

**Village of Avoca
Board Meeting Minutes**

May 14, 2026

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

PUBLIC PRESENT: Minie & Bill Brennan, Dean Heckman, Stephen Fortune, Tom Haynes

EXCUSED/ABSENT: Street Supervisor Comstock

The Meeting was called to order at 7:00PM.

Mayor Tyner announced the recording of the meeting.

The Pledge of Allegiance was said.

Trustee Rowe-Smalt motioned to enter into Public Hearing to discuss an 18-month Solar Moratorium, seconded by Trustee Rodbourn, all in favor, none opposed, none abstained, 5,0,0

Mayor Tyner explained that the Solar Moratorium is not a banning of the Solar Project, it just gives the Village Board more time to put in place a solar law for the Village. Currently we are running under the Towns solar law. No project will be approved until the end of the Moratorium, this new law does not affect any current projects that the Zoning Board has already approved. Opened up for public comments and distributed copies of proposed law.

Trustee Hubbard motioned to close Public Hearing, seconded by Rowe-Smalt 5,0,0

Motion to pass VOA Local Law 2026-01 by Trustee Hubbard, seconded by Trustee Rowe-Smalt, four in favor, none opposed, one abstained. 4,0,1

A committee will be comprised of Trustee Rowe-Smalt and Trustee Abbott with assistance from Attorney Thew, to research and discuss contents of the Village Solar Law.

PRIOR MEETING MINUTES: Minutes from the 4/9/2026 Board meeting were sent prior to this meeting for review by Trustees. Trustee Abbott motioned to approve the meeting minutes; Trustee Rodbourn seconded. Four in favor, none opposed, one abstained. 4,0,1

MONTHLY DEPARTMENT REPORTS: The monthly department reports were sent prior to this meeting for review by Trustees. Trustee Rodbourn motioned to approve the reports; Trustee Hubbard seconded. All in favor, none opposed, none abstained. 5,0,0

GENERAL/PUBLIC COMMENTS: Tom Haynes of Keuka Lake Amateur Radio Association questioned the exact space the Association is renting and placement of the campers within the park. Tom stated that the port a potty's at Hees Park were completely full. Mayor Tyner explained the campers should be placed over near the water plant to keep disruptions to a minimum for residents. The Mayor also explained that the Association actually rented the Pavillon, not the park. Clerk Cermak to call rental company of port a potties to request weekly cleaning and clean one day prior to Amateur Radio event.

Resident from Bauter Road read aloud letter she had written regarding the upkeep of Valley View Cemetery. The letter stated that the street department does a good job and is appealing to the eye. She is concerned about the removal of headstone saddles. The saddles are costly and are not intended to be used for a short period of time and discarded. She would like to see a two-week notice posted to the public prior to spring cleanup. She would also like to see the rules and regulations of the cemetery posted on the building at the cemetery. She stated that when the cleaning is done, all decorations and saddles are removed except for one family. Mayor Tyner stated that the rules are posted on the building and that spring clean-up is April 1 – May 1

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and no exceptions should be given to one or any particular family. The Board will review the Cemetery Policy and incorporate changes along with posting a new copy on the building at Valley View in the June 2026 Board Meeting.

The Village of Avoca Post Master remarked about the site distance when pulling out of Exchange Street onto South Main Street, looking North. Mayor Tyner reviewed the area and took pictures, spoke with Street Superintendent Comstock and the Street Department can install a No Parking sign and repaint the lines on the street. Trustee Hubbard motioned to approve a No Parking sign and move the painted lines one space back, seconded by Trustee Rodbourn, all in favor, none opposed, none abstained. 5,0,0

Minnie Brennan spoke regarding the complexity of the Village of Avoca website. She would like to see it in a more organized fashion. Mayor Tyner will speak with Matt Morales regarding this. Trustee Rowe-Smalt is the website liaison and will make contact with Matt on the reorganization of the website.

Attorney Thew stated the Steuben County Landfill requires a new cell to be built and the County will be getting a Bond in the amount of \$20M. There has been no flood damage this year in the County, therefore county roads will have more maintenance performed on them. The County has been receiving complaints from Corning area residents regarding law enforcement working with ICE.

Mayor Tyner stated that Megan Hubbard would like to sell food in Gazebo Park for the Avoca Community Foundation during the Avoca Yard Sale weekend and it was stated that she had completed and paid for the permit.

