

**AGENDA****TOWN OF GALWAY  
TOWN BOARD MEETING****July 11, 2023**

Call to order – Supervisor Smith

Roll Call – Town Clerk Defoe

Pledge to the flag – All

Approval of the minutes for the meeting held June 13,2023

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

Budget Amendments-

Executive Session:

Resolutions:

- Re- appoint Ruth Ann Daino as Chairwomen of the Planning Board
- Election year changes -request from county.

Other Business

- Discuss Fence claim options
- National Grid -Community Building
- Comprehensive Plan Meeting at the Galway Highschool Auditorium(Lake District)- Success
- Doors and Windows at Town Hall complete

Priviledge of the Floor:

Adjourn

REGULAR MEETING  
 JULY 11, 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 Grant                      Councilmember J.D. Arnold

ABSENT: Councilmember Ryan Flinton

OTHERS PRESENT: L. LeClair; S. & B. Burns; D. Miller; C. Carr; J. & T. Boerenko; H. & T. O'Brien; M. Vanderhoof; A. Decker, ZBA Chair; R. Daino, Planning Chair; S. Costanzo; A. Rhodes; D. Knizek-Neahr, Historian; C. Forneris, Community Service Coordinator; R. Sleeper; F. Daino; B. Bischoff; C. Manasseri & M. DeFoe, Town Clerk.

Pledge to Flag

A motion was made by Councilmember Fred Arnold, seconded by Councilmember J.D. Arnold to approve the minutes of the June 13, 2023 Regular Meeting as submitted.

All ayes:

MOTION CARRIED

Town Clerk stated that the Town Board received copies of the following correspondence: Notification from Highway Department of a Spectrum pedestal on Mechanic Street that was damaged; Highway Report for June with Schedule for July; Supervisor gave Board Members a possible Resolution urging Governor to veto a proposed bill regarding moving certain local election to even-numbered years; Councilmember Ryan Flinton sent an email correspondence to Town Board advising that he would be out of town for July meeting but would like to show his support for reappointing Ruth Ann Daino to Planning Board; Notification of grant applications deadline approaching; Notification from Department of Aging & Youth Services, executed Nutrition agreement between Town & County; Dog Control Officer Report for May & June along with an animal seizure report; Notification from NYS Deferred Compensation Plan; Webinars offered by the NYS Comptroller's Office; June Building Department Report & Resignation letter from Treavor Gilday from his position as Building Inspector/Code Enforcement Official as of August 8, 2023.

**REPORTS OF COMMITTEES: Youth Commission/Community Outreach –**

**Colleen** advised that the second annual Blueberry Festival would be held July 29<sup>th</sup> from 9-2 p.m., all four Blueberry Farms in town will participate this year. They anticipate numerous vendors; local businesses & organizations will participate. Family Fun Day was held in June, very well received estimated about 260 children participated. Memory Café last Friday of month for people with Dementia & Alzheimer's along with care givers. Saratoga Opera had a small group from the Opera organization attended that meeting. They work off a grant that allows them to travel around to Dementia & Alzheimer facilities and sing songs with the group. Halloween Harvest Festival will be held October 28<sup>th</sup> from 11-4 with Trick or Treat from 1-4. The "Witches" will be there

again this year, a great community event. Youth Commission will offer a swim program in August with Glenville Y, waiting to receive dates. **Historian – Darby** advised that she is still working on painting the main room at Historian's Office. She will need to talk to Dave, she has some cabinets that she needs to dispose of. She has been working hard with the Veteran's Memorial. Will be posting video of the Memorial within the next couple days.

Councilmember Fred Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the June 2023 General Abstract of Vouchers (A) for a total of \$15,292.94.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember J.D. Arnold to approve the June 2023 General Abstract of Vouchers (B) for a total of \$8,024.94.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember Fred Arnold to approve the June 2023 Highway Abstract of Vouchers (DA) for a total of \$5,309.27.

All ayes.

