

**Regular Monthly Meeting, Town of Wilmington Town Board,
September 10, 2024, Community Center 7:00 PM – 8:12 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- Absent

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 seven remote viewers.

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

Resolution 127-2024 Resolved to accept the August 13,2024 minutes as written.

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

Resolution 128-2024 Resolved to accept the August 28,2024 minutes after typos are corrected.

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

Guest Speaker, Colin Loher was introduced by the Supervisor Favor Smith as the new Visitors Center Director. Colin gave a very nice introduction of himself and outlined what he would like to accomplish for the Bureau in the upcoming years. The following is a copy of the draft he used for his presentation; it is not exact because he added a few things as he went along. It covers the sentiment of the introduction.

Good evening everyone,

Thank you for taking the time to welcome me today. Favor has kindly invited me to briefly introduce myself. My name is Colin Loher, and I am both honored and excited to have the opportunity to speak with you.

Who I am/ Why I chose this job :

I have lived in this wonderful town for 26 years with my wife Erica. We have two kids: Cecy (18) and Henry (16) two dogs: Addy and Roo and two cats: Onyx and Mr. Man. During our time here, we have developed a deep appreciation for our community and its unique character. This 26-year long journey here has been both rewarding and fulfilling, and it has given me a strong understanding of what makes our town truly special.

I was not looking for a new job but when I saw the posting, I felt a strong pull towards it mostly because I was stoked to have an opportunity to help give back to the community that helped raise our kids.

Professionally, I have a multifaceted background. I have worked in many fields, most notably: hospitality, education, marketing and adventure guiding. These past professional experiences have helped equip me with a figuratively fully loaded Swiss army knife of skills in: event planning, youth mentoring, website design, marketing, as well as significant business, risk and time management skills

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What

I plan to do this new job

In my first year I want to keep things running as they have been.

In my second year I want to make improvements to the events we have historically offered and how we provide our services.

In my third year, I would like to create a couple new programs and events.

How I plan to do this job:

First year: I intend to learn everything I need to know to be successful in this new job. I am a lifelong learner so this will come easy to me as the teacher in me loves the pursuit of knowledge. I've been taking a lot of notes and will continue to do so. In a way, this new job will run me as I learn the ins and outs of its yearly, monthly, and daily operations. Thank you in advance for your patience. Speaking of which, you will have an annual report from the bureau by the end of the year. Finally, in this first year, Any knowledge/insights any of you may care to share. I'm listening. I am looking forward to partnering with you.

Second year: I intend to use what I have learned from my first year so that I can make the services and events we offer better than previous years. I will be running the job rather than it running me. To this end, I would like to continue to build relationships with local businesses and communities to see how our bureau can best meet their needs. I want to build a robust volunteer team and continue to offer the same events that this town has previously offered. Throughout my second year, I will have an eye towards making more changes in operational procedures, business membership opportunities, and town events and plan to present these new ideas to the town board by the end of this year

Third year: By this point, the business will be running itself. I want to implement the new changes while continuing to improve the services and events we have offered.

Where: I want to focus my efforts in Wilmington but also plan to reach out to build relationships and opportunities with other communities.

Closing remarks :

I believe in the power of collective effort and am eager to contribute my knowledge and enthusiasm to our shared goals. I am confident that, together, we can build on the strengths of our town and address any challenges that come our way.

Thank you once again for the warm welcome. I look forward to working closely with all of you and am excited about the opportunities that lie ahead.

Thank you.

Colin answered questions from the board and the attendees after the presentation.

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Supervisor Smith reminded everyone the first of the Budget Workshops will be held on September 11, at 4 pm.

Reports from Departments

Highway – *Excused, it was asked that the highway start giving the board written reports when he is unable to attend the meetings.*

Water – *The board was informed that a pump is not working at Whiteface and will have to be replaced. It will cost around \$7000. to \$8000., this money will be reimbursed to the town, from Whiteface when the work is completed, and the exact cost is known. The water usage report is at the end of the meeting minutes.*

Parks – *John reported that the beach is closed for the season, and equipment has been stored for the winter. He also informed the Board that the kitchen in the meeting room is clean and ready to reopen. The park has been busy planting fall Mums and doing maintenance on the Town Hall (Community Center).*

Codes – *The written codes report is attached at the end of the minutes.*

Youth Group- This is a letter received from the Wilmington Youth Committee - Summer Wrap-up- *The Summer Program was overall successful with 15 children enrolled, averaging 11 children in attendance and 2 counselors. WE had one child that signed up and did attend at all. Next year, we would like to add a third day and transportation. Is there any hope of the town replacing the senior bus?*

The Youth Committee emailed each of the town board members regarding hiring a ski program building attendant. This position was approved last year although, Pat Winch volunteered without compensation. The Youth Committee will not always be available to volunteer this year.

Thank You ,

Wilmington Youth Committee

*At the meeting Pat Winch offered to again Volunteer at no compensation for this program. **Thank You, Pat Winch.***

Reports from Board Members (Summary)

Everyone was thanked for coming, and Colin was welcomed to his new position, and everyone who helped with the Bike Fest was also thanked. The Bike fest was a great success.

A letter was read from the youth group summarizing the summer and making suggestions for next season.

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It was mentioned that the board needs to move forward again on the purchase of a new Generator for the Town Hall (Community Center), and the repairs to the Cemetery roads.

The bond for the Dam has been finalized. The discussions on the New Pavilion Project will begin again soon.

Resolution 129-2024 Resolved to publish the date of the Public Hearing for Local Law 4-2024, this hearing will be held Oct. 8,2024 at 6:45 pm, with the regular town board meeting immediately following.

