Regular Monthly Town of Keene Board Meeting

June 11th, 2024

5:30 P.M. Town Hall

Meeting # 12-24

Resolutions #174-189

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

**Absent**:

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

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

**Members of the Public**: Keith Hall, Bill Ferebee, Lissa Goldstein, Jane Desotelle, Brendan Richardson, Cheryl MacFadden, Glen VanWie, Brian Crowl, Stacey Martin, Bernadette Martin

**Call to Meeting to Order** at 5:31 by Joe Pete Wilson

**Pledge of Allegiance**

**Approval of Minutes:**

**RESOLUTION TO APPROVE THE MAY 28TH, 2024 BI-MONTHLY TOWN BOARD MEETING MINUTES**

**RESOLUTION NUMBER: 174-2024**

**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 Minutes.

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

**Privilege of the Floor:**

Stacey Martin stated she has a few questions for the board and Supervisor Joe Pete. She stated that community soccer has started back up, she is wondering how Joe Pete will handle having the field ready for Tuesday, Thursday and Sunday for this to happen?

Mr. Wilson thanked her for coming. From what he understands the schedule is worked out, there was a misunderstanding but the scheduling issue has been ironed out.

Ms. Martin’s second question was how the Town handles an employee in a Town outfit in their personal vehicle that starts using many profanity words at the community member who was mowing the field. She asked does that employee get reprimanded.

Mr. Wilson stated he addressed this incident with this employee. I can’t give you the details, it is a personnel issue.

Mr. Biesemeyer said to Stacey, now that you filed a complaint it is now public , I think we as a Board have this put in his file.

Ms. Martin then asked if the sidewalks were going to be repaired.

Mr. Wilson said no we are getting them replaced. I am working on the bid packet, it is a big project.

Mr. Wilson stated Brian Crowl is here to talk about Planning Board fees.

Mr. Crowl said he occasionally goes through the Site Plan Review Law, twice in two different sections, we are supposed to seek reimbursement to the Townfor the application process. The Planning Board put together a fee schedule, which is attached to the minutes.

***Attachment #1-1224***

**RESOLUTION TO ACCEPT THE PLANNING BOARD FEE SCHEDULE**

**RESOLUTION NUMBER: 175-2024**

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

**RESOLVED** that the Town Board of Keene has approved the Planning Board Fee Schedule

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

Mr. Crowl then went into fines. He said recently they have had people ignoring codes and planning board regulations. It states in section 4.4 enforcement that the Planning Board can levy a fine up to $350.00. It is up to the Planning Board to initiate this. The Planning Board is looking for guidance from the Town Board.

Mr. Wilson said in the past the Code Officer sends a notice, then a second notice, and then they issue a court order.

Mr. Crowl said the Board talked about better documenting the information stream that comes into the Planning Board as far as documentation if said receipt materials, this way we will have a starting point.

Mr. Wilson said we have talked about revising the Site Plan Review Law it needs to be overhauled. This could be a key component to revising the authority and the process of assigning fines, escalating fines and stopping projects if needed.

Mr. Daly stated amending the site plan is a long-term process. He thinks the Planning Board should have something in the interim.

Mr. Crowl says enforcement is possible but he is asking on behalf of the Board for some clarification, some legal guidance.

Mr. Wilson said the Board will generate a draft, have Liam review it and then get it to the Planning Board and see what they think.

**Town Discussion of Old Business:**

* **Water District Updates:**
  + **Accept Fire Hydrant Contracts**

Ms. Li said ever year we have to approve the Fire Hydrant Contract, only thing that changed is the dates and the rates. Both Departments are in agreement.

**RESOLUTION TO ACCEPT THE FIRE HYDRANT CONTRACTS**

**RESOLUTION NUMBER: 176-2024**

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

**RESOLVED** that the Town Board of Keene has approved the Fire Hydrant Contracts for both Keene and Keene Valley Fire Districts.

