

VILLAGE OF AVOCA
MINUTES FOR THE REGULAR BOARD OF TRUSTEES MEETING
JANUARY 11, 2024

At 6:02 PM the Public Hearing on the Proposed Community Standard Law – VOA 2024, was called to order and the Pledge of Allegiance was recited.

The Mayor made the public statement to advise all present that the Village of Avoca would be audio recording the monthly meetings as outlined the previous month.

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

Visitors: Bill and Minnie Brennan, Barre Butts, Dan Hubbard, Kaezen Wigger, Emily Bottini and Anthony Wantuch

Department Heads: Anthony Comstock arrived for 7:00 PM Board Meeting

Attorney: Elizabeth Russell joined by phone for this meeting.

Public Hearing on Proposed Local Law 2024-1 opened.

Mayor Tyner inquired to the Board if there were any questions about the local law from the board. No questions were posed from the Board on the draft of the law presented by Mayor Tyner.

Mayor Tyner then opened the floor for asked if anyone had any concerns. Anthony Wantuch spoke about his problems with tenants in Bath. He wanted to make sure the Village of Avoca doesn't do the same as the Village of Bath. His tenants had garbage piling up on his rental property. The Village of Bath was going to fine him for the mess. He had to go clean it all up or get a fine. Mayor Tyner told him that he isn't familiar with the process for the Village of Bath, but he assured Mr. Wantuch that the code enforcement in Avoca would try to address it with the tenant first. Trustee Rowe Smalt asked if there was a timeframe for action of the Local Law. Mayor Tyner said yes, there is a timeframe built in. There have been properties in the village that have been brought to court about their properties not following the regulations of the zoning document of the village. Trustee Rodbourn said ultimately the owner is responsible for their property. Mr. Wantuch said he didn't think it seemed fair and he thinks it will drive people out of the business or renting out apartments. Attorney Russell said it is up to the Code Officer to enforce the issue. Trustee Rowe Smalt said that they will be able to work with landlords.

Mr. Brennan asked about page 2 and the topic of vehicles on a property. He asked if only being allowed one unregistered vehicle included having agricultural vehicles, as his business sometimes has multiple vehicles on the property. Attorney Russel said that she spoke with

Code Enforcement Officer Cagle, and Avoca has their own permit process in the zoning document which stated no unregistered vehicles are allowed on people's property, with certain exceptions that have permits. She doesn't see the need to have the vehicle section law in this local law if there provisions already exists. Mr. Brennan said that there is a lot of diversity in Avoca with agricultural vehicles and there should be more leeway. There was further discussion about taking the "vehicle" section out of the law.

Trustee Hubbard said the intent needs to be addressed as to what they really want it to address. Dan Hubbard said the law on vehicles has always seemed arbitrary, not the same for each property owner. Trustee Rowe Smalt said she'd like to know how long an unregistered vehicle could be on a property and potentially hinder the neighbor's property. Mayor Tyner said it seems that more research needs to be done and agreed with Trustee Redbourn's comment that common sense should dictate.

Mayor Tyner asked if there were any other comments from the public. Kaezen Wigger said he didn't think the meetings were publicized enough. Mayor Tyner said they were published, on the electronic sign and posted at our office. Trustee Rowe Smalt said it was also posted on Facebook. Mr. Wigger said he doesn't have Facebook. Mayor Tyner said he is working with our IT person to have the website updated.

Mr. Brennan said there are places that can easily store cars that don't show to the public. He's worried that if everyone had an unregistered vehicle at their residence, there would be problem. Trustee Rowe Smalt said there should be a timeline and property boundaries should be addressed. Attorney Russell said that under Section 7, part F, states regardless of how many vehicles and outlines if the vehicles are not licensed, not visible, or in a state of disrepair, etc.

Mayor Tyner suggested that this item be tabled to rework the local law. If the Board changes the law from its current format, we will have to have another public hearing in February.

A motion was made to close the public hearing on the Local Law 2024-1

1st Trustee Rowe Smalt 2nd Trustee Gay All in Favor 5-0

Mayor Tyner called the regular session to order at 6:29.

