

**AGENDA**

**TOWN OF GALWAY  
TOWN BOARD MEETING**

**May 09, 2023**

Call to order – Supervisor Smith

Roll Call – Town Clerk Defoe

Pledge to the flag – All

Approval of the minutes for the meeting held April 11,2023

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:

-

-

Other Business

- Community Building Grant—Congressman Tonko
- Veterans Memorial in front of Town Hall

Priviledge of the Floor:

Adjourn



Councilmember JoAnne Grant made a motion, seconded by Councilmember J.D. Arnold to approve the April 2023 General Abstract of Vouchers (B) for a total of \$38,197.83.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember Ryan Flinton to approve the April 2023 Highway Abstract of Vouchers (DA) for a total of \$120,924.12. Supervisor stated he has not seen any paperwork for purchase of wheel loader & would request it from Highway Superintendent.

All ayes.

MOTION CARRIED

Councilmember Ryan Flinton made a motion, seconded by Councilmember Fred Arnold to approve the April 2023 Highway Abstract of Vouchers (DB) for a total of \$21,694.89.

All ayes.

MOTION CARRIED

Councilmember Fred Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the April 2023 Special Lighting District Abstract of Vouchers (SL) for a total of \$160.31.

All ayes.

MOTION CARRIED

Supervisor Smith stated that Bookkeeper has Supervisor Reports done for January thru April but she didn't give copies to Board Member, will approve next month. Town Clerk stated that Vicki wants to know if what is in Supervisor's Report is sufficient or if Board would like more information. AUD should be done by Accountant within the next few days.

**RESOLUTION #: 21-2023-** Accept Justice Audits. 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 of both Justices Books for 2022 by Councilmember JoAnne Grant as submitted.

All ayes.

MOTION CARRIED

**RESOLUTION #: 22-2023** – Luanna Leclair went over her request for an Audit of the NYS 2022 General Election originally submitted to Town Board in March. After vote Luanna requested that Board sign signature sheet and Town Clerk notarize it. On a motion of Councilmember Ryan Flinton, seconded by Councilmember Fred Arnold the following Resolution was put before the Town Board for a Roll Call Vote and was Denied:

YEA – 1 NAY – 3 PRESENT – 1

Resolution attached to end of minutes.

Other Business – Supervisor Smith stated that the new vault storage system has been fully installed. Treavor stated that he will be filing everything by tax parcel number for his department which will make Freedom of Information Requests a breeze to research.

Veterans Memorial out front of Town Hall is underway, Darby stated hopefully to be done by Memorial Day.

Supervisor Smith, Councilmember Ryan Flinton & Colleen Forneris attended a community forum with Congressman Paul Tonko where they presented the Community Building in more detail. This was promoting the 15 projects Congressman Paul Tonko chose for grant support. Councilmember Flinton stated that this meeting has him very excited for project.

Supervisor Smith advised that he had invitation from Cornell Cooperative Extension for their 22<sup>nd</sup> golf outing. Cornell did a presentation here at Town Hall tonight on Homesteading.

Last month Robert Sherman was Honored at County Veteran's Committee. Supervisor Smith stated he had a very interesting history. Robert was a WWII Pilot shot down over Berlin. Out of his entire crew he and one other survived. He was taken into hiding by people in Holland, where they moved him around for 13 months before he got back to United States.

**Brian Burns** would like some clarification on most recent email correspondence with Town Supervisor stating Freedom of Information was vague. **Brian** referenced a house being taken down that he believes to have been full of asbestos questions that removal and who performed abatement removal. The water source for their home comes from Aquaphor at this location. **Town Clerk** stated that was an error on her part, she had no idea that Freedom of Information Requests was for anything beyond actual "road" issues. **Supervisor** stated that they would need to do a F.O.I.L. specific to that particular parcel so that Treavor can pull permits. **Brian** referenced a speed limit reduction request from January of 2020. **Town Clerk** will research further this request and get back to the Burns with findings. **Brian** then questioned the Highway Superintendent stating that he would have no communication with the Hatala-Burns per the Town Attorney. **Brian** had requested clarification from Town Attorney on this. **Supervisor Smith** stated that the Town Attorney has indicated that there is no correspondence between he and Highway Superintendent stating that he should not correspond with them. **Brian** stated that the Highway Superintendent should respond if correspondence is received from the Hatala-Burns regarding road in a timely fashion? **Supervisor Smith** stated he should be responding to their communications. **Brian** stated that Highway Department did a wonderful job on Cruthers Road surface gravel project, it is very safe and the drainage has been done well.

