

Town of Vienna
Town Board Meeting Minutes
January 3, 2024

ATTENDANCE:

Councilwoman Mary Beth McEwen
Councilman Darrin Smith
Councilman Jason Spellicy
Councilman Jason Lamb
Supervisor Michael Davis

CALL TO ORDER:

Supervisor Davis called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance.

OATH OF OFFICE:

Town Clerk, Carol Huber gave the Oath of Office to Supervisor Davis, Councilman Spellicy and Councilman Lamb.

NOCCOG:

Joe Rowlands went over the Northern Oneida County Council of Government news. Registration information for the 2024 Local Government Conference, May 1st & 2nd can be found on the Tug Hill Commission's LGC registration webpage.

NORMAN LEACH:

Absent

APPROVAL OF MINUTES:

A motion was made by Councilman Spellicy to approve the December 6, 2023 Minutes and seconded by Councilman Lamb.

Voting Record:

Councilwoman Mary Beth McEwen	Abstain
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Aye
Supervisor Michael Davis	Aye

A motion was made by Councilman Lamb to approve the December 18, 2023 Minutes and seconded by Councilman Smith.

Voting Record:

Councilwoman Mary Beth McEwen	Abstain
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Aye
Supervisor Michael Davis	Aye

A motion was made by Councilman Spellicy to approve the December 27, 2023 Minutes and seconded by Councilman Lamb.

Voting Record:

Councilwoman Mary Beth McEwen	Abstain
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye

Councilman Jason Lamb	Aye
Supervisor Michael Davis	Aye

AUDITED VOUCHERS:

A motion was made by Councilman Smith and seconded by Councilman Spellicy to approve the vouchers to be paid.

SUPERVISOR'S REPORT:

Supervisor's Report is filed in the Town Clerk's office. It was noted that the Supervisor's reports will need to be updated on the Town's Website.

TOWN CLERK'S REPORT:

Town Clerk read her report and will be filed in the Town Clerk's office. Taxes collected as of today were, \$63,636.73.

All other reports given will be filed in the Town Clerk's office.

A motion was made by Councilman Smith to approve the Town Clerk's Report and seconded by Councilman Lamb.
Voting Record:

Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Aye
Supervisor Michael Davis	Aye

HIGHWAY DEPARTMENT

Clayton Conover mentioned that the funding for the West Lake Bridge deadline is January 26.

COUNCIL REPORTS:

Councilman Smith reported that the Planning Board discussed the training needs of its members and that there is a Public Hearing about the Rt. 49 Solar Project on January 18, also Dollar General Representatives will be there. Councilman Spellicy reported that the Digital Sign for out front is still in progress and more updates by the end of January. Councilman Lamb reported that he is still working on the reasons for power outages with no rhyme or reason. Supervisor Davis reported that we received a letter from Oneida County stating the Local Laws submitted previously were filed with Oneida County. He also reported that Councilwoman McEwen will be able to help with Grant writing and Audit of Supervisors Report in the future if needed and Councilman Lamb will be overseeing Water and Sewer Issues.

OLD BUSINESS:

IT Contract has been signed.

Verizon Land Lease Agreement Resolution will be signed this evening, but still working on the Ethernet direct hook-up possibility.

Water Extension will get final piece of information to be able to get a petition signed and hold a Public Hearing.

NEW BUSINESS:

Anne Hopkings, Historian will email progress reports to Supervisor monthly.

Appointments were as follows;

2024 Appointments

Deputy Supervisor	Jason Spellicy
Bookkeeper	Ben Gasser
Budget Officer	Ben Gasser
Historian	Ann Hopkins

Deputy Town Clerk (1)	Kathy Pavelock
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Deputy Town Clerk (2)	Latitisa Vanderworken	
Court Clerk (1)	Brenda Brookins	
Court Clerk (2)	Sandra Zorn	
Lead Constable	Matt Mallory	
Constable	Jacob Olin	
Constable	Joseph Fenell	
Constable	Shane Eilfe	
Constable	James Hite	
Town Attorney	Rossi and Rossi	
Town Hall Cleaner	Matthew Huber	
Animal Control Officer	Clayton Conover III	
Assessor's Clerk	Wendy Herbst	
Codes Officer	Reay Walker	
Building Inspector	David Carpenter	
Codes Clerk	Kathy Pavelock	
BAR Officer	Calvin Collins	Expiration Date 9/30/2027
BAR Members	Jack Cook	Expiration Date 9/30/2024
	Ava Del Pozzo	Expiration Date 9/30/2025
ZBA Chairman	John Pavelock	Expiration Date 9/30/2028
ZBA Secretary	Kathy Pavelock -	
ZBA Members	Joshua O'Kay	Expiration Date 2028
	Amanda Hewitt	Expiration Date 2025
	Michael Taylor	Expiration Date 2026
	Nathan Juby	Expiration Date 2024
Planning Board Liaison	All Board Members	
Planning Board Chairman	Calvin Collins	Expiration Date 2030
Planning Board Secretary	Kathy Pavelock	
Planning Board Members	Mike Piper	Expiration Date 2024
	David Gigon	Expiration Date 2025
	Orrin MacMurray	Expiration Date 2026
	William Shaughnessy Sr	Expiration Date 2028
	Martha Link	Expiration Date 2029
	1 Vacant position	Expiration Date 2027
Ethics Board Chairwomen	Catherine Davis	Expiration Date 2025
Ethics Board Members	Tamara Smith	Expiration Date 2024
	Robert Biscombe	Expiration Date 2026
	Rodney Welton	Expiration Date 2027
	Mable Smith	Expiration Date 2028
Veterans Park	Darrin Smith	
Memorial Day Parade	Darrin Smith	
Highway Deputy Superintendent	James Woodcock	
Highway Clerk	Latitisha Vanderworken	
Grinder Pump Repairman	Clayton Willson	

Date: January 3, 2024

Motion made by: Councilman Lamb

Motion seconded by: Councilman Spellicy

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber
Carol Huber
Town Clerk

2024 Resolutions were as follows;

**RESOLUTION #1 OF 2024
READING OF RESOLUTIONS**

WHEREAS, the Town of Vienna shall move not to have every resolution read in its entirety with the exception of those that require to be read entirely and those that are a new resolution that has not been previously in affect or those that have been amended; and

WHEREAS, the town board will be given all resolutions in advance to have the opportunity to read them; and

THEREFORE, BE IT RESOLVED, that the Supervisor will give a description of the resolution and all town board members will be given the opportunity to vote on each resolution is pursuant to New York State Town Law.

Date: January 3, 2024

Motion made by: Councilman Lamb

Motion seconded by: Councilman Smith

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin E. Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber
Carol Huber
Town Clerk

**RESOLUTION #2 OF 2024
RULES OF PROCEDURE FOR TOWN BOARD MEETINGS**

At a regular meeting of the Town Board for the Town of Vienna, Oneida County, New York, held on the 3rd day of January, 2024 at the Vienna Town Hall, 2083 State Route 49, North Bay, New York at 7:00 P.M.