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

* **Annual Audit of the Books (tabled on March26th)**

**RESOLUTION TO REMOVE RESOLUTION 119-2024 FROM THE TABLE**

**RESOLUTION NUMBER: 177-2024**

**INTRODUCED BY: CHRISTOPHER DALY WHO MOVED FOR ITS ADOPTION SECONDED BY ANN HOUGH**

**RESOLVED** that the Town Board of Keene has removed resolution #119-2024 from the table.

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

**RESOLUTION TO APPROVE THE ANNUAL AUDIT**

**RESOLUTION NUMBER: 178-2024**

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

**RESOLVED** that the Town Board of Keene has approved the annual audit of the books.

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

* **Bid Review: Capital Projects**

Mr. Wilson said he needs legal advice on some of the bids, move this to after executive session.

* **Review Farmers Market Agreement for use of Marcy Field**

Mr. Wilson said at the last meeting we gave Brendan some scope of different ways to manage the traffic flow. He wanted to relay that yesterday he went down to Marcy field and there were 11 cars parked in the oval on the grass and 4 others driving around the track. He went to the people who were just finishing up with some wedding pictures and asked them to not allow any of the pictures showing the cars parked on the grass to be published. The people then asked why could we drive out here during the market but can’t now. Joe Pete stated he is hardened against driving around the oval and driving on the grass.

Ms. Cheetham-Palen said we are all trying to make this work, it is tricky. She is torn with what is the right way to go.

Ms. Hough said she saw a huge effort from the staff Sunday. She suggest maybe have the front of the market park on the inside of the oval but the rest go around the oval into the parking lot.

Mr. Daly knows there are issues with parking around the oval, maybe driving around the oval to the parking lot, but this needs appropriate flaggers and staff.

Mr. Biesemeyer stated the parking lot was a good idea. He feels the Farmers Market does not always have enough volunteers/staff.

Ms. Goldstein said she has been working on the parking issue since 2020, she wants to caution Joe Pete about being reactive to everything that happens to the field. She said in 2022 we originally moved the parking from the field to the oval because of the complaints of the damage to the grass. There is not as much damage to the grass around the oval as it is in the field. She feels there are two problems with the parking lot, first it is right off the road and second it is just too small, you can’t control how many people come to the market.

Mr. VanWie feels changing the entrance coming into the parking lot, this needs to be a little further away. He also said make the field not accessible.

Ms. Martin then spoke stating she has a background in Farmer’s Markets. She stated Keene’s is a gem. As an organizer, she feels we need to work together.

Mr. Wilson stated the members of the Market really stepped up and helped us last year when we had the vandalism at Marcy Field.

Mr. Richardson stated the way they had the flow it worked really well. Having people keep going and parking on the inside of the lot it really reduced any restriction of the entrance that is really, what needs to happen.

Mr. Crowl asked if there was ever any talk of having the entrance come from the Airport Rd.

Mr. Wilson said yes we did look into that but could not come up with anyway to make that work.

Ms. Desotelle asked about the electronic signs, maybe use them in July and August.

Mr. Wilson said you have to get a permit from DOT and also get into their que, it is very hard to get them and very expensive.

Mr. Wilson presented his proposal to debate right now would be in our in the agreement with the Town and the Farmers Market we do the model we did in Covid. The Market submit a plan on how you will do the parking and the Town Board review it , part of the plan is we have monitoring of the grass and anywhere the grass is being used and if anywhere it is damaged it then is retired. Have a plan we all can refer to.

Ms. Hough wanted to state there is going to be some parking on the grass and to think of this in your plan, where will be the least amount of parking.

Mr. Wilson asked if it was ok for him to draft an agreement based off the old agreement and then pass to the Farmers Market Board to review.

Ms. Hough stated we would look at the fees charged because of the expenses they will be incurring.

Mr. VanWie said they are not in dire straits and this is a cost of doing business. He asked about the ropes we used, what can we leave or not leave.

Mr. Wilson said he would talk to Brendon about that because some of them are very helpful.

* **Highway Department**
  + **Agreement for the Expenditure of Highway Moneys**

Mr. Whitney went over the 284 Agreement.

