

Joseph P. Wilson Jr, Supervisor  
Robert M. Biesemeyer, Deputy Supervisor  
TOWN BOARD MEETING  
September 28th, 2021  
5pm  
Community Center Pavilion

Minutes of the Town Board Meeting held Tuesday, September 28th, 2021 at 6:00 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, and town residents.

The Chairman, Mr. Wilson called the meeting to order at 5:01 PM.

Ms. Favro opened the meeting with needed approval for edits on the August 10th, 2021 meeting minutes. These minutes were already approved but when the clerk to the Supervisor went to make the transfers the amounts did not match up. They were misread in the 8/10/21 meeting and need correction. The following corrections are needed.

-\$209.00 needed to be changed to \$299.30 for unallocated insurance

-\$1172.00 Should be \$1172.72 for Traffic Control

-\$311.00 should be \$311.98 for publicity

RESOLUTION No. 209-21

The following resolution was offered by Ms. Cheetham-Palen who moved its adoption. Be it resolved, that the Town of Keene Board has approved the changes and edits to the August 10th, 2021 meeting minutes presented by the Town Clerk. 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 minutes from the September 14th minutes will be tabled until the next meeting to give board members time to review them.

Privilege of the floor was offered:

Ms. Kim Smith mentioned that the Town Website links are not working and that there are running problems in general.

The board discussed that they would be looking into website issues and that it will be audited for issues and updates as needed. They thanked Kim for pointing it out.

Old Business:

Covid Updates: 56 news cases in Essex County over the weekend. We need to continue to be vigilant. It was discussed about what the process will look like for meetings going forward. It was offered by the Keene Valley Library that they could broadcast in real time and the board would be together and residents would be able to log in and watch and ask questions as needed.

Mr. Deyo suggested that we try to keep the meetings outside as long as possible. Suggested that we move the meetings to 4:30 and if the weather looks cold or rainy we could give the town advanced notice.

#### RESOLUTION No. 210-21

The following resolution was offered by Mr. Deyo who moved its adoption. Be it resolved, that the Town of Keene Board has approved the change in the meeting time to 4:30PM for the October 12th, 2021 meeting, if the location or time of this meeting is going to change the board will give the public 48 hours notice. 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. 211-21

The following resolution was offered by Mr. Deyo who moved its adoption. Be it resolved, that the Town of Keene Board has approved the change in the meeting time to 5:00PM for the October 10th, 2021 special meeting where the tentative budget will be presented by the Town Clerk to the Board. If the location or time of this meeting is going to change the board will give the public 48 hours notice This resolution was seconded by Mr. Biesemeyer.

Roll Call Vote:

Mr. Wilson:	Yes
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Mr. Biesemeyer: Yes

Ms. Cheetham-Palen: Yes

Mr. Deyo: Yes

Ms. Whitney: Yes

Ms. Whitney stated she will not be able to attend the 10/5/21 meeting due to a soccer game for her child.

Next item of business is marijuana regulation and taxation local decision:

Survey results from Nextdoor Keene read by Ms. Whitney.

Question: Are you in favor of allowing a retail dispensary of cannabis to open in the Town of Keene?

191 people responded:

68.06% 130 people voted YES

31.94% 61 people voted NO

Question: Are you in favor of allowing on-site consumption of cannabis?

191 people responded:

44.5% 85 people voted YES

55.5% 106 people voted NO

Mr. Wilson opened the floor to ask if anyone had feedback.

Ms. Dwyer responded that if it's done very tastefully like she has seen with no windows and unmarked bags. She also pointed out that money cannot go to FDIC banks because it's not a federal law.

Mr. Deyo explained his view that we don't have zoning and we don't have enforcement. He would like to sit on it and be able to opt in down the road.

Ms. Whitney stated that the state is going to control these stores just like liquor licenses.

Ms. Cheetham-Palen added that it's safer to have a place to buy safe products, instead of unknowns of laced products on the street. She is okay with it.

Mr. Biesemeyer would like to table it longer and would like to see now that the survey responses are out and get more feedback from the public. He asked the public to give board members their feedback.

Discussion was ended after Mr. Biesemeyer tabled the topic for the next meeting.