WHEREAS, Section 63 of the Town Law authorizes the town board to determine its rules of procedure; and

WHEREAS, the Town Board for the Town of Vienna is of the opinion that it would be in the best interests of the Town to adopt rules of procedure so as to further increase Town Board efficiency; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 63 of the Town Law the Town Board for the Town of Vienna hereby adopts the rules of procedure appended hereto:

TOWN OF VIENNA

RULES OF PROCEDURE FOR TOWN BOARD MEETINGS

Section 1. Regular Meeting

The Town Board of the Town of Vienna (the “Town”) shall hold regular meetings on the first Wednesday of each month. Such regular meetings shall be commenced at 6:00 P.M. to go over vouchers and at 7:00 P.M. will be the regular meeting to be conducted at the Vienna Town Hall, 2083 State Rt. 49, North Bay, New York. Any deviation from this schedule shall be determined by the Town Board.

Section 2. Emergency Meetings

Emergency meetings of the Town Board are all those Town Board meetings that are classified as catastrophic, threatening loss of life or catastrophic damage to property. In case of this type of emergency, the Town Supervisor is authorized to take necessary action to contain, and /or restrict further damage to people and property. Within twelve (12) hours of this action, the Town Board shall meet to decide on further action. The Town Clerk shall be informed of this meeting as soon as possible and post it at the Town Hall. In addition to any other notice required by law or these rules shall immediately notify all Town Board members by telephone of such meeting. The emergency meeting needs to be posted at three different public locations. Such places shall be the Town of Vienna Town Hall, North Bay Post Office, and The Town Web Site.

Section 3. Special Meetings

Special meetings of the Town Board are all those meetings other than regular meetings and work session meetings. A special meeting may be called by the Supervisor at any time by giving at least two days' notice in writing to the other members of the board of the time and place where the meeting is to be held. The supervisor may do this on his or her own initiative and shall do so within ten days if requested in writing by two members of the board. Because the town clerk is mandated by law to attend all town board meetings, notice of a special meeting should be given to the clerk as well. The Attorney General and Comptroller have agreed that business conducted at a special meeting held without two days' notice is valid as long as all the councilpersons had actual notice of the meeting and attended and participated therein [1980 Op. Atty. Gen. (Inf) 109; 18 Op. St. Comp. No 442].

Section 4. Quorum

A Quorum shall be required to conduct business. A quorum of the five-member Town Board shall be three. In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.

Section 5. Executive Sessions

Executive sessions shall be held in accordance with the N.Y. Public Officers Law Section 105. All executive sessions shall be commenced in a public meeting. Attendance shall be permitted to any member of the Town Board and any other persons authorized to attend that executive session by the Town Board.

Section 6. Agendas

The agenda shall be prepared by the Supervisor and/or his/her designee. The Supervisor or any councilperson or any other Town official may have an item placed on the agenda. Items for the agenda shall be given to the Supervisor by noon on Monday preceding the next scheduled Wednesday night board meeting except that, in unusual or exceptional circumstances, an item may thereafter be submitted to the Supervisor, and if time permits, it may be added to the agenda of the meeting. Items that cannot be placed on the agenda may be brought up during the meeting. It is the intention of the town board that the agenda shall be prepared and emailed or mailed to town board members by the end of the day on the Monday preceding the Wednesday night board meeting so as to provide sufficient time to the town board members to review the agenda and to prepare to discuss and timely address those items contained thereon. All other matters that may arise before the Wednesday meeting except in unusual or exceptional

circumstances, to the greatest extent practical, shall be tabled until the following town board meeting.

Section 7. Voting

Pursuant to Town Law, each member of the Town Board shall have one vote. A majority of the totally authorized voting power (i.e., three votes) is necessary to pass a matter unless otherwise specified by state law.

An abstention, silence or absence shall not be considered either an affirmative or a negative vote for the purposes of determining the final vote on a matter.

A vote upon any question shall be taken by “ayes” and “nays,” and the names of the members present and their votes shall be entered in the minutes.

Section 8. Minutes

Minutes shall be taken by the Town Clerk. Minutes shall consist of a recorded or summary of all motions, proposals, resolutions, and any other matter formally voted upon and the vote thereon. Minutes shall be taken at executive session of any action that is taken by formal vote, which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter that is not required to be made public by the New York Freedom of Information Law.

Minutes shall also include the following:

- Name of the Town Board
- Date, place, and time of meeting
- Notation of presence or absence of the Town Board members and time of arrival or departure if different from time of call to order and adjournment;
- Record of communications presented to the Town Board
- Record of reports made by the Town Board or other Town personnel:
- Time of adjournment;
- Signature of Town Clerk or person who took the minutes if not the Town Clerk.

Minutes shall not be taken verbatim. The only time comments are verbatim is when the Supervisor or the Town Council directs it to be written in that manner.

Minutes shall be transcribed and distributed according to Town Law at least two weeks after a town meeting has taken place. Minutes shall be approved at the next Town Board meeting after they have become available.

Section 9. Order of Business

A. The order of business will be as presented on the Agenda:

Section 10. General Rules of Procedures

The Supervisor shall preside at meetings. In the Supervisor's absence, the Deputy Supervisor shall preside. The presiding officer may debate, move and take other action that may be taken by other members of the Town Board.

Town Board members are not required to rise but must be recognized by the presiding officer before making motions and speaking. A member, once recognized, shall not be interrupted when speaking unless it is to call the member to order. If a member, while speaking is called to order, such member shall cease speaking until the question of order is determined, and, if in order, such member shall be permitted to proceed.

Reasonable rules of participation as per Town Board to the number of times a member may speak on a question.

Motions to close or limit debate may be entertained but shall require a majority vote.

Section 11. Guidelines for Public Comment

The public shall be allowed to speak up to two minutes during regular meetings, special meetings, workshops, and public hearings.

Speakers must give their name and address.

Speakers must be recognized by the presiding officer.

All remarks shall be addressed to the Town Board as a body and not to any member thereof.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.

Interested parties or their representatives may address the Town Board by written communications. Written communications shall be delivered to the Town Clerk or to his or her designee. Speakers should not read written communications verbatim but should summarize their contents.

Citizens with disabilities, who require assistance in attending any meeting, or in furnishing comments and suggestions, should contact the Town Supervisor to request such assistance.

Section 12. Use of Recording Equipment

All members of the public and all public officials are allowed to tape or videotape public meetings. Recording is not allowed during executive sessions. The recording should be done in a manner, which does not interfere with the meeting.

Section 13. Adjournment

Meetings shall be adjourned by motion.

Section 14. Amendments to the Rule of Procedure

The foregoing procedures may be amended from time to time by a majority vote of the Town Board.

