

**VILLAGE OF AVOCA**  
**MINUTES FOR THE REGULAR BOARD OF TRUSTEES MEETING**  
**JULY 13, 2023**

At 7:02 PM the Regular Monthly Meeting was called to order.

Present at the meeting:

Board: Mayor Tyner, Trustees Hubbard, Gay, Rowe Smalt, Rodbourn and Clerk Haar

Visitors Bill and Minnie Brennan, Chief MacDougal, Holly Woodworth and Town Supervisor Wightman.

The meeting began at 7:01 PM after the Pledge Allegiance to the Flag

**1. Review – Approve: Minutes from the June 8, 2023 Regular Meeting**

Mayor Tyner asked for a motion to approve the Minutes from the June 8, 2023 regular meeting. Trustee Rowe-Smalt asked if it was correct for a Board member to make a motion on an Agenda item and then abstained from that vote? This question arose from a Board member making a motion in this year's Reorganizational Meeting to approve the names put forth and then abstaining when the vote was called. Discussion followed and it was determined this action was an oversight and the Board will be cognizant that this action doesn't happen going forward in meetings.

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

**2. Review – Approve: Monthly Departmental Reports:**

Monthly Departmental Reports:

Mayor Tyner asked for a motion to approve the Monthly Department Reports of this month. Trustee Rowe-Smalt questioned the "on demand" readings from NYSEG at Hees Park. All the other NYSEG accounts are not "on demand". Discussion followed on this being activated when the lights are turned on at Hees Park for night games when the power usage increases immediately. Trustee Hubbard advised he will forward to Trustee Rowe-Smalt a contact person at NYSEG for further inquiry into why this is occurring and if there is another alternative to avoid this cost.

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

**3. Visitors: General Comments:**

Dana Wightman, Town Supervisor.

Mr. Wightman asked about an item from the Village Board meeting minutes from last month's meeting. He inquired who would be purchasing the approved gift certificate for the former Village Clerk. The Mayor address this issue and advised that the Village could not "gift"

municipal funds and this presentation gift of monetary value would have to be purchased by the Board members, if they so choose. This issue was not addressed when the motion for the gift card was made, but the gift has not been purchased and is to be addressed in this month's meeting.

Mr. Wightman questioned the approved increase for non-village residents for use of the pavilions at the local parks. He thinks the town residents should be able to use the parks at the same rate as the Village residents. Mr. Wightman said the town gives the Village residents a discount rate on their town plowing services and this saves the residents \$0.99 cents per \$1000 of their assessments. Further discussion followed on this rate and questions from Board members back to Mr. Wightman on the connection between this rate and the use of the parks. Trustee Rowe-Smalt stated she feels Village residents should be paying less for use of the parks as the village maintains these facilities with Village taxpayer's money. Discussion followed on this topic and the use of the park, rate increase when the bathroom facilities are completed, and other comments. This topic to be addressed later in the agenda.

Mr. Wightman also asked when the countertop/shelf will be going back up on the Village Clerk's space. The Mayor advised Mr. Wightman they have discussed this issue at length and yielded the question to the other members of the Board. Much discussion followed as the use of the building, shared services and what each Board can or can not approve. Mr. Wightman stated the town owns 60% of the building and has to be advised and approve any changes to this building. This statement was refuted by the Board and the Mayor provided Mr. Wightman with a copy of the deed and shared services agreement which shows 50/50 ownership of the building and a 60/40 split on utilities, which if there is any increase in cost has to be approved by both Boards. Trustee Rowe-Smalt and Trustee Hubbard engaged in back and forth with Mr. Wightman on this subject. Trustee Rodbourn made a statement that he felt he was not advised properly on this subject until after the fact, to which the Mayor responded all Board members are advised equally and at the same time of the issues and topics going on in the Village and all messages end with contact the Mayor with any questions or concerns. Further discussion then followed with no resolution on this topic with Mr. Wightman.

Mr. Wightman then stood up to exit the meeting and inquired the bill for the shared services to be paid, which was advised it was in this month's bills to be paid.

Trustee Hubbard then inquired about the video surveillance system for the building not working and Mr. Wightman stated this is being worked on. Trustee Hubbard then asked is this not a shared service to be address and Mr. Wightman stated it was bought solely by the town. Mr. Wightman then left the meeting.

Discussion followed with a comment from the public that possibly a building committee could be established with a 5-member panel to avoid future issue and gridlock. Discussion followed and the Mayor will draft a letter to the Town Supervisor requesting a joint Village / Town Meeting to discuss the pending issue on a non-board meeting night.

