOPTED - Ayes - 5 - Baldrey, Barcone, Jenkins, Schermerhorn, & Pushman.  
Nays - 0

This Town of Lexington town board moves to donate the court metal detector to the Cairo Court.

Dye Test Committee
April 5, 2016
Town Board Meeting

Supervisor John Berger explained that the money left over from the Block Grant. Volunteer needed to test from the Creamy to Basil home. Council Member William Pushman and Council Member Michael Barcone volunteered to do the testing. Council Member Bradley Jenkins said he could sub if needed.

NYCDEP Land Purchase

Supervisor John Berger informed the Town of Lexington town board that another 51 (+ or -) acres (Condon Hollow) has been sold to NYCDEP.

Metal Clean up Day

Supervisor John Berger asked Superintendent of Highways Frank Hermance if it is worth having this clean up day and Frank explained how someone comes before they get there and takes all the good metal and they end up with nothing. Everyone said to forego metal clean up day this year.

PUBLIC CONCERNS:

Alice Marie Cross reminded people to attend April 16th Patriot's Day and April 27th 2016 Rabies Clinic

Bennett Wine asked about the update regarding parking at Royal Acres Bennett Wine requested that the hikers or cross country skiers be able to park on the road for 2 to 3 hours.

Council Member JoEllen Schermerhorn commented that it was nice to see so many people at the Greene County Water and Soil meeting.

RESOLUTION # 46-16
Pay The Bills and Kane Payroll

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED - Ayes - 5 – Berger, Barcone, Jenkins, Schermerhorn & Pushman. 
Nays - 0

Resolved that the bills be paid on General Fund Abstract # 4 in the following amounts:
General Fund No. 80 through 117 = $160,233.95

Resolved that the bills be paid on Highway Fund Abstract # 4 in the following amounts:
Highway Fund No. 37 through 62 = $19,842.68

Resolved that the bills be paid on Special District Fund Abstract # 3 in the following amounts:
Special District No. 4 through 4 = $245.24

Resolved that the payroll period ending March 26, 2016 for F. P. Kane be approved for payment.

Adjourn

With no further business, on a motion from Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the meeting shall be adjourned. Carried unanimously.

Supervisor John Berger adjourned the meeting.

Respectfully submitted,

Alice Marie Cross, Town Clerk
May 3, 2016
Town Board Meeting

The Town Board Meeting of the Town Board of the Town of Lexington was called to order on May 3, 2016 at 6:30 P.M., by Supervisor John Berger at the Lexington Municipal Building, followed by the pledge of allegiance and a moment of silence of Georgette Krauss.

PRESENT: Supervisor ............................. John Berger
Council Members............................ Absent: Michael Barcone
William Pushman
Jo Ellen Schermerhorn
Bradley Jenkins
Town Clerk ................................. Alice Marie Cross
Superintendent of Highways .......... Frank Hermance
Town Attorney ............................ Tal Rappleyea
Code Enforcement Officer.............. Absent: Adam Cross

OTHERS PRESENT: Alfred Truesdell, John Falke, Bonnie Blader, Steve Blade, Betty Hapeman, Rose Williams, Denise Abrahansen, Marianne Romito, Sal Mancuso Sr, Sal Mancuso Jr

RESOLUTION # 47 -16
Approve April Minutes

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

ADOPTED: Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Absent – 1 - Barcone

This Town of Lexington town board moves to accept the minutes of the regular meeting held on April 5, 2016.

RESOLUTION # 48-16
Financial Report – as of 03/31/16 and Transfer of Money

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the following resolution was,

ADOPTED: Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Absent – 1 - Barcone

This Town of Lexington Town Board moves to transfer $987.67 from Special Items Contingent account A1990.4 into A1320.4 $425.00 Independent Auditing Contractual account and A3625.4 $562.67 Rescue Squad account and accept the financial report for March 2016.

RESOLUTION # 49-16
Approve Supervisor to Sign Greene County EMS Contract

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED: Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Absent – 1 - Barcone

This Town of Lexington town board moves to approve for Supervisor John Berger to sign the Greene County EMS Contract.

RESOLUTION # 50-16
Appoint Mary Cline Secretary of ZBA

Motion was made by Council Member Bradley Jenkins, seconded by Council Member JoEllen Schermerhorn, to appoint Mary Cline as the secretary to the ZBA.

ADOPTED - Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
This Town of Lexington town board moves to appoint Mary Cline as the secretary of the ZBA.

**RESOLUTION # 51-16**

**Appoint Steve Rossingnol to the ZBA**

Motion was made by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, to appoint Steve Rossingnol to the ZBA.

ADOPTED - Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Absent – 1 - Barcone

This Town of Lexington town board moves to appoint Steve Rossingnol to the ZBA.

**Reduce ZBA size from 5 to 3**

Supervisor John Berger explained the difficulty of getting 5 people to serve on the Zoning Board and requested that we hold a public hearing to reduce the number from 5 to 3. The Town of Lexington Town Board agreed and so the public hearing is scheduled for June 7, 2016 at 6:15 p.m.

**Inter Municipal Agreement Town of Windham**

Supervisor John Berger shared that Code Enforcement Officer Adam Cross has recommended this agreement because it is not right that he inspect work of either the Supervisor, Town Board or himself. Supervisor John Berger said it would cost the permit tee $50.00 extra to pay for the inspector from Windham to come and inspect. Council Members William Pushman and Bradley Jenkins both disagreed with this and said that the Town should pay. The permit tee or contractor causing the conflict would pay the one time fee of $50.00.

The Town Board has decided to table this for now.

**Timber Harvest Law**

Superintendent of Highways Franck Hermance spoke about the logging that is going on in Lexington and surrounding towns. Council Member Bradley Jenkins feels that this is picking on one industry and they do not do as much damage as snowplows. Council Member Bradley Jenkins believes there is a law in which Superintendent of Highways Frank Hermance can temporally post the road for weight and Attorney Tal Rappleyea agreed with Council Member Bradley Jenkins. Council Member Bradley Jenkins said this would settle the problem without singling one industry.

Sal Mancuso Sr. suggested it should be on the permit of the owners doing the work to leave the road as they found it. Council Member Bradley Jenkins said it is another infringement on the property owners rights.

The Town Board is tabling it for now so Attorney Tal Rappleyea can look into encompassing everything the Town needs.

**Chip's Money**

Supervisor John Berger shared that there is an increase in the chip money. We are receiving $72,666.45 chips and an additional $16,586.00 pave New York Funds.

**RESOLUTION # 52-16**

**Highway Pick-up Truck**

Supervisor John Berger asked Superintendent of Highways Frank Hermance provide the information about the vehicle he found to purchase. It is a 2005 Ford pick-up truck with 70,000 miles on it and the cost is $8,500.00. The Dodge truck will be sold and the Ford truck will replace it. Supervisor John Berger said the funds will come from account DA9950.9 Inter-fund Transfers Truck Repair.

Motion was made by Council Member Bradley Jenkins, seconded by Council Member William Pushman, to purchase the Ford truck.
ADOPTED - Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Absent – 1 - Barcone
This Town of Lexington town board moves to purchase the 2005 Ford truck.

**Employee Handbook and the Code of Ethics**

Supervisor John Berger said that we will table it this month but for the Town Board to bring them next month. Council Member JoEllen Schermerhorn said that there is other policies they need to go over also.

**RESOLUTION # 53-16**

**Support the Tour of the Catskills being held on August 6, 2016**

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

ADOPTED - Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Absent – 1 - Barcone

Whereas, the Tour of the Catskills is being held through the Town of Lexington on August 6th, 2016; and

Whereas, promotion of the beauty of the Catskills through the Tour of the Catskills, results in goodwill with those participants and their families, and;

Whereas, such an event also provides an economic benefit to the mountaintop communities;

Therefore, the Town of Lexington joins with its neighbor in supporting the Tour of the Catskills.

The Board welcomes your organization and the participants to our Town. Be safe, enjoy, and it helps with the promotion and provides a favorable economic impact to our area.

**RESOLUTION # 54-16**

**Trees and Shrubs**

Supervisor John Berger explained that he had Bob Kern come out and look at the tree out front. Mr. Kern explained that it was just winter burn and that it was not dead, Mr. Kern offered to trim the bush and tree on the side of the building at no cost to the Town.

Motion was made by Council Member Bradley Jenkins, seconded by Council Member William Pushman, moved to take Mr. Kern up on his offer.

ADOPTED - Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Absent – 1 - Barcone

This Town of Lexington town board moves to remove the bushes and take care of the tree.

**PUBLIC CONCERNS:**

Maryanne Romito shared with the Town that she is running for the Hunter Tannersville School Board and explained how she desires to serve and asked if anyone had any questions for her.

Sal Mancuso Jr. discussed the Hunter Landfill problem and what he has found out. Sal Mancuso Jr and his father attend a meeting where they spoke with Bob (waiting for last name). Bob told them that Hunter had received a grant 3 years ago to correct the problem but it was never corrected. Hunter did asked for another grant and was told no because they did not use the first one for what it was intended for. Bob said they should speak with a man named Gus (waiting for last name) for more information.

Supervisor John Berger asked Sal Mancuso Jr if he would give him a copy of the information he has so he can look into further and Sal said he would. I have not received the full names yet.

John Falke said that Dave Miller was in office at the time of the Hunter Landfill situation. Betty Hapeman asked about Clean up Day. Supervisor John Berger said that the Town Board has decided to not have clean up day because it is too costly to the Town. Superintendent of Highways Frank Hermance said that he could provide a name and phone of someone who will come and pick it up.
Sal Mancuso Sr. asked Superintendent of Highways Frank Hermance if the guardrails are okay and Frank said it does not matter either way, rocks or guardrails are fine. Superintendent of Highways Frank Hermance contacted the Highway Committee and they agreed that it is alright to use stone.

Broadband Update

Bonnie Blader of the Broadband Committee gave update and information about the April 24th gathering. The meeting went very well, standing room only and the song “Second Round Woes” came out fantastic. It is already out there for all to hear.

RESOLUTION # 55-16
Code Enforcement Report

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED : Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Absent – 1 - Barcone

This Town of Lexington town board moves to accept the Code Enforcement report for April 2016.

RESOLUTION # 56-16
Union Health Insurance

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

ADOPTED : Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Absent – 1 - Barcone

This Town of Lexington town board moves to accept the union agreement as presented.

RESOLUTION # 57-16
Pay The Bills

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED - Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Absent – 1 - Barcone

Resolved that the bills be paid on General Fund Abstract # 5 in the following amounts:
General Fund No. 118 through 142 = $10,433.01

Resolved that the bills be paid on Highway Fund Abstract # 5 in the following amounts:
Highway Fund No. 63 through 79 = $,13,830.51

Resolved that the bills be paid on Special District Fund Abstract # 4 in the following amounts:
Special District No. 5 through 6 = $239.09

Adjourn

With no further business, on a motion from Council Member JoEllen Schermerhorn, seconded by Council Member William Pushman, the meeting shall be adjourned. Carried unanimously.

Supervisor John Berger adjourned the meeting.

Respectfully submitted,

Alice Marie Cross, Town Clerk ~^~
June 7, 2016

Town Board Meeting

The Town Board Meeting of the Town Board of the Town of Lexington was called to order on June 7, 2016 at 6:30 P.M., by Supervisor John Berger at the Lexington Municipal Building, followed by the pledge of allegiance.

PRESENT: Supervisor ....................................... John Berger
Council Members.......................... Michael Barcone
William Pushman
Jo Ellen Schermerhorn
Bradley Jenkins
Town Clerk ........................................... Alice Marie Cross
Superintendent of Highways .............Frank Hermance
Town Attorney................................. Tal Rappleyea
Code Enforcement Officer............... Absent: Adam Cross

OTHERS PRESENT: John Falke, Jack Jordon, Elouise Cole, and Michael Ryan from the Windham Journal

RESOLUTION # 58 -16
Approve May Minutes

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was,

ADOPTED - Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Abstain – 1 - Barcone

This Town of Lexington town board moves to accept the minutes of the regular meeting held on May 3, 2016.

RESOLUTION # 59-16
Financial Report – as of 04/30/16

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

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Pushman, Barcone, Jenkins.
Nays - 0

This Town of Lexington Town Board moves accept the financial report for April 2016.

RESOLUTION # 60-16
Local Flood Analysis

Supervisor John Berger said that he was sure everyone has reviewed this analysis and he is ready to accept this analysis report as is but would like to make one comment and that is he does not agree with the demolition of the Lexington Hotel. Council Member William Pushman said it would make room for more water and nothing could be built there.

TOWN OF Lexington

RESOLUTION # 60 of 2016

ACCEPTING LEXINGTON’S 2016 LOCAL FLOOD ANALYSIS

WHEREAS the Town of Lexington is subject to flooding that can damage property, close businesses, disrupt traffic, and present a public health and safety hazard; and

WHEREAS funding support from Schoharie Watershed Stream Management Implementation Program (SMIP) was obtained to conduct a Local Flood Analysis (LFA) and mitigation plan for the Town of Lexington; and

WHEREAS a useful and effective plan requires the understanding of flood hazards, what exacerbates flooding, and participation and support of different public and private individuals, agencies and organizations that are impacted by natural hazards and/or that can help mitigate the impacts; and
WHEREAS several Federal programs require that the Town of Lexington has an adopted flood mitigation plan to qualify for their benefits; and

WHEREAS the Town of Lexington has recently completed, with technical assistance from Milone and MacBroom, Inc., GCSWCD, and NYCDEP, a detailed Local Flood Analysis, and

WHEREAS, the Town of Lexington has formed a Flood Advisory Committee to guide the process and recommendations, and

WHEREAS, the report identifies mitigation measures for the Town of Lexington to consider,

NOW, THEREFORE BE IT RESOLVED THAT:

The Town Board of the Town of Lexington accepts the Local Flood Analysis produced by Milone and MacBroom, Inc. dated May 2016.