Upon the question of the adoption of the foregoing resolution the following voted

Date: January 3, 2024

Motion made by: Councilman Lamb

Motion seconded by: Councilman Spellicy

VOTING RECORD:

Supervisor Michael M. Davis Sr. Aye

Councilman Jason Spellicy Aye

Councilman Jason C. Lamb Aye

Councilman Darrin Smith Aye

Councilwoman Mary Beth McEwen Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol Huber
Town Clerk

**RESOLUTION #3 OF 2024
PROCEDURE OF AUDITED VOUCHERS**

WHEREAS, the Town of Vienna shall require three signatures by three members of the town board on all Audited Vouchers; and

WHEREAS, the Town of Vienna allows each department head to be responsible for managing their equipment and supplies for their office as the town council provides funding through their budget contractual; and

WHEREAS, the Town of Vienna makes a procurement policy for all department heads to follow; and

WHEREAS, the Town of Vienna shall require The Department head shall sign off on each voucher dealing with their department; and

WHEREAS, any and all audited vouchers that have met the signature requirements shall be paid;

THEREFORE, BE IT RESOLVED, that the procedure for approving audited vouchers is listed above and this procedure is pursuant to New York State Town Law and General Municipal Law.

Date: January 3, 2024

Motion made by: Councilman Smith

Motion seconded by: Councilman Lamb

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber

Carol Huber
Town Clerk

**RESOLUTION #4 OF 2024
MILEAGE RATE**

SUBJECT: To allow \$.69 per mile pre-approved reimbursement of travel expenses to be designated to town employees, for town business. Each month the elected official or appointed employee of the town shall submit a voucher explaining the mileage reimbursement. Only designated town employees doing town business or attending training sessions pertaining to their position are eligible for this reimbursement. This does not pertain to coming to the town hall to do business as an elected official or an appointed employee.

Date: January 3, 2024

Motion made by: Councilman Smith

Motion seconded by: Councilman Lamb

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
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Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber
Carol Huber
Town Clerk

**RESOLUTION #5 OF 2024
PLANNING BOARD AND ZONING BOARD OF APPEALS TRAINING**

WHEREAS, four hours of annual training are required for members of planning boards and zoning boards of appeals pursuant to (Town Law Sections 267 and 271), and

WHEREAS, such training must be approved by the Town Board, be it

RESOLVED, that up to 4 hrs. of the following training activities are pre-approved for planning board and zoning board members upon filing certification annually with the town clerk of proof or evidence of such training:

- Planning and zoning training sessions offered by the NYS Department of State, Department of Agriculture and Markets, Office of the State Comptroller, and Department of Environmental Conservation;
- Planning and zoning training sessions offered by the Association of Towns, the Conference of Mayors, the NY Planning Federation, and the American Planning Association;
- On-line planning and zoning training programs offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy;
- Planning and zoning sessions and courses offered by universities and colleges such as Albany Law School, Governmental Law Center;

- Sessions on planning and zoning presented at the annual Tug Hill Commission Local Government Conference;
- Sessions on planning and zoning offered by the (Jefferson) (Lewis) (Oneida) (Oswego) County Planning (Board) (Department) and the NYS Tug Hill Commission;

and let it further be

RESOLVED, that other training activities may be approved on a case-by-case basis by the town board upon the request of planning board and zoning board of appeals members.

FURTHER BE IT RESOLVED, That Planning Board and Zoning Board of Appeals members are able to carry over a maximum of two (2) hours credit earned over the required four hour minimum into the following calendar to count as training for that calendar year.

Date: January 3, 2024

Motion made by: Councilman Spellicy
Motion seconded by: Councilman Lamb

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber
Carol Huber
Town Clerk

**RESOLUTION #6 OF 2024
AUTHORIZED UP TO \$3,500.00 FOR HIGHWAY SUPERINTENDENT**

ON A MOTION BY: Councilman Spellicy and seconded by Councilman Smith the following was

ADOPTED: Not withstanding the procurement policy on January 3, 2024, the Highway Superintendent is hereby authorized to spend up to \$3,500.00 without prior Town Board approval as long as it is for repairs and tools only. No purchasing of equipment.

Date: January 4, 2023

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber
Carol Huber
Town Clerk

**RESOLUTION #7 OF 2024
DESIGNATION OF AUTHORITY**

WHEREAS, The Town Board serves as the executive, administrative & legislative body of the Town; and

WHEREAS, during the absence or inability to act of the supervisor, or while the office of supervisor is vacant, the deputy supervisor shall preside, at the meetings of the town board and shall be vested with all of the powers and may perform all of the duties of the supervisor under the Town Law or any other law; and

BE IT RESOLVED, that The Town Board of the Town of Vienna hereby delegates to the Supervisor, or the deputy supervisor in the absence of the supervisor, the powers & duties of administration & supervision of the Town functions & Special, Improvement District Function, to be performed on behalf of the Town Board of the Town of Vienna during the time between regularly scheduled, emergency, & Special Town Board Meetings and;

By delegation, the Town Board of the Town of Vienna does not abdicate to the Supervisor, or surrender to him/her the Town Board's basic statutory powers & responsibilities.

Date: January 3, 2024

Motion made by: Councilman Smith

Motion seconded by: Councilman Lamb

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber

Carol Huber
Town Clerk

**RESOLUTION #8 OF 2024
PROCUREMENT POLICY**

The following resolution was offered by Councilman Smith, who moved its adoption, seconded by Councilman Lamb, to with:

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid; and

WHEREAS, comments have been solicited from all officers in the Town involved in the procurement process; and

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Vienna does hereby adopt the following procurement policy, which is intended to apply to all goods, and services which are not required by law to be publicly bid within the Town of Vienna and within all improvement districts located therein.

PROCUREMENT POLICY FOR THE TOWN OF VIENNA

B. Every purchase to be made must be initially reviewed to determine whether it is a Purchase Contract or a Public Works Contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to Competitive Bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to Competitive Bidding pursuant to Section 103 of the General Municipal Law:

- Purchase contracts under \$20,000 and Public Works Contracts under \$35,000
- Emergency purchase
- Certain municipal hospital purchases
- Goods purchased from agencies for the blind or severely handicapped
- Goods purchased from correctional institutions
- Purchases under State and County Contracts
- Surplus and second-hand purchases from another governmental agency

The individual making the purchase will document the decision that a purchase is not subject to Competitive bidding in writing. This documentation may include written quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

C. All goods and services will be secured by use of written requests for proposals, written quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances:

- Purchase Contracts over \$20,000 and Public Works Contracts over \$35,000
- Goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law
- Goods purchased from correctional institutions pursuant to Section 186 of the Correction Law

- Purchases under State Contracts pursuant to Section 104 of the General Municipal Law
- Purchases under County Contracts pursuant to Section 103(3) of the General Municipal Law
- Purchases pursuant to subdivision 6 of this policy

D. The following method of purchase will be used when required by this policy in order to achieve the highest savings

Estimated Amount of

Purchase Contract

Method

\$250 - \$2,999

2 written/fax quotations

\$3,000 - \$9,999

3 written/fax quotations or
written request for proposals

Estimated Amount of

Public Works Contract

Method

\$250 - \$2,999

2 written/fax quotations

\$3,000 - \$4,999

3 written/fax quotations

\$5,000 - \$19,999

3 written/fax quotations or written request
for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

- E. Documentation is required of each action taken in connection with each procurement.
- F. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible bidder. This documentation will include an explanation of how the award will achieve savings or how the bidder was not responsible. A determination that the bidder is not responsible shall be made by the purchaser and may not be challenged under any circumstances.
- G. Pursuant to General Municipal Law Section 104-b (2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in

the best interest of the municipality. In the following circumstances it may not be in the best interests of the Town of Vienna to solicit quotations or document the basis for not accepting the lowest bid:

- Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price, and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. In determining whether a service fits into this category the Town Board shall take into consideration the following guidelines:
 1. Whether the services are subject to State licensing or testing requirements
 2. Whether substantial formal education or training is a necessary prerequisite to the performance of the services;
 3. Whether the services require a personal relationship between the individual and municipal officials.

