

VILLAGE OF AVOCA
MINUTES FOR THE REGULAR BOARD OF TRUSTEES MEETING
SEPTEMBER 14, 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

The meeting began at 7:00 PM after the Pledge Allegiance to the Flag

1. Review – Approve: Minutes from the August 10, 2023 Regular Meeting

Mayor Tyner asked for a motion to approve the Minutes from the August 10, 2023 regular meeting. Trustee Rowe Smalt had some concerns about wording in the minutes. The changes were clarified and will be done. The motion was made to approve the minutes with the changes being made. The revised minutes will be at the next meeting.

1st Trustee Rowe Smalt 2nd Trustee Rodbourn All in Favor 5-0

2. Review – Approve: Monthly Departmental Reports

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

1st Trustee Rodbourn 2nd Trustee Hubbard All in Favor 5-0

Trustee Rowe-Smalt asked if the Street Department can put markings for the sidewalks off Carrington Street that are not clearly marked for pedestrians. This is the area after the railroad tracks near the paved area for Haine's Equipment. Also discussed was the missing sidewalk in that area. This section has not been plowed historically by the Village. Discussion followed below. Maintenance Supervisor Comstock will put together a plan for the area for review at the next meeting.

Trustee Rowe-Smalt also asked about the old bank building purchase and who will maintain the property. The Mayor advised he has been in contact with Five Star and is now trying to obtain the plan from the building from the Real Estate arm at Five-Star. Further information to be provided at next meeting.

3. Visitors: General Comments

Bonnie Hunt requested there be some kind of regulations and specific area for all the lawn signs that are popping up by the four corners. Presently the signs are being put in the ground by the STOP sign and by the electronic sign. Discussion followed. Mayor presented the idea of drafting a policy for signs being placed on Village property at the four corners and then being placed by the street department. Draft of policy to be put together for further discussion.

4. Leann Wightman Employee Appreciation Presentation – Postponed Until October 12, 2023 Meeting

5. Department Heads:

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

1. Sidewalks – South Main Street / Carrington Street- Further discussion on the request that the sidewalk on Carrington be lined for pedestrians. It was questioned if the trees could be taken out on South Maple to help with the sidewalks. There was also talk of the road by the railroad tracks being plowed to service pedestrians walking on the street. There is a 50” right of way each way that the railroad maintains if anything is to be done in that area. Plan to be drafted for further discussion.

2. South Main Street Drainage Easement – The Mayor advised that there is a new easement that is being drawn up and once signed by all parties it has to be notarized. Nothing in the easement outline has changed other than being notarized. The project can be completed as scheduled and he will ensure the signatures are secured on the new document. Supervisor Comstock stated this project will be scheduled after the water line work at Memorial Park is done.

3. Water at Memorial Park – Supervisor Comstock stated the street department is ready to complete the water line to the building at Memorial Park in the next few weeks.

4. Smith Street Parking Lot – Discussion on the Summer Youth activities being over and this project can wait until spring to add the two-row parking lot to the Smith Street Parking Lot. The street department will see about removing the chain link back stop from the park to be used elsewhere, if possible, at the same time the water line is being put in.

5. Cemetery – Stones Reset and Camera- The Mayor advised the parties who did the damage have been identified. Dispute Settlement has been in contact and besides restitution, they are being requested to write an apology letter to the victim’s families for the damage and the Village can seek community service. Once Clerk Harr gets a list from Supervisor Comstock, she will try to reach out to any family members for addresses and notification. The camera that is at the compost area will be taken to the cemetery for WIFI monitoring and the new camera which is not WIFI compatible will be put in the compost area.

6. Milling / Paving – River Street and Grant Street – Supervisor Comstock advised that the paving work on River and Grant Streets have been completed. The millings

will be used for the shoulders of the streets as needed. He is also reaching out the County for pavement markings if they are back in the area this fall.

7. Street Shoulders – above

8. Railing at Fire Department – The railing will be scheduled to be installed, possibly next Wednesday. The railing is here and stored at the street department.

