

VILLAGE OF AVOCA
MINUTES FOR THE REGULAR BOARD OF TRUSTEES MEETING
AUGUST 10, 2023

At 7:01 PM the Regular Monthly Meeting was called to order.

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

Visitors: Bill and Minnie Brennan, Bonnie Hunt

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

1. Review – Approve: Minutes from the July 13, 2023 Regular Meeting

Mayor Tyner asked for a motion to approve the Minutes from the July 13, 2023 regular meeting.

1st Trustee Rowe Smalt 2nd Trustee Rodbourn All in Favor 4-0

2. Review – Approve: Monthly Departmental Reports

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

1st Trustee Gay 2nd Trustee Rodbourn All in Favor 4-0

3. Visitors: General Comments

Bonnie Hunt turned over the history about the gazebo to Judy Wightman. Judy plans to make a scrapbook. Ms. Hunt also asked about progress on a new gazebo. Mayor Tyner advised this will be discuss later in the meeting.

4. Leann Wightman Employee Appreciation Presentation – Moved to Sept. 14, 2023

5. Department Heads:

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

1. Old Shed Painting

Mayor Tyner reported the Street Department has finished the first coat of paint with the sprayer and will be applying another coat with brushes soon.

2. Sidewalks – South Main Street / Carrington Street

Clerk Haar will get the remaining budget amount for sidewalks once the budget is updated to find out the funds left in this year's budget for sidewalks to be replaced.

Mayor Tyner mentioned the section for replacement on South Main Street near the retirement residence.

3. **South Main Street Easement/Drainage-reworking agreement** - Mayor Tyner said the easement with both property owners has been completed and Maintenance Supervisor Comstock was advised he can schedule the work that needs to be completed.
4. **Water at Memorial Park** – Mayor Tyner advised the funds and parts needed for this project are available, but he has advised Maintenance Supervisor Comstock to delay putting in the water line until September, after the AgFest has been completed, to avoid the ground being dug up.
5. **Field at Hees Park** - Mayor advised he spoke with Maintenance Supervisor and he is checking with other municipalities to inquire about how to keep their fields from growing grass quickly. One option discussed is to scrape off the top layer and lay in new material to help prevent grass from growing.
6. **Water Leak Notifications** - Mayor Tyner spoke with the Maintenance Supervisor and explained the leak notification process as he understood it to Mr. Brennan after speaking with the Maintenance Supervisor. The Mayor advised Mr. Brennan that he can speak directly to Tony Comstock about it as he can explain the process for leak notifications better.
7. **Vandalism / Damage at Cemetery- Cost to reset Headstones** - Mayor Tyner advised the board that additional damage had been reported to the port-a-johns at Hees Park. VanDyke's came to clean the porta-johns and the toilet paper holders had been burned. It will be reported by Vandyke's to the state police handling the case by Vandyke's, as the Village just rents the port-a-johns and Vandyke's is the owner. There is an estimate for \$1000 for the resetting of the headstones at Highland Cemetery. The repair money will come out of the cemetery reserve budget and then hopefully the Village can seek restitution when the responsible parties are caught and prosecuted. The Mayor advised the Insurance Carrier has been consulted and the Village has responsibility for the grounds and foundations, but the headstone fall back on the family. Most home-owner polices have provisions for headstone coverage, but this is up to the individual policy. The Mayor advised the board he felt the stones should be reset as soon as possible and the Village can seek reimbursement at a later date.

Mayor Tyner asked for a motion to accept the bid to reset the headstones from the quote submitted and seek restitution (if available) at a later date,

Motion 1st Trustee Rodbourn 2nd Trustee Gay All in Favor 4-0

8. **Milling / Paving -River Street and Grant Street** – The Mayor advised the milling has been completed. Now there will be a base coat, then a topcoat of blacktop laid. As the Mayor understands, the paving company will reuse most of the blacktop they milled, which is the large pile being stored at Hees Park parking lot. If there are extra millings left over, it will be hauled to the Village location off

Smith Street for use in later projects. Trustee Rowe Smalt asked if it could be used for the shoulders of some of our street that have drop-offs and the Mayor advised this is one use of the millings, but further discussion can be made with the Maintenance Supervisor.

