

Joseph P. Wilson Jr, Supervisor
Robert M. Biesemeyer, Deputy Supervisor
TOWN BOARD MEETING
October 12th,2021
4:30pm
Community Center Pavilion

Minutes of the Town Board Meeting held Tuesday, October 12th, 2021 at 4:30 PM, at the Town of Keene Pavilion. The following Town Board Members were present: Joseph P. Wilson, Jr., Supervisor, Robert M. Biesemeyer and David R. Deyo, Councilmen, Teresa Cheetham-Palen and Jennifer G. Whitney, Councilwomen. Also present were: Cori-Anne Favro, Town Clerk, Savana Li, Water Superintendent, Scott Smith, Highway Superintendent and town residents.

The Chairman, Mr. Wilson called the meeting to order at 4:30 PM.

RESOLUTION No. 227-21

The following resolution was offered by Ms. Cheetham-Palen who moved its adoption. Be it resolved, that the Town of Keene Board accepts the meeting minutes from the September 14th, 2021 board meeting. This resolution was seconded by Mr. Deyo.

No questions on the minutes.

Roll Call Vote:

Mr. Wilson: Yes

Mr. Biesemeyer: Yes

Ms. Cheetham-Palen: Yes

Mr. Deyo: Yes

Ms. Whitney: Yes

Motion carried.

Opened Privilege of the Floor: NONE

Mr. Wilson began the next part of the meeting which was about COVID and the next board meeting 10/26/21.

Mr. Deyo suggested that we keep the meeting at 4:30 outside.

RESOLUTION No. 228-21

The following resolution was offered by Mr. Deyo who moved its adoption. Be it resolved, that the Town of Keene Board is changing the time of the Town Board meeting on October 26th, 2021 to 4:30 PM. This

will be sent out as a public notice. If this meeting time or location were to change 48 hour public notice will be issued.. 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

Motion carried.

Katherine Brown was present at the meeting to give an update on the Little Peaks Project.

-Little peaks has been in operation for about 30 years.

-It's clear an expansion is needed in hours and in ages of children.

-Little Peaks is now buying land from the Housing Assistance Program of Essex County which is across from the Town Hall in Keene. There will be a collaboration between housing and childcare. HAPEC has purchased the green house. HAPEC has submitted an application for a community block grant.

- Little Peaks is working on their budget now, getting ready to launch phase 1 of fundraising and the architect is working on building plans.

-Building plans will be completed this winter and phase 2 of fundraising will begin around March 2022. In the Spring there will be a groundbreaking ceremony and hoping for a completion date of early 2023.

-The Building will be 1 story, and house approximately 34 children.

- Goal is to have scholarship assistance, 7-8 full time staff will be hired.

- Katherine asked the Town Board to think about shared services or some kind of agreement that would make it more clear to give Keene residents a priority spot in the program. No decision is needed on that now but to be thinking about possibilities.

Katherine showed where on the map Little Peaks would be placed along with the parking location and road in.

Bruce Misarski also presented on behalf of the Housing Assistance Program of Essex County. Non-for profit established in 1978. The HAPEC has created or rehabbed about 2000 houses in Essex county. They are there to support affordable housing. In 2005 the HAPEC saw the need for housing in Keene, they had purchased land across from the Town Hall and they hit roadblocks with getting road access to the property. Then HAPEC was able to purchase the green house on the road front and it made it

possible to be able to get access into the back field and put in a proper road. HAPEC has signed a letter of intent with Little Peaks.

-Little Peaks will own the back section of the land and road access.

-4 building sites for single family homes that will be affordable for moderate income. Houses will be under \$200,000.00

-HAPEC will work with the ADK Community Housing Trust and the land will be owned by the housing trust and then the homebuyers will be buying the house on a ground lease for 99 years. This helps reduce the cost of the house.

-Will look for other subsidies to help bring the housing cost down.

-Covid money came out of the CARES ACT, we feel this is a project we feel could be funded because it's for a preschool and affordable housing so maybe we can look at getting the road, water and electricity in with some of that money.

End of presentation.

Mr. Wilson wanted to go back to COVID Topic. He presented that the Town had money from the American Rescue Act and would like to buy air filters for both the Town Hall and the Library for the winter months. The Town would like to buy 4 of these for an estimated cost of \$1800.00.

RESOLUTION No. 229-21

The following resolution was offered by Mr. Biesemeyer who moved its adoption. Be it resolved, that the Town of Keene gave approval to purchase up to \$1800 in 4 air purifiers for the Town Hall and the Library to help with COVID-19 efforts. This money has come out of the ARP funds. 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

Motion carried.

The court working group has not met yet, so the court clerk agenda item will be moved to the 10/26/21 meeting after the group meets.

Mr. Wilson asked Mr. Biesemeyer if he was able to get the engineer yet for the Community Center. Mr. Biesemeyer has not been able to complete this yet, but he is working on it.

RESOLUTION No. 230-21

The following resolution was offered by Mr. Biesemeyer who moved its adoption. Be it resolved, that the Town of Keene board gave approval for up to \$2500 for the engineer to do a review and report of the community center facility. 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

Motion carried.

Next item of business is the transfer station operations.

Mr.Wilson presented the following: Everyone recognizes that the transfer station needs some work. This winter and spring with Dave's help we got the cardboard containers so that there is less traffic in the big trailer and kept the cardboard a more viable recycling stream. We talked about the transfer station a little in last week's budget meeting but Teresa recently got really engaged in the transfer station and went to visit Lake Placid and started gathering information for us to discuss for everyone tonight. In an effort to get the information out to the public she put it on Next Door Keene so we could get people here to talk tonight. We have some ideas for low investment improvements that could be made. There are a few key things in the work Teresa did. Everyone on NDK is always saying, why can't our transfer station be like Lake Placid? Well we found that Lake Placid's budget for the transfer station is \$750,000.00 just in operations and we only spend \$95,000.00 a year. That's a big difference, they have 3-5 people and we have 1. So working in those constraints Teresa and I have been working on some ideas that we could bring to the board on how we can make some improvements in the short term that leave the door open for the long term. So Teresa I will hand this off to you.