9. Additional Items:

Supervisor Comstock asked about the internet service at the street garage. It did not work, but has been fixed temporarily. The service has not been very efficient lately and is vital now to run the department. The Village will be looking into potential sources of Internet service to apply to the street department as well.

Supervisor Comstock asked for approval to begin the process to put together specifications for a new Ford 550 one-ton truck to replace the current 2015 street department truck. He would like to get an idea of cost to add to next year or the following year's budget. Discussion followed, approved to begin spec process.

The Mayor advised he spoke with Supervisor Comstock about the gas gauge on the gas pump being broken. He will be reaching out to see about a gas gauge replacement cost.

b. Fire and Ambulance Departments – Chris MacDougal not Present

- 1. Budget Transfer** - Clerk Haar advised the budget transfer has been done.
- 2. Airpack Grant** - Review and discuss of the Grant being managed by the Cohocton Fire Department. They will purchase the air packs and then bill Avoca Fire Department for the Village part, 10% or \$16,366. The air packs will hopefully be delivered in about 6 months. As no written quote is available, motion to approve tabled until next meeting.
- 3. New Ladders** – Chief McDougal advised the new ladders that would be on the new pumper truck will be bought before the truck comes. This is due to the old truck ladder inspection failed due to dents in the rungs on the ladders. The pumper / tanker company said they could allow the ladders to come early so these can be used on the old truck. The cost of the ladders will be paid out of the reserves set aside for the new pumper / tanker and come off the final bill. Cost of the ladders is about \$3600 and will come off the total purchase price for the new truck. Motion was made to approve the purchase of the ladders.

1st Trustee Hubbard 2nd Trustee Gay All in Favor 5-0

- 4. Entrance Safety Railing** – The Mayor advised that he spoke with Maintenance Supervisor and the safety railing for outside the entry door have arrived and will be installed by the street department as soon as being scheduled.
- 5. Contractor Update on New Doors / Windows** – Chief McDougal stated there was one bid for the work to be done on the windows at the Fire Department. The estimate is from Dave Peck is \$4,580.00. The Mayor advised we have

advertised this project several times so we can accept the quote. Discussion followed. The windows have already been purchased and are ready to be installed, but the window frames need work and replacement. Motion to approve the quote for \$4,580.00.

1st Trustee Hubbard 2nd Trustee Gay All in Favor 5-0

6. Cost Associated with E5-Pay Bill Out of Transfer -The Mayor restated this is to cover the damage to the truck on the roof from the leaking water-damage, so there is an invoice for the roof that was not covered. The invoice is to paid out of the funds transferred previously from the 2022-2023 budget.

7. Update on Separation to Fire District

a. Tentative Agreement Discussion / Transfer of Real Property

Discussion followed on the Joint Meeting on September 13, 2023. The Town of Howard advised they decided to go with Fremont for their ambulance service. This will take \$7,475 from the revenue budget that the new district thought they would have. The new tax rate per thousand will be roughly \$1.47.

8. \$1,500 Fire Grant – The Mayor advised this is a budgetary issue to establish a line item for the deposit made for the Fire Grant of \$3,000, which was a match Grant, so \$1,500 came to the Village account electronically. We will issue a check to Hose Company for this amount once it is placed correctly in the budget.

6. Policy Discussions:

a. Policy #3 - Use of Computer – Email and Internet : This policy was updated to meet with addition of the policies approved last month. Short discussion followed and motion called for to approve the updated policy.

1st Trustee Hubbard 2nd by Trustee Gay, 4-0 in Favor
Trustee Rowe Smalt abstained.

b. Policy #28 - Village Clerk and Deputy Clerk -The Mayor advised the draft of this policy had been completed, minus the name of the Deputy Clerk. Trustee Rowe Smalt had concerns about the wording in the policy “at no time will the term”. The policy will be revisited next month. Trustee Rodbourn had concerns on the Deputy Clerk section and the daily duties being assigned as this position also answers to the Mayor, not the Village Clerk. Discussion followed. Mayor Tyner will made the wording changes to these sections of the policy and put forth a revised final copy for approval at the October Board Meeting.

c. Policy #32 - Records Retention/Recording Monthly Meeting Policy

The Mayor advised a rough draft of the records retention policy was completed, but taking a 400-page document and cutting it down was challenging. The Village

Attorney has reviewed this copy, but the Mayor stated the draft still needs some work. Trustee Rowe Smalt is concerned about the audio recording being on the website. The Mayor advised if a person wants the audio recording, they would have to file a FOIL request. The policy stated that audio recording will be retained for a period of 4 months. Discussion followed. Policy tabled until next month.

7. Village / Town Joint Meeting

a. Internet at Maintenance Shop- Supervisor Comstock had already raised issues about the service not being reliable at the street garage. Clerk Haar will contact Spectrum to find out the cost of internet. Matt Foster can also add a booster to add service to the street garage if needed.

b. Office Copier – The Mayor advised that Town Supervisor Wightman had a salesperson from Toshiba come to discuss a new copier for the municipal building. She told him parts are going to be hard to find soon for the copier we have in the coming future and suggested we check into a replacement. The Mayor did receive a hand-written estimate for \$3,143.09 for the copier, 40% for the Village share being \$1,257.24. New monthly service fee will also be around \$30 a month, half of the current cost. A fax will also be included in the new copier as the current fax is not as reliable. Discussion followed with the question of the cost of leasing being a better option. The Mayor will inquire to the town about leasing a new copier and the costs associated with it. No action will be taken until both boards discuss it.

8. BAN on Ambulance

The new BAN was just received and passed around to the Trustees. Discussion followed on the annual payment will be made this week of \$12,150 principle and \$1,409 interest. The interest rate will need to be confirmed with the pending Fire District creation and if the BAN is callable. The new BAN will be established to hopefully pay the last two payments before the transfer of the ambulance to the new fire district, if it is created and approved. A motion was made to approve the new BAN as outlined.

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

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

The Mayor advised the estimate requested by Trustee Rowe Smalt has been supplied from Chris MacDougal. Discussion then followed. Trustee Rowe Smalt advised she can get another estimate from Frank Hoffman and Trustee Rodbourn stated that is who he had talked to and he said it would be roughly \$19,000. Trustee Rowe Smalt then asked Supervisor Comstock if he could get an accurate account of hours spent by the street department on the cemetery mowing. Supervisor Comstock stated said without it being looked into through his paperwork he would say the Street

Department spend about 3-5 hours on Valley View and 2 hours on Highland each week just in mowing. Further discussion followed. Trustee Rodbourn asked the questions what the street department would be doing in the summer if they weren't mowing. What project would they be working on to use for this time? Further discussion followed and the Mayor advised that as he understood the third street department member was added for this reason as it used to be just summer help for the mowing season. Trustee Hubbard stated it would be helpful to see actual numbers and costs to make an informed decision. The Mayor then advised Supervisor Comstock that to put together an actual outline for the Board to review of the hours spent in the cemeteries for all duties that the Board can review at the next meeting. Trustee Rowe Smalt wanted it to be quoted that "No municipality should be in the cemetery business". Further discussion followed on the town taking over the cemeteries and why the village is doing all the work and paying all the costs. The Mayor advised he would add this item to his list to speak with the town about in the work being done in the cemeteries.

10. Youth Commission and Summer Activities

Discussion that the Summer Youth Program should be set and established for next year's season and to get the policy and budget outline in placed before that time.

Discussion followed about the work being performed in the Memorial Park Pavilion.

- a. Discussion followed on the cost of the walls to be done with metal instead of sheetrock. Cost to be outlined and proceed if can be accommodated in budget.
- b. The Mayor advised due to being Grant funds, the contractor will have the materials put on the Village account and no down payment will be needed.
- c. Trustee Rowe Smalt asked if the shelves for the Youth Program can be done. The Mayor advised that once the project is complete, we will see what money we have left in the budget for the shelves.
- d. Trustee Rodbourn also asked if urinals would be installed. Mayor Tyner advised he will get a new quote from the contractor to include this in the project.
- e. Supervisor Comstock asked who would be cleaning the bathrooms. Discussion followed, but the Mayor advised once the bathrooms are in place the rental cost for the pavilion use will be re-evaluated with a deposit in the event there are issued with the party renting the pavilion. Motion made to approve the Contractor quote to have the bathroom at Memorial Park installed within parameters of the discussed additions, pending the new quote from the contractor.

