

Regular Town Board Meeting
September 13, 2022
7:00 p.m. at Keene Community Center Pavilion

MTG #20
Res. #240-249

BOARD MEMBERS PRESENT

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

TOWN COUNSEL

Bryan Liam Kennelly, Esq.

TOWN OFFICIALS

Reginald Whitney, Highway Superintendent
Savana Li, Water Superintendent
Kimberly Smith, Town Clerk

MEMBERS OF THE PUBLIC PRESENT

Dean Smith, Donald Smith, Bill Ferebee, Andrew Wadsworth, Ann Whitney, Roger Preston, Craig Benway, Matt Smith

SUPERVISOR WILSON called the meeting to order at 7:01 p.m.

APPROVE MINUTES:

RESOLUTION APPROVING TOWN BOARD MINUTES

RESOLUTION NO.: 240,2022

INTRODUCED BY: ROBERT BIESEMEYER
WHO MOVED FOR ITS ADOPTION

SECONDED BY: TERESA CHEETHAM-PALEN

RESOLVED, that the Regular Town Board minutes from August 9th, 2022, the Public Hearing minutes from August 23rd, 2022 and the Special Town Board minutes from August 23rd, 2022 are accepted and approved.

Duly adopted this 13th day of September, 2022 by the following vote:

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

NAYS: none

PRIVILEGE OF THE FLOOR: (none)

Supervisor Wilson announced that the Town Board received a letter of resignation from Jennifer Whitney, Town Board Member for the Town of Keene which was effective immediately. He explained that it was why they were short a Board Member at the current meeting. He submitted a copy of the resignation letter to the Town Clerk, Ms. Smith. He stated what the town has done in the past was to solicit for letters of interest and then to interview candidates. He asked the Town Board Members how long they want to set for the submission of letters of interest; a week, 5 days, 10 days?

Mr. Deyo agreed and stated that once it was announced to see who was interested.

Mr. Biesemeyer stated, to post it on Nextdoor Keene.

Ms. Smith stated that she thought the Board needed to wait until the Board of Elections was notified of the vacancy and that Ms. Whitney needed to still formally submit a resignation to the Town Clerk.

There was a discussion in regards to the procedure in which things needed to be done. Mr. Deyo asked if they needed to wait until the Board of Elections was notified before it was posted.

Ms. Smith stated that she thought so.

Mr. Kennelly, Town Attorney, stated yes that she is still on technically.

Supervisor Wilson clarified that even though the resignation stated effective immediately, that it still needed to be filed with the Town Clerk and the Board of Elections for it to be officially vacant. He asked how long, once they can post it, did the Board Members want to accept letters of interest for.

After discussion, it was decided that once the board was able to post the opening, they would accept letters of interest for one week. After the deadline to submit, they would move forward and start the interview process. Supervisor Wilson stated that once all letters of interest were received, he would scan them to Board Members and they could each review them.

Ann Whitney, resident, asked a question of the board. She asked if a person wanted to be on the board and their husband was the Highway Superintendent, could they be.

The Town Board Members stated yes, as long as they did not hold another elected office. Supervisor Wilson explained that there could be some conflict laws to follow, such as abstaining from the salary vote. Mr. Deyo explained that there are already employees of the town that overlap, such as the Clerk to the Supervisor and her husband's position in the Highway Department.

Matt Smith, resident, inquired as to when he would address the Town Board in regards to a water bill. Supervisor Wilson initially stated that they would be discussing water districts later in the meeting. Ms. Smith, Town Clerk, clarified and stated that Mr. Smith was asking about Privilege of the Floor, rather than water district projects. The Supervisor granted him the opportunity to go back to Privilege of the Floor.

PRIVILEGE OF THE FLOOR:

Matt Smith, explained that he purchased property on Market Street. He stated that when he purchased the property, that the water was turned off at the location and that it was still turned off. He received a water bill for the property which he was not expecting. He asked if they could only be responsible for the water debt fee and not the water usage portion because of the water being off.

Mr. Deyo responded and explained that the Town Board was intending to speak with the Town Attorney in regards to his situation. He explained that Mr. Smith did not need to remain at the meeting and that if a decision was made and if given the attorney's permission he would call Mr. Smith to inform him of the decision.