Teresa presented the following: So, I was getting a lot of people messaging me about the transfer station so I thought to myself. I really needed to come up with something so I started going to the transfer station and watching. I called Lake Placid and they put me in touch with Shannon Porter who has worked there for 17 years and really has it dialed in. When I spoke with her on the phone she said that I should go up there and see what we do. So I told Joe Pete about this and we went up there with Roger and we got a real idea on how they do what they do. They have brokers for everything, they have 5 balers and they can store stuff, they really have a fantastic system. So I came home so excited and we have a pole barn, and I wanted to use the pole barn for indoor recycling, and we could buy balers, but then Joe Pete said,whoa, hold up. That is going to cost too much money. So then we contacted Todd Hodgkins, the environmental engineer from Essex County, so then I backed off my big ideas to, what can we do right now in the short term. We have a situation now that's not accessible because you have to go up stairs to go into the recycling trailer. To throw the glass into the bin you have to throw it up in, so it's really not accessible and I think that's important. So we met with Todd to see if we could move things around a bit. Part of that is to repair the retaining wall, if you look where the metal bin is and there is a wall that is crumbling and really

needs some work and it has been like this for a while now. Then I thought we could repair the entire wall, and then I was told again by Joe Pete to come back down to earth, that is going to be a lot of money too. So at this point if we could just repair one section for now and move the large recycling trailer there for now. We could think of the trailer like bays and keep the metal bin where it is and maybe eventually add another bin next to that. I think the first plan is to get the recycling bin there, and use some crushed stone to raise the ground up to the recycling trailer, so we could build a walkway into it. Put the plastics and the cans bin where the recycling trailer is so that you can just walk into it, again with no steps. It's nothing grand, believe me, I had grand ideas but we cannot afford that right now. So this is just something simple moving and shifting and leveling some ground and working on the retaining wall and building a ramp. So that would be the beginning of it. I did talk to Bob over the weekend and I would like to get Bob's feedback about the retaining wall, because I don't know what it takes. One suggestion was ready block. I don't know much about that.

Mr. Biesemeyer: Well the reason I posted on nextdoor Keene and the reason I was upset about it was because when I read this on nextdoor Keene I was hoping that you could have told us, the rest of the board and included us. So that when you gave this presentation and issued it to the public we could have included some of our ideas and thoughts. The fact that I have been involved with town government for the past 25 years and planning board, I am extremely familiar with past attempts and things that have been done with the landfill. That was my whole reason for the thread on nextdoor Keene and with regards to the wall and ready rock, until I do pricing my gut feeling is ready rock is not necessary because I think it's substantially more expensive than a concrete retaining wall. My big concern with the landfill is that we do knee jerk reactions for a quick fix and we spend money and get the cart in front of the horse. We have already done this with the mandated chain link fence which cost us \$10,000.00 which is now on top of the wall that needs to be repaired. It was supposed to be 3 feet in front of the compactor of the supposed mandate, I asked Joe Pete and Ryan and they all stated yes per the mandate it's 3 feet. I called Albany and asked if we could alter it to the 2 gates and we got Jeffers to engineer it and make it more user friendly. The fact that I have been involved with this and now being a johnny come lately here, I find this a bit disturbing, but I am over it now. I am glad we are moving forward. So here are my thoughts on the landfill. In one of our budget meetings we budgeted \$10,000.00 because it keeps us under the 2% cap. I think it's a good project to try and finance, but I would hate to see us just spend \$10,000.00 without putting a lot of thought into it. I think we should phase the landfill improvement with baby steps.

Ms. Cheetham-Palen stated that she totally agreed.

Mr. Biesemeyer: Step one is to get more ideas, step two is to see how much everything would cost, and see how much money we have.

Ms. Cheetham-Palen: Okay so then this is step one, and I know you wanted to see it sooner but I wanted to talk about it here tonight and get ideas. Oftentimes members of the board will take on projects and bring it forward to a meeting.

Mr. Biesemeyer: Well we usually share it with the other board members first that we are working on something.

Mr. Wilson: Let me interject, here is what I emailed to the board members on Friday Morning. "We are adopting the use of a tracking program to schedule trucking and track the recycling we produce. This will help us create a cleaner product especially the cardboard. Metal: We are looking for a broker so we can recoup more money for metal. If we fix the section of the retaining wall we can move the big trailer and

move the plastic container to the lower level, this will make access safer and easier to monitor. There is about \$10,000 available in the 2022 budget to make this possible.” So that is what I sent on Friday,

Mr. Biesemeyer: Yes, you sent it on Friday, Monday was a holiday so trying to reach out to Todd and get insight on your ideas so that we could be more prepared for the public meeting was not possible. So, anyway.

Ms. Cheetham-Palen: So, as a step one can the board just be willing to look at these ideas.

The board stated yes in agreement, and that we can communicate.

Mr. Wilson asked if Jennifer had any input.

Ms. Whitney: I am happy to see it moving forward so we can make access better for people but it's not going to really fix any of the recycling issues we currently have. It's not going to stop people from putting garbage in the recycling. We need to look at the bigger picture.

Ms. Cheetham-Palen: Part of the plan, which I didn't include because we have already talked about this as a board, is during those busy months have a part time person helping out when it is really busy. The other piece of it is helping Laura see better. But you are right, it is going to be tricky and it's a step in the right direction. The reason why Lake Placid recycling is so clean is because if you put something in the wrong spot they are right there on you.

Mr. Biesemeyer: That's the secret to it, you need a person there working the recycling.

Ms. Cheetham-Palen: So, we cannot afford that, so if we increase the line of sight, and in the summer when it's busy we add a part time person.

Mr. Deyo: I am happy as a board member to keep researching this.

Mr. Wilson: Well if we are going to do this as a full board, we need to coordinate. So we can't have everyone running around making plans. That is what you are criticizing us for, so don't say that is what you are going to do.

Mr. Deyo: No, that's not what I am saying.