Old Business: Cemeteries

Mr. Wilson presented that a family would like to buy a pathway that is in between the family plots. Explained where this would take place and that this has been done in the past. Asked if any questions. Mr. Jerry Smith will work with the family and the town clerk on the deeding process.

RESOLUTION No. 212-21

The following resolution was offered by Mr. Deyo who moved its adoption. Be it resolved, that the Town of Keene Board has approved the extension of a burial Plot into the assigned pathway for a family. They are approved to purchase the pathway for the amount of \$250.00, this lot will be assigned a number and a deed. 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

Next item on the agenda is the new cemetery project.

Mr. Wilson presented that the cemetery committee is recommending that the Town of Keene hire Kevin Hall, surveyor for mapping and planning of the Norton Cemetery extension. The fee is \$5200.00 for a composite map for the base planning. We did get APA NJ ruling on this land already. It would come out of this year's budget. It would be transferred from Cemetery equipment, contractual etc.

RESOLUTION No. 213-21

The following resolution was offered by Ms. Cheetham-Palen who moved its adoption. Be it resolved, that the Town of Keene Board has approved the the fee of \$5200.00 to Kevin Hall for a composite map of the new section of Norton Cemetery. This resolution was seconded by Mr. Deyo.

Mr. Deyo stated that if Mr. Wilson is correct that we have the money available for this year and it's not going to overspend then, he is in favor of moving forward with this project.

Ms. Whitney asked if this would set out all the mapping for plots etc, and she was answered with a no. This is just the base mapping, there will be more additional fees moving forward.

Mr. Wilson stated that just the mapping and planning is probably going to run about \$30,000- \$50,000 and we will still have to build things. He pointed out that he stated that expanding this cemetery is going to cost a lot of money.

Mr. Deyo said he thinks it important to gather this data and know about how much this is going to cost so we can set up pricing for the future.

Ms. Whitney did question if we needed other bids for this project before moving forward?

Mr. Wilson stated no, and he has already been working on it.

Mr. Carey suggested that we possibly do the plot planning in small sections that may be more affordable.

Roll Call Vote:

Mr. Wilson: Yes

Mr. Biesemeyer: Yes

Ms. Cheetham-Palen: Yes

Mr. Deyo: Yes

Ms. Whitney: Yes

New Business: Justice Court at the meeting to speak about the part time clerk position.

Justice Henreitta Jordan spoke and read a letter that is attached.

Justice Barbara Dwyer was also in attendance.

Mr. Deyo stated to Justice Jordan that the fact that she submitted an estimated budget based on next year's fine is illegal.

Justice Jordan explained that it is illegal for them to assess fines based on the budget number, she assured that they do not do that. She clarified that she asked for help regarding the workload crisis. She explained that it's our responsibility to give a balanced budget. She explained further that last year the Town actually passed a deficit budget with the court. They can do that again this year but they don't have to. But by hiring a court clerk it can help them get through the workload crisis.

Justice Dwyer requested that a committee be formed with the 2 justices and 2 board members. She explained more that not only will they have workload constraints but they are going to have space constraints. The employees of the court space cannot be accessed by any town employee. There are very specific guidelines with records and disposal etc.

RESOLUTION No. 214-21

The following resolution was offered by Mr. Wilson who moved its adoption. Be it resolved, that the Town of Keene Board will form a committee consisting of 2 board members. Ms. Jennifer Whitney and Mr. Dave

Deyo along with the 2 justices to plan and make a recommendation back to the board on the workload and workspace crisis the court is facing. This resolution was seconded by Ms. Cheetham-Palen.

Ms. Kim Smith asked about Town Clerk and record keeping, and disposition of records. This is something that the committee will look into.

Meetings will need to be conducted before the final budget.

Justice Dwyer stated that they are making headway on the backlog of cases.

Roll Call Vote:

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

Next item of business is the Community Center. Mr. Wilson asked for approval to get an engineer to go into the building and have them inspect the electrical, heating, plumbing, foundation etc.

RESOLUTION No. 215-21

The following resolution was offered by Mr. Biesemeyer who moved its adoption. Be it resolved, that the Town of Keene Board give approval for Wiley Levine to inspect and give an engineered report. 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

Next item of business is Water Districts.

