Regular Monthly Town of Keene Board Meeting

June 10th, 2025

5:30 P.M. Town Hall

Meeting #13-2025

Resolutions #165-174

**Board Members Present**: Christopher Daly, Ann Hough, Robert Biesemeyer (arrived 5:50P.M.) , Council Members, Teresa Cheetham-Palen Deputy Supervisor

**Absent**: Joe-Pete Wilson

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

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

**Members of the Public**: Roger Allen

**Call to Meeting to Order** at 5:40 P.M. by Teresa Cheetham-Palen

**Pledge of Allegiance:**

**Approval of Minutes:**

**RESOLUTION TO APPROVE THE MAY 27th, 2025 BI-MONTHLY BOARD MINUTES**

 **RESOLUTION NUMBER: 165-2025**

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

**RESOLVED** that the Town Board of Keene has approved the May 27th, 2025 Bi-Monthly Minutes.

Duly adopted this 10th day of June 2025 by the following vote:

**AYES:** Teresa Cheeham-Palen, Ann Hough, Christopher Daly

**NAYS**: None

**Privilege of the Floor:**

**Town Operations**

* **Town Clerk**:

Ms. Whitney asked if anyone had any questions with her monthly report.

* **Highway Department**:
* **Water Department**:

Postponed until later in the meeting.

**Town Discussion of Old Business:**

* **Approve Time Clock Policy**

 Ms. Cheetham-Palen presented the Policy

**RESOLUTION TO APPROVE THE TIME CLOCK POLICY**

 **RESOLUTION NUMBER: 166-2025**

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

**RESOLVED** that the Town Board of Keene has approved the Time Clock Policy as written;

1. Employees must punch in at the start of their shift and punch out at the end.

1. Employees must punch out & back in when leaving during a shift for a leave time eligible reason, and complete a leave slip.
2. No one can punch the clock for another employee.
3. Employees can punch in 10 minutes before start time and 10 minutes after start time. Any other change to the workday hours needs permission of the direct supervisor.
4. Summer staff in the Youth commission and front country steward programs will not be required to punch in.
5. Salaried employees will punch in and out for record keeping purposes but will be paid a fixed amount of compensation, based on the standard work day. Salaried employees are not eligible for overtime pay.

The punch clock timecard is intended to verify work hours. Timesheets will be maintained and submitted by direct supervisors along with the timecard. The time sheet will reflect the following:

1 . Work tasks assigned to the employee that take place before he/she arrives at work or that take place after the employee leaves work.

1. Notation of overtime hours.
2. Only the direct supervisor can correct errors to the timecard.
3. If the Town Board at a training session or conference approves an employee, the paper timesheet will record their regular work day hours.

 Duly adopted this 10th day of June 2025 by the following vote:

**AYES:** Teresa Cheeham-Palen, Ann Hough, Robert Biesemeyer, Christopher Daly

**NAYS**: None

* **Approve Emergency Call-In Pay Policy**

**RESOLUTION TO APPROVE THE EMERGENCY CALL-IN PAY POLICY**

**RESOLUTION NUMBER: 167-2025**

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

**RESOLVED** that the Town Board of Keene has approved the Time Clock Policy as written;

In the event an FLSA non-exempt employee is called in to work outside of the employee's regularly scheduled work shift, the employee shall be credited for pay purposes with the greater of either four hours time, or the time actually worked. "Time actually worked" will be considered to start at the time the employee arrives at the highway garage and punches the time clock.

Duly adopted this 10th day of June 2025 by the following vote:

**AYES:** Teresa Cheeham-Palen, Ann Hough, Robert Biesemeyer, Christopher Daly

**NAYS**: None

**\*\*\*\*Water Department**

Ms. Cheetham-Palen presented the resolutions for the Water District 2 project**.**

**RESOLUTION IN THE MATTER OF**

**THE INCREASE AND IMPROVEMENT OF FACILITIES OF WATER DISTRICT No. 2 IN THE TOWN OF KEENE, ESSEX COUNTY, NEW YORK (Additional Cost)**

**RESOLUTION NUMBER 168-2025**

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

**WHEREAS**, the Town Board of the Town of Keene, Essex County, New York, has caused to be prepared a map, plan and report, including an estimate of cost, as supplemented, 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, and acquisition and installation of water meters, at a revised maximum estimated cost of $7,000,000, an increase of $1,970,392.80 over that previously authorized; and

**WHEREAS**, at a meeting of said Town Board duly called and held on May 27, 2025, 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 Water District No. 2 in said Town at a revised maximum estimated cost of $7,000,000, and to hear all persons interested in the subject there of conceming the same at the Town Hall, in Keene, New York, in said Town, on June 10, 2025, at 5:30 0'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, 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, at a revised maximum estimated cost of $7,000,000.

 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:

Teresa Cheetham-Palen Voting Aye

Robert Biesemeyer Voting Aye

Christopher Daly Voting Aye

Ann Hough Voting Aye

Duly adopted this 10th day of June 2025

# **BOND RESOLUTION**

At a regular meeting of the Town Board of the Town of Keene, Essex County, New York, held at the Town Hall, in Keene, New York, in said Town, on June 10, 2025, at 5:30 o'clock P.M., Prevailing Time. The meeting was called to order by Teresa Cheetham-Palen, the following members were present, Robert Biesemeyer, Christopher Daly, Ann Hough, Joe Pete Wilson Jr was absent.

**BOND RESOLUTION DATED JUNE 10, 2025.**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL $1,970,392.80 BONDS OF THE TOWN OF KEENE, ESSEX COUNTY, NEW YORK, TO PAY THE INCREASED COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE WATER DISTRICT NO. 2, IN THE TOWN OF KEENE, ESSEX COUNTY, NEW YORK**

**RESOLUTION NUMBER 169-2025**

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

**WHEREAS**, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b 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 increase and improve the facilities of Water District No. 2, in the Town of Keene, Essex County, New York, at a revised maximum estimated cost of $7,000,000; and

**WHEREA**S, said capital project 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 ("SEQRA"), and it has been determined to not result in a significant environmental effect and copies of SEQRA compliance documentation are on file in Office of the Town Clerk where it may be inspected during regular office hours upon appointment; and

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

**Section l**. 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, 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, is hereby authorized at a revised maximum estimated cost of $7,000,000 bonds.

 **Section 2.** It is hereby determined that the plan of financing thereof is as follows:

1. by the issuance of $5,029,607.20 bonds of said Town heretofore authorized to be issued pursuant to the bond resolutions dated and duly adopted on August 23, 2022, to be reduced by any grants-in-aid received, which grant proviso is hereby eliminated; and
2. by the issuance of an additional $1,970,392.80 bonds of said Town hereby authorized to be issued therefor, pursuant to the provisions of the Local Finance Law.

**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, calculated from the date of the first obligation issued therefor. 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. An 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 as applicable 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 he 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 long-term 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:

Teresa Cheetham-Palen Voting Aye

Robert Biesemeyer Voting Aye

Christopher Daly Voting Aye

Ann Hough Voting Aye

Duly adopted this 10th day of June 2025

* **Planning Board**

Ms. Cheetham-Palen stated the Planning Board wanted to announce Mike Hartson is stepping down and they have asked Linda Deyo to step into his spot**.**

**RESOLUTION TO APPROVE LINDA DEYO TO THE PLANNING BOARD**

 **RESOLUTION NUMBER: 170-2025**

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

**RESOLVED** that the Town Board of Keene has approved Linda Deyo to the Planning Board to replace Mike Hartson who is stepping down.

Duly adopted this 10th day of June 2025 by the following vote:

**AYES:** Teresa Cheeham-Palen, Ann Hough, Christopher Daly, Robert Biesemeyer

 **NAYS**: None

* **Community Center**

Ms. Cheetham-Palen stated we received a prelimry report from AES.

**RESOLUTION WHEREAS, A HAZARDOUS MATERIAL INSPECTION RECENTLY FOUND ASBESTOS CONTAMINATION THROUGHOUT THE TOWN OF KEENE COMMUNITY CENTER BUILDING, RENDERING IT UNSAFE FOR USE BY THE PUBLIC.**

**RESOLUTION NUMBER: 171-2025**

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

**Discussion:** Mr. Biesemeyer feels this is premature; he would like to wait to see what they are basing their findings on**.** He stated he wants to see what Derrick Martineau has to say**.** His fear is once we close it regardless temporary or not, chances of opening it are slim to none.

**THEREFORE, BE IT RESOLVED** that the Town of Keene Community Center Building is closed to the public until further resolution of the Town Board except for use by the NYSDOT.

**BE IT FURTHER RESOLVED**, that the Town Supervisor is authorized to serve a Notice to Terminate Tenancy on the NYSDOT commercial tenant currently occupying a portion of the Town of Keene Community Center Building.

Duly adopted this 10th day of June 2025 by the following roll call vote:

Teresa Cheeham-Palen Aye

Ann Hough Aye

Christopher Daly Aye

Robert Biesemeyer Nay

**Executive Session:**

**RESOLUTION TO ENTER EXECUTIVE SESSION FOR LEGAL ADVICE**

 **RESOLUTION NUMBER: 172-2025**

**INTRODUCED BY: ANN HOUGH WHO MOVED FOR**

**ITS ADOPTION SECONDED BY CHRISTOPHER DALY**

**RESOLVED** that the Town Board of Keene entered into Executive Session at

6:10 P.M. for personnel,

Duly adopted this 10th day of June 2025 by the following vote:

**AYES:** Teresa Cheeham-Palen, Ann Hough, Robert Biesemeyer, Christopher Daly

**NAYS**: None

**RESOLUTION TO COME OUT OF EXECUTIVE SESSION WHERE NO**

**DECISIONS WERE MADE**

 **RESOLUTION NUMBER: 173-2025**

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

**RESOLVED** that the Town Board of Keene return from Executive Session at 6:17 P.M.

Duly adopted this 10th day of June 2025 by the following vote:

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

**NAYS**: None

**Budget Resolutions:** postponed until Business Meeting Tuesday June 17th at 1:00P.M.

* **Resolution to Transfer Funds:**
* **Resolution to amend the 2025 budget:**

**Supervisors Report:**

**Audit Bills:**

**Adjourn:**

**RESOLUTION TO ADJOURN**

**RESOLUTION NUMBER: 174-2025**

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

**RESOLVED** that the Town Board of Keene has completed all business and hereby adjourns the Regular Meeting at 6:18 P.M.,

Duly adopted this 10th day of June 2025 by the following vote:

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

**NAYS**: None

Ann Whitney

Town Clerk

Town of Keene