A motion to adopt this resolution was made by Councilman Michael Barcone and seconded by Councilman William Pushman

Adopted:

Supervisor: Berger - aye
Councilmen: Jo Ellen Schermerhorn - aye
William Pushman - aye
Michael Barcone - aye
Bradley Jenkins – aye

RESOLUTION # 61-16
2001 Dodge Truck

Supervisor John Berger opened up the 4 bids that were received and two of the bids were the same amount.

Motion was made by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, to reject all bids due to two bids being the same.

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Pushman, Barcone, Jenkins.
Nays -0

This Town of Lexington town board moves to reject all bids and have a rebid.

RESOLUTION # 62-16
Approve Public Hearing – Reduction of Zoning Board of Appeals Membership

On a motion by Council Member JoEllen Schermerhorn,seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED : Ayes - 5 - Barcone, Jenkins, Baldrey, Pushman, Schermerhorn.
Nays - 0

This Town of Lexington Town Board moves to approve the minutes of the Public Hearing – Reduction of Zoning Board of Appeals Membership held on June 7th, 2016.

RESOLUTION # 63-16
Employee Handbook for Town of Lexington

The Town Board of Lexington has decided that the town will provide health insurance for the Superintendent of Highways and the Town Clerk with the employee paying 3% of the premium (does not include Frank Hermance) The future Superintendent of Highways and the Town Clerk will pay the employee premium and all of the deductions. As long as Superintendent of Highways Frank Hermance and Town Clerk Alice Marie Cross are in office it will remain the same as it is now.

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

ADOPTED: Ayes - 5 - Berger, Schermerhorn, Pushman, Barcone, & Jenkins.
Nays – 0
This Town of Lexington Town Board moves to adopt the Town of Lexington Employee Handbook for 2015 with as per the changes.

**RESOLUTION # 64-16**

**Code of Ethics**

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushamn, the following resolution was

ADOPTED: Ayes - 5 - Berger, Schermerhorn, Pushman, Barcone, & Jenkins.

Nays – 0

This Town of Lexington Town Board moves to adopt the Town of Lexington Code of Ethics for 2012 with as per the changes.

**RESOLUTION # 65-16**

**Purchasing Policy**

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

ADOPTED: Ayes - 5 - Berger, Jenkins, Schermerhorn, Pushman, Barcone

Nays – 0

This Town of Lexington Town Board moves to accept the Town of Lexington's Purchasing Policy.

**Sewer District Update**

Supervisor John Berger updated the Town Board that there is a small problem with the transducer and that it will be resolved.

Superintendent of Highways Frank Hermance asked if the position of the operator is still responsible for mowing the property and if so why do we have Michael and Jean Jaeger mowing the property. Supervisor John Berger said yes the operator is still responsible for mowing the property, but the sewer district does not have a mower and he is not exactly sure of how much has to be mowed, so for right now he has hired Michael and Jean Jaeger to mow the property. Supervisor John Berger explained that the DEP says the property must be mowed two times a year so by having the Jaegers mow the property it is meeting the DEP requirements. Superintendent of Highways Frank Hermance asked if the operator was still receiving the same pay since they were not mowing the property yet and if so who was paying. Supervisor John Berger said that they were receiving the same pay and the cost is coming from the sewer budget not the town.

Supervisor John Berger is looking into having someone hay the field. Operator Amelia Osborne is going to be making three calls about cutting the field.

Supervisor John Berger said lawn equipment will have to be put into next years sewer district budget.

Supervisor John Berger brought to the attention of the Town Board that the town needs to find a place to store the sewer jetter, town lawnmower, trailer from fire company, and heath club shed supplies. He is requesting to seek bids to build a garage in the back of the municipal building. The Town Board of Lexington told Supervisor that it was a good idea to pursue.

**Timber Harvest Law**

Supervisor John Berger really likes the Timber Harvest Law and requested if the Town Board would agree to hold a public hearing. Council Member Bradley Jenkins disagreed and said that we could post the road temporarily for weight which would settle the problem without singling on industry. The Town of Lexington Town Board agreed and so the public hearing is scheduled for July 5, 2016 at 6:15 p.m.

**RESOLUTION # 66-16**

**HTC Contract**
Supervisor John Berger explained that the bus cost is $1.90 a mile and the bus driver is separate. We hire the bus driver and town pays her or him directly.

Swim program starts in the beginning of July for 5 weeks (Tuesdays and Thursdays 9 to 4) and ends with a trip to Zoom Flume.

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

ADOPTED: Ayes - 5 - Berger, Jenkins, Schermerhorn, Pushman, Barcone
Nays – 0

This Town of Lexington Town Board moves to approve for Supervisor John Berger to sign the agreement.

**Barn Dance**

Council Member JoEllen Schermerhorn reminded everyone that it is on June 18th starting at 5 p.m. There will be a Chinese auction, face painting, line dancing, and hay rides. Grumpy Jim will be the music of the event. Looking for donations for the Chinese auction. Bring a pot luck and your dancing shoes.

Set up and Clean up help needed. Council Members JoEllen Schermerhorn and William Pushman are in charge.

**DEP Land Purchase**

Supervisor John Berger informed the town that another 50 acres on 23A across from Echo Valley has been sold to the DEP.

**Code Enforcement Report**

Supervisor John Berger reviewed the report and each Council Member has a copy of the Code Enforcement Officers Report. The month of May 2016 shows 4 Certificate of Occupancy or Compliance, 0 permits were issued and 0 Violation letter.

**PUBLIC CONCERNS:**

Council Member Michael Barcone announced that on July 2nd is the West Kill Community Chicken BBQ.

Council Member JoEllen Schermerhorn announced that June 11th is the Lexington Church Strawberry Supper. Tickets $10.00 and it starts at 5 p.m.

**RESOLUTION # 67-16**

**Pay The Bills**

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Pushman, Barcone, & Jenkins.
Nays – 0

Resolved that the bills be paid on General Fund Abstract # 6 in the following amounts:
- General Fund No. 143 through 184 = $14,568.58

Resolved that the bills be paid on Highway Fund Abstract # 6 in the following amounts:
- Highway Fund No. 80 through 108 = $16,679.51

Resolved that the bills be paid on Special District Fund Abstract # 5 in the following amounts:
- Special District No. 7 through 7 = $233.08

Resolved that the bills be paid on Sewer District Fund Abstract # 1 in the following amounts:
- Sewer District No. 1 through 4 = $4,138.58

**RESOLUTION # 68-16**

**Open Executive Session – Specific Personnel Issue**
On a motion by Supervisor John Berger, seconded by Council Member William Pushman, to open for executive session at 7:35 p.m.

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0

RESOLUTION # 69-16
Close Executive Session

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member William Pushman, to come out of executive session at 7:54 p.m.

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0

RESOLUTION # 70-16
Return to Board Meeting

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, to return to the regular meeting at 7:55 p.m.

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0

No action was taken.

Adjourn

With no further business, on a motion from Council Member William Pushman, seconded by Council Member Bradley Jenkins, the meeting shall be adjourned. Carried unanimously.

Supervisor John Berger adjourned the meeting.

Respectfully submitted,

Alice Marie Cross, Town Clerk
June 7, 2016

Public Hearing – Reduction of Zoning Board of Appeals Membership

The Public Hearing for the preliminary budget was called to order on June 7 at 6:15 P.M. by Supervisor John Berger at the Kenneth A. Becker Municipal Building. The meeting was called to order by Supervisor John Berger and followed by the pledge to the flag.

PRESENT: Supervisor..........................................John Berger
Council Members...........................................Michael Barcone
William Pushman
Jo Ellen Schermerhorn
Bradley Jenkins

Town Clerk .................................................Alice Marie Cross
Superintendent of Highways........... Frank Hermance
Town Attorney.................................Tal Rappleyea
Code Enforcement Officer................. Absent: Adam Cross

OTHERS PRESENT: No one present

Public Hearing - Reduction of Zoning Board of Appeals Membership

Supervisor John Berger opened the Public Hearing for the Reduction of Zoning Board of Appeals Membership from 5 to 3 for the Town of Lexington Town Board, and asked the public if they had comments.

Supervisor John Berger asked again if there were any comments or questions from the general public; and there was no response, so Supervisor John Berger asked for a motion to close the Public Hearing.

Motion to Close Public Hearing

Council Member William Pushman made a motion to close the Public Hearing on the Reduction of Zoning Board of Appeals Membership, seconded by Council Member Michael Barcone Time – 6:24 pm

Vote:

Berger -aye, Schermerhorn -aye, Pushman -aye, Barcone -aye, Jenkins -aye. Carried.

Respectfully submitted,

Alice Marie Cross
Town Clerk
The Public Hearing for the preliminary budget was called to order on July 5th 2016 at 6:15 P.M by Supervisor John Berger at the Kenneth A. Becker Municipal Building. The meeting was called to order by Supervisor John Berger and followed by the pledge to the flag.

**PRESENT:**
- Supervisor..........................................John Berger
- Council Members......................Michael Barcone
  William Pushman
  Jo Ellen Schermerhorn
  Bradley Jenkins
- Town Clerk ................................Alice Marie Cross
- Superintendent of Highways..............Frank Hermance
- Town Attorney..................................Tal Rappleyea
- Code Enforcement Officer...........Absent: Adam Cross

**OTHERS PRESENT:** Eileen Deleonardis, Lisa Deleonardis, Beverly Dezan, Elouise Cole, Jack Jordon, John Falke, Rose Williams, Elizabeth Hapeman, and Lynn Byrne

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**Town of Lexington**

**Local Law #2 of 2016**

**Timber Harvesting Road Protection**

§ 1. Title.
This law shall be known as the "Timber Harvesting Road Protection Law of the Town of Lexington."

§ 2. Definitions.
As used in this chapter, the following terms shall have the following meanings:

- **TIMBER HARVESTING.** The removal of selected trees within a specified boundary designated by the owner of the parcel.

§ 3. Timber Harvesting Zoning Permit Requirements.
Before the commencement of any Timber Harvesting not exempted below, a Zoning Permit must be obtained. Before the Timber Harvesting Zoning Permit is approved, the applicant and the Town Superintendent of Highways shall inspect the site to insure that the applicant’s plans will provide adequate protection for all Lexington highways. All Timber Harvesting Zoning Permits will expire on December 31 of the year of issuance. A Zoning Permit, good for the calendar year in which it is issued, at a fee of $25 shall be charged to obtain a Timber Harvesting Zoning Permit. Subject to the issuance of a Zoning Permit hereunder, Timber Harvesting is a permitted use all zoning districts in the Town of Lexington.

The Town Code Enforcement Officer, upon the recommendation of the Town Highway Superintendent, shall set an amount to be filed with the Town Clerk by the landowner 1) a certified check to cover the cost, as estimated by the Highway Superintendent, to repair any Town roads that may be damaged during the course and as a result of the timbering; 2) the landowner shall file a bond in such amount. Any such bond shall comply with the requirements of Section 277 of the Town Law and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety; or 3) an irrevocable line of credit with an accredited lending or financial institution.

The applicant shall also obtain liability insurance and provide the Town Clerk with a copy of the declaration sheet or other evidence that the Town is an additional named-insured thereon.

Though not required, applicants are strongly encouraged to participate in or follow guidelines set by the New York State Department of Environmental Conservation’s Cooperative Timber Harvesting Program.

§ 4. Timber Harvesting Exemptions
The following activities are not required to obtain a Timber Harvesting Zoning Permit:
- a. Any timber harvesting of an area totaling less than five (5) acres;
- b. Harvesting of Christmas trees;
c. Clearing of land for rights of way for utilities;
d. Reasonable site clearing preparatory to construction of a building for which a building permit has been issued;
e. Clearing and maintenance of land for agricultural purposes;
f. Clearing and maintenance of land when allowed under a Zoning Permit or a Special Use Permit for a non-Timber Harvesting Use; and
g. Harvesting of trees and firewood for the personal use of the property owner.

§ 5. Penalties and enforcement.
This local law shall carry the same penalties and shall be enforced in the same manner as the Town of Lexington Zoning Law.

§ 6. When effective.
This local law shall take effect immediately upon filing with the Secretary of State's office.

Public Hearing - Local Law #2 of 2016 Timber Harvesting

Supervisor John Berger opened the Public Hearing for Local Law #1 of 2016 Timber Harvesting for the Town of Lexington Town Board, and asked the public if they had comments.

Supervisor John Berger gave a copy of the letter from Robert K Davies, NYS Forester Director of Lands and Forests NYSDEC to Attorney Tal Rappleyea asking him to review the information and inform the Town Board if they must comply with the deferring of this law until August 14, 2016, since the letter was received on July 5th, 2016 at 3:40 p.m. by email. Attached to Public Hearing minutes is a copy of this letter.

Lynn Byrne, Eileen Deleonardis, and Lisa Deleonardis questioned about having to get a permit in order to remove trees from their own property. Supervisor John Berger said this law is about protecting the roads not about what people can or cannot do on their property.

Council Member Bradley Jenkins and Council Member William Pushman said posting a sign would do the same job. Superintendent Frank Hermance said posting a sign would not be the same thing since the drivers would say they did not damage the road when they drove on it as where the permit would. Council Member JoEllen Schermerhorn said she agrees with Council Member Bradley Jenkins with posting signs and changing the name of the law.

Council Member William Pushman said he has a concern about the cost of the bond and Council Member Bradley has a problem with more regulations for the homeowners.

Council Members and Supervisor John Berger asked Attorney Tal Rappleyea his recommendation regarding the letter form NYSDEC. Attorney Tal Rappleyea said that under state law they have the right to have us wait until August 14, 2016 so they can respond.

Motion to Close Public Hearing

Council Member William Pushman made a motion to close the Public Hearing on the Timber Harvest Law, seconded by Council Member JoEllen Schermerhorn Time – 6:46 pm.

Vote:
Berger -aye, Schermerhorn -aye, Pushman -aye, Barcone -aye, Jenkins -aye. Carried.
Respectfully submitted,

Alice Marie Cross
July 5, 2016

Public Hearing
Local Law #2 of 2016
Timber Harvesting
June 7, 2016

Town Board Meeting

The Town Board Meeting of the Town Board of the Town of Lexington was called to order on June 7, 2016 at 6:30 P.M., by Supervisor John Berger at the Lexington Municipal Building, followed by the pledge of allegiance.