1. **Review – Approve: Minutes from the December 14, 2023 Board Meeting** - Trustee Rodbourn asked about the wording of a section of the minutes. Discussion followed and it was determined that the wording was correct and would remain as they were. The motion was made to approve the minutes.

1st Trustee Hubbard 2nd Trustee Rodbourn 4-0-1
Trustee Rowe Smalt abstained as she was not present.

2. Monthly Departmental Reports – Motion to Approve

A motion was made to accept the Monthly Departmental Reports

1st Trustee Hubbard

2nd Trustee Gay

All in Favor 5-0

3. Visitors: General Comments

Mr. Brennan

He stated he appreciates the gazebo and the work the board has been doing for the village.

Emily Bottoni

She stated she would like her FFA class to do community service work for the Village. She already emailed Supervisor Comstock and she inquired if the fire hydrants could be painted. The Mayor stated that many were painted not long ago during the Summer Program during COVID. She would like to see if they could do computer designs for landscaping, possibly the Gazebo Park and help plant the area. Mayor Tyner asked if there might be liability issues with the student working in and for the Village. The Mayor inquired to the attorney if something should be drafted. The Attorney said a volunteer form should be done, such as the one currently in use for the Village. Trustee Rodbourn said the athletes for the Avoca School District do community service and there is no liability issues with that program. Mrs. Bottoni said the school covers the liability insurance for this type of project. Attorney Russell asked that Village Permission Slips be signed by parents or the students at least if working on Village projects. Mrs. Bottoni advised there would be supervisors present while the students are working. Mrs. Bottoni will email ideas and information to the Mayor for consideration. Trustee Rowe Smalt wants to make sure the grant timeline is checked, so we can see if the projects will fit into that timeline.

Mr. Hubbard – Petition to Dissolve the Village

Mr. Hubbard spoke to the Board on any discussion to dissolve the Village to help eliminate the tax in June. He gave an example of a person going to a grocery store and paying an extra 71% for living in the Village. He gave 3 copies of his calculations to the Village Trustees to review. The average village property is at \$2.95/1000, town is 5.91/1000 and 13.00/1000 for the County. These figures were for the whole Steuben County. He thinks Avoca is the highest taxed in Steuben County. He spoke about farmers taxes being difficult for them. He spoke further about dissolving the Village. Mr. Hubbard said there are several ways to approach this process to include board consolidation, voter consolidation, board dissolution and voter dissolution that can be done. He said he came with a problem and encourages the board to talk about it. Trustee Rowe Smalt discussed the petition process as 500 or less need 20% and that the town has to do the work to see if they want to take over the village. The village has to disenfranchise from the town.

Mayor Tyner then closed the visitor comment for the meeting and asked if the Board is interested in looking into the aspects involved in dissolving the village. He advised that that both the Village and Town would have to do be involved and as before there is grant money available to look at the survey on the consolidation of municipal entities. Trustee Rowe Smalt said it would be a tough, long process and debts would be rolled over to the town. Trustee Hubbard thinks it's our responsibility to the taxpayers to look into it. Mayor Tyner will speak to Attorney Russell about it and gather further information for the Board to review at the next meeting.

4. Review of RFP Submissions for the East Avenue Culvert Project

Mayor Tyner stated he spoke with Ryan Andrus in more detail from NYS DOT and he said three bids for a project this size seem to be normal from what they have seen across the region. Mr. Andrus advised the Mayor since only (3) proposals were submitted he should hold ROL interviews. This is a (3) person panel to interview the engineering firms that submitted their proposals. The panel should be comprised of the RLO, a member of the community that has engineering/construction background, and the street supervisor on the interview committee. The Mayor as RLO asked Mr. Brennan if he would be interested as the construction community member and he is available. Mayor Tyner asked if the board how they feel about the panel.

Trustee Hubbard asked if all the firms are aware of the need to be a temporary vehicle access during the project. Mayor Tyner said there are (7) scoring categories for the panel to address and during the interviews the temporary access would be discussed in detail. Trustee Rodbourn asked if he was allowed to sit in on the interviews as a board member and Mayor Tyner said he did not have any issue with it he would just run it by Ryan Andrus. There were no further questions from the board. Mayor Tyner said the clock on the project has started and there are 20 months to start the construction for the project upon receipt of the \$1.25 million dollar voucher. Mr. Brennan agrees to be on the panel without pay. Mayor Tyner advised he would be looking to schedule the interviews in the next few weeks for a recommendation back to the Board on the hiring of the Engineering and Consultant Firm for this project.

