

VILLAGE OF AVOCA
Meeting
FEBRUARY 8, 2024

The meeting was called to order at 7:00 pm. An announcement on the Audio Record of the Meeting was done by Mayor Tyner. The Pledge Allegiance to the Flag was said.

Present at the meeting: Mayor Tyner, Trustees Hubbard, Gay, Rowe Smalt and Rodbourn, Clerk Haar, Bill and Minnie Brennan, Supervisor Wightman and Dan Hubbard

1. A motion was made to approve the minutes from the January 11, 2024 Board Meeting. Trustee Rowe Smalt wanted to note that the minutes say the board would be contacting Dorothea Stowe. She is deceased and Trustee Rowe Smalt wanted the minutes to say "the relatives of Dorothea Stowe". She also wanted to make sure the minutes reflect the statement that "the Town of Avoca would be responsible for the debt of a study to dissolve the village", not say "the Town of Avoca would be responsible for all the debts of the Village if it were dissolved". Trustee Hubbard also said the tax rates were reversed and should read: the Village rate of \$13/1000 and the County rate of \$2.95/1000. Motion to approve the minutes with changes 1st Trustee Rowe Smalt 2nd Trustee Hubbard All in Favor 5-0

A motion was made to approve the Monthly Departmental Reports
1st Trustee Rodbourn 2nd Trustee Gay All in Favor 5-0

Visitors: General Comments

Supervisor Wightman asked what was being done about the W2 problem. Mayor Tyner said it would be addressed in executive session. Sup. Wightman also wanted to know why the potential purchase of property was being discussed in executive session. Attorney Russell answered that no purchase was to happen in executive session, only discussion which is acceptable. Sup Wightman sent a letter to the Village board addressing Mayor Tyner's letter from the joint meeting. Wightman said all the answers to the questions were on the letter. Mayor Tyner would like to have a meeting to discuss other items and get clearer answers on items. Some things were discussed: copier purchase, water tower tax/possible annexation, access to the security cameras in the building, having another meeting with both boards present or just the mayor and supervisor. Dan Hubbard spoke about his request for a Village Dissolution study. He had two concerns: Village attorney is with the same firm as the Town attorney and he wanted to make sure the clerk is not allowed to show any opinions while in the office. He thinks it would be difficult to do the study currently because there is too much animosity between the village and town. Mayor Tyner told Mr. Hubbard that the board has not yet discussed the study, but will let him know when they do. Trustee Rodbourn wanted the minutes to reflect that the entire village board is not at war with the town board.

Further Discussion on Community Standard Law - VOA Local Law 2024-1
Set date for next Public Hearing

Discussion ensued about the need for the law. Attorney Russell had answered many of the issues that were brought up. Vehicles will be covered by the already established zoning documents. Trustee Hubbard thinks the zoning documents already cover everything in the new local law 2024-1. He also wanted to know about the height of weeds and plants in agricultural areas. There is a 10" rule in the zoning document. The new law would add stiffer penalties than the state law. Trustee Hubbard

wanted to know if the zoning document could have stronger wording. It was decided to not have a new law, but define the wording in the existing zoning document. The planning board will be tasked with reworking the current zoning document to define the needs of the community. The attorney said the hours needed for the revision will be an hourly bill, not part of the retainer fee.

2. Discussion on NYCOM and Resource Document on the Dissolution of Village

There is a document on the Shared Drive about the state's requirements to do the study. If the village board wants to pursue the study, there are different ways to do it. Many items were discussed: petitions by residents, what the town is mandated to take-streets/maintenance, grant money to do it which Mayor Tyner will look into. It was decided to table the study at this time and pursue grant funding. Mayor Tyner told Supervisor Wightman they would need to work on it together.

3. Review of RLO Interviews

- a. **RLO Interview Process** - interviews were completed, scoring sheets were done and all parties involved in the interview conferred on the choice of the firm-CPL Engineering
A motion was made to hire CPL Engineering for the project
1st Trustee Hubbard 2nd Trustee Rowe Smalt AI in Favor 5-0
- b. Meet and Greet Initial Meeting will be on February 28 at 1:00.
- c. **Construction Committee** – This part of the process will begin after the funding is decided.
- d. **Potential Delays on new State Implemented Civil Rights Guidelines** Governor Hochul has required 31% minority owned businesses in state funded contracts. This has effected the cost of construction.

