

Public Hearing on Local Law 2 of 2024 6:30
Regular Monthly Meeting of the Town of Wilmington Town Board,
June 11, 2024, Community Center 7:35 PM – 8:35 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 Officers

Favor Smith - Supervisor

Tina Terry-Preston - Deputy Supervisor

Darin Forbes - Board Member

Tim Folloos - Board Member

Laura Hooker - Board Member

Dawn Stevens – Town Clerk

Also attending were 34 citizens who were physically present and signed in. Remotely there were 8 people listening and/or watching.

The Public Hearing was called to order at 6:30 by Supervisor Favor Smith, and the Pledge of Allegiance was recited.

Notice of Public Hearing

Please take notice that a Public Hearing will be held

on the proposed changes to Local law 1-2021 pertaining to Short-term Rentals.

Said public hearing will be held at the Wilmington Town Hall, 7 Community Circle, June 11, 2024 at 6:30 pm. The Regular Town Board Meeting will follow immediately after. Copies of the proposed changes can be viewed at TownofWilmington.org under legal postings on the Town clerks page, go to documents and forms, or on the Clerks counter at the Town Hall.

Local Law No. 2 in the year 2024

A Local Law to Amend the Town of Wilmington Land Use Code

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

Section 1. Article VI—Short Term Rental Regulations is hereby amended to add: “Legislative Intent. The Town recognizes that it would be beneficial for the Town to control and regulate the use of short-term rentals within the Town of Wilmington. The provisions of this Article are intended to preserve and protect the health, character, safety, and general welfare of the residential neighborhoods and rural areas where short-term rentals are operated and to mitigate the adverse effects of short-term rentals.”

Section 2. Article VI – Short Term Rental Regulations (A)(2) is hereby amended to read as follows: “A short-term rental permit shall be valid for one year from the date of issue and shall expire on the anniversary date of the permit issued and must be renewed prior to expiration as long as the unit is used as a short-term rental. All information relating to the property must be updated at the time of renewal. A renewal application must be reviewed, and approved and a new permit issued before rentals may resume. For any existing permits issued under the former law, said permits shall remain valid until the expiration of their two-year term.”

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Section 3. Article VI – Short Term Rental Regulations (A) is hereby amended by adding a new paragraph (8) to read as follows: “There shall be a limit of 150 short term rental permits issued and in effect at any given time by the Town of Wilmington. Exemptions to this cap of 150 permits may be granted by the Town Board upon showing of special circumstances and a public hearing must be held before the Town Board can grant any exemption.”

Section 4. Article VI – Short Term Rental Regulations (A) is hereby amended by adding a new paragraph (9) to read as follows: “Any short-term rental shall be inspected by the Town of Wilmington Code Enforcement Officer every two years.”

Section 5. The terms of this Local Law shall supersede any other ordinances or Local Laws in the Town of Wilmington to the extent applicable.

Section 6. This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State.

May 28, 2024 *Dawn Stevens*

Dawn Stevens, Wilmington Town Clerk 518-946-2105 ext. 303

Of the people present, about twenty people spoke, three letters were read for people who were unable to appear at the hearing. Statements were made, and questions were answered. All attending were allowed to speak if they wished, and all correspondence were read.

The meeting lasted from 6:30 pm till 7:25pm, with a ten-minute recess before the Regular Monthly meeting was called to order

Motion to close the public hearing was,

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

7:35pm Regular Town Board Meeting

Several people left during the recess.

The meeting was again called to Order by Supervisor Favor Smith.

Resolution 99-2024 Resolved to accept the minutes of the May 14th meeting and the May 29th work session/meeting as written.

Moved By *Darin Forbes* **Seconded by** *Tim Follos* **Carried** all in favor

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The following is one resolution but was voted on in sections to express the different feelings of the board.

Resolution 100-2024 Resolved to accept the following as

Local Law No. 2 in the year 2024
Local Law to Amend the Town of Wilmington Land Use Code

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

Section 1. Article VI—Short Term Rental Regulations is hereby amended to add: “Legislative Intent. The Town recognizes that it would be beneficial for the Town to control and regulate the use of short-term rentals within the Town of Wilmington. The provisions of this Article are intended to preserve and protect the health, character, safety, and general welfare of the residential neighborhoods and rural areas where short-term rentals are operated and to mitigate the adverse effects of short-term rentals.”

Moved By *Laura Hooker* **Seconded by** *Tina Terry-Preston*

Tim Follos **Aye**
Darin Forbes **Aye**
Laura Hooker **Aye**
Tina Terry-Preston **Aye**
Favor Smith **Aye**

Carried *all in favor*

Section 2. Article VI – Short Term Rental Regulations (A)(2) is hereby amended to read as follows: “A short-term rental permit shall be valid for one year from the date of issue and shall expire on the anniversary date of the permit issued and must be renewed prior to expiration as long as the unit is used as a short-term rental. All information relating to the property must be updated at the time of renewal. A renewal application must be reviewed, and approved and a new permit issued before rentals may resume. For any existing permits issued under the former law, said permits shall remain valid until the expiration of their two-year term.”

Moved By *Laura Hooker* **Seconded by** *Tim Follos*

Tim Follos **Aye**
Darin Forbes **Aye**
Laura Hooker **Aye**
Tina Terry-Preston **Aye**
Favor Smith **Aye**

Carried *all in favor*

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Section 3. Article VI – Short Term Rental Regulations (A) is hereby amended by adding a new paragraph (8) to read as follows: “There shall be a limit of 150 short term rental permits issued and in effect at any given time by the Town of Wilmington.

