

VILLAGE OF AVOCA
MINUTES FOR THE REGULAR BOARD OF TRUSTEES MEETING
DECEMBER 14, 2023

At 8:02 PM the Regular Monthly Meeting was called to order and the Pledge of Allegiance was recited.

Board Members Present: Mayor Tyner, Trustees Gay, Rodbourn, Hubbard
Village Clerk / Treasurer Haar
Absent: Trustee Rowe-Smalt

Visitors: None Present

Department Heads: Anthony Comstock – Not Present
Chris McDougal - Present.

Attorney: Elizabeth Russell joined by Phone during the Meeting.

1. **Review – Approve: Updated Minutes from the September 13, 2023 Fire District Meeting** - The motion was made to approve the minutes.

1st Trustee Hubbard 2nd Trustee Gay All in Favor 4-0
2. **Review – Approve: Updated Minutes from the October 12, 2023 Regular Meeting**
The motion was made to approve the revised minutes.

1st Trustee Gay 2nd Trustee Rodbourn All in Favor 4-0
3. **Review – Approve: Updated Minutes from the October 30, 2023 Special Meeting**
The motion was made to approve the minutes.

1st Trustee Gay 2nd Trustee Rodbourn All in Favor 4-0
4. **Review – Approve: Minutes from the November 9, 2023 Regular Meeting**
The motion was made to approve the revised minutes.

1st Trustee Hubbard 2nd Trustee Gay All in Favor 4-0
5. **Monthly Departmental Reports – Motion to Approve**
The motion was made to approve the revised minutes.

1st Trustee Hubbard 2nd Trustee Rodbourn All in Favor 4-0

6. Visitors: General Comments

No persons present for public comments at this time.

7. Department Head Reports

a. Street & Water Departments – Supervisor Comstock was not present, so the Mayor updated the Board on the agenda items:

1. **Sidewalks** – Weather permitting, the sidewalk on Carrington and the sidewalk leading to the gazebo will be done. If good weather breaks this may be possible, otherwise these sidewalks will be poured in the spring of 2024.
2. **Cemetery – Outline for Cost / Hours / Equipment for Mowing**
The Mayor advised the outline was done, but it appears that the cost to outsource the mowing of the cemeteries will be more than it presently costs for the Street Department to complete during the summer. Discussion followed with the Board in agreement. The Mayor advised that since Trustee Rowe-Smalt is not present this item will be tabled to be discussed at next month's meeting as Trustee Rowe Smalt will be present for her input.
3. **Fork Lift Cage** – The Mayor advised the forklift cage was installed and an attachment was fabricated for attachment to the backhoe bucket as needed as the backhoe is more stable on certain surfaces. The Mayor advised this is discussed as a Union issue from negotiations and John Morgan from the Teamsters is fine with the street department using it as long as no further issues are reported.
4. **Gazebo Park** – The Mayor advised as stated above, the sidewalks will be done when weather permits. The water will be done in the spring with the existing system and using the previous well head handle.

Trustee Gay then asked about the Five Star Equipment invoice for the backhoe oil change. It was not a warranty issue, so that is why it was invoiced. Trustee Hubbard stated from the previous issue, a call could be made to them to try to have any service done when they are already schedule to come to the Avoca area to save on cost. Trustee Gay asked if the street department could change the oil themselves to save money or if it can be outsources to a local service location. Discussion followed. The Mayor advised he would discuss this bill with Supervisor Comstock before payment is sent and a resolution to this issue.

b. Fire and Ambulance Departments – Chris McDougal Present

The Mayor called Attorney Russell at this time to enter discussions. Trustee Rodbourn inquired if Attorney Russell would consider doing ZOOM for our meetings instead of just a phone. Discussion followed and she is agreeable to do that for the next meeting. The Mayor will set-up with Attorney Russell before the next meeting to ensure this process is working.

1. Fire Department / District Separation on January 1

The Mayor advised that the Fire District separation is almost complete and as of January 1, 2024 the Fire District will move forward on their own.

- a. **MOA on Plowing, Internet, Gas Pumps, etc.** – The Mayor advised this MOA has been discussed and was approved by the Fire District Commissioners. Discussion followed and the Mayor asked for a motion to approve the current MOA.

