

Special Town Board Meeting
July 28th, 2022
5:00 p.m. at Keene Community Center Pavilion

MTG #16
Res, # 216-221

BOARD MEMBERS PRESENT

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

TOWN COUNSEL

Bryan Liam Kennelly, Esq.

TOWN OFFICIALS

Savana Li, Water Superintendent
Kimberly Smith, Town Clerk

MEMBERS OF THE PUBLIC PRESENT

Donald Smith, Paul Vincent, Henrietta Jordan (Town Justice)

SUPERVISOR WILSON called the meeting to order at 5:00 p.m.

Supervisor Wilson gave a brief description of the agenda for the meeting.

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

RESOLUTION NO.: 216,2022

INTRODUCED BY: ROBERT BIESEMAYER
WHO MOVED FOR ITS ADOPTION

SECONDED BY: TERESA CHEETHAM-PALEN

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 Type II Action, which, as such 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.1, in the Town of Keene, Essex County, New York, consisting of replacement of water treatment plant control equipment including pumps, meters, valves, controls, together with

emergency repairs (reconstruction) to water distribution main, and including improvements and expenses in connection therewith, at a maximum estimated cost of \$300,000.

Section 4. This resolution shall take effect immediately.

Duly adopted this 28th day of July, 2022, by the following vote:

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

NAYS: none

ABSENT: Mr. Biesemeyer

Discussion prior to vote:

Supervisor Wilson stated that this is the first step in the bonding process for Water District #1. He asked if any Board members had any questions. With no questions being asked he opened it up to public questions.

Paul Vincent, resident, stated that he understood that they were adopting the SEQRA but he had questions in regards to #3 of it; how the money was going to be spent. Is there any accountability or are they throwing money at the wall?

Supervisor Wilson stated at the next step they will have the plan of what they are buying and the equipment that they are replacing. They will have that on file once they have established that. So far they have been able to fund the Capital Improvements that they have needed out of their Operating. But in 2019, when they had their water main damaged, that was an unanticipated cost of over \$200,000. That derailed the ability to self fund repairs. That \$200,000 had to be borrowed from the General Fund to pay for that repair. The town is in the process of going out for reimbursement of that from FEMA because it was declared a natural disaster. But they (FEMA) only reimburse up to 70%. So some of this money is going to go towards the cost that was done from that Halloween storm.

Paul Vincent asked why the water rent charges went from \$400.00 per year down to \$325.00 during that time?

Supervisor Wilson stated that WD #1 was set up a little bit differently than WD #2, where it is set up based on the assessment of people's property. So, for WD #1 it comes right out of..., then he asked if Paul meant operating costs?

Paul Vincent asked about the water rent amount. He said that he assumes that is what is used to cover the future operating expenses.

Supervisor Wilson responded yes, that they are trying to slowly increase the rates so they can save some money back in.

Mr. Vincent asked if the water rent went down in the Town of Keene? And why would it have ever gone down?

Supervisor Wilson stated that it happened in 2018. He asked Savana, Water Superintendent, if she knew which year it had gone down. Savana stated that it was either 2018 or 2019.

Mr. Deyo spoke and stated that Mr. Vincent was correct, that the water rent amount should not have been lowered at that time. Now putting it back up just pisses people off.

Mr. Vincent asked how long the debt would be incurred for. He stated that they are currently on year 14 of a 30 year bond. And now they are having to turn around and borrow more money?

Supervisor Wilson stated that when he started in 2017 with both water districts it was unclear to him on how the water rates were being calculated. It was kind of a mess. Money from operating was going towards debt, there wasn't any savings happening, and with water plants there should be capital improvements every 10 years. That hasn't happened here. We started this project that we have here with water wells, the wells were past their service life and no money had been saved to replace them. So Supervisor Wilson and Ryan started to try and generate enough money to have at least one well at a time. That would have been around \$65,000, but then the water main issue happened with the storm.

Mr. Vincent asked why the water rents had been lowered \$75.00 at that time.

Supervisor Wilson stated that it was his mistake. That it was him learning how to straighten out the billing there. The money wasn't being used properly.

Mr. Vincent then discussed Water District #2 and that he did the math and at five million dollars that would mean each subscriber would need to pay \$12,500. He stated that people could drill a well for that price and not have to worry about paying \$400 and wondering if things will be working and stuff. He doesn't understand why they have to keep spending all of this money and it's never ending. If things are only supposed to last for 10 years.

Supervisor Wilson stated that it is the repairs. You have to do the pumps. If they take of the wells, they will last a lot longer.

