

**Organizational Meeting
of the Town of Wilmington Town Board,
January 14,2025 Community Center 7:00 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

<i>Favor Smith - Supervisor</i>	<i>Tina Terry-Preston – Deputy Supervisor</i>
<i>Darin Forbes - Board Member</i>	<i>Tim Folloos - Board Member</i>
<i>Laura Hooker – Board Member</i>	<i>Dawn Stevens – Town Clerk</i>

Also attending seventeen signed in residents, several did not sign in and two remote viewers.

The meeting was called to order by Town Supervisor Favor Smith and the Pledge of Allegiance was recited.

Roll call of attendance; Board Member Folloos / present

Board Member Forbes / present

Board Member Hooker / present

Board Member Preston / present

Supervisor Smith / present

Organizational Resolutions

RESOLUTION #1-2025 MEETINGS AND RULES OF PROCEEDINGS

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

REGULAR MEETINGS AND REGULAR WORK SESSION MEETINGS:

- A. A regular meeting of the Board shall be held on the Second Tuesday of each month and a regular work session meeting of the Board shall be held on the last Wednesday 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 4:00 p.m.
- B. In the month of December, there shall be an additional 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.
- C. Regular Meetings of the Board shall commence at 6:00 p.m.; Regular Work Session / Meetings of the Board shall commence at 4:00 p.m.
- D. Notwithstanding the provisions of paragraphs A, B and C above, the Board may by resolution schedule a regular meeting at such other day and/or time as in its discretion it shall determine.
- E. The place of all regular meetings 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

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the Board.

F. The Board may transact any and all business as may properly come before it at such meetings.

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

- (1) Call to Order/Pledge of Allegiance
- (2) Acceptance of Minutes
- (3) Introduction of any Guests scheduled to address the Board.
- (4) Reports from Departments
- (5) Reports from Board Members
- (6) Unfinished Business
- (7) New Business
- (8) Public Comment
- (9) Adjournment

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 offices. 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 conducted at a special meeting other than that specified in the notice of the meeting.

E. The place of all special meetings shall be at the WILMINGTON COMMUNITY CENTER, 7 Community Circle, 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.

F. Business at a special meeting shall be transacted in the following order:

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- (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 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 his/her hand and address the chair, and shall not further proceed 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 Chairman and awarded the floor.
- E. No debate shall be in order until the pending question shall be stated by the Supervisor or read by the Clerk.
- F. 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.
- G. 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.
- H. A roll call vote on any resolution shall be had upon:
 - (1) the request of any member;
 - (2) the direction of the Supervisor;

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- (3) when otherwise required by law; and
- (4) on all resolutions which are appropriate or require the expenditure of funds.
- I. All roll call votes shall be by alphabetic order following with surname of the member.
- J. All questions shall be decided by a majority vote of the voting power of the Board, unless otherwise required by law or by these rules and regulations.
- K. A motion to adjourn or to table shall always be in order and shall be decided without debate.
- L. 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.
- O. No business shall be transacted by the Board, except to recess or adjourn, while any committee is in session at work.
- P. If requested by any member, the report of any committee, or the items of any bill included in such report, shall be read by the Clerk of the Board.
- Q. Except as otherwise provided in the rules and regulations of this Board, Roberts' Rules of Order shall govern and apply to all situations.
- R. A motion once made and seconded may be withdrawn at any time prior to the taking of a vote thereon.
- S. 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 adjournment of such meeting.
- T. 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 made and seconded, and passed by the affirmative vote of 2/3rds of the total number of members of the Board.
- X. 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.

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Motion Made By: *Darin Forbes*

Seconded By: *Tina Preston*

ROLL CALL VOTE:

COUNCILPERSON FOLLOS	AYE	
COUNCILPERSON FORBES	NO	
COUNCILPERSON HOOKER	AYE	
COUNCILPERSON PRESTON	AYE	
SUPERVISOR SMITH	AYE	Carried 4-1

Resolution #2-2025 SALARIES/REMUNERATION

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

SALARIES/REMUNERATION:

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

Supervisor - Favor J Smith, Annual - \$31,282.00;
Deputy Supervisor – Tina Terry-Preston - \$1,051.00 Annually;
Town Justice - Hon. Michael Goddeau Annual - \$10,490.00;
Justice Court Clerk – Victoria Duffy \$10,490.00 Annually;
Councilmembers – Tina Terry- Preston, Darin Forbes, Tim Follos, Laura Dreissigacker Hooker - Annual \$5,785.00 each;
Town Clerk/Tax Collector - Dawn Stevens – Annual - \$28,685.00.
Deputy Town Clerk – Nancy Randall at \$0, except when Town Clerk is sick or on Vacation,\$16.56/hr not to exceed 15 hours per week;
Chairman/Assessors – Devan Korn – Annual - \$9,551.00;
Water Superintendent - Ed Orsi - \$28.00/hr;
Cemetery Supt.- Douglas Nemec – Annual \$3,230.00,to be incorporated as part of his regular pay;
Landfill Attendant - Douglas Nemec \$26.00/hr for 20 hours per week;
Zoning and Codes Enforcement Officer - Douglas Nemec \$26.00/hr for 20 hours;
Account Clerk - Nicole Forbes - \$26.00/hr;
Parks/Grounds/Building Maint/Water Operator - John Langford - \$26.65;
Dog Control Officer – Trevor Karl Annually \$4,306.00;
Office/EMT Personnel – Karissa Gray - \$23.00/hr, half to be paid by the Wilmington Volunteer Fire/Rescue Department

Motion Made By: *Laura Hooker*

Seconded By: *Darin Forbes*

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ROLL CALL VOTE:

<i>COUNCILPERSON FOLLOS</i>	AYE	
<i>COUNCILPERSON FORBES</i>	AYE	
<i>COUNCILPERSON HOOKER</i>	AYE	
<i>COUNCILPERSON PRESTON</i>	AYE	
<i>SUPERVISOR SMITH</i>	AYE	Carried ALL IN FAVOR

