

AGENDA**TOWN OF GALWAY
TOWN BOARD MEETING****September 12, 2023**

Call to order – Deputy Supervisor Arnold

Roll Call – Town Clerk Defoe
Supervisor Smith- Excused

Pledge to the flag – All

Approval of the minutes for the meeting held August 08,2023

Approval of the minutes for the special meeting held September 5, 2023

Communications Received – Town Clerk Defoe

Reports of Committees:

Historian

Youth Commission/Community Outreach

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

Approval of Abstract Fund HA

Supervisor's Report- Supervisor Reports

Budget Amendments- Accept \$8845.25 insurance for fence incident into A7989.4

Resolutions:

- Re-appoint John McDonald to the Board of Assessment Review

Other Business

- Comprehensive Plan Meeting -next meeting will be at Fire Department on Sept 19th at 7pm.
- Schedule 3 budget workshop meetings
- Kevin Symonds has resigned from Planning Board we are looking for a new member

Priviledge of the Floor:

Adjourn

TO: TOWN OF GALWAY
RESIDENTS
FROM: GALWAY TOWN
BOARD
RE: 2024 BUDGET
WORKSHOPS

Please be advised that
the Galway Town Board
will hold 2024 Budget
Workshops on the fol-
lowing dates:
September 20, 2023 at
6:30 p.m.
September 25, 2023 at
6:30 p.m.
September 27, 2023 at
6:30 p.m. if needed.
9/14 2501165

-Public Notice Ad Proof-

This is the proof of your ad scheduled to run on the dates
indicated below. Please proof read carefully if changes are needed,
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<p>Date: 09/13/23</p> <p>Account #: 90010 Company Name: TOWN OF GALWAY</p> <p>Address: 5910 SACANDAGA RD. GALWAY</p> <p>Telephone: (518) 882-6070 Fax:</p>	<p>Publications: THE DAILY GAZETTE, Online Advertising</p>
<p>Ad ID: 2501165 Copy Line: 2024 BUDGET WORKSHOPS</p> <p>PO Number: Start: 09/14/23 Stop: Total Cost: \$10.98 # of Lines: 18 Total Depth: 1.597 # of Inserts: 2 Ad Class: 101</p>	

Amsterdam Hawks Travel Baseball; Youth Recreation soccer & School Soccer. October 28th from 11-4 Harvest Halloween Event.

Councilmember J.D. Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the August 2023 General Abstract of Vouchers (A) for a total of \$16,130.37.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember Ryan Flinton to approve the August 2023 General Abstract of Vouchers (B) for a total of \$2,830.45.

All ayes.

MOTION CARRIED

Councilmember Ryan Flinton made a motion, seconded by Councilmember J.D. Arnold to approve the August 2023 Highway Abstract of Vouchers (DA) for a total of \$16,908.40.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the August 2023 Highway Abstract of Vouchers (DB) for a total of \$13,695.05.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember Ryan Flinton to approve the August 2023 Lighting District Abstract of Vouchers (SL) for a total of \$149.20.

All ayes.

MOTION CARRIED

Councilmember Ryan Flinton made a motion, seconded by Councilmember J.D. Arnold to approve the August 2023 Park Pavilion Abstract of Vouchers (HA) for a total of \$3,625.95.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the August 2023 Tri-Town Abstract of Voucher (TT) for a total of \$1,043.44.

All ayes.

MOTION CARRIED

Councilmember Ryan Flinton made a motion, seconded by Councilmember JoAnne Grant to approve the Supervisor's Operating Statement for the period ending 8/31/23.

All ayes.