Supervisor Wilson also addressed Mr. Smith, and explained that the Town Board had other water billing issues to discuss with the Town Attorney during Executive Session. He had the Water Law printed out along with a letter from Mr. Smith's wife and the notes from the previous bills mailed.

Mr. Smith thanked the board.

OLD BUSINESS DISCUSSIONS

COVID UPDATES:

Supervisor Wilson gave an update and stated that the Executive Order that allowed remote meetings for Towns has expired. Because of this, Zoom is no longer an option and should be noted for when they discuss the meeting schedule later on the agenda.

FUND BALANCE POLICY DRAFT:

Supervisor Wilson stated that he wrote up a draft fund balance policy. (copies of which were provided to Board Members in advance of the meeting) He explained each of the funds. These are: the General Fund, the Highway Fund, the Library Fund, and the two Water District Funds. He explained that it was important to have a policy for them especially since some of them are growing pretty large. They need to plan what they are doing with them and if they ever get audited and they are carrying a large fund balance, they need to have a plan. It also leads into the Town Wide Capital Plan. In the General Fund, they do have a healthy fund balance that they can use to tackle some of the projects that they have.

Supervisor Wilson asked for each Board Member to read through the description on the draft policy. The first part they needed to think about and discuss was the fund balance amount that they wanted to carry. For the General Fund, he chose the amount of \$400,000, which seems like a lot but with the natural disasters that they sometimes face that would be the cushion they could have to help pay for those.

Mr. Biesemeyer stated that they are legally required by the Comptroller's Office to have a certain amount in the fund balance.

Supervisor Wilson replied and said no, it's just a reasonable fund balance. They have to justify whatever number they pick. He explained that in the Highway Fund he chose a smaller number, not because Highway is less important, but because natural disasters tend to come out of the General Fund. If they want to change that and say the Highway is where they would pay for road and bridge damage, they should increase the amount that is there. The numbers on the draft were just numbers that he used as a reasonable starting place and what they need to justify is how much they want to carry in each of those funds.

Mr. Deyo asked for verification that those were just fictitious numbers that they were going to carry and that they are not amounts that they are planning to spend right now.

Supervisor Wilson replied no, that is the point of a Fund Balance, they are not going to spend it. They are keeping it as a reserve for emergencies; huge increases in energy costs....

Mr. Biesemeyer asked to just take one at a time, the General Fund. How much is actually in their General Fund?

Supervisor Wilson replied and said \$1.8 million. That is why they need to do this. They are carrying a huge fund balance. Even if they put \$400,000 in the General Fund there would still be \$1.4 million to use towards Capital Projects, so there is enough to increase that for natural disasters if it is needed.

Mr. Biesemeyer asked if he could get a print out of the actual balances as they are now rather than the proposed. That would be helpful so they could see what they really have.

Supervisor Wilson agreed. He asked Mr. Deyo if he had clarification. Mr. Deyo asked if it was a reserve for where the funds would be spent. Supervisor Wilson stated no, that it was not. Supervisor Wilson explained that at the end of the year, if any of the fund balances were above the set amounts, that they would be used according to the policy: deposit into a reserve fund or applied to a debt or towards the following budget year. The \$400,000 is what they would be saving, to have as a buffer, in case they need it as an emergency. Supervisor Wilson gave the example of Hurricane Irene. He stated that the fund balance must have helped when that happened. The hardest thing in those situations is trying to figure out where to get the money from. A lot of times they need to have money to spend before they can apply for reimbursements.

Mr. Biesemeyer asked Bill Ferebee if that is what the Town did. Did they have to spend all of their money?

Bill Ferebee responded and stated that they did need to start spending money before they were eligible to apply for help, but they didn't need to spend everything. He stated that they usually tried to keep one million dollars in the General Fund.

Supervisor Wilson stated that from looking back it looks as though the town would spend money and then FEMA would reimburse. And then the town would spend more money and FEMA would reimburse. It was revolving but it was critical to have a balance.

Supervisor Wilson and Mr. Biesemeyer discussed whether to increase the Highway Fund balance for roadways and bridges.

