

Bi-Monthly Town Board Meeting
April 26, 2022
5:30 p.m. via Zoom

MTG #9
Res, # 133-144

BOARD MEMBERS PRESENT

Joseph P. Wilson, Jr., Town Supervisor
Robert Biesemeyer, Deputy Supervisor
Teresa Cheetham-Palen, Council Member
David Deyo, Council Member

BOARD MEMBER ABSENT

Jennifer Whitney, Council Member

TOWN OFFICIALS

Reginald Whitney, Deputy Highway Superintendent (In Charge)
Savana Li, Water Superintendent
Kimberly Smith, Town Clerk

MEMBERS OF THE PUBLIC PRESENT

3 participants logged onto the Zoom platform

SUPERVISOR WILSON called the meeting to order at 5:31p.m.

APPROVE MINUTES:

RESOLUTION APPROVING TOWN BOARD MINUTES

RESOLUTION NO.: 133,2022

INTRODUCED BY: TERESA CHEETHAM-PALEN
WHO MOVED FOR ITS ADOPTION

SECONDED BY: ROBERT BIESEMEYER

RESOLVED, that the Town Board minutes from April 12th, 2022
are accepted and approved.

Duly adopted this 26th day of April, 2022 by the following vote:

AYES: Supervisor Wilson, Mr. Biesemeyer, Ms. Cheetham-Palen, Mr. Deyo

NAYS: none

ABSENT: Ms. Whitney

PRIVILEGE OF THE FLOOR: (none)

OLD BUSINESS DISCUSSIONS

COVID UPDATES:

The Town Board discussed whether to continue using Zoom as the platform for the next meeting or to meet in person. It was agreed that the next meeting, Tuesday, May 10th will be held at the Keene Community Center Pavilion at 7:00 p.m. This will be held outside due to COVID precautions. If the weather looks as though it will not be possible, the Town Board will decide 3 days prior and post an updated plan.

ARPA FUNDS; REPORTING AND DISTRIBUTION:

Supervisor Wilson spoke and explained that he did the first report on the ARPA funds that were spent on Air Purification. He attended a conference last week in which they explained that there is a streamlined reporting for the Town's level of funds received. The reporting went smoothly and he anticipates that it was accepted. It sounds as though there will be no issues with the plans for the Water Infrastructure spending for both Little Peaks as well as the two water districts due to the amount of funds involved. As long as the Town did not receive over \$10 million and does not spend more than \$50,000.00 on any one project, the streamlined reporting process can be done.

BULKY DAYS:

Supervisor Wilson recommended postponing the discussion on Bulky Days. Ms. Whitney was unable to attend the meeting and has been working on it with Ms. Cheetham-Palen. There was a brief discussion stating that Bulky Days will most likely be held in the fall this year due to staffing concerns. Ms. Whitney and Ms. Cheetham-Palen will continue to work on details and it will be placed on the May agenda as a topic of discussion.

WATER DISCUSSION:

Supervisor Wilson asked Savana Li, Water Superintendent, to discuss the procedure for turn-ons and shut-offs for the water district. Ms. Li stated that she had spoken with Mr. Biesemeyer in regards to caretakers being able to turn the water on and off themselves. They were both in agreement that caretakers and residents should get prior authorization from either Ms. Li or Morris Coolidge before they could touch the town's water taps, and the resident's will still be charged the connect/disconnect fee. If the residents or caretakers do not get prior authorization, they will be charged a fine as well as be held liable for any damage caused by them.

Mr. Deyo clarified which turn-ons and shut-offs Ms. Li was discussing. She stated the main taps or curb stops. Mr. Deyo asked if a house has a shut-off on the property that leads to their own cabin, can they turn that off themselves. Ms. Li said yes. She is talking about the town turn-ons and shut-offs.

Supervisor Wilson asked if they should require that caretakers take a basic training before given authorization. Ms. Li explained that most caretakers have been doing it forever. Mr. Deyo stated that a class wasn't necessary. The ones that have been doing it know more than most people.