**4. Lean Wightman Employee Appreciation Presentation – Moved to August 10, 2023**

**5. Department Heads:**

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

**1. Old Shed Painting**

Mayor Tyner reported Street Department has sprayer and will be getting done.

**2. Sidewalks – South Main Street / Carrington Street**

Complaint about the condition of the existing sidewalk. Mayor to talk to Maintenance Supervisor about replacement.

**3. Summer Help Update – Transportation Issue**

Mayor Tyner reported that the county will not provide transportation for their summer work program. There was discussion about how to provide transportation, but insurance responsibility will make it difficult.

**4. South Main Street Easement / Drainage – Reworked Agreement**

The updated Easement has been given to both property owners for review and signatures. Work to be completed once Easements are signed.

**5. Lift Bucket**

Mayor advised he spoke with Street Superintendent and he is unable to find a suitable lift bucket attachment for the backhoe. We may have to rent a lift for a day to do banners to be in compliance with Teamsters.

**6. Water at Memorial Park – Install into Building and Outside Faucet**

Mayor stated the Street Department has everything to install and would like installed by AgFest at the end of August, 2023.

**b. Fire and Ambulance Departments – Chris MacDougal**

- 1.** The Mayor advised that after review of the budget and line items from last year's Fire Department budget and when the books are closed out for 2022-2023, There would be around \$3,600 to transfer from the General Funds to an equipment line items in this year's Fire Department budget. Discussion followed.

The Mayor advised that the \$2,082 for the railing would be taken out of this amount and the remainder could be used for other Fire Department equipment needs. Chris MacDougal asked if the fire department could finish the sidewalk with left over money. The Mayor advised there should be no issue with the Street Department taking out the old sidewalk and doing the new sidewalk along the one side of the building, the funds could be used for the cost of the cement. The Mayor advised we will transfer money next month from equipment to miscellaneous for the sidewalk as needed.

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

**2. Outside Sidewalk Railing**

The Mayor advised he received the quote for the railing after checking with several suppliers. The railing will be ordered immediately from LIDO Designs

and is PESH and ADA compliant. The railing will be in brushed aluminum, not black, as this is a standard color. Cost at \$2,083.76.

### **3. Contractor Update - New Doors / Windows**

There have been no bids for the construction work needed as advertised, but the Fire Chief stated he may have a contractor that can do the work. Discussion also followed and the potential of contacting the BOCES class for a project of this nature. Discussion followed on the liability and potential issue of using Grant funds under this idea. Further information to be researched and discussed.

### **4. Update on Separation to Fire District**

#### **a. Tentative Agreement Discussion**

Trustee Hubbard spoke and advised they are basically waiting on the lawyer at this point in drawing up final paperwork. The date of the public hearing has not been set.

#### **b. Transfer of Real Property - No further update at this point.**

Chief MacDougal advised that the Engine 5 paint issue is being resolved at no cost. The Fire Department will be down to one engine when it is taken to be fixed.

Chief MacDougal stated that the Air Pack Grant with the other two agencies has been approved. The Grant Writer portion has been paid and they are awaiting their 10% cost share of the Grant. The Mayor inquired as the amount as there is \$20,000 currently in the air pack reserve line item, but no amount has been provided at this time.

Chief MacDougal introduced Holly Woodworth, a new EMT for the ambulance. He also said James Lambert completed his Fireman 1 Class and Joe Samone is taking a class now.

### **6. Update on the Change of the Insurance Broker / Coverage**

#### **a. Policy needed on PII – Personal Identifiable Identification for use of Mobile Devices**

The Mayor advised that part of the Insurance outline is for the Village to have in place a policy to cover the use of personal devices by the Trustees to access Village material, such as the Shared Drive. The Mayor will complete a policy draft to be reviewed from the template provided by the Insurance Agent.

#### **b. Policy needed on CIRP – Cyber Incident Response Plan**

The Mayor advised that part of the Insurance outline is for the Village to have in place a policy to cover a response plan for a cyber incident, hacking, of Village material or inadvertent transfer or information sharing from scams. The Mayor will complete a policy draft to be reviewed from the template provided by the Insurance Agent.

