

July 14, 2020

Minutes of the Town Board Meeting held remotely on Tuesday, July 14, 2020, at 7:00 PM. The following Town Board Members participated: Joseph P. Wilson, Jr., Supervisor, Robert M. Biesemeyer, Teresa Cheetham-Palen, David R. Deyo and Jennifer G. Whitney, Members of Council. Also present were: 3 residents, Ryan Hall, Water Superintendent, Scott Smith, Highway Superintendent, Deb Whitson, Town Attorney and Ellen Estes, Town Clerk.

The Chairman, Mr. Wilson, called the meeting to order at 7:00 PM.

Resolution No. 131 – 20

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 Tuesday, June 9th and the Minutes of the Emergency Town Board Meeting held Tuesday, June 23rd, as presented. This resolution was seconded by Mr. Biesemeyer.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Ms. Cheetham-Palen:	Yes
Mr. Deyo:	Yes
Ms. Whitney:	Yes

Mr. Wilson stated that before he gets into the agenda, he felt that due to the issues occurring outside of Town and in light of the racial actions in the Adirondacks, he said he would like the Town to show support to the Black Lives Matters rallies and show that the Town is open to visitors of all color and ethnicity.

Ms. Cheetham-Palen said she was glad Mr. Wilson brought this up because she intended to. She said she would like to see the Town follow up with actions so they could respond without delay if something happens.

Pete Nelson asked if he could speak on this issue as Privilege of the Floor. He began by saying this is a National issue, correcting himself and saying it a Global issue. Before Mr. Nelson lost his audio connection, he said he helped to form a group that promotes positive and peaceful protests to end diversity.

Mr. Biesemeyer said he is not advocating against this but feels the Town should be focusing on the Coronavirus, working with the social distancing and masks until the numbers start to decline. He said the Town should not be encouraging mass gatherings and stated that the BLM issue should be put on the back burner saying now is not a good time.

Ms. Cheetham-Palen clarified that she is not talking about a protest, but in making the Town welcoming saying that all lives matter.

Mr. Biesemeyer said he has lived here for 70 years and can't think of a more welcoming Town, he said he doesn't think that Keene is a hot bed for this issue.

Ms. Cheetham-Palen reiterated that she feels it's very important for the Town to be a welcoming community.

Mr. Biesemeyer again stated that this shouldn't be the #1 issue at this time, he said at this time, all time and energy should be put into the Covid pandemic.

Ms. Whitney suggested staying welcoming while wearing masks.

Mr. Deyo said he believes the Town is welcoming without making a statement but saying he is willing to make a statement. He said what he would like is to keep the Town healthy and to have school open in the Fall.

Mr. Wilson thanked everyone for their input.

Mr. Wilson said the first item under Old Business is the proposal from AES for the engineering needed at Water District #2. He said an engineering plan is needed to make plans for applying for funds.

When asked by Mr. Wilson, Ryan Hall said it was time to get this ball rolling and said that the Town had promised the Department of Health when they dug the first well that they would do the final well in the next 5 years.

Mr. Wilson said it was better sooner than later.

(continued)

Mr. Hall said he would like to have this step moving when the Department of Health does their Annual Sanitary Survey later this year.

Mr. Deyo asked if the water main repair in Water District #1 has to be done before winter so it doesn't freeze.

Mr. Wilson asked if the Board wanted to discuss both proposals from AES for Water #1 and Water #2 together: Ms. Estes asked for clarification. Mr. Wilson stated that both Water Districts had proposals from AES for Preliminary Engineering Reports.

Mr. Biesemeyer asked if signing these contracts will hold the Districts to completing the work. He said he knew the proposal for Water District #2 is \$8,650 and asked about Water District #1.

Mr. Wilson explained that the proposal for Water District #2 is the well project and that the proposal for Water District #1 is for repair to the exposed water main.

When Ms. Cheetham-Palen asked if the water main work needed to be done before winter, Mr. Wilson and Mr. Hall both said yes, it would.

