

**Bi-Monthly Town of Keene Board Meeting  
February 28th, 2023  
5:30 P.M. Town Hall  
Meeting # 5  
Resolutions #88-98**

**Board Members Present:** Joe Pete Wilson, Supervisor, Robert Biesemeyer, Christopher Daly, Dave Deyo, Teresa Cheetham-Palen, Council Members

**Absent:**

**Town Counsel Present:**

**Town Officials Present:** Roger Preston, Building and Grounds, Anna Whitney, Town Clerk

**Members of the Public:** Kristy Farrell, Jim Bernard, Hannah Smith, Roger Allen, Lissa Goldstein, Ann Hough, Betsy Richart, Julie Sasso, Patrick McSharry, Marcy Neville, Pam Gothner, Jessica Decker, Christopher Smith, Larry House, Kevin Douglas, Tim Rowland, Stephen Hall, Antonios Souris, Mimas Souris, Dan Mason, Fritz Sabbow, Debby Rice, Keith Hall, Tina Preston and several others that didn't sign in

**Call to Meeting to Order** at 5:30 by Joe Pete

Joe Pete started out with a motion to accept Short Term Rental scheduling public information sessions.

Bob stated before we make a motion I want to make a motion to have the board go through the proposed law together because we haven't had a chance, we could take this draft that is out there which I think this board has a lot of common ground on.

Joe Pete asked to let him finish because what you are proposing makes sense, but we need to follow the rules.

**RESOLUTION TO SCHEDULE PUBLIC INPUT AND DISCUSSION MEETINGS ON  
THE PROPOSED SHORT TERM RENTAL DRAFT MARCH 16<sup>TH</sup>, APRIL 19<sup>TH</sup>, AND  
MAY 23 AT 7:00**

**RESOLUTION 88-2023**

**INTRODUCED BY: JOE PETE WILSON WHO MOVED FOR ITS ADOPTION  
SECONDED BY TERSEA CHEETHAM-PALEN**

**Discussion prior to vote:** Bob stated he felt that Joe Pete scheduled dates premature because my problem is that we as a board have not had a chance to go over this draft, it was just dropped in our lap unexpectedly at one meeting so if we could have one workshop so we can go through the draft law to figure out what we agree on and what we feel needs to be removed.

Joe Pete said we can schedule a workshop prior to the first public discussion on March 16<sup>th</sup>.

Bob said the 16<sup>th</sup> is too quick.

Dave felt we needed to do what Bob suggested and meet to go through the draft prior to the first public discussion.

Joe Pete said there is nothing in the motion saying we can't do what Bob is saying.  
Teresa stated the dates are just options put out there so we all need to look at our schedules and see what works. I have a conflict on the 16<sup>th</sup> but I am happy to make a workshop work before the first date.

Joe Pete asked to

**AMEND THE RESOLUTION TO MOVE THE FIRST MEETING TO MARCH 23<sup>rd</sup>,  
SECONDED MEETING APRIL 26<sup>TH</sup>, AND THIRD MEETING MAY 23<sup>RD</sup> ALL AT 7:00**

**p.m**

**RESOLUTION 89-2023**

**INTRODUCED BY JOE PETE WILSON WHO MOVED FOR ITS ADOPTION**

**SECONDED BY TERESA CHEETHAM-PALEN**

**Discussion prior to vote:** Joe Pete said let's check our calendars and see if March 9<sup>th</sup> at 10:00a.m. works for a workshop

Bob said 10:00 does not work but 1:00 p.m. would.

Joe Pete said ok this works March 9<sup>th</sup> at 1:00 p.m. here at the Town Hall, now I do want to let the public know that they are welcome to come but this is strictly a workshop for the board and there is no public comments or participation.

Bob asked if we can go back to the May date and move that to early June for those that are gone until Memorial Day, maybe they could then make at least one if scheduled after that.

Joe Pete said ok how about June 3<sup>rd</sup> at 11:00a.m., it's a Saturday.

Joe Pete asked if the audience had anything before we took a vote.

