

Regular Monthly Town of Keene Board Meeting  
March 12<sup>th</sup>, 2024  
5:30 P.M. Town Hall  
Meeting # 6-24  
Resolutions # 106-117

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

**Absent:** Ann Hough

**Town Officials Present:** Reginald Whitney Highway Superintendent, Savana Li Water Superintendent, Ann Whitney Town Clerk

**Town Counsel Present:** Bryan Liam Kennelly, Esq

**Members of the Public:**

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

**Pledge of Allegiance**

**Approval of Minutes:**

**RESOLUTION TO APPROVE THE FEBRUARY 27, 2024 BI-MONTHLY  
TOWN BOARD MEETING**

**RESOLUTION NUMBER: 106-2024**

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

**RESOLVED** that the Town Board of Keene has approved the Bi-Monthly Town Board Meeting.

Duly adopted this 12<sup>th</sup> day of March 2024 by the following vote:

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

**NAYS:** None

**Privilege of the Floor:**

**Town Discussion of Old Business:**

- **Water District Updates:**

Ms. Li stated that at last Board Meeting she gave the Board a description of a seasonal helper. She asked that anyone with questions to please reach out and she did speak with a few board members. One asked about using someone from Building and Grounds when they are slow, Savanna's feeling is no that would not work, they have a lot happening.

Mr. Wilson added that the Buildings and Ground Department would continue to share services, help when they can, but these items are on a time crunch. He feels we either hire a seasonal employee or go out to bid for contractors, painting, and tank cleaners.

Ms. Li said once we are caught up this will not be needed every year.

Ms. Cheetham-Palen asked how will we keep caught up?

Ms. Li said this will all be on a schedule.

Mr. Biesemeyer feels she will not find anyone with skill to do what is needed for the hourly rate she is proposing.

**RESOLUTION TO HIRE A SEASONAL EMPLOYEE FOR THE WATER DEPARTMENT**

**RESOLUTION NUMBER: 107-2024**

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

**RESOLVED** that the Town Board of Keene has approved to hire a seasonal employee for the Water Department

Duly adopted this 12<sup>th</sup> day of March 2024 by the following vote:

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

**NAYS:** Robert Biesemeyer

- **Water Rate Appeal in Water District #1**

Will discuss in Executive

- **Annual Audit of the Books**

Mr. Wilson asked for a motion to accept the annual audit of the books.

Ms. Cheetham-Palen stated she has not finished and having a hard time coordinating.

Mr. Biesemeyer does not recall ever really auditing the Supervisors books. He only remembers the Justices bringing their books to a meeting and then a few Board Members would ask questions.

Mr. Wilson said he thinks we have each Board Member use their discretion on how they go through the books.

Mr. Daly said he is not done with everyone yet.

Mr. Wilson has moved to table this motion and granting more time to finish

- **Establish CEF Committee**

Mr. Wilson explained that there has been one application and another one on the way. He wanted to let the Board know he has not had any community members step forward to join the committee.

- **Eclipse Day Planning**

Mr. Wilson wanted to let the Board know he is planning to close the Town Hall at 1:00 to let employees get home. He and Cindy will be a Marcy Field helping people. Joe Pete is concerned of traffic.

- **Survey Monkey**

Mr. Wilson wanted to ask if we wanted to keep our Survey Monkey. Membership is up and it is expensive. Board said no lets wait until needed again.

- **Community Day**

Ms. Cheetham-Palen wanted to let the Board know it is going to be about \$8,000. Mr. Wilson asked if everyone was ok if we were working with a budget of about \$8,000 and everyone was an agreement.

Mr. Daly asked if we are using Occupancy Tax Funds.

Mr. Wilson said yes.

**New Business:**

- **Fuel Purchase Contract with Fire Districts**

Mr. Wilson went over the fuel contract Bill Tansey has written and now, Mr. Kennelly, the Town Attorney has vetted.

**RESOLUTION GRANTING JOE PETE WILSON AUTHORITY TO SIGN  
THE AGREEMENT**

**RESOLUTION NUMBER: 108-2024**

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

**RESOLVED** that the Town Board of Keene has granted the authority for Joe Pete Wilson to sign the agreement for fuel purchase for both Keene and Keene Valley Fire Districts.

Duly adopted this 12<sup>th</sup> day of March 2024 by the following vote:

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

**NAYS:** None

**Town Clerk Report**

Ms. Whitney went over her monthly report and her tax report.

Ms. Whitney discussed where she and the Town Attorney were at with the new cemetery, hope to have that wrapped up by the April 9<sup>th</sup> meeting. Ann then asked for Board approval on a request from Charles Wolson.

**RESOLUTION ALLOWING CHARLES WOLSON TO PURCHASE A  
CEMETERY PLOT IN THE NEW NORTON'S CEMETERY**

**RESOLUTION NUMBER: 109-2024**

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

**RESOLVED** that the Town Board allowing Charles Wolson to purchase a  
cemetery plot in the new Norton's.

Duly adopted this 12<sup>th</sup> day of March 2024 by the following vote:

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

**NAYS:** None

**Ongoing Local Law Process:**

- **Scheduling Public Hearing**

Mr. Wilson stated we are not scheduling the Public Hearing tonight, it will be back on the agenda for March 26<sup>th</sup> meeting.