Mr. Biesemeyer: I think we are agreeing to work together and move forward. Let's quit bickering.

Kirsty Farrell: I'm curious when you started planning and researching this Teresa? It was about a year ago both you and Joe Pete told me there was no problem at the landfill and it could be corrected with signs. So I am just curious when you started working on this.

Mr. Wilson: I would say that's a misrepresentation of that conversation.

Ms. Cheetham-Palen: I don't think I ever had that conversation with you but...

Ms. Farrell: You went in and said you had gone to the landfill. I was told by Joe Pete that we were the only ones complaining about the dump and that you, Teresa, had checked and you had found that it was a little confusing but it could be fixed with a couple of signs. So I am still curious to know when you started to plan for this project in which you just presented.

Ms. Cheetham-Palen: Well I don't remember that conversation but I do know signs were needed and we did talk about signage. People don't know where to put things without signage. So when did I start working on this.... I started working on this over the summer. That is when I was hearing the loudest cry. Part of my reason was, wow a whole year has gone by and we haven't figured out what to do at the transfer station. So like everything else I have done for the town when I don't have an answer I start digging. So that is what I did over the summer. Is to dig and come up with alternate plans. People were asking me, why don't we have what Lake Placid has so that is where I started. I got all excited, like maybe we could. But it's tough with our limited budget.

Mr. Wilson: I also want to respond to that. Dave, when did you meet with Jim Dugan at the County?

Mr. Deyo: I think it was about March, and we were led to believe that the county could take this over. Ryan and I went over to the county and had a chat with him and he told us we were out of our minds if we think the county is going to take over and that is when we discussed and decided as a board to get the cardboard container.

Mr. Jim Bernard: My interest in this is mostly what the use of NDK is. For better or worse I lead NDK and it's a thankless job. I think that thread with the back and forth between various board members was very inappropriate for NDK. Not in the letter of the law but in the spirit of what it is supposed to be. I was embarrassed and I saw it as political attacks and I don't think it's appropriate. If you want to have that sort of discussion you should do it in private or have a separate group that is open to the public but not on the mainstream.

Mr. Wilson: Thank you Jim and thanks for being the moderator. I apologize for my role in fanning the flames and dragging down the discourse. If it comes to it we can set up the group.

Alan Carey: I don't know if you all remember when the transfer station was first proposed and being worked on up there. The trailer was supposed to be the same height of the driveway so you could walk in. Somewhere it got built up, you could do a quick fix and bring in a loader and take out 18 inches of that and make it level where you can walk in. It would be a quick fix, so you wouldn't have to worry about the steps.

Mr. Wilson: Yeah, that's what we are working on, eliminating the steps to make it seamless and safe. Thanks. Next question from Dan.

Dan Mason: I support what Jim has to say about the use of Nextdoor Keene, but I like the idea of official documents coming out on nextdoor Keene. So If I see something from Teresa or Bob or whoever. I am going to assume that this was agreed to by the whole board. Another comment I have relates to money. Over the past couple of years you have had Keene Clean Energy team go through reduced cost, save around \$10,000.00 I think there has been a fundraising increase from hiker parking and I think you are also talking now about being able to raise more money from recyclables. So that's the idea, I would like to understand where you are spending all this excess money. Not right now, but it just doesn't seem to be linked. I know from the standpoint of Keene Clean Energy, I sat in those meetings and you went and hired a full time person. This was a long time ago, it's fine you can spend the money any way you want, but I would like to have that linkage. I would like to see, we made this money here and we are going to spend it here. It's just an observation, so we feel all warm and fuzzy knowing we helped save money.

Mr. Wilson: That's exactly the kind of discussion I am happy to have as soon as we wrap discussion about the transfer station when we get the budget section.

Mr. Mason: Okay, I have one last question. You have just talked about adding a person for the summer to help with the transfer station. That was a proposal.

Ms. Cheetham-Palen: Can, I answer that. So we talked about this as a board over the last couple of months and we re-structured a little bit. We have Roger and TJ, Roger is a foreman.

Mr. Mason: It doesn't matter how you work it out.

Ms. Cheetham-Palen: So, they are already employees, is what I am saying. We are going to use them at the transfer station.

Mr. Mason: Then I want to ask you, why didn't we look at this when Cassella was here?

Mr. Wilson: All right, well. Martha had a question.

Martha Allen: Town of Keene has its own website right? I would love it if things were put on the Town of Keene Website instead of just Nextdoor Keene.

Mr. Deyo: I agree, I think rather than using nextdoor Keene, we should leave Nextdoor Keene for what it should be, finding a lost dog and meeting neighbors. Maybe we could then post these documents once the entire board has reviewed them and put them on the town website.

Mr. Wilson: So we are getting kind of far out in left field here. So to wrap up the transfer station is that it does come up in our budget in the next agenda item. We now have the information from Teresa. Board members are going to look at that at our next meeting we will talk and ask questions so at the next meeting that will be an agenda item. So now we can move on to our preliminary budget discussion.

Next item of business: 2022 preliminary budget and scheduling of public hearing.

RESOLUTION No. 231-21

The following resolution was offered by Mr. Biesemeyer who moved its adoption. Be it resolved, that the Town of Keene board approved the preliminary budget for 2022. This resolution was seconded by Ms. Whitney.

Mr. Wilson explained the 2 changes that were discussed at the October 7th, 2021 budget meeting. Where they decided to add \$10,000.00 to the contractual for the transfer station. This keeps the town under the cap. It's not committed to anything, but it's there if we need it. We also also are going to establish a capital reserve in water district # 1 for \$6684.00 so that will be a separate resolution. We are still \$4,000.00 under the cap and the other change is Keene Fire gave their budget and this does not affect the Town's Budget.

Ms. Whitney asked about the discussion they had in the last meeting in which they agreed upon making a deputy town clerk line.

Mr. Wilson stated that he is going to do that next year, there are a bunch of changes for laborers and technical stuff that needs to be changed.

Ms. Whitney stated that we should just do it now so we don't forget. Why wait another year to make those changes.