Mr. Vincent stated that he hopes they last a lot longer than that. They are having people pay \$400, \$500, \$600, \$800 per year for upkeep, he does not think that they are being fiscally responsible.

Supervisor Wilson asked Mr. Vincent if he wanted to continue discussing Water District #1 or Water District #2.

Mr. Vincent stated that he only mentioned Water District #2 because he figured out the estimate of how much each person would need to pay, \$12,500 each if there are 400 customers in the district.

Supervisor Wilson stated that he could discuss Water District #2, but it genuinely was a disaster. No maintenance was done. Nothing was taken care of. And they are going to be paying for things they are retiring for 16 more years now.

Mr. Vincent stated that it is a problem.

Supervisor Wilson explained that this next project will be digging themselves out of a hole as a result of it. And luckily they started working on Water District #1 before it got that bad. They are trying to keep WD #1 from going down the path that WD #2 did. And they can't turn the billing on a dime. If they had raised the rates without the projects planned.....it took awhile to figure out what they needed to do. What were the

emergency things that needed to be done? So that's why they are borrowing the money now for WD #1. They know that they can't afford to fund out of pocket, which is what they had been doing. The Halloween storm put them behind the eight ball.

Mr. Vincent asked for clarification of what they are borrowing for WD #1.

Supervisor Wilson stated that they may not borrow all of the \$300,000. The highest amount they can get from FEMA is \$147,000. But they are waiting to see what they get. They need to pay back \$218,000 to the General Fund.

Mr. Biesemeyer asked Supervisor Wilson if the amount he stated was \$147,000.

Supervisor Wilson replied and stated that is the max that they can get. They had borrowed around \$207,000 from the General Fund, and FEMA will reimburse up to 70 percent of that.

Henrietta Jordan joined the meeting at 5:10 p.m.

Mr. Vincent asked when they would know the amount from FEMA. How do they know how much?

Supervisor Wilson stated that they are on FEMA's schedule and that it has been two years.

Mr. Vincent asked what the expectations are. He also stated that the town can't count on that money. If the payment to the General Fund is \$207,000 that leaves \$93,000.

Supervisor Wilson stated that the bond is for up to \$300,000. If FEMA does the reimbursement, the town will not need to borrow that much money.

Mr. Vincent stated to forget FEMA. They are waiting for money that may never show up. If they do the bond, \$207,000 needs to go to the General Fund, which will leave \$93,000. Will that \$93,000 be enough to cover the upgrades that need to be done in Water District #1?

Supervisor Wilson replied yes. He cannot remember the final numbers for what they have to buy. Yes, this would be to get what they need to get and pay back the General Fund.

Mr. Vincent asked if they are considering taking what is left of the old bond and putting it together with the new one.

Supervisor Wilson stated that is not a good idea for two reasons; 1. They would not qualify for as low of an interest rate as what they already have on the first bond 2. If they extend that loan, it will be harder for them for their next capital project.

Mr. Vincent stated that he was not recommending extending it. They already owe on it for 16 more years. He would consider redoing it for only 10 years and getting it taken care of. Then they won't be turning around and borrowing again. If you need to do it every 10 years, you want this one paid off before you need to do it again.

Supervisor Wilson stated that he is trying to line up the current bond with the new bond to both expire at the same time. In the meantime, if they start raising the water rents a

little bit so they can start saving money to do their own projects, then with both bonds paid off they will be ready to borrow money to do the next main project.

Mr. Vincent stated that they already moved the water rent up to \$400 per year.

Supervisor Wilson stated that realistically it will have to go up to pay this bond. And everything costs more. Fuel costs more, the parts they buy cost more. In order to keep up with that, they are going to have to raise rates. And to be responsible and to be prepared for projects they should have some capital savings built into what is charged so they can tackle projects: the pumps, reconditioning the wells. Those are the types of things that in a couple of years we will be able to tackle on our own.

Mr. Vincent then asked if they really needed a full-time person to oversee the water works. He stated that he was asking that because there was a time when one person did both of the water works, all the shoveling, snow removal, and the mowing in this town. One person did it.

Supervisor Wilson responded and stated that if the town goes back to that, that one person cannot do the regular maintenance that needs to be done to keep both districts from just totally wearing out and running equipment too long and having a series of breaks. When he took office, WD #2 was leaking 200,000 gallons of water. They were running one well, cause that's all that was left, practically full time to keep up with the demand. In the summer they could just barely meet the demand. No one had repaired leaks unless they were bubbling up in the road.

