

Town of Vienna  
Town Board Meeting & Public Hearings  
Minutes  
February 5, 2025

**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.

**NOCCOG: John Rowland**

Pam Dibble from Annsville was voted in as the new Director to the NOCCOG Board. 2025 local Government Conference is March 31st & April 1<sup>st</sup>. Cornell Local Roads Program has 4 Tuesday morning webinars scheduled. NYS Town Clerks Association Regional Training is March 17<sup>th</sup> on Cyber Threats. The Edwin J Wadas Foundation will open the Game Changer Grant for 2025.

**COUNTY LEGISLATURE: Norman Leach**

County approved a grant for \$50,000 for the girl's athletic field in Rome. Monies have been allocated to restore the B52 Mohawk Valley to its original location after being moved off its original site from the tornado Griffith Airport.

**PUBLIC HEARING 1:**

LOCAL LAW NO. 1 OF THE YEAR 2025  
Town of Vienna, County of Oneida

**A Local Law Updating Local Law No. 8 of 2023,  
establishing dedicated hours of operation for the Office of the Town Clerk**

**SECTION 1. PURPOSE AND INTENT**

**WHEREAS**, the Town Board of the Town of Vienna, will establish the hours of operation in the Town Clerk's office located at 2083 State Route 49, North Bay, NY 13123, in the county of Oneida, and

**SECTION 2. REPEAL**

**WHEREAS**, the Town Board of the Town of Vienna will have the authority to change the operational hours at any time during the current year by Resolution passed by a vote of the Town Board of Vienna at a regularly scheduled meeting.

**WHEREAS**, the hours of operation for the year 2025 will be as follows;

Mondays: 8:30 am – 4:00 pm  
Tuesdays: 8:30 am – 4:00 pm  
Wednesdays: 8:30 am – 4:00 pm  
Thursdays: 8:30 am – 4:00 pm  
Fridays: CLOSED

**SECTION 3. EFFECTIVE DATE**

**BE IT RESOLVED**, that this Local Law will take effect immediately upon filing in the Office of the Secretary of State.

Dated: February 5, 2025

Motion made by: Councilman Smith

Motion seconded by: Councilwoman McEwen

Voting Record:

Motion Carried	
Supervisor Michael M. Davis Sr	<u>AYE</u>
Councilwoman Mary Beth McEwen	<u>AYE</u>
Councilman Darrin Smith	<u>AYE</u>
Councilman Jason Spellicy	<u>AYE</u>
Councilman Jason Lamb	<u>ABSENT</u>

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

\_\_\_\_\_  
Carol Huber, Town Clerk

(SEAL)

Supervisor Davis read the Local Law then,

A motion was made by Councilman Spellicy to open the Public Hearing at 7:07 pm. 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

Supervisor Davis asked if there were any comments or concerns, nobody spoke.

A motion was made by Councilman Spellicy to close the hearing at 7:08 pm and seconded it 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

Supervisor Davis asked if any Board Members had any comments or concerns. Councilman Spellicy talked about the concerns for the safety of the Town Clerk after 4:00 and that is why we are changing the hours and if we would need to have evening hours again, we would look at Tuesdays since there is Court and the Constables are here. After hours could be scheduled with the Town Clerk if necessary.

A motion was made by Councilman Smith to accept Local Law 1 of 2025 and Councilwoman McEwen seconded.

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

Supervisor Michael Davis  
**PUBLIC HEARING 2:**

Aye

**Local Law No. 2 of the year 2025  
Town of Vienna, County of Oneida**

**A local law to establish the residency requirements for the  
appointed position of Highway Deputy Superintendent for the Town of Vienna.**

Be it enacted by the town board of the Town of Vienna as follows:

**Section I. Title:** A local law to establish the residency requirements for the appointed position of Deputy Highway Superintendent.

**Section II. Authority:** This local law is adopted pursuant to Municipal Home Rule Law, § 10[1][ii][a][1] that grants to local governments the authority to enact local laws regarding the qualifications of local officers.

**Section III. Supersession:** This local law shall supersede Town law, §23(1) in its application to the position of Deputy Highway Superintendent for the Town of Vienna.

**Section IV. Residency requirements for the position of Deputy Highway Superintendent for the Town of Vienna:** The person holding the position of Deputy Highway Superintendent in the Town of Vienna need not be a resident nor an elector of the Town of Vienna, provided, however, that such person shall reside in the State of New York.

**Section V. Inconsistency:** All other local laws and ordinances of the Town of Vienna that are inconsistent with the provisions of this local law are hereby repealed; provided however, that such repeal shall only be to the extent of such inconsistency and in all other respects this local law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered by this local law.

