

**Regular Town Board Meeting**  
**October 11, 2022**  
**6:00 p.m. at Keene Valley Library**

**MTG #24**  
**Res. #272-280**

**BOARD MEMBERS PRESENT**

Robert Biesemeyer, Deputy Supervisor  
Teresa Cheetham-Palen, Council Member  
David Deyo, Council Member

**BOARD MEMBER ABSENT**

Joseph P. Wilson, Jr., Town Supervisor

**TOWN COUNSEL**

Bryan Liam Kennelly, Esq.

**TOWN OFFICIALS**

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

**MEMBERS OF THE PUBLIC PRESENT**

Donald Smith, Roger Preston, Bill Ferebee, Charlotte Lichtenberg, Ann Whitney, Karen Glass

DEPUTY SUPERVISOR BIESEMEYER called the meeting to order at 6:00 p.m..

Mr. Biesemeyer welcomed everyone and asked if anyone had anything for Privilege of the Floor.

**PRIVILEGE OF THE FLOOR:**

Bill Ferebee, resident, asked when he could speak in regards to the resolution on the agenda to set up a Reserve Account for the Safety Path.

Mr. Biesemeyer explained that the resolution had already been done at the previous meeting, so it was not going to be a discussion item any longer. He explained that the town would not be contributing any money to that project.

Mr. Ferebee verified that there would not be any tax payers money going into the project.

Mr. Biesemeyer responded that it was correct. It was just an account for the money to be deposited into from Vinny McClelland, and then dispersed out of for payments.

**OLD BUSINESS DISCUSSIONS**

**COVID UPDATES:**

Mr. Biesemeyer stated that Supervisor Wilson was not present at the meeting due to testing positive for COVID. He stated that it was smart to go by all of the warnings and regulations, that there were more cases recently. He stated that the school had cases right now as well, so people should take precautions.

Ms. Cheetham-Palen agreed and stated that there was an uptick again.

BUDGET UPDATES:

**RESOLVED THAT THE TOWN BOARD OF THE TOWN OF KEENE PRESENTS THE  
2023 PRELIMINARY BUDGET TO THE TOWN CLERK FOR FILING**

**RESOLUTION NO.: 272,2022**

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

**SECONDED BY: DAVID DEYO**

RESOLVED, that the Town Board presented the 2023 Preliminary Budget to the Town Clerk and that it is now on file in the Clerk's Office.

Duly adopted this 11th day of October, 2022 by the following vote:

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

NAYS: none

ABSENT: Supervisor Wilson

WATER DISTRICT PROJECTS:

Mr. Biesemeyer stated that he was advised by the Supervisor that they were still working with the Municipal Financial Advisor and that no contract had been established yet. For Water District #2, they were working on the hydrology and engineering reports. There were no further updates to report. He asked Savana Li, Water Superintendent, if she had any updates to share.

Ms. Li responded and stated that there were no new updates since the last meeting, that they were just waiting at this point.

WATER LAW AMENDMENT/PETITION:

Mr. Kennelly, Town Attorney, spoke and stated that he had been working on a Water Law Amendment with Ms. Smith and Ms. Li. The amendment discussed water waivers and credits. He stated that he was not sure if they were ready to move forward with it.

Board Members stated that they had not seen any amendments and were not aware that there were any drafted.

Mr. Kennelly stated that he would forward the draft to the Town Board Members so that they can consider it for the next Town Board Meeting.

Ms. Smith asked Mr. Kennelly if there needed to be a Public Hearing in order to do an amendment to a Local Law.

Mr. Kennelly stated that they already have the Local Law established and that they can just amend it, unless somebody says otherwise. He stated that if they wanted to have a meeting, or get public opinions on it, that was fine too.

Mr. Deyo stated that once they had the chance to see what it actually said, the Town Board would then decide how to proceed.

TOWN CLERK UPDATES:

Mr. Biesemeyer stated that the Town Clerk wanted to give an update. He announced that they had received her resignation and asked if she wanted to give further information.

Ms. Smith stated that she was still collecting the water bills, and the final date to accept payment was October 25th. She was hoping that all payments were in and processed so that she could do the water relevy report for the County prior to her leaving. She announced that November 2nd would be her last day. She stated that she had submitted her resignation letter to the Supervisor and the Town Board, and that she had also sent it to the Board of Elections. She had thought that she would have heard a response back from them, but she had not yet. She let the Town Board know that once she heard back, or if they heard back, that they would be able to post the opening. She stated that her last day was November 2nd. Mr. Biesemeyer inquired about her Deputy, Ellen Estes, and Ms. Smith stated that Ms. Estes would not be available after November 2nd as well.

Ms. Smith wanted to let residents know that the final day to pay their water bills was October 25th, and any unpaid water rents would be relevied to the County. She hoped to do that report prior to vacating her position.

The Board Members thanked her for submitting her notice in a timely manner and stated that they were looking for someone to fill the position and for the public to spread the word. Tax season was approaching soon and they wanted to begin the process of looking for someone.

Mr. Biesemeyer stated that he did not think that Ellie was going to be available.

Ms. Smith responded and stated that Ellen was resigning at the same time.