Mr. Wilson replied okay, that we need to add a line for deputy between line 35 and 36 and it will have \$2000.00.

Ms. Whitney also stated that the board decided last meeting to also separate out the Court Clerk from the Justices as well.

\$14,692.00 will be moved into a court clerk line item out of the Justice Personnel Line.

Mr. Wilson then looked for Dan Mason to talk about the budget and began explaining that one of the things the town does to balance the budget involves the tax cap. We can only raise our tax revenue by 2% tax cap but our real number is 1%. Which is 1% new money each year. This year our healthcare cost went up 9.8% so the increase on healthcare used about 60% of our new money, just to keep up with healthcare. That takes a big chunk of it, so that takes more of our revenue streams, so when we get our metal broker and we make an extra \$500.00 a year that is money the town can keep instead of going to a middle man. If we get a cleaner stream of cardboard it goes to defray the trucking cost that we pay for hauling the recycling that does not generate any money. Like right now, glass is just getting dumped in the landfill, by the agent we contract with. So we pay to have it trucked but we get no revenue for it. So there are ups and downs like that. We have had a few good years generating money from the hiker parking lots and that's going towards supporting those hiking programs. The road maintenance, the hiker parking lot plowing the shuttle and the steward staff. A lot of that revenue goes to that, and then any leftover does fall to the Town. We had a couple of strong years with the hiker parking revenue. In the transfer station it was tied directly to the operation. In the Highway fund Scott generates money by working for the county, for DOT and doing work for the general fund and that money stays in the highway operations. So that is less money that is put on property tax. So a lot of the revenue just goes towards defraying the increases in everything. We are paying more now for our labor, that's a cost going up and because of the tax cap we cannot scale our increases in property tax. So in some ways we are not even treading water. As healthcare costs continue to increase we are losing ground. Last year we looked at changing our healthcare coverage to try and save money. Next year we are going to have to do that so we will save money there. So we are always walking that line of increasing cost and increasing demand for programs. Last year everyone wanted sidewalks plowed more frequently and more thoroughly so greater personnel cost and greater equipment cost. We are talking about transfer station improvements that are going to cost more money. Our Youth Commission Programs have been very popular and well attended. So to keep up with that we are mandated the ratio for staff to students. So we went over budget in our youth program. So what do we do? It was to go over budget or turn kids away. So we are frequently faced with those decisions and the tax cap makes it unavoidable. So at some point you have to change, so we will need to change our healthcare benefits. How much do we change at the transfer station? Should I put a cap on enrollment at youth commission? Those are questions that are legitimate to ask and may come down the road as we deal with running the town and delivering the services that people want. So with that little lecture. What questions do members of the public have about the budget?

Kim Smith asked about the \$14,692.00 for the court clerk line. That shows that the clerk would make more than a justice?

Mr. Deyo responded that the board does not know that yet because it will be on hourly basis. So if the hours are needed then they can go up to that amount.

Sadie Kaltenbauch asked about how much revenue are we taking in from tourism?

Mr. Biesemeyer responded that in hiker parking last year the town took in about \$82,000.00.

Ms. Favro added that right now we are over \$60,000.00 for the garden lot in revenue.

Mr. Wilson replied that it's actually both the shuttle and garden.

Ms. Favro clarified that we as a town only ran and collected on the shuttle for about 2 weeks and now it's a free service to hikers.

Mr. Deyo also added that we also get bed tax revenue.

Ms. Kalthenbauch spoke about possibly implementing more revenues from hiker tourism, and if there was a way the town could better tap into that. She also brought up the point that as a resident of the town of Keene we are pretty much unable to enjoy the area because we are so overrun by tourists. If there was a way to better balance it.

The board discussed a few reasons why we can't do more to bring in more revenue because it's state land and we have no jurisdiction on that but also talked about what AMR did and how it's a mix of state and private land that is governed by the APA.

Mr. Wilson wanted to go back and explain more about revenue. He stated that we get a share of sales tax generated in Essex County and it's one of the only counties in New York State that did not lose ground on sales tax collection. We had a really strong year, and the sales tax payment is a direct payment to the town. It's great to have visitors here because they bring in sales tax revenue. Especially the new Stewarts, it's bigger now so now it generated a huge increase in sales tax. So some of the steps I have taken to maximize the shuttle revenue is to vow that no property tax dollars will be used to support the shuttle so it's all self funded. So that revenue goes towards paying for the no parking signs, paying for the front country stewards, and the shuttle operations. If you went on adirondack street this summer there was not a parking problem. So some of the money we generate we are using to protect the quality of life. A few years ago people could not get out of their own neighborhoods. So some of that money we use to manage those visitors and hopefully they spend money when they are here because we do get a direct share of sales tax. Any other budget questions.

Mr. Ferebee asked Dan Mason's question again, is the part time dump attendant included in this year's budget?

Mr. Wilson: Yes, It was included in last years as well.

Mr. Ferebee: A couple of months ago there was a voucher for the stewards T-shirts for \$700.00.

This went back and forth between Mr. Wilson and Mr. Ferebee where Mr Wilson kept saying no we didn't buy t-shirts for Stewart's. To the point that the audience was yelling hiking stewards.

Mr. Wilson stated yes, we have 6 or 7 stewards and they need to be in uniform because people don't respect them unless they are wearing a uniform.

Mr. Ferebee: Asked if the board knew about this spending prior to having to sign the voucher?

Ms. Whitney: No and I didn't sign it.

Ms. Cheetham-Palen: I signed it.

Mr. Deyo: I signed it but I didn't know anything about it prior.

Mr. Ferebee: Okay, so the board did not know about this spending before they sat down to sign the voucher. How many other things are spent prior to the board knowing about the spending ?

Mr. Wilson: Bill, if we are going to have to call every board member we would have to meet every day.

Mr. Ferebee: What is the purpose of a board then? The assigned board member for the transfer station committee was not even aware that you were working on the transfer station plans.

Mr. Wilson: Oh back to the transfer station again, So I'll say it again. On August 10th sitting here, I asked if anyone wanted the transfer station on the agenda, if so let me know. There was not a peep.

