

Town of Wilmington Regular Board Meeting

March 21,2023 7:00pm – 8:35pm

This Meeting was rescheduled due to the State of emergency called by Essex County on March 14th,2023, which caused Supervisor Holzer to cancel the scheduled meeting.

Attending

Roy Holzer- Town Supervisor

Darin Forbes – Deputy Supervisor

Tina Terry-Preston - Board Member

Tim Follos- Board Member

Michelle Preston- Board Member

Dawn Stevens- Town Clerk

Also Attending- Favor Smith, Celia Stephenson, Bethany Kress, Amy Ano, Rose Oropallo, Don Colby. Stephanie Gates, Barb Funk, Tim Preston, Judith & Aseem Mathur, Tim Oropallo, Robin Anthony, Rebecca Rondeau, Steve Forbes, Nicole Forbes, David Lally, Leah Walton, Donald Walton, Nancy Gonyea, Rarilee Conway, Kristy Holzer, Pat Winch, Mary Werner, Nancy Bernstein, Paula McGreevy Bill McGreevy, Jeri Wright, Tim Rowland, Tony Nickmello, Laura Hooker, Eric Diehl David Newman, Marjorie Swift, Doug Nemec, Sarah Adams and several others who did not sign in or I could not read their handwriting. I apologize to anyone I missed.

Meeting was called to order at 7.00pm

Pledge of Allegiance to the flag was recited.

Special guest speaker Nancy Bernstein from ANCA gave a clean energy presentation. She presented information on programs that are available to help the clean energy movement.

Resolution 19-2023

Resolved: to accept the Feb. Meeting Minutes.

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

In the Election of November 2022, the people of the Town of Wilmington voted to OPT-IN to the New York State Cannabis Law §131, rescinding Local Law No.2 of 2021.

Resolution 20-2023

Resolved: The Town Board of Wilmington hereby rescinds Local Law No.2 of the year of 2021 which was entitled “ A Local Law Opting Out of Allowing Cannabis Retail Dispensaries as Authorized Under New York State Cannabis Law Article 4” so as to permit the Cannabis Control Board to establish and issue cannabis retail dispensary licenses within the jurisdiction of the Town of Wilmington.

Moved by Darin Forbes Seconded by Michelle Preston All in Favor

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Resolution 21-2023

Resolved: to authorize Highway Superintendent Louie Adragna to purchase a LIVE EDGE cutting blade for the snowplow at a cost of approximately \$3000. Funds to come out of the Highway Machinery Fund.

Moved by *Michelle Preston* **Seconded by** *Tina Terry-Preston* **All in Favor**

Resolution 22-2023

Resolved: to use the Facilities Use Lease Agreement presented by Michelle Preston, subject to review by the town lawyer.

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

Resolution 23-2023

Resolved: to allow the Essex County Board of Elections to use the Community Center for Public Elections.

Moved by *Tina Terry-Preston* **Seconded by** *Michelle Preston* **All in Favor**

Resolution 24-2023

Resolved: to spend Highway Funds from the Chips Program.

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

Resolution 25-2023

Resolved: to Approve the Expenses and make the transfers.

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

Resolution 26-2023

Resolved: to purchase steel for the drainage grates in the Highway Garage. The total cost of steel is around \$3000.00 and the highway employees will do the work. Said purchase will be added to the amount to be financed for the Highway Garage improvements.

Moved by *Michelle Preston* **Seconded by** *Tina Terry-Preston* **All in Favor**

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Resolution 27-2023

Resolved: to authorize employees that work holidays or if a holiday falls on their day off to transfer said time to vacation accruals.

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

Resolution 28-2023

Resolved: to authorize vacation time buyout of employee Doug Nemec for any vacation time in excess of 80 hours. This is consistent with the Town of Wilmington's current practice of buying excess time yearly.

Moved by Darin Forbes **Seconded by** Michelle Preston **All in Favor**

Resolution 29-2023

Resolved: The Town of Wilmington shall maintain digitally created records in their native digital format for the legally proscribed retention period of the record where it is practical. The Town shall maintain all digital records adhering to the guidelines set forth in the Regulations of the Commissioner of Education Part 185.8.

