

Public Hearing

AGENDA  
July 9, 2013

- 1. Call to Order
- 2. Roll Call
- 3. Pledge to the Flag
- 4. Approval of previous minutes.
- 5. Communications received.
- 6. Abstract of the Agenda
- 7. Privilege of the Floor
- 9. Reports:

Committee Reports

Assessors	Hayner
County and Town	Hargrave
Public Safety	Tillson
Property	Arnold
Buildings & Grounds	Hargrave
Public Affairs	Arnold
Highway	Costanzo
Historian	Keeler
Code Enforcement	Ciembroniewicz

LIAISON REPORTS

Planning Board	Tillson
Youth	Arnold
ZBA	Sutch
Senior Citizens	Sutch

10. Budget Adjustments: none

11. Vouchers and Reports:

Approval of General Abstract of Vouchers (A) Town Wide

Approval of General Abstract of Vouchers (B) Town Outside Village

Approval of Highway Abstract of Vouchers (DA) Town Wide

Approval of Highway Abstract of Vouchers (DB) Town Outside Village

Approval of Special Districts Abstract of Vouchers (SL)

Approval of Supervisors Report.

### MOTIONS & RESOLUTIONS

12. Other Business. (Questions from Residents)

13. Adjourn.

PUBLIC HEARING  
 JULY 9, 2013  
 GALWAY TOWN HALL

Supervisor Hargrave called the Public Hearing to order at 7:00 p.m. The following Town Board Members were present:

PRESENT: Supervisor George Hargrave  
 Councilman Fred Arnold  
 Councilwoman Susan Sutch  
 Councilman Paul Lent

ABSENT: Councilman Michael Tillson

OTHERS PRESENT: V. Hayner, Assessor; C. Ciembroniewicz, Building Inspector; B. Donnan & M. DeFoe, Town Clerk.

Clerk read legal notice placed in Daily Gazette on June 19, 2013 regarding Proposed Local Law entitled "A Local Law Providing for the Repair or Removal of Unsafe Buildings and Collapsed Structures".

Supervisor Hargrave asked if anyone wanted to speak regarding proposed Local Law. **Bonnie Donnan** – Stated she has interest in the collapsing barn on the corner of Crane Road & County Road 45. If she had the money barn would not be in the state that it is currently. Paying for the removal of building is a concern to her. Another concern Bonnie has is with the timing of removal of building when a company has been contracted to take it down. She has seen with other buildings in town, when contracted they actually don't get to project when they say they will. She would not want to be penalized for removal not taking place in a timely manner if contractor can't get to project right away. **Councilman Lent** stated as sponsor of Local Law it was the intent of Town Board to give Town the tool they need to address a potential safety issues if it arises. This would then allow the Town to expend Town funds if necessary for removal & then attach to that property thru Real Property Tax the fees incurred for removal. **Chet Ciembroniewicz, Code Enforcement Officer** had concerns with legality of entering property to make determination. **Councilwoman Sutch** stated Comptroller's Office strongly suggested having this in place to address a potential safety issue. Wording on Law gives flexibility with time frame for removal.

Supervisor Hargrave closed the Public Hearing at 7:15 p.m.

REGULAR MEETING  
 JULY 9, 2013  
 GALWAY TOWN HALL

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

Others Present: V. Hayner, Assessor, C. Ciembroniewicz, Building Inspector; D. Costanzo, Highway Superintendent; T. O'Brien, Dog Control Officer; P. Keeler,

Historian; E. Keeler: L. Sanders & M. DeFoe, Town Clerk.

Pledge to the Flag

A motion was made by Councilwoman Sutch, seconded by Councilman Arnold to approve the minutes of the June 11, 2013 Regular Meeting as submitted.

All ayes.

MOTION CARRIED

Communications – Town Clerk stated that Board Members received copies of the following correspondence: Update from Congressman Chris Gibson dated July 1, 2013; Energy Curtailment Specialists, advising that Town qualifies for the Smart Grid-related program PowerPay; Assessor's Report for July; Article from Town Topics with reference to public hearing requirement for public usage on Pavilion; Highway Department Report for June with schedule for July; Weekly updates from State Comptroller dated 6/16; 6/23; 6/30 & 7/7/13; NYS & Local Retirement System Employer E-News; Notification from the Department of State regarding LGE grants; 2013 CFA Round & Workshop Announcement; Proposed Town of Milton amended Comprehensive Plan & Building Department Report for July. The following correspondence was also received: Thank you note from Donna Sowle for Town's continued support of Family Fun Day – will be posted on bulletin board for everyone to read; NYS Department of Agriculture & Markets Dog Control Officer Inspection Report completed 6/4/13 "Satisfactory" rating & Time Warner Cable notification dated 6/18 & 7/2/13 advising of possible changes in services/stations

Privilege of the Floor – None.

**COMMITTEE REPORTS: Historian** – Phyllis Keeler stated she was very proud to participate in the pavilion dedication ceremony with regards to the weathervane completion. Daily Gazette article will be placed in history file. Phyllis was asked to work with the Providence Historian on grant writing for Historic Markers. **Assessor** – Thank you for working thru computer issues with software. Vicki stated that she has been working with the Building Department Clerk to get all property address in town uniform. **Public Safety** – No Report. **Property** – Councilman Arnold stated that he would be working with Councilwoman Sutch to revamp the property inventory report. **Buildings & Grounds** – Councilwoman Sutch stated that they had the grand opening for pavilion. Farmers Market has been a huge success. They continue to receive interested vendor applications. **Public Affairs** – No Report. **Highway** – Superintendent Costanzo stated that for June the Highway Department paved Baptist Hill Road & Bell Road; Continued reconstruction of Old Mill Road; Ditched a section of Ridge Road & Lake Road; Town-wide storm damage clean-up & Repaired wash-outs; Installed Farmer's market sign and Dedication sign for Pavilion; Mowed ball fields & Mowed R.O.W.'s. For July they will Pave Old Mill Road; Seal the following roads if weather permits: Armer Road, Birchton Road, Bliss Road & Peaceable Street; Mow the ball fields and R.O.W.'s. **Code Enforcement** – Nothing in addition to written report. **County & Town** – Supervisor Hargrave stated on County level, the landfill was sold; Working on

appointing a director to Animal Shelter. Town level, August will begin work on 2014 budget. Board Members need to get involved in process.

**LIAISON REPORTS: Planning Board** – No Meeting/No Report. **Youth** – Councilman Arnold stated that Family Fun Day was held June 15<sup>th</sup> very well attended. **ZBA** – No Meeting/ No Report. **Senior Citizens** – Councilwoman Sutch stated that the Senior's had no meeting on July 4<sup>th</sup>; next meeting is scheduled for July 18<sup>th</sup>. Councilman Lent attended the Senior picnic and stated it was very well attended and the food looked excellent.

**RESOLUTION #: 32-2013** – Additional funding for electrical inspection at pavilion. Supervisor Hargrave stated at last month's meeting the Town Board approved up to \$100.00 for electrical inspection of pavilion, bill came in at \$120.00. Supervisor Hargrave would like a resolution to approve the additional \$20.00 so invoice can be paid. On a motion of Councilman Arnold, seconded by Councilman Lent the following resolution was ADOPTED: AYES – 4 NAYS – 0

RESOLVED that the Galway Town Board authorize the addition funding of \$20.00 for the Electrical Inspection at Pavilion to be charged to A7989.4 Recreation Fields.

All ayes.

MOTION CARRIED

Councilman Arnold made a motion, seconded by Councilwoman Sutch to approve the General Abstract of Vouchers (A) dated 06/13/13 thru 07/03/13 for a total of \$8,474.37.

All ayes.

MOTION CARRIED

Councilwoman Sutch made a motion, seconded by Councilman Lent to approve the General Abstract of Vouchers (B) dated 06/13/13 thru 07/03/13 for a total of \$5,201.41.

All ayes.

MOTION CARRIED

Councilman Lent stated that correction of vendor name was needed from "Emerald Equipment" to "Emerich Equipment" Councilman Lent made a motion, seconded by Councilman Arnold to approve the Corrected Highway Abstract of Vouchers (DA) dated 06/13/13 thru 07/03/13 for a total of \$5,494.55.

All ayes.

MOTION CARRIED

Councilwoman Sutch questioned if issue was corrected with Peckham Material Corporation bill from last month. Supervisor Hargrave stated that everything was corrected; amount was approved last month so nothing further was needed from Town Board. Councilman Arnold made a motion, seconded by Councilman Lent to approve the Highway Abstract of Vouchers (DB) dated 06/13/13 thru 07/03/13 for a total of \$61,525.27.

All ayes.

MOTION CARRIED

Councilman Lent made a motion, seconded by Councilwoman Sutch to approve the Special District Abstract of Vouchers (SL) dated 6/13/13 thru 7/03/13 for a total of \$93.12.

All ayes.

MOTION CARRIED

## REGULAR MEETING, GALWAY TOWN BOARD, JULY 9, 2013

Councilman Arnold made a motion, seconded by Councilwoman Sutch to approve the Supervisor's Operating Statement for the period ending 6/30/12.

All ayes.

MOTION CARRIED

**RESOLUTION #: 33-2013** – Local Law No. 2-2013. On a motion of Councilman Lent, seconded by Councilwoman Sutch the following resolution was ADOPTED BY ROLL CALL VOTE:

Supervisor George Hargrave – AYE Councilman Fred Arnold – AYE

Councilwoman Susan Sutch – AYE Councilman Paul Lent - AYE

RESOLVED that the Galway Town Board approve Local law No. 2-2013 entitled "A Local Law Providing for the Repair or Removal of Unsafe Buildings and Collapsed Structures".