Mr. Biesemeyer questioned if Reale Construction may give a price saying they have a lot of big equipment in Town already.

Mr. Wilson said he would like to add a clause to the contract stating that all employees working on these projects must comply with the rules of the State regarding social distancing and mask wearing during this pandemic.

Deb Whitson, the Town Attorney, said this is totally legal, she said the company could be fined for working without these provisions.

Mr. Biesemeyer said he didn't think that existing contracts could be changed.

Mr. Wilson clarified that he is talking about future contracts, saying some of the current workers are not following the guidelines while going into local businesses, etc.

Mr. Biesemeyer said he has seen the Reale Construction employees working in the pouring rain saying if they are not wearing masks, he hopes they are being careful.

Mr. Deyo agreed that going forward the contracts can state compliance is required.

Mr. Wilson said the Town can hold up payment for non-compliance; he said he would have the Town Attorney send him the language for future contracts.

Ms. Whitney questioned these employees not wearing masks while going into businesses; Mr. Wilson said they don't wear masks, either, during meetings with him and Mr. Hall and said it's making him angry.

Ms. Whitson said she believes that contracts already include the verbiage that contractor's must comply with State and Local regulations; she also said that they could be reported to the Governor's hotline.

Mr. Biesemeyer stated that if you talked to them about it, they would usually comply.

Resolution No. 132 – 20

Mr. Deyo offered a resolution and moved its adoption. Be it resolved, that the Town Board authorize signing the AES Contracts for Preliminary Engineering Reports for Water District #1 at the cost of \$7,150 and Water District #2 at the cost of \$8,650, and to add the language supplied by the Town Attorney regarding State regulations on Coronavirus. This resolution was seconded by Mr. Biesemeyer.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Ms. Cheetham-Palen:	Yes
Mr. Deyo:	Yes
Ms. Whitney:	Yes

Mr. Wilson introduced the next discussion saying the Transfer Station is still losing money; he said he is proposing closing on Wednesday for the Summer. He said he is troubleshooting and this can be re-evaluated in the fall.

Mr. Deyo said he may want to consider not closing 3 days in a row and making a full time employee lose 8 hours per week.

Mr. Biesemeyer questioned why this would be done during the busy season suggesting it be held off.

Mr. Wilson stated that it's because the Transfer Station is losing money.

Ms. Whitney asked what days the Transfer Station is open; Mr. Wilson said it's open 5 days a week, only closed on Tuesday and Thursday.

Ms. Cheetham-Palen said she thinks that being open 4 days a week gives people enough opportunity to get there.

(continued)

Ms. Whitney also questioned closing 3 days in a row; Mr. Wilson said he thinks Wednesday is the least busy saying that businesses seem to go on Monday. Mr. Wilson went on to explain that if nothing is done the Transfer Station will be at least \$25,000 in the hole by December 31st. He said what he is hearing from the Board is to punt again saying that won't help. Mr. Biesemeyer asked if that was really going to save any money saying that when people go to the transfer station they buy tickets to pay to dispose of their refuse. Mr. Wilson said another part of closing Tuesday, Wednesday and Thursday is that it will give the crew a chance to pack the containers for capacity which will help save on transportation costs. Mr. Biesemeyer questioned whether closing one day a week will "get us there"; he questioned whether it would make a significant difference. Mr. Wilson pointed out that it's a few thousand dollars and it all adds up. He asked to table further discussion until after tonight's Executive Session.

Resolution No. 133 – 20

Mr. Biesemeyer offered a resolution and moved its adoption. Be it resolved, that the Town Board name the private road going onto the Mountain House property, Mountain House Way. This resolution was seconded by Mr. Deyo.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Ms. Cheetham-Palen:	Yes
Mr. Deyo:	Yes
Ms. Whitney:	Yes

Scott Smith, the Highway Superintendent, spoke briefly about having a new back-hoe coming this summer and saying he would like to use CHIIPs money to pay for it. He said done this way will be a \$10,000 saving, he said they can talk about it more in depth later.