MOTION CARRIED

Councilmember Fred Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the June 2023 Highway Abstract of Vouchers (DB) for a total of \$27,144.92.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember J.D. Arnold to approve the June 2023 Special Lighting District Abstract of Vouchers (SL) for a total of \$135.90.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold questioned what the National Grid bill was for on the HA Abstract of Vouchers. Supervisor Michael Smith advised that this was National Grid's charges to Town to run power from the pole across street underground to Towns transformer at ball field. Councilmember J.D. Arnold stated after the ZBA meeting last week variance for this building was not granted. He felt that at this time it was not necessary to go any further with project until more information is available. He requested that the \$22,495.80 for National Grid be removed from Abstract.

Councilmember J.D. Arnold made a motion, seconded by Councilmember Fred Arnold to approve the June 2023 Amended Park Pavilion Abstract of Voucher (HA) for a total of \$7,890.00 which covers the well drilling charges.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember Fred Arnold to approve the Supervisor's Monthly Report for June 2023.

All ayes.

MOTION CARRIED

On a motion of Councilmember Fred Arnold, seconded by Councilmember JoAnne Grant the meeting was adjourned to Executive Session at 7:11 p.m. to discuss personnel.

Supervisor Smith asked that Planning & Zoning Chairs; Town Clerk, Planning/Zoning

Attorney & Code Enforcement/Building Administrator attend.

All ayes.

MOTION CARRIED

On a motion of Councilmember Fred Arnold, seconded by Councilmember JoAnne Grant the meeting returned to Regular Session at 7:47 p.m. Supervisor Smith advised that in Executive Session Town Board determined that a three-person committee should be set up to get process underway for replacement of building inspector, place advertisement and interview potential candidates.

All ayes.

MOTION CARRIED

**RESOLUTION #: 25-2023** – Accept resignation of Treavor Gilday as Building Inspector/Code Enforcement Official. On a motion of Councilmember JoAnne Grant, seconded by Councilmember J.D. Arnold the following Resolution was ADOPTED:

AYES - 4      NAYS - 0

RESOLVED that the Galway Town Board accept the resignation of Treavor Gilday from his position as Building Inspector/Code Enforcement Official effective 8/8/23.

All ayes.

MOTION CARRIED

**RESOLUTION #: 26-2023**- Set-up Committee to get process underway for replacement of Building Inspector. 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 setup a three- person committee consisting of Supervisor Michael Smith, Councilmember J.D. Arnold & ZBA Chair Andy Decker to get process underway for the replacement of the Building Inspector, place advertisement and interview potential candidates.

All ayes.

MOTION CARRIED

**RESOLUTION #: 27-2023** – Re-Appointment of Ruth Ann Daino to Planning Board. 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 Re-Appoint Ruth Ann Daino to the Planning Board term to expire 07/01/28.

All ayes.

MOTION CARRIED

Supervisor Smith asked Attorney Trainor to go over proposed Resolution urging Governor to veto a bill to move certain local elections to even-number years. Attorney Trainor stated that both the Assembly & Senate have passed bills mandating that Towns & Counties move their elections to even-number years. City's & villages are exempt from law. State Constitution & Municipal Home Rule Law allow Town the ability to select their own time to conduct elections. Trainor went into discussion with Board on potential financial issues he sees with this proposed change. **Bradley Bischoff** questioned if state legislation was amending the constitution. **Attorney Trainor** stated that the constitution does not address specifically when local elections will be, it allows towns to choose. This is a state legislative statute.

**TOWN OF GALWAY  
RESOLUTION NO. 28-2023**

**Resolution Urging the Governor to Veto A.04282B/S.3505B to Move Certain Local Elections to Even-Numbered Years**

**Whereas**, the Town Board of the Town of Galway believes that increasing participation in the election process and reducing costs of government operations is good for our republic; and

**Whereas**, Assembly Member Amy Paulin and State Senator James Skoufis reintroduced legislation that would move local elections to even-number years during the 2023 legislative session; and

**Whereas**, versions of this legislation were introduced in previous years and failed to reach the floor for a vote due to lack of support; and