Supervisor Wilson reviewed the Water District Fund Balances; he stated that he did not try to come up with fund balances there because the taxing districts are a bit different. Anything that goes into the fund balance would come off from the rates that the district users pay. They should have a fund balance, they need a fund balance in there. But he was at a loss of where to even start with the Water District amounts. That was a tricky one that they will need to work their way through. Having a Water District Fund Balance is what would prevent them from needing to borrow from the General Fund in the future.

Supervisor Wilson then spoke about the Library Fund and stated that it mostly relied on the General Fund, so he made that one really small.

Supervisor Wilson asked Board Members to review the draft and stated that he would send each of them the current balances that are in each one. He asked if the Board Members would like to add this topic to the budget workshops to discuss further. The Board Members agreed that this goes hand in hand with the Budget and to do so.

Mr. Biesemeyer stated that the draft was good.

Ms. Cheetham-Palen spoke and stated that if these fund balances have additional amounts in them at the end of the year, she really wanted to discuss how they would divvy the money up. She did not like the idea of balancing the next year's budget unless it was an absolute emergency.

Supervisor Wilson asked if any Board members had any further questions and if any members of the public had any.

TOWN WIDE CAPITAL PLAN DRAFT:

Supervisor Wilson then went on to discuss the Town Wide Capital Plan draft which was provided. He stated that he had been working on the draft for the past eight to ten months. He stated that he thought it was important in order to keep track of what they have bonded, of their buildings, and of their facilities. It is to make sure they are spending money on what the people of the town want. One critical expense that he wants to talk about is heat in the Town Hall. He explained that the Code Officer wrote specs for a heat pump/furnace combo that they had discussed and that he planned to put out to bid. He wants to proceed with that. It was going to start being cold and the current furnace is very old, inefficient and it is what had been spreading the mold.

Mr. Biesemeyer asked if they needed to do a resolution for it.

Supervisor Wilson asked if the Town Board wanted to give authority to spend up to "x" amount of dollars once he gets the bids, or do they want to review the bids prior to any spending.

Mr. Biesemeyer stated that he would expect bids to be around \$20-\$25,000.

Supervisor Wilson stated that the Code Enforcement Officer's estimate was less than \$20,000.

**RESOLUTION TO SPEND UP TO \$20,000 FOR
A TOWN HALL FURNACE**

RESOLUTION NO.: 241,2022

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

SECONDED BY: DAVID DEYO

RESOLVED, that the Town Board approves the funding of a furnace for the Town Hall building of up to the amount of \$20,000.

Duly adopted this 13th day of September, 2022, by the following vote:

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

NAYS: none

Discussion prior to the vote:

Mr. Deyo stated that they should reach out to several people about it because there are huge variances in people that do it.

Supervisor Wilson stated that he would ask Mr. Deyo for some names and that he was also planning to reach out to the county and have them put it out on their network. Mr. Deyo stated that Mr. Biesemeyer probably had more names than him, but to definitely shop it around.

Mr. Biesemeyer stated that quality of the work was important as well.

Supervisor Wilson also stated that someone may come in with a low bid but then not be able to get the supplies for four months. Mr. Biesemeyer agreed and stated that they cannot just focus on the lowest price. It was agreed that Supervisor Wilson would discuss the bids with Mr. Biesemeyer once they came in.

AGENDA PLANNING:

Supervisor Wilson then discussed the Town Board meeting schedule. It is getting darker and colder in the year, and they can no longer hold Zoom meetings.

The Town Board agreed to keep the Tuesday, September 20th Budget Workshop meeting for 6:00 p.m. and the Tuesday, September 27th Bi-Monthly Town Board meeting for 5:30 p.m. at the Keene Community Center Pavilion. They will decide at the September 27th meeting if the times and/or locations of future meetings would be adjusted.

Supervisor Wilson also stated that the October 5th Special Meeting would be a short one and it could also remain as scheduled. The Board Members agreed.

BONDING PLANS WATER DISTRICT #1:

Supervisor Wilson discussed Water District #1. At the Public Hearing and Special Town Board meeting there was a question about whether the town is on the hook for whatever they bond. The answer is, the town has to guarantee the loan, the bond. That is NYS Law, it is not negotiable. If they want a bond, and they do need it, the town has to guarantee it. The town's too small to do anything but that. In answering the question, the bonding attorney said that they can't do a revenue bond and that the bond has to be pledged by the town.