5. Department Heads:

a. Street & Water Departments – Tony Comstock

1. Water Leak – Location and Solution

Supervisor Comstock stated he has a large water leak and hasn't been able to find it. This leak is causing more costs for the village in electric, pumps wearing and chemicals. There is a person who can find leaks easier than the street department can if needed. He asked to know if he can contact that person to try to find the leak. Discussion followed and he was advised to get an estimate for the service. There is a loss of 50,000 gallons a day of water. It was decided that the street department should finish scanning the water piping and if they can't find the leak, he can get a quote and speak with the Mayor to hire the person. The Mayor stated that \$3000 could be spent without approval, but to keep him advised. A motion was then made to go up to \$5000 to find the leak if required.

2. Sidewalks

The Mayor advised to get a plan together to the sidewalks for next year and he advised Supervisor Comstock of the sidewalk trip hazard reported on Chase Street that needs to be addressed as soon as possible.

3. Cemetery – Discussion on Tabled Contracted Mowing

Mayor Tyner advised the Board had a discussion in December where it was determined that the mowing should continue as presently done by the Street Department, but asked Trustee Rowe Smalt what she thought as she was not present. She said nothing was mentioned in the outline about the cost of digging, sales or plots and other things for the cemeteries. She would like a more comprehensive breakdown of costs.

Trustee Rodbourn asked if Supervisor Comstock if he puts aside other tasks to mow. Supervisor Comstock explained that he is a working supervisor and mows only when he is needed if the other worker are not available Trustee Hubbard said its \$69/hour with the employees, no matter what job they are doing. Supervisor Comstock said it's hard to predict costs because it fluctuates each year. They may not mow as much one year as another. Further discussion followed.

The discussion went back to burial costs and Trustee Rodbourn advised an average of 16 burials are conducted a year. Discussion followed and Mayor Tyner said he would have the costs figured out for February. Trustee Rodbourn inquired if this issue will be decided at the next meeting and Mayor Tyner advised the burial costs requested by Trustee Rowe-Smalt will be made available and a final discussion held on the cemetery topic.

4. Gazebo Park – Updates Water and Sidewalks

Mayor Tyner stated he had a discussion with the contractor (Manciocchi Landscaping) about the concrete price in the original estimate as the Village put all concrete poured for this project on the Village account. The contractor advised the amount of concrete the village already paid for will be addressed and adjusted in the next bill accordingly. Trustee Hubbard asked if the boards had arrived for the gazebo and the Mayor advised yes and Supervisor Comstock advised they are at the shop.

A motion was made to continue the work on the gazebo with Manciocchi Landscaping in March pending the resolution of the concrete price.

Additional Items:

Trustee Hubbard advised he put pictures up of the four corners on Main Street with the drainage issues similar to the one in front of the car wash. Supervisor Comstock said that the issue is where the work was done in the back of the pizza building that caused the issue. He was hoping to wait for the Main Street Infrastructure Grant to try to fix it. Mayor Tyner advised he will be working on the next Main Street Grant when open and once the Culvert Grant work has started. Trustee Hubbard stated would like the work estimated to see the cost to correct his issue now. The Mayor will get with Supervisor Comstock for potential solutions to discuss at the next meeting

Trustee Rodbourn asked Supervisor Comstock how he decides when to plow the streets. Supervisor Comstock said it all depends on time of day and amount of snow expected.

