

**AGENDA**  
**Galway Town Board Meeting**  
**April 8, 2014**  
**7:30 p.m.**

Call to order – Supervisor Lent

Roll Call – Town Clerk DeFoe

Pledge to the flag – All

Approval of minutes of previous meeting 3/11/14

Communications Received – Town Clerk DeFoe

**REPORTS**

Town and County – Supervisor Lent

Public Safety – Councilman Wilday

Property – Councilman Arnold

Buildings and Grounds – Councilman Smith

Highway – Superintendent Costanzo

Historian – Phyllis Keeler

Assessor – Victoria Hayner

**LIAISON REPORTS**

Youth Commission – Councilman Arnold

Planning Board – Councilman Wilday

Zoning Board of Appeals – Councilman Smith

Senior Citizens – Supervisor Lent

Code Enforcement – Chet Ciembroniewicz

**Budget Report**

**Vouchers and Report**

1. Approval of General Abstract of Vouchers Fund A – Townwide
2. Approval of General Abstract of Vouchers Fund B – Town Outside Village
3. Approval of General Abstract of Vouchers Highway Fund DA – Townwide
4. Approval of General Abstract of Vouchers Highway Fund DB – Town Outside Village
5. Approval of General Abstract of Vouchers Fund SL – Lighting District
6. Supervisor's Budget Report

## RESOLUTIONS

Adopting Local Law #1 of 2014 – Amending the Town of Galway Town Code

## OTHER BUSINESS

Discuss interviews for vacant council seat.

## PRIVILEGE OF THE FLOOR – OPEN

ADJOURN – Next meeting May 13, 2014

PUBLIC HEARING  
 APRIL 8, 2014  
 GALWAY TOWN HALL

Supervisor Lent called the Public Hearing to order at 7:15 p.m. The following Town Board Members were present:

PRESENT: Supervisor Paul Lent                      Councilman Fred Arnold  
                     Councilman Michael Smith              Councilman Rod Wilday

OTHERS PRESENT: J. Lombard; J. Wisniewski; B. Merchant; B. Jones; P. Keeler, Historian; J. Cappon, Justice; C. Ciembroniewicz, Code Enforcement Officer; D. Costanzo, Highway Superintendent & M. DeFoe, Town Clerk.

Clerk read legal notice placed in Daily Gazette on March 18, 2014 regarding Proposed Local Law No. 1-2014 entitled "A Local Law Amending Town Of Galway Zoning Regulations".

Supervisor Lent asked if anyone wanted to speak regarding proposed Local Law. **Jim Lombard** lives on Galway Lake in favor of Local Law regarding section addressing "Atmospheric Effluence". Mr. Lombard stated that residents of this area have had an ongoing issue with a resident of Crooked Street and his outdoor boiler. Mr. Lombard stated that he was not really concerned with a onetime issue; his concern was with the consistent problems that need to be addressed. This particular burner no longer has a smoke stack, sides are held up with wood, and trees surround burner not allowing proper ventilation. He referenced numerous other burners in that area that neighborhood has no issue with. In the past he presented a petition from 60 neighbors of this area advising of their concern with this particular outdoor burner on Crooked Street. **John Wisniewski** from Lake District voiced his concern with smell & smoke from same outdoor wood burner on Crooked Street. Mr. Wisniewski also referenced other burners in their area with no issues. **Brian Merchant** also a resident of Lake District felt this outdoor wood burner went against regulations with reference to chimney & trees surrounding it not allowing proper ventilation. Supervisor Lent asked if there were any further questions or comments regarding proposed Local Law, there were none. Supervisor Lent closed the Public Hearing at 7:24 p.m. Supervisor Lent advised that the Town has some authority regarding these issues, but the majority of the authority rest with the State of NY & DEC. Outdoor wood burners are regulated thru manufacturing and sighted by NYS Regulations. The Town Board is hoping this proposed Local Law will help legally as an extra tool for enforcement. Supervisor Lent advised the public that the Code Enforcement Officer has to be invited onto property, he can't just go look around and inspecting properties. Councilmen Smith stated at the last ZBA meeting the same issues these gentlemen have expressed tonight were also discussed.

REGULAR MEETING  
 APRIL 8, 2014  
 GALWAY TOWN HALL

## REGULAR MEETING, GALWAY TOWN BOARD, APRIL 8, 2014

Supervisor Lent called the meeting to order at 7:30 p.m. The following Town Board Members were present: Same as Public Hearing

Other Present: Same as Public Hearing with addition of J. Novak & J. Grant.