Copies of these records in other formats, including paper, shall be deemed convenience copies, and disposed of when no longer needed for reference or other administrative purposes.

Records that are not practical to be kept in digital form will be kept on paper and will adhere to the LSG-1 schedule of the state of New York State.

Moved by Michelle Preston **Seconded by** Tina Terry-Preston **All in Favor**

Resolution 30-2023

Resolved: That the Town of Wilmington will only keep paper copies of dog licenses for one year, Vaccine records will be kept on file for three years.

Moved by Darin Forbes **Seconded by** Michelle Preston **All in Favor**

Resolution 31-2023

Resolved: to purchase a new computer for the code's enforcement office. Funds are not to exceed \$2000.00. Payment for this will come from the STR registration fees.

Moved by Darin Forbes **Seconded by** Michelle Preston **All in Favor**

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RESOLUTION 32-2023

Resolved: to approve the IRONMAN Organization to use the Bill Huber Road for the 2023 and 2024 race seasons. The town will reevaluate use of the road for 2025 and beyond at a later date.

Moved by *Darin Forbes*

Seconded by *Michelle Preston*

Roy Holzer - Aye

Darin Forbes - Aye

Tina Terry-Preston - Aye

Tim Follos - Nay

Michelle Preston - Aye

Motion Carried with – 4 Ayes 1 Nay

Resolution 33-2023

Resolved: that it is approved that Attorney Favor Smith withdraws as council for ongoing litigation due to a conflict of interest and to approve the Firm of Whiteman Osterman & Hanna LLP to continue with the Cooney/Hegele case.

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

Board Member Darin Forbes *presented a proposal from Illuminating Concepts for a system that would allow a live feed and a recorded record of the meetings.*

Resolution 34-2023

Resolved: to accept the proposal from Illuminating Concepts LLC for a Video and Audio system for the Town Meetings Hall/Community Center.

Further resolved: that this be paid out of The Bed Tax Funds.

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

The Town Board and our Community would like to thank Judy and Aseem Muthur for their donation of a 42-inch TV and a 62-inch TV to be used with this system. Proposal is attached at the end of the minutes.

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Codes report for Feb.- One building permit issued, in fees collected, Fifty-eight open permits, Forty plus site visits. Str's update, Eighty permits issued Sixty-eight inspections complete.

Visitors Bureau-

1. Reminder to all that RSVP'd for the Town Dinner, cocktails at 6:pm. This is a Sold -Out event.
2. Michelle attended the Adirondack Sports and Fitness Expo this past weekend in Saratoga Springs, with over 200 vendors, and over several thousand in attendance. This was great exposure for events and for those who had never heard of Wilmington and Whiteface Mountain Memorial Highway.

Youth Center- Wilmington Ski club

This a report from the Youth Center

The WYC ski club season has come to an end! What a season! The kids had a great time, learned to ski, and made new friends. We saw lots of smiling faces . We saw kids go from never skiing before to skiing the gondola by the end of the year. This is what makes all this time, energy, and volunteer work worth it.

Over half of the kids that joined us already paid for passes and equipment on their own. WYC did not pay for any of their skiing as Whiteface let them join in on the lessons for free this year. They really just wanted their kids to be part of the youth group and have other/new kids to ski with. We loved that! That's what we are trying to do. We purchased a six pack of radios that we gave the kids to check in every 2 hours after the lessons. Lessons started at 9:15 and ended at 11:am. All the kids checked in at the table at 11:am and grouped the kids accordingly with our chaperones. Our days ended with a parent pick-up at 2:30pm.

The WYC also asked to get a calendar for posting events, the Youth building does not get double booked like what is in the town hall for the Community center.

Board Member Darin Forbes *Brought to the attention of the board that the Haselton Cemetery Roads were in extremely bad shape due to the thaw, and suggested we block the road till it dries up. The board agreed and a blockade will be put up. People will still be able to walk in to visit loved one's grave sites*

Board Member Tina Terry-Preston *Tina reported the Library Reopening was a great success, and also wanted to let everyone interested know there is a open seat on the Library's Board, Stop by the library if interested. The next meeting of the Library board is April 19th.*

She and the WYC are also trying to get ORDA to donate dividers for the skating rink.

