

March 13, 2018

Minutes of the Town Board Meeting held Tuesday, March 13, 2018, at 7:00 PM, at the Keene Town Hall. The following Town Board Members were present: Joseph P. Wilson, Jr., Supervisor, Robert M. Biesemeyer, Michael J. Buysse, Jerry D. Smith and Teresa Cheetham-Palen, Members of Council. Also present were: 12 residents, Scott Smith, Highway Superintendent, Ryan Hall, Water Superintendent, Deb Whitson, Town Attorney and Ellen Estes, Town Clerk.

The Chairman, Mr. Wilson, called the meeting to order at 7:02 PM and invited everyone to join in the Pledge of Allegiance.

Resolution No. 82 – 18

Ms. Cheetham-Palen offered a resolution and moved its adoption. Be it resolved, that the Town Board approve the Minutes of the Town Board Meeting held February 13th, the Notes from the Workshop held February 15th and the Minutes of the Bi-Monthly Town Board Meeting held February 27th, as presented. This resolution was seconded by Mr. Smith.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Mr. Buysse:	Yes
Mr. Smith:	Yes
Ms. Cheetham-Palen:	Yes

Mr. Wilson offered Privilege of the Floor to anyone with something other than what was on the agenda.

Marcy Neville asked what was being said or done about Governor Cuomo's PILOT on assessing State lands.

Before entering this discussion, Mr. Wilson asked if there was anything else from the floor.

Tyler Socash said he was present to discuss skiing on the Jack Rabbit Trail; Mr. Wilson said that was on the agenda and would be discussed.

Mr. Wilson returned to the issue Ms. Neville referred to saying that the Town Board is actively fighting that, he said the School was fighting it and he said that Betty Little and Dan Stec were fighting it. He went on to say that the Board of Supervisors at the County passed a resolution fighting it. He said the Professional Assessors Association was fighting it and went on to say everyone is fighting it. He said everyone was against it and if this issue doesn't get the desired outcome, he was sure there would be a lawsuit.

Mr. Wilson asked for a resolution rescinding Resolution No. 73 – 18, a Resolution Selecting Projects for Grant Funding. He said the only difference between this old resolution and the resolution that would be presented tonight was removing one of the projects from the list, installing LED lighting in Town Buildings, he said the Town could do that cheaper on their own.

Resolution No. 83 – 18

Mr. Biesemeyer offered a resolution and moved its adoption. Be it resolved, that the Town Board rescind Resolution No. 73 – 18, a Resolution Selecting Projects for Grant Funding. This resolution was seconded by Mr. Buysse.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Mr. Buysse:	Yes
Mr. Smith:	Yes
Ms. Cheetham-Palen:	Yes

Resolution No. 84 – 18

The Town Board adopted Resolution No. 84 – 18, a Resolution Selecting Projects for Grant Funding. This resolution, in its entirety, is attached to and made a part of these minutes.

Mr. Wilson introduced the next discussion asking Deb Whitson if she got his request to look over the Marcy Field Agreement. He said one recent change to the agreement is the variable fee schedule.

Ms. Whitson said the only thing she noticed that should change was the statement saying “The Town does not allow the sale or use of alcoholic beverages”.

Ms. Estes said that weddings are required to have a NYS Event License.

There was also discussion regarding the sale and tasting of wine at the Farmers’ Market. Mr. Wilson suggested checking to see that the vendor has the proper license and insurance.

Ms. Whitson will work on the verbiage for the user agreement so it can be sent off to the Farmers’ Market.

Mr. Wilson said that the Farmers’ Market is now okay with the new Marcy Field user fee.

Mr. Wilson asked the Board if they had all received the draft of the revised Employee Handbook; they all said they had. He asked Ms. Whitson; she said no she didn’t get it; Mr. Wilson said he must have forgotten to send one to her and said he would send her one.

The Board discussed when to review it; it was decided to review it during the Bi-Monthly Town Board Meeting on the 27th.

Resolution No. 85 – 18

Mr. Buysse offered a resolution and moved its adoption. Be it resolved, that at their request, the North County SPCA be given permission to use Marcy Field on July 15th for their annual Paws Cause event. This resolution was seconded by Mr. Biesemeyer.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Mr. Buysse:	Yes
Mr. Smith:	Yes
Ms. Cheetham-Palen:	Yes

Ms. Estes explained to the Board that a request had been made by the owners of the A.D.K. Market to waive their 30-day notice for their application to the State Liquor Board to change their license from off premise to on premise.

Resolution No. 86 – 18

Mr. Biesemeyer offered a resolution and moved its adoption. Be it resolved, that the Town Board waive the 30-day notice for the A.D.K. Market to apply to the State Liquor Board to change their off premise license to an on premise license. This resolution was seconded by Mr. Buysse.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Mr. Buysse:	Yes
Mr. Smith:	Yes
Ms. Cheetham-Palen:	Yes

Mr. Wilson said the next business to discuss is regarding broadband. He said that Slic Networks of Nicholville is purchasing Keene Valley Video and would like a letter of support from the Town of Keene which will go to the Public Service Commission for their approval of this purchase agreement. He said he had this same request from Tim Whitney. He said he has already told them that his concern for the Town is that they continue to give reliable service and reasonable prices.