Professional or technical services shall include but not be limited to the following:

- (1) Services of an attorney
- (2) Services of a physician
- (3) Technical services of an engineer engaged to prepare plans, maps and estimates
- (4) Securing insurance coverage and/or services of an insurance broker
- (5) Services of a certified public accountant
- (6) Investment management services
- (7) Printing services involving extensive writing
- (8) Editing or artwork
- (9) Management of municipally owned property
- (10) Computer software or programming services for customized programs, or services involved in substantial modification and customizing of prepackaged software.

- Emergency purchase pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately if a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents or structural damage to Town property. This section does not preclude alternate proposals if time permits.
- Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Town is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods, and a lower price may indicate an older product.
- Goods or services under \$250. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer.

H. This policy shall go into effect January 3, 2024 and will be reviewed annually.

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber

Carol Huber
Town Clerk

**RESOLUTION #9 OF 2024
DESIGNATION OF OFFICIAL NEWSPAPER**

MOTION BY: Councilwoman McEwen

SECONDED BY: Councilman Smith

WHEREAS, the Queen Central News, 119 Main Street, Camden, New York 13316, be designated the official newspaper of the Town of Vienna with The Rome Sentinel as the secondary.

BE IT FURTHER RESOLVED, that the reason that this board feels that the official paper be Queen Central News is the fact that it is readily available throughout the whole Town of Vienna.

BE IT FURTHER RESOLVED, that this legislation is effective January 3, 2024

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Gail Whitham	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber

Carol Huber
Town Clerk

RESOLUTION #10 OF 2024
SIGNERS ON TOWN OF VIENNA CHECKING ACCOUNTS

WHEREAS, in order for the town to keep the checks and balances in place for the town accounts according to the NYS Comptroller and for surety bond coverages, and

WHEREAS, the Town of Vienna is putting in place the signers of the accounts in the Town, and

BE IT RESOLVED, the Supervisor's accounts require two signatures:

- Supervisor is the first signer on all the supervisor accounts
- Town Clerk is the second signer on all of the supervisor's accounts
- In the absence of the Supervisor the Deputy Supervisor will sign the supervisor's accounts.
- In the absence of the Town Clerk the Deputy Clerk will sign the supervisor's account, and

FURTHER BE IT RESOLVED, the Town Clerk is the signer on her accounts and in the absence of the Town Clerk her Deputy Clerk is the signer. The Town Clerk will give supporting documentation to the town board for their review of her accounts monthly, and

FURTHER BE IT RESOLVED, the Town of Vienna will be following the recommendation of the NYS Comptroller and will keep our surety bond coverage in place for the town employees.

Date: January 3, 2024

Motion made by: Councilman Lamb

Motion seconded by: Councilman Smith

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye

Councilman Jason C. Lamb Aye
Councilman Darrin Smith Aye
Councilwoman Gail Whitham Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber
Carol Huber
Town Clerk

**RESOLUTION #11 OF 2024
RETURNED CHECK FEE POLICY**

WHEREAS, the Town Board of Town of Vienna realizes that there is a need for a returned check fee policy, and

BE IT RESOLVED, that according to General Municipal Law §85 the Town of Vienna will charge a thirty-five-dollar (\$35.00) fee to any checks tendered as payment and returned unpaid for any reason on all Town of Vienna accounts.

Date: January 3, 2024

Motion made by: Councilman Spellicy
Motion seconded by: Councilman Lamb

VOTING RECORD:

Supervisor Michael M. Davis Sr. Aye
Councilman Jason Spellicy Aye
Councilman Jason C. Lamb Aye
Councilman Darrin Smith Aye
Councilwoman Mary Beth McEwen Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber
Carol Huber
Town Clerk

**RESOLUTION #12 OF 2024
RULES OF MEETINGS OF THE PLANNING BOARD, ZBA AND ETHICS BOARD OF
THE TOWN OF VIENNA**

WHEREAS, the Town Board of the Town of Vienna appreciates the dedication of individuals on all the boards; and

WHEREAS, the Town Board of the Town of Vienna realizes that we need to make sure that we have a full board to represent the residents in the timely fashion necessary; and

BE IT RESOLVED, that when any member of these boards have unexcused absences for more than three (3) consecutive meetings such member will be subject to replacement on the board by appointment of the Town Board; and

BE IT FURTHER RESOLVED, that the Town Board feels that this will maintain a full board at all times for the residents of the Town.

Date: January 3, 2024

Motion made by: Councilman Lamb

Motion seconded by: Councilman Spellicy

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber

Carol Huber
Town Clerk

RESOLUTION #13 OF 2024

ESTABLISHING HOLIDAYS FOR TOWN OF VIENNA OFFICIALS

MOTION BY: Councilman Lamb

SECONDED BY: Councilman Spellicy

To establish the PAID HOLIDAYS (PROVIDED IT IS THEIR NORMAL WORK DAY AND FOR THEIR NORMAL WORK HOURS) FOR THE Town Officials and Employees:

Martin Luther King	Monday	01/15/24
President's Day	Monday	02/19/24
Good Friday	Friday	03/29/24
Memorial Day	Monday	05/27/24
Juneteenth	Wednesday	06/19/24
Primary Day	Tuesday	06/25/24
July 4 th	Thursday	07/04/24
Day after the 4 th	Friday	07/05/24
Labor Day	Monday	09/02/24
Columbus Day	Monday	10/14/24
Election Day	Tuesday	11/05/24
Veterans Day	Monday	11/11/24

Thanksgiving	Thursday	11/28/24
Day After Thanksgiving	Friday	11/29/24
Christmas Eve Day	Tuesday	12/24/24
Christmas Day	Wednesday	12/25/24
New Year's	Wednesday	12/31/24

Date: January 3, 2024

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber
Carol Huber
Town Clerk

RESOLUTION # 14 OF 2024
CODE OF CONDUCT

In an effort to provide an atmosphere conducive to conducting the official business of the Town of Vienna, The Town Board of said Town has adopted the following resolution.

BE IT RESOLVED, that the Town Board of the Town of Vienna adopts the following standards of conduct on any Town Property to comply with the TOV Handbook.

All persons, either public official or private citizen, shall refrain from making inappropriate, offensive, insulting or malicious remarks to anyone. Likewise, vocal, boisterous or other disruptive demonstrations which will disrupt the orderly flow of Town business or Town meetings will not be allowed. Any person engaging in this type of behavior shall be ruled out of order, and shall be escorted from the building.

Elected Officials, Appointed Officials, and Employees, shall be expected to treat each other and the public with respect.