Tina reported the WVFD will be purchasing two portable suction devices with a battery back-up.

Tina also suggested that we pay for any Town employee to take the CPR course.

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Board Member Michelle Preston *Michelle reported that the Girl Scout Cookie sail was a success. The girls sold over 700 boxes of cookies.*

Volunteers are being requested for the June 3rd Bike & Foot race.

Board Member Tim Follos presented the following resolution.

Resolution 35-2023

Resolved: That the Town Board asks Bob Peters to draft an amendment to §7 (G) of the town’s Subdivision Regulations. This amendment shall be drafted in order to provide the town’s planning and zoning boards (or their successor boards) with improved authority to require specific monetary “ recreation fees” and / or specific monetary contributions to the town’s Youth Committee (or similar programs), and / or the provision of open recreation space for the benefit of the town’s residents and visitors, as a condition and requirement of the board’s approval of “major” subdivisions in the Town of Wilmington.

Moved by Tim Follos Seconded by Tina Terry-Preston All in Favor

Supervisor Roy Holzer Roy announced the WYC was given a donation of \$900.00 from Stewart’s Shop.

The 504 American Legion in AuSable Forks donated the Town \$3500.00, This will go to \$2,500.00 Hometown Hero’s and the remaining 1,000.00 for Memorial Flags.

They are pricing donation boxes for the WYC to be put at the Beach and the Park

Supervisor Holzer is getting the paperwork together to allow the Town Board to raise the

Public Summary

There is still a problem with the Codes website, Doug was asked to check on it again.

There was a concern about a Quorum for the Planning Board, the codes officer will now make sure a quorum is available before the meeting.

The board was asked about the progress at the temporary Junk Yard, there was nothing to report.

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This was presented at the meeting and asked to be put in the minutes.

Board Member Tim Follos did apologize for using Mr. Lally's name in his previous comments.

RESPONSE TO TIM FOLLOS'S FEBRUARY 14, 2023, SPEECH AT THE TOWN MEETING

1. Mr. Follos made a speech at the February meeting where I was not present. He attacked me publicly knowing I was not here to defend myself.
2. A public official publicly attacking a member of the community. Unprofessional, unwarranted, childish. Public elected official - expected to take criticism. You are sitting at the adult's table; put on your big boy pants Tim. You committed political suicide.
3. Why wait five months to give a speech criticizing me for something I said back in September 2022? You waited until I was not at a meeting to criticize me so I could not defend myself. That was a cowardly, unprofessional, and immature thing to do.

Do it man to man, be a man about it.

4. You are correct, neither you nor I know what Wilmington was like 50 years ago. However, I can only imagine the damage you will do if you had your way in Wilmington. There are many, many people who oppose your ideas. They oppose your philosophies and agree that you are an embarrassment to our wonderful community.

5. Your speech misleads one to believe that I am an "outsider" and that I don't know anything about Wilmington. You are flat wrong. I have lived here for over 5.5 years and am heavily involved in the community. For example, I am:

Member Finance Committee Wilmington Historical Society
Member, Supervisory Committee, Mountain Valley Fed. Credit Union Chairman/Member Board of Directors, Essex County Ethics and Grievance Treasurer, Wilmington United Methodist Church
Member Board of Directors, Whiteface Region Visitors Bureau Ironman Volunteer,
2018 - Present,
Empire State Winter Games, Lake Placid, NY. Member Ironman
Task Force
Whiteface Mtn - Ticketing/Customer Service Dept.

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I am very, very involved in our community, and I strongly suspect much more than you. In fact, I Tim.

have embraced this community 100%.

Do your homework, do your research, do your due diligence. It was rather ignorant of you to criticize me when you do not know the facts.

6. You say I should have more respect for the people of Wilmington. Mr. Follos, you know NOTHING about me, literally nothing. I have much respect for all of the people of Wilmington. Your comment is ignorant, not the truth, and is but another example of how you speak before you think. It's a bad habit of yours and I, along with many others, have noticed this since you were elected to this Board. I don't respect you for one simple reason, you have not earned it in light of your conduct and comments.

