

**Village of Avoca
Board Meeting Minutes**

April 9, 2026

PRESENT: Mayor Tyner; Trustees: Abbott, Rodbourn, Rowe-Smalt, Hubbard; Street Supervisor Comstock, Clerk Cermak

PUBLIC PRESENT: Minie & Bill Brennan, Dean Heckman, Stephen Fortune, Tom Haynes

EXCUSED/ABSENT: Trustee Hubbard, Attorney Thew

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

Mayor Tyner announced the recording of the meeting.

The Pledge of Allegiance was said.

Trustee Rodbourn requested Executive Session to discuss Budget, seconded by Trustee Rowe-Smalt. All in favor, none opposed, none abstained. 4,0,0

Entered into executive session at 7:01 p.m.

Trustee Rowe-Smalt motioned to enter back into regular session at 7:11 p.m. seconded by Trustee Rodbourn, all in favor, none opposed, none abstained, 4,0,0

Trustee Abbott motioned to enter into Public Hearing to discuss 2026/2027 Village Budget, seconded by Trustee Rodbourn, all in favor, none opposed, none abstained, 4,0,0

Mayor Tyner announced there was a typo on the legal ad for 2026/2027 Village Budget, Trustee salaries were listed as \$2,000 vs. \$2,500. The \$2,500 salary remains the same as previous years. An amended legal notice was available for the public to review.

No public comments on the 2026/2027 Village Budget. Trustee Rodbourn motioned to close the Public Hearing at 7:13 p.m., seconded by Trustee Rowe-Smalt. All in favor, none opposed, none abstained, 4,0,0

Mayor Tyner stated that the Budget Message is complete. The 2026/2027 Village Budget is 1.91% over the current budget and is under the 2% Tax Cap. Explanation of the 2% Tax Cap process was given. Trustee Rowe-Smalt motioned to approve the 2026/2027 General Budget knowing the 3% increase in salaries is only a calculated number, not a final negotiated number. Once the upcoming Teamsters Contract is approved a final message will be available to the public informing them of the final approved salary increases. Seconded by Trustee Abbott. Three in favor, none opposed, Trustee Rodbourn abstained, 3,0,1

Motion to approve the 2026/2027 Water Budget by Trustee Rodbourn, seconded by Trustee Abbott. All in favor, none opposed, none abstained, 4,0,0

PRIOR MEETING MINUTES: Minutes from the 3/12/2026 Board meeting were sent prior to this meeting for review by Trustees. Trustee Rodbourn motioned to approve the meeting minutes; Trustee Abbott seconded. All in favor, none opposed, Trustee Rowe-Smalt abstained. 3,0,1

MONTHLY DEPARTMENT REPORTS: The monthly department reports were sent prior to this meeting for review by Trustees. Trustee Rowe-Smalt motioned to approve the reports; Trustee Rodbourn seconded. All in favor, none opposed, Trustee Abbott abstained. 3,0,1

GENERAL/PUBLIC COMMENTS: Tom Haynes of Keuka Lake Amateur Radio Association is requesting a 3-day event at Hees Park for Hamm Radio Emergency Preparedness June 26, through June 28, 2026. Set up of equipment would be 4 hours on Friday, Saturday would begin the 24-hour system procedure, Sunday would be dismantling of equipment. The event would require personnel to have campers in the park along with

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generators for running of equipment. The event would be open to the public and attendance is encouraged by Village Officials as well. Cost for the pavilion will be based on the three days. Motion to approve request with a limit a 6-campers, Trustee Rowe-Smalt, seconded by Trustee Rodbourn. All in favor, none opposed, none abstained 4,0,0

Trustee Rodbourn presented previous years FOIL requests from Dana and Leann Wightman that have yet to be completed. Would like to know when they will be received. Mayor Tyner will review previous years FOIL request with Clerk Cermak.

DEPARTMENT HEADS/OTHER MUNICIPALITIES:

Street:

- 1) Parks:
 - a. Memorial Park: Locks will be installed next week. Cameras have been installed.
 - b. Hees Park: Still waiting for a quote from Home Depot on roll-up cover. Little League has started. All picnic tables have been repaired. Mayor Tyner will have requests for donated tables put in the newsletter again.
 - c. Gazebo: Clerk Cermak will order replacement lights. New batteries are required for the remote of existing lights. Clerk Cermak will order replacement batteries.
- 2) Discussion was held regarding Avoca Youth Sports would like to install a temporary backstop on another part of the field by the pavilion for practices along with a temporary fence. Motion to approve, Trustee Abbott, seconded by Trustee Rodbourn, Three in favor, Trustee Rowe-Smalt opposed, none abstained 3,1,0
- 3) Trustee Rowe Smalt will be contacting Logo Print from Hornell regarding quotes for aluminum signs for all 3 parks for the final form previously approved.
- 4) Street Grinding/Paving: Representative has not responded with a quote to Supervisor Comstock.
- 5) Ditch Area Leading to Hees Park: Ditch was cleaned by school kids participating in community service projects. Trustee Rowe-Smalt would like to see ditch continue to be cleaned. Discussion was held regarding a fence on the cross-over for protection from falling into ditch. Trustee Abbott asked process for ditch digging. Superintendent explained the process throughout the Village.
- 6) Weed Spray Certification: Discussion was held regarding spraying of the cemeteries. Reached out to the Cohocton Supervisor and Village of Hammondsport. Supervisor Comstock suggested not spraying in between head stones as it doesn't look good. The individual that takes care of cemetery in Cohocton, does not have certification. Mayor Tyner will contact NYCOM to see if certification is a requirement.
- 7) Banners: Banners are cleaned and are being put up by the Street Department.
- 8) Scrap Theft from Dumpster: Superintendent Comstock spoke to the NYS Troopers. Trooper had spoken to the District Attorney's Office and without having an actual dollar value for the theft of the scrap and no signs posted that we the Village cannot proceed with further actions.
- 9) Discussion was held regarding the debt charge on each quarterly invoice the Brennan's receive even though there is only one meter. Superintendent Comstock stated if multiple business or units then each will have the charge. The water policy will be posted on the Share Drive by the Mayor for review. Discussion will continue at the May 2026 Board Meeting.
- 10) Water Relief request for 6 North Main Street, leak was in the basement while out of town and fixed once returned. Motion to approve relief, Trustee Rowe-Smalt, seconded by Trustee Rodbourn, all in favor, none opposed, none abstained. 4,0,0
Motion to relieve the penalty on 6 North Main Street by Trustee Abbott, seconded by Trustee Rodbourn, all in favor, none opposed, none abstained 4,0,0

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- 11) Zachary Dennis at 22 Charlesworth Street stated he put cash in the lockbox for his water bill. Village RING camera set up to view the parking lot and Gazebo Park, the view cannot detect person at front door placing items in the cash box. Mayor Tyner to look into further.
- 12) Superintendent Comstock ordered and received detour signs for parade route. Order was placed for the maximum number of signs while staying within the budget. The Mayor will meet with him to review the budget to see if possible to order the remainder of the signs discussed.
- 13) Discussion was held regarding purchasing of construction mats to place under equipment while in cemeteries. Ground is soft and leaving ruts in lawn. There are two planks currently in use for this process. Cost of mats are \$228 each and would like to purchase 8, 6 minimum. Mayor Tyner suggested using money in cemetery reserve for this purchase in the current year budget. Superintendent Comstock to get 3 required quotes. Motion to purchase 8 mats by Trustee Rowe-Smalt, seconded by Trustee Rodbourn, all in favor, none opposed, none abstained. 4,0,0
- 14) The replacement motor for the water well has been installed and working well. A claim has been filed with the insurance company. At this time, we are not to pay the invoice from Moody's, we are to wait for the insurance company to respond back as they may pay the invoice directly. Superintendent to forward pictures of old well and contact information for Moody's to Mayor Tyner for the insurance company.
- 15) Registration for training for Superintendent Comstock in Ithaca is complete. He advised he will drive back and forth and no hotel will be required. Registrations for Superintendent Comstock and Ryan Kidder were also completed for the Water Conference.
- 16) Mayor Tyner wrote a letter of Commendation on behalf of the Village Board to the Avoca Street Department regarding working with the Avoca School and the students on April 2, 2026 for the community projects completed by the students. Commendation passed around for all Board members to sign.
- 17) Mayor Tyner and Superintendent Comstock have been discussing the 2026/2027 Water Budget and the amount of margin over the proposed amount is decreasing. With the price of electricity and chemicals to treat the water, discussion should he held on the rate going up? Superintendent Comstock is corresponding with other municipalities on their water rate schedules. Discussion was continued regarding the process of raising the rate at the May Meeting. Tabled.
- 18) Trustee Abbott questioned if the brown bags for leaves and sticks were a requirement vs. using a tote. Superintendent Comstock explained the reasoning behind the required brown bags.
- 19) Trustee Rowe-Smalt asked when hydrant flushing is done. Superintendent Comstock explained the he normal performs the flushing in the Spring and Fall Seasons. Hydrant flushing does not require each hydrant to be flushed every time.
- 20) Trustee Rowe-Smalt questioned leaf pick-up. Mayor Tyner informed her that it was scheduled for April 27 and 28 as previously discussed. It has been advertised in the Leader and on the electronic billboard.
- 21) Trustee Rowe-Smalt questioned car on corner of Brown and Chase Street that was parked there all winter. Superintendent said the street department put a notice on it at least once to be moved.
- 22) Trustee Rowe-Smalt asked if the plow for the sidewalks will be adjusted not to tear up lawns. Superintendent Comstock stated that it happens because the lawns are higher than the sidewalks and the street department has been repairing the lawns. This is a complaint that occurs at this time each year.
- 23) Discussion was held regarding removal of sidewalk from Street Department Shop to Grant Street for safety reasons. Elimination of sidewalk would encourage residents to walk through church parking lot area and not near equipment from shop. Superintendent Comstock to discuss with Church for their thoughts as the church is the current property owner.

