

AGENDA

TOWN OF GALWAY TOWN BOARD MEETING

June 13, 2023

Call to order – Supervisor Smith

Roll Call – Town Clerk Defoe

Pledge to the flag – All

Approval of the minutes for the meeting held May 09,2023

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- Supervisor Reports from Jan, Feb, March, April, May

Budget Amendments-none

AUD has been filed with the state

Resolutions:

- Appoint Monica Vanderhoof as the Republican Election Custodian

Other Business

- Veterans Memorial in front of Town Hall
- Family Fun Day June 17th
- Comprehensive Plan Meeting at the Galway Highschool Auditorium(Lake District)

Priviledge of the Floor:

Adjourn

Letter from Town of Huntington regarding Voter's Identification Resolution; Notification from Empire Center's Policy Academy with classes being offered; Association of Towns Newsletter for May/June; Solicitation from Greg Cook at Hometown Press advising they could do full color newsletter at no cost to municipality, completely funded by community advertising; Monica Vanderhoof sent an email to Town Board requesting clarification on the votes on NYS Election Audit Resolution; Letter was sent by Supervisor Smith to Assemblywomen Walsh & Senator Tedisco asking that NYSDOT conduct a corridor study along NYS Route 29 thru the Town of Galway; Copy of letter sent by Senator Tedisco & Assemblywomen Walsh to NYSDOT regarding of request; Information was forwarded to Town Historian regarding Abandoned Cemeteries Webinar & Lewis County Cemetery Workshop; Update to AMSURE Insurance packet regarding Cyber/Breach Response; Signed copy of Youth Service Project Agreement between County & Town; Thank you note from Donna Sowle for flowers sent by Town after Ed's passing; NYS Department of Taxation & Finance Office of Real Property Tax Services advising that the Equalization Rate is at 80.00 for the Town for 2023 & email correspondence in favor & against the Fetter project on Galway Road, Supervisor advised Town Clerk to compile said correspondence didn't need to read.

COMMITTEE/DEPARTMENT HEADS/LIAISON REPORTS: **Historian - Darby Knizek-Neahr** heading up the Brick sales for the Veteran's Memorial Park, applications are available. Darby stated that she noticed on Facebook that the "Donnan Barn on Crane" was being taken down. Darby requested a few pieces of that barn to incorporate into her remodel of Historian's Office as the Donnan Family has been a part of Galway since 1836. Donnan's are currently into the 5th generation of farmers in Galway. She ended up getting a sign that stated "James G. Donnan & Son's" from 1922. Darby stated that the Crane Street Barn was actually owned by James Robert Donnan. He had a partnership with his cousins James George & Hume Donnan. In 1960 that barn was purchased. Will be doing more research on "Bonijamour", will have a display in her office when completed with research. She has a door from that barn to display in Historian's Office. **Community Outreach- Colleen Forneris** advised that Family Fun Day was taking place this coming Saturday from 1-4 everything is free. They will have food; fun activities; inflatable slide; from 2-3 hands on reptile display; Weaver County Band will be playing; children's activities and stations; meditation session; karate demo then open participation. July 29th will be the 2nd Blueberry Festival from 9-2. Memory Cafe is held the last Friday of every month at 1 p.m. at Town Hall in conjunction with the Alzheimer Association where people experiencing memory loss can come with their loved ones/care givers and interact with others caregivers can get information on options available to them. Community garden did not work out, soil was not good for veggies. It will be a pumpkin patch available in the fall for community kids to do something fun with pumpkins. There are 2 bins outside that have starter plants in them that will be producing soon.

Councilmember Fred Arnold made a motion, seconded by Councilmember J.D. Arnold to approve the May 2023 General Abstract of Vouchers (A) for a total of \$28,735.23.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember Ryan Flinton to approve the May 2023 General Abstract of Vouchers (B) for a total of \$4,299.72.

All ayes.

MOTION CARRIED

Councilmember Ryan Flinton made a motion, seconded by Councilmember Fred Arnold to approve the May 2023 Highway Abstract of Vouchers (DA) for a total of \$6,377.70.

All ayes.

MOTION CARRIED

Councilmember Fred Arnold made a motion, seconded by Councilmember J.D. Arnold to approve the May 2023 Highway Abstract of Vouchers (DB) for a total of \$49,778.22.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember Ryan Flinton to approve the May 2023 Special Lighting District Abstract of Vouchers (SI.) for a total of \$135.81.

All ayes.

MOTION CARRIED

Councilmember Ryan Flinton made a motion, seconded by Councilmember Fred Arnold to approve the May 2023 Park Pavilion Abstract of Vouchers (HA) for a total of \$19,972.17.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember Ryan Flinton to approve the Supervisor's Monthly Reports for January; February; March; April & May of 2023.

