

REGULAR MEETING  
DECEMBER 12, 2023  
GALWAY TOWN HALL

Deputy Supervisor Fred Arnold called the Regular Meeting to order at 7:03 p.m. The following Town Board Members were present:

PRESENT: Deputy Supervisor Fred Arnold  
Councilmember Ryan Flinton

Councilmember JoAnne Grant  
Councilmember J.D. Arnold

ABSENT: Supervisor Michael Smith

OTHERS PRESENT: D. Meager, Insurance Representative; R. Daino, Planning Chair; A. Decker, ZBA Chair; T. O'Brien, Dog Control; M. Luetters, Building/Code Enforcement; D. Costanzo, Highway Superintendent; D. Knizek-Neahr, Historian; N. Despres; J. Smith; L. Feulner; P. Flinton; B. & S. Burns; L. Boerenko; S. & F. Sutch; S. Atkins; C. Moon; C. Baxter; C. Carr; D. Baxter; T. & J. Boerenko; A. Rhodes; M. Rathbun; E. Currie; L. Letourneau; D. McKenzie; P. Venditti; E., B. & J. Ross; S. Costanzo; R. Sleeper; L. & D. DeClair; B. Bischoff; F. & A. Schwab; T. Cwiakala; D. Orzolek; C. Parisi; B. Savino; J. Bellone, M. Baxter & M. DeFoe, Town Clerk.

Pledge to the Flag

Councilmember Ryan Flinton stated with reference to minutes that he received a call from Sharon Holbrook stating that she has been reading minutes and would like to clarify a couple things for accuracy. She didn't resign from her position with Town, she was told her services were no longer needed. With reference to minutes & agendas of Planning & ZBA not being posted, she advised that when she received this information, she published it. Didn't always receive minutes or agendas to publish.

A motion was made by Councilmember J.D. Arnold, seconded by Councilmember Ryan Flinton to approve the minutes of the November 14, 2023 Public Hearing & Regular Meeting as submitted.

All ayes.

MOTION CARRIED

Communications – Town Clerk stated the following correspondence was received: Legal Notice was placed in Daily Gazette on November 17, 2023 regarding the request for sealed bids for the purchase of a used 2019 or newer Sakai SW354 Roller, bids to be opened on December 1, 2023 at noon. One Bid was received from A Montano Co., Inc. for \$39,000, resolution will be needed; Saratoga County Planning & Zoning Conference notification for January 31, 2024 was sent to Town Board, Planning Chair, ZBA Chair, Building/Code Enforcement & Planning/Zoning Clerk; Highway Department Maintenance Report along with schedule for December; Association of Towns newsletter for December; Resignation was received from Carol DeLorme, she was long time planning/zoning Clerk and then Building Clerk effective 12/31/23; Teal Boerenko questioned how Town Board planned to go forward with Spectrum no coverage sections since Supervisor Smith is resigning as of end of year; Brian Burns sent email to Town Board & Planning Board regarding conversation Planning Board had with their neighbors after Planning

Board Meeting was adjourned regarding their subdivision. No questions were asked by these neighbors during privilege of the floor, he felt this was very inappropriate; email to Town Board from Highway Superintendent stating that due to a 2022 voucher for \$24,161.69 being taken from the 2023 budget instead of 2022 he would need to order more salt equivalent to this figure; Office of NYS Comptroller webinar notification; Amsure Insurance adding 2024 Tex Trailer to auto policy for additional premium of \$33; December Planning Board Meeting will be moved to December 19<sup>th</sup> due to Holiday; Tammy Pudney sent several emails that Clerk forwarded to Town Board regarding end of year helpful information, also information needed for AUD & tax form ordering; email correspondence from Highway Department to Town Board regarding issues he had with trying to use the Town credit card; notification from Highway Department that they provided information to Progressive regarding damage to a stop sign on West Galway & Consaul Road after an accident that occurred on 10/26/23 & Community Service Report was received for December.

