

Bi-Monthly Town of Keene Board Meeting
October 31th, 2023
5:30 P.M. Town Hall
Meeting # 17
Resolutions # 240-256

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

Absent: Robert Biesemeyer, Dave Deyo

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

Town Counsel Present:

Members of the Public: Kimberly Smith, Ann Hough

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

Pledge of Allegiance

Approval of Minutes:

**RESOLUTION APPROVING PRESENTATION OF TENTATIVE BUDGET
& REGULAR TOWN BOARD MINUTES**

RESOLUTION NUMBER: 240-2023

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

RESOLVED that the Presentation of the Tentative Budget on October 3rd, 2023
and approval of Regular Town Board minutes from October 10th, 2023 are
accepted and approved.

Duly adopted this 31st day of October 2023 by the following vote:
AYES: Teresa Cheetham-Palen, Christopher Daly, Joe Pete Wilson

NAYS: None

ABSENT: Robert Biesemeyer, Dave Deyo

Privilege of the Floor:

Attachment #1-17

Henrietta Jordan presented a letter that she also read in regards to Town Hall accessibility complaint.

Audit Update

Mr. Wilson wanted to update everyone on how things are going with the Audit and areas we need to work on:

- How we sell dump tickets off site
- When we do annual audits of the books there are worksheets we are to use to go along with the resolution.
- The Town Board should be receiving year to date operating expenses on a monthly basis
- Annually we need to review both our Procurement Policy and our Investment Policy and renew it each year.
- We also need to review and adopt our Employee Handbook each year.

Old Business:

- **Water District**

Ms. Li said the lead pipe survey is going out 11/1/2023 and need them back by 11/30/2023.

Mr. Wilson stated this is statewide.

Ms. Li said we have a quote for a portable generator for \$2,557.00 from Taylor Rental Sales, which will be split between both districts.

RESOLUTION APPROVING PURCHASE OF PORTABLE GENERATOR FOR \$2,557.00

RESOLUTION NUMBER: 241-2023

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

RESOLVED that the Town Board approve the purchase of a portable generator from Taylor Rental for \$2557.00 split between both Water Districts is accepted and approved.

Duly adopted this 31st day of October 2023 by the following vote:

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

NAYS: None

ABSENT: Robert Biesemeyer, Dave Deyo

Ms. Li wanted to update on water leak in Keene, it is very big and we are unsure what it will initially take to fix. We are hoping it is just the shut off, but we may have to boar under the main road, there is a lot of buried infrastructure.

RESOLUTION APPROVING PURCHASE OF 7X14 USED CARGO TRAILER FOR \$8,050.00 FROM ROCK TRAILER SALES

RESOLUTION NUMBER: 242-2023

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

RESOLVED that the Town Board approves the purchase of a used cargo trailer from Rock Trailer Sales for \$8,050.00, which will be used to store the portable generator, and tools is accepted and approved.

Duly adopted this 31st day of October 2023 by the following vote:

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

NAYS: None

ABSENT: Robert Biesemeyer, Dave Deyo

• **Highway Update**

Mr. Whitney stated I had 3 different trucks down, one truck broke down on its way back from repairs. I am trying to get these good enough until we get a new one. I would like to order another 5500 now, its 6-12 months lead time.

Mr. Wilson said maybe we can make a schedule for the next meeting , focus just on trucks.

Mr. Whitney said we really need to replace 4 trucks.

Ms. Cheetham-Palen said maybe we turn one in earlier to break the cycle.

Mr. Whitney said yes that is what needs to happen.

• **Community Center Playground**

Attachment #2-17

Mr. Wilson , next up is the playground. Unfortunately Bob isn't here, do we wait ?

Ms. Cheetham-Palen said we hate to just keep kicking the can down the road.

Ms. Hough stated she talked with Bob and he liked Option 2. He said go new.

