

Public Hearing for Local Law # 3 Override of Tax Levy 6:30 pm-6:36 pm
Public Hearing on “2024 Budget” 6:45 pm 6:50 pm
Regular Monthly Meeting of the Town of Wilmington Town Board
November 9,2023 Community Center 7PM – 7:35PM

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 Folloos - Board Member

Michelle Preston - Board Member

Dawn Stevens – Town Clerk

Also attending

Cliff Holzer, Tim Preston, Barb Funk, Favor Smith, Rose Oropallo, Tim Oropallo, Wendy Grossman, Rebecca Rondeau, Paula Lyon, Karl Von Entress, Tony Nickinello, Celia Stephenson, David Lally, Charlette Lawrence, Paula McGreevy, Laura Hooker, Dan Garris, John Langford, S Hockert, Nancy Gonyea, Pat Winch, Jane Sibalski, and several others who did not to sign in. Remote attendees were 13.

Public Hearing Local Law # 3 Override of Tax Levy 6:30pm – 6:36

The public hearing was called to order by Supervisor Roy Holzer.

There was a brief discussion, Supervisor Holzer made an explanation of the budget. Everyone who wished to speak was allowed to.

Motion to adjourn Public Hearing Moved by Darin Forbes Seconded by Tina Terry-Preston

All in favor

Public Hearing on “2023 Budget” 6:45 pm – 6:50 pm

The public hearing was called to order by Supervisor Roy Holzer.

There was a brief discussion, Supervisor Holzer made an explanation of the budget. Everyone who wished to speak was allowed to.

Motion to adjourn Public Hearing Moved by Roy Holzer Seconded by Darin Forbes

All in favor

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Regular Meeting

The meeting was called to order by Supervisor Roy Holzer. The Supervisor asked the attendees to remove their hats and recite the pledge of Allegiance.

Resolution 103-2023 Acceptance of the minutes of the previous month.

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

Resolution 104–2023 RESOLUTION ADOPTING PROPOSED LOCAL LAW
NO. 3 of 2023 ENTITLED “ A LOCAL LAW TO
OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW §3-C

The following resolution was offered by Darin Forbes, who moved its adoption.

Upon the passage of a motion to consider from the floor, and the same appearing proper and necessary.

WHEREAS, By Resolution duly adopted on November 9,2023, the Town of Wilmington introduced Local Law No. 3 for 2023, entitled “ A Local Law to Override the Tax Levy Limit Established in Municipal law §3-C: and

BE IT RESOLVED, that the Public Hearing was held on November 9,2023 at 6:30 pm o’clock in the afternoon to hear any and all persons concerning the adoption of said local law: and

BE IT FURTHER RESOLVED, that the Town of Wilmington Town Board hereby adopts proposed Local Law No. 3 of 2023 entitled “ A Local Law To Override the Tax Levy Limit Established in General Municipal Law §3-C,” reading and provided as follows:

Town of Wilmington Local Law No. 3 of 2023

A Local Law To Override the Tax Levy Limit Established in General Municipal Law §3-C.

Be it enacted, by the Town of Wilmington Town Board as follows:

Section 1. Legislative Intent.

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It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Wilmington, Wilmington, pursuant to General Municipal Law. § 3-C, and to allow the town of Wilmington to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of “ tax levy limit” as defined by municipal law § 3-C.

Section 2. Authority.

This local law is adopted pursuant to subdivision five (5) of General Municipal Law, § 3-C. Which expressly authorizes the town board. To override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override – Budget Authorization.

The Town Board of the Town of Wilmington hereby overrides the tax levy limit for the Town of Wilmington for 2024 and authorizes the Town of Wilmington, after completing all required procedures for the adoption of a budget, to adopt a budget for 2024 that requires a tax levy that is greater than the tax levy limit calculated for 2024 pursuant to § 3-C of the General Municipal law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof. To any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law, or in its application to the person, individual, form, or corporation., or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

This resolution was duly seconded by. Michelle Preston, and adopted upon a sixty percent (60%) roll call vote as follows.