MOTION CARRIED

Deputy Supervisor Fred Arnold stated that Town Board received the email from Teal Boerenko addressing internet/broad ban services. Deputy Supervisor Arnold advised that Supervisor Smith has been looking into this. Deputy Supervisor advised that he had Spectrum at his home and he asked them about coverage issue. He was given a number to contact to get more information. They will be researching this further to be able to give Teal a better understanding of where things stand with getting coverage to these roads. **Teal Boerenko** stated that on August 8th Supervisor Smith stated that he stopped at her home to talk about coverage when she has made him aware that she can't work from home because she has no internet coverage. To date she has had no further information from Supervisor on outcome of anticipated coverage. She feels if the Supervisor could obtain a grant for this proposed community building, he could get a grant to get internet coverage for remainder of Town. Teal stated that the Government has allotted 42.5 billion dollars to make this coverage a reality. Deputy Supervisor Arnold believes that

continuing issues with internet lead him to believe that an upgrade to current coverage is needed. **Jay Boerenko** stated that Supervisor Smith stated that he would get back to Teal with findings and has to date not done so. Teal stated that he took her number to get back to her with results, he needs to do his job and get back to her. Teal stated if she doesn't get anywhere with Supervisor Smith, she will contact every news channel and government office to have them here.

Deputy Supervisor Arnold stated that on September 5th the Town Board appointed Max Luetters as new Code Enforcement Officer/Building Inspector. He has not started yet, but anticipate within the next week he will have completed his two weeks' notice to his current employer and begin with Galway. **Andy McPherson** questioned if someone was helping in the interim? **Councilmember Ryan Flinton** stated that intention was to have our Town Engineer, EDP cover until someone was in place. **Town Clerk DeFoe** stated that no one has been doing anything for the last month, she has been dealing with many unhappy people on phone and in person regarding this. **Deputy Supervisor Arnold** stated that he did set up for Inspector from south to cover, but that was not put into place.

RESOLUTION #: 31-2023- Budget Amendment. Deputy Supervisor Arnold stated that insurance check was received from incident that occurred at ball field to fencing. On a motion of Councilmember JoAnne Grant, seconded by Councilmember Ryan Flinton the following resolution was ADOPTED: AYES – 4 NAYS – 0

RESOLVED that the Galway Town Board authorize the following budget amendment:
INCREASE A7989.4 Recreational Fields \$8,845.25.
(Insurance reimbursement for motor vehicle accident at ball field - fence damage)

All ayes.

MOTION CARRIED

RESOLUTION #: 32-2023 – Reappointment of John McDonald to Board of Assessment Review. On a motion of Councilmember J.D. Arnold, seconded by Councilmember Ryan Flinton the following resolution was ADOPTED: AYES – 4 NAYS – 0

RESOLVED that the Galway Town Board reappoint John McDonald to the Board of Assessment Review with a term to expire 9/30/28.

All ayes.

MOTION CARRIED

Other Business – Deputy Supervisor Arnold advised that the next meeting of the Comprehensive Plan Committee will take place at the Fire Department on September 19th at 7 p.m.

RESOLUTION #: 33-2023 – Set dates for budget workshops. On a motion of Councilmember Joanne Grant, seconded by Councilmember Ryan Flinton the following resolution was ADOPTED: AYES – 4 NAYS – 0

RESOLVED that the Galway Town Board set the following dates for 2024 budget workshop: September 20, 2023 at 6:30 p.m., September 25, 2023 at 6:30 p.m. & if needed September 27, 2023 at 6:30 p.m.

All ayes.

MOTION CARRIED

RESOLUTION #: 34-2023 – Accept resignation of Kevin Symonds from Planning Board. 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 Kevin Symonds from the Planning Board.

All ayes.

MOTION CARRIED

Deputy Supervisor Arnold stated that the Town Board was now looking for someone to step up to this open position on Planning Board.