Reorganizational Changes

Mayor Tyner discussed changes for the office hours, Wednesday's the office will be closed in order for Clerk Cermak to work on AFR's without interruption. A Public Notice to be put in newsletter and on electronic billboard. Motion to accept change in office hours, Trustee Hubbard, seconded by Trustee Rowe-Smalt. All in favor, none opposed, none abstained. 5,0,0

Clerk/Treasure salary to increase according to 2026/2027 Budget from \$28,000 to \$29,000. Motion to approve, Trustee Hubbard, seconded by Trustee Rodbourn. All in favor, none opposed, none abstained. 5,0,0

No changes at this time to the Cemetery Fee Schedules.

The Mayor advised the current water rate schedule will be reviewed in the June Board Meeting.

Changes to water meter policy; there will now be one quarterly maintenance fee for one meter at the laundry mat / car wash. Trustee Hubbard motioned to approve, seconded by Trustee Rowe-Smalt. Four in favor, none opposed, one abstained. 4,0,1

DEPARTMENT HEADS/OTHER MUNICIPALITIES:

Street:

1) Parks:

a. Memorial Park: Locks are not installed, down one employee due to illness. All cameras have been installed.

b. Hees Park:

1. The Mayor received an email from Bill Colmer, he would to donate resurfacing of the basketball court, but would like to see the Village put up new backboards. The board will except the donation and will look into the cost of new the backboards. Trustee Rodbourn motioned to except donation, seconded by Trustee Hubbard, all in favor, none opposed, none abstained. 5,0,0

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2. Mr. Demarco would like to donate two new grills. Mayor Tyner mentioned that he will follow-up on the plaques for the picnic table donation as well as obtaining one for the grills. Trustee Hubbard motioned to except donation of new grills, seconded by Trustee Rodbourn, all in favor, none opposed, none abstained. 5,0,0
3. The concession stand door that was damaged has been replaced and paid for by the individual who damaged it.
4. The ditch area is on hold due to having one employee off from work.
5. The sprayer and chemicals have been purchased for the weed spraying. Superintendent Comstock will be taking the training. He mentioned that the sprayer is very powerful and doesn't believe it will work well spraying around the headstones. Trustee Rodbourn is opposed from spraying around the headstones due to the appearance. Recommendation by Trustee Rowe-Smalt to only due ditches until comfortable with the process.
6. The well motor has been replaced. Payment from the insurance company has been received. The check valve needs replacing in the other pump. A quote will be forthcoming.

c. Gazebo: No updates

- 2) A QR Code will be created and posted on the website as well as on the quarterly newsletter for the Annual Water and Lead Report.
- 3) Zachary Dennis at 22 Charlesworth Street stated he put cash in the lockbox for his water bill. He has not been back in contact at this time.

DEPARTMENT HEADS/OTHER MUNICIPALITIES:

Fire District: The Fire District has switched over to Empire Telephone.

Planning Board:

- 1) Filling Vacancy: The vacancy has been filled.
- 2) Leadership conference: 3 participates have been enrolled.

Zoning Officer:

- 3) Software Package Update: Mayor Tyner spoke with Zoning Officer, Beth Peck regarding the Zoning Program. She has met with Chuck Cagle and now has access to everything she needs and not to go forward with the software program.

Town:

- 1) Mayor Tyner stated he received an email from Attorney Seth Pullen and he has not heard anything back from the Town regarding the solar split. The attorney suggested that the Village split the difference with the Town. A discussion was held and agreed that the Village will offer to meet in the middle of the difference. The Mayor will advised Seth Pullen to speak with the Town attorney.
- 2) Mayor Tyner mentioned that Trustee Rodbourn spoke with Supervisor Wightman regarding the sharing of internet. It was agreed upon and we are now sharing internet with the Town, not the telephones.

RESOLUTIONS/BANS/LEGAL/BUDGET:

Grant Writer/Researcher Update: No update; tabled.

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FMLA: Board approval is required to participate in the FMLA at no expense to the Village. Trustee Abbott motioned to approve participation into FMLA, seconded by Trustee Hubbard. All in favor, none opposed, none abstained, 5,0,0

Water Relevy/Tax Warrant: Trustee Hubbard motioned to approve the Water Relevy and Tax Warrant, seconded by Trustee Rodbourn, all in favor, none opposed, none abstained, 5,0,0

SIB Loan: The Mayor advised that the Main Street SIB will be paid in May 2026.