Mr. Biesemeyer stated that he had not spoken to Cori or Donna Austin yet, but both of whom have done taxes in the past.

Ms. Smith stated that she had spoken to Cori-Anne, and that she stated she was not interested. But she had not spoken to Donna.

Mr. Biesemeyer stated that they would lean a little heavier on Cori and that money talks.

Ms. Smith also stated that for the remainder of October she would be holding evening and weekend hours, and will post them.

Mr. Biesemeyer asked when she would be starting her new position and what the new position was.

Ms. Smith stated that she had already begun the new position and that she was working at Essex County in the Real Property Tax office.

Mr. Biesemeyer stated that he was sorry to see her go and good luck with her new job.

Ms. Smith thanked him.

**NEW BUSINESS DISCUSSIONS**

Mr. Biesemeyer announced that the Keene Library was awarded a \$95,000 grant. Now they could put it out to bid.

Ms. Cheetham-Palen asked where they received the grant from.

Mr. Biesemeyer stated that Maggie Sheldon had informed them of a grant that they could apply for. He explained that Aaron Miller and Karen Glass had worked on the grant together. He was not sure where it was awarded from but that it was a good opportunity to save the Library.

Mr. Biesemeyer asked Roger Preston, Facilities Manager, to explain the details for a tractor purchase.

Mr. Preston explained that he received three bids for tractors that would pull the batwing. Two of the tractor bids were for ones that would not be available for a year. He also stated that one of the bids was for a tractor that was going to be available in a week. He stated that they could get \$10,000 for the trade in on the one they had.

Mr. Deyo stated that he would talk with Mr. Preston and see what bids he had.

The Board Members asked Mr. Preston when he needed the tractor by. He stated that he needed it before the mowing season. The Board clarified that he needed it by spring time. Mr. Preston verified.

Mr. Biesemeyer asked if there were already funds available.

Mr. Preston stated that there was \$35,800 in that account. The price of the tractor he found that would be available was \$51,000.

Mr. Deyo clarified that the new tractor was \$51,000 and that they would get \$10,000 off that price with the trade. So it was approximately \$41,000 and that there was already \$38,000 in the current budget.

Mr. Preston stated that was correct.

Ms. Cheetham-Palen asked if a resolution needed to be done at that time.

The Board agreed to approve the research of bids, but did not want money spent until they researched what was available.

**RESOLUTION TO LOOK FOR BIDS, UNDER \$50,000, FOR A TRACTOR**

**RESOLUTION NO.: 273,2022**

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

**SECONDED BY: DAVID DEYO**

RESOLVED, that the Town Board approved Roger Preston to research bids for the purchase of a tractor for mowing in the spring.

Duly adopted this 11th day of October, 2022, by the following vote:

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

NAYS: none

ABSENT: Supervisor Wilson

**OLD BUSINESS DISCUSSION (CONTINUED):**

**BULKY DAYS:**

Ms. Cheetham-Palen announced that Bulky Days were going to be held October 14th, 15th, and 16th. The prices were: \$20 for a car, \$30 for a truck, and \$50 for a dump trailer. The fees could only be paid with dump tickets and not cash.

Mr. Biesemeyer gave an update on the Town Board vacancy. He stated that they had interviewed candidates, but that Supervisor Wilson asked the Board to wait on doing a vote until he was able to be present.

There was a discussion as to when they should hold a Special Meeting to appoint someone. The Town Board decided to hold a Special Meeting on Thursday, October 20th at 5:30 p.m. at the Keene Town Hall. Ms. Smith stated that would give her enough time to have a legal notice posted. Mr. Kennelly stated that at least 72 hours notice needed to be given. He also stated that the appointment would require three out of the four votes to pass.

Mr. Ferebee, resident, asked a few questions in regards to Bulky Days. He asked if there were going to be special dump tickets to purchase for those days, or just normal tickets in the right amounts. He also clarified the locations to purchase the tickets were either the Valley Grocery or Town Hall.

Mr. Deyo verified that they were regular dump tickets and stated that the Hardware Store was currently closed and they did not know when they would be reopening, so that was not a location to purchase them at this time.

**LEASH LAW:**

Mr. Kennelly spoke and stated that they were not moving forward with the Leash Law until there was a full Town Board.

Mr. Biesemeyer stated that in order to accept a new Town Law, there would need to be a Public Hearing.

Ms. Whitney, resident, spoke and stated that her daughter had requested the Leash Law. She questioned why there would need to be a Public Hearing to require dogs to be on a leash.

**EXECUTIVE SESSION:**

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

**RESOLUTION NO.: 274,2022**

**INTRODUCED BY: TERESA CHEETHAM-PALEN**

**WHO MOVED FOR ITS ADOPTION**

**SECONDED BY: DAVID DEYO**

RESOLVED, that the Town Board went into Executive Session at 6:16 p.m. to discuss personnel and water billing issues. They requested for Savana Li, Water Superintendent, to join them.

