

Joseph P. Wilson Jr, Supervisor  
Robert M. Biesemeyer, Deputy Supervisor  
TOWN BOARD MEETING  
October 26th, 2021  
4:30pm  
Community Center Pavilion

Minutes of the Town Board Meeting held Tuesday, October 26th, 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, Liam Kenelly, Town Attorney, Ryan Hall, TJ Garcia, Reggie Whitney, Town Employees and town residents.

The Chairman, Mr. Wilson called the meeting to order at 4:30 PM. He asked that when you are speaking tonight to please speak up because it's very hard to hear with the rain on the tin roof of the pavilion.

\*Conversation and responses were very hard to hear at this meeting due to the meeting conditions of heavy rain. The meeting minutes will not contain as much transcription as they usually do, due to this challenge\*

RESOLUTION No. 247-21

The following resolution was offered by Ms. Whitney who moved to its adoption. Be it resolved, the Town of Keene board has reviewed and approved the following meeting minutes:

September 21st, 2021 Budget Workshop

September 28th, 2021 Town Board Meeting

October 5th, 2021 Budget Workshop

October 7th, 2021 Budget Workshop

October 12th, 2021 Town Board Meeting

This resolution was seconded by Ms. Whitney.

Ms. Cheetham-Palen wanted to make a change on the 9/28/21 town board meeting minutes. On page 9 she would like her statement to be clarified that she stated "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. "

Ms. Cheetham-Palen would like this to state "Ms. Cheetham-Palen explained that the Justices went through the same thing and she told the justices that they could not be the court clerk as well, due to a conflict of interest. "

The Town Clerk understood the changes and will make them.

Ms. Cheetham-Palen also stated that she thinks there were some questions or comments from community members after the little peaks/housing presentation that were missed. She requested that the comments stay consistent.

Ms. Favro, Town Clerk, stated she tries to get as much information in the minutes.

Mr. Wilson had a correction as well on the 10/7/21 budget meeting minutes. On page 2 "Mr. Wilson stated that yes people complain but we are paying him enough hours. He is just 2 days a week." The Correction will be made to add NOT paying him enough hours to that sentence.

Town Clerk understood the correction and will make the change.

No other corrections or changes needed. Minutes accepted as amended.

Roll Call Vote:

Mr. Wilson: yes

Mr. Biesemeyer: yes

Ms. Cheetham-Palen: yes

Mr. Deyo: yes

Ms. Whitney: yes

Motion Carried.

Privilege of the Floor:

Kim Smith asked about the part time clerk position. She stated that it was approved to change the salary to \$18.00/hr but this has not been updated on the town website job posting stating that. She asked if this pay increase has been posted anywhere, or newspaper because that is a significant change in pay and changes the pool of possible applicants.

Kim Smith also asked about the animal control officer vacancy, wondering why that has not been posted either.

Mr. Wilson stated for the pay for the part time clerk, he will rectify that correction on the website. For the animal control officer, the last time there was a vacancy he posted the position and got zero candidates. So this time he did not post the vacancy and is working with NYS Ag and Markets. They just called me and they have someone that wants to interview.

Maggie Sheldon also asked where on the Town Website this meeting was advertised? It says on town calendar that the meeting is at the Town Hall at 5:30, its doesnt say anything about 4:30, she also stated it was not in the paper and it was not in the minutes from the 10/12/21 meeting.

Mr. Wilson stated it on Nextdoor Keene.

Ms. Sheldon stated no, that's not acceptable, not everyone has nextdoor Keene.

Mr. Wilson explained that the issue is Town Hall staffing, he put it on Nextdoor Keene but he does not have wordpress skills to work the website. We are just too short staffed, so we are unable to get everything completed.

Mr. Wilson gave a COVID update, there is a spike and cases and 2 deaths this weekend in Essex County. So meetings need to be decided.