1st Trustee Hubbard

2nd Trustee Rodbourn

All in Favor 5-0

11. Update on Meeting with new Community Bank on Rates / Accounts - Meeting

The Mayor advised his meeting with Community Bank was canceled so no further update is available. Item tabled until next meeting.

12 Review and Approval of Expenditures from the General, Water and Grant Funds
Motion to Approve 1st Trustee Rodbourn 2nd Trustee Hubbard All in Favor 5-0

13 AgFest Overview on Funds Raised - August 27, 2023

The Mayor reported that the AgFest has raised about \$7500 total in the first and second year of fundraising. There will be an AgFest Committee meeting held to determine where to apply the funds with the recommendation a large portion be used for the foundation area of the new Gazebo. Report to follow at next month's meeting after the AgFest Committee meeting.

14. Village Office Hours

Discussion resumed from the previous meeting on the current office hours for the Village Clerk. The Mayor advised that he felt the office hours had just been established in June of 2023 and there has not been enough time to know if they are or aren't working. The current hours are posted and the clerk is working (2) days a week 1:00 PM to 5:00 PM, (3) days a week 8:00 Am to 12:00 PM, and one Saturday for 2 hours and one Wednesday evening until 7:00 PM. The Mayor suggested keeping the hours in place as in with a reevaluation in January of 2024 to see how the hours are working. After some discussion of different hours, it was decided to table the discussion until January of 2024. The clerk can track to see how many people come in on different days/hours to report on this item in January. Since no change is being made to the established office hours, no motion is required at this time.

15. Update of the Gazebo for Main Street Park:

- a. Written Quote and Construction Discussion- Trustee Rodbourn reported it would cost \$2500 more for composite boards for the gazebo. The company feels that because it is covered by the roof, there really is no difference on lifetime of the floor decking with composite material. Trustee Rodbourn received 2 more bids for the gazebo construction: one was \$27,900 and the other was \$28,000, both being more than original estimate.

The Mayor advised the school has not let us know yet if they will need the money that was set aside for the summer program. If not, we could possibly use that money to help pay the cost of the new gazebo. Mayor Tyner said that he had a discussion with the windmill company about a possible payment from them towards the gazebo, but the timeline is unknown and if this will qualify for one of their projects. They would help with projects of historic nature in the village.

There was also discussion about approving acceptance of money without having money allocated and this cannot happen.

The ground work for the new Gazebo being put up is also not in the construction bid, this would also need to be bid also. The street department can do some of the work as far as a new sidewalk and around the area if required. Trustee Rodbourn advised he will contact the contractor to get the specification for the ground work that would need to be completed if construction were to begin.

The Mayor advised that by next month's meeting it will be known if funds can be allocated for this project, possibly for completion by Christmas in the Park.

16. Discussion on proposed Local Laws

a. Golf Cart / UTV use on Village Streets – The Mayor advised he had discussed forwarding this project to the Planning Board for further review. Trustee Rodbourn stated he secured a copy of the laws that Hornellsville has for ATVs on roadways and they DO NOT allow it, which is opposite of what he was originally advised. The Mayor stated he spoke with the Village Attorney at length on this as well and stated it is very difficult to register because of fees, regulations to be met and no police force to enforce it. Signs would also have to be put up and our insurance may go up because of liability on our streets. Further discussion followed and it was determined by the by the board the exploration of this seems to be more trouble than it is worth, so this idea was tabled.

b. 15 MPH Speed Limit on Exchange and Mill Streets – The Mayor went over the basic process about how the village can lower the speed limit on Mill Street and Exchange Street to 15 miles per hour. Discussion followed to determine if these streets are both designated streets for the village. We would also need to contact NYS DOT and advise, but they should not be able to stop, and pass a local law. The board agreed to pursue this topic and the Mayor will make contact with NYS DOT and report back at next month's meeting.