Mr. Smith said this is a private sale and he doesn’t think the Town should get involved.

(discussion continued)

Mr. Biesemeyer said he and Joe Pete have spoken to both parties and have received verbal reassurances to the service, he felt not sending a letter of support could have repercussions saying there is no other great option. He said the Public Service Commission would just rubber stamp the agreement.

John Brown said he doesn't know if this is Town business but said from the public stance it is a public utility.

Mr. Wilson said his question is how much does the Town get involved.

Donna Austin said she would like to hear what John LaFountain has to say.

Mr. LaFountain said it was the Town's decision whether to send a letter of not. He said he has been on a rollercoaster saying he gave up a successful business to work here with certain promises made to him. He said that he will work to make this a successful transition, he said he feels welcomed by Slic and is thankful for the support he has received and is looking forward to working with them.

Tony Goodwin, who spoke about the infrastructure and the government sponsored monopoly asked what the track record is for Slic.

Mr. Biesemeyer said it's owned by Nicholville Telephone. He said they have internet in various places saying some are successful and some are not so successful. He said he has the gut feeling that Slic made an offer and the Whitney's want out. He said it was the only offer they had and then corrected himself saying there was another offer.

Marie McMahon asked how Slic's quality was.

Mr. Wilson said he has worked with other Supervisors saying they forced Slic to reorganize and said they are now working under new management.

Mr. Biesemeyer said he didn't agree with all this, but said he was willing to work with Slic to keep the service as is and said he was assured the rates would stay the same and the service would be increased. He talked about phase 3 requirements, State money for broadband, and Hughes Net and Verizon.

Donna Austin asked about Verizon and what would happen to Steve Burdo who services this area for Verizon.

Mr. Biesemeyer said there's a difference between Verizon and Verizon Wireless.

Ms. Austin asked what about package deals.

Ms. McMahon stated that some people's livelihoods depend on the internet.

Mr. Biesemeyer said he suggested the public send letters and ask their questions to slic; he said he warned Slic that the public would have hard questions to answer.

Mr. Wilson asked the Board what they wanted to do about sending a letter of support and read aloud a letter he had prepared, which the Board made a couple changes to.

Resolution No. 87 – 18

Mr. Biesemeyer offered a resolution and moved its adoption. Be it resolved, that the Town Board authorize Joe Pete Wilson, Supervisor, to send his letter of support with tonight's changes as discussed. This resolution was seconded by Mr. Buysse.

Roll Call Vote:

Mr. Wilson: Yes

Mr. Biesemeyer: Yes

Mr. Buysse: Yes

Mr. Smith: Yes

Ms. Cheetham-Palen: Yes

Jim Bernard discussed another letter request.

The next discussion was about the Old Mountain Road.

Mr. Wilson began this discussion by saying that the Appellate Court Division had ruled in favor of Jim McCully and against DEC. He said this means the road is not considered abandoned and the Town should put the road back on its inventory. He said he would suggest that the highway do some road work by installing a culvert. He said he would like to see it managed as it is now saying he would propose the Town let DEC continue to work on it.

Mr. Smith said he would like to see it opened to 4 wheelers.

Mr. Wilson said 4 wheelers are allowed to get a permit from the Town and use it during hunting season.

Mr. Smith mentioned the emails that are coming from skiers and commented that there are more than skiers.

(continued)

Mr. Biesemeyer said opening this road to motorized vehicles is a “horrendous idea” saying this 3 ½ mile road leads nowhere and saying motorized vehicles could never get past the beaver ponds. He said motorized vehicles would ruin it for the skiers and would be a mess.

Mr. Wilson commented that the Bartlett Road is a better place for motorized vehicles.

Mr. Biesemeyer said that snowmobilers go where there are trail networks.

Mr. Smith asked what about 4 wheelers.

Tyler Socash introduced himself and gave a very lengthy presentation; saying he grew up in Old Forge, went to college and did some extensive hiking and then chose Keene as the place to come back to settle down. He spoke about skiing on the Jack Rabbit Trail saying it is in the 1% of lands east of Denver that is motor free wilderness. He spoke about the remoteness. He said he was here tonight to ask the Town to close the Old Mountain Road and continue to have it motor free.

Mr. Biesemeyer cautioned Mr. Socash to respect the people in the community who disagree; he said as a word of advice, there needs to be room for people who have had families here for generations. He said they like to be the masters of their own destiny.

Ms. Cheetham-Palen said it is getting harder and harder to find remote places, she said she doesn't disagree with Tyler's comments.

When asked how can Keene protect this area; Mr. Wilson said the Town needs take it over and allow the State to continue trail improvement for rock climbing access.

Mr. Smith commented that native people would like to go up there saying they would like to use 4 wheelers.

Mr. Buysse said he would like to keep the current option.