#### RESOLUTION No. 248-21

The following resolution was offered by Mr. Deyo who moved to its adoption. Be it resolved, the Town of Keene board will return to its regular Town Board meeting schedule for the remainder of 2021. Whereas the meetings will be held on the 2nd Tuesday of each month at 7:00 PM via ZOOM and the 4th Tuesday of each month at 5:30 PM via Zoom. This will be revisited in December. This was seconded by Teresa Cheetham-Palen.

Ms. Cheetham-Palen asked if the town board would be in person together at the Library and stream the meeting to the public?

Ms. Whitney stated her internet is not great at her house.

Mr. Wilson stated that the executive order that allows Zoom expires 1/14/2022, so this will be temporary.

The Town Board will have the option to be at the Library all together or Zoom from home. Links will be posted on the town website.

#### 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 Keene Library closing and combining operations with Keene Valley Library.

Karen Glass, Keene Valley Library board, announced that in 1904 the Keene Public Library was formed. In 1896 the Keene Valley Library was formed. In the early 1900's there were 2 libraries. The library board wanted to speak today because strong libraries create strong communities. When they heard there was structural difficulty at the Keene Library the Keene Valley Library wanted to offer a place to come in and run 2 libraries out of the same building. Karen looked to see if this had been done before and it has not been done. We are innovators. I think its important to have both libraries. They aren't just about books anymore, it's a shared resource. People need technology and community space. We have sewing

machines and food dehydrators, instead of having many in the community we can share these resources. Aaron Miller has such technology expertise and I look forward to learning that from him. We offered the joint space and created a memorandum of understanding.

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This memo outlines the current expectations between the Keene Valley Library Association and the Town of Keene Public Library. Both Libraries are looking forward to the temporary merger and positive aspects that will serve our entire community . We mention “current” ex[pectations because, like all new ventures, we need to be flexible and adaptable as issues arise.

1. The merger is expected to run approximately from November 1, 2021 to June 1, 2022

2. Anticipated staffing hours are:

Keene Library staff: Monday, Wednesday 8am-5pm and Friday 10am-5pm.

Keene Valley staff: Tuesday, Thursday and Saturday 10am-5pm.

3. Any cardholder may check out books on any of those days as we are both in the Clinton Essex Franklin library system.

4. Programming and collection development will be cooperatively managed and planned.

5. Through a grant, Keene Valley Library will assist the Keene Library with archival work either through a town historian or volunteers, approximately 3 hours a week,

6. The town of Keene will contribute \$2500 over the seven months toward utilities. This will be billed monthly. Additionally, the town will assist with snow removal outside the heated sidewalk, i.e. the public sidewalk and road access blocked by snow. The town will also help with small maintenance issues if they arise, as is done in the Keene Library now. The town will also help manage trash/ garbage disposal. The Keene Valley Library will perform facility cleaning.

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The archives will be a success that comes from this collaboration. We will have a total town archive and we will be able to digitize much of this. Coming out soon is a Town of Keene Historic Guide Calendar, which can be purchased at the Keene Valley Library.

Ms. Glass stated a special thanks for Bob Biesemeyer for the help with getting the grant information ready. CEF the grant people, she spoke to them and it's looking good to get 90% of the \$150,000.00 that we requested. Nothing is approved until the state says yes, so we are keeping a close watch on it.

Caroyln Peterson and Maggie Sheldon spoke. They thanked Karen Glass for all the work she put in on writing the grants, getting information and setting up the schedules and meetings that needed to happen.

Karen Glass also thanked Joe Pete for his help as well.

RESOLUTION No. 249-21

The following resolution was offered by Mr. Biesemeyer who moved to its adoption. Be it resolved, the Town of Keene will accept the presented memorandum of expectations for the 2021-2022 Keene and Keene Valley Library collaboration. This was seconded by Teresa Cheetham-Palen.

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 Justice of court update.

Mr. Deyo stated that Ms. Whitney and himself met with the justices and they all decided right now that no decisions will be made until after the election. This will be revisited in early December. Any changes or positions are on hold.

