

June 9, 2020

Minutes of the Town Board Meeting held remotely on Tuesday, June 9, 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 participating were: a few 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 7:00 PM.

Jennifer Whitney asked to have the Minutes of May 26, 2020 clarified, stating that they reflect that "Ms. Whitney had 4 Supervisor's Monthly Financial Statements ready for the Board", she stated that she had nothing to do with that, that was Susan Whitney, Clerk to the Supervisor.

Resolution No. 120 – 20

Ms. Whitney offered a resolution and moved its adoption. Be it resolved, that the Town Board approve the Minutes of the Town Board Meeting held May 12th, 2020, with the aforesaid clarification and the Minutes of the Bi-Monthly Town Board Meeting held May 26th, 2020, as presented. 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 gave an update on the Corona Virus saying that our region is now in Phase 2. He said the metrics are good and he is hoping we will enter into Phase 3 soon. He said entering the last phase was rocky so he is just waiting for word.

Mr. Wilson stated that Mr. Biesemeyer had an update on the transfer station fencing. Mr. Biesemeyer said that he had spoken to Joseph Fuller and asked about the fence regulation. Mr. Biesemeyer stated that the gate present now is 4 feet from the compactor and 53 inches high saying he had received a number of complaints from people trying to throw their garbage into the compactor and not being able to or getting snagged on the gate.

It sounded like Mr. Biesemeyer asked if a 2x4 could be bolted where the chain currently exists and if the existing gate could be modified to have a top rail 42 inches from the ground and a mid-rail 21 inches from the ground. He said he was told by PESH that with 2 rails it would be in regulation. He said he asked to have this information sent to him in writing saying he received it today.

Mr. Deyo asked for clarification asking if the gate could be open and just have the boards.

Mr. Biesemeyer stated that the rails must be in place when the attendant is present. He said he called Jeff LaRoy at Jeffords Engineering and discussed the specs on aluminum rails with a saddle. He asked if they could put a carabiner in there; he said Jeff said no problem. He said that Mr. LaRoy forwarded the plan to Sue at PESH.

Ms. Whitney asked how much it would cost to modify this.

Mr. Biesemeyer said he couldn't imagine that it would be over two or three hundred dollars.

Mr. Deyo said it sounded like a no brainer, he said he has seen people trying to throw their garbage over the gate and said it sounds like common sense and well worth doing.

Ms. Whitney asked Ryan Hall if he was comfortable with this plan; he stated he was.

Mr. Biesemeyer clarified that all the other compliances had to be done and the problem was just with the gate.

Mr. Wilson said he had one more thing to share about the Corona Virus. He said the Town's last State of Emergency had expired and he wouldn't be renewing it.

Ms. Cheetham-Palen asked if this would change the parking downtown; Mr. Wilson responded that the Town had adopted a Local Law regarding parking last year.

