

**VILLAGE OF AVOCA**  
**MINUTES FOR THE REGULAR BOARD OF TRUSTEES MEETING**  
**OCTOBER 12, 2023**

At 7:00 PM the Regular Monthly Meeting was called to order.

Board Members Present: Mayor Tyner, Trustees Gay, Rowe Smalt, Rodbourn, Hubbard  
Village Clerk / Treasurer Haar

Visitors: Bill and Minnie Brennan, Bonnie Hunt

Department Heads: Chris McDougal and Anthony Comstock were not present.

- 1. Review – Approve: Updated Minutes from the August 10, 2023 Regular Meeting**  
The motion was made to approve the minutes with the changes that had been made as requested

1<sup>st</sup> Trustee Rodbourn 2<sup>nd</sup> Trustee Gay All in Favor 5-0

- 2. Review – Approve: Minutes from the September 13, 2023 Joint Village / Town Meeting**

Trustee Rowe Smalt asked if we could update that the members of the Town Board are Councilman, not Trustees, for clarification in the minutes. The minutes will be updated and reviewed again at next month's meeting.

- 3. Review – Approve: Minutes from the September 13, 2023 Joint Fire District Meeting**

Clerk Haar advised that Holly Woodworth was the minute taker for this meeting and we will have to secure those minutes for approval at next month's meeting. Tabled until the November 9, 2023 meeting.

- 4. Review – Approve: Minutes from the September 14, 2023 Regular Meeting**

No comments on minutes, motion to approve:

1<sup>st</sup> Trustee Rowe Smalt 2<sup>nd</sup> Trustee Rodbourn All in Favor 5-0

- 5. Review – Approve: Minutes from the September 26, 2023 Joint Fire District Meeting**

Trustee Rowe Smalt brought up and commented about minutes on the current budget for the Fire Department as opposed to the actual budget. Further discussion on the provided minutes determined the two provided minute documents should be combined into one document containing all information on the Joint Meeting and the Village Board Meeting and discussion / approval. Minutes tabled for review in final form at the November meeting.

## 6. **Monthly Departmental Reports**

Mayor Tyner asked for a motion to approve the Monthly Department Reports of this month.

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Gay All in Favor 5-0

## 7. **Visitors: General Comments**

Bonnie Hunt asked if there could be some kind of regulations on the lawn signs that are in many different areas of the Village. The Mayor said he is looking at creating a policy with the attorney for the placement of signs on Village property at the 4 corners to address this issue.

Mrs. Hunt requested that the Village send Thank You notes to Maggie and Megan Hubbard for taking care of the plants and flowers at the park in the Village this summer.

Mrs. Hunt inquired about the naming of the park. The Mayor advised this item was on the agenda below, but it can be discussed now. The Mayor advised that the results of the survey conducted by the Planning Board was submitted with the top two results being: 1. Tiger Park 2. Sweet Vale Park Discussion followed and the Mayor advised these we just the results forwarded, the naming of the park can be discussed and set by the Village Board. Mrs. Hunt stated that it has always been known by the local residents as Gazebo Park. Discussion followed.

Motion from previous discussions to officially name the park located on North Main Street as **Gazebo Park**.

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

Mrs. Hunt requested that the Village set the yard sale dates for next year to be on Mother's Day weekend. She stated it was always that day until the Village changed it years ago to the first weekend in May. Discussion followed and board members stated that a lot of residents do not want on Mother's Day weekend due to other activities. The Mayor advised that the village wide yard sale event is not a Village sponsored activity and residents can have yard sales any weekend they choose.

## 8. **Leann Wightman Employee Appreciation Presentation**

The Mayor advised he has not heard back from Leann Wightman and she is not in attendance. Discussion followed and determination made that Trustee Rowe Smalt would secure the letter, presentation item and Board purchased gift card and drop off to Leann Wightman.

