

Regular Monthly Town of Keene Board Meeting
September 12th, 2023
5:30 P.M. Town Hall
Meeting # 14
Resolutions # 205-219

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

Absent: Dave Deyo

Town Officials Present: Savana Lia Water Superintendent, Anna Whitney Town Clerk

Town Counsel Present: Bryan Liam Kennelly, Esq

Members of the Public: Donald Smith, Charlie Segard, Liz Manning, Keith Hall, Jane Haugh, Ann Hough

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

Pledge of Allegiance

Approval of Minutes:

RESOLUTION APPROVING MONTHLY TOWN BOARD MINUTES

RESOLUTION NUMBER: 205-2023

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

Discussion: Mr. Biesemeyer wants to clarify were Mr. Wilson stated that Mr. Biesemeyer made an incorrect statement. I researched this and I found in the minutes on September 27th 2022, in that meeting Supervisor Wilson brought up while we are on the topic of the Community Center he wanted to discuss the donation for the playground and the family would like an update. The only three at that meeting were Joe Pete, Teresa and myself. Board members discussed the renovations and board members were in agreement and would like to accept the donation of the playground upgrade and let the family move forward with their planning with the stipulation the family knows that the longevity of the Community Center is uncertain.

Mr. Wilson said there was more discussion in the Budget Workshop minutes 2022 if you go back and look at them.

Mr. Biesmeyer said we approved it.

Mr. Wilson stated we discussed the fact we would be doing work and the donor wanted the slide only up top and we didn't know if that would happen .

Mr. Biesemeyer just wanted to make note that he was not incorrect.

RESOLVED that the Monthly Town Board minutes from August 8th, 2023 are accepted and approved.

Duly adopted this 12th day of September 2023 by the following vote:

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

NAYS: None

Privilege of the Floor:

Jane Haugh Update from ADAC

I will go through some of the initiatives that we are working on or have done. The most obvious are the "Keene Welcomes All" signs. We shifted to lawn signs. The signs pay for themselves.

Next has to do with DEC. We were invited to sit on their accessibility committee, it was very interesting. The feeling we got the more interest the Town shows the more possibility the DEC can allocate funds to make things more accessible for people. To that end KDAC has asked a woman, Meg LaFavbobbins born in Plattsburgh, she has been in a wheelchair since 18 from a skiing accident, she is very involved in town and state government and she has agreed to be our point person at those DEC meetings.

We are looking at a November event with Dubin Mullins, the first black man to summit Mt. Everest.

Along the lines of education we are trying to think of to educate people that have not traditionally been here. We have two things we are looking at, one is a letter to the homeowners and the other is a microaggression grid. Please see attachments in regards to this part.

Attachment #1-14

We are doing relationship building with the Six Nations Museums. We are trying to have people do research who owned their land before they owned it.

The last piece is a question for the Board. We have Younga Webb join our Committee. She is the DEI Officer at North County Camp Treetops. She will advise us on issues of race. We have been trying to figure a way to pay her an honorarium for being our accountability partner. ADI has come up with a way to pay her \$25.00 and we would like to come up with another \$25.00. That made us wonder if we can fund raise but we do not think we can because we are not our own entity. Can we come to the Town, how would that work?

Mr. Bieseyer stated his only concern is opening the door for others.

Ms. Cheetham-Palen feels this is like a consultant.

Mr. Wilson said we do have the Community Enhancement Fund so the committee could write a request letter.

Old Business:

- **Community Center Task Force Update**

Attachment #2-14

Ms. Ann Hough stated the Task Force was asked to come up with placement of the playground. So we decided to come up with everything we would go.

Mr. Smith said had concern this will be very expensive.

Ms. Cheetham-Palen said this is the beginning of the idea and I think it is great.

Mr. Biesemeyer asked if the group discussed realistic short-term goals?

Ms. Hough said no we did not but I think we would fix up what we could.

Mr. Wilson said what the next step is in our budget workshop, I gave everyone a copy of the town wide Capital Plan and the Community Center is in that and this is detail to add to that.

Mr. Smith asked if we can put in our budget to hire someone to fix things not hire to only mow lawns.

Mr. Biesemeyer said he would like to perhaps replace the playground equipment in its current location and maybe reach out to Mrs. Hamil if she would reconsider her donation.

Mr. Wilson asked how much would it be to move the playground?

Mr. Biesemeyer said he did not know. He then stated, Somebody that is a business man for forty years and if I was given an offer of \$60,000 I would think how I could capitalize on that offer and not look a gift horse in the mouth.

Ms. Hough asked would it be reasonable to approach her again?

Mr. Wilson asked Mr. Biesemeyer how he thought we should move forward.

Mr. Biesemeyer stated I think we should have a short-term plan. I think we could give the kids in the community some new playground equipment.

Ms. Cheetham-Palen thanked the committee for the work they have done.

Ms. Hough asked Mr. Biesemeyer if he knew Mrs. Hamil well, maybe he could talk to her.

Mr. Wilson asked Mr. Biesemeyer if he would talk with her?

Mr. Biesemeyer said he would talk with her see if she is still interested.

- **Cemetery Update**

Mr. Wilson said the road was built and we reduced the width that saved us quite a bit of money. The corner markers are on a truck and on the way here, once here the surveyor can start marking out the plots. Last piece is I am going to ask Liam to do a generic sales agreement. We are going to need a new one considering the three different plots that can be purchased.

- **Water Districts**

Mr. Wilson stated that in the budget workshop Mr. Biesemeeyer brought up the grant applications we have not had much luck with in securing grant funding in WD#2. We are working with the Northern Forest Center came up with this resolution and I think is worth passing so I can at least submit it to DEC and DOH. I have been lobbying these groups with some other small towns to try and carve out another round of grant money for the small towns.