Mr. Biesemeyer spoke and stated that if the Water District defaults, that means that the entire town tax base is responsible.

Mr. Deyo stated that it generally never happens but it was in the State Constitution and the residents that asked the question should know that was the answer they were looking for.

Supervisor Wilson clarified and said that it's not really if they are in default, it would be if the users in the Water District stopped paying their bills. But there is a remedy for that already in place. If they don't pay their bills, they get relieved onto their tax bills. The likelihood of that ever happening are very slim.

The Board Members were all in agreement that the information provided by Supervisor Wilson answered the questions that were asked at the Public Hearing.

Ms. Cheetham-Palen spoke and stated that she understood it the same way as explained, it was a general obligation bond backed by the credit of the town. And this bond was the only one available for a government of their size.

Mr. Deyo verified that it was the same type of bond for both Water District #1 and Water District #2. Supervisor Wilson verified.

Supervisor Wilson asked the Town Clerk to read the Public Interest Order to be voted on.

Ms. Smith: "In the Matter of the Increase and Improvement of the Facilities of Town of Keene Water District No. 1 in the Town of Keene, Essex County, New York, having held a Public Hearing on September 6th, 2022 the Town Board feels that it is in the public's best interest to move forward with the order."

**PUBLIC INTEREST ORDER FOR
WATER DISTRICT #1**

The Public Hearing was held on September 6th, 2022 at 5:00 p.m. at the Town Pavilion on Church Street. With all persons being heard at said Public Hearing, the Town Board adopted the Public Interest Order.

**(A complete copy of the Public Interest Order and the vote
are attached at the end of these minutes.)**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OF THE
TOWN OF KEENE, ESSEX COUNTY, NEW YORK, TO PAY THE COST OF THE
INCREASE AND IMPROVEMENT OF THE FACILITIES OF WATER DISTRICT NO. 1
IN THE TOWN OF KEENE, ESSEX COUNTY, NEW YORK**

RESOLUTION NO.: 242, 2022

**(A complete copy of this resolution and the vote
are attached at the end of these minutes.)**

BONDING PLANS WATER DISTRICT #2:

Supervisor Wilson stated that all of the paperwork, orders and resolutions are in the bonding attorney's hands for Water District #2. They are working on generating the bond now. The next step was to make a concrete plan on well drilling. The money was going to be on the way. They do have some money in the Capital Reserve to start it. They want to be ready to drill as soon as the ground clears in the spring.

Mr. Biesemeyer stated that he read the Town Magazine that comes out every month and it talked about eligibility for the infrastructure law that was just passed Federally. He asked if the funds the town were getting were from EFC. For EFC, they had to have the project already started. But with the infrastructure money it says that they should not have it started. So it's kind of a catch 22. He stated that he knew they needed to continue with EFC because they had already started, but the infrastructure one, there is a lot of money out there.

Supervisor Wilson replied and stated that they had applied for the Bipartisan Infrastructure Law Funding and that money is going into existing programs like the EFC program and will follow their guidelines.

Mr. Biesemeyer responded and clarified that EFC gets money from that program.

Supervisor Wilson affirmed and stated that there are no new programs created. They have already filed their intent to apply. They are also applying for the State Drinking Water Revolving Fund and the WIAA.

Mr. Biesemeyer stated that it sounds as though they have already been applying for everything that they qualify for. He said that he knows that they need to drill the well. It has been mandated by the Department of Health since 2017.

Ms. Cheetham-Palen asked if the well drilling could be done this fall or was it too big.

Supervisor Wilson stated that he could check with Layne and if they are around like they were last time, then maybe they could piggyback with them because they had been working one town over before. It would depend on the contractor and the availability.

Mr. Biesemeyer and Supervisor Wilson discussed whether it had to be Layne or if it could be another contractor. They stated that they had already researched it and Layne does the bedrock and also the well screening.

Supervisor Wilson stated that if it was okay with the board, he would work with Savana, Water Superintendent, on doing up the specs and line up with the hydrologist to establish a spot. Then they need to determine if they want to gamble and do just the one well. Once they receive information from Hydro Source, they will bring it back to the board to decide whether to do the test wells or to do the full bore.