**Supervisor Smith** stated that Jim Trainor office has provided Treavor & Board with a packet on "Short Term Rental". **Treavor** would like to find out what the feel of the Town Board is regarding Short Term Rentals in the Town. **Treavor** believes definition is rentals for anything under a year. Board went into a lengthy discussion regarding addressing this now. **Treavor** stated the Lake Association questioned him on any "Town Regulation" on this. The Town doesn't have the man power to police this fully. **Ruthann Daino, Planning Chair & Supervisor Smith** both stated that they knew people in both City of Saratoga & Milton that do this and make good money. Those large Cities/Town can't police this fully so how can Galway with part-time Building Department. **Councilmember Ryan Flinton** stated that he would like to wait until the survey comes back from Comprehensive Plan to see how residents feel about this topic.

**Councilmember J.D. Arnold** didn't feel we should address at this time. **Supervisor Smith** would like to see what the County Planning Department has to say regarding Short Term Rentals and if we should try and address it. **Councilmember Fred Arnold** stated that rental insurance would be necessary. **Andy McPherson** stated the Comprehensive Planning Committee is having discussions with Lake Association/Residents in June. **Ruthann Daino** felt that the County/State should be giving recommendations/guidelines on this for Towns. **Andy Decker, ZBA Chair** suggested some sort of registry. **Treavor** will start an informal registry to begin with as Comprehensive Plan moves forward it can be addressed further. Board was fine with Treavor having the Attorney draft a "Short Term Rental" definition to begin with.

Andy McPherson gave Board Members copies of the most recent issue of "Green Energy Times" from Curtis Lumber for their information.

Supervisor Smith advised that a Republican Election Custodian is needed. Monica Vanderhoof said she may be interested. Town Clerk told her to give her a call in the morning, she would give her Beth Ruman's number she is the Democratic Election Custodian and is a wealth of knowledge.

**Councilmember Fred Arnold** asked for an update on the status of the Blueberry Farm. **Supervisor Smith** stated that they have made application to the State Building Code for a variance which will be held on May 15<sup>th</sup>. They will determine if variance is granted for sprinklers. **Supervisor** stated if variance is denied sprinklers will be required for project to go forward. **Audience** questioned if public could attend hearing questioned where hearing would be held. **Treavor** stated it would be held in Albany not sure of location would assume it is open to public. **Brian Burns** stated activity continues at Blueberry Farm. **Treavor** stated that they are using the other building on site for these events. **Brian** stated that activity usage can be followed on Facebook. **Donna Miller** questioned if the Town of Galway Fire Department was involved in the building at all regarding Fire Safety? **Treavor** stated that the NYS Board of Review was higher than the Town with reference to this determination. **Brian** questioned if anyone from the Town of Galway in an "Official" capacity would be representing Town at this hearing? **Treavor** stated that he has sent his written interpretation, no one from Galway "Officially" will be attending. **Stephanie Hatala-Burns** questioned ongoing activity at building. **Supervisor & Building administrator** stated that activity is being conducted in the "Store" building not the new building. There are two buildings at this location. **Councilmember Fred Arnold** questioned if State issues variance they have to come back before Town for permit? **Treavor** stated yes, he would handle this as he does any building, he finds built in Town that has not obtained a legal building permit. **Councilmember Fred Arnold** questioned if County traffic study would be required? **Treavor** stated that this is an allowable use in the Town Code under "Agritourism". **Councilmember Fred Arnold** stated he's not really understanding why Towns have Planning, Zoning Boards & Code Enforcement why not let State take it over. **Councilmember Fred Arnold** questioned why violation is not taking place in Galway Court? **Treavor** stated that the violation on the "Stop Work Order" was taking place in Galway. Hearing on sprinkler system was being held by State. **Supervisor Smith's** lack of professional demeanor, escalated with reference to the monthly questioning of the Building Department status on Blueberry