RESOLUTION WHEREAS, New York State is currently soliciting feedback on the uses of the state’s Environmental Bond Act funds; and

Whereas, the purpose of these funds is to; “safeguard drinking water sources, reduce pollution, and protect communities and natural resources from climate change;” and

Whereas, the small communities of Essex County struggle to maintain adequate infrastructure to provide clean water to our residents and reduce pollution due to our small population sizes; and

Whereas, additional density in our communities would strengthen the user base of infrastructure investments; and

Whereas, such density is also vital to providing growth opportunities in our communities; and

Whereas, such density is limited by private land use classifications under the New York State Adirondack Park Agency Act; and

Whereas, the Adirondack Park Agency Act was adopted on May 22, 1973; and

Whereas, the APA Act defines hamlets as the “service and growth centers in the Park” and

Whereas, the Act goes on to say that hamlets are intended to “accommodate a large portion of the necessary and natural expansion of the park’s housing, commercial and industrial activities;” and

Whereas, the APA Act discourages or prohibits a more sprawling development pattern that would be inconsistent with the open space character of the Park; and

Whereas, opportunity for growth in our hamlets is currently limited by available wastewater and clean water infrastructure; and

Whereas, grant funding is essential to allowing our small communities to provide such infrastructure given our small population base; and

Whereas, the residents of our hamlets are often among the most vulnerable members of our population and are typically unable to afford significant debt payments for new infrastructure projects;

Now, therefore, be it resolved that the Essex County Board of Supervisors does hereby officially request

RESOLUTION NUMBER: 206-2023

**INTRODUCED BY ROBERT BIESEMEYER WHO MOVED FOR ITS
ADOPTION SECONDED BY TERESA CHEETHAM-PALEN**

Mr. Biesemeyer said one thing that would be interested in adding would be the way the state assesses their land, which right now is by stumpage. I think it would take the entire Adirondack Park and all the towns to come together on this to make sure their assurors are comfortable with this. If they could have a better mythology on this. If we could get an incremental increase on this, it would be huge. I think if we could include this in your list of things.

Mr. Wilson said your idea is great but this resolution is around water, water districts do not have state land in them. I think we should do what you are suggesting, as a standalone would have more pull.

**RESOLVED THE TOWN BOARD OFFICIALLY REQUEST THAT NEW
YORK STATE DIRECT A FAIR PORTION OF THE ENVIRONMENTAL
BOND ACT FUNDING TO SUPPORT HAMLET INFRASTRUCTURE
PROJECTS IN ESSEX COUNTY AND THE ADIRONDACK HAMLETS**

Duly adopted this 12th day of September 2023 by the following vote:

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

NAYS: None

- **Water Law Update**
- **Lead Pipe Survey**

Ms. Lia told us that DOH has come up with a survey, so to speak, it asks which type of pipe you have and you mark the box. This would save us from invading everyone's privacy. We are going to try this first.

- **WD #1**
- **WD #2**

Ms. Lia said Hydro Source and Lane were here, did first test and we are unofficially at 300 gallons per minute. We are waiting for the reports to come back from Hydro Source.

Mr. Biesemeyer said, we need 100 correct,

Ms. Lia said yes.

Mr. Wilson said the next steps, once we get our permits, we schedule the full boar production well drilling and at that point we will start our bonding process.

Mr. Wilson said we have an appeal on a resident and business with one water shut off for both.

Ms. Lia said so that one shut off controls their residential and the commercial business.

Mr. Wilson said we have no way to shut off the commercial space so if the water is on we charge them. They do not want to be charged the commercial rate because they are not using water yet. They are asking to wait until they open.
Mr. Biesemeyer does not think we should charge them because the business is not open.

**RESOLUTION APPROVING THE APPEAL TO NOT CHARGE FOR
COMMERCIAL BUSINESS**

RESOLUTION NUMBER: 207-2023

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

Ms. Cheetham-Palen asked when would we charge them?

Mr. Biesemeyer said they pay the whole year of the year they open.

Mr. Wilson said then we need to amend the resolution then to read “until they open”

**AMEND RESOLUTION APPROVING THE APPEAL TO NOT CHARGE
FOR COMMERCIAL BUSINESS UNTIL IT IS OPEN**

RESOLUTION NUMBER: 208-2023

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

RESOLVED that the Town Board approve to only charge Mr. Fialon for residential until their commercial business is opened and at that time, they pay for the whole year residential and commercial.

Duly adopted this 12th day of September 2023 by the following vote:

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

NAYS: None

• **Amend Library Project Contract**

**RESOLUTION TO AMEND THE LIBRARY CONSTRUCTION PROJECT
CONTRACT WITH TRI COUNTY CONTRACTING**

RESOLUTION NUMBER: 209-2023

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

RESOLVED that the Town Board amend the library construction project contract with Tri County Contracting to include a right of first refusal provision to purchase surplus materials at a price the parties may mutually agree in writing.

Duly adopted this 12th day of September 2023 by the following vote:

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

New Business:

- **Approve Travel to Water Superintendent Training Class D License**

RESOLUTION TO APPROVE TRAVEL FOR WATER SUPERINTENDENT TRAINING FOR CLASS D LICENSE

RESOLUTION NUMBER: 210-2023

INTRODUCED BY: TERSEA CHEETHAM-PALEN WHO MOVED FOR ITS ADOPTION SECONDED BY CHRISTOPHER DALY

RESOLVED that the Town Board approve travel for the Water Superintendent for her class D license

Duly adopted this 12th day of September 2023 by the following vote:

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

NAYS: None

- **Temporary Liquor License for Farmers Market**

RESOLUTION TO APPROVE TEMPORARY LIQUOR LICENSE FOR THE FARMERS MARKET.

RESOLUTION NUMBNER: 211-2023

INTRODUCED BY: ROBERT BIESEMAYER WHO MOVED FOR ITS ADOPTION SECONDED BY CHRISTOPHER DALY

RESOLVED that the Town Board approve temporary liquor license for the Farmers Market.

Duly adopted this 12th day of September 2023 by the following vote:

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

NAYS: None

Ongoing Local Law Process

- **Resolution to Authorize Town Attorney to Draft Proposed Leash Law, Grievance Day Schedule Law, and Revised Water Laws for each District**

**RESOLUTION TO AUTHORIZE THE TOWN ATTORNEY TO
DRAFT A PROPOSED LEASH LAW, GRIEVANCE DAY
SCHEDULE LAW, AND REVISED WATER LAWS FOR EACH
DISTRICT**

RESOLUTION NUMBER: 212-2023

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

RESOLVED that the Town Board authorize the Town Attorney to draft
a proposed leash law, grievance day, and revised water laws for each
district

Duly adopted this 12th day of September 2023 by the following vote:
AYES: Robert Biesemeyer, Christopher Daly, Teresa Cheetham-Palen,
Joe Pete Wilson
NAYS: None

- **Introduce Local Law on STR Regulations**

Attachment #3-14

Mr. Wilson presented the most recent revised draft of the STR law and regulations.
We are not introducing it we just received it, review it and we will go over it at our
next meeting.