Discussion also followed on the previous backhoe oil change issue and finding another vendor to complete this task. Supervisor Comstock advised that now that this service is completed there should be no issue with another vendor changing the oil. Discussion followed and alternatives to using Five Star need to be explored and presented for further consideration.

b. Fire District Final Update and Ambulance Departments –

1. Separation completed on January 1, 2024

a. MOA on Plowing, Internet, Gas Pumps

The Mayor advised everything has been completed at this time for the MOA.

b. Final Pay-outs of Reserve Funds

The Mayor advised the final payments on the ambulance, stretcher and what was left on the pumper/tanker have been made.

c. Final Transfer of Utilities

Mayor Tyner said that once the property is transferred, the fire district will take over their electric bills that cannot be transferred yet. Until then, Clerk Haar will give the bills to the Secretary of the Fire District to pay. The Fire District needs the correct bill for their part of the Spectrotel bill. The Mayor also advised that the final water readings have been done as of January 2, 2024.

d. Vehicle and Property Transfer

Trustee Hubbard advised the only thing that might take time to transfer is the E5 Freightliner, otherwise everything else is ready for transfer. The Mayor will get with Trustee Hubbard to sign the titles for the transfer of all vehicles to the Fire District..

e. Fire District Request to Transfer only 1 Property

The Mayor advised at the Fire District Meeting the Commissioners confirmed they would be looking for both property parcels to be transferred. The Mayor inquired about the cost for both parcels and Attorney Russell will check to see if both are included in the quoted

price or if there will be an additional \$100 property charge for the two properties being transferred together.

f. **Update – Comptroller Audit of Village Accounts / Department Transfer**

The Mayor advised the comptroller’s audit will hopefully be done in February of 2024 for the budget workshop meetings.

6. Discussion and Motion on Local Law and VOA Policies:

a. **Community Standard to be Established – Local Law 2024-1**

The Mayor restated as previously discussed that the Local Law being proposed will be reworked with Attorney Russell and we will have to rescheduled another Public Hearing in February before putting the revised law up for a vote.

b. **Policy #33 – Posting of Signage on Village Properties**

Attorney Russell advised that it is a complicated issue due to freedom of speech. You can’t “class” signs. Political signs shouldn’t be listed. The board discretion part should be reviewed and modified or removed if needed. We should look at taking out sections 1, 4 and 6. There should be a 3-month timeframe. Mayor Tyner inquired if any Board member has problems with attached form to fill out for signage. The Mayor advised the Street Department will have authority as to where they are placed.

Trustee Hubbard inquired if there is no policy in place, does the village have a right to remove the signs? Attorney Russell said the policy should state that at the end of the event, the signs should be taken down and that the village could set whatever timeframe they wish. It could be as simple as being based on a first come, first served basis, but it needs to be impartial. Trustee Rodbourn stated he felt this would be more work being placed on the Village Clerk.

Further discussion followed and it was determined to rework this Policy with various options to simplify the process just based upon the placement of signs on Village property, no the content or the signs or any arbitrary determination.

c. **15 MPH Recommended Speed Limit on Exchange and Mill Streets**

The Mayor advised he had no update from the engineer at NYS DOT on the requested subject matter, but the engineering study may have to be hired out. Discussion followed.

7. Review of Village / Town Joint Meeting - Update

a. **Internet Service, Building Repairs, Copier**

Mayor Tyner advised in conversations with Matt Foster there does not appear to be a hardware issue. We provide the Fire District with free service, as long as the service remains free. Trustee Hubbard advised he thinks we should upgrade to the next level. Funds are not budgeted for this upgrade, but AIM funding or the Insurance refund could be allocated. Clerk Haar advised the speed is very slow and a lot of time is wasted waiting to make entries. Trustee Rodbourn spoke with Supervisor Wightman only about the building, not the internet. Also, during the

CPA audit more time would be required to be online. Comments were made the town employees would also like faster service.

The Mayor inquired if the village would like to go ahead and update the internet as outlined in the email by Matt Foster. Discussion followed and the option for the \$64.99 service a month was determined to be the best option, even if the Town decides not to participate.

A motion was made to upgrade the current Internet Service for the Village for \$64.99/month to be budget for during the budget workshops, with contact with the Town paying for the share under the shared services agreement.

1st Trustee Hubbard 2nd Trustee Gay 5-0 All in Favor

Trustee Rodbourn stated he spoke with Supervisor Wightman only about the building, but there is no further update. Mayor Tyner is drafting a letter to Supervisor Wightman about addressing the issues of the building, copier, and the other pending issues.