4. Department Heads / Other Municipalities:

- a. **Street & Water Departments** – Tony Comstock- not present

Water Leak – Location and Resolution It was discussed with different options. At this time, the street department will be shutting off sections of the village, after posting notices, to see if they can find the leak.

Cemetery – Discussion on Bidding out Burials / Mowing Trustee Rowe Smalt wants to table the discussion until there is more information about the income that she requested.

Gazebo Park – Updates – Timeline for March The Mayor will be scheduling to meet with Devon Mancchiochi for the skirting in March. The refund of the fire department should cover the cost of the work being done. The concrete refund from his previous bid will also help cut cost.

Memorial Park – Handicap Pad – Pad by Bathroom Entrance There will be pads poured for the bathrooms by the street department.

Pedestrian Culvert to Hees Park / Split Railing Fence There was discussion about the path that leads to Hees Park and whether the village is responsible for maintaining it.

New Truck- Supervisor Comstock will get information about purchasing a new truck for the budget process. He would like to have a 5-year rotation on trucks. A motion was made to get a quote on a new truck-Ford F550. Trustee Gay will be the liaison for the quotes.

b. Fire District

1. Separation completed on January 1, 2024

- a. **Transfer of Utilities** – The utilities have been transferred but some of the bills were still from December.
- b. **Vehicle and Property Transfer Update** There was discussion about the vehicle titles and what needs to be signed over.
- c. **Transfer of Property**
A motion was made that the Mayor can sign the transfer of real property if it is done before the next meeting.
1st Trustee Hubbard 2nd Trustee Rowe Smalt All in Favor 5-0
- d. **Update – Comptroller Audit of Village Accounts / Department Transfer** The clerk spoke with Ed at OSC and he said the audit should be done by February 29.

e. Water Relief for January

A motion was made to take the amount off the fire department water bill for 100 gallons for the Howard Fire.

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

f. Fuel Usage An invoice was done for the fire department fuel use.

Letter Requesting Meeting Sent to Town Supervisor Mayor Tyner is hoping to get some dates from the supervisor to set a meeting.

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

- a. **Policy #33 – Posting of Signage on Village Properties-** Mayor Tyner is hoping to have a plan for designated areas for signage by the old Agway Building for community events to be placed. The board would like to pursue this idea. The policy will say that there is a place for public forum. The policy will have wording to dictate language that follows state guidelines..
- b. **15 MPH Recommended Speed Limit on Exchange and Mill Streets –** Mayor Tyner spoke with DOT about the signs DOT said that it would be a waste of money to try to do a study. They suggested speed bumps. The board has decided it would not be beneficial to pursue the study. The Planning Board has been tasked with having a part time police officer. This might help with speeding in the village.

6. Update and Discussion on Youth Commission Meeting in January – Trustee Rowe Smalt gave an update on the communication/social media of the youth baseball. Jesse Galvan has stepped up to the plate and helped a great deal. Uniforms have been ordered for all the players with their name on the tee shirts, and hats with a rental for pants. The account has less money than they thought. Fundraising can be done by selling advertising signage sold for the sides of the fields. Trustee Rowe Smalt has hopes for the softball field at Memorial Park to be completed. There has been ideas about the park having a water park, dog park, etc. at Memorial Park. Trustee Rowe Smalt has appointed two financial chair people. This should help to make sure there is a constant control of the fundraising.

- a. **Ball Fields – Funding Discussion-** There needs to be an estimate by a professional for the project to discuss funding. Mancchoichi Landscaping gave a verbal quote. The opening day is scheduled for the first weekend in May. Mayor Tyner asked how much the village would like to help pay for the field. No decision was made.
- b. **Shelves for Memorial Park-** The soccer program wants to know if the baseball equipment would be stored there too. If so, can they help pay for shelves. Trustee Rowe Smalt would like to know if the village can pay for the shelves. Hees Park also needs work done on their storage shed. During the budget workshops the moneys that need to be spent can be discussed. A motion was made to allow printing at the office for the youth programs

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

c. Policy #29 Draft – Working Project

- 7. **Review of CPA RFP Process currently underway-**Carol Golden has sent a bill for services in January. There is still some work to be completed.
- 8. **2024 Community Service Contract with DSS –** The addendum was sent to the county to be held harmless.