## 9. **Department Heads:**

The Mayor advised that both Department Heads were unable to make tonight's meeting, but went over the updates on the listed items as presented:

**a. Street & Water Departments – Supervisor Tony Comstock not Present**

1. **Sidewalks** – Remaining Sections / Plan for Outline on Carrington Street
2. **South Main Street Drainage Easement** - Scheduled
3. **Memorial Park** – Water, Fence, Smith Street Parking in Spring
4. **Cemetery** – Stones Reset and Camera – Dispute Settlement
5. **Cemetery** – Outline for Cost / Hours / Equipment being Completed
6. **Railing at Fire Department** – Installation in Progress
7. **Outline for new Ford F550 Vehicle** – Specs on Shared Drive for Budget

**b. Fire and Ambulance Departments – Chris MacDougal not Present**

1. **Multi-Agency Airpack Grant** - Paid Invoice **(\$16,366.59)**
2. **New Ladders** – Paid Invoice
3. **Ambulance** - Discussion of Final Payment of BAN on December 18, 2023
4. **Stretcher** – Discussion on Final Payment of Stretcher on December 18, 2023
5. **Contractor Update - New Doors / Windows (\$4,530)** The project is not complete yet. A bill was submitted by the contractor and will be reviewed and paid once all work is completed.
6. **Fire District Separation – Meeting with Board of Commissioners**
  - A. The Mayor attended the Fire District Commissioner Meeting and will be drafting and putting together a MOA on Plowing, Internet, Gas Pumps, etc. He also passed out the potential expenditures of the Fire Department Reserve Funds to pay off all pending items for the Fire Department on December 18, 2023. The Mayor advised this is just a proposed plan at this time, it will be discussed further at the November meeting for action at the December meeting. The Mayor also advised that the Board will have to look at what is being done with the operations line items for the fire department after January 1, 2023. The Mayor explained that the Village residents have paid for the fire department from June 1, 2023 to May 31, 2024 and the Fire District tax will be from January 1, 2024 to December 31, 2024, so essentially the Village residents will be getting taxes twice for the same service. The comptroller’s office will be consulted on this issue and this topic has been relayed to the Fire District Commissioners. Option discussed included a refund on next year’s taxes, applying this amount to a Village BAN such as Main Street Paving, or application to another Village project.

**10. Policy Discussions:**

- a. **Policy #28 - Village Clerk and Deputy Clerk** -The Mayor advised the final draft of this policy with the requested changes and clarifications asked by Trustees has been completed. Final discussion on policy and the Mayor asked for a motion to put Policy #28 into effect.

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Rowe Smalt All in Favor 5-0

**b. Policy #32 - Records Retention/Recording Monthly Meeting Policy**

The Mayor explained that it was difficult to condense a 422-page document into a 6-page policy and cover all items, so in this policy there is constant reference to the State Records and Retention outline. Trustee Rowe Smalt inquired as to the retention time for the audio recording of the meetings and the process for destruction of both documents and digital records. Discussion followed as to how long was a good time frame to set for destruction of records and the Mayor advised by law they must be retained at least 4 months. Mayor Tyner also commented that some records or recordings will have to be retained if they fall into the exemption category, such as being a historical record, involving pending litigation, etc. The board decided the policy should state audio records will be destroyed, unless fitting into an exemption category, (12) months after creation. Mayor Tyner will update the policy as presented and sent to the Village attorney for review of this policy for next month's meeting. Policy and attached Resolution tabled until November.

**11. Review of Village / Town Joint Meeting on September 13, 2023**

**a. Internet Service:**

The Mayor explained that a quote was given for high-speed internet. The highest speed would be \$164.99/month. The next speed down would be \$64.99/month. Trustee Hubbard said he has the \$64.99/month coverage and it works well for his household with multiple devices in use. Mayor Tyner will speak with Matt Foster and also with the Town Supervisor about what upgrade is preferred.

**b. Contractor Quotes for Building Repairs**

There is no update on contractors for the building yet, the Mayor has contacted the Town Supervisor twice for a meeting and is waiting for a response.

**c. Copier – Discussion on Lease Potential**

Mayor Tyner will discuss this possibility with Town Supervisor Wightman.

**12. Cost of Private Mowing of Cemeteries / Ownership of Cemeteries / Association – Update**

Trustee Rowe Smalt spoke with Frank Hoffman regarding a quote for mowing. He stated it would roughly be \$22,000/year which would include mowing (3) times per month with (3) workers. He has his own insurance and this includes everything. He can provide a written quote if requested and if the Village is seriously looking into private mowing of the cemeteries. Trustee Rodbourn asked if it included weed whacking and Trustee Rowe Smalt said it does. Trustee Rowe Smalt said she needs the cost of the work for the village street department to know if Mr. Hoffman's price is comparable. The Mayor advised he has spoken with Maintenance Supervisor Comstock and he will prepare the cost outline for the Board to review for comparison.

Discussion also followed on the cost of digging graves and putting in foundations. This is not included in the mowing estimate and discussion followed on the Street Department

continuing this duty, if private mowing is being considered. Statement made that the funds from selling lots could be used to cover this expense.

Trustee Rowe Smalt also brought up the funds in the budget for the summer school program that weren't used could also be looked at to cover this cost. Discussion followed and item tabled until November when the outline from Maintenance Supervisor Comstock is available.

### **13. Update and Discussion on Youth Commission / Summer Activities – Update**

Trustee Rowe Smalt asked Trustee Rodbourn to contact Aaron Mullen about the uniforms that were not returned after the season last year as she has had issues getting a response. She stated she has made requests for people to take over the program next year and hasn't had anyone take her up on the offer. Trustee Rodbourn gave her another name to try. She stated she will also try to contact the athletic director at the school to see if they know of anybody who may be interested in heading the program. Trustee Hubbard will get all his information together from when he was in charge of the little league program and send it to Trustee Rowe Smalt for use and comparison.

Trustee Rowe Smalt asked about the shelving for the pavilion at Memorial Park. She wanted to know if it would be adjustable or not. Mayor Tyner suggested she we consider looking at the adjustable heavy-duty shelving that can be moved if need, such shelving is available at Sam's Club. Trustee Rowe Smalt wanted to know where we are with the youth program fundraising funds. She would like to see the infield at the baseball field done this fall. Information needs to be gathered from other Little League fields before any action can be taken and Maintenance Supervisor Comstock was supposed to provide the infield replacement information. The Mayor advised he had spoken with Comstock on this and he was working on it, but no final numbers of outline was available at this time. Trustee Rodbourn stated he would look into the infield replacement as discussed for next month's meeting.

Further discussion then followed on the spending of the funds raised by each summer youth committee for such items as the infield replacement, shelves, etc. Trustee Rowe Smalt stated that since no person was running the program she felt the Board could spend and allocate those funds. Trustee Rodbourn asked about spending the money without the approval of the people who did the fundraising. The Mayor advised that the Board can not spend those funds as they were raised through fund raising, all we can do is approve the expenditure out of the accounts as made by each committee, such as the AgFest or Christmas in the Park committees. Discussion followed. Trustee Rowe Smalt stated she doesn't think the taxpayers should be paying the cost of it. Trustee Hubbard said people from other areas use the parks too and that we as a board can not make decisions on how the youth program fundraising money is spent. It was determined that a policy should be drafted a put in place to address outside fundraising and how funds being maintained by the Village to pay for things and how each event or organization in run and reports to the Village Board. Mayor Tyner advised there is no need to create a policy from scratch and he will contact NYCOM to see how the youth

programs should be managed and secure examples of policies to draw from for this policy.

#### **14. Update on Meeting with Community Bank on Rates / Accounts**

Mayor Tyner advised that previous meetings were scheduled and have been canceled by both parties due to conflicts. A different date will be set and the Mayor will give an update at next month's meeting.

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

The Mayor asked for a motion to approve the monthly expenditures:

1<sup>st</sup> Trustee Rodbourn 2<sup>nd</sup> Trustee Hubbard All in Favor 5-0

#### **16. Update on new Gazebo for Main Street Park**

##### **a. Site Plan**

The Mayor advised that the foundation work for the proposed Gazebo will have to go out to bid and an estimate of the work would roughly be \$2,000, depending on what is included in the specs. The Mayor will draw up the specification for the foundation work and put on the Shared Drive for Trustee input before the Village Clerk will put out in advertisement on Monday. The electric meter being moved should be also considered and put out to certified electricians. The Mayor advised the movement of the water line and new sidewalk to the Gazebo will be completed by the Village Street Department.

Discussion followed on the timeline of when to order the Gazebo. Whether the project can be completed before Christmas in the Park or if it should wait until spring. Trustee Hubbard stated we need to know the cost estimates for the foundation and the electric being moved to proceed, but if these fall within the budget the project should proceed. Discussion followed on a potential increase in the cost of the Gazebo with world events and if we accept the quote from the Amish Workshop how long is the quote good for, until spring of 2024? Trustee Rodbourn advised he would check and this a report back Mayor Tyner advised that if the specs for the foundation go out and we have back quotes by the end of the month, a Special Meeting could be called to approve the foundation work and other items, such as electric, in an attempt to have the new Gazebo in place for Christmas in the park and a dedication ceremony. Discussion followed and it was determined to go ahead with ordering the Gazebo if the quote price will remain in place and put out the public notice for the hiring of a contractor for the foundation after all bids were received. The Mayor advised again a Special Meeting would be needed to accept the foundation work quote, but that can be posted.

1<sup>st</sup> Trustee Rodbourn 2<sup>nd</sup> Trustee Rowe Smalt All in Favor 5-0

##### **b. Allocation of Funds – Timeline Discussion**

Mayor Tyner advised an email from Superintendent Saxton stated that the funds in the budget for the summer program at the school were not being requested by the school, so those funds could be reallocated to use for the purchase and work to be done for the gazebo. The Mayor advised that the amount of the budget is \$29,000, but this actually includes the funds that would be reimbursed through the town, so the actual number is around \$17,000. The Mayor advised that the AgFest committee is also donating \$5,000 in funds raised toward the Gazebo foundation and the beautification committee has stated they will donate \$2,000, as confirmed by Mrs. Hunt. The would be \$24,000 for the purchase of the Gazebo and foundation site work, electric, etc. Discussion followed on attempting to put all items in place for the construction of the Gazebo in November, but if not possible wait until the spring of 2024. The decision was made to proceed with the project as discussed. The Mayor advised that a motion would be needed to accept the donations from AgFest and the Beautification Committee for the funds to be applied to the construction of the new Gazebo.

Motion to accept the donations from the Beautification Committee(\$2,000) and AgFest Committee(\$5,000) as outlined.

1<sup>st</sup> Trustee Rodbourn    2<sup>nd</sup> Trustee Rowe Smalt    All in Favor 5-0

## **17. Proposed Local Laws**

### **a. 15 MPH Seed Limit on Exchange and Mill Streets**

Mayor Tyner stated that he contacted NYS DOT about Mill Street speed limit being reduced to 15 MPH as discussed. DOT advised that have no jurisdiction over this matter, however they advised the new state law outlines the minimum speed limit is 25 MPH, unless in a school zone. DOT made the suggestion to put up and advisory speed sign up with 15 MPH (yellow and black) at both ends and include the sign for this reason, such as a one lane street or curved street ahead. The attorney will be checking to see if a local law or just a resolution would have to be passed to put up the advisory speed signage.

Mayor Tyner advised on the previous discussion of the speed limit reduction to 45 MPH on State Route 415 from Michigan Hollow in the south to across the bridge on the north end as discussed. The Mayor spoke with NYS DOT (Chris Jordan) who advised that a speed study will have to be completed before this topic can be proposed. The Mayor advised this telephone request was all that was needed since any citizen can request the speed limit being changed, so no approval or discussions with any other entity was required. Trustee Rodbourn stated he knows of at least (2) prior speed studies in the same section of the state road when he was a trooper and that it will be an uphill battle to try to reduce the speed limit.

### **b. Establishing of Community Standard**

The Mayor spoke about the recent Town Court decision is regards to a village property and refuse on the property. One of the issues with this was the lack of a community standard for the Village. The Village attorney provided a sample community standard to review. The Mayor has forwarded this and tasked the

Planning Board with this project and to make a recommendation to the Village Board. Discussion followed. The Mayor advised the current zoning document outlines most of the same criteria, but if this helps with any future issues it was worth checking into at this time.

## **18. Memorial Park Updates**

### **a. Bathrooms - APRA Funds and Allocation of Funds for final Quote**

Mayor Tyner said we just under \$16,000 left for the bathrooms in the ARPA Grant fund account still available for this project. These funds have specifically allocated to this project, but is short of the final project estimate of \$19,500. Discussion followed on the use of the AIM funds received of Park Project line item to cover the cost of the bathrooms over the APRA funds available. Motion made to use the 2023 AIM funds received to pay the remainder of this project.

