

**TOWN OF GALWAY
TOWN BOARD MEETING****January 25, 2023**

Call to order – Supervisor Smith

Roll Call – Town Clerk Defoe

Pledge to the flag – All

Approval of the minutes for the meeting held December 13, 2022
And the minutes of the Organizational Meeting held Jan 3, 2023

Communications Received – Town Clerk Defoe

Reports 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

Supervisor's Report-
Budget Amendments-

Resolutions:

- Approve Insurance Coverage with Amsure for 2023 as presented
- Approve purchase of doors for Meeting Room and new window for Historians Office(Curtis)
- Approve design proposal for community building at dockstader field.
- Approve local law #1 of 2023 for a solar moratorium.
- Accept the Audits on Tax collector for 2022 and Town Clerk for 2022

Executive Session(if requested):

Other Business

-up date on comprehensive plan-Agri Business are next.
-Veterans Park

Priviledge of the Floor:

Adjourn

REGULAR MEETING
 JANUARY 25, 2023
 GALWAY TOWN HALL

Supervisor Michael Smith called the Meeting to order at 7:00 p.m. The following Town Board Members were present:

PRESENT: Supervisor Michael Smith Councilmember Fred Arnold
 Councilmember JoAnne Peregrim-Grant Councilmember Ryan Flinton
 Councilmember J.D. Arnold

OTHERS PRESENT: T. O'Brien, Dog Control Officer; T. Gilday, Code Enforcement; S. & B. Burns; P. Flinton; A. McPherson; S. Costanzo & M. DeFoe, Town Clerk. R. Sleeper arrived late at 7:18 p.m.

Pledge to the Flag

A motion was made by Councilmember JoAnne Grant, seconded by Councilmember Ryan Flinton to approve the minutes of the December 13, 2022 Regular Meeting & the January 3, 2023 Public Hearing/Organizational Meeting as submitted.

All ayes.

MOTION CARRIED

Communications – Town Clerk stated that Board Members received copies of the following correspondence: Quote from Curtis Lumber for two doors in meeting room & window for Historian's Office; Next meeting of the Comprehensive Plan Committee will include a roundtable discussion with local Agricultural Businesses; Architectural & Engineering Service contract for new building at ballfield; Newspaper article given to Board from Andy McPherson on "Duanesburg Committee introduces revised town solar law"; Assessor Report for December; Monthly newsletter from RISE; Notification from NYS Department of Public Service on virtual NYS Winter Assistance Workshop on 1/26/23 at 1 p.m.; Monthly newsletter from Association of Towns; Highway Department Report for December with Schedule for January; Packet from Attorney regarding Solar Law & SEQRA Resolutions; Youth Commission & Community Outreach Report; Resolution will be needed to accept Town Clerk Audit, Supervisor should have one for Tax Collector Audit as well; budget amendments needed; correspondence was received from Harmony Corners Fire District with elected Fire Commissioners Oath of Office for his 5 year term commencing 1/1/23, Secretary/Treasurer Lynne Gipp Oath of Office for 2023, District insurance coverage for Employee Theft Insurance/Crime Insurance from 3/1/22-3/1/23 as well as summary of coverage for 3/1/23-3/1/24; Packet from Highway Superintendent regarding discrepancies in Supervisor's Report for 2022 with reference to Tri-Town Gravel & DB Accounts Clarification needed in CHIPS & EWR Funds; Highway Superintendent Retirement Issues which Supervisor Smith stated he will sit down & discuss with Dave; Town Clerk would like Teresa Hart to be appointed Deputy Town Clerk & Deputy Registrar.

COMMITTEE/LIAISON/DEPARTMENT HEAD REPORTS: None

Councilmember Fred Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the December 2022 General Abstract of Vouchers (A) for a total of \$29,345.48.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember J.D. Arnold to approve the December 2022 General Abstract of Vouchers (B) for a total of \$7,840.00.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember Ryan Flinton to approve the December 2022 Highway Abstract of Vouchers (DA) for a total of \$54,764.58.

All ayes.

MOTION CARRIED

Councilmember Ryan Flinton made a motion, seconded by Councilmember Fred Arnold to approve the December 2022 Highway Abstract of Vouchers (DB) for a total of \$220.94.

All ayes.

MOTION CARRIED

Councilmember Fred Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the December 2022 General Abstract of Vouchers (SL) for a total of \$246.61.

