

Town of Vienna  
Town Board Meeting Minutes  
May 7, 2025

**ATTENDANCE:**

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

**CALL TO ORDER:**

Supervisor Davis called the meeting to order at 6:32 pm. Followed by the Pledge of Allegiance.

Councilman Spellicy made a motion to go into Executive Session at 6:33 pm for personnel matters and crucial internal procedures based on the audit. 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	Aye
Supervisor Michael Davis	Aye

Councilman Spellicy made a motion to come out of Executive Session at 7:07 pm with no action taken. Councilman Lamb seconded the motion.

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

**NOCCOG: Lisa Bellinger**

Lisa Bellinger went over the NOCCOG announcements, which can be found at [noccog.org](http://noccog.org). She talked about the NYSEDA Energy Storage Webinar on May 7<sup>th</sup>, Tug Hill Commission meeting scheduled May 19<sup>th</sup>, Federal Aid 101 Webinar scheduled for May 22<sup>nd</sup>, Municipal Bootcamp Program, the Nuts & Bolts of SEQ, May 22<sup>nd</sup>, GPS Mapping Program, Highway Superintendents annual school, June 2<sup>nd</sup>-4<sup>th</sup>, and the NYS Tug Hill Metro Count Program.

**COUNTY LEGISLATURE: Norman Leach**

The County honored the Mohawk Valley division 3 Champion Basketball Team. The County is offering an IT service to the Town and Villages for 10 hours per month at \$29 per hour. The Supreme Court decided not to take the case against WINN Hospital. Chobani purchased 300 acres and the Golf Course at the Triangle at Griffiss Airport in Rome. We severed our contract with the SPCA for abuse cases.

Councilman Spellicy- Mike West is trying to get a group together and will be contacting Norman Leach about the Damn. Councilman Smith asked Mr. Leach if he could find out information about paving Route 49 West from the State.

**APPROVAL OF MINUTES:**

A motion was made by Councilmen Spellicy and seconded by Councilman Smith to approve the April 2, 2025 Town Board Minutes.

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

A motion was made by Councilwomen McEwen and seconded by Councilman Spellicy to approve the April 23, 2025 Town Board Special Minutes.

Voting Record:	Motion Carried
Councilwoman Mary Beth McEwen	Aye
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 Councilwoman McEwen to approve Abstract 05 of 2025 vouchers to be paid in the amount of \$79456.54

Voting Record:	Motion Carried
Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Aye
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 \$3586.32.  
 The 2025 Town & County Tax Collection Reconciliation to the County is in each of your folders.  
 The Rough Draft of the updated Handbook has been handed to all of you and I am asking that you look over it and look at the older policies to see if anything needs changes and all new policies including the Ethics Law passed in 2023 have been added. If we could bring this back to the next meeting, I would appreciate it.  
 If anyone did not know, we have a Community Garden next door which is for the Town Residents to enjoy harvesting fresh vegetables. It is asked that if you do harvest to please help with weeding. Donations of plants are excepted. Any questions please contact Marty Dros at 626-753-7777.

A motion was made by Councilman Smith and seconded by Councilman Lamb to approve the Town Clerk report.

Voting Record:	Motion Carried
Councilwoman Mary Beth McEwen	Aye
Councilman Darrin Smith	Aye
Councilman Jason Spellicy	Aye
Councilman Jason Lamb	Aye
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: Superintendent Clayton Conover**

The Highway has been picking up sand, working on culverts, cleaning up trees and crack sealing roads. The 2006 Mig Welder burnt up. To repair it would be \$2200 plus \$150 just to look at it. If we purchase a new one it would cost \$4,471 with a \$900 rebate and they would waive the \$150.

Supervisor Davis made a motion to purchase the new Mig Welder for \$4,471. Councilman Lamb seconded the motion.

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

We had in the budget to order a roadside arm mower tractor. I will be placing the order.

**COUNCIL REPORTS:**

Councilwoman McEwen reminded everyone that farmers are out with heavy equipment on the roads and to be aware. Cornell University has signs to share the road, just need to contact them.

Councilman Smith reported that there is a Planning Board meeting May 15<sup>th</sup>. Old Homes Days is August 2<sup>nd</sup>. Memorial Day Parade is May 26<sup>th</sup> at 9:00 am.

Councilman Lamb talked about the Lamprey and he will continue researching and look into what we can do as a Town and how to get notifications out to residents. He is hoping to have more information next meeting.

**OLD BUSINESS:**

Evan Rossi, Town Attorney talked about Old Preston Hill Road. It has not been worked since the 1960's. The Town would like to do a Qualified Abandonment, which would let people build with a public right of way. This falls under Highway Law 205.

Supervisor Davis said that this way the Town does not have to spend monies to bring the road up to current standards, and National Grid can bring power polls down the road.

Mr. Rossi talked with the Codes Officer and he would give building permits if they had a right of way to the road. The first step is Highway Superintendent gave a letter of consent to the Town Board dated 5/2/25. The next step is to pass a Qualified Abandonment Resolution, then the County would need to have a hearing, which could take place here or at the County Level.

Supervisor Davis turned the letter over to the Town Clerk from the Highway Superintendent and read the Resolution 27 of 2025 as follows, then voted.

STATE OF NEW YORK )  
COUNTY OF ONEIDA )  
TOWN OF VIENNA )

**RESOLUTION 27 OF 2025  
FOR QUALIFIED ABANDONMENT  
OF OLD PRESTON HILL ROAD IN THE TOWN OF VIENNA**

WHEREAS, the Town Superintendent of Highways of the Town of Vienna has filed with the Town Board the attached Consent to the Qualified Abandonment of that portion of "Old Preston Hill Road" in the Town of Vienna as shown on the attached map, and more fully described below, which has not, for the previous two (2) years, been usually traveled along the greater part thereof, by more than two vehicles daily, in addition to pedestrians or persons on horseback, to wit:

Beginning at the intersection of "Old Preston Hill Road" with Preston Hill Road approximately 120 feet from the southeasterly corner of Parcel No. 181.000-1-14 and running thence in a northwesterly direction through Parcel No. 181.000-1-14 approximately 1,700 feet; thence continuing northerly through Parcel Nos. 181.000-1-15 and 181.000-1-16 for approximately 1,200 feet; thence continuing in a northeasterly direction through Parcel No. 181.000-1-17 approximately 530 feet to the intersection of "Old Preston Hill Road" with Preston Road.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Vienna has determined that the above, described portion of "Old Preston Hill Road" as shown on the attached map, meets the definition for a qualified abandonment pursuant to Section 205(2) of the Highway Law of the State of New York and finds that a qualified abandonment of said portion of "Old Preston Hill Road" is necessary and proper and hereby declares it abandoned pursuant to Section 205(2) of the Highway Law; and it is further

RESOLVED, that pursuant to Section 205(2) of the Highway Law, the Town Board of the Town of Vienna directs that an application be made to the County Superintendent of Highways to declare such qualified abandonment as proper after a public hearing is held thereon, and that such qualified abandonment will not cause injustice or hardship to the owner or occupant of any lands adjoining said "Old Preston Hill Road".

This Resolution was enacted on MAY 7, 2025 on motion of

COUNCILMAN SMITH and seconded by COUNCILWOMAN MCEWEN, all present voting in favor, namely:

<u>COUNCILWOMAN MCEWEN</u>	<u>"Aye"</u>
<u>COUNCILMAN SMITH</u>	<u>"Aye"</u>
<u>COUNCILMAN SPELLICY</u>	<u>"Aye"</u>
<u>COUNCILMAN LAMB</u>	<u>"Aye"</u>
<u>SUPERVISOR DAVIS</u>	<u>"Aye"</u>

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

(SEAL)

*Carol S. Huber*  
Vienna Town Clerk

**NEW BUSINESS:**

Mike Piper turned in his resignation for the Planning Board to the Town Clerk.  
Councilman Smith made a motion to accept the resignation and Councilman Spellicy seconded the motion.

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

**Planning Board Appointments:**

The Planning Board interviewed two people for the vacant seats on the Planning Board and recommended Miranda Ward for the Term expiring 12/31/2025 and Tammy Crawford for the term expiring 12/31/2030.

Supervisor Davis made a motion to accept Miranda Ward and Tammy Crawford for the two Planning Board Vacancies. Councilman Spellicy seconded the motion.

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

**Assessor Training:**

Phil Amway is requesting to attend the Annual Training for Assessors. The Registration costing \$285 plus, Hotel, mileage and Meals totaling \$837.40.

Councilman Smith made a motion to pay for the annual training totaling \$837.40. Councilman Lamb seconded the motion.

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

Phil Amway requested a staff augmentation due to his clerk being out for recovery until June 12<sup>th</sup>. The BAR Hearing is May 22<sup>nd</sup> and requires clerical support up to 10 hours to prepare and support BAR Hearing. Court Clerk Brenda Brookins offered to help. Both Judges are in support and it will not impact the Court duties. Her pay will be her normal wages but will be coded under the BAR contractual.

Councilman Smith made a motion to pay Brenda Brookins her normal wage for the extra 10 hours to help with the BAR. Councilman Lamb seconded the motion.

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

**OCWA:**

Attorney Evan Rossi talked about the OCWA lease agreement being a 40- year term, which is pretty long and they have a mandated lead pipe review that would be very expensive. Within 10 years lead pipes have to be replaced, so we need to look into that and who knows if these regulations will still be in effect until then. There are no grants available to help with the cost. At this time, it is too premature to sign these agreements. We need to look up the current agreement. Let’s table this for now and look for the previous version of the agreement.

Host Community Agreement and Decommissioning Plan:

Attorney Evan Rossi went over the Host Community Agreement and Decommissioning Plan for the Solar Farm. We are looking at \$5000 per year once it becomes operational. This would be an addition to property tax income for Vienna. The Decommissioning has to do with the company returning the land to its original status after the company is no longer operational. They will hold a bond for longer than a year in case the property gets sold. When we get the Bond, I will review it. The Board needs to sign the Resolution approving and authorizing to enter into the Host Community Agreement and Decommissioning Plan. Then you can sign the Host Agreement and the Decommissioning Plan.

Supervisor Davis read the following Resolution 28 of 2025 a Resolution Approving and Authorizing Host Community Agreement and Decommissioning Plan, then voted.

STATE OF NEW YORK )  
COUNTY OF ONEIDA )  
TOWN OF VIENNA )

**RESOLUTION 28 OF 2025  
APPROVING AND AUTHORIZING HOST COMMUNITY AGREEMENT  
AND DECOMMISSIONING PLAN**

WHEREAS, Vienna PV, LLC has developed a solar energy generating project (Vienna Solar) in the Town of Vienna consisting of approximately 90.4 acres located at 2930 NYS Route 49, Blossvale, New York; and

WHEREAS, Vienna PV, LLC wishes to support the Town’s efforts by providing support to the Town’s residents that is not available from tax dollars; and

WHEREAS, the Town of Vienna and Vienna PV, LLC desire to enter into a Host Community Agreement setting forth the duties and obligations of the Town and Vienna PV, LLC with regard to annual payments to be paid to the Town by Vienna PV, LLC in connection with the aforesaid Vienna Solar project; and

WHEREAS, Vienna PV, LLC has proposed a Decommissioning Plan for the Vienna Solar project, dated September 14, 2023 and last revised March 5, 2025, which was signed by Vienna PV, LLC on March 25, 2025 and by the Landowner Edward Lambrych, on April 25, 2025; and

WHEREAS, the Town of Vienna finds the terms of said Decommissioning Plan to be acceptable;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Vienna has full power and authority to enter into the aforesaid Host Community Agreement and Decommissioning Plan and to fully perform all of its duties and obligations thereunder; and it is further

RESOLVED, that the Town Board of the Town of Vienna hereby approves the said Host Community Agreement and Decommissioning Plan in substantially the same form as annexed hereto; and it is further

RESOLVED, that the Town Supervisor of the Town of Vienna is hereby authorized and empowered to execute said Host Community Agreement and Decommissioning Plan on behalf of the Town.

This Resolution was enacted on MAY 7, 2025 on motion of COUNCILMAN SPELLICY and seconded by COUNCILMAN LAMB, all present voting in favor, namely:

<u>COUNCILWOMAN MCEWEN</u>	<u>“Aye”</u>
<u>COUNCILMAN SMITH</u>	<u>“Aye”</u>
<u>COUNCILMAN SPELLICY</u>	<u>“Aye”</u>
<u>COUNCILMAN LAMB</u>	<u>“Aye”</u>
<u>SUPERVISOR DAVIS</u>	<u>“Aye”</u>

**IN TESTIMONY HEREOF,**

I have Hereunto set my hand and affixed the seal of the Town of Vienna.

(SEAL)

Carol S Huber

Vienna Town Clerk

Supervisor Davis signed the Agreements after the Resolution Passed and turned over the agreements to Evan Rossi. They will be filed in the Town Clerks office.

**PUBLIC CONCERNS/COMMENTS:**

Carrol Goris- There are trees falling from the Town Property onto our property 2253 Lakeshore Drive. Please address the issue before someone gets hurt. Supervisor Davis will come look at them with Clayton Conover.

Rick Roberts- Clayton and the guys were right there with the down trees after the storm. Also, are we going to move the speed limit signs around? Clayton will put one on Lake Shore Road and the other can go on another road.

Bill Shaughnessy Jr.- You can reach out to the Sherriff's Department and get a mobile sign.

Tom Moore- What does the Town know about the DEC declaring more wet land around Lake Shore. Does this include all waterways and not just Oneida Lake?

