

Town of Vienna  
Town Board Meeting & Public Hearing  
Minutes  
December 4, 2024

**ATTENDANCE:**

Supervisor Michael Davis  
Councilwoman Mary Beth McEwen  
Councilman Darrin Smith  
Councilman Jason Spellicy  
Councilman Jason Lamb- Absent  
Town Clerk Carol Huber

**CALL TO ORDER:**

Supervisor Davis called the meeting to order at 7:00 pm.

**SPECIAL PRESENTATION IN HONOR OF SHANE EYRE**

Supervisor Davis presented a plaque, cards, letters and a \$3,000 donation that was sent from all over the United States in Honor of Constable Eyre to his family.

**NOCCOG:**

Lisa Bellinger went through the NOCCOG flyer and talked about taking the Bench Certification Course for Justices, Executive committee meeting on December 12<sup>th</sup>, hazard mitigation and water resource plans webinar, pavement management webinar, and Oneida County Transitioning Government Websites & email to .gov.

**NORMAN LEACH:**

Mr. Leach talked about a 370 million dollar project going on in Rome. This is the 12<sup>th</sup> year the tax warrant has had no increase. Sales Tax was 55 million dollars and 2.1 million being shared with Vienna, 11 million was spent on Roads, 4.5 Million was spent on bridges.

**PUBLIC HEARINGS:**

New Far East Water District

Copy of legal notices on file in Clerk's office.

Councilman Spellicy made a motion to open the public hearing at 7:30 pm and Councilman Smith seconded the motion.

Voting Record:	Motion Carried
Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Absent
Supervisor Michael Davis	Aye

**Public Comments:**

Supervisor Davis talked about the 5 million dollar grant we received towards the project and the interest free loan for the rest.

Ron Cole is on speaker phone to answer questions.

Gregor & Amanda talked about the income survey revealing that the income level per family for the new district was \$49,000 per family. A community development block grant will be looked into and applied for. They will look into the USDA rural development funding to help with people over 62 years old with pay for the hook up fees. It will be up to the home owner to extend structure from the curb to their house. The \$6500 hook up fees are based

on a fully insured contractor and 50 feet of copper pipe. Supervisor Davis is looking into having the County help with hookup fees.

Miranda Ward, Deely Road: They are on their 3<sup>rd</sup> well, have spent \$33,000 for water, she has helped with getting this water district and have had people who said no at first ask to sign the petition. In Favor of District.

Clayton Conover, Deely Road: Not in favor, has good water.

Richard Harvey, Lewis Road: Has methane gas in their water and sand. In favor of District.

John Kay, Lewis Road: Not been able to drink their water for a long time. Contaminated with Ecoli & Coliforms, has to buy water weekly. In favor of District.

Heidi Libertella, McConnellsville Road: They have to buy drinking water weekly. In Favor of District.

Mike Piper, Route 49: He has worked on three different water Districts in the past. He had a pipe put under Rt 49 for a future district. Asked questions about the cost of water meters and pressure reducing valves and the difference between copper piping or other piping costs. In favor of District.

Councilman Smith asked if the meters were included in the price of \$6500 and the answer was no.

Councilman Spellicy asked if there was any talk about taking back unspent money from ARPA funds or Bipartisan Infrastructure funds and the answer was no.

Councilman Smith made a motion to close the Public Hearing at 7:50 pm and Councilman Spellicy seconded the motions.

Voting Record:	Motion Carried
Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Absent
Supervisor Michael Davis	Aye

At a regular meeting of the Town Board of the Town of Vienna, Oneida County, New York, held at the Town Hall, 2083 NYS Route 49, North Bay, New York, on the 4th day of December, 2024, at 7:05 p.m.

PRESENT:

- MICHAEL M. DAVIS, SR., Town Supervisor
- JASON H. SPELLICY, Councilperson/Deputy Supervisor
- JASON LAMB, Councilperson- Absent
- DARRIN SMITH, Councilperson
- MARY BETH MCEWEN, Councilperson

