

**Special Town Board Meeting
August 23, 2022
6:00 p.m. at Keene Community Center Pavilion**

**MTG #18
Res, #237-238**

BOARD MEMBERS PRESENT

Joseph P. Wilson, Jr., Town Supervisor
Robert Biesemeyer, Deputy Supervisor
Teresa Cheetham-Palen, Council Member
David Deyo, Council Member
Jennifer Whitney, Council Member

TOWN OFFICIALS

Savana Li, Water Superintendent
Kimberly Smith, Town Clerk

SUPERVISOR WILSON called the meeting to order at 6:05 p.m. following a Public Hearing on Water District #2 Bonding.

**PUBLIC INTEREST ORDER FOR
WATER DISTRICT #2**

The Public Hearing was held on August 23rd, 2022 at 5:00 p.m. at the Town Pavilion on Church Street. With all persons being heard at said Public Hearing, the Town Board adopted the Public Interest Order.

**(A complete copy of the Public Interest Order and the vote
are attached at the end of these minutes.)**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,029,607.20 BONDS OF THE
TOWN OF KEENE, ESSEX COUNTY, NEW YORK, TO PAY THE COST OF THE
INCREASE AND IMPROVEMENT OF THE FACILITIES OF WATER DISTRICT NO. 2
IN THE TOWN OF KEENE, ESSEX COUNTY, NEW YORK**

RESOLUTION NO.: 237,2022

**(A complete copy of this resolution and the vote
are attached at the end of these minutes.)**

ADJOURNMENT:

RESOLUTION TO ADJOURN

RESOLUTION NO.: 238,2022

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

SECONDED BY: ROBERT BIESEMEYER

RESOLVED, that the Town Board of the Town of Keene has completed all business and hereby adjourns the Special Meeting at 6:07 p.m.

Duly adopted this 23rd day of August, 2022, by the following vote:

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

NAYS: none

Respectfully submitted,

Kimberly E. Smith
Town Clerk
Town of Keene

August 30, 2022

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ESSEX)

I, the undersigned Clerk of the Town of Keene, Essex County, New York (the “Issuer”),
DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 23rd day of August, 2022.
2. That such meeting was a special **regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the “Open Meetings Law”.
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)
The Sun Community News August 6th, 2022
Adirondack Daily Enterprise August 8th, 2022

POSTING (here insert place(s) and date(s) of posting)
The Town Clerk's Sign Board August 8th, 2022
The Town Website www.townofkeeneny.com August 8th, 2022

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer
this 23rd day of August, 2022.



Town Clerk

(CORPORATE SEAL)

At a special meeting of the Town Board of the Town of Keene, Essex County, New York, held at the Town Pavilion, in Keene, New York in said Town, on August 23, 2022, at 6:05 o'clock P.M., Prevailing Time.

PRESENT:

Joseph P. Wilson, Jr.
Supervisor

Robert Biesemeyer
Councilperson

Teresa Cheetham-Palen
Councilperson

David Deyo
Councilperson

Jennifer Whitney
Councilperson

<p>In the Matter of The Increase and Improvement of Facilities of Town of Keene Water District No. 2 in the Town of Keene, Essex County, New York</p>	<p>PUBLIC INTEREST ORDER</p>
---	-------------------------------------

WHEREAS, the Town Board of the Town of Keene, Essex County, New York, has duly caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of Water District No. 2, in the Town of Keene, Essex County, New York (the "Water District"), consisting of construction of a new well field control building at the site of the existing well field control building, including original equipment, machinery, apparatus, appurtenances and incidental

improvements and expenses in connection therewith, together with development of a new water source, construction of a new well, abandonment of existing well, acquisition of installation of water meters in connection therewith, at a maximum estimated cost of \$5,029,607.20; and

WHEREAS, at a meeting of said Town Board duly called and held on July 28, 2022, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of Town of Keene Water District No. 2 No. 2 in said Town at a maximum estimated cost of \$5,029,607.20, and to hear all persons interested in the subject thereof concerning the same at the Town Pavilion, in Keene, New York, in said Town, on August 23, 2022, at 5:00 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Keene, Essex County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of Water District No. 2, in the Town of Keene, Essex County, New York, being the construction of a new well field control building at the site of the existing well field control building, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, together with development of a new water source, construction of a new well, abandonment of existing well, and acquisition and

installation of water meters, in connection therewith, at a maximum estimated cost of \$5,029,607.20.

