

**AGENDA****TOWN OF GALWAY  
TOWN BOARD MEETING****February 14, 2023**

Call to order – Supervisor Smith

Roll Call – Town Clerk Defoe

Pledge to the flag – All

Approval of the minutes for the meeting held January 25, 2023

Communications Received – Town Clerk DefoeReports of Committees:

Youth Commission/Community Outreach-Colleen

Historian-Darby

Budget

Approval of Abstract Fund A

Approval of Abstract Fund B

Approval of Abstract Fund DA

Approval of Abstract Fund DB

Approval of Abstract Fund SL

Approval of Abstract Fund SF-1

Approval of Abstract Fund SF-2

Approval of Abstract Fund AM-1

Supervisor's Report- not this month

Budget Amendments- Highway

Resolutions:

- Appoint Ronald Spraker as Deputy Highway Superintendent
- Appoint Vicky Hayner as Confidential Secretary to the Supervisor- effective February 6, 2023

Executive Session(if requested):Other Business

-up date on comprehensive plan--Agri Business round table February 21, 2023

-Community Building update.

Priviledge of the Floor:Adjourn

REGULAR MEETING  
FEBRUARY 14, 2023  
GALWAY TOWN HALL

Supervisor Michael Smith called the Regular Meeting to order at 7:10 p.m. The following Town Board Members were present:

Supervisor Michael Smith	Councilmember Fred Arnold
Councilmember JoAnne Grant	Councilmember Ryan Flinton
Councilmember J. D. Arnold	

OTHERS PRESENT: D. Knizek-Neahr, Historian; S. & B. Burns; T. O'Brien, Dog Control Officer; M. Senich & M. DeFoe, Town Clerk.

Pledge to Flag

A motion was made by Councilmember Fred Arnold, seconded by Councilmember J.D. Arnold to approve the minutes of the January 25, 2023 Regular Meeting as submitted. All ayes.

MOTION CARRIED

Communications -- Town Clerk stated that Legal Notice was placed in Daily Gazette on 1/28/23 advising that Local Law No. 1 of 2023 was adopted by the Galway Town Board on 1/25/23 imposing a Moratorium on Large Solar Energy Systems in the Town. Save the date was received from Galway Volunteer Fire Company regarding their 100<sup>th</sup> Anniversary Celebration scheduled for Saturday, August 26<sup>th</sup> 2023 there will be a parade; music; food & fun! All Board Members received copies of the following: Colleen's Community Outreach & Youth Commission Report; Highway Report for January with schedule for February; Budget Amendments Requested by Highway Department along with packet of information relating to those budget amendments; Yearly Resolution to Appointment Deputy Highway Superintendent; Yearly Resolution regarding agreement for expenditure of Highway Moneys; February Association of Town's Newsletter & the Assessor's Report.

**COMMITTEE/DEPARTMENT HEADS/LIAISON REPORTS - Historian** -- Darby stated that the display cases were complete at Town Hall honoring the Fire Department. She is still working on reorganizing Historian's Office. Thanked Supervisor for new lights in office & outside. She has been fighting with door, Supervisor stated that he thinks Harry fixed door. If new door is needed let him know. Supervisor asked if she wanted to address correspondence regarding Cummings Pond. Darby stated she didn't have information with her regarding this. Supervisor stated that a gentleman from the Preservation Society sent an email correspondence to him with his request that the Town purchase Cummings Pond giving history of pond. Supervisor forwarded letter to Town Board Members. Town Clerk stated that all correspondence should also be sent to her.

Councilmember Fred Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the January 2023 General Abstract of Vouchers (A) for a total of \$58,296.77.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember J.D. Arnold to approve the January 2023 General Abstract of Vouchers (B) for a total of \$3,185.90.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember Ryan Flinton to approve the January 2023 Highway Abstract of Vouchers (DA) for a total of \$66,377.94.

All ayes.

MOTION CARRIED

Councilmember Ryan Flinton made a motion, seconded by Councilmember Fred Arnold to approve the January 2023 Highway Abstract of Vouchers (DB) for a total of \$5,918.87.

All ayes.

MOTION CARRIED

Councilmember Fred Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the January 2023 Special Lighting District Abstract of Vouchers (SL) for a total of \$236.96.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember J.D. Arnold to approve the January 2023 Galway Fire District Abstract of Vouchers (SF1) for a total of \$310,000.42.

4- AYES 1- ABSTAIN Councilmember Fred Arnold MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember Ryan Flinton to approve the January 2023 Harmony Fire District Abstract of Vouchers (SF2) for a total of \$19,830.87.

All ayes.

MOTION CARRIED

Councilmember Ryan Flinton made a motion, seconded by Councilmember Fred Arnold to approve the January 2023 Ambulance Fund Abstract of Vouchers (AM) for a total of \$178,750.31.

All ayes.

MOTION CARRIED

No Supervisor's Report.

