

August 13, 2019

Minutes of the Town Board Meeting held Tuesday, August 13, 2019, 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: approximately 25 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 present to join in the Pledge of Allegiance.

Resolution No. 175 – 19

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 July 9<sup>th</sup> and the Notes from the Streetlight Workshops held on Tuesdays, July 23<sup>rd</sup> and 30<sup>th</sup>, as presented. This resolution was seconded by Jerry Smith.

Roll Call Vote:

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

Privilege of the floor was offered, there were no questions or comments.

Mr. Wilson turned the floor over to Ryan Hall to give an update on Water District No. 2. Mr. Hall said that as of today the new well is plumbed up, he said there is no electric to it yet and said by the end of the month it would be online.

Mr. Wilson said there has been no change in the finance department, he said the District is waiting for the Betty Little Grant to arrive.

He said when the Johns Brook Bridge is finished, the Town will explore how extensive the water tank problem is.

Ms. Cheetham-Palen asked if the hook up to the well is temporary; Mr. Wilson said it's on its way to being permanent.

Mr. Wilson gave an update on the progress at the Johns Brook Bridge.

He said they are almost ready for beams, he said they are due to arrive on the 21<sup>st</sup> and that the construction company is trying to reschedule the crane for sooner. He said the bridge will be finished 30 days past the beam placement.

Mr. Wilson gave an update on Hiker Parking.

He said the shuttle will continue to run 7 days a week until Labor Day and will then go to weekends since the shuttle drivers are all school bus drivers.

Mr. Wilson said that the shuttle bus attendants also give out tourist information and asked the Board if they felt it was okay to allow the Mountaineer to set up a rack inside the attendants building for maps, etc., complete with a locked cash box. When asked, he said the Town's staff may occasionally make change for the tourist to deposit.

Mr. Biesemeyer asked Deb Whitson, the Town Attorney, if this was okay; she indicated it was.

Everyone was in agreement to allowing this.

The next discussion was about the proposed Alstead Hill Road paving project.

Mr. Wilson said he had shared a letter with the Board from Part-Time Residents who couldn't make the meeting who opposed this paving.

Mr. Biesemeyer stated that the Board had already approved the funding for this project by signing the 284 form (CHiPs).

Ms. Cheetham-Palen said this action came up at the end of the meeting and was not on the agenda saying she has questions about it; one being "What are the goals for the roads in Keene".

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Scott Smith began by explaining his decision to pave this road came up due to this road seeing a lot more traffic and residents complaining to him about the dust. He also said there was a problem last year with mud.

Mr. Biesemeyer stated that part of the Beede Road was paved last year and not everyone was in favor of that either. He said paving roads may cause people to drive faster but it's his personal opinion that it's an improvement.

Ms. Cheetham-Palen said she is concerned about the ditching and about the faster driving and asked how wide the road will be.

Mr. (Scott) Smith said it is his plan to try to get 19 feet of road.

Mr. Biesemeyer said a lot of cars go off that road in the winter and this may help.

Ms. Cheetham-Palen asked if there's a way to prevent soft sides; Mr. Smith said this will happen by leveling it off.

Ms. Cheetham-Palen said she is concerned about the hill near the cemetery saying you can't see over it. She said your mind set goes away from safety when paving is present.

Kathy Regan, who had done some research on paving, said she is not sure what she thinks saying she hasn't gotten enough information. She requested the Board review this project further based on the width, steepness and curvature of the road. She shared some information she received on making an informed decision on paving regarding culverts for flood control. She said the Town crew has been ditching outside her house for the last 2 months.

Wendell Wells, who also lives on Alstead Hill Road, said he had read Mr. Smith's letter and said he has some good points and said that his main concern was the dust.

Kim Wells said she has had enough dust and wants it paved.

Mr. Wells also said another reason he is in favor of paving is the higher cost of maintaining dirt roads over paved roads.

Chuck Bruha said paving would keep the dust down but he expressed concern about the ditching, water plan, siltation and possibility of having his basement flood. He asked what the overall concept for how the water works.

Peter Davis said he was curious why ditching is necessary where it is level.

John Hudson asked if the elevation of the road would be increased or if they would be digging down.

Mr. Smith said the road would be elevated with 3 inches of blacktop.

Mr. Wells commented that the County would have the criteria for road construction before paving.

Brian Knapp, who lives on this road, stated that he thinks that paving is inevitable, but said that the residents were given no warning. He said machines showed up, pushed trees over on his property and left them there. He also said the trees in the ditches were cut out on 3 sides saying some are now going to die. He said he didn't think this project was thought out well, saying he thinks it will be unsafe and not wide enough for 2 lanes. He stated there wasn't even straw brought in for the ditches. He questioned paving dead end roads asking "aren't there other roads that need work"?

