

Regular Town Board Meeting
July 12, 2022
6:30 p.m. at Keene Community Center Pavilion

MTG # 15
Res, # 200-215

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, Highway Superintendent
Kimberly Smith, Town Clerk

TOWN EMPLOYEES

Roger Preston, Facilities Manager

MEMBERS OF THE PUBLIC PRESENT

Donald Smith, Brian Knapp, Mike Estes, Ellen Estes, Barb Dumas, Ann Whitney

SUPERVISOR WILSON called the meeting to order at 6:30 p.m.

APPROVE MINUTES:

RESOLUTION APPROVING TOWN BOARD MINUTES

RESOLUTION NO.: 200, 2022

INTRODUCED BY: ROBERT BIESEMAYER
WHO MOVED FOR ITS ADOPTION

SECONDED BY: DAVID DEYO

RESOLVED, that the Bi-Monthly Town Board minutes from May 31st, 2022 are accepted and approved.

Duly adopted this 12th day of July, 2022 by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

RESOLUTION APPROVING TOWN BOARD MINUTES

RESOLUTION NO.: 201, 2022

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

SECONDED BY: ROBERT BIESEMEYER

RESOLVED, that the Regular Town Board minutes from June 14th, 2022 are accepted and approved.

Duly adopted this 12th day of July, 2022 by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

PRIVILEGE OF THE FLOOR:

Brian Knapp, resident, spoke in regards to a concern he has. There was a complaint filed to the APA by one of his neighbors which caused him to have to stop running his business. This resulted in him spending approximately \$20,000.00 to have the claim resolved. There were three sites which were reported and in order for the complainant to do so, they would have had to trespass on his property. He was concerned that there is no recourse that takes place when there is a false, anonymous claim that is filed against individuals. He was required to prove that he was not guilty of anything in order to continue with his work. He stated that he is disappointed that the neighbor did not just come and talk to him. Instead there was an enforcement officer that showed up at his home. He had his wetlands flagged and established in 2011 with boundaries set and he did not cross them. It was his responsibility to prove so. During that time he lost work and had to cease his operations.

Mr. Deyo replied to his concerns and stated that he understands his frustrations. He told Mr. Knapp that no one approached the Town Board in regards to the incident and that if they had, he would not have had any issues speaking to Mr. Knapp directly.

Mr. Knapp stated that he is very disappointed that whomever reported him did not first approach him directly.

Supervisor Wilson stated that he was glad that Mr. Knapp came to the Town Board to share his concerns and that hopefully residents will stop and consider speaking to one another first. Supervisor Wilson also stated that no one came to him with any concerns about the complaint.

Donald Smith, resident, asked how many AEDs and first-aid kits had been ordered.

Supervisor Wilson stated that he ordered them and they were waiting to receive them. He stated that he sent the link to Ashley for them to be ordered.

Mr. Smith asked if Supervisor Wilson was sure that they had been ordered, that it has been 2 months.

Supervisor Wilson stated that there was a problem with the credit card, so they may not have been ordered.

Mr. Smith stated that he was told at the last meeting that they were already ordered so he was wondering.

Supervisor Wilson explained what was wrong with the credit card.

Mr. Smith asked how many AEDs were being ordered and where Supervisor Wilson was going to put them.

Supervisor Wilson answered and stated one would be at the Highway and one would be at the Town Hall. There is already one at the Community Center and the Youth Commission already has one at the School. Supervisor Wilson also stated that they will be refreshing the first-aid kits. He asked Roger Preston if he has a first-aid kit in his work truck and Roger stated that he does.

OLD BUSINESS DISCUSSIONS

COVID Updates:

Supervisor Wilson spoke and stated the Town Attorney is currently in quarantine and was unable to attend the meeting tonight. He also stated that the NYS Department of Health recommendations are that anyone over the age of 50 years old that has not gotten a shot in 2022 is advised to do so.

Bonding Plans for Water District #1 & #2:

Supervisor Wilson gave an update on the need to pause the bonding process for Water District #1 at this time. Savana Li, Water Superintendent, is looking into additional repairs that may need to be included with the project. At this time they are unsure of the cost of these additional repairs. There are repairs that need to be done at the river bank. They are unsure if it is on either side of the bank or if the issue is actually under the river.