9. **The Village Gas Pump** - Mayor Tyner was advised there was an issue with the gas pump handle not working, so Trustee Gay and himself fixed it and there should be no issues now. The Mayor advised during the process 20 gallons was put back into the tank, so there will show a 20-gallon discrepancy on the report from the reading. Clerk Haar will deducted it from the gasoline tally.

There was discussion about the sidewalks along Main Street extending to Dollar General. Most of the current sidewalks on South Main Street also need repair. Mayor Tyner advised he has spoken with NYS DOT on similar projects in Bath, Montour Falls, Canisteo, Naples and unfortunately the village's main street does not go along a state route to get the current NYS DOT infrastructure grants that some of our neighboring villages have received. An additional Grant for a sidewalk in this area is being explored.

Trustee Rodbourn also inquired if there is anything in place for sidewalk damage caused by a resident when putting in a driveway over a sidewalk not set-up for a driveway. The Mayor advised this provisions in in our current sidewalk policy that should property owners cause damage to the sidewalks they would be responsible for the replacement cost. We will also be looking at the current budget to see the amount of funds left in the line item to repair sections of sidewalks.

There was a short discussion on the paving of the shorter sections of streets in the Village from CHIPS money. The Mayor advised he has spoken briefly with the Maintenance Supervisor about this and the dead ends streets in use frequently in the village, such as Smith and Carrington, can be paved hopefully next year with CHIPS money. It is unknown the exact amount that will be left in CHIPS after this year's paving is completed.

b. Fire and Ambulance Departments – Chris MacDougal not Present

1. **Budget Transfer** - Clerk Haar is finishing closing Fiscal Year 2022-2023 with our accounting system. Once that is done, the Fire Department money transfer of \$3,600, as approved by board, will be completed.
2. **Airpack Grant** - The Mayor advised the board that the Fire Chief stated the Airpack Grant was approved from the multi-agency application. The 10% amount needed to be paid by the Village is not know yet, but the funds are available in the Airpack Reserve line item.
3. **Safety Railing** - The Mayor advised that he spoke with Maintenance Supervisor and the safety railing for outside the entry door has arrived and will be installed by the street department as soon as being scheduled.

4. **Contractor Update on New Doors / Windows** – The Mayor advised of no updates on this project at this time. Trustee Rowe-Smalt advised she contacted Batavia BOCES that has a summer program for their students. She will could reach out to our local BOCES to see if they offer something similar. The discussion then included the bathroom project at Memorial Park as well for contractors. The Mayor advised he is unsure if a grant funds for the bathroom project can be used, as far as the prevailing wage provisions and if the employees don't get paid. Further discussion to follow.
5. **Cost Associated with E5-Pay Bill Out of Transfer** -The Mayor advised that the Fire Chief spoke to him and the E5 painting covered the sides and bottoms of the truck, but not the roof from the leaking water-damage, so there is an invoice for the roof that was not covered. The invoice is to be provided for processing and will be covered out of the Fire Department vehicle repair line item.
6. **Update on Separation to Fire District**
 - a. **Tentative Agreement Discussion / Transfer of Real Property**

Mayor Tyner advised the board that his latest update is that the process is still in the lawyer's hands, but progress has been made in the past few weeks. There will have to be the joint-board meeting and public hearing before October of 2023 as he understands the process with a tentative separation date of January 1, 2024 if the process is approved.

6. Policy Discussions:

- a. **Policy #28 - Village Clerk and Deputy Clerk** -The Mayor advised the tentative final form is on the shared drive with the newest updates. Trustee Rowe Smalt stated she would further time would like time to read and understood the policy better. Mayor Tyner tabled this discussion until next month.
- b. **Policy #29 - Records Retention/Recording Monthly Meeting Policy**

The Mayor advised the policy is still in draft form and hopefully a first-draft working copy will be on the Shared Drive and available for initial discussions for next month's meeting.
- c. **Policy #30 - CIRP-Cyber Incident Response Plan**

The Mayor advised this policy as presented to the Village for coverage for a Cyber Incident Response Plan. Portions of this policy are currently in Policy #3 – Computer Usage, but this policy is incomplete and will be reworked. Discussion followed on this policy and being put in place to keep the insurance rate as quoted.