Motion to Approve:

1st Trustee Hubbard 2nd Trustee Gay All in Favor 4-0

- b. **Final Payments for Reserve Funds**

The Mayor advised these final payments were discussed with Ed Grant from OSC in Rochester and all reserve funds can be depleted as previously discussed. All final payments out of the reserves will be paid for the pay-off amount for Monday, December 18, 2023. The following motions were then made to deplete the Fire Department Reserve funds:

1. Ambulance - \$24,622.62

A motion was made to approve the payoff of the ambulance

1st Trustee Rodbourn 2nd Trustee Hubbard All in Favor 4-0

2. Stretcher - \$6,780.24

A motion was made to approve the payoff of the stretcher

1st Trustee Hubbard 2nd Trustee Gay All in Favor 4-0

3. Pumper / Tanker Chassis - \$6,676.85

The Mayor advised from the calculations of the Fire Department and Ambulance Reserve Funds, this amount is left for payment on the new Pumper / Tanker Chassis from Midwest.

A motion was made to approve for the chassis payment

1st Trustee Rodbourn 2nd Trustee Hubbard All in Favor 4-0

The Mayor advised that the Village Contract with Midwest was modified and will be transferred to the Fire District effective Tuesday, December 19, 2023 after depleting all the reserve funds for the Fire and Department and Ambulance.

- c. **Discuss Issue with (2) Engine Primer Pumps**

The Mayor inquired to the Fire Chief about the investigation into the issues with both primer pumps going at the same time. The Fire Chief advised the pumps that were not working have been fixed and are in working order and it was not really determined the cause of both pumps going at the same time. The Mayor inquired if it had anything to do with the training at Sonny's Pond and the Fire Chief advised it did not appear to be operator error.

- d. **Transfer of Utilities** – The Mayor advised that Commissioner Rodbourn will come in January and work with Clerk Haar to change all the accounts over to the new Fire District.

- e. **Insurance Cancellation** – The Mayor advised he had already signed the cancellation papers for all Fire Department insurance to be terminated effective January 1, 2024. The insurance for the Fire Department was paid in full for will continue for the fire department until that time and then the village will get a prorated reimbursement.

The Mayor spoke with Aaron Benton and a rider will be in place to cover any transitional time for this process to be completed.

- f. **Vehicle and Property Transfer** –Trustee Hubbard said the E5 paperwork is at the dealership for transfer. The Energy Grant needs to show (5) vehicles owned by the village to take advantage of the next Phase II for the grant money. The application will be filled out with the fire department vehicles on it and noted about the transfer taking place after January 1, 2024
- g. **Update – Comptroller Audit of Village Accounts / Departmental Transfer**
Mayor Tyner has contacted 3 accounting firms / CPAs to do the audit of the Village Financial records for the clerk. The responses will be brought to the next meeting for further discussion and possible approval for the process to begin. The Mayor advised he would like to have the process completed before the end of February for the 2024-2024 budget workshops.
- h. **Final Equipment Purchases** – Chief McDougal gave an estimate for the LED lights for the rescue truck. The lights are currently working, but are older and 3 of the 4 did not work the night of the Gazebo construction. This will be the final request for equipment purchases before the Fire District separation on January 1, 2023. The Mayor advised he spoke with Chief McDougal and there is enough in equipment for this purchase if the board approves. Due to the price of the LED lights, full Board approval is needed for this purchase. Discussion followed. Motion to approve.

1st Trustee Rodbourn 2nd Trustee Hubbard All in Favor 4-0

Chief McDougal thanked the board for all their support from past years and especially for the transition for the new Fire District. He hopes to continue to be involved with the Village meetings and working together in the future.

8. Policy Discussions:

a. Policy #32 – Records Retention / Recording Monthly Meeting Policy

The Mayor asked for any comments or concerns with Policy #32 to begin the Recording of the monthly meetings. No comments were discussed. A motion was made to approve VOA Policy #32

1st Trustee Hubbard 2nd Trustee Gay All in Favor 4-0

The Mayor advised the attached Resolution would also be required to allow for the recording of the monthly Board of Trustee meetings. No further discussion of proposed resolution was made. A motion to Approve Resolution 2023-04 was made.

1st Trustee Hubbard 2nd Trustee Gay All in Favor 4-0

b. VOA Policy #6 – Water Policy on Fire District Relief for Fire Fighting / Training

The Mayor advised of the updates and changes to the Water Policy in regards to the relief for the Fire District as outline on a monthly basis. This will be limited to metered water for firefighting and training purposes only. No further discussion was made. A motion to approve was made.

1st Trustee Hubbard 2nd Trustee Rodbourn All in Favor 4-0

Chief McDougal stated he has a sample of the agreement he would like to have with the village for the cost of water. It would be as outlined in the current Water Policy billing rate.