**RESOLUTION TO KINDLY ACCEPT THE DONATION TO BUILD
TIMBER FORM PLAY STRUCTURE WITH THE SLIDE AND REMOVE
THE EXISTING STRUCTURE**

RESOLUTION NUMBER: 243-2023

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

RESOLVED that the Town Board kindly accept the donation to build a timber form play structure and remove the existing structure is accepted and approved.

Duly adopted this 31st day of October 2023 by the following vote:

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

NAYS: None

ABSENT: Robert Biesemeyer, Dave Deyo

- **Approve Preliminary Budget**

Mr. Wilson, we are currently under the tax cap by \$17,000. The only thing that changed is on page 8 on the hospital line \$130,000, and Highway which is page 10 \$150,051 which gives us 65% with new money and then we use the left over from current year to bring us to 100%. I proposed we increase the Machinery line to \$110,000, which still keeps us with a \$2,207 cushion.

RESOLUTION TO APPROVE THE PRELIMINARY BUDGET WITH CHANGES

RESOLUTION NUMBER: 244-2023

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

RESOLVED that the Town Board approve the Preliminary Budget with the change to hospital lines, \$130,000 & \$150,051 and use the left over from 2023 to bring it to 100% funded. We will move the extra \$17,000 to the Machinery line in the Highway increasing it to \$110,000.

Duly adopted this 31st day of October 2023 by the following vote:

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

NAYS: None

ABSENT: Robert Biesemeyer, Dave Deyo

- **Adopt Fund Balance**

Attachment #3-17

Mr. Wilson has presented the proposed Fund Balance Policy

RESOLUTION TO ADOPT FUND BALANCE POLICY

RESOLUTION NUMBER: 245-2023

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

Discussion:

Ms. Chetham-Palen questioned the wording of the last line in the first paragraph.

Mr. Daly agreed, maybe we modify that sentence to refer to the Unassigned Fund Balance Section.

Mr. Wilson, I want to go over the amounts, Library \$5,000, Water District #2 \$20,000, Water District #1 is \$10,000, Highway Fund is \$100,000 do we want to bump it to \$150,000, General Fund is \$700,000

Do we want to keep it high?

Mr. Daly said yes and we can revisit it.

RESOLVED that the Town Board adopt the Fund Balance Policy
Duly adopted this 31st day of October 2023 by the following vote:

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

NAYS: None

ABSENT: Robert Biesemeyer, Dave Deyo

New Business

- **Keene Yearbook Ad**

Mr. Wilson received a request for a yearbook ad for the Keene Central School. Do we want to do the same as last year?

RESOLUTION TO PURCHASE A YEARBOOK AD SAME AS LAST YEAR

RESOLUTION NUMBER: 246-2023

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

RESOLVED that the Town Board purchase a Keene Central School Yearbook ad , same as last year is accepted and approved.

Duly adopted this 31st day of October 2023 by the following vote:

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

NAYS: None

ABSENT: Robert Biesemeyer, Dave Deyo

RESOLUTION FOR THE TOWN BOARD TO ENTER INTO EXECUTIVE SESSION FOR CEMETERY REQUESTS AT 6:28

RESOLUTION NUMBER: 247-2023

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

RESOLVED, that the Town Board enter into Executive Session to discuss cemetery requests at 6:28

Duly adopted this 31st day of October 2023 by the following vote:

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

NAYS: None

ABSENT: Robert Biesemeyer, Dave Deyo

RESOLUTION FOR THE TOWN BOARD TO RETURN FROM EXECUTIVE SESSION AT 6:35

RESOLUTION NUMBER: 248-2023

INTRODUCED BY: JO-PETE WILSON WHO MOVED FOR ITS ADOPTION SECONDED BY TERESA CHEETHAM-PALEN
RESOLVED, that the Town Board return from Executive Session where no discussions were made at 6:35

Duly adopted this 31st day of October 2023 by the following vote:
AYES: Christopher Daly, Teresa Cheetham-Palen, Joe Pete Wilson
NAYS: None
ABSENT: Robert Biesemeyer, Dave Deyo

