

# Regular Monthly Meeting of the Town Board Wilmington Community Center – Tuesday 7/12/2022

For those wishing to call in, please use the number 1-929-205-6099

meeting ID-89393141055 Passcode 901005

## Attending

*Roy Holzer - Supervisor*

*Darin Forbes – Deputy Supervisor*

*Tim Follos – Board Member*

*Paula McGreevy - Board Member*

*Tina Terry-Preston – Board Member*

*Dawn Stevens Town Clerk*

**Also Attending** *Jenifer Sibalski Morgan , Steve Forbes, Lenard Forbes, Monica Forbes, Mike Goddeau, Mindy Goddeau, Ed & Teresa Orsi, Sarah Holzer, Cliff Holzer, Michelle Preston , Celia Stephenson , Bethany Kress, David Lowery, Julia & Aseen Nather , Kathy Snow , Travis Mousaw , Doug Smith, Lisa Pace, Eric Deihl, John Langford, Nate Contis, Susan Holzer , Mark Holzer, and several other illegible names.*

**Meeting called to order at 7 pm Pledge of Allegiance was recited.**

**57-2022 Resolution to accept the June 27, 2022, meeting minutes.**

**Moved By** *Darin Forbes*      **Seconded by** *Tina Terry-Preston*      **All in favor**

**58-2022 Resolution to submit Proposition 1 to be added to the ballot in the November Election.**

## **ABSTRACT OF LOCAL LAW No. 2 FOR 2021 ENTITLED “A LOCAL LAW TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ONSITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4”**

### **BALLOT ABSTRACT FOR GENERAL ELECTION TO BE IN NOVEMBER OF 2022**

Adopted by the Town Board of the town of Wilmington, Essex County, New York, on December 14, 2021, to be submitted as **PROPOSITION NO. 1** and voted upon in the Town of Wilmington at the General Election to be held in November of 2022.

The purpose and effect of this Local Law are to opt out of allowing cannabis dispensaries and onsite consumption sites as authorized under Cannabis Law Article 4 in the Town of Wilmington thereby preventing cannabis dispensaries and onsite consumption sites in the Town of Wilmington.

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The foregoing abstract, together with a proposition herewith submitted, is prepared by the Town Clerk of the Town of Wilmington, Essex County, New York, under Section 25 of the Municipal Home Rule Law of the State of New York.

**STATE OF NEW YORK**  
**COUNTY OF ESSEX**  
**TOWN OF WILMINGTON**

This is to certify that I, Dawn Stevens, Town Clerk of the Town of Wilmington in the County of Essex, have compared the foregoing copy of the Ballot Abstract of the Town of Wilmington Local Law No. 2 of the year 2021 with the original now on file in this office, and the same is a true, correct, and complete transcript of said original and the whole thereof.

IN WITNESS WHEREOF, I hereunto set my hand and affixed the seal of the Town of Wilmington this 14<sup>th</sup> day of July 2022.

Dated: July 14,2022

Dawn Stevens  
Town Clerk Town of Wilmington

**Moved by Darin Forbes    Seconded by Paula McGreevy    All in Favor**

**58-2022 Resolution** to increase Cemetery fees effective immediately to cover market increases in cost from \$275. to \$325.00. This breaks down to \$150. for the plot and \$175. for the corner markers.

**Moved by Darin Forbes    Seconded by Tina Terry-Preston    All in Favor**

*DASNY Grant, we have received the final payment on the grant that helped us to finance our Dam, we will now be able to Bond our portion of the project. This is great news for our town.*

*Highway Garage the insurance company will have to bring our building up to current codes and law.*

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*There was discussion on how to proceed with the revisions to the LAND use Codes*

**59-2022 Resolution** move to **TABLE** accepting the bid from Elan Planning.

**Moved by Paula McGreevy    Seconded by Darin Forbes**

### **Roll call vote**

*Roy Holzer-Recuse    Darin Forbes-Yes    Tim Follos- No*

*Paula McGreevy- Yes    Tina Terry-Preston-Yes    Resolution is Tabled.*

**60-2022 Resolution** to pay \$2500. for the Time Capsule to be enclosed. This money will be returned to the Town from donations already collected or promised to the project.

**Moved by Darin Forbes    Seconded by Tim Follos    All in Favor**

*Thank you to all who donated.*

**61-2022 Resolution** to allow a trial of Food Truck Vendors until Labor Day for the 2022 season.

**Moved by Darin Forbes    Seconded by Paula McGreevy    All in Favor**

*Health insurance is expected to go up 14.4% , there will be several meetings with the insurance company to assure our employees get good coverage at a reasonable price.*

**62-2022 Resolution** to approve the expenses and make the transfers.

**Moved by Paula McGreevy    Seconded by Tina Terry-Preston    All in Favor**

**63-2022 Resolution** to purchase Sand for the upcoming winter.

**Moved by Paula McGreevy    Seconded by Tina Terry-Preston    All in Favor**

**64-2022 Resolution** per the recommendation of Water Superintendent Ed Orsi to accept the Development Agreement for Bowman Lane Water Line Extension Project Agreement.

**Moved by Darin Forbes    Seconded by Tina Terry-Preston    All in favor**

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**DEVELOPMENT AGREEMENT FOR BOWMAN LANE**

**WATER EXTENSION PROJECT**

**THIS AGREEMENT** is made as of the 19th day of July 2022 by and between the Town of Wilmington, a municipal corporation organized under the laws of the State of New York (“**Town**”) with an address at 7 Community Circle, Wilmington, NY 12997 and First Columbia Wilmington, LLC. (the “**Developer**”), a New York Corporation with an address at 22 Century Hill Road, Latham, NY, 12210

**WITNESSETH:**

**WHEREAS**, Developer proposes to furnish and install a water line extension in the vicinity of Bowman Lane to provide water to new townhomes to be constructed by the Developer (the “**Proposal**”); and

**WHEREAS**, Developer has represented that it has secured all permissions, licenses, and easements necessary to install the line, and

**WHEREAS**, the Town has relied on the Developer’s representation that it has obtained all necessary permissions and consents of private property owners to proceed with the Project,

**WHEREAS**, the Developer Property is in an existing Town water district, and

**WHEREAS**, Developer has been informed that the Town must review and approve of any new plans for construction of water line extensions,

**WHEREAS**, Developer agrees to fully comply with (A) any Town specifications and requirements associated with connection of the water line infrastructure; (B) the Developer’s obligation to pay for all associated infrastructure improvements; and (C) any other related obligations of the Developer or the Town in connection with the Project; and

**WHEREAS**, the Town understands that, upon completion of construction, the Developer will transfer ownership of, and responsibility for, the water line extension to the Bowman Lane Homeowners Association, Inc., an existing New York Not-For-Profit Corporation, which shall own and maintain the water line,

**NOW, THEREFORE**, in consideration of the mutual promises herein made and other considerations, the sufficiency of which is hereby acknowledged,

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### **IT IS HEREBY AGREED,**

The Town accepts and approves the planned extension of the water line to be owned and maintained by the Developer, and

The Town commits to convey municipal water to the property utilizing the water line to be installed that will be owned by the Bowman Lane Homeowners Association, Inc. subject to 1) Developer's compliance with the terms and conditions of this Agreement; and 2) Developer's compliance with all applicable local and state regulatory requirement including applicable requirements of the Town of Wilmington Water District, Essex County Department of Health, and the NYS Department of Health, and

**BE IT FURTHER AGREED,** Developer will pay all costs of the installation of the water line extension and related improvements which shall also include any engineering review and construction inspection costs.

**IN WITNESS WHEREOF** the parties have executed this Agreement as of the date first written above:

**Signed agreement is on file with the Town Clerk**

*Visitors- The Farmers Market is a tremendous success, to help with parking issues next year it will be moved to Preston Festival Field.*

*Water- Seven Fire Hydrants need to be replaced this year, this will cost about \$3500. Ed Orsi also asked the Board to consider raising the water fees before budget time this year. The Board asked Ed to put together figures for this and to also check the fee list for water taps and road crossings.*

*Highway- They are waiting for a mower part to come in so the roadsides can be mowed, they are also working on ditching and doing paving with North Elba.*

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**Parks-** *They are working on summer stuff and doing a lot of painting and staining. It was pointed out we have a lot of wooden products to maintain. The large sign on the corner has been newly repainted. They are also working on Prep work for the concert " Motley Crew Tribute."*

**Codes-** *Five Building permits issued sixty open permits, thirty site visits. Fees generated for the month of June; Septic permits \$50.00, Building permits \$1715.00, Special Use permits \$100.00, Planning Board fees \$989.80, the total of \$2854.80.*

*The citizens asked questions and made comments on the revisions to the Codes of Wilmington STRs.*

*The board will discuss this again later.*

*Meeting adjourned at 8:50 pm.*

*Respectfully submitted by*

*Dawn Stevens*

*Town Clerk/Tax Collector*