Roy Holzer	Aye Supervisor
Tina Terry-Preston	Aye Deputy Supervisor
Darin Forbes	Aye Board Member
Michelle Preston	Aye Board Member
Tim Follos	Noes Board Member

Ayes 4 Noes 1 Resolution Carried 4-1

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Resolution 105-2023 Town of Wilmington Budget 2024

Resolved, to accept the Preliminary Budget as the official budget for 2024 as written.

Moved by Roy Holzer Seconded by Darin Forbes

- Roy Holzer **Aye** Supervisor
- Tina Terry-Preston **Aye** Deputy Supervisor
- Darin Forbes **Aye** Board Member
- Michelle Preston **Aye** Board Member
- Tim Follos **Noes** Board Member

Ayes 4 Noes 1 Resolution Carried 4-1

The following sealed bids were opened by the Town Clerk; Steve Wolter bid \$1000.00 for the Zamboni (awarded), Seth Stevens bid \$400.00 for the Generator (awarded), Zack Schildhorn bid \$306.00 on the three-person chairlift seat (awarded), Zack Schildhorn bid \$221.00 on the two-person chairlift seat (declined), Jim Johnson bid \$201.00 on the two-person chairlift seat (awarded), Steve Lester bid \$126.69 on the two-person chair lift seat. No other bids were received.

Resolution 106-2023 Sale of Surplus

Resolved, to award items that were published as surplus to the highest bidder.

Moved by Tina Terry-Preston Seconded by Michelle Preston Carried all in favor

Resolution 107-2023

ESTABLISHING A STANDARD WORKDAY AND TIME REPORTING FOR ASSESSORALPHONSO SMITH, WHO IS AN ELECTED OFFICIAL, EMPLOYED BY THE TOWN OF WILMINGTON FOR RETIREMENT PURPOSES AND SUBMITTED TO THE NEW YORK STATE AND LOCAL RETIREMENT SYSTEM.

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The following resolution was offered by **Darin Forbes** who moved its adoption.

BE IT RESOLVED, that the attached hereto and made part hereof is the enumeration of the standard workday and reporting information with respect to Assessor Alphonso Smith who is an elected official employed by the Town of Wilmington for retirement purposes and submitted to the New York State and Local Retirement System.

BE IT FURTHER RESOLVED, that the town clerk of the Town of Wilmington publish and post the same as required by law and forward an original certified copy of this resolution to the office of the state comptroller/New York State and Local Retirement System.

This resolution was duly seconded by **Michelle Preston** and upon a roll call vote as follows.

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

Roy Holzer	Aye Supervisor
Tina Terry-Preston	Aye Deputy Supervisor
Darin Forbes	Aye Board Member
Michelle Preston	Aye Board Member
Tim Follos	Aye Board Member

Ayes 5 Noes 0 Resolution carried all in favor

Resolution 108-2023 Employee health insurance authorization

RESOLVED authorizing the Supervisor and Account Clerk to sign Health Insurance Documents for a Change from Excellus Platinum four plan to Excellus Bronze plan with a High Deductible.

FUTURE RESOLVED that deductibles be paid by the town with the savings from the health insurance change.

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

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Resolution 109-2023 Approval of Expenses and Transfers

Resolved, to pay the bills and make the transfers.

Moved by Tina Terry-Preston **Seconded by** Tim Follos **Carried all in Favor**

Resolution 110-2023 TO COMBINE AND POOL OPERATING CHECKING ACCOUNTS FOR VARIOUS TOWN DEPARTMENTS INTO ONE MULTIFUND CHECKING ACCOUNT.

RESOLVED, to close out Highway, Water and Garbage Checking accounts and combined into one multi fund account.

FURTHER RESOLVED to disband the Wilmington Garbage District on 12/31/2023 based on financial/governmental consultant recommendation.

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

Water report 11/09/2023

2,721,200 gallons produced Daily average 181,400 gallons

To Whiteface 42,900 Daily average 1,400 gallons

Codes report for October

Seven building permits issued, \$513.70 fees collected, 58 open permits, twenty plus site visits

The Town Christmas Celebration will be held on December 8th this year.

Respectfully Submitted,

Dawn Stevens

Wilmington Town Clerk