October 2, 2018
Town Board Meeting

The Meeting of the Town Board of the Town of Lexington was called to order on October 2, 2018 at 6:00 P.M. by Supervisor John Berger at the Kenneth A. Becker Municipal Building followed by the Pledge of Allegiance to the Flag.

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

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

OTHERS PRESENT: John Nolty, Alfred Truesdell, Lucy Veneski, Mary Palazzolo, Chris Dwon, Albert VanEtten, Sal Manucuso, Mary Cline, Sandra Conde, Patricia, Nancy Orr, Lynn Byrne, Glenn Howard, Santiago Betes, Bennet Wine, and Daniel Zuckerman from the Daily Mail

Supervisor John Berger started the meeting out by thanking the garden committee; Bennet Wine, Devon Russ, and Mary Palazzolo for their work on the garden in front of the Veteran's Monument here at the Municipal Building. Bennet Wine said that they are looking for river rock, the bigger the better to be used in the garden. River rocks are smooth and rounded. Any river rock donations would be appreciated.

RESOLUTION # 94-18
Accept September 4, 2018 Minutes

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

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

Therefore the Town of Lexington Town Board moves to accept the September 4, 2018 minutes.

RESOLUTION # 95-18
Accept Financial Report through August, 2018

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

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

Therefore the Town of Lexington Town Board moves to accept the Financial Report through August 31, 2018.

Scenic Byway Update

Committee members Mary Palazzolo, Chris Dwon, and Nancy Orr were in attendance to give an update on the Scenic Byway. Nancy Orr started by saying that they are a non-regulatory group. They are looking to extend the byway down route 23A to route 42 down to route 28 and this creates a loop. The Lexington Committee is working with a group from Jewett and there will be a presentation on Thursday November 15th at the Lexington West Kill Community Hall at 6:30 PM. So far the committee has identified historical cemeteries, views, boarding houses, and other things that make our town special. Nancy mentioned Art Flick and how he opened up fishing to all people and not just gentry. Artists, and military will also be included. The committee has put together a map that will be at the November presentation. The scenic byway is an economic initiative in many ways and some benefits are that roads may be repaired sooner, it’s on trip adviser and there is a phone app available for speaking tours. The signage is paid for through grants so no extra cost to Lexington tax payers.

RESOLUTION # 96-18
Participate with County bid for Highway Fuel

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

ADOPTED: Ayes – 5 – Berger, Barcone, Jenkins, Schermerhorn, and Pushman
Nays - 0
Therefore the Town of Lexington Town Board moves to participate in the Greene County bid for Highway fuel.

Review Local Law #1 of 2018 and Local Law # 2 of 2018
Local Law # 1 of 2018 Designating Town Highways for Travel by Snowmobiles
Local Law # 2 of 2018 Designating Town Highways for Travel by ATVS

Supervisor Berger thanked the committee for their work on the laws and read each of the laws aloud, after which discussion ensued. Council Member Michael Barcone said that the snowmobile law needs to be more descriptive regarding the registration of snowmobiles. Section 3 d. should read operate only registered and insured snowmobiles. There was a question why the Snowmobile law and the ATV law couldn't be the same and also why only designated town roads for snowmobiles and not all town roads. Council Member JoEllen Schermerhorn thought the snowmobile law should include all town roads and was worried about the policing if the law applied to designated roads. Town Attorney Tal Rappleyea said enforcement would be done the same as it is now for roads not designated. Council Member Michael Barcone mentioned that Snowmobiles are used strictly for recreation whereas ATVS are used for utilitarian purposes as well as recreation and that is why the laws are not the same. The laws could be passed and people can petition for amendments later on. Council Member Bradley Jenkins thought the description of the designated roads needed to be clearer. Council Member Michael Barcone said that the violations needed to be added and he also thought that snowmobiles should register with the Town as well as the State. Council Member William Pushman wanted to know if a minimum offense could be put into the law. Town Attorney Tal Rappleyea responded that he didn't put that in the law because Judges like to have discretion. Supervisor Berger said that the Judges asked for a base. Council Member William Pushman said a minimum of $100.00 for the first offense. Supervisor John Berger suggested a weekend permit or seasonal permit should be added to section 5 of the snowmobile law. There was also talk of limiting the hours of snowmobile riding. It was decided to make ATV and Snowmobile laws the same concerning the hours of use, which would be an hour before sunrise and an hour after sunset, Eastern time, year round. The Town can not regulate UTVS. It was decided Town Attorney Tal Rappleyea would make the needed changes before the Town Board could vote on Local Law #1 and #2 of 2018.