All ayes.

MOTION CARRIED

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 \$28,550.65.

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 \$2,190.04.

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 \$28,135.06.

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 \$22,971.60.

All ayes.

MOTION CARRIED

Councilmember Fred Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the January 2023 Tri-Town Abstract of Vouchers (TT) for a total of \$421.40.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember J.D. Arnold to approve the January 2023 Community Building Abstract of Vouchers (HA) for a total

of \$2,000.00

All ayes.

MOTION CARRIED

Supervisor Michael Smith stated that there was a soft close Supervisor's Report for December 2022, he would like Board to wait until Final Close is done for approval.

RESOLUTION #: 2-2023 – Budget Amendments. On a motion of Councilmember Ryan Flinton, seconded by Councilmember J.D. Arnold the following resolution was ADOPTED: AYES – 5 NAYS – 0

RESOLVED that the Galway Town Board authorize the following Budget

Amendments:

Decrease	B2705	Gifts & Donations	\$30.00
Increase	B7310.4	Youth Contractual	\$30.00
(Youth Money)			

Decrease	B2705	Gifts & Donations	\$45.00
Increase	B7310.4	Youth Contractual	\$45.00
(Galway Jr Rifle)			

All ayes.

MOTION CARRIED

Supervisor will sit down with Highway Superintendent to see where he wants CHIPS money moved to for next month.

RESOLUTION #: 3-2023 – Authorization to approve insurance package. On a motion of Councilmember Ryan Flinton, seconded by Councilmember Fred Arnold the following resolution was ADOPTED BY ROLL CALL VOTE:

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

RESOLVED that the Galway Town Board approve the insurance package provided by Amsure Insurance with New York Municipal Insurance Reciprocal in an amount not to exceed \$44,278.75.

5 - AYES 0 - NAYS

MOTION CARRIED

RESOLUTION #: 4-2023 – Authorize purchase of doors & window. Supervisor Smith stated that he has been working on getting a reasonable price on replacing the doors in meeting room and window in Historian's Office. Ed Pike a local contractor will do work at \$50 per hour. 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 approve the Curtis Lumber quote for the purchase of two doors and PVC brick mould in an amount not to exceed \$1,731.14 for the main meeting room to be charged to A1620.4 Town Hall Contractual & a sliding window for Historian's Office in an amount not to exceed \$586.28 to be charged to A7510.4 Historian Contractual.

All ayes.

MOTION CARRIED

RESOLUTION #: 5-2023 – Approve design proposal for community building at Dockstader Field. The Supervisor, Councilmember Ryan Flinton & Code Enforcement Officer felt that we needed to have a third party architectural & engineering services done at this point in project. The total estimated cost for project will be between \$500,000 & \$600,000. Still don't have estimates from National Grid which they said we would have before Christmas. Councilmember Ryan Flinton stated he has talked with contractors about how swamped National Grid is with projects in general. Treavor stated the benefit of having the drawings done now is if we go out to bid and it doesn't come back reasonable, we can sit on drawings until things are more available. Supervisor Smith would like to meet with Planning Board to go over site plan. On a motion of Councilmember JoAnne Grant, seconded by Councilmember Ryan Flinton 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 design proposal base contract for Community Building at Dockstader Field by Angerame Architects in the amount of \$46,300 to be charged to HA5031 Community Building.

AYES – 5 NAYS - 0

MOTION CARRIED

**TOWN OF GALWAY
2023 RESOLUTION NO. 6
A Resolution Making a SEQRA Determination
Regarding Local Law No. 1 of 2023,
a Local Law Regulating
Solar Collection Systems**

Introduced by: Supervisor

WHEREAS, the Town of Galway wishes to establish a uniform procedure for regulating solar energy equipment and systems installations within the Town; and

WHEREAS, a Public Hearing was held on January 3, 2023 to consider the proposed Local Law.

Now, therefore, be it

RESOLVED, the Town Board has considered the potential environmental impacts of adopting the legislation and has determined it to be a Type II action requiring no further review pursuant to 6 NYCRR section 617.5.

A motion by Councilmember Ryan Flinton, seconded by Councilmember J.D. Arnold, to adopt Resolution No.6 of 2023.