Mr. Smith asked if it is considered a town road, how can 4 wheelers be stopped.

Jon Brown said he totally agrees with Mr. Biesemeyer saying he questions the wisdom of changing the policy and asking what's the point in allowing motorized vehicles on such a short trail.

Deanna Brown commented that it is a pristine, fragile environment.

Tony Goodwin was present to say that he was responsible for the Jack Rabbit Trail and had some comments ready, but said it had all been said and thanked everyone.

Pete Nelson said he supports keeping the trail as it is and he endorses Tyler's comments.

Lucas Brown, who was present with his parents, commented that a snowmobile could break through the ice and pollute the ponds.

Mr. Biesemeyer commented in closing, that this is not a new issue, he said oil and water doesn't mix well and said “this just is not a great area for motorized vehicles” but again advised treading lightly.

Mr. Wilson confirmed that the Board wants to stake claim to the road and have him talk to DEC about management details.

Mr. Wilson supplied the Board with the verbiage that the Youth Commission would like to use to amend their By-laws to add 2 additional members to their board.

Resolution No. 88 – 18

Mr. Biesemeyer offered a resolution and moved its adoption. Be it resolved, that the Town Board approve the following verbiage be used to amend the Youth Commission's By-Laws:

The Keene Youth Commission shall consist of nine (9) voting members including one (1) representative of the Keene Town Board and one (1) representative of the Keene Central School Board. Each voting member shall be appointed by the Keene Town Board. The membership shall be residents of the Town of Keene and when feasible, be representative of the Town of Keene population (i.e., geographic, economic, ethnic), and may include a youth representative. Members shall serve five (5) year terms.

Town Board representative shall be appointed annually by their respective appointing authorities. Vacancies shall be filled as they occur by recommendation from the Keene Youth Commission Board and approval by the Keene Town Board. A majority of the voting members shall constitute a quorum of the Youth Commission. The members of the Youth Commission Board shall serve without pay.

This resolution was seconded by Mr. Buysse.

(Roll Call Vote on next page)

Roll Call Vote:
Mr. Wilson: Yes
Mr. Biesemeyer: Yes
Mr. Buysse: Yes
Mr. Smith: Yes
Ms. Cheetham-Palen: Yes

The next discussion was in regards to the Youth Commission setting up their own checking account. Mr. Wilson said they are having trouble getting this done. Ms. Whitson said when she was on the Board they tried and couldn't make it work. When asked who could give advice; Ms. Estes suggested giving NYS Audit and Control a call.

Resolution No. 89 – 18

Mr. Biesemeyer offered Resolution No. 89 – 18, a Resolution Transferring Funds. This resolution, in its entirety, is attached to and made a part of these minutes. This resolution was seconded by Mr. Smith.

Roll Call Vote:
Mr. Wilson: Yes
Mr. Biesemeyer: Yes
Mr. Buysse: Yes
Mr. Smith: Yes
Ms. Cheetham-Palen: Yes

Resolution No. 90 – 18

Mr. Smith offered a resolution and moved its adoption. Be it resolved, that the Town Board accept the Supervisor's Monthly Financial Statement for January and have it placed on file with the Town Clerk. This resolution was seconded by Ms. Cheetham-Palen.

Roll Call Vote:
Mr. Wilson: Yes
Mr. Biesemeyer: Yes
Mr. Buysse: Yes
Mr. Smith: Yes
Ms. Cheetham-Palen: Yes

Resolution No. 91 – 18

Mr. Biesemeyer offered a resolution and moved its adoption. Be it resolved, that the Town Board approve the following bills for payment, including those that have been prepaid. This resolution was seconded by Ms. Cheetham-Palen.

Roll Call Vote:
Mr. Wilson: Yes
Mr. Biesemeyer: Yes
Mr. Buysse: Yes
Mr. Smith: Yes
Ms. Cheetham-Palen: Yes

Multi-Fund vouchers numbered 168 to 199, totaling \$44,586.88, as follows:

General Fund	- \$21,796.01
Highway Fund	- 17,693.82
Library Fund	- 1,236.95
Water District #1	- 2,887.82
Water District #2	- 972.28

Ms. Cheetham-Palen asked why the gas and diesel from Griffith Energy is split 71% and 29%

Scott Smith, Highway Superintendent, said that is because the Town Highway plows the County Roads.

She asked if that is a standard percentage; Ms. Estes said she thought so.

Resolution No. 92 – 18

Mr. Smith offered a resolution and moved its adoption. Be it resolved, that with all business having been transacted, this meeting be adjourned. This resolution was seconded by Mr. Buysse.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Mr. Buysse:	Yes
Mr. Smith:	Yes
Ms. Cheetham-Palen:	Yes

The meeting was adjourned at 8:15 PM.

Ellen S. Estes, Town Clerk
March 16, 2018

Joseph P. Wilson, Supervisor
Robert M. Biesemeyer, Councilmember
Michael J. Buysse, Councilmember
Jerry D. Smith, Councilmember
Teresa Cheetham-Palen, Councilmember