Mr. Biesemeyer stated that what Supervisor Wilson said was not exactly true. He stated that was completely wrong, but that he could spread whatever he wanted to. He said that Supervisor Wilson made it sound like nobody did anything until he got in office. That is completely wrong.

Supervisor Wilson stated that it was what the Department of Health said

Mr. Biesemeyer stated that it was not. He was there and he knew what happened. He said that Supervisor Wilson was not the knight in shining armor.

Mr. Vincent asked if they were saying one person, full-time, 8 hours per day would be working on the maintenance of the two water districts and to do the daily testing of the water.

Savana Li, Water Superintendent, stated that when she first started she was working over 60 hours per week.

Mr. Vincent stated that he can see that she needed to do that initially after the mess that she was left.

Mr. Biesemeyer stated that it was not that much of a mess and that he hated to hear that being said in public. He said that Ryan did a hell of a job, that he was there for a long time, and that anytime that he came in there the Town Board, the Keene Board was singing praises. They would tell Ryan how wonderful the job was that he had done. He cleaned all of the hydrants for them, he did this, he did that, and now all of a sudden Ryan is not here and it is suddenly a disaster. Saying that it was a wreck when they got there.

Supervisor Wilson stated that he did not say that Ryan was the problem. He was saying that when he took office Ryan was spending half of his time riding a lawn mower and not working on water. So it was not his (Ryan's) fault.

Mr. Biesemeyer stated that it was ridiculous. It was complete bullsh*t. He stated that he was leaving the meeting because he couldn't stand to sit there and listen to it.

Mr. Biesemeyer left the meeting at 5:18 p.m.

Supervisor Wilson stated again that he was not saying that it was Ryan's fault. Ryan was only a half time Water Superintendent. He wanted to be clear that the minutes reflect what he meant. He stated that it was how Ryan decided to work. He spent as much time mowing as he did on the water stuff.

Ms. Li was speaking directly to Mr. Vincent. Due to the rain, no one could hear what was being said.

Ms. Whitney told Ms. Li that we could not hear her.

Ms. Li stated that there was not enough time to do everything.

Mr. Vincent resumed discussing the \$300,000 bond amount. He stated that he did not understand basing it on the fact that they might or might not get FEMA reimbursement. He stated that the town may as well plan on needing the whole amount.

Supervisor Wilson stated that they need to prepare both ways. They need to get the bond for this amount while they wait for FEMA to decide. If they don't plan to do it both ways they could get caught not being able to get the work done.

Mr. Vincent asked if they knew how much it would cost. How much will the residents be paying for the debt service?

Supervisor Wilson stated that he has not figured it out because he doesn't know yet exactly how much they are going to borrow. Once they find out how much they need to borrow, they will be able to figure it out. Supervisor Wilson additionally stated that they do not know what the interest rate will be yet either.

Mr. Vincent asked how many years the bond will be taken out over. He stated that it should not be for over more than 10 years, if they are thinking that is generally how long the equipment lasts.

Supervisor Wilson stated that he plans to take it out for 15 - 16 years so that it lines up with the current bond and they will both end at the same time. He stated that he is hoping that it will last for a couple of decades once it is repaired. Some of the repairs are for infrastructure that has a longer service life. Supervisor Wilson explained that they have been servicing and taking care of the wells so that they will last.

Mr. Vincent stated that he was happy with the answers to his questions. He was not happy to be spending money, he understands why. Mr. Vincent asked to speak about out of district customers. He is an out of district customer. He discussed the fact that residents that have a fire hydrant in front of their homes receive a discount on their homeowners insurance. He gave an example of a resident that is not in the district, does not pay anything to the town, but has a fire hydrant in front of their home so they pay a lower fire insurance rate. He also asked about the ad valorem charges to

residents in WD #1. He doesn't understand why the water district was not expanded and why he is still considered out of the water district. He also stated that it was explained to him that they do not have the benefit of being in the district, so he thought he was to be billed on the structures and not the land.

Supervisor Wilson stated that Savana is looking at who else is in a similar situation where they are on the water line but out of district.

Mr. Vincent discussed Linda Deyo's property and that she has an 800 foot water line that she has to maintain, and Mr. Vincent doesn't have anything to maintain. He understands that he should be considered in the district, but she should be considered out of district. Anyone in the district should be charged the same way, but if Ms. Deyo has to maintain 800 feet of water line, she should not be charged as much as everyone else. She should be charged against the value of the buildings on the property.