Ms. Cheetham-Palen spoke and stated that over the summer they had held one Water Workshop. She wanted to resume those Water Workshops and possibly have one per month. There were so many things that they needed to cover. Not just the projects, but the Water Law in general, the billing, all of that stuff. It was going to take time to work through it.

Mr. Biesemeyer stated that they could include it on the agenda for the meetings that they hold. Ms. Cheetham-Palen agreed and stated that they were going to try to pick one thing off it each time.

Supervisor Wilson stated that with all the changes due to the bonding in the Water Districts that he would like to include discussions of the Water Law in the Budget Workshop; not next week's meeting but the following Budget Workshop.

Supervisor Wilson stated that they have additional water issues to discuss in Executive Session and asked the Town Clerk to go ahead with her updates.

TOWN CLERK UPDATES:

Ms. Smith gave a water collection update for the month of August. For Water District #1, \$24,141.24 was collected and for Water District #2, \$78,950.50 was collected. The total collected was \$103,091.74 in August and a check was given to the Supervisor in that amount. (A copy of this report is attached to these minutes) The amounts that are left to collect were \$10,366.40 for Water District #1 and \$44,237.60 for Water District #2. She

reminded residents that they have until October 25th, 2022 to pay their annual water bills. Any outstanding water bills that are not paid by that date will be relieved to the County and will show up on the January 2023 Property tax bills.

Ms. Smith also announced that the Town Clerk days and hours were changing. They had been posted on Nextdoor Keene, the Town Website, and the Town Clerk Board. She will be at Town Hall on Mondays and Tuesdays from 8:30 a.m. to 3:30 p.m. Since water collection has subsided, she will not be in the office on Thursdays. She stated that her, Tina, and Ashley would be working jointly on records. The file cabinets are full and there are records that can be properly disposed of but there is a process that needs to be followed to do so. Residents can still reach out via email and voicemail. They will be checked daily.

TENNIS COURT FENCE REPAIRS:

Supervisor Wilson asked Savana if DigSafe did what they needed to do, and she said yes. He stated that they are coming to fix the backboard and the fence and the total for that will be \$6,800. It's a big bill but the Youth Commission uses the tennis courts and there was a request to modify the tennis courts for pickleball. So, the courts are going to get more use.

BULKY DAYS:

Supervisor Wilson stated that Teresa and Jenn had been working on Bulky Days.

Ms. Cheetham-Palen announced that they plan to hold Bulky Days on October 14th, 15th, and 16th from 8:30 a.m. to 4:30 p.m. The question that she had for the board was if the fee schedule looked appropriate: \$20 for car/suv/van, \$30 for truck, \$50 for dump trailers.

Mr. Biesemeyer and Mr. Deyo were both in agreement with the fee charges and Supervisor Wilson stated that there are funds allocated in the budget for Bulky Days as well.

Supervisor Wilson asked if they were having people pay by cash or by dump tickets.

Mr. Deyo stated that he thought Teresa and Jenn were planning to collect at the gate.

Ms. Cheetham-Palen said yes, but now Jenn is not there.

There was a discussion as to which forms of payment should be accepted. It was agreed upon that dump tickets were the easiest and that the Comptroller would rather that they collect those than cash.

Supervisor Wilson thanked both Ms. Cheetham-Palen and Ms. Whitney for their efforts on getting Bulky Days organized and set up.

Roger Preston, employee, asked if someone was going to take over the responsibilities that Jenn was going to do so that it didn't all fall on Teresa.

Ms. Cheetham-Palen stated that initially they were going to cover alternate times and days.

Mr. Preston stated that otherwise it is 3 full days that Teresa would be covering. He stated that it needs to be Board Members, someone with authority. The Board Members talked amongst themselves and stated that they would work out a plan for the times and days of coverage.

Mr. Preston stated that he has attended Bulky Days in the past and customers argued with him about paying the fees.

Mr. Deyo stated that because of that, he originally wasn't sure if the town should still offer them.

Supervisor Wilson stated that they will see how it goes and if that's the case this may be the last year.

Ms. Cheetham-Palen stated that the flier will state: "Please be patient, please be respectful". She stated that if people cannot do that, and if they were yelling at her or arguing about not paying, then this will never be offered again.

It should also be noted that no refrigerators or ac units are allowed on Bulky Days. Also, no recyclables, metal, tires, or C & D.