Enforcement Officer: Tabled

Budget Transfers: Trustee Hubbard motioned to approve all budget transfers and final invoices needed to be paid before June 1 to close out the 2025/2026 books, seconded by Trustee Rowe-Smalt, all in favor, none approved, none abstained, 5,0,0

Attorney Thew/Local Laws – Trustee Rowe-Smalt motioned to hold a public hearing on June 11, 2026 at 6:45 pm to make the previously discussed proposed changes to the zoning law, seconded by Trustee Hubbard, all in favor, none opposed, none abstained, 5,0,0

Trustee Abbott motioned to hold a public hearing on June 11, 2026 at 6:55 pm to make election date changes, seconded by Trustee Rodbourn, all in favor, none opposed, none abstained, 5,0,0

Lease Agreement: Mayor Tyner met with the Mason regarding the Lease agreement. The Mason's have requested modifications to the document, including adding the Town so there is only one agreement. Mayor Tyner will make updates and send to the attorney for completion.

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

Memorial Day/Street Closure: Motion was made by Trustee Rodbourn and seconded by Trustee Hubbard to close the appropriate streets starting at 9:45 for the Memorial Day Parade. All in favor, none opposed, none abstained. 5,0,0

Motion was made by Trustee Rodbourn and seconded by Trustee Hubbard to waive the fee for the Avoca American Legion to hold their Memorial Day event and Gazebo Park. Four in favor, one opposed, none abstained. 4,1,0

NYMIR: Discussion was held regarding NYMIR would like the Village to pass a local law for Golf Carts/UTV's riding on Village streets to reduce the potential liability to the Village. It was decided that a draft will be created and sent to Mayor Tyner by Attorney William Thew.

Insurance renewal it was also discussed about the Village to install a crosswalk from the front door of the municipality to across the street. Mayor Tyner spoke with Superintendent Comstock and he will create the crosswalk for compliance.

It was also mentioned that as a reminder to employees that no firearms can be brought onto Village property.

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Also, the Village procurement policy should be updated to reflect any change in payment information from vendors which should have an MFA when making the change. Mayor Tyner will work with Clerk Cermak to institute this procedure.

Also, starting for the new 2026-2027 budget all bank statements will require a sign-off signature from each Trustee. Clerk Cermak to include bank statements in financial packets for board meetings.

GRANTS:

Culvert: Permits to proceed forward with culvert project for the construction bid have still not been approved.

Windmill: Project is at a standstill until construction begins.

Main Street Sidewalks: FY2027 application still pending

Playground Grant: On hold.

CDBG Water Study: All documentation has been submitted and waiting to proceed forward with study.

Retention Grant: A site visit is required to the Village Hall to review the number of records. Date will be set by Mayor Tyner.

FEMA Grant: Mayor Tyner is still waiting for paperwork.

BOARD DISCUSSION:

Mayor Tyner: The new South Main Street sidewalk quote has been received and waiting for funds from the Solar Project to become available. The Mayor would like to pay out Clerk Cermak for any unused compensation time at end of year. Trustee Rodbourn motioned to approve the payout, seconded by Trustee Hubbard, all in favor, none opposed, none abstained. 5,0,0

The Mayor received a request from Superintendent Comstock to sell back one week (40 hours) of vacation time so he does not lose it as he was unable to take some vacation being down one employee. Motion to approve Trustee Abbott, seconded by Trustee Rodbourn, all in favor, none opposed, none abstained, 5,0,0

Trustee Hubbard: Request received from Chris McDougal to use the Maple Street parking lot on August 26 to test the hoses for the Fire Department. Motion to approve, Trustee Rodbourn, seconded by Trustee Rowe-Smalt, all in favor, none opposed, none abstained, 5,0,0

No further updates on Crosby's.

NYSEG update; a request form was received to move or remove lights. Question was raised if the village could have a test period where some lights were turned off. It may be possible depending on crews in the area. Trustee Hubbard and Trustee Rowe-Smalt asked if NYSEG had any suggestions, from other municipalities if there were any creative ways on how to save money. They were told by NYSEG, they are not your supply company, they are your delivery company. Trustee Rowe-Smalt stated that if there is a light to be removed the Village may be responsible for the unexpired life of the light, which NYSEG would inform the Village of that cost prior to shutting the light off. There is a pole on Chase Street that was knocked down and the street light was never replaced; the resident would like the light replaced due to the darkness in the area. Trustee Hubbard will get the pole number and speak with NYSEG. Discussion was further held regarding other lights in the Village that are out, or would like to be removed. Trustee Hubbard will compile a list of lights to discuss with NYSEG.

Trustee Rowe Smalt: It was mentioned that other municipalities are charging for use of their poles to places like Spectrum and or Empire Telephone, will look into down the road. Park lights have already been changed over to LED, the globes get cleaned in the winter by the Street Department. It was mentioned by Trustee Rodbourn that this could possible be a community service project.