Betsy Richart asked about the statement on the agenda the second page, it says the process to adopt a local law then takes place over two months from the time the local law is officially introduced, do we have an official introduction ?

Joe Pete said no we do not.

Mel then stated her only thought is for the people that read these minutes, it is very dis concerning of the level of non-cooperation in the leadership of our Town. The minutes do say when board members walk out, I guess we are getting to see that. A town this size with basically a lot of good intensions I expect better behavior from the board, I expect to see it, feel it, and hear it and I didn't just see it, feel it or hear it in this battle for power. I wonder how will this ever be settled, it's such a sensitive issue. I feel I have the right as a taxpayer to ask for this. Please this is a huge issue.

Joe Pete thanked Mel.

Pam Gothner asked, it's my understanding this proposal was presented to the board two meetings ago, is that correct?

Joe Pete said yes

Pam asked Bob why didn't you ask to get together to go over this then and why wait until now?

Bob said he tried at that meeting.

Keith Hall asked what are the issues this is supposed to correct?

Joe Pete said this is why we want to have a public meeting dedicated to the draft law so we can have those discussions, that is the point to have these meetings.

**RESOLVED** that the Town Board schedule public input and discussion meetings on the proposed Short Term Rental Draft with the first meeting March 23<sup>rd</sup> at 7:00 p.m., second April

26<sup>th</sup> at 7:00 p.m. and the third on June 3<sup>rd</sup> at 11:00 a.m. location for first two are the Town Hall and the third to be announced.

Duly adopted this 28<sup>th</sup> day of February, 2023 by the following Roll Call Vote

Christopher Daly – yes

Dave Deyo -yes

Tersea Cheetham-Palen – yes

Robert Biesemeyer – yes

Joe Pete Wilson – yes

### **Approval of Minutes:**

#### **RESOLUTION APPROVING REGULAR MONTHLY TOWN BOARD MINUTES**

##### **RESOLUTION: 90-2023**

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

**ADOPTION SECONDED BY ROBERT BIESEMEYER**

**RESOLVED** that the Regular Town Board minutes from February 14<sup>th</sup>, 2023 are accepted and approved.

Duly adopted this 28<sup>th</sup> day of February 2023 by the following vote:

**AYES:** Robert Biesemeyer, Teresa Cheetham-Palen, David Deyo, Christopher Daly, Joe Pete Wilson

**Nays:** None

### **Old Business:**

- Water Districts Projects:

WD#1: We did follow through and use the ARPA money to pay back part of the loan Water #1 has to the General Fund as we are still waiting on FEMA

WD#2: I just got the bids back and I would like to make a motion to approve Layne Christensen Company

#### **RESOLUTION TO APPROVE LAYNE CHRISTENSEN COMPANY WITH THE BID FOR THE DRILLING**

##### **RESOLUTION NO.: 91-2023**

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

**ADOPTION SECONDED BY CHRISTOPHER DALY**

**Discussion prior to vote:** Bob asked to abstain because he didn't get to look them over. I just want to say we will have to spend out of pocket before we get a bond or anything about \$80,000 correct.

Dave then stated from there we can seek to get funds from there.

Joe Pete stated Senator Gillabrand just launched her congressional spending initiative and water infrastructure and I am trying to apply for that.

Bob stated after this test well, we get results of what we need to produce and then know what this will cost.

**RESOLVED** that the Town Board approve Layne Christensen Company the bid for the drilling of the test well is accepted and approved.

Duly adopted this 28<sup>th</sup> day of February 2023 by the following vote:

**AYES:** Teresa Cheetham-Palen, Christopher Daly, Dave Deyo, Joe Pete Wilson

**Abstained:** Robert Biesemeyer

- Farmers Market Community Enhancement Fund Request

Lissa and Jim are here to bring back the discussion to use the Community Enhancement Fund . Some of the Board Members wanted some clarification on what the Enhancement Fund can be used for. You cannot use it for Special Tax Districts, Town Operations, or to pay down debt. In a nutshell you can use it for Parks and Recreation, Facility improvements, anything that goes to enhancing your local economy, your public recreation.

So the proposal Lissa and Jim offered us does qualify for this.

