December 4, 2018
Town Board Meeting

The Meeting of the Town Board of the Town of Lexington was called to order on December 4, 2018 at 6:03 P.M. by John Berger at the Kenneth A. Becker Municipal Building, followed by the Pledge of Allegiance. There was a moment of silence in memory of the 41st President, George Bush

PRESENT: Supervisor .......................... John Berger
Council Members....................... Michael Barcone
........................................ William Pushman
........................................ Jo Ellen Schermerhorn
........................................ Bradley Jenkins
Town Clerk ................................. Charlotte Jaeger
Superintendent of Highways ............ Frank Hermance
Town Attorney............................ Tal Rappleyea

OTHERS PRESENT: Alfred Truesdell, Lubiko Kizyma, Nancy Kizyma, Anne Hall, and Michael Ryan from the Mountain Eagle

RESOLUTION # 120-18
Adopt Local Law # 1 of 2018

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

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

Therefore, Town of Lexington Town Board moves to adopt Local Law #1 of 2018 establishing grievance day for the fourth Wednesday of May each year.

Town of Lexington
Local Law # 1 of 2018
Grievance Day Establishment

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF LEXINGTON

SECTION 1. TITLE AND PURPOSE

This Local Law of the Town of Lexington, Greene County, New York shall be as the “Grievance Day Establishment Law.”

The purpose of this Local Law is to establish the day for hearing by the Board of Assessment Review of the Town of Lexington of grievances addressed to real property tax assessments on an alternate date as permitted by Real Property Tax Law §512 (1-a).

SECTION 2. APPLICABILITY AND DURATION

This local law shall be applicable to all grievances addressed to assessment of lands within the Town of Lexington and shall be in effect indefinitely or until modified or repealed by the Town Board of the Town of Lexington.

SECTION 3. GRIEVANCE DAY

All grievances addressed to assessments of real property within the Town of Lexington shall be heard by the Board of Assessment Review of the Town of Lexington on the fourth Wednesday in May of each year.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

RESOLUTION # 121-18
Approve Public Hearing Preliminary Budget Minutes from November 7

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

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

Therefore, Town of Lexington Town Board moves to accept the minutes of the Public Hearing on the Preliminary Budget for 2019 held on November 7, 2018.
RESOLUTION # 122-18  
Approve November 7 Minutes for Regular Town Board Meeting
On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member Bradley Jenkins the following resolution was,

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

Therefore, Town of Lexington Town Board moves to approve the Minutes for the November 7 Regular Town Board meeting.

RESOLUTION # 123-18  
Accept Financial Report Through October 31st
On a motion made by Council Member William Pushman, seconded by Council Member Michael Barcone, the following resolution was,

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

Therefore the Town of Lexington Board moves to approve the Financial Report through October 31st.

RESOLUTION # 124-18  
Request to sell Property to DEP
On a motion by Supervisor John Berger, seconded by Council Member William Pushman the following was,

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

This Town of Lexington Town Board moves to approve letting the descendants of Mildred Hermance sell her house & property to DEP with the stipulation that if DEP does purchase the property the Town of Lexington would take ownership of the empty lot. The property is located at 82 Route 13A, tax map #127.20-1-2. This decision was made after a lengthy discussion. Supervisor Berger said that it was a very uncomfortable position to be in, to have to tell someone what they can or can not do with their property. Council Member William Pushman said the rationale behind the decision was due to the repeated flooding of this property, excessive mold, and that the beams in the basement are not sound.

Logging Issue
Supervisor Berger said that they tried to make a logging ordinance in the Town of Lexington a couple of years ago but it was defeated. Supervisor Berger said that there is some road and guardrail damage as a result of logging. Highway Superintendent Frank Hermance provided some pictures of the damage being done. Supervisor Berger told the Highway Superintendent Frank Hermance that if he sees damage being done he needs to tell the DEC forester about it so they can correct the problem. It was recommended that the Highway Superintendent draft a letter to the homeowner as well as the logger and make sure the Town of Lexington gets a copy as well as DEC. The letter will ask the logger to wait until the ground is frozen and if they choose not to they would be responsible for any damages to the road.

RESOLUTION # 125-18  
Approve Contract with The Columbia- Greene Humane Society
On a motion by Council Member Michael Barcone, seconded by Council Member JoEllen Schermerhorn, the following resolution was,

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

This Town of Lexington Town Board moves to approve the 2019 Contract with the Humane Society.

Schedule Year End Meeting
It was decided that the year end meeting will be on December 31, 2018 at 10:00 A.M.

Organizational Meeting
The organizational meeting will be on January 3, 2019 at 6:00 P.M.

Code Enforcement Report
Supervisor John Berger said the Board Members all had reports and could be viewed at their leisure.

RESOLUTION # 126-18  
Ashland Contract Renewal
On a motion by Council Member Bradley Jenkins, seconded by Council Member William Pushman the following was,

ADOPTED: Ayes – 5 – Berger, Barcone, Jenkins, Pushman, and Schermerhorn  
Nays - 0
Therefore the Town of Lexington Town Board moves to renew a 2 year contract with the Town of Ashland for ambulance service with no changes in it.

**RESOLUTION # 127-18**  
**Budget Transfers**  
On a motion by Council Member JoEllen Schermerhorn, seconded by Council Member William Pushman the following was,  

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

Therefore the Town of Lexington Board moves to make the following budget transfers from the **General Fund**.

- **From:** A1110.2 Court Equipment $6.69  
  **To:** A1110.4 Court Contractual $6.69
- **From:** A1330.4 Tax Collection Contractual $930.00  
  **To:** A1330.2 Tax Collection Equip. $930.00
- **From:** A9010.8 Retirement $2,680.25  
  **To:** A1420.4 Attorney $2,680.25

**Resolution #128-18**  
**Audit Committee Report**  
On a motion made by Council Member Michael Barcone, seconded by William Pushman the following Resolution was

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

Resolved that the bills be paid on **General Fund Abstract # 12** in the following amounts:

- **General Fund**  
  No. 322 through 343 = $12,285.94

Resolved that the bills be paid on **Highway Fund Abstract # 12** in the following amounts:

- **Highway Fund**  
  No. 241 through 270 = $19,206.20

Resolved that the bills be paid on **Sewer District Fund Abstract # 12** in the following amounts:

- **Sewer District**  
  No. 73 through 78 = $2,491.45

**Open Executive Session**  
On a motion by Council Member JoEllen Schermerhorn seconded by Council Member Michael Barcone and with all in favor Executive Session started at 6:51 P.M. to discuss the collateral bargaining agreement.

**Close Executive Session**  
On a motion by Council Member Bradley Jenkins, seconded by Council Member JoEllen Schermerhorn and with all in favor Executive Session ended at 7:27 P.M. with no action taken.

Respectfully submitted,

Charlotte Jaeger,  
Town Clerk