

Town of Vienna  
Town Board Meeting Minutes  
June 5, 2024

**ATTENDANCE:**

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

**CALL TO ORDER:**

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

**NOCCOG:**

Lisa Belinger reported that on Tuesday, June 11 from 1:00-2:30 pm, Will Shaffer, Project Engineer, EEC Environmental will be a presenter at the Environmental Finance Center. June 20<sup>th</sup>, at 2:00 pm NOCCOG Executive Committee will meet at the Town of Trenton municipal offices. Applications for NYS 2024 Consolidated Funding are due Wednesday, July 31 by 4:00 pm. A list of grant opportunities is available. Revenue sources for Highway Departments Webinar is June 25 from 9:00 am -10:00 am. Local Government Conference presentations are now available on the commission's LGC webpage.

**NORMAN LEACH:** Absent

**APPROVAL OF MINUTES:**

A motion was made by Councilman Smith to approve the May 1, 2024 Minutes and seconded by Councilwoman McEwen.

Voting Record:

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

**AUDITED VOUCHERS:**

A motion was made by Councilman Smith and seconded by Councilwoman McEwen to approve ordering envelopes for a total of \$3,717.10.

Voting Record:

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

A motion was made by Councilwoman McEwen and seconded by Councilman Smith to approve Abstract 6 Vouchers to be paid for a total of \$86,524.19

Voting Record:

Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Absent
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 \$2728.96.

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

Voting Record:

Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Absent
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:**

Clayton Conover Jr. reported that they have been cutting shoulders and replacing culvert pipes. He thanked Sylvan Beach Fire Department for taking down the Christmas Lights in the park. Highway Department put in the speed hump on Lake Shore Road. C&S will be doing a bridge inspection June 17<sup>th</sup>-19<sup>th</sup> on the Oswego Road Bridge and they will also be conducting a bridge survey this week. Clayton went over the Mowing and Ditching Agreements with the Board. Board Voted on the agreements as follows:

Councilwoman McEwen made a motion to accept the Mowing Agreement in the amount of \$8,230.20 with a 2 year contract and Councilman Smith seconded the motion.

Voting Record:

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

Councilwoman McEwen made a motion to accept the Ditching Agreement in the amount of \$13,600.00 and seconded by Councilman Smith.

Voting Record:

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

Supervisor Davis mentioned that we will borrow the Village of Cleveland's Crack Sealer to seal the parking lot and also seal the parking lot by hand, then hire someone to come and paint lines. The Curb will also need moved because the new roof overhang will cause snow to fall farther out into the parking area.

**COUNCIL REPORTS:**

Supervisor Davis:

The new Web Site is live at townofviennany.org. Roy Reehil is the administrator and designer. The new Web Site is very searchable and you have the capability to type in your email address for notifications.

Roy Reehil spoke and explained he has experience in Government as the former Mayor of Cleveland, his goal is to make the web site very searchable for information and capable to print forms, send messages to the Town and also send blast emails and notices. The Town Clerk will be responsible for emails and notices.

Richard Mansfield asked how far back does the reports go on the new web site? Roy Reehil answered, so far it is about 5 years but will be adding more.

Supervisor Davis noted that all the old emails are being forwarded to the new emails.

Clayton Conover Jr. stated that the security cameras are not working at the Garage and the alarm system needs checked. Supervisor Davis will send Anatoly to check cameras and also Highway Department will be getting upgraded equipment.

Councilman Smith:

Memorial Day Parade went well. Thanks to Carol Huber for taking over as secretary. And thanks to everyone who helped. Old Holmes Day meeting was last night and will be August 17 starting at 9:00 am to 11:30 pm.

Supervisor Davis announced that Mrs. Woodcock is having a Senior Picnic on Thursday, August 22<sup>nd</sup> at 12:00 pm for all seniors over the age of 55 at the Fireman's Field . Bring a dish to pass.

**OLD BUSINESS:**

Water Extension: Engineering Firm fixes have been completed, and draft petition was given to Supervisor. Soon the petition can be taken around with map, plans and projected cost.

Noise Law: A previous complaint about a neighbor playing music all day will need to be tabled until we look into finding a resolution for repetitive noise. Also, it was suggested by a resident to define what is "noise" and what is acceptable decibels.

**NEW BUSINESS:**

**Resolution 22 of 24, Standard Work Day and Reporting:**

A motion was made by Councilman Smith and seconded by Councilwoman McEwen to accept the Resolution.

Voting Record:

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

**Local Law #3 of 2015 Dog Control:**

Town Clerk Carol Huber went over proposed changes to the Service Dog Waiver of Licensing fees. Information was gathered from the Americans with Disabilities specialist and the Department of Ag & Market.

A motion was made by Councilman Smith and seconded by Councilwoman McEwen to adopt Resolution 25 of 2024 Service Dog Licensing Fees.

Voting:

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

Recreation Trails:

Supervisor Davis has received complaints of people going off trails onto private property with all terrain vehicles using snowmobile trails and causing damage. Guidance is needed from State and Town Attorney.

Mike Piper stated that prior to 2004, the Town Board passed a resolution for 160 parcels that were eligible for permanent easements. 80 people applied and paid the \$100 application fee. The money was set aside in a special account which is on the Supervisors report. There should be close to \$40,000 available to use for the development of the trail.

Supervisor Davis replied that the money is still there which is a little over \$40,000.

#### **PUBLIC COMMENTS/CONCERNS:**

John Parkhurst asked if the Town is responsible for taking care of the Revolutionary Grave for Jonathan Harvey along with his wife and children which is on Elpis Road. There are overgrown trees, the picket fence is falling down, and the historical marker is missing. John would like to volunteer with his children to fix it up. Albany, the Legion and VWF has been contacted for more information.

Clayton Conover mentioned that the Boy Scouts used to take care of it. Supervisor Davis stated if it is not registered, then the Town can't take control. The Town can try and help after more information is gathered on the property owner and possibly get permission.

Steven Coccia thanked the Highway for putting in speed humps which helped slow down most vehicles. The neighbors would like another speed hump installed on a straight of way section of the road.

Supervisor Davis stated that the Speed was lowered to 25 mph and the average speed is now closer to 30 mph.

Highway Supervisor will meet with Steven Coccia to discuss possibilities of moving the current hump, or purchasing another.

Supervisor Davis stated that he has received multiple requests for speed signs on different roads and maybe looking at the budget for next year to hire the Sherriff's Departments for x amount of dollars to sit and monitor traffic for so many hours per month would be more effective than purchasing speed signs.

Dr. Link asked for an update on the plans for replacing the perfectly functional sign for the Town Hall.

Supervisor Davis responded there has been no response back from the Request for Proposal for our perfectly functional Town Hall sign. As soon as we get anymore information, we will share that.

Resident asked if the Town has ever looked up information on using a mass notification system in case of emergencies because not everyone has social media or would drive by the Town sign. Maybe use the tax bills to send out messages about signing up on the new web site. Also, reach out to other businesses with signs and ask who they used and how much they spent.

Supervisor Davis explained that the web site gives you the capability to sign up for notifications. Councilwoman McEwen explained that we will have to look into the cost and benefit to all avenues of notifications.

William Shaughnessy Sr. asked if the Board was planning on presenting the sign plans to the Planning Board. He also explained to Dr. Link, as a Planning Board Member, we should wait to discuss the sign until the Planning Board receives the paperwork and has a public hearing, if necessary. He, as a Planning Board Member, is researching the New York State Laws.

Supervisor Davis explained as soon as we get some details, we will go to the Codes Officer, then, if need be, the Planning Board.

Dr. Link explained her discussion has not been along the lines of Codes, but about whether it is sensible to spend a lot of money to have a sign illuminate 24/7, 365 days for the remote chance of an emergency. She also would like to have a discussion on other ideas of spending the ARPA money.

Supervisor Davis answered multiple questions about ARPA money. Any monies not spent, will be sent back to the Government. The money has to be spent this year. Once all information is received, we can look at the operational costs of running the sign 24/7.

Mike Piper mentioned that why on the Supervisor's Report there are a couple of names that do not appear on the reports like the Payroll Service or State Comptrollers Office. Also, is there a working agreement with the Village of Cleveland for the repairs for the North Bay Sewer District grinder pumps?

Supervisor Davis explained that we pay through Vouchers, he will have to submit the question to the Bookkeeper. There is an agreement with the Village of Cleveland that is Clayton Wilson, our contractor, is unavailable, they will assist. We can also borrow parts and then replace them. Everything is billed under the appropriate special district. He also explained there are multiple reports you can request from the Bookkeeper.

Highway Supervisor mentioned that the work on trees on Oswego Road will happen this month.

**EXECUTIVE SESSION: None**

**ADJOURNMENT:**

Councilwoman McEwen made a motion to end the Board Meeting at 8:30, seconded by Councilman Smith and all were in favor.

Respectfully,

*Carol L Huber*

Carol L Huber  
Town Clerk

**RESOLUTION #25 OF 2024**  
**SERVICE DOG LICENSING FEES**

**WHEREAS**, the Town of Vienna will follow State and Local Laws under the Americans with Disabilities Act, which states that State/Local Governments can require service dogs to be licensed and vaccinated, if all dogs are required to be licensed and vaccinated. State/Local Governments cannot require certification or registration of service dogs. Or, ban a service dog based on its breed. In order to wave licensing fees, there are only two questions you may verbally ask someone when it is not obvious what service an animal provides: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform.

**WHEREAS**, in order to change current Local Law #3 of 2015 Town of Vienna Town Law Dog Control, section 12:E:6, (waving fees) will be removed and the Exempt Dog Training/Certification Affidavit will be removed.

**THEREFOR, BE IT RESOLVED**, the Town of Vienna will require all dogs, including service animals, guide dogs, hearing dogs, war dogs, working search dogs, detection dogs, police work dogs, or therapy dogs to pay a licensing fee of \$8.50 for spayed or neutered dogs or \$21.50 for unspayed or unneutered dogs. The change in waver of fees will take effect immediately.

Date: June 5, 2024

Motion made by: Councilman Smith

Motion seconded by: Councilwoman McEwen

**VOTING RECORD:**

Supervisor Michael M. Davis	AYE
Councilwoman Mary Beth McEwen	AYE
Councilmen Darrin Smith	AYE
Councilman Jason Spellicy	ABSENT
Councilman Jason Lamb	ABSENT

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

(SEAL)

Carol S. Huber

Carol Huber  
Town Clerk

**Resolution # 22 of 2024**  
**STANDARD WORKDAY AND REPORTING RESOLUTION**

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month(based on Record of Activities)
<b>Elected Officials</b>					
Town Clerk/ Tax Collector	Carol Huber	7.5	01/01/2024 - 12/31/2025	N	18.92
Councilman	Jason C Lamb	6	01/01/2023 - 12/31/2027	N	2.93
Town Justice	Terry L Coady	6	01/01/2022 - 12/31/2025	N	4.53
Highway Superintendent	Clayton Conover Jr.	8	01/01/2024 - 12/31/2025	N	25.13
Town Supervisor	Michael Davis	6	01/01/2024 – 12/31/2025	N	17.00
<b>Appointed Officials</b>					
Bookkeeper	Benedict Gasser III	6	01/01/2024 - 12/31/2024	N	12.22
Animal Control Officer	Clayton Conover III	6	01/01/2024 - 12/31/2024	N	2.44
Assessor	Phillip Amway	7.5	07/03/2023 – 09/30/25	N	18.85

**BE IT RESOLVED**, that the Town of Vienna hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body. Dated June, 5 2024.

Motion made by: Councilman Smith  
 Motion seconded by: Councilwoman McEwen

**VOTING RECORD:**

Supervisor Michael M. Davis Sr. AYE  
 Councilman Jason Spellicy ABSENT  
 Councilman Jason C. Lamb ABSENT  
 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)

Dated: June 5, 2024 Carol L Huber  
 Carol Huber  
 Town Clerk