Duly adopted this 11th day of October, 2022, by the following vote:

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

NAYS: none

ABSENT: Supervisor Wilson

**RESOLUTION TO RETURN FROM EXECUTIVE SESSION**

**RESOLUTION NO.: 275,2022**

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

**SECONDED BY: TERESA CHEETHAM-PALEN**

RESOLVED, that the Town Board returned from Executive Session at 6:35 p.m. and entering into Regular Session with no decisions being made.

Duly adopted this 11th day of October, 2022, by the following vote:

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

NAYS: none

ABSENT: Supervisor Wilson

**BUDGET RESOLUTIONS:**

**RESOLUTION TO TRANSFER FUNDS WITHIN THE GENERAL FUND**

**RESOLUTION NO.: 276,2022**

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

**SECONDED BY: DAVID DEYO**

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

\$6,747.56 out of A#019904.01.004.00 Contingency Account  
\$286.39 into A#16201.1 Building PS  
\$636.80 into A#16204.1 Buildings CE

\$573.61 into A#16604.1 Central Supply  
\$1,819.50 into A#16801.1 Data Processing PS  
\$1,920.62 into A#30101.1 Public Safety - Codes PS  
\$1,147.71 into A#51324.1 Garage CE  
\$12.93 into A#90458.1 Life Insurance  
\$350.00 into A#73104.1 Youth Commission CE

\$681.66 out of A#56501.1 Hiker Parking PS  
\$681.66 into A#56101.1 Hiker Parking PS

\$1,446.57 out of A#71101.1 Parks PS  
\$917.94 into A#7102.1 Parks EQ  
\$528.63 into A#71104.1 Parks CE

\$49.64 out of A#71504.1 Recreations Facility CE  
\$49.64 into A#71501.1 Recreation Facility FS

\$250.00 out of A#73102.1 Youth Commission EQ  
\$250.00 into A#73104.1 Youth Commission CE

Duly adopted this 11th day of October, 2022, by the following vote:

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

NAYS: none

ABSENT: Supervisor Wilson

## **RESOLUTION TO TRANSFER FUNDS WITHIN THE SW #2**

**RESOLUTION NO.: 277,2022**

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

**SECONDED BY: TERESA CHEETHAM-PALEN**

RESOLVED, the Town Board approves the following transfers  
within SW #2

\$2,472.55 out of SW #2 #83202.8  
\$2,472.55 into SW #2 #83204.8

Duly adopted this 11th day of October, 2022, by the following vote:

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

NAYS: none

ABSENT: Supervisor Wilson

**RESOLUTION TO AMEND THE 2022 BUDGET**

**RESOLUTION NO.: 278,2022**

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

**SECONDED BY: DAVID DEYO**

RESOLVED, that the Town Board approves the following Budget Amendments:

**GENERAL FUND**

To increase #19904.1 Contingency Account line by \$10,000.00 to be transferred from NYCLASS General Fund

**SW #1**

To increase #83204.7 Source Power Pump line by \$126.04 and #90458.7 Life Insurance line by \$0.51 to be transferred from NYCLASS SW#1 Fund

**SW #2**

To increase #83204.8 Source Power Pump CE line by \$1,255.45 and #94058.8 Life Insurance line by \$1.02 to be transferred from NYCLASS SW#2 Fund

Duly adopted this 11th day of October, 2022, by the following vote:

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

NAYS: none

ABSENT: Supervisor Wilson

Discussion prior to the vote:

Mr. Biesemeyer asked Ms. Smith about the \$10,000 transfer. Ms. Smith explained that the Budget Amendments are prepared by Ashley, Clerk to the Supervisor. She stated that usually they are done in order to have enough funds to pay the vouchers.

The Board Members questioned why the amount was so high. They decided to call Supervisor Wilson for clarification before they held the vote. Mr. Biesemeyer put Supervisor Wilson on speaker phone and asked him to explain the reason for the 2022 Budget amendment for \$10,000 out of NYCLASS into the Contingency Account in the General Fund. Supervisor Wilson explained that they keep money in the NYCLASS account to gain interest and transfer balances into the Contingency Account as it is needed. This transfer was to replenish the Contingency Account.

Mr. Biesemeyer clarified that the \$10,000 was money that was already included in the 2022 Budget and that it was not additional money being spent above what was approved. Supervisor Wilson verified that it was correct. It was a transfer of funds but it was not additional spending.

**AUDIT BILLS:**

**RESOLUTION NO.: 279,2022**



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

**SECONDED BY: TERESA CHEETHAM-PALEN**

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

Multi-Fund Vouchers numbered 22-817 to 22-848, totaling \$48,732.56 as follows:

General Fund Bills	\$ 7,353.84
Highway Fund Bills	37,465.79
Public Library Fund Bills	58.89
Water District #1 Bills	126.04
Water District #2 Bills	3,728.00

Duly adopted this 11th day of October, 2022, by the following vote:

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

NAYS: none

ABSENT: Supervisor Wilson

**ADJOURNMENT:**

#### **RESOLUTION TO ADJOURN**

**RESOLUTION NO.: 280,2022**

**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 6:44 p.m.

Duly adopted this 11th day of October, 2022, by the following vote:

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

NAYS: none

ABSENT: Supervisor Wilson

Respectfully submitted,

Kimberly E. Smith  
Town Clerk  
Town of Keene  
October 16, 2022