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In the Matter of

The Establishment of VIENNA FAR EAST

PUBLIC INTEREST

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WHEREAS, a written petition, in due form and containing the required signatures, has been presented to and filed in the office of the Town Clerk of the Town of Vienna, Oneida County, New York, for the establishment of the Vienna Far East Water District in the Town of Vienna, Oneida County, New York (hereinafter, the "Water District"), with improvements consisting of the construction of a water distribution system which would connect the service areas to an adjacent water district owned and operated by Onondaga County Water Authority (OCWA), including watermains, water service laterals to the road right-of-way line, fire hydrants, and valves, all as more fully described in the Map, Plan and Report on file in the Office of the Town Clerk, at a maximum estimated cost of \$9,925,000, pursuant to Article 12 of the Town Law; and

WHEREAS, an Order was duly adopted by this Town Board on the 6<sup>th</sup> day of November, 2024, reciting the filing of said petition, the fact that said petition was on file in the Town Clerk's Office, the improvement proposed, the boundaries of the proposed Water District and the estimated expense thereof, and specifying the 4<sup>th</sup> day of December, 2024 at 7:05 p.m. of that day at the Vienna Town Hall, 2083 NYS Route 49, North Bay, New York, as the time and place where the Town Board would meet for the purpose of holding a public hearing to consider the petition and the question of establishing said proposed Water District, and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of such hearing was duly post and published in the manner and within the time prescribed by Section 194 of the Town law and proof of said publication and posting has been presented to this Town Board; and

WHEREAS, said public hearing was duly held by this Town Board at the time and place set forth in the aforesaid order, and considerable discussion upon the matter having been had and all persons desiring to be heard were duly heard; and

WHEREAS, the proposed method of financing the cost of said improvements consist of the issuance of not to exceed \$9,925,000 serial bonds of said Town maturing in annual installments over a period not exceeding forty years, which will be payable in the first instance from the annual levy on all the taxable real property in said Water District deemed to be especially benefited thereby in an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town

shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due and payable, such amount being expected to be reduced by federal and/or state grants in aid; and WHEREAS, the estimated cost of hook-up fees to the typical property in said Water

District, being a typical one or two family home, is \$247.45; and

WHEREAS, the estimated cost of installation of a service line connection from the road right-of-way to the typical one or two family home in the Water District is \$6,500 per 50 feet; and

WHEREAS, the estimated cost of said Water District to the typical property therein, being a typical one or two family home, is \$1 ,080 in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid; and

WHEREAS, a detailed explanation of the manner by which were computed said estimated costs of hook-up fees and first-year costs to the typical property has been filed in the office of the Town Clerk where the same are available during regular office hours for examination by any person interested in the subject matter thereof; and

WHEREAS, said capital project for said Water District and the establishment thereof has been determined to be a Type I Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant adverse environmental effect and SEQRA compliance documentation is available on file in the office of the Town Clerk where it may be inspected during normal office hours; and

WHEREAS, it is now necessary to adopt a public interest resolution as to the establishment of the Water District;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, by the Town Board of the Town of Vienna, Oneida Count, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and detennined as follows:

(a) The petition is signed and acknowledged or approved as required by law and is otherwise sufficient;

(b) All the property and property owners within said proposed Vienna Far East Water District, as described in the preambles hereof, are benefited thereby;

(c) All the property and property owners benefited are included within the limits of said proposed Vienna Far East Water District; and

(d) The establishment of said proposed Vienna Far East Water District is in the public interest.

Section 2. The establishment of the Vienna Far East Water District in the Town of Vienna and the construction of a water distribution system which would connect the service areas to an adjacent water district owned and operated by Onondaga County Water Authority (OCWA), including watermains, water service laterals to the road right-of-way line, fire hydrants, and valves, all as more fully described in the Map, Plan and Report on file in the Office of the Town Clerk, at a maximum estimated cost of \$9,925,000 are hereby approved. Said Water District shall be bounded and described as in "Exhibit A" attached hereto and determined to be a part hereof. The method of financing the cost of said improvements shall be by the issuance of serial bonds of said Town maturing in annual installments over a period not exceeding forty years, such bonds to be payable in the first instance, from assessments levied upon and collected from the several lots and parcels of land deemed benefited from said improvements, so much upon and from each as shall be in just proportion to the amount of the benefit which the

improvements shall confer upon the same, but if not paid from such source, all the taxable real property in said

Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same become due and payable.

Section 3. The Town Clerk is hereby authorized and directed to cause a certified copy of this Public Interest Resolution to be duly recorded in the office of the Clerk of Oneida County and filed in the office of the State Department of Audit and Control at Albany, New York, in the manner and within the time prescribed by Section 195(1) of the Town Law, being within ten days of adoption of this Resolution.

