

**Village of Avoca
Board Meeting Minutes
July 9, 2026**

PRESENT: Mayor Tyner; Trustees: Abbott, Rowe-Smalt, Hubbard, Rodbourn, Attorney Thew, Street Supervisor Comstock, Clerk Cermak

PUBLIC PRESENT: Minie & Bill Brennan, Deb Whitehead

EXCUSED/ABSENT: None

The Meeting was called to order at 7:00 PM.
Mayor Tyner announced the recording of the meeting.
The Pledge of Allegiance was said.

Trustee Rowe-Smalt motioned to close the Regular Meeting and open up the Public Hearing, seconded by Trustee Rodbourn, all in favor, none opposed, none abstained. 4,0,0

Village of Avoca Local Law #4 – The Cemetery Reserve Account has been created for the upgrades and repairs related to the cemeteries only. The Village Board will set aside \$5,000 per year from the Annual Village of Avoca Budget for such purposes.

Public Comments: None

Trustee Rowe-Smalt motioned to close the Public Hearings, seconded by Trustee Abbott, all in favor, none opposed, none abstained. 4,0,0

The Regular Board Meeting back in session at 7:05 p.m.

Motion to approve the Village of Avoca Local Law #4 by Trustee Abbott, seconded by Trustee Rodbourn, all in favor, none opposed, none abstained 4,0,0

PRIOR MEETING MINUTES: Minutes from the 6/11/2026 Board meeting were sent prior to this meeting for review by Trustees. Trustee Abbott motioned to approve the meeting minutes; Trustee Rowe-Smalt seconded. Three in favor, none opposed, Trustee Rodbourn abstained. 3,0,1

MONTHLY DEPARTMENT REPORTS: The monthly department reports were sent prior to this meeting for review by Trustees. Trustee Rowe-Smalt motioned to approve the reports; Trustee Rodbourn seconded. All in favor, none opposed, none abstained. 4,0,0

GENERAL/PUBLIC COMMENTS: Deb Whitehead stated the vehicles are parking incorrectly by the gravel pit area near Memorial Park and suggest the Street Department paint lines for clearer directional parking. She also commented that she was unable to find the previous months minutes on the Village of Avoca website. Mayor Tyner will contact Matt Morales regarding this. Bill Brennan commented that residents outside the Village are not paying for maintenance that is needed to maintain the water district and it is absorbed by the Village residents through the Village Taxes. Also inquired about what is to be achieved by putting time locks on Memorial Park bathroom door. Mayor Tyner stated that it is to eliminate the cost of the port-a-potties. Mini Brennan ask if they could trim tree over the street by properties? Mr. Brennan said the trees are engulfing the sidewalk and the lighting. The Street Department can maintain up to 16 feet for a right-of-way. Mayor Tyner will reach out to Supervisor Comstock regarding the trimming of the trees within the village. Deb Whitehead asked what information would be printed on the signs for the cemeteries? Trustee Rowe-Smalt gave her an

**Village of Avoca
Board Meeting Minutes**

July 9, 2026

overview of the information the signs will have on them. Mini Brennan offered to print rules on 11x17 paper. Deb Whitehead also suggested to use a shadow box vs. printed metal signs in case changes need to be made in the future.

DEPARTMENT HEADS/OTHER MUNICIPALITIES:

Street:

1. Parks:

- a. Memorial Park: Time locks are not installed. Trustee Rodbourn inquired about hiring someone to install locks due to the complexity of installation and the time involved to install. Trustee Abbott motioned to hire a company to install the locks, not to exceed \$500.00, seconded by Trustee Rodbourn. Three in favor, one opposed, none abstained, 3,1,0

Mayor Tyner received information that the urinal would not stop running, Supervisor Comstock had replaced all parts at the beginning of the summer season. He will order additional replacement parts to have on hand.

Mayor Tyner thanked Deb Whitehead for the repairs made to the American Flag. She has volunteered to reinforce the ends of new flags prior to them being hung to prevent tearing.

b. Hees Park:

- 1. Roll-up cover, no update.
- 2. Second ball field, tabled until next season.
- 3. The two new grills which were donated by the Hees Family have been installed. The old grills will be put in storage for future placement if needed.
- 4. Supervisor Comstock has not heard back from Bill Colmer or Anthony's Asphalt regarding the resurfacing of the basketball court. Mayor Tyner will contact Bill Colmer and Trustee Abbott will contact Anthony's Asphalt to inquire about the status.
- 5. The batting cage will be removed after the final event in July.

c. Gazebo:

- 1. Most of the bulbs have been replaced. Some lamps need the wiring to be replaced prior to replacing the bulb. This process can be done during inclement weather.
- 2. Picnic tables are to be placed at the park for the community Avoca Community Foundation event being held on 7/11/26.
- 3. ACF will stain the benches in the park when time allows. Trustee Rowe-Smalt suggested to the Supervisor Comstock to paint the concrete curb blocks as well, and mentioned how nice the park looks.

