Public Hearing  
September 4, 2018  
All Terrain Vehicles and Snowmobiles to use Town roads  
The Public hearing on whether or not the Town of Lexington should create a law or laws allowing all terrain vehicles and snowmobiles to use town roads was called to order by Supervisor Berger at 6:01 PM at the Kenneth A. Becker Municipal Building.

PRESENT:  Supervisor........................................... John Berger

Council Members............................. Michael Barcone
Bradley Jenkins
William Pushman
JoEllen Schermerhorn

Town Clerk ................................. Charlotte Jaeger
Superintendent of Highways.............. Frank Hermance
Town Attorney.............................. Tal Rappleyea


Supervisor John Berger started the hearing by explaining that the purpose of the meeting is to hear public comments to define law 1 and law 2 for 2018, allowing snowmobiles and ATVs the ability to use Town roads. The vehicles must be registered and insured, drivers 16 years old or older, & helmeted.

Glen Howard stated that he is a member of the Big Valley Trailbreakers Snowmobile Club which is 12 years old and he wanted to inform the people present about liability insurance. There would be coverage under the General Obligations Law, Municipal Law, and that the New York State Snowmobile Association has a 2 million dollar liability. He said there are 130,000 insured snowmobiles registered in New York State and that there were 3 snowmobile & car collisions during 2016-17 in the entire state. He also said 10 year old children can drive a snowmobile if accompanied by an adult. The town of Roxbury has not had a problem with accidents or the packing down of snow on its roads and has been doing this for many years. Jaeger Road is the main road the club is looking to use. A couple of websites to check out would be; parks.ny.gov/recreation/snowmobiles and www.nyssnowassoc.org.

Robert Sainato is 74 and has been coming here since 1951 and would like his grandchildren to continue to do the same. He is for the laws since he goes 2-3,000 miles a year on his snowmobile and he would like to be able to go from his home to his other property which aren't connected. He needs to use his UTV on his properties and an ATV to help him hunt.

Deb Scotto is not against but says the devil is in the details. She is concerned about her horses and does not want joy riders. She suggested a format be created where cards or permits could be used to control who has access. Bennet Wine was concerned about minors and worried about enforcement. He thinks the curfew should be 6:00 pm.

John Murphy said the idea of self-policing is counter intuitive and does not want to have to police a 1,000 mile long amusement park. He wants peace and quiet. Bob Murphy is dead set against it. He believes Beech Ridge is steep and dangerous and he believes people will come from all over. He does not want to be like Adirondack park. Ron Lipton wanted to know if hours would be included in the details. Frank Hermance wanted to know who would enforce the laws and was worried about damage to the roads and snow being packed down and when the snow melts not going in the ditches. Mark Nagawiecki mentioned a town in PA. that uses registration plaques for snowmobiles & ATVs with a number or letter and that way if someone is doing something wrong you could tell the police or if they don't have the plaque then you would know they shouldn't be there. He suggested a local registration of maybe $5.00 for the plate or plaque. Councilman Michael Barcone believes the ATV and Snowmobile laws should be separate. He was worried about the town being liable and town attorney Tal Rappleyea said there would be no additional liability to the town because people assume the risk. Barcone also wanted to know what the risk is
to landowners. If your property is posted you are better protected. Michael called a town in Wisconsin where he had property and he spoke to the Town Clerk and the Supervisor and they said that they have had some issues with the end of some peoples driveways being damaged by snowmobiles and some damage to roads, so this particular town has a special fund for repairs. Barcone wants to know how we can protect the roads. He also understands that the snowmobile club wants to go from point a to point b. He said it should be for residents only. Steve Palazzolo lives on Tumbleweed Road and is not worried about snowmobiles but is worried about the ATVs. Supervisor Berger pointed out that Spruceton Road is a County road not a town road. Councilman William Pushman said it is illegal for people to come and ride if they don't have property or permission to use someone's property for riding. Elizabeth Randolph questioned if the laws are passed how do we make sure the police are policing. Ralph Albino said there will not be anymore trails created and it will not be on the website. Sal Mancuso wanted to know if there was a preliminary outline like every piece of equipment has liability insurance, sun up to sun down, & safety equipment. He does not want to be harassed by the DEP police. Daniel Dymond agrees with residential use only and he thinks it should be set up like farm tags were years ago. People need to use common sense. Councilman Bradley Jenkins said UTVs need to be included with the ATVs law if one is made.

CLOSE PUBLIC HEARING:
Council member William Pushman made a motion to close the public hearing, seconded by Council member JoEllen Schermerhorn, and with all in favor Supervisor Berger closed the public hearing at 7:12 PM.

September 4, 2018
Town Board Meeting

OPEN REGULAR TOWN BOARD MEETING
The meeting of the Town Board of the Town of Lexington was called to order on September 4, 2018 at 7:13 PM by Supervisor John Berger at the Kenneth A. Becker Municipal Building followed by the Pledge of Allegiance to the Flag. There was a moment of silence in memory of Robin Perl.

RESOLUTION # 85-18
Accept August 7 Minutes
On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins the resolution was,

ADOPTED: Ayes – 5 Barcone, Berger, Jenkins, Pushman, & Schermerhorn
Nays – 0
Therefore the Town of Lexington Town Board moves to accept the August 7, 2018 minutes.