Executive Session: Personnel Issue

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

RESOLUTION NUMBER: 213-2023

**INTRODUCED BY: ROBERT BIESEMEYER WHO MOVED FOR ITS
ADOPTION SECONDED BY CHRISTOPHER DALY**

RESOLVED, that the Town Board enter into Executive Session to discuss
personnel issues at 6:32

Duly adopted this 12th day of September 2023 by the following vote:
AYES: Robert Biesemeyer, Christopher Daly, Teresa Cheetham-Palen,
Joe Pete Wilson
NAYS: None

RESOLUTION TO RETURN FROM EXECUTIVE SESSION

RESOLUTION NUMBER: 214-2023

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

RESOLVED that the Town Board return from executive session at 6:50
Duly adopted this 12th day of September 2023 by the following vote:
AYES: Robert Biesemeyer, Christopher Daly, Teresa Cheetham-Palen,
Joe Pete Wilson
NAYS: None

**RESOLUTION TO APPOINT TREY HULBERT TO THE PERMANENT
POSITION OF GENERAL LABORER
RESOLUTION NUMBER: 215-2023**

**INTRODUCED BY: ROBERT BIESEMEYER WHO MOVED FOR ITS
ADOPTION, SECONDED BY CHRISTOPHER DALY**

RESOLVED that the Town Board appoint Trey Hulbert for the permanent
position of General Laborer

Duly adopted the 12th day of September 2023 by the following vote:

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

Budget Resolutions:

- **Resolution to transfer funds :** None
- **Resolution to amend the 2023 Budget:** None

Supervisors Report:

- **HRA Reconciliations**

**RESOLUTION TO APPROVE THE HRA RECONCILIATIONS
REPORT FOR JANUARY THRU JULY 2023**

RESOLUTION NUMBER: 216-2023

**INTRODUCED BY ROBERT BIESEMEYER WHO
MOVED FOR ITS ADOPTION SECONDED BY CHRISTOPHER
DALY**

RESOLVED that the Town Board approve the HRA reports January
2023 thru July 2023.

Duly adopted this 12th day of September 2023 by the following vote:

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

Audit Bills:

RESOLUTION TO PAY THE ONLINE BILLS

RESOLUTION NUMBER: 217-2023
INTRODUCED BY ROBERT BIESEMEYER WHO MOVED FOR ITS
ADOPTION SECONDED BY CHRISTOPHER DALY

RESOLVED that the Town Board pay the online bills.

Duly adopted this 12th day of Septemebr 2023 by the following vote:

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

NAYS:None

RESOLUTION TO AUDIT THE VOUCHERS 2023-672 THROUGH 2023-744

RESOLUTION NUMBER: 218-2023
INTRODUCED BY ROBERT BIESEMEYER WHO MOVED FOR ITS
ADOPTION SECONDED BY CHRISTOPHER DALY

RESOLVED that the Town Board approve the following bills and prepaid bills.
Multi-Fund Vouchers numbered 2023-672 through 2023-744 totaling \$106,226.57
as follows:

General Fund Bills \$58,859.43

Highway Fund Bills \$21,910.34

Water District #1 \$2,753.27

Water District #2 \$21,144.22

Library \$1,154.31

Roost Enhancement Tax \$405.00

Duly adopted this 12th day of Septemeber2023 by the following vote:

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

NAYS: None

Adjourn:

RESOLUTION TO ADJOURN
RESOLUTION NUMBER: 219-2023
INTRODUCED BY: ROBERT BIESEMEYER WHO MOVED FOR ITS
ADOPTION SECONDED BY CHRISTOPHER DALY

RESOLVED that the Town Board of Keene has completed all business and
hereby adjourns the Regular Meeting at 6:54 P.M.

Duly adopted this 12th day of September 2023 by the following vote:

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

NAYS: None

Anna Whitney
Town Clerk
Town of Keene

Dear Neighbor,

As you may have noticed, our beautiful mountain home is welcoming people who have traditionally not been visitors to, let alone residents of, the Adirondack Park. We believe this more open and accessible world benefits us all. In an effort to welcome our fellow citizens, below are some things to think about.

People coming from an urban/city life do not always:

Feel comfortable sharing where they are from. "Hey, where you all from?" is a way of connecting when we share similar life experiences but can also be seen as a way of categorizing people in a hierarchy.

Trust systems and resources we take for granted. One example of this is drinking water which has turned out to be toxic in many under resourced communities so that people often prefer bottled water while we take for granted the wells and water systems that bring us this essential gift from the earth.

Feel confident they can get food they will like to eat. The nicest sandwich you ever made may look possibly poisonous to someone who has only eaten food that comes packaged. You might not trust food that comes unpackaged or with a bit of soil or the peel still on it.

Understand customs and processes. We've grown up with our own ways and they serve us pretty darn well. There are other ways and other needs served in other places and people coming here for the first time may be trying to understand how we do. How do we find trailheads, figure out where it is safe to park, serve ourselves coffee (is it free then?), make our own change and put money in the box (say what?).

Share our ideas about personal vs public property, space, and resources. In urban spaces if you care about it you lock it up. If it isn't secured, the owner doesn't care about it. Open spaces are for everyone to use. (Wait... that's someone's carefully tended lawn? A place to play a game (golf)? A meadow for grazing?) Private spaces are gated (that's how you know they are private). Plants by the side of the road are community tended -- there are hundreds of community gardens in cities where you can often enjoy food.