Ms. Cheetham-Palen asked what the town's liability is if they (the caretakers) do it incorrectly. Ms. Li stated that if anyone does it without authorization, any liability would be held to that individual, and they should also be fined. Ms. Cheetham-Palen asked

what would happen if someone that was given authorization causes damage, what would happen in that situation. Mr. Biesemeyer stated that it will need to be looked at case by case. Sometimes it can just be a failed curb stop.

Supervisor Wilson stated that once they revise the new Water Law, that this will go into the Water Law.

**RESOLUTION FOR PRIOR AUTHORIZATION OF CARETAKERS AND RESIDENTS
TO TURN-ON OR SHUT-OFF WATER SERVICE TAPS**

RESOLUTION NO.: 134,2022

**INTRODUCED BY: DAVID DEYO
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: ROBERT BIESEMEYER

WHEREAS, several caretakers and residents have the means to turn-on and shut-off the town's water line taps and have been allowed to do so in the past,

BE IT RESOLVED, that the Town Board agrees all caretakers and residents must have prior authorization from the Water Superintendent, Savana Li, to perform Keene and Keene Valley water main tap turn-ons and shut-offs and the resident will still incur the service maintenance fee of \$65.00 for each instance.

Duly adopted this 26th day of April, 2022 by the following vote:

AYES: Supervisor Wilson, Mr. Biesemeyer, Ms. Cheetham-Palen, Mr. Deyo

NAYS: none

ABSENT: Ms. Whitney

FURTHER WATER DISCUSSION:

Ms. Li was asked to discuss concerns with the current water billing structure. She explained that there are several different categories of water usage and it is complicated. She discussed the issue of the categories; "shop", "coffee shop" and "convenience store". The Valley Grocery is being billed as a "shop", which she is not certain is the appropriate category. Mr. Biesemeyer stated that if it doesn't fit into an appropriate category, the Board will need to sit down with her and re-evaluate the categories and make changes. Now is not the time to do that. It normally takes place in a Water Workshop Meeting. Supervisor Wilson and Mr. Deyo both stated that they agreed to leave the categories as is for this cycle of billing, and to re-evaluate them this fall and make any changes. Ms. Li stated that the issues she is discussing tonight are not decisions that need to be made tonight, but they are things that need to be addressed in the near future.

Supervisor Wilson explained that since they will be needing to do bonds for the Water Districts, that this fall will be an appropriate time to look at the categories and adjust the rates. It will be included with the new Water Law and give the Board time to do the due diligence that is needed to address these concerns.

Supervisor Wilson began the discussion about the Keene Valley Neighborhood House and recommended that the Town Board discuss that particular debt service, as it affects the budgeted amount to collect. He asked Ms. Li to provide details on this account in regards to what they have been billing and what they should be billing.

Ms. Li explained that after the debt service fee of \$300.00 was calculated, it was discovered that the Neighborhood House pays a debt service of \$4,477.75 and no one has an answer as to why that is. If no one knows why, it should be changed to \$300.00. The Neighborhood House pays the usage rate for each unit, a kitchen, and a laundry. The debt service is usually based on the parcel, not on the units.

Ms. Cheetham-Palen asked Ms. Li if she knew the logic behind the \$4,000.00 figure.

Ms. Li stated that she has no idea and Mr. Deyo stated that no one knows why or has any answers.

The Board Members spoke amongst each other trying to figure out if the debt service fee was calculated according to the number of units at the Neighborhood House. They thought that must have been the original reasoning behind the calculation of the fee. Supervisor Wilson stated that he didn't feel they would get satisfactory answers. Too much time has gone by. We have been working for the past four years to make the water district financial structure make sense and this is one more piece of that. The way that Kim and Savana calculated the debt service, we are still fine and will collect the right debt service amount. It will be one more step towards making our rates make sense and making it fair for all of the residents.

**RESOLUTION TO AMEND THE KEENE VALLEY NEIGHBORHOOD HOUSE'S
WATER DEBT SERVICE FEE**

RESOLUTION NO.: 135,2022

**INTRODUCED BY: ROBERT BIESEMEYER
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: TERESA CHEETHAM-PALEN

WHEREAS, it is unknown by the Town Board Members and the Water Superintendent where the increased debt service fee originated from,

BE IT THEREFORE, RESOLVED, that the Town Board approves the amendment of the Keene Valley Neighborhood House's annual water debt service fee from \$4,477.75 to \$300.00.