**Executive Session:**

**RESOLUTION TO ENTER EXECUTIVE SESSION FOR PERSONNEL  
AND A WATER APPEAL**

**RESOLUTION NUMBER: 110-2024**

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

**RESOLVED** that the Town Board of Keene entered into Executive Session at  
6:06 P.M. for personnel,

Duly adopted this 12<sup>th</sup> day of March 2024 by the following vote:

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

**NAYS:** None

**RESOLUTION TO COME OUT OF EXECUTIVE SESSION WERE NO  
DECISIONS WERE MADE**

**RESOLUTION NUMBER: 111-2024**

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

Mr. Wilson asked to make note that Robert Biesemeyer left after executive session.  
**RESOLVED** that the Town Board of Keene return from Executive Session at 6:22  
P.M.

Duly adopted this 12<sup>th</sup> day of March 2024 by the following vote:  
**AYES:** Christopher Daly, Teresa Cheetham-Palen, Joe Pete Wilson  
**NAYS:** None

**RESOLUTION TO ACCEPT THE RETIREMENT OF DAVID VANCISE  
RESOLUTION NUMBER: 112-2024**

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

**RESOLVED** that the Town Board of Keene accept the retirement of David  
Vancise and we appreciate all his years of service, 36 plus years.

Duly adopted this 12<sup>th</sup> day of March 2024 by the following vote:  
**AYES:** Christopher Daly, Teresa Cheetham-Palen, Joe Pete Wilson  
**NAYS:** None

**RESOLUTION TO RECLASSIFY A RESIDENT IN WATER DISTRICT #1  
RESOLUTION NUMBER: 113-2024**

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

**RESOLVED** that the Town Board of Keene reclassify the Stolz resident in Water  
District #1, we are shutting off part of the service there.

Duly adopted this 12<sup>th</sup> day of March 2024 by the following vote:  
**AYES:** Christopher Daly, Teresa Cheetham-Palen, Joe Pete Wilson  
**NAYS:** None

**Budget Resolutions: None**

**Supervisors Report:**

**Audit Bills:**

**RESOLUTION TO PAY THE ONLINE BILLS  
RESOLUTION NUMBER: 114-2024**

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

**RESOLVED** that the Town Board pay the online bills.

Duly adopted this 12<sup>th</sup> day of March 2024 by the following vote:

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

**NAYS:** None

**RESOLUTION TO AUDIT THE VOUCHERS 166 THROUGH 212,2024  
RESOLUTION NUMBER: 115-2024**

**INTRODUCED BY TERESA CHEETHAM-PALEN 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 166 through 212, 2024 totaling \$533,373.98 as

follows:

General Fund Bills \$78,681.48

Highway Fund Bills \$14,536.92

Water District #1 \$2,426.67

Water District #2 \$1,208.70

Library \$122.15

Trust & Agency Fund \$436,398.06

Duly adopted this 12<sup>TH</sup> day of March, 2024 by the following vote:

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

**NAYS:** None

**RESOLUTION TO APPROVE THE STANDARD WORK DAY FOR  
THREE ELECTED OFFICIALS**

**RESOLUTION NUMBER: 116-2024**

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

Ms. Whitney went over a letter received from NYSLRS in regards to ROA results.

She explain it was a correction that was needed to be done on the reporting side,

which went back to the fall. Cindy Caner is providing the corrections needed.

**RESOLVED** that the Town Board of Keene approve the Standard Work Day for

Barbara Dwyer, Reginald Whitney and Anna Whitney.

Duly adopted this 12<sup>th</sup> day of March 2024 by the following vote:

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

**NAYS:** None

**Adjourn:**

**RESOLUTION TO ADJOURN  
RESOLUTION NUMBER: 117-2024  
INTRODUCED BY: TERESA CHEETHAM-PALEN 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 6:38 P.M.

Duly adopted this 12<sup>th</sup> day of March 2024 by the following vote:

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

**NAYS:** None

Ann Whitney  
Town Clerk  
Town of Keene

## Community Enhancement Fund

Adopted February 13, 2024

### Background

The Town of Keene receives revenue from the County Occupancy Tax collected in the town. This revenue is to be used for community projects that benefit residents and enhance the tourism economy of our town. The town receives a guaranteed \$25,000/year and then a proportional share based on the occupancy tax collected in Keene. The following plan brings together the planning the town board has done, the priorities set out in the Town of Keene Strategic Plan, and the efforts the town has previously developed to manage high levels of visitor traffic, recreation opportunities, and the availability of affordable housing.

### Proposed Plan

The following is a plan to distribute the funds to projects that support the recreation economy and benefit both residents and visitors. Each year, the revenue will be allocated based on the following schedule. This plan will be reviewed and revised annually and updated to accommodate the changing needs of our community.

**Managing use and the Recreation Economy:** 20% of annual revenue. To be used for operations such as the hiker shuttle, implementing recommendations from the Town of Keene Strategic Plan, the Community Forest Plan, the Marcy Field Recreation plan, and services to support the recreation economy.

**Capital Projects:** 30% of annual revenue to implement recommendations outlined in the Town of Keene Strategic Plan. Projects should be identified and prioritized annually so implementation can continue as long as funds are available. Currently, we need improved parking at Marcy Field; the construction of public bathrooms was one of the original needs identified; and the Community Center needs to be evaluated and rebuilt. There is currently a Capital Reserve account with a balance of about \$200,000.



**Community Project Grants:** 50% of annual revenue. Residents and local non-profits may apply for funds to undertake projects in the Town of Keene. To qualify, projects should benefit residents, visitors, and/or support the recreation economy. Projects should support such things as recreation facilities, public events, community recreation programs, and arts & community organizations.

There will be two application and award sessions every year.

**Winter Session:**

**Applications due February 1**

**Committee meets mid-February**

**Awards made March 1**

**Summer Session:**

**Applications due July 30**

**Committee meets mid-August**

**Awards made September 1**

A committee of 2 town board members and 2-3 community members will be appointed to review applications. Applications will need to include a detailed description of the project; a detailed budget; and a final report with receipts, photos, and a brief write-up of the completed project.

#### **References**

**Town of Keene Strategic Plan**

**Community Forest Plan**

**Marcy Field Recreation Plan**

**North Elba Community Enhancement Fund:**

**<https://www.roostadk.com/leaf#1607711294096-0407af06-0ccb>**

**THIS AGREEMENT** made this 1st day of March, 2024 by and between:

The Keene Fire District, a municipal corporation with offices and principal place of business located at 10858 NYS Route 9N, PO Box 136, Keene, New York 12942; hereinafter referred to as the Party of the First Part and/or "Fire District";

and

The Town of Keene, a municipal corporation with offices and principal place of business located at 10892 NYS Route 9N, Keene, NY 12942; hereinafter referred to as Party of the Second Part and/or "Town".

**WITNESSETH:**

WHEREAS, the Fire District currently has a fleet of emergency vehicles which respond to emergencies in and around the Town of Keene; and

WHEREAS, the Town of Keene purchases fuel (both unleaded gasoline and diesel) in bulk quantities from one supplier; and

WHEREAS, it is economically beneficial for the Fire District to purchase fuel from the Town of Keene; and

WHEREAS, the parties are desirous of entering into an agreement whereby Fire District will purchase fuel, both diesel and unleaded gasoline, from Town of Keene for use in their emergency vehicles.

NOW, THEREFORE, in consideration good and valuable consideration and of the mutual covenants and promises contained herein, the parties do hereby agree as follows:

1. The Town of Keene agrees to allow the Fire District to obtain, purchase and use fuel from the Town of Keene Town Garage set forth in the conditions below.
2. The Fire District shall pay the Town of Keene for the cost of said fuel the same price per gallon which the Town of Keene pays its supplier.
3. Both parties agree to maintain an accounting of the amount of fuel obtained, signed off by both entities, detailing the date and the total gallons purchased by the Fire District.
4. The Town of Keene shall bill the Fire District and the Fire District shall pay the invoice within thirty (30) days of receipt.
5. The Town of Keene hereby defends, indemnifies and holds Keene Fire District, its shareholders, directors, officers, employees and agents harmless from and against any and all claims, losses, costs or damages arising as a result of the acts or omissions of the Town of Keene or its directors, officers, employees and agents during the term of this Agreement, except to the extent such claims result from the negligence or willful misconduct by Keene Fire District or its shareholders, directors, officers, employees or agents.

6. Keene Fire District hereby defends, indemnifies and holds the Town of Keene, its directors, officers, employees and agents harmless from and against any and all claims, losses, costs or damages arising as a result of the acts or omissions of the Town of Keene, its shareholders, directors, officers, employees and agents during the term of this Agreement except to the extent such claims result from the negligence or willful misconduct of Town of Keene or its directors, officers, employees or agents.
7. Each party agrees to provide the other with prompt notice of any demand, claim, cause of action or suit to which these indemnification provisions apply. The indemnifying party shall have the exclusive right to control the defense of any such demand, claim or suit, including choice of counsel and any settlement thereof, provided that, as a result of such settlement, the indemnified party is released from all claims.
8. Fire District shall comply with all rules and procedures incident to obtaining the gasoline and diesel, the pumping of the same, and any spill notifications to the Town of Keene.
9. The term of this agreement shall be from the date of execution until December 31, 2024.
10. Either party may terminate this agreement for any reason or cause whatsoever upon ten (10) business days written notice to the other.

**IN WITNESS WHEREOF**, the parties have placed their hand and seal this 1st day of March, 2024.

**KEENE FIRE DISTRICT,**

By \_\_\_\_\_  
Keith Wadsworth, Keene Fire District Chairman

**TOWN OF KEENE,**

By \_\_\_\_\_  
Joe Pete Wilson, Town Supervisor