

**AGENDA**  
**Galway Town Board Meeting**  
**February 13, 2024**  
**7:00p.m.**

Call to order – Supervisor Arnold

Roll Call – Town Clerk DeFoe

Pledge to the flag – All

Approval of minutes of the meeting held 01/08/2024

Communications Received – Town Clerk DeFoe

**Reports of Committees**

**Historian**

**Building Department**

**Highway Department**

**Youth Commission**

**Supervisor**

**BUDGET**

1. Approval of Abstract Fund A 23/24
2. Approval of Abstract Fund B 23/24
3. Approval of Abstract Fund DA 23/24
4. Approval of Abstract Fund DB 23/24
5. Approval of Abstract Fund SL 23/24
6. Approval of Abstract Fund HA 23/24
7. Approval of Abstract Fund TA 24

**Resolutions**

Posting of roads to seasonal weight limits

Agreement for expenditures of highway monies totaling \$462,500 for 57.7 miles of roads

Plan it Waster & Recycling Inc check 6961 for \$1,599.82

Resolution request to designate to account DA5130.4 Machinery

Decrease account DA2770 Unclassified Revenue \$1,599.82

Increase account DA5130.4 Machinery \$1,599.82

Galway Ambulance Corp Inc check 2706 for \$10,779.49

Resolution request to designate to account DA5142.41 Snow Removal Fuel

Decrease account DA1640 Ambulance Charges \$10,779.49

Increase account DA5142.41 Snow Removal Fuel \$10,779.49

Galway Central School District check 55354 for \$4,915.90

Resolution request designate to account DA5142.41 Snow Removal Fuel

Decrease account DA2770 Other Unclassified Revenue \$4,915.90

Increase account DA5142.41 Snow Removal Fuel \$4,915.90

Progressive Check 6006793356 for \$263.00

Resolution request to designate to account DA5142.41 Snow Removal Fuel

Decrease DA2680 Insurance Recovery \$263.00

Increase DA5142.41 Snow Removal Fuel \$263.00

Appoint Peg Defoe 2024 Tax Collector

Appoint Brandon Spagnola Bookkeeper

Appoint Daniel J Clemons Town Board

Appoint James Ross, PE Town Board

Appoint James W Snyder Zoning Board of Appeals

#### EXECUTIVE SESSIONS

#### OTHER BUSINESS

#### PRIVILEGE OF THE FLOOR

#### ADJOURN

REGULAR MEETING  
 FEBRUARY 13, 2024  
 GALWAY TOWN HALL

Supervisor J.D. Arnold called the Meeting to order at 7:04 p.m. The following Town Board Members were present:

PRESENT: Supervisor J. D. Arnold                      Councilmember Fred Arnold  
                     Councilmember Ryan Flinton

OTHERS PRESENT: D. Costanzo, Highway Superintendent; T. O'Brien, Dog Control Officer; M. Luetters, Building Inspector/Code Enforcement; R. Daino, Planning Chair; A. Decker, ZBA Chair; D. Knizek-Neahr, Historian; M. Vanderhoof; H. O'Brien; S. Costanzo; T. & J. Boerenko; F. & S. Sutch; A. Rhodes; S. Atkins; B. & S. Burns; C. Moon; C. Baxter; L. LeClair; B. Adair; S. Brier, Gazette Reporter; M. DeFoe, Town Clerk and many more Town Residents.

Moment of Silence for Phyllis Keeler past Historian of Town for 51 years and Sheelagh Baily past Planning Member/Chair & Board of Ethics Member.

Pledge to Flag

On a motion was made by Councilmember Ryan Flinton, seconded by Councilmember Fred Arnold to approve the minutes of the January 9, 2024, Regular Meeting as submitted.

All ayes.

