

**VILLAGE OF AVOCA**  
**Meeting Minutes**  
**May 9, 2024**

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

The mayor announced the Audio Record of the Meeting.

Present at the meeting were Mayor Tyner, Trustees Hubbard, Gay and Rowe Smalt, Rebeka Abbott, Blake Abbott, Bill and Minnie Brennan, Emily Bottoni, and Karen Tadder, Superintendent Comstock came at the time of his department reports. Trustee Rodbourn was out of town.

The Pledge Allegiance to the Flag was said.

**The Reorganizational Meeting for 2024-2025 was called to order.**

Trustee Rowe Smalt asked about the village attorney not being present at meetings. She also questioned the same law office representing the village and the town. Attorney Russell said she doesn't see it as an issue but said it's worth discussing. Trustee Hubbard said he believes most of the work is done on the phone and between meetings and would like to continue to work with Attorney Russell.

The Mayor went through the appointments for the Village of Avoca.

**A motion was made to Approval of Appointments**

**Trustee Hubbard opposes the appointment of Zoning Officer Cagle.**

**Trustee Rowe Smalt opposes the appointment of Elizabeth Russell of Mullen Associates as legal consultants.**

**With those two oppositions, the rest of the appointments were voted on.**

1<sup>st</sup> Trustee Rowe Smalt 2<sup>nd</sup> Trustee Hubbard 4-0 All in Favor

**The Regular meeting was started.**

**A Motion to Accept Changes – VOA Policy #24**

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Gay 4-0 All in Favor

**A Motion was made to Accept Changes – VOA Policy #28 (Vacation Buyout Provision)**

**Sup. Comstock would like to be paid now rather than a buy out at the end. It was voted to keep the policy the way it is.**

**1<sup>st</sup> Trustee Rowe Smalt 2<sup>nd</sup> Trustee Hubbard 4-0 All in Favor**

The mayor asked for a motion to approve the **Minutes from the April 11, 2024 Board Meeting**

Trustee Rowe Smalt wants changes made to reflect page 2, paragraph 3-asking for the property on River Street to be cleaned up "because of safety reasons" and to add "someone indicated zoning officer should be contacted". The changes will be made.

Motion was made to accept the minutes with above changes:

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Rowe Smalt 4-0 All in Favor

A motion was made to approve: **Monthly Departmental Reports**

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Gay 4-0 All in Favor

**Visitors: General Comments**

Karen Tadder spoke to the board about her hopes of having an alumni reunion as a block party on August 3<sup>rd</sup>. She's had a great response to the events so far. It will be from 1-5 and she wanted streets blocked off for that time period. The band "Southern Exit" will be playing in the gazebo. The board discussed the closings and would like a few changes made before approving it. The mayor to her to reach out to the planning board for more information.

Minnie Brennan said that possibly the Brennans could provide a trailer to bring people from the parking area to the park. Minnie also told the board about an event at the Steuben County Fair Grounds on August 13<sup>th</sup> at 2pm, the Daughters of the American Revolution will salute the veterans of Steuben County.

Emily Bottoni spoke about the grant for Students Working in Parks. The grant is for \$400. Her students drew up proposals. She advised them on the types of plants that could thrive at the site with minimal care. She left to go to the school to get the plans for review.

## **Avoca Youth Sports**

The Mayor asked the Village attorney to give an update on the email about AYS advising this license is not needed and a written agreement was part of the outlined process. The Village Attorney stated she sent the license over and requested a review for any proposed changes as the license is needed to outline the terms of use by the fields with AYS. The Village Attorney was surprised by the "hard no" and felt it was understood a written agreement was going to be part of the entire process. She is recommending to the Board to have a license in place

Trustee Hubbard then asked Anthony Comstock, present, what was his view of it, since he is on the AYS board. Comstock stated they did not understand the need for the agreement as nothing has changed. The Mayor advised it has changed as the organization (AYS) is now separate from the Village. Discussion followed by all members.

Trustee Rowe Smalt advised this safe-guards both parts as the license outlines AYS has preference to use the facility as she feels we should just move forward with it. The Mayor advised this is being put in place as much to protect the youth sports as no one wants the programs to stop as it is for the kids. Trustee Hubbard outlined some of the provisions such as a health department certificate is required and the Mayor advised he believes this has been received. Comstock stated no other organization is required to provide a license and the Mayor advise this is changing in the immediate future for the other Village events.