Discussion also followed on the recent fatal motor vehicle collision at the intersection of State Route 415 and Michigan Hollow and the need for a reduced speed limit as well along this stretch of highway. This would have to be done by contacting NYS DOT for a study in the area. Trustee Rodbourn advised he request this years ago when working for another entity and a similar study had been done then. Further discussion followed and it was determined to look into a reduce speed limit from the Michigan Hollow intersection in the south to the bridge over the Cohocton River by Hees park on the north end. The Mayor will speak with NYS DOT on this matter as well and report back on the process to begin to request a reduced speed limit in this area. The Town of Avoca would also have to be contacted as portions of this section of highway is outside the village limits.

17. Discussion and Quote on Bathrooms at Memorial Park

a. Steel Walls about same Price

This agenda item was covered earlier in discussions above.

b. Pay for materials directly to cover downpayment.

This agenda item was covered earlier in discussions above.

18. Grants Update

The Mayor advised the board on the following Grant updates:

1. Downtown Revitalization Initiative – Letter of Intent Filed

The Mayor advised the letter of intent was filed with NYS for this process, however the criteria for this Grant requires accommodations for low-income housing. Mayor Tyner said the rain water drainage issue Main Street, along with other areas water drainage, is needed. Any infrastructure items need to be submitted ASAP.

Discussion also followed about the issue raised by the Code Officer with the problems with delivery trucks parking on the street near Crosby's and Dollar General, as they are supposed to load and unload off the Route 415 entrances. A suggestion from the Code Officer is to place a guardrail along Main Street in this area. Discussion followed. The determination was made that "NO PARKING" signs would be appropriate in this area and if there is a zoning unloading issue that the Code Officer could issue violations for these incidents.

2. 2023 NY Culvert Grant

The Mayor advised that the final form of the Contract with NYS Region 6 is ready for discussion and approval. The Mayor advised that after the contract is passed, the Resolution would be generated and then the RFP sent out to the 5 engineering and construction firms that are on the approved list. Hopefully a selection will be made by January to begin the planning process. A motion was requested to approve the IPP Contract NYS Region 6 as proposed. Motion to Approve

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

3. Federal Infrastructure Grant- Include Drainage Issues

The Mayor advised this Grant is still be explored and he is awaiting the list of drainage issues to be included as well from Supervisor Comstock.

4. Clean Energy Grant Update

The Mayor advised that an email was received and he and Trustee Hubbard corrected a paperwork issue, the village is just awaiting the official award letter. The Mayor advised that when we receive the award letter and guidelines the Board will have to decide where we want to apply the clean energy funds.

5. Windmill Historical Projects – Funding Available

The Mayor advised that in discussion with the Windmill Project there has been discussions of funds available for not only the municipal building upgrades being discussed with the town jointly, but also possible upgrades to the park on main street. These discussions included, the gazebo, bus memorial, sidewalks, landscaping, parking lot, lighting and other park features. Discussion followed as this is in the discussion stage, so no timeline or specifics are known at this time.

19. Board Discussions / Agendas / Reports on Assignments

Mayor Tyner:

1. Background Checks on Employees – The Mayor advised there are two sites in the area for the Identigo Processing for Background checks. Hornell and Penn Yan. The Mayor, Trustee Hubbard and Clerk Haar will make appointments for this to be completed.
2. McAfee Anti-Virus Renewal – The Mayor advised the Board that Matt Foster will look into doing the renewal for this when it is due in October. This is only around \$80 yearly, so no action is required of the Board.
3. Mayor Tyner also brought up the two new insurance bills in the abstract. They are for the cyber coverage and the Youth 14 Softball program.

Trustee Hubbard – No items at this time, but he asked the Mayor how many hours the Mayor spent this month on working on all these projects. The Mayor advised it was all part of the job.

Trustee Gay – No Items at this time.

Trustee Rowe Smalt – She questioned the total cost of insurance for our youth programs. When able to, Clerk Haar will try to get the information on the actual cost of all the programs. She also inquired why payments to the village for such things as taxes or water payment can't be done by credit card. The Mayor advised this was looked into before and the village can, but the extra cost needed to go along with this service, such as 3%, will also be paid by the resident paying their bills. The village can not incur that cost. This topic can be looked into further if the board decides the village wants to provide this service.