Pledge to the Flag

A motion was made by Councilman Arnold, seconded by Councilman Smith to approve the minutes of the March 11, 2014 Regular Meeting as submitted.

All ayes.

MOTION CARRIED

Communications – Town Clerk stated that Board Members received copies of the following correspondence: March Highway Report with schedule for April; Highlights of 2014-15 State Budget Agreement from Governor Cuomo; Additional Highlights from 2014-15 State Budget; NYS & Local Retirement System Employer E-News for March; National Educational Services correspondence regarding Public Employee Benefits; Assessor's Report for April; Update from Congressman Chris Gipson for March; Weekly updates from State Comptroller dated 3/16, 3/23, 3/30 & 4/6/14. The following correspondence was also received: Legal Notice placed in Daily Gazette on March 14, 2014 regarding temporary order limiting roads to 4 ton on Town of Galway Roads & Notification from the State of NY Department of Transportation regarding the speed limit reduction request for Bliss Road. Speed limit reduction to 45mph was approved for section between Birchton Road & County Road 45. The section between CR 45 and its dead end is less than ¼ mile long therefore; speed limit reduction is not warranted.

**COMMITTEE REPORTS: Town & County** - Supervisor Lent stated that on Town level the new website is up and running. He has received email correspondence from several people asking that newsletter be sent to them electronically instead of by mail. Supervisor Lent has also received several requests from residents for another bulk trash pick-up and hazardous waste pick-up. This is a very costly proposition and the Town doesn't have any plans for pick-up at this time. Clifton Park will be doing a hazardous waste collection day; they have stated that Galway residents can bring their hazardous waste to site for collection. Town is working on getting annual AUD report together for filing with the NYS Comptroller by the end of April. On a County level, very quiet nothing to report. **Public Safety** – No Report. **Property** – No Report. **Building & Grounds** – Councilman Smith stated that after last meeting he met with representative from EDP regarding property line issue. They were sending a crew out to establish property lines, have not got back to him to date with findings. Supervisor Lent stated that he thinks people were getting road side clean up confused with bulk pick up. The road side clean up day on May 17<sup>th</sup> is where neighbors clean-up the road sides of garbage/litter and Town then picks up the bags. Town Clerk advised that Highway Superintendent looked at baseball field and gave his authorization for usage to begin. Town Clerk will contact school tomorrow and advise that they can begin baseball season on Town Fields. **Highway** – Superintendent Costanzo stated for March the Highway Department patched roads & cut brush Town-wide; posted roads for 4-ton weight limit; sanded & plowed; mixed sand & salt & cleaned up brush on R.O.W.'s. For April the Highway Department

has begun the sweeping of roads; patch; replace cross-culvert on Rocky Ridge Road; plow as needed; mine safety training is May 7<sup>th</sup>; purchased (2) generators from federal surplus; purchased a steam cleaner for unfreezing of culvert pipes from federal surplus; they have begun raking and cleaning of sand at Town Hall & will be cleaning up at ball field as things dry out. Supervisor Lent stated that Town is anticipating an increase this year in CHIPS funding which will allow for additional projects to be completed.

**Historian** – Phyllis Keeler advised that she has been invited to represent the Town of Galway at the Heritage Hunter History Fair to be held at the Halfmoon/Clifton Park Library on May 17<sup>th</sup> from 10-2. Her presentation will be “A Salute To Galway” which will share information on Galway History thru the years. She will be giving away copies of the Joseph Henry History Books along with presentation. Phyllis gave a short overview of Joseph Henry history/accomplishments. **Assessor** – Nothing in addition to written report.