Mr. Deyo stated that he wants to look into it as well. He stated that he actually owns that property, and that his mother does pay the water district bill for it.

Mr. Vincent stated that if someone decides to join the water district, and pays to do the work in order to join, they are not getting the same benefit as someone that does not have to do the work and maintain it. It should be fair all the way around.

Supervisor Wilson stated that he had spoken with Mr. Vincent at the Town Hall and that his concerns are valid and he is having Savana look into it. They are looking at the district lines, which is part of the puzzle.

Henrietta Jordan, resident and Town Justice, asked to speak in regards to WD #1. She is in favor of doing what it takes to keep the water system up to par, and doing the necessary repairs. It is foolish to let something deteriorate over time by penny pinching and then finding out there is a big mess later that will be expensive to fix.

Supervisor Wilson thanked her and stated that was exactly what they had found themselves in and now they are trying to clean up and reorient the condition.

ORDER TO CALL PUBLIC HEARING FOR WATER DISTRICT #2

Public Hearing will be held on August 23rd, 2022 at 5:00 p.m. at the Town Pavilion on Church Street on the question of the increase and improvements of the facilities of Water District No. 2 at a maximum estimated cost of \$5,029,6607.20.

**(A complete copy of the Order Calling Public Hearing and the vote
is attached at the end of these minutes.)**

RESOLUTION TO APPROVE REPAIRS IN WATER DISTRICT #2

RESOLUTION NO.: 217,2022

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

SECONDED BY: JENNIFER WHITNEY

RESOLVED, that the Town Board approves water line repairs in the amount up to \$11,000.00 for repairs to service properties at 72 and 103 Mason Young Lane in Water District #2.

Duly adopted this 28th day of July, 2022 by the following vote:

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

NAYS: none

ABSENT: Mr. Biesemeyer

(Sketch of proposed changes submitted by Water Superintendent are attached at the end of these minutes)

Discussion prior to the vote:

Supervisor Wilson asked Ms. Li if she received quotes for the repairs.

Ms. Li stated that the parts were \$2,200 plus the excavating that will need to be done. She estimated that the repairs could take up to \$11,000.00.

Mr. Deyo stated that he saw the map and asked if they were changing it because it was on private property.

Ms. Li explained the sketch and how she plans to reconfigure the line. It will go across and under the Strickler's driveway. She had received a call about a leak. In the process of repairing the initial leak, the line blew in two additional places. The current line goes under Mason Young Lane and then on private property and runs between two large trees. It would be difficult to repair. Instead, they plan to put in a new line which will no longer be on private property.

Mr. Deyo clarified that they were not just rerouting it due to the private property, but because of the additional issues.

Ms. Li confirmed that.

Remediation of mold in the Town Hall Building

Supervisor Wilson stated that they are still waiting for the remediation quote from the contractor, so they do not have the exact number. He asked the contractor to break it down into three parts: 1. The cleanup in the main building. 2. A second quote for the installation of vapor barrier. 3. And the third is if they want to clean all of the heating ducts for the forced air.

**RESOLUTION TO APPROVE PHASE 1 OF MOLD REMEDIATION
AT THE TOWN HALL**

RESOLUTION NO.: 218,2022

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

SECONDED BY: TERESA CHEETHAM-PALEN

WHEREAS, KAS Environmental Science & Engineering provided a Mold Assessment and Remediation Plan (attached hereto),

AND WHEREAS, said plan states that visible mold should be remediated in accordance with New York State legislation,

AND WHEREAS, the town has contacted Green Home Solutions for a quote for such mold remediation,

BE IT THEREFORE RESOLVED, that the Town Board approves Phase 1 of mold remediation at the Town Hall up to the amount of \$4,000.00.

Duly adopted this 28th day of July, 2022 by the following vote:

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

NAYS: none

ABSENT: Mr. Biesemeyer

Discussion prior to the vote:

Mr. Deyo stated that some of that can be done by town employees. A couple of guys could get together to put down the vapor barrier. He does not want to be taken advantage of as a municipality when the quote comes in. Down the road there are other things that need to be done. The basement needs to be opened up. He said that he spoke with Roger about it. He didn't tell Roger what to do. On rainy days, they can take a bucket of hot soapy water with a couple of capfuls of bleach and it really takes care of that. Over time if they maintain things then they won't have to wait until all things go to hell to have to replace things that could have been prevented by regular maintenance.