Motion to Approve Policy #30 – CIRP Policy

1st Trustee Rowe Smalt 2nd Trustee Rodbourn

All in Favor 4-0

- a. **Policy #31 – PII - Personal Identifiable Identification**

The Mayor advised this policy is being put into place as with the CIRP Policy above. Discussion followed.

Motion to Approve Policy #31 – PII Policy
1st Trustee Rowe-Smalt 2nd Trustee Rodbourn All in Favor 4-0

b. Rework of Policy #3 - Use of Computer

The Mayor advised that this policy is currently in place and on the Shared Drive, but with the addition of the two policies above this policy will have to be reworked and updated. This policy is much shorter in length and will be available for approval of updates for the September board meeting.

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

7. Village / Town Joint Meeting

- a. Building Committee
- b. List of Topics to Discuss with the Town Board
- c. Building Footprint

Mayor Tyner advised the Board that the letter requesting the joint Village Board / Town Board meeting was sent to the Town Supervisor on July 21, 2023. The Town Supervisor then requested a list of topics the Village Board would like to discuss, so after board member input was followed-up with an additional letter on July 31, 2023 with the list of items to be addressed. No response has been received from the Town at this time, but will hopefully be discussed at the Town board meeting this month. Item tabled until the September board meeting.

8. VOA Resolution 2023-2 Voter Identification Resolution/Cover Letter

The Mayor advised the Voter Identification Resolution and Cover Letter has been completed and are located on the Shared Drive for the board to review. Short discussion followed.

Motion made to adopt VOA Resolution 2023-2
1st Trustee Gay 2nd Trustee Rodbourn All in Favor 4-0

9. Cost of Private Mowing of the Cemeteries/Ownership of Cemeteries / Association

Trustee Rodbourn and Trustee Rowe-Smalt spoke on this agenda item and after speaking with other potential mowing companies. From the information provided previously by Trustee Rodbourn on this topic, it appears it would be cheaper to remain with the Street Department mowing and trimming the cemeteries due to the cost involved of a private company. Trustee Rowe-Smalt advised she is still awaiting a quote from a local contractor on the cost of mowing both cemeteries. The hours were estimated to be 4-5 hours at Highland Cemetery and up to 2-3 hours at Valley View Cemetery, without trimming. Discussion followed on use again of the County Mobile

Work Program for potential assistance in helping with the trimming and other light duty work, but transportation to the Village is still an issue. The Mayor advised he will recontact Steuben County DSS to inquire if there are any workers in the immediate area at this time to assist with this work.

10. Youth Commission and Summer Activities

- a. Accounts and Funds** - The Village Clerk advised she has met with Trustee Rowe-Smalt and there is an excel spreadsheet with a breakdown of the youth program fundraising. However, there is no breakdown in the accounting system (Williamson Law), and Little League, T-Ball, Soccer, Softball and U14 are in the breakdown. Nothing is present for Cheerleading.
- b. Volunteer Waiver** - The Mayor presented the updated draft on the Summer Youth Program volunteer waiver. Trustee Rowe Smalt asked about the wording on the volunteer application. She is concerned how the people in charge address a volunteer applicant with certain issues that have arisen recently in regards to the selection of coaches. Discussion followed about adding language to the waiver for a disclosure of a volunteer if there are issues or pending issue with any potential coach that would remove them from the selection process. The Mayor advised the approval of this form will be tabled until next month and he will contact the Village Attorney for language to add to the waiver form.
- c. Youth Program Policy** - Trustee Rowe Smalt advised she, working with the Mayor, will construct a policy for discussion on the Summer Youth Program over the winter for implementation next spring before the 2024 season.
- d. Phase II Bathrooms – Memorial Park** – Discussion followed on the proposed construction of the bathrooms and the lack of contractor quotes. The funds are available in the APRA Grant is quotes can be secured and approve for the construction.
- e. Soccer Storage Shelves** - Discussion on the construction of shelving as discussed in the storage area. The Mayor advised that per code the size of the bathrooms can be reduced and would allow for shelving to be constructed or installed along the one wall. There will need to be an estimate on the construction of the shelving, or purchase price, and see if there are adequate funds in the APRA Grant to be included.