**LIAISON REPORTS: Youth** - Councilman Arnold stated that 35 children were sent to Royal Mountain for Ski Program. There were approximately 45 children that participated in wrestling program. Junior Rifle Program has completed except for a couple of competitions. Soccer Program will begin May 10<sup>th</sup>. Summer Recreation Program will begin July 5<sup>th</sup>. Port-A-Potty will need to be put in place for Soccer program to begin; Councilman Arnold will shop around for best price. Fee will be split between all organizations using them for season. Town Clerk questioned what arrangement would be made for port-a-potty for school baseball which will begin immediately. Councilman Smith will look into port-a-potty rental by school since they will begin now. **Planning Board** – Councilman Wilday stated that there were a couple of special use permits reviewed and the majority of meeting was devoted to discussion regarding applications for upgrading of the cell towers in Town. **ZBA** – Councilman Smith stated that there were two applications before ZBA that were approved. A Board member is still needed for ZBA. Discussed variance requirements in Lake District of 25' from property line which require most project to need a variance because of original size of lot. **Senior Citizens** – Phyllis Keeler stated that they held a driver training class with 40 people in attendance. They have had a couple of trips already and a cover-dish is planned for their next meeting of 17<sup>th</sup> which Town Board was invited to attend. Continue to be very well attended. **Code Enforcement** – Chet gave Board members a copy of Permit Report covering 1/1/14 to 3/14/14 along with fee report covering same time frame. Showed a copy of new filing system for permits with SBL/Name/ 911 Address and checklist of inspections indicated on front of envelope. Town Clerk stated that filing by SBL will be so much easier for future F.O.I.L. request searching. Chet stated that ZBA will have (3) application for next month. He feels the requirement in Lake District needs to remain the same with reference to variance requirement.

Councilman Arnold made a motion, seconded by Councilman Wilday to approve the General Abstract of Vouchers (A) dated 03/07/14 thru 04/04/14 for a total of \$11,306.72.

All ayes.

MOTION CARRIED

## REGULAR MEETING, GALWAY TOWN BOARD, APRIL 8, 2014

Councilman Smith made a motion, seconded by Councilman Arnold to approve the General Abstract of Vouchers (B) dated 03/07/14 thru 04/03/14 for a total of \$3,775.77.

All ayes.

MOTION CARRIED

Councilman Wilday made a motion, seconded by Councilman Smith to approve the Highway Abstract of Vouchers (DA) dated 03/07/14 thru 04/04/14 for a total of \$28,378.33.

All ayes.

MOTION CARRIED

Councilman Smith made a motion, seconded by Councilman Arnold to approve the Highway Abstract of Vouchers (DB) dated 03/07/14 thru 04/03/14 for a total of \$1,132.08.

All ayes.

MOTION CARRIED

Councilman Wilday made a motion, seconded by Councilman Arnold to approve the Lighting District Abstract of Vouchers (SL) dated 03/08/14 thru 04/04/14 for a total of \$219.52.

All ayes.

MOTION CARRIED

Supervisor Lent explained to audience what the Town Board just approved. Supervisor Lent went over where Town stands with reference to his Supervisor's Report to date.

Councilman Arnold made a motion, seconded by Councilman Smith to approve the Supervisor's Operating Statement for the period ending 3/31/14.

All ayes.

MOTION CARRIED

**RESOLUTION #: 17-2014** – Local Law No. 1-2014. On a motion of Councilman Arnold, seconded by Councilman Wilday the following resolution was ADOPTED BY ROLL CALL VOTE:

Supervisor Paul Lent – AYE                      Councilman Fred Arnold – AYE  
Councilman Michael Smith – AYE      Councilman Rod Wilday – AYE

RESOLVED that the Galway Town Board Approve Local Law No. 1-2014 entitled "A Local Law Amending Town Of Galway Zoning Regulations".

AYES – 4    NAYS – 0

MOTION CARRIED

Supervisor Lent asked if there were any questions from Audience. **Phyllis Keeler** asked if there was a grandfathered problem would this Local Law now be able to address it and work thru problem. Supervisor Lent stated that you can't legislate Laws and go backwards to address a pre-existing issue. This Law will establish a baseline from approval by State forward for new violations. Supervisor Lent stated that some of these issues take years to rectify. On another violation, that has been ongoing since 2009 it is now just going to come before the court in another county. Supervisor Lent wanted to make audience aware that this Local Law now gives us another tool to help with enforcement of regulations. Once legal action is required the time table is very long and it is very expensive for the town. Councilman Smith stated that he felt this Law would help with 60-70% of people. There will always be that percentage of people that want to

## REGULAR MEETING, GALWAY TOWN BOARD, APRIL 8, 2014

go around law. **Joe Novak** had concerns with the low number they have on sound limits; felt that that normal conversation was at this limit. His concern was with using his tractor that this would be an issue. Supervisor Lent stated this was a tool; common sense would also come into play when Code Enforcement was involved. Went into discussion regarding sound levels. Supervisor Lent stated that this was a change to zoning; if there becomes an issue with levels being too low Town Board can change them. Mr. Novak then went into discussion regarding outdoor wood burners. **Jim Lombard** stated that what he hoped this law would address was the perpetual problem people.