AYES – 4 NAYS – 0

MOTION CARRIED

**RESOLUTION #: 34-2013** – Appointment of Assessor. Supervisor Hargrave questioned Town Boards feelings with regards to appointing Assessor to six year term. On a motion of Councilman Lent, seconded by Councilman Arnold the following resolution was ADOPTED BY ROLL CALL VOTE:

Supervisor George Hargrave – AYE Councilman Fred Arnold – AYE

Councilwoman Susan Sutch – AYE Councilman Paul Lent – AYE

WHEREAS, the NYS Office of Real Property Tax Service has notified the Towns with Sole Appointed Assessors that said appointment terms are expiring on September 30, 2013, NOW THEREFORE, BE IT RESOLVED, that Victoria L. Hayner be appointed as Sole Assessor of the Town of Galway for a term that begins on October 1, 2013 and expires on September 30, 2019 and be it further RESOLVED, that a certified copy of this resolution be forwarded to the NYS Office of Real Property Tax Service.

AYES – 4 NAYS – 0

MOTION CARRIED

**RESOLUTION #: 35-2013** – Schedule Public Hearing for pavilion usage. On a motion of Councilwoman Sutch, seconded by Councilman Lent the following resolution was ADOPTED: AYES – 4 NAYS – 0

RESOLVED that the Galway Town Board schedule a Public Hearing for August 13, 2013 at 7:15 p.m. to Establish rules and the application process for the use of the Town pavilion.

All ayes.

MOTION CARRIED

Supervisor Hargrave stated that he sent an email to all Board Members regarding several items that need to be addressed before the end of year. Went into discussion regarding the following issues: Replacement needed for Town Hall Custodian after the first week in September; Mowing of Town Hall & Ball Field; Part-time summer help for Highway; Maintenance work at Town Hall; Set hours for Highway Superintendents Administrative Assistant, Town Hall Custodian & Highway Custodian.

**RESOLUTION #: 36-2013** – Set hours for Highway, Administrative Assistant, Town Hall Custodian & Highway Custodian. On a motion of Councilwoman Sutch, seconded by Councilman Arnold the following resolution was ADOPTED: AYES – 4 NAYS – 0

## REGULAR MEETING, GALWAY TOWN BOARD, JULY 9, 2013

RESOLVED that the Galway Town Board set the following hours not to exceed: Highway Administrative Assistant 20 hours per week; Highway Custodian 18 hours per week & Town Hall Custodian 24 hours per week including lawn maintenance.

All ayes.

MOTION CARRIED

Highway Superintendent stated that he would get job description for both Highway Administrative Assistant & Highway Custodian to Town Clerk.

Supervisor Hargrave stated that we would also need to look at someone taking over website after Councilman Tillson leaves. Councilwoman Sutch stated that Councilman Tillson has been doing the website all these years for no pay; suggested looking at paying him as of 2014. Supervisor Hargrave stated our current computer support person is sometimes hard to get in touch with and is very expensive. We may want to look at someone closer. Town Clerk stated that Supervisor currently does a lot of in house computer trouble shooting. Councilwoman Sutch suggested writing a brief description of what we are looking for and then contact several firms for pricing. Also contact other Towns for who they use for computers. Councilman Lent stated he would contact Towns regarding computer support. Councilman Lent stated that this would be a perfect opportunity for Town to update and enhance website. Supervisor Hargrave will contact other Towns regarding who they use for website. Town Clerk stated that someone will need to do what Supervisor Hargrave currently does with newsletter. Pam does layout/typing of newsletter and then forwards it to printer. Supervisor Hargrave picks up newsletter at print shop; brings it to Unlimited Potential with cd of addresses for sorting and labeling; picks it up from them and brings it to post office with check for postage.

Other Business – Phyllis Keeler stated with school system going from 2 bus runs in morning & afternoon to 1, may find interested candidates in bus drivers since their time will be cut in half.

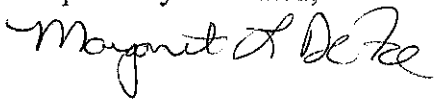
Superintendent Costanzo stated that we needed to look at a substitute for the crossing guard position. Town Clerk stated that she contacted school to see if there was anyone interested in filling in for crossing guard when needed and they had no one interested. Went into discussion regarding crossing guard. Supervisor Hargrave will add to list for advertisement.

Councilman Arnold made a motion, seconded by Councilman Lent to adjourn the meeting at 8:19 p.m.

All ayes.