**RESOLUTION #: 10-2023** – Budget Amendments. On a motion of Councilmember Fred Arnold, seconded by Councilmember JoAnne Grant the following resolution was ADOPTED: AYES – 5 NAYS – 0

RESOLVED that the Galway Town Board authorize the following budget amendments:

DECREASE	DA 2665	\$43,061.50	Auctions International Check #19163 Equipment Sale
DECREASE	DA 2665	\$9,395.00	Auctions International Check #19528 Equipment Sale
INCREASE	DA 5130.2	\$52,456.50	Equipment

DECREASE	DB 2401	\$3,262.69	Galway Lions Club Check #3460
			Interest & Earnings
INCREASE	DB 5110.42	\$3,262.69	Stone & Rubble
All ayes.			MOTION CARRIED

**RESOLUTION #: 11-2023** – Authorization for Expenditure of Highway Money. On a motion of Councilmember Ryan Flinton, seconded by Councilmember J. D. Arnold the following resolution was ADOPTED BY ROLL CALL VOTE:

Supervisor Michael Smith – AYE	Councilmember Fred Arnold – AYE
Councilmember JoAnne Grant – AYE	Councilmember Ryan Flinton – AYE
Councilmember J.D. Arnold – AYE	

RESOLVED that the Galway Town Board approve the 2023 Highway Agreement for Expenditure of Highway Moneys in the amount of \$415,500.00 to be set aside for the expenditure of primary work and general repairs upon 57.77 miles of Town of Galway Highways.

AYES – 5 NAYS – 0

MOTION CARRIED

**RESOLUTION #: 12-2023** – Budget Amendment. Supervisor Smith stated that a check was received for the Galway Seniors from the Town of Providence and it was deposited into account in error instead of just given to Seniors. On a motion of Councilmember JoAnne Grant, seconded by Councilmember Fred Arnold the following resolution was ADOPTED: AYES – 5 NAYS – 0

RESOLVED that the Galway Town Board authorize the following budget amendments:

DECREASE	B2705	\$600.00	Gits & Donations
INCREASE	B6772.4	\$600.00	Aging Recreational Contractual
All ayes.			MOTION CARRIED

**RESOLUTION #: 13-2023** – Appointment of Ronald Spraker as Deputy Highway Superintendent. On a motion of Councilmember Fred Arnold, seconded by Councilmember J.D. Arnold the following resolution was ADOPTED:

AYES - 5 NAYS – 0

RESOLVED that the Galway Town Board appoint Ronald Spraker as Deputy Highway Superintendent, term 1/1/23 to 12/31/23.

All ayes.

MOTION CARRIED

**RESOLUTION #: 14-2023** – Appointment of Victoria Hayner as Confidential Secretary to Supervisor. On a motion of Councilmember JoAnne Grant, seconded by Councilmember Ryan Flinton the following resolution was ADOPTED:

AYES – 5 NAYS – 0

RESOLVED that the Galway Town Board appoint Victoria Hayner Confidential Secretary to Supervisor, term 2/6/23 to 12/31/23.

All ayes.

MOTION CARRIED

**RESOLUTION #: 15-2023** – Request corridor study of NYS Route 29. Supervisor advised that he had a meeting with Mary Beth Walsh where they discussed traffic concerns at Route 29 & Route 147 intersection. Mary Beth stated that she had also been

approached by Sandy at Village Pizzeria to have DOT study done in that location. Board went into discussion regarding NYS Route 29 and determined that the entire section from Middle Grove Road to Fishhouse Road needed to be looked at. On a motion of Councilmember Fred Arnold, seconded by Councilmember JoAnne Grant the following resolution was ADOPTED: AYES – 5 NAYS – 0

RESOLVED that the Galway Town Board request that a letter be drafted to NYS DOT which will be forwarded to them through Assemblymember Mary Beth Walsh requesting a corridor traffic study be conducted on NYS Route 29 from Middle Grove Road to Fishhouse Road of all intersections especially the intersection of NYS Route 29 & NYS Route 147 with reference to needed turning lanes.

All ayes.

MOTION CARRIED

Supervisor Smith stated that the next meeting of the Comprehensive Plan Committee is on February 21<sup>st</sup> at 7:00 p.m., all agricultural businesses have been requested to attend. Letters were drafted to agricultural owned property owners' news release will be going out. Supervisor will be out of town for this meeting.

Community Building Update - Supervisor Smith stated he met with the well drillers and they are anticipating that they can start process within the next couple weeks. National Grid easement information was received today to run electric. No pricing has been received from them to date but mapping is complete and easement executed.

Privilege of the Floor – **Tom O'Brien** went over his concerns with the illegal construction done at 2478 Galway Road. It is disappointing to him that this building could be constructed and they could ignore Planning Board Process; County Planning Process; DOT traffic study; Town Building Law; Town Building Permit Process; Town Engineering approval; no inspections; no neighbor notification or public hearing input. Tom is one of the direct neighbors that will now have to deal with the ongoing issues associated with this establishment. There are other neighbors that are located even closer to project. A solar project packed the Town Hall with residents wanting to keep the town rural. Solar panels don't make any noise or create a disturbance as that of a wedding venue. Now it's a wedding venue, who's to say that doesn't change to become a brewery or a bar with his lack of respect for the Town & its regulations. How does the Town keep people from building anything they want? He was not fully against this venue from the beginning, but deeply concerned about the new way that people are doing things to change our rural town not necessarily for the better! The Town Board had no additional comments regarding this.