Section 2. This Order shall take effect immediately.

The question of the adoption of the foregoing Order was duly put to a vote on roll, which resulted as follows:

<u>Joseph P. Wilson, Jr.</u>	VOTING	<u>AYE</u>
<u>Robert Biesemeyer</u>	VOTING	<u>AYE</u>
<u>Teresa Cheetham-Palen</u>	VOTING	<u>AYE</u>
<u>David Deyo</u>	VOTING	<u>AYE</u>
<u>Jennifer Whitney</u>	VOTING	<u>AYE</u>

The Order was thereupon declared duly adopted.

* * * * *

SUN COMMUNITY NEWS
AD INSERTION ORDER (CONTINUED)

Salesperson: SHANNON CHRISTIAN

Printed at 08/01/22 12:09 by schri

Acct #: 35406

Ad #: 294779

Status: New

NOTICE OF PUBLIC HEARING

Water District No. 2 of the Town of Keene, Essex County, New York NOTICE IS HEREBY GIVEN that the Town Board of the Town of Keene, Essex County, New York, will meet at the Town Pavilion, Church Street in Keene, New York, in said Town, on August 23rd, 2022, at 5:00 o'clock P.M., Pre-vailling Time, for the purpose of conducting a public hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of the facilities of Water District No. 2, in the Town of Keene, (the "Water District"), consisting of construction of a new well field control building at the site of the existing well field control building, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, together with development of a new water source, construction of a new well, abandonment of existing well, and acquisition and installation of water meters in connection therewith, at a maximum estimated cost of \$5,029,607.20. The capital project described above has been determined to be an "Unlisted Action" pursuant to the regulations promulgated under the State Environmental Quality Review Act ("SEQRA") which it has been determined will not result in any significant adverse environmental impact. Copies of the map plan and report and SEQRA documentation are available in the office of the Town Clerk, where they may be inspected during regular office hours.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Keene, New York, July 28th, 2022

BY ORDER OF THE TOWN BOARD OF THE TOWN OF KEENE, ESSEX COUNTY, NEW YORK

/s/: Kimberly E. Smith,
Town Clerk

VN-08/06/2022-1TC-294779

LC1775

Adirondack Daily Enterprise

54 BROADWAY, PO BOX 318 • SARANAC LAKE, NEW YORK 12983

COUNTY OF FRANKLIN
STATE OF NEW YORK
SS.

**PUBLIC NOTICE
NOTICE OF
PUBLIC HEARING**
Water District No. 2
of the

Town of Keene,
Essex County,
New York

NOTICE IS HEREBY
GIVEN that the Town
Board of the Town of
Keene, Essex County,
New York, will meet at
the Town Pavilion,
Church Street in
Keene, New York, in
said Town, on August
23rd, 2022, at 5:00

o'clock P.M., Prevaling
Time, for the pur-
pose of conducting a
public hearing upon a
certain map, plan and
report, including an es-
timate of cost, in rela-
tion to the proposed
increase and improve-
ment of the facilities of
Water District No. 2, in
the Town of Keene,
(the "Water District"),
consisting of construc-
tion of a new well field
control building at the
site of the existing well
field control building,
including original
equipment, machinery,
apparatus, appurten-
ances and incidental
improvements and ex-
penses in connection
therewith, together
with development of a
new water source,
construction of a new
well, abandonment of
existing well, and ac-
quisition and installa-
tion of water meters in
connection therewith,
at a maximum estimat-
ed cost of
\$5,029,607.20.

The capital project
described above has
been determined to be
an "Unlisted Action"
pursuant to the regula-
tions promulgated un-
der the State Environ-
mental Quality Review
Act ("SEQRA") which it
has been determined
will not result in any
significant adverse en-
vironmental impact.
Copies of the map
plan and report and
SEQRA documenta-
tion are available in
the office of the Town
Clerk, where they may
be inspected during
regular office hours.

At said public hearing
said Town Board will
hear all persons in-
terested in the subject
matter thereof.

