AGENDA

Galway Town Board Meeting June 11, 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 05/14/2024

Communications Received - Town Clerk DeFoe

Reports of Committees
Historian
Youth Commission
Dog Control
Building Department
Highway Department
Supervisor

BUDGET

- 1. Approval of Abstract Fund A
- 2. Approval of Abstract Fund B
- 3. Approval of Abstract Fund DA
- 4. Approval of Abstract Fund DB
- 5. Approval of Abstract Fund SL
- 6. Approval of Abstract Fund TA
- 7. Approval of Abstract Fund TT

BUDGET RESOLUTION CORRECTION - Correct Budget Resolution from 05/14/24 Meeting Authorization for Highway Superintendent to spend anticipated CHIPS, EWR, PAVENY and POP Funds. Resolved that that the Galway Town Board authorizes the Highway Superintendent to spend up to additional \$171,241.56 in anticipation of the CHIPS, EWR, PAVENY and POP funding. Increase DB 5110.4 Road Repairs — Contractual

NEW RESOLUTIONS

- 1) Local Law- Solar
- 2) Reappoint Kyle Holland to the Planning Board
- 3) Accept Record of Activity (ROA) for standard work day and report requirements for Retirement Reporting to NYSLR for;
 - A) James D Arnold
 - . B) Max J Luetters
 - C) Brandon C Spagnola

OTHER BUSINESS

PRIVILEGE OF THE FLOOR ADJOURN

3 TOWN OF GALWAY SARATOGA COUNTY

Notice is hereby given that the Town Board of the Town of Galway will hold a Public Hearing on June 11, 2024 at 6:45 p.m. at the Galway Town Hall, 5910 Sacandaga Road, Galway, New York. The purpose of Public Hearing is to receive comments from the public and take action on Proposed Local Law Entitled: "Imposing a 6 Month Moratorium on Large Solar Energy Systems". At said Public Hearing any person may heard in favor against Proposed Local Law as compiled, or for or against any item or items as there in contained. Copies of the Proposed Local Law are available for inspection by any interested perduring son regular Town Clerk hours or on Town of Galway webtownofgalwayny.org on home page under "Important Notices".

By order of the Galway Town Board. Margaret L. DeFoe Town Clerk 5/31 11672

The Daily Gazette Family of Newspapers 2345 Maxon Road Extension Schenectady, NY 12301 (518) 374-4141









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PUBLIC HEARING JUNE 11, 2024 GALWAY TOWN HALL

Supervisor J.D. Arnold called the Public Hearing to order at 6:45 p.m. The following Town Board Members were present:

PRESENT:

Supervisor J.D. Arnold

Councilmember Fred Arnold
Councilmember Daniel Clemens

Councilmember Ryan Flinton

Councilmember James Ross

OTHERS PRESENT: M. & D. Jr, Baxter; J. Snyder; L. LeClair; E. Ross; C. Carr; R. & G. Marsh; S. & B. Burns; H. O'Brien; T. O'Brien, Dog Control Officer; C. Moon; C. Baxter; B. Spagnola, Bookkeeper; M. Luetters, Building Inspector/Code Enforcement; S. Costanzo; D. Costanzo, Highway Superintendent; A. Decker, ZBA Chair; T. Boerenko; D. Knizek-Neahr, Historian; A. McPherson; F. Sutch; B. Adair; J. Bellone; J. Trainor, Town Attorney; M. DeFoe, Town Clerk and many other Town residents.

Town Clerk read Legal Notice Placed in the Daily Gazette on May 31, 2024 and posted at Town Hall; Post Office; Bank; Library & on Town Website advising the public of a Public Hearing to be held on June 11, 2024 at 6:45 p.m. Purpose of Public Hearing is to receive comments from the public and take action on Proposed Local Law entitled: "Imposing a 6 Month Moratorium on Large Solar Energy Systems". At this hearing any person may be heard in favor or against Proposed Local Law as compiled, or for or against any item or items as there in contained.