RESOLUTION #3-2025 APPOINTMENTS

BE IT RESOLVED that the Town Board for the Town of Wilmington hereby makes the following appointments for 2025:

Supervisor's Appointments:

Deputy Supervisor:	Tina Terry-Preston (Town Law §42)
• Account Clerk	Nicole Forbes
• Clerk to the Supervisor	Karissa Gray
• Town Historian:	Merri Peck
• Doug Control Officer:	Trevor Karl
• Safety Officer:	Louis Adragna

Standing Committees:

- Board of Assessment Review—Suzanne Gebel (2027), Rarilee Conway (2026), 1 Vacancy
- Zoning Board of Appeals—Jim Grant 2025-2026, Stephanie Gates 2025-2026, Mike Bowman 2025-2028, Keith Mandernach, Alternate 2025-2028
- Planning Board – Chip Grundon 2025-2026, Patricia Winch 2025-2026, Tony Nickinello 2025-2027, Jim Kelly 2025-2027, Randy Winch 2025-2028 Alternates Jerry Bottcher 2025-2028, Carol Weibe 2025-2028, Robin Anthony 2025-2028

Town Clerk's Appointment (Town Law §30(10))

- Deputy Town Clerk—Nancy Randall
- Deputy Registrar of Vital Statistics—Nancy Randall

Town Justice Appointment (Town Law §20)

- Clerk to Justice—Victoria Duffy

Appointed Positions:

- Town Engineer, as needed, to be paid on itemized vouchers for services rendered;
- Town Health Officer, Dr. Robert DeMuro, at no salary

Motion Made By: Laura Hooker

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Seconded By: *Darin Forbes*

ROLL CALL VOTE:

COUNCILPERSON FOLLOS	AYE	
COUNCILPERSON FORBES	AYE	
COUNCILPERSON HOOKER	AYE	
COUNCILPERSON PRESTON	AYE	
SUPERVISOR SMITH	AYE	CARRIED

RESOLUTION #4-2025 SCHEDULE OF MEETINGS

BE IT RESOLVED that the Town Board for the Town of Wilmington hereby adopts the following schedule for its regular, regular work session meetings, and organizational meeting for 2026

DATE

January 14, 2025
January 29, 2025
February 11, 2025
February 26, 2025
March 11, 2025
March 26, 2025
April 8, 2025
April 30, 2025
May 13, 2025
May 28, 2025
June 10, 2025
June 25, 2025
July 8, 2025
July 30, 2025
August 12, 2025
August 27, 2025
September 9, 2025
September 24, 2025
October 14, 2025
October 29, 2025
November 12, 2025 at 4:00 P.M. (Veterans Day November 11th)
November 26, 2025
December 9, 2025
December 31, 2025**
January 6, 2026—Organizational Meeting

Motion Made By: *Darin Forbes*

Seconded By: *Laura Hooker*

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ROLL CALL VOTE:

COUNCILPERSON FOLLOS	AYE	
COUNCILPERSON FORBES	AYE	
COUNCILPERSON HOOKER	AYE	
COUNCILPERSON PRESTON	AYE	
SUPERVISOR SMITH	AYE	CARRIED

RESOLUTION #5-2025 REGULAR OFFICE HOURS AND SCHEDULE OF HOLIDAYS

BE IT RESOLVED that the Town Board for the Town of Wilmington hereby sets the regular business hours and the following Holidays for 2025 as follows:

Regular office hours 9:00am to 3:30pm Monday – Friday

Holidays—Offices Closed

January 20, 2025	Martin Luther King, Jr. Day
February 17, 2025	Presidents' Day
May 26, 2026	Memorial Day
June 19, 2025	Juneteenth National Independence Day
July 4, 2025	Independence Day
September 1, 2025	Labor Day
October 13, 2025	Columbus/Indigenous Peoples Day
November 4, 2025	Election Day
November 11, 2025	Veterans Day
November 27, 2025	Thanksgiving Day
November 28, 2025	Day After Thanksgiving
December 25, 2025	Christmas
December 26, 2025	Day After Christmas
January 1, 2026	New Year

Motion Made By: *Darin Forbes*

Seconded By: *Laura Hooker*

ROLL CALL VOTE:

COUNCILPERSON FOLLOS	AYE
COUNCILPERSON FORBES	AYE
COUNCILPERSON HOOKER	AYE

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COUNCILPERSON PRESTON AYE
SUPERVISOR SMITH AYE CARRIED

RESOLUTION #6-2025 PER DIEM RATES

BE IT RESOLVED that the Town Board for the Town of Wilmington hereby adopts the following per diem reimbursement rates for 2025:

Mileage rate	\$0.70/ mile for official business
Per Diem	When on official business, per US General Services Administration, Schedule of Rates 2025

Motion Made By: *Darin Forbes*

Seconded By: *Tina Preston*

ROLL CALL VOTE:

COUNCILPERSON FOLLOS AYE
COUNCILPERSON FORBES AYE
COUNCILPERSON HOOKER AYE
COUNCILPERSON PRESTON AYE
SUPERVISOR SMITH AYE

:

RESOLUTION #7-2025 DESIGNATION OF FINANCIAL INSTITUTIONS

BE IT RESOLVED that the Town Board for the Town of Wilmington hereby adopts the following financial institutions as the official depository accounts for 2025:

NBT Bank, NA and NYCLASS as the official depositories for the Town of Wilmington for 2025.
Additionally, this resolution further authorizes Supervisor Smith and Deputy Supervisor Preston as official signatories of the Supervisor Account(s) and to Town Clerk Dawn Stevens as official signatory of the Town of Wilmington Town Clerk and Tax Collector and Water Accounts.