RESOLUTION No. 250-21

The following resolution was offered by Mr. Deyo who moved to its adoption. Be it resolved, the Town of Keene will establish a capital reserve account for water district one. This was seconded by Teresa Cheetham-Palen.

Roll Call Vote:

Mr. Wilson: yes

Mr. Biesemeyer: yes

Ms. Cheetham-Palen: yes

Mr. Deyo: yes

Ms. Whitney: yes

Motion Carried.

The MRTA local law as drafted was presented to the Town Board and members of the public. The board then needs to schedule a public hearing.

**A local law to opt out of allowing cannabis retail dispensaries and on-site  
consumption sites  
as authorized under Cannabis Law Article 4**

**Local Law No One of the year 2021**

**Be it enacted by the Town of Keene, County of Essex as follows:**

**Section 1. Legislative Intent**

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Keene that would otherwise be allowed under Cannabis Law Article 4.

**Section 2. Authority**

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

**Section 3. Local Opt-Out**

The Town Board of the Town of Keene hereby opts out of allowing cannabis retail dispensaries and onsite cannabis consumption sites from being established and operated within the town's jurisdiction.

**Section 4. Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Permissive Referendum/Referendum on Petition**

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

**Section 5. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

Mr. Wilson stated that we need to introduce our local law to ban sales and on-site consumption of cannabis in the Town of Keene. We are not voting on the law today, we are just introducing it. We need to just schedule a public hearing and then after that we vote. It needs to be introduced for 7 business days. Public hearing will be on zoom and has to be after 11/5/2021.

RESOLUTION No. 251-21

The following resolution was offered by Mr. Deyo who moved to its adoption. Be it resolved, the Town of Keene will hold the public hearing for the local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4 on November 8th, 2021 at 5:30 PM via Zoom online. This was seconded by Teresa Cheetham-Palen.

Roll Call Vote:

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

Motion Carried.

Mr. Wilson: This is our opt out law, this is subject to a permissive referendum. So there are multiple ways this could be changed in the future.

Next item of business, Transfer Station.

Mr. Wilson presented a hand out with images of the current transfer station and a proposed map of the future. He gave updates that the transfer station is now using a schedule app that communicates with service providers and the dump so we have better turn around. Roger is currently running that. TJ is working on new stairs for the trailer.

Dean Smith asked why didn't the town build a ramp instead of a set of stairs?

Mr. Wilson stated that it's a short term fix until we can address better access.

Mr. Alan Carey asked about removing the land so that the trailer can be moved and placed at ground level walk in. Mr. Carey stated last meeting he asked about this or suggested it and he was blown off.

Mr. Wilson stated no that there is reinforced concrete there so he suggested that him and Mr. Carey meet at the dump tomorrow to look at this. Mr. Wilson moved on with the meeting stating that there are some temporary improvements to keep it efficient so one person can

continue to run it. The grand scale of re-doing the traffic flow, and lowering the containers, but if we are going to make plans at the transfer station we have to have something to start with.

Mr. Biesemeyer stated he thinks that if the board could all meet up there and talk with Todd from the county to see all the options available.

Mr. Deyo agreed that we should make it a public meeting and just have the clerk come and take notes as well.

Some other conversation and questions went on about the transfer station, due to the rain the recording or clerk taking notes could not hear.

#### New Business: Town Hall Staffing

Mr. Wilson stated that right now we have a part time clerk that will be starting November 8th, 2021, but we will still not be covering a bunch of task like the website upkeep and the town calendar. We are trying to patch a lot together, how are we going to staff the town hall to get the work done. Mr. Wilson asked for ideas and input from the board on how to staff the town hall. We need to keep up with payroll.

Mr. Deyo asked, so on November 8th, you have the part time clerk starting correct?

Mr. Wilson stated that the new hire will be able to do some of the stuff, but it's still going to be short staffed.