The next discussion was in regards to the Farmers' Market on Marcy Field. Mr. Wilson said that so far there had been 2, he said they were heavily attended. He said that the Farmers' Market owes Bob Andrews a big thank you for organizing volunteers to direct traffic, etc. He said that following the first market at which the vendors were too close together, Ms. Cheetham-Palen had sent them a letter resulting in their spreading out during the second market. Mr. Wilson said the question that he is getting is when will the Artisans and Crafters return. Mr. Deyo said he had been the one on the Board with the most concerns saying he didn't like it at first but saying that they have been in compliance and he thinks if a food truck is allowed than the Artisans should be included. Ms. Cheetham-Palen questioned whether they were in Phase 3 or 4. Mr. Deyo and Mr. Wilson both believed that under the State regulations craft vendors would be allowed, they agreed it had been the Town being more conservative than the State. Ms. Cheetham-Palen stated that it sounded like all the previous concerns had been modified, siting the wider path and a lot of signage. She stated she thought it would be okay. Mr. Biesemeyer stated that it would be smart to find out how many potential vendors this would add and to phase in the Artisans and Crafters with local vendors first; Mr. Deyo agreed. Mr. Wilson invited Lissa Goldstein, a member of the Farmers' Market, into the conversation. She said she had just pulled the interim guide from Agriculture and Markets saying it really says nothing in that. She stated that Phase one had included essential services with Phase two including curbside retail services. Mr. Biesemeyer suggested calling Dick Crawford to see how many Craft Vendors there are. Ms. Goldstein said she believed the Market had 80 vendors last year which she didn't think could be accommodated right now with the required space between them. Mr. Biesemeyer suggested starting with the Town of Keene Vendors saying 80 won't fit. Ms. Whitney asked how many Keene Vendors there are. Mr. Biesemeyer and Mr. Deyo named Wes Whitney and Matt Horner. Mr. Wilson stated that two isn't much of a test suggesting 40 vendors next weekend and if successful, go to 60 and then to full capacity. Ms. Whitney stated she didn't know how Dick Crawford would handle this. Mr. Deyo suggested going to 35 or 40, but not planning on 60. Mr. Biesemeyer agreed with Mr. Deyo saying too many could ruin everything. Mr. Wilson suggested again going to 40; Mr. Biesemeyer stated that was a big step. Ms. Goldstein stated that 40 was almost doubling the current market. Ms. Whitney questioned less than 40; Mr. Biesemeyer answered 30, Mr. Deyo stated 35 max and start with Keene and go up slowly each week. This discussion continued on with the following action taken.

Resolution No. 121 – 20

Mr. Biesemeyer offered a resolution and moved its adoption. Be it resolved, that after checking with the Farmers' Market Board to see how many vendors can be added with no reconfiguration and keeping the current separation, the Market be allowed to add up to 10 more vendors, giving local Keene vendors the priority. 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 follow up with the Farmers' Market.

Resolution No. 122 – 20

Mr. Wilson offered a resolution and moved its adoption.

Be it resolved, that an award be made to an engineering firm for the Community Center project # P-1013-2019.

Further, the notice of award shall be made only after an acceptable price for these services has been agreed upon between the firm ranked first and the Town.

The Town Board of the Town of Keene by this resolution, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and with proper notice given, resolved orders as follows:

The top ranked firm was AES Northeast, PLLC.

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 said the next item on the agenda was the 2020 Tax Collection Report submitted by Ellen Estes, Tax Collector. There were no questions or comments.

Resolution No. 123 – 20

Ms. Whitney offered a resolution and moved its adoption. Be it resolved, that at the request of Chloe Greppi, she be allowed to postpone her Wedding plans on Marcy Field from September 2019 moving this event to Saturday, September 4, 2021. 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

Ms. Estes said she received an email from Amy Ludlow on behalf of the High Peaks Artists asking permission to have their Art Show on Marcy Field in July.

Mr. Wilson said anything would be conditional until the region enters Phase 4 saying the Artists wouldn't have a plan for social distancing, etc.

Mr. Biesemeyer said that he agrees saying he is very leery about another big event.

Ms. Cheetham-Palen sounded like she felt it may be okay as long as the region is in Phase 4 and they have a plan for set up with social distancing.

Mr. Deyo suggested throwing the ball back into their court.

Mr. Wilson did not think they can control density, capacity and control parking.

Mr. Deyo suggested letting Mr. Wilson respond to the request.

Ms. Whitney asked if there's a charge for this.

Ms. Estes responded that there is a pay scale that is used but she didn't know what their category was.

Mr. Wilson asked Ms. Estes to respond to the email and tell her if she has any questions to contact him. Everyone agreed.

For the next discussion regarding Marcy Field, Mr. Wilson introduced Lynn DeWalt.

Mr. DeWalt spoke on behalf of the Back Porch Music Society saying he had suggested a drive-in event to their Board. He said they were not planning anything right now and said they were looking at the possibility of having events on September weekends. He said he was waiting to hear back from the band.

Mr. Deyo suggested tabling any decisions now and revisiting this discussion in the future.