RESOLUTION # 86-18
Accept Financial Report through July 31
On a motion by Council Member William Pushman, seconded by Council Member Bradley Jenkins the resolution was,

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

Create Committee of 2 Board Members to review public hearing minutes and to come up with proposals for ATV and Snowmobile laws for the October Meeting
Supervisor Berger asked for volunteers and Council Members Michael Barcone and William Pushman volunteered,therefore Supervisor Berger appointed them to the committee.

OPEN BIDS FOR STONE WALK
The Town of Lexington received 3 bids for the blue stone walkway.
Evergreen Mountain - $16,296.00
Totally Stone - $30,896.00
High Peak Landscapes $14,119.92

RESOLUTION # 87-18
On a motion by Council Member Michael Barcone, seconded by Council Member William
Pushman the following was,

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

Therefore the Town of Lexington Town Board moves to award the bid to Mike Tancredi of High Peak Landscapes.

**RESOLUTION # 88-18**

**CWC Application to Move Utilities**

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

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

Therefore the Town Board moves to let the Town Supervisor submit an application to CWC to get grant monies to move utilities from the basement to the new building.

**RESOLUTION # 89-18**

**Renew BAN with the Bank of Greene County**

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

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

Therefore the Town of Lexington Town Board moves to renew the Bond Anticipation Note with the Bank of Greene County in the amount of $98,750.51.

**RESOLUTION # 90-18**

**Health Insurance Renewal**

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

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

Therefore the Town of Lexington Town Board moves to renew the Health Insurance with MVP with an increase of 13.2% since no other insurance companies were any cheaper.

**RESOLUTION # 91-18**

**Approve Payment for New Truck**

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

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

Therefore the Town Board moves to pay NAVISTAR a total of $201,466.00 of which $109,000.00 is from a 5 year Bond, $30,000.00 from line DA9720.6, $30,000.00 from line DA9950.9, and $32,466.00 from the Reserve ICS Account.

**RESOLUTION # 92-18**

**Audit Committee Report to Pay Monthly Expenditures**

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

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

Therefore the Town of Lexington Town Board moves to pay the monthly expenditures for the month of
September 2018.

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

**General Fund**
No. 232 through 262 = $64,429.60

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

**Highway Fund**
No. 165 through 177 = $211,966.80

* this amount contains new truck payment *

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

**Special District**
No. 8 through 8 = $ 242.03

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

**Sewer District**
No. 54 through 57 = $911.65

COMMUNITY ACTION

Supervisor Berger read a letter from Community Action about the Weatherization Program. The Weatherization assistance program performs energy audits for eligible owners & renters in order to find areas that have the highest potential for heat loss. The income guidelines are the same as for HEAP. Pheobe Potter mentioned that every Friday from 10-3 there is someone from Community Action at the Prattsville Art Center. The Community Action of Greene County phone # is 518-943-9205 and the web site is cagny.org.

PUBLIC CONCERNS:

Pheobe Potter who grew up in Gilboa and now lives on Spruceton Road wanted to bring to everyone's attention what the Greene County Legislature is up to concerning the building of a new jail in Greene County. She said there would not be a public vote and that it sounded like there would be $2 million dollars borrowed to pay for a jail in Coxsackie.

RESOLUTION # 93-18

**Budget Transfer**

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

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

Therefore the Town of Lexington Town Board moves to make the following transfers:

**General Fund**
From: A1990.4 Contingency - $837.50
To: A1420.4 Attorney - $837.50

**Highway Fund**
From: DA5110.4 Contractual - $1,967.28
To: DA5112.2 Capital Outlay $1,967.28

**Final Bid on Truck**

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

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

Therefore the Town of Lexington Town Board moves to accept the bid of $19,100.00 on the recommendation of the Highway Superintendent Frank Hermance for the green truck that was put up for bid on auctions international.
Back to Public Concerns:
JoEllen Schermerhorn asked Highway Superintendent Frank Hermance if he knew when Goremans would be coming back. She said riding on Beech Ridge on a motorcycle is dangerous. Frank said he did not know for sure but it would help if it stopped raining. William Pushman asked when the paving on State Route 42 would begin. Supervisor Berger said that they are supposed to start on October 3rd.

Mark Nagawiecki Jr. is the owner of 67 Brook Road which is off of New Road. He petitioned the Town back in February to change Brook Road from Seasonal to Open year round. Central Hudson will not go down the road because of the road closed sign. He is asking the Town to repair the road so he can have work done on his house. Superintendent of Highways Frank Hermance said that people who live here full time get their roads fixed first. He had gotten an estimate of $40,000.00 to fix that road but does not believe there is enough money in the budget for that. The road is single lane and is about 150 feet in length. After some discussion it was decided that Mark would use some of his stones to help with the repairs. Randy Potter was asked to help put a plan together with Frank Hermance to fix the road so people can use it again. The Town of Lexington Board was in agreement that the road needed to be repaired and hopefully the repairs could be done in the next couple of months.

Adjourn
With no further business, on a motion by Council Member JoEllen Schermerhorn, seconded by Council Member William Pushman, the meeting shall be adjourned at 7:59 PM. Carried Unanimously.

Supervisor Berger adjourned the meeting.

Respectfully Submitted,

Charlotte Jaeger, Town Clerk