RESOLUTION # 97-18
Appoint DER
On a motion by Supervisor John Berger, seconded by Council Member JoEllen Schermerhorn the following motion was,

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

Therefore the Town of Lexington Town Board appoints Charlotte Jaeger the DER which stands for Designated Employee Representative.

Letter to GCEMS
Supervisor John Berger asked the Town of Lexington Council Members for permission to write and send a letter to the Greene County Emergency Medical Services to ask that an ambulance that was donated to the GCEMS be brought to the mountain top for use in Lexington and Prattsville. Council Member William Pushman granted permission and Council Member JoEllen Schermerhorn asked to read the letter before it is sent.

RESOLUTION #98-18
Open Executive Session
On a motion by Council Member William Pushman, seconded by Council Member JoEllen Schermerhorn the following was,

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

Therefore the Town of Lexington Town Board opened Executive Session at 7:20 PM to discuss a personnel issue.

RESOLUTION # 99-18
Close Executive Session
On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman and with none opposed the Town of Lexington Town Board closed the Executive Session at 7:28 PM.

RESOLUTION #100-18
Appoint Chief Operating Officer of Lexington Sewer District
On a motion by Council Member William Pushman, seconded by Council Member Michael Barcone, the following was,

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

Therefore the Town of Lexington Town Board moves to appoint Jarrett D’Addario the Chief Operating Officer of the Lexington Sewer District.

Code Enforcement Report
Supervisor Berger apologized that the reports were not in the Council Members packets but said they would be in their mailboxes as soon as he got them from the Code Enforcement Officer.

Public Comment
Superintendent of Highways Frank Hermance wanted to know if the program to do the fuel tanks was still in effect. Supervisor Berger responded by saying yes it is through CWC but you need to check with your fuel company or gas company first. Frank Hermance also asked about the fuel tanks at the Highway garage and said they should be done and Supervisor Berger agreed that yes they should be done. JoEllen Schermerhorn asked that the letter from Goreman be put into the minutes so Supervisor Berger read the letter aloud. The letter basically said “Goreman LLC is sorry for not doing the REDO work on Deer Pen Estate and on Beach Ridge North Road. Do to all the rain this summer that push us past the September 15 date and no good weather after that date. All roads will be repaired by June 1, 2019”.

RESOLUTION #101-18
Audit Committee Report to Pay Monthly Expenditures
On a motion by Council Member William Pushman, seconded by Council Member JoEllen Schermerhorn, the following resolution was

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

Therefore, Town of Lexington Town Board moves to approve paying the expenditures for the Month of October 2018.

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

General Fund
No. 263 through 283 = $14,629.60

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

Highway Fund
No. 178 through 198 = $37,324.82

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

Special District
No. 9 through 9 = $257.40

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

Sewer District
No. 54 through 57 = $2,214.66

Park Update
Supervisor Berger said that the playground was delivered but was not put together yet. He said that Soil and water is trying out a new solution on knot weed in the Town of Ashland along the Bataviakill. The split rail fence has been installed but no pergola yet.

RESOLUTION #102-18
Budget Transfer
On a motion made by Council Member Bradley Jenkins and 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 make the following transfers:
General Fund

From: A1990.4 Contingency - $350.00  To: A1320.4 Contractual - $350.00

From: A1410.2 Equipment - $94.36  To: A1410.4 Contractual $94.36

RESOLUTION #103-18
Change Date for November Board Meeting

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

Therefore the Town of Lexington Board moves to change the regular Town Board Meeting from Tuesday, November 6 to Wednesday November 7 at 6:00 PM due to Election Day.

Signage
Superintendent of Highways Frank Hermance had a question about where signs would be put if the new laws were passed and he also mentioned that there is no parking at the end of Jaeger Road.

Adjourn
With no further business, on a motion from Council Member William Pushman, seconded by Council Member Michael Barcone, the meeting shall be adjourned at 7:50 P.M. Carried unanimously.

Supervisor John Berger adjourned the meeting.

Respectfully submitted,

Charlotte Jaeger, Town Clerk