**Section VI. Savings Clause:** If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, worked section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section VII. Effective Date:** This Local Law of the Town of Vienna in the County of Oneida, State of New York shall take effect immediately after it has been filed with all appropriate State Departments or agencies, as may be required by law.

Dated: February 5, 2025

Motion made by: Councilman Spellicy

Motion seconded by: Councilwoman McEwen

**VOTING RECORD:**

Supervisor Michael M. Davis Sr.	<u>AYE</u>
Councilwoman Mary Beth McEwen	<u>AYE</u>
Councilman Darrin Smith	<u>AYE</u>
Councilman Jason H. Spellicy	<u>AYE</u>
Councilman Jason C. Lamb	<u>ABSENT</u>

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

\_\_\_\_\_  
Carol L Huber, Town Clerk

(SEAL)

Councilman Spellicy read the Local Law then,

A motion was made by Councilman Spellicy to open the Public Hearing at 7:15 pm. 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

Supervisor Davis asked if there were any comments or concerns.

Bill Graham: Why are you going outside of the town?

Clayton Conover: Nobody came forward wanting the job, so we asked Jeffrey Kobler who already works for the Town.

Bill Graham: What are the set qualifications.

Clayton Conover: It is my choice to appoint a Deputy.

Supervisor Davis answered: This Law does not change the qualifications; it is usually someone with in the Department.

A motion was made by Councilman Smith to close the hearing at 7:18 pm and seconded it by Councilman Spellicy.

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 if any Board Members had any comments or concerns. Councilman Smith asked if we could specify that the Deputy has to be an employee. Supervisor Davis said we would need to ask the Union on the specifications.

A motion was made by Councilman Spellicy to accept Local Law 2 of 2025 and Councilwoman McEwen seconded.

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

#### **OSWEGO BRIDGE PUBLIC INFORMATIONAL MEETING**

Representatives of the Oswego Road over Fish Creek Bridge Rehabilitation Project talked about the project and what was going to be fixed, how long it would take and when it should start. They gave opportunities for the residents to ask questions or meet with them after the meeting.

The work will require full closure of Oswego Road within the project area. Local traffic will use an off-site detour utilizing Herder Rd, State Route 49, and Lauther Road. Work should start sometime in 2026 between May and September.

**APPROVAL OF MINUTES:**

A motion was made by Councilmen Spellicy and seconded by Councilman Smith to approve the January 8, 2025 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 Councilwoman McEwen and seconded by Councilman Smith to approve Abstract 02 of 2025 vouchers to be paid in the amount of \$1,137,888.96

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 \$ 1341.00  
Taxes collected to date are \$3,367,838.52 and have been posted. The Town was made whole and the remainder goes to the County.

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:**

Clayton Conover asked to purchase 2,000 more yards of sand in the amount of \$23,500. Preston Hill Gravel will use the same price as agreed at the beginning of the year for \$7.00 per yard picked up. Kenneth Duda will continue to honor the \$4.75 per yard to haul to the storage area.

Councilman Smith made a motion to accept the price and order more sand for the highway and 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

Clayton also talked about cleaning out the fire hydrants and all the plowing being done with the snowfall.

**COUNCIL REPORTS:**

**Councilman Smith** said there is a Planning Board meeting scheduled for February 20<sup>th</sup> at 7:00 pm with 3 Public Hearings starting at 7:05 pm.

**Councilman Spellicy** read an email that he had written and sent two weeks ago to the USPS leasing representative explaining the situation with the bathroom at the Post Office. The Town received a notice of collection, that repairs were completed, on 10/18/24 from Brianna Smith and payment was due by 11/17/24, this included a copy of the notification of enforcement, a letter dated 6/28/24 from Ms. O’Conner that action was being taken to repair the grout in the bathroom related to the ground water from the parking lot. The letter states that the Town Supervisor was made aware of the issue by telephone on 5/28/24, but the letter was not actually received until 6/17/24, only allowing us ten days to make the repair. It was discussed with Mr. Wilcox, who, overseas the Post Office, that there are concerns with asbestos. This was discussed at a regular Town Board meeting. The Town of Vienna is requesting all bids received due to the amount of the quote accepted and the USPS agreed upon procurement policy. Also, requesting correspondence with any changes to the scope of the project that were made including the new toilette.

Bill Graham: Who performed the construction. Did we get a bill?

Councilman Spellicy: It was a company who was hired by the Post Office out of Syracuse. We received a bill from the leasing agent that was a copy of their bill that was over \$7,000.

Mike Piper: Did they follow the procurement policy?

Councilman Spellicy: According to their procurement policy, anything over \$5,000 there needs to be bids.