Supervisor J.D. Arnold asked Attorney Jim Trainor to give an overview of Proposed Law. Jim gave a little history of Solar in Galway. 2020 Local Law allowed solar development in certain ways within Town. Defining Large Solar Projects as having 2,000 sq. ft. of total surface area with panels. In 2023 a Moratorium on Large Scale/Commercial Solar Projects was put into place. Tonight's Proposed Local Law Moratorium uses a different set of criteria which are put out by (NYSERDA) New York State Energy & Research Development Authority. Jim stated that Board needed to determine if they were just going to go with Tier 3 & 4 covered under Moratorium or just Tier 4. Large scale projects start a 5mega watts. This Moratorium will run for a six-month period with the availability of 2 three-month extensions. Councilmember Ryan Flinton wanted to review the information on the different Tier's. Jim gave an overview of Tier information: Tier 1 – consists of roof-mounted systems; building-integrated & ground-mounted with nameplate capacity of up to 25 KW AC or equivalent. Tier 2 – ground mounted not included under Tier 1 with nameplate capacity of up to 1 MW AC. Tier 3 – ground mounted not included under Tier 1 or 2 with nameplate capacity of up to 5 MW AC for commercial purposes; "community solar" systems. Tier 4 – solar energy systems not included under Tier 1,2 or 3 greater than 5 MW AC or equivalent for commercial purposes; large scale/commercial solar installations. Supervisor Arnold asked if there were any comments or concerns from audience. Glenn Marsh questioned what the acreage requirement was for Tier 4. Jim Trainor stated that acreage is not how it is measured, it is by surface area of panels which is 2,000 sq. ft. Glenn questioned landscape. Jim stated that applicants would have to go to the Planning Board for a

special use permit which is a lengthy process where this would be addressed. LuAnna LeClair concern was with Tier 4 as that is more of a community concern with regards to lithium. Jim Snyder questioned if Section 4 paragraph D should read 6 months not 3. Jim Trainor stated that should read 6 months not 3. He thanked Jim for finding error. Mary Baxter questioned what happens to the panels when they are no longer usable and who is responsible for that removal. Jim stated that he doesn't know where they end up when they are removed. Legal perspective, part of the process is to insist upon a decommission plan & decommissioning bond. Town engineer & applicants engineer determine appropriate cost estimate for decommissioning bond. Glenn question if there would be compensation built in to a proposed project for surrounding landowners for depreciation of their property due to solar project installation. Jim stated that Assessor would determine if change was needed to surrounding property assessed value. Brian Burns stated that moratorium already exists. Supervisor Arnold stated that this was a different moratorium, slightly different terminology due to solar classifications. This is basically the same as the last one. Brian stated that this technically had nothing to do with solar farm on Galway Road. Supervisor Arnold stated that that solar farm is already in. This is to take a look at what we are doing going forward. If a project is proposed over the next six month's no action will be taken until Solar Law is updated. Councilmember Flinton questioned if there were any pending application with reference to Solar projects. Supervisor Arnold stated that he met with a Solar Developer interested in a parcel in Town, property owner & Developer are not looking to come forward until after moratorium and Law update. Supervisor Arnold questioned Attorney regarding any other steps that need to be done to go forward. Jim stated that Board needed to hear public comment and then he felt they could make a decision tonight. Jim Snyder had questions regarding Tier 3 vs. Tier 4. Jim Trainor stated that Board would need to determine if Tier 3 & 4 would be included in moratorium. Supervisor Arnold stated that Tier 1 & 2 are home base solar, Tier 3 & 4 utility base solar. Board discussed each Tier. Roxanne Marsh stated that she was fine with Tier 1 & 2 not comfortable with Tier 3 & 4, feels landscape is an eye sore. Glenn Marsh stated when you look at what is actually being delivered to the grids vs. the impact these solar structures have on the environment it's not good. LuAnna LeClair stated that she has a problem with the large projects and their impact on maintaining farmlands in our community.

On a motion of Councilmember Fred Arnold, seconded by Councilmember Ryan Flinton the Public Hearing was closed at 7:08 p.m.