Privilege of Floor – **Monica Vanderhoof** stated she would like to give the Board some upcoming information on Election and her role as Election Machine Custodian. She has completed her training and is ready to go. There is a separate roll that goes along with this of coordinator for election inspectors that she was not aware of. After talking with the Board of Election and Chair of Republican Committee she is willing to do this part of job in conjunction with Election Machine Custodian. This is scheduling inspectors for polling locations & making sure they received their needed training. **Town Clerk DeFoe** stated once Monica had inspectors for each polling place, she could forward information to her. Beth Ruman also sends a list of her inspectors for each site. Clerk then does up a letter to all telling locations for each & time. They like this list of where everyone is in case, they want to plan car pool or food for the day. The Town does supply an early dinner for all inspectors paid for by Town. If Monica chose not to do this part of process the county would set up Inspector's for each site. Issue may occur with having the six people needed for polling sites. Town Clerk stated getting two people for each party at each of the three sites has been an ongoing issue for some time. County pays the Election Inspectors \$210 per day. Town then pays for dinner for Inspectors. **Teal Boerenko** would like a clearer copy of community building, as what is in newsletter is not legible. **LuAnna LeClair** referenced the August 8th minutes where Elizabeth Currie asked for clarification on original premise of building at ball field. Was it originally started for housing equipment for highway department? Supervisor Smith advised her that it was not. LuAnna stated at July meeting Councilmember Fred Arnold stated that original discussion started as a storage shed for highway department equipment at field. Supervisor Smith told LuAnna that she could review minutes and she would find that to not be the case. LuAnna referenced the July 11, 2023 minutes where Councilmember Fred Arnold made this statement. Supervisor never addressed the size at that meeting going right to the fact that sprinklers were not needed. The answer to Elizabeth Currie question should have been yes it was. Supervisor stating that LuAnna sited this incorrectly was also a false statement. Supervisor in official capacity made false statement regarding minutes. LuAnna went over what the Boards oath of office represents. Explaining her concerns with what is absent in the recent newsletter. A newsletter should be written or printed account of news. Trustworthy news has machinery of care, transparency, expertise & ethical journalism. She feels this newsletter is pure propaganda. This newsletter doesn't include an opposition, concerns, dissent stated by Galway residents. This makes Supervisor Smith guilty of omission by ignoring the residents and alienating the rights you have sworn to uphold & defend by the US Code. Anyone receiving this newsletter is disinformed, misinformed or uninformed of what is happening in Galway. Propaganda is the communication that is used to influence or persuade an audience to further an agenda, which may be selectively presenting facts to encourage a particular perception. Public corruption involves a breach of public trust and/or abuse of position by federal, state, or local officials and their private sector accomplices. A governmental official whether elected, appointed or hired may violate Federal

Law when they demand, solicit, accept, or agree to receive anything of value in return for being influenced in the performance of their official duties. She referenced 18 US Code Section 1001 "1. Falsified, conceals, or covers up by any trick, scheme, or device a material fact. 2. Makes a materially false, fictitious, or fraudulent statement or representation. 3. Makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement." She further stated "Section 1001 defines false statement when subject knowingly and willfully made a statement in relation to a matter within the jurisdiction of a department or agency of US with knowledge of its falsity. Prohibits knowingly and willfully making false or fraudulent statements, or concealing information in any matter within the jurisdiction." "Section 1038 whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken or is taking or will take place would constitute a violation." "Criminal fraud is a deliberate scheme to obtain financial or similar gain by using false statements, misrepresentations, concealment of important information or deceptive conduct." She called for resignation of Supervisor Michael Smith for violation of his oath of office, unstable behavior exhibited at a Town Board Meeting in his official compacity. **Bradley Bischoff** questioned if the Ethics Board member were listed on website. Colleen stated that they were. Brad stated that LuAnna needed to go to Ethics Board. **RuthAnn Daino** stated that code stated that there should be five members and there are only three on Ethics Board. **Sue Atkins** questioned \$130,000 worth of incidental items not covered by grant for community building, what fund will they be taken from. **Deputy Supervisor Arnold** stated that he was not sure where this would be taken from. **Councilmember Ryan Flinton** stated that figures were just rough estimate, the Board has no accurate figures at this time. Sue questioned what the amount was in General Fund at this point? **Councilmember J.D. Arnold** stated slightly over a million dollars was in General Fund. Sue questioned if a construction company had been selected? Deputy Supervisor Arnold stated that Board had not selected a contractor on project. Sue questioned if the Board was going to go for a referendum on building. Deputy Supervisor Arnold stated as a Board Member that is what he would like to see. Councilmember Ryan Flinton stated he would have no problem with referendum. He further stated that conversations he has had with Supervisor indicate that he would have no problem with referendum. Sue stated that the way the public is notified of important information is by Town Hall, Town Website & Facebook, she feels that many people need something more. Everyone doesn't have internet availability and what we have is spotty. Newsletter needs to be printed and sent out more. Deputy Supervisor Arnold stated that we did do newsletter quarterly, but then went to two on line issues. Sue questioned cost for newsletter. Colleen stated about \$3,000 to do newsletter mailing. She is exploring smaller pamphlet with county to fill in gaps of information. Once she gets this information she will bring to Board for review. Sue stated that General Fund has over a million, open wallet and do mailing with needed information on more of a regular basis to keep community aware of what is going on. **Arlen Rhodes** stated that Library is interested in working with Town more, suggested Colleen share information with them for "Galway Get Together" which goes out ever two weeks. This again is online, but could be helpful to residents. Arlene stated that Town needs to find the vehicle to address residents and keep them up to date on what business of Town is going on and opportunities there are so we can make our Town stronger. **Councilmember Ryan Flinton** stated in newsletter