- **Cemetery Requests**

RESOLUTION TO APPROVE LESLIE EGGLEFIELD BROWNELL TO PURCHASE CEMETERY PLOTS IN THE NEW CEMETERY

RESOLUTION NUMBER: 249-2023

INTRODUCED BY: CHRISTOPHER DALY WHO MOVED FOR ITS ADOPTION SECONDED BY TERESA CHEETHAM-PALEN
RESOLVED, that the Town Board approve the purchase of cemetery plots in the new cemetery to Leslie Egglefield Brownell

Duly adopted this 31st day of October 2023 by the following vote:
AYES: Christopher Daly, Teresa Cheetham-Palen, Joe Pete Wilson
NAYS: None
ABSENT: Robert Biesemeyer, Dave Deyo

RESOLUTION TO APPROVE CHRISTOPHER SHAW TO PURCHASE CEMETERY PLOTS IN THE NEW CEMETERY
RESOLUTION NUMBER: 250-2023

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

RESOLVED, that the Town Board approve the purchase of cemetery plots in the new cemetery to Christopher Shaw.

Duly adopted this 31st day of October 2023 by the following vote:
AYES: Christopher Daly, Teresa Cheetham-Palen, Joe Pete Wilson
NAYS: None
ABSENT: Robert Biesemeyer, Dave Deyo

RESOLUTION TO APPROVE ELIZABETH HARLAND TO PURCHASE CEMETERY PLOTS IN THE NEW CEMETERY
RESOLUTION NUMBER: 251-2023

INTRODUCED BY: CHRISTOPHER DALY WHO MOVED FOR ITS ADOPTION SECONDED BY TERESA CHEETHAM-PALEN RESOLVED, that the Town Board approve the purchase of cemetery plots in the new cemetery to Elizabeth Harlen.

Duly adopted this 31st day of October 2023 by the following vote:

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

NAYS: None

ABSENT: Robert Biesemeyer, Dave Deyo

- **Planning Board Appointment**

RESOLUTION TO APPOINT KEITH WADSWORTH TO THE VACANT SEAT ON THE KEENE PLANNING BOARD

RESOLUTION NUMBER: 252-2023

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

RESOLVED, that the Town Board appoint Keith Wadsworth to the Keene Planning Board.

Duly adopted this 31st day of October 2023 by the following vote:

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

NAYS: None

ABSENT: Robert Biesemeyer, Dave Deyo

- **Covid Policies: Leave Time, Purchasing Test Kits**

Mr. Wilson said it's time for us to officially move out of Covid as a pandemic, we need to decide how we are going to treat some of this stuff. Two things have come to mind. The first is the State isn't suppling free test kits anymore, do we want to continue this? If so I need to budget \$5-6,000 or is it time for us to step back?

Ms. Smith stated she went on-line to [COVIDtests.gov](https://www.covidtests.gov) and received them free.

Mr. Wilson, my feeling is people should utilize resources out there. I want to look at our leave time. Do we feel our allowance is correct, do we increase it to encourage people to take a sick day if needed?

Ms. Cheetham-Palen said we need to find a balance. We don't want them coming to work sick.

Mr. Daly asked what is the current calculation.

Mr. Wilson it is about 1.26 per pay period. We don't pay out when you leave and there is a cap on what you can accumulate. For some people that are already at this

it won't effect. Do you want Reggie and I to look at accumulation and usage and see if it is a problem?

Ms. Palen asked Reggie his thoughts.

Mr. Whitney said my guys are a little different.

Mr. Daly said yeah I think I would like to know how many people are accumulating time, how many are burning through it.

Mr. Whitney stated as for my crew they have plenty of sick time and earned it so you maybe causing some problems now to increase and give more time when my guys are at the max.

Mr. Daly asked for more information.

Ms. Smith said that at the county they still have the restriction if you have Covid you have to be out 10 days and can have it up to 2 or 3 instances.