**RESOLUTION TO UN TABLE THE REQUEST FOR \$5,000 FOR THE FARMERS  
MARKET WI-FI**

**RESOLUTION 92-2023**

**INTRODUCED BY: DAVE DEYO WHO MOVED FOR ITS ADOPTION, SECONDED  
BY JOE PETE WILSON**

**RESOLVED** that the Town Board approve the request for \$5,000 to continue the improvements to the WiFi at Marcy Field is accepted and approved.

Duly adopted this 28<sup>th</sup> day of February, 2023 by the following vote:

**Ayes:** Joe Pete Wilson, Robert Biesemeyer, Dave Deyo, Christopher Daly, Teresa Cheetham-Palen

**Nays:** none

Eric Sawczyn ask what the oval is topped with, is it safe for your dogs? Also asked if we could asphalt an area for people that want to rollerblade?

Joe Pete said he would like to pull together a group of residence to help come up with ideas and thoughts on what to do at the Community Center.

Eric said maybe put concert in the skating rink.

**New Business:**

**RESOLUTION TO APPROVE THE WILMINTON-WHITEFACE 100 MILE  
BIKE RACE**

**RESOLUTION 93-2023**

**INTRODUCED BY: ROBERT BIESEMEYER WHO MOVED FOR ITS  
ADOPTION, SECONDED BY DAVE DEYO**

**RESOLVED** that the Town Board approve the Wilmington-Whitface 100 mile bike race, accepted and approved.

Duly adopted this 28<sup>th</sup> day of February, 2023 by the following vote:

**AYES:** Robert Biesemeyer, Teresa Cheetham-Palen, Christopher Daly, Dave Deyo, Joe Pete Wilson  
**NAYS:** None

- **Town Trail improvement Smart Growth Grant:**  
Joe Pete explained that we had a portion of this for working on the Town Trails and it has been dragging a bit because Beta has had trouble getting the time to work, we had a contract with Beta but they are so busy they cannot put a work crew to it. What I want the boards permission for is to proceed with a new budget to DEC, it will be \$3170 for trail consulting, then we need to rent an excavator, need to pay for an operator, need stone, lumber for the bridge, and need to pay our employees to work on it so we are looking at about \$28,000 for this.

**RESOLUTION TO SUBMIT A NEW BUDGET TO DEC FOR THE SMART GROWTH GRANT**

**RESOLUTION 94-2023**

**INTRODUCED BY: ROBERT BIESEMEYER WHO MOVED FOR ITS ADOPTION, SECONDED BY DAVE DEYO**

**RESOLVED** to submit a new budget for the Smart Growth Grant to DEC for \$28,000  
Duly adopted this 28<sup>th</sup> day of February, 2023 by the following vote:

**AYES:** Robert Biesemeyer, Teresa Cheetham-Palen, Christopher Daly, Dave Deyo, Joe Pete Wilson  
**NAYS:** None

- April 11<sup>th</sup> meeting reschedule

**RESOLUTION TO CANCEL THE APRIL 11<sup>TH</sup> REGULAR BOARD MEETING**  
**RESOLUTION 95-2023**

**INTRODUCED BY: JOE PETE WILSON WHO MOVED FOR ITS ADOPTION, SECONDED BY DAVE DEYO**

**RESOLVED** that the April 11<sup>th</sup> Regular Town Board meeting is cancelled  
Duly adopted this 28<sup>th</sup> day of February, 2023 by the following vote:

**AYES:** Joe Pete Wilson, Robert Biesemeyer, Dave Deyo, Christopher Daly, Teresa Cheetham-Palen  
**Nays:** None

**Budget Resolutions:**

- Resolution to transfer funds-none
- Resolution to amend the 2023 Budget-none

**Supervisors Report:**

- Keene Youth Commission Account June-January
- Health Savings Account December and January

**RESOLUTION TO ACCEPT THE KEENE YOUTH COMMISSION JUNE 2022  
THROUGH JANUARY 2023 AND THE HEALTH SAVINGS DECEMBER 2022  
AND JANUARY 2023 SUPERVISORS REPORTS**

**RESOLUTION 96-2023**

**INTRODUCED BY: ROBERT BIESEMEYER WHO MOVED FOR ITS  
ADOPTION, SECONDED BY DAVE DEYO**

**RESOLVED** to accept the Youth Commission June 2022 through January 2023 and the Health Savings December 2022 and January 2023 Supervisors reports, accepted and approved as presented, and placed on file with the Town Clerk.