All ayes.

MOTION CARRIED

RESOLUTION #: 23-2023- Authorization for Highway Superintendent to spend anticipated CHIPS, EWR, PAVENY and POP Funds. On a motion of Councilmember Fred Arnold, seconded by Councilmember J.D. Arnold the following resolution was ADOPTED: AYES - 4 NAYS - 0

RESOLVED that the Galway Town Board authorize the Highway Superintendent to spend up to \$185,264.85 in anticipation of CHIPS, EWR, PAVENY and POP Funding, his account will be reimbursed when funding is received from County & State.

All ayes.

MOTION CARRIED

Supervisor stated that all Board Members were given a copy of the AUD that was filed with NYS, this is available for anyone to review if they would like.

RESOLUTION #: 24-2023 - Appointment of Monica Vanderhoof as Republican Election Machine Custodian for the Town of Galway. On a motion of Councilmember Fred Arnold, seconded by Councilmember Ryan Flinton the following resolution was ADOPTED: AYES - 4 NAYS - 0

RESOLVED that the Galway Town Board appoint Monica Vanderhoof the Republican Election Machine Custodian for the Town of Galway, term: 6/13/23 - 12/31/23.

All ayes.

MOTION CARRIED

Supervisor Michael Smith stated that Board was given information on the percentage of tax rate that will be used this coming year with reference to tax levy. Galway is down now to an 80% Equalization Rate, last year we were at 90%. Town did a re-evaluation about three years ago. This represents what the State has determined to be an increase of 10% in property values within the last year.

Supervisor Smith read the monthly report from the Building Inspector/Code Enforcement Officer:

17 permits issued; 14 inspections; 188 phone calls; 1 violation; 6 open violations; 2 closed violations. Treavor went into detail regarding the Fetter appearance in Town Court where it was adjourned due to pending NYS Board of Appeals Hearing. Went over NYS Board of Appeals Hearing where application was tabled due to other code issues. EDP completed a plan review sighting several code issues. Information forwarded to Mr. Fetter but no updated plans have been submitted. Town Planning/Zoning Attorney issued a second memo regarding use of property. Additional violations to be served for operating without a permit. Planning Board application has been received from Mr. Fetter forwarded to EDP for review. Will be on Planning Board Agenda for June.

Comprehensive Plan Meeting on Tuesday, June 20th at 7 p.m. at Galway High School Auditorium topic for the night will be "Lake District".

Nutter issue back on docket at County, Town was previously named in this.

Privilege of the Floor - Supervisor stated that we would be going off the sign in sheet for speaking at tonight's meeting. Please indicate your name and address before speaking. There will be a three-minute time frame for each speaker,

Donna Miller of Galway Road north bordering neighbor of Star Farm Blueberries & Wedding Venue. Attended the May 9th Galway Board Meeting; May 17th NYS Board of Review Hearing regarding Fetter; Outcome of hearing both issues discussed were denied, State provided options for Fetter's to consider. Attended May 27th Galway ZBA Meeting to observe how process unfolds. Reviewed the files on 2 Freedom of Information Requests granted to Fetter's. She reviewed 2022 & 2023 minutes of Town Board, Zoning Board & Planning Board for anything pertaining to Fetter's. She did all this to be certain no other resident of town would find their property bordering another property that failed to follow local & state construction protocols. She advised that she was the one to contact the Times Union reporter. She then went into discussion regarding Supervisor's "verbal attack aimed at Councilman Fred Arnold" at the May 9th Town Board Meeting. **Cathal Carr** - of Galway Road neighbor on south side of Fetter's. Stated that fireworks freak her horses out, Town was not notified of fireworks nor neighbors. The noise from bands are loud. Moved to country to enjoy the quiet of farm land. Do not want to see this type of venue approved. She is fine with him farming all he wants. Survey stakes seem to have come up missing, will have to pay to have them replaced. **Matthias Donnelly** of Glens Falls supporting the Fetter's with their wedding