1<sup>st</sup> Trustee Rowe Smalt 2<sup>nd</sup> Trustee Hubbard All in Favor 5-0

### **b. Survey for Park Names: 1. Tiger Park 2. Sweet Vale Park**

In a discussion above during the visitor comment section with the board, it was discussed and decided to name the park as it has always been known by the local residents: Gazebo Park.

Motion above from previous discussions to officially name the park located on North Main Street as Gazebo Park.

### **c. Handicap Access Pad**

The Mayor advised that the one bathroom at Memorial Park will be designated as handicap accessible and part of this will be the placement of a 5-foot-wide concrete pad from under the pavilion to the bathroom entrance. The door sill will also be removed to facilitate wheel chair access. The Street Department will pour the pad for the access to the handicap bathroom in the spring of 2024.

## **19. Grants Update**

### **1. Downtown Revitalization Initiative - NY Forward – Grant Criteria**

The Mayor stated that this grant relies on low-income housing. The Mayor received a call after submission of the Letter of Intent and was advised the panel had decided on giving (2) 4.5 million grants for this region and the criteria for submission.

Since there are no plans for low-income housing at this time in the village, the Mayor is not going to pursue the grant further at this point, but a new Grant will be coming out for next year. Five Star Bank currently has possession of the two buildings at 2-4 Main Street that are vacant. Five Star Bank, Laura, and they are looking into the taxes being paid and what is being planned with the property. Discussions included if the Village had interest in these properties.

### **2. Bridge and Culvert NY Grant – Resolution and SLA to be Passed**

The Mayor advised that the NYS DOT contact, Dawn Sutfin, was out for a few weeks, so the SLA and Resolution will be tabled until November. Once those two items are complete the RFP will be done and sent out the approved (15) region firms

on the list for construction. Mayor Tyner advised he will be watching a 3-hour webinar on October 19, 2023 in regards to Grants and discussion followed if any other Board member wants to also watch. Trustee Hubbard expressed interest and the Mayor will check to see if he can watch from another device. Trustee Rowe Smalt said she may join.

**3. Federal Infrastructure Grant – Ongoing**

The Mayor advised he is waiting the drainage outline from Maintenance Supervisor Comstock. The Mayor did speak with him and the figure for material was \$10,000, but if hired out it could be triple that amount. Any other item to include are to be forwarded to Mayor also for possible inclusion in the Grant.

**4. Clean Energy Grant Update – Award Received – Project Discussion from Outline**

The Mayor advised we have received the award for \$5,000 and we have to look at the list of potential projects for this Grant. Ideas from the list for the \$5,000 were discussed. There have to be several ideas submitted for the Grant. The two projects at the forefront for these funds will be the change out the lighting at Hees Park to High-efficiency / LED lighting to save on electric costs. The second project under consideration is the changing out of the lamp post bulbs along Main Street and in Gazebo Park. New globes for the lights and possible a few new trees for the park were also discussed.

**5. Windmill Historical Projects – Update**

There has been no further discussion or progress on this topic as stated previously the Mayor is awaiting a response from the Town Supervisor.

**20. Board Discussions / Agendas / Reports on Assignments**

**a. Mayor Tyner**

**1. Background Checks on Employees** – The Mayor advised of the two sites for this process in Hornell and Penn Yan. Each person will have to schedule their own appointment.

**b. Trustee Hubbard** – Nothing at this time.

**c. Trustee Gay** – Nothing at this time.

**d. Trustee Rowe-Smalt** – Trustee Rowe Smalt inquired about the possibility of accepting debit or credit card payments from Williamson. She has made contact with a clerk in Wayland who said it works great and it should be free of charge. Clerk Haar will contact Williamson and get an estimate to provide this service for the next meeting.

Trustee Rowe Smalt said she liked the newsletter layout that is being proposed much better than the first one.

Discussion on the setting of Trick or Treat hours for the village followed. Trick or Treat hours to be set for Tuesday, October 31, 2023 from 6:00 PM to 8:00 PM.