MOTION CARRIED

Communications – Town Clerk stated that Highway Report was received for January with Schedule for February; Association of Towns digital newsletter for January; Email from Norm Griffin requesting that the obituary from the Gazette for Phyllis Keeler be published in spring newsletter; letter from Brian Burns removing himself as a candidate for Councilmember position; Association of Town's notification of numerous webinars coming up; Correspondence from NYS Department of State regarding Annual Report of Code Enforcement Activities for Town, which was forwarded to Max; Teal Boerenko forwarded information she received from Paul Tonko's Office on Federal Grant Opportunities; NYS Department of State grant availability; Comptroller Newsletter & weekly monitoring of financial operations of Local Governments & correspondence from Michael Sandlin of Constructconnect requesting information on Community Center, information given to Board for them to get back to him.

Reports of Committees - **Historian - Darby** stated for tonight's Historian's Report she and Supervisor Arnold felt it would be appropriate for her to Honor Phyllis Keeler. Phyllis was the Town of Galway Historian for 51 years. Born 12/9/34, Phyllis grew up on a Dairy Farm in Broadalbin. She graduated from the University of New York at Oneonta in 1956 with a bachelor's degree in education. Married to the love of her life for 62 years. They had 2 children Earl & Kathy & three grandchildren. She taught at Rock City Falls Elementary, Broadalbin Elementary and Joseph Henry Elementary for 34 years. During the summers she rented out & was the caretaker for "Keeler Cabins" which once stood next to her home. Phyllis was an active member of an outrageous number of community groups & organizations. Phyllis passed away on 1/11/24 in Orlando, Florida at the age of 89. Phyllis will be greatly missed by the Town of

Galway! **Building Department - Max** said he reported to J.D. daily, thanking the Board for their efforts. He will get something to them in writing. **Highway - Dave** stated for January they plowed & sanded 11 days a total of 19 rounds; three days of freezing rain; cut & chipping of overhead brush on Donnan Road. Schedule for February is to plow & sand roads as needed; haul gravel to shop; cut & chip overhead brush & resolution needed to post roads for 4-ton weight limit. Nothing has been received to date on salt shed grant. **Youth Commission - Fred** stated that they had a meeting last week, which J.D. also attended. Family Fun Day will be held on Saturday, June 15<sup>th</sup>. Basketball, Wrestling & Karate are going well. Only two ski tickets remain, girl has not picked up her envelope with passes to date. If we end up getting more snow, they will get more tickets. **Supervisor - J.D.** stated he and his wife attended the Fire Department Banquet. Helped them celebrate their 100-year Anniversary. He got to swear the new officers in for 2024. He and Brandon attended a 3-day training in Albany put on by the Association of Town's which they learned a lot. Will attend again next year. Association of Towns is a wealth of information for new people in these positions. They also attended the Ambulance Corp. Banquet and met all the people involved with that organization. Interesting to learn that a new ambulance currently costs \$275,000. Kesselring Site had a meeting with neighboring towns & school regarding a few upcoming items. They will be rebuilding their outdoor shooting range; refueling truck that travels at 3 miles an hour will be going from Ballston Spa to site in spring. Once they get outdoor shooting range up and running, they will resume training at site. They expect to have about 1,000 sailors back at site for training purposes. On a county level, he is on the Building & Grounds Committee; they hired an Architectural firm to do a facility study of their buildings in Ballston Spa. Study didn't have a good outcome; they must decide about moving, remodeling, or finding something existing. A major facility decision will need to be made within the next year or so on this. J.D. also sits on the Real Property Committee, for which he was handed a Supreme Court Case and advised to read it. Up until now the county, after the foreclosure process, sold property at auction; if they made more than what was due for back taxes, they kept additional money. This Supreme Court decision changed everything; details not completely figured out on if this is from that date forward or how far back it would be addressing. J.D. met with Dr. Brita Donovan, the School Superintendent, and toured the school. Brita advised that the school was there to meet the community's needs with building use. J.D. stated that he had a conversation with the representative of Congressman Paul Tonko's staff after the newspaper article and everything is fine on that end. He has a tour of the Ambulance facility planned for tomorrow.

Supervisor J.D. Arnold went over the (A) Abstract for 2023 advising that the biggest charge on that Abstract was from Saratoga County Central Stores for \$1,720.77. Councilmember Fred Arnold made a motion, seconded by Supervisor J.D. Arnold to approve the December 2023 General Abstract of Vouchers (A) for a total of \$2,490.70.

All ayes.