Any person who observes or overhears any violation of this order will contact the most senior town official in attendance of this violation. Said senior town official will deliver a copy

of this resolution to the violator and request that the violator refrain from such conduct. If the violator continues the use of said language in addition to any other sanction prescribed under the New York State Penal Law, he (she) will be ordered to immediately vacate the property.

In the event that the offender is an appointed official and re-violates this order he/she will be removed from that position.

In the event that the offender is an employee of the Town and a member of a collective bargaining unit and re-violates this order he/she will be disciplined as per union contract.

In the event that the offender is an employee of the town and re-violates this order he/she will be terminated from that position.

In the event that the violator is an elected official and re-violates this order he/she will be disciplined as per state law governing elective officials.

Date: January 3, 2024

Motion made by: Councilman Lamb

Motion seconded by: Councilman Spellicy

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber
Carol Huber
Town Clerk

RESOLUTION #15 OF 2024
INTERNET TECHNICIAN CONFIDENTIALITY AGREEMENT
THIS CONFIDENTIALITY AGREEMENT (the "Agreement") dated this 3rd^h day of
January, 2024

BETWEEN:

Town of Vienna Town Board at 2083 State Rt. 49 Vienna, NY
(the "Employer")

OF THE FIRST PART

- AND -

BondarTech, 8240 Seneca Turnpike, Clinton, NY 13323
(the "Contractor")

OF THE SECOND PART

BACKGROUND:

1. The Contractor is currently or may be retained as an independent contractor with the Employer for the position of: IT Consultant. In addition to this responsibility or position (the "Retainer"), this Agreement also covers any position or responsibility now or later held with the Employer.
2. The Contractor will receive from the Employer, or develop on the behalf of the Employer, Confidential Information as a result of the Retainer (the 'Permitted Purpose').
3. The Town Supervisor will be the Liaison between the Contractor and the Town.

IN CONSIDERATION OF and as a condition of the Employer retaining the Contractor and the Employer providing the Confidential Information to the Contractor in addition to other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, the parties to this Agreement agree as follows:

1) **Confidential Information**

The Contractor acknowledges in any position the Contractor may hold, in and as a result of the Contractor's retainer by the Employer, the Contractor will, or may, be making use of, acquiring or adding to information about certain matters and things which are confidential to the Employer and which information is the exclusive property of the Employer, including, without limitation:

- a. 'Confidential Information' means all data and information relating to the business and management of the Employer, including proprietary and trade secret technology and accounting records to which access is obtained by the Contractor,

including Work Product, Production Processes, Other Proprietary Data, Business Operations, Computer Software, Computer Technology, Marketing and Development Operations, and Customers. Confidential Information will also include any information which has been disclosed by a third party to the Employer and governed by a non-disclosure agreement entered into between the third party and the Employer. Confidential Information will not include information that:

- i. is generally known in the industry of the Employer;
 - ii. is now or subsequently becomes generally available to the public through no wrongful act of the Contractor;
 - iii. the Contractor rightfully had in his possession prior to receiving the Confidential Information from the Employer;
 - iv. is independently created by the Contractor without direct or indirect use of the Confidential Information; or;
 - v. the Contractor rightfully obtains from a third party who has the right to transfer or disclose it.
- b. 'Work Product' means work product resulting from or related to work or projects performed or to be performed for the Employer or for clients of the Employer, of any type or form in any stage of actual or anticipated research and development;
 - c. 'Production Processes' means processes used in the creation, production and manufacturing of the Work Product, including but not limited to formulas, patterns, molds, models, methods, techniques, specifications, processes, procedures, equipment, devices, programs, and designs;
 - d. 'Other Proprietary Data' means information relating to the Employer's proprietary rights prior to any public disclosure of such information, including but not limited to the nature of the proprietary rights, production data, technical and engineering data, technical concepts, test data and test results, simulation results, the status and details of research and development of products and services, and information regarding acquiring, protecting, enforcing and licensing proprietary rights (including patents, copyrights and trade secrets);
 - e. 'Business Operations' means internal personnel and financial information, vendor names and other vendor information (including vendor characteristics, services and agreements), purchasing and internal cost information, internal services and operational manuals, and the manner and methods of conducting the Employer's business;
 - f. 'Computer Software' means all sets of statements, instructions or programs, whether in human readable or machine readable form, that are expressed, fixed, embodied or stored in any manner and that can be used directly or indirectly in a computer ('Computer Programs'); any report format, design or drawing created or produced by such Computer Programs; and all documentation, design

specifications and charts, and operating procedures which support the Computer Programs;

- g. 'Computer Technology' means all scientific and technical information or material pertaining to any machine, appliance or process, including specifications, proposals, models, designs, formulas, test results and reports, analyses, simulation results, tables of operating conditions, materials, components, industrial skills, operating and testing procedures, shop practices, know-how and show-how;
- h. 'Marketing and Development Operations' means marketing and development plans, price and cost data, price and fee amounts, pricing and billing policies, quoting procedures, marketing techniques and methods of obtaining business, forecasts and forecast assumptions and volumes, and future plans and potential strategies of the Employer which have been or are being discussed; and
- i. 'Customers' means names of customers and their representatives, contracts and their contents and parties, customer services, data provided by customers and the type, quantity and specifications of products and services purchased, leased, licensed or received by clients of the Employer.

2) **Confidential Obligations**

- a. Except as otherwise provided in this Agreement, the Contractor must keep the Confidential Information confidential.
- b. Except as otherwise provided in this Agreement, the Confidential Information will remain the exclusive property of the Employer and will only be used by the Contractor for the Permitted Purpose. The Contractor will not use the Confidential Information for any purpose which might be directly or indirectly detrimental to the Employer or any of its affiliates or subsidiaries.
- c. Except as other wise provided in this Agreement, the Confidential Information will remain confidential unless the Town of Vienna Town Board, by board motion authorizes the information to be released from the Contractor.
- d. Except as other wise provided in this Agreement, the Confidential Information for Vital Records retained by the Town Clerk of the Town of Vienna will be removed from the system completely, by the contractor, before any information can or will be released.

Employer
Date: _____

Contractor
Date: _____

Motion made by: Councilman Spellicy
Motion seconded by: Councilman Smith

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye

Councilman Darrin Smith Aye
Councilwoman Mary Beth McEwen Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL) *Carol L. Huber*
Carol Huber
Town Clerk

**RESOLUTION #16 OF 2024
FOOD ALLOWANCE**

MOTION BY: Councilwoman McEwen
SECONDED BY: Councilman Smith

WHEREAS, the Town Board acknowledges that in performing their duties, including ongoing training, its employees, appointees, and elected officials may have to travel outside of the normal distances required in the daily performance of their respective duties, and

WHEREAS, the Town Board wishes to pre-approve the necessary meal expenses incurred, as a result of traveling in performance of such duties,

BE IT RESOLVED, that the Town Board will follow the scale set by the U.S. General Services Administration for pre-approved per diem food expenses. These expenses are determined based on location of travel, and the meals necessitated by such travel. The current schedule is attached.