- 2. Ditch leading to Hees Park – The Town of Avoca mowed the ditch with their larger tractor and the blocks and fence work to be scheduled.
- 3. Superintendent Comstock will be signing up for weed spraying certification. Discussion was held regarding the spraying of cemeteries and the headstones. Mayor Tyner will take picture of the spraying that was done by the street department at Valley View Cemetery and post on the Share Drive. Supervisor Comstock stated that spraying around the headstones will not eliminate all of the trimming required. Cemetery weed spraying will be put on hold until the board has reviewed what has been completed, but the spraying or other locations such as parking lots, ditches and around buildings will continue.
- 4. The parking lines have been painted across from the post office to prevent parking and site distance disturbance when pulling onto Main Street. The No Parking sign has not been installed due to

**Village of Avoca
Board Meeting Minutes**

July 9, 2026

placement restrictions. Attorney Thew reviewed the requirements for signage to make it legal a sign must be installed.

5. Trustee Hubbard asked to have the list of scheduled sidewalk replacements posted on the share drive, as residents often ask about replacement of sidewalks in the June Board Meeting. Supervisor Comstock will email the list to Mayor Tyner. Supervisor Comstock asked what the status is on the Main Street Grant for sidewalks installation/replacement. He has some sections of sidewalks in that area that need replacing. If the section is a danger to the public, it needs to be replaced even if it is part of the project area for the Grant. Mayor Tyner advised this project is a 2027 Grant, so dangerous sections should be replaced.
6. Water Rate – Discussed rates received from other local municipalities and their billing platform. A total quarterly usage report will be printed and reviewed at the August Board Meeting for further discussion on raising the water rate. A table for cost for District A and District B to be reviewed. A public hearing will be held prior to raising the rate.
7. Tree Removal - One quote was received from Knoll Brothers for the removal of 3 trees. Two additional quotes are required due to the amount, or the one quote received should be split into 3 for each tree listed. Supervisor Comstock will address this for the August meeting.
8. Concession Stand – Discussion was held regarding the new design of the concession stand area for the \$3,000 donation received. Trustee Abbot will come up with visual concepts for the area.
9. Crosswalk Sign – Signs will be ordered and installed.
10. Cemetery Rules – Trustee Rowe-Smalt did not hear back from the company that is located in Hornell. Supervisor Comstock suggested contacting Eastern Metals Supply of Elmira. Trustee Rowe-Smalt will design a template with pertinent rules.
11. Crosby's Parking Area – Discussion was held regarding the method of fixing the area on South Main Street. If water draining is set to be piped to Dollar General's drainage pond, an Easement will be required. Mayor Tyner will reach out to Crosby's and Dollar General to notify that the Easement process will begin. Supervisor Comstock will level off area in the meantime.
12. Surround for Water Wells – Discussion was held regarding replacement /installation of new surround. Supervisor Comstock will look into the cost to replace and bring back to the Board.
13. Water Study – Supervisor Comstock will reach out to Tim Steed from Hunt Engineers regarding starting the water study.
14. Gravel Pit – Supervisor Comstock will investigate if groundhogs are living in the gravel pit area or are coming from the water dyke.
15. Water Relief Request – 5 Morgan Street, Tabled.

DEPARTMENT HEADS/OTHER MUNICIPALITIES:

Fire District: No Updates.

Planning Board:

1. Zoning Law Update – Attorney Thew has the majority of the law typed out; he needed some clarifications on areas of the Zoning Law that was provided by the Planning Board that were unclear to read or missing pages. Trustee Abbott to forward Attorney Thew the missing pages to complete this process.

Zoning Officer:

1. The Zoning Officer will provide a spreadsheet of all complaints received for the Village Board to review.

**Village of Avoca
Board Meeting Minutes**

July 9, 2026

2. The application has been received from Tru Green for the construction of the Solar. Tim Hubbard will submit an application to build the access road for the solar site and Tru Green for the actual solar construction. The zoning officer is working with the Town Code Officer on the process.

Town:

1. Mayor Tyner stated he is still waiting to hear from the Solar Attorney regarding meeting the Town in the middle for the difference in the Solar Split.
2. Magnetic Locks – Mayor Tyner has reached out to 3 different companies for quotes. Trustee Rodbourn stated that the Town Supervisor does not feel the lock for the front door is necessary, but he will present the quote to the Town Board. Further discussion was held regarding security and the need for the magnetic lock. Motioned made by Trustee Rowe-Smalt and seconded by Trustee Hubbard to go forward with the new magnetic lock once a response is received from the Town Supervisor/Board. 3 in favor, 2 opposed, none abstained, 3,2,0
3. FEMA Grant – Mayor Tyner gave an update on the content of the FEMA Grant. Steuben County has given approval on their end and it has been sent to the State. It will be approximately a 6 month wait before hearing back from NYS. Trustee Rodbourn stated that the Town Supervisor and the Town Board have not seen any information relating to the FEMA Grant and the request for a generator. Mayor Tyner said it was sent through and email and put in the Town Supervisor's mailbox. Mayor Tyner will give him the information again.