Savana Li, the new Water Superintendent was present to be introduced.

RESOLUTION No. 216-21

The following resolution was offered by Mr. Biesemeyer who moved its adoption. Be it resolved, that the Town of Keene Board give approval for up to \$5000.00 for the water department to purchase tools that are needed for the water districts. This resolution was seconded by Mr. Deyo.

Ms. Whitney asked the question about the current tools, did Ryan Hall purchase them? The answer was yes and he is taking his tools with him.

The plan moving forward that no town employee should use personal tools for town use. All tools going forward will be inventoried as town property.

Roll Call Vote:

Mr. Wilson: Yes

Mr. Biesemeyer: Yes

Ms. Cheetham-Palen: Yes

Mr. Deyo: Yes

Ms. Whitney: Yes

Next item of business: Keene Public Library

The Library in Keene will close 11/1/2021 and the Keene Valley Library will now be open 6 days a week. We will be combining efforts and operations, due to the condition of the Keene Library and work that will take place there. We will contribute money we have allocated for power and heat to the Keene Valley Library.

Next item of business: Approve Tentative budget to give to the Town Clerk.

RESOLUTION No. 217-21

The following resolution was offered by Ms. Cheetham-Palen who moved its adoption. Be it resolved, that the Town of Keene Board approves the 2022 tentative budget and this will be give to the Town Clerk. This resolution was seconded by Mr. Deyo.

Ms. Whitney clarified that at the next meeting we will still be able to discuss and change it.

Mr. Wilson stated yes, and we are under the tax cap and we got the healthcare cost and its staying the same as it was.

Mr. Biesemeyer wanted to clarify that no changes were made to healthcare. All deductibles, out of pocket expenses all stayed the same for 2022, with no change to coverage.

Roll Call Vote:

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

#### RESOLUTION No. 218-21

The following resolution was offered by Mr. Biesemeyer who moved its adoption. Be it resolved, that the Town of Keene Board will go into executive session at 5:50pm for a personnel issue. . 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. 219-21

The following resolution was offered by Mr. Wilson who moved its adoption. Be it resolved, that the Town of Keene Board will return from executive session at 5:53pm and return to regular meeting. 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. 220-21



The following resolution was offered by Mr.Deyo who moved its adoption. Be it resolved, that the Town of Keene Board will grant Ashley LeClair FMLA leave for the period of mid November for 12 weeks. 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 a Town of Keene staffing update. That the Town is really struggling to recruit a part time Clerk and we are paying \$15.50/hr up to 29 hours a week. We are to a point where we are having to close the Town Hall when the Clerk to the Supervisor is trying to pay bills. It's too much for one person to do that and answer the phone and sell dump tickets. Mr. Wilson pointed out that he is really getting concerned and we need help getting the word out. We have used NDK, indeed etc.

Ms. Favro stated that she offered a few times to cover extra hours and do some of the clerk duties so that the town hall will not have to be closed. She stated she knows that the board was against the Town Clerk doing non Town Clerk duties in the past but she has a few hours available during the week to be able to help Ashley sell dump tickets and answer the phone.

Mr.Wilson stated that they specifically said they weren't going to do that option.

Mr. Biesemeyer stated that now, we may have to.

Mr. Wilson stated that " You don't have to be in the Town Hall when she comes in and does that.and It's also a problem when one elected official needs to report to another elected official. We very clearly said we werent going to do that."

Mr. Biesemeyer: I see it as just getting through a difficult period of time for a temporary fix.

Ms. CHEetham-Palen stated no, we agreed to not do that.

Ms. Whitney Said it would be a good idea to reassess at our October meeting, if we don't have anyone by then.

Ms. Favro stated that she just wanted to be helpful and did not want to cause controversy.

Ms. Cheetham-Palen explained that the courts went through the same thing and she told them that they could not be the court clerk as well.

Next item of business is the transfer of funds.

RESOLUTION No. 221-21

The following resolution was offered by Mr. Biesemeyer who moved its adoption. Be it resolved, that the Town of Keene Board approves the following transfer of funds. This resolution was seconded by Mr. Deyo.