**RESOLUTION TO APPROVE THE 284 AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS**

**RESOLUTION NUMBER: 179-2024**

**INTRODUCED BY: ROBERT BIESEMEYER WHO MOVED FOR ITS ADOPTION SECONDED BY ANN HOUGH**

**RESOLVED** that the Town Board of Keene approve the 284 Agreement for the Expenditure of Highway Moneys.

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

Mr. Whitney then went into the tank inspection that DEC found needing to be addressed. He presented a proposal of moving the tanks to a concrete pad up behind the salt shed. This could get tricky because we do not know the condition until we remove them; they are a tank within a tank. That could be the only problem if the tank has some issues once removed. This company will guide the Highway with some of the work the Highway will do to help reduce costs of this project.

***Attachment #2-1224***

**RESOLUTION TO ACCEPT THE PROPOSAL FROM RM DALRYMPLE COMPANY INC.**

**RESOLUTION NUMBER: 180-2024**

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

**RESOLVED** that the Town Board of Keene accept the proposal from DM to move and inspect the fuel tanks.

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

**Town Clerk Report**

Ms. Whitney asked if anyone had questions on her May monthly reports that were sent to the Board. She then stated cemetery sales are going well.

**Ongoing Local Law Process:**

* **Schedule STR Draft Local Law Work Session June 18th @ 6:00P.M.**

Mr. Wilson stated he wanted to set a work session for the 18th but then asked Chris to explain what is going on with the State Legislation.

Mr. Daly stated the , at the end of legislation session, did pass the STR registry at the State level. The Governor has not signed it yet, she has 30 days to sign it. The expectation is she will sign it. Roughly, it requires a state level registry, it requires a payment of both sales and occupancy tax, a lot of data and record keeping the owners will have to maintain. He feels it is worth while to have the work session because we can talk about what is the impact on our draft.

Mr. Kennelly asked if it made sense to wait .

Mr. Daly does not feel we will need a registry; the State infraction will have that in place. It is light on the safety requirements and occupancy type requirements.

Mr. Wilson propose we keep it scheduled but if no movement we cancel.

Ms. Hough asked when the dog bags would be put up.

Mr. Wilson said he would check.

Ms. Hough then asked about the hogweed at the Country Club, wondering if we do anything about it.

Mr. Wilson said you need a permit for invasive removal and if it is on private property it isn’t up to the Town.

Ms. Hough then said Beth Roland from Jay does the Jay News and she asked if we wanted a section to put what is happening in Keene. Ann said if we were interested, she would be willing to do one.

Mr. Biesemeyer asked if we were maintaining the pickle ball lines.

Mr. Wilson said no because it interferes with Youth Commission tennis.

Mr. Biesemeyer then asked the status of the bridge on Hurricane.

Mr. Wilson said it should be done by fall.

**Executive Session:**

**RESOLUTION TO ENTER EXECUTIVE SESSION FOR LEGAL ADVICE ON OUR CONTRACTS, BIDS, AND CEMETERY**

**RESOLUTION NUMBER: 181-2024**

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

**RESOLVED** that the Town Board of Keene entered into Executive Session at 7:08 P.M. for personnel issues,

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

**RESOLUTION TO COME OUT OF EXECUTIVE SESSION**

**RESOLUTION NUMBER: 182-2024**

**INTRODUCED BY: ANN HOUGH WHO MOVED FOR ITS ADOPTION SECONDED BY TERESA CHEETHAM-APLEN**

**RESOLVED** that the Town Board of Keene return from Executive Session at 7:33 P.M.

Duly adopted this 11th day of June 2024 by the following vote:

**AYES**: Christopher Daly, Ann Hough, Teresa Cheetham-Palen, Robert Biesemeyer, Joe PeteWilson

**NAYS**: None

**RESOLUTION TO ACCEPT THE BID FROM N.J.P. HEATING**

**RESOLUTION NUMBER: 183-2024**

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

**RESOLVED** that the Town Board of Keene accept the bid from N.J.P. Heating for replacement of the furnace heat pump system for $48,888.00.

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

Mr. Wilson then explained the project for the construction for a new facility building had no bids. He is proposing to go back to some of the other people that have bid before and see if they want to bid.