Motion Made By: *Laura Hooker*

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Seconded By: *Darin Forbes*

ROLL CALL VOTE:

COUNCILPERSON FOLLOS	AYE	
COUNCILPERSON FORBES	AYE	
COUNCILPERSON HOOKER	AYE	
COUNCILPERSON PRESTON	AYE	
SUPERVISOR SMITH	AYE	CARRIED

RESOLUTION #8-2025 OFFICIAL NEWSPAPER

BE IT RESOLVED that the Town Board for the Town of Wilmington hereby designates the following newspapers as the official newspapers for the Town of Wilmington for the year 2025:

Press Republican and SUN Community News (Town Law §64(11))

Motion Made By: *Darin Forbes*

Seconded By: *Laura Hooker*

ROLL CALL VOTE:

Y

COUNCILPERSON FOLLOS	NO	
COUNCILPERSON FORBES	AYE	
COUNCILPERSON HOOKER	AYE	
COUNCILPERSON PRESTON	AYE	
SUPERVISOR SMITH	AYE	CARRIED 4-1

RESOLUTION #9-2025 BUDGET OFFICER

BE IT RESOLVED that the Town Board for the Town of Wilmington hereby designates and appoints Nicole Forbes as Budget Officer for 2025.

Motion Made By: *Tim Follos*

Seconded By: *Tina Preston*

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ROLL CALL VOTE:

COUNCILPERSON FOLLOS	AYE	
COUNCILPERSON FORBES	ABSTAIN	
COUNCILPERSON HOOKER	AYE	
COUNCILPERSON PRESTON	AYE	
SUPERVISOR SMITH	AYE	CARRIED 4-1

RESOLUTION #10-2025 RECEIVER OF TAXES/RECORDS MANAGEMENT

BE IT RESOLVED that the Town Board for the Town of Wilmington hereby designates Dawn Stevens, Town Clerk as Receiver of Taxes, Registrar of Vital Statistics, Marriage Officer, Records Management Officer and Access Officer for the Town of Wilmington for 2025.

Motion Made By: *Tina Preston*

Seconded By: *Darin Forbes*

ROLL CALL VOTE:

COUNCILPERSON FOLLOS	AYE	
COUNCILPERSON FORBES	AYE	
COUNCILPERSON HOOKER	AYE	
COUNCILPERSON PRESTON	AYE	
SUPERVISOR SMITH	AYE	CARRIED all in favor

Motion made to amend the following resolution to cap expenses to \$2500. Without Board approval.

Moved By: *Laura Hooker*

Seconded By: *Favor Smith* **ALL in favor**

RESOLUTION #11-2025 AUTHORIZATION TO HIGHWAY SUPERINTENDENT

BE IT RESOLVED that the Highway Superintendent Louis Adragna or his Deputy Highway Superintendent is authorized to rent and/or purchase highway equipment and materials according to Highway Law §143 up to \$2500.00 and the Town of Wilmington Procurement Policy as necessary, as well as hire temporary employees as deemed necessary.

Motion Made By: *Laura Hooker*

Seconded By: *Tim Follos*

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COUNCILPERSON FOLLOS **AYE**
COUNCILPERSON FORBES **AYE**
COUNCILPERSON HOOKER **AYE**
COUNCILPERSON PRESTON **AYE**
SUPERVISOR SMITH **AYE CARRIED**

RESOLUTION #12-2025 PREPAY AUTHORIZATION

BE IT RESOLVED that the Town Supervisor, or when required, the Town Deputy Supervisor are hereby authorized to pay in advance the audits of claims for public utility services (electric, gas, water, sewer and telephone services and the purchase of fuel oil), postage, freight, and express charges in addition to NYS Retirement and health insurance costs before they are audited. These payments shall be presented at the next regularly scheduled board meeting for audit as pre-pays.

Motion Made By: *Darin Forbes*

Seconded By: *Laura Hooker*

ROLL CALL VOTE:

COUNCILPERSON FOLLOS **AYE**
COUNCILPERSON FORBES **AYE**
COUNCILPERSON HOOKER **AYE**
COUNCILPERSON PRESTON **ABSTAIN**
SUPERVISOR SMITH **AYE CARRIED 4-1**

RESOLUTION #13-2025 FOIL OFFICER AND FOIL APPEAL OFFICER

BE IT RESOLVED that Dawn Steven, Town Clerk is hereby designated as the FOIL (Freedom of Information Law) Officer for the Town of Wilmington for 2025 and that Favor Smith, Town Supervisor, is hereby designated the FOIL Appeal Officer for the Town of Wilmington for 2025.

Motion Made by: Tina Preston

Seconded by: Darin Forbes

All in Favor CARRIED

Tim Follos requested the following Resolution be added to change the whole home STR fees and increase them by \$100. Per year.

Resolution #14-2025

BE IT RESOLVED that the yearly whole home STR fees be increased by \$100. per year.

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Multiple Family Dwellings	\$75.00
Non-Residential	\$100.00
Required for safety inspections pursuant To local law #1 of 2007	\$35.00/hour
Certificate of Inspection-no permit issued	\$50.00
Certificate of compliance or Occupancy Permit Issued	N/C

Planning Board Fees:

Site plan review	\$50.00 (plus \$75.00 if Public Hearing is required)
Subdivision Application fee	\$50.00 PLUS
Per lot fee	\$25.00
Community fee per lot (Minor Subdivision)	\$200.00/lot
Community fee per lot (Major Subdivision)	\$500.00/lot
Family subdivision exempt	
Signs	\$50.00

Zoning Board Fees:

Application fee	\$50.00
-----------------	---------

Cemetery Fees:

Single Plot	\$150.00
Additional Plot	\$150.00 each
4 Corner Markers (required)	\$175.00

Short Term Rental Fees: \$300.00 + \$50/bedroom per annum

Dog Licenses: \$10.00/spayed/neutered
\$20.00/unspayed/unneutered

Motion Made By: *Laura Hooker*

Seconded By: *Darin Forbes*

ROLL CALL VOTE:

COUNCILPERSON FOLLOS	NO	
COUNCILPERSON FORBES	AYE	
COUNCILPERSON HOOKER	AYE	
COUNCILPERSON PRESTON	AYE	
SUPERVISOR SMITH	AYE	CARRIED 4-1

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RESOLUTION #16-2025 ETHICS CODE

BE IT RESOLVED that the Town Board for the Town of Wilmington hereby adopts the following Ethics Balance Policy to replace and supersede any previous ethics policy adopted by Wilmington:

Town of Wilmington Ethics Code

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest, and

WHEREAS section 806 of the General Municipal Law requires the governing body of each county, city (other than the City of New York), town, village, school district and fire district¹ to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them, and

WHEREAS section 806 of the General Municipal Law also authorizes the governing body of any other municipality to adopt such a code of ethics, and

WHEREAS, a code of ethics adopted by the governing body of a municipality must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.