Duly adopted this 28<sup>th</sup> day of February, 2023 by the following vote:

**AYES:** Robert Biesemeyer, Teresa Cheetham-Palen, Christopher Daly, Dave Deyo, Joe

Pete Wilson

**NAYS:** None

**Audit Bills:**

**RESOLUTION TO AUDIT THE VOUCHERS 2023-173 THROUGH 2023-211**

**RESOLUTION NUMBER: 97-2023**

**INTRODUCED BY ROBERT BIESEMEYER WHO MOVED FOR ITS ADOPTION,  
SECONDED BY DAVE DEYO**

**RESOLVED** that the Town Board approve the following bills for payment including those that were prepaid.

Multi-Fund Vouchers numbered 2023-173 through 2023-211, totaling \$61,713.34 as follows:

General Fund Bills \$24,828.13

Highway Fund Bills \$18,526.08

Water District #1 \$3,046.58

Water District #2 \$3,601.14

Library \$11,711.41

Duly adopted this 28<sup>th</sup> day of February, 2023 by the following vote:

**AYES:** Robert Biesemeyer, Teresa Cheetham-Palen, Christopher Daly, Dave Deyo, Joe Pete

Wilson

**NAYS:**

Dave Deyo had one other thing, maybe it is a clerical error but I think on a lot of these things there is some miscommunication, people are referencing the Master Plan.

Joe Pete said we have a Strategic Plan not a Master Plan.

After looking at what many people were seeing it appears it was from the old website that carried over.

Kristy Farrell would like to confirm the board was in receipt of her letter and it that it will be in the minutes. She would like some answers to her questions.

**Attachment #1**

Eric Sawczyn asked if he could have privilege of the floor having to do with Human Rights, he wanted to know if we really need three or four more meetings that take our private rights away? I have right of use of my property. I would like my letter also put into the minutes.

**Attachment #2**

**Adjourn:**

**RESOLUTION TO ADJOURN**

**RESOLUTION 98-2023**

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

**SECONDED BY JOE PETE WILSON**

**RESOLVED** that the Town Board of Keene has completed all business and hereby adjourns the Regular Meeting at 6:26P.M.

Duly adopted this 28th day of February, 2023 by the following vote:

**AYES:** Robert Biesemeyer, Teresa Cheetham-Palen, David Deyo, Christopher Daly, Joe Pete Wilson

**NAYS:**

Anna Whitney  
Town Clerk  
Town of Keene

Board Members and the Keene Community,

I planned to ask for privilege of the floor, but in the interest of time, I have chosen to write to you ahead of the meeting. I am also requesting that this letter be attached to meeting minutes so my words are not misconstrued or mis-quoted and are able to be viewed by the public as they are intended.

I would like to speak regarding the STR "law" that was introduced by Mr. Daly. I think it pertinent to give background on the history of the working groups as information being presented both to the public, and I believe, to Mr. Daly has been lacking in truthful history of how we got to here.

The "Keene Strategic Plan Steering Committee" (the original name for the committee) was **established in May of 2019 NOT 2021** as indicated by this law as well as is indicated on the advertisement for the library lecture series Mr. Wilson and Ms. Palen plan to speak at on February 27<sup>th</sup> at the Keene Valley Library. A relevant point toward "educating the public" on this procedure.

