

**Public Hearing, Organizational Meeting and Regular Monthly Meeting of the Town of
Wilmington Town Board, January 10, 2024 Community Center 4 pm – 6:12 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

Favor Smith - Supervisor

Tina Terry-Preston - Deputy Supervisor

Darin Forbes - Board Member

Tim Follos - Board Member

Laura Hooker - Board Member

Dawn Stevens – Town Clerk

Also Attending *Lisa Pace, Herb Pace, Tony Nickinello, Kristy Holzer, Michelle Preston, Joyce Terry, Charlie Terry, Jeri Wright, Tim Preston, Wendy Grossmann, Rose And Tim Oropallo, David Lally, Robin Anthony, Forest (Randy) Winch, Paula Lyon, Paula McGreevy, Dan Hanson, Stephanie Gates, Charlie Assetta, Pat Winch, John Langford, Nancy Gonyea, Barb F. Matt Zadroga, Doug Nemic, Celia Stephenson, Bert Yost, Carol Weibe, Steve Forbes, Rick Nolan and several others who chose not to sign in.*

Attending remotely *Aseem, Danielle Nemecc, Laurie, and three others who did not leave a name*

**Public Meeting on Proposed Local law 1 of 2024 Alternative
Veterans ‘Exemption**

The Meeting Started at 4:pm and closed at 4:07pm. Everyone who wanted to speak was allowed to.

Moved to close the public hearing.

Motion *Darin Forbes* **Second** *Laura Hooker* **Carried** all in favor

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The Organizational and Regular Town of Wilmington Board Meeting was called to order at 4:09pm. Supervisor Favor Smith welcomed everyone and asked all to stand for the Pledge of Allegiance to our Flag.

ANNUAL ORGANIZATIONAL MEETING January 10, 2024

BE IT RESOLVED that the Town Board for the Town of Wilmington hereby adopts the following rules and regulations for its proceedings:

REGULAR MEETINGS/WORK SESSIONS:

- A. A regular meeting of the Board shall be held on the Second Tuesday of each month, except that if same is a legal holiday then such regular meeting shall be held on the next succeeding business day at 4 P.M.
- B. Work Sessions shall be held on the Final Wednesday of each month at 4 P.M.
- C. In the month of December, there shall be an additional regular meeting of the Board held not earlier than the 20th day of the month, at which the Board shall consider and act upon all resolutions necessary for the proper wind up of the affairs of the Town for that fiscal year.
- D. Regular Meetings of the Board shall commence at 7:00 p.m.
- E. Notwithstanding the provisions of paragraphs, A, B and C above, the Board may by resolution schedule a regular meeting on such other day and/or time as in its discretion it shall determine.
- F. The place of all regular meetings and work sessions shall be at the Community Center, 7 Community Circle Drive, Wilmington, New York; except that the place of any meeting may be changed by resolution adopted by the affirmative vote of at least 3/4ths of the total membership of the Board.
- G. The Board may transact any and all business as may properly come before it at such meetings.

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H. Business at a regular meeting shall be transacted in the following order:

- (1) Call to Order/Pledge of Allegiance
- (2) Acceptance of Minutes
- (3) Motion to pay bills and make transfers
- (4) Introduction of any Guests scheduled to address the Board.
- (5) Reports from Departments

- (6) Reports from Board Members
- (7) Unfinished Business
- (8) New Business
- (9) Public Comment
- (10) Adjournment

Resolution 1-2024

Resolved, that the time of a regular rescheduled meeting be 7 pm instead of 4 pm.