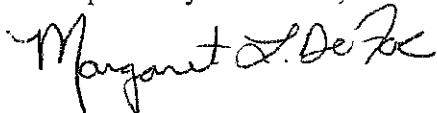
Farm activity by Councilman Fred Arnold. **Treavor** stated that every month Councilmember Fred Arnold asks the same questions and there are no updates. **Councilmember Fred Arnold** stated that the Board and the public attending meeting are interested in any updated on ongoing issues with this site. **Sue Costanzo** stated that last month Treavor was asked if this was on the Court calendar and Treavor stated he didn't know. This month Treavor has indicated that there is a court date set to address, which would be new information. **Donna** would like more information on where this State hearing is taking place? **Treavor** stated that hearing held by NYS Department of State Albany Regional Board of Review will be held at **9:00 a.m. on Wednesday, May 17, 2023** at One Commerce Plaza, 99 Washington Ave., Conference Room 1135, Albany, NY 12210. Meeting is open to public in person or remotely. **Councilmember Ryan Flinton** stated that the Building Department has two current issues going on with this site. One is a violation for building a building without a permit and then the enforcement act which will be done with Town of Galway Court. The second is the application they have before the State for a variance to the building code with reference to sprinklers. **Councilmember J.D. Arnold** questioned the potential fall out in local court financially? **Treavor** stated that it could be a maximum of \$200 per day for he believes up to 78 days. **Councilmember JoAnne Grant** questioned when the Town Court date was set for? **Treavor** stated that original date was changed due to some conflicting dates for attorneys. The new date is set for Thursday but will be postponed until after State hearing date next week to determine outcome. **Brian** questioned if violation goes away if state approves their variance. **Treavor & Supervisor** stated that violation doesn't go away he will still have to address building permit fee and violation for building without a permit. **Treavor** apologized for this not moving fast enough for Town Board and suggest that they look into finding a new Building Administrator. **Councilmember Fred Arnold** said that Board would take that into consideration. **Supervisor Smith** had some additional verbal displeasure towards Councilmember Fred Arnold stating he was out of line and needed to go before Planning Board for his business. He then asked for a motion to adjourn.

**Monica Vanderhoof** asked that the minutes from the Planning & ZBA be put on Town Website as there is nothing for 2023. Supervisor stated that he would have Amanda

**Andy McPherson** stated that the Lions were having a pig roast on May 12<sup>th</sup>. Will post on Town bulletin board

Councilmember Fred Arnold made a motion, seconded by Councilmember JoAnne Grant to adjourn the meeting at 8:25 p.m.

Respectfully submitted,



Margaret L. DeFoe  
Town Clerk



# Resolution for an Audit of the New York State 2022 General Election



**Whereas** It is a recognized civil right in the United States for every citizen to have free and fair elections. “And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” (Reynolds v. Sims, 377 U.S. 533 (1964))

**Whereas** It is the affirmative duty of our election officials to comply with all Federal and State laws governing administration and procedure of our elections, thereby guaranteeing our elections are accurate and free of distortion or manipulation.

**Whereas** Our constitutional system of representative government only works when the worth of honest ballots is not diluted by invalid ballots procured by corruption, and assuring accuracy can only be achieved through the operational integrity of our elections, as defined by those laws governing the following five processes:

1. Rigorous Verification of Voter Identity.
2. Proven Ballot Security and Intact Chain of Custody.
3. Voting Systems Certified to be Secure from Operational, Physical and Cyber Threats.
4. Meets All FISMA and State Operational and Risk Assessment Requirements.
5. Meets Auditability and Traceability Requirements and Operational Policy.