NOW, THEREFORE, be it resolved that the Town Board of the Town of Wilmington hereby adopts a code of ethics to read as follows:

Code of Ethics of the Town of Wilmington

Section 1. Purpose.

Officers and employees of the Town of Wilmington hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

Section 2. Definitions.

(a) "Board" means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning or board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.

(b) "Code" means this code of ethics.

(c) "Interest" means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than

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5% of the organization's outstanding stock.

(d) "Municipality" means Town of Wilmington. The word "municipal" refers to the municipality.

(e) "Municipal officer or employee" means a paid or unpaid officer or employee of the Town of Wilmington, including, but not limited to, the members of any municipal board.

(f) "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

Section 3. Applicability.

This code of ethics applies to the officers and employees of the Town of Wilmington, and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Wilmington.

Section 4. Prohibition on use of municipal position for personal or private gain.

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

Section 5. Disclosure of interest in legislation and other matters.

(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position.

In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

Section 6. Recusal and abstention.

(a) No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it,

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when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3) if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

Section 7. Prohibition inapplicable; disclosure, recusal and abstention not required.

(a) This code's prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:

(1) adoption of the municipality's annual budget;

(2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:

(i) all municipal officers or employees;

(ii) all residents or taxpayers of the municipality or an area of the municipality; or

(iii) the general public; or

(3) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter:

(1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;

(2) which comes before a municipal officer when the officer would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

Section 8. Investments in conflict with official duties.

(a) No municipal officer or employee may acquire the following investments:

(1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or

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(2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

(1) real property located within the municipality and used as his or her personal residence;

(2) less than five percent of the stock of a publicly traded corporation; or

(3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 9. Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

(a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;

can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;

(c) violates section 805-a(1)(c) or (d) of the General Municipal Law; or

(d) requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

Section 10. Future employment.

(a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.

(b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.

(c) No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

Section 11. Personal representations and claims permitted.

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This code shall not be construed as prohibiting a municipal officer or employee from:

- (a) representing himself or herself, or his or her spouse or minor children before the municipality; or
- (b) asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

Section 12. Use of municipal resources

(a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

(b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

- (1) any use of municipal resources authorized by law or municipal policy;
- (2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or

(3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule. (c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 13. Interests in Contracts.

(a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.

(b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.

Section 14. Nepotism.

Except as otherwise required by law:

(a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.

(b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

Section 15. Political Solicitations.

(a) No municipal officer or employee shall directly or indirectly to compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

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(b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

Section 16. Confidential Information.

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

Section 17. Gifts.

(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.

(b) No municipal officer or employee may directly or indirectly solicit any gift.

(c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:

(1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;

(2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the officer or employee.

(d) For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

(2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

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(f) This section does not prohibit any other gift, including: (1) gifts made to the municipality;
(2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;

(3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or

(6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

Section 18. Posting and distribution.

(a) The Town Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.

(b) The Town Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of Wilmington.

(c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the [insert "clerk of the municipality" or, if there is no clerk, insert "secretary"] who must maintain such acknowledgments as a public record.

(d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

Section 19. Enforcement.

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

Section 20. Effective date.

This code takes effect upon its adoption by resolution of the Town Board.

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Motion Made By: Laura Hooker

Seconded By: Tina Preston

ROLL CALL VOTE:

COUNCILPERSON FOLLOS **AYE**
COUNCILPERSON FORBES **AYE**
COUNCILPERSON HOOKER **AYE**
COUNCILPERSON PRESTON **AYE**
SUPERVISOR SMITH **AYE CARRIED ALL IN FAVOR**

RESOLUTION #17-2025 CREDIT CARD POLICY

BE IT RESOLVED that the Town Board for the Town of Wilmington hereby adopts the following Credit Card Policy to replace and supersede any previous policy adopted by Wilmington:

CREDIT CARD POLICY

- All permanently appointed employees will be allowed to use the Town credit card for Town purchases/expenditures.
- Credit card purchases/expenditures over \$1,000.00 will require prior Board approval.
- Credit card purchases/expenditures under between \$400 and \$1,000.00 will require approval by the Town Supervisor.
- Supporting documentation is required for each credit card purchase/expenditure. This documentation will be maintained by the Account Clerk, who will be responsible for reconciliation of the credit card statements.
- Use of the town credit card is not allowed for non-governmental purposes or personal purchases. Employees who make unauthorized expenditures with the Town credit card will be required to refund the full amount of the purchase to the Town. Persistent misuse of the Town's credit card may be grounds for dismissal.
- Employees will report any suspicion of misuse of the Town credit card to the Town Supervisor or any Board Member.
- When not in use, all credit cards will be kept in a fire-proof cabinet.
- The Town Board will review the Credit Card Policy annually, within the first quarter of the new fiscal year.

Motion Made By: Darin Forbes

Seconded By: Laura Hooker

ROLL CALL VOTE:

COUNCILPERSON FOLLOS **AYE**

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COUNCILPERSON FORBES **AYE**
COUNCILPERSON HOOKER **AYE**
COUNCILPERSON PRESTON **AYE**
SUPERVISOR SMITH **AYE CARRIED ALL IN FAVOR**

COUNCILPERSON PRESTON **Aye**
SUPERVISOR SMITH **Aye CARRIED All in Favor**

RESOLUTION #18-2025 INVESTMENT POLICY

BE IT RESOLVED that the Town Board for the Town of Wilmington hereby adopts the following Investment Policy to replace and supersede any previous policy adopted by the Town

INVESTMENT POLICY

I. SCOPE

This Investment Policy applies to all monies and other financial resources available to the Town of Wilmington for investment on its own behalf or on behalf of any other entity or individual.