**Brien Burns** of Cruthers Road stated that he and Stephanie came before the Town Board last year asking that the Board consider closing 1,320 feet of Cruthers Road. They came to the December meeting as they regularly do to fine Cruthers Road on the agenda for discussion. Three other home owners from the road were also in attendance. No notification was given to them that Board was going to address this at the December meeting. Kathy Gordon had drafted a letter to Board & Highway Superintendent of the history of Cruthers Road and requested that it not be closed. At that meeting the Board determined that they would not be closing any portion of Cruthers Road. After the meeting Brian & Stephanie contacted an attorney that suggested they draft a letter to

Board with the Hatala family history of Cruthers Road. They did this and no further discussion was had by Board with reference to Cruthers Road. Stephanie sent notification to Town Supervisor regarding her concerns with Highway Superintendent & crew working on Town equipment on Highway Superintendent Costanzo's property. No response from Supervisor was given. Brien questioned why the Highway Superintendent or his Deputy is not in attendance at Town Board Meeting. They will not return a call, so how do they get answers. The Highway trucks come down Cruthers Road almost daily 5 days a week and sit at end for a bit then make a mess of turn around and leave. The Highway crew advised her last week that they were there to fix horse crossing sign as they were notified it was damaged. Brien stated that the Highway Department took the time to straighten the horse crossing sign but he can't get a response from them regarding the wet sections that need addressing, drainage issues or his concerns that surface is unsafe. Meeting was going to take place with Highway Superintendent; Councilmember Fred Arnold; Supervisor Smith and both he and Stephanie. Next day equipment showed up on road aggregate was dropped down embankment and then steam rolled, drainage issue was never addressed. A Freedom of Information Request was sent in asking for any complaints or concerns that were received regarding Cruthers Road for the last two years. The only thing that was addressed other than their concerns were when Monica called about horse sign and call states (called again). No other complaint or concern was given to them on F.O.I.L. They are asking for "All Complaints & Concerns", the word again implies that this is another complain yet they were not given any other complaints. Tax payers' money is being spent to have highway department constantly monitor & wash the horse crossing sign that is visible to people leaving their property. He feels there are back-room kitchen table dealings that are inappropriately being done with reference to this road. They pay their taxes just like the next guy. Brian stated that he has been complaining about the Highway Superintendent for months, where is he? Where does Town Board stand on abandoning 1,320 feet of Cruthers Road? Councilmember Ryan Flinton stated that there are no secret Town Board Meetings. Councilmember Flinton stated that there are three issues he sees them having: 1. Issue with Highway Superintendent. 2. The decision to entertain the idea of closing Cruthers Road. 3. Neighborhood dispute. Brian Burns stated that his issues are that the road either needs to be abandoned for 1,320 feet or the highway department needs to do proper maintenance needed on the end of road; lack of Highway Superintendents attendance at Town Board Meeting and not returning calls from tax payers; F.O.I.L. request, he feels is not being fully addressed with other complaints/concerns. Councilmember Flinton stated that a rural highway in town is a resource for the community. Supervisor Smith stated that the Highway Superintendent is an elected official. Town Board allocates the funding to Highway as we did in resolution tonight, that is the extent of Town Board authority over Highway Superintendent. Brian stated that Town Bi-Laws indicated that Elected Officials attend 70% of the Town Board Meetings. Supervisor Smith stated that he has asked the Highway Superintendent to attend the Town Board Meeting and he has not. Supervisor Smith stated as an elected official, the public has the ability to not re-elect if they are unhappy. Councilmember Fred Arnold stated that he believes Cruthers Road is on the schedule for drainage in the spring. He will find out and contact them. Councilmember Ryan Flinton stated that he can't support abandoning of road; he does validate that better attention is needed with them from Highway Superintendent.

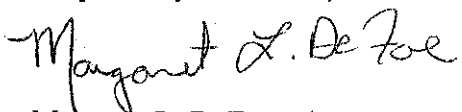
Councilmember J.D. Arnold questioned if the needed repairs are completed that the abandonment issue goes away? If road maintenance is completed Brian & Stephanie would not pursue abandonment request any further. Mary Senich started talking about neighboring issues and Supervisor Smith stated that Town Board doesn't get involved in neighbor disputes. Mary Senich stated that she has called Dave a few times about sign thinking it was vandalized.

Councilmember Ryan Flinton made a motion, seconded by Councilmember Fred Arnold to adjourn the meeting at 8:10 p.m.

All ayes.

MOTION CARRIED

Respectfully submitted,



Margaret L. DeFoe  
Town Clerk