On Motion made by Councilman Smith and seconded by Councilman Spellicy, the question of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Councilwoman McEwin	VOTING	AYE
Councilman Smith	VOTING	AYE
Councilman Spellicy	VOTING	AYE
Councilman Lamb	VOTING	ABSENT
Supervisor Davis	VOTING	AYE

The Resolution was thereupon declared duly adopted.

Carol L Huber, Town Clerk

**BIL-GS FUNDING**

Councilman Smith made a motion to accept the \$5,000,000 Grant and the DWSRF Base interest free Financing and seconded by Councilwoman McEwen.

Voting Record:	Motion Carried
Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Absent
Supervisor Michael Davis	Aye

**APPROVAL OF MINUTES:**

A motion was made by Councilwoman McEwen and seconded by Councilman Spellicy to approve the November 6, 2024 Town Board Minutes.

Voting Record:	Motion Carried
Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Absent
Supervisor Michael Davis	Aye

**AUDITED VOUCHERS:**

A motion was made by Councilman Spellicy and seconded by Councilman Smith to approve Abstract 12 Vouchers to be paid for a total of \$ 97,944.83

Voting Record:	Motion Carried
Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Absent
Supervisor Michael Davis	Aye

**SUPERVISOR'S REPORT:**

Supervisor's Report is filed in the Town Clerk's office and will be posted on the Web Site.

**TOWN CLERK'S REPORT:**

Town Clerk read her report. Monies received for the month totaled \$ 2245.53

HEAP Outreach scheduled to be at the Town Hall on 12/12 from 3:00 to 6:00 pm to assist residents.

New Fee Schedule is now in effect.

Asked for approval from the Board to purchase Kyocera ink for \$239.49, Ink for the Assessor's Office for \$541.49, and envelopes for the Assessor's office for \$905.20. Purchases were approved to order.

A motion was made by Councilman Spellicy to approve the Town Clerk's Report and seconded by Councilman Smith.

Voting Record:	Motion Carried
Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Absent
Supervisor Michael Davis	Aye

**ASSESSOR'S REPORT:**

Assessor's Report is filed in the Clerk's office and will be posted on the Web Site.

**CODE'S REPORT:**

Codes Report is filed in the Clerk's office and will be posted on the Web Site.

**HIGHWAY DEPARTMENT:**

Supervisor Conover reported that all the Christmas Lights are up and thanked Sylvan Beach for helping. Generators will be installed on December 13<sup>th</sup>.

A motion was made by Councilman Spellicy and seconded by Councilman Smith to lower the speed limit to 25 MPH on Fels & Kellog Road instead of speed humps. The speed is 30 mph currently.

Voting Record: Motion Carried  
 Councilwoman Mary Beth McEwen Aye  
 Councilman Darrin Smith Aye  
 Councilman Jason Spellicy Aye  
 Councilman Jason Lamb Absent  
 Supervisor Michael Davis Aye

**COUNCIL REPORTS:**

Councilman Smith talked about the Planning Board meeting on December 19th at 7:00 pm and the Christmas Parade Saturday at 5:30 and the Tree lighting at 6:00 with Santa at North Bay Fire Department after.

Councilman Spellicy looked over the Post Office with Engineers on Tuesday because the lease is up in 2025 and need to find out if it is feasible to fix up the building.

Supervisor Davis explained that the Head Constable Matt Mallory is asking for the Town to Sponsor a new Constable for \$1500. Councilman Spellicy made a motion to Spend the \$1500 to sponsor and Councilman Smith seconded the motion.

Voting Record: Motion Carried  
 Councilwoman Mary Beth McEwen Aye  
 Councilman Darrin Smith Aye  
 Councilman Jason Spellicy Aye  
 Councilman Jason Lamb Absent  
 Supervisor Michael Davis Aye

Supervisor Davis asked the Board to approve the following budget adjustments recommended by the Bookkeeper.