Town of Wilmington

Local Law No. 4 of the year 2024

A Local Law to regulate noise due to construction activities

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

Article 1. - Authority. The Town Board of the Town of Wilmington, pursuant to the authority granted it under Section 130 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. - Statement of Purpose and Findings. The Town Board has determined that it would be beneficial for the Town to control and regulate the hours of operation for commercial construction, logging, and activity within the Town to mitigate the noise created by such activities. The provisions of this Local Law are intended to preserve and protect the health, character, safety, and general welfare of the residential neighborhoods and rural areas where such noise outside reasonable hours of operation produces adverse effects.

Article 3. - Enactment. No person shall perform, nor hire, direct, permit, allow or license another to perform, any construction work, or erect, demolish, assemble, alter, install or equip any building or structure, private or public highway, road, premise, park, utility line or other property, including but not limited to related activities such as land clearing, grading, earthmoving, excavating, filling and landscaping, performed outside of a fully enclosed structure after 7:00 p.m. or before 7:00 a.m., unless the Code Enforcement Officer determines that there is an imminent danger to life or property.

Article 4. Severability. If any part of this local law shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this local law.

Article 5. Effective Date. This local law shall be effective immediately upon the filing of same with the Secretary of State of the State of New York.

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Moved by Darin Forbes Seconded by Tim Follos

Roll Call Vote:

Councilperson Tim Follos **Aye**

Councilperson Darin Forbes **Aye**

Councilperson Laura Hooker **Aye**

Councilperson Tina Terry-Preston **Absent**

Town Supervisor Favor Smith **Aye** **Carried 4 Ayes 1 Absent**

The board was given drafts of Facilities use Agreements for use in 2025, these will be further reviewed at another meeting.

Resolution 130-2024 Resolved to move the Assessor Devan Korn from standard assessor to lead assessor and modify remuneration for FY2024.

Moved by Darin Forbes Seconded By Laura Hooker

Roll Call Vote:

Councilperson Tim Follos **Aye**

Councilperson Darin Forbes **Aye**

Councilperson Laura Hooker **Aye**

Councilperson Tina Terry-Preston **Absent**

Town Supervisor Favor Smith **Aye** **Carried 4 Ayes 1 Absent**

Resolution 131-2024 Resolved SUBJECT TO PERMISSIVE REFERENDUM ELIMINATING ONE (1) TOWN JUSTICE POSITION WITHIN THE TOWN OF WILMINGTON EFFECTIVE DECEMBER 31,2024,WHICH RESOLUTION WAS DATED THE 10TH DAY OF SEPTEMBER ,2024

RESOLUTION PURSUANT TO TOWN LAW 60-A REDUCING THE NUMBER OF TOWN JUSTICES IN THE TOWN OF WILMINGTON FROM TWO (2) TO ONE (1) EFFECTIVE AT THE END OF DECEMBER 31, 2024

The following resolution was offered by Councilperson Laura Hooker, who moved its adoption.

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WHEREAS, the Town of Wilmington current has two (2) elected Town Justices;

WHEREAS, the elected term of office for one (1) current elected town justice expires on December 31, 2024, and the current incumbent has declined to seek re-election;

WHEREAS, upon information and belief, the Town understands that there is no candidate on the ballot for Town of Wilmington Town Justice for this year’s election in November 2024;

WHEREAS, the Town believes it is the best time to eliminate one of the two elected Town Justices and that it would be in the best interests of the Town to reduce the number of Town Justices to one (1);

WHEREAS, in addition to the expense to the taxpayers of having two (2) Town Justices relative to the case load and revenue, from 2019 to the date hereof, the Town has also found that the two (2) elected Town Justices have struggled with the reporting and regulatory requirements from the NYS Office of New York State Comptroller and NYS Office of Court of Administration due in large measure to the absence of clerical assistance,

AND NOW THEREFORE,

BE IT RESOLVED, that pursuant to the provisions of Town Law Section 60-a(2), the Town of Wilmington hereby reduces to one (1) the number of Town Justices for the Town of Wilmington, with the Town Justice position having an elected term of office expiring on December 31, 2024, being eliminated; and

BE IT FURTHER RESOLVED that this Resolution shall be subject to permissive referendum as provided by Article 7 of the Town Law (Sections 90-94); and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and directed to publish notice of this Resolution in the official newspaper of the Town within ten (10) days, and also within ten (10) days to post notice of this Resolution on the signboard of the Town; and

BE IT FURTHER RESOLVED, that this resolution shall take effect on the thirtieth (30) day, or upon such resolution having been approved by an affirmative vote of a majority of qualified electors of such town, if a valid petition be filed within the statutorily authorized time period forcing such question on the ballot at a general or special town election.

Moved by Laura Hooker Seconded by Darin Forbes

Roll Call Vote:

Councilperson *Tim Follos* **Aye**

Councilperson *Darin Forbes* **Aye**

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Councilperson Laura Hooker **Aye**

Councilperson Tina Terry-Preston **Absent**

Town Supervisor Favor Smith **Aye** **Carried** 4 Ayes 1 Absent

Resolution 132-2024 Resolved to formally congratulate, thank and honor the Wilmington Fire Department for **One Hundred Years** of dedication and service to the Town of Wilmington.

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

Resolution 133-2024 Resolved to express the Town of Wilmington's Condolences to the family of Billie Loughran.

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

Resolution 134-2024 Resolved to pay the audited vouchers for the month of August and make any transfers and budget amendments needed.

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

Public Comment Everyone who had a question or wished to speak did so. Questions and comments were allowed throughout the meeting.

Resolution 135-2024 Resolved to table the scheduled Executive Session until all Board Members could be present.

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

Darin Forbes made a Motion to adjourn the meeting 8:12 pm. Motion was accepted with a Unanimous Second

Respectfully Submitted,

Dawn Stevens