Supervisor Davis: When we received the letter, it was to repair the floor. They took it upon themselves to install a brand new toilette to the tune of \$3500. We were not notified of that.

Bill Graham: You don’t know who the contractor that did it is?

Councilman Spellicy: We do have a copy on record in the office. It was somebody the Post Office hired, somebody that the Post Office uses throughout NY State. It is unclear who or if the contractor was paid at this point. The Post Office is still paying rent at this point. The rent we receive from them is a little over \$7,000 per year, so if they stick us with this bill, we would not receive payment from them for a year.

Bill Graham: For the record, nobody up there on the Board had authorized or contacted anybody to fix the floor or toilette?

Supervisor Davis: When we received the certified letter, I contacted Orrin McMurray about the suspected asbestos and how we would handle this. He felt that we should not contact an engineering firm because of the cost. He suggested to contact a contractor that has a license to do that kind of work. Phone calls were made to two construction outfits to inquire if they could come look at this, the answer was it would take about a month and a half to get there, they have larger projects. Ten days were up, I get a second letter from the Post Office, I contacted the number and told them we just received the letter, I assured them we have someone coming and we would use that person as the scope of the bidding.

Mike Piper: Did you put it out to bid?

Supervisor Davis: No, we didn't, it didn't get that far because, Carol came to me and said, the floor was put in, Carol gave me the name and phone number of the person who put floor in and I contacted the guy and the Company.

Mike Piper: Who is responsible for the minor repairs:

Supervisor Davis: Per the lease agreement, we are supposed to upkeep the building, Jason met with an engineer to look at and inspect the building to see what it is going to cost to maintain the building in the next ten years. The engineer said this could be asbestos, you need to check into that, we only had a 10-day window to find an expert in asbestos and the Post Office pulled the trigger and hired someone.

Mike Piper: There is a gap in the Post Office door letting cold air in, can somebody look at that.

Supervisor Davis: We will look into the hole in the door.

Bill Graham: So, nobody new anything? They just popped in?

Supervisor Davis: That is correct, we were not notified or talked to. I asked what authority this was done, they said it was handed to them by the Postal Lease Agreement.

Rick Roberts: Is that coming back to us then?

Councilman Spellicy: We at this point don't know. We are concerned that the company did not do any asbestos testing before pulling up flooring. They are putting people at risk. Next week I will reach out again. There will be lease negotiations this year, we will need to look at everything.

Councilman Smith: Can we get a break down of expenses for the Post Office Next Month?

Supervisor Davis: I can have Ben look into getting those numbers.

Rick Roberts: How will we know if the girls at the Post Office were exposed to asbestos:

Councilman Spellicy: We don't, but we need to know if contractors mentioned it in the contract.

**Supervisor Davis** said that Amanda Hewitt reminded him that the Comprehensive Plan needs to be updated. He asked Kathy Pavelock to ask members of the Planning Board and ZBA if they would have two members be on the committee. He would like four members of the community, and the Assessor to be involved and at least 2 Board Members. He contacted Tug Hill Commission for assistance. There will need to be surveys sent out. He will report on this again next month.

#### **OLD BUSINESS:**

**Constable Road Patrol Update:** James Hite gave a presentation on the per tax bill costs of having road patrol. Based on \$75,000 Expenses, the taxable amount would be \$43.97 per year to cover costs. Supervisor Davis feels that amount would probably double and be more like \$88 per year. James presented all the 911 calls taken in 2023 and 2024. The top two are traffic stops and Domestic in progress. Councilman Smith asked if they would be able to respond to all of these calls and James said all but warrants. Councilwoman McEwen asked what the benefit would be if all these calls are already being taken care of? She also asked if we could get the average response times for these calls. Supervisor Davis talked about the benefits that would bring would be quicker response times for domestic calls, during down times they could run radar and do more traffic stops, and he is concerned about the insurance cost. James talked about escorting Codes Officers to residence, enforcing Town Zoning Laws, property checks, assist with property clean outs. Camden Police Chief Redden offered assistance in purchasing a vehicle and applying for grants.

Rick Roberts: When transporting, is there one or two of you and would someone come back while you are transporting: James answered, if they are transporting, the Sherriff and State would be on call, or the Sherriff and State could transport and we would just give a supporting deposition.

Bill Graham: How many calls does the Nation get called to? James answered that he did not have that answer.

Supervisor Davis asked him to try and get that information for next time.

**NEW BUSINESS: None**

**PUBLIC CONCERNS/COMMENTS:**

Mike Piper: Last month I asked the Board to look into the breakdown of the Town Insurance Policy premiums.