This is not meant to be a comprehensive guide nor do urban peoples act the same all the time. **And as you can see, there is a LOT of room for confusion -- on both the community members' and the newcomers' part. So let's be curious instead of suspicious. Let's assume good intentions. Let's ask sympathetic questions before calling on the authorities.**

Tool: Recognizing Microaggressions and the Messages They Send

THEMES	MICROAGGRESSION	MESSAGE
<p>Pathologizing Cultural Values/Communication Styles The notion that the values and communication styles of the dominant/White culture are ideal/"normal".</p>	<ul style="list-style-type: none"> To an Asian, Latino or Native American: "Why are you so quiet? We want to know what you think. Be more verbal." "Speak up more." Asking a Black person: "Why do you have to be so loud/animated? Just calm down." "Why are you always angry?" anytime race is brought up in the classroom discussion. Dismissing an individual who brings up race/culture in work/school setting. 	<p>Assimilate to dominant culture.</p> <p>Leave your cultural baggage outside.</p> <p>There is no room for difference.</p>
<p>Second-Class Citizen Occurs when a target group member receives differential treatment from the power group; for example, being given preferential treatment as a consumer over a person of color.</p>	<ul style="list-style-type: none"> Faculty of color mistaken for a service worker. Not wanting to sit by someone because of his/her color. Female doctor mistaken for a nurse. Being ignored at a store counter as attention is given to the White customer. Saying "You people..." An advisor assigns a Black post-doctoral student to escort a visiting scientist of the same race even though there are other non-Black scientists in this person's specific area of research. An advisor sends an email to another work colleague describing another individual as a "good Black scientist." Raising your voice or speaking slowly when addressing a blind student. In class, an instructor tends to call on male students more frequently than female ones. 	<p>People of color are servants to Whites. They couldn't possibly occupy high status positions. Women occupy nurturing positions. Whites are more valued customers than people of color.</p> <p>You don't belong. You are a lesser being.</p> <p>A person with a disability is defined as lesser in all aspects of physical and mental functioning. The contributions of female students are less worthy than the contributions of male students.</p>
<p>Sexist/Heterosexist Language Terms that exclude or degrade women and LGBT persons.</p>	<ul style="list-style-type: none"> Use of the pronoun "he" to refer to all people. Being constantly reminded by a coworker that "we are only women." Being forced to choose Male or Female when completing basic forms. Two options for relationship status: married or single. A heterosexual man who often hangs out with his female friends more than his male friends is labeled as gay. 	<p>Male experience is universal. Female experience is invisible.</p> <p>LGBT categories are not recognized. LGBT partnerships are invisible.</p> <p>Men who do not fit male stereotypes are inferior.</p>
<p>Traditional Gender Role Prejudicing and Stereotyping Occurs when expectations of traditional roles or stereotypes are conveyed.</p>	<ul style="list-style-type: none"> When a female student asks a male professor for extra help on an engineering assignment, he asks "What do you need to work on this for anyway?" "You're a girl, you don't have to be good at math." A person asks a woman her age and, upon hearing she is 31, looks quickly at her ring finger. An advisor asks a female student if she is planning on having children while in postdoctoral training. Shows surprise when a feminine woman turns out to be a lesbian. Labeling an assertive female committee chair/dean as a "b_____" while describing a male counterpart as a "forceful leader." 	<p>Women are less capable in math and science.</p> <p>Women should be married during child-bearing ages because that is their primary purpose.</p> <p>Women are out of line when they are aggressive.</p>

Tool: Recognizing Microaggressions and the Messages They Send

Microaggressions are the everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, that communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership (from *Diversity in the Classroom, UCLA Diversity & Faculty Development, 2014*). **The first step in addressing microaggressions is to recognize when a microaggression has occurred and what message it may be sending. The context of the relationship and situation is critical.** Below are common themes to which microaggressions attach.

THEMES	MICROAGGRESSION EXAMPLES	MESSAGE
<p>Alien in One's Own Land When Asian Americans, Latino Americans and others who look different or are named differently from the dominant culture are assumed to be foreign-born</p>	<ul style="list-style-type: none"> • "Where are you from or where were you born?" • "You speak English very well." • "What are you? You're so interesting looking!" • A person asking an Asian American or Latino American to teach them words in their native language. • Continuing to mispronounce the names of students after students have corrected the person time and time again. Not willing to listen closely and learn the pronunciation of a non-English based name. 	<p>You are not a true American.</p> <p>You are a perpetual foreigner in your own country.</p> <p>Your ethnic/racial identity makes you exotic.</p>
<p>Ascription of Intelligence Assigning intelligence to a person of color or a woman based on his/her race/gender</p>	<ul style="list-style-type: none"> • "You are a credit to your race." • "Wow! How did you become so good in math?" • To an Asian person, "You must be good in math, can you help me with this problem?" • To a woman of color: "I would have never guessed that you were a scientist." 	<p>People of color are generally not as intelligent as Whites.</p> <p>All Asians are intelligent and good in math/science.</p> <p>It is unusual for a woman to have strong mathematical skills.</p>
<p>Color Blindness Statements that indicate that a White person does not want to or need to acknowledge race.</p>	<ul style="list-style-type: none"> • "When I look at you, I don't see color." • "There is only one race, the human race." • "America is a melting pot." • "I don't believe in race." • Denying the experiences of students by questioning the credibility /validity of their stories. 	<p>Assimilate to the dominant culture.</p> <p>Denying the significance of a person of color's racial/ethnic experience and history.</p> <p>Denying the individual as a racial/cultural being.</p>
<p>Criminality/Assumption of Criminal Status A person of color is presumed to be dangerous, criminal, or deviant based on his/her race.</p>	<ul style="list-style-type: none"> • A White man or woman clutches his/her purse or checks wallet as a Black or Latino person approaches. • A store owner following a customer of color around the store. • Someone crosses to the other side of the street to avoid a person of color. • While walking through the halls of the Chemistry building, a professor approaches a post-doctoral student of color to ask if she/he is lost, making the assumption that the person is trying to break into one of the labs. 	<p>You are a criminal.</p> <p>You are going to steal/you are poor, you do not belong.</p> <p>You are dangerous.</p>
<p>Denial of Individual Racism/Sexism/Heterosexism A statement made when bias is denied.</p>	<ul style="list-style-type: none"> • "I'm not racist. I have several Black friends." • "As a woman, I know what you go through as a racial minority." • To a person of color: "Are you sure you were being followed in the store? I can't believe it." 	<p>I could never be racist because I have friends of color.</p> <p>Your racial oppression is no different than my gender oppression. I can't be a racist. I'm like you.</p> <p>Denying the personal experience of individuals who experience bias.</p>
<p>Myth of Meritocracy Statements which assert that race or gender does not play a role in life successes, for example in issues like faculty demographics.</p>	<ul style="list-style-type: none"> • "I believe the most qualified person should get the job." • "Of course he'll get tenure, even though he hasn't published much—he's Black!" • "Men and women have equal opportunities for achievement." • "Gender plays no part in who we hire." • "America is the land of opportunity." • "Everyone can succeed in this society, if they work hard enough." • "Affirmative action is racist." 	<p>People of color are given extra unfair benefits because of their race.</p> <p>The playing field is even so if women cannot make it, the problem is with them.</p> <p>People of color are lazy and/or incompetent and need to work harder.</p>