Trustee Rowe-Smalt has requested a quote and templates for the signs. She would like to know if it is possible to payoff the current SIB and do an intradepartmental loan with the water fund. Therefore, we would pay interest back to the water fund vs. the bank. Mayor Tyner will look into this. Trustee Rodbourn asked if the water department could afford this loan. There would be a caveat in place that if the water department

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needed the money a loan would have to be taken out. Attorney Thew then stated the SIB cannot be paid off early as the SIB is not callable.

Discussion was held regarding property on River Street; debris falling into river. Mayor Tyner stated that he had spoken with the Code Officer and tickets are to be issued. Trustee Rodbourn has not been able to talk to the DEC. Question was raised if Trustee Rodbourn had spoken with Youth Sports committee regarding a generator for the park lights. Is there a cemetery financial report? Trustee Rowe-Smalt would like to see an annual report on the revenue and expenditures for this. Banners that need replacement are still pending.

Trustee Rodbourn: Spoke with Jesse and there are concerns from Aaron Benton that the lights at the ballfield are not being utilized. Trustee Rodbourn spoke with Aaron and explained that each time the lights are used it costs the Village around \$1,000. Aaron stated that he would be interested in helping to raise the money for the lights to be used. Trustee Rowe-Smalt suggested turning over the light bill to Youth Sports, but the contract states the Village is responsible. She suggested to renegotiate the contract. Discussed the additional amount of revenue received from sales tax and possible the village could help out with the generator for the ballfield.

Trustee Abbott: No update.

Clerk Cermak: The Village Clerk discussed the elections results with the Board. She discussed that there are programs to generate AI minutes at no costs, to help free up time spent to create minutes. The board agreed that should be pursued. Trustee Rodbourn suggested that the election results be added to the quarterly newsletter. Discussion was held regarding Positive Pay with Five Star Bank, and the fact the Williamson Law now charges to install positive pay on the computer, one time charge. Motion to pay setup fee to Williamson by Trustee Hubbard, seconded by Trustee Rowe-Smalt, three in favor, one opposed, one abstained, 3,1,1. The Village Clerk will also look into the possibility of using credit cards with the program mentioned by former Clerk Saltsman.

PUBLIC COMMENTS – Question was raised from Keuka Lake Armature Radio Association if the village has an Emergency Response Coordinator? Mayor Tyner is the Civil Defense Coordinator. They also asked if the Village has a building that they own that could be used for KKLARA, but no known location was known at this time.

MISCELLANEOUS / ADJOURN TO EXECUTIVE SESSION

Trustee Rodbourn motioned to adjourn the regular meeting to go into Executive Session, seconded by Trustee Hubbard, all in favor, none opposed, none abstained, 5,0,0

EXECUTIVE SESSION / RETURN TO OPEN SESSION

At 9:56, PM, there was a motion by Trustee Rodbourn and seconded by Trustee Rowe-Smalt to return to open session. All in favor, none opposed, none abstained 5,0,0

Motion to accept the VOA / Teamsters 2026-2027 Contract Proposal by Trustee Hubbard, seconded by Trustee Abbott, all in favor, none opposed, none abstained, 5,0,0 The changes are as follows:

1. Change Teamsters address,
2. Remove legal fee from Insurance coverage,
3. Contribution for employees on Insurance goes to 14%,
4. Clothing allowance to increase to \$400 annually,
5. Include 2025 MOA language – Vacation
6. Employee sell back of (5) days of vacation as long at (15) days on balance,
7. Include 2025 MOA language – Sick and Personal Leave,
8. 3% increase in salary across the salary grid

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Discussion to increase the Street Superintendent / Water Plant Operator compensation as follows:

1. 3% increase to salary,
2. Increase clothing allowance to \$400 annually,
3. Include same verbiage as outlined above from Teamsters Contract,
4. Employee sell back of (5) days of vacation as long as (15) days on balance,
5. Increase Health Insurance contribution rate to 11%,

Motion to increase compensation as outlined for Anthony Cmstock by Trustee Rodbourn, seconded by Trustee Hubbard, all in favor, none opposed, none abstained, 5,0,0

Motion to adjourn open session by Trustee Rodbourn, seconded by Trustee Rowe-Smalt. All in favor, none opposed, none abstained.

Meeting Adjourned at 9:59 PM

Respectfully submitted,

Jill Cermak
Village Clerk/Treasurer