Mr. Wilson said that is local, we are not required to follow that, it went when the declaration of emergency expired.

**RESOLUTION TO RETURN TO THE USE OF OUR
EMPLOYEE HANDBOOK FOR THE USE OF SICK TIME**

RESOLUTION NUMBER: 253-2023

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

RESOLVED, that the Town Board returns to the Employee Handbook
for the use of sick time.

Duly adopted this 31st day of October 2023 by the following vote:

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

NAYS: None

ABSENT: Robert Biesemeyer, Dave Deyo

- **Draft Local Law on STR Regulations**

Rescheduled to the November 14th meeting.

Ms. Cheetham-Palen wanted to ask about the 3 blank white signs at Marcy Field by the hiker parking.

Mr. Wilson said that is what I am working on with the Smart Growth Grant.

Budget Resolutions:

- **Resolution to transfer funds :** None

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

Supervisors Report:

Audit Bills:

RESOLUTION TO PAY THE ONLINE BILLS

RESOLUTION NUMBER: 254-2023

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

RESOLVED that the Town Board pay the online bills.

Duly adopted this 31st day of October 2023 by the following vote:

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

NAYS: None

**RESOLUTION TO AUDIT THE VOUCHERS 2023-832 THROUGH 2023-
874**

RESOLUTION NUMBER: 255-2023

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

RESOLVED that the Town Board approve the following bills and prepaid bills.
Multi-Fund Vouchers numbered 2023-832 through 2023-874 totaling \$102,091.59
as follows:

General Fund Bills \$20,351.38

Highway Fund Bills \$66,721.02

Water District #1 \$5,086.98

Water District #2 \$8,703.87

Library \$113.52

Trust & Agency Fund \$1,094.83

Keene Youth Commission \$19.99

Duly adopted this 31st day of October 2023 by the following vote:

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

NAYS: None

ABSENT: Robert Biesemeyer, Dave Deyo

Adjourn:

RESOLUTION TO ADJOURN

RESOLUTION NUMBER: 256-2023

**INTRODUCED BY: TERSEA 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 6:53P.M.

Duly adopted this 31st day of October 2023 by the following vote:

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

NAYS: None

ABSENT: Robert Biesemeyer, Dave Deyo

Anna Whitney
Town Clerk
Town of Keene

Hon. Henrietta B. Jordan

Attachment
#1-17

From: Hon. Henrietta B. Jordan
Sent: Tuesday, October 31, 2023 2:12 PM
To: bryankennelly@blk-law.com
Subject: ADA Non-Compliance

Dear Town Attorney Kennelly:

About 11 days ago, I suffered a serious injury to my left leg—one which makes walking arduous and painful. When I returned to Court, it became evident to me that the Town of Keene's failure to comply with Titles II and III of the Americans with Disabilities Act would make things very difficult for me. The one so-called "accessible" parking space is at least 50 yards from the entrance to the building, and to use the bathroom, I have to rely on a towel rack—not a grab bar—for support. Were I using a wheelchair (as some of our citizens do), I would not even be able to get in the bathroom. Nor would I be able to take my seat on the bench.

As I stated in an earlier communication to the Town Board, denying disabled citizens access to the Town Court and other essential services at Town Hall not only violates their civil rights under the ADA, but also effectively denies them access to justice in our court.

The ADA was enacted 33 years ago. There is no excuse for this failure to abide by the law.

With this communication, I am lodging a formal complaint about the Town of Keene's willful disregard of federal law, as evidenced by the fact that several years ago, the Supervisor proposed modifications that would improve access only to see them voted down by the Town Board. Moreover, I have communicated my concerns about ADA compliance on at least one previous occasion with no response whatsoever.

It is my intention to file a complaint with the US Department of Justice and to explore exercising my private right of action in this matter if the Town fails to comply with the law. I would rather not take these steps, but if the Town refuses to comply, I will have no alternative.