Donald Smith, resident, asked about bringing electronics.

Supervisor Wilson stated that electronics should be added to the unacceptable list.

Mr. Preston explained that Bulky Days was really for people to get rid of couches, mattresses, and stuff like that. Not any normal garbage.

NEW BUSINESS DISCUSSIONS

MARCY FIELD WIFI ANTENNA:

Supervisor Wilson explained that the Farmer's Market has requested for the antenna to be raised a little bit higher.

Ms. Cheetham-Palen asked where the antenna was located.

Supervisor Wilson stated that it was currently in the middle of the oval in the trees. They would like it raised a little higher to have it above the roof of the cars parked in hopes of getting better reception, and then it can be lowered once winter comes and they are no longer using it.

The Town Board was in agreement to raise the antenna.

ASSESSOR:

Supervisor Wilson discussed the town wide property re-evaluation project which they began working on this past spring and summer. The town is 7 years out from the last re-evaluation in which every property is visited and reviewed. Half of the data has been collected, but the Town Assessor has been out with health issues and cannot go into the field. It was critical that they try to complete this project by March 1st or else they would be pushing it back again until 2024. Even if the town contracts out for the other half, he was unsure if they would be able to get the remaining data by the March 1st deadline.

Mr. Deyo stated that since it has not been done in 7 years, once the residents get their new assessments a lot of them will want to go to grievance. This will not be something that requires contracting out until only March. Grievances would also need to be handled.

Supervisor Wilson stated that they should at least do their best to complete the project and get the assessments for the 2023 tax rolls. That would give people the time to grieve.

Ms. Cheetham-Palen asked if he had anyone in mind.

Mr. Beisemeyer asked Supervisor Wilson if he had talked to Brenda, who works for the County.

Supervisor Wilson replied and stated that she was really working on it but he had spoken to her, and now she has a new job and their assessor is ill and he cannot go out to do measurements.

Mr. Biesemeyer stated that they may need to think about replacing him.

Supervisor Wilson stated that this was where it got a little complicated. They have to, by law, have an assessor. So if they hired someone to do the data collection they still needed to have an assessor.

Mr. Biesemeyer and Mr. Deyo both agreed that they need to start looking for a replacement.

Supervisor Wilson stated that he would speak with Dave Wainwright from Essex County Real Property and see if he could head him towards some potential contractors. They may say that there is no way to accomplish this. He stated that if they could find contractors that it could cost \$15-\$20,000 to complete the data collection. He will do some investigating and see what is possible, but they may need to put it off for one more year in order to get it completed. That means their equalization rate will drop and they are losing out on revenues from State Land. If they don't reassess, then they don't raise the amount that they get from the State Land. There are real world consequences if they don't get this done. Even if the town has to pay a little, they would immediately make it back by the State Lands. If there is any way possible to get this completed before the March 1st rolls, he was asking Board Members to strongly consider doing so. He wanted Board Members to know and he will work on getting more information on it.

ATTORNEY:

Mr. Bryan Liam Kennelly, Town Attorney, spoke and informed the Town Board Members that his contract was due to be renewed under the same terms as his retainer agreement. He also stated that in his retainer he must submit a request for payment. His voucher went over by approximately \$195.00.

RESOLUTION TO APPOINT BRYAN LIAM KENNELLY AS THE TOWN ATTORNEY

RESOLUTION NO.: 243,2022

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

SECONDED BY: ROBERT BIESEMEYER

RESOLVED, that the Town Board renews the appointment of Bryan Liam Kennelly as the Town Attorney for the fee of \$5,000.00 annually.

Duly adopted this 13th day of September, 2022, by the following vote:

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

NAYS: none

RESOLUTION TO PAY THE BALANCE OF THE TOWN ATTORNEY'S FEES

RESOLUTION NO.: 244,2022

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

SECONDED BY: TERESA CHEETHAM-PALEN

WHEREAS, the annual contract for the legal services of Bryan Liam Kennelly, Esq has expired in the amount of \$5,000.00 and

WHEREAS, the balance that is due to Mr. Kennelly for services rendered above the \$5,000.00 contracted is approximately \$195.00,

BE IT THEREFORE, RESOLVED, that the Town Board approves the payment of up to \$195.00 to Mr. Kennelly.