II. OBJECTIVES

The primary objective of the Town of Wilmington government investment activities are in order of priority:

- (a) to conform with all applicable Federal, State and other legal requirements;
- (b) to adequately safeguard principal
- (c) to provide sufficient liquidity to meet all operating requirements; and,
- (d) to obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for the investment program is delegated to the Town Supervisor and the Town Board who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information, and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town of Wilmington to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the Town of Wilmington to diversify its deposits and investments by investment instrument and by maturity scheduling

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VI. INTERNAL CONTROLS

It is the policy of the Town of Wilmington for all monies collected by any officer or employee of the Town to transfer those funds to the Town Supervisor or Town Clerk within a reasonable period of time. The Town Supervisor is responsible for establishing and maintaining an internal control structure to provide reasonable assurance that deposits and investments are safeguarded against loss from unauthorized use of disposition, that transactions are executed in accordance with the Town Board's authorization and recorded properly and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITORIES

The bank authorized for the deposit of all Town funds up to the maximum amount shall be set by resolution of the Town Board of the Town of Wilmington at the January organizational meeting of each fiscal year.

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law §10, all deposits of the Town of Wilmington including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

- (a) By a pledge of "eligible securities" with an aggregate "market value" as provided by General Municipal Law §10, equal to the aggregate amount of deposits from the categories designated in Appendix A of the policy.
- (b) By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposit and the agreed upon interest, if any. A qualified bank is one whose commercial paper other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements
- (c) By a eligible surety bond payable to the Town of Wilmington for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorize to do business in New York State, who claims-paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities use for collateralizing deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the local government to exercise its rights against the pledged securities. If the securities are not registered or inscribed in the name of the Town of Wilmington, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town of Wilmington or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the Town of Wilmington, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become a part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution, or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and

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for the substitution of securities when change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Town of Wilmington a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by Municipal Law, §11, the Town of Wilmington authorizes the Town Supervisor to invest monies not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- (a) Special Time Deposit Accounts;
- (b) Certificates of Deposits
- (c) Obligations of the United States of America;
- (d) Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- (e) Obligations of the State of New York;
- (f) Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district, or district corporation other than the Town of Wilmington;
- (g) Obligations of public authorities, public housing authorities, urban renewal agencies, and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorized such investments;
- (h) Certificates of Participation (COPs) issued pursuant to General Municipal Law, §109-b;
- (i) Obligations of the Town of Wilmington, but only with any monies in a reserve fund established pursuant to General Municipal Law, §§6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Town of Wilmington within such times as the proceeds will be needed to meet expenditures for purposes for which the monies were provided, and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Town of Wilmington within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Town of Wilmington shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the Town of Wilmington conducts business must be creditworthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Town of Wilmington. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Town Supervisor is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners, and custodians. Such listing shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The Town Supervisor is authorized to contract for the purchase of investments:

- (a) Directly, including through a repurchase agreement from an authorized trading partner.
- (b) By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the Town Board.
- (c) By utilizing an ongoing investment program with an authorized trading partner

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pursuant to a contract authorized by the Town Board.

All purchased obligations, unless registered or inscribed in the name of the Town of Wilmington, shall be purchased through, delivered to, and held in custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town of Wilmington by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the Town of Wilmington, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become a part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

XIII. Repurchase agreements are authorized subject to the following restrictions:

- (a) All repurchase agreement must be entered into subject to a Master Repurchase Agreement.
- (b) Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- (c) Obligations shall be limited to obligations of the United States of America and obligations guaranteed by agencies of the United States of America.
- (d) No substitutions of securities will be allowed.
- (e) The custodian shall be a party other than the trading partner.

APPENDIX A

Schedule of Eligible Securities

- I. Obligations issued or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof, or a United States government sponsored corporation.
- II. Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
- III. Obligations partially insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public monies.
- IV. Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- V. Obligations issued by states (other than the state of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- VI. Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- VII. Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.

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- VIII. Obligations of domestic corporations rated one of the two highest rating categories by at least one nationally recognized statistical rating organization.
- IX. Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- X. Commercial paper and bankers' acceptances issued by a bank, other than the bank, rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of no longer than 60 days from the date they are pledged.
- XI. Zero coupon obligations of the United States government marketed as "Treasury strips".

Motion Made By: *Favor Smith*

Seconded By: *Tim Follos*

ROLL CALL VOTE:

COUNCILPERSON FORBES	Aye
COUNCILPERSON FOLLOS	Aye
COUNCILPERSON HOOKER	Aye
COUNCILPERSON PRESTON	Aye
SUPERVISOR SMITH	Aye

CARRIED All in Favor

RESOLUTION #19-2025 Reserve Funds Policy

BE IT RESOLVED that the Town Board for the Town of Wilmington hereby adopts the following Reserve Funds Policy to replace and supersede any previous policy adopted by Wilmington

RESERVE FUNDS POLICY

WHEREAS, the Town Board of the Town of Wilmington wishes to establish a policy that outlines the guidelines for opening and maintaining reserve funds at the Town; and

WHEREAS, reserve funds provide a mechanism for legally saving money to finance all or part of future infrastructure, equipment, repairs and unanticipated expenditures, and provide a degree of financial stability by reducing reliance on indebtedness in financing capital projects and acquisitions; and

WHEREAS, reserve funds have a specific intended purpose and are governed by requirements set forth by Article 2 of the General Municipal Law (GML) and New York State Statutes

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NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Wilmington hereby adopts the Reserve Funds Policy as attached hereto; and be it further

RESOLVED, that this Resolution shall take effect immediately.

TOWN OF WILMINGTON RESERVE FUNDS

Policy Statement:

The purpose of this policy is to establish guidelines for the Town of Wilmington ("the Town") in consideration of opening and maintaining Reserve funds. Reserve funds provide a mechanism for legally saving money to finance all or part of future infrastructure, equipment, repairs and unanticipated expenditures and provide a degree of financial stability by reducing reliance on indebtedness in financing capital projects and acquisitions. Reserve funds have a specific intended purpose and are governed by requirements set forth by Article 2 of the General Municipal Law (GML) and New York State Statutes.