PRESENT: Supervisor ................................. John Berger
Council Members ............................. Michael Barcone
                                      William Pushman
                                      Jo Ellen Schermerhorn
                                      Bradley Jenkins
Town Clerk .............................................. Alice Marie Cross
Superintendent of Highways .......... Frank Hermance
Town Attorney .............................. Tal Rappleyea
Code Enforcement Officer .............. Absent: Adam Cross

OTHERS PRESENT: John Falke, Jack Jordon, Elouise Cole, and Michael Ryan from the Windham Journal

RESOLUTION # 58 -16
Approve May Minutes

On a motion by Council Member William Pushman , seconded by Council Member Bradley Jenkins, the following resolution was,

ADOPTED - Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Abstain – 1 - Barcone

This Town of Lexington town board moves to accept the minutes of the regular meeting held on May 3, 2016.

RESOLUTION # 59-16
Financial Report – as of 04/30/16

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

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Pushman, Barcone, Jenkins.
Nays - 0

This Town of Lexington Town Board moves accept the financial report for April 2016.

RESOLUTION # 60-16
Local Flood Analysis

Supervisor John Berger said that he was sure everyone has reviewed this analysis and he is ready to accept this analysis report as is but would like to make one comment and that is he does not agree with the demolition of the Lexington Hotel. Council Member William Pushman said it would make room for more water and nothing could be built there.

TOWN OF Lexington

RESOLUTION # 60 of 2016

ACCEPTING LEXINGTON’S 2016 LOCAL FLOOD ANALYSIS

WHEREAS the Town of Lexington is subject to flooding that can damage property, close businesses, disrupt traffic, and present a public health and safety hazard; and

WHEREAS funding support from Schoharie Watershed Stream Management Implementation Program (SMIP) was obtained to conduct a Local Flood Analysis (LFA) and mitigation plan for the Town of Lexington; and

WHEREAS a useful and effective plan requires the understanding of flood hazards, what exacerbates flooding, and participation and support of different public and private individuals, agencies and organizations that are impacted by natural hazards and/or that can help mitigate the impacts; and
WHEREAS several Federal programs require that the Town of Lexington has an adopted flood mitigation plan to qualify for their benefits; and

WHEREAS the Town of Lexington has recently completed, with technical assistance from Milone and MacBroom, Inc., GCSWCD, and NYCDEP, a detailed Local Flood Analysis, and

WHEREAS, the Town of Lexington has formed a Flood Advisory Committee to guide the process and recommendations, and

WHEREAS, the report identifies mitigation measures for the Town of Lexington to consider,

NOW, THEREFORE BE IT RESOLVED THAT:

The Town Board of the Town of Lexington accepts the Local Flood Analysis produced by Milone and MacBroom, Inc. dated May 2016.

A motion to adopt this resolution was made by Councilman Michael Barcone and seconded by Councilman William Pushman

Adopted:
Supervisor: Berger - aye
Councilmen: Jo Ellen Schermerhorn - aye
William Pushman - aye
Michael Barcone - aye
Bradley Jenkins – aye

RESOLUTION # 61-16
2001 Dodge Truck

Supervisor John Berger opened up the 4 bids that were received and two of the bids were the same amount.

Motion was made by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, to reject all bids due to two bids being the same.

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Pushman, Barcone, Jenkins.
Nays -0

This Town of Lexington town board moves to reject all bids and have a rebid.

RESOLUTION # 62-16
Approve Public Hearing – Reduction of Zoning Board of Appeals Membership

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED : Ayes - 5 - Barcone, Jenkins, Baldrey, Pushman, Schermerhorn.
Nays - 0

This Town of Lexington Town Board moves to approve the minutes of the Public Hearing – Reduction of Zoning Board of Appeals Membership held on June 7th, 2016.

RESOLUTION # 63-16
Employee Handbook for Town of Lexington

The Town Board of Lexington has decided that the town will provide health insurance for the Superintendent of Highways and the Town Clerk with the employee paying 3% of the premium (does not include Frank Hermance) The future Superintendent of Highways and the Town Clerk will pay the employee premium and all of the deductions. As long as Superintendent of Highways Frank Hermance and Town Clerk Alice Marie Cross are in office it will remain the same as it is now.

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

ADOPTED: Ayes - 5 - Berger, Schermerhorn, Pushman, Barcone, & Jenkins.
Nays – 0
June 7, 2016
Town Board Meeting

This Town of Lexington Town Board moves to adopt the Town of Lexington Employee Handbook for 2015 with as per the changes.

RESOLUTION # 64-16
Code of Ethics

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman, the following resolution was

ADOPTED: Ayes - 5 - Berger, Schermerhorn, Pushman, Barcone, & Jenkins.
Nays – 0

This Town of Lexington Town Board moves to adopt the Town of Lexington Code of Ethics for 2012 with as per the changes.

RESOLUTION # 65-16
Purchasing Policy

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

ADOPTED: Ayes - 5 - Berger, Jenkins, Schermerhorn, Pushman, Barcone
Nays – 0

This Town of Lexington Town Board moves to accept the Town of Lexington's Purchasing Policy.

Sewer District Update

Supervisor John Berger updated the Town Board that there is a small problem with the transducer and that it will be resolved.

Superintendent of Highways Frank Hermance asked if the position of the operator is still responsible for mowing the property and if so why do we have Michael and Jean Jaeger mowing the property. Supervisor John Berger said yes the operator is still responsible for mowing the property, but the sewer district does not have a mower and he is not exactly sure of how much has to be mowed, so for right now he has hired Michael and Jean Jaeger to mow the property. Supervisor John Berger explained that the DEP says the property must be mowed two times a year so by having the Jaegers mow the property it is meeting the DEP requirements. Superintendent of Highways Frank Hermance asked if the operator was still receiving the same pay since they were not mowing the property yet and if so who was paying. Supervisor John Berger said that they were receiving the same pay and the cost is coming from the sewer budget not the town.

Supervisor John Berger is looking into having someone hay the field. Operator Amelia Osborne is going to be making three calls about cutting the field.

Supervisor John Berger said lawn equipment will have to be put into next years sewer district budget.

Supervisor John Berger brought to the attention of the Town Board that the town needs to find a place to store the sewer jetter, town lawnmower, trailer from fire company, and heath club shed supplies. He is requesting to seek bids to build a garage in the back of the municipal building. The Town Board of Lexington told Supervisor that it was a good idea to pursue.

Timber Harvest Law

Supervisor John Berger really likes the Timber Harvest Law and requested if the Town Board would agree to hold a public hearing. Council Member Bradley Jenkins disagreed and said that we could post the road temporally for weight which would settle the problem without singling on industry. The Town of Lexington Town Board agreed and so the public hearing is scheduled for July 5, 2016 at 6:15 p.m.

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HTC Contract
Supervisor John Berger explained that the bus cost is $1.90 a mile and the bus driver is separate. We hire the bus driver and town pays her or him directly.

Swim program starts in the beginning of July for 5 weeks (Tuesdays and Thursdays 9 to 4) and ends with a trip to Zoom Flume.

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

ADOPTED: Ayes - 5 - Berger, Jenkins, Schermerhorn, Pushman, Barcone
Nays – 0

This Town of Lexington Town Board moves to approve for Supervisor John Berger to sign the agreement.

**Barn Dance**

Council Member JoEllen Schermerhorn reminded everyone that it is on June 18th starting at 5 p.m. There will be Chinese auction, face painting, line dancing, and hay rides. Grumpy Jim will be the music of the event. Looking for donations for the Chinese auction. Bring a pot luck and your dancing shoes.

Set up and Clean up help needed. Council Members JoEllen Schermerhorn and William Pushman are in charge.

**DEP Land Purchase**

Supervisor John Berger informed the town that another 50 acres on 23A across from Echo Valley has been sold to the DEP.

**Code Enforcement Report**

Supervisor John Berger reviewed the report and each Council Member has a copy of the Code Enforcement Officers Report. The month of May 2016 shows 4 Certificate of Occupancy or Compliance, 0 permits were issued and 0 Violation letter.

**PUBLIC CONCERNS:**

Council Member Michael Barcone announced that on July 2nd is the West Kill Community Chicken BBQ.

Council Member JoEllen Schermerhorn announced that June 11th is the Lexington Church Strawberry Supper. Tickets $10.00 and it starts at 5 p.m..

**RESOLUTION # 67-16**

**Pay The Bills**

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED: Ayes - 5 - Berger, Schermerhorn, Pushman, Barcone, & Jenkins.
Nays – 0

Resolved that the bills be paid on General Fund Abstract # 6 in the following amounts:

General Fund
No. 143 through 184 = $14,568.58

Resolved that the bills be paid on Highway Fund Abstract # 6 in the following amounts:

Highway Fund
No. 80 through 108 = $16,679.51

Resolved that the bills be paid on Special District Fund Abstract # 5 in the following amounts:

Special District
No. 7 through 7 = $233.08

Resolved that the bills be paid on Sewer District Fund Abstract # 1 in the following amounts:

Sewer District
No. 1 through 4 = $4,138.58

**RESOLUTION # 68-16**

**Open Executive Session – Specific Personnel Issue**
On a motion by Supervisor John Berger, seconded by Council Member William Pushman, to open for executive session at 7:35 p.m.

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0

**RESOLUTION # 69-16**

**Close Executive Session**

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member William Pushman, to come out of executive session at 7:54 p.m.

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0

**RESOLUTION # 70-16**

**Return to Board Meeting**

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, to return to the regular meeting at 7:55 p.m.

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0

No action was taken.

**Adjourn**

With no further business, on a motion from Council Member William Pushman, seconded by Council Member Bradley Jenkins, the meeting shall be adjourned. Carried unanimously.

Supervisor John Berger adjourned the meeting.

Respectfully submitted,

Alice Marie Cross, Town Clerk
August 2, 2016
Town Board Meeting

The Town Board Meeting of the Town Board of the Town of Lexington was called to order on August 2, 2016 at 6:30 P.M., by Supervisor John Berger at the Lexington Municipal Building, followed by the pledge of allegiance.

PRESENT: 
Supervisor ..................................... John Berger
Council Members.............................. Michael Barcone 
Absent: William Pushman
Jo Ellen Schermerhorn
Bradley Jenkins
Town Clerk .................................Alice Marie Cross
Superintendent of Highways ..........Frank Hermance
Town Attorney............................. Tal Rappleyea
Code Enforcement Officer............. Absent: Adam Cross

OTHERS PRESENT:  
Eileen Deleonardis, Lisa Deleonardis, Ellouise Cole, John Falke, Rose Williams, Elizabeth Hapeman, 
Officer Sean Dewey, Sal Mancuso, Alfred Tuesdell, Donald Falke, Robert Mazauak, Michelle Yost, and Greg Hudson, from the Daily Mail

Fox in Lexington

Supervisor John Berger introduced Officer Sean Dewey from the Encon Police to speak on behalf of the sightings in the Hamlet of Lexington. Officer Dewey has concern over the foxes being poisoned and said that anyone having information about this will remain anonymous. The fox is protected by State Law. Officer Dewey went on to say that mange can be treated with medication (the medicine used to treat heart worms) as well and knows someone who could help in this area. Officer Dewey said to use mouse traps not Decon because that poison hurts all kinds of animals not just mice. He suggested peanut butter in the trap. Amid rumors Council Member JoEllen Schermerhorn asked if an animal could be tested to find out how he died.

RESOLUTION # 83 -16
Approve Public Hearing Minutes

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member John Berger, the following resolution was,

ADOPTED - Ayes -  4 - Berger, Schermerhorn, Barcone, Jenkins.
Absent - 1 - Pushman

Therefore, the Town of Lexington Town Board moves to accept the minutes of the regular meeting held on July 5, 2016.

RESOLUTION # 84 -16
Approve July Minutes

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

ADOPTED - Ayes - 4 - Berger, Schermerhorn, Barcone, Jenkins.
Nays - 0
Absent - 1 - Pushman

Therefore, the Town of Lexington Town Board moves to accept the minutes of the regular meeting held on July 5, 2016.

RESOLUTION # 85-16
Financial Report – as of 06/30/16

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the following resolution was,

ADOPTED : Ayes - 4 - Berger, Schermerhorn, Barcone, Jenkins.
Nays - 0
Absent - 1 - Pushman
RESOLUTION #86-16
Workers Compensation

RESOLUTION
To Finance Workers Compensation Premiums to Withdraw from the County Self-Insurance Plan

WHEREAS, The Town of Lexington has heretofore determined that it is in the public’s best interest to withdraw from the Greene County Workers Compensation Self-Insurance Plan and obtain such insurance elsewhere, and

WHEREAS, the total amount necessary to complete such withdrawal and transition to another plan will not to exceed $170,000.00 (One Hundred and Seventy Thousand Dollars), and

WHEREAS, The Town Board of the Town of Lexington wishes to complete such financing with a Bond Anticipation Note at a competitive market rate in accordance with the NYS Local Finance Law §11 (a) (57),

NOW THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board of the Town of Lexington hereby authorizes the execution of any and all documents necessary to complete the Bond Anticipation Note by the Town of Lexington Supervisor to complete the afore-mentioned financing in an amount not to exceed $170,000.00 (One Hundred and Seventy Thousand Dollars) at a competitive market rate it is further

RESOLVED, that the foregoing resolution is made in accordance with the provisions of Local Finance Law Sections 35.00 and 11 (a) (57).

RESOLUTION MOTION MADE BY COUNCILPERSON Jenkins, SECONDED BY COUNCILPERSON Schermerhorn.

ROLL CALL:

AYE NAY ABSENT OTHER
Supervisor John Berger X
Councilperson Michael Barcone X
Councilperson JoEllen Schermerhorn X
Councilperson William Pushman Absent
Councilperson Bradley Jenkins X

CARRIED.

DATED: August 2, 2016

Town Picnic

Supervisor John Berger asked the Town Board of Lexington what is the best date for our Town Picnic. The Town Board of Lexington agreed on Sunday, September 18th, 2016 at 1:00 p.m. under the pavilion. The Town will provide Hamburgers and Hot Dogs and the Town's people would bring the sides.

