

**Special Meeting, Town of Wilmington Town Board,
November 7, 2024, Community Center 4:00PM – 4:35 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 absent

Tim Follos - Board Member Absent

Laura Hooker – Board Member

Dawn Stevens – Town Clerk

Also attending three signed in residents, and one remote viewer.

Supervisor Favor Smith called the meeting to order, and the Pledge of Allegiance was recited.

Supervisor Smith read the following Special Meeting Notice.

NOTICE OF SPECIAL MEETING

PLEASE TAKE NOTICE that a SPECIAL meeting of the WILMINGTON TOWN BOARD has been called for November 7, 2024, at 4:00 pm at the Community Center, 7 Community Circle Drive, Wilmington, New York 12997.

PLEASE TAKE FURTHER NOTICE, that the purpose of this meeting is for the board to review and consider the grant contract with New York State under the NYS Environmental Protection Fund Local Waterfront Revitalization Program to prepare the West Branch Sediment Study and Restoration Plan [contract C1002646] and the Memorandum of Agreement with the AuSable Freshwater Center to oversee the project and raise any additional funds required therefor; and to authorize the supervisor to execute said contracts, designate the supervisor as MWBE liaison and execute any further documents needed to effectuate the agreements.

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Dated: November 1, 2024, TOWN OF WILMINGTON

The Memorandum of Agreement was read by Supervisor Smith. Which lead to the following resolutions after a brief discussion.

Resolution 144-2024 Resolved to accept the Grant contract with NYS and Memorandum of Agreement with the AuSable freshwater Center.

Moved by Tina Preston Seconded by Laura Hooker

Councilperson *Laura Hooker* **Aye**

Councilperson *Tina Preston* **Aye**

Councilperson *Favor Smith* **Aye** **Carried- 3 Ayes 0 Nays**

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MEMORANDUM OF AGREEMENT

***Between Town of Wilmington and
Ausable Freshwater Center***

Whereas, in 2023 the Town of Wilmington submitted an application to the New York State Department of State under the Environmental Protection Fund Local Waterfront Revitalization Program to prepare the West Branch Sediment Study and Restoration Plan (the Study), and

Whereas, the New York State Department of State approved the application and allocated \$320,643 to prepare the Study, and

Whereas, the New York State Department of State established Contract Number C1002646 with the Town of Wilmington, authorizing responsibility for maintaining and processing all fiscal records associated with the program to the Town of Wilmington, and

Whereas, Contract Number C1002646 authorizes the Town of Wilmington to oversee completion of the program and all the project components, including the procurement of consulting services and executing necessary contractual arrangements to complete the project, as outlined in the scope of services contained in the grant agreement which is attached hereto. and

Whereas, the Ausable Freshwater Center (AFC) is a not-for-profit organization dedicated to protecting the water quality and promoting watershed protection for the Adirondack Park; AFC is ready to begin working on the Study,

Therefore, the parties agree that the Ausable Freshwater Center will oversee completion of the project including procurement of consulting and other contractual services, such as the raising of the required 25% match (\$106,881), as set forth in the grant agreement to the satisfaction of the Town of Wilmington and the New York State Department of State. The Ausable Freshwater Center will be responsible for the compilation and preparation of payment requests which it will present to the Town of Wilmington for final review, signature, and submission to the New York State Department of State. AFC will also be responsible for preparation and submission of any required status reports.

The parties also agree that the Town of Wilmington will be responsible for retaining copies of payment requests on file and for final review, signature and submission to the New York State Department of State and subsequent disbursements of funds to the Ausable Freshwater Center, which will in turn disburse funds to contractors being paid under the project.

AFC will submit reimbursement paperwork to the Town of Wilmington for signature on the completion of key tasks and work products or at minimum quarterly. Upon signature, AFC will file said reimbursement paperwork with DOS. DOS will reimburse the Town of Wilmington. The Town will, within 48 hours of receipt from DOS, provide a check to AFC for the full amount of reimbursement.

The provisions of NYS Department of State Contract #C1002646 are hereby incorporated into this Memorandum of Agreement. In the case of conflict between this Memorandum of Agreement and Department of State Contract #C1002646, the latter shall control.

By: _____

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Favor Smith, Supervisor

Kelley Tucker, Executive Director

Town of Wilmington

Ausable Freshwater Center

Dated: _____

Dated: _____

Resolution 145-2024 Resolved to authorize Supervisor Favor Smith to function as MVBE liaison per NYS requirement, to execute the grant contract and MOA on behalf of Wilmington; and to take any further action needed to effectuate the agreements.

Moved By *Laura Hooker* **Seconded By** *Tina Preston*

Councilperson *Laura Hooker* **Aye**

Councilperson *Tina Preston* **Aye**

Councilperson *Favor Smith* **Aye** **Carried- 3 Ayes 0 Nays**

Public Comment

Everyone that wished to comment, or ask questions was allowed to do so.

Motion was made by Tina Preston and seconded by Laura Hooker to adjourn the Meeting.

Respectfully submitted,

Dawn Stevens