A roll call vote was taken on Resolution No. 6 as follows:

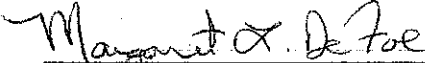
Supervisor Michael Smith – AYE

Councilmember Fred Arnold – AYE

Councilmember JoAnne Grant – AYE
Councilmember J.D. Arnold – AYE

Councilmember Ryan Flinton – AYE

Resolution No. 6 of 2023 was adopted at a meeting of the Town Board of the Town of Galway duly conducted on January 25, 2023.



Margaret L. DeFoe, Town Clerk

**TOWN OF GALWAY
2023 RESOLUTION NO. 7
A Resolution Adopting Local Law No. 1 of 2023,
A Local Law Imposing a Moratorium on Large Solar Energy Systems**

Introduced by: Supervisor Michael Smith

WHEREAS, Local Law No. 1 of 2023 attached hereto, proposes to impose a six (6) month moratorium, renewable for up to two (2) 90-day periods on large solar energy systems; and

WHEREAS, the moratorium is necessary to allow the Town Board to consider and implement a solar energy Local Law; and

WHEREAS, a public hearing was held regarding the proposed moratorium in a duly noticed Public Hearing on the proposed Local Law at a meeting of the Town Board on January 3, 2023; and

WHEREAS, pursuant to 6 NYCRR §617.5 (a) and (c)(30), the Town Board's consideration and adoption of a moratorium on land development is a Type II Action and is not subject to review under SEQRA;

Now, therefore, be it

RESOLVED, that pursuant to the Town Board's authority under NYS Town Law §261-C and Municipal Home Rule Law §10, the proposed Local Law No. 1 of 2023, imposing a Moratorium on Large Solar Energy Systems, is hereby adopted; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish a descriptive notice of the adoption of the Local Law No. 1 of 2023 within 5 days of its adoption by the Town Board; and be it further

RESOLVED, that the Town Clerk is hereby directed to file a Certified Copy of Local Law No. 1 of 2023 with the New York State Department of State no later than 20 days of the date of its adoption by the Town Board; and be it further

RESOLVED, that the Director of the Department of Building and Planning shall file a copy of the Local Law No. 1 of 2023 with the Town and County Planning Boards; and be it further

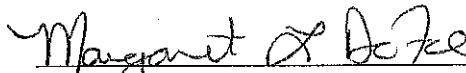
RESOLVED, that the Town Clerk shall attach a copy of Local Law No. 1 of 2023 to the minutes of this Town Board meeting.

A motion by Councilmember JoAnne Grant, seconded by Councilmember Fred Arnold, to adopt Resolution No.7 of 2023.

A roll call vote was taken on Resolution No. 7 as follows:

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

Resolution No. 7 of 2023 was adopted at a meeting of the Town Board of the Town of Galway duly conducted on January 25, 2023.


 Margaret L. DeFoe, Town Clerk

TOWN OF GALWAY
 LOCAL LAW NO. 1 OF 2023

A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE
 MORATORIUM PROHIBITING LARGE SCALE
 SOLAR INSTALLATIONS WITHIN THE TOWN OF GALWAY

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

SECTION 1. TITLE

This Local Law shall be known as the “Moratorium on and Prohibition of Large-Scale Solar Installations Within the Town of Galway”.

SECTION 2. STATUTORY AUTHORITY; PURPOSE AND INTENT.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Galway under the New York State Constitution, and the Law of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, Section 2 (c)(ii)(6), (10); Municipal Home Rule Law § 10(1); Municipal Home Rule Law § 10(1)(ii)(a)(6), (11),

(12), and (14); Municipal Home Rule Law § 10(1)(ii)(d)(3); Municipal Home Rule Law §10(2); Municipal Home Rule Law § 10(3); Municipal Home Rule Law § 10(4)(a), and (b); Statue of Local Governments § 10(1), (6), and (7); Town Law § 64 (17-a); Town Law § 130(3) and (15); Town Law §135; Town Law Article 16 (Zoning & Planning) inclusive; Environmental Conservation Law §3-0301(1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 617, also known as the State Environmental Quality Review Act, as it pertains to applications that are neither excluded nor exempt from this Local Law.

This Local Law is a land use regulation. This Local Law is intended and is hereby declared to address matters of local concern, and it is declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive "incidental control" of a zoning law and land use law that is concerned with the broad area of land use planning and the physical use of land and property within Town, including the physical externalities associated with certain land uses, such as potential negative impacts of such uses on a community.