7. Why give the speech when I was not there to defend myself. Did you really think your speech would not get back to me? You clearly did not think this through. Again, it was cowardly to attack me and target me when I was not there to defend myself.

8. Tim, you said there are 2 groups. That is grossly inaccurate and profoundly misleading, since there are many people with differing opinions.

9. Tim, you said there are two groups; one group who have lived here a long time and others from Lake Placid. That again is wrong. My wife and I moved here 5.5 years ago, and I personally know many others who are not from your 1 of 2 groups.

10. Tim, you said Lake Placid is being destroyed by greed, and that Wilmington is sleepwalking down a similar path. That makes no sense. Lake Placid is not being destroyed, let alone by greed or anything else. To me, LP is flourishing; just look at the success of the FISU, ESWG and the recent World Cup ski jumping competition. Tim, if you are against tourism, you're in the wrong location! Wilmington is nothing like LP and never will be, the two are not.

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similar and if you think they are, you are unquestionably incorrect.

11. Tim, you said I don't have a clue. Really? I never said going back 50 years would be a bad thing; in fact it would be better than what we have now. There would be more business, more tax dollars, and more events and places to go for the locals. You, on the other hand, are anti-business, you are destroying this town with your immature attitude, ignorant comments and positions, and lack of professional conduct. You are an embarrassment to our great Town.

12. Tim, you said you want to work together. Yet, your actions speak louder than words. You are divisive and say things that are anything but focused on bringing people together. If your goal is to bring people together, you sure have an unusual and failing way of going about it.

13. Tim, you don't know me, and in fact you know nothing about me. I understand you were a professional student for perhaps 2 decades, and living out of town then. What do YOU know about Wilmington?

14. Call or email me before you criticize me. I'm in the phone book, just call. You clearly did no research before embarrassing yourself like that.

Your message is divisive, speaking about one camp or another.

15. This response was to something you said in the September meeting. It reflects a complete lack of courage to wait for 5 months to respond until the one time you are not at a meeting. Sounds like he had this speech in his back pocket for a few months and waited to deliver it the moment he saw you are not there in the meeting

Tim is a public official and that comes hand in hand with people disagreeing with that public official/criticizing his approach. You on the other hand are not a public official. It is completely inappropriate for a board member to single out and attack a member of the community.

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David Lally concluded it was very irresponsible of Board Member Follos to target him or any other member of the community. At this point the meeting got very loud, Supervisor Holzer stated he would not allow this to go on any further, and called the meeting adjourned.

Meeting adjourned at 8.35pm

Respectfully Submitted by

Dawn Stevens

AFFIDAVIT

We, the undersigned, acting as a Board of Auditors of the Town of Wilmington, do hereby certify that the attached is a complete and true abstract of all accounts audited by the Board at its Regular Monthly Meeting held on March 14th, 2023. Including the amount claimed and amount allowed thereof, and including bills audited from:

Name of Account	2023	2023		
General Fund	<u>From:</u> G85	To: G156	Amt:	40684.60
Payrolls			Amt:	30339.40
Social Security			Amt:	2185.75
Health Insurance			Amt:	25994.28
Other: Retirement			Amt:	
Other:			Amt:	
Other:			Amt:	
Highway	<u>From:</u> H89	To: H92	Amt:	38705.96
Payrolls			Amt:	24023.20
Social Security			Amt:	1753.97
Health Insurance			Amt:	12071.07
Other: Retirement			Amt:	
Other:			Amt:	
Water	<u>From:</u> W35	To: W51	Amt:	9268.89
Payrolls			Amt:	4159.86
Social Security			Amt:	294.33
Health Insurance			Amt:	3814.00
Other: Retirement			Amt:	
Other:			Amt:	
GARBAGE DIST.	<u>From:</u> GD8	To: GD9	Amt:	910.56
Payrolls			Amt:	994.00
Social Security			Amt:	73.19
Health Insurance			Amt:	
Other:			Amt:	
Other:			Amt:	
	<u>From:</u>	<u>To:</u>	Amt:	

Dated: March 14, 2023

Attest:

Supervisor

Councilman

Councilman

Councilman

Councilman

Town Clerk