September 8, 2023

Town Board and residents,

Attached is a diagram (rough drawing) of the Keene Community Center Task Force's recommended plan for the outdoor phase of the Community Center.

Below is the explanation for **Plan A**:

1. The current ice skating rink will become a year-round parking area. Eliminate the small parking space along the driveway that faces the pavilion.
2. Create a new playground where the old softball backplash is. Remove that old backplash. This area sits quite high and offers a bit of shade near the tree line.
3. Create a small walkway to the left of the driveway and running between the current pavilion and the future (hopefully covered) ice skating rink that will allow parents and small children (handicapped included) easy access to the playground.
4. Move the newer splashback (located now near the pavilion) to the back corner of the field.
5. Build a new ice skating rink, preferably covered for year-round use, just in front of the existing pavilion. Our current skating rink is 110' long x 84' wide. A nice size, but may need to be slightly smaller, depending on structural integrity of a covering (to be determined).
6. The current pavilion will be modified to include a year-round rest room, small warming hut, and a small area for tables.
7. A rubber mat would be installed from the warming hut to the ice rink, for use by skaters.

Plan B would include removing the current pavilion all together and moving the covered skating rink over to that position, with a clean start for the outdoor area and restroom/warming hut building. A walkway to the playground would still be included.

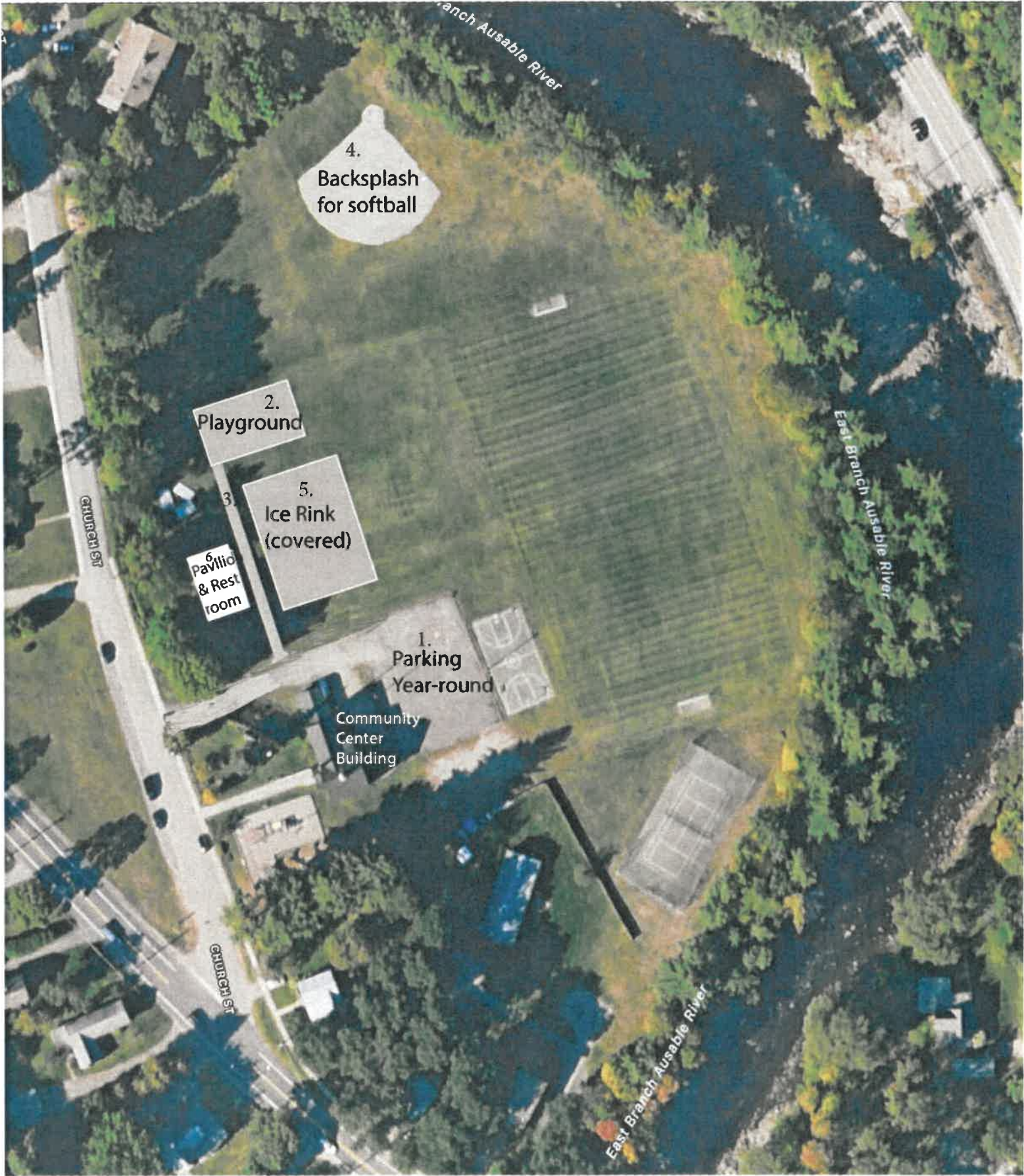
Notes: This area of the community center fields receives less sun which would benefit both the ice rink and the playground. All playing areas, softball, soccer, basketball, skating and playground would be visible from the pavilion area.