**Whereas** An open-source audit of the New York State 2020 General Election conducted by New York Citizens Audit has uncovered evidence of massive inaccuracies that violate both Federal and State laws, including:

- ♦ **2,427,827** NYSVoter ID numbers attached to **1,170,790** registrants.
- ♦ **740,396** ineligible votes cast Statewide.
- ♦ **338,356** more votes cast than voters who voted.
- ♦ **987,490** voters who registered on January 1st from 1900 to 2021.
- ♦ **1.9MM** registrations in the state voter rolls missing from the county rolls.
- ♦ **625,359** more registrations than voting-age citizens in six counties alone.
- ♦ **195,271** votes cast in New York City that went missing in the NYSVoter database.
- ♦ **1,000,000+** felony violations of New York State Election Law.
- ♦ **95** State and Federal legislative races impacted by **740,396** ineligible votes.
- ♦ Abandoned ballots and ballot payment schemes.
- ♦ Certification as defined by law was provably fraudulent and illegal.


**Whereas** These findings trample accuracy requirements of voting systems for a Federal Election, wherein the system shall achieve a target error rate of no more than one in 10,000,000 ballot positions. For a voting system, accuracy is defined as the ability of the system to capture, record, store, consolidate and report the specific selections and absence of selections, made by the voter for each ballot position without error.

**Whereas** It must be known factually, and provably, that the intent of the voters is accurately represented by election results before certification can be lawfully conducted. Certification of an election that varies from the law is an abridgement of the civil rights of the citizens, a Fraud ab Initio (*United States v. Throckmorton*, 98 U.S. 61 (1878)).

**Whereas** State and Federal Officials have met the efforts of New York Citizens Audit to seek redress for these egregious violations with indifference and inaction, including the Attorney General, Secretary of State, State Board of Elections, Inspector General, Federal Bureau of Investigations, State Leadership of Democrat and Republican parties, County Election Officials, Sheriffs, District Attorneys, and others.

**Whereas** None of these violations were addressed prior to the administration and certification of the 2022 General Election, and there prevails a spirit of extreme contention and zero trust between people of differing political ideologies across New York, which is destructive to our families, our way of life, and the fabric of these United States.





**Therefore** We call upon our Representatives including Town Board Members, County Legislators, State Legislators, Federal Legislators, Law Enforcement, Federal and State Prosecutors, and Judges to provide relief to the people, and the assurance of domestic tranquility, through the fulfillment of each of the following firm requests:

1. A complete end-to-end audit of the New York State 2022 General Election, for both paper and electronic records, including ballots, by a mutually agreed upon external, third-party bonded auditing firm, possessed of adequate insurance and indemnification for the handling and protection of the personal identifying information of millions of New York citizens, in order to determine the true error rate. This audit will provide a comprehensive report and analysis of all lapses and errors with explanation of cause where it can be determined.
2. The enactment of legislation defining a mutually agreed upon process by which an end-to-end audit would be triggered in any future elections.
3. The enactment of legislation defining a mutually agreed upon accuracy rate for the NYSVoter and County voter roll databases.
4. The enactment of legislation allowing for anonymous vote verification and tracking by the voter (open-source, royalty-free patent pending), including automatic mechanisms to report and remedy errors during the canvass period following an election, regardless of ballot entry source.
5. Criminalize election misconduct explicitly with regard to State election law, and increase penalties to reflect the societal and generational harms inflicted by these crimes.

— Resolution on following page —

# Be it Resolved

That the Town Board of Galway, NY stands in support with the concerns and remedies presented here. We implore the Saratoga County Legislature, NYS Legislature, Federal Legislators, Law Enforcement, Federal and State Prosecutors, Judges, and both State and County Boards of Elections to cooperate and fulfill these firm requests of the people.

RESULTS OF THE VOTE	YEA	NAY	SIGNATURE
Town Supervisor Michael Smith			(Absent) <i>Michael Smith</i>
Councilman, Deputy Supervisor Fred Arnold	X		<i>Fred Arnold</i>
Councilman JD Arnold		✓	<i>James D. Arnold</i>
Councilwoman JoAnne Peregrim-Grant		✓	<i>JoAnne Peregrim-Grant</i>
Councilman Ryan Flinton		X	<i>Ryan Flinton</i>

*Margaret L DeFoie*

**MARGARET L. DeFOE**  
Notary Public, State of New York  
Qualified in Saratoga County  
Registration No. 01DE6006950  
My Commission Expires 5/11/2028

Its recorded on the 9<sup>th</sup> of May, 2023.