**Dave Meager, Amsure Insurance Representative** – Dave gave an overview of the proposed 2024 Insurance Policy with NYMIR. Property building & content replacement coverage. General Liability Coverage, Public Officials Coverage & Disability Insurance covers non-elected highway employees only. Comprehensive & Collision Coverage along with a list of municipal equipment. Premiums at a glance appears to be down a bit, but the Cyber Liability for 2024 has not been included. He suggests that Town's IT vendor StoredTech have their representative talk directly to NYMER's IT specialist to complete application correctly. Any questions can be sent to him and he will get back to us. **Councilmember Ryan Flinton** questioned if Cyber coverage was ransom ware liability. **Dave** stated that was correct. Once your system is breached and private information is compromised under NYS law you must notify people in writing, supply credit counseling and discuss with IT people how this happened. NYMER along with many IT specialists don't agree with paying ransom. There is actually a bill in state legislature to require nonpayment of ransom. Current policy covers for Cyber until February 1<sup>st</sup>. Renewal application needs to be done by Town's IT Specialist.

**Reports of Committees:** **Darby Knizek-Neahr, Historian** advised that she completed her article on the Horse Thieves. She is still collecting information regarding this. Paul Orzolek contacted Darby looking for a list of Veterans in the St. Mary's Cemetery, he is interested in placing wreaths on the grave stones. She is researching information to get him a list. **Brian Burns** (member) stated that Paul belongs to their Motorcycle Group "Patriot Guard Riders of New York". This organization escorts Veterans to Albany Airport when they are deployed and when they return, they escort them from Airport to where ever they are from. If a soldier passes away, they lead procession and escort body to cemetery, then direct a flag line. **Darby** stated that she was contacted by Joyce Cupolo who lives in San Diego, class of 1966 looking to get in contact with classmates. **Darby** stated she was almost done with her painting at office. **Deputy Supervisor Fred Arnold** went over Community Service Report advising that Christmas Event was held at Town Hall on 12/9, with great turn out Santa & Mrs. Claus, local vendors free baked goods & hot cocoa; 12/15 Memory Café' will be held with holiday event; Glenville YMCA family open swim on 12/26 6:30-8, 12/27 5-6:30, 12/28 3:30-5 & 12/29 5-6:30. **Code Enforcement & Dog Control** had nothing to report at this time.

Councilmember JoAnne Grant questioned note in A Abstract. Town Clerk advised that that was her note sent to Bookkeeper questioning missing receipts, interest, late fees & sales tax. Bookkeeper's note attached stating that she didn't have missing receipts. JoAnne questioned if these items were included in Abstract? Town Clerk stated that these are paid items in A Abstract. JoAnne questioned if this was Town Clerk's Department that had vouchers with sales tax? Town Clerk stated that it was not Town Clerk Department. Board has vouchers before them to review these concerns are on A Abstract under the credit card payments. There is also a Walmart credit card on B Abstract. The other concern the Town Clerk had with the use on Visa card was that several of these bills in question could have been put on their own account. We have an account with Walmart, Village Home & Garden & Staples they shouldn't be charged on Visa to begin with. Clerk advised that books that were ordered for Max have a receipt attached, tarps for Highway have receipt attached. Dollar General has receipt but sales tax is added in and paid. Village Home & Garden has a receipt attached. The Staples portion for \$402.91 has a bill attached for \$111.45 that includes \$7.29 in sales tax no receipts for the \$291.46 additional charges. Interest & late fees are undetermined. JoAnne stated that interest & penalties would be indicated on bill. Town Clerk stated that late charges/fees have been compounding since Vicki went on her vacation. Town Clerk stated that she wanted this documented incase an audit is done that there was an issue with vouchers.

Councilmember JoAnne Grant made a motion, seconded by Councilmember Ryan Flinton to approve the November 2023 General Abstract of Vouchers (A) for a total of \$65,132.84.

All ayes.

MOTION CARRIED

Councilmember Ryan Flinton made a motion, seconded by Councilmember J.D. Arnold to approve the November 2023 General Abstract of Vouchers (B) for a total of \$6,992.72.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the November 2023 Highway Abstract of Vouchers (DA) for a total of \$25,769.22.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember Ryan Flinton to approve the November 2023 Highway Abstract of Vouchers (DB) for a total of \$10,892.58.

All ayes.

MOTION CARRIED

Councilmember Ryan Flinton made a motion, seconded by Councilmember J.D. Arnold to approve the November 2023 Lighting District Abstract of Vouchers (SL) for a total of \$184.38.

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 11/30/23.

All ayes.

MOTION CARRIED

Deputy Supervisor Fred Arnold stated that there were no budget amendments tonight.