**Whereas**, after the 2022 session concluded, the bill sponsor indicated that hearings would be held on the proposal through the Election Committee process; however, there were no hearings held; and

**Whereas**, the legislation passed in the middle of the night on the last days of the legislative session which is counter to the idea of an open and transparent government; and

**Whereas**, the Town Board of the Town of Galway has several concerns with this bill; and

**Whereas**, this legislation usurps the Home Rule powers reserved by local governments and protected by the Constitution of the State of New York, raising questions of legality and constitutional authority; and

**Whereas**, local municipalities have had the ability to change their elections to even-number years for decades, and chose not to do so; and

**Whereas**, we believe that establishing the schedule of local elections is the right of the local government, and has been for more than 100 years; and

**Whereas**, The Assembly Bill sponsor indicated that she had not received any messages of support for this proposal from any of the 57 Counties and 933 Towns across New York State impacted by this legislation and

**Whereas**, this legislation excludes more than half of all New Yorkers who vote in cities and villages from the changes to election law, creating an inequity among New York voters; and

**Whereas**, this legislation unfairly excludes the elections to offices in New York City and all other cities and villages in New York State, as well as certain offices within all counties and towns; and

**Whereas**, the proposed legislation circumvented the legislative committee process during this session, limiting public input and understanding of the impacts; and

**Whereas**, there has been no financial analysis or operational analysis of the impacts on local Boards of Elections; and

**Whereas**, there are concerns that the current election and ballot counting technology would not be able to adequately meet the demands of the significantly increased ballot size; and

**Whereas**, this will create confusion amongst voters in towns and counties across New York State; and

**Whereas**, separating the elections affords voters more time and focus to better understand important local issues and provides candidates the appropriate platforms to explain their stance on issues without having to compete against national and state level campaigns; and

**Whereas**, moving local elections to even-numbered years would increase the cost of campaigns for local office, reducing the number of candidates willing to invest funds into their own campaign, because the cost of media will increase to compete with national and state level campaign advertisements, and

**Whereas**, there are significant legal and constitutional questions regarding the legality of this measure that have not been adequately addressed; and

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town of Galway urges the Governor to oppose this legislation and utilize her veto authority to reject this proposal; and be it further

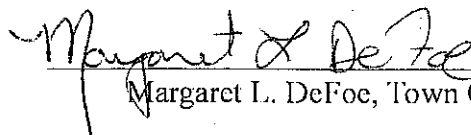
**RESOLVED**, that copies of this resolution be distributed by the Town Clerk to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart Cousins, Assembly Speaker Carl Heastie, Senate Minority Leader Robert Ort, Assembly Minority Leader William Barclay, Assembly Bill Sponsor Amy Paulin, Senate Bill Sponsor James Skoufis, Senator James Tedisco and Assemblymember Mary Beth Walsh.

A motion by Councilmember JoAnne Grant, seconded by Councilmember Fred Arnold to adopt Resolution No. 28 of 2023.

A roll call was taken on Resolution No. 28 of 2023 as follows:

Councilmember Fred Arnold - AYE  
Councilmember JoAnne Peregrin-Grant - AYE  
Councilmember J.D. Arnold - AYE  
Supervisor Michael Smith - AYE

Resolution No. 28 of 2023 was adopted at a meeting of the Town Board of the Town of Galway duly conducted on July 11, 2023.

  
Margaret L. DeFoe, Town Clerk

Other Business – Supervisor Smith stated that a couple month's ago someone ran into the fence at the Ball Field with their car. Replaced fence at a cost of about \$8,600 and submitted to driver's insurance company for reimbursement. Progressive is their insurance company and they offered 10% below replacement cost. Dave Meager Insurance Agent stated that Town could take that or have Town's Insurance NYMER pay the bill in full minus deductible and go after Progressive for full amount. Supervisor stated he did not need a resolution just want to get feel from Board on how to proceed. Town Board felt that NYMER should follow thru with getting full reimbursement from Progressive.