9. Review of Village / Town Joint Meeting

Mayor Tyner has had no response from Supervisor Wightman about the items discussed at the joint meeting. Trustee Rodbourn said the Masons are asking about roof repairs and worried about the fascia of the building. The Mayor advised this issue was addressed before the last roof repair and may be from the previous incident. Trustee Rodbourn advised he is unsure of whatever the issue is in communication between the Mayor and Town Supervisor, but he would be willing to reach out to Supervisor Wightman about the roof issue and building if needed. Trustee Hubbard mentioned the incident from before and the Village offering to use his lift to remove the loose masonry on each end of the building and this also was met with resistance from the Town. The Mayor advised that Trustee Rodbourn can speak with the Town Supervisor is he chooses too, but the Mayor is the point of contact for the village and it is only professional for the Town Supervisor to respond to questions and issues pending when requested. Trustee Rodbourn advised he will inquire on this topic.

Mayor Tyner also advised there is no update on the potential building upgrades discussed and he is exploring the discussed upgrades to the area around the bus memorial and being placed on the state's historic registry. If that happens, there may be windmill funds available for this project as well. Trustee Rodbourn also advised he heard the windmill project may not be moving forward, but this has not been confirmed. Discussion followed.

10. Cost of Private Mowing of Cemeteries / Ownership of Cemeteries / Association

The Mayor advised he completed the cost outline from the estimates provided by Superintendent Comstock and asked for comments. Discussion followed with the idea that it will be the most cost effective to continue as present with the Street Department continuing to mow. The Mayor advised this items will be tabled and on next month's agenda for input also from Trustee Rowe-Smalt.

11. Update and Discussion on Youth Commission / Summer Activities

The Mayor advised there is no update at this time of this item and the item will be tabled until next meeting for an update from Trustee Rowe-Smalt.

12. Set Date and Time for East Avenue RPF Proposals

The Mayor advised that the Culvert RFP has been sent out to the (15) firms listed by Region 6 with a response return date of December 29, 2023. Once received, the Board will have to review each response and select an engineering and construction firm for the project. The Mayor requested moving the January 11 meeting start time to 6:00 PM for this process and to be discussed later if a public hearing on the proposed local law is to be held. The Mayor advised we will advertise the time change and also indicate that the monthly Board of Trustee meeting will commence immediately thereafter.

Motion to move the start time for the January of 2024 meeting to 6:00 PM.

1st Trustee Rodbourn 2nd Trustee Gay All in Favor 4-0

13. Update on Meeting with Community Bank on Rates / Accounts

The Mayor advised this potential meeting has not been able to be scheduled and with the other item pending in the spring he suggests removing this item from the agenda at this time. Discussion followed with the Board in agreement.

14. 2023 Christmas in the Park – Review of Event

The Mayor advised this item would also be tabled on the review as Trustee Rowe Smalt was not present. Trustee Rodbourn did mention that he has heard many people would like the event to take place later in the day, so the lights can be seen better. The Mayor also advised he spoke with Trustee Rowe-Smalt about the possibility of moving this event to a week later in December as not to conflict with the school wrestling tournament or other events in the County. Discussion followed. The Mayor advised this event is not under the control of the Board, but suggestions can be made to the Christmas in the Park committee for changes to the event.

15. Discussion on Renewal of Certificate of Deposit – Five Star Bank

The Mayor advised of the CD that needed to be renewed by a certain date according to Five Star. The CD was renewed by the Mayor for 6 months, so research on the purpose of the CD can be establish as the CD is only for around \$1500. The Mayor spoke with Five Star about the CD, which they also found odd, and stated it has been in effect for over 7 years, so Five Star has no record of the purpose of the CD. Depending on what the CD is for, this may be rolled into the general funds or another CD in 6 months at the next renewal date.

16. Review and Approval of Expenditures from the General, Water and Grant Funds

Trustee Hubbard brought up after further review he did not want to approve the Five Star Equipment invoice for the backhoe oil change for \$2094. He felt this should not have happened a second time after the issue last time and only \$400 of the bill was for parts, everything else was travel and labor. Discussion followed and Trustee Gay stated he felt either the street department could do the oil change or we could find another vendor closer and much cheaper. Trustee Rodbourn inquired if the bill can be pulled now as it was already signed. The Mayor advised we would probably have to pay since the work had already been completed, but he advised the clerk to pulled the abstract so

Mayor Tyner can check with Supervisor Comstock on this service and then call the company to discuss services if practicable.

A motion was made to approve all monthly bills as presented, other than the Five Star Equipment invoice as discussed above.