MOTION CARRIED

Respectfully submitted,



**Town of Galway  
Local Law No. 2 of 2013**

**A LOCAL LAW PROVIDING FOR THE REPAIR OR REMOVAL OF UNSAFE BUILDINGS  
AND COLLAPSED STRUCTURES**

Be it enacted by the Town Board of the Town of Galway;

**SECTION NO. 1 - PURPOSE**

Unsafe buildings pose a threat to life and property in the Town of Galway (the "Town"). Buildings and structures may become unsafe by reason of damage by fire, the elements, age or general deterioration. Vacant buildings not properly secure at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building may also serve as a place of rodent infestation, thereby creating a health menace to the community. It is the purpose of this Local Law to provide for the safety, health protection and general welfare of persons and property in the Town by requiring that such unsafe buildings be repaired or demolished and removed.

**SECTION NO. 2 - NAME**

This Local Law shall be known as "Unsafe Buildings Law" for the Town of Galway.

**SECTION NO. 3 - DEFINITIONS**

1. "Building" means any building, structure or portion thereof use for residential, business or industrial purpose.
2. "Code Enforcement Officer" means the Code Enforcement official of the Town of Galway or such other person appointed by the Town Board to enforce the provisions of this Local Law.
3. "Town" means the Town of Galway

**SECTION NO. 4 - INVESTIGATION AND REPORT**

When the Code Enforcement Officer, in his/her own opinion, or upon receipt of information that a building:

1. is or may become dangerous or unsafe to the general public;
2. is open at doorways and windows, make in accessible to and an object of attraction to minors under eighteen years of age, as well as to vagrants and other trespassers;
3. is or may become a place of rodent infestation;



4. presents any other danger to the health, safety, morals and general welfare of the public;
5. is unfit for the purpose which it may be lawfully used, he or she shall cause or make an inspection thereof and report in writing to the Town Board of the Town his/her findings and recommendations in regard to its repair or demolition and removal.

#### **SECTION NO.5 – TOWN BOARD ORDER**

The Town Board shall thereafter consider such report and by resolution determine, if in its opinion the report so warrants, that such building is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal, and further order that a notice is served upon the persons and in the manner provided herein.

#### **SECTION NO. 6 – CONTENTS**

The notice shall contain the following:

1. A description of the premises
2. A state of the particulars in which the building is unsafe or dangerous
3. An order outlining the manner in which the building is to be made safe and secure, or demolished or removed
4. A statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed with 60 days thereafter, unless, for good cause shown, such time shall be extended
5. A date and time and place for a hearing shall be scheduled not less than 5 business days from the date of service of the notice, and
6. A statement that in the event of neglect or refusal to comply with the order to secure or demolish and remove the building and its contents the Town Board is authorized to provide for its demolition and removal, to assess all expense thereof against the land on which it is located, and to institute a special proceeding to collect the costs of demolition, including legal expense.

#### **SECTION NO. 7 – SERVICE OF NOTICE**

The said notice shall be served by personal service of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building as shown by the records of the Town Tax Collector or of the County Clerk; or if no such person can reasonably be found, by mailing such owner by registered mail a copy of such notice directed to his/her last known address as shown by the above records; and by personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found and by securely affixing a copy of such notice upon the unsafe building.

**SECTION NO. 8 – FILING**

A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Saratoga.

**SECTION NO. 9 – REFUSAL TO COMPLY**

In the event of the refusal or neglect of the person so notified to comply with the said order of the Town Board and after the hearing, the Town Board shall provide for the demolition and removal of such building or structure either by Town employees or by contract. Except in an emergency as provided by Section No. 11 hereof, any contract for demolition and removal of a building in excess of \$20,000 shall be awarded through competitive bidding.

**SECTION NO. 10 – ASSESSMENT OF EXPENSES**

All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, and all reasonable and necessary legal expenses incidental thereto, shall at the option of the Town Board, either:

1. Be assessed against the land on which such building is located and shall be of a special ad valorem levy
2. Be collected by commencement of a special proceeding against the owner of the unsafe or dangerous building or structure pursuant to General Municipal Law 78-b.

**SECTION NO. 11 – EMERGENCY CASES**

Where it reasonably appears that there is present a clear and imminent danger to life, safety and health of any person or property, unless an unsafe building immediately repaired and secured or demolished, the Town Board may by resolution authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be charged against the land on which it is located and shall be assessed, levied and collected as provided in Section No. 10, hereof.

**SECTION NO. 12 – SEPARABILITY**

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if any provisions shall be deemed invalid, all other provisions hereof shall remain valid and enforceable.

**SECTION NO. 13 – REPEALER**

The Local Law shall supersede all prior local laws, ordinances, rules and regulations relative to the repair or removal of unsafe buildings and collapsed structures within the Town of Galway and they shall be, upon the effective date of this ordinance, null and void.

**SECTION NO. 14 – EFFECTIVE DATE**

The Local Law shall take effect upon its being duly filed in the Office of the Secretary of State of the State of New York as provided in Section 27 of the Municipal Home Rule Law.