Trustee Rodbourn – He asked that the Mayor explain the insurances as to what were the cyber and Youth 14 Softball insurance cost. The Mayor advised that when the switch to Maple City from GVA occurred, the policy was written without the cyber cost in place as we were in the process of development of these policies. The U14 Softball insurance, \$110, was added as a cost when the Board approved to provide this as required from this program to operate at the school.

The Mayor was then recalled that a motion was required to pay the two new insurance bills discussed.

1st Trustee Hubbard 2nd Trustee Rodbourn All in Favor 5-0

Further Items / Topics

Clerk Haar

1. Clerk Haar reported about on the approved retirement training.
2. Clerk Haar provided a draft quarterly newsletter for the Board to review and discuss further. She advised this was just a draft and will have a revised sample ready for further review and discussion for the next board meeting.
3. Clerk Haar advised she is set to attend the village clerk conference in Lake Placid next week and all arrangements have been made.

Mayor Tyner also reported that he talked to BOCES about using students for work around the village previously discussed and he is awaiting a call back from the Building Trades teacher at Wildwood BOCES.

20. Call to Attorney Oklevitch

The Mayor made a speaker call to the Village Attorney for any Legal Issues to be discussed to include:

1. Trustee Rowe Smalt asked the attorney if we had to maintain the cemeteries or if the Town of Avoca could take them over. According to Attorney Russell (Oklevitch), she has not found any information that states that a town legally has to take them over from a previous sale/gift to the village, unless both municipalities are in agreement to transfer the property and responsibility. The cemetery would have to be abandoned for the set period of time outlined by law for the town to be required to take them over. Discussion followed and Trustee Rowe Smalt asked that this topic continued to be looked into as the village should not be in the cemetery business.
2. The Mayor advised on the speed limit local law for Mill Street and Exchange Street to be put in place once all the background is completed. The attorney stated she is aware of the wording that needs to be in any resolution or local law so she can assist in drafting once the board is ready to proceed.
3. The Mayor advised that the golf cart / UTV usage topic was discussed further and this topic is no longer in consideration and the board decided against it.
4. The ambulance BAN payment and renewal will be updated as discussed and a new check will be written to Five Star Bank. The attorney will mail the new BAN for signatures and filing before the due date.
5. The Mayor advised a deposit was made into our general fund checking for a grant the Avoca Hose Company put in for in the amount of \$1,500. The attorney advised this really is not in her realm, so Clerk Haar will ask Williamson Law how to make that deposit and write a check to the Avoca Hose Company in reimbursement for the \$1500.
6. The changes discussed in the wording to in Policy #28 for the Village Clerk / Treasurer were discussed. Trustee Rowe Smalt and Trustee Rodbourn explained their concerns to both sections outlined above. Trustee Hibbard stated he understood the concern, but as he was present during this policy and others being developed he understood the meaning behind each concern. The attorney will look into the wording in question and get with the Mayor to make the changes to the wording in this policy to alleviate any concerns.
7. There were no further items of discussion with the Village Attorney at this time.

21. Visitors Comments

Bill Brennan inquired and wanted to know if the Village has to do prevailing wage for the gazebo being planned. The Mayor advised that any project for the Village

the contractors have to sign the agreement as outlined and this is one of the items stipulated in the agreement.

No other public comments were made.

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

The Board Moved into Executive Session - 9:30 AM

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

The Board Reconvened in Regular Session – 9:42 AM

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

Trustee Hubbard excused himself from the meeting at this time.

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

A motion was made for the Mayor to proceed with hiring of the Deputy Clerk as outlined during the discussions in Executive Session and to have the person hired start in this position when possible.

1st Trustee Rodbourn 2nd Trustee Rowe Smalt All in Favor 5-0

A motion to adjourn the regular meeting was made at 9:53 AM

1st Trustee Rodbourn 2nd Trustee Rowe Smalt All in Favor 5-0

Respectfully submitted,

Christine Haar. Village Clerk/Treasurer