Resolutions

**RESOLUTION #: 42-2023** - Accept Resignations. On a motion of Councilmember Ryan Flinton, seconded by Councilmember JoAnne Grant the following resolution was ADOPTED: AYES – 4 NAYS – 0

RESOLVED that the Galway Town Board accept the resignations from Supervisor Michael Smith effective 12/31/23; Victoria Hayner from Confidential Secretary/Bookkeeper effective 12/30/23; Victoria Hayner from Tax Collector effective 11/15/23; Colleen Forneris from Community Services Coordinator & Youth Commission Director effective 12/31/23 & Carol DeLorme from Building Department Clerk effective 12/31/23.

All ayes.

MOTION CARRIED

**Brian Burns** questioned if Colleen was still staying on in some capacity as she was paid out of several different places in budget. **Deputy Supervisor Fred Arnold** stated that appointments would be addressed in Organizational Meeting at beginning of year.

**RESOLUTION #: 43-2023** - Set date for Organizational Meeting. 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 date for 2024 Organizational Meeting, January 4, 2024 at 6:00 p.m. at Galway Town Hall.

All ayes.

MOTION CARRIED

**RESOLUTION #: 44-2023** – Appointment of J.D. Arnold to the position of Supervisor effective 1/1/24. Deputy Supervisor Fred Arnold stated that he would like to have a motion to appoint J.D. Arnold to the Supervisor position as of 1/1/24. On a motion of Councilmember Ryan Flinton, seconded by Deputy Supervisor Fred Arnold the following resolution was ADOPTED BY ROLL CALL VOTE

Deputy Supervisor Fred Arnold – AYE

Councilmember JoAnne Grant – NAY

Councilmember Ryan Flinton – AYE

Councilmember J.D. Arnold – AYE

RESOLVED that the Galway Town Board appoint J.D. Arnold to the position of Supervisor effective 1/1/24, J.D. Arnold will need to run for election in November of 2024 to finish out the term of Supervisor Michael Smith which will expire 12/31/25.

3-AYES 1-NAY

MOTION CARRIED

**RESOLUTION #: 45-2023** – Accept Bid from A. Montano Co., Inc. for 2019 Sakai SW354 Roller. 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 accept the bid from A. Montano Co., Inc. for the purchase of a 2019 Sakai SW354 Roller at a cost of \$39,000 to be charged to DA5130.2 Machinery Equipment.

All ayes.

MOTION CARRIED

**Other Business** – **Brian Burns** questioned if Peg's office would now be moved back to the front? **Deputy Supervisor Fred Arnold** stated that would be up to the new Supervisor.

**Privileged of Floor** – **Teal Boerenko** discussed her concerns with lack of internet coverage not only on her road but all over Galway. She felt we needed to have an accurate account of how many