Within the general fund:

\$1923.16 out of #A019904.1.4 contingency

\$233.27 into #A033104.1.4 traffic control CE

\$217.14 into #A050104.1 Supt. of Highway CE

\$6.28 into #A054104.1.4 sidewalks CE

\$1450.29 into #A071504.1.4 Recreational Facility CE

\$16.18 into #A074104.1.4 Library CE

\$771.50 out of #A51322.1.2 Garage Equipment

\$771.50 into #A051324.1.4 Garage CE

\$2901.67 out of #A056502.1.2 Hiker Parking EQ

\$2901.67 into #A056501.1.1 Hiker Parking Personnel Services

\$1000.00 Out of #A071502.1.2 Recreational Equipment

\$1000.00 into #A071504.1.4 Recreational Facilities CE

No questions from the board.

Roll Call Vote:

Mr. Wilson: Yes

Mr. Biesemeyer: Yes

Ms. Cheetham-Palen: Yes

Mr. Deyo: Yes

Ms. Whitney: Yes

RESOLUTION No. 222-21

The following resolution was offered by Mr. Biesemeyer who moved its adoption. Be it resolved, that the Town of Keene Board approves the following transfer of funds. This resolution was seconded by Mr. Deyo.

Within Water District #2

\$3445.61 out of the SW#2 #83204.8.4 Contractual

\$3445.61 into SW#2 #83202.8.2 Equipment

No questions from the board on those transfers.

Roll Call Vote:

Mr. Wilson: Yes

Mr. Biesemeyer: Yes

Ms. Cheetham-Palen: Yes

Mr. Deyo: Yes

Ms. Whitney: Yes

Next item of business was questions from the board.

Ms. Whitney followed up on the Town's historian vacancy.

Mr. Wilson stated the historical society will work with the Keene Valley Archives people. So we are not going to hire someone. We are postponing filling that open position.

Ms. Whitney asked about the resignation of the dog catcher, will we be filling that position?

Mr. Wilson stated that he is going to be putting a vacancy notice for that, he has just not gotten to it yet. By law the Town must fill this position. The dog catcher that resigned is looking in her circle to see if she knows of anyone that will take the position.

Ms. Whitney wanted to thank Roger and TJ for working on the list of items that needed work around town. Mr. Biesemeyer Joined in that gratitude.

RESOLUTION No. 223-21

The following resolution was offered by Ms. Cheetham-Palen who moved its adoption. Be it resolved, that the Town of Keene Board approves of the audit of bills. This resolution was seconded by Mr. Biesemeyer.

Ms. Cheetham-Palen has a question on the 2 bills that were for Enhanced.

Mr. Wilson explained that it is the software we use for payroll and accounting. We had to purchase 2 upgrades to get caught up. Stating the town was behind in the upgrades.

Ms. Whitney asked about the Clark's Truck Rental voucher had no invoice attached and wanted to know the details about the bill.

Mr. Smith explained that sometimes they don't get an invoice, and will follow up with it.

Ms. Whitney added that we needed to sign both pages of the NYSEG voucher. The board will go back and sign both.

Ms. Whitney asked to have the petty cash voucher explained with the Ward lumber receipt mixed.

Mr. Wilson explained that when they were scrambling for the last minute clean up day needs they used petty cash to purchase wood at Ward Lumber to repair the box at Roostercomb parking lot.

Roll Call Vote:

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

RESOLUTION No. 224-21

The following resolution was offered by Mr. Wilson who moved its adoption. Be it resolved, that the Town of Keene Board has completed all business and will adjourn at 6:08PM. 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

Meeting Adjourned at 6:08 PM

Respectfully Submitted, Cori-Anne Favro, Town Clerk

10/8/2021

## Testimony on Town Court Budget

Judge Henrietta B. Jordan

September 28, 2021

Thank you for inviting us to speak to you today about the 2022 budget for Keene Town Court.

The workload crisis we've been telling you about in recent months is real. I personally have been working more than 25 hours/week since the beginning of June and I know Judge Dwyer has been working hard, too. Since our salaries were established back in the day when town judges were expected to work 10-12 hours per week, this has been a little rough.