Trustee Rowe Smalt felt all the AYS board should be present to discuss this and Comstock stated he was not present tonight to discuss the AYS license. Trustee Hubbard stated other entities, such as the school, requires this as well and this is a long-term use with access, storage, and extended use of the parks. He outline the use of electric and other details and stated he felt it was good to have in place so everyone knows the agreement in the future. Discussion followed on sheds, equipment and other items at the field.

Trustee Rowe Smalt wanted discussion between the AYS board president and what agreement can be made for a license. If there is a flat no from AYS, she said that is unfair. Trustee Hubbard discussed the pavilion use form and this license replaces and covers all the seasons. Trustee Hubbard stated there needs to be a writing agreement and if AYS wants to propose changes, we will discuss. Discussion followed. The Village Attorney is to draft an email response advising AYS that the Board wants a written agreement in place and we will listen to any proposed changes. Trustee Hubbard stated the Village allowed practice to start with insurance in place with the understanding a written agreement will follow. Now that AYS is stating they do not feel it is required, the Village may have to further discuss actions to be taken in response to the refusal to sign the license or amended license. Further discussion followed. Trustee Hubbard spoke on the funds raised, the buildings on the

property, the Village redoing the field this year, and the understanding was a written agreement would be in place. Trustee Rowe Smalt restated this license really protects AYS for use of the facilities. Trustee Hubbard restated his thought that the agreement needs to be in place for future issues that may arise. The Mayor stated the one section basically covers this program and the other language was a template from other municipal agreements.

The Village Attorney to draft and email to AYS outlining the Board decision to pursue the license, with amended changes as agreed upon.

## **Department Heads / Other Municipalities:**

### **a. Street & Water Departments – Tony Comstock**

- *The bid was opened for the new truck for the street department at 8:03.* The bid was for \$64,110 for the truck only. Total price with everything would be \$95,000. Only one bid was received from Simmons Rockwell.
- There will be an old fashion cap put on the hydrant at Gazebo Park.
- Tree trimming is needed around Gazebo Park. Tony asked if they could rent a lift. Trustee Hubbard and Mayor Tyner talked about doing it themselves.
- The concrete at Gazebo Park and around the bus memorial needs to be pressure washed.
- Memorial Park handicap concrete pads have been done. Locks for the doors have been done.
- River Street split rail fence has been taken down except for one small part by the ditch.
- The new fiscal year will start time accounting of the street department. A new form was made to have the workers put down what job they are working on i.e. water, street, mowing, and cemetery. This will hopefully help with budgeting for the different accounts better.
- Sup. Comstock spoke about the purchase of a concrete saw cradle. The purchase will be shared with the Town of Avoca. The cost is approximately \$700 and the bill will be paid by the Village and the other half will be billed to the Town.
- The mayor brought up the signage coming into Avoca. He asked if the school's art class might take on the project of fixing the sign by the gas station. Trustee Rowe Smalt also brought up the signage that is lacking by Hees Park. There was discussion about the trees at Hees Park. The pine trees may be owned by the state. The mayor will inquire.
- Handicap parking was also discussed. A local law would need to be passed to encompass all areas of the village: parks, town/village hall, American Legion, etc. Sup Comstock will get an estimate for signage for handicap parking.
- Sup. Comstock asked if the board had discussed his pay out of vacation. After more details, the board decided to add a line to his contract (section 7Fa) adding 45 days effective immediately.

### **b. Fire District**

- The real property transfer should be signed by May 18<sup>th</sup>.
- The fire district will pay for the new phone line installation and monthly billing.
- There was discussion about the cost of the booster for the new internet.

## **Updates on meeting with Town Supervisor – no new information**

### **Culture and Recreation Account:**

Megan Hubbard is willing to chair the "Friends of Avoca" which is going to be a board overseeing the community events that have been run through the village in years past. "Agfest" and "Christmas in the Park" are two such events. Atty Russell feels the village should not be involved with any fundraising or holding money from any fundraising. All the money that is in the account presently will be put in a "custodial account" separate from the village. There was further discussion, but no action will be taken at this time. It is on the agenda for June.

### **Renewal of Main Street Paving Bond – Five Star Bank - \$20,000 at 5.5%**

A motion was made to create the new BAN for \$176,000, paying \$20,000@5.5% with Five Star on May 27<sup>th</sup>.