**Budget Resolutions:**

* **Resolution to transfer funds:**

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

**RESOLUTION NUMBER: 184-2024**

**INTRODUCED BY: TERESA CHEETHAM-PALEN WHO MOVED FOR ITS ADOPTION, SECONDED BY ANN HOUGH**

**RESOLVED** that the Town Board of Keene accept the following transfers within the General Fund:

**Revise resolution #160-2024 $50,000.00 out of Roost NYCLASS**

**$50,000.00 into A#71104.20 Roost Parks CE**

**Revise resolution #150-2024 $3,581.00 out of #71104.20 Roost Parks CE**

**$3,581.00 into #7550.04 Celebrations CE**

**S600.00 out of #71104.20 Roost Parks CE**

**$600.00 into #1620.4 Roost Buildings CE**

**$104.79 out of 8020.01 Planning PS**

**$104.79 into 8020.4 Planning CE**

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

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

**RESOLUTION NUMBER: 185-2024**

**INTRODUCED BY: TERESA CHEETHAM-PALEN WHO MOVED FOR ITS ADOPTION, SECONDED BY ANN HOUGH**

**RESOLVED** that the Town Board of Keene accept the following transfers within the Library Fund:

**$1,237.14 out of #7410.04 Library CE Books**

**#1,237.14 into Library CE**

**$1,250.00 out of #7410.04 Library CE Books**

**#1,250.00 into Library CE Water**

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

**RESOLUTION TO TRANSFER FUNDS WITHIN THE WATER DISTRICT #1**

**RESOLUTION NUMBER: 186-2024**

**INTRODUCED BY: TERESA CHEETHAM-PALEN WHO MOVED FOR ITS ADOPTION, SECONDED BY ANN HOUGH**

**RESOLVED** that the Town Board of Keene accept the following transfers within the Water District #1:

**$3,055.56 out of 8320.4 Source Power Pump E EQ**

**$3055.56 into 8320.04 Source Power Pump C CE**

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

**RESOLUTION TO AMEND THE 2024 BUDGET RESOLUTION NUMBER: 187-2024**

**INTRODUCED BY: ANN HOUGH WHO MOVED FOR ITS ADOPTION, SECONDED BY CHRISTOPHER DALY**

**RESOLVED** that the following budget amendments be approved:

**GENERAL FUND**

Resolution to revise resolution #152-2024 o increase line #9104.01.00 Unallocated

Insurance by $1500.00 to be transferred from 1990.04.01 Contingency CE and not out of NYCLASS

Resolution to revise resolution #152-2024 o increase line #1.019304.01.000.00

Judgements and Claims by $4000.00 to be transferred from 1990.04.01 Contingency CE and not out of NYCLASS. The 2024 Adopted Budget did not include this line item.

Resolution to revise resolution # 152-2024 o increase line #1.071104.01.01.004.00

By $19,348.81 Parks CE to be transferred from 2023 Fund Balance not used and not out of

NYCLASS. For the purchase of a Turf Batwing mower ordered in 2023 and not delivered until 2024.

**HIGHWAY FUND**

N/A

**WATER DISTRICT SW 1**

N/A

**WATER DISTRICT SW 2**

N/A

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

**Supervisors Report:**

Mr. Wilson asked if any questions with the Operating Statement which is attached. He then stated Cindy and Kathty are working on the AFR and once this is complete the Supervisors reports should be in order.

**Audit Bills:**

**RESOLUTION TO AUDIT THE VOUCHERS 430 THROUGH 463, 2024 RESOLUTION NUMBER: 188-2024**

**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 430 through 463, 2024 totaling $46,027.41 as follows:

General Fund Bills $8,335.48

Highway Fund Bills $9,165.80

Water District #1 $217.11

Water District #2 $33.35

Roost Enhancement Tax $28,275.67

Duly adopted this 11TH day of June 2024 by the following vote:

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

**NAYS**: None

**Adjourn:**

**RESOLUTION TO ADJOURN**

**RESOLUTION NUMBER: 189-2024**

**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 7:46 P.M.,

Duly adopted this 11th day of June 2024 by the following vote:

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

**NAYS**: None

Ann Whitney

Town Clerk

Town of Keene