Ms. Cheetham-Palen said she didn't know that could be done; Mr. Smith responded that one of the requirements is that the equipment needs to be kept 10 years, he said that is why he is interested in doing it with a back-hoe.

Ms. Whitney asked if he would still plan on the other projects he had proposed; he said he may still have enough money left over to pave Hill Top Lane.

Mr. Deyo suggested tabling this discussion for now.

The Board filled in a couple dates on the 2021 Budget Calendar and took the following action.

Resolution No. 134 – 20

Mr. Biesemeyer offered a resolution and moved its adoption. Be it resolved, that the Town Board approve the 2021 Budget Calendar, as discussed and attached to and made a part of these minutes. This resolution was seconded by Ms. Cheetham-Palen.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Ms. Cheetham-Palen:	Yes
Mr. Deyo:	Yes
Ms. Whitney:	Yes

Resolution No. 135 – 20

Mr. Deyo offered a resolution and moved its adoption. Be it resolved that the Town Board enter Executive Session to obtain legal advice on AMR properties. This resolution was seconded by Mr. Biesemeyer.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Ms. Cheetham-Palen:	Yes
Mr. Deyo:	Yes
Ms. Whitney:	Yes

The current zoom meeting was temporarily closed out at 7:44 PM to open a private zoom meeting to be attended by Mr. Wilson, the Town Board and the Town Attorney.

The Town Board reconvened into regular session using the original zoom meeting at 8:42 PM.

Resolution No. 136 – 20

Mr. Biesemeyer offered a resolution and moved its adoption. Be it resolved, that the Town Board reconvene into regular session. This resolution was seconded by Ms. Whitney.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Ms. Cheetham-Palen:	Yes
Mr. Deyo:	Yes
Ms. Whitney:	Yes

Mr. Wilson asked for a motion to renew Debra Whitson's appointment as Town Attorney.

Resolution No. 137 – 20

Ms. Cheetham-Palen offered a resolution and moved its adoption. Be it resolved, that the Town Board approve renewing Debra Whitson's contract as Town Attorney. This resolution was seconded by Mr. Deyo.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Ms. Cheetham-Palen:	Yes
Mr. Deyo:	Yes
Ms. Whitney:	Yes

Resolution No. 138 – 20

Ms. Whitney offered a resolution and moved its adoption. Be it resolved, that Justice Bill Harral's salary be increased by 50%, retroactive to when the Court reopened after the NYS Pause for Corona, until a second Justice restarts. This resolution was seconded by Mr. Deyo.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Ms. Cheetham-Palen:	Yes
Mr. Deyo:	Yes
Ms. Whitney:	Yes

Mr. Wilson said he would get together with Judge Harral on the dates and the agreement.

Resolution No. 139 – 20

Mr. Biesemeyer offered a resolution and moved its adoption. Be it resolved, that the Town Board modify the Transfer Station schedule to begin closing on Wednesdays starting August 5th. This resolution was seconded by Ms. Cheetham-Palen.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Ms. Cheetham-Palen:	Yes
Mr. Deyo:	Yes
Ms. Whitney:	Yes

Resolution No. 140 – 20

The Town Board adopted Resolution No. 140 – 20, A Resolution Removing AMR Properties from the Town of Keene Assessment Roll. This resolution, in its entirety, is attached to and made a part of these minutes.

Ms. Cheetham-Palen asked for clarification whether there are any other property owners up there that may think their property is in North Hudson?

Mr. Biesemeyer said he doesn't think those are in North Hudson.

Mr. Deyo stated that he believes the only 2 camps that are in North Hudson are the Inlet Camp and the Merle Smith Camp; he went on to say "Will we ever put this to bed, I don't know".

Mr. Biesemeyer spoke about the boundaries that Mr. Deming came up with, and about assessments and how difficult it is to get an Assessor there to assess. He said that was why an independent assessment was used. He said he is not worried that there are any other camps that will say they are in North Hudson.