Mr. Smith explained that he had Soil and Water come over from the County to hydro-seed Jackson Road when they were done with that project last year.

Mr. Knapp asked where they are stopping the paving.; Mr. Smith said they plan to pave 1.4 miles, to just past Mike Carr's driveway.

Mr. Knapp asked if there would be restrictions after the paving, such as for tractor trailers.

Ms. Cheetham-Palen said she would like to see a procedure for how to put projects out going forward.

Mr. (Jerry) Smith asked if the ditches have washed out at all in the last couple of weeks; the response was they have not.

Again, Ms. Regan stated she doesn't like the dust but would suggest the Board look the project over before moving forward.

Mrs. Wells said if the project is not done she isn't going to like it.

David VanSise, who lives on this road, stated that there used to only be 6 or 8 cars on that road a day, he said now there is more like 600 a day. He said this road used to be maintained with packed wallsonite, he said this wallsonite dust is a health hazard.

Mr. Knapp asked what the winter plan would be, more salt and less sand.

Mr. (Scott) Smith said the sun melts snow on blacktop and it would be swept in the spring

(continued)

Mr. Wilson said he had heard from 3 residents that couldn't make it and were against the paving for reasons of speed and character and from 1 resident that was in favor of it because of the dust.

Mr. (Jerry) Smith stated that the Board had already approved it.

Mr. Buysse asked if there is a limit for the time of funding; Mr. Smith responded that there is a little.

Ms. Cheetham-Palen said she is kind of mixed on her opinion.

Mr. (Jerry) Smith asked Scott if he would ever pave the rest; Mr. (Scott) Smith answered eventually.

Mr. Bruha spoke about a project done to that road 5 or 10 years ago where there was no drainage and the asphalt was chopped up and left.

David Craig asked if the Town would consider using calcium chloride to keep the dust down; putting salt on the roads in the winter and summer did not seem favorable.

Mr. Wilson reaffirmed that the Board had signed the 284 form (CHiPs).

Ms. Cheetham-Palen said she would like the project thought out and questions answered.

Mr. Biesemeyer asked if there was a funding deadline and whether the Town would lose funds; Mr. Smith said that \$29,000 would be lost if this project does not proceed.

Mr. Buysse stated that no one knows the roads better than the Highway Superintendent and he felt that the Board needs to respect his decision as such.

Mr. Biesemeyer stated that Mr. Smith was targeting a heavily traveled road. He said he was afraid if the decision was put off until the next meeting, it may be too late for paving and the project may not get done.

Mr. Smith said he has quite a bit already invested in this project.

Mr. (Jerry) Smith commented that people should take it slow in the area of the cemetery.

Mr. Biesemeyer said that whether it's done or not someone will be angry.

Mr. Wilson stated that it is ultimately Mr. Smith's, the Highway Superintendent's, decision.

Mr. Biesemeyer said the Board should give their support to the Highway Superintendent.

Mr. (Scott) Smith said he would explore the concerns discussed here tonight while making his decision.

Mr. Wilson said he received a warning letter from New York State Department of Agriculture and Markets regarding the Town's lack of a Dog Control Officer stating that there could be regulatory action.

He said that he has checked with a couple local organizations that are not interested in providing these services.

He said he received a resume from Kaleigh LaBombard from Essex, who is a qualified Dog Control Officer in two other Towns. He said this position has been paying \$1800 a year and Ms. LaBombard is looking for more. He said besides the \$1800, there is \$500 in Dog Control Contractual. He said the contractual wouldn't be needed saying that Ms. LaBombard has her own equipment.

The Board discussed merging the \$500 contractual into the amount paid for the service.

#### Resolution No. 176 – 19

Mr. Biesemeyer offered a resolution and moved its adoption. Be it resolved, that the Town Board appoint Kaleigh LaBombard as Dog Control Officer, with her salary being \$2300 per year with no contractual account and with her salary for 2019 being pro-rated. 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

Mr. Wilson shared the 2019 Mid-Year Review submitted by Aaron Miller, the Keene Library Clerk, with the Board. The report showed that visitation and circulation is up. He said this report also included information on the new Historian.

Ms. Cheetham-Palen gave a brief update on the Streetlight progress. She said the public comment period has closed, she gave the Board an updated removal list for lights and asked that they review it and give her feedback.

Rusty Hall asked if she was able to get the cost of removal and replacement of lights; she said she has not been able to get that information from NYSEG.

Mr. Hall said his brother works for National Grid and told him they do not charge to add lights, but said it could be different with NYSEG.

Mr. Wilson said he is still waiting for NYSEG to provide a list of their lights.