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DEPARTMENT HEADS/OTHER MUNICIPALITIES:

Fire District: No update.

Planning Board:

- 1) Filling Vacancy: Maynor Tyner has spoken to Rick Pratt about possibly filing the vacant position. The Mayor will discuss again with Mr. Pratt before the May Reorganizational Meeting.
- 2) Zoning Law: Attorney Thew will have available the Village Codes into Word at the May 2026 board meeting.
- 3) Leadership conference registration is available now. All Planning Board members were informed to contact the Village Clerk if interested in participating. Clerk Cermak to register all interested parties.

Zoning Officer:

- 1) Software Package Update: Mayor Tyner sent information to Zoning Officer Peck on software program. No response back as of today.

Town:

- 1) Mayor Tyner stated the Town would still like a 50/50 split. The Village and Town attorneys are requesting confirmation from Delaware Solar Company on the actual split. Item tabled until both attorneys receive the requested information. Mayor Tyner to inform Solar Attorney to go ahead and proceed with request for the information.

RESOLUTIONS/BANS/LEGAL/BUDGET:

- 1) Solar Credits: Trustee Rowe-Smalt will continue to work with NYSERTA. Distributed information to board members for their review on solar credits.
- 2) Grant Writer/Researcher Update: No update; tabled.
- 3) Empire Telephone/Internet: Empire change-over is scheduled for April 15, 2026 to switch from Spectrum to Empire.
- 4) Mayor Tyner stated a request from Delaware Solar was received to close out escrow account and send back any used funds. Requested final invoices from all parties involved. Motion to close out account balance and return unused funds to Delaware Solar by Trustee Rodbourn, seconded by Trustee Abbott, all in favor, none opposed, none abstained, 4,0,0
- 5) Resolution 2026-2 was amended for NYCOM regarding AIM funding from NYS. Motion to approve resolution by Trustee Rowe-Smalt, seconded by Trustee Rodbourn, all in favor, none opposed, none abstained, 4,0,0
- 6) Reorganization Meeting - Motion to set Reorganization Meeting to May 14, 2026 at 7:15 pm by Trustee Rodbourn, seconded by Trustee Abbott, all in favor, none opposed, none abstained, 4,0,0
- 7) Zoning Documents – These items continue to be drafted by Attorney Thew and reviewed at the next board meeting once the Word document is available.
- 8) Elected Offices Space: Tabled until May to Review and set Public Hearing after the May 1 election.
- 9) Building Lease - Mayor Tyner received the agreement for the Masonic Lodge and will forward to the Mason's for their review.
- 10) Solar Law Moratorium – Trustee Abbott motioned to set Public Hearing on May 14th @ 7:00 p.m., seconded by Trustee Rowe-Smalt, all in favor, none opposed, none abstained, 4,0,0
- 11) FOIL Request – Mayor Tyner explained the way of working when a FOIL request is received. Reply is given with 5 days regarding receipt of request. Responses are given within 30 days of request. A record of all FOIL requests and documentation is retained in the office. Trustee Rowe-Smalt thanked the mayor for stepping in and assisting with FOIL request.

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REVIEW/APPROVE EXPENDITURES: All invoices were reviewed by Trustees and Mayor. Trustee Rodbourn motioned to approve all expenditures; Trustee Rowe-Smalt seconded. All in favor; none opposed; Trustee Abbott abstained. 3,0,1

GRANTS:

Culvert: Update was given by Mayor Tyner regarding the project. Zoom meeting was held today with all parties involved. The DEC had (11) items on the list to discuss. The listing was sent to CPL for further action(s). Mayor Tyner inquired about timeline for construction. It is likely, due to approvals from the DEC, Army Corp of Engineers that summer construction will not be possible. Discussion was held regarding a Fall timeline, which was not recommended due to the increase in cost of lower temperatures and freezing of the concrete. CPL would however, be able to put bids out for material and store until the construction begins.

Windmill: Project is at a standstill until construction begins. File started on Share Drive and link to be forwarded to Trustee Rodbourn.

Main Street Sidewalks: Mayor Tyner will .make contact on FY2027 this month on project status.

Playground Grant: Current Grant expired, but we can reapply if decided. Trustee Rowe-Smalt questioned if a new backstop is put in place for ball practice, will there be enough room for a playground. This needs to take into consideration when placing the new backstop.