Moved by *Tim Follos* **Second by** *Laura Hooker* **Carried** *All in favor*

SPECIAL MEETINGS:

- A. A special meeting shall be held at the call of the Clerk of the Board:
- (1) upon direction of the Supervisor; or
 - (2) in the absence of the Supervisor, upon direction of the Deputy Supervisor, provided that, upon convening, a majority of the members of the Board pass a resolution ratifying such call; or
 - (3) written request signed by a majority of the members of the Board, stating the reason therefor.
- B. Except as provided in paragraph C below, special meetings shall be convened and conducted at such times as specified to conform with Town Law and New York State Open Meetings Law; notice of meetings to be posted at stores and post office. Members of the Board shall receive notice of the special meeting in accord with the Town Law §62 (2).
- C. Notwithstanding the provisions of paragraph B above, any member may waive the service of the notice for a special meeting by signing a written waiver thereof.
- D. No business may be transacted at a special meeting other than that specified in

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- E. the notice of meeting.
- F. The place of all special meetings shall be at the Community Center, 7 Community Circle Drive, Wilmington, New York; except that the place of the meeting may be changed by resolution adopted by the affirmative vote of at least 3/4ths of the total membership of the Board.
- G. Business at a special meeting shall be transacted in the following order:
 - (1) Call to Order/Pledge of Allegiance
 - (2) Roll Call
 - (3) Reading of Purpose of Special Meeting
 - (4) Resolution Ratifying Call of Meeting (if necessary, where meeting is called by Deputy Supervisor)
 - (5) Introduction and welcome of guests
 - (6) Consideration, Discussion and Action Upon Resolution(s) and/or Local Law(s) related to purpose of Special Meeting
 - (7) Announcements
 - (8) Adjournment

RULES OF PROCEDURE FOR BOTH REGULAR AND SPECIAL MEETINGS:

- A. The Supervisor of the Board shall preside over all regular and special meetings of the Board, except that in the absence of the Supervisor, the Deputy Supervisor shall preside. In the absence of both the Supervisor and the Deputy Supervisor at any meeting of the Board, the members present and voting, by majority vote of such members, shall select a member of the Board to serve as acting Chair who shall have and exercise all the powers and duties of the Chair at the meeting over which he/she is called to preside.
- B. The Supervisor shall preserve order and shall decide all questions of order subject to appeal to the Board.
- C. Any member desiring to speak or to present any subject matter, shall raise politely address the chair first and shall not proceed any further until recognized by the Supervisor and awarded the floor.
- D. No non-member of the Board may speak or present any subject matter for consideration without first having been granted the courtesy of the floor upon motion adopted by the Board; except that the Clerk of the Board may speak on any matter before the Board or present any subject matter for consideration upon being recognized by the

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- E. Chairman and awarded the floor.
- F. No debate shall be in order until the pending question shall be stated by the Supervisor or read by the Clerk.
- G. Unless otherwise authorized and permitted by the Supervisor, no member shall speak more than once on any question until every member choosing to speak shall have spoken.
- H. At the request of any member, each member present shall vote upon the pending question unless he/she be excused from voting by the Board or has a direct interest in the results thereof.
- I. A roll call vote on any resolution shall be had upon:
 - (1) the request of any member;
 - (2) the direction of the Supervisor;
 - (3) when otherwise required by law; and
 - (4) on all resolutions which appropriate or require the expenditure of funds.
- J. All roll call votes shall be by alphabetic order following with surname of the member.
- K. All questions shall be decided by a majority vote of the voting power of the Board, unless otherwise required by law or these rules and regulations.
- L. A motion to adjourn or to table shall always be in order and shall be decided without debate.
- M. A motion to reconsider a matter already decided or determined by the Board during its current session may only be made by a member who voted on the prevailing side when such matter was previously decided or determined, but the same may be seconded and voted upon by any member and adopted upon majority vote. For the purposes of a motion to reconsider, a member who was absent from the meeting where the matter was previously decided or determined shall be considered to have voted "no" on such matter.
- M. Except as otherwise provided in the rules and regulations of this Board, Roberts' Rules of Order shall govern and apply to all situations.
- N. A motion once made and seconded may be withdrawn at any time prior to The taking of a vote thereon.
- O. None of the rules and regulations herein may be suspended during any meeting of the Board except by the unanimous vote of the members present and voting at such meeting, and any suspension so authorized shall expire automatically upon

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adjournment of such meeting.