**Other Business** – Supervisor Lent stated that he wanted to add Justice Cappon to agenda to address an administrative service he would like to add. **Justice Cappon** stated that he would like Town Board approval for their office to participate in payment participation program with “Government Payment Services, Inc.”. Fees for usage would be paid by cardholders with no expense to Town. Payment could be made by MasterCard/Visa/Discover/American Express/ Online Payment/Telephonic Payments. Contract will need to be signed by Town Supervisor & both Town Justices. Justice Cappon stated that the other Town Justice is working on a couple of fine tuning areas with contract, since she is an attorney. Would like to clean up some of the old fines back as far as Justice Rhode’s time. This would allow people the ability to pay these old fines very easily. Justice Cappon stated in addition to approval of the participation plan they would like to request ability to have a petty cash fund in the amount of \$100.00 to allow them to make change for fines. Went into discussion with Town Board regarding payment variables. Councilman Wilday would like Court to allow personal checks, since all these new options have a fee attached in addition to initial payment.

**RESOLUTION #: 18-2014** – Approval of Participation Agreement for Court payment of fines. On a motion of Councilman Arnold, seconded by Councilman Smith the following resolution was ADOPTED: AYES – 4 NAYS – 0

RESOLVED that the Galway Town Board authorize the Galway Town Court to participate in the “Government Payment Service, Inc.” Fine Payment Agreement as submitted pending Attorney Horigan’s approval.

All ayes.

MOTION CARRIED

**RESOLUTION #: 19-2014** – Authorization for Court to have \$100.00 Petty Cash Fund. On a motion of Councilman Arnold, seconded by Councilman Wilday the following resolution was ADOPTED: AYES – 4 NAYS – 0

RESOLVED that the Galway Town Board authorize a \$100.00 Petty Cash Fund to be set-up for the Galway Town Court for the purpose of allow them to make change for people paying fines with cash.

All ayes.

MOTION CARRIED

**RESOLUTION #: 20-2014** – Authorization for payment to be made to EDP for renewal of Tri-Town Mine Permit. Supervisor Lent stated that the Highway Superintendent had a checking account for the Tri-Town Gravel Pit set up to handle maintenance & taxes for the pit. Town & Superintendent felt funds should go thru line item in Town’s accounts. Highway Superintendent closed this account and moved \$16,103.69 into Town’s budget.

## REGULAR MEETING, GALWAY TOWN BOARD, APRIL 8, 2014

They are currently waiting for information on how to code these funds properly in budget. Supervisor Lent stated in the interim a bill has come in for the mining pit renewal.

Supervisor Lent would like authorization for payment of bill in amount of \$225.00 now; to be coded properly at a later date. On a motion of Councilman Arnold, seconded by Councilman Smith the following resolution was ADOPTED: AYES – 4 NAYS – 0

RESOLVED that the Galway Town Board authorize the payment to Environmental Design Partnership in the amount of \$225.00 for renewal of the Tri-Town Mine Permit to be coded at a later date.

All ayes

MOTION CARRIED

Set up sub-committee for interviews for Town Council seat. Supervisor Lent stated that a few applications of interest have been received. Candidate would need to run in November to complete the unexpired term and then again next November for the following four year term. Supervisor Lent asked for two volunteers from Town Board to be on sub-committee; would like name for May meeting to be able to get someone on ballot. Councilman Wilday & Councilman Arnold volunteered to be on committee. Town Clerk stated if they needed to use a room for interview's; give her a call and she will check schedule for availability.

Privilege of the Floor – **John Wisniewski** questioned what could be done with garbage piled up by garage heading north on Crooked Street. He also questioned the 12' post across the front of the property line on a trailer on Crooked Street. Councilman Arnold stated that the posts in front of the trailer on Crooked Street were for a privacy fence. Chet stated that he has been in contact with the people that own the garage with the debris. He sent them a letter, they hired someone to clean-up site and they started and then quit. This is an elderly couple he has been working with, will keep on top of issue. Supervisor Lent questioned if garbage was refuse? Chet stated it was not, it was building debris. **Bruce Jones** questioned what the burning regulations were. Supervisor Lent stated that they were a NYS DEC Regulation regarding burning. Currently they have a state wide burning ban on until the middle of May. There are some exemptions to burning ban: Active Farm are exempt under the Agriculture Law, Celebratory or Ceremonial Fire & Outside fire pit no larger than 3' x 3'.

Councilman Arnold made a motion, seconded by Councilman Smith to adjourn the meeting at 8:38 p.m.

All ayes.

MOTION CARRIED

Respectfully submitted,



Margaret L. DeFoe  
Town Clerk