Budget forms Distributed September 1

Supervisor John Berger reminded the Town Board of Lexington that the Estimate of Expenditures will be given out by September 1st and for everyone to be conservative with their numbers.

Transfer of Money from Highway and General Accounts

Supervisor John Berger explained that the Highway Transfers are to pay FEMA the $9,181.00 that we need to pay in order to receive the $30,000.00 from them and the General Transfers are for the Highway cell phone.

Superintendent of Highways Frank Hermance asked if the Highway accounts would be restored when the FEMA check comes in, Supervisor John Berger said that the money would be put in those accounts if needed.

Budget transfers from: DA5130.4 $3000.00  
DA5140.4 $3000.00  
DA5142.4 $3181.00

To: DA8760 $9181.00
August 2, 2016
Town Board Meeting

From: 5132 $1000.00
To: 5010.4 $1000.00

New Garage and Certify Property Line

Supervisor John Berger said that we now have the Blue Prints of the Municipal Building thanks to Rose Williams. Upon review of the Blue Prints (1934) Supervisor John Berger has found that we have 2 tanks under the blacktop, leech-field, lot size is the same, and the wall and lot line seem to be off by 66 feet off.

Supervisor John Berger would like to hire a surveyor to confirm the Town’s property side line. After recertification, we can proceed with the plans for a 40 x 30 garage.

Scenic Byway extension and Sustainable Communities Grant Opportunity

Michelle Yost from GCSWCD Watershed Assistance Program supports the extension of the Mountain Cloves Scenic Byway into the Town of Lexington. $7,000.00 is needed by the Town of Lexington to continue the process. John Falke asked how this would effect the residents and about restrictions, Michelle Yost said there is really no restrictions. Michelle said that passing a resolution would be useful in getting a grant. The Town Board of Lexington said they will table this until next month.

Code Enforcement Report

Supervisor John Berger reviewed the report. Each Council Member has a copy of the Code Enforcement Officers Report. The month of July 2016 shows 3 Certificate of Occupancy or Compliance, 2 permits were issued and 1 Violation letter.

RESOLUTION # 87-16
F.P. Kane Payroll Approval

On a motion by Council Member Jo Ellen Schermerhorn, seconded by Council Member Michael Barcone, the following resolution was

ADOPTED: Ayes - 4 - Berger, Schermerhorn, Barcone, Jenkins.
Nays - 0
Absent - 1 - Pushman

Therefore, the Town of Lexington Town Board moves to accept application #14 for F. P. Kane to be approved for payment.

RESOLUTION # 88-16
Pay The Bills

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

ADOPTED - Ayes - 4 - Berger, Schermerhorn, Barcone, Jenkins.
Nays - 0
Absent - 1 - Pushman

Resolved that the bills be paid on General Fund Abstract # 8 in the following amounts:

General Fund No. 213 through 242 = $137,139.31

Resolved that the bills be paid on Highway Fund Abstract # 8 in the following amounts:

Highway Fund No. 133 through 152 = $15,516.55

Resolved that the bills be paid on Special District Fund Abstract # 7 in the following amounts:

Special District No. 9 through 9 = $225.28

Resolved that the bills be paid on Sewer District Fund Abstract # 3 in the following amounts:

Sewer District No. 9 through 12 = $397.29
Public Comment:

Sal Mancuso Sr. asked about the Hunter Landfill and Sewer update. Supervisor John Berger said he will have the report ready for the Town next month. Sal Mancuso Sr. said he attended a meeting where he spoke with a gentleman. This gentleman told him that Hunter had received a grant 3 years ago to correct the problem but it was never corrected. Hunter did ask for another grant and was told no because they did not use the first one for what it was intended. Supervisor John Berger asked Sal Mancuso if he would provide him with the name and number of this individual and Sal said he would.

Adjourn

With no further business, on a motion from Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the meeting shall be adjourned. Carried unanimously.

Supervisor John Berger adjourned the meeting.

RESOLUTION # 89 -16
Reopen Town Board Meeting

On a motion by Supervisor JoEllen Schermerhorn, seconded by Council Member John Berger, to reopen Town Board Meeting.

ADOPTED: Ayes - 4 - Berger, Schermerhorn, Barcone, Jenkins.
Nays - 0
Absent - 1 - Pushman

Therefore, the Town of Lexington Town Board moves to reopen the Town Board meeting.

RESOLUTION # 90 -16
Transfer of Money from Highway and General Accounts

On a motion by Council Member Michael Barcone, seconded by Council Member John Berger, the following resolution was

Budget transfers from:  
DA5130.4 $3000.00
DA5140.4 $3000.00
DA5142.4 $3181.00

To:  
DA8760 $9181.00

From:  
5132 $1000.00

To:  
5010.4 $1000.00

ADOPTED: Ayes - 4 - Berger, Schermerhorn, Barcone, Jenkins.
Nays - 0
Absent - 1 - Pushman

Therefore, the Town of Lexington Town Board moves to transfer DA5130.4 $3000.00, DA5140.4 $3000.00, and DA5142.4 $3181.00 to DA8760 $9,181.00, transfer 5132 $1,000.00 to 5010.4 $1,000.00.

Adjourn

With no further business, on a motion from Council Member Michael Barcone, seconded by Council Member Bradley Jenkins, the meeting shall be adjourned. Carried unanimously.

Supervisor John Berger adjourned the meeting.

Respectfully submitted,

Alice Marie Cross, Town Clerk

^_^
The Town Board Meeting of the Town Board of the Town of Lexington was called to order on September 6, 2016 at 6:30 P.M., by Supervisor John Berger at the Lexington Municipal Building, followed by the pledge of allegiance and a moment of silence for Karen Edmondson.

PRESENT:  Supervisor ..................................... John Berger  
Council Members...................................... Michael Barcone  
William Pushman  
Jo Ellen Schermerhorn  
Bradley Jenkins  
Town Clerk ............................................. Alice Marie Cross  
Superintendent of Highways ............Frank Hermance  
Town Attorney........................................ Tal Rappleyea  
Code Enforcement Officer.................... Absent: Adam Cross

OTHERS PRESENT:  Eileen Deleonardis, Lisa Deleonardis, John Falke, Rose Williams, Elizabeth Hapeman, Sal Mancuso, Alfred Truesdell, and Bennett Wine.

RESOLUTION # 91 -16
Approve Special Meeting Workers Compensation Minutes

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was,

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman  
Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the minutes of the special meeting held on July 25, 2016.

RESOLUTION # 93 -16
Approve August Minutes

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

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman  
Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the minutes of the regular meeting held on August 2, 2016.

RESOLUTION # 94-16
Financial Report – as of 07/31/16

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman, the following resolution was,

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman  
Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the financial report for July 2016.

RESOLUTION # 95 -16
Transfer of Money from General Accounts

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

Budget transfers from: A1990.4 Contingent Account $ 812.74  
To: A1320.4 Independent Auditing $ 300.00  
A1910.4 Unallocated Insurance $ 12.74
A3620.4 Code Enforcement C.S. $ 200.00  
A8020.4 Planning C.S. $ 300.00

ADOPTED: Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman  
Nays - 0

Therefore, the Town of Lexington Town Board moves to transfer from A1990.4 $812.74 to A1320.4 $300.00, A1910.4 $12.74, A3620.4 $200.00, and A8020.4 $300.00.

**Hunter Landfill Report**

Supervisor John Berger read his report of the findings of his investigation over the Hunter Landfill. The Town Board of Lexington that Hunter Landfill is in compliance with DEC.

In June 1986 garbage became an issue in Lexington. The Maplecrest dump, where Lexington had been taking its garbage, was closing. The town declared a state of emergency on garbage disposal. July 15, 1986 the Town of Lexington entered into a contract with the Town of Hunter, to use its landfill, knowing the Hunter landfill was scheduled to close in 1986. Hunter had applied for and was confident it would receive an extension of the closing date. Hunter was given the first extensions to operate until 1990 and subsequently until 1992. The towns of Jewett, Ashland, Prattsville and Windham join Lexington in the agreement and all, by this agreement, are bound to participate with Hunter in the costs to close the landfill. In September 1989 at a special meeting of the town board, resident Sal Mancuso wanted “heavy legal work to commence” because Hunter had accepted hazardous waste. Town’s attorney Wayne Graff responded DEC would issue fines if anything was wrong. No fines were issued. The board did pass resolution 81-89 to investigate cost issues. Lexington town board also agreed to investigate if they could get out of paying their 12% share to the landfill. In a subsequent meeting the board passed resolution 107-89 in which it was agreed to stay in the landfill agreement.

In April 1990 Attorney Laura Zeisel gave a report to the board that contract with Hunter was valid and enforceable.

In 1991 the estimated cost to close the dump was 1.4m with the state committing to a 50% matching grant. Lexington’s share was to be $168,000.

At the February 1992 board meeting the cost estimate to close the landfill is 2.5 m.

At the December 6 1993 board meeting the town agrees to pay its fair share to Hunter, however there is a bit of question to the cost. A landfill closing committee, consisting of the respective town Supervisors, was formed to monitor the closing costs but no meetings were held to audit the bills.

Town of Lexington stopped paying its share and in 1994 Hunter files suit against Lexington concerning the closing cost, with Lexington filing a countersuit.

In 1996 a grant is received for a pilot program of on site treatment of leachate. Construction of the reed beds and artificial wet lands began.

In 1999 the board passes resolution 42-99 and pays Hunter $137,375.20 owed them by the agreement.

The reed beds and artificial wetlands were created along with holding tanks. This greatly reduced the cost of managing the leachate that had previously been trucked away on a daily basis. The treatment operation was monitored by Community Natural Resource Solutions until mid 2012 when Rennia Engineering Design replaced them. RED is working with DEC to resolve outstanding issues and violations.

As of today Hunter landfill is in compliance with Order of Consent issued by DEC

**Sewer District Update**
Supervisor John Berger said that F. P. Kane is complete and wrapping up a few loose ends. F. P. Kane will be leaving in a couple of weeks but will return in the Spring to work on a few lawns.

**RESOLUTION # 96-16**
**Accept County Bid Prices / Fuel**

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman, the following resolution was

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

WHEREAS, the Greene County Highway Department has advertised for bids for gasoline to be used in Highway construction and awarded contract for the same;

THEREFORE, BE IT RESOLVED that the Town of Lexington does hereby wish to participate in the purchase price for gasoline, which was awarded to Bottini for gasoline, which was obtained by the Greene County Highway Dept. and adopted by the County pursuant to Section 408-a of the County Law.

AND IT FURTHER RESOLVES that the Town of Lexington does hereby wish to go with the gasoline price from Bottini.

**RESOLUTION # 97-16**
**Accept County Bid Prices / Fuel**

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

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

WHEREAS, the Greene County Highway Department has advertised for bids for diesel fuel and heating fuel to be used in Highway construction and awarded contract for the same;

THEREFORE, BE IT RESOLVED that the Town of Lexington does hereby wish to participate in the purchase price Kosco for diesel fuel and heating fuel, which was obtained by the Greene County Highway Dept. and adopted by the County pursuant to Section 408-a of the County Law.

AND IT FURTHER RESOLVES that the Town of Lexington does hereby wish to go with the diesel fuel and heating fuel price Kosco.

**RESOLUTION # 98-16**
**Kosco Service Contract for Municipal and Highway Buildings**

On a motion by Council Member John Berger, seconded by Council Member Bradley Jenkins, the following resolution was,

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the service contract with Kosco for the municipal and highway buildings.

**Code Enforcement Report**

Supervisor John Berger reviewed the report. Each Council Member has a copy of the Code Enforcement Officers Report. The month of August 2016 shows 1 Certificate of Occupancy or Compliance, 4 permits were issued and 1 Violation letter.

**RESOLUTION # 99-16**
**Code Enforcement Agreement with Town of Windham**
On a motion by Council Member Michael Barcone, seconded by Council Member JoEllen Schermerhorn, the following resolution was,

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Agreement

This Agreement, made the 9th day of June, 2016, by and between Town of Windham, a Political Subdivision of the State of New York, having its offices located at Windham Town Hall, 371 State Route 296, Hensonville, New York 12439, hereinafter referred to as "Windham"; and Town of Lexington, a Political Subdivision of the State of New York, having its offices located at 3542 Route 42, Lexington, New York 12452, hereinafter referred to as “Lexington”.

WITNESSETH:

Whereas, on occasion, the Building Inspector of “Windham” and the Building Inspector of “Lexington” may find themselves in a position where they would otherwise be required to process their own application for Building Permits, making inspections of their own construction work and issue Certificates of Occupancy of Certificates of Compliance; and

Whereas, such instances create conflicts of interest; and

Whereas, “Windham” and “Lexington” have agreed that in the aforesaid circumstances they each will provide to the other the Building Inspector, of their own Town, who will then provide said services.

Now, Therefore, in consideration of the sum of One and 00/100 ($1.00) Dollar, in hand paid by each party to the other, the receipt of which is hereby acknowledged, and the mutual promises hereinafter set forth below, it is hereby agreed as follows:

(1) That, when a circumstance arises in which the Building Inspector of “Windham” or the Building Inspector of “Lexington” would otherwise be called upon to review his own application for a Building Permit, issue to himself the Building Permit, inspect how own work, or issue to himself a Certificate of Occupancy or Certificate of Compliance, the Building Inspector of the other party hereto hereby shall act for the other Political Subdivision and perform said duties, with full force and effect as if performed by the Building Inspector of the Political Subdivision in which said work is performed.

In Witness Whereof the parties hereto execute this Agreement as of the day and year first above written.

TOWN OF WINDHAM
By: Robert J. Pelham, Supervisor

TOWN OF LEXINGTON
By: John Berger, Supervisor

Therefore, the Town of Lexington Town Board moves to accept the agreement with the Town of Windham to allow the code enforcement officers to make inspections of their own construction work and issue Certificates of Occupancy of Certificates of Compliance for the sum of $1.00.