- P. All resolutions to be acted upon at a special meeting shall relate solely to the business to be transacted at such meeting as specified in the notice of such meeting and shall be on the desks of the members prior to such meeting being called to order. The Board may consider and act upon a resolution that has not been so placed upon the desks of the members provided that the substance of the proposed resolution relates to the business specified in the notice of meeting and a motion to introduce such resolution from the floor has been duly seconded and passed by the affirmative vote of 2/3rds of the total number of members of the Board.
- Q. Any member may request that a resolution presented at a regular or special meeting be laid over until the next meeting of the Board, be it regular, special or adjourned, and if approved by a majority of the meetings power of the Board such resolution shall not be voted upon at the meeting when presented except where a statute prescribes a date on or before which the Board is required to adopt such a resolution.

Resolution 2-2024

Resolved, to accept the above written **Rules of Procedure** for both Regular and Special meetings.

Motion - Darin Forbes Second - Tina Terry-Preston Carried - all in favor

BE IT FURTHER RESOLVED that the Town Board for the Town of Wilmington hereby adopts the following:

SALARIES/REMUNERATION:

Resolution 3-2024

Resolved that the following salaries be paid to employees on a bi-weekly basis in 26 payrolls:

Moved – Tim Follos Second – Darin Forbes

Roll Tim Follos **Aye**

Darin Forbes **Aye**

Laura Hooker **Aye**

Tina Terry- Preston **Aye**

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Favor Smith **Aye** **Ayes 5 Noes 0 Carried all in favor**

Supervisor - Favor J Smith, Annual - \$30,224.00

Deputy Supervisor – Tina Terry-Preston - \$1,015.00 Annually;

Town Justice - Hon. Hope Smith-Holzer, & Hon. Michael Goddeau Annual - \$10,135.00 each;

Councilmembers – Tina Terry- Preston, Darin Forbes, Tim Follos, Laura Dreissigacker Hooker - Annual \$5,589.00. each;

Town Clerk/Tax Collector - Dawn Stevens – Annual - \$27,715.00;

Deputy Town Clerk – Nancy Randall at \$0, except when Town Clerk is sick or on Vacation, \$16.00/hr. not to exceed 15 hours per week:

Chairman/Assessors - Alphonso Smith – Annual - \$9,228.00;

Assessors-Annual - Blanche Peck, Devan F Korn – Annual - \$5,589.00. each;

Water Superintendent - Ed Orsi - \$27.06/hr.;

Cemetery Supt.- Douglas Nemec – Annual \$3,121.00, to be incorporated as part of his regular pay;

Landfill Attendant - Douglas Nemec \$25.09/hr. for 20 hours per week;

Zoning and Codes Enforcement Officer - Douglas Nemec \$25.09/hr for 20 hours;

Account Clerk - Nicole Forbes - \$25.09/hr.;

Parks/Grounds/Building Maint/Water Operator - John Langford - \$25.75/hr;

Dog Control Officer – John Langford Annually \$4,160.00;

Parks/EMT Personnel - Brooke Paries - \$22.80/hr., half to be paid by the Wilmington Volunteer Fire/Rescue Department;

Parks Laborer - Ashton Winch - \$22.72/hr.;

Highway Superintendent - Louis Adragna - Annual \$62,312.00;

Deputy Highway Superintendent – Kevin Lincoln--\$26.37/hr.;

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Highway Personnel - Heavy Equipment Operators;

Norman Coolidge – \$24.00/hr.

Donald Hoover - \$25.09/hr.

Riley Lawrence - \$23.50/hr.

Seth Stevens - \$25.09/hr.

Clerk- Nancy Randall at \$16.00, not to exceed 15 hours per week;

Board of Assessment & Review --\$300 to each member, to be paid by voucher following Grievance Day.

End of Salaries.

VOUCHERS:

Resolution 4-2024

Resolved, that the Town of Wilmington accept for payment duly itemized vouchers that are certified and/or verified for payment. Vouchers must be received by the last day of the month for consideration at the next monthly meeting.

Motion *Darin Forbes* **Second** *Laura Hooker* **Carried all in Favor**

Resolution 5-2024

Resolved, that any officer or town employee be reimbursed for the use of his/her car in the performance of official business for the Town of Wilmington at the rate of .67 cents per mile for actual miles traveled.