All ayes.

MOTION CARRIED

REGULAR MEETING JUNE 11, 2024 GALWAY TOWN HALL

Supervisor J.D. Arnold called the Regular Meeting to order at 7:08 p.m. The Board Members & Audience were the same as Public Hearing.

Pledge to Flag

Councilmember Fred Arnold made a motion, seconded by Councilman Daniel Clemens to approve the minutes of the May 14, 2024 Regular Meeting as submitted.

All ayes.

MOTION CARRIED

Communications – Town Clerk stated that Board Members received copies of the following correspondence: USI Insurance Services notification of professional development credit classes; OnSolve regarding community emergency notification packages available through their company; Smart Cities Council regarding May 27 & 28 registration; Association of Towns June newsletter; United Way 518 of Giving; Multiple notifications from Avenu Insights & Analytics regarding short-term rentals; Empire Center for public policy regarding June meeting to focus on government transparency; Notifications from NY S Department of State introducing new Secretary of State & information of 2024 consolidated funding applications; Lollypop Farm monthly newsletter with interesting stories from shelter & community; RISE create awareness during mental health awareness month; GoGov software availability; Gordian webinars; Weekly updates from the NYS Comptroller; Municibid giving your government surplus a second life through online auctions; Highway Superintendent will go over May highway maintenance report with the schedule for June; resolution needed for retirement system reporting for Supervisor, Bookkeeper & Building Inspector/Code Enforcement & take action on Proposed Local Law.

Reports of Committees — **Historian**, **Darby** advised that someone attended an estate sale in Amsterdam, purchased a framed picture. The people in picture were Crissy Knox of Galway born in 1852 & Edward Knox of Amsterdam. They had a farm in Galway, she has just begun researching will keep Town Board advised on findings. Darby has a meeting set up with Doug Todd owner of a farm on Parkis Mills Road. He has done extensive research on Mosherville & his property which he will be going over at their meeting. Attended a movie premier at Galway Library put on by the Galway Amateur Movie Club They did a reenactment of 1939. Hopefully Preservation Society will decide to digitize these films. Darby joined & attended the Board Meeting for the Galway Cemetery which only meets once a year. Youth Commission, Councilmember Arnold advised that Family Fun Day will take place Saturday from noon to 3 with all sorts of fun things for the kids. Supervisor Arnold stated that he and Samantha Price met with Dr. Donovan to request usage for the summer activity program for Youth Commission. School has allowed Youth Commission usage in July of the pavilion located by track to hold the summer activity program. Dog Control, Tom stated that he attended the informational session on May 23rd with other Dog Control Officers; Supervisor's; Animal Shelter officials; Public Health Employees & State Ag. & Markets Representatives held at the shelter. Two nights of court regarding tickets & just the regular stuff that he will put in his report next month. Supervisor Arnold questioned if there was anything the Town could do to recoup Attorney fees for these Dangerous Dog Cases? Jim Trainor advised that there was nothing in Town Law or State Law to address this, it's considered a Governmental function. Tom O'Brien stated that when working on the new Code, he would like to have an updated fee schedule done for fines. Supervisor Arnold questioned if Town could incorporate Attorney fees into Master Plan. Jim stated that it could be done in a Local Law. Town Clerk DeFoe advised that Town Code is only updated once a year, any Local Law after approved is forwarded on to General Code and put onto the Town website ecode. We then have General Code update our actual Code Book pages

