

TWELTH: RECORDING OF THE MONTHLY BOARD MEETING.

On this 9TH day of December, 2021. Lodi, NY 14860.

Supervisor Kyle Barnhart called the meeting to direct order at 7:03 P.M. leading all in attendance to stand for the Pledge of Allegiance of the United States of America, followed by a moment of silence for our service men and women.

OFFICIAL ROLL CALL:

Roll call taken by Town Clerk Connie Rosbaugh and is as stated.

Those in presences during: Supervisor Kyle Barnhart, Deputy Supervisor/Councilman Lucas Latini, Councilman Trevor Sibley and Councilman Seth Thomas. along with, Town Clerk Connie Rosbaugh. To take the official recording of this said meeting.

In representation of Attorney at law; Frank Fisher

AGENDA ADDRESSED:

PRESENTERS/PETITIONERS: Dave Adams, Architect of the building committee, new town hall project. AJH Design- New Town Hall presentation. \$705,000.00.

*intentions at this point is to put the project out to bid; to see what the factual build cost is.

*D.A.- gives an over-all view of the design and plans. additions and use of each specific addition, in the blue print plans. (code compliant plan).

S.KB. - our goals had always been cost reduction. Some of the local work that has been talking about is Luke has offered his assistance and expertise to the septic. In addition, Trevor has offered his time and expertise in the establishment of the parking lot, gravel work and etc. when this goes out to bid we intend to reuse as many materials as we can, for example. The security windows, bench and equipment.

Heard concerns: ultimately we are including the pantry into this project. I have heard from the community this is a point of contention. With that being said: the pantries operation, there continued operation is what makes this project possible, at a very steep discount. The Presbyterian church on there way out essentially offered the building to the Town under the premises that we would always the pantry to continue to operate.

Public: Kurt Voorheis- What is the budget on this building project.

KB- This board went over a budget multiple times, we untimely had settled on 700- 750, thousand.

The town has about \$420,000.00 in resources, so what ever the bid ends up coming in at. We have between building reserves and state grants, and now the hope for the Court system grants.

K.V.- but we can't fix any of the 3 bridges that are out, because we don't have money?

KB. -We can and are looking at fixing bridges. I just spoke with Mr. Miller, about bridge N.Y. funds. It's something that we look into regularly. We are having discussions about Dean Road, which I don't think has been talked about for 10 years. We are definitely looking into bridge grant funds, but no you are right there being no previous dedicated money for bridges.

K.V. Well when I was here last month when we talked about Seneca Road, and I felt like it was pretty much oh well we can't afford it.

KB. - Yes, it's a million-and-a-half-dollar bridge right now.

Frank Miller; is the septic system that is there right now, not savable at all?

KB. When we build the addition, it would of went over the leach field. So we had to move it anyway.

Deputy Lucas Latini: it will be a raised bed design; you will have to pump up. The real-estate at the site is kind of limited.

- Leach field with defuses on it?

LL. the engineers design looked standard, the problem is the elevation of the property and it is extremely wet. So when we did the test holes, they actually filled with water.

Although we do not anticipate the volume to be high, because of the wet, the limited space and the regulations. We have to pump up and it would of been nice, if the building was maybe position a little differently and probable two or so feet higher. With this you use a standard clay like sand system, and pump it a little higher. We will need a pump collection tank and a ejector. Obviously that requires maintenance over time, it requires a power line to push it. Standard to replace it every 10-15 years.

PUBLIