

**VILLAGE OF AVOCA
BUDGET HEARING AND REGULAR MEETING
APRIL 11, 2024**

The regular meeting of the Village of Avoca Board was called to order at 7:00 PM. Mayor Tyner announced that the meeting was to be recorded.

Present at the meeting were: Mayor Tyner, Trustees Rowe Smalt, Rodbourn, Gay and Hubbard, Minnie and Bill Brennan, Randy Smalt, Barbara Goodrich, and Clerk Haar.

The Pledge Allegiance to the Flag was said.

Mayor Tyner asked for a motion to open the Public Budget Hearing.

1st Trustee Hubbard 2nd Trustee Gay All in favor

Mayor Tyner explained the Budget Message and addendum of the message. He asked if there were any questions from the board or the public. No questions.

A motion was made to end the Budget Hearing

1st Trustee Rodbourn 2nd Trustee Hubbard All in favor

A Motion was made to approve the minutes from the March 14, 2024 Board Meeting

1st Trustee Rodbourn 2nd Trustee Hubbard All in favor

A motion was made to accept the monthly Departmental Reports

1st Trustee Rowe Smalt 2nd Trustee Hubbard All in favor

The mayor asked the public if they had any comments: NONE

Mayor Tyner discussed the differences of the amended budget.

A motion was made to Adopt of the Final 2024-2025 Budget

1st Trustee Hubbard 2nd Trustee Gay All in favor

The Youth Sports Program was discussed. Mayor Tyner thanked Trustee Hubbard and Attorney Russell for all their work on the transfer of the program. The only other transfer of money will be from any donations made to the Benton Memorial. The Benton family stated that they wanted half of the donations to go back to the village. Trustee Rodbourn is opposed to the village taking any money that was donated to the youth program from the Wayne Benton Memorial. Trustee Hubbard agrees and he felt the new Avoca Youth Sports group should have been given the money and if they wanted to give back to the village, they could. Attorney Russell said that option was given and the Avoca Youth Sports did not want to do that. Mayor Tyner said after all the donation money is taken in, the board can decide what they want to spend the village portion for.

The bank account will also be reused for a different purpose.

Attorney Russell wrote up a lease agreement for review with no vote on it at this meeting. Mayor Tyner said there were questions about section "M" and the lights at Hees Park. They are on a separate count with NYSEG. Trustee Hubbard said that Jesse Galvin from Avoca Youth Sports does not think they will be using the lights very much this year. Trustee Hubbard also said the village has always paid for the lights so he doesn't understand why that would change. Trustees Rodbourn and Gay agree with Hubbard. Trustee Rowe Smalt thinks the program should be paying for itself and not keeping money in its pocket. She feels the program is a school district not village program and questions why only village tax payers are paying for the lights. Mayor Tyner agrees with the majority that it has been paid for since the beginning. Trustee Rowe Smalt suggested that it should say "not

to exceed _____". The lease is renewed every year, so it can be discussed after one year to see what the cost has been. Trustee Rodbourn thinks the lease is too long. Trustee Rowe Smalt said it also safe guards the village residents. Trustee Hubbard thinks it spells things out for both entities. Mayor Tyner would like to have something for AYS to review soon. There is a fee of \$1 which the village is only stating on paper for legal purposes. Attorney Russell will send to Jenn Galvan and Mayor Tyner will ask if the insurance has been put into effect yet.

The shelves at Memorial Park have not been purchased yet.

The infield at Hees Park was replaced. A motion was made to move \$13,000 from reserves to pay Manciocchi Landscaping for the Gazebo Park work and Batavia Turf for the infield work. The Culture and Recreation Reserve will reimburse the funds June 1, 2024.

1st Trustee Hubbard 2nd Trustee Rowe Smalt All in favor

Mayor Tyner discussed the Purchase of 21 River Street – Park Expansion Project. The purchase price would be \$4000, which includes the back taxes on the property being paid by the seller. There is one property holder that needs to sign off on the agreement. The shed will be removed by the owner before the purchase. Trustee Rowe Smalt asked if the village could start cleaning the area before the agreement is complete. The issue of liability was brought up. The mayor will ask code enforcement to get involved.

A motion was made to set the date and time of the VOA 2024-2025 Reorganizational Meeting – Set for May 9, 2024 at 7:00 PM.

1st Trustee Hubbard 2nd Trustee Gay All in favor

Mayor Tyner asked Minnie Brennan if she knew about the School Grant Project – Students Working in Parks. She contacted Emily Bottoni who said the kids are going forward with ideas, but the grant hasn't been approved yet.

The mayor asked for a motion to re-levy of unpaid 2023-2024 Water Bills on the 24-25 Village taxes.

1st Trustee Hubbard 2nd Trustee Rodbourn All in favor

Department Heads / Other Municipalities:

Street & Water Departments –Mayor Tyner gave an update.

The water leak was found out on St Rt. 415. The leak was 80,000gallons per day.

Gazebo Park sidewalk will be completed once there is good weather to pour concrete.

Gazebo Park landscaping and bushes-there was discussion about gravel around the lattice so the street department didn't have to weed whack too much.

Memorial Park – The concrete for the handicap pad by bathroom entrance will also be done once there is good weather to pour the concrete.

Mayor Tyner said the split railing fence on River Street is down. The sidewalk is being done with new concrete. Trustee Rodbourn looked into the right of way and there are still no clear answers.

The bids for the Ford F550 are out and will be opened at the May meeting. Trustee Hubbard said he would like a battery disconnect on the 2015 truck. It would bring it to compliance.

Trustee Hubbard also said he asked at the Town of Avoca monthly meeting if the town highway department would like to share services with our village street department. The town is not interested at this time.

Fire District

The fire district has asked for Water Relief for First Quarter of 2024.

A motion was made to give the fire district relief for the 150 gallons of water used in the quarter
1st Trustee Rodbourn 2nd Trustee Gay All in favor

The Real Property Transfer has not been completed yet. Attorney Russell explained that a Quit Claim deed can be done, but the property description doesn't match the old deed. The fire district doesn't want to pay for a survey. Attorney Mullen will write up a property description that clarifies the property borders. Attorney Mullen can do a subdivision for the triangle area that attaches to the building. The village agrees to the subdivision.

Town-updates on meeting with Town Supervisor – The town supervisor would like the village clerk's things moved off the town desk so they can get things changed around. Mayor Tyner is meeting someone at the County to look at their surplus desks so the former clerk's desk can be removed and replaced.

A motion was made to approval the expenditures from the General, Water and Grant Funds
1st Trustee Hubbard 2nd Trustee Rowe Smalt All in favor

The mayor will speak to the fire district to see if they would like to change to Spectrum when the village does.

A motion was made to authorize Spectrum to come do the phone and internet change over
1st Trustee Rowe Smalt 2nd Trustee Hubbard All in favor

Memorial Park

There was discussion on Pavilion Rental Fee / Security. Questions that arose were:

Who will check to see if the facility is clean and in good order for the security deposit to be returned?

How will the facility be cleaned if both weekend days are rented?

How do people get the keys to the office and get their security deposit back? All board members wanted the key returned at the end of the rental.

Mayor Tyner will use the back of the form to give options to people about paying and getting the keys and their security deposit back. He will have the new form on the Shared Drive for review.

Cemetery Fee Schedule – Updates from NYCOM were given to Trustee Rowe Smalt. Mayor Tyner referred to the information on the shared drive about the differences between municipalities and cemetery associations. She will try to get some information from other cemeteries to help with the fee changes. She also brought up possibly invest any excess money from the cemetery in to a CD to earn interest.

NYMIR (New York Municipal Insurance Reciprocal) NYMIR requirements dictate that we have 2 factor authentication for anything electronic that we log into and share information. The choice is to not use NYMIR for our renewal or try to find someone to do it for us. Matt Foster does not think he can do this for the village. The Mayor asked Clerk Haar to look into other companies to do it for us.

Levee Recertification Mayor Tyner said there are only 2 miles out of 110 miles of levees that are certified in NYS. Most levies are in Steuben, Chemung and Schuyler counties. The certification project would cost about \$15,000,000. The Army Corp of Engineers own the dikes which were built in 1938. They are maintained by DEC. At this time anything that is 3" too low for a 100 year flood model is not considered certified. Village residents do not have to carry flood insurance because of the dikes. This is more of an FYI, no action is being taken yet.

VOA Policy #4 deals with fundraising by the Village. The mayor would like to rescind the policy as we are not allowed to fundraise. A new policy will be worked on. The mayor stated that we can receive donations, but cannot fund raise. The committees for Agfest and Christmas in the Park are looking to form a group separate from the village to organize and hold their events

A motion was made to rescind Policy #4

1st Trustee Hubbard 2nd Trustee Rodbourn All in favor

Grants Update

The mayor does not see any issues with the scope of service. Everything is still set to start work in 2025. At this time the project is \$11,000 under budget. Right of way was designated for the culvert project costing \$35,000. The breakdown is \$214,000 for engineering and \$995,000 for the construction. The plan is still to have a 2 lane bridge with a sidewalk. There are alternate plans if this doesn't work. Mayor Tyner asked the board if he could go ahead with the three documents for scope of service with CPL and the board said they were fine with that.

VOA Resolution 2024-3- Right of Way Designation

This is designating NYS DOT by our agent to create the ROW for the project.

A motion was made to pass Resolution 2024-3 for DOT ROW for culvert project

1st Trustee Hubbard 2nd Trustee Rowe Smalt All in favor

DOT Supplemental Agreement 1 which outlines redistribution of the ROW and payment to DOT for doing it.

A motion was made to sign and accept the DOT Supplemental Agreement 1

1st Trustee Hubbard 2nd Trustee Gay All in favor

Original Amended Agreement D0414107.6567.66 which specifies DOT doing the ROW, not CPL and a change in the budget.

A motion was made to accept the agreement

1st Trustee Hubbard 2nd Trustee Gay all in favor

Water Department Intra Fund Loan The board agrees to pay the original \$100,000 with 5.5% interest on the loan from the water department. No action will be taken yet.

Clean Energy Grant Trustee Hubbard spoke with Mike Brown from NYSERDA. The one thing that is clearly not allowed to use for Phase II are the baseball lights. The funds for Phase I has an extension of 6 months. Mayor Tyner brought up replacing the golf cart with a UTV that is electric. Trustee Rowe Smalt would like to use it on lights for downtown and at the parks. Phase III is \$50,000. Clarification and quotes are needed for options to use the money.

Windmills: still in mitigation

FY2025 Projects Now Open – Main Street Sidewalks and Parks

The bigger the better" Avoca falls under the rural community and agricultural which is under 1000. The sidewalks on Main Street could be replaced. Mayor Tyner asked if anyone wanted to learn about grants to help with this. Trustee Rodbourn signed up to learn it with Mayor Tyner. These are federal grants.

Downtown Revitalization Grant There is a Seminar on May 9th in Watkins Glen that Mayor Tyner is attending. Only three municipalities in Steuben County signed up for it.

SLFRF (APRA) – Mayor Tyner will have the Final Report submitted by April 30.

Merging of Municipalities – No Grant Posting

a. Mayor Tyner

1. Purchase of Audio Software for Monthly Audio Minutes cost \$34.
2. County Office Furniture-Jack Wheeler will have someone touch base with Mayor Tyner to go look at the surplus furniture.
3. NYSEG Tree Trimming-Mayor Tyner met with representatives from NYSEG and the Tree service to address the situation. The tree trimmers cut the trees to forest standards, not village. The mayor has all the contact information to give to village residents. He will have a notice on Facebook and at the office for people. The residents can give their account number that will be given to NYSEG to address issues. Trustee Hubbard asked if our account for NYSEG can be attached to the village tree issue.
4. The letter for the water meter upgrades should be sent out. Mayor Tyner wrote a letter and it will be sent out June 1.

b. Trustee Hubbard asked about parking side streets during sporting events in the village. People can park on sides except Nov. 1-April 1 and they can't block driveways. School should put up signs for parking during events. The village can't regulate it. Trustee Rodbourn said he would talk to the school superintendent about it.

c. Trustee Gay - Nothing

d. Trustee Rowe-Smalt asked about the dead trees at Hees Park on Rt. 415.

She would like to see them taken down.

She also asked about having a sign coming in to Avoca by Hees Park.

The sign on Main Street is in bad condition as well.

She said she talked to Jesse Galvan about the Avoca Youth Program and he seems happy about everything.

She announced the Memorial Day Parade is at 10am on May 27th and wanted everyone to know she needs the park and street closure information. Mayor Tyner said we could do it at the May 9th meeting.

c. Trustee Rodbourn mentioned that the American Legion would like to have handicap parking in front of the legion. Mayor Tyner said anything on the road/Main Street is to be done by the street department.

The War Dads of the American Legion would also like to pursue a veteran memorial at Gazebo Park.

d. Village Clerk / Treasurer Haar She wanted to make sure the board was fine with her putting a legal notice in the paper about the water levy. She spoke about NYClass, a banking option solely for municipalities. It can earn much more interest on accounts than a traditional bank and is highly regulated. The contact person is out of the office, but she will have an update as soon as possible.

Visitors Comments: Barbara Goodrich wanted to make sure both accounts were on Mayor Tyner 's list. She spoke about her issues with the trees.

Power went out twice during visitor's comment section.

A motion was made to go into executive session for discussion of the matters below.

1st Trustee Rowe Smalt 2nd Trustee Hubbard All in favor

Executive Session started at 9:25pm

Executive Session to Discuss the Specific Duties and Compensation of Village Employees

- e. ZBA Chairman Resignation – Planning Board Members
- f. 2024-2025 Salary Discussion – Maintenance Supervisor
- g. 2024-2025 Salary / Hour Discussion – Village Clerk / Treasurer

A motion was made to come out of executive session

1st Trustee Rowe Smalt 2nd Trustee Hubbard

A motion was made to accept the resignation of the ZBA Chairman, Jennifer Galvan
1st Trustee Hubbard 2nd Trustee Rowe Smalt All in favor

A motion was made to close the regular meeting
1st Trustee Hubbard 2nd Trustee Rodbourn All in Favor

Meeting was adjourned at 10:32

Respectfully submitted,

Christine Haar
Village Clerk/Treasurer