Restrooms should not be the first visual when pulling into the parking lot, potentially blocking the view of the fields and river. Therefore, we tucked them over by the current pavilion, offering easy access from any field or parking area.

We realize there are many ways to reconfigure this playing area, and this is just one idea to be considered. We suggest an architect review the plan once the board agrees on placement.

Thank you for your consideration. Let us know how we can be of further assistance with this project.

The Keene Community Center Task Force



4.
Backsplash
for softball

2.
Playground

5.
Ice Rink
(covered)

3.
6.
Pavilion
& Rest
room

1.
Parking
Year-round

Community
Center
Building

CHURCH ST

CHURCH ST

East Branch Ausable River

East Branch Ausable River

East Branch Ausable River

LOCAL LAW NO. _____ OF 2023

A LOCAL LAW TO REGISTER, AND IMPLEMENT PUBLIC SAFETY STANDARDS FOR SHORT TERM RENTAL PROPERTIES

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF KEENE AS FOLLOWS:

SECTION 1. PURPOSE AND AUTHORITY

A. The purpose of this Local Law is to establish comprehensive permitting regulations to safeguard the public health, safety and welfare by regulating the use, occupancy, oversight and maintenance of short-term rental properties.

B. The Town Board reserves the right to adopt regulations by Resolution to carry out the provisions and purposes of this Local Law.

C. This Local Law is adopted pursuant to the laws of the State of New York and the Town of Keene Strategic Plan: Adopted June 8, 2021.

SECTION 2. DEFINITIONS

“CHANGE IN OWNERSHIP”: a transfer of ownership whether by deed of real property, by transfer of membership interest in the case of a limited liability company, by transfer of partnership interest in the case of a partnership, or by transfer of shareholder interest in the case of a corporation. Neither the death of an owner leaving one or more surviving joint tenant(s) with right of survivorship, nor real property conveyances, without consideration, from individuals to an entity of which the transferors are principals, shall constitute a change of ownership.

"ENFORCEMENT OFFICER": the Code Enforcement Officer for the Town of Keene.

"OWNER": any natural person, limited liability company, partnership or corporation which owns or has an ownership interest in a property or dwelling unit used as a short term rental.

"OWNER" shall include the members, partners and shareholders of any limited liability company, partnership or corporation, respectively, that has an ownership interest in the property or dwelling unit.

"PROPERTY OR DWELLING UNIT": any single-family dwelling, two-family dwelling, condominium unit, co-op unit, townhouse, residential apartment, guest house, cottage, cabin, accessory dwelling unit or other dwelling unit of any kind, including lean-tos and other campsite structures used as living quarters.

"RENTAL": granting use or possession of a property or dwelling unit, in whole or in part, to any person, group of persons or entity in exchange for consideration valued in money, goods, labor, credits or other valuable consideration.

"SHORT-TERM RENTAL": rental of any property or dwelling unit, in whole or in part, to any person, group of persons or entity for a period of less than thirty (30) consecutive nights. Neither time-share units, hotels, motels, bed and breakfast establishments, nor use of a short-term rental by a record owner or family member of a record owner of a property or dwelling unit shall constitute a short-term rental.

"SHORT TERM RENTAL PROPERTY": any property or dwelling unit used for short term rental, including the parcel of land on which the property or dwelling unit is located.

“OCCUPANT”: any person, including children, located on a short term rental property between the hours of 10:00 pm and 6:00am, prevailing time.

SECTION 3. SHORT TERM RENTAL PERMITS.

A. An owner shall obtain a revocable short-term rental permit prior to and whenever a property or dwelling unit is to be used for short-term rental.

B. No property or dwelling unit may be used for short term rental without a short term rental permit.

C. A short term rental permit shall be valid for two (2) years from the date of issue and must be renewed prior to expiration for so long as the property or dwelling unit is used for short term rental.

D. Short term rental permits are not transferable in the event of a change in ownership of the property or dwelling unit.

E. Only one (1) short term rental permit may be issued per property or dwelling unit.

Notwithstanding, this section does not prohibit multiple rentals occurring on a permitted property.

F. No short term rental permit shall be issued or renewed unless and until: (i) the property or dwelling unit complies with all applicable laws, rules and regulations, including, without limitation, this Local Law, and any regulations promulgated hereunder, the Town of Keene Site Plan Review Law, the Town of Keene Water Law, and the New York State Building Code; and

the property or dwelling unit is registered with the Occupancy Tax Program administered by the Essex County Treasurer's Office.

G. Violations of any provisions of a short term rental permit or this Local Law or any regulations promulgated hereunder may result in a revocation or suspension of the short term rental permit and the owner shall be subject to the penalties set forth herein.

SECTION 4. SHORT TERM RENTAL PERMIT APPLICATION REQUIREMENTS.

A. An application for issuance or renewal of a short term rental permit shall be submitted to the Enforcement Officer, signed by all owners of the subject property or dwelling unit, accompanied by (i) payment of the permit fee in the amount set from time to time by Resolution of the Town Board, and (ii) a copy of the current vesting deed to the property or dwelling unit evidencing how title to the property or dwelling unit is currently held.

B. The application shall be in a form prescribed by the Enforcement Officer and shall provide, at a minimum, the following information:

1. A list of all owners of the short term rental property including, names, addresses, telephone numbers and email addresses. If the short term rental property is owned by a limited liability company, partnership, corporation or other entity, the list shall include the names, addresses, telephone numbers and email addresses of all members, partners, shareholders and other principals of such entities.

2. The name, address, telephone number and email address of an owner, principal of owner, or an agent of the owner, authorized to act on the owner's behalf, who shall be available to promptly remedy any violation of this Local Law or of the short term rental permit. The owner,

principal of owner or agent of owner must be located within sixty (60) minutes by car of the short term rental and must be available 24 hours a day, seven days a week.

3. A completed affidavit, in a form prescribed by the Enforcement Officer, signed by all owners of the short term rental property and properly notarized.

