

**Regular Monthly Meeting of the Town of Wilmington Town Board,
July 09, 2024, Community Center 7:00 PM – 9:11 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 Follos - Board Member

Laura Hooker - Board Member

Dawn Stevens – Town Clerk

Also attending were 14 citizens who were physically present and signed in. Remotely there were 4 people listening and/or watching.

The meeting was called to order at 7:00 pm by Supervisor Favor Smith, and the Pledge of Allegiance was recited.

Resolution 106-2024 Resolved to accept the minutes of the June meetings.

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

Unfinished Business

The board reviewed the **Proposed Local Law 3 of 2024**. This law is to reestablish the Zoning Board of Appeals.

Resolution 107-2024 Resolved, to edit the typos and set the date for the public hearing for proposed Local Law 3 of 2024.

Further Resolved, to set **August 13, 2024 as the date for the Public Hearing, time 6:30pm, at the Community Center**. The Regular Town Board Meeting will follow the Public Hearing.

Moved by Favor Smith Seconded by Tim Follos Carried all in favor

The following is the Proposed Local Law submitted by Supervisor Favor Smith.

Local Law 3 of 2024: Reestablishment of Zoning Board of Appeals for the Town of Wilmington

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

SECTION I-AUTHORITY

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This local law enacted under the authority granted pursuant to the General

Municipal Home Rule Law of the State of New York.

SECTION 2- INTENT

In 2016, the Town Board of the Town of Wilmington enacted Local Law #1 of 2016 that consolidated the Planning Board and Zoning Board of Appeals into the sole land use board within the Town of Wilmington and authorized this board to hear all planning matters and zoning appeal matters within the Town of Wilmington.

Over the past eight years, since enactment of Local Law #1 of 2016, there have been developments in land use generally, with an increase in land development requests and building permits, which were not anticipated by the Town of Wilmington at the time that Local Law #1 of 2016 was adopted.

The Town Board recognizes the impact that recent development may have on the health, safety, and general welfare of the Town, its inhabitants, and visitors and upon the existing uses, public services, traffic, and the environment in general and hereby finds the re-establishment of its zoning board of appeals would greatly assist in the regulation and management of land use within the Town of Wilmington.

SECTION 3 - CONFLICT WITH PRIOR LOCAL LAWS

A. If any local laws or parts of local laws of the Town of Wilmington are inconsistent with any of the provisions of this local law, the terms of this local law shall control.

B. The provisions of this local law, where applicable, specifically amend and supersede §267 (“Zoning board of appeals”) and §271 (“Planning board”) of the Town Law of the State

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of New York. Where not so amended, §267 and §271 of the Town Law shall remain in full force and effect.

C. The terms “Planning Board” and “Zoning Board of Appeals” shall also mean the same as found in any local laws of the Town of Wilmington, including but not limited to the Zoning Ordinance, the Subdivision Regulations, the Local Waterfront Revitalization Program and the Waterfront Consistency Review Law.

SECTION 4 - EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York.

SECTION 5 – SEVERABILITY

If any section of this local law shall be held unconstitutional, invalid or ineffective, in whole or in part, said determination shall not be deemed to effect, impart, or invalidate the remainder thereof.

SECTION 6 - MEMBERS AND TERMS

The Planning Board shall consist of five regular members, with a quorum of three members required to take any action or convene any meeting. The initial appointment shall consist of two members who will be appointed for one-year terms, two members who will be appointed for two-year terms and one member who will be appointed for a three-year term. Said appointments shall be made by the Wilmington Town Board. The term of office shall be for a period of three years. Terms shall run January 1 through December 31. Three alternate members may also be appointed by the Wilmington Town Board and shall have a term of office for a period of three years.

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The Zoning Board of Appeals shall consist of three regular members. The initial appointment shall consist of one member who will be appointed for a one-year term, one member who will be appointed for two-year term and one member who will be appointed for a three-year term. Said appointments shall be made by the Wilmington Town Board. The term of office shall be for a period of three years. Terms shall run January 1 through December 31. Two alternate members may also be appointed by the Wilmington Town Board and shall have a term of office for a period of three years.

Alternate members may participate in discussion of the proceedings of their respective Boards but may not vote except in the absence or disqualification of a regular member. Alternate members will be placed in rotation so as to allow every alternate a fair opportunity to vote if in attendance at the time where their vote is necessitated by a lack of quorum of board members. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. No more than five votes for the Planning Board and no more than three votes for the Zoning Board of Appeals shall be cast for any matter. If an alternate member shall be necessary to create a Board of three members for any application, the absent regular member shall not thereafter vote in any manner with respect to that application.

Vacancies shall be filled by appointment of the Wilmington Town Board and if there is an unexpired portion of a term to be served, that individual shall complete the unexpired portion of that term.