This Local Law shall supersede and suspend those provisions of the Zoning Local Law the Town of Galway and New York State Law which require the Planning Board and/or the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

This Local Law is intended to temporarily prohibit the creation or siting of large-scale solar power installations (as herein later defined) and solar energy systems within the Town of Galway for a period of six (6) months with up to two (2) 90-day extensions as deemed appropriate by the Town Board, pending the development and adoption of Local Laws designed to regulate and govern such installations.

The Town Board recognizes and acknowledges that the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate the future creation and siting of large-scale solar installations. The Town Board has formally requested the Planning and Zoning Attorney of the Town of Galway to identify and review local laws from other jurisdictions, and related information and source materials, in order to assist in developing the parameters of a local law to regulate large scale solar installations.

The Town Board also recognizes the need to review and examine its existing ordinances, local laws and Zoning Code provisions insofar as they may be affected by adoption of such local law(s) regulating the creation and/or siting of large-scale solar power installations. It is deemed necessary to enact this moratorium in order to permit the Town adequate time in which to draft suitable legislation for this purpose. During the term of the moratorium in order to permit the Town adequate time in which to draft suitable legislation for this purpose. During the term of the moratorium the Town of Galway shall work to prepare and eventually adopt new land use regulations to incorporate into the Town's existing Zoning Local Law.

At this time, there are no pending applications for the location, development or site plan approval of a large-scale solar installation, although the Town has been notified of a developer's interest to construct a solar energy system in town.

During the pendency of the moratorium, the Town Board will consider how best to permit such installations so as to harmoniously integrate such installations with the existing agricultural community and landscape. At present, the Zoning Code of the Town of Galway may not adequately regulate such land use. If the community allows such development during that time, the goals of the Town Comprehensive Plan and its related legislation favoring the successful continuity of agricultural operations could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to develop and adopt necessary zoning and land use changes to the Zoning Code of the Town of Galway, thus protecting and furthering the public interest, health and safety.

SECTION 3. DEFINITIONS.

For the purpose of this Local Law, the following terms shall have the meanings respectively set forth below:

Large Scale Solar Installations(s) – Any installation of solar energy systems, panels, equipment and/or buildings or structures undertaken for commercial purposes with an intention of generating power from the sun and converting such power into electricity for resale to or by a third party (which does not include any individual that directs such produced energy back into the public grid solely to off-set their own energy consumption). Large Scale Solar Installations specifically do not include any solar panel collection system or array undertaken by individual landowners, householders or farmers for their own person use.

SECTION 4. TEMPORARY MORATORIUM and PROHIBITION.

- A. Unless permitted pursuant to Section 5 hereafter, from and after the date this Local Law is adopted by the Town Board, no new applications for a permit, zoning permit, special use permit, zoning variance, site plan approval, subdivision approval, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town of Galway, for the construction, establishment, or use or operation of any land, body of water, building, or other structure located within the Town of Galway for an Large Scale Solar Installation, as defined above.
- B. Unless permitted pursuant to Section 5 hereafter, from and after the date this Local Law is adopted by the Town Board, no Person shall use, cause, or permit to be used, any land, body of water, building, or other structure located

within the Town of Galway for any Large-Scale Solar Installation, as defined above.

- C. The prohibitions set forth above in Clauses A and B of this Section are not intended, and shall not be construed, to prevent or prohibit the use and development of solar panel arrays or collection systems for a personal or individual use on or about any residence, or any family farm, so long as such use does not produce energy for the purpose of use by or resale to or by any third party. The term "use by or resale to or by any third party" as used immediately above shall not be construed to include any individual that directs such produced energy back into the public grid solely to offset their own energy consumption.
- D. This moratorium and prohibition shall be in effect immediately upon its adoption and subsequent filing with Secretary of State and shall expire on the earlier of (i) that date which is three (3) months after said effective date; or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists.
- E. This moratorium and prohibition shall apply to all real property within the Town of Galway and all land use applications for the siting or creation of Large-Scale Solar Installations within the Town of Galway.
- F. Under no circumstances shall the failure of the Town Board of the Town of Galway, the Zoning Board of Appeals of the Town of Galway the Planning Board of the Town of Galway, or the Code Enforcement Officer of the Town of Galway to take any action upon any new applications for a permit, zoning permit, special use permit, zoning variance, site plan approval, subdivision approval, or other Town-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

SECTION 5. HARDSHIP VARIANCE RELIEF FROM APPLICABILITY OF MORATORIUM.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this local law following a noticed public hearing before the Town Board, at which hearing the Town Board may consider:

- A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other environmental concerns.
- B. The impact of the proposed application on the applicant's premises and upon the surrounding area.