**Supervisor Smith** stated that he was going to talk about electrical at community building but with change to Abstract a discussion on proceeding to bid on community building is needed. **Councilmember Fred Arnold** stated that building has become bigger than originally proposed. Originally talked about a 24' x 24' building to be used by the highway department for storage of equipment to maintain the ball fields and now it has morphed into this. Has concerns that a sprinkler system may be needed for something of this size. **Supervisor Smith** stated that sprinklers were not needed. Grant has been applied for on building in the amount of \$675,000 from Congressman Paul Tonko. As part of that grant Town would be required to offset \$225,000, Town earmarked \$200,000 of ARPA Funding for this. **Councilmember Fred Arnold** questioned if we had an estimate on cost to build this size building. **Supervisor Smith** stated originally estimated building cost to be between \$650,000 & \$700,000 but construction costs have gone up. We are at a point with plans that we could go out to bid and not necessarily approve a bid but get an accurate cost on construction. It could be put into bid that low bidder had to hold cost for 60 days. This would allow town (A) to determine cost of building & (B) put us in the September/October time frame to get state budget passed and find out actual amount coming to town on grant. **Brian Burns** questioned how much it would cost to put building out to bid. **Supervisor Smith** stated he would estimate no more than \$2,500. **Teal Boerenko** questioned if places gave free estimates. She has concerns with more buildings going up when the ones around town like Library are not being used to their full capacity. **Town Supervisor** stated they do not give free estimates. Building is 58' x 119' includes bathrooms, concession kitchen and open gathering area. **Jay Boerenko** stated in the long run the tax payers were going to be responsible for the ongoing maintenance and staffing of building. **Brian Burns** stated that the Zoning Board tabled this application, should town go further before approval from them is granted. **Councilmember J.D. Arnold** stated as far as community building goes, we are working on comprehensive plan right now. He would like to pump brakes until this master plan is done to make sure community is behind project. The people contacting him are not for this community building. He feels as a Town Board Member if we are looking to spend this kind of money it should go out for Referendum Vote. **Supervisor Smith** stated that Referendum is not needed but he was not against doing this. **Councilmember J.D. Arnold** stated that he felt it was bad business to bid a job when variance has not been granted and cost estimates are not known. He feels that town has not investigated options available for some of the

proposed uses needed by various community organizations: There is space available at Library, Ambulance Corp., Fire Department & Town Hall that need to be explored.

Privilege of Floor

**Teal Boerenko** asked if Supervisor had answers regarding extending internet coverage to places in town with none. **Jay Boerenko** stated that this current Board did not put internet issues into place but you are the ones responsible for working to get this completed. **Supervisor Smith** stated that Supervisor George Hargrave signed the contract with Spectrum that is current in place for he believes another three years. There were many road gaps that had no coverage. When town renegotiate their contract, he will push to get the remainder of our town covered. Supervisor was just advised that Spectrum was given a huge amount of money to fill in these gaps of no coverage. **Jay Boerenko** stated the Governor during COVID stated that all homes would get coverage and they did not. **Teal Boerenko** stated that it was the Town Supervisor's responsibility to continually push Spectrum for this coverage. She has contacted Mary Beth Walsh with no response for her help. **Supervisor Smith** stated that Spectrum has done three major spots in town, Mechanic Street, lower section of Consaul Road and he thinks Birchton Road. **Luanna LeClair** stated "She was here yet again to address the disgraceful, unprofessional, embarrassing behavior exhibited at the May 2023 Board Meeting by Supervisor Smith. With no provocation viciously, verbally assaulted a fellow Board Member. In an uncontrolled display of unpredictable and unstable behavior." The remaining Board did nothing. This violated the rights of everyone present. She believes Michael Smith should be tendering a letter of resignation with a full apology. Luanna forwarded an email to Ryan Flinton and cc'd the remaining Board Member regarding his comment regarding the May Minutes being an opinion therefore not approved. She did not receive a response from Ryan but Supervisor Smith stated he would meet with her to discuss this. She found this odd as the email was sent to Ryan and copied to Mike that he would want to respond on Ryan's behalf was not appreciated. Luanna referenced where someone could place a claim against a state or governmental employee if they violate peoples Civil Right's. She felt Supervisor Smith violated his oath of office when he assured her that items would be added to agenda and then they were not; assuring items would be put in Town Board Members mail boxes that were not; not voting; not providing Supervisor's Reports in a timely manner; Board Members not returning their own email; another Board Member attempting to speak for another is not only unacceptable but improper & unstable outburst similar to a child's temper tantrum. These she feels are all a violation of their Oath of Office. **Monica Vanderhoof** stated that she was against town building this building, Library has rooms available. Cost benefit analysis needs to be done for the public to see that this building would be used. Monica stated that when they worked on Library the town voted on that, does not understand how this is different. It does have a financial impact on residents down the line. **Supervisor Smith** stated that he has no problem with this going to referendum, this building is not going to benefit him. He has been spending his time on this for the youth of Galway & the Senior's. **Teal Boerenko** stated that the amount to heat building would be high, building would be target for vandalism, security system would be need. **Supervisor Smith** stated that the Town Park is always being used, if building was not in use inside doors would be locked and bathrooms would be the only thing available for