Supervisor Davis: It has been never broken out before. Ben Gasser said it would be easy to do and we will break it out in the 2026 budget. I also asked Leslie to come up with the numbers.

Mike Piper: Is there a water district update?

Supervisor Davis: We are close to Bond Council and probably starting in 2026, no ground digging this year. Next Block Grant paperwork goes out in March.

Rick Roberts: The letter that was read at the last meeting, what was the response after Mike's letter? Of the other Council Members?

Bill Graham: Were other checks signed?

Councilman Spellicy: Mike read his letter after discussion at an executive meeting.

I will go through everything again. Mike came in to pick up the card to pay Hoffman on a Friday late afternoon and with an hour to spare, his wife reminded him they do not take cards, he would have to write a check. He wrote a check to Hoffman Hotdogs for the proper amount and signed Carol Huber's name. He apologized for signing her name. Subsequent to that Carol saw the check at the end of the month while going through the checks and approached Mike. Mike apologized to Carol for it and said it will never happen again. Mike told the whole Board about it. The biggest concern I have about it, members of the community, other members of employment, at least a couple months before the Town Board was made aware of it. I was so pissed off about the whole thing and we had to go months before we told the Town Board about everything. We didn't tell Town Board until after Auditor came and we told Auditor about check and other checks that were signed and unsure who signed checks. The NY State Police was involved in this matter.

Supervisor Davis: On December 30<sup>th</sup>, the State Police called me before the meeting and needed to close a case file by end of year and needed to question me and I said that was exactly what happened and it took so long because it appears to be a political situation, we passed it off to the District Attorney. The District Attorney said that there was no crime committed and no intent to.

Councilman Spellicy: To answer your question Bill, that is what happened. No other checks were signed inappropriately.

Carol Huber: Can I say something?

Bill Graham: My question is the ones you have in question now, who had access?

Councilman Spellicy: The only thing I can confirm is Mike signed the check to Hoffman's.

Bill Graham: You said you have other checks in question?

Councilman Spellicy: Why would we go to the State Police and try to prosecute someone and not approach the Town Board?

Carol Huber: It is not the only check.

Councilman Smith: There were other checks regarding Cleveland Fire District, which didn't look like the Town Clerk's Signature.

Carol Huber: I did not sign it.

Councilman Smith: Also, Deputy Clerk's, Town Clerk's, so there are other checks in question. The thing is, we did hash it out. The Town Clerk, the Supervisor and someone witnessing signing of the checks from now on.

Supervisor Davis: For example: Ben prints the checks; Carol and I sit down with another Town employee and goes through the abstract.

Rick Roberts: Carol, did you have something to say?

Carol Huber, Town Clerk: Yes, because it is not only the Hoffman check, but the Cleveland check for last year, was not signed by myself and it was taken to Cleveland before it was given to me to sign. It wasn't my signature, but my signature is on there.

Councilman Spellicy: At this point, it is water under the bridge, we all sat in the room and looked over all the signatures that was turned into us and the State Police and the District Attorney's Office. Every Check in question, there was not one penny paid to the wrong person for the wrong thing.

Bill Graham: The crime committed was not of robbery, but clearly signing someone else's name is a forgery.

Councilman Spellicy: District Attorney's Office said, there was no crime committed. Nobody benefited from the signatures.

Carol Huber: I called the DA in Utica and they said I had to go through the Sylvan Beach State Police, so, I have a right to find out what my rights are for someone signing my name that I did not give permission to sign. So, I followed those steps.

Bill Graham: Was there the option to press charges?

Carol Huber: I could have.

Councilman Spellicy: The January meeting puts in effect the new steps that we have for added level of verification. This here to me cries Politics.

Carol Huber: This is not Politics; this is my signature that was signed.

Bill Graham: The checks are in the Supervisors Office, yes or no. Who has access?

Councilman Spellicy: The Supervisor, Deputy Supervisor, & Town Clerk.

Rick Roberts: I stepped Down from the Chief of Vienna Fire District. My son is now Chief.

Councilwoman McEwen: I am glad we are having this conversation. Auditors came in and let's see what the Auditors have to say. The Audit was done for 2023.

Mike Piper: When I was Supervisor, D' Arcangelo uncovered \$417,000 missing because of one signature.

**EXECUTIVE SESSION:**

Councilman Spellicy made a motion to go into Executive Session at 8:55 pm to discuss Personnel issues, no action will be taken. 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

Councilman Spellicy made a motion to come out of Executive Session at 9:42 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

No Action Taken.

**ADJOURNMENT:**

Councilman Spellicy made a motion to adjourn the meeting at 9:43 pm and Councilman Smith seconded and all were in favor.

Respectfully,

Carol L Huber  
Town Clerk