

Regular Monthly Meeting of the Town of Wilmington Town Board

August 8, 2023 Community Center 7PM – 7:35 PM

To join virtual meeting please go to <https://meet.goto.com/townofwilmington> Or join on your phone by dialing, 1-408-650-3123 Access code: 377-399-733

Attending

- Roy Holzer - Supervisor
- Darin Forbes – Board Member
- Tina Terry-Preston – Deputy Supervisor
- Tim Follos - Board Member
- Michelle Preston - Board Member
- Dawn Stevens – Town Clerk

Also Attending

Tim Preston, K&J Borgers, Eric Diehl, Celia Stephenson, Bethany Kress, Marjorie Swift, David Neumann, Kristy Holzer, Sawyer Nemec, Doug Nemec, Barb Funk, Danielle Celenzo, Forest Winch, Pat Winch, Roger Bonner, Favor Smith, Sarah Adams, Carol Weibe, Gail Mitchell, and several others who I could not read or who chose not to sign in.

Attending remotely

Fifteen in all, Laura Hooker, Paula Lyon, Pop, T, Aseem, and Leah, several used their phone numbers to log in, and to respect their privacy I will not be listing their phone numbers.

The meeting was called to order at 7 p.m. by Supervisor Holzer, and the Pledge of Allegiance to the Flag was recited.

Resolution 79-2023 Accepting the minutes from the July meeting.

Moved by Tim Follos Seconded by Michelle Preston Carried all in favor

Resolution 80-2023 Energy Bench Marking Resolution

Moved by Darin Forbes Seconded by Tina Terry-Preston

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Wilmington, Essex County, is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

Regular Monthly Meeting of the Town of Wilmington Town Board

August 8, 2023 Community Center 7PM – 7:35 PM

To join virtual meeting please go to <https://meet.goto.com/townofwilmington> Or join on your phone by dialing, 1-408-650-3123 Access code: 377-399-733

WHEREAS, the Town of Wilmington, Essex County, Town Board desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Wilmington, Essex County; and

WHEREAS, the Town of Wilmington, Essex County, Town Board desires to establish a procedure or guideline for Town of Wilmington, Essex County staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted.

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by the Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Town of Wilmington, Essex County that is 1,000 square feet or larger in size.

(5) "Department" shall mean the Town Supervisor.

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) "Energy Use Intensity (EUI)" shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

Regular Monthly Meeting of the Town of Wilmington Town Board

August 8, 2023 Community Center 7PM – 7:35 PM

To join virtual meeting please go to <https://meet.goto.com/townofwilmington> Or join on your phone by dialing, 1-408-650-3123 Access code: 377-399-733

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2023, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017, and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from the aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

Regular Monthly Meeting of the Town of Wilmington Town Board

August 8, 2023 Community Center 7PM – 7:35 PM

To join virtual meeting please go to <https://meet.goto.com/townofwilmington> Or join on your phone by dialing, 1-408-650-3123 Access code: 377-399-733

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

The vote on the foregoing resolution was as follows:

Supervisor <i>Roy Holzer</i>	Vote – Aye
Deputy Supervisor-Board Member <i>Tina Terry-Preston</i>	Vote – Aye
Board Member <i>Darin Forbes</i>	Vote – Aye
Board Member <i>Tim Follos</i>	Vote – Aye
Board Member <i>Michelle Preston</i>	Vote – Aye

All in Favor motion carried Ayes 5 Nays0

This resolution was adopted.

Regular Monthly Meeting of the Town of Wilmington Town Board

August 8, 2023 Community Center 7PM – 7:35 PM

To join virtual meeting please go to <https://meet.goto.com/townofwilmington> Or join on your phone by dialing, 1-408-650-3123 Access code: 377-399-733

Resolution 81-2023 NYS Unified Solar Permit

Moved by *Darin Forbes* **Seconded by** *Michelle Preston*

RESOLUTION NO. 81-2023

ADOPTION OF THE NEW YORK STATE UNIFIED SOLAR PERMIT

WHEREAS, the Town of Wilmington, Essex County Town Board duly adopted the "NYS Fire Prevention and Building Construction" code to provide minimum requirements to safeguard the public safety; and

WHEREAS, the Town of Wilmington Code Enforcement Officer, who administers and enforces all provisions of the New York State Uniform Fire Prevention and Building Code, the New York State Energy Code, and the Town of Wilmington, Essex County Code; and

WHEREAS, the Town Of Wilmington, Essex County requires the issuance of a building permit for the construction, enlargement, alteration, repair, removal, or demolition of any building or other structure; and

WHEREAS, the New York State Uniform Fire Prevention and Building Code regulates the design, construction, installation, alteration, and repair of equipment and systems using solar systems; and

WHEREAS, the New York State Energy Research and Development Authority has developed a New York State Unified Solar Permit that reduces the cost of solar projects by streamlining municipal permitting processes: and

WHEREAS, the Town of Wilmington, Essex County Town Board desires to promote the streamlining of the application process for small-scale photovoltaic system installations under 25 kW in size by adopting the New York State Unified Solar Permit application form and implementing the new procedures,

NOW THEREFORE, BE IT RESOLVED, the Town of Wilmington, Essex County Town Board hereby adopts the New York State Unified Solar Permit application form and procedures for the installation of small-scale photovoltaic systems; and it is further

RESOLVED, the Town of Wilmington, Essex County Code Enforcement Officer is hereby directed to use said New York State Unified Solar Permit application for and procedures in the issuance of building permits for the installation of small-scale photovoltaic systems; and it is further

Regular Monthly Meeting of the Town of Wilmington Town Board

August 8, 2023 Community Center 7PM – 7:35 PM

To join virtual meeting please go to <https://meet.goto.com/townofwilmington> Or join on your phone by dialing, 1-408-650-3123 Access code: 377-399-733

RESOLVED, any further actions required of the Town of Wilmington, Essex County to affect the foregoing are hereby authorized and the Town Supervisor Roy Holzer is hereby authorized to execute and deliver any instruments, documents, or the like as required to affect the same.