Mr. Wilson informed those present that the Assessor term is up for reappointment effective October 1, 2019; he said this position would be advertised in the Sun Community News, in next week's paper.

Mr. Biesemeyer asked when applications are due; Mr. Wilson said by August 30<sup>th</sup>.

Peter and Carolyn Fish were both very surprised to hear this ad was only going to be advertised in the Sun; Mrs. Fish said that's nothing more than the "Penny Saver".

Mr. Wilson stated that the Press Republican was very expensive to advertise in.

Mrs. Fish felt this was a very important ad and should be advertised where professionals would be looking.

Mr. Biesemeyer asked if Essex County had a website this could be advertised on; Mr. Wilson said he would check.

Mr. Wilson said if the Board wanted to spend more, they could spend more.

Mr. Biesemeyer also said the period to respond should be longer than 1 week; Mr. Wilson said the Board needed time to review the applications before their Town Board Meeting on September 10<sup>th</sup>.

John Riebesell asked what kind of qualifications are required for the position and stated that the Sun wouldn't reach people with credentials.

Mrs. Fish stated that the last reval had not been handled professionally.

Mr. Biesemeyer stated that training can be taken within a certain amount time after an appointment is made.

He asked if the cut off could be extended another week to Friday, September 6<sup>th</sup>; everyone seemed to be in agreement that it could.

Mrs. Fish asked why this discussion had not come up earlier and asked that the advertisement be put on professional sites.

The next topic on the agenda was the submission of the July Water Rent Collection Report which was acknowledged by the Board; this collection report has been attached to and made a part of these minutes.

Mr. Wilson went on to say that water rent rate changes would occur before next year's billing; he said that the amounts collected for debts, operation and capital reserve for projects are crossing over.

Mr. Wilson informed the Board that it was time to adopt the 2020 Budget Calendar; he said the calendar being presented is the same calendar dates followed last year.

#### Resolution No. 177 – 19

Mr. Buysse offered a resolution and moved its adoption. Be it resolved, that the Town Board adopt the Budget Calendar for the 2020 Budget presented by the Supervisor; this calendar has been attached to and made a part of these minutes. 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

Mr. Wilson said that Bob Rose, who flies a plane from Marcy Field, has asked to have some tree cutting done on the end of the runway. When asked if they were on Town property, Mr. Wilson said they are on the property line and one is on the neighboring property and the neighbor has given permission for the cutting. He said the company Mr. Rose has contacted will cut these trees for \$1500.

Mr. Buysse stated that the Town has 3 full time guys and asked if they could cut them; Mr. Wilson said there is a full time person at the Transfer Station, TJ, Roger and Ryan, who is busy working on water, he indicated they wouldn't have time.

Ms. Cheetham-Palen said she was not a pilot, but she thought they would probably eventually need cutting; she asked if the Town staff was capable of this tree cutting; seemed everyone agreed it was a big job.

Mr. Biesemeyer suggested waiting until the budget is looked at, saying that is coming right up.

Henrietta Jordan asked if the Town collects user fees for the landing strip.

Mr. Wilson said no, that that would create another whole level of regulation.

The Board agreed to wait and see what the budget allows.

Mr. Wilson introduced the next topic of discussion. He said he has been getting complaints about short term rentals. He said this issue will be covered in the Master Planning which will be coming up soon but felt now was a good time to start collecting data on how many vacation rentals there are in Town. He said that statistics in North Elba show that ½ the owners register with the County and pay their occupancy tax and ½ don't. He said the problem is how to regulate when you don't know how many rentals there are. He said the County has purchased software to cruise the internet to find out how many there are, where they are and to figure out who is breaking the law. He said he feels it's time to start coming up with a plan.

Ms. Cheetham-Palen and Mr. Biesemeyer both agreed that knowing how many vacation rentals there is is information needed for planning.

Mr. Biesemeyer, however, felt this should be done by the Strategic Planning Committee, not started by the Town Board. He asked Mr. Wilson if he had gone to the County to see how many are listed for Keene. He said that the County Treasurer should have a list.

Henrietta Jordan spoke about Air B-n-B's.

Mr. Wilson questioned how to gather the data needed; Mr. Biesemeyer again suggested to start by calling the County.

Mr. Biesemeyer stated that the purpose for this data is to know the number of rooms available, whether they have parking and to have a contact person available to handle problems such as noise.

David Craig stated that he's sees the problem as there not being housing for people to move in permanently.

Mr. Biesemeyer responded that outlawing short term rentals doesn't mean people will buy houses and move in.

John Hudson stated that the problem is that people are not getting commercial licenses and that there is no code enforcement being followed which leads to safety issues; Mr. Biesemeyer said that seems a little extreme.