Motion *Laura Hooker* **Second** *Tim Follos* **Carried all in Favor**

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OFFICIAL NEWSPAPERS:

Resolution 6-2024

Resolved, that the Adirondack Daily Enterprise and Lake Placid News be designated the official newspapers for the Town of Wilmington.

Motion *Tim Follos* **Second** *Darin Forbes* **Carried** *all in favor*

Resolution 7-2024

Resolved, that the following Deputies be approved and appointed: each to be voted on separately.

Deputy Supervisor - Tina Terry-Preston,

Motion *Tim Follos* **Second** *Laura Hooker* **Abstaining** *Tina Terry-Preston* **Carried** *all in favor*

Resolution 8-2024

Deputy Highway Superintendent- Kevin Lincoln

Motion *Darin Forbes* **Second** *Tina Terry-Preston*

Carried *all in favor*

Resolution 9-2024

Deputy Town Clerk - Nancy Randall

Motion *Laura Hooker* **Second** *Tina Terry-Preston* **Carried** *all in favor*

APPOINTED POSITIONS:

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Resolution 10-2024

Resolved, that the following appointments be made for respective positions designated, to be paid in the manner described:

- 1) Town Engineer, as needed, to be paid on itemized vouchers for services rendered;
- 2) Registrar of Vital Statistics, Dawn Stevens, to be paid according to the fees set by the State of New York
- 3) Deputy Registrar of Vital Statistics, Nancy Randall to be paid according to the fees set by the State of New York.
- 4) Town Health Officer, Dr. Robert DeMuro, at no salary.
- 5) Town Historian, Merri Peck at no salary.
- 6) Budget Officer, Nicole Forbes - Annual \$1,300.00 paid the first payroll in November.
- 7) Safety Officer, Louis Adragna - Annual \$703.00, paid the first payroll in December.

Motion *Darin Forbes* **Second** *Tina Terry-Preston*

Roll

Tim Follos **Aye**

Darin Forbes **Aye**

Laura Hooker **Aye**

Tina Terry-Preston **Aye**

Favor Smith **Aye**

Ayes 5 Noes 0 Carried all in favor

ATTORNEY FOR THE TOWN: *Postponed*

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Resolution 11-2024

Resolved to not appoint or designate how a pay a lawyer at this time. It will be decided at a later date.

Motion *Laura Hooker* **Second** *Darin Forbes* **Carried all in favor**

TEMPORARY EMPLOYEES:

Resolution 12-2024

Resolved, that during the year temporary and seasonal employees be employed by the Town of Wilmington to adequately carry out the business of the town and the rate of remuneration be affixed by the Town Board for each separate employee at the time the person is employed.

Motion *Tim Follos* **Second** *Laura Hooker* **Carried all in favor**

PETTY CASH:

Resolution 13-2024

Resolved, that a petty cash fund for the Town Clerk/Tax Collector be established not to exceed one-Hundred Dollars.

Motion *Darin Forbes* **Second** *Laura Hooker* **Carried all in favor**

Resolution 14-2024

Resolved, that a petty cash fund of \$100.00 be established for the landfill attendee,

Further resolved, that a \$200.00 petty cash fund be established for making change.

Motion *Laura Hooker* **Second** *Tim Follos* **Carried all in favor**

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DISCRETIONARY PURCHASES BY SUPERINTENDENT OF HIGHWAYS:

Resolution 15-2024

Resolved, that the Superintendent of Highways be authorized to purchase necessary tools and implements during the year without prior approval of the Town Board in the amount not to exceed \$2,000.00 (Resolution 50-2023)

Motion *Darin Forbes* **Second** *Tim Follis* **Carried** *all in favor*

ADOPTION/CONTINUATION OF POLICIES:

Resolution16-2024

Resolved that the existing Employee Regulations, regarding benefits eligibility, leaves of absence, sick leaves, holidays, overtime, vacation, hospitalization, and personal leave be continued.

Motion *Darin Forbes* **Second** *Tim Follis* **Carried** *all in favor*

Resolution 17-2024

Resolved, that existing Procurement Guideline Policy, Affirmative Action Policy, Sexual Harassment Policy, and Drug-Free Workplace Policy as adopted by the Town Board be continued.