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once a year if needed with any approved Local Law changes. Supervisor Arnold advised Tom to do some research on other Towns and get back to Board with a proposed fee schedule change for fines. Building Department, Max stated that he has processed a total of 39 building permits in 2024. There are approximately 14 building permits pending review. There are an additional 7 building permits pending from 2023 that he still needs to figure out the best way to address/issuing (submitted prior to his appointment). Max stated that he has had a significant amount of application that he has forwarded on to Planning & Zoning. Highway, Dave advised that for May they continued reconstruction of Crane Road from intersection of McConchie to Donnan Road; paved with Charlton 2 days, Edinburg 1 day & Providence 2 days; graded all gravel roads; Siena Fence installed split rail fencing at Dockstader Fields; continued spring clean-up wing cuts, road sweeping & patching potholes; cleaned ditches on Lake Road of leaves; flushed culvers on Lake & Perth Roads; hauled gravel to shop; mowed row's ball fields & Town Hall. For June the Highway Department will pave Crane Road; pave with Ballston Charlton & Halfmoon; replace culverts at Town Hall; pave Town Hall parking lot June 27th mill, 28th pave binder & July 1st top; continue mowing row's, ball fields & Town Hall. Supervisor, J.D. again thanked Peg, Dave, Brandon, Michele & Max for all the help/support they give him. Memorial Day weekend he and Councilmember Ross attended a Memorial Day Service for all our Veterans at Barkersville Christian Church. Supervisor, Brian Sherman & Neal Sowle read off names of Fallen Veterans from the Galway/Providence area. This was a really nice experience, if invited back would definitely do again next year. Blueberry Festival is scheduled for July 27th from 9-2 p.m., as of right now 75 vendors are scheduled to attend. There will be food vendors and entertainment. There will be an Acapella Group & Drummer Group then an Irish Folk Band will perform which was sponsored/donated by Cock N' Bull Restaurant. On a County level, Supervisor talked about County addressing "squatter" issue. They have had public hearing regarding this, Local Law should be in place soon. County is still trying to find the best way to address the lack of space issues they are having with different buildings in Ballston Spa. Another issue in today on Town level, MVP is looking at a 16% increase for next year.

Supervisor Arnold stated Siena Fence was the biggest item on (A) Abstract. Councilmember Fred Arnold made a motion, seconded by Councilmember Daniel Clemens to approve the General Abstract of Vouchers (A) dated 6/11/24 for a total of \$24,095.37.

All ayes.

MOTION CARRIED

Supervisor stated that (B) Abstract consisted mainly of Senior Bus Trips, the different Board's payroll & Attorney fees. Councilmember Daniel Clemens made a motion, seconded by Councilmember Ryan Flinton to approve the General Abstract of Vouchers (B) dated 6/11/24 for a total of \$9,785.92.

All ayes.

MOTION CARRIED

Supervisor Arnold stated that the (DA) Abstract consists of mainly parts & Health Insurance. Councilmember Ryan Flinton made a motion, seconded by Councilmember James Ross to approve the Highway Abstract of Vouchers (DA) dated 6/11/24 for a total of \$8,386.42.

All ayes.

MOTION CARRIED

Supervisor Arnold stated that (DB) Abstract had crusher run, rubble, stone & insurance. Councilmember James Ross made a motion, seconded by Councilmember Fred Arnold to approve the Highway Abstract of Voucher (DB) dated 6/11/24 for a total of \$47,913.15.

All ayes.

MOTION CARRIED

Councilmember Fred Arnold made a motion, seconded by Councilmember Daniel Clemens to approve the Special Lighting District Abstract of Vouchers (SL) dated 6/11/24 for a total of \$146.25.

All ayes.

MOTION CARRIED

Supervisor Arnold stated that (TA) Account was paying employee portion of health insurance. Councilmember Daniel Clemens made a motion, seconded by Councilmember Ryan Flinton to approve the Trust & Agency Abstract of Vouchers (TA) dated 6/11/24 for a total of \$3,317.12.

Supervisor Arnold stated that the (TT) Account was paying for updated mining plan, permit application & survey. Councilmember Ryan Flinton made a motion, seconded by Councilmember James Ross to approve the Tri-Town Abstract of Vouchers (TT) dated 6/11/24 for a total of \$990.00.

All ayes.

MOTION CARRIED

RESOLUTION #: 21-2024 – Budget Amendment – Correction. On a motion of Councilmember Fred Arnold, seconded by Councilmember Ryan Flinton the following resolution was ADOTED: AYES – 5 NAYS – 0

RESOLVED that the Galway Town Board authorize the following Budget Amendment Correction, should read:

Authorization for Highway Superintendent to spend anticipated CHIPS, EWR, PAVENY, and POP Funding.