Mr. Biesemeyer: I read those minutes carefully Joe Pete and everyone here is welcome to read those minutes and that is not an accurate portrayal of what happened.

Mr. Wilson: It's in black and white.

Mr. Biesemeyer: Let's just forget about it, but that's not true.

Mr. Lawrence: I am going to re-state Bill's question that wasn't answered. Is there anything else being worked on that the rest of the board is not aware of?

The board looked around and said, I don't know?

Mr. Lawrence: It's personally worrisome to me, to read on NDK that stuff like that is happening and the board was not aware. That's disturbing. It's just a statement. I'm just really worried about it.

Mr. Wilson: Well, it's good that you showed up to express it, it's very helpful to have it. Alright.

Mr. Ferebee: You just always jump back, you still haven't answered the question.

Mr. Wilson: Well let me make one answer to this. I just want it to be clear because I have gotten this question a bunch from people reading the minutes. My opponent is the niece of the former Supervisor, who is making all these questions. So Bill is campaigning for Cori with this.

Mr. Ferebee: You have approached me about this before, and I had said no. If you were doing the job I wouldn't be asking questions.

Martha Allen: I would just like to say now there is much more complete board minutes and board interaction than there has been in the past couple of years. I used to come to a lot of the meetings and it was hard to follow along. Now it's more in a language that everyone can understand.

Mr. Wilson: Thank you Martha. I am going to call a vote on all in favor of approving the preliminary budget.

Roll Call Vote:

Mr. Wilson: Yes

Mr. Biesemeyer: Yes

Ms. Cheetham-Palen: Yes

Mr. Deyo: Yes

Ms. Whitney: Yes

Motion carried.

Mr. Wilson stated that a meeting needs to be scheduled for a public hearing of the budget. Thursday November 4th at 6pm in the Keene Fire House. Jennifer is going to make sure we can use that location.

RESOLUTION No. 232-21

The following resolution was offered by Mr. Deyo who moved its adoption. Be it resolved, that the Town of Keene board will hold the public hearing of the 2022 budget at the Keene Fire Department on Thursday November 4th at 6pm. 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

Motion carried.

Next item of Business: To opt-out or in of allowing adult-use cannabis retail dispensaries or on-site consumption licenses.

Mr. Wilson opened the conversation proposing that the board separates the discussion into 2 votes. Retail sales and then onsite consumption.

Mr. Biesemeyer added that some of the lingo is dispensaries and pot bars. The audience then laughed.

RESOLUTION No. 233-21

The following resolution was offered by Mr. Biesemeyer who moved to its adoption. Be it resolved, that the Town of Keene board decided to vote on the opt in on allowing adult-use cannabis retail dispensaries within the Town of Keene. This resolution was seconded by Mr. Deyo.

Discussion was then opened on allowing dispensaries.

Mr. Deyo began by stating that he has looked into this a lot and if we vote no and opt out then it will kick it to be put on the ballot next year. So instead of the 5 of us making the decision for the town it would be put to the people to vote. If we opt in now we will be going in a little blind. We can see how the other towns that opt in go and then we can decide from there.

Mr. Biesemeyer added that he also checked out the law, with regards to opting out. There will have to be a petition filed to call for a permissive referendum. That referendum will require 10% of the voters who voted in 2018 general election in Keene. So probably about 40-50 people will need to sign that petition and then it will be on the ballot. It is not automatically placed on the ballot. Someone has to circulate that petition.

Ms. Whitney: It also has to be created within 45 days after the Town passes the law.

Mr. Biesemeyer: If we do nothing then we are automatically in.

Kim Smith: Asked Bob, how he knew it would need to be the next election and not this election that is upcoming?

Ms. Whitney responded that it has to be filed 60 days prior to the election and we are already way past that deadline.

Kim Smith stated that it could possibly be a special election.

Someone asked if you opt out, are we out forever. A board member answered no, you can always opt in, if you originally opt out. But if you opt in then you are in forever.

A resident asked about tax revenue and what's an estimate?

Mr. Deyo stated that we would need to do over one million dollars in sales to bring in \$30,000 to the town, and the hiker parking lot on the honor system brought in double that.

Mr. Biesemeyer corrected Mr. Deyo stating that the County would get 4% of sales. So if there is a million dollars in sales in the county, the county would get \$40,000.00, out of that 75% of that would go to towns that participate. Those towns that participate then get given the tax that is collected in proportion to that towns sales. So \$30,000 would then be split up to all the participating towns. There will be no permits issued for dispensaries until the end of 2022.

Someone from the audience stated that a million dollars in sales for the whole county is a low number.

Mr. Deyo stated the State of New York does not even have its advisory board set up yet for the dispensaries.

Elizabeth Duerr: Who votes to opt out?

Mr. Deyo replied that tonight the board can vote to opt out, if that happens it can then go to the voters to vote if a petition is filed. That's what I would like to see.

Elizabeth Duerr: So if the majority votes no at the next election then we are opted out again. How do we express our feelings tonight, so we can tell you how we want you to vote. I want you all to opt out.

Mr. Deyo: Okay, have heard from both sides, we saw the survey but I don't think it had enough information. My feelings are, what's another year. We have waited this long.

Mr. Biesemeyer: The survey that went out had 200 responses and 70% favored dispensaries.

Elizabeth Duerr: It wasn't really explained like this and I also am not sure the survey was really that accurate.

David Craig: If you all were to opt out, that is okay. I am fine with it going to the public for a vote, but how are we sure that someone is going to circulate a petition?

Mr. Biesmeyer: You could do it!

David Craig: How can someone actively get this out there? How do we make sure it happens?

Ms. Whitney: It will be in the minutes now.

Mr. Biesemeyer: Whoever decides to do the petition, to make sure you do the terminology correctly, maybe get the help of an attorney.

Mr. Bernard: I think the law seems to be flawed. Particularly since not everything is known when you are trying to make a decision. I would say that I don't see how the town should be making a decision that tells local businesses that they can't do something that is legal to do in New York State. I think that is a very slippery slope.