Dated: Keene, New
York, July 28th, 2022

BY ORDER OF THE
TOWN BOARD OF
THE TOWN OF
KEENE, ESSEX
COUNTY, NEW YORK

/s/ Kimberly E. Smith
Town Clerk

Pub.: August 8, 2022

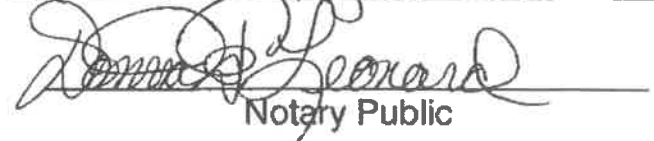
Scott Patnode, Adirondack Publishing Co.,
Inc., of the Town of Harrietstown, in said
County, being duly sworn, deposes and
says that he represents the ADIRONDACK
DAILY ENTERPRISE, printed and published
six times each week in the Village of Saranac
Lake, in said town and county, and that a
notice of which the annex is a true copy
has been published 1 times a week
for 1 weeks successfully, and that it
was first so published on the 8 day
of August 20 22 and last
so published on the 8 day of
August 20 22. Said
publication occurred on:

August 8, 20 22



Adirondack Publishing Co., Inc.

Subscribed and sworn to before me this
8th day of August, 20 22


Notary Public

Donna F. Leonard
Notary Public, State of New York
Registration No. 01LE5044887
Qualified in Franklin County
Commission Expires 6/05/23

CERTIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ESSEX)

I, the undersigned Clerk of the Town of Keene, Essex County, New York (the "Issuer"),
DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 23rd day of August, 2022.
2. That such meeting was a **special** **regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)
Town Clerk's Sign Board August 8th, 2022
Town's Website www.townofkeeneny.com August 8th, 2022

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer
this 23rd day of August, 2022.



Town Clerk

(CORPORATE SEAL)

RESOLUTION NO. 237, 2022

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$5,029,607.20 BONDS OF THE TOWN OF KEENE, ESSEX COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF WATER DISTRICT NO. 2 IN THE TOWN OF KEENE, ESSEX COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Water District No. 2, in the Town of Keene, Essex County, New York, at a maximum estimated cost of \$5,029,607.20; and

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it have been determined will not have any significant adverse effects on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital projects, NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Keene, Essex County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of the increase and improvement of Water District No. 2, in the Town of Keene, Essex County, New York, being the construction of a new well field control building at the site of the existing well field control building, including original equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith, together with development of a new water

BOND RESOLUTION

At a special meeting of the Town Board of the Town of Keene, Essex County, New York, held at the Town Pavilion, in Keene, New York, in said Town, on the 23rd day of August, 2022, at 6:05 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Joseph P. Wilson, Jr., and upon roll being called, the following were

PRESENT:

Mr. Robert Biesemeyer
Ms. Teresa Cheetham-Palen
Mr. David Deyo
Ms. Jennifer Whitney

ABSENT:
(none)

The following resolution was offered by Councilperson Ms. Cheetham-Palen who moved its adoption, seconded by Councilperson Ms. Whitney to wit:

source, construction of a new well, abandonment of existing well, and acquisition and installation of water meters in connection therewith, at a maximum estimated cost of \$5,029,607.20, \$5,029,607.20 bonds of said Town are hereby authorized to be issued pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of said maximum estimated cost is by the issuance of the \$5,029,607.20 bonds of said Town authorized to be issued pursuant to this bond resolution. PROVIDED, HOWEVER, that to the extent that any grants-in-aid are received for such class of objects or purposes, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Keene, Essex County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. Annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Water District No. 2 in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the

serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Supervisor shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at the Supervisor's sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies

are, or are reasonably expected to be, reserved, allocated on a longterm basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>Supervisor Joseph P. Wilson, Jr.</u>	VOTING	<u>AYE</u>
<u>Mr. Robert Biesemeyer</u>	VOTING	<u>AYE</u>
<u>Ms. Teresa Cheetham-Palen</u>	VOTING	<u>AYE</u>
<u>Mr. David Deyo</u>	VOTING	<u>AYE</u>
<u>Ms. Jennifer Whitney</u>	VOTING	<u>AYE</u>

The resolution was thereupon declared duly adopted.

* * * * *