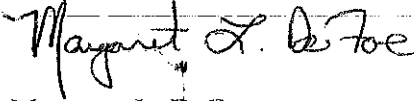
venue request. **Jadon Flinton** of Crane Road stated in his opinion as a small farmer in Galway there is a very strong difference between pure agriculture and other income source of revenue for a farm. He hopes the difference is clearly respected and defined in the code. A building being used as a wedding venue should be treated as a building being used as a wedding venue, not as a farm building even if it is located on farm property. The difference should be clearly respected. **Councilmember Ryan Flinton** stated that for disclosure Jadon is his son, he is speaking independently for himself. **Frank Daino** of Perth Road stated that in theory he was not opposed to wedding venue. What he was opposed to was not following regulations be it a building permit; variance; putting up a building not to code that does not address safety concerns. He has been in corporate America for 30 years and the motto "It's easier to ask for forgiveness than it is permission" this causes problems. He feels we need to have a stronger community to avoid these types of issues coming in. **Chuck Fetter** owner of Star Farm Blueberries. Chuck apologized to the Town Board and community for his decision not to get a building permit. He feels this was the worst decision of his adult life and is truly sorry. He said his actions were not done out of arrogance or a lack of respect for authority. It was done out of panic & desperation. He stated that the farm was in financial trouble. He learned about a state program that lets farmers use their land in different ways to make ends meet rather than sell to developers. He felt what he did was permitted in the agritourism section of zoning. He has concerns with what he feels is the first farm to address the agritourism section of code and could possibly due to turmoil surrounding farm not be allowed thru Town. If this happens this will be the end of the road for their farm and will be forced to sell. He built a pretty pole barn a half mile off the road and in far corner of 30-acre parcel. He did not build a bar, nightclub, or brewpub. They are not a corporation with employees & HR department. He and his wife run business. They are only open 3 days a week. They do make exceptions and have opened privately for special needs kids at Galway School, Galway Seniors & Garden Club. This building is called StarGazer and is open limited hours Friday, Saturday & Sunday. Every event is invitation only and is private. There is no kitchen, food is brought in by a caterer and is usually precooked or cooked outside and assembled inside. There is a bar, liquor is brought in by a caterer and served by a licensed bartender. There are 2 wedding ceremony sites. They assist in parking and help during the event if necessary. Weddings are extremely well planned out and follow a timeline of predetermined events that seamlessly transition together. With regards to fireworks, they have had them 4 times in 3 years. Loud music that has been referenced is sweet southern rock being played by local band at private parties. Moving forward his solution as he is considerate of his neighbor's quality of life; he will get the required fireworks permits. With reference to music, he will adhere to the noise ordinance. They have no hidden agenda and are just trying to pay the bills. They lost a half to possibly a third of their crop to the frost on May 17th. The large show of support should mean something. Their farm is part of community and can only add to its growth. His suggestion is if you are building something in Galway follow the rules! He would like to see Galway as a place you drive to instead of a place you drive through. **JoAnn Pulaski Fetter** read a letter of support from local B&B owner, Nancy Caporulo of Hermance Road. Nancy supported Star Farm in their request under agrotourism to be a destination in our community. **Ira Dorsey** of Malta the subcontractor hired to construct building from a set of architectural drawings

Chuck provided from a local engineer. Ira went over time frame for project. Started building in July of 2022, September of 2022 basically finished. At that point Chuck contacted the Town Supervisor and invited him to look at building and discuss the situation about building permit. Code Enforcement Officer had concerns with sprinkler system he felt needed to be installed. Chuck reached out to Ian to see what he could do to help get situation resolved. In November he contacted a Fire Protection Company out of Johnstown cost came in between \$200,000 and \$275,000 for sprinkler system. Late November they talked with a representative for an alternative type system. Had meeting with Mike & Treavor to go over alternative system, Treavor was not in approval with the alternative system, felt sprinkler system was needed. At that point they reached out to a local fire professional engineer. That came up with an alternative means of fire protection, which is what they presented to the State Board of Review. For clarification purposes the State denied Chucks request to appeal the decision of the Building Inspector, however the variance was adjourned not denied. Will be back before the State Board in July for variance. **Warren Bessler** of Charlton talked to Chuck about two different ways to address bird damage to blueberries. The first is propane fueled cannon that sounds like a 12-gage shotgun it makes 3 very loud bangs every 15 minutes at a cost of \$500. The second product is automated laser system which silently scans across the blueberry patch, cost \$12,500. He went with laser because he is a responsible farmer and respects neighbors. **Tom Coppola** of Scotia stated that this was smart economic growth for the town. **Debbie & Ben Zadrozny** of Ballston sent letters of support for Star Farm proposal. **Scott Turner** of Ballston Spa gave his 3 minutes to Chuck. Chuck thanked the audience for coming tonight. He apologized again for everything. Would like to work together with Town. Chuck thinks he has something good to offer community. **Rhonda Granzio** of Ballston Spa support of Star Farm. **Louanna LeClair** of Galway Road stated that this was the 4th meeting in a row she has attended. Several reasons to address Town Board this evening. She stated: "The disgraceful, inappropriate embarrassing behavior exhibited by the Town Board at the May 2023 Meeting. Supervisor Michael Smith without provocation viciously, verbally assaulted fellow Board Member while Board Members Ryan Flinton, J.D. Arnold & JoAnne Grant sat and said and did nothing about the out-of-control individual Michael Smith, violating the rights of everyone present." Louanna also stated she was here regarding the Resolution she requested regarding Audit of the NYS 2022 General Election. She would like an explanation from the Board on why they voted the way they did on this audit. Transparency is needed the Board has signed an oath to uphold the constitution of the United States & Constitution of NYS. Would like an explanation on why Town Supervisor Michael Smith would vote "Present" (what exactly does that mean) and (3) Board Members Ryan Flinton, J.D. Arnold & JoAnne Grant would vote "NO". to an audit to avoid possible voter fraud. **Julianna Potts** of Charlton read letter from **Bob & Katy Voehringer** neighbor to Chuck & JoAnn stating their support. After reading letter gave her support of Star Farm. **Kathy Arnold** of west Charlton stated that she did not feel the residents were against project if done the right way you have to follow rules. **Pamela Wright** of Hadley read a letter of support from **Roxane Norris** of Ballston for wedding venue helped them out during COVID with wedding venue for daughter. Pam gave her support to the Fetter project. **Amy Green** of Middle Grove is the daughter of Roxane Norris that the Fetter saved her wedding day from disaster. **Michael Curtis** of Rotterdam stated that his daughter has