Duly adopted this 26th day of April, 2022, by the following vote:

AYES: Supervisor Wilson, Mr. Biesemeyer, Ms. Cheetham-Palen, Mr. Deyo

NAYS: none

ABSENT: Ms. Whitney

Supervisor Wilson asked Ms. Li to discuss the other issues that she has found for discussion. Ms. Li stated that Scott Smith is being overcharged. He is being charged for two residences. He actually has one residence and an AIRBNB rental, and should be charged for that. The Town Board did not want to review the discrepancies on an individual basis. Mr. Biesemeyer explained that there is normally a water workshop meeting in which these types of issues are discussed. Ms. Smith, Town Clerk, asked when such a workshop will take place to answer these types of questions, and whether there will be one prior to this year's billing, or if everything is staying the same and adjustments will be made for next year. Mr. Biesemeyer stated that normally they would have already had a workshop but it took so long as a Board to decide upon the water billing and collecting that they did not have one.

Supervisor Wilson asked if there are any further questions.

Ms. Cheetham-Palen stated that she did not realize that there are so many issues and that it does seem critical. She likes the idea of having a separate meeting to discuss these issues.

NEW BUSINESS DISCUSSIONS

RESOLUTION TO ADOPT STANDARD WORKDAY AND REPORTING

RESOLUTION NO.: 136,2022

**INTRODUCED BY: TERESA CHEETHAM-PALEN
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: ROBERT BIESEMEYER

WHEREAS, elected officials are required to submit a standard
work day calendar,

BE IT RESOLVED, that the Town Clerk's
Standard Work Day Reporting was submitted and is on file.

Duly adopted this 26th day of April, 2022, by the following vote:

AYES: Supervisor Wilson, Mr. Biesemeyer, Ms. Cheetham-Palen, Mr. Deyo

NAYS: none

ABSENT: Ms. Whitney

GUEST SPEAKER:

Lissa Goldstein, on behalf of the Farmer's Market, spoke and explained that the Farmer's Market is scrambling to catch up with where the town wants them to be now. Prior to COVID, there was no management with how the parking was taking place and everyone agrees that parking wasn't great. And when COVID came around they started managing the parking, along with other things, by using volunteers. It took an enormous amount of people to do that. Now the town wants them to continue to do that this year and it's still going to take quite a few people. Some of the people that were volunteering

are no longer interested in doing so this year. They need to come up with a long term solution for it. For this year, it means they need to hire someone to replace one of the volunteers, Nancy Both, who took on a lot of responsibility (in the past). The Farmer's Market has no employees but has raised the money to pay for a person. They do not have an accountant or a person to do payroll or anything associated with payroll. If they are able to find a person to hire, can they house them under the town's payroll? Then the Farmer's Market will pay the town in some way.

Mr. Deyo asked for clarification that the town will not be paying for it in any way. That the Farmer's Market is just asking them to put the person on the town's payroll and the Farmer's Market will reimburse the town for it.

Ms. Goldstein verified that yes, that was correct.

Mr. Deyo agrees with it and stated that it helps the community.

Supervisor Wilson stated that the town did this in the past with Hurricane Mountain Friends of the Firetower, where the town was the employer of the steward. At the end of it, the DEC reimbursed the town for the money. A contract will need to be set up with the Farmer's Market in regards to unemployment and that the position will not be eligible for healthcare or paid time off, but they can potentially be eligible for the NYS Retirement System. These are questions that Supervisor Wilson is looking into and an agreement or contract needs to be drawn up once they have all the answers.

RESOLUTION TO HOST AN EMPLOYEE FOR THE FARMER'S MARKET

RESOLUTION NO.: 137,2022

**INTRODUCED BY: DAVID DEYO
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: ROBERT BIESEMEYER

WHEREAS, this year the Farmer's Market needs an employee to assist with the demands of running it and addressing the parking concerns,

AND WHEREAS, the Farmer's Market does not have the means to pay such employee but can reimburse the Town of Keene for doing so,

BE IT RESOLVED, that the Town Board approves adding the employee to the Town of Keene payroll, providing that a signed contract with the Farmer's Market is in place with all the details listed.