is community survey, this is very important, please make sure everyone completes survey. **Teal Boerenko** stated that people didn't know about survey until newsletter. **Colleen** stated that it was originally digital. Teal stated that the plans for community building in newsletter are not ledge able. Colleen stated that was a printing issue. Teal stated Town's quality control should have taken care of printing problem before newsletter went to print. **Councilmember Ryan Flinton** stated we can't make people read the mailing. Teal stated before mailing people were not aware of survey. Ryan stated survey was put in newsletter so everyone would get information and hopefully complete it. **LuAnna** reiterated the need for all information be it support or against items to be made public. She is not for this building and feels that the school should be made available for youth usage. **Darby** suggested having a quarterly newsletter, but monthly having maybe a one sheet update sent out of important information. **Brad Bischoff** suggested that Board get actual quotes for proposed project before they go to referendum with estimated figures given. This is misleading, if you go to referendum for \$600,000 and it ends up costing over a million. Bids are needed before Board puts this out for Referendum. **Councilmember J.D. Arnold** agreed with Brad regarding rumors, innuendo, pricing & need for this proposed building. Cost estimates match grant exactly. Realistically he feels cost will be significantly higher than anticipated costs. Point has been made that there will be no ongoing cost to maintain this building going forward. He takes exception to this, a building of this size with heating, cleaning, supervision during events and many other things that will go along with building that haven't even been discussed yet. Strongly disagree with cost estimates for this project. J.D. stated with reference to LuAnna's point about the school being available for youth usage, he had a meeting with School Board President Jay Anderson this week to get his side of school usage story. He stated that there is no reason that any youth organization needing space could not use school. This was different information from what he has been getting, J.D. felt it was reliable information coming from School Board President. Process requires them to sign up, they are then given a security card that is programmed to open and lock at appropriate hours. Since the school is already in place for usage, we are paying taxes for school we should use it. He feels the board will need to have some difficult discussions regarding building costs. **Councilmember Ryan Flinton** stated on the opposite end of this usage conversation is the fact that many organizations are wanting to use building. Everyone want the large rooms which are limited and things get very competitive for usage. Not every room is available for usage, only a couple rooms are available and they are very competitive. J.D. stated that was not the way it was explained to him. Ryan stated that this is why they looked into community building. The school has limited usage; Library has no evening usage and Town Hall has already exceeded the size for Senior's. He feels there are lots of power points to everyone's arguments and he doesn't discount anyone's argument against building. Ryan stated with his role as parent & Board Member he struggles to do anything with a youth-oriented group in Galway especially in winter. This proposed building would fill up quickly with 40 scouts, their parents & leaders. There is no sense of community for large group gathering for youth in Galway. He respectfully disagrees with there not being a need for this building in our community. He feels that there is a larger section of the Town that feels the need for this building. Small representation of people against building don't represent the true representation of over 3600 residents of Galway, many of which are parents of young children. Ryan stated with reference to LuAnna's quoting of minutes from a few months ago vs. a couple years ago when discussion began. Board agreed at