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

A motion was made to accept the expenditures 1st Trustee Rowe Smalt 2nd Trustee Hubbard All in Favor 5-0

1. **Water Tower Tax Bill** – There was discussion about annexing the water tower for tax purposes. Mayor Tyner will look into this with the county.

10. **Update on New Gazebo for Gazebo Park**- Trustee Rodbourn asked if there needs to be a handicap ramp for the entry to the gazebo. The mayor will inquire.

11. Grants Update

1. **Bridge and Culvert NY Grant**
 - a. **RLO Interviews Completed**
 - b. **Initial Meet and Greet – February 28, 2024 at 1:00 PM**

2. **Clean Energy Grant Update – Phase II Update –**

Trustee Hubbard reported that we could have an energy study done. He will make sure it is free and if so, we will do it. There will be a new bank fund-Clean Energy Grant- made for the grant money (\$5,000) we have received so far.

3. **Windmill Historical Projects – Bus Memorial Project Update**

Mayor Tyner met with Judy Wightman from the historical society about the bus memorial and any projects we will do for the bus memorial. Trustee Rowe Smalt would like to know that we are actually able to get funds from the windmills.

4. **Other Grant Opportunities – 2024 Downtown Revitalization and Infrastructure – Sidewalks – Governor Hochul’s Pro-Housing Initiative Mandated by the State**

Mayor Tyner stated that any grant money would include low-income housing/multi housing. The board would rather not pursue grants that specifically require low-income housing.

- c. SLRP Grant paperwork was completed. The final report needs to be submitted by May.
- d. He spoke with Superintendent Comstock about the drainage issue for Main Street. There are options they are exploring.
- e. He hasn’t heard anything from Emily Bottoni about the FFA grant she is looking into for her students, but he expects he will soon. The clerk will send a thank you note to her about including us.

12. Board Discussions / Agendas / Reports on Assignments

- a. **Mayor Tyner-Website Update** – He will be meeting with Matt Morales about the website to update everything. The change for the phone system and website will be tabled until March.
- b. **Trustee Hubbard**- none
- c. **Trustee Gay** - none
- d. **Trustee Rowe-Smalt**- She is requesting a Village of Avoca road sign by Hees Park marking the entrance to the village. The Mayor will address it with DOT. She also asked about Empire Access in Avoca. It is available for businesses only at this time. The mayor said he would draft a letter to Empire about the lack of service in Avoca. .The Mayor will also contact Jack Wheeler about this. She will contact family members for the bus memorial.
- e. **Trustee Rodbourn**-He inquired about who is cleaning the bathrooms at Memorial Park. This will be addressed in the budget workshops.
- f. **Village Clerk / Treasurer Haar**

She asked if she can start doing a more abridged version of the minutes. The present minutes take a great deal of time to complete because they contain so much information. Since the meetings are recorded, all those details can be heard at a later date.

The clerk asked if any members of the board have items for the newsletter. The paperwork will be sent to Dept. Of Health for Hees Park concession stand. An application will also be done for Memorial Park. The newsletter is almost done. If there are any other items to be added it needs to be given to her by end of week.

The election petitions were turned in and we are all set for the election.

Visitors: Mr. Brennan discussed privacy fencing not be used to hide rubbish on properties. He also recommended that we do not do anything about the legal access for Hees Park as it can lead to insurance issues. The sidewalks need to be improved though. He also discussed the low-income housing issue.

Motion to end regular meeting and go into executive session

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

The board entered Executive Session to Discuss the Potential Purchase of Real Property on River Street and the Specific Duties of an Employee(s) at 9:57pm

10:20 PM - Out of Executive Session Rodbourn / Rowe-Smalt 5-0

Motion - Accept the Resignation of Deputy Clerk Sara Hunn

Hubbard / Rowe-Smalt All n Favor 5-0

Mayor will take steps as discussed to fill in Executive Session to fill the position immediately at same pay rate / hours

Motion - In regards to the Employee W-2 Mailing Incident

1. Mayor will take appropriate steps with employee as outlined in Policy 28
2. Mayor will send letter to all effective parties outlining the incident and remedies
3. Life-Lock subscription, for one year, for any employee who wishes to subscribe

Hubbard / Rowe-Smalt 4-0 Rodbourn abstained

13. Regular Meeting Closing / Adjournment

10:21 PM Motion to Close Meeting and Adjourn

Hubbard / Rodbourn All in Favor 5-0

**Respectfully submitted,
Christine Haar**