Duly adopted this 26th day of April, 2022, by the following vote:

AYES: Supervisor Wilson, Mr. Biesemeyer, Ms. Cheetham-Palen, Mr. Deyo

NAYS: none

ABSENT: Ms. Whitney

The Town Board thanked Ms. Goldstein for her time.

**RESOLUTION TO APPOINT VIRGINIA MILLER AS A
KEENE LIBRARY BOARD MEMBER**

RESOLUTION NO.: 138,2022

**INTRODUCED BY: ROBERT BIESEMAYER
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: TERESA CHEETHAM-PALEN

WHEREAS, Jill Bassett resigned from her seat on the Keene Library Board,

BE IT THEREFORE, RESOLVED, that the Town Board appoints Virginia Miller
to fill the vacancy on the Keene Library Board.

Duly adopted this 26th day of April, 2022, by the following vote:

AYES: Supervisor Wilson, Mr. Biesemeyer, Ms. Cheetham-Palen, Mr. Deyo

NAYS: none

ABSENT: Ms. Whitney

Mr. Biesemeyer gave an update on the status of Keene Public Library. Things are working out very well for them at the Keene Valley Library location. Instead of returning to Keene for the summer, the Keene Library will resume at the Keene Valley Library location.

**RESOLUTION TO ESTABLISH A PETTY CASH FUND
FOR THE TOWN CLERK**

RESOLUTION NO.: 139,2022

**INTRODUCED BY: ROBERT BIESEMAYER
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: DAVID DEYO

RESOLVED, that the Town Board approves a petty cash fund of \$100.00 to be used by
the Town Clerk as deemed necessary.

Duly adopted this 26th day of April, 2022, by the following vote:

AYES: Supervisor Wilson, Mr. Biesemeyer, Ms. Cheetham-Palen, Mr. Deyo

NAYS: none

ABSENT: Ms. Whitney

HIGHWAY SUPERINTENDENT DISCUSSION:

Supervisor Wilson gave an update about the Highway Superintendent vacancy. Since the Highway Superintendent left, Reggie Whitney is now in charge as the Deputy Highway Superintendent. Supervisor Wilson is waiting to hear back from the Town Attorney with answers to a few questions that have come up in regards to the position. As of right now the Town Attorney has said that if the Town Board appoints Mr. Whitney as the interim Highway Superintendent then they can't protect his position of Deputy because only the Highway Superintendent can appoint their own Deputy. He is waiting to hear back how they can protect Mr. Whitney's position, his employment, if he takes the interim position. Do they leave Mr. Whitney's current position vacant so he can move back to it when a new Highway Superintendent takes over? Or, if Mr. Whitney wants to run and doesn't win, how do they protect his job? Those are clarifications that he is still waiting to hear from the Town Attorney about. Supervisor Wilson asked if anyone present on Zoom had any questions; Town Board Members, Mr. Whitney, or any other employees of the highway department that were logged on.

Mr. Biesemeyer spoke and said that as long as between now and the time of the election they don't hire more employees in the highway department, then they will be running one man short in the highway department. After the election, if Reggie decides he wants to run for that position and someone else decides to run for that position and if Reggie should lose, we will be able to fill the position that's still vacant. It will be a Board decision on how that will be filled after the election. There are not a lot of legal implications to it. It's pretty straightforward.

Kim Smith, Town Clerk, stated that she brought the vacancy certification to the Board of Elections Monday afternoon. The Board of Elections told her that now it is open for anyone to start circulating petitions that are interested in the position.

Mr. Deyo stated to wait and get that information from the Town Attorney and to make sure Mr. Whitney is protected. In the meantime, Mr. Whitney acts as Highway Supervisor as he so wants to, and if he wants to run or if he doesn't want to run, we keep him protected. Let him run the highway department until then.

Supervisor Wilson stated that Mr. Whitney already is running it since he is the Deputy. By law he steps in if the Highway Superintendent is not serving. He will let everyone know when he hears back from Liam, Town Attorney.