Donald Smith, resident, asked if the damage is found to be under the river would the repairs needed possibly be caused by a natural disaster? And if so, can the town apply for assistance?

Supervisor Wilson stated that once they are certain what the repairs are, they will move forward with trying to determine the best course of action. Due to these issues needing to be assessed, the bonding will be on pause until an accurate cost is determined.

The Town Board is moving forward with the Water District #2 bonding process.

RESOLUTION OF THE TOWN OF KEENE, ESSEX COUNTY, NEW YORK AS TO SEQRA DETERMINATION

RESOLUTION NO.: 202,2022

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

SECONDED BY: DAVID DEYO

BE IT RESOLVED by the Town Board of the Town of Keene, Essex County, as follows:

Section 1. It is hereby determined that the Board adopting this resolution has declared itself to be the lead agency under the State Environmental Quality Review Act ("SEQRA") and the regulations promulgated thereunder for purposes of determining the environmental impact of the project described in Section 3 hereof and completed all requisite requirements in connection therewith.

Section 2. It is hereby determined that the project described in Section 3 hereof is a Unlisted Action, which, it has been determined will not have any significant adverse impact upon the environment.

Section 3. The project which is the subject of this resolution is described as follows:

Increase and improvement of the facilities of the Water District No.2, in the Town of Keene, Essex County, New York, consisting of construction of a new well field control building at the site of the existing well field control building, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, together with development of a new water source, construction of a new well, abandonment of existing well, acquisition of installation of water meters, at a maximum estimated cost of \$5,029,607.20.

Section 4. This resolution shall take effect immediately.

Duly adopted this 12th day of July, 2022 by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

Now that the SEQRA has been adopted, the next step is to set the public hearing for Water District #2. There will be a Special Meeting of the Town Board held on Thursday, July 28th at 5:00 p.m. at the Keene Community Center Pavilion to set the public hearing date, time, and location.

**RESOLUTION TO APPROVE THE BILLING OF ADDITIONAL CUSTOMERS IN
WATER DISTRICT #1 AND WATER DISTRICT #2**

RESOLUTION NO.: 203,2022

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

SECONDED BY: ROBERT BIESEMEYER

WHEREAS, the Anticipated Water list for 2022 was previously approved
by the Town Board,

AND WHEREAS, changes and additions to the billing are now needed,

BE IT RESOLVED, that the Town Board authorizes the billing for the following customers at the rates established:

- Dejun Hai, 1937 NYS Route 73, KV \$427.00 for water rent and \$300.00 for debt service
- Richard and Lola Porter, 1941 NYS Route 73, KV \$300.00 debt service, and \$427.00 water rent once the water is turned on
- Coptic Property, LLC, 10827 NYS Route 9N, Keene \$400.00 water rent

Duly adopted this 12th day of July, 2022 by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

Holiday Schedule Amendment

Town Board Members discussed the Employee Handbook, Section *701 Holidays*, in regards to the transfer station schedule. There had been prior discussions to amend this section to include holidays in which the transfer station should remain open.

RESOLUTION TO AMEND SECTION “701 HOLIDAYS” IN THE TOWN’S EMPLOYEE HANDBOOK

RESOLUTION NO.: 204,2022

**INTRODUCED BY: JOE PETE WILSON, JR.
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: DAVID DEYO

RESOLVED, that the Town Board approves the amendment of Section “*701 Holidays*” in the Town’s Employee Handbook to state that the transfer station will remain open on Memorial Day and Labor Day.

Duly adopted this 12th day of July, 2022 by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

Discussion prior to vote:

Barb Dumas, resident, inquired about the transfer station being open the day after the fireworks to be able to dispose of the debris from them.

Supervisor Wilson stated that he had already been in touch with John Schuler and in the future he will schedule a time for him to dispose of the debris.