Definitions:

Capital Improvement: Any physical improvement and any related preliminary studies and surveys; lands or rights in land, any furnishings, equipment, machinery, or apparatus for any physical improvement acquired at the time when machinery, or apparatus, for any physical improvement acquired at the time when such improvement is constructed, reconstructed, or acquired.

Equipment: Any equipment, machinery, or apparatus not included in the definition of capital improvement and for which a period of probable usefulness has been provided by law.

Unanticipated Expenditures: An expenditure for a specific purpose for which there is no or insufficient appropriation, or which cause an appropriation to be insufficient, that is necessitated by changes in law, court orders, public emergencies, or sudden common changes in prices, rates or premiums that occurred after adoption of the budget and which could not have been reasonably anticipated before the adoption of the budget.

Unanticipated Revenue Loss: Estimated revenue rendered unreceivable because of changes in law, court orders, or other circumstance which occurred after adoption of the budget and which could not have been reasonably anticipated before the adoption of the budget.

Eligible Portion of the Annual Budget: In the case of a contingency and tax stabilization reserve fund means the general fund and highway fund portions of the annual budget for the Town.

Reserves Authorized By General Municipal Law

Wilmington has identified three types of reserve funds that will help stabilize town finances and help guide future budget decisions: Capital Reserve Fund (GML Sections 6-c, 6-g); Repair Reserve Fund (GML Section 6-d); and Contingency and Tax Stabilization Reserve Fund (GML Section 6-e).

For Capital Reserve Funds, the general municipal law provides two categories: Specific and Type. The table below gives examples, based on the needs of the Town, of the capital improvements and equipment that can be financed through each respective reserve.

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Reserve Fund	Capital Improvement	Equipment
Specific	Highway Garage Firehouse Off-street Parking Lot	Bulldozer; Snowplow Truck
Type	Land Buildings (Municipal Bldg.; Auditorium) Building Alterations	Snow Removal Equipment; Street Cleaning Equipment; Highway Equipment; Fire Apparatus

Repair Reserve Funds are for the purpose of accumulating and providing for future use funds used to pay for certain non-recurring repairs to capital improvements or equipment.

Contingency and Tax Stabilization Reserve Funds are used to finance certain unanticipated revenue losses or unanticipated expenditures to the eligible portion of the annual budget and to lessen or prevent anticipated increases to the tax levy greater than 2.5% needed to finance the eligible portion of the annual budget

Guidelines

Reserve funds are established with a clear intent or plan in mind regarding the future purpose, use and, when appropriate, replenishment of funds from the reserve. The Wilmington Town Board should be involved from the point of consideration of opening a reserve account.

Board Direction and Oversight

To ensure reserve funds are properly established for an authorized and needed purpose, and balances in existing reserve funds are not accumulated excessively or unnecessarily, governing boards should consider the following:

- The reserve fits within, or compliments, the long range financial or capital plans of the Town.
- There is a written reserve fund plan or policy in place that addresses replenishing depleted reserve balances.
- Cash is being accumulated for the purchase of major equipment, or to help finance other major capital outlays.
- Cash is being sequestered to help mitigate the impact of other large, nonrecurring expenditures.
- There are risks that need to be protected against.
- Board members are provided with periodic financial reports on reserve fund activity.
- A limit has been established on the dollar amount to be accumulated for each reserve.
- The reserve is serving the purpose for which it was established.
- The best interests of the taxpayers are being met.

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Creating Reserves

Creating a Specific Capital Reserve

1. Board Resolution is required. A governing Board's Resolution must establish a specific improvement or equipment for a capital reserve and must state the estimated maximum cost of the item(s) of equipment or improvement. (See Appendix A)
2. There are no referendum requirements for Towns for expenditures made from a specific capital reserve fund, unless an authorization exists to issue indebtedness for the same improvement or equipment is subject to either a permissive or mandatory referendum.

Creating a Type Capital Reserve

1. Board Resolution is required. A governing Board's Resolution must establish the type of improvement or equipment; however, there is no requirement to state an estimated maximum cost in the Resolution. (See Appendix B)
2. There are no referendum requirements for Towns when establishing a type capital reserve fund.

Creating a Repair Reserve

1. Board Resolution is required. (See Appendix C)
2. There are no referendum requirements for Towns when establishing a repair reserve fund; however, any resolution that seeks to appropriate moneys from a repair reserve fund is subject to a public hearing, on at least five days' notice from the date of publication, unless at least two thirds of the board find it to be an emergency.
3. If NYS owns more than 30% of assessed value of the lands subject to taxation, the NYS Comptroller's Office must consent to the establishment of, and appropriations from, any repair reserve fund.

Creating a Contingency and Tax Stabilization Reserve

1. Board Resolution is required with an affirmative two-thirds vote of the town board and is subject to permissive referendum (See Appendix D).

Permissive and Mandatory Referendum Requirements

There are two types of referendums that apply to the establishment of, or expenditure of capital reserve funds--Permissive and Mandatory referendums as described below:

Permissive Referendum: An action subject to permissive referendum requires the municipality to publish and post a legal notice informing taxpayers of the board's planned action, for example, the establishment of a specific capital reserve. The legal notice also informs eligible voters of their right to file a petition to require the matter to be subjected to voter approval.

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Mandatory Referendum: For a mandatory referendum, no petition is filed and in all cases eligible voters of the municipality must approve the proposed action or question before the action can take place.

Permissive and mandatory referendum requirements for capital reserves are associated with the referendum requirements for bond issues.

Source of Funds

Reserve funds may generally be funded with:

1. Budgetary appropriations
2. Revenues not required by law to be paid into any other fund or account, for example, transfers from unexpended balances of existing appropriations and surplus moneys.

Use of Unexpended Balances

Generally, unexpended balances in a capital reserve fund may be transferred to another capital reserve having the same tax base.