Motion *Laura Hooker* **Second** *Tina Terry-Preston* **Carried** *all in favor*

OFFICIAL DEPOSITORY OF TOWN FUNDS; AUTHORIZED SIGNATORIES

Resolution 18-2024

Resolved, that NBT Bank of Lake Placid, New York be designated as a depository of the Town of Wilmington and that any of the officers, employees or agents of the Town of Wilmington be and each

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of them hereby is authorized from time to time to deposit any of the funds of the customer in said bank either at its principal office or at any of its branches; and to endorse in the name of the Town of Wilmington all checks, orders or instruments so deposited by rubber stamp, facsimile, mechanical, manual or other signatures, and to waive presentment, demand, protest and/or notice of dishonor or protest with respect to any such check, order or instrument and that any checks, orders or instruments so deposited shall be deemed to have been unqualifiedly endorsed by the Town of Wilmington whether or not so endorsed.

Resolution 19-2024

Further resolved, that MBIA Class Accounts be used as interest-bearing accounts for monies that are not immediately needed for operating expenses.

Motion *Tim Follos* **Second** *Laura Hooker* **Carried** *all in favor*

Resolution 20-2024

Further resolved, that both Supervisor Favor J Smith and Deputy Supervisor, Tina Terry-Preston be authorized to be the signers of the town's official checks.

Motion *Darin Forbes* **Second** *Laura Hooker* **Carried** *all in favor*

DISPOSITION OF UNEXPENDED FUNDS: *Motion made to postpone*

Resolution 21-2024 *Postponed till a later date*

Resolved, to address this at a later date (that the board authorizes the designation of unexpended funds in the 2023 town budget for expenditure in 2024, and establishing reserves in 2023 unappropriated fund balance, therefor.)

Moved *Favor Smith* **Second** *Tim Follos* **Carried** *all in Favor*

INTERDEPARTMENTAL BUDGET TRANSFERS:

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Resolution 22-2024

Further resolved, that the Supervisor be authorized to make inter-departmental budget transfers in the 2024 town budget.

Motion *Darin Forbes* **Second** *Tina Terry-Preston* **Carried all in favor**

Resolution 23-2024

Resolved, that a PER Diem be set for Employees and Public Officials for Official Town Business at a rate according to the IRS,

Motion *Darin Forbes* **Second** *Tim Follos* **Carried all in favor**

Resolution 24-2024

Resolved, that the town signs for a \$5000. Credit card for expenses through Visa Community.

Moved *Laura Hooker* **Second** *Darin Forbes* **Carried all in favor**

Resolution 25-2024

Resolved, to accept the yearly contract for the BTI treatment.

Further resolved, to sign the renewal contract with BHN.

Motion *Darin Forbes* **Second** *Laura Hooker* **Carried all in favor**

Resolution 26-2024

Resolved, to accept the yearly contract from the SPCA.

Motion *Laura Hooker* **Second** *Tina Terry- Preston* **Carried all in favor**

Resolution 27-2024

Resolved, to accept the APARB contract.

Moved *Tim Follos* **Second** *Laura Hooker* **Carried all in favor**

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Resolution 28-2024

Resolved, to accept Proposed Local Law No. 1 of 2024 Alternative Veterans' Exemption

Whereas, the town board of Wilmington New York Essex County seeks to recognize the service of the military veterans living in Wilmington, Essex County, New York,

Whereas, New York State real property tax law § 458-a authorizes local towns to adopt the **Alternative Veterans' Exemption** from Real Property Taxation; and,

Whereas, under the New York State Real Property Tax Law § 458-a public hearing must be held prior to adoption of such exemption; and,

Whereas, the Board conducted a public hearing on January 9th, 2024, at 7 community circle (Town Hall)at 7:00 PM for said resolution; and,

Whereas, thirty- two persons appeared at such hearing; and, five people viewed remotely;

Whereas, four spoke and voiced interest on passage of such resolution;

Whereas, zero spoke against passage of such resolution;

Now Therefore, the Wilmington Town Board hereby resolves:

1) To adopt the Alternative Veteran's Exemption from Real Property Taxation under and in accordance with New York State Real Property Tax Law S 458-a commencing in the 2024 Real Property Tax Year.