- C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.
- D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Galway.
- E. The written opinion of the Town of Galway Planning Board and the Town of Galway Code Enforcement Officer that such application may be jeopardize or made impractical by waiting until the moratorium is expired.
- F. Such other reasonable considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be consistent with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner, and a finding that the grant of any exemption will be in harmony with, and will be consistent with the recommendations of the Comprehensive Plan.

An application for relief of application of the moratorium shall be accompanied by a fee of \$500, together with the applicant's written undertaking, in a form to be approved by an Attorney for the Town, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application, including but not limited to any fees incurred by the Town for services provided by an Attorney for the Town.

SECTION 6. PENALTIES.

- A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500) or imprisonment for not more than ten (10) days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500) or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause A., each day that a violation of this Local Law exists shall constitute a separate and distinct offense.
- B. Compliance with this Local Law may also be compelled, and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.
- C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the

Town relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the property(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

SECTION 7. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation or Code provision.

SECTION 8. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary, as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and person or circumstances, a portion hereof is severed or declared invalid or unenforceable.

SECTION 9. EFFECTIVE DATE.

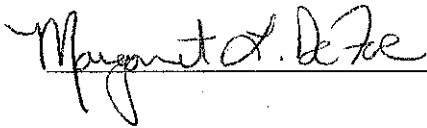
The effect date of this Local Law shall be immediately upon its adoption by the Town Board and its subsequent filing with the Secretary of State and shall be immediately effective upon a person or business individually served with a copy thereof before its filing with the Secretary of State.

CERTIFICATION

I hereby certify that the Local Law designated as Local Law No. 1 of 2023 of the Town of Galway was duly adopted by the Town Board of the Town of Galway on January 25, 2023, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding Local Law No.1 of 2023 with the original Local Law on the file in this office, and that the same is a correct transcript

therefrom and of the whole of such original Local Law, and that such Local Law was finally adopted by the Town Board of the Town of Galway on January 25, 2023.



Margaret L. DeFoe, Town Clerk

(Seal)

January 26, 2023

RESOLUTION #: 8-2023 – Accept Audits of Town Clerk Books. Supervisor Smith stated that he didn't bring the Tax Collector Audit with him, will need to do that next month. Councilmember JoAnne Grant thanked Town Clerk for condition of books for audit. 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 accept the audit findings as received from Councilmember JoAnne Grant for the Town Clerk's Books for 2022.

All ayes.

MOTION CARRIED

RESOLUTION #: 9-2023 – Appoint Teresa Hart Deputy Town Clerk & Deputy Registrar. Town Clerk DeFoe stated that Teresa is already a Deputy in Charlton, she works with Williamson Law in Charlton should be an easy transition to Galway. Town Clerk stated that since the hours were cut for 2023 budget, it would just be for sick days & vacations. Supervisor Smith questioned if she would be interested in Friday's. Town Clerk stated that she would ask her, budget adjustment would be needed as there isn't enough there to cover everything with 2023 budget changes in salary line. 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 appoint Teresa Hart Deputy Town Clerk & Deputy Registrar at \$19.96 per hour to be charged to A1410.12 Deputy Personnel Services.

All ayes.

MOTION CARRIED

Supervisor Michael Smith stated that the Board needed to adjourn meeting to Executive Session at 7:35 p.m. to "Discuss medical, financial, credit or employment history of a particular person or matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion, or suspension."

On a motion of Councilmember Fred Arnold, seconded by Councilmember JoAnne Grant the Town Board returned to Regular Session at 7:55 p.m., Supervisor Smith advised that no action was taken by Town Board during Executive Session.

Other Business – Supervisor Smith advised that at the next Comprehensive Committee Meeting they will be having a roundtable discussion with Agricultural Businesses in Town. The Veteran's Committee has a local person interested in starting the project in the circle outside Town Hall. Supervisor will sit down with Highway Superintendent to discuss possibly doing an overlay on parking lot this year.