Increase

DB5110.4

Road Repair - Contractual

\$171,241.56

All ayes.

MOTION CARRIED

Board went into discussion regarding Tier 3 & 4. Determined that they would like Tier 3 to be included in Moratorium. Councilmember Flinton wanted to make sure Local Law wording was changed. Attorney Trainor stated that resolution was fine wording for actual Local Law would be updated. Town Clerk DeFoe questioned 5 day posting requirement for certification. She didn't feel that information would be received from County giving their approval within 5 days. Jim didn't know why County Planning would want to review moratorium. Town Clerk stated the last time we did moratorium we had to do a special meeting to approve moratorium because they didn't forward information on to county for their review prior to approval. Town Clerk stated that normally she would file Local Law tomorrow, but due to County Planning needing to review she would need to wait for their approval. She is not concerned about getting it back in time for the State Local Law filing requirement of 20 days but this 5-day certification won't work. Supervisor Arnold stated that Jason from County Planning called him yesterday concerned that he didn't get information. Jim didn't want to get a call from Jason, didn't realize this was needed. Jim will make the changes to Local Law and forward information back to Town Board & Clerk and wait for response from County. Town Board can make decision next month.

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Supervisor stated that if there was someone putting an application in, he would suggest having a Special Meeting doesn't believe that to be the case. Board determine that they would wait until next month to take action on Local Law.

RESOLUTION #: 22-2024 – Re-appointment of Kylie Holland to Planning Board. On a motion of Councilmember Ryan Flinton, seconded by Councilmember Fred Arnold the following resolution was ADOPTED: AYES – 5 NAYS - 0

RESOLVED that the Galway Town Board re-appoint Kylie Holland to the Planning Board with a term to expire 7/1/29.

All ayes.

MOTION CARRIED

RESOLUTION #: 23-2024 — Standard Work Day for Supervisor, Code Enforcement Officer & Bookkeeper. Town Clerk stated that form is done without social security numbers & NYSLRS ID for minutes and posting. Once the 30-day posting requirement has passed the Town Clerk then forwards a completed form on to the retirement system by certified mail. On a motion of Councilmember Daniel Clemens, seconded by Councilmember James Ross he following resolution was ADOPTED BY ROLL CALL VOTE:

Councilmember Fred Arnold - AYE

Councilmember Ryan Flinton - AYE

Councilmember Daniel Clemens - AYE

Councilmember James Ross - AYE

Supervisor J.D. Arnold – AYE

BE IT RESOLVED that the Town of Galway/Location Code 30776 hereby establishes the following as a stand work day for elected and appointed officials and will report this based on the time keeping system records or the records of activities maintained and submitted by those officials to the Clerk of this body.

5-AYES

0-NAYS

MOTION CARRIED

Other Business - None.

Privilege of the Floor – Jessica Bellone questioned if there was a ZBA Meeting this month? Attorney Trainor stated that it was last night. Town Clerk DeFoe advised that she is now doing the website calendar and the date change has been on there for several weeks as the ZBA Clerk was going to be away and meeting needed to be rescheduled. Agenda & minutes are posted by Amanda under the Zoning Board Section of website and Planning agenda's & minutes under Planning section. Town Clerk uses the website tabs that indicate agendas for her Town Board agenda and the tab for minutes for Town Board minutes. Tom O'Brien questioned if agendas were going to be put on website? Audience stated that agenda for ZBA was not on website during the day yesterday, it must have gone up prior to meeting. Brian Burns had a question regarding all three Boards. They all seem to run a different way; Brian feels they all have a totally different perspective on things. He feels they should all be more uniform. Supervisor Arnold stated that he understood Brian's concerns, but each Board is an independent Board, Town Board can't influence the other two on how they interpret code, they each interpret the code as an individual Board. Brian's concern is more with the managerial portion of Board, minutes, agenda, notification. Town Clerk puts up draft minutes so that the public can view minutes and question something if they don't agree. Town Clerk stated that the state doesn't require that draft minutes be on website, they require that a draft is available at Town Hall 2