RESOLUTIONS/BANS/LEGAL/BUDGET:

Grant Writer/Researcher Update: No update; tabled.

Procurement Policy #11: Updates to the policy have been reviewed by the Board. Trustee Rowe-Smalt motioned to approve Procurement Policy #11, seconded by Trustee Hubbard. All in favor, none opposed, none abstained. 5,0,0

Local Law #1-2024 – Discussion was held regarding content of Law. Attorney Thew suggested making a change to the penalty section of the law that would allow the Village to act in certain situations to remove or make changes to items that go against Local Law #1-2024. Tabled under the WORD version of the Land Use and Zoning document has been completed.

Attorney Thew and Masonic Lease Agreement: To be discussed in Executive Session.

NYMIR: Discussion was held regarding NYMIR requirements on all Golf Carts/UTV's riding on Village streets to reduce the potential liability to the Village. It was decided that a notice will be placed in the quarterly newsletter regarding the rules of the road.

REVIEW/APPROVE EXPENDITURES: All invoices were reviewed by Trustees and Mayor. Trustee Rodbourn motioned to approve all expenditures; Trustee Abbott seconded. Four in favor; none opposed; Trustee Hubbard abstained. 4,0,1

GRANTS:

Culvert: The Mayor advised the DEC permits to proceed forward with the project have still not been approved. Mayor Tyner stated our two local State Legislatures are working on getting permits completed through the NYS DEC so the bidding process can begin.

Village of Avoca
Board Meeting Minutes
July 9, 2026

Windmill: Project is at a standstill until construction begins.

Main Street Sidewalks: On hold until FY2027 Application is completed.

Playground Grant: Mayor Tyner received a link to apply for grant, but deadline to apply had already passed. The Village is now registered with the NYS E-Grants. He will apply when a notice is received that applications are being accepted.

CDBG Water Study: Currently waiting on HUNT Engineering to begin the study.

Retention Grant: The Mayor advised the first step in the process would be for the Village to adopt a LSG1 Resolution and then an on-site visit with HUNT Engineering. Trustee Rodbourn motioned to set date for the LSG1 Resolution to August 13, 2026 at 7:00 p.m. Seconded by Trustee Rowe-Smalt. All in favor, none opposed, none abstained, 5,0,0

Mayor Tyner also advised Trustee Rodbourn that the Town could be invited to participate in the Retention Grant study if they would like.

Lighted Speed Limit Sign – The NYS Police had suggested that a lighted speed limit sign be installed by the Avoca School. Mayor Tyner registered in NYS E-Grants and will receive a notice when application is available.

BOARD DISCUSSION:

Mayor Tyner:

1. The letter that was sent to NYS Department of Taxation regarding that the Village does not collect sales tax was accepted.
2. The NYSEG EFT payments should be split between General Fund and Water Fund when applicable. Clerk Cermak found that the payments have all been coming out of the General Fund checking account. Clerk Cermak went into the NYSEG on-line accounts and corrected the majority of the bank accounts that the invoices should be paid from. She will speak with NYSEG to see if it is possible to pay invoices with a split bank account. Clerk Cermak will make adjusting general journal entries to correct the invoices that were paid out of the incorrect bank accounts for the month of June 2026.
3. Trustee Hubbard motioned to approve budget modification from A1910.4 Contingency to A8010.1 Zoning Office Salary in the amount of \$400, seconded by Trustee Rowe-Smalt. Four in favor, one opposed, none abstained. 4,1,0.
4. Employee, Arthur Blanchard, is due \$489.00 for a longevity increase based on his number of years of employment that did not transpire in the previous years payroll. Teamster's Local Union #118 is in agreement with the dollar amount. Trustee Hubbard motion to approve transfer from A1990.4 Contingency to A5110.1 Street Mant. – Personnel Service in the amount of \$489.00. Trustee Rodbourn seconded. All in favor, none opposed, none abstained. 5,0,0
5. Mayor Tyner suggests that we transfer \$100,000 to the NYCLASS tax revenue account to gain a higher interest return. These funds can be pulled back within 24 hours when needed. Trustee Hubbard motion to approve transfer of \$100,000 from Five-Star Bank General Fund to NYClass Tax Revenue Savings account, seconded by Trustee Rowe-Smalt, all in favor, none opposed, none abstained. 5,0,0

Trustee Hubbard: No updates.