Duly adopted this 13th day of September, 2022 by the following vote:

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

NAYS: none

EXECUTIVE SESSION:

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

RESOLUTION NO.: 245,2022

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

SECONDED BY: ROBERT BIESEMEYER

RESOLVED, that the Town Board went into Executive Session at 7:55 p.m. to discuss legal advice on water issue billings.

Duly adopted this 13th day of September 2022, by the following vote:

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

NAYS: none

RESOLUTION TO RETURN FROM EXECUTIVE SESSION

RESOLUTION NO.: 246,2022

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

SECONDED BY: ROBERT BIESEMEYER

RESOLVED, that the Town Board is returning from Executive Session at 8:14 p.m.
and entering into Regular Session with no decisions being made.

Duly adopted this 13th day of September, 2022, by the following vote:

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

NAYS: none

BUDGET RESOLUTIONS: (none)

SUPERVISOR'S REPORT:

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

RESOLUTION NO.: 247,2022

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

SECONDED BY: DAVID DEYO

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

Duly adopted this 13th day of September, 2022 by the following vote:

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

NAYS: none

AUDIT BILLS:

RESOLUTION TO AUDIT THE BILLS

RESOLUTION NO.: 248,2022

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

SECONDED BY: ROBERT BIESEMEYER

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

Multi-Fund Vouchers numbered 22-709 to 22-767, totaling \$127,441.44, as follows:

General Fund Bills	\$ 24,441.83
Highway Fund Bills	95,194.02
Public Library	28.07
Water District #1 Bills	2,854.39
Water District #2 Bills	2,293.13
ARPA Fund	2,630.00

Duly adopted this 13th day of September, 2022, by the following vote:

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

NAYS: none

ABSTAINED: Mr. Deyo

Discussion prior to the vote:

Mr. Biesemeyer stated that he was not in favor of approving the bill for \$100 for cleaning services submitted. He stated that it was ridiculous for the town to pay for additional cleaning services when they already have paid staff that are responsible for cleaning. To have someone clean the Town Justices' office and to clean the bathrooms in the Town Hall does not take much to do. He stated that he asked Tina how often the cleaner came in and she told him about every other week. That means it is over \$2,500 per year. When Mr. Biesemeyer asked Supervisor Wilson about it, he was told to go and speak with Henrietta. He went to speak with Henrietta and she told him that Supervisor Wilson had authorized it.

Supervisor Wilson explained that the Justice had gone to him and said that they would like to have an outside contractor come in to clean the courtroom and the bathrooms. Either way, the courtroom needed to be cleaned; whether they pay the town staff or if they pay a contractor.

Mr. Biesemeyer stated that the size of the office and the principle of it is what he was talking about. He asked Roger Preston if he cleaned the courtroom.

Roger Preston, employee, stated yes that he had been cleaning it.

Mr. Biesemeyer stated that Henrietta did say that Roger was cleaning it but that she was not satisfied with it. He stated that he told Henrietta that she should clean it herself. He stated that she said she could not, that she was too busy.

Mr. Preston stated that they clean the courtroom the same way as they clean the rest of the Town Hall. He also stated that he still continues to clean the bathrooms daily and that he believes Henrietta stated that she was not satisfied with the dusting.

Mr. Biesemeyer stated that it was the principle that she was dictating to the Town Board that she wanted to have an outside cleaner. He stated that it was driving him nuts just talking about it.

Ms. Cheetham-Palen stated that she did not have an issue with them having someone clean the courtroom, but paying both people to do the same cleaning, that she does have a problem with.

Mr. Biesemeyer stated that of course they did. Bathrooms can't be cleaned every two weeks. They need to be done more frequently.

Supervisor Wilson explained that when he had a conversation with Justice Jordan he felt like that was their space. The courtroom is under their control.

Mr. Biesemeyer stated that he disagreed.

Supervisor Wilson stated that it was slightly different from the Town Hall. That it has to be legally separate. It has to have a locking door. Their records are separate, their phone is separate, their voicemail is separate. It works out as it is their operation. His thought was, if they were making the request out of respect for it being their space they could operate and manage the way that they wanted to manage.

Mr. Biesemeyer stated that the Supervisor could continue to make his case and that he would continue to make his.