Trustee Rodbourn then inquired about a parking areas at Memorial Park. He was concerned without a designated parking areas, the park could be damaged. The Mayor advised that he has spoken with the Maintenance Supervisor about the parking issue, especially along Carrington Street from the complaint received, the (3) current parking areas will be scraped off and milling put into place. Carrington Street parking has been redone, Steuben Street is to be redone and Smith Street, after AgFest, is scheduled to be expanded into (2) row parking and redone with millings as well. Parking signs to be discussed and put into place for next year's events.

11. Review and Approval of Expenditures from the General, Water and Grant Funds

Motion to Approve 1st Trustee Rodbourn 2nd Trustee Gay All in Favor 4-0

12. AgFest - August 27, 2023 12:00 PM to 3:00 PM

The Mayor advised this is a function of the Summer Festival Committee, but there are a few actions the board needs to take to facilitate this event, from which all of the funds raised after expenses, go to the park projects account.

a. Closure of Steuben Street

The closure of Steuben Street from the intersection of Grant Street to Carrington Street is requested from 9:00 AM to 3:00 PM, or when the event is concluded.

Motion to Approve 1st Trustee Gay 2nd Trustee Rowe Smalt All in Favor 4-0

b. Use of Village Tractor

The Historic Society will be conducting a Historical Tour around the Village of Avoca at this event and a passenger wagon was used last year and towed by the Street Department Tractor. The Mayor advised the tractor would be operated by Village employees only, but at this time will most likely not be used as another volunteer is utilizing their personal tractor. If required, the tractor will be operated only by someone who signs a waiver.

Motion to Approve 1st Trustee Rowe Smalt 2nd Trustee Gay All in Favor 4-0

c. Waiver of the Pavilion Use Fee

The Mayor advised the Summer Festival Committee requests that the \$25 Pavilion Use Fee be waived for the use of the pavilion on August 27, 2023 as all funds raised from this event are for the park projects.

Motion to Approve 1st Trustee Rowe Smalt 2nd Trustee Rodbourn All in Favor 4-0

13. Update of the Gazebo for Main Street Park:

Trustee Rodbourn advises he spoke with the manufacturer / contractor who would built the Gazebo on site and he provided the following details:

- Base price of an 18' X 18' is \$14000.
- Architectural shingles.
- Heavier gauge posts would be an extra \$653
- Steps with a handrail to be installed by the company it will be \$700
- Paint or stain the pavilion would will be \$500
- The total for the pavilion with all of these extras will be \$16,075.00
- There will be a discount of \$420 if the contractor is paid at the project completion
- Estimate of 4-6 weeks to get the structure built and finished.

This estimate does not include the base for the Gazebo. A project of this size would be brought to the park and assembled on site by the contractor. The Gazebo base could be done by quote or possibly the by the Village Street Department. They will need the specifications. Any electric can be hooked back up to the electric that is there and the water is still located in the same location, The water could be hooked back up by the Street Department.

Trustee Rowe Smalt is worried about the treated lumber during the construction and inquired about the use and price of composite materials. The Mayor advised that the AgFest Committee has discussed this and has the 2022 funds raised for park projects and could potentially assist with the cost or base of the Gazebo. The Beautification Committee has roughly \$2200 also to put towards the new Gazebo. The Mayor also advised that the funds for the School Summer Project are in the budget and those funds or a portion thereof may be available toward the Gazebo project as well. This will not be known until September as the school has not provided a cost of this program yet for the Village youth attending.

Mayor Tyner stated for a project of this size we would have to conform to the Procurement Policy and he will get with Trustee Rodbourn on what written quotes are needed to approve this project. Trustee Rodbourn advised he would secure a written quote for the next meeting.