Trustee Hubbard asked if we had to pay 40% of the copier that we didn't approve because we need to budget for it. The copier was not hooked up today as scheduled and the Mayor advised there has been no further discussion on the copier since the Joint Meeting.

8. Update and Discussion on Youth Commission / Summer Activities –

Trustee Rowe Smalt has two people interested in helping with the youth baseball and softball: Devon Manciocchi and Tom Edwards. Stacy Keeney will be the head of the concession stand. Trustee Rowe Smalt has shared the need for volunteers on Facebook and at the school with no responses yet. She will be setting a date for a meeting to get everything organized. The biggest issues are how the money spending is determined, who puts the money upfront and field repairs. Discussion followed

To help resolve this issue and since the Village maintains the funds from these programs, the Mayor Tyner stated that the heads of each organization can come to the office to make purchases online utilizing the Village credit card under the policy.

Trustee Rowe Smalt also asked the Supervisor Comstock be involved in the field replacement needs.

9. Set (3) Dates and Time for 2024-2025 Budget Workshops in March

The Mayor advised that next year's budget process will be beginning soon and dates are needed for the budget workshops. Discussion followed.

A motion was made to set the following dates for the budget workshops for the following dates:

Tuesday, February 27, 2024 at 6:00 PM

Thursday, March 7, 2024 at 6:00 PM

Thursday, March 14, 2024 at 6:00 PM

1st Trustee Hubbard 2nd Trustee Gay 5-0 All in favor

10. Review of responses from the CPA RFP for Audit and Procedure Review

The Mayor advised he contacted the firms provided for the professional municipal services for the CPS Audit and Review Procedure and the quotes that came in for the budget reconciliation work to be performed. The quotes from the (3) service providers were discussed compared to the needs from the Village. Discussion followed and the Mayor advised he also spoke with each service provided directly and Carol Golden seems to understand the outline of what was needed and quoted the lowest cost.

Motion made to hire Carol Golden Accounting to reconcile the village books for an amount up to \$2500 from her quote of \$150 / hour.

1st Trustee Hubbard 2nd Trustee Rowe Smalt 5-0 All in favor

11. Cemetery Mowing Discussion – Covered above in Street Department Section

12. Update on 2024 Village Elections – Petitions out in January for (3) Board positions

a. Resolution to Designate Polling Location and Time on March 19

The Mayor advised that the Board needs to act on the following for the Village Election for the positions of Mayor and (2) Trustees that will expire as of April, 2024.

A motion was made to hold the Village Election on March 19, 2024 at the Village Hall from 12:00 PM to 9:00 PM.

1st Trustee Hubbard 2nd Trustee Gay 5-0 All in favor

VOA Resolution 2024-2 passed around for all Trustees to sign.

b. Approval of hiring (2) Election Inspectors

The Mayor advised that the Village should hire (2) election inspectors to work the election from the Steuben County Board of elections at the designated rate – Munmun Wage or amount set by the Board.

A motion was made for the Village Clerk to hire (2) election inspectors at \$15/hour

1st Trustee Rodbourn 2nd Trustee Rowe Smalt 5-0 All in favor

Attorney Russell then left the Meeting.

13. 2024 Community Service Contract with DSS

The Mayor advised this is something the Village does yearly for the contract with Steuben County DSS. This service was not utilized last year, but discussion followed and it was determined to file the paperwork in case we do want to have workers from the county for village project. The issue last year was transportation to the Village.

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

The Mayor inquired the one bill he questioned is why the Village had to pay property tax on the water tower, (bill for \$40.00) as a municipality. Discussion followed and the Mayor will make inquiries into this bill and pay if required

A motion was made to approve the monthly expenditures with the one bill on hold as discussed.

1st Trustee Hubbard 2nd Trustee Rodbourn 5-0 +All in favor

15. Update on New Gazebo for Gazebo Park

The Mayor advised that he will be speaking Manchocchi Landscaping on the concrete used in the pillars, but other than that the process will move forward in March when good weather returns.

a. Skirting, Lights, Outlets and Landscaping Discussion

There is still \$967.00 left in the funds allocated, other funds will have to be moved to cover the final cost of the project once the final invoice has been submitted.