#### **c. Employee Background check run on Employees with Access to Funds**

The Mayor advised that part of the Insurance outline is for the Village to have in place a policy to run background checks on any Village employee who has access to banking accounts of writing checks. At this time there are three, the Mayor,

Deputy Mayor, and Village Clerk / Treasurer. The Mayor will complete a policy draft to be reviewed from the template provided by the Insurance Agent and check on a local outfit to conduct the checks. Discussion followed on elected officials being subject to this policy. The Mayor will check with the Village Attorney on legal issues.

**d. Increase in Third Party Coverage, about \$500, to cover other bodily injury, employment practices, claims against work environment, etc.**

The Mayor advised that in discussion with the Insurance Agent, a suggestion was made for next year to look at an increase in Third Party Coverage. The current coverage amount does not go far anymore. Further discussion to follow on this increase in next year's budget process.

**e. Added coverage for Summer Youth Programs**

The Mayor advised of this new coverage that emerged over the past few weeks and the Insurance Agent has added The Avoca U14 Softball team with coverage for the School to our policy at this time for no cost. The underwriter has been advised and if a cost is incurred the Mayor will advise.

**7. Update and Discussion on the Pavilions: Use Form at the Village Parks – July 1**

Discussion followed from the previous comments during the visitor comment section at the beginning of the meeting. Mayor Tyner advised the draft of the new form has been put on the Shared Drive and asked for comment. Discussion followed on cost for the use of the pavilions at the two parks. Mayor Tyner stated he felt that \$75 was too much for non-village residents and stated possible it should be kept at \$25 for Village / Town residents and \$50 for no-town residents for a daily use fee. Trustee Rodbourn stated he also advised of this previously that \$75 was too high. Further discussion followed. The Pavilion Use Form to have modifications made to the form and add clean-up cost if pavilion is not left in an acceptable condition the renting party will be responsible for clean-up cost. Further discussion followed on the increase in cost once the bathrooms are completed. Also, a contact number to be added to the form for issues that arise during the use of the pavilion or in case of an emergency.

Motion made to leave the fee of the use for all parties at \$25.00 for this year until the fall season has ended and revisit for next year when the bathrooms have been installed.

1<sup>st</sup> Trustee Rodbourn 2<sup>nd</sup> Trustee Gay Approved 4-1 Trustee Rowe Smalt- Opposed

The Mayor also advised a Handicap Port-a-John has been installed as requested by the Summer Soccer Program.

**8. Update and Open Discussion on Recording of Board of Trustees Meeting**

The Mayor advised that he has spoken with the Village Attorney and the Recording of Meeting would require a written outline, Policy, on how the minutes are recorded, stored and made available. The audio minutes would have to be maintained and stored for a

minimum of 4 months. The Village Attorney has sent an outline on this to be incorporated into a Records Retention Policy for the Village as well as the outline provided the Village Handbook on the shared drive. Policy Draft to be established and placed on Shared Drive.

Discussion followed also on the 2-week requirement for the posting or availability of meeting minutes. Question asked on the posting of unapproved or approved minutes. The Mayor to check with the Village Attorney on this requirement for incorporation into the policy.

## **9. Update on:**

### **a. Village Banking – Two Signature Checks for Payments – Effective June 26**

The Mayor advised on the cost of checks from Five Star Bank for each account, over \$500 an account. Clerk Haar will check with Williamson Law for a cost on 2 signature checks and order if the cost is lower than Five Star Bank.

### **b. Hiring of the Deputy Village Clerk – Employment Notice Sent**

c. The Mayor and Clerk Haar advised that there are no current applicants, but the employment posting has been sent.

### **d. Changes to Village Clerk Work Space – Counter / Desk**

Discussion on this items held in the meeting. A Letter requesting the Joint Meeting with the Town Board to be drafted to try to resolve the pending issues.

### **e. Village Clerk Policy – Policy #28 – Working Draft**

The Mayor advised a working draft of this policy is on the Shared Drive for Trustee review. Once the few pending items are completed and incorporated into the policy the Mayor will post the updated policy for further review and discussion.

## **10. Further Discussion on Research of the Cost of Private Mowing of Cemeteries**

a. Trustee Rodbourn advised he had spoken with a contractor on what the typical cost would be for mowing the cemeteries. The contractor had advised it would be based on the actual size of the area, but he would charge \$60.00 a person per hour and the estimates overall for both cemeteries would be 8 to 10 hours a week for mowing. This would be weed-whacking each location every week, even though every other week weed-whacking would be acceptable. Discussion followed by the Board with this could result in a cost of a rough estimate for mowing in the summer of \$20,000. Figuring the other costs involved in man power and finding the extra work for the street department employees to do in the Village, Trustee Rodbourn felt this answered the question in his mind as to the cost effectiveness of this idea.