Dan Mason: I would like each board member to say what their biggest concern on opting in is.

Ms. Whitney: My biggest concern is that we don't know what the state is going to come out with. They don't have their board or their rules together yet on what they say can happen. I don't know what the business would look like and I have younger children and my children are bit of a concern with it.

Ms. Cheetham-Palen: So when this first came to the board I was kind of ambivalent until I did some of the research and read further. Jenn is right, there are still some unknowns and we did the survey and a meeting here where people came and expressed their thoughts and opinions. Since all of that I am kind of at the point where I would be very comfortable with a dispensary and from conversations I have had with people in the community. I am okay with it. I do understand people's concern with onsite consumption but personally I am not that worried about it. I think the feedback from the community onsite consumption was against, so I would honor that opinion.

Ms. Whitney: Can I add something else before we move on to the next board member? Not a lot of people are on NextDoor Keene and there are also people on NextDoor Keene that don't live in Keene. So they could have voted and don't live here. That is a concern of mine about the survey results. That is the reason we did not put the survey on facebook. I would like to point out that putting it on Nextdoor Keene does not tell the whole story. Also I questioned if people could take the survey more than once?

Dan Mason: So you are stating another one of your concerns is the results of the survey itself too.

Ms. Whitney: Yes, correct.

Mr. Wilson: I am in favor of retail sales, my biggest concern is we are going to have a head shop in Keene that does not fit the character of our town, but I agree with Jim on the economic argument. It's hard for a small business in town to do well here and it's giving them one more tool. My biggest fear is having a headshop, its called a pot bar.

Ms. Farrell: Is the planning board strong enough to address that?

Mr. Wilson: No, we can't. We have a site plan review, but we have limited rules. We don't have rules already baked in like the location, the hours, the look of the place, the colors and how it's decorated. We just don't have that. In the law you cannot target specifically marijuana operations with different regulations than other businesses operate. If we are not treating marijuana businesses the same as other businesses with regulations then we are exposing ourselves.

Mr. Biesemeyer: I plan to vote to opt out, because I don't think the law is fair. This was a tough decision to make. At first I was thinking that I am comfortable with what the majority of the town would like to see. Then the survey came back and the majority wanted to opt in to the dispensary. Since the survey results were put out, and I have had many people come to me, I also asked around a bit and I have really studied the law. If we decide to do nothing then we are automatically opted in and its a done deal. There is no way we can opt out. So should there be some reason that these shops spring up and there is a problem, and keep in mind they are not getting licenses until the end of 2022. So I think if we opt out and there is a petition filed and then it gives everyone the opportunity to vote on it in November of 2022. We will have that time to see if there are any desparies that come up near us. I think this would give us a chance to see how it plays out. It also does not slam the door on the people that feel strongly about it. Because if we decide to opt in, then we are in. But if we opt out, that gives the people more time. I watched the Lake Placid presentation on this and the Superintendent of the School was strongly against allowing this to happen.

Mr. Deyo: I understand the arguments, I am not opposed to people smoking pot. There is still a lot of gray area. We have time if we opt out and always go back in. I would like to opt out now.

Mr. Wilson asked if anyone in the audience had any other feedback before the vote was called. None.

Roll Call Vote:

Mr. Wilson: YES

Mr. Biesemeyer: NO

Ms. Cheetham-Palen: YES

Mr. Deyo: NO

Ms. Whitney: NO

The motion was not carried, the Town of Keene will opt out of allowing adult-use cannabis retail dispensaries within the Town of Keene.

RESOLUTION No. 234-21

The following resolution was offered by Mr. Biesemeyer who moved to its adoption. Be it resolved, that the Town of Keene board decided to vote on the opt in on allowing on-site consumption licenses for cannabis within the Town of Keene. This resolution was seconded by Mr. Deyo.

Roll Call Vote:

Mr. Wilson: NO

Mr. Biesemeyer: NO

Ms. Cheetham-Palen: NO

Mr. Deyo: NO

Ms. Whitney: NO

The motion was not carried, the Town of Keene will opt out of allowing onsite consumption of cannabis licences within the Town of Keene.

Mr. Biesemeyer: A petition can be filed within 45 days of this vote to have a referendum for people who feel strongly to be able to vote on this matter. When the petition is filed the Town Clerk will need to certify the petition.

Mr. Wilson: Suggested that any group interested contact the Board of Elections and possibly an attorney.

Next item of business is to officially appoint Jerry Smith as the Cemetery Sexton. This was discussed in a cemetery board meeting.

RESOLUTION No. 235-21

The following resolution was offered by Mr.Deyo who moved to its adoption. Be it resolved, that the Town of Keene board appoints Jerry Smith as the Norton Cemetery Sexton for the Town of Keene. This resolution was seconded by Ms. Whitney.

Ms. Whitney: It was brought to my attention that the Town of Keene is not gaining any revenue from grave digging, correct?

Mr. Deyo: That is correct, and Mr. Smith has been doing it for years and now, along with whoever else wants to go up and dig graves.

Mr. Wilson: We still have not adopted any new rules yet in the cemetery meetings. We have a lot of changes with the possibility of the new section and we have not made any changes on that aspect yet.

Ms. Whitney: So the cemetery committee will work on this and then bring this to the board?

Ms. Favro: So there is a different side to this.For appointing Jerry as sexton, this will change the funnel of everything the cemetery will need to go through Jerry Smith and then through the Town. Right now without an official sexton, other funeral homes or people can go up to the cemetery and dig, which causes

chaos with records that the Town Clerk must keep. Without having one person as the point person, we do not know when people are being buried, where they are being buried, who is in what plot, how many spots left in a plot. So by appointing Jerry as the Sexton we can help alleviate some of the chaos.

Mr. Wilson: More on the fees are being worked on by the cemetery committee.

Roll Call Vote:

Mr. Wilson: yes

Mr. Biesemeyer: yes

Ms. Cheetham-Palen: yes

Mr. Deyo: yes

Ms. Whitney: yes

Motion carried.