Moved By *Laura Hooker* **Seconded by** *Tina Terry-Preston*

Tim Follos **Aye**
Darin Forbes **No**
Laura Hooker **Aye**
Tina Terry-Preston **Aye**
Favor Smith **Aye** **Carried 4 ayes, 1no**

Exemptions to this cap of 150 permits may be granted by the Town Board upon showing of special circumstances and a public hearing must be held before the Town Board can grant any exemption.”

Moved by *Tim Follos* **Seconded by** *Laura Hooker*

Tim Follos **No**
Darin Forbes **Aye**
Laura Hooker **No**
Tina Terry-Preston **Aye**
Favor Smith **Aye** **Carried 3 ayes, 2 no**

Section 4. Article VI – Short Term Rental Regulations (A) is hereby amended by adding a new paragraph (9) to read as follows: “Any short-term rental shall be inspected by the Town of Wilmington Code Enforcement Officer every two years.”

Moved by *Tim Follos* **Seconded by** *Tina Terry-Preston*

Tim Follos **Aye**
Darin Forbes **Aye**
Laura Hooker **Aye**
Tina Terry-Preston **Aye**
Favor Smith **Aye** **Carried all in favor**

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Section 5. The terms of this Local Law shall supersede any other ordinances or Local Laws in the Town of Wilmington to the extent applicable.

Section 6. This Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State.

Moved by *Tim Follos* **Seconded by** *Tina Terry-Preston*

Tim Follos **Aye**
Darin Forbes **Aye**
Laura Hooker **Aye**
Tina Terry-Preston **Aye**
Favor Smith **Aye**

Carried *all in favor*

Local Law No. 2 in the year 2024
Local Law to Amend the Town of Wilmington Land Use Code
Is Carried

New Business

There was a discussion and explanation given on the Events Coordinator position.

The review and guidelines for the STR exemptions discussion was moved to June 26th.

*The **Draft local law** restoring the ZBA board was given to the Board Members for review and will be discussed at the June 26th meeting.*

There was a discussion on repairs to the Cemetery Roads, it was agreed they needed repair. It was decided to get prices on different materials for the road.

The board did not receive the contract from Party's Unlimited in time for the meeting, so the Bounce House for the Wilmington Get-Together will be resolved at the June 26th meeting.

Resolution 101-2024 Bond Resolution

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$100,000 BONDS OF THE TOWN OF WILMINGTON, ESSEX COUNTY, NEW YORK, TO PAY A PART OF THE COST OF THE PURCHASE OF UTILITY VEHICLE FOR THE HIGHWAY DEPARTMENT, FOR SAID TOWN.

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MOVED BY DARIN FORBES SECONDED BY LAURA HOOKER

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 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 of such capital project, NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Wilmington, Essex County, New York, as follows:

Section 1. The purchase of a utility vehicle for the Highway Department, including incidental equipment and expenses in connection therewith, in and for the Town of Wilmington, Essex County, New York, is hereby authorized at a maximum estimated cost of \$128,729.14.

Section 2. The plan for the financing of the aforesaid \$128,729.14 maximum estimated cost shall consist of:

- a) the issuance of \$100,000 bonds of said School District hereby authorized to be issued therefor, pursuant to the provisions of the Local Finance Law; and
- b) the expenditure of \$28,729.14 available monies, hereby authorized to be expended therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 15 years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will not exceed five years.**

Section 4. 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

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authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, 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 5. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 6. 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 in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

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

- 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

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3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. 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 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

Tim Follos **Aye**
Darin Forbes **Aye**
Laura Hooker **Aye**
Tina Terry-Preston **Aye**
Favor Smith **Aye**

Carried *all in favor*

The resolution was thereupon declared duly adopted.

* * * * *

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Resolution 102-2024 Resolved to amend the 2024 budget increasing revenues and appropriations in the amount of \$13,000.00 as follows: Revenues, Acct # 2389, Community Enhancement Funds to Appropriations, Acct # 7140.1, Beach PS for 2024 Beach Program

Moved by *Tim Follos* **Seconded by** *Tina Terry-Preston*

Tim Follos **Aye**
Darin Forbes **Aye**
Laura Hooker **Aye**
Tina Terry-Preston **Aye**
Favor Smith **Aye**

Carried *all in favor*

Resolution 103-2024 Resolved to amend the 2024 budget increasing revenues and appropriations in the amount of \$3,000.00 as follows: Revenues, Acct# 7140.1, Beach PS to Appropriations, Acct# 71801.1, Youth PS for 2024 summer youth program.

Moved by *Tina Terry-Preston* **Seconded by** *Darin Forbes*

Tim Follos **Aye**
Darin Forbes **Aye**
Laura Hooker **Aye**
Tina Terry-Preston **Aye**
Favor Smith **Aye**

Carried *all in favor*

Resolution 104-2024 Resolved to accept the audited claims and make the budget transfers.

Moved by *Laura Hooker* **Seconded By** *Tina Terry-Preston* **Carried** *all in favor*

Water report 3,226,800 gallons produced Daily average gallons 201,700

To Whiteface 25,800 Daily average 800 gallons

Codes report for October

Three building permits issued, \$580.50 fees collected, 48 open permits, Fifteen plus site visits

Public Comment All who wished to speak were allowed to speak.

Moved to adjourn the meeting. **Moved by** *Darin Forbes* **Unanimous second**

Respectfully submitted,

Dawn Stevens