1. **Capital Reserve Balance Remaining After Completion or Acquisition:** if there is an unexpended (residual) balance remaining in a specific or type capital reserve after the capital improvement or item of equipment has been completed or acquired, the governing board may appropriate all or any part of such remaining balance to another capital reserve fund without referendum. An amount sufficient to satisfy all outstanding claims arising from the construction, reconstruction, or acquisition of the improvement or the acquisition of the improvement or the acquisition of the equipment should remain designated for such claims until they are satisfied.

Additionally, in a municipality, all or part of the unexpended balance of a capital reserve established for a specific improvement or item of equipment that has been completed or acquired (less amounts required to satisfy all outstanding claims related to such improvement or equipment) may be appropriated for:

- a. An object or purpose for which bonds may be issued
 - b. The payment of interest on, and principal of indebtedness (except indebtedness for assessable improvements and certain indebtedness excludable from constitutional debt limits) (§6-c[9-a]).
2. **Capital Reserve Balances Never Utilized:** Where a specific capital reserve has been established, and the improvement or item of equipment (has not been acquired or completed), any transfer is subject to permissive referendum if the authorization for the creation of the reserve was subject to permissive referendum. While subject to a public hearing with 15 days' notice, unexpended balances may also be transferred to a Retirement Contribution Reserve Fund.

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Regulations: General Municipal Law (GML) Sections 6-c, 6-g, 6-d and 6-e.

ATTACHMENTS:

Appendix A: Resolution Establishing a Capital Reserve Fund to Finance a Specific Capital Improvement or Item(s) of Equipment

Appendix B: Resolution Establishing a Capital Reserve Fund to Finance a Type of Capital Improvement or Equipment.

Appendix C: Resolution Establishing a Town of Wilmington Repair Fund

Appendix D: Resolution Establishing a Contingency and Tax Fund

Appendix A

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "_____ Reserve Fund" (hereafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a specific [capital improvement] [item(s) of equipment]. The [capital improvement] [item(s) of equipment] to be financed from the Reserve Fund [is] [are] the [construction] [reconstruction] [acquisition] of _____. The estimated maximum cost of such [capital improvement] [item(s) of equipment] is _____.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. [The governing Board] [chief fiscal officer] may invest the moneys in the reserve fund in a manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provide by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceeding as may be required by Section 6-c of the General Municipal Law and any other law.

This Resolution is subject to (permissive / mandatory) referendum pursuant to subdivision 4 of Section 6- c of the General Municipal Law.

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Appendix B

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the "_____ Reserve Fund" (hereafter "Reserve Fund"). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of a type of [capital improvement] [equipment]. The type of [capital improvement] [equipment] to be financed from the Reserve Fund is the [construction] [reconstruction] [acquisition] of _____. The estimated maximum cost of such [capital improvement] [item(s) of equipment] is _____.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. [The governing Board] [chief fiscal officer] may invest the moneys in the reserve fund in a manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provide by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceeding as may be required by Section 6-c of the General Municipal Law and any other law, including permissive referendum if required by subdivision 4 of Section 6-c.

Appendix C

RESOLVED, that pursuant to Section 6-d of the General Municipal Law, as amended, there is hereby established a repair reserve fund to be known as the "Town of Wilmington Repair Reserve Fund" (hereafter "Reserve Fund"). This Reserve Fund is for the purpose of accumulating and providing for future use of moneys for those lawful purposes as set forth in GML Section 6-d, including to pay for non-recurring repairs of capital improvements or equipment and that withdrawal from such fund shall also be in accordance with Section 6-d of the New York General Municipal Law

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. [The governing Board] [chief fiscal officer] may invest the moneys in the reserve fund in a manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the

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Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provide by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fun without the approval of this governing board and such additional actions or proceeding as may be required by Section 6-d of the General Municipal Law and any other law.

Appendix D

RESOLVED, that pursuant to Section 6-e of the General Municipal Law, as amended, there is hereby established a reserve fund to be known as the “Contingency and Tax Stabilization Reserve Fund” (hereinafter “Reserve Fund”). The purpose of this Reserve Fund is to accumulate moneys to finance the cost of unanticipated revenue loss or unanticipated expenditures chargeable to the annual budget and to lessen or prevent increases in excess of 2.5% of the amount of the real property tax levy needed to finance the eligible portion of the annual budget.

The initial deposit into this Reserve Fund, which is no more than 10% of Fund “A” for the _____ final budget of the Town of Wilmington, shall be \$ _____.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. [The governing Board] [chief fiscal officer] may invest the moneys in the reserve fund in a manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, interest earned by the fund, capital gains or losses resulting from the sale of investments of the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provide by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fun without the approval of this governing board and such additional actions or proceeding as may be required by Section 6-d of the General Municipal Law and any other law.

This resolution is subject to a permissive referendum and the Town Clerk shall publish and post notice of permissive referendum pursuant to Town Law.

Motion By: Laura Hooker

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Seconded By: Dari Forbes_

ROLL CALL VOTE:

COUNCILPERSON FOLLOS **Abstain**
COUNCILPERSON FORBES **Aye**
COUNCILPERSON HOOKER **NO**
COUNCILPERSON PRESTON **Aye**
SUPERVISOR SMITH **Aye**

Carried 3-2

Resolution # 20-2025 PROCUREMENT POLICY

BE IT RESOLVED that the Town Board for the Town of 1Wilmington hereby adopts the following Procurement Policy to replace and supersede the previous Procurement Policy adopted in 2014.

PROCUREMENT POLICY

This resolution sets forth the policies and procedures of the Town of Wilmington to meet the requirements of General Municipal Law, Section 104-b.

PURPOSE

Goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to: (1) assure the prudent and economical use of public monies, in the best interests of the taxpayers; (2) to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and (3) to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Town of Wilmington is adopting internal policies and procedures governing all procurements of goods and services which am not required to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or of any other general, special or local law

STATUTORY EXCEPTIONS FROM THESE POLICIES AND PROCEDURES

Except for procurements made pursuant to General Municipal Law Section 103(3) (through County Contracts) or Section 104 (through State Contracts), State Finance Law Section 175-b (for agencies for the blind or severely handicapped), Correction Law, Section 186 (articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method of procurement which furthers the purposes of General Municipal Law Section 104-b.