The Steering Committee was named such because it was comprised of residents who were volunteering their time to research what others in the town wanted the town board and supervisor to focus their time on. Finding valid solutions to issues and research on those solutions could save time and return swifter results for the community over board member input alone. It was a **steering** committee, not a planning committee because its directive was to steer the board toward what citizens wanted. A survey of possible answers went out. The initial survey had affordable housing/Short term rentals grouped together and that item was one of the top 5 interests when surveys were returned. It was in fact #1. After discussion it was determined that those 2 items must be separated. That despite an obvious common thread, they were to be handled separately. The group felt strongly that you could not solve affordable housing by regulating STR and so they were separated, but AFTER the survey went out. Separating the two brought the question of whether STR would have made the top 10 at all had it been separate from affordable housing (a much more attended/popular topic as evidenced by the number of volunteers). The steering committee was unsure, but since a second survey was too costly we chose to include it in the top 5 along with, but separate from....



affordable housing. Additionally, **the regulation of STR in any effort to provide affordable housing or Affordable housing initiatives was deemed “out of scope” for the STR group.** This is important to remember as the town moves forward.

The Steering Committee met (all working groups at their own pace) for about a year, but was delayed by Covid in March of 2020. I was the chair of that committee as well as the steering committee representative for the STR group. Per the rules of the steering committee, each sub-committee was to have a steering committee representative along with the volunteers, but the steering committee member could not also be the group leader. Fritz Sabbow was the group leader for the STR group. Each group was to comprise their recommendations and present them to the full steering committee before presenting it to the board. I do not believe this step ever happened.

In August of 2020 Mr. Wilson asked me to restart all of the working groups, but members including myself did not want to restart yet for obvious Covid related reasons. I told that to Mr. Wilson, who insisted it was time to restart. I did not see the urgency. At his insistence I stepped down on September 1, 2020, but asked in an email to both Mr. Wilson and Ms. Palen that I be included in any re-start email to the groups so I could step down properly and explain my reasoning. I also wanted to provide a summary status to the new chair, but the new chair of the committee was never produced, nor was I ever included on any re-start emails. A new STR group hand-picked by Mr. Wilson and directed by Ms. Palen was formed. Regarding the new chair of the steering committee, I believe Mr. Wilson either appointed himself the chair, or chose to continue without one. I am certain to be corrected if this assumption is incorrect.

I was informed of the re-start by Ms. Palen who informed me after the fact, that the group met in November 2020 via zoom. I asked Ms. Palen at that time why there was a rush to re-start and furthermore why I had been excluded in email correspondence. Additionally, I asked her why the secretary for the group had also been excluded and was not the person to start the email thread as standard protocol dictates. I received a response from Teresa stating that she was unaware that I wanted to be included (despite an email stating such), but did ask if I wanted to join in their NEXT

meeting. I declined due to continued covid concerns and felt the disrespect I had already been shown by Mr. Wilsons disregard for my committee and community leadership would continue. Ms. Palen stated in that email that she would reach out to the secretary, but she never did.

The “new committee”, now lacking in its original membership, seems to have adopted a new name and started searching for a “Master Plan” which Mr. Wilson refers to and gave a lecture on at the Keene Valley Library on 2/27/23. This is odd to me, as I was privy to numerous discussions, and was in attendance when both the attorney (Debra Whitson at the time) and other board members informed Mr. Wilson that we were NOT creating a master plan. That a master plan was a legal term the town had previously looked into and it was determined that it was unable to be done in Keene due to a unique mix of state and privately owned land. There was an already in existence site plan review law that could be adapted to the group’s findings. Yet he persists. Why?

Do all board members recall a vote on adopting a Master Plan in 2021? I could not find any resolution to change the group’s name, it’s scope, or to adopt a “master plan” in Board Meeting Minutes.

That new committee also (as evidenced by Mr. Daly’s reference in the meeting minutes to the 2021 working group and 2021 Strategic Plan) continues to use the disbanded groups survey as backing for the STR ranking in the top 5 ,despite its mathematical inaccuracy as determined by the original steering committee, created when the groups were separated after the fact.

All of the above is pertinent as it has me asking why?

Mr. Wilson:

Why the deception regarding when and how this process came about?

Why the name change for the steering committee?

Did you exclude me from emails simply for disagreeing with you?

Why did the STR subcommittee not report to the full steering committee before presenting to the board as was the committee protocol?

Why was a LAW drafted without informing 3 out of 5 board members?