Supervisor Wilson stated that it was not his case. It was him listening to their request. He asked Mr. Biesemeyer to let him finish.

Mr. Biesemeyer stated that the Supervisor never finishes.

Supervisor Wilson took a breath and stated that he needed to take a minute. He then stated that they have a budget process going on right now and that a discussion can be had with the Justices, but that they should honor the commitment that was before them right now. They should pay the cleaner's bill and sit down and discuss it with the Justices. He recommended that Mr. Biesemeyer agree to meet with him and the Justices to discuss their budget and also welcomed any other Board members that may want to join them.

Mr. Biesemeyer replied and asked to come to an agreement. He stated that he would sign the bill before him at the meeting because the guy already did the work, but that moving forward he does not want the cleaner in there. He stated that there are enough people to clean and to tell her that.

Supervisor Wilson stated that just like he said it's not their job to make a unilateral decision, it is not Mr. Biesemeyer's to be the dictator.

Mr. Biesemeyer stated that he wasn't.

Supervisor Wilson stated that he was saying that has to stop, and that he has to tell them. He said that if Mr. Biesemeyer felt strongly that they needed to engage in conversation with them. They are elected officials and they deserve respect.

Mr. Biesemeyer stated that he was being totally respectful; it was just that Supervisor Wilson was not liking what he was saying.

Mr. Kennelly, Town Attorney, spoke and stated that they had already come up with a plan. There was supposed to be a meeting with both Justices to discuss their budget and they haven't done that. He stated that was part of the issue.

Mr. Deyo asked if they could move forward on it. That this bill will be passed, but the Justices' budget needed to be discussed and a conversation needed to be had before they move forward with it again.

Supervisor Wilson stated that he did not know when his next scheduled service was. He asked if they wanted it canceled and to end his services.

Mr. Biesemeyer stated that he did. Ms. Cheetham-Palen responded no. All Board Members began talking at once.

Mr. Biesemeyer stated that he thought it was crazy to spend that much time over a \$100 bill. He was looking at the principle of it and the fact that the residents would ask them what they were doing, allowing the Justice to hire someone because she felt that it was unsatisfactory. That to him was wrong. That was where they should say if you feel that strongly that it is not satisfactory, then they need to do it themselves. They are not doing it for them.

Donald Smith, resident, asked the Town Board if they knew the person's name.

Supervisor Wilson responded, Josh, that he could not remember his last name.

Mr. Smith asked if he was essentially an employee of Keene.

Supervisor Wilson answered and stated no that he was a contractor.

Mr. Smith asked what would happen if he came there and got hurt. What would happen? They should have some kind of personnel information on him....legally.

Mr. Biesemeyer stated that was a good point.

Mr. Kennelly spoke and stated that they needed to sit down with the Justices.

Supervisor Wilson stated that in the meantime he thought that they should continue to let the cleaner come in to clean.

Mr. Biesemeyer stated that he didn't agree with that.

Supervisor Wilson stated that he knows he doesn't.

Mr. Deyo recommended finding that all out and then meeting with the Justices. He agrees that they have Roger there and that they may disagree. The Justices have a budget and if they want it, they would need to budget for it.

Mr. Biesemeyer stated that he would go in and clean it for them for nothing.

Ms. Cheetham-Palen spoke and stated that she thought that they should review it, that it should be part of the budget, and that they should come forward and explain why they feel that they should have that, and decide from there.

Supervisor Wilson asked if anyone wanted to be present for the meeting with the Justices.

Mr. Biesemeyer stated that he would be more than happy to.

Mr. Kennelly stated that he could be there.

Supervisor Wilson stated that he thought that was a good idea. He stated that he would try to come up with a time that would work for Mr. Biesemeyer, Mr. Kennelly, and the Justices.

It was agreed that Mr. Biesemeyer would approve the audit of bills before them and that Mr. Deyo did not need to review them.

ADJOURNMENT:

RESOLUTION TO ADJOURN

RESOLUTION NO.: 249,2022

**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 Regular Meeting at 8:25 p.m.

Duly adopted this 13th day of September, 2022, by the following vote:

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

NAYS: none

Respectfully submitted,

Kimberly E. Smith
Town Clerk
Town of Keene

September 21, 2022