New Business:

Water easement relinquishment will be discussed at the next meeting when the town attorney is present.

Air Purifiers were already discussed.

RESOLUTION No. 236-21

The following resolution was offered by Mr. Biesemeyer who moved to its adoption. Be it resolved, that the Town of Keene board approved the funding for the life flight contract for 2022. 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

Motion Carried.

RESOLUTION No. 237-21

The following resolution was offered by Mr. Biesemeyer who moved to its adoption. Be it resolved, that the Town of Keene board approved the funding for the BTI contract for 2022. 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

Motion Carried.

Mr. Wilson reported that the paving is now completed on route 73. The DOT contacted Scott Smith about replacing the markers at the intersection of Adirondack and Route 73.

Mr. Smith: The DOT was wondering where the markers are, since there is a sight issue there. The DOT did put cones out and they are going to be doing some striping there. They suggested that we get the markers back out to prevent people from parking there. I had mentioned the heavy base so we would not have to drill a hole.

RESOLUTION No. 238-21

The following resolution was offered by Ms. Whitney who moved to its adoption. Be it resolved, that the Town of Keene board will restore the no parking area at the intersection of Adirondack Street and Route 73 in Keene Valley. This resolution was seconded by Ms. Cheetham-Palen

Scott will communicate with DOT to get this taken care of.

Scott asked if the Town was going to buy the markers or if that needed to come from the highway.

Mr. Ferebee: We did when the DOT did the sidewalk project. They sunk the plastic markers in the ground for us. The Ausable Inn would pull them out in the winter time and then put them back in the summer.

Mr. Wilson: So Scott, you will work with DOT to come up with a solution that works for visibility and plowing?

Mr. Smith: Yes.

Roll Call Vote:

Mr. Wilson: yes

Mr. Biesemeyer: yes

Ms. Cheetham-Palen: yes

Mr. Deyo: yes

Ms. Whitney: yes

Motion Carried.

Mr. Wilson gave an update from the Town Attorney on water rent. Because of COVID the state put limits on terminations. We cannot disconnect or put a lien on property for unpaid water bills. We can add delinquent water bills to the property tax bill. So we can proceed with normal business of adding penalties or not.

Ms. Cheetham-Palen: So penalties will not really be collected either way. Will that be confusing for you?

Ms. Favro: No, it's totally fine. With the software now each time on log in, since we are past the due date it asks if I want to apply the penalty and I just say no each time. I also did get the information from Essex county on when and how to submit the unpaid water bills to the tax roll for relevy. That date is November 4th. So we will send everything that is not paid to the county around October 31st, 2021.

It was agreed that the Town of Keene would not add a late penalty to the unpaid water bills but the unpaids would be sent to Essex County for relevy.

Mr. Derrick Prill was present at the meeting to discuss his request on his water rent bill for water district #1.

Mr. Prill: It was brought to my attention that there is not a clear and concise way of assessing water usage because it's done on a flat rate. This year my water bill doubled from \$325.00 to \$650.00. I went to ask and I was told that someone found out online that you have an air b and b downstairs. Nothing in the house has changed. There are still 2 bathrooms, it's a single family home on the tax roll. Yeah we went out a portion of the downstairs for air b and b, but now we are getting a water bill for twice as much water usage. We rented it out 80 days of the year. So imagine if my wife and I had 4 kids doing a lot of laundry, we would still be assessed at a single family home. So I am trying to just get some clarity on how the assessments are made in the water district, and who decides who pays twice as much. I always thought that you worked backwards. Like we need this much money to operate, let's divy it up equally.

Mr. Deyo: I sympathize with you a lot on this Derrick, we have done it with a lot of people including myself. For example the Cedar Run building right here. We get charged a certain amount for the bakery, I get charged again upstairs for the apartment separately and then again for the building in the back with a small bathroom, which is also charged separately . I know we most recently went through this with Dylan Cohen. They also had a rental, they got 2 water bills and when they stopped renting and removed the listing from Air B and B then we took them back down to a single family home. Scott the highway supervisor right down the road from you also pays 2 full residential bills. One for his house and one for the garage rental he has. There is also a duplex across the road here that is a single home but has 1 person living upstairs and one person living downstairs and they pay the duplex fee which is \$650.00.

Mr. Prill: So what is the justification for charging them twice as much?

Mr. Deyo: Because it's being used by separate people. To be honest with you if we had water meters everywhere that would be the fairest way. But it's a huge expense, they thought about it like 20 years ago and never went that route. Is it completely fair, no but that's the explanation.

Mr. Prill: It's not fair and it's arbitrary. Who sits down and googles these places in town on rental sites to see if you are renting? What if you had a mother in law suite ?

Ms. Farrell: You are supposed to get a change of use through the town if you have an Air B and B. So you are supposed to apply for that which alerts the town for the change of use and change in billing.

Mr. Wilson: Yes, we treat a rental as commercial property. Which is what Kristy is talking about. A short term rental is a commercial operation. You are in a residential neighborhood, but having a rental makes it a commercial operation. It changes the way the water district usage is selected.

Mr. Prill: It should change everything though, it should change my assessment so on the tax roll it would be changed from a single family residential. Like I can't use my income from the rental because it's listed as a single family home on the tax roll.

Mr. Wilson: That is where NYS tax law is not keeping up with all the short term rentals, and everyone is trying to figure out how to manage these. We can't change how the tax law is written, but we can use commercial change of use in town. Also occupancy tax and how we track the short term rentals.

Mr. Prill: It just doesn't seem like it's thought through because anyone could rent out a MIL suite on a busy weekend and rent out all kinds of stuff.

Mr. Deyo: They could, and people do but we are trying to keep it as fair and legal as we can. Yes people do cheat the system.

Mr. Hall: The Keene water law has that information, also to address the mother in law suite you brought up. We do have rates set for things like that. It's not double the fee but it's considered a residential with an extension.

Mr. Prill: Asked if the town is able to assess how many bathrooms a home has?