use. Port-a-potty's are a large cost to the town currently. Crowd stated it was cheaper than cost to keep bathrooms heated, cleaned, and maintained. **Brian Burns** questioned what the cost to date was on project. Well & Architectural drawings have been done. Portion of funding has come from county, \$26,000 was received from economic development. **Teal Boerenko** questioned why grant could not come from county economic development to address internet services to town. She wants to work from home. **Audience** questioned why they did not just build restrooms. **Supervisor Smith** stated that this room is used a lot by civic groups, seniors. On any given day seniors are here for lunch. He received 16 letters of support from civic groups around town. **Monica Vanderhoof** asked if her question was going to get answered. **Supervisor Smith** stated that Library is setup under school district taxes, those funds are collected by school district and then Library is reimbursed with that funding. The reason that went for a referendum is that Library had to be bonded. **Stephanie Hatala-Burns** stated that she was very offended that on Facebook page you thanked Fetter's after June Board Meeting. Post was then taken down when people had negative statements to Supervisor regard his post. **Supervisor Smith** stated he thanked everyone for attending, there were over 100 people in favor or against project. He took down post. **Stephanie** stated that majority of the people the Fetter's had here that night in support of their project were people from out of town. Tax paying residents are what you should be concerned with. She stated that Mr. Fetter was very rude, arrogant, and cocky at the Planning Board Meeting. **Supervisor Smith** stated he was not disputing any of that. **Arlene Rhodes** stated that she would like to encourage Town Board to be more transparent. Nothing on proposed building is on town website, Facebook or in newsletter. **Supervisor Smith** stated over the last four years they have done an economic development survey inviting people in to share thoughts, opinions & beliefs. They did a senior housing study both done with grants, no funding thru town. Currently working on Comprehensive Plan, just had a large meeting with over 100 residents at school to discuss issues with Lake District. He stated that Arlene attended an open house here at town hall on a Saturday regarding comprehensive plan. **Arlene Rhodes** stated that there were only a handful of people at that meeting. **Audience** questioned how the town is being notified regarding different things. **Supervisor Smith** stated press releases, Facebook & social media. **Audience** suggested using the newsletter more for important notifications to the public and sending it out more than three times a year. Agenda need to be available before the night of meeting for public. Meeting minutes need to be up in draft form within the two- week required time frame. **Luanna LeClair** stated that she met with Supervisor a week before meeting was told that item would appear on agenda it did not, information that she gave to him to distribute to Town Board in the mail boxes was not it was handed out night of meeting. **Supervisor Smith** stated that he advised that item would be addressed under privilege of the floor. **Luanna** stated the night of meeting he changed it to privilege of floor. **Audience** questioned why meeting minutes have not been posted for the last two months should be draft within two weeks. **Town Clerk DeFoe** stated that the May meeting minutes were not on website because of an issue with minutes from a couple Board Member on how I worded things stating it was opinion. I was waiting to see if they would approve as written. Board tonight approved June minutes but said nothing further about May. Town Clerk stated that minutes do not have to be approved by Town Board she usually has that done but tomorrow she will upload the May as written & June