This resolution was presented at the regular board meeting of the Town of Vienna, North Bay, New York, 13123, held at 7:00 PM Eastern Standard Time on January 3, 2024.

VOTING RECORD:

Supervisor Michael M. Davis Sr. Aye
Councilman Jason Spellicy Aye
Councilman Jason C. Lamb Aye
Councilman Darrin Smith Aye
Councilwoman Mary Beth McEwen Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL) *Carol L. Huber*
Carol Huber
Town Clerk

**RESOLUTION #17 OF 2024
INVESTMENT POLICY**

1. SCOPE

This investment policy applies to all moneys and other financial resources available for deposit and investment by the Town of Vienna (TOV) on its own behalf or on any other entity or individual.

II. OBJECTIVES

The primary objectives of the local government's investment activities are, in priority order:

- To conform with all applicable federal, State and other legal requirements (legality);
- To adequately safeguard principal (safety);
- To provide sufficient liquidity to meet all operating requirements (liquidity) and
- To obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board's responsibility for administration of the investment program is delegated to the Chief Fiscal Officer (*CFO*) who shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

VI. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Town to govern effectively.

Investments shall be made with prudence, diligence, skill, judgment and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the *Town* to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

The governing board shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer, and shall evaluate this listing at least annually.

VI. INTERNAL CONTROLS

It is the policy of the *Town* for all moneys collected by any officer or employee of the government to transfer those funds to the *CFO* within 2 days of deposit, or within the time period specified in law, whichever is shorter.

The *CFO* is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies that are authorized for the deposit of moneys, and the maximum amount which may be kept on deposit at any time, are:

Adirondack Bank - \$10,000,000.00 Maximum

VIII. SECURING DEPOSITS AND INVESTMENTS

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, “deposits”) made by officers of the Town that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act, including pursuant to a Deposit Placement Program in accordance with law, shall be secured by:

1. A pledge of “eligible securities” with an aggregate “market value” (as provided by the GML Section 10) that is at least equal to the aggregate amount of deposits by the officers. See Schedule A of this policy for a listing of “eligible securities”

IX. COLLATERALIZATION AND SAFEKEEPING

Eligible securities used for collateralizing deposits made by officers of the Town shall be held by the depository bank or trust company subject to security and custodial agreements.

The security agreement shall provide the eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions under which the securities (or pro rata portion of a pool of eligible securities) held may be sold, presented for payment, substituted or released and the events of default which will enable the local government to exercise its rights against the pledged securities.

In the event that the pledged securities are not registered or inscribed in the name of the Town, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Town or the custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the local government in the securities (or pro rata portion of a pool of eligible securities) as set forth in the security agreement.

The custodial agreement shall provide that pledge securities (or the pro rata portion of a pool of eligible securities) will be held by the custodial bank or trust company as agent of, and custodian for, the Town, will be kept and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and the substitution of collateral when a change in the rating of the security causes indelibility. The security and custodial agreements shall also include all other provisions necessary to provide the Town with a perfected security interest in the eligible securities and to otherwise secure the local government’s interest in the collateral, and may contain other provisions that the governing board deems necessary.

X. PERMITTED INVESTMENTS

As provided by General Municipal Law Section 11, the *Town Board* authorizes the *CFO* to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York;
- Obligations of the United States of America;
- Simple interest checking and savings accounts issued by a bank or trust company located and authorized to do business in the State of New York;
- Obligations of the State of New York;

All investment obligations shall be payable or redeemable at the option of the Town within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case

of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event at the option of the Town within two years of the date of purchase. Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as provided in Sections VIII and IX herein.

Except as may otherwise be provided in a contract bondholder or note holders, any moneys of the Town authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the Town within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law Section II. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

All financial institutions and dealers with which the Town transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size and other factors that make the financial institution or the dealer capable and qualified to transact business with the Town. The CFO shall evaluate the financial position and maintain a listing of proposed depositories, trading partners, and custodians. Recent Reports of Condition and Income (call reports) shall be obtained for proposed banks, and security dealers that are not affiliated with a bank shall be required to be classified as reporting dealers affiliated with New York Federal Reserve Bank, as primary dealers.

The Town shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amounts of investments that can be made with each financial institution or dealer.

XII. PURCHASE OF INVESTMENTS

The CFO is authorized to contract for the purchase of investments:

1. Directly, from an authorized trading partner
2. By participation in a cooperative investment agreement with other authorized municipal corporations pursuant to Article 5-G of the General Municipal Law in accordance with Article 3-A of the General Municipal Law.

All purchased obligations, unless registered or inscribed in the name of the Town, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the Town by the bank or trust company.

Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law Section 10(3)(a). The agreement shall provide that securities held by the bank or trust company, as agent of, and custodian for, the Town, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt and release of the securities. Such agreements shall include all provisions necessary to secure the local government's perfected interest in the securities, and the agreement may also contain other provisions that the governing board deems necessary. The security and custodial agreements shall also include all other provisions necessary to provide the Town with a perfected interest in the securities.

The CFO, where authorized, can direct the bank or trust company to register and hold the evidences of investments in the name of its nominee, or may deposit or authorize the bank or trust company to deposit, or arrange for the deposit of any such evidences of investments with a federal reserve bank or other book-entry

transfer system operated by a federally regulated entity. The records of the bank or trust company shall show, at all times, the ownership of such evidences of investments, and they shall be, when held in the possession of the bank or trust company, at all times, kept separate from the assets of the bank or trust company. All evidences of investments delivered to a bank or trust company shall be held by the bank or trust company pursuant to a written custodial agreement as set forth in General Municipal Law Section 10(3)(a), and as described earlier in this section. When any such evidences of investment are so registered in the name of a nominee, the bank or trust company shall be absolutely liable for any loss occasioned by the acts of such nominee with respect to such evidences of investments.

XIII. COURIER SERVICE

The *CFO* may, subject to the approval of the governing board by resolution, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the Town and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service.

The Town may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the Town in transporting items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the Department of Financial Services or other federal or State authority.

XIV. ANNUAL REVIEW AND AMENDMENTS

The *Town* shall review this investment policy annually, and it shall have the power to amend this policy at any time.

XV. DEFINITIONS

The terms “public funds,” “public deposits,” “bank,” “trust company,” “eligible securities,” “eligible surety bond,” and “eligible letter of credit” shall have same meaning as set forth in General Municipal Law Section 10.

Appendix A – Investment Policy Schedule A

Schedule of Eligible Securities for Collateralizing Deposits and Investments in Excess of FDIC Coverage

“Eligible Securities” for Collateral value”: For purpose of determining aggregate “market value,” eligible Securities shall be valued at these percentages of “market

(i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government-sponsored corporation.	100%
(ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the African Development Bank.	100%

(iii) Obligations partially issued or guaranteed by any agency of the	100%
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United State of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.

(iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of this State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.	100%
(v) Obligations issued by states (other than the State of New York) if rated in the highest category; 90% for 2 nd highest;	100%
of the United States rated in one of the three highest rating for 3 rd highest. categories by at least one nationally recognized statistical rating organization.	80%
(v) Obligations issued of the Commonwealth of Puerto Rico rated if rated in the highest category;	100%
for 2 highest; in one of the three highest rating categories by at least one nationally	90%
for 3 rd highest. recognized statistical rating organization.	80%
(vii) Obligations of countries, cities and other governmental entities if rated in the highest category; 90% for 2 nd highest;	100%
of another state having the power to levy taxes that are backed by for 3 rd highest. the full faith and credit of such government entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	80%
(viii) Obligations of domestic corporations rated in one of two highest rating categories by at least one nationally recognized statistical rating organization.	80%
(xi) Any mortgage-related securities, as defined in the Securities exchanged Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.	70%
(x) Commercial paper and bankers' acceptances issued by a bank (other than the bank with the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.	80%
(xi) Zero-coupon obligations of the United States government marketed as "Treasury STRIPS.)	80%

Date: January 3, 2024

Motion made by: Councilman Spellicy

Motion seconded by: Councilman Lamb

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye

Councilman Darrin Smith Aye
Councilwoman Mary Beth McEwen Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL) *Carol L. Huber*
Carol Huber
Town Clerk

**RESOLUTION #18 OF 2024
DESIGNATION OF DEPOSITOR**

MOTION BY: Councilwoman McEwen

SECONDED BY: Councilman Lamb

BE IT RESOLVED, that Adirondack Bank be designated as the bank in which all town officers shall deposit all monies coming into their hands by virtue of their offices, as well as the security, if any to be given by the depository for the protection of Town Funds.

Date: January 3, 2024

VOTING RECORD:

Supervisor Michael M. Davis Sr. Aye
Councilman Jason Spellicy Aye
Councilman Jason C. Lamb Aye
Councilman Darrin Smith Aye
Councilwoman Mary Beth McEwen Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL) *Carol L. Huber*
Carol Huber
Town Clerk

**RESOLUTION # 19 OF 2024
TOWN OF VIENNA TRAINING**

MOTION BY: Councilman Spellicy

SECONDED BY: Councilman Lamb

WHEREAS, Section 77-b of the General Municipal Law allow the governing board of municipalities to authorize any officer or employee to attend a convention, conference or school conducted for the betterment of such municipality;

BE IT RESOLVED, that the Town Board of the Town of Vienna does hereby grant permission to any and all town officer or employee to attend schooling or conferences for the betterment of the municipality with prior approval.

This resolution was presented at the regular board meeting of the Town of Vienna, North Bay, New York, 13123, held at 7:00 PM on January 3, 2024.

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber
Carol Huber
Town Clerk

**RESOLUTION #20 OF 2024
DESIGNATION OF CERTIFIED PUBLIC ACCOUNTANTS**

MOTION BY: Councilman Smith

SECONDED BY: Councilman Spellicy

SUBJECT: To designate Gustafson & Co. as the Certified Public Accountants & Consultants for the Town of Vienna in all agreed upon procedures and reports for the town.

This resolution was presented at the Regular Town Board meeting of the Town of Vienna, North Bay, New York, 13123, held at 7:00 P.M. Eastern Standard Time on January 3, 2024.

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber
Carol Huber
Town Clerk

RESOLUTION #21 OF 2024
RESOLUTION FOR THE PUBLIC EMPLOYER HEALTH EMERGENCY PLAN

MOTION BY: Councilman Smith

SECONDED BY: Councilman Spellicy

WHEREAS, on September 7, 2020 the Governor signed Senate Bill S8617B into law requiring public employers to develop health emergency plans for the protection of employees and contractors; and

WHEREAS, the Town of Vienna fully supports the health and safety of our employees and contractors; and

WHEREAS, the plan supports continuity of operations of the Town of Vienna; and

WHEREAS, the plan was developed collaboratively with several officials of the Town of Vienna; and

WHEREAS, the plan has been developed to meet the requirements set forth in the aforementioned law; and

WHEREAS, the Town of Vienna provided labor unions representing the Town of Vienna employees the opportunity to review and comment on the draft plan; and

BE IT RESOLVED, that the Town Board of the Town of Vienna approves the public employer health emergency plan of the Town of Vienna; and

FURTHER BE IT RESOLVED, that the Town Board of the Town of Vienna authorizes the Town Supervisor/Deputy Town Supervisor to sign the plan, putting it into full force and effect in accordance with the law and the provisions identified in the plan.

This resolution was presented at the regular board meeting of the Town of Vienna, North Bay, New York, 13123, held at 7:00 PM on January 3, 2024.

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber

Carol Huber
Town Clerk

Resolution #23 of 2024
Telecom & Audio Video Consultant

CONFIDENTIALITY AGREEMENT

THIS CONFIDENTIALITY AGREEMENT (the "Agreement") dated this 3rd day of January, 2024

BETWEEN: Town of Vienna Town Board at 2083 State Rt. 49 Vienna, NY
(the "Employer") OF THE FIRST PART

- AND -

- CNY Telecom LLC at 111 W. Noyes BLVD Rear Unit., Sherrill, NY 13461
(the "Contractor")

OF THE SECOND PART

BACKGROUND:

4. The Contractor is currently or may be retained as an independent contractor with the Employer for the position of: Telecom and Audio/ video consultant. In addition to this responsibility or position (the "Retainer"), this Agreement also covers any position or responsibility now or later held with the Employer.
5. The Contractor will receive from the Employer, or develop on the behalf of the Employer, Confidential Information as a result of the Retainer (the 'Permitted Purpose').
6. The Town of Vienna Supervisor will be authorized to access the Audio /Video and Telecom System for maintenance reasons. The Town Supervisor will be the liaison between the Town Board and the Contractor for said system.

IN CONSIDERATION OF and as a condition of the Employer retaining the Contractor and the Employer providing the Confidential Information to the Contractor in addition to other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, the parties to this Agreement agree as follows:

3) Confidential Information

The Contractor acknowledges in any position the Contractor may hold, in and as a result of the Contractor's retainer by the Employer, the Contractor will, or may, be making use of, acquiring or adding to information about certain matters and things which are confidential to the Employer and which information is the exclusive property of the Employer, including, without limitation:

- a. 'Confidential Information' means all data and information relating to the business and management of the Employer, including proprietary and trade secret technology and accounting records to which access is obtained by the Contractor, including Work Product, Production Processes, Other Proprietary Data, Business Operations, Computer Software, Computer Technology, Marketing and Development Operations, and Customers. Confidential Information will also include any information which has been disclosed by a third party to the Employer and governed by a non-disclosure agreement entered into between the

third party and the Employer. Confidential Information will not include information that:

- i. is generally known in the industry of the Employer;
 - ii. is now or subsequently becomes generally available to the public through no wrongful act of the Contractor;
 - iii. the Contractor rightfully had in his possession prior to receiving the Confidential Information from the Employer;
 - iv. is independently created by the Contractor without direct or indirect use of the Confidential Information; or;
 - v. the Contractor rightfully obtains from a third party who has the right to transfer or disclose it.
- b. 'Work Product' means work product resulting from or related to work or projects performed or to be performed for the Employer or for clients of the Employer, of any type or form in any stage of actual or anticipated research and development;
- c. 'Production Processes' means processes used in the creation, production and manufacturing of the Work Product, including but not limited to formulas, patterns, molds, models, methods, techniques, specifications, processes, procedures, equipment, devices, programs, and designs;
- d. 'Other Proprietary Data' means information relating to the Employer's proprietary rights prior to any public disclosure of such information, including but not limited to the nature of the proprietary rights, production data, technical and engineering data, technical concepts, test data and test results, simulation results, the status

and details of research and development of products and services, and information regarding acquiring, protecting, enforcing and licensing proprietary rights (including patents, copyrights and trade secrets);

- e. 'Business Operations' means internal personnel and financial information, vendor names and other vendor information (including vendor characteristics, services and agreements), purchasing and internal cost information, internal services and operational manuals, and the manner and methods of conducting the Employer's business;
- f. 'Computer Software' means all sets of statements, instructions or programs, whether in human readable or machine-readable form, that are expressed, fixed, embodied or stored in any manner and that can be used directly or indirectly in a computer ('Computer Programs'); any report format, design or drawing created or produced by such Computer Programs; and all documentation, design specifications and charts, and operating procedures which support the Computer Programs;
- g. 'Computer Technology' means all scientific and technical information or material pertaining to any machine, appliance or process, including specifications,

proposals, models, designs, formulas, test results and reports, analyses, simulation results, tables of operating conditions, materials, components, industrial skills, operating and testing procedures, shop practices, know-how and show-how;

- h. 'Marketing and Development Operations' means marketing and development plans, price and cost data, price and fee amounts, pricing and billing policies, quoting procedures, marketing techniques and methods of obtaining business, forecasts and forecast assumptions and volumes, and future plans and potential strategies of the Employer which have been or are being discussed; and
- i. 'Customers' means names of customers and their representatives, contracts and their contents and parties, customer services, data provided by customers and the type, quantity and specifications of products and services purchased, leased, licensed or received by clients of the Employer.

4) Confidential Obligations

- a. Except as otherwise provided in this Agreement, the Contractor must keep the Confidential Information confidential.
- b. Except as otherwise provided in this Agreement, the Confidential Information will remain the exclusive property of the Employer and will only be used by the Contractor for the Permitted Purpose. The Contractor will not use the Confidential Information for any purpose which might be directly or indirectly detrimental to the Employer or any of its affiliates or subsidiaries.
- c. Except as otherwise provided in this Agreement, the Confidential Information will remain confidential unless the Town of Vienna Town Board, by board motion authorizes the information to be released from the Contractor.

Employer

Contractor

Date: _____

Date: _____

Date: January 3, 2024

Motion made by: Councilman Lamb
Motion seconded by: Councilman Spellicy

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L. Huber

Carol Huber
Town Clerk

RESOLUTION NO. 24 OF 2024

At a Meeting of the Town Board of the Town of Vienna, held at the Town Hall in said Town, County of Oneida and State of New York, on the 3rd day of January 2024 at 7:00 p.m.

WHEREAS, Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless (hereinafter "Verizon Wireless") is a Federal Communications Commission ("FCC") license holder engaged in the provision of personal wireless and commercial radio services; and

WHEREAS, Verizon Wireless has approached the Town of Vienna, Oneida County and requested permission to lease a portion of real property owned by the Town, located 2083 NYS Route 49, Town of Vienna and designated as Tax Map No. 217.017-1-1 ("Property"), together with the right to place communications equipment, utilities, and related appurtenances on and around the Town property (the "Proposed Lease"); and

WHEREAS, the Proposed Lease is necessary to enable Verizon Wireless to provide adequate and safe wireless services to the Town and surrounding area, for emergency and non-emergency use by the general public; and

WHEREAS, the Town Board of the Town of Vienna, has had the opportunity to review and complete the Short Form Environmental Assessment Form ("EAF") as part of the New York State Environmental Quality Review Act ("SEQRA") bearing date of December 27, 2023; and

WHEREAS, the Town Board of the Town of Vienna, has had the opportunity to consider whether the specific areas to be leased to Verizon Wireless are required for the purposes of the Town operations; and

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, as follows:

RESOLVED, based upon the Town's careful consideration of the EAF and its knowledge of the Property, the Town has determined that the Proposed Lease will not result in any large or important impact(s), and therefore, is one which will not have a significant impact on the environment under

the State Environmental Quality Review Act (“SEQRA”). Accordingly, the Town hereby adopts a Negative Declaration with respect to the Proposed Lease; and be it further

RESOLVED, the provision of adequate and safe personal wireless services to the Town and surrounding area, for emergency and non-emergency use by the general public, is a public purpose that will be beneficial to and inure to the best interests of the health, safety and general welfare of the citizens of the Town of Vienna, the traveling public, and emergency services; and be it further

RESOLVED, the specific areas proposed for leasing to Verizon Wireless are not required for the purposes of the Town operations and are hereby deemed to involve the use of surplus property; and be it further

RESOLVED, the Town Supervisor is hereby authorized and directed to enter into the Proposed Lease at the rate of \$14,400.00 per year for an initial term of five years, subject to the potential future extension thereof as set forth in said Proposed Lease; and be it further

RESOLVED, use and occupancy of a small portion of the Property by Verizon Wireless may be subject to approval of the applicable agencies at the Town of Vienna; and be it further

RESOLVED, that this Resolution is adopted subject to a permissive referendum and the Town Clerk is directed to publish and post the notice of adoption of this Resolution in accordance with Article 7 of the Town Law within ten (10) days; and it is further

RESOLVED, that if a qualified petition as described in §91 of the Town Law has not been filed with the Town Clerk upon expiration of the permissive referendum period, the Town Supervisor shall be authorized to execute all documents required to complete the Proposed Lease transaction with Verizon Wireless; and it is further

RESOLVED, that the Town Clerk, Supervisor and Town Attorney or their lawfully designated representatives are authorized and directed to take such further actions and make any required filings as are necessary and appropriate to effectuate this Resolution.

Date: January 3, 2024

Motion by: Councilman Smith

Motion seconded by: Councilwomen McEwen

VOTING RECORD:

Supervisor Michael M. Davis Sr.	Aye
Councilman Jason Spellicy	Aye
Councilman Jason C. Lamb	Aye
Councilman Darrin Smith	Aye
Councilwoman Mary Beth McEwen	Aye

IN TESTIMONY HEREOF, I have hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol L Huber

Carol Huber
Town Clerk

PUBLIC COMMENTS:

Supervisor Davis reminded the Public to keep comments to 2 minutes, only speak to the board and also no arguing with other Public Members.

Jack Cook mentioned that there is upcoming training for the BAR for the Assessment Review in March.

Steve Carpenter would like to see focusing on the Community and what that means at our meetings.

Dean reported that the Tree Lighting Ceremony was a big success and thanked everyone for helping and would like to see more community events.

EXECUTIVE SESSION:

Was not entered.

ADJOURNMENT:

Supervisor Davis made a motion to Adjourn the meeting at 8:05 PM and all were in favor.

Respectfully
Vienna Town Clerk
Carol L Huber