Mr. Biesemeyer asked what the plan was for when Ashley goes out on maternity leave? Is Susan going to be coming in? Was that the plan?

Mr. Wilson stated that she will be doing payroll, right now that supervisor reports aren't getting done. Those need to get done so we can do our AUD for 2021, we are trying to find someone to come in and do bank reconciliations and supervisor reports etc. One suggestion I have is to make our part time clerk a full time clerk, so we will have someone to do planning board minutes, and keep up with our calendar.

Mr. Biesemeyer asked who the new hire was.

Mr. Wilson stated that she has not been appointed yet.

Ms. Whitney asked the supervisor if this was just a short term while Ashley's gone, but I don't understand a full time person beyond that. So are you just thinking of a full time person while the Clerk to the Supervisors is out for leave?

Mr. Wilson stated no, it would be needed for the long term, even after Ashley returns.

Ms. Whitney stated that she thought as a board they decided 29 hours for a part time hire was enough to get the task done. Why did this change? I think that you should wait until the part time clerk starts, then we will have someone working 29 hours a week that we did not have and see how it goes from there. Not hire full time now before we even see how the 29 hour help works.

Mr. Wilson stated that in the past we had the Town Clerk also worked 20 hours a week as a part time clerk, then we also had a part time clerk at 29 hours a week. So that is over 40 hours of work that has not been being filled, so 49 hours is not made up. 29 hours is a step in the right direction, but it's still missing hours.



Ms. Whitney stated that we do not know what to expect yet. An additional 29 hour person may be all the town needs.

Ms. Cheetham-Palen suggested that we try the 29 hour person and then go from there.

Ms. Whitney added they may be a very efficient worker.

Mr Wilson stated that this still leaves a gap.

Ms.Cheetham-Palen: What if we worked on getting a temp agency to fill Ashley's position while she is gone and work with the 29 hour person.

Mr. Wilson stated that he has been working with a temp agency for months and they cannot get anyone either and the rate for the temp agency is like \$23.00 an hour and they cant get anyone. It's the workforce issue we are having. People aren't lining up to go to work.

Ann Whitney stated she has 2 questions. The first is, did you ever get the phone fixed so when people call it will give them touch tone questions to direct them to the caller they are looking for?

Mr. Wilson stated no, so will the board approve the town hall to buy out the current contract on the phones so we can get the new system? It's about \$800.00 to get out of the contract and the new phone system will be about \$30.00/mo more than what we are paying now.

#### RESOLUTION No. 252-21

The following resolution was offered by Mr. Deyo who moved to its adoption. Be it resolved, the Town of Keene board approved the buyout of the phone contract with the current carrier to switch to Twinstare who can provide the updated phone technology needed. Whereas the town is approved to pay the contract termination fee of up to \$800.00 to complete this transaction. This was seconded by Teresa Cheetham-Palen.

Mr. Wilson stated right now we are with Avaya phone system and switching to Twinstare.

Mr. Deyo stated that the phone change is a much better option than jumping right to the full time hire.

#### Roll Call Vote:

Mr. Wilson: yes

Mr. Biesemeyer: yes

Ms. Cheetham-Palen: yes

Mr. Deyo: yes

Ms. Whitney: yes

Motion Carried.

Ann Whitney stated her second question, can't Aaron miller who works at the library do the website updates and the calendar information?

Mr. Wilson stated he does do this, but he is part time so it's a problem if he goes over his 29 hours doing a task like this.

Kim Smith asked about the pay, if you changed this part time clerk typist to full time at \$18.00/hr then this person will be getting paid more than the Supervisor and more than the Town Clerk. Is that job responsibilities more important than those of the Supervisor or Town Clerk?

Mr. Wilson stated it's not what is more important, and the job market is not allowing it now. We cannot hire someone for less money.

Ms. Smith pointed out again that this was never advertised with the raise in pay, so you have the 1 applicant in there that you are going to hire and they are the only person that knows it's an \$18.00/hr job, which now you want to change to full time.