And why the rush to shove a law down the throats of tax paying property owners without due input from those the law will directly affect as evidenced by your pushing for meetings both during the height of Covid and now in the dead of winter while the majority of our seasonal residents are away?

Why are you and Mr. Daly introducing something MUCH MORE STRINGENT than was recommended by the committee?

Beyond that part of the STR history,

I would like to speak to the incredibly invasive STR "law" you have been asked to consider.

A few questions:

Did the board approve and decide upon an honors system safety checklist that included contact phone numbers for emergencies, and parking verification as a conclusion and recommendation of the STR group findings in the fall of 2022? Myself and many others (including I believe, members of this board and members of the 2019/2021, and 2022 committees - whatever their titles) were under the impression that is what happened ...so why the drafting of this law? Who asked for it to be drafted? What additional complaints and problems have come in that warrant the stringent rules applied in this law? Are we all being punished for one or two bad apples?

By his own admission (and evidenced by the board minutes) Mr. Daly disregarded the findings of the committees and went his own direction by mirroring other local jurisdictions.

Which ones were used?

How do they directly reflect the recommendations of the townspeople?

Did this board direct you to draft a law as proper protocol would indicate?

Is this law what you think the voters and committee members wanted?

Furthermore, if it was so important to re-start the committee Mr. Wilson, why were its findings disregarded?

The committee hashed this out over several years and made a recommendation. The majority did not and do not want this law. The committee, in agreeance with the board opted for an honors system checklist for safety and communication. This law is one of the most invasive, nit-picky unenforceable documents I think the board has ever been presented with!

How offensive to require a notarized affidavit and then double down and require open-inspection. Who will this all-empowered codes officer be? They seem to be given no restrictions in power. The town currently has difficulty employing and keeping a part time codes officer who keeps regular hours and returns phone calls? This law creates an entire position that would need to be paid for and would be far above and beyond the duties of a codes officer. Where do you suggest we find such an individual? Is STR such an urgent issue that our time and funds should be spent on this issue above our failing water systems, ill-kept properties, lack of highway equipment and under-staffed grounds crew. Isn't now the time to plan for summer mowing and such?

In my opinion, the presented STR law invades the homeowners' privacy and basic property rights; infringes on property sales by making rental permits non-transferable despite normal real estate and banking practices allowing rentals and future rentals as part of a sale. The law goes on to limit the number of rentals allowed on a property without regard for the size of the property or whether the homes have reason to have multiple LEGAL dwellings on a single property. The law goes so far as to dictate how often septic systems need pumping in order to comply with a rental permit, all demands met with penalties at the discretion of the codes officer. When and why would or should the town involve itself in the maintenance of a homeowner's septic system? I think that is FAR out of your scope. I would prefer time be spent researching the town buildings and its own working or non-working toilets and water systems before micro-managing those of the towns property owners.

Additionally, I question what safety issue is being solved by limiting the number of permits on a property? Regulating the number of rentals on a

single property is a loosely veiled attempt at regulating STR in order to provide affordable housing; a connection which was adamantly deemed out of scope for the STR group.

Regarding those few bad apples...I would wager if the town of Keene contacted air B and B with a local required checklist and asked for compliance, they may be able to assist. Perhaps if complaints continued, they would be removed from Air B and B or VRBO or Both.I have worked with Air Band B as both a host and a guest and find them to be very helpful and responsive.

In conclusion, I sincerely hope this law is tossed out and the much friendlier **checklist that was recommended by the STR committee** is adopted. Nobody wants STR to infringe upon their neighbors, or the essence of this town, but there was and is a better way to go about regulating that. This stringent law should never have been written and does not reflect the wishes of the townspeople nor the welcoming town vibe Keene has always portrayed. The town of Keene has NEVER had a law like this restricting and invading a homeowner's rights. We are much more neighborly here.

Respectfully,

Kristy D. Farrell

## We the People...

The matter that has brought all of us here tonight has prompted me to research the reason for laws and what rights we, the citizens of the United States of America have against any tyrannical governmental action brought upon us by our own governments which were set in place to protect our liberties and property as you cannot have 1 without the other, a belief held very highly by the founding father of this great nation.

