

**Public Hearing on Local Law 4-2024 6:40**  
**Public Hearing on the 2025 budget 7:00**  
**Special Meeting 7:30, Town of Wilmington Town Board,**  
**October 30, 2024, Community Center**

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*

*Nancy Randall – Deputy Town Clerk*

*Account Clerk / Budget Officer Nicole Forbes*

*Also attending sixteen signed in residents.*

*Meeting was called to order and the Pledge of Allegiance was recited.*

**Public hearing on local law #4 of 2024**

**Override of tax cap**

*There were several questions about the new tax rate. The budget is tentatively up 6 percent for 2025, this is above the tax cap. The assessments for properties went up about 40%, more for some. The tax rate will go down, the rate for last year was \$2.47 per \$1000. It will be \$1.87 per \$1000. For 2025.*

*This new assessment will lower the rate for some but will increase it for others.*

*Everyone who wished to speak was allowed to speak.*

*After further discussion, Favor Smith made the motion to pass the local law, it was seconded by Darin Forbes. The vote took place in the regular session.*

**Public hearing on the 2025 Budget**

*There was a discussion on why the budget was going up, the board explained the many things causing the increase. It was asked why the STR money, or the bed tax money could not be used for the purpose of lowering the budget. It was explained that the law regulates how money is spent, and anything that could be applied has been. It also was stated that we have no emergency fund, even though it is recommended that we have a six-month reserve.*

*Everyone who wished to speak was allowed to speak.*

*Motion to adjourn was made by Favor Smith and Seconded by Laura Hooker.*

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**Special Board Meeting**

Meeting was called to order.

**Resolution No. 141-2024**

**RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 4 OF 2024 ENTITLED "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C"**

*The following resolution was offered by Favor Smith, who moved its adoption.*

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

**WHEREAS**, at its budget workshop special meeting on October 15, 2024, the Town of Wilmington introduced Local Law No. 4 for 2024, entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c"; and

**BE IT RESOLVED**, that a Public Hearing was duly held on the 30<sup>th</sup> day of October, 2024 at 6:45 p.m. to hear any and all persons concerning the adoption of said local law; and

**BE IT RESOLVED**, that the Town of Wilmington Town Board hereby adopts proposed Local Law No. 4 of 2024 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. 4 OF 2024"**

*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.**

*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 pursuant to General Municipal Law §3-c, and to allow the Town of Wilmington to adopt a budget for the fiscal year 2025 that requires a real property tax levy in excess of "tax levy limit" as defined by General Municipal Law §3-c.*

**Section 2. Authority.** *This local law is adopted pursuant to subdivision 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.*

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**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 2025 and authorizes the Town of Wilmington, after completing all required procedures for the adoption of a budget, to adopt a budget for 2025 that requires a tax levy that is greater than the tax levy limit calculated for 2025 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 judgement 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, firm 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 Darin Forbes, and adopted upon a **SIXTY PERCENT (60%)** roll call vote as follows:*

*Board Member Tim Follos **No***

*Board Member Darin Forbes **Yes***

*Board Member Laura Hooker **No***

*Board Member Tina Preston **Yes***

*Supervisor Favor Smith **Yes***

**Carried Ayes 3**

**Noes 2**

**None absent**

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*There was a discussion on possible ways to further reduce the budget. It was determined that the budget had been reviewed before line by line and no further decreases could be determined. Tim Follos and Laura hooker would like to find areas to decrease the budget. It was agreed that the preliminary budget should be approved tonight and any further changes to the budget be discussed at another meeting.*