Village of Avoca
Board Meeting Minutes
July 9, 2026

Trustee Rowe Smalt:

1. Suggested locking in with ESCO with one of our NYSEG accounts. She will come back in August with which account should be locked in at a rate of .09 per kwh. She has been reviewing the electric bills and stated that NYSEG is not charging correctly for off-peak rates vs. on-peak rates.
2. No update on the banners.
3. She clarified that now Crosby's parking on South Main Street is being handled by Mayor Tyner and Attorney Thew. Mayor Tyner will speak with Crosby's and Dollar General regarding Easements and will give them Attorney Thew's contact information.
4. She has been putting certain items on the Village of Avoca's Facebook page. She sent items to Matt Morales for updating on the Village Website, but has had no response from him. Suggested to remove, "How can we help you?" section from the website. Mayor Tyner will set up a meeting with Matt, Trustee Rowe-Smalt and himself for discussions regarding the Village of Avoca Website.
5. She has been approached by residents who are concerned about the traffic on Grant Street and Steuben Street intersection when leaving the soccer field. They would like the Village to consider a four-way stops on the longer streets such as Alexander Street, Chase Street, East Ave, and Grant Street. Suggested putting a survey in the newsletter for public opinion on the four-way stops on certain streets to slow down traffic in the Village.

Trustee Rodbourn:

1. He has received complaints from two different people that have rented Memorial Park. The tables and cement were dirty; the bathroom toilet and floor are dirty. Mayor Tyner stated that the cleaner is supposed to clean the bathroom every Friday from May through the end of August. Mayor Tyner will speak with the cleaner and also suggested the Street Department power wash the tables as needed and check the park every Thursday. Trustee Rodbourn stated there is evidence of birds nesting in the rafters. Mayor Tyner will speak to the Street Department regarding the birds and inspecting the area prior to rentals on the weekend.
2. Trustee Rodbourn stated that he and his wife were out of town for two weeks and did not water the flowers at the cemetery. He feels when the Street Department is in the area, they should water the flowers. Does not agree with spending \$250 on lanterns to replace the flowers that died. He also stated that people have been complaining about the 2-3-foot-high weeds in between the cemetery stones. Mayor Tyner will speak to the Street Department about weed eating more than once or twice a year. Trustee Smalt-Rowe is concerned about the number of hours spent mowing and weed-eating the cemetery and not having the visible results correlate with it.

Trustee Abbott:

1. She has sent notes to Trustee Rowe-Smalt regards to the Solar Moratorium. She would now like to compare what she has currently to what the Town has set in their Solar Moratorium. Trustee Rowe-Smalt stated that Trustee Abbott is working very hard and feels Attorney Thew should be the one setting the rules and sending it to the Trustees. Attorney Thew asked what exactly the Village is looking for overall? Discussion followed. He will construct a draft based on other Village Moratoriums and what Trustee Abbott has noted.

Clerk Cermak:

1. She has not looked into AI minutes as of yet.
2. SCT Computers came into the office to review the set-up for computers, emails, hardware, etc. Received a quote from them for their IT Service and she feels it is too costly for the Village.
3. The June 2026 monthly financials reports are completed and in balance for all funds. She suggested to sit with each board member to review and discuss in detail, the different reports included in the monthly packet to the board.

**Village of Avoca
Board Meeting Minutes
July 9, 2026**

PUBLIC COMMENTS:

1. Bill Brennan said if the board had anything to do with removing the graffiti on River Street, he thanked them for that. Suggested incorporating into law giving the Village the capable to remove such items as the graffiti if needed. Attorney Thew explained the Freedom of Speech rules and Defamation rules.
2. Mr. Brennan suggested installing a ceiling in the pavilion, with volunteer labor, to eliminate the birds nesting in it.
3. Mr. Brennan talked about the parking situation at Crosby's. If delivery trucks are prevented from parking off the side of the road that has been in question, he feels the truck will begin parking right in the road for deliveries. Trustee Hubbard suggested putting in a concrete pad on the side of the road for parking of larger vehicles.

EXECUTIVE SESSION – DISCUSSION ON THE ADDITIONAL AFR DUTIES ASSIGNED TO THE TREASURER AND THE MASONIC LEASE. CLERK CERMAK AND ATTORNEY THEW REQUESTED TO BE PRESENT FOR EXECUTIVE SESSION

Motion to Adjourn regular session at 9:06 p.m. by Trustee Abbott, seconded by Trustee Hubbard, all in favor, none opposed, none abstained. 5,0,0

Motion to adjourn from executive session at 9:49 p.m. by Trustee Rodbourn, seconded by Trustee Abbott, all in favor none opposed, none abstained. 5,0,0

Motion to adjourn from regular session at 9:50 p.m. by Trustee Rodbourn, seconded by Trustee Abbott, all in favor none opposed, none abstained. 5,0,0

Respectfully submitted,

Jill Cermak
Village Clerk/Treasurer