MOTION CARRIED

Supervisor J.D. Arnold advised that the (B) Abstract for 2023 had the biggest charge going to the Galway Baseball/Softball League for \$2,500.00. Supervisor J.D. Arnold made a motion, seconded by Councilmember Ryan Flinton to approve the December 2023 General Abstract of

Vouchers (B) for a total of \$4,047.00.

All ayes.

MOTION CARRIED

Councilmember Ryan Flinton made a motion, seconded by Councilmember Fred Arnold to approve the December 2023 Highway Abstract of Vouchers (DA) for 2024 for a total of \$906.41.

All ayes.

MOTION CARRIED

Supervisor Arnold stated that there was one voucher on (DB) Abstract from Pompa Brothers for Crusher Run. Councilmember Fred Arnold made a motion, seconded by Supervisor J.D. Arnold to approve the December 2023 Highway Abstract of Vouchers (DB) for a total of \$13,702.09.

All ayes.

MOTION CARRIED

Supervisor Arnold stated that the largest item on the (A) Abstract for 2024 was for Insurance \$38,909.81. Supervisor J.D. Arnold made a motion, seconded by Councilmember Ryan Flinton, to approve the February 13, 2024, General Abstract of Vouchers (A) for \$62,280.38.

All ayes.

MOTION CARRIED

Supervisor Arnold stated that the (B) Abstract had cell phone bills, office supplies and Planning/ZBA Members payroll. Councilmember Ryan Flinton made a motion, seconded by Councilmember Fred Arnold to approve the February 13, 2024, General Abstract of Vouchers (B) for a total of \$1,564.92.

All ayes.

MOTION CARRIED

Supervisor Arnold said the largest expense on (DA) Abstract was salt. Councilmember Fred Arnold made a motion, seconded by Supervisor J.D. Arnold to approve the February 13, 2024, Highway Abstract of Vouchers (DA) for a total of \$71,451.92.

All ayes.

MOTION CARRIED

Supervisor Arnold stated that the (DB) Abstract largest fees were for uniforms & required drug testing. Supervisor J.D. Arnold made a motion, seconded by Councilmember Ryan Flinton to approve the February 13, 2024, Highway Abstract of Vouchers (DB) for a total of \$810.79.

All ayes.

MOTION CARRIED

Supervisor Arnold stated that the (SL) Abstract was for the East Galway Street Lighting. Councilmember Ryan Flinton made a motion, seconded by Councilmember Fred Arnold to approve the February 13, 2024, Special Lighting District Abstract of Vouchers (SL) for a total of \$224.73.

All ayes.

MOTION CARRIED

Supervisor Arnold stated that the (TA) Abstract was for income tax and health insurance. Councilmember Fred Arnold made a motion, seconded by Supervisor J.D. Arnold to approve the February 13, 2024, Trust & Agency Abstract of Vouchers (TA) for a total of \$19,386.54.

All ayes.

MOTION CARRIED

**RESOLUTION #: 2-2024** – Posting of Roads to seasonal weight limits. On a motion of Councilmember Ryan Flinton, seconded by Supervisor J.D. Arnold the following resolution was

ADOPTED: AYES - 3      NAYS - 0

RESOLVED that the Galway Town Board authorized that effective immediately, all Town roads are subject to temporary closure to all vehicles with a gross weight in excess of four (4) tons. Such closure shall take effect upon the erection of signs by the Highway Superintendent on the section of highway for which such traffic is excluded and continues until such time as conditions shall permit opening. Further notice is hereby given that any person or persons violating this order shall be subject to punishment as provided in Section 1800 of the Vehicle & Traffic Law. The Town Clerk will submit Legal Notice, Temporary Order Limiting Roads to 4 Ton on Town of Galway Roads, to the Daily Gazette for immediate release.

All ayes.

MOTION CARRIED

**RESOLUTION #: 3-2024** - Authorization for Expenditure of Highway Money. On a motion of Councilmember Ryan Flinton, seconded by Councilmember Fred Arnold the following resolution was ADOPTED BY ROLL CALL VOTE:

Councilmember Fred Arnold - AYE      Councilmember Ryan Flinton - AYE  
Supervisor J.D. Arnold - AYE

RESOLVED that the Galway Town Board approve the 2024 Highway Agreement for Expenditure of Highway Moneys in the amount of \$462,500 to be set aside for the expenditure of primary work and general repairs upon 57.77 miles of Town of Galway Highways.