**Resolution 142-2024** Resolved to accept the preliminary budget for 2025.

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

Board Member Tim Follos **No**

Board Member Darin Forbes **Yes**

Board Member Laura Hooker **Yes**

Board Member Tina Preston **Yes**

Supervisor Favor Smith **Yes Carried - Noes 1 Yes 4**

**Resolution 143-2024** Resolved to make the following appointments to the Zoning Appeals and the Planning Boards.

**Zoning Board of appeals**

**Stephanie Gates - Zoning Appeals Moved by Tim Follos Seconded by Tina Preston**

Board Member Tim Follos **Yes**

Board Member Darin Forbes **Yes**

Board Member Laura Hooker **Yes**

Board Member Tina Preston **Yes**

Supervisor Favor Smith **Yes Carried**

**Jim Grant - Zoning Appeals Moved by Tim Follos Seconded by Darin Forbes**

Board Member Tim Follos **Yes**

Board Member Darin Forbes **Yes**

Board Member Laura Hooker **Yes**

Board Member Tina Preston **Yes**

Supervisor Favor Smith **Yes Carried**

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**Jerry Bottcher-** Zoning Appeals **Moved by** *Laura Hooker* **Seconded by** *Darin Forbes*

*Board Member Tim Follos* **Abstain**

*Board Member Darin Forbes* **Yes**

*Board Member Laura Hooker* **Yes**

*Board Member Tina Preston* **Yes**

*Supervisor Favor Smith* **Yes Carried**

**Mike Bowman-** Alternate Zoning Appeals **Moved by** *Darin Forbes* **Seconded by** *Tim Follos*

*Board Member Tim Follos* **Yes**

*Board Member Darin Forbes* **Yes**

*Board Member Laura Hooker* **Yes**

*Board Member Tina Preston* **Yes**

*Supervisor Favor Smith* **Yes Carried**

**Planning Board**

**Tony Nickinello-** Planning Board **Moved by** *Tim Follos* **Seconded by** *Tina Preston*

*Board Member Tim Follos* **Yes**

*Board Member Darin Forbes* **Yes**

*Board Member Laura Hooker* **Yes**

*Board Member Tina Preston* **Yes**

*Supervisor Favor Smith* **Yes Carried**

**Chip Grundon** Planning Board **Moved by** *Tina Preston* **Seconded by** *Darin Forbes*

*Board Member Tim Follos* **No**

*Board Member Darin Forbes* **Yes**

*Board Member Laura Hooker* **No**

*Board Member Tina Preston* **Yes**

*Supervisor Favor Smith* **Yes Carried Noes 2 Yes 3**

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**Jim Kelly** Planning Board **Moved by Darin Forbes** **Seconded by Tina Preston**

Board Member Tim Follo **No**

Board Member Darin Forbes **Yes**

Board Member Laura Hooker **No**

Board Member Tina Preston **Yes**

Supervisor Favor Smith **Yes** **Carried Noes 2 Yes 3**

**Pat Winch** Planning Board **Moved by Tim Follo** **Seconded by Tina Preston**

Board Member Tim Follo **Yes**

Board Member Darin Forbes **Yes**

Board Member Laura Hooker **Yes**

Board Member Tina Preston **Yes**

Supervisor Favor Smith **Yes** **Carried**

**Randy Winch** Planning Board **Moved by Laura Hooker** **Seconded by Tina Preston**

Board Member Tim Follo **Yes**

Board Member Darin Forbes **Yes**

Board Member Laura Hooker **Yes**

Board Member Tina Preston **Yes**

Supervisor Favor Smith **Yes** **Carried**

**Carol Wiebe** Alternate Planning Board **Moved by Tim Follo** **Seconded by Laura Hooker**

Board Member Tim Follo **Yes**

Board Member Darin Forbes **Yes**

Board Member Laura Hooker **Yes**

Board Member Tina Preston **Yes**

Supervisor Favor Smith **Yes** **Carried**

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**Robin Anthony** Alternate Planning Board **Moved by Darin Forbes Seconded by Tina Preston**

*Board Member Tim Follos* **No**

*Board Member Darin Forbes* **Yes**

*Board Member Laura Hooker* **No**

*Board Member Tina Preston* **Yes**

*Supervisor Favor Smith* **Yes Carried Noes 2 Yes 3**

**Meeting was adjourned at 8:47 pm**