weeks from the meeting date for review if someone so chooses. She never put draft minutes up in the past, then the public asked for them and I found it easier to just put up a draft. She advised that it does help her to have draft minutes up. Someone just found in these minutes where she put Supervisor Smith instead of Arnold, they notified her and she changed right away. **Tom** O'Brien stated in the past the Board Liaison would give a synopsis of what occurred at the Planning /Zoning Meeting in their Repost section of meeting. Supervisor Arnold stated that he will be bring that back next month as a monthly process. Councilmember Ryan Flinton stated that that did go by the way side when things were quiet on Planning & ZBA. Town Clerk stated that we could have a meeting with Chairs, Amanda, Supervisor and Town Clerk to discuss having things be more uniform on clerical end. Andy Deker, ZBA Chair stated that Peg is a full-time employee and Amanda is part-time, not getting paid for what she's doing. Town Clerk advised that now that she doesn't have a Deputy, she is here many a Sunday evening till 2 in the morning getting her minutes done for no extra pay. Amanda gets paid for any amount of time she needs to get the Planning & Zoning stuff done. This has always been a part time position. The money has to be there for this and if it gets low, which it isn't the Board transfers funds. Supervisor Arnold stated if she needs more time to get work done, come to him if there isn't money, he will make it happen. Andy thought it was a certain amount each week that she was paid and if she went over in hours, she did it without pay. Town Clerk stated that the Planning/ZBA Clerk gets paid for however many hours it takes to get he stuff done. Brian stated it sounded like meeting was needed. Town Clerk stated if she needs help, we will have to figure it out. Dan Baxter questioned hours for Building Administrator/Code Enforcement officer. Supervisor stated 7-5 Monday thru Friday. He left a message on May 31st at 5:30 in the afternoon called back two times on Saturday and as of today he has not got back to him. Supervisor will see what he can find out on that and have him get back to Dan. Dan would like to have the Board consider noise ordinance hours change from 11 p.m. to 9 p.m., State campgrounds are 9 p.m. yet McConchie Camp Ground can go until 11. Brian questioned who would pay for the enforcement of noise ordinance. Supervisor stated that the Town would be responsible and they would need to purchase a meter. They had a three-day Blue Grass Festival every year. No Town Official has ever come to his property and listened to what he has to hear. Teal Boerenko questioned if there were any updates on internet. Councilmember Fred Arnold stated that there was going to be a "call to connect" coming from the State level to the County level. Fred stated that the State wants everyone to be connected. They will get information to County level and then that will be passed along to the Town's. Fred would assume that they would start process with Westchester County. Fred requested that J.D. check on this at the county level. Bill Adair questioned what was going on with contract. Fred stated that contract will expire in October. Town Clerk stated that the contract was signed in April then Public Service Commission has to also sign, which must not have been until October as they don't send Town a copy of final document. Bill Adair had information on state level short term rental issues and proposed law. J.D. stated if it gets to that point that Building Department needs help with handling of short-term rentals the Board will get him the help he needs. Brian stated that he felt that office required a Building Inspector and another person for Code Enforcement. Should consider in upcoming budget. Supervisor stated that a lot of the time is currently being spent on

old messes. Very confident once that stuff is taken care of, Max will be able to handle office. LuAnna LeClair thanked Board for hard work.

Councilmember Fred Arnold made a motion, seconded by Councilmember Ryan Flinton to adjourn the meeting at 8:05 p.m.

All ayes.

MOTION CARRIED

Respectfully submitted
Warganet C. D. Fe

Margaret L. DeFoe

Town Clerk



Received Date

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

Employer Location Code

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

RS 2417-A

(seal)	(\$				1		11	Town Hall	X Official sign board at:
						rg	townofgalwayny.org	townofga	Employer's website at:
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