AYES - 3      NAYS - 0

MOTION CARRIED

**RESOLUTION #: 4-2024** - Budget Amendments. On a motion of Councilmember Ryan Flinton, seconded by Councilmember Fred Arnold the following resolution was ADOPTED:

AYES - 3      NAYS - 0

RESOLVED that the Galway Town Board authorize the following budget amendments:

Plan It Waste & Recycling Inc., Check #: 6961 in the amount of \$1,599.82.

Decrease	DA 2770	\$1,599.82	Other Unclassified Revenue
Increase	DA 5130.4	\$1,599.82	Machinery

Galway Ambulance Corp., Check #: 2706 in the amount of \$10,779.49.

Decrease	DA 1640	\$10,779.49	Ambulance Charges
Increase	DA 5142.41	\$10,779.49	Snow Removal Fuel

Galway Central School District, Check #: 55354 in the amount of \$4,915.90.

Decrease	DA 2770	\$4,915.90	Other Unclassified Revenue
Increase	DA 5142.41	\$4,915.90	Snow Removal Fuel

Progressive Check, Check #: 6006793356 in the amount of \$263.00.

Decrease	DA 2680	\$263.00	Insurance Recovery
Increase	DA 5142.41	\$263.00	Snow Removal Fuel

All ayes.

MOTION CARRIED

**RESOLUTION #: 5-2024** - Appointment of Margaret L. DeFoe to Tax Collector Position. This was done in the Organizational Meeting. On a motion of Councilmember Fred Arnold, seconded by Supervisor J.D. Arnold the following resolution was ADOPTED: AYES - 3 NAYS - 0

RESOLVED that the Galway Town Board appoint Margaret L. DeFoe to the position of Tax

Collector for the period 1/1/24 thru 12/31/24.

All ayes.

MOTION CARRIED

**RESOLUTION #: 6-2024** – Appointment of Brandon Spagnola to Bookkeeper Position. Brandon was also appointed to this position in the Organizational Meeting. On a motion of Councilmember Ryan Flinton, seconded by Councilmember Fred Arnold the following resolution was ADOPTED: AYES – 3 NAYS – 0

RESOLVED that the Galway Town Board appoint Brandon Spagnola to the position of Bookkeeper for the period 1/1/24 thru 12/31/24.

All ayes.

MOTION CARRIED

Supervisor J. D. Arnold advised the audience that he and the two new Board Members are appointed through 12/31/24. They will all run for election in November. Both new Board Members after elected in November will be good through 12/31/27 as they filled the terms of, he and JoAnne that had just ran in November. He will need to run again the following November as the past Supervisor's term expires 12/31/25.

**RESOLUTION #: 7-2024** - Appointment of Daniel J. Clemens to fill vacancy in Councilmember position for the remainder of 2024. On a motion of Councilmember Ryan Flinton, seconded by Supervisor J.D. Arnold the following resolution was ADOPTED BY ROLL CALL VOTE:

Councilmember Fred Arnold - AYE

Councilmember Ryan Flinton – AYE

Supervisor J.D. Arnold – AYE

RESOLVED that the Galway Town Board appoint Daniel J. Clemens to the vacant position of Councilmember for the remainder of 2024. This position will be voted on at the next General Election in November to fill the remainder of said term which will expire on 12/31/27.

AYES - 3 NAYS - 0

MOTION CARRIED

Daniel Clemens said he was a lifelong Town of Galway resident and excited about this opportunity.

**RESOLUTION #: 8-2024** – Appointment of James Ross to fill vacancy in Councilmember position for the remainder of 2024. On a motion of Councilmember Fred Arnold, seconded by Councilmember Ryan Flinton the following resolution was ADOPTED BY ROLL CALL VOTE:

Councilmember Fred Arnold - AYE

Councilmember Ryan Flinton – AYE

Supervisor J.D. Arnold – AYE

RESOLVED that the Galway Town Board appoint James Ross to the vacant position of Councilmember for the remainder of 2024. This position will be voted on at the next General Election in November to fill the remainder of said term which will expire on 12/31/27.