budget time last year to hire an engineering firm to design a building so we could then get numbers on cost of building. He is all for getting accurate costs for building and going for referendum. He feels Referendum will prove that the majority of community is for building vs the small group here tonight against it. Councilmember Flinton stated that Supervisor Smith was approached by Congressman Tonko specifically for opportunity to have grant for new building. The reason the figures match the grant figures are because grant request figure was established by those estimates. Grant came out of those estimated numbers, there is no corruption going on. Those were estimated numbers, Councilmember Flinton feels that estimates will come in less than this. Ryan stated that everyone arguing back and forth about actual figures is complete "BS". He feels this is a waste of everyone's time until actual quotes have been obtained. He would like to see everyone stop wasting time arguing back and forth on building when we don't have actual costs associated with building it. He at this point is sick of hearing about it, doesn't care if Town builds it or not. **Frank Daino** is still confused as to Boards intention on Referendum. What is needed to go to next level. **Town Clerk** stated that Board has indicated that quotes need to be done first before going to Referendum. Frank questioned if Board would actually go for Referendum on building. **Sue Atkins** stated that Board has stated that they would do Referendum, Councilmember Flinton is sick of hearing about it make resolution. **Andy McPherson** stated that what he's hearing is that they want Board to commit to having a Referendum.

RESOLUTION #: 35-2023 – Resolution to authorize a Referendum on Community Building. On a motion of Councilmember Ryan Flinton, seconded by Councilmember J.D. Arnold the following resolution was ADOPTED BY ROLL CALL VOTE:

Deputy Supervisor Fred Arnold – Aye Councilmember JoAnne Grant – Aye
Councilmember Ryan Flinton – Aye Councilmember J.D. Arnold – Aye

RESOLVED that the Galway Town Board authorize a Referendum on building of a Community Building at a date to be determined once we have received bids on cost associated with building construction.

AYES – 4 NAYS – 0

MOTION CARRIED

RuthAnn Daino stated that it needed to be made clear to community on who will be allowed usage of building. She feels there are misconception on building usage. She feels the youth of Galway are looking at this as an open gym concept, when it appears to be more of a community group usage with application & insurance. **Deputy Supervisor Arnold** stated similar to soccer & baseball field usage. **Colleen** stated that usage would be similar to pavilion & ball field usage. There has also been discussion regarding possibly having a block of time for open gym. That will be discussed as building use process continues. **LuAnna LeClair** stated with reference to Councilmember Flinton stating she was quoting information from last few meetings; this was in reference to Supervisor Smith false statements which goes against US Code. Councilmember Flinton questioned what the false statements were that LuAnna was referencing? When he told Elizabeth Currie in August that original premise of building was not for a storage shed to be used by Highway Department for storage of equipment for ball field. When in July Councilmember Fred Arnold stated that it originally was proposed as storage shed morphed into this building that he questioned if it needed a sprinkler system. The only comment Supervisor Smith made to