1st Trustee Hubbard

2nd Trustee Gay

All in Favor 4-0

17. Update on construction of the new Gazebo for Gazebo Park

Trustee Rodbourn advised the Board that the Gazebo was brought to the site in pieces that were already built at their shop. He then advised of the building process that day and the issues that arose. He was on site and contacted the Mayor who advised to proceed with the build and we would accommodate the additional costs. The company drilled holes in the joists and slipped the posts over the concrete pillars and one pillar broke out on the side. The Code Officer was also on site and he felt the deck boards didn't have enough support and he advised the builder to install Simpson brackets and additional 2X6 supports and hangers to stiffen the floor. The builder complied and the gazebo build proceeded that day. Mayor Tyner advised he arrived at the build site that afternoon and also dealt with the issue brought forward by the Code Officer and working with the builder. The Code Officer still had a request for additional supports under the floor once completed and he also advised the Mayor there was an issue with the archway at the entrance and needing to be removed. The Mayor advised that he met with NYSEG and Keeler Services the following day and they finished the electric for Christmas in the park on time. The next phase will be the final skirting, outlets and lights to be quoted additionally by Manciocchi's Landscaping before the next meeting. The Mayor advised that out of the \$24,800 currently allocated to this project the current expenditure is at \$23,832.85 for the gazebo. Depending on the quote for the finish work, additional funds may have to be allocated out of the Park Renovation line item or from AIM funding.

Board members commented that the public seems to think the Gazebo look great and is fitting for the replacement of the old gazebo.

18. Proposed Local Laws

a. 15 MPH Recommended Speed Limit on Exchange and Mill Streets

The Mayor advised he had spoken with Chris Jordan from NYS DOT again on the engineering study for this request and is awaiting the response if DOT can accomplish this as needed or an engineering firm would have to be contracted to complete the study.

b. Establishing of Community Standard – Local Law 2024-1

The Mayor inquired if the board had any questions of comments on the draft placed on the shared drive. Attorney Russell inquired about the one change of the effective date of the local law being 2 weeks after passing as it is automatically in effect when filed with the state. The Mayor advised this was just to advise the public, but can be removed if that decision was made. Discussion followed and it was decided to take the "effective date" out at Article 4, Section 1, and leave as

when filed with the state. The Mayor advised that a Public Hearing is required for the passing of a local law and suggested at doing at 6:00 PM on January 11, with the Culvert RFP to follow thereafter during the regular meeting. A motion was then made to hold the Public Hearing on January 11th, 2024 at 6:00 PM.

1st Trustee Gay 2nd Trustee Rodbourn 3-1 in Favor
Trustee Hubbard Opposed

The Mayor also advised that Zoning Enforcement Officer Cagle requested the board sign a letter of support for his actions of the complaint on South Main Street. The Mayor advised this would not occur after discussion with Attorney Russell for legal reasons. Once this local law is in effect, it is a community standard for the entire community and does not target any property. Attorney Russell also advised the Board at this time that the law firm did not charge extra for these court appearances or for the fire district work in 2023, which is outside the confines of the retainer charged, but with these issues settled hopefully the legal work load for next year goes back to normal levels.

19. Grants Update

1. Bridge and Culvert NY Grant

The Mayor advised of the following updates on the Village Grants:

a. SLA and Resolution Filed - RFP and Cover Letter Sent

The Mayor advised that everything to date for this project has been completed and the RFP's have been sent out to the 15 engineering and construction firms for Region 6 as advised by NYS DOT.

b. Selection of Contractor / Engineering Firm

The Mayor advised that once the responses to the RFP has been returned, the board will review and select the firm to be used at the January 11, 2024 meeting.

c. Funding of Project

The Mayor advised that once the project begins the Village will do a RAN or BAN for the funding of the project, about half of the \$1.25 million, that will be used for the monthly billing and reimbursement process from NYS. The Mayor advised the project funding is approved by the NYS Department of Transportation.

d. 2024 Bridge NY Announcement

The Mayor advised the new NYS Bridge/Culvert Grant is being offered. Mayor Tyner inquired to the Board about pursuing this project. The bridge on Grant street is not in need of replacement, but if it qualifies possible the culvert over the walkway to Hees Park. Discussion followed and the Board advise to pursue the Hee's Park culvert to see if that project would qualify.

2. Federal Infrastructure Grant – Criteria for Submission

The Mayor advised that most state grant now have sections for low-income housing project and asked the Board if this is something the Village would want to pursue in the downtown area, perhaps in the two vacant store buildings.