Such affidavit shall certify compliance with the following minimum standards:

(i) owners shall at all times maintain one (1) functioning smoke detector in each bedroom and at least one (1) functioning smoke detector in the main room of each level, one (1) functioning fire extinguisher on each level and in each room with an open flame source, and at least one (1) functioning carbon monoxide detector on each level;

(ii) at all times all exterior doors shall be operational and all passageways to all exterior doors shall be clear and unobstructed;

(iii) all electrical systems shall be serviceable with no visual defects or unsafe conditions;

(iv) all sanitary facilities, including latrines, shall be properly maintained and in working order;

(v) all septic systems shall be properly maintained and in working order, shall be in compliance with all applicable regulations of the New York State Department of Health.

(vi) all fireplaces, fireplace inserts and other fuel burning heaters and furnaces shall be properly installed and vented, flues and chimneys shall be cleaned annually, and proper written

operating instructions for such equipment (excluding furnaces) shall be provided in each short term rental property;

Such affidavit shall also certify (i) the number of bedrooms within the short term rental property that comply with this Local Law, and regulations promulgated by the Town Board hereunder (ii) the number of parking spaces on the short term rental; (iii) that the applicant has complied and will continue to comply with the requirements of this Local Law and all regulations promulgated by the Town Board hereunder.

SECTION 5. PROCEDURE UPON FILING OF APPLICATION.

- A.** Upon filing with the Enforcement Officer the permit application, permit fee, and all documents required in connection with such application, the Enforcement Officer shall have thirty (30) days to review the application and issue the short term rental permit, with or without conditions as hereafter provided, or notify the applicant in writing that the application has been denied, along with the reasons for the denial.

- B.** In reviewing the application, the Enforcement Officer shall have the right to inspect the short term rental property for purposes of ensuring compliance with the requirements of this Local Law and all regulations promulgated by the Town Board hereunder, after obtaining the express consent of the property owner or the agent designated by the property owner in the application.

- C.** In issuing a short term rental permit, the Enforcement Officer may impose such reasonable conditions and restrictions as are directly related to the use of the property or dwelling unit as a

short term rental property, provided such conditions are consistent with the requirements of this Local Law and any regulations promulgated by the Town Board hereunder.

D. The Enforcement Officer may deny an application for any of the following reasons:

(i) if the application is incomplete, the information required by this Local Law or any regulations promulgated by the Town Board hereunder was not included with the application, or the full permit fee, in an acceptable form of payment, was not included with the application;

(ii) if the Enforcement Officer previously issued any short term rental permit to any of the owners of the property or dwelling unit and any such owners had any short term rental permit revoked within the previous year or any such owners had any short term rental permit suspended more than one (1) time during any annual period;

(iii) if the affidavit submitted, or an inspection conducted by the Enforcement Officer, evidences that the subject property is not in compliance with the requirements of this Local Law and any regulations promulgated by the Town Board hereunder.

(iv) if access is not granted to the subject property for purposes of an inspection by the Enforcement Officer.

SECTION 6. ISSUANCE OF PERMITS; DISPLAY AND NOTIFICATION

A. All short term rental permits issued hereunder shall specify the following:

(i) the physical street address of the short term rental property;

- (ii) the names, addresses, telephone numbers and email addresses of every person and every principal of every entity that has an ownership interest in the short term rental property and of the primary contact person who shall be available to respond within 60 minutes and investigate complaints during the entire time the short term rental is being rented;
- (iii) the maximum occupancy for the short term rental property;
- (iv) identification of the number and location of parking spaces available;
- (v) any conditions imposed by the Enforcement Officer;
- (vi) the short term rental expiration date; and
- (vii) a statement that the short term rental permit may be revoked or suspended for violations.

B. The validity of a short term rental permit is subject to continued compliance with any conditions contained in the short term rental permit, the requirements of this Local Law and all regulations promulgated by the Town Board hereunder.

C. Prior to any occupant taking occupancy of the short term rental property, a hard copy of the short term rental permit shall be prominently displayed within the interior of the short term rental property in an area easily and readily viewable by the occupants.

D. It shall be the obligation of the owners of a short term rental to ensure that current and accurate information is provided to the Enforcement Officer and the owners shall notify the

Enforcement Officer promptly upon any change in information contained on the short term rental permit. If, based on such changes, the Enforcement Officer issues an amended short term rental permit, the owners shall replace the displayed permit with the amended permit.

E. The Enforcement Officer shall, with the issuance of each short term rental permit, provide a packet of information, including "Good Neighbor Guidelines" to be developed by the Enforcement Officer and approved by the Town Board, summarizing the restrictions, requirements and guidelines applicable to short term rentals. All owners of short term rentals shall provide a copy of the information packet to occupants of the short term rental.

SECTION 7. SHORT TERM RENTAL STANDARDS.

A. The maximum number of occupants for each short term rental property shall be two (2) times the number of bedrooms that are in compliance with the New York State Building Code plus two (2) additional occupants.

B. The maximum number of occupants for the short term rental shall be clearly and prominently displayed in all listings or advertisements.

C. The street address number of the short term rental property shall be maintained and clearly visible from the street or road on which the short term rental property is located.

D. A written notice of the following information must be posted in a highly and clearly visible area near the main entrance of the short term rental property:

(i) physical street address of the short term rental property; and

- (ii) dial 911 instructions for fire, police and EMS services; and
- (iii) a drawing showing the approximate size and location of the buildings on the short term rental property and the location of designated parking; and
- (iv) Name, address, phone number, and email of the owner and the owner's local contact person; and

E. All standards set forth in the affidavit submitted by the owners in connection with the application for a short term rental permit shall at all times be complied with.

SECTION 8. COMPLAINTS AND VIOLATIONS.

A. Owners, operators, managers, marketers and occupants of short term rental properties shall comply with all applicable federal, state and local laws, rules and regulations, including, without limitation, the provisions of this Local Law and any regulations promulgated by the Town Board hereunder.

B. The following process shall apply in the event of a complaint alleging a violation of this Local Law, any regulations promulgated by the Town Board hereunder, or a short term rental permit issued hereunder:

- (i) In the event of violations that are emergency in nature, the complaining party may contact an appropriate law enforcement agency, and the owner or designated agent of the property owner shall, within sixty (60) minutes of receiving a complaint, respond to the complaint and remedy as promptly as possible any violation of the short term rental permit, this Local Law or any regulations promulgated by the Town Board hereunder. The complaining party shall also notify the Enforcement Officer of its complaint to law enforcement and the nature of the complaint as soon as reasonably practicable.