RESOLUTION # 100-16
Approve the Review of Justice Court Records

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

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to approve the audit of the Justice Court Records for 2015.

RESOLUTION # 101-16
Timber Harvest Law
Supervisor John Berger went over the letter from Robert K Davies, NYS Forester Director of Lands and Forests NYSDEC dated August 15, 2016. Supervisor John Berger read a few of their suggestions (1) They strongly recommend using a “notification” or “registration” approach for timber harvesting, rather than a discretionary permit. (2) They recommend that the Town consider a separate roadway performance bond law that covers all heavy vehicle use on Town roads. Council Members Bradley Jenkins and William Pushman recommend that this law not be pursued.

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was,

ADOPTED: Ayes - 4 - Schermerhorn, Barcone, Jenkins, Pushman
Nays - 1 Berger

Therefore, the Town of Lexington Town Board moves to not pursue the Timber Harvest Law at this time.

RESOLUTION # 102-16
Workers' Compensation Alliance Membership

On a motion by Council Member Bradley Jenkins, seconded by Council Member JoEllen Schermerhorn, the following resolution was,

ADOPTED: Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to adopt the resolution for Workers' Compensation Membership.

WHEREAS, there has been proposed a “New York State Municipal Workers' Compensation Allliance Plan Document” pursuant to Section 50 3-a of the Workers' Compensation Law (hereinafter “the Plan”); and

WHEREAS, the Town of Lexington is eligible for membership in the Plan and

WHEREAS, the Town of Lexington has made an independent investigation of the Plan and reviewed the Plan document, and has concluded that it would be in the interests of the Town of Lexington to participate therein; now, therefore, be it

RESOLVED that the Town of Lexington enter into membership in the Plan pursuant to Section 50 Subdivision 3-a of the Workers' Compensation Law; and be it further

RESOLVED, that John Berger be and hereby is authorized and instructed to execute the Plan's charter document on behalf of the Town of Lexington; and be it further

RESOLVED, that the custody of all joint Plan moneys by the Plan Administrator under the Plan be and the same hereby is approved.

A MOTION was made by Bradley Jenkins and seconded by JoEllen Schermerhorn to adopt the above resolution by the Town Board of the Town of Lexington at its September 6, 2016 meeting.

John Berger
September 6, 2016

RESOLUTION # 103-16
Scenic Byway extension and Sustainable Communities Grant Opportunity

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

ADOPTED: Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0
Therefore, the Town of Lexington Town Board moves to support the extension of the Mountain Cloves Scenic Byway.

Town of Lexington
Resolution # 103 of 2016
Supporting the extension of the Mountain Cloves Scenic Byway into the Town of Lexington

WHEREAS, the Mountain Cloves Scenic Byway (MCSB) in the Town of Hunter, a 41-mile state designated byway, was approved and signed into law by Governor Cuomo in 2013, and

WHEREAS, the Corridor Management Plan (CMP) for the MCSB identifies the intrinsic values that comprise the special designation and lists recommendations to protect and enhance the historic, scenic, recreational, and cultural resources along the MCSB, and

WHEREAS, the CMP recommends a regional byway system connecting to neighboring scenic byways namely the Catskill Mountain Scenic Byway along Routes 28 and 214 and 42 to the Greene County line; and

WHEREAS, the Town of Lexington has expressed interest in extending the MCSB through the town along State Routes 23A and 42 to connect to the CMSB to the south to capture State funding that is available to promote the scenic byways as a tourist destination, thereby boosting the regional economy; and

WHEREAS, the NYS Department of Transportation is encouraging collaborations among scenic byways and feels extending the MCSB to connect to the CMSB would enhance both designated byways and include Deep Notch, an extraordinary scenic mountain pass on Rte. 42 that divides two Catskill peaks; and

WHEREAS, the Town of Lexington has many intrinsic resources that complement the MCSB and CMSB and is interested in ensuring that these resources are properly managed and maintained for future generations;

NOW, THEREFORE/, BE IT RESOLVED, that the Town of Lexington supports extending the Mountain Cloves Scenic Byway within the town on State Route 23A and 42 and will appoint two people and/or a small committee to assist in the inventorying of intrinsic resources and serve as advisors to a consultant who will develop a corridor management plan that will be appended to the MCSB CMP; and

BE IT FURTHER RESOLVED, that the Town of Lexington will work in partnership with the Mountain Cloves Scenic Byway, Inc., the Town of Jewett, the Town of Hunter and its incorporated Villages and the Town of Shandaken in order to support future Byway program development and collaborate with these interested entities to explore opportunities for cooperation and methods to advance the Scenic Byway;

A motion to adopt this resolution was made by JoEllen Schermerhorn and seconded by William Pushman.

Adopted:

Supervisor: Berger – aye

Councilmen: Jo Ellen Schermerhorn aye
William Pushman aye
Bradley Jenkins aye
Michael Barcone aye

CERTIFICATION

I, Alice Marie Cross, Town Clerk of the Town of Lexington, hereby certify that this resolution was adopted by the Town of Lexington Town Board at the meeting of September 6, 2016.

RESOLUTION # 104-16
Local Technical Assistance Program LTAP Grant 2016

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was,

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0
Therefore, the Town of Lexington Town Board moves to apply for the Catskill Watershed Corporation Local Technical Assistance Program LTAP Grant 2016.

Resolution 104-16 of the Town of Lexington

Authorizing development and submission of an application to the Catskill Watershed Corporation Local Technical Assistance Program LTAP Grant 2016 for the purpose of conducting a planning study to assist the Town of Lexington in identifying a relocation parcel(s) for structures eligible for acquisition and relocation assistance as recommended in the Town’s Local Flood Analysis dated May, 2016.

WHEREAS, the Town of Lexington (the Town) is subject to flooding that can damage property, close businesses, disrupt traffic, and present a public health and safety hazard; and

WHEREAS, the Town applied for and received funding from the Schoharie Watershed Stream Management Implementation Program (SMIP) to conduct a Local Flood Analysis (LFA) and mitigation plan for the Town of Lexington, which was accepted in June 2016; and

WHEREAS, a useful and effective plan requires the understanding of flood hazards, what exacerbates flooding, and participation and support of different public and private individuals, agencies and organizations that are impacted by natural hazards and/or that can help mitigate the impacts; and

WHEREAS, the Town’s LFA identifies mitigation measures for the Town of Lexington to consider including proceeding with comprehensive flood mitigation in the Lexington Hamlet Center that would entail acquiring and relocating structures on the south side of Route 13A below the state bridge;

WHEREAS, issues related to community sustainability, economic development, and flood mitigation have been the subject of many discussions with the Town and different levels of government and organizations to support the Town of Lexington with proactive flood management; and

WHEREAS, the Town’s Hamlet land use district allows expansion into surrounding land areas for higher density development including a combination of residential and commercial uses;

WHEREAS, the Town’s LFA recommends applying for a grant through the Catskill Watershed Corporation’s Sustainable Communities Planning Program to identify potential areas within the municipality that may serve as new locations should any eligible residence and/or business be purchased under the voluntary NYC Flood Buyout Program or the FEMA Hazard Mitigation Grant Assistance Program; and

NOW, THEREFORE BE IT RESOLVED THAT,

John Berger, Supervisor of the Town of Lexington, is authorized to submit an application to the CWC Local Technical Assistance Program LTAP Grant 2016 for the Sustainable Communities Planning Program develop a relocation strategy for eligible residences and/or businesses should they be approved for purchase under the NYC Flood Buyout Program or the FEMA Hazard Mitigation Grant Assistance Program.

A motion to adopt this resolution was made by Councilman William Pushman and seconded by Councilman Bradley Jenkins.

Adopted:

Supervisor: Berger Aye
Councilmen: Jo Ellen Schermerhorn Aye
William Pushman Aye
Michael Barcone Aye
Bradley Jenkins Aye

RESOLUTION # 105-16
Highway Department Roller

Supervisor John Berger asked Superintendent of Highways Frank Hermance to explain the highway roller situation. Superintendent of Highways Frank Hermance believes that the pump is bad and the starting
point of repair cost is $10,000.00. Superintendent of Highways Frank Hermance said the cost to look at the roller is $1,000.00 and he just rented one for $2,700.00 for the month. The Town of Lexington purchased the used roller for $24,000.00 in 1997. Superintendent of Highways Frank Hermance prefers to rent on instead of purchase one.

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

ADOPTED : Ayes -  5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays -  0

Therefore, the Town of Lexington Town Board moves to sell the old roller and rent a roller for the time being.

Highway Employee Leaving

Superintendent of Highways Frank Hermance informed the Town of Lexington Town Board that Earl Whitcomb last day is September 16, 2016. Superintendent of Highways Frank Hermance would like to hire someone before Earl leaves to train them. Supervisor John Berger said to wait until Earl leaves before hiring someone.

RESOLUTION # 106-16
Certification of Residence

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the following resolution was,

ADOPTED : Ayes -  5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays -  0

WHEREAS, the Greene County Treasurer's Office has petitioned the Town Board of the Town of Lexington for the residency status of the below named individual, and,
WHEREAS, the Town Board of the Town of Lexington has confirmed that the below mentioned individual does, in fact, reside within the Town of Lexington, Therefore;
BE IT RESOLVED, that the Town Board of the Town of Lexington hereby certifies the below named individual does reside within the Town of Lexington.

Monica Rosen
528 Beechridge Rd

RESOLUTION # 107-16
Snow Plow Wing

Superintendent of Highways Frank Hermance says he needs to purchase a snow plow wing for the green truck. He has received 3 bids (1) $4,600.00 from T&T Trucking (2) $4,199.00 from Zwak and (3) $4,400.00 from Dutchess. Sal Mancuso asked if this priced included installation and Superintendent of Highways Frank Hermance said yes.

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman, the following resolution was,

ADOPTED : Ayes -  5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays -  0

Therefore, the Town of Lexington Town Board moves to approve the purchase for a Snow Plow Wing in the amount of $4,199.00 from Zwak.

Public Comment:

Sal Mancuso said the Superintendent of Highways is doing a wonderful job especially with the funds that are allotted to them.

Sal Mancuso said since we have had an unusual summer there are roads with growth over them like an umbrella as well as brush in the road. The Town may wish to consider clipping them before the ice and snow
September 6, 2016
Town Board Meeting

hit. Sal Mancuso said it could be a liability to the Town. Supervisor John Berger asked which roads and Sal Mancuso said there are several.

Sal Mancuso Sr. inquired about the Hunter Landfill and the present problems as well as those that will come up in the future. Supervisor John Berger said he is not aware of any new problems and the DEC is the only one raising any questions. DEC is also satisfied with the steps the Town of Hunter is taking to correct the current violations.

Council Member JoEllen Schermerhorn has absentee ballots as well as the Town Clerk's office.

Announcements

Town Picnic September 18th from 1 to 4 p.m. Town is providing meat and beverages.
October 1st Hunting and Wildlife Expo Free Admission 9 a.m. To 3 p.m. West Kill Community Center

RESOLUTION # 108-16
Pay The Bills

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

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Resolved that the bills be paid on General Fund Abstract # 9 in the following amounts:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Abstract No.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>243 through 280</td>
<td>$20,632.95</td>
</tr>
</tbody>
</table>

Resolved that the bills be paid on Highway Fund Abstract # 9 in the following amounts:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Abstract No.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highway Fund</td>
<td>153 through 175</td>
<td>$25,037.27</td>
</tr>
</tbody>
</table>

Resolved that the bills be paid on Special District Fund Abstract # 8 in the following amounts:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Abstract No.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special District</td>
<td>10 through 11</td>
<td>$477.63</td>
</tr>
</tbody>
</table>

Resolved that the bills be paid on Sewer District Fund Abstract # 4 in the following amounts:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Abstract No.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewer District</td>
<td>13 through 21</td>
<td>$2,133.03</td>
</tr>
</tbody>
</table>

Adjourn

With no further business, on a motion from Council Member Bradley Jenkins, seconded by Council Member William Pushman, the meeting shall be adjourned. Carried unanimously.

Supervisor John Berger adjourned the meeting.

Respectfully submitted,

Alice Marie Cross, Town Clerk ^_^
A Budget Workshop of the Town Board of the Town of Lexington, County of Greene and the State of New York was held at the Municipal Building, 3542 Route 42, Lexington NY on October 13th, 2016 for a budget workshop.

The meeting was called to order by Supervisor John Berger and followed by the pledge to the flag.

**PRESENT:** Supervisor…………………………John Berger
Council Members…………………………………Absent: Michael Barcone
Absent: William Pushman
Jo Ellen Schermerhorn
Bradley Jenkins
Town Clerk ..............................................Alice Marie Cross
Superintendent of Highways……………. Frank Hermance
Town Attorney……………… Absent: Tal Rappleyea
Code Enforcement Officer……………… Absent: Adam Cross

**OTHERS PRESENT:** No one present

**Budget Workshop**

Supervisor John Berger presented the Tentative Budget to the Town Board Members at the last Town Board Meeting and said the workshop was to review the Tentative Budget and come up with a Preliminary Budget for 2017.

The Council Members reviewed the 2017 Tentative Budget with Supervisor Berger and had their discussions on various line items.

Council Member Bradley Jenkins, Supervisor John Berger, and Superintendent of Highways discussed the $33,000.00 that is coming from FEMA. Superintendent of Highways Frank Hermance said it is free and clear and that it is for highway road use.

<table>
<thead>
<tr>
<th>Code</th>
<th>Fund</th>
<th>Appropriations</th>
<th>Less Estimated Revenues</th>
<th>Less Unexpended Balance</th>
<th>Amount to Be Raised by Taxes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>GENERAL</td>
<td>533 955</td>
<td>33 976</td>
<td></td>
<td>499 979</td>
</tr>
<tr>
<td>DA</td>
<td>HIGHWAY</td>
<td>692 758</td>
<td>75 000</td>
<td></td>
<td>617 758</td>
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<tr>
<td></td>
<td></td>
<td>1 226 716</td>
<td>108 976</td>
<td></td>
<td>1 117 737</td>
</tr>
<tr>
<td>SPECIAL</td>
<td>LIGHTING</td>
<td>3 050</td>
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<td></td>
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<tr>
<td>Fire District</td>
<td>84 600</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Sewer District</td>
<td>74 499</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td></td>
<td>1 621 49</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Supervisor John Berger and the Town Board Members confirmed the Preliminary Budget Hearing for the 2017 Budget will be on November 1st, 2016 @ 6:00 PM followed by the Town of Lexington Town Board meeting.