Mr. Wilson asked if anyone had anything else to discuss.

Mr. Deyo asked what could be done about an excavator being parked on the Town right-of-way. He said he should have mentioned it to the Town Attorney.

Ms. Whitney asked where and said it needs to be moved; Mr. Deyo said it's on Gristmill Way and needs to stop.

Mr. Wilson said the owner of the excavator is using the Town right-of-way and is also trying to keep people from swimming there.

Ms. Cheetham-Palen stated it shouldn't be parked on Town land and he shouldn't be trying to stop the swimming, saying it's not his land.

Mr. Deyo commented that it doesn't seem too welcoming.

Mr. Wilson said there is no Town law except for overnight parking during plowing.

Mr. Deyo commented that it's someone else's property and a Town right-of-way.

Mr. Wilson said he thinks there are a few ways to approach this saying he can be spoken to and if nothing happens it could force a Local Law; he went on to say the Town does not have a law regarding parking.

Ms. Whitney asked if the property owner could do something; Mr. Biesemeyer said the owner doesn't want to. He went on to tell about the incident with rocks being placed along the road in the right-of-way and then removed. He went on to say that this person uses the majority of the space available when he's here.

Mr. Wilson said he proposes that Mr. Albano be approached on this issue and if nothing is done then the Town can proceed with a local law.

Mr. Deyo asked why the parking can be stopped on Market Street and not there.

Mr. Wilson stated that it would require a local law.

Overnight parking was discussed.

Mr. Deyo asked again what the difference was with Market Street.

Mr. Wilson said he had to train the residents there.

Mr. Deyo suggested putting a sign up.

Ms. Whitney and Mr. Biesemeyer said they didn't think putting up a sign would hurt.

Mr. Wilson said they could start by putting a sign up, but if he ignores it, the Town doesn't have a leg to stand on. He also said it would take a little time to get signs made.

Resolution No. 141 – 20

Mr. Deyo offered a resolution and moved its adoption. Be it resolved, that the Town Board approve the May Supervisor's Financial Statement as presented and have it placed on file with the Town Clerk. This resolution was seconded by Mr. Biesemeyer.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Ms. Cheetham-Palen:	Yes
Mr. Deyo:	Yes
Ms. Whitney:	Yes

Resolution No. 142 – 20

Mr. Biesemeyer offered a resolution and moved its adoption. Be it resolved, that the following bills, from the Town Board Meeting held on June 9th, be accepted as presented. This resolution was seconded by Ms. Cheetham-Palen.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Ms. Cheetham-Palen:	Yes
Mr. Deyo:	Abstain
Ms. Whitney:	Abstain

Mr. Deyo and Ms. Whitney abstained since they had not signed them.

Multi-Fund Vouchers Numbered 323 to 358, totaling \$28,703.68, as follows:

General Fund Bills	\$10,794.93
Highway Fund Bills	14,047.11
Library Fund Bills	283.54
Water District #1 Bills	2,046.42
Water District #2 Bills	1,446.67
Covid 19 Bills	85.01

Ms. Whitney said she could come in at 8:45 AM tomorrow to sign tonight's vouchers; Mr. Deyo said he would come in after that.

Resolution No. 143 – 20

Mr. Biesemeyer 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. Deyo.

Roll Call Vote:

Mr. Wilson:	Yes
Mr. Biesemeyer:	Yes
Ms. Cheetham-Palen:	Yes
Mr. Deyo:	Yes
Ms. Whitney:	Yes

The meeting was adjourned at 9:05 PM.

Ellen S. Estes, Town Clerk
July 17, 2020

Joseph P. Wilson, Jr., Supervisor
Robert M. Biesemeyer, Councilman
Teresa Cheetham-Palen, Councilwoman
David R. Deyo, Councilman
Jennifer G. Whitney, Councilwoman