AYES - 3 NAYS - 0

MOTION CARRIED

James Ross stated he was looking forward to serving on the Town Board and addressing the audience's concerns.

**RESOLUTION #: 9-2024** – Appointment of James W. Snyder to ZBA. On a motion of Councilmember Ryan Flinton, seconded by Councilmember Fred Arnold the following resolution was ADOPTED: AYES - 3 NAYS – 0

RESOLVED that the Galway Town Board appoint James W. Snyder to the Zoning Board of Appeals for a term to expire 12/31/25.

All ayes.

MOTION CARRIED

The Supervisor asked if Board Members felt an Executive Session was needed. The Board didn't feel Executive Session was needed now.

Other Business – Meeting has been scheduled with Architects to go over what we have and where we stand with Community Building. Councilmember Ryan Flinton said there is a large and complete plan set for the project. He has not had a chance to go over the plans as of today. He stated it was refreshing to see that Town had what they paid for. The Supervisor will touch base with Environmental Design Partnership to make sure we have everything on site plan. Then the Board can determine if we are ready to go out for bids on the proposed project.

It has been determined by the Town's IT provider that our backup information is not retrievable on one of the machines that was used quite extensively to conduct Town business. Because the Town wasn't paying for back-up security this is not retrievable. The previous Supervisor made an executive decision to decline this back-up. Supervisor Arnold stated that should the entire Board have known of this he doesn't believe they would have done that. As of today, files can't be deleted. Locks, keys & fobs will all be changed as this information appears to be among the non-retrievable things on said computer. The Supervisor will be in contact with fab company to see about resetting fab usage.

Comprehensive Plan needs to get back on track, will give a status update at next meeting. **Brian Burns** questioned if this would be posted on the Town Website? Once dates are scheduled, they will go up on the Town website for the public. There was a timeline established when we signed the contract, which we are approaching.

**Monica Vanderhoof, Election Machine Custodian** – advised that there were three elections this year. Monica advised that April 2<sup>nd</sup> would be the Presidential Primary Election; June 25<sup>th</sup> Primary Election & November 5<sup>th</sup> General Election. Election Inspectors are needed for these Elections if interested please contact her or Beth.

Supervisor Arnold could use some help with volunteers to help plan and orchestrate the Blueberry Festival & Harvest Festival. Please contact him if interested. Audience & Board went into discussion regarding this.

Supervisor Arnold stated that the Food Pantry has had difficulty with getting food from the food bank to food pantry monthly. Went into discussion regarding this. Brian Burns said he would volunteer to help with this; he has a large trailer that would work. Supervisor Arnold will get exact dates and time.

Privilege of the Floor – Brian welcomed newcomers to Town Board. His concern is the need for an audit of the Town Books from the previous administration. He has contacted the State