Councilmember Arnold was not that statement was wrong, or you are wrong or that was not how discussion began but to simply address that sprinklers were not needed on this current proposed building. Supervisor Smith then told LuAnna that she needed to review minutes as that was not the case. Two false statements, second making everyone believe I misstated something that was stated the month before. You stated that you are tired of talking about this because it's all "BS" it's not it's about transparency. Councilmember Ryan Flinton stated that the comment from Councilmember Fred Arnold that building started as an equipment shed with all due respect he disagrees with. His recollection of conversations going back several years regarding building always referenced this as a community building. Councilman Arnold raised concern with equipment storage needs at ball field. His recollection from several years ago was for a community building with input for storage of equipment. He believes Supervisor Smith's recollection of discussions was not fraudulent, but from several years ago and in line with his recollection of discussions. Councilmember Arnolds recollection of discussion is different. They are going off recollection as Board Members not quoting minutes from several years ago when this community building discussion started. Councilmember Ryan Flinton stated that he felt this was a moot point. She is accusing Supervisor of criminal fraud over a difference of recollection of memory that he doesn't think is false. LuAnna stated that he should have stated that he would look into it if that was his feeling. LuAnna stated that the transparency issues that everyone has discussed are not with Town but with the action of Supervisor. He then ignores public comment in newsletter. Councilmember Flinton stated that Supervisor Smith is not the engineer of record that has done stamped plans on building. Engineer discussions with reference to concerns with swale or waste water management on this site is nothing more than an informal discussion. Town has hired an engineering firm to handle this and the septic design is done by a professional. A contractor sitting in audience is not the same as a record prepared by a paid professional for their services. Ryan believes it is valid input to ask about swale, but again informal discussion. LuAnna stated that she was present when Supervisor had an unstable outburst which he never apologized for, working in a capacity for the residents in everything he does. He needs to resign as he should not be defying people's rights, he should uphold them. **Andy McPherson** stated her raising her voice is justified? LuAnna stated it was justified. **William Adair** questioned if Board has determined if Air B & B's are illegal? **Deputy Supervisor Arnold** stated that Town Code Enforcement officer resigned and we just appointed someone last week. He should be working next week and has a list of items to address, one being if this is allowed "Short term rentals". William Adair stated that new person would need to determine if this was considered a business. **Councilmember Ryan Flinton** stated that the Town was not at the point of making this type change to Law, he believes this is a state wide concern. **Bill Bateman** stated what he is taking away from tonight's discussion is the need for a process to implemented regarding communication. He feels the Board should take a step back and setup a committee to review building needs and research how to go forward. He is willing to be on committee if needed. **Sue Sutch** stated that Air B & B questions were on Town Survey. She felt it was very important for residents to complete and return survey. **Bradley Bischoff** stated he felt the Air B & B issue would end up on a County or State level to address. **Arleen Rhodes** stated she would like to get back to Bill's suggestion of taking a step back on building. Looking at the school population declining, is this building something we need or something we

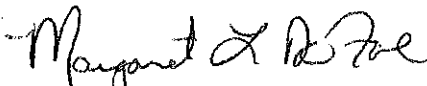
would like? There are many other available facilities for usage. The Methodist & Catholic Churches both have large meeting space available for usage along with West Charlton Fire Department. Harmony has a smaller space that is available. Take a step back and reassess what space is actually available for usage. Is there an actual youth sports need. **Councilmember Ryan Flinton** stated that youth usage needs go beyond sports. He's talking about 10- to 12-year-old youth running around a facility doing activities, not sure if a church is an option. As everyone just got school tax bill, he suggests that audience start attending School Board Meetings as they are looking at yet another 40+ million-dollar capital project. **Bill Bateman** stated that he went on line looking for an agenda for tonight's meeting and could not find one. Link for agenda's but nothing was there for this meeting. Is this usually on internet, if not suggest that it should be. **Town Clerk** stated that she doesn't do agenda, that is done by Town Supervisor. Minutes are done by Town Clerk and posted to Town Website by Town Clerk. **Deputy Supervisor Arnold** questioned Galway Local owner on when they would be opening? She stated they hoped to open by end of September but not really sure. The last 10 days have been very productive. She had two chefs lined up that had to take other jobs because open date was delayed. She has had 10 people apply for these positions, so she is very hopeful that she will hire someone. They anticipate having a quiet opening. Their hours will be from 7 -- 6 p.m. six days a week closed on Wednesday's. Opening celebration will take place on a Saturday or Sunday where people can come by to check out how it looks. Looks a little different, but basically the same as when it was Chuck's. The same counter, stools, similar food and hopefully the same friendliness that was there when Chuck & his family ran it.

Councilmember Ryan Flinton made a motion, seconded by Councilmember JoAnne Grant to adjourn the meeting at 8:18 p.m.

All ayes.

MOTION CARRIED

Respectfully submitted,



Margaret L. DeFoe

Town Clerk