Supervisor Davis said that the DEC did a Public Announcement but did not put out great information. There is a Map that showed DEC wetlands previously. They are not going to use that anymore. You need to reach out to the DEC if you have questions. We need to get further information and clarifications. This was effective January 1, 2025. This is throughout the entire State, not just Oneida Lake.

Councilman Spellicy- This might affect building permits as far as building in wet lands. Scott Musicchio from Verona is working with us and keeping us updated.

William Shaughnessy SR.- There will probably be new regulations come out with the Planning Board. Right now, it is 100 ft.

A lot of questions about property values, building on properties, subdivisions, and what if a house burns down, can you rebuild if they consider your land wet land? All these questions need looked into. The Assessor said this could impact land values eventually.

Carriann Ray- Update on the Lamprey.

Since the last meeting, I have had communications with the Fish Commission and Senator Griffo's Office and they are asking to attend meetings and have them noted in minutes. I have had two communications with the head of the Sea Lamprey Program. They are admitting in writing that they are not following their own protocols. They are putting it back on the land owners to be the ones to be asking for help and water testing. Carriann ask them how is a landowner to ask questions if they do not know what is even going on. I have had a zoom conference and phone conference with Senator Griffo's Office and Black and Bush. They are very pleased with the fact I have gotten information in writing. The DEC and Fish Commission will not talk to me anymore. We need the Town Board to be submitting the questions that we need answered in a formal way. DEC does not want to take any responsibility. Little River has not been treated since 2013 and they are going to treat again in 2026. Fish Creek was treated in 2023. Nobody was contacted to let people know it was treated. We need to get a message out to the community that they have a right to get water tested for free since Fish Creek was treated in 2023. I have reached out to water testing facilities and nobody knows about this chemical nor how to treat it.

Councilman Smith suggested to talk with Cornell University about water testing. Councilman Lamb had questions about soil testing being done. He also had attended the Camden Board Meeting about the Lamprey.

William Graham-When are you going to bring up the 2023 audit? Jason said at the last meeting it is not for public knowledge.

Supervisor Davis- They just had a meeting tonight to go over the audit. They would like to receive the 2024 audit results and meet with the auditors before they make any decisions, then we will release that information. Gustofin had dropped the ball and we couldn't get a date to complete the 2023 audit, so we hired D'Arcangelo to come in and do the audit. Gustofin did not even give us our report for 2022. We might have to audit 2022 all over again. We will release the 2023 audit before the 2024 audit.

Councilman Lamb-There is a question about something the auditor might have gotten wrong. We want to make sure that it is correct before it is put out there.

Councilman Spellicy- We went into executive meeting tonight and just looked over the audit and intend to call the auditors tomorrow and ask that they come in and go over it with us. Even the Bookkeeper had questions on some findings. We can't release it until we are confident knowing the report is accurate.

Mike Piper-We have to follow state regulations. You have the 2023 audit in possession and I could FOIL it tomorrow if I wanted to. It is foible. Am I right? No answer was given.

Councilwoman McEwen- It's only a draft right now. I am for total complete transparency and we just received it at the special meeting. We need the auditors to come in and go over it with us. You are going to get the complete copy. I would never try to hide anything. It will be completely disclosed.

Bill Shaughnessy Jr- I am in the fire department and we have a major issue that we need to push for. The increase of attempted suicides, are on the rise. I was looking for help from the Town to start another Recreation Program. I have been to two attempted suicides in the last two months. I need help to get a program started to gets these kids help and maybe start a committee. I used to be involved in a basketball program. I went through a boxing program myself that helped boost my confidence. The Fire Company still has a Junior Fire Fighter Program but it is hard to get kids involved. I have all the equipment even a boxing ring if I could get help.

Councilman Lamb represents kids in family court and sees kids that have no purpose and have no adult figure. We do not have Big Brothers or Big Sisters anymore. Kids are relying on groups of friends in the same situation. It might be the time to look into something for kids. Parents rely on other parents to help raise their kids. Utica has a boxing club for youth.

Councilman Spellicy-Talk to 50 Forward, they have a gym. They have Seniors that could mentor them and give them purpose. They are about helping the community.

Bill Shaughnessy Sr-I will contact 50 Forward and try to help.

Rick Roberts-I drive School Bus and I see it all the time. Transportation to programs might be a hard thing.

**EXECUTIVE SESSION:**

Entered at 6:33 pm, no action taken.

**ADJOURNMENT:**

Councilman Lamb made a motion to adjourn the meeting at 8:58 pm and Councilwoman McEwen seconded and all were in favor.

Respectfully,

*Carol L Huber*

Carol L Huber  
Town Clerk