minutes as approved tonight. The day after the meeting the Town Clerk regularly puts her minutes on website. I have draft available within two- week time frame available to anyone that wants a copy. **Cheri Manasseri** questioned why minutes were not done word for word. **Town Clerk DeFoe** stated she did not do verbatim minutes; I am not a court reporter. **Luanna LeClair** stated she was an expert on this as she has done verbatim minutes for 25 years, minutes are an opinion of the transcriptionist to pick out high points. If she had transcribed those minutes, she would have been more graphic in her transcription than Clerk in addressing Supervisor's behavior. **Donna Miller** stated at the June Meeting of the Town Board she stated that at the Albany Regional Board of Review Meeting regarding Star Farm that they denied both issues before them. This was incorrect the variance to appeal the decision of the Galway Building Inspector was denied but the other request for variance was adjourned. She would like minutes changed to address her correction. **Town Clerk DeFoe** stated that correction would be noted in these minutes for July advising of error by Donna in her comments at June meeting. **Brian Burns** stated that he does not believe anyone should talk to a woman the way that Supervisor Smith has talked to women in this room, he is very disrespectful. He asked if Supervisor Smith was the reason the minutes from May were not approved. **Supervisor Smith** stated he was one of the members that did not approve those minutes. **Luanna LeClair** stated that her email to Ryan Flinton was to discuss and clarify for him as an expert in transcription that the Clerks transcription of meeting is her opinion of meeting. **Monica Vanderhoof** questioned if procedure should be set up and indicated on website with reference to when minutes from all Board would be available to public. **Town Clerk DeFoe** stated that Treavor just worked with the Planning & Zoning Board Clerk to get 2023 minutes on website within the last month. I believe now Amanda will be able to have minutes up on site after they are approved. We could indicate on website if minutes are available at Town Hall in draft form by two-week cut off if so needed. **Heather O'Brien** stated she has been a resident of Galway for 25 years. Attended her first Town Board Meeting on June 13<sup>th</sup> of this year. Meeting was of significant concern to her as it focused on wedding venue built without permit, inspections and in agricultural/residential area not commercial. During meeting the builder Ira Dorsey stated that he contacted and met with Supervisor Mike Smith & Code Enforcement Officer Treavor Gilday in September of 2022 at the venue to discuss the mistakes made during construction of the 5,200 sq. ft. building. Rather than immediately issue a stop work order on commercial building as it was illegal, they ignored their oaths to uphold laws of town and allowed construction of this building to continue without a permit. I ask why would they ignore their oaths to uphold the laws & codes of town? This decision by local government officials put town in legal jeopardy, should something horrific happen. It was stated by a June 13<sup>th</sup> attendee that people have left this venue under the influence. Supervisor & Code Enforcement Officer sat idly by for six month allowing construction to continue events to be held before cease-and-desist order was properly issued. All Town Supervisors must be committed to holding people accountable for following laws & codes that are in place. They should not be helping them hide misdoings or quietly helping to get building up to code, again in a zone where building is not allowed. Town Supervisor willfully ignored laws & codes leaving her with ethical concerns. She believes this was gross negligence and dereliction of duty. Residents should be able to trust our elected officials. "In her opinion Mike Smith needs to resign so the Town Board

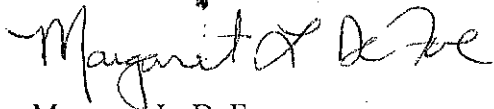
can begin to repair the integrity of this necessary body of Government.” There were no further questions or comments from audience.

On a motion of Councilmember JoAnne Grant, seconded by Councilmember J.D. Arnold the meeting was adjourned at 8:48 p.m.

All ayes.

MOTION CARRIED

Respectfully submitted,



Margaret L. DeFoe  
Town Clerk