Mr. Hall: We have done that in times past, when it was started. It goes back to metering. We have the Keene Water Law, and as long as you maintain a utility you are complying to that water law.

Mr. Prill: I feel like this is just arbitrary, I just got my bill in the mail and it was doubled. I don't understand how its assessed,

Mr. Hall: Your house was assessed prior to you purchasing it. It was listed as a duplex, you came into the Town Hall and changed it back to a single family dwelling a few years ago.

The discussion went on and it was decided that Derrick will go through the water law. He will meet with the supervisor and town board members if he has any further questions. Water rates are something difficult to assess and every house usage is very different and the Town tries to go with the most fair options at the flat rate fees that were set based on the data the town can collect on how you are using your property.

Next item of business was not on the agenda but Mr. Wilson received an email from a student at Keene Central School. The student is doing a science project with Northwood School and SUNY ESF as a part of a mammalian biodiversity project. He would like to put a trail camera on the Town Trail.

RESOLUTION No. 239-21

The following resolution was offered by Mr. Biesemeyer who moved to its adoption. Be it resolved, that the Town of Keene board is giving a Keene Central student to put up a trail camera on the Town Trail system for data collection for a mammalian biodiversity project through Northwood School and SUNY ESF. This resolution was seconded by Ms. Cheetham-Palen.

Ms. Cheetham-Palen: Should we alert the public where this camera is going to be?

Mr. Wilson: It will be off the trail in the woods so we shouldn't need to.

The board felt that the public should still be alerted to its location. Mr. Wilson said he would alert the public.

RESOLUTION No. 240-21

The following resolution was offered by Ms, Cheetham-Palen who moved to its adoption. Be it resolved, the Town of Keene board will go into executive session at 6:32pm to discuss personnel issues. This resolution was seconded by Mr. Wilson.

Roll Call Vote:

Mr. Wilson: yes

Mr. Biesemeyer: yes

Ms. Cheetham-Palen: yes

Mr. Deyo: yes

Ms. Whitney: yes

Motion Carried.

RESOLUTION No. 241-21

The following resolution was offered by Mr. Biesemeyer who moved to its adoption. Be it resolved, the Town of Keene board will return to regular session 6:54pm no decisions were made. 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

Motion Carried.

Mr. Wilson: We are trying to hire a part time clerk to work in the town hall for booking, accounting and payroll. We have been trying to fill this position for 5 months. At our last meeting we raised the pay from \$14.47 to \$15.50. We are still not getting any candidates, so now need a motion to raise the pay again.

RESOLUTION No. 242-21

The following resolution was offered by Ms. Whitney who moved to its adoption. Be it resolved, the Town of Keene board will raise the pay for the part time clerk for the second time to \$18.00/hr. This resolution was seconded by Mr. Biesemeyer.

Mr. Wilson stated that this is an un-benefited part time position. This position does not include any paid sick days, vacation etc. \$18.00 for up to 29 hours.

Roll Call Vote:

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

Motion Carried.

RESOLUTION No. 243-21

The following resolution was offered by Mr. Biesemeyer who moved to its adoption. Be it resolved, the Town of Keene board approved the following transfers to be made:

Within the General Fund:

\$2500.00 out of #A73104.01.04 Youth Programs CE

\$2500.00 into #A99509.1 Transfer to Capt. Projects (for bike park fund)

\$184.99 out of #A19904.1.4 Contingency Account

\$184.99 into of #A50204.2 Supt. of Highway CE

\$228.50 out of #A51322.1.2 Garage EQ

\$228.50 into #A51324.1.4 Garage CE

\$1115.96 Out of #A19904.1.4 Contingency Account

\$1115.96 into #A51324.1.4 Garage CE

\$1905.29 out of #A56504.1.4 Hiker Parking CE

\$1905.29 into #A56501.1.1 Hiker Parking PS

\$159.67 out of #A56504.1.4 Hiker Parking CE

\$159.67 into #A56502.1.2 Hiker Parking EQ

\$106.23 out of #A71102.1.2 Parks EQ

\$106.23 into #A71104.1.4 Parks CE

\$52.60 out of #A71501.1.1 Recreation Facility PS

\$52.60 into #A71504.1.4 Recreation facility CE

\$468.41 out of #A73104.1.4 Youth Programs CE

\$468.41 into #A73101.1.1 Youth Programs PS

\$151.66 out of #A88101.1.1 Cemeteries PS

\$151.66 into #A88104.1.4 Cemeteries CE

Within the Highway Fund:

\$60.00 out of DA#51104.3.4 General Repairs

\$60.00 into DA#90458.3.8 Life insurance

Within Water District #2:

\$3750.06 out of A#83202.8.2 Source Power Pump EQ

\$3750.06 into A#83204.84 Source Power Pump CE

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

Motion Carried.

RESOLUTION No. 244-21

The following resolution was offered by Mr. Biesemeyer who moved to its adoption. Be it resolved, the Town of Keene board approved the following budget amendments to be made:

Water District SW 1

To increase the Source Power Pump Line #A83204.7.4 by \$12,927.80 to be transferred from NYCLASS Water District SW #1 Fund.

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

Motion Carried.

RESOLUTION No. 245-21

The following resolution was offered by Mr. Biesemeyer who moved to its adoption. Be it resolved, the Town of Keene board approved the auditing of the bills. This resolution was seconded by Ms. Cheetham-Palen.

There were no questions on the vouchers. Mr. Biesemeyer and Mr. Deyo did not review the bills so they abstained on the vote.

Roll Call Vote:

Mr. Wilson:	yes
Mr. Biesemeyer:	abstain
Ms. Cheetham-Palen:	yes
Mr. Deyo:	abstain
Ms. Whitney:	yes

Motion Carried.

RESOLUTION No. 246-21

The following resolution was offered by Mr. Deyo who moved to its adoption. Be it resolved, the Town of Keene board has conducted all business and will adjourn at 7:02pm. 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

Motion Carried.

Meeting adjourned at 7:02PM

Respectfully submitted 10/21/21

Cori-Anne Favro, Town Clerk