METHODS OF COMPETITION TO BE USED FOR NON-BID PROCUREMENTS

The methods of procurement to be used are as follows:

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- Verbal Quotations: The telephone log or other record should record at a minimum, date, item or service desired, price quoted; name of vendor, name of vendor's representative.
- Written Quotations: Vendors should provide at a minimum: date, description of item or details of service to be provided, price quoted, name of contact.
- Requests for Proposals: An effective way to award contracts for professional services is to award them only after a minimum number of professionals are contacted and asked to submit written proposals. Requests for proposals (RFPs) are traditionally used as a means of obtaining all types of professional services. RFPs are used to obtain the services of architects, engineers, accountants; lawyers, underwriters, fiscal consultants; and other professionals.

AWARDS TO OTHER THAN LOWEST RESPONSIBLE DOLLAR VENDOR

Whenever any contract is awarded to other than the lowest responsible dollar offer, the reasons why such an award furthers the purpose of General Municipal Law Section 104-b, as set forth herein above, shall be documented as follows:

- Documentation should be in writing from a file compiled on past experiences with the Town of Wilmington or other municipalities.

ITEMS EXCEPTED FROM POLICIES AND PROCEDURES BY BOARD

- The Town Board sets forth the following circumstances when, or types of procurements for which, in the sole discretion of the Town Board, compliance with these policies will not be in the best interest of the Town of Wilmington and are not required:
 1. Emergencies where time is a crucial factor. An emergency can only be declared by the Town Board.
 2. Procurement for which there is no possibility of competition (sole source items)
 - 3 Procurements of professional services which because of the confidential nature of the services, do not lend themselves to procurement through solicitation.

INPUT FROM OFFICERS

Comments concerning the policies and procedures shall be solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of the policies and procedures and will be solicited from time-to-time hereafter.

Comments concerning the policies and procedures shall be solicited from officers of the political subdivision or district therein involved in the procurement process prior to the enactment of the policies and procedures and will be solicited from time-to-time hereafter.

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REVIEW

The Town Board shall annually review these policies and procedures. The Town Board shall be responsible for conducting an annual review of the procurement policy and for the evaluation of the internal control structure established to ensure compliance with the procurement policy

UNINTENTIONAL FAILURE TO COMPLY

The unintentional failure to fully comply with the provisions of this General Municipal Law, Section 104-b, shall not be grounds to void action taken or give rise to a cause of action against the Town of

Wilmington or any officer or employee thereof.

PROCEDURES FOR DETERMINING IF PROCUREMENTS ARE SUBJECT TO BIDDING

The procedures for determining whether a procurement of goods and services is subject to competitive bidding, and for documenting the basis for any determination that competitive bidding is not required by law, is as follows:

PROCEDURES FOR THE PURCHASE OF COMMODITIES, EQUIPMENT, OR GOODS

Submission of Purchase Order to Purchasing Department

DOLLAR LIMIT '	PROCEDURE
\$1 - \$500	Authorized personnel may make purchase using Payment Voucher
\$501 - \$1,499	Purchase made subject to review by the Supervisor
\$1,500 - \$2,999	Documented telephone quotes from at least 3 separate vendors (if available)
\$3,000 - \$9,999	Requires formal written quotes from 3 separate vendors (if available)
\$10,000 and up	Sealed bids in conformance with Municipal Law, Section 103

Quotes will be awarded to the LOWEST RESPONSIBLE AND RESPONSIVE vendor.

Proper documentation is required when the quote is not awarded to the vendor giving *the* lowest price. Proper documentation is necessary if the required number of quotes cannot be obtained.

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\$1,001 - \$3,000		Documented telephone quotes from at least 3 separate vendors (if available)
\$3,001 - \$13,000		Formal written quotes from at least 3 separate vendors (if available)
\$13,001 - \$19,999		Formal Request for Proposal (RFP) with a response from at least 3 separate vendors.
\$20,000 and up		Formal sealed bids in conformance with Municipal Law, Section 103.

The Town Board shall not be required to accept any of the quotes provided and shall have the right and discretion to contact other vendors for price quotes as long as none of the other vendors' quotes are disclosed.

In all circumstances, whenever other than the lowest quote is awarded, there must be WRITTEN documentation of the reason for the award.

UNDER NO CIRCUMSTANCES CAN A QUOTE THAT EXCEEDS THE BID LIMIT BE AWARDED.

PROFESSIONAL SERVICES AND CONSULTANTS

Whether the intent of Section 104-b also includes the hiring of consultants and professionals, the following shall apply

made by the Town Board. If funds are not specifically contained in the Town Budget, approval of the Town Board is required.

20,000and up

Prices will be obtained by RFP, with the award of contract being made by the Town Board.

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Awards to other than the lowest proposer must be properly documented with the rationale/reason for rejection of the lowest bid.

Any and all procedures not specifically covered in this policy will be adhered to as covered in General Municipal Law, Section 104-b.

AWARDING OF CONTRACTS

Contracts shall only be awarded by the Town Board. Funds *must* be in the budget prior to awarding *any* contract. Thus, if an appropriation from a contingent account is required, the Board must adopt such a resolution before the contract is or can be awarded.

Motion Made By: *Darin Forbes*

Seconded By: *Laura Hooker*

Roll Call

Tim Follos **Aye**
Darin Forbes **Aye**
Laura Hooker **Aye**
Tina Preston **Aye** **Carried all in favor**

The fund balance resolution was moved to be tabled.

Motion Made By: *Favor Smith*

Seconded By: *Tim Follos*
All in favor

Supervisor Smith wished everyone a Happy Healthy New Year, he thanked everyone for their patience in the past year, and he is looking forward to the New Year.

Public comment

Everyone who wanted to speak was allowed to.

Motion was made by Darin Forbes and seconded by Tina Preston with all being in favor of adjourning the meeting and called for a 10-minute recess before the regular monthly meeting.

Respectfully submitted,

Dawn Stevens

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