(ii) In the event of violations that are not emergency in nature, or if the response to a complaint under clause (i) above is not satisfactory to the complaining party, the complaining party may file a written complaint with the Enforcement Officer. The form of complaint shall be established by the Enforcement Officer and may be filed in person, by mail or by email. The complaint shall provide pertinent information including the date, time and nature of the alleged violation.

(iii) If the Enforcement Officer finds a violation of the short term rental permit or this Local Law or any regulations promulgated by the Town Board hereunder, the Enforcement Officer may:

1. Attach reasonable conditions to the short term rental permit;
2. Issue a warning or a violation;
3. Recommend suspension or revocation of the permit to the Town Board. Upon recommendation to the Town Board, the Town Board after a hearing provided herein, may suspend the permit up to one (1) year or revoke the permit.

(iv) In the event a short term rental permit is revoked, none of the owners or principals of owners may obtain a short term rental permit earlier than one (1) year from the date of such revocation. In the event a short term rental permit is suspended more than one (1) time during any one (1) year period, the short term rental permit may not be renewed earlier than one (1) year from the date of the second suspension.

(v) The Enforcement Officer or the Town of Keene may initiate enforcement proceedings at any time following receipt of a complaint or discovery of a violation of this Local law.

(vi) Decisions of the Enforcement Officer made pursuant to §8(iii)(1) of this Local Law shall be provided to the owners of the short term rentals and may be appealed, as provided herein, within thirty (30) days of receipt of the decision, by the owners of the short term rental property or by the complainant.

SECTION 9. SUSPENSION AND REVOCATION HEARING PROCESS

A. The STR Hearing Board shall hear all recommendations for suspension by the Enforcement Officer. The Town Board shall constitute the STR Hearing Board. The STR Hearing Board shall have all of the powers and duties prescribed by law and may suspend the permit up to one (1) year or revoke the permit.

B. Notice of recommendation of suspension or revocation must be in writing and mailed , delivered or emailed to the primary contact person provided on the permit and filed with the Town Clerk. The Notice shall state the following:

- i. Name and address of permit; and
- ii. Violation alleged; and
- iii. Date, Time and Place of Hearing.

C. The STR Board shall hear all recommendations within Thirty (30) days of the Notice being filed with the Town Clerk. The STR Board its sole discretion may adjourn the hearing date with written notice of the adjourned hearing being provided pursuant to §9(B) of this Local law. Notwithstanding, all hearings shall be held within one hundred eighty (180) days of the Notice of Recommendation for Suspension or Revocation being filed with the Town Clerk.

D. At the hearing, the STR Board shall not be bound by strict rules of evidence and may accept evidence, including reliable hearsay evidence, offered by the short term rental property owner, the complaining party, the Enforcement Officer and any other witness with relevant evidence. The STR Board shall render its decision within 10 days of the hearing.

SECTION 10. APPEALS PROCESS.

A. The STR Appeals Board shall hear all appeals of decisions by the Enforcement Officer. The Town Board shall constitute the STR Appeals Board. The STR Appeals Board shall have all

of the powers and duties prescribed by law and may reverse, affirm or modify in whole or in part, any order, requirement, decision or determination of the Enforcement Officer, in its discretion.

- B.** The decision or determination of the Enforcement Officer appealed from shall not be stayed unless the STR Appeals Board, in its discretion, agrees to grant appellant such stay upon appellant's application for such stay.
- C.** A party who wishes to appeal the decision or determination of the Enforcement Officer shall make a written request for a hearing to the Town Clerk and the STR Appeals Board shall endeavor to hear the appeal within 15 days of the request. At the hearing, the STR Appeals Board shall not be bound by strict rules of evidence and may accept evidence, including reliable hearsay evidence, offered by the short term rental property owner, the complaining party, the Enforcement Officer and any other witness with relevant evidence. The STR Appeals Board shall render its decision within 10 days of the hearing.

SECTION 11. PENALTIES.

- A.** A short term rental permit may be revoked or suspended as provided in Section 8.
- B.** Any person or entity that violates, or assists in the violation, of any provision of this Local Law, any regulations promulgated by the Town Board hereunder, or the terms of a short term rental permit, or that owns or operates a short term rental at which a violation occurs, shall be subject to the following criminal or civil penalties:
 - (i) by a fine or civil penalty of \$ 500 for a first violation;
 - (ii) by a fine or civil penalty of \$1000 for a second violation, both of which violations were committed within a period of two (2) years;
 - (iii) by a fine or civil penalty of \$1500 for a third violation, all of which violations were committed within a period of two (2) years.

(iv) Each violation that continues for a period of one (1) week shall constitute a separate additional violation for each week such violation continues. In the event of the occurrence of more than three (3) violations during any two (2) year period, the short term rental permit shall be permanently revoked and not eligible for renewal.

C. The Enforcement Officer may bring a criminal or civil proceeding in Town Court for enforcement of this Local Law and any regulations promulgated by the Town Board hereunder.

D. The Town of Keene may seek injunctive relief, civil penalties and any other relief available to enforce the provisions of this Local Law and any regulations promulgated by the Town Board hereunder through commencement of an action in the New York State Supreme Court or any other court of competent jurisdiction. Such action must be authorized by a resolution of the Town Board. As part of such action, the Town of Keene may seek and obtain an order from the Court requiring the defendant to reimburse the Town for its attorney's fees and costs related to the action.

E. Enforcement remedies available are not exclusive and may be sought cumulatively.

F. Any Owner determined to be in violation of any of the provisions of this Local Law, or any regulations promulgated by the Town Board hereunder, shall be obligated to reimburse the Town of Keene for its enforcement costs, including its reasonable attorney's fees.

SECTION 12. MISCELLANEOUS.

A. The invalidity of any clause, sentence, paragraph, provision or part of this Local Law shall not invalidate any other clause, sentence, paragraph, provision or part hereof.

B. All Local Laws or ordinances, or parts of Local Laws or ordinances, in conflict with any part of this Local Law are hereby repealed.

C. This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State as provided in New York Municipal Home Rule Law Section 27, subject to a six (6) month grace period for existing short term rental properties to comply with this Local Law.