Ms. Hunt mentioned that the light poles by the old Gazebo were donated by local residents and there were brass plaques at the base of each light pole with the donor's names. The Mayor advised that the plaques have been secured and need to be replaced with etched letters in the brass as the old plaques can barely be read.

14. Grants Update

The Mayor advised the board on the following Grant updates:

1. **Downtown Revitalization Initiative - Guidelines**

Mayor Tyner explained that the grant is meant to have low-income housing to incorporate the funds for the grant. The idea is to use downtown business properties that are vacant and turn into low-income apartments. There was a discussion about some portions of some properties that have been condemned. Officer Cagle has condemned the back portion of the one property currently owned by Five Star Bank that is in a state of disrepair. Mayor Tyner advised he will follow-up the Village municipal contact at Five Star on the current status of these buildings.

2. **2023 NY Culvert Grant:**

The Mayor advised there were some issues that needed to be addressed in the first draft of the contract sent to the Village BY NYS DOT. The Mayor has spoken to the village attorney and the issues were addressed and sent back to NYS DOT for corrections. The Grant has been approved by NYS and is 100% state funded for \$1.25 million. The Mayor is awaiting the revised contract to be sent back for review and Board approval at the September meeting. The pedestrian walkway is being addressed along with the temporary bridge for access to the cemetery and sports complex. After signing, the next step will be passing the Resolution and sending out the RFPs.

3. **Federal Infrastructure Grant- Include Drainage Issues**

The Mayor advised he has spoken with the Maintenance Supervisor and is awaiting a cost to correct the drainage issues at the four-corners and at East

Avenue that needs to be addressed. Also, any other issues that need to be addressed shall be included.

4. Clean Energy Grant Update – Resolution to be Passed

The Mayor advised the process is almost complete and this Resolution basically outlines the village would be required to go into the NYS computer program and record our usage every year to track usage and changes from the project incorporated under this Grant. Our point of contact is Michael Brown. There was a few corrections on the draft of the Resolution that needed to be addressed, but the final Resolution Form is being presented for discussion and approval by the board. The Mayor advised there is also an issue with the one form submitted for the LED Lighting Conversion that is being addressed by Trustee Hubbard, but this is a formality at this time. Discussion followed.

The Mayor asked for a motion to approve VOA Resolution 2023-3 – CEC Benchmark Resolution for the \$5,000 towards our green energy refund.

Motion to Approve 1st Trustee Gay 2nd Trustee Rodbourn All in Favor 4-0

15. Board Discussions. Reports on Assignment

Mayor Tyner:

1. The NYS Grant for the feasibility survey on the effects of the combination of the Village and Town is out, but both municipalities have to agree. The information required has been forwarded to the Town of Avoca Supervisor, but no response to the information requested has been received.
2. The Village Clerk combination safe has been installed in Mayor / Trustee office and is in use at this time.
3. The background check for employees can be done by Indentigo, which has offices located in Hornell or Penn Yan. Elected Officials can go through this process if they elect to, but cannot be compelled. The Mayor, Deputy Mayor and Treasurer will all complete this process as soon as possible.
4. Mayor Tyner looked into the question about the mandated training for Street Department and the member of the ZBA. The ZBA training is an online training and will be scheduled. The Street Department employees are required for the annual Discrimination and Harassment training, which will be scheduled. There is no required training for the Village Clerk / Treasurer.
5. The Mayor explained that Matt Morales, a member of the Village Planning Board, will be the in-house IT Contact and will be doing the Facebook page, website and electronic board. Mr. Morales will need access to the building and his own account on the clerk's computer. Discussion followed and there were no objections voiced by the board.

Trustee Hubbard – Not Present

Trustee Gay – No Items at this time.

Trustee Rowe Smalt – She has concerns about the dogs in the village not being leashed. There have been issues with aggressive dogs. Discussion followed and the

Mayor advised these types of complaints are handled through the Dog Control Office. Trustee Rowe-Smalt was advised that concerns can be addressed with the Dog Control Officer who is Gary Hadsell.