Being no further business, Supervisor John Berger closed the meeting.

Respectfully submitted,

*Alice Marie Cross:*
*Town Clerk*
The Town Board Meeting of the Town Board of the Town of Lexington was called to order on October 4, 2016 at 6:30 P.M., by Supervisor John Berger at the Lexington Municipal Building, followed by the pledge of allegiance and a moment of silence for Mildred Hermance and Frank Worner, Donald Pearson, and Dora Lorentzen.

PRESENT:
- Supervisor ............................. John Berger
- Council Members ..................... Michael Barcone
  William Pushman
  Jo Ellen Schermerhorn
  Bradley Jenkins
- Town Clerk .......................... Alice Marie Cross
- Superintendent of Highways ....... Frank Hermance
- Town Attorney ....................... Tal Rappleyea
- Code Enforcement Officer ......... Absent: Adam Cross

OTHERS PRESENT: Eileen Deleonardis, Lisa Deleonardis, John Falke, Ellouise Cole, and Ron Lipton

RESOLUTION # 109-16
Approve Court Grant Application

Court Clerk Peggy Rappleyea has requested approval to apply for the J Cap Grant thru the State Court System.

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

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to approve application for the J Cap Grant thru the State Court System.

RESOLUTION # 110-16
Accept September Minutes

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

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the minutes of the regular meeting held on September 6, 2016.

RESOLUTION # 111-16
Accept Financial Report – as of 08/31/16

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

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the financial report for August 2016.

RESOLUTION #112-16
Resignation-Karen Deeter

Supervisor John Berger read a letter of resignation from Karen Deeter from her position as Town of Lexington Historian.
On a motion by Council member William Pushman seconded by Council member Michael Barcone, the following resolution was

ADOPTED:  Ayes - 5 - Berger, Schermerhorn, Barcone, Pushman, Jenkins.
Nays - 0

This Town of Lexington Town Board moves to accept the resignation of Karen Deeter with appreciation for her many years of service to the Town of Lexington.

RESOLUTION # 113-16
Appoint Janice Barcone as Town Historian

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

ADOPTED: Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins
Nays - 0
Recuse – 1 - Barcone

This Town of Lexington Town Board moves to appoint Janice Barcone as the Town of Lexington Historian.

RESOLUTION # 114-16
Sewer Update and F.P. Kane Payroll Approval

Supervisor John Berger informed the Town Board that everything is up and running. The Phone line for a panel still needs to be put in. F.P. Kane will be back in 1 year to take care of whatever needs to be freshened. Wup. Supervisor Berger said that the warranty starts after payment #16.

On a motion by Council Member Bradley Jenkins, seconded by Council Member JoEllen Schermerhorn, the following resolution was

ADOPTED:  Ayes - 5 - Berger, Schermerhorn, Pushman, Barcone, Jenkins.
Nays - 0

Therefore, the Town of Lexington Town Board moves to accept application #15 for F. P. Kane to be approved for payment.

RESOLUTION # 115-16
Transfer of Money from Highway Accounts

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman, the following resolution was

<table>
<thead>
<tr>
<th>Budget transfers from:</th>
<th>DA5140.4 Brush &amp; Weeds Fuel $22,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA5142.4 Snow Removal</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>DA5110.4 General Repairs</td>
<td>$ 7,925.00</td>
</tr>
</tbody>
</table>

To: DA5112.2 Improvements Cap Outlay $44,925.00

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to transfer from DA5140.4 to DA5112.2, DA5142.4 to DA5112.2, DA5110.4 to DA5112.2.

Superintendent of Highways Frank Hermance verified that the accounts are not short because the Chip money will reimburse the accounts. Supervisor John Berger said that is correct.

Draft Sketch for New Garage and Results of Survey of Property Line
Supervisor John Berger hired Larry Vanucchi to confirm the Town's property line. Upon the completion of the survey our shed is 13 ft 7 inches off the property line.

Supervisor John Berger showed a sketch of the garage to be built in the back of the Municipal Building. The garage size will be 42 x 30. Supervisor Berger will get the drawing made for the garage. Ron Lipton asked about solar panels and Supervisor Berger said he would look into this.

Council Member JoEllen Schermerhorn let the public know that there will be a room for the handicap equipment with a room for emergency supplies.

**Code Enforcement Report**

Supervisor John Berger reviewed the report. Each Council Member has a copy of the Code Enforcement Officers Report. The month of September 2016 shows 4 Certificate of Occupancy or Compliance, 1 permit was issued and 0 violation letters. Code Enforcement Officer Adam Cross gave a correction of permit numbers for the month of August 2016.

**2017 Budget - Workshop**

Supervisor John Berger and the Town Board set Thursday, October 13th, 2016 at 6:30 PM. for the budget workshop.

**Set Date – Preliminary Budget Meeting**

Supervisor John Berger and the Town Board Members decided to hold the Preliminary Budget Hearing on the 2017 Budget on November 1st, 2016 @ 6:00 PM; following will be the Town Board meeting.

**Public Comment:**

Council Member Michael Barcone said the Hunting Expo was hugely successful. $4,000.00 was collected for the wounded warriors.

**RESOLUTION # 116-16 Pay The Bills**

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

**ADOPTED** - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Resolved that the bills be paid on General Fund Abstract # 10 in the following amounts:

**General Fund**

No. 281 through 299 = $13,870.19

Resolved that the bills be paid on Highway Fund Abstract # 10 in the following amounts:

**Highway Fund**

No. 176 through 202 = $118,335.23

Resolved that the bills be paid on Sewer District Fund Abstract # 5 in the following amounts:

**Sewer District**

No. 22 through 31 = $4,074.39

**RESOLUTION # 117-16 Open Executive Session – Legal Issue**

On a motion by Supervisor John Berger, seconded by Council Member JoEllen Schermerhorn, to open for executive session at 6:50 p.m.

**ADOPTED:**  Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.
Nays – 0

**RESOLUTION # 118 -16 Close Executive Session**
On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Michael Barcone, to come out of executive session at 6:52 p.m.

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0

RESOLUTION # 119-16
Return to Board Meeting

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Michael Barcone, to return to the regular meeting at 6:53 p.m.

ADOPTED: Ayes - 5 – Barcone, Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0

No action was taken.

Adjourn

With no further business, on a motion from Council Member JoEllen Schermerhorn, seconded by Council Member Michael Barcone, the meeting shall be adjourned. Carried unanimously.

Supervisor John Berger adjourned the meeting.

Respectfully submitted,

Alice Marie Cross, Town Clerk :)

4
November 1, 2016
Town Board Meeting

The Town Board Meeting of the Town Board of the Town of Lexington was called to order on November 1, 2016 at 6:15 P.M., by Supervisor John Berger at the Lexington Municipal Building, followed by the pledge of allegiance and a moment of silence for Candace Cline and Betty Jean D’Addario.

PRESENT: Supervisor ....................................... John Berger
Council Members ................................. Michael Barcone
........................................... William Pushman
........................................... Jo Ellen Schermerhorn
........................................... Bradley Jenkins
Town Clerk ................................. Alice Marie Cross
Superintendent of Highways ............. Frank Hermance
Town Attorney .............................. Tal Rappleyea
Code Enforcement Officer.............. Absent: Adam Cross

OTHERS PRESENT: John Falke, John Nolty, and Greg Hudson, from the Daily Mail.

RESOLUTION # 120-16
Accept Budget Workshop Minutes

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the following resolution was,

ADOPTED - Ayes - 3 - Berger, Schermerhorn, Jenkins
Nays - 0
Recuse – 2 – Barcone, Pushman

Therefore, the Town of Lexington Town Board moves to accept the minutes of the budget workshop held on October 13, 2016.

RESOLUTION # 121-16
Accept October Minutes

On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman, the following resolution was,

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the minutes of the regular meeting held on October 4, 2016.

RESOLUTION # 123-16
Accept Financial Report – as of 09/30/16

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

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the financial report for September 2016.

Workplace Violence

Supervisor John Berger informed the Town Board that everyone in the Highway and the Municipal Building have had the training. Council Members Michael Barcone and William Pushman still need to watch the video. The video showed preventative steps to take for safety in the offices and the Highway Buildings. Supervisor John Berger is looking into cameras, alarm systems, outside lighting and securing the Town Clerk and Code Enforcement offices. Council Member Michael Barcone will give Supervisor John Berger some recommendations for alarms and cameras.
Supervisor John Berger recommends closing the Town Clerk's office at 5:00 PM instead of 6:00 PM on Mondays so the Town Clerk is not there alone.

**Topsoil**

Supervisor John Berger said that he spoke with a gentleman from F. P. Kane and they believe that the Town of Lexington can get $20.00 a yd. Supervisor John Berger said we have approximately 300 or 400 yds of soil to sell. Superintendent of Highways Frank Hermance suggested that we wait until Spring so the Town will get the highest price since it is not costing the Town anything. The Town Board of Lexington and the Supervisor agree to wait until Spring of 2017.

**RESOLUTION # 124-16**

**Approve Change Order No 4 for Sewer Project**

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

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to approve change order no. 4 for the sewer project.

**RESOLUTION # 125-16**

**DEP Acceptance of O&M Budget for 2017**

Supervisor John Berger read the letter from NYC Environmental Protection. The DEP accepts the proposed 2017 Lexington Community Septic System O&M budget of $74,499.00. Per its O&M agreement with the Town, the City is responsible for the O&M costs associated with the Orenco Pretreatment System. Overall, the City's share of the $74,499.00 O&M budget is $69,844.00 (residential subsidy of $35,277.00 and Orenco Pretreatment costs of $34,607.00). This results in quarterly O&M invoices to the City of $17,471.00 ($69,844.00 divided by 4).

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

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the DEP acceptance of the O&M budget for 2017.

**RESOLUTION # 126-16**

**Approve GCEMS Contract for 2017**

Supervisor John Berger read the letter from Greene County Emergency Medical Systems, Inc. dated October 14, 2016. President Mark Evans said that they have discussed our request to move the Medic 9 truck to Lexington and they feel that it is too far out of range to adequately serve the entire mountaintop and be a part of the SSM. Upon receiving this letter Supervisor John Berger sent a response asking when this final decision was made since he was told that the meetings are held the third Tuesday of the month which would be November 15, 2016.

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

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to approve for Supervisor John Berger to sign the EMS contract for 2017.

**RESOLUTION # 127-16**

**Approve Pattison, Koskey, Howe & Bucci CPA's to Prepare Year-end Report**


November 1, 2016
Town Board Meeting

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

**ADOPTED:**
- Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
- Nays - 0

Therefore, the Town of Lexington Town Board moves to approve Pattison, Koskey, Howe & Bucci CPA’s to Prepare Year-end Report.

**RESOLUTION # 128-16
Approve Snow Removal Agreement for Sewer Property**

Supervisor John Berger explained that Michael Jaeger was the only one who gave a bid. The other businesses (Charlie Van Etten, Larry Falke, and Walter Higgins) who was interested in bidding changed their minds when they found out there was hand shoveling involved. The bid came in at $4,500.00 ($2,250.00 due November 1st and the other half $2,250.00 on April 15th)

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

**ADOPTED:**
- Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
- Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the agreement from Michael Jaeger for snow removal of the sewer property.

**Date Set for Public Hearing to override the Tax Levy Limit**

Adopt Budget and any other Business

Supervisor John Berger and the Town Board members decided to hold the public hearing to override the tax levy limit on November 17th, 2016 at 6:00 PM followed by a special meeting at the Lexington Town Hall; the purpose of which will be to consider and possibly adopt overriding the Tax Levy Limit, adopt the 2017 Town of Lexington budget and to conduct any other business that may come before the Board.

**Code Enforcement Report**

Supervisor John Berger reviewed the report. Each Council Member has a copy of the Code Enforcement Officers Report. The month of October 2016 shows 5 Certificate of Occupancy or Compliance, 4 permits was issued and 0 violation letters.

**Public Comment:**

Council Member Michael Barcone shared that he has hired a assistant brewer and they need a place to rent in Lexington if possible.

**RESOLUTION # 129-16
Pay The Bills**

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was

**ADOPTED:**
- Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
- Nays - 0

Resolved that the bills be paid on **General Fund Abstract # 11** in the following amounts:

**General Fund**
- No. 300 through 330 = $13,093.50

Resolved that the bills be paid on **Highway Fund Abstract # 11** in the following amounts:

**Highway Fund**
- No. 203rough 229 = $51,933.43

Resolved that the bills be paid on **Sewer District Fund Abstract # 6** in the following amounts:

**Sewer District**
- No. 32 through 37 = $1,369.93

Resolved that the bills be paid on **Special District Fund Abstract # 9** in the following amounts:
Adjourn

With no further business, on a motion from Council Member JoEllen Schermerhorn, seconded by Council Member Michael Barcone, the meeting shall be adjourned. 7:04 PM Carried unanimously.

Supervisor John Berger adjourned the meeting.

Respectfully submitted,

Alice Marie Cross, Town Clerk :)
The Public Hearing for the preliminary budget was called to order on November 1st, 2016 at 6:00 P.M by Supervisor John Berger at the Kenneth A. Becker Municipal Building.

**PRESENT:**

- Supervisor: John Berger
- Council Members: Michael Barcone, William Pushman, Jo Ellen Schermerhorn, Bradley Jenkins
- Town Clerk: Alice Marie Cross
- Superintendent of Highways: Frank Hermance
- Town Attorney: Tal Rappleyea
- Code Enforcement Officer: Absent: Adam Cross

**OTHERS PRESENT:**

- John Falke, Greg Hudson, from the Daily Mail

**Public Hearing - 2017 Preliminary Budget**

Supervisor John Berger opened the Public Hearing for the 2017 Preliminary Budget for the Town of Lexington Town Board, and asked the public if they had comments or questions on the 2017 Budget for the Town of Lexington.