Mr. Wilson said the Board needed to discuss high water usage in Water District #2 which will require changes to the District's Water Ordinance.

He asked the Board for a resolution stating "No landscape features, fountains, cascades, pools, or ponds can operate unless they recycle their own water. Violators will receive a warning and if they don't comply within 24 hours, their water will be shut off and all shut off and turn on fees will apply".

Mr. Deyo asked if this includes washing cars and watering plants; Mr. Hall said no.

Mr. Hall said there is a fountain in Water District #2 that is using 20 gallons per minute, 30,000 gallons per day. Mr. Hall went on to say that is 2/3 of the water in the tank.

Resolution No. 124 – 20

Mr. Deyo offered a resolution and moved its adoption. Be it resolved, that no landscape features, fountains, cascades, pools or ponds can operate unless they recycle their own water. Violators will receive a warning and if they don't comply within 24 hours, their water will be shut off and all shut off and turn on fees will apply. 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

Ms. Whitney asked if this policy included filling swimming pools; Mr. Hall said no.

Mr. Hall explained that the water fountain in question does not recirculate water, he went on to say that most pool owners email him and give him the heads up that they will be filling their pools and then he knows why the water level drops.

Ms. Cheetham-Palen asked if this is a one-time thing or forever; Mr. Hall said he hopes it's ongoing.

He said that Water District #2 for the first time in 4 years is not under a water restriction right now.

Mr. Wilson said the Town has to express their concern saying they may need to adopt an ordinance.

Mr. Biesemeyer said he is amazed that the owner makes no attempt to comply.

Mr. Wilson asked Mr. Hall if he had anything else.

Mr. Hall said tomorrow night he will be looking for another leak in Keene Valley.

Mr. Wilson asked Scott Smith if he had anything for the Board.

Mr. Smith said he still needed Board signatures on his 284 Agreements and would leave them at the Town Hall beside the vouchers.

Ms. Whitney asked if the garbage cans were going to be put out at the park.

Mr. Hall said they are only put out at the Farmers' Market site.

Resolution No. 125 – 20

Ms. Whitney offered a resolution and moved its adoption. Be it resolved, that the Town Board approve the Supervisor's Monthly Financial Reports for December 2019, January 2020, February 2020, March 2020 and April 2020 as presented and have them 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

Mr. Wilson said to sum it up there is no good news about the condition of the budget.

He said it's looking like the general and highway budgets are going to be difficult this fall but said that the Water Districts are holding their own.

Mr. Biesemeyer said the only hope for a bail out is stimulus money.

Mr. Wilson said he would have a better sense of the budget in July.

Resolution No. 126 – 20

Mr. Deyo offered a resolution and moved its adoption. Be it resolved, that the following bills, from the Town Board Meeting held on May 26th, be accepted as presented. This resolution was seconded by Ms. Whitney.

Roll Call Vote:

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

Mr. Biesemeyer and Ms. Cheetham-Palen abstained since they had not signed them.

Multi-Fund Vouchers Numbered 289 to 322, totaling \$160,179.61, as follows:

General Fund Bills	- \$ 30,359.00
Highway Fund Bills	- 23,265.25
Library Fund Bills	- 356.92
Water District No. 1 Bills	- 45,502.22
Water District No. 2 Bills	- 60,636.50
Corona Virus Bills	- 59.72

Mr. Biesemeyer said he could come in at 9:00 AM tomorrow to sign tonight's vouchers; Ms. Cheetham-Palen said she would come at 8:15 AM.

Mr. Wilson said he had one last thing, he said the summer Bi-Monthly Town Board Meetings are usually canceled, he asked the Board what they wanted to do. Everyone agreed to go month by month but cancel the June Bi-Monthly Meeting. He asked how the Board wanted to hold their next meeting on July 14th, remotely or at the Town Hall; everyone agreed to decide 10 days prior to that meeting

Resolution No. 127 – 20

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

The meeting was adjourned at 8:10 PM.

Ellen S. Estes, Town Clerk
June 10, 2020

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