Privilege of the Floor – **Tom O'Brien** questioned what the status was on the building constructed without a permit at 2478 Galway Road (Star Farm). **Treavor Gilday** stated that he has implemented a Stop Work Order. He is working with their engineer as building requires a sprinkler system and it doesn't have one. Nothing can take place in building until a sprinkler system has been put in place. The Town Attorney has indicated to building Administrator that the use of building falls under the category of Aga tourism and is allowed. **Tom** stated that no inspections were done on entire project & no perk testing. **Treavor** stated that is why there is a stop work. He has provided stamped design drawings which Treavor is trying to work the other issues out with engineer. He will need to sprinkler the building at about \$200,000 plus fines incurred with Town. The Board went into a small discussion on definition of Aga tourism as defined by state. NYS Agriculture & Markets would be covering agency. **Rick Sleeper** questioned if Star Farm was paying sales tax when they had an event? **Treavor** stated he had no idea how agricultural exemptions worked on the financial end. **Tom** stated that he wasn't totally against the entire thing, his concerns was with the illegal way building was constructed. He doesn't want to hear fireworks every time they have a wedding. **Supervisor Smith** stated that fireworks do require a permit process thru the Town Clerk's Office. **Treavor** stated that how the Town Code reads this is a permitted use that doesn't need to go before Planning Board for approval. This is why the Town is working on updating the Comprehensive Plan, aga tourism was a blueberry farm when the last Comprehensive Plan was done. **Supervisor Smith** stated that there are many areas that the Board will need to address in the Comprehensive Plan that was not an issue 22 years ago when it was done. **Rick** felt that owner was disrespecting the Town. With his restaurant and catering services his water supply system is certified thru the State. He monitors water daily and State monitors monthly. He feels the liability issues for the Town are numerous. **Councilmember Grant** stated that currently Stop Work has been issued so liability would be on owner. **Treavor** stated that if a corrected set of drawings with sprinkler system is not supplied, he will have to condemn building and drag owner into court. **Brian Burns** questioned size of building. **Treavor** stated building was 5,200 square feet.

Rick Sleeper commended Town Board for starting process for review of Comprehensive Plan. He's not sure what the Town Policy & Procedures are for this but he would have like to see a larger cross section of people involved in the review. **Supervisor Smith** stated that the Board basically just got started and picked a firm to work with on the update. Board stated that there will be many group discussions large public participation in meeting is anticipated. They will either take place at Fire House or School. Each month another demographic will be asked to attend for input. **Rick** questioned if it would have been better to wait until that cross section of the community had been included in discussions on proposed capital improvement project at ball field. Is this what community is looking for at this time or is there another way the residents would like to go. The Town has not had a capital improvement project of this magnitude since before the current Comprehensive Plan was put into place. He felt that Board had cart before the horse on this project. **Supervisor Smith** stated that he has been discussing proposed building with al different groups throughout Town from youth commission to seniors. **Councilmember Flinton** stated that the Board has seen a large increase in field usage over the past couple years. **Rick** stated that proposed building was going to cost more than the Town Hall building did. He felt a referendum or public notification should be

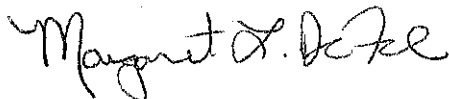
done before project that cost over a half million is approved. **Supervisor Smith** stated that we currently have no safe place for summer recreation program. If a storm comes in, they have to get the children in cars for protection. This will be an enclosed pole barn type building with a concrete floor that can be used for numerous events/activities/groups. Lots of positive feedback has been received from public on project. The head project planner is going to get the school & PTSA involved in Comprehensive Plan. Hopefully, once the children are involved the younger parents of community will take an interest. **Andy McPherson** questioned if Facebook was being used to question how the people want to see Galway grow? **Supervisor Smith** stated that Facebook is being used to acknowledge meetings for Comprehensive Plan on 3rd Tuesday of each month. He would like people to come in to share their ideas at meetings. **Pat Flinton** questioned if Facebook and newsletter have been used to get information out on proposed building? **Supervisor Smith** was not sure on that.

On a motion of Councilmember Fred Arnold, seconded by Councilmember JoAnne Grant the meeting was adjourned at 8:28 p.m.

All ayes.

MOTION CARRIED

Respectfully submitted,



Margaret L. DeFoe
Town Clerk