Discussion followed and the consensus of the Board would not to pursue anything for the Village involving low-income housing projects.

3. Clean Energy Grant Update – Bulb Replacement Update

Trustee Hubbard reported that he has spoken with Mike Brown from CCE. We have received the notification that we have the \$5,000 from Phase I and if Phase II is completed, it would be an additional \$10,000, getting closer to the replacement cost for the lights at Hees Park. The Mayor advised that if possible, before the transfer of vehicles to the Fire Department, if the Village operates (5) vehicles on the road we would qualify for this Grant. Phase II application is still being completed and update will be forwarded.

4. Windmill Historical Projects

The Mayor advised that from the previous discussions with Christine Olsen for the windmill project, the Bus Memorial may qualify for upgrades in that area if the Village wishes to pursue. Discussion followed and the Board recommended that the Mayor continue with looking into this revenue source for the bus project.

20. Board Discussions / Agendas / Reports on Assignments

a. Mayor Tyner

1. Discussion of Duties and Additional Hours for Village Clerk / Treasurer Position

The Mayor advised he has been discussing the Village Clerk's request for additional hours and looking into the budget as this is a budgetary issue. He stated that she has currently accumulated 40 hours of comp. time worth \$1,078.40 and if we add (5) additional hours a week the cost would be \$3,504.80. The issue with this is the new Village Clerk is still learning all the duties of her job and with the budget process coming up, audit from the fire district, reconciliation and everything else this spring, (5) additional hours would help and this could be looked at further during the budget workshops. Discussion followed and Trustee Rodbourn advised he spoke with the former clerk and she did 20 hours a week for the village and with the addition of a Deputy Clerk for 8 hours a month this is extra time also. The Mayor stated that the idea of the Deputy Clerk, once trained, is to work when the Clerk is not available to maintain the set office hours, not additional hours, but she may work the same time as the clerk during certain days, such as water billing, taxes or audit. Trustee Rodbourn questioned if this topic should be in Executive Session since it involves an employee. The Mayor then stated that since it was brought up under the budget issue for additional time, that has to be in open session, but if the discussion of duties and performance are to be discussed this topic will be held for Executive Session at the end of the meeting. Item tabled for Executive Session.

2. Zoning Officer Letter of Support

This issue was covered above in other agenda items.

3. Posting of Signage

The Mayor advised that Policy #33 for addressing this issue is currently being drafted and will be ready for discussion at the next month's Board Meeting.

b. Trustee Hubbard – Nothing at this time.

c. Trustee Gay – Nothing at this time.

d. Trustee Rowe-Smalt - Absent

e. Trustee Rodbourn

Trustee Rodbourn advised that he would suggest the Village look into at least a part-time law enforcement member being present in the Village for people speeding and other enforcement issues. He felt this would be a worthy project to explore. The Mayor advised this project was looked into before 15 years ago by the Planning Board and we rejected at that time by the Village Board due to cost. It was also looked into briefly by the Planning Board a few years ago and also went nowhere. The Mayor stated that he can advised Chairperson Galvin to have the ZBA / Planning Board look into this again for a proposal to the Village Board.

f. Village Clerk / Treasurer Haar

1. Update on Village Newsletter / Printing of Water Bills

Clerk Haar advised from the people she has heard from, the public seems happy with the newsletter. She will continue to gather information for the next newsletter in March when the next Water Bills are processed. She stated there is still a large supply of the postcards for billing and inquired about changing over to the invoice printing system instead. Discussion followed and Clerk Haar was advised to use the postcards for the next cycle until used up before changing over to the perforated invoice style water bill.

2. Election Training

Clerk Haar advised she will be contacting the Steuben County Board of Elections for training on the upcoming spring Village election in March of 2024.

21. Visitors: Comments for the November Meeting Topics

No visitors were present for any further comments.

22. Motion to Move to Executive Session to Discuss the Potential Purchase of Real Property and Detail of Employment for a Village Employee at 9:45 PM

Motion by: 1st Trustee Hubbard 2nd Trustee Gay All in Favor 4-0

23. Motion to Return to Open Public Session / Regular Meeting at 10:16 PM

Motion by: 1st Trustee Rodbourn 2nd Trustee Hubbard All in Favor 4-0

24. Motion to Adjourn and Close the November Regular Meeting at 10:17 PM

Motion by: 1st Trustee Rodbourn 2nd Trustee Hubbard All in Favor 4-0

Meeting Adjourned at 10:17 PM

**Respectfully submitted,
Christine Haar
Village Clerk/Treasurer**