SECTION 7 - CHAIRPERSON AND SECRETARY

The members of the Planning Board and the Zoning Board of Appeals shall at their first meetings of the year elect a chairperson to so act until the next calendar year or until a successor is elected. The chairpersons shall supervise the affairs of their respective boards and shall preside at meetings.

The members of the Planning Board and Zoning Board of Appeals shall at their first meetings of the year elect its own secretary to so act for the remainder of any year until the next calendar year or until a successor is elected.

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The Secretary shall keep minutes and records of its proceedings, findings and official actions and shall record the vote of each member upon every question put to a vote or absent or failing to vote, indicating such fact.

SECTION 8 - DUTIES OF THE PLANNING BOARD AND ZONING BOARD OF APPEALS

The Planning Board and Zoning Board of Appeals shall act on all matters which would be uniformly presented to the Wilmington Planning Board and the Wilmington Zoning Board of Appeals, along with all matters which shall come before the board pursuant to the local laws of the Town of Wilmington and on all matters referred to it by the Wilmington Town Board and shall comply with all rules, regulations and other requirements mandated by law.

The Planning Board shall hold a regular meeting once per month on the first Tuesday of the month. The Zoning Board of Appeals shall hold a regular meeting once per month on the third Tuesday of the month. By majority vote of its members, or at the call of the Chairperson, either board may schedule such other meetings as it deems necessary and appropriate and, for good cause and in compliance with state and local law, may change the day of the month for its regular meeting.

SECTION 9 - CONTINUING EDUCATION AND TRAINING

Each regular member and alternate member shall complete such training and continuing education as shall be required by law or as mandated by the Wilmington Town Board.

SECTION 10- COMPENSATION

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Members shall receive such compensation and reimbursement for expenses necessarily incurred in the performance of their duties as shall be established by the Wilmington Town Board.

There was a discussion on the STR exemption form, nothing was decided.

*There was also a discussion on the homestead housing Project which is now handled by **ADKROOTS**.*

Resolution 108-2024 Resolved that Supervisor Favor Smith execute the contract with M.J. Engineering and Land Surveying, PC for services associated with the preparation of preliminary site plans for the Wilmington Homestead SRDI Housing Development project on NYS Route 86.

MJ Project No.1060.01

Moved By *Darin Forbes* **Seconded by** *Laura Hooker*

Tim Follos **Aye**

Darin Forbes **Aye**

Laura Hooker **Aye**

Tina Terry-Preston **Aye**

Favor Smith **Aye**

Carried all in favor

The Cemetery road was again discussed, the paving of the road may have to wait until next year due to the expense and the budget, the board will be looking for ways to move forward on this project in the future.

The board had a discussion on establishing Procedures for Surplus, from this discussion a Resolution establishing a procedure for donating surplus vehicles. The following resolution was moved and written by Laura Hooker.

Resolution 109-2024 Resolved to adopt the following procedure for surplus vehicles;

WHEREAS, the Town of Wilmington (the "Town") has adopted a procedure for donation of surplus vehicles from the departments of the town.

WHEREAS, the Town wishes to offer surplus vehicles , that otherwise would have gone to scrap, for utilization by the town EMS; and

WHEREAS, the procedure for donating surplus vehicles is as follows:

When a town department vehicle has been deemed surplus, the vehicle will be bid on as standard town procedure. If after that point, no bid has met the minimum amount of the scrap value of the vehicle, all other bids will be dismissed, and the vehicle will be donated to the town EMS for purposes of training as they see fit. If the EMS has no use for the vehicle at that time, the vehicle will be sold for scrap.

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Moved by Laura Hooker Seconded by Tim Follos Carried all in favor

Resolution 110-2024 Resolved to make the budget transfers and pay the June expenses.

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

Resolution 111-2024 Resolved to accept the resignation of Bill Eaton from the Planning Board, effective immediately.

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

Bill was thanked by the Board for his many years of service to the Town.

Resolution 112-2024 Resolved to appoint Patricia Winch to the Planning Board in Bill Eaton's place, effective immediately.

Moved by Laura Hooker Seconded by Tim Follos Carried all in favor

The Board will now be looking for a person to serve as an alternate on the Planning Board.

Public Comment

The main discussion was on the STR Exemptions, everyone who wished to speak was allowed to.

Executive Session

Motion was made to enter executive session at **8:23pm** - to discuss matters leading to the employment, promotion, demotions, discipline, suspension, dismissal or removal of specific town employees and /or to obtain attorney advice relevant to a personnel matter.

Moved by Favor Smith Seconded by Laura Hooker Carried all in favor

Motion was made at **9:10 pm** to come out of executive session and call the regular meeting back to order.

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

All residents both present and remote had already left the meeting.

Motion was made to close the Regular Meeting at **9:11 pm**.

Moved by Laura Hooker Carried Unanimous Second

*Respectfully submitted,
Dawn Stevens*