2) Such exemptions shall be the maximum exemption available under Real Property Tax law section 458-A for such exemptions.

3) This resolution shall be filed with the Essex County Office of Real Property and shall be applicable to all 2024 assessment rolls, and all rolls thereafter.

4) This Local Law No. 1 of 2024 shall also be filed with New York State, Secretary of State and shall immediately take effect.

Moved *Darin Forbes*

Second *Tina Terry-Preston*

Vote Tim Follos – **Aye**

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Darin Forbes - **Aye**

Laura D-Hooker - **Aye**

Tina Terry-Preston - **Aye**

Favor J Smith - **Aye**

AYES – 5 Noes - 0 Carried All in Favor

The Gov OS contract was discussed, and it was decided to look into it further before deciding on this issue.

The Visitors Bureau Contract was also discussed, and it was decided it needed further study.

Resolution 29-2024

Resolved, to table the contract for the Visitors Bureau.

Moved Favor Smith Second Darin Forbes Carried all in favor

Supervisor Smith asked for community volunteers interested in serving on the Planning Board & potential Zoning Board contact his office or the Town Office. Please leave a message if there is no answer.

518-946-7179 extension 302

Resolution 30-2024

Resolved, that elected officials be allowed to attend the 2024 Annual Association Of Towns Training Conference in New York City.

Moved Darin Forbes Second Tina Terry-Preston Carried all in favor

Resolution 31-2024

Resolved, to pay the expenses and make the needed transfers.

Moved Tina Terry-Preston Second Laura Hooker Carried all in favor

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The date for the STR discussion on the proposed new regulations has not been set yet.

The Resolution for the Pro-Housing Community Designation was again postponed.

Tim Follo asked for a resolution to honor Former Town Supervisor Roy Holzer for his service to the Town of Wilmington.

Resolution 32-2024

Resolved, to reappoint Suzanne Gebel to the **BAR**, and to appoint Anthony Nickinello III and Jim Kelly to full seats on the **Planning Board**.

Moved *Darin Forbes* **Second** *Tina Terry-Preston*

Roll *Tim Follo* **NO**

Darin Forbes **Aye**

Laura Hooker **NO**

Tina Terry-Preston **Aye**

Favor Smith **Aye** **AYES 3 Noes 2** **Carried**

Resolution 33-2024

Resolved, to reappoint Jerry Botcher to the planning board.

Moved *Darin Forbes* **Second** *Laura Hooker*

Roll *Tim Follo* **Aye**

Darin Forbes **Aye**

Laura Hooker **Aye**

Tina Terry-Preston **Aye**

Favor Smith **Aye** **Carried all in favor**

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Resolution 34-2024

At a meeting of the members of the town board of the town of Wilmington, New York, held on January 10, 2024, the following preamble and resolutions were unanimously adopted,

Whereas, the board desires to recognize the service of Roy C Holzer to the town of Wilmington, who has faithfully and energetically advocated for and represented the town for over 40 years,

Whereas Mr. Holzer served as a member of the town board starting at the age of 18 and was elected to town supervisor in 1997 serving 2 consecutive terms and then was called upon to fill the term of supervisor Randy Preston in 2019, when Mr. Preston passed from cancer.

Whereas during his terms as town supervisor, Mr. Holzer faced the challenges of the ice storm of 1998 and the covid pandemic of 2020. During these times Mr. Holzer provided excellent leadership and service to the town of Wilmington,

NOW, Therefore it be resolved by the town board of the town of Wilmington that the town hereby recognizes and honors the service and achievements of Roy C Holzer, and here with express its sincere gratitude for the invaluable contributions he has made to the town of Wilmington,

Be it further resolved that this resolution be spread upon the permanent minutes of the town Board of the town of Wilmington that copies be sent to Roy C Holzer to share with his family and to other appropriate officials at the Board of Supervisors for the County of Essex. It was

Resolved, that the town acknowledge that in his retirement the town of Wilmington will miss one of its leading advocates and representatives.

Written by Town Supervisor Favor Smith

Moved Tim Follos Carried Unanimous Approval

Respectfully submitted

Dawn Stevens