Comptroller's Office Division of Local Government & School Accountability out of Queensbury. Would like Town Board to do resolution to request audit and community members to contact them at (518) 408-4934 to request audit. Supervisor Arnold requested that Brian wait until next month with his resolution request so that they have a full board. Supervisor Arnold stated that Town has vouchers not signed/nor properly documented that have been uncovered. Steps have been implemented by Bookkeeper through the guidance of Williamson Law as required by State that each voucher is now signed by each Town Board Member. Brian advised that Star Farm is now for sale and listing indicates a 5,200 sq. ft. building with a full kitchen and can hold 200+ people; looks like a wonderful business opportunity to a buyer. What is Town going to do, this illegal building received minimal fines through the Town Court the state denied their application. Supervisor Arnold stated that the Town is in a limbo state with this property, he has contacted the Attorney for guidance on how to proceed. **Sue Atkins** questioned if the Town Clerk birth, death & marriage, and court records lost information with this backup issue. Town Clerk stated that her Town Clerk & Tax Collector Programs are backed up daily to software company Williamson Law. Court records have never been on our server, they go directly through Court Administration. **Councilmember Ryan Flinton** stated that backup we are talking about is emails and general files. Town Supervisor stated that there was business being conducted on Town's behalf on that machine that is not retrievable. **Town Clerk** stated that the Town, follows the NYS Retention Schedule and several years ago the Retention Schedule was update by state to include emails and adopted by Town. Other question from Audience were regarding short term rentals, is the Town doing as Saratoga Springs is doing and implementing guidelines for usage. Supervisor Arnold stated that he read article regarding this. Supervisor Arnold & Councilmember Ryan Flinton stated that we need to get Comprehensive Plan done first, that will direct the Planning & Zoning Boards on how they will handle this issue. Question on dates of meetings. Supervisor Arnold stated that ZBA is 1<sup>st</sup> Tuesday; Town Board 2<sup>nd</sup> Tuesday & Planning Board 4<sup>th</sup> Tuesday. We will be working on getting website updated. Town Board unlike the Planning and Zoning that could be cancelled due to lack of applications always has a meeting. Vouchers must be paid monthly. If a Town Board Meeting is changed for any reason it is indicated on the front page of website under important notices. Working on getting Agendas on website working on status of Facebook page. With reference to road resurfacing, will Armer Road south of County Road 45 to Birchtown Road be scheduled for road repair. **Superintendent David Costanzo** stated that work is going to take place on that section of road, will it be paved from one end to the other, probably not. Memorial is Beautiful, if light is on at night, it should be on flag pole. **Darby** went into discussion with gentleman on lighting, stated that Veeran's Committee has the funding, she will look into this. **Brad Bischoff** with reference to Town Code, accessibility of reviewing building department records under Section 40-14 of Town Code. Will he be able to going forward, call up and request to view information on building records without having to file a Freedom of Information Request. Supervisor Arnold stated if that is what the Code reads, that is how Building Department will proceed. **David Orzolek** interrupted discussion to address a concern he has been having with flooding water behind cemetery which in turn has been flooding his farm. He stated that this occurred after Welch Road ditch was dug deeper on the south side. **Highway Superintendent Costanzo** stated that the culvert is open and flowing Dave stated that Mr. Orzolek wants Highway Department to

go off right-of-way onto private property and ditch approximately 100 yards off side of road to get water to flow differently. The water comes across from Jockey Street goes to Town culvert & goes across road. **Supervisor Arnold** stated that he didn't have an answer for Mr. Orzolek tonight will need to get back to him. Dave Orzolek stated that if he didn't want to do his job he should resign. Supervisor Arnold stated so noted, will get back to him. **Brad** asked if there were active security camera? **Supervisor Arnold** stated that he is looking into security system mainly for front door. People understood fob usage to be registering usage by that person/group of building. **Teal Boerenko** believes that the Town should get from Spectrum a list of homes that still don't have available coverage. **Councilmember Fred Arnold** understood Sam from Spectrum to be getting that information for Town. Fred will reach out to Sam to get information. Because of all the different mailing addresses within the Town he was going to research information and get back to us. **Bill Adair** Air B & B issues, in-law apartments then turn into rentals. This is not what he moved here to deal with. Air B & B should be considered a business. **Brian** felt the Town needed to revisit Building Department not having a Clerk. That department has so many issues Code requires building department to let people view records; current building & code issues; reviewing permits from 2018 thru present; dealing with all the Star Farm issues he needs help. **Supervisor Arnold** stated that this job has changed a lot, which a great deal is not his mess. We are now leaning on our Engineering Consultants & Attorney's more to help determine what the best way to deal with some of these issues are. **Jim Snyder** advised that the Town of Caroga has a meeting tomorrow night that he will be attending where they will be addressing Air B & B issues. Will let everyone know how it goes. There is a meeting before hand that he will also attend from the renters. **LuAnna LeClair** thanked Board for their transparency wanted to volunteer for anything she could to help out.

On a motion of Councilmember Fred Arnold, seconded by Councilmember Ryan Flinton the meeting was adjourned at 8:37 p.m.

Respectfully submitted,



Margaret L. DeFoe  
Town Clerk