I looked up what the purpose of the law was. As a general consensus, the answer given is that the law serves many purposes, 4 main ones being “establishing standards, maintaining order, resolving disputes and protecting liberties and rights. In the matter in front of us today, I would ask if you are protecting our liberties and rights. Liberties being defined as “the state of being free within society from oppressive restrictions imposed by authority on one’s way of life, behavior or political views” and rights being defined as “a moral or legal entitlement to have or obtain something or to act in a certain way”. In this case I say no, this law, rule or

ordinance is not there to protect our liberties or rights. As for resolving disputes, please provide us with the police reports filed with the New York State Police or Essex County Sheriff's office that show that there have been disputes to be resolved. Someone being offended does not constitute a lawful offense and if their offense was lawfully sound, they should have called the State Police. If they did not, then there is no accuser for us to have the right to face. The same goes for maintaining order, please provide us with evidence of the disorder that STR's have brought to our community so that we the people may better understand the reason for such restrictive guidelines. Lastly is the part about establishing standards. Will these new impositions of our basic human rights be held to all community members or just those seeking to use his or her property as he or she sees fit and to profit from its resources in the same manner? In the case of the septic system rules, I will argue that a septic system used by a LTR family of 4 or more people, 365 days of the year, will incur more use than the same size septic system used by 10 people on the weekends, people who have come here for a specific purpose, which is not to stay home all day, but to enjoy all that the Adirondack park has to offer. Will vehicle

restrictions be put in place for average citizens having a large gathering of friends or family? Will you be restricting the amount of people residents can invite to Thanksgiving or Christmas or how many of those guests are allowed to stay overnight? Have you checked those septic systems for capacity as you would like to do to ours? Will those residents be held to the same fines if they don't comply with these new regulations? Also as for profiting on one's property, I would assert that any board member who votes yes to this should have to right on a piece of paper the amount that they paid for their property, including home, and be it 1 year from now or 50 years from now, they should not be allowed to make a profit on said property just as they wish to restrict our rights, so shall we theirs.

To these points, the 5<sup>th</sup> Amendment of the constitution of the United States of America, also known to be 1 of the 10 bill of Rights provides that no person shall be deprived of life, liberty or property without due process of law. When I looked up property rights, the term "bundle of rights" which describes the set of legal rights associated with ownership of real property, came up. this "bundle is made up of 5 distinct rights. They are



“the right of possession, the right of control, the right of exclusion, the right of enjoyment and the right of disposition”. In your quazi communist manifesto, you use the term “control the use of” when talking about our properties, something for which you have no right since you are not the legal owner. Private property rights are said to be 1 of the pillars of capitalist economies, as well as many legal systems and moral philosophies. Private property rights give the owner the ability to do with the property what THEY choose. That includes holding on to it, selling or renting it out for profit or transferring it to another party.

All privately owned resources are rivalrous, meaning only a single user may possess the title and legal claim to the property. Private property owners also have the exclusive right to use and benefit from the services or products and that private property owners have the right to exchange the resource on a voluntary basis. in an area where property rights don't exist, the ownership and use of resources are allocated by force, normally by the government. That means these resources are allocated by political ends rather than economic ones. such governments determine who may interact with, can be excluded from or may benefit from the use of the

property. So, to that I ask, do we have property rights in the town of Keene, NY, located in the free nation of the United States of America, a country founded for the rights and freedoms of its people from such tyrannical governmental actions, or has this become a communist state where our rights hold no weight, no measure? Property is secured by laws that are clearly defined and enforced by the states. These laws define ownership and any associated benefits that come with holding the property. In many countries, including the United States, individuals generally exercise private property rights or the rights of private persons to accumulate, hold, delegate, rent or sell their property. In economics, property rights form the basis for all market exchanges and the allocation of property rights in a society affects the efficiency of resource use. Furthermore, secure property rights allow landowners to travel from their land for employment and to let their land work for them. Property rights formalization is, appropriately, often linked with economic prosperity.