plans to get married at the Fetter venue next June, hopes things can be worked out with Town so this can happen. **Heather O'Brien** Galway Road stated that no one works harder than a farmer. She has heard a lot about welcoming businesses into town, she wants this. Make sure you are in the right zoning area and follow the rules of the Town, **Susan Brooks** of Schenectady supporting these honest hardworking people trying to run a business. **Ron Brooks** of Schenectady supporting Fetters, **Teal Boerenko** of Donnan Road stated that she talked with the Supervisor before COVID about getting internet to the homes that needed it. Nothing has been done by Supervisor to get this done. Teal was unable to work from home during COVID because she had no internet. What are you going to do about this, you want people to come into the Town they need internet. **Dan Frichette** of Ballston Spa and Chuck did an experiment on decimal readings and do not find issues during events. **Lance Freiburger** of Gansevoort stated Chuck would like to work through issues to make project work. **Brian Burns** of Cruthers Road stated that he hopes that this project can be worked out, he is sure they have received guidance from politicians regarding the path to follow regarding project. The disrespect that the Town Supervisor showed last month to the residents that sat here and the Deputy Supervisor was unprecedented. Deputy Supervisor simply questioned Treavor on where Town was on Blueberry Farm. Treavor is missing in action tonight. Last month Brian asked Treavor what he did other than the Town Treavor replied it is none of your F####ing business. Treavor is standing outside not addressing the people he led down this wrong road Supervisor Smith, you owe the first woman who spoke tonight and the Deputy Supervisor an apology. Supervisor Smith you are disrespectful and arrogant. You have sent text asking to talk to him privately regarding issues. **Chelsea Cobb** of Malta support for Star Farm. Advised that venues that have been taking place since stop work have been going on in the store building with tents attached. **Jesse Watson** Shaw Road stated that he understands what Chuck is trying to do here. He needs to follow all the requirements to allow this usage be it variances; building safety is a must with structural issues; fire issues; suppression issues. It can all come together he is all for project. **David Armitage** Route 29 stated he was a 4th generation farmer; he does not believe a venue of this type is agricultural. Blueberries agricultural, wedding venue not agricultural. The line needs to be drawn. **Doris Hersey** Mechanic Street lived here her entire life, met the Fetters last year on a Senior outing to their blueberry farm. Her granddaughter just had her wedding there on Saturday. Mistakes have been made Doris hopes that Board will work with Fetters to get this worked out. **Stephanie Hatala- Burns** Cruthers Road 3rd generation on the Hatala Farm. You have not received a permit for your usage of property as wedding venue. People are leaving establishment intoxicated. Our children drive these roads. What you did was wrong you have belittled Galway. You have all these people feeling sorry for you because you are a hard worker, we are all hard workers. She believes building needs to be taken down. **Peg Minarski** Hermance Road B&B owner hopes the Town can work thru problems with this establishment. She feels this business can enhance her B&B business. Peg has been at this venue and it is lovely. **Bob Norris** of Milton is a musician and he is here to support his friends the Fetters to enjoy good music. **Paul Murphy** of Saratoga very impressed that Town allows this type of discussion, town should be commended. Supports the Wedding Venue. **Margo Johnston** of Bliss Road stated that town should not be treating anyone differently because they are good people, the town has rules and everyone needs to follow the rules.

Supervisor Smith asked for a motion to adjourn, Brian Burns asked if there was any apology from Supervisor. Supervisor Smith asked for a motion to adjourn. On a motion of Councilmember Ryan Flinton, seconded by Councilmember J.D. Arnold the meeting was adjourned at 8:43 p.m.

Respectfully submitted,



Margaret L. DeFoe
Town Clerk