At the beginning of the budget process, we developed a revenue-positive proposal that would result in a surplus of \$13-23,000. It would require no taxpayer funding, unlike the deficit budget you adopted for 2021. In in, we proposed to increase judge time and salaries so that your judges would earn about \$22/hour for working an average of 17.5 hours per week.

But the Town Board, understandably, is reluctant to increase justice salaries until you know for sure that the caseload surge that begin in 2019 will continue.

We believe that it will—it certainly continued to increase in 2020, despite the pandemic—and the caseload numbers—both case starts and case dispositions—for the current year have already surpassed those for all of 2020 and 2019.

This, of course, has caused a substantial increase in revenues. Your budget for 2021 anticipated \$25,000 in fine revenue. At this point in the fiscal year—the end of the third quarter—net fine revenue realized by the Town of Keene totals almost \$60,000.

Another factor that should be considered: the complexity of our cases is increasing. We are currently working on 8 criminal cases for charges that, this year, have included petit larceny, trespass, DWI/DWAI, operating a meth lab, and narcotics possession. We just concluded a summary proceeding (eviction) and are monitoring compliance with court sentencing orders in several DWI/DWAI cases.

In developing our budget proposal, we estimated that, in 2022, case numbers will be about the same as those of 2021. We calculated the average number of hours for each case, added additional hours for criminal cases (which involve arraignments, pre-trial hearings, plea negotiations and/or trials, sentencing and monitoring conditions of release.)

We also factored in the hours required for:

- Recordkeeping (we have to report regularly to the Office of the State Comptroller, the Department of Motor Vehicles, and the Office of Court Administration (OCA) regarding case dispositions, fines, and surcharges),

- Casework (mostly helping people with license suspensions and other old-case issues),
- Courtroom management,
- Responding to various inquiries,
- Required continuing education courses.

The total is **2,300 hours of person-time** needed in 2022 to operate an efficient and fair court system that is fully accountable to the public.

Whether or not you increase judge time expectations and salaries, that need will continue.

In addition to handling a record number of new cases, Judge Dwyer and I have been dealing with the inevitable consequence of Keene's not having enough judge time. During the past 2 year, over one hundred cases fell through the cracks. These include no-show defendants that were never penalized for failure to appear and thousands of dollars in fines that were never collected.

We are open to ideas about how to manage our caseload in 2022. For example, if you wanted to keep justice time expectations more or less as they were in 2019 and give your justices a 3% cost-of-living raise, we could address the workload crisis by hiring a court clerk to work 20 hours per week. It is important that you understand that a court clerk is different from other clerk positions in our town. It requires initial training and certification, continuing education, and eligibility for dealing with DMV, the Office of Court Administration, and the State Comptroller's Office (i.e. a clean rap sheet), and the same access to criminal records and driving histories that law enforcement officials have.

I believe that a half-time (20 hr./wk.) salary based on an hourly wage of \$20-25/hour is warranted, particularly since the clerk will not be eligible for benefits such as dental and medical care that are available to elected officials and full-time town employees. Judge Dwyer is in the process of surveying other courts in Essex County so that we can calculate a local average.

But before you choose the option of hiring a half-time clerk instead the budget proposal we have provided to you, we ask that you appoint two Town Board members to meet with us, in the Courtroom, to discuss the causes and impacts of the workload crisis and work with us to identify the best means of addressing it.

There are pros and cons of hiring a clerk and we want to make sure that these are known to you before you decide.

Again, thank you. We look forward to working with you to make our court all we and the citizens of Keene want and expect it to be.

I believe that Judge Dwyer would like to add a few words.

## KEENE TOWN COURT - 2021 REVENUES TO DATE

	<b>Gross</b>	<b>Net to Keene</b>
Sep	\$22,350.00	\$7,152.00
Aug	\$20,276.00	\$6,488.32
July	\$21,739.00	\$6,956.48
June	\$20,466.00	\$6,549.12
May	\$22,823.00	\$8,179.00
Apr	\$17,037.00	\$5,518.00
Mar	\$18,748.00	\$5,948.00
Feb	\$15,769.00	\$6,413.00
Jan	\$14,190.00	\$6,202.00
	\$173,398.00	\$59,405.92