I look forward to your response.

Sincerely yours,

Judge Henrietta Jordan

Judge Henrietta B. Jordan
Keene Town Court
PO Box 89
Keene, NY 12942
Tel: 518-576-4556
Fax: 518-576-9020

Joe-Pete and the Keene Town Board,

The Community Center Task Force was asked our opinion of the playground plan presented at the last meeting by Mr. Kirk Baughman, Baughman Brothers & Associates, Inc.

A few of us met and discussed the plan. I visited the same slide at the Ausable Club. It would be a huge improvement to our current playground, and to our potential new playground (eventually).

Our recommendations and modifications to the proposed plan are as follows:

1. The slide is nice. Accept the proposed TimberForm Play Structure with great appreciation!
2. For the four bay existing swing set, replace the swings with 4 regular swings, 2 tots, 1 ADA compliant swing. This would be equivalent to our current 8 swings.

Option 2 idea: (A consideration for the swing set) remove the entire existing structure. Replace with their new, smaller wooden swing set. 3 swings, 1 tot, 1 ADA compliant (or 4 swings and 2 tots). This would be equivalent to a 6-swing setup, instead of our current 8-swing setup.

The Task Force is willing to price the Option 2 modification out if the Town Board deems it a good idea. The benefit of doing this is simply that both structures, the swings and slide, will be movable and new, and would likely simplify our renovations should the playground move to the back field. (Plus, the Ausable Club has both and they look super nice side by side). If we can get the price to work, it would be an excellent upgrade, even though we would have fewer swings. If not, the original proposal is terrific with the modification of an ADA swing as mentioned in #2 above.

Thank You!
Ann Hough
Keene Community Center Task Force

Town of Keene
Fund Balance Policy
Adopted October 31, 2023

The purpose of this policy is to enhance long-term financial planning and mitigate the risks associated with changes in revenues due to economic conditions the town faces. These policies also guide the allocation of sufficient monies for the purchase of capital equipment, construction of capital improvements, meeting match requirements for grants, and unanticipated expenditures that may occur. Unrestricted reserve balances may be utilized for emergency expenditures or according to the Unassigned Fund Balance priorities listed below.

The fund balance of the Town's General Fund, Highway Fund, Library Fund, and water district funds have been accumulated to provide stability and flexibility to respond to unexpected adversity and/or opportunities. The objective is to maintain an unrestricted fund balance suitable for the most efficient operation of each fund. Town finances will be managed so as to maintain balances of the various funds at levels sufficient to mitigate current and future risks, such as revenue shortfalls and unanticipated expenditures, ensure stable tax rates and user fees, and protect the Town's creditworthiness.

General Fund: \$700,000

The General Fund needs a significant fund balance to respond to emergencies and leverage grant opportunities.

Highway Fund: \$150,000

The Highway Fund needs a significant fund balance to respond to emergencies and leverage grant opportunities.

Water District #1: \$10,000

Water District #2: \$20,000

The water districts need to be able to respond to emergencies and to leverage grant opportunities. This level of fund balance helps to protect residents in each district from fluctuating rates.

Library Fund: \$5,000

The library needs to meet unexpected expenses. Otherwise, it can rely on the General Fund for emergencies or capital projects.

Unassigned Fund Balance

The unassigned fund balance shall be any remaining amounts left within the above listed funds. At the end of the year, if there are unexpended funds above the fund balance limits set above, the Town will spend these funds in the following order:

1. If HRA is in deficit, use fund balance to replenish the HRA account.
2. On projects from the asset management plan or deposit into a reserve fund based on the asset management plan.
3. Apply to debt
4. Balance the following year budget

If, at the end of a fiscal year, the fund balance falls below the established amount for each fund, the Town Board shall take action necessary to restore the unreserved, undesignated fund balance through the budgetary process to acceptable levels within a reasonable time frame.

This policy will be reviewed annually during the organizational meeting in January. This policy has been adopted October 31, 2023.