The vote on the foregoing resolution was as follows:

Supervisor Roy Holzer--Vote - Aye

Deputy Supervisor - Board Member Tina Terry-Preston -Vote- Aye

Board Member Darin Forbes- Vote- Aye

Board Member Michelle Preston-Vote -Aye

Board Member Tim Follos- Vote – Aye

Motion Carried all in Favor Ayes 5 Nays 0

The resolution was thereupon declared duly adopted

Resolution 82-2023 bond for Highway Garage

Moved by Michelle Preston Seconded by Tina Terry- Preston

BOND RESOLUTION DATED AUGUST 8, 2023.

EFFECTIVE IMMEDIATELY

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OF THE TOWN OF WILMINGTON, ESSEX COUNTY, NEW YORK, TO PAY THE COST OF THE RECONSTRUCTION OF THE ROOF AND RELATED ELEMENTS AT THE HIGHWAY GARAGE, FOR SAID TOWN.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental

Regular Monthly Meeting of the Town of Wilmington Town Board

August 8, 2023 Community Center 7PM – 7:35 PM

To join virtual meeting please go to <https://meet.goto.com/townofwilmington> Or join on your phone by dialing, 1-408-650-3123 Access code: 377-399-733

Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any significant adverse effect on the environment; and

WHEREAS, it is now desired to authorize the financing thereof;

NOW, THEREFORE, BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Wilmington, Essex County, New York, as follows:

Section 1. The reconstruction of the roof and related elements at the Town Highway Garage, in and for said Town, including original furnishings, machinery, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$200,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$200,000 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 specific object or purpose is twenty-five years, pursuant to subdivision 12(a) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Town of Wilmington, 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. 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.

Regular Monthly Meeting of the Town of Wilmington Town Board

August 8, 2023 Community Center 7PM – 7:35 PM

To join virtual meeting please go to <https://meet.goto.com/townofwilmington> Or join on your phone by dialing, 1-408-650-3123 Access code: 377-399-733

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 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. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. 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 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 7. 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 8. The validity of such bonds and bond anticipation notes may be contested only if:

Regular Monthly Meeting of the Town of Wilmington Town Board

August 8, 2023 Community Center 7PM – 7:35 PM

To join virtual meeting please go to <https://meet.goto.com/townofwilmington> Or join on your phone by dialing, 1-408-650-3123 Access code: 377-399-733

- 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 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of said Town for such purpose, 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;

Supervisor *Roy Holzer--Vote - Aye*

Deputy Supervisor - Board Member *Tina Terry-Preston -Vote- Aye*

Board Member *Darin Forbes- Vote- Aye*

Board Member *Michelle Preston-Vote -Aye*

Board Member *Tim Follos- Vote – Aye*

Motion Carried all in Favor Ayes 5 Nays 0

The resolution was thereupon declared duly adopted

Regular Monthly Meeting of the Town of Wilmington Town Board

August 8, 2023 Community Center 7PM – 7:35 PM

To join virtual meeting please go to <https://meet.goto.com/townofwilmington> Or join on your phone by dialing, 1-408-650-3123 Access code: 377-399-733

The bond for the Dam was on the agenda, but several papers were not yet ready, so it was moved to September's meeting.

Resolution 83-2023 RESOLVED to set Park Employees at the following per-hour salaries retroactive from July 11, 2023.

Ashton Winch from \$18.72 to \$20.72 per hour

Chip Grundon from \$15.50 to \$17.50 per hour

Budget impact is approximately \$3,100 for the balance of the year and funds are to come from unexpended fund balance.

Moved by Michelle Preston Seconded by Darin Forbes Carried all in favor.

Resolution 84-2023 To approve the Expenses and Transfers for July.

Moved by Darin Forbes Seconded by Tina Terry-Preston Carried all in favor

Supervisor Holzer thanked Council Member Tina Terry Preston for accepting the position of Deputy Town Supervisor. He also reminded the board that there will be an Open House at the High Peaks Health Center this Thursday.

Supervisor Holzer further stated that work will soon begin on the Town budget and the need to really look at the salaries of Full-time staff to remain competitive.

Finally, he advised the town board of the need for a new copier machine for the downstairs offices which include Zoning and Assessors.

Codes - One building permit issued, \$735. fees collected, sixty open permits, thirty plus site visits.

Water - 8/8/2023 Gallons produced 3,561,300 , daily average 187,400

Gallons to Whiteface 103,800 , Daily average 3,300

TC/EC Sample SPDES Samples Beach Sample DSNY Locations Replacing Meters and Readers

Flushing Hydrants

Regular Monthly Meeting of the Town of Wilmington Town Board

August 8,2023 Community Center 7 PM – 7:35 PM

To join a virtual meeting please go to <https://meet.goto.com/townofwilmington> Or join on your phone by dialing, 1-408-650-3123 Access code: 377-399-733

Reports from the Town Board can be seen on U Tube at Town of Wilmington NY Meetings. The Meeting in its entirety can be viewed there.

The meeting was adjourned at 7:30 pm.

Respectfully submitted,

Dawn Stevens