16. Grants Update

1. Bridge and Culvert NY Grant

Discussed earlier and the Mayor will make inquiry to NYS DOT about other non-panel members attending the RLO Interviews.

2. Clean Energy Grant Update – Phase II Update

Mayor Tyner and Trustee Hubbard spoke on the Grant and advised the \$5,000 check was received for Phase 1 and Trustee Hubbard advised the we were notified we had been approved for the Phase II for \$10,000. The Mayor advised there are other Phases for funds to be made available. The transfer of the Fire Department vehicles was included in the Phase II application. There are 4 phases to the Energy Grant and we are getting closer to the \$23,000 estimate for the lights at Hees Park.

3. Windmill Historical Projects – Bus Memorial Project Update

Mayor Tyner advised he spoke with the Point of Contact, Mrs. Olsen, and the Bus Memorial Project and being put on the historic registry was discussed. Sidewalks, landscaping, lighting, etc. was discussed as well as the parking lot.

Trustee Rowe Smalt asked if we could check to see who the original people were that put the memorial in to include them in the decision making. Mayor Tyner was advised that possible Dorthia Stowe would have further information and to check with her on the Bus Memorial. The thought was it was put up in the 1980's.

17. Board Discussions / Agendas / Reports on Assignments

- a. **Mayor Tyner** – Nothing further at this time.
- b. **Trustee Hubbard** – Nothing further at this time.
- c. **Trustee Gay** - Trustee Gay inquired if he could meet with Supervisor Comstock about sharing services with the Town of Avoca Highway Department. The Board said “yes” to make further inquiry and to come up with a plan.
- d. **Trustee Rowe-Smalt** – Trustee Rowe-Smalt wanted to know about the cost of the drainage on South Main Street. The Mayor advised the concrete box and grate was donated from the school, but the other items cost around \$600?. She asked if there is a different way to fix the drain on Main Street other than digging up the whole street. Discussion followed and discussions will be held with Supervisor Comstock on options to solve this issue before the Grant may be available.
- e. **Trustee Rodbourn** – Nothing further at this time.
- f. **Village Clerk / Treasurer Haar** – The Clerk advised she completed her election training and is getting guidance from the Board of Elections. The petitions have been put out and all the postings will be sent to the papers to advertise.

Trustee Rowe-Smalt inquired about the culvert photographs of the walking path going to Hees Park. The Mayor advised the photographs were posted for the next Bridge NY Grant, but this does not qualify due to vehicular traffic being prohibited. Discussion followed.

18. Visitors: Comments for the January Meeting Topics

Mr. Brennan asked if we would consider having a community sign board for people to post their events instead of having lawn signs everywhere. Suggestions of placement by the old Agway building as a site were discussed. Discussion followed about this being a village control billboard for the posting of signs. Another potential site is near Route 415 by Hees Park, for a 8x4 posting board.

Clerk Haar also stated that Mrs. Hunt commented on how well the new Gazebo looks.

Trustee Rodbourn also inquired about the code issues brought up for the Gazebo to include the stiffening of the underneath and the decorative trim over the entrance. The Mayor advised he has not seen the Code Officer since construction on these matters, but it will be addressed in the final phase of construction in May.

19. Executive Session to Discuss the Potential Purchase of Real Property on River Street and the Duties and Additional Hours for Village Clerk / Treasurer Position

A motion was made to enter executive session at 8:57 AM

1st Trustee Hubbard 2nd Trustee Rowe Smalt 5-0 All in Favor

20. Motion to Return to Open Public Session / Regular Meeting at 9:46 PM

1st Trustee Rowe - Smalt 2nd Trustee Hubbard 5-0 All in Favor

Motion made to increase the Budget Officers salary, for this year only, due to the circumstances, above the \$500 budgeted, for (40) hours of additional pay at \$25.00 an hour (up to \$1,000).

1st Trustee Hubbard 2nd Trustee Gay All in Favor 5-0 All in Favor

21. Motion to Adjourn and Close the January Regular Meeting at 9:47 PM

Motion by: 1st Trustee Hubbard 2nd Trustee Rodbourn 5-0 All in Favor

Meeting Adjourned at 9:47 PM

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