That last idea was one believed by many of our founding fathers, a group of men who defied a king and battled his armies to create a new nation. 1 founded on

the people's freedoms and their rights against a government, not the rights of government against its people. You all sit up there now as elected officials, elected to be the voice of the people of the town of Keene, but you don't speak for me. I am here tonight as someone who did not vote anyone into any office because no man or woman can speak for me on matters that hit home, in this case literally. I am starting to realize as I look around town that many things that didn't need to be approved, did. I may start attending more of these meetings in the future, as I now believe that someone needs to be keeping a watchful eye on our closest form of government. I purchased my father's home, the 1 he built, the 1 I grew up in for 1 reason. So that in the event of an emergency, my family could be reunited to help each other. My brother, Steven, grew up in this town. He graduated from KCS. He was an exchange student to Germany for a year which I can tell you brought Germany the very best person to be an ambassador for our wonderful town. He is largely responsible for KCS having internet, which may be the reason the entire town now has it. Have I mentioned that he's blind? His wife has died, but thanks to his knowledge of CPR, he was able to keep her heart going

long enough for paramedics to arrive and revive her. She now relies on a pace make to do that. Their daughter has a rare condition that almost took her from us more than once and their son, who has had the responsibility of all of this thrown into his lap, as the one who can help the most. My house was purchased for them and my sister to come home whenever needed for the help that only family can provide. Now you sit there today with ideas about how to restrict my ability to pay for this home, a home that was available to a local family in need when theyre house burned down, the same thing offered by Davie Deyo. Neither of us could have made such an offer if our homes were LTR's. My house will continue to be a safe haven for any in Keene who truly need, but not if I can't afford it.

While all of this is going on, has anyone talked about regulating Jay Haus, owner of what used to be the "Fillin Station", and the "Woodruff Motel", and the "Keene General Store", and the "Taxidermy" and Edna Ellenberger's private property which is now nothing more than staff housing for his businesses, not to mention the recent acquisition of the former Baxter Mountain Tavern? That answer seems to be no, no one has

brought into question how 1 man has bought at least 5 or more commercial properties and at least a couple of residential properties that “could have brought new families into the town of Keene”. Why not I ask, because no one has the right to tell him he can’t, even though he is profiting from every single 1 of these properties.

Though I have many more facts and opinions about this matter, I will conclude with this: Neither the Town of Keene, nor the State of NY, no matter how many unconstitutional laws have been passed, can escape from the writing of our founding fathers in a timeless piece of parchment we hold most sacred to our freedoms, liberties and rights, known simply as the US Constitution. A piece of literature penned by the very men new that it would need to be upheld by its citizens in times when our own government seeks to overstep its boundaries and limitations of our rights. The 2<sup>nd</sup> amendment is in place to make sure that no matter how hard a governing body pushes, we are capable of pushing back, with force if necessary. Regulating the use of private property is a right held solely by the property owner, meaning you have no rights, but there is a place in this discussion where you could have those rights. As our town is more than 68% state owned, pass a law that states from

heretofore, that no more land can be donated to the state in an effort to subvert ones property tax costs. Instead, the same person can still donate their land to the Town of Keene at a fraction of fair market value (50%-75%). Once owned, that property can be subdivided as needed and posted available for purchase on the towns website to anyone wishing to bring a family into the town of Keene, but only with 100% of the closing costs in hand at the time of purchase. No handouts, No town financing. The town, as an owner with rights can then stipulate how many years a purchaser must reside in the town of Keene before being allowed to utilize their property to the fullest extent of the rights granted by the constitution. The town can, as the owner with constitutional rights, place a cap on the size and overall price of any buildings placed on said property, but only for a limited time. I'll leave my phone number available for anyone looking to find out more on how we might legally bring a town back to the town of Keene, but be assured, continuing down this road will only place you liable for lawsuit, something our pro bono lawyer and this board member should have known. Case law after case law of townships being sued and losing due to unconstitutional restriction is available on the internet

and he should have done his research better before proposing something like this. Lastly, LP only lost its suit due to the ripeness of their claim, but the ruling stated that the moment a final decision has been made, that the town is that liable for any takings actions suits brought against them at that point. Good luck in your decision.