CDBG Water Study: All documentation has been submitted. Once we are advised the actual study can begin of the water system.

Youth Sports Grant: Mayor Tyner spoke with Bill Codwell, the Village may be able to be a host for the grant, but the Youth Sports Organization would have to apply for it. Steuben County has a program to assist with local communities for equipment and fields for youth sports. The Grant will reopen in October for applications.

Retention Grant: The Mayor will begin process with Hunt, once the CDBG grant is underway.

FEMA Grant: Mayor Tyner is still waiting for paperwork; he will call this month to inquire.

BOARD DISCUSSION:

Mayor Tyner: Discrimination and Sexual Harassment Training was completed. Training is optional for elected officials. Received quote from Ryan regarding replacement of sidewalks from Mill Street to Dollar General, \$107,000. The Mayor advised he did not have time for just the new section quote, but the Mayor will get for the next meeting. Insurance renewals are due and the Mayor will be meeting with MCF on process and the listing of equipment was sent to Superintendent Comstock for review. Informed the board that Karen Tadder did not get paid when she started with the Planning Board the last quarter of 2024. Discussion followed and Clerk Cermak will process pay for four quarters that are delinquent.

Trustee Hubbard: No updates as not present.

Trustee Rowe Smalt: 10 River Street property line expansion. Trustee Rodbourn stated the ditch near this address is full of debris, and would this be a DEC issue. Mayor Tyner sent information to Zoning and Code Officers, with no reply yet. Trustee Rodbourn will call the DEC to discuss. She also had questioned the large barn on Brown Street, was the Zoning and Planning Board involved. Mayor Tyner to discuss with Beth Peck and Chuck Cagle to see if approved. Questioned the Zoning Software Program, Mayor Tyner sent it to Beth this month but has yet to hear back. She advised she would like to compile all questions from the Board and send one letter to the NYSEG representative, so she asked members to suggest any ideas for street lights that can be eliminated for discussion with NYSEG as well. Discussion was held regarding shutting off the meter at River Street Ball Park. This would create a cost savings of \$500 - \$600 per year. There is no charge to turn the light back on once it is needed. Trustee Abbott / Rodbourn said there are no night games scheduled to be played this season. Discussion was held regarding the ability to replace the ball park lights with LED. Discussion was also brought up by Trustee Abbott questioning if turning the light off would create a problem with the family that donated the light for night games. Trustee Rodbourn spoke of ball games held at night by other schools/towns/villages and why does Avoca get charged such high prices.

Trustee Rodbourn: No update

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Trustee Abbott: She stated she would like to become the Planning Board Liaison. The Mayor will make this appointment next month at the scheduled Reorganization Meeting. She also questioned outhouses at Memorial Park for the baseball season. Discussion followed and Clerk Cermak to order 2 for Hees Park, and 1 for Memorial Park and inquire about automatic delivery annually on April 1.

Clerk Cermak: Did not hear back from Town Book Keeper Leann regarding cost analysis on office supplies. She went ahead and ordered two 12 packs of post it-notes from Steuben County Purchasing at a total cost of \$3.82.

Five Star Bank has stated the cost to institute Positive Pay to prevent fraudulent checks from being cashed is \$25.00 per month per account, but are willing to lower the cost to \$25.00 per month regardless of the number of accounts. Motion to approve Positive Pay with Five Star Bank by Trustee Rodbourn, seconded by Trustee Rowe-Smalt, Three in favor, Trustee Abbott opposed, none abstained. 3,1,0

Trustee Rodbourn motioned to approve Ballot for May 1, 2026 Special Election, seconded by Trustee Rowe-Smalt, Three in favor, none opposed, one abstained, 3,0,1

She received quote and proof for America 250 Banner and discussion followed. She will order two 6-foot banners for placement on the Gazebo.

She informed the board regarding improper withholdings from employees checks for NYSLRS deductions. Clerk Cermak will process payment to all employees for a refund.

Discussion was held regarding the beginning to process of balancing of the monthly financials and completion of previous years AFR required by NYS. The Mayor will incorporate the set office hours will be modified at the Reorganizational Meeting to allow for time to complete AFR's without interruptions.

PUBLIC COMMENTS - None

MISCELLANEOUS

Trustee Rowe-Smalt motioned to adjourn the regular meeting at 10:21 p.m. seconded by Trustee Abbott to go into Executive Session, all in favor, none opposed, none abstained, 4,0,0

EXECUTIVE SESSION

Motion to go back into regular session by Trustee Rodbourn at 10:56 p.m., seconded by Trustee Rowe-Smalt, all in favor, none opposed, none abstained, 4,0,0

Motion to adjourn the regular meeting at 10:58 by Trustee Rodbourn, seconded by Trustee Abbott, all in favor, none opposed, none, abstained, 4,0,0

Respectfully submitted,

Jill Cermak
Village Clerk/Treasurer