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Gay 4-0 All in favor

### **Discussion and Update on the Purchase of 21 River Street**

The mayor updated the board. There is still one person who needs to sign off on the purchase form the seller's side.

### **Memorial Day Event**

The board discussed the Use of Gazebo Park and the Street Closures / Barricades

A motion was made to close the requested streets

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Gay 4-0 All in favor

A motion was made to allow the American Legion to use Gazebo Park for the festivities

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Gay 4-0 All in favor

### **Review and Approval of Expenditures from the General, Water and Grant Funds**

A motion was made to accept the expenditures

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Rowe Smalt 4-0 All in favor

### **Memorial Park**

There was discussion on Pavilion Rental Fee / Security – Updated Form. The board approved the new form.

A motion was made to hire someone to clean Memorial Park bathrooms for the summer at \$500

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Gay 4-0 All in favor

### **Cemetery Fee Schedule**

The board received an update from Trustee Smalt. She provided a sheet with recommendations for fees. Atty Russell will look at what procedure needs to be followed for any changes made. The cemetery policy will be reviewed.

Mrs. Bottoni was able to go to the school to get the plans the students did. The ideas will be on the Shared Drive for the trustees to look at.

### **NYMIR Insurance Renewal – MFA Requirements**

The mayor received a quote from Ed Flitz from Hornell. Ed thinks it's overkill for security, ut will get the basics done for NYMIR to be satisfied.

A motion was made to pay up to \$750 to have the computers up to NYMIR requirements

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Gay 4-0 All in favor

### **Levee Recertification – No update**

### **Grants Update:**

Bridge and Culvert NY Grant – the project is still slated to start in the summer of 2025.

**VOA Resolution 2024-03** – Second Signed Copy – the board signed the copy

A motion was made to accept VOA Resolution 2024-3C

**VOA Resolution 2024-04** – Intra Department Loan

Atty Russell will draft a BAN agreement with interest

A motion was made to create the BAN for the intra department loan

1<sup>st</sup> Trustee Rowe Smalt 2<sup>nd</sup> Trustee Hubbard 4-0 All in favor

**Clean Energy Grant Update** – Phase II Update – Phase III Outline

The majority vote was to use the money from the grant to purchase an electric UTV for the street department. There are no quotes yet.

The Phase II money has not been received yet.

In order to get the Phase III, we need to obtain more points. We have earned 1200 points so far.

**Windmill Historical Projects** – Project in Mitigation Phase-no updates

**FY2025 Application** – The application was submitted. If we get the grant, hopefully we can replace and add on new sidewalks down Main Street. There was also discussion about the road/sidewalks leading to Hees Park.

SLFRF (APRA) – Final Report submitted by April 25 – All Funds Expended

The Mayor's Update on Grant - Merging of Municipalities is that there are no grant postings.

1. Board Discussions / Agendas / Reports on Assignments

a. Mayor Tyner

1. County Office Furniture - \$200 fee for all the furniture we want.

2. Bridge Claim Settled We received a check for \$249.00

3. June Meeting – Request to move to June 20

A motion was made to move the June meeting to June 20 so Trustee Rodbourn can attend if it fits into the conference room schedule.

1<sup>st</sup> Trustee Rowe Smalt 2<sup>nd</sup> Trustee Hubbard 4-0 all in favor

4. Village Clerk – Comp. Time Payout – 68 hours

A motion was made to pay the village clerk for her 68 hours of comp time at regular rate for accumulated time through the year.

1<sup>st</sup> Trustee Gay 2<sup>nd</sup> Trustee Hubbard 3-1 Trustee Rowe Smalt opposed

5. A motion was made to hire Richard Blafield at \$65/hour to help audit the books

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Gay 4-0 All in favor

6. The mayor talked about paving South Maple Street and the 3 dead end streets in the village.

b. Trustee Hubbard-none

c. Trustee Gay-none

d. Trustee Rowe-Smalt-asked about a temporary assistance from the state for \$715

e. Trustee Rodbourn - absent

f. Village Clerk / Treasurer Haar

1. Music in the Park – the clerk stated that the Greater Steuben Chamber of Commerce has already committed to the bands for the year. We could try to get ahold of them earlier in the year next time.

2. NYClass Financial Information-more information will be given by the representative for next month.

A motion was made to adjourn the meeting

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Gay 4-0 All in favor

The Regular Meeting was adjourned at 10:07

Respectfully submitted,

Christine Haar Village Clerk