Supervisor Wilson stated that Mr. Deyo brought up some key points. At this point in time he thinks they should only focus on the clean up. Overall, he was already going to propose replacing the furnace in the Town Hall because the forced air heat is bad for air quality and that is what was spreading the mold. There is no mold in the actual basement, it is in the furnace itself. He thinks they should replace the boiler for energy efficiency. He agrees that they should not do the vapor barrier until they decide about the furnace. He would like the Board to approve up to "x" amount for the clean up so that they can get back to operating there.

Ms. Cheetham-Palen asked if there was a ballpark figure.

Supervisor Wilson stated that with the vapor barrier they had been saying around \$8,000.00. If we do just the clean up to start with, it was going to be around \$4,000.00. He asked Kim Smith if that sounded right to her.

Ms. Smith responded that the consultant from KAS, which was the company that did the assessment, stated that he estimated the remediation to be from \$3,000.00 to \$8,000.00 to do everything.

Mr. Deyo stated that he is skeptical about these types of businesses trying to take advantage of municipalities.

Donald Smith, resident, asked about the vapor barriers. He asked if it was a dirt floor in the basement and if they were talking about putting plastic over it.

Supervisor Wilson stated yes, basically.

Mr. Smith stated that they could do that anytime, but that it is probably wise to do it now.

Supervisor Wilson explained that if they are going to tear out the forced air heating that it doesn't make sense to do the vapor barrier now and then crawl all over it.

Mr. Vincent asked what they plan to put back in.

Supervisor Wilson stated a propane on demand. Mr. Deyo stated a split unit. Supervisor Wilson explained that it will heat, cool, and dehumidify. That's what they need in order to prevent this from happening again.

Mr. Smith asked if they were talking about mini splits.

Supervisor Wilson responded yes.

Mr. Vincent stated that it sounded great but this past year in January and February his electric bill just about doubled.

Mr. Deyo stated that it happened to everyone in the town. That was not due to a mini split, it was the fact that the prices increased for everyone. Some people's bills were 3 to 4 times higher this past year due to the cost of propane.

Supervisor Wilson agrees with waiting on the vapor barrier but wants to move forward with a Phase 1 clean up. He suggested \$4,000.00 for Phase 1.

Mr. Deyo stated that he wanted to get Town Hall open as soon as possible.

Supervisor Wilson asked if Kim had anything to add and if this was a good first step.

Ms. Smith stated that she wants to get back into the Town Hall. She had been in and out of it while wearing a mask, but it is more running around and it is difficult for the staff to communicate with each other.

Mr. Deyo stated that they do not know if there are any health concerns.

Ms. Cheetham-Palen stated that she thinks it is a health concern.

Supervisor Wilson explained that they have plans for the future as well. They are going to put the file cabinets up on blocks to give them some relief from the walls for the air flow.

Mr. Smith recommended possibly putting the file cabinets on wheels instead of blocks to make it easier to clean behind them.

Ms. Cheetham-Palen and Supervisor Wilson agreed that it may be a good idea. Supervisor Wilson stated that the fire safe cabinets weigh about 1,000 pounds, but maybe they can put them up on dollies.

EXECUTIVE SESSION:

**RESOLUTION FOR THE TOWN BOARD TO ENTER INTO
EXECUTIVE SESSION**

RESOLUTION NO.: 219,2022

**INTRODUCED BY: JENNIFER WHITNEY
WHO MOVED FOR ITS ADOPTION**

SECONDED BY: TERESA CHEETHAM-PALEN

RESOLVED, that the Town Board and the Water Superintendent went into Executive Session at 5:43 p.m. to discuss legal issues.

Duly adopted this 28th day of July, 2022, by the following vote:

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

NAYS: none

ABSENT: Mr. Biesemeyer

RESOLUTION TO RECONVENE FROM EXECUTIVE SESSION

RESOLUTION NO.: 220,2022

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

SECONDED BY: JENNIFER WHITNEY

RESOLVED, that the Town Board is reconvening from Executive Session at 6:05 p.m. and entering into Regular Session.

Duly adopted this 28th day of July, 2022, by the following vote:

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

NAYS: none

ABSENT: Mr. Biesemeyer

No decisions were made during the Executive Session.

ADJOURNMENT:

RESOLUTION TO ADJOURN

RESOLUTION NO.: 221,2022

**INTRODUCED BY: DAVID DEYO
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 Special Meeting at 6:05 p.m.

Duly adopted this 28th day of July, 2022, by the following vote:

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

NAYS: none

ABSENT: Mr. Biesemeyer

Respectfully submitted,

Kimberly E. Smith
Town Clerk
Town of Keene