Trick or Treat hours to be placed on the electronic sign.

She also requested that sponsor letters for the Banners be sent out in February.

**e. Trustee Rodbourn** – Nothing at this time.

## **Further Items / Topics:**

### **f. Village Clerk / Treasurer Haar**

1. Clerk Haar requested a remote check scanner to be secured from Five Star Bank. Clerk Haar explained how the check scanner can capture the check and send it directly to Five Star for deposit so she does not have to wait at the bank for the checks to be scanned. She stated that this is a free service as we would only require one scanner. She will still need to go to the bank weekly for the cash deposits. Discussion followed and a motion was made for Clerk Haar to contact Five Star Bank to get the scanner ordered.

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Gay All in Favor 5-0

2. Clerk Haar thanked the board for allowing her to go to the NYS Clerk Conference. She was able to sign up for a mentor to help her learn the systems.
3. Clerk Haar mentioned that the 20 hours per week seem to be too few to get all the job duties done for the positions of Clerk and Treasurer. A list of duties was passed around at this time to be shared with the board. The Mayor advised this list was not on the shared drive at this time, but he has been in discussion with Clerk Haar and the list is being compiled for discussed at a later date as this is a budgetary issue that would have to be addressed.
4. A newsletter sample was distributed on the Shared Drive. It was decided that the final draft will be discussed at the November meeting before it can be sent out with the water bills.

## **21. Call to Village Attorney for any Legal Issues to be Discussed**

The Mayor called the Village Attorney for input on (3) items from this meeting to include:

1. What is the process for the Village to post the advisory speed on Exchange Street and Mill Street? The Mayor explained the input from NYS DOT and putting up an “Advisory Speed” attached to a “Narrow Street” and/or “Children at Play” signs. The attorney will check into this process and she will draw up the wording for the local law or Resolution as required.
2. The Mayor advised the board discussed the wording for the Recording Retention and Audio Recoding policy and that the policy should state that the recordings will be kept for one year unless deemed necessary to keep longer. The Mayor will work on the policy and forward to the attorney for review for the November meeting.
3. The Mayor advised of the discussion on if the village has the right to determine how to spend the money that was raised by groups for the youth program through fund-raising. The attorney stated that any fund-raising money should be spent by the group that did the fund-raising as the municipality cannot fund-raise. A policy should be put into place on this topic to coincide with the Summer Program that is being discussed.

- Trustee Rowe Smalt requested that we continue with the question sessions with the attorney at the meetings during the actual meetings.

## **22.Visitors: Comments on October Meeting Topics**

Bonnie Hunt commented that she is very happy with the name “Gazebo Park”. She asked why the board was discussing accounts with a different bank. Mayor Tyner explained that it is our due diligence to check rates and terms with other banks.

Minnie Brennan asked if the money from the Clean Energy Grant could possibly be spent on motion lights at the pavilion in Memorial Park. This would be helpful when people are there loading and unloading after hours.

Minnie Brennan also commented that the Fire Department line items left in the budget after the Fire District is established and if refunded or credited would cause too many questions from the public. She thinks the village should find a purpose for the money and spend it and advise the public of where the funds were applied.

She also hopes the board decides to go ahead with the purchase of the new gazebo.

She was in favor of the narrow street signs on Exchange and Mill Street.

## **23.Executive Session on Discussions for Pending Contract and Litigation of Cemetery Damage**

Motion to go into Executive Session at 9:56 PM

1<sup>st</sup> Trustee Hubbard 2<sup>nd</sup> Trustee Rowe Smalt All in Favor 5-0

Returned from Executive Session to the Regular Meeting at 10:05 PM

## **24.Regular Meeting**

Board determined for the Mayor to proceed with the contract with the Center for Dispute Settlement for restitution and letter of apologies from the youths involved in the incident at the cemetery and to proceed with the restitution amount once outline provided by the Maintenance Supervisor.

## **25.Meeting Adjournment**

1<sup>st</sup> Trustee Rodbourn 2<sup>nd</sup> Trustee Hubbard All in Favor 5-0

Meeting closed at 10:08 PM

**Respectfully submitted,**

**Christine Haar  
Village Clerk / Treasurer**