people all together still don't have service. She realizes that the Adirondack area needs coverage, but feels all of Saratoga County should be an issue. **Deputy Supervisor Fred Arnold** referenced discussion with Jim McCauley at last meeting with Spectrum and neighbors regarding his concerns with running cable underground. Fred stated that Jim had so much helpful information to add, he was going to look into some things regarding cell tower usage and get back to Fred. **Teal** will check in with Jim on status. Fred stated that Board would continue to work towards getting this addressed. **LuAnna LeClair** stated that a few months ago she expressed her concerns with Town not having a fully staffed Ethics Board advising that action was needed to address this. All elected and appointed officials need to have a checks & balance in place to assure accountability for their actions. She questioned status on getting Board from the three members to five? LuAnna stated that there had been people at meetings that volunteered to be on Ethics Board. **Councilmember JoAnne Grant** stated that there is just the three members appointed in January of 2023 on current Ethics Board. She would encourage interested candidates to let Board know by their January Organizational Meeting so we can have a five- member board. Community members advised that they had read the Ethics Law as it is written in Code. **Town Clerk DeFoe** stated that three members in attendance can vote, there should be five but a vote requirement is three-member board. **LuAnna** stated that she has read the Ethics Law and most of it pertains to financial. She is more concerned with code of conduct. **Arleen Rhodes** advised that the last revision of Ethics Code was done by Sheelagh Baily, Mike Smith & herself. They researched other Town's Ethic Law and came up with what we currently have. **Lucy Boerenko** stated that the State of New York requires Towns to have a Code of Conduct. **Melissa Rathbun** questioned what the process was to fill vacant seat on Town Board? **Deputy Supervisor Fred Arnold** stated that he wasn't really sure. He would like to see it posted on Facebook page, Town Website & in Daily Gazette. **Town Clerk DeFoe** stated when she does a posting, she puts in Gazette posts at Town Hall; Bank; Post Office & Library. **Arleen Rhodes** suggested using the Galway Get Together. **Councilmember Ryan Flinton** stated that Attorney has advised that once a qualified candidate has been appointed to both positions by a roll call vote they would then need to run for that position in November Election to fill the remainder of that term. For the Town Supervisor the person would be elected to fill the term to expire 12/31/25, Town Board Member would be elected to fill the term to expire 12/31/27. **Audience** questioned how a qualified candidate would be determined. **Deputy Supervisor Fred Arnold** stated that Town Board would be very transparent with this process. Fred would like to see job posting done by Saratoga County. **Councilmember Ryan Flinton** stated that this Council Seat is an Elected position. Board has a responsibility to appoint a candidate to run in that next election. **Audience** wanted clarification on how public would find out there is an open position. **ZBA Chair, Andy Decker** stated that there is an open position on ZBA that needs to be filled as well. Andy stated that he has indicated to people attending his last meeting if they were interested to send him letter of interest with name & address and they will begin interview process as soon as possible. Fred stated the Liaison along with Planning & Zoning Chair would hold interview and come back to Town Board with their suggestion for appointment, Town Board would make appointment. **Brad Bischoff** questioned time line for ZBA position. Fred stated that position should be posted the beginning of January. **Melissa Rathbun** stated that the Blueberry Festival & Fall Festival have been very well received in the Town, would this continue? Fred stated that Board will make sure that they continue to be held. **Mary Baxter** questioned what was happening

with Community Center? Fred stated that his suggestion to the new Supervisor would be to set up a committee that had a Town Board Liaison to determine what exactly we need. Town did receive grant approval and they would like to know if we are going forward with grant. Not sure on the timeline for grant at this point. Once the scope of the project is determined the Town Board already determined that it would go before the Town for a referendum vote. **Audience** questioned if anything was determined on salt shed grant. **Highway Superintendent Dave Costanzo** stated as of today, no notification on grant has been received. **Fred** stated that the Highway Department had made a lot of improvements to salt shed to keep it safe. Tarps are being used to keep it covered. **Brian Burns** questioned if an Official Audit of the Town Books would be done? **Councilmember JoAnne Grant** stated that she does a yearly audit of the Town Books along with Tax Collector; Town Clerk & Both Justices. **Sue Atkins** stated with reference to discussion regarding Abstract today, she feels the Comptroller's Office needs to be involved. Before Town brings in a new bookkeeper and expect them to try and clean up mess. **Councilmember Ryan Flinton** stated that this was a very small issue. **Sue** stated that she did Town Abstract, Board doesn't appear to know what is in Abstracts which is wrong. The State needs to review these books. **Brian Burns** stated with reference to the Fetter situation and Michael Smith's activity with processing of how building got to completion with Treavor & Mike having knowledge & visiting site. Is the Town going to continue the investigation regarding this. He feels that they are putting Max in a bad spot as well as Town financially as Fetter's builder has indicated that they were aware during construction. **Councilmember Ryan Flinton** stated that the Town Attorney & Town Engineer have advised Code Enforcement, Planning & ZBA that Fetter can't be placed on agenda for review of anything before they have received an application that shows Code Compliance. Code Compliance constitutes an allowable use. **Ryan** stated to date, Fetter has not submitted a complete application. **Brian** questioned if personal use was allowed? **Ryan** stated as far as he knew the building was not being used. **Brian** stated that it was being used for instruments and music. **Ryan** stated going forward they will not be allowed on Planning or Zoning agenda until they have a code compliant application. **Patty Venditti** felt with everything that has gone on it would be a good idea for the Town to have an official State review of books done. **Rick Sleeper** advised that he has cookies for everyone.

Deputy Supervisor Fred Arnold wished everyone a Merry Christmas & Happy New Year, stay safe and out of harm's way!

Councilmember Ryan Flinton made a motion, seconded by Councilmember J. D. Arnold to adjourn the meeting at 8:04 p.m.

All ayes.

MOTION CARRIED

Respectfully submitted,

Margaret L. DeFoe  
Town Clerk