Trustee Rowe-Smalt asked if the Town could be held accountable for some of the mowing costs. Discussion followed and the thought is that would only happen if the cemetery was considered dormant and no new burials taking place. Discussion followed on when a cemetery is dormant with no new lots being sold as compared to no burials being conducted. Trustee Rowe-Smalt spoke on the topic and her thoughts and the Mayor asked if a quote could be secured for the actual cost of the mowing of the cemeteries based on the actual size, not an estimate. Trustee Rowe-

Smalt inquired to Chris MacDougal about a quote and stated she would check on further quotes for outsourcing the mowing work.

**b. Ownership of Cemeteries / Association Cemeteries**

Discussion was conducted of this topic and a brief history of the transfer of the property to the Village. The Mayor advised on the folder available in the office with the transfer in the 1950's and then the further documentation. The Village is the current owner and unless there is a legal standpoint we are responsible for the care and maintenance on the cemeteries. Trustee Rowe-Smalt inquired about the legal aspect of the transfer of the cemeteries to the town and the Mayor advised he would forward this topic to the Village Attorney for further review.

**11. Update and Discussion on Youth Commission and Oversight of Youth Summer Activities Accounts and Funds.**

**a.** Trustee Rowe-Smalt advised the balances for the accounts and funds have been established, but is curious about how to maintain a better accounting system. There are some youth accounts that have no balance and some that have money that has been raised, but are not currently active. Trustee Hubbard advised when he and his wife ran the Little League Program they used a notebook with information that may help with the organization of the Youth Programs. There may also be a Spreadsheet Program still available that can help that he can forward. Trustee Rowe-Smalt stated the Little League has around \$12, 000, but there should be an outline on how money is taken in and accounted for. Discussion followed.

**b. Policy on Program**

The Mayor advised if Trustee Rowe-Smalt can provide a rough outline on how the program should be run, accounts handled and the other items involved he would assist in drafting a policy for further discussion for the Summer Youth Program.

**12. Updates on Bathrooms for Pavilion at Memorial Park**

**a. Phase II Specs and Advertisement – Finding a Contractor**

The Mayor advised that the advertisement for this project has been put out for the third time now and there have been now responses. Clerk Haar also stated no inquires have been made. The Mayor advised these funds have been set aside in the APRA Grant and are available is a contractor would submit a quote. There requirements are the insurance binder for the contractor and the signed affidavit for the Grant on the Prevailing Wage / Non-Compete statement. The Mayor asked the Board to have any contractor interested contact him or the Village Clerk for the Phase II specs, which are available on the Shared Drive.

**b. Youth Soccer Storage Space – Shelves**

The Youth Summer Soccer program would like to purchase shelving for the inside of the Memorial Park Pavilion to increase storage. The other youth organizations have expressed needing storage as well. The Mayor and Trustee Rowe-Smalt met at the pavilion to look over the outline and design for the bathrooms and the area available for the Youth Program Storage, basically 1/3 of the building interior.

Discussion followed and the Board members will look into all options for all the programs for their storage needs. The Mayor mentioned he will speak to the AgFest Committee on this as well.

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

A motion was made to change the invoice on the Freightliner/Sonny's Service from the Street Department Expenditure to the Fire Department Expenditure. It was a line-item oversight when Clerk Haar was completing the invoice. The new check will be printed, placed on Mayor Tyner's desk for the Trustees to sign. Motion to approve all other expenditures.

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

### **14. Grants Update**

#### **1. Community Revitalization Grant – Parks – Federal Funding Update**

#### **2. Bridge and Culvert NY Grant – Approved**

The Mayor advised that this Grant has been approved. There are several phases to go through, the first being the passing of a Resolution and the Contract with NYS DOT for the building of the new culvert / bridge. The Region 6 contact for this project is Ryan Hydrus and the Mayor has been in contact on the project process. Further discussion followed. The Mayor advised the school has been advised as this project will impact their access to the sport fields on the other side of the dike. The Grant is for \$1.25 million and the new bridge is planned to be a tow lane bridge with a 5-foot walking patch on the one side. Discussion followed on the access for the cemetery and sport fields during the construction process. The Mayor advised he spoke with CPL, the consultant on the Grant and 1 of 15 on the approved list, and temporary bridges or the rerouting of traffic will be in the plan.