**Town of Vienna Budget Adjustments  
 For the Month Ended October 31, 2024**

Account #	Description	<u>Debit</u>	<u>Credit</u>
A1410.1	Town Clerk - Pers Services		1,538.44
A1620.42	Town Hall Contractual - Electricity		1,000.00
A1910.4	Municipality Insurance Coverage		2,000.00
A8560.4	Tree Maintenance		1,400.00
A9055.8	Disability Insurance		100.00
A9060.8	Hospital & Medical Insurance		
	Total "A" Fund	<u>6,038.44</u>	<u>6,038.44</u>
		<u>6,038.44</u>	
Account #	Description	<u>Debit</u>	<u>Credit</u>
B8020.14	ZBA Secretary		85.00
B8020.4	Planning Board - Contractual		1,000.00
B8020.12	Planning Board - Personal Services		
	Total "B" Fund	<u>1,085.00</u>	<u>1,085.00</u>
		<u>1,085.00</u>	
Account #	Description	<u>Debit</u>	<u>Credit</u>
SS1-8130.4	Sewage Treat & Disposal - Contractual		1,000.00
SS1-599	Appropriated Fund Balance		
	Total "SS1" Fund	<u>1,000.00</u>	<u>1,000.00</u>
		<u>1,000.00</u>	
Account #	Description	<u>Debit</u>	<u>Credit</u>
SW2-8320.4	Source of Power - Metro Water Charges		100.00
SW2-8340.41	Transp & Distrib - O & M		900.00
SW2-599	Appropriated Fund Balance		
	Total "SW2" Fund	<u>1,000.00</u>	<u>1,000.00</u>
		<u>1,000.00</u>	
Account #	Description	<u>Debit</u>	<u>Credit</u>
SW7-8340.41	Transp & Distrib - O & M		1,000.00
SW7-599	Appropriated Fund Balance		
	Total "SW7" Fund	<u>1,000.00</u>	<u>1,000.00</u>
		<u>1,000.00</u>	

A motion was made by Councilman Spellicy to accept the Budget adjustments and seconded by Councilwoman McEwen.

Voting Record:	Motion Carried
Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Absent
Supervisor Michael Davis	Aye

**OLD BUSINESS:**

Cell Tower: Verizon was approved for the variances.

**NEW BUSINESS:**

Employee Christmas Lunch is on December 16<sup>th</sup> at noon.

Year end meeting scheduled on 12/30 at 4:00 pm.

Board Meeting in January will be January 8 at 7:00 pm.

Constable presentation on costs of having Proactive Policing.

Ticket Revenue would not make up for what it costs to run, need to purchase a Police Interceptor, they can not write traffic tickets, would need to buy a vehicle, need radio ID #'s. Their duties would add event security, conduct property checks and assist in 911 calls. They would need EVOG training for traffic stops. Possible of municipal agreement with Sylvan Beach. Grants are available to help buy equipment. Estimated start up costs could be \$25,000 to \$35,000. Would not be a 24 hour shift but switch between day and night. Constables would be trained in EMR. They would have 30 hours per week between all. Budget for the year could be around \$75,000. Assessor can help with town budget.

**PUBLIC COMMENTS/CONCERNS:**

Dave Carpenter commented that the policing could generate revenue and help with enforcing local laws.

Councilman Spellicy suggested working with Sylvan Beach.

Supervisor Davis thought they could help with speeding on trails.

Dave Carpenter had questions about speed limits and the Town's capability of changing the speed limits. Lower old Rt 49 is currently 55 and would like it to be lowered. The answer was the County would have to get involved with that road.

Rick Roberts wanted to know why the Town Clerk does not have a Constable when she is here by herself in the Evening. Supervisor Davis said there is plans to have bullet proof doors installed in the hallway to have an escape plan to be locked away from someone causing trouble. Mike Piper said there is a foundation already in place at the front doors for a vestibule that you could buzz people in. The Town Clerk explained that after 4 she keeps the front doors locked and greets people at the door. Also, Board members agreed to change hours in 2025 to close at 4 Monday through Thursday with hours later by appointment only.

**EXECUTIVE SESSION:**

Councilman Smith made a motion to enter into Executive Session at 9:10 for personnel issues. Councilwoman McEwen seconded the motion.

Voting Record:	Motion Carried
Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Absent
Supervisor Michael Davis	Aye

Councilman Spellicy made a motion to end the Executive Session at 10:10 pm. Councilman Smith seconded the motion. No action taken.

Voting Record:	Motion Carried
Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Absent
Supervisor Michael Davis	Aye

**ADJOURNMENT:**

Councilman Spellicy made a motion to end the Board Meeting at 10:10 pm, seconded by Councilman Smith. All were in favor.

Respectfully,  
*Carol L Huber*  
Carol L Huber  
Town Clerk