Trustee Rowe-Smalt also inquired about the vacant commercial buildings on Main Streets being vacant, the condition of the buildings and if the taxes are being paid what is the bank doing with the buildings. The Mayor advised that as far as he is aware the buildings were turned back over to Five-Star and the taxes are paid to date. The back of the one building has been condemned and needs to come down, but he will make contact with Five-Star bank to inquire about the status of the buildings and intended future use.

Trustee Rodbourn – He had been approached by a resident on Exchange Street and there are concerns about excessive speed in the village in that area He suggested the speed limit be dropped on Exchange and Mill Streets to 15 MPH. Discussion followed and the board sees no issue with lowering the speed limit in that area to 15 MPH. The Mayor advised he will contact the Village Attorney on the process of lowering the speed limit and this item will be added to the September Meeting agenda.

He also would discussed the idea of allowing side by sides to operate on the streets in the village, something similar to what North Hornell has recently passed and allowed. Discussion followed on the process and the idea of permitting use on the village streets. Trustee Rodbourn advised he can secure a copy of the Village of North Hornell law for further review. Item to be added to the September Meeting agenda.

Clerk Haar said the Village Clerk NYCOM training in September is approximately \$700, under the \$1000 limit set by the board. She inquired about the reimbursement for mileage also, which the Mayor advise could be addressed. She also asked if it would be possible to start sending a quarterly village newsletter out with the water bills. This would result in an increase in cost for postage of the envelopes, but could also prevent water bills from being destroyed or lost because they are so small. Trustee Rodbourn said he thought the electronic sign was used for that purpose. Clerk Haar said it would be nice to have the different board's members, dog control, etc. listed as well as any upcoming information for the residents on events or issue going on in the village. The Mayor advised Clerk Haar to draw up a sample for further discussion and review by the board at the next meeting.

16.Call to Attorney Oklevitch

The Mayor advised that the village attorney is available whenever needed to answer legal questions during board meetings and any legal issues can be address at the end of the meeting with a call to the attorney, unless the matter needs to be addressed at other points in the agenda. Mayor Tyner then placed the call the village attorney:

1. Trustee Rowe Smalt asked if wording could be created for the volunteer waiver form for the Summer Youth Program. Wording to address possible

issues with volunteer applicants. Attorney Olkevitch advised she will provide the language outlined so the Mayor can incorporate this provision into the draft of the Volunteer Waiver Form.

2. The Mayor advised that the original paperwork for the Easements on South Main Street for the drain near the Laundry Mat and South Main Auto has been signed and completed. The attorney advised the original paperwork needs to be sent to Ms. Olkevitch at Aaron Mullen's Office in Bath and she will file it with the County Clerk's Office to get it recorded.
3. Trustee Rowe-Smalt inquired further about the research done on the ownership of the cemeteries by the attorney and how it was determined on the legality of the cemeteries being only the village's responsibility. The attorney advised that at this time she had not contacted the state on this matter, but she would provide further information on this to the board after she has made contact and secures further information.

There was no further items of discussion with the Village Attorney at this time.

17.Visitors Comments

The Mayor asked the public for any comment from the items presented on the August agenda. Mr. Breenan mentioned that we should think about having a 3' overhang on the gazebo. He said it may add longevity so snow and rain are not on the actual structure. He also added that an overhang or roof over the stairs and railings would also add to the longevity. Trustee Rodbourn advised he can make these inquiries to will ask the company about pricing.

No other public comments were made.

18.Executive Session to discuss Specific Employment Details on an Employee-Hiring of Deputy Clerk

The Board Moved into Executive Session

Motion 1st Trustee Rodbourn 2nd by Trustee Gay All in Favor 4-0

Executive Session to include the Village Clerk at 9:14 PM

The Board Reconvened in Regular Session

Motion 1st Trustee Rodbourn 2nd Trustee Gay All in Favor 4-0

19.Regular Meeting Closing / Adjournment Motion to Close the Meeting

1st Trustee Gay 2nd Trustee Rodbourn All in Favor 4-0

Meeting was adjourned at 9:22 PM

Respectfully submitted,
Christine Haar. Village Clerk/Treasurer