Supervisor John Berger went over the budget with the Council Members who were not at the budget workshop. The Town Budget for 2017 went up $25,671.00 (2.1%).

Superintendent of Highways Frank Hermance questioned about the two accounts that have money for highway use. Supervisor John Berger said that DA9950.9 (Highway Reserve) is the only account that he knows of so far. Supervisor John Berger said that Shelly has told him about the accounts but he has not been able to locate the other account so far. The one account has $16,000.00. Supervisor John Berger said he will go back in the records to see what he can find.

Superintendent of Highways Frank Hermance asked about the Profit and Loss (January through October 2016) which still shows an error on one of his accounts. Supervisor John Berger said he is aware of it and is trying to solve the problem.

Supervisor John Berger asked if there was any questions or comments from the Council Members or general public; and there was no response, so Supervisor John Berger asked for a motion to close the Public Hearing.

**Motion to Close Public Hearing**

Council Member JoEllen Schermerhorn made a motion to close the Public Hearing on the Budget, seconded by Council Member Michael Barcone. Time – 6:15 pm

Vote: Berger -aye, Schermerhorn -aye, Pushman -aye, Barcone -aye, Jenkins -aye. Carried.

**Adjourn**

Being no further business, Supervisor John Berger asked for a motion to adjourn the public hearing. Council Member William Pushman made a motion to adjourn, seconded by Council Member Michael Barcone. Everyone Agreed.

Respectfully submitted,

*Alice Marie Cross*

Town Clerk
The Public Hearing for Local Law – Override the Tax Levy Limit was called to order on November 17th, 2016 at 6:00 P.M. by Supervisor John Berger at the Kenneth A. Becker Municipal Building.

PRESENT: Supervisor……………………………John Berger
Council Members……………………………Absent: Michael Barcone
                                           William Pushman
                                           Jo Ellen Schermerhorn
                                           Bradley Jenkins

                                      Town Clerk ………………………Alice Marie Cross
                                      Superintendent of Highways………………Frank Hermance
                                      Town Attorney…………….Absent: Tal Rappleyea
                                      Code Enforcement Officer………….Absent: Adam Cross

OTHERS PRESENT: No one present

Supervisor John Berger opened the Public Hearing for the Local Law #2 for the year 2016 to Override the Tax Levy Limit for the Town of Lexington Town Board, and asked the public if they had comments.

MOTION TO CLOSE PUBLIC HEARING

Council Member JoEllen Schermerhorn made a motion to close the Public Hearing for 2016 Override the Tax Levy Limit Law, seconded by Council Member William Pushman.

Vote: Berger-aye, Schermerhorn-aye, Pushman-aye, Jenkins-aye. Carried.
Absent: Barcone

Supervisor John Berger closed the Public Hearing for the 2016 Override Tax Levy Limit Law at 6:23 pm.

Respectfully submitted,

Alice Marie Cross
Town Clerk
Town of Lexington
Special Town Board Meeting

The Town Board Meeting of the Town Board of the Town of Lexington was called to order on November 17, 2016 at 6:35 P.M., by Supervisor John Berger at the Lexington Municipal Building, followed by the Pledge of Allegiance and a moment of silence for Alice Imperiale.

PRESENT: Supervisor ................. John Berger
Council Members............... Michael Barcone
.................................. William Pushman
.................................. Jo Ellen Schermerhorn
.................................. Bradley Jenkins
Town Clerk ...................... Alice Marie Cross
Superintendent of Highways .......... Frank Hermance
Town Attorney.................. Absent: Tal Rappleyea
Code Enforcement Officer.......... Absent: Adam Cross

OTHERS PRESENT: No one present

RESOLUTION #130-16
Local Law No. 2 of 2016 -- OVERRIDE THE 2% TAX CAP ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED - Ayes – 5 - Jenkins, Berger, Schermerhorn, Pushman
Nays- 0 -
Absent -1 - Barcone

This Town Board moves to adopt Local Law No. 2 of 2016 ---- "A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c", and schedule a Public Hearing.

TOWN OF LEXINGTON
LOCAL LAW #2 FOR THE YEAR 2016
A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

Be it enacted by the Town Board of the Town of Lexington as follows:

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Lexington pursuant to General Municipal law §3-c, and to allow the Town of Lexington to adopt a budget for the fiscal year beginning January 1, 2017 and ending December 31, 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal law §3-c, which expressly authorizes the Town board to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override: The Town Board of the Town of Lexington, County of Greene is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or
unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, 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.

RESOLUTION # 131-16
Adopt 2017 General and Highway Budget

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

ADOPTED - Ayes – 5 - Jenkins, Berger, Schermerhorn, Pushman
Nays- 0 -
Absent -1 - Barcone

This Town of Lexington Town Board hereby adopts the 2017 General Fund Appropriations: $533,955 Less Estimated Revenues of $33,976, Less Unexpected Balance of $0.00, for a Total amount of $499,979 by Taxes.

This Town of Lexington Town Board hereby adopts the 2017 Highway Fund Appropriations: $692,758, Less Estimated Revenues of $75,000, Less Unexpected Balance of $0.00, for a Total amount of $617,758 by Taxes.

RESOLUTION # 132-16
Adopt 2017 Special Lighting and Fire District Budget

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

ADOPTED - Ayes – 5 - Jenkins, Berger, Schermerhorn, Pushman
Nays- 0 -
Absent -1 - Barcone

This Town of Lexington Town Board hereby adopts the 2017 Special Lighting District Fund Budget at $3,050, to be raised by Taxes.

The 2017 Fire District Fund Budget at $84,600, will be included in the amount to be raised by taxes.

RESOLUTION # 133-16
Approve CWC Agreement for Storm Water Design Costs

Supervisor John Berger went over the agreement with CWC for the design costs and asked the Town Board of Lexington to give approval for him to sign.

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was,

ADOPTED - Ayes – 5 - Jenkins, Berger, Schermerhorn, Pushman
Nays- 0 -
Absent -1 - Barcone

Therefore, the Town of Lexington Town Board moves to allow for Supervisor John Berger to sign the CWC agreement for design costs.
November 17, 2016

Special Town Board Meeting

RESOLUTION # 134-16
Acknowledging Certain Roads Within Town as Town Highways

RESOLUTION
Town Board of the Town of Lexington
Acknowledging Certain Roads Within the Town as Town Highways

WHEREAS, the Town of Lexington maintains and is responsible for Town Highways within the geographic borders of the Town; and

WHEREAS, it is necessary from time to time to update the Town's inventory list of Town Highways.

Now therefore, it is hereby
RESOLVED, that the Town Board of the Town of Lexington hereby acknowledges that the list of the below mentioned roads are on the attached copy and the descriptions thereof are Town Highways and that the said highways are open to the public, are open to the traveling public year round, the the Town of Lexington is legally responsible for the said highways which are user roads and thus the Town owns the right to utilize said highways and maintains them:

ROLL CALL VOTE;

AYE NAY ABSENT
Supervisor John Berger X
Councilperson Michael Barcone X
Councilperson William Pushman X
Councilperson Jo Ellen Schermerhorn X
Councilperson Bradley Jenkins X

CARRIED.

DATED: November 17, 2016

RESOLUTION # 135-16
Approve Early Payment of Salaries to Elected and Appointed Officials

Supervisor John Berger asked for the Town Board to approve payment for the First week of December for the Elected and Appointed Officials.

On a motion by Council Member Jo Ellen Schermerhorn, seconded by Council Member William Pushman, the following resolution was,

ADOPTED - Ayes – 5 - Jenkins, Berger, Schermerhorn, Pushman
Nays- 0 -
Absent -1 - Barcone

Therefore, the Town of Lexington Town Board moves to approve the early payment to elected and appointed officials.

RESOLUTION # 136-16
Sign Letter of Support to Broadband Program Office

Supervisor John Berger asked the Town of Lexington Town Board for approval to sign the support letter for the Broadband Program Office.

On a motion by Council Member Jo Ellen Schermerhorn, seconded by Council Member William Pushman, the following resolution was,
ADOPTED - Ayes – 5 - Jenkins, Berger, Schermerhorn, Pushman
Nays- 0 -
Absent -1 - Barcone

Therefore, the Town of Lexington Town Board moves to allow for Supervisor John Berger to sign the support letter for the Broadband Program Office.

RESOLUTION # 137-16
Renew the Band for the Plow Truck

Supervisor John Berger suggested that they renew the $125,000.00 bond for the plow truck. Supervisor John Berger said the payment we would make on November 19th, 2016 would be $2,062.50 which is interest.

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

ADOPTED - Ayes – 5 - Jenkins, Berger, Schermerhorn, Pushman
Nays- 0 -
Absent -1 - Barcone

Therefore, the Town of Lexington Town Board moves to approve for Supervisor John Berger to renew the bond for the plow truck.

Public Concerns: none

Adjourn

Being no further business, Supervisor John Berger, asked for a motion to adjourn the public hearing.
Council member JoEllen Schermerhorn made a motion to adjourn, seconded by Council member William Pushman. Everyone Agreed.

Respectfully submitted,

Alice Marie Cross
Town Clerk
Town of Lexington
The Town Board Meeting of the Town Board of the Town of Lexington was called to order on December 6, 2016 at 6:30 P.M., by Supervisor John Berger at the Lexington Municipal Building, followed by the pledge of allegiance and a moment of silence for Jo Ann Miller.

PRESENT: Supervisor ............................................... John Berger  
Council Members.............................. Michael Barcone  
                                      William Pushman  
                                      Jo Ellen Schermerhorn  
                                      Bradley Jenkins  
Town Clerk ...................................................... Alice Marie Cross  
Superintendent of Highways .............. Frank Hermance  
Town Attorney................................. Absent; Tal Rappleyea  
Code Enforcement Officer.................. Absent: Adam Cross  

OTHERS PRESENT: John Falke, Bonnie Blader, Alfred Truesdell, Sal Mancuso Sr. and Sal Mancuso Jr.

RESOLUTION # 138-16  
Accept Public Hearing – Preliminary Budget  

On a motion by Council Member Jo Ellen Schermerhorn, seconded by Council Member William Pushman, the following resolution was,

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Jenkins, Barcone, & Pushman  
                      Nays - 0  

Therefore, the Town of Lexington Town Board moves to accept the minutes of the Public Hearing – Preliminary Budget held on November 1, 2016.

RESOLUTION # 139-16  
Accept November Town Board Minutes  

On a motion by Council Member Bradley Jenkins, seconded by Council Member Jo Ellen Schermerhorn, the following resolution was,

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman  
                      Nays - 0  

Therefore, the Town of Lexington Town Board moves to accept the minutes of the regular meeting held on November 1, 2016.

RESOLUTION # 140-16  
Accept Public Hearing Override Tax Levy Local Law #2 of 2016 Minutes  

On a motion by Council Member Bradley Jenkins, seconded by Council Member Jo Ellen Schermerhorn, the following resolution was,

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman  
                      Nays - 0  

Therefore, the Town of Lexington Town Board moves to accept the minutes of the Public Hearing – Override Tax Levy Local Law #2 of 2016 held on November 17, 2016.

RESOLUTION # 141-16  
Accept Special Meeting Minutes  

On a motion by Council Member William Pushman, seconded by Council Member John Berger, the following resolution was,

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman  
                      Nays - 0
Therefore, the Town of Lexington Town Board moves to accept the minutes of the Special Meeting held on November 17, 2016.

RESOLUTION # 142-16
Accept Financial Report – as of 10/31//16

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

ADOPTED: Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the financial report for October 2016.

RESOLUTION # 143-16
Approve Purchase of New Vacuum for the Building

On a motion by Council Member Jo Ellen Schermerhorn, seconded by Council Member Michael Barcone, the following resolution was,

ADOPTED: Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to approve the purchase of a vacuum for the building. The allowance for the purchase is $600.00.

RESOLUTION # 144-16
Approve DEC Notice of Termination

Supervisor John Berger read the DEC Notice of Termination which is for the Sewer System. We need to let DEC know that everything has been put back to normal.

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

ADOPTED: Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to approve Supervisor John Berger to sign the DEC Notice of Termination.

Approve CWC Grant

Supervisor John Berger read the letter from Catskill Watershed Corporation. This grant of $20,000.00 will allow the Town of Lexington to explore options for relocating a portion of the hamlet of Lexington out of the flood plain. This CWC fund planning project will help residents and local officials visualize where relocation’s may be possible, how local codes can be modified to facilitate relocation’s within bordering the hamlet, and encourage commercial and business investments here.

Broadband Update

Chairman Bonnie Blader gave the Broadband update to the Town Board of Lexington. The word on the front now is that the federal funds Verizon turned its back on may be folded into the state broadband expansion grant program in some way. This from Mr. Nordhaus at a recent meeting reported back to the Lexington Broadband Initiative. Only two applications made it in Northern Greene in eligible blocks. Round 2 may open in July or “soon thereafter.” Lexington and the other Verizon “carve out” areas are expected to be released to apply for Round 2 grants. Our prospective provider, MTC Cable, remains in our corner and has along with our partner Western Catskills Community Revitalization Council, produced an energetic and well written grant application which has been submitted. If we get round 2 about 401 to 425 homes will receive Broadband.

Sale of Highway Roller
December 6, 2016  
Town Board Meeting  

Supervisor John Berger said that we received $12,200.00 for the sale of the highway roller. Superintendent of Highways Frank Hermance put the roller on Auctions International.

RESOLUTION # 145-16  
Reappoint James Tilp to the BAR  

Motion was made by Council Member William Pushman, seconded by Council Member Bradley Jenkins, to reappoint James Tilp to the BAR.

ADOPTED - Ayes - 5 - Berger, Barcone, Jenkins, Schermerhorn, & Pushman.  
Nays - 0

Therefore, the Town of Lexington town board moves to reappoint James Tilp to the Bar.

