

Public Hearing on Local Law 4-2024 6:45 PM – 7:07 PM
Regular Monthly Meeting, Town of Wilmington Town Board,
October 8, 2024, Community Center 7:12 PM – 8:50 PM

To join virtual meeting please go to <https://meet.goto.com/townofwilmington> OR join on your phone by dialing, 1-408-650-3123 Access code:377-399-733

Attending Officers

Favor Smith - Supervisor

Tina Terry-Preston – Deputy Supervisor

Darin Forbes - Board Member

Tim Follos - Board Member

Laura Hooker – Board Member

Dawn Stevens – Town Clerk

Also attending sixteen signed in residents, several did not sign in and three remote viewers.

Public Hearing on Local Law 4 of 2024

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

Supervisor Favor Smith read the Public Hearing Notice, and the proposed Local Law 4 of 2024.

There was a discussion on how this would affect residential work and emergency work. There was also a discussion on fines for breaking this law. Everyone was allowed to speak that wished to. The board is going to refine the law.

Motion was made by Tina Terry-Preston to close the Hearing; it was seconded by Darin Forbes with all in favor.

Supervisor Smith called for a five-minute recess.

Regular Monthly Meeting 7:12 pm

Supervisor Smith called the meeting to order.

Resolution 137-2024 Resolved to accept the minutes from the September meetings.

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

Departments Reports were given or read giving updates on what the various Departments are doing or have already done.

Board Member Reports The board members discussed bed tax use , the need for a new generator for the town hall (Community Center),trainings that have been taken, and the upcoming Trick N Trunk event.

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The following was presented to the board

Memorandum of Understanding between the
Town of Wilmington and the
Adirondack Roots, Inc.

THIS Memorandum of Understanding (“MOU”) is made by and between the Town of Wilmington (“WILMINGTON”) and the Adirondack Roots, Inc (“ADK ROOTS”) (each a “Party,” and collectively, the “Parties”).

WHEREAS:

1. WILMINGTON is a municipality within Essex County and the current owner of the unimproved real property located at New York State Route 86, Wilmington, New York (Tax Map Id#26.1-1-13.1)(the “PREMISES”). WILMINGTON acquired the PREMISES with a view towards developing or allowing the property to be developed into affordable and attainable housing for the community (the “PROJECT”); and
2. ADK ROOTS is a not-for-profit housing agency that has agreed to undertake the development of the PROJECT; and
3. The Parties intend to cooperate with each other to ensure that the PROJECT is developed and completed, consistent with the goals and conditions for the creation of affordable housing;

NOW THEREFORE,

The parties have reached the following understanding:

ARTICLE I. Scope of Basic Undertakings

The Parties intend:

1. WILMINGTON will expend the balance of the funds remaining from its NBRD grant (currently \$_____) to assist with the preliminary site plan engineering as performed by MJ Engineering and further detailed in Appendix 1. WILMINGTON will also contribute “In Kind” undertakings for site work—tree removal, ingress and egress, and water infrastructure--

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towards the PROJECT and it is understood by the parties that WILMINGTON will seek additional grant funds to offset additional financial expense required for this undertaking.

2. ADK ROOTS shall undertake the construction of the PROJECT currently identified as the intention is to build 3 duplex rental properties for a total of six apartments that will be owned and managed by ADK ROOTS and rented to people earning up to 80 percent of the area median income. To meet that end, ADK ROOTS will hire consultants to conduct pre-development activities that are necessary to develop the PREMISES successfully.
3. The parties further intend to cooperate towards future development of the PREMISES to include single-family homes, to be determined and as site constraints, zoning and other considerations allow
4. Consistent with and subject to all restrictions placed on the use of PREMISES by reason of the grants given in support of the PROJECT, WILMINGTON shall transfer ownership to the PREMISES to ADK ROOTS or its assignee of a portion of the PREMISES as identified in a map of survey to be completed, of sufficient size and location to accomplish the goals of the PROJECT. Thereafter, WILMINGTON shall retain ownership of the remaining portion of said PREMISES and the PREMISES so conveyed to ADK ROOTS or its assignee shall be subject to right of way over the PREMISES to allow for public access to the retained WILMINGTON property.

ARTICLE II. Contact Points

To facilitate cooperation under this MOU, each Party will designate a contact point as specified in Appendix 2, which a Party may amend from time to time by transmitting revised contact information in writing to the other Party.

ARTICLE III. Nature of MOU

1. This MOU is a statement of intent that is not legally binding and does not create any direct or indirect enforceable right, obligation or liability; nor does it constitute any waiver of immunities or privileges on behalf of either Party or third parties. The Parties will endeavor to fulfill their intents under this MOU so far as consistent with applicable law and policy.
2. This MOU does not amend or supersede any law or regulation or any provision under existing agreements in force and applicable to either Party, nor does it limit the terms of any future agreement.
3. This MOU does not contemplate roles, responsibilities, or powers beyond those granted to the Parties under law.

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ARTICLE IV. Entry into Effect, Modification, and Termination

1. This MOU will enter into effect on the date when it is signed by both Parties.
2. This MOU may only be modified in writing and if both Parties agree in writing to do so.
3. Either Party may terminate this MOU by giving 30 days' advance written notice to the other Party.

Which led to the following resolution.

Resolution 138-2024 Resolved to direct Supervisor Smith to sign this contract so Adirondack Roots can move forward with the Housing Project.

Moved by *Laura Hooker* **Seconded by** *Darin Forbes* **Carried all in favor**

Motion was made to move the discussions of appointments to the Zoning Board of Appeals and the Planning Board till the end of the meeting in Executive Session.

Resolution 139-2024 Resolved to call for and enter into Executive Session – to discuss matters relating to the employment, promotion, demotion, discipline, suspension, dismissal, or removal of particular persons at the end of this meeting.

Moved by *Laura Hooker* **Seconded by** *Tim Follo* **Carried all in favor**

Resolution 140-2024 Resolved to pay the audited bills and make the transfers.

Moved by *Laura Hooker* **Seconded by** *Darin Forbes* **Carried all in favor**

The Public was asked if there was any further comment. Everyone who wished to speak did, they were also allowed to make comments and ask questions during the meeting.

Motion was made at 7:45 to go into executive session – to discuss matters relating to the employment, promotion, demotion, discipline, suspension, dismissal, or removal of particular persons.

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Moved by Laura Hooker Seconded by Darin Forbes All in favor

Motion was made at 8:45 to come out of Executive session.

Moved by Darin Forbes Seconded by Laura Hooker All in favor

There were no resolutions made in this session.

Motion was made to adjourn the meeting at 8:50.

Moved by Darin Forbes Seconded by Tina Terry-Preston All in favor

Respectfully submitted

Dawn Stevens