Ms. Jordan spoke to the safety issues.

Mr. Wilson said the County may be able to supply data; he stated that one of the problems is people are not getting a change of use for their properties.

Tom Both said the Town of Lake George has a model which is being used by other Towns; he said one part of their model is to not allow short term rentals of 8 days or less.

Ms. Cheetham-Palen said it seems a lot of homework needs to be done about this topic. Again, Mr. Wilson finished by stating that statistics show that 40 to 50% of those renting are not complying in other communities.

Resolution No. 178 – 19

Mr. Buysse offered a motion to adopt Resolution No. 178 – 19, a Resolution to Amend the 2019 Budget. 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. 179 – 19

Mr. Biesemeyer offered a motion to adopt Resolution No. 179 – 19, 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. Buysse.

Roll Call Vote:

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

This resolution prompted the following discussion...

Mr. Biesemeyer stated that looking at the numbers for the hiker parking expenditures to date it is important to get a handle on it.

Mr. Wilson agreed that hiker parking is operating in the red, but said this was expected with the bridge replacement.

Mr. Biesemeyer stated that the expenditures are off by \$19,000, and said that understandably the revenue is down \$10,000. He said this was going to cause trouble in trying to stay under the 2% tax cap.

Mr. Wilson said he had planned on the shortfall being \$45,000; Mr. Biesemeyer said with the \$33,000 shortfall, the Town is short \$53,000 now.

Mr. Wilson said this is not on the taxpayer saying it is in hiker revenues; Mr. Biesemeyer answered that it's the same pot.

Mr. Buysse questioned why the revenue is down when normally it cost \$10 for 5 people to park a car in the parking lot and this year each person pays \$10 to ride the shuttle.

Mr. Wilson stated that shuttle ridership is down saying that people don't want to ride it; he said you need the parking and the shuttle working together.

Resolution No. 180 – 19

Mr. Smith offered a resolution and moved its adoption. Be it resolved, that the Town Board accept the Supervisor's Monthly Financial Statement for June as presented and have it placed on file with the Town Clerk. 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. Smith said he had a couple cemetery items to discuss.

He said that June Evans recently passed away and was buried at Norton Cemetery. He said June's daughter would like permission for her and her husband to be buried in the pathway between her parents' lot and her aunt's lot. Mr. Smith said she was willing to pay for the space.

The Board discussed this request and agreed to allow her to purchase the pathway for \$125, the price of a single lot.

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Resolution No. 181 – 19

Mr. Smith offered a motion and moved its adoption. Be it resolved, that June Evans' daughter be allowed to purchase the pathway between the Evan's lot and the Spangleburg lot. 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 second request that Mr. Smith asked for was to have the split rail fence toward the back of the cemetery removed; everyone was okay with this.

Resolution No. 182 – 19

Mr. Smith offered a motion and moved its adoption. Be it resolved, that the Town Board have the split rail fence at the back of Norton Cemetery removed. 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

Mr. Wilson said he had a legal issue and personnel issue to discuss in Executive Session.

Resolution No. 183 – 19

Mr. Smith offered a resolution and moved its adoption. Be it resolved, that the Town Board enter Executive Session to discuss a legal issue and a personnel issue. This resolution was seconded by Mr. Buysse.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Mr. Buysse:	Yes
Mr. Smith:	Yes
Mr. Buysse:	Yes

Mr. Wilson, Mr. Biesemeyer, Mr. Smith, Ms. Cheetham-Palen and Ms. Whitson entered Executive Session at 8:43 PM to discuss the legal issue.

Mr. Buysse joined the rest of the Board at 8:47 PM for the personnel issue.

Resolution No. 184 – 19

Mr. Smith offered a resolution and moved its adoption. Be it resolved, that the Town Board reconvene into regular session. 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

The Town Board reconvened into regular session at 9:00 PM.

Resolution No. 185 – 19

Mr. Smith offered a resolution and moved its adoption. Be it resolved, that the Town Board accept the following bills for payment, including those that were 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 500 to 581, totaling \$324,071.49, as follows:

General Fund Bills	- \$59,714.31
Highway Fund Bills	- 33,447.26
Library Fund Bills	- 422.65
Water District #1 Bills	- 1,277.18
Water District #2 Bills	- 35,189.85
Salt Shed Capital Fund Bills	- 194,020.24

Mr. Smith asked why the septic at the Library had to be pumped after such a short period.

Mr. Wilson explained that it's pumped every year and he wanted it done before the Ironman competition.

Resolution No. 186 – 19

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. Biesemeyer.

Roll Call Vote:

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

The meeting was adjourned at 9:03 PM.

Ellen S. Estes, Town Clerk  
August 16, 2019

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