RESOLUTION # 146-16  
Approve Sewer Payments  

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

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman  
Nays - 0

Therefore, the Town of Lexington Town Board moves to approve the payment application #16 $65,865.35, change order #5 reduction of $156,105.12, and CWC vouchers in the amounts of $945.00 and $7,671.00.

End of the Year Town Board Meeting Date  

Supervisor John Berger and the Town Board decided on Thursday, December 29th for the end of the year meeting. All Town Board Members were in agreement with Thursday, December 29th, 2016 at 4:00 P.M.

Code Enforcement Report  

Supervisor John Berger reviewed the report. Each Council Member has a copy of the Code Enforcement Officers Report. The month of November 2016 shows 2 Certificate of Occupancy or Compliance, 4 permits were issued and 0 violation letters.

Citizen Preparedness Program  

Supervisor John Berger asked Council Member JoEllen Schermerhorn to provide the information for the NY Citizen Preparedness Program. Council Member JoEllen Schermerhorn said that the NY Citizen Preparedness Training Program teaches residents to have the tools and resources necessary for any type of disaster, respond accordingly and recover quickly. The meeting is to be held on November 28th, 2016 at 6:00 P.M. At the Mountain Top Library 6093 Main Street, Tannersville, NY 12485. For further information contact Maureen Garcia at 518-589-5707 or directormtnlibrary@gmail.com.

Public Comment:  

Sal Mancusso Sr. and Sal Mancusso Jr. would like to turn the papers for Deer Run Estates to Attorney Tal Rappleyea to review. Supervisor John Berger asked if anyone was representing them for this transfer and Sal Mancusso St. said that everything is signed, sealed and documented out of Long Island. Supervisor John Berger said that he would turnover the documents to the Town of Lexington Attorney Tal Rappleyea.

Sal Mancusso Jr. inquired about the name and numbers that he provided and what the outcome was. Supervisor John Berger said that he did follow up with the information and provided a narrative at the Town of Lexington Board meeting. Sal Mancusso Jr. asked about the contract and if it was still valid and Supervisor John Berger said that it is still valid. Sal Mancusso Jr. asked about how to FOIL the contract and Supervisor John Berger said that they still have a box in the office that they had FOILED. Supervisor John Berger said that he thought the contract was in the box but if not he would provide a FOIL request to the Town Clerk and she would make arrangements for them to come in and review the contract.
RESOLUTION # 147-16
Pay The Bills

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Resolved that the bills be paid on General Fund Abstract # 12 in the following amounts:
General Fund No. 331 through 366 = $12,822.16

Resolved that the bills be paid on Highway Fund Abstract # 12 in the following amounts:
Highway Fund No. 230 through 252 = $17,819.02

Resolved that the bills be paid on Sewer District Fund Abstract # 7 in the following amounts:
Sewer District No. 38 through 49 = $4,246.51

Resolved that the bills be paid on Special District Fund Abstract # 10 in the following amounts:
Special District No. 13 through 13 = $245.80

Adjourn

With no further business, on a motion from Supervisor John Berger, seconded by Council Member, JoEllen Schermerhorn the meeting shall be adjourned. 7:30 PM Carried unanimously.

Supervisor John Berger adjourned the meeting.

Respectfully submitted,

Alice Marie Cross, Town Clerk :)

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December 6, 2016  
Town Board Meeting

The Town Board Meeting of the Town Board of the Town of Lexington was called to order on December 6, 2016 at 6:30 P.M., by Supervisor John Berger at the Lexington Municipal Building, followed by the pledge of allegiance and a moment of silence for Jo Ann Miller.

PRESENT:  Supervisor  .........................  John Berger  
Council Members .........................  Michael Barcone  
  William Pushman  
  Jo Ellen Schermerhorn  
  Bradley Jenkins  
Town Clerk  .........................  Alice Marie Cross  
Superintendent of Highways  ..........  Frank Hermance  
Town Attorney  .................  Absent: Tal Rappleyea  
Code Enforcement Officer  ..........  Absent: Adam Cross  

OTHERS PRESENT:  John Falke, Bonnie Blader, Alfred Truesdell, Sal Mancuso Sr. and Sal Mancuso Jr.

RESOLUTION # 138-16  
Accept Public Hearing – Preliminary Budget

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

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Jenkins, Barcone, & Pushman  
  Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the minutes of the Public Hearing – Preliminary Budget held on November 1, 2016.

RESOLUTION # 139-16  
Accept November Town Board Minutes

On a motion by Council Member Bradley Jenkins, seconded by Council Member Jo Ellen Schermerhorn, the following resolution was,

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman  
  Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the minutes of the regular meeting held on November 1, 2016.

RESOLUTION # 140-16  
Accept Public Hearing Override Tax Levy Local Law #2 of 2016 Minutes

On a motion by Council Member Bradley Jenkins, seconded by Council Member Jo Ellen Schermerhorn, the following resolution was,

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman  
  Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the minutes of the Public Hearing – Override Tax Levy Local Law #2 of 2016 held on November 17, 2016.

RESOLUTION # 141-16  
Accept Special Meeting Minutes

On a motion by Council Member William Pushman, seconded by Council Member John Berger, the following resolution was,

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman  
  Nays - 0
Therefore, the Town of Lexington Town Board moves to accept the minutes of the Special Meeting held on November 17, 2016.

RESOLUTION # 142-16
Accept Financial Report – as of 10/31/16

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

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to accept the financial report for October 2016.

RESOLUTION # 143-16
Approve Purchase of New Vacuum for the Building

On a motion by Council Member Jo Ellen Schermerhorn, seconded by Council Member Michael Barcone, the following resolution was,

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to approve the purchase of a vacuum for the building. The allowance for the purchase is $600.00.

RESOLUTION # 144-16
Approve DEC Notice of Termination

Supervisor John Berger read the DEC Notice of Termination which is for the Sewer System. We need to let DEC know that everything has been put back to normal.

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

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to approve Supervisor John Berger to sign the DEC Notice of Termination.

Approve CWC Grant

Supervisor John Berger read the letter from Catskill Watershed Corporation. This grant of $20,000.00 will allow the Town of Lexington to explore options for relocating a portion of the hamlet of Lexington out of the flood plain. This CWC fund planning project will help residents and local officials visualize where relocation’s may be possible, how local codes can be modified to facilitate relocation’s within bordering the hamlet, and encourage commercial and business investments here.

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Sale of Highway Roller
Supervisor John Berger said that we received $12,200.00 for the sale of the highway roller.
Superintendent of Highways Frank Hermance put the roller on Auctions International.

RESOLUTION # 145-16
Reappoint James Tilp to the BAR

Motion was made by Council Member William Pushman, seconded by Council Member Bradley Jenkins, to reappoint James Tilp to the BAR.

ADOPTED - Ayes - 5 - Berger, Barcone, Jenkins, Schermerhorn, & Pushman.
Nays - 0

Therefore, the Town of Lexington town board moves to reappoint James Tilp to the Bar.

RESOLUTION # 146-16
Approve Sewer Payments

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

ADOPTED : Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, & Pushman
Nays - 0

Therefore, the Town of Lexington Town Board moves to approve the payment application #16 $65,865.35, change order #5 $156,105.12, and CWC vouchers in the amounts of $945.00 and $7,671.00.

End of the Year Town Board Meeting Date

Supervisor John Berger and the Town Board decided on Thursday, December 29th for the end of the year meeting. All Town Board Members were in agreement with Thursday, December 29th, 2016 at 4:00 P.M.

Code Enforcement Report

Supervisor John Berger reviewed the report. Each Council Member has a copy of the Code Enforcement Officers Report. The month of November 2016 shows 2 Certificate of Occupancy or Compliance, 4 permits were issued and 0 violation letters.

Citizen Preparedness Program

Supervisor John Berger asked Council Member JoEllen Schermerhorn to provide the information for the NY Citizen Preparedness Program. Council Member JoEllen Schermerhorn said that the NY Citizen Preparedness Training Program teaches residents to have the tools and resources necessary for any type of disaster, respond accordingly and recover quickly. The meeting is to be held on November 28th, 2016 at 6:00 PM. At the Mountain Top Library 6093 Main Street, Tannersville, NY 12485. For further information contact Maureen Garcia at 518-589-5707 or directormttoplib@gmail.com.

Public Comment:

Sal Mancusso Sr. and Sal Mancusso Jr. would like to turn the papers for Deer Run Estates to Attorney Tal Rappleyea to review. Supervisor John Berger asked if anyone was representing them for this transfer and Sal Mancusso Sr. said that everything is signed, sealed and documented out of Long Island. Supervisor John Berger said that he would turnover the documents to the Town of Lexington Attorney Tal Rappleyea.

Sal Mancusso Jr. inquired about the name and numbers that he provided and what the outcome was. Supervisor John Berger said that he did follow up with the information and provided a narrative at the Town of Lexington Board meeting. Sal Mancusso Jr. asked about the contract and if it was still valid and Supervisor John Berger said that it is still valid. Sal Mancusso Jr. asked about how to FOIL the contract and Supervisor John Berger said that they still have a box in the office that they had FOILED. Supervisor John Berger said that he thought the contract was in the box but if not he would provide a FOIL request to the Town Clerk and she would make arrangements for them to come in and review the contract.

RESOLUTION # 129-16
Pay The Bills
On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins, the following resolution was adopted:

ADOPTED - Ayes - 5 - Berger, Schermerhorn, Barcone, Jenkins, Pushman
Nays - 0

Resolved that the bills be paid on **General Fund Abstract # 12** in the following amounts:

*General Fund*  
No. 331 through 366 = $12,822.16

Resolved that the bills be paid on **Highway Fund Abstract # 12** in the following amounts:

*Highway Fund*  
No. 230 through 252 = $17,819.02

Resolved that the bills be paid on **Sewer District Fund Abstract # 7** in the following amounts:

*Sewer District*  
No. 38 through 49 = $4,246.51

Resolved that the bills be paid on **Special District Fund Abstract # 10** in the following amounts:

*Special District*  
No. 13 through 13 = $245.80

Adjourn

With no further business, on a motion from Supervisor John Berger, seconded by Council Member JoEllen Schermerhorn the meeting shall be adjourned. 7:30 PM Carried unanimously.

Supervisor John Berger adjourned the meeting.

Respectfully submitted,

*Alice Marie Cross, Town Clerk :)*
The Regular Meeting of the Town Board of the Town of Lexington was called to order on December 29, 2016 at 4:00 P.M., by Supervisor John Berger at the Kenneth A. Becker Municipal Building, followed by the pledge of allegiance and a moment of silence for Alfred Decker.

PRESENT: Supervisor.......................................... John Berger
Council Members............................................ Absent: Michael Barcone
William Pushman
Jo Ellen Schermerhorn
Bradley Jenkins
Town Clerk .................................................. Alice Marie Cross
Superintendent of Highways.......................Frank Hermance
Town Attorney.............................................. Absent: Tal Rappleyea
Code Enforcement Officer......................... Absent: Adam Cross

OTHERS PRESENT: None

RESOLUTION # 148-16
Accept December Town Board Minutes

On a motion by Council Member Jo Ellen Schermerhorn , seconded by Council Member William Pushman, the following resolution was, ADOPTED: Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Absent - 1 - Barcone

Therefore, the Town of Lexington Town Board moves to accept the minutes of the regular meeting held on December 6, 2016.

RESOLUTION # 149-16
Accept Financial Report – as of 11/30/16

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was, ADOPTED: Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Absent - 1 - Barcone

Therefore, the Town of Lexington Town Board moves to accept the financial report for November 2016.

RESOLUTION # 150-16
Approve Humane Society Contract

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member William Pushman, the following resolution was, ADOPTED: Ayes - 4 - Berger, Schermerhorn, Pushman, Jenkins.
Nays - 0
Absent - 1 - Barcone

Therefore, the Town of Lexington Town Board moves to approve for Supervisor John Berger to sign the contract.

Organizational Meeting

Supervisor John Berger confirmed that January 3rd, 2017 is the date for our organizational Meeting. The Town of Lexington Town Board was okay with the date.

RESOLUTION # 151-16
Encumber Funds from 2016 Budget to pay bills received from today until Dec 31, 2016
December 29, 2016
Regular Meeting – Town of Lexington Town Board

On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member William Pushman, the following resolution was ADOPTED:  Ayes - 4 - Berger, Pushman, Schermerhorn, & Jenkins.
Nays - 0
Absent – 1 – Barcone

Therefore, the Town of Lexington Town Board moves to approve paying 2016 bills received out of 2016 budget.

Annual Financial Report

Supervisor John Berger explained that the Annual report will be the December financial statement, which the accountants will have finished by the end of January 2017.

RESOLUTION # 152-16
Pay the Bills

On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins, the following resolution was

ADOPTED:  Ayes - 4 - Berger, Pushman, Schermerhorn, & Jenkins.
Nays - 0
Absent – 1 – Barcone

Resolved that the bills be paid on General Fund Abstract # 13 in the following amounts:

General Fund
No. 367 through 406 = $28,812.26

Resolved that the bills be paid on Highway Fund Abstract # 13 in the following amounts:

Highway Fund
No. 253 through 277 = $18,149.76

Resolved that the bills be paid on Special District Fund Abstract # 11 in the following amounts:

Special District
No. 14 through 14 = $247.89

Resolved that the bills be paid on Sewer District Fund Abstract # 8 in the following amounts:

Sewer District
No. 50 through 61 = $7,503.45

Public Comment:

Council Member JoEllen Schermerhorn requested that Superintendent of Highways Frank Hermance put which vehicle has been repaired. Superintendent of Highways Frank Hermance said that he usually does, but that particular voucher was over the telephone.

Superintendent of Highways Frank Hermance asked about his phone being updated and Supervisor John Berger said he would look into the plan to see if an upgrade was available.

Supervisor John Berger asked Superintendent of Highways Frank Hermance about his computer. Superintendent of Highways Frank Hermance said he has had the computer person come out and it is not the computer, it has something to do with the program.

Adjourn

With no further business, on a motion from Council Member William Pushman, seconded by Council Member JoEllen Schermerhorn, the meeting was adjourned. Carried unanimously.

Respectfully submitted,

Alice Marie Cross
Town Clerk
Town of Lexington