Supervisor Wilson and Mr. Whitney stated that they will set up a time to talk.

BUDGET RESOLUTIONS:

RESOLUTION TO TRANSFER FUNDS WITHIN THE GENERAL FUND

RESOLUTION NO.: 140,2022

**INTRODUCED BY: ROBERT BIESEMEYER
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: TERESA CHEETHAM-PALEN

RESOLVED, that \$446.75 is approved to be transferred out of #A019904.01.004.00 Contingency Line with \$89.75 moved into #A016604.01.004.00 Central Supply CE and \$357.00 moved into #A074104.01.004.00 Library CE.

Duly adopted this 26th day of April, 2022, by the following vote:

AYES: Supervisor Wilson, Mr. Biesemeyer, Ms. Cheetham-Palen, Mr. Deyo

NAYS: none

ABSENT: Ms. Whitney

RESOLUTION TO AMEND THE 2022 BUDGET

RESOLUTION NO.: 141,2022

**INTRODUCED BY: ROBERT BIESEMEYER
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: TERESA CHEETHAM-PALEN

RESOLVED, to amend the 2022 Budget to increase the Serial Bond Highway Garage Line #A971.6.56 by \$12,500.00 from unallocated funds.

Duly adopted this 26th day of April, 2022, by the following vote:

AYES: Supervisor Wilson, Mr. Biesemeyer, Ms. Cheetham-Palen, Mr. Deyo

NAYS: none

ABSENT: Ms. Whitney

Discussion prior to vote:

Ms. Cheetham-Palen asked why the budget had to be amended. Supervisor Wilson stated that there was not enough funds on that budget line to cover the costs that are owed.

SUPERVISOR'S REPORT:

RESOLUTION TO ADOPT THE SUPERVISOR'S MONTHLY REPORT FOR DECEMBER, 2021

RESOLUTION NO.: 142,2022

**INTRODUCED BY: TERESA CHEETHAM-PALEN
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: ROBERT BIESEMEYER

RESOLVED, that the Supervisor's Monthly Financial Statement for December 2021 is accepted by the Town Board, as presented, and placed on file with the Town Clerk.

Duly adopted this 26th day of April, 2022, by the following vote:

AYES: Supervisor Wilson, Mr. Biesemeyer, Ms. Cheetham-Palen, Mr. Deyo

NAYS: none

ABSENT: Ms. Whitney

Ms. Cheetham-Palen asked if this filing means that they can move forward with the (2021) AUD. Supervisor Wilson stated yes, next week his office will be working on the AUD and it will hopefully be completed by the next Town Board meeting.

AUDIT BILLS:

RESOLUTION TO AUDIT THE BILLS

RESOLUTION NO.: 143,2022

**INTRODUCED BY: ROBERT BIESEMEYER
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: DAVID DEYO

RESOLVED, that the Town Board approves the following bills for payment, including those that were prepaid.

Multi-Fund Vouchers numbered 22-358 to 22-398, totaling \$ 217,794.37, as follows:

General Fund Bills	\$ 92,040.82
Highway Fund Bills	15,675.10
Water District #1 Bills	45,357.94
Water District #2 Bills	64,716.76
Trust & Agency	3.75

Duly adopted this 26th day of April, 2022, by the following vote:

AYES: Supervisor Wilson, Mr. Biesemeyer, Mr. Deyo

NAYS: none

ABSTAINED: Ms. Cheetham-Palen

ABSENT: Ms. Whitney

ADJOURNMENT:

RESOLUTION TO ADJOURN

RESOLUTION NO.: 144,2022

**INTRODUCED BY: DAVID DEYO
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: ROBERT BIESEMEYER

RESOLVED, that the Town Board of the Town of Keene has completed all business and hereby adjourns the Bi-Monthly Meeting at 6:15 p.m.

Duly adopted this 26th day of April, 2022, by the following vote:

AYES: Supervisor Wilson, Mr. Biesemeyer, Ms. Cheetham-Palen, Mr. Deyo

NAYS: none

ABSENT: Ms. Whitney

Respectfully submitted,

Kimberly E. Smith
Town Clerk
Town of Keene

May 1, 2022