#### **3. Federal Infrastructure Grant – Include Drainage Issues**

The Mayor advised he spoke with the Village Maintenance Supervisor to gather potential issues to be addressed if this Grant proceeds. The current projects for such Villages as Bath, Canisteo, Naples and Montour Falls are under the control of the DOT because those main streets are actual State Routes. The local municipality has no control over those projects, so we would fall into the other category with a lower success rate. Due date for potential Infrastructure Grants for are believed to be due around October 2023.

#### **4. Clean Energy Grant Update**

The Mayor advised the two Resolutions under consideration have been given to the Village Planning Board for review and recommendation. The items needs to be submitted for this project have been sent by Trustee Hubbard. Once this is completed, the Mayor will draft the Resolution and have the Village Attorney review for the draft to be reviewed by the Village Board. Discussion followed on the use of the \$5,000 funds available for this Grant and possibly energy efficient lighting at

Hees Park could be applied for and installed in Hees Park, such as the LED conversation of the street lights completed by NYSEG through Trustee Hubbard.

## **15.Board Discussions / Agendas / Reports on Assignments**

### **a. Mayor Tyner**

#### **1. Safe Purchased**

The Mayor advised the Safe for the Village Clerk / Treasurer is ready to be installed in the Mayor's Office. This topic was discussed with the Town Board to avoid any further issues and will be mounted to a desk or filing cabinet.

#### **2. Voter ID Letter of Support to Send**

The Mayor will draft the cover letter and Resolution of this topic for discussion and approval at the August Board Meeting. The Village Attorney will review and approve same prior to this date.

#### **3. Create Google Calendar / Facebook page / Website / Electronic Sign**

The Mayor advised that the Village Clerk and himself will be meeting with Matt Morales who will be the in-house IT contact person. This meeting was delayed due to a personal issue that arose, but will be scheduled in the next week. Mr. Morales, a member of the Planning Board, will be administering the website, Facebook page and electronic sign. Hopefully, we will be able to install a google calendar that can be accessed by the members of the public and will show Village held events to include the scheduled use of the pavilions for the parks, youth sporting events, or any activities happening in Avoca or public meetings scheduled.

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

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

**d. Trustee Rowe-Smalt** Nothing at this time.

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

### **Further Items / Topics:**

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

Clerk Haar requested the ability to go to the NYCOM conference in Lake Placid September 19 and 20<sup>th</sup>, 2023. The Mayor advised there are no funds for this training in the budget at this time, but once the last budget is submitted and the new budget can be accessed the funds for this training can be located and transferred as needed. Trustee Rowe-Smalt made a motion to allocate \$1000 towards training to be revisited at the August 10, 2023 meeting if amounts change.

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

#### **b. Open Discussion on Ordering of Supplies – Additional Vendor**

Clerk Haar discussed how the Staples account is currently in the Village of Avoca name, but the orders are placed by the Town of Avoca. She feels it would be more efficient if the Board could ask the Town to switch the contact emails and billing to the Town of Avoca making both ends with the same municipality. The Mayor advised this can be added to the list of topics to be discussed in the joint meeting.

**c. Hands-Free Telephone with Answering Machine**

Clerk Haar asked that a hands-free telephone with an answering machine be ordered for ease of use and so the public can leave messages for the Village when the office is closed. Discussion followed. The Mayor advised Clerk Haar to check with Spectro Tel to see if a special phone would be required for the system. The Board was in agreement with this request to order a hands-free / voicemail phone for the Village Clerk once the telecommunications provider has been consulted.

**d. Storage Room and Inventory**

Clerk Haar spoke about the current state of the storage room and organization of the office supplies for an accurate accounting of supplies on hand for ordering. Mention of the 10 cases of paper recently received with 7 cases in stock. Discussion followed with this item also to be added to the requested joint meeting with the Town on pending building issues and shared services.

**16.Visitors: Comments July Meeting Topics**

Mr. Brennan commented again on a joint meeting of the Village/Town of Avoca Committee be formed with a non-board member to address the issues of the shared building and services.

Holly Woodworth told everyone that the owner of the Dane's Axe has confirmed they will be coming to the Summer/Agfest on August 27, 2023.

**17.Regular Meeting Closing / Adjournment Motion to close the meeting:**

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

Meeting was adjourned at 9:50 PM

Respectfully submitted,  
Christine Haar. Village Clerk/Treasurer