Mr. Wilson so if we are going to change it to full time we will have to re-advertise the job. If it was made a full time job then we would have to put out a new listing.

Ms. Favro seeked clarification by asking what positions you are trying to fill? A part time person, the clerk to the supervisor and a full time person, along with the elected Town Clerk?

Mr. Wilson stated that we cannot farm out the payroll services, because of the county system. Kathy won't be doing any more than 12 hours a month.

So the Town will stay with the 29 hour clerk typist that is starting 11/8/21 and will go from there. No changes were made.

RESOLUTION No. 253-21

The following resolution was offered by Mr. Wilson who moved to its adoption. Be it resolved, the Town of Keene WHEREAS, the Town of Keene intends to terminate by abandonment any and all easements, implied, expressed or otherwise, located at 10 Interbrook Lane, Keene Valley, New York 12943, tax id number 62.15-1-5.200 and deed filed with the Essex County Clerk, deed book 1698 and deed page 64.

NOW, THEREFORE, BE IT RESOLVED, the Town of Keene terminates by abandonment any and all easements, implied, expressed or otherwise, located at 10 Interbrook Lane, Keene Valley, New York 12943, tax id number 62.15-1-5.200 and deed filed with the Essex County Clerk, deed book 1698 and deed page 64; the Town Supervisor is authorized to execute and file whatever documents including notices that are required, if any, to effectuate this resolution; authorizes the expenditure in the amount \$60 for filing fees with the Essex County Clerk. This 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 next item of business is the request from the Evans Family at the cemetery to purchase a pathway.

Mr. Wilson presented that this request will not interrupt any other family plot at Norton. The family will purchase the plot for \$250.00

RESOLUTION No. 254-21

The following resolution was offered by Mr. Deyo who moved to its adoption. Be it resolved, the Town of Keene board approved the purchase of the pathway for the Evans family at Norton Cemetery as laid out by the cemetery sexton for the fee of \$250.00 This 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.

RESOLUTION No. 255-21

The following resolution was offered by Mrs. Cheetham-Palen who moved to its adoption. Be it resolved, the Town of Keene board approved the 2020 AUD, which will be filed with the Town Clerk office. This 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.

Ms. Whitney asked about the DEC grant, and wanted to clarify since she saw information about it on Nextdoor Keene stating we had received the actual \$89,000.00.

Mr. Wilson stated that we have talked about this many times before. We got the actual grant, but to get the actual money you have to submit information.

Mr. Deyo: So to just clarify, we have not received any of that money?

Mr. Wilson: That is right, we have not gotten any money yet. We just wrapped up the shuttle season, so we now have to submit everyone's paychecks, cancelled checks. So we can't submit yet.

Ms. Whitney: Okay so we have not gotten any money yet, you are waiting to submit information for this year.

Mr. Wilson: Yes, any other questions from board members. No executive session, no amendments.

Mr. Carey: I have a question about the real property tax law for the fire department and exemptions of taxation.

Mr. Carey read a law from his phone and then asked why the fire department is being taxed on real property and water tax?

Mr. Wilson stated that the water district is a special taxing district and suggested that they sit down and look through the tax roll.

This went back and forth with a few questions. The Town Attorney suggested that the fire department Attorney contact him.

RESOLUTION No. 256-21

The following resolution was offered by Mr. Biesemeyer who moved to its adoption. Be it resolved, the Town of Keene board completed the audit of the bills. This was seconded by Mr. Deyo.

Roll Call Vote:

Mr. Wilson: yes

Mr. Biesemeyer: yes

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

Motion Carried.

RESOLUTION No. 257-21

The following resolution was offered by Mr. Biesemeyer who moved to its adoption. Be it resolved, the Town of Keene board completed all business and adjourned at 5:26PM .This 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 5: 26 PM

Respectfully submitted

Cori-Anne Favro, Town Clerk

11/7/2021