Pavilion Reservations and Use

Supervisor Wilson stated that this year there have been several requests to reserve the Community Center Pavilion. When these requests have been made residents are generally advised that they cannot be held late at night and cannot accommodate large crowds, as it is in a residential area. Currently there are no set rules and guidelines established such as the ones for Marcy Field. Supervisor Wilson asked Councilman Deyo if he would be willing to meet with him to establish guidelines and rules for these reservations. He stated that decisions such as insurance and whether to allow liquor licenses were also topics to discuss. Mr. Deyo agreed to work on the rules and guidelines for the pavilion use with Supervisor Wilson and they will bring them back to the board.

NEW BUSINESS DISCUSSIONS

**RESOLUTION TO APPOINT DEAN SMITH TO
DEPUTY HIGHWAY SUPERINTENDENT**

RESOLUTION NO.: 205,2022

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

SECONDED BY: TERESA CHEETHAM-PALEN

WHEREAS, the Highway Superintendent has authority to appoint a Deputy,

AND WHEREAS, Reginald Whitney Jr. has appointed Dean Smith as Deputy Highway Superintendent,

BE IT RESOLVED, that the Town Board approves the appointment of Dean Smith to Deputy Highway Superintendent for the remainder of 2022.

Duly adopted this 12th day of July, 2022 by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

RESOLUTION APPROVING THE USE OF MARCY FIELD

RESOLUTION NO.: 206,2022

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

SECONDED BY: ROBERT BIESEMEYER

RESOLVED, that the Town Board approves the use of Marcy Field on Saturday, September 10th for an Elopement Ceremony.

Duly adopted this 12th day of July, 2022 by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

RESOLUTION APPROVING THE USE OF MARCY FIELD

RESOLUTION NO.: 207,2022

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

SECONDED BY: TERESA CHEETHAM-PALEN

RESOLVED, that the Town Board approves the use of Marcy Field on Saturday, July 30th for the Tony Goodwin retirement gathering,

AND, BE IT FURTHER RESOLVED, that the Town Board authorizes the serving of alcohol at this event providing that proper licenses are obtained.

Duly adopted this 12th day of July, 2022 by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

EXECUTIVE SESSION: (NONE)

BUDGET RESOLUTIONS:

RESOLUTION TO TRANSFER FUNDS WITHIN THE GENERAL FUND

RESOLUTION NO.: 208,2022

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

SECONDED BY: TERESA CHEETHAM-PALEN

RESOLVED, that the Town Board approves the following transfers within the General Fund:

\$2,730.00 out of #A014301.01.001.00 Personnel PS and
\$2,730.00 into #A014304.01.004.00 Personnel CE

\$1,836.51 out of #A016201.01.001.00 Buildings PS and
\$1,836.51 into #A016204.01.004.00 Buildings CE

\$2,149.90 out of #A019904.01.004.00 Contingency with
\$149.90 into #A016604.01.004.00 Central Supply and
\$2,000.00 into #A075504.01.004.00 Celebrations CE

\$50.00 out of #A080202.01.002.00 Planning EQ and
\$50.00 into #A080204.01.004.00 Planning CE

\$20.00 out of #A071104.01.004.00 Parks CE and
\$20.00 into #A07112.01.002.00 Parks EQ

Duly adopted this 12th day of July, 2022, by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

RESOLUTION TO TRANSFER FUNDS WITHIN SW #1

RESOLUTION NO.: 209,2022

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

SECONDED BY: TERESA CHEETHAM-PALE

RESOLVED, that the Town Board approves the following
transfer within SW #1:

\$1,813.85 out of SW#1 83202.7.002 Source Power Pump EQ and
\$1,813.85 into SW#1 83204.7.004 Source Power Pump CE

Duly adopted this 12th day of July, 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.: 210,2022

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

SECONDED BY: TERESA CHEETHAM-PALEN

RESOLVED, that the Town Board approves the following amendments
to the 2022 budget:

to increase Parks EQ Line #A071102.01002.00 by \$23,850.13 to be transferred from
unallocated funds to purchase a Ventrac from Champlain Valley Equipment
and
to increase Source Power Pump CE Line #A83204.07.004.00 by \$8,365.18
to be transferred from NYCLASS SW#1 Fund.

Duly adopted this 12th day of July, 2022, by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

SUPERVISOR'S REPORT:

**RESOLUTION TO ADOPT THE SUPERVISOR'S MONTHLY REPORT
FOR JANUARY, 2022.**

RESOLUTION NO.: 211,2022

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

SECONDED BY: DAVID DEYO

RESOLVED, that the Town Board approves and accepts the January, 2022 Supervisor's
Report and that it is on file with the Town Clerk's office.

Duly adopted this 12th day of July, 2022 by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

The monthly Supervisor's Reports for February through May of 2022 were presented
with a discrepancy of -\$952.35. The Town Board Members did not accept these reports
at this time and will review them at the next regularly scheduled meeting on August 9th.

AUDIT BILLS:

RESOLUTION TO AUDIT THE BILLS

RESOLUTION NO.: 212,2022

**INTRODUCED BY: TERESA CHEETHAM-PALEN
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 22-531 to 22-616, totaling \$ 72,433.81, as follows:

General Fund Bills	\$56,352.24
Highway Fund Bills	6,072.97
Water District #1 Bills	9,082.21
Water District #2 Bills	540.87
ARPA Fund	385.52

Duly adopted this 12th day of July, 2022, by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

**It should be noted that Mr. Biesemeyer and Mr. Deyo were opposed to voucher #2022-572 for the purchase of a Ventrac.

Discussion prior to vote:

Town Board Members as well as Roger Preston, Facilities Manager, and Reggie Whitney, Highway Superintendent, discussed the pros and cons of the Ventrac purchase as well as additional options of other tractors, mowers, and snow blowers. They also discussed options of using local service people in addition to using Champlain Valley Equipment. Roger Preston will research whether the Ventrac comes with any type of warranty.

ADJOURNMENT:

RESOLUTION TO ADJOURN

RESOLUTION NO.: 213,2022

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

SECONDED BY: JOE PETE WILSON, JR.

RESOLVED, that the Town Board of the Town of Keene has completed all business and hereby adjourns the Regular Meeting at 7:13 p.m.

Duly adopted this 12th day of July, 2022, by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

RESOLUTION TO RECONVENE

RESOLUTION NO.: 214,2022

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

SECONDED BY: JOE PETE WILSON, JR

WHEREAS, Mr. Biesemeyer had additional information to share with the Town Board,

BE IT RESOLVED, that the Town Board reconvened into regular session at 7:14 p.m.

Duly adopted this 12th day of July, 2022, by the following vote:

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

NAYS: none

ABSENT: Ms. Whitney

Mr. Biesemeyer discussed the parking problems that have been brought up by the public. He presented the 1992 Master Plan as well as the recent Strategic Plan done by the Town of Keene. Both plans mentioned the issue and also discussed the importance of on street parking in order for the business district to be successful. Both plans had the same suggestions listed: use of parking lots at the Church and at Keene Central School. Parking on the street has been a topic of discussion for over 20 years.

Mr. Deyo stated that from Roostercomb to Beede Road it is always busy during these two months. There are businesses there and he wants them to thrive and to be able to remain here. Parking isn't usually an issue after that. He also mentioned that the parking from Wildflower Way up and around to the other side has ceased for the past three years, so that has improved.

Supervisor Wilson stated that on Market and Adirondack Streets they are still working on ideas to control the speed and make people more aware.

Reggie Whitney, Jr., Highway Superintendent, stated that when and if the new sidewalk project takes place, it may help the situation as well.

Ms. Cheetham-Palen agreed about the sidewalk project and stated that some areas have sidewalks that have an in and out design, similar to the way Lake Placid has

theirs. She also mentioned that while traveling she saw some streets that have barriers in which cars must take turns on the roadway.

Mr. Deyo stated that the roads of Keene were established in the year 1808. At that time, there was no way of knowing how developed it would become.

Mr. Biesemeyer recommended that the Board Members and Supervisor let the residents know that everyone is aware of the parking issues, and if they have any recommendations on how to solve it, to bring them to the attention of the Board.

RESOLUTION TO ADJOURN

RESOLUTION NO.: 215,2022

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

SECONDED BY: TERESA CHEETHAM-PALEN

RESOLVED, that the Town Board of the Town of Keene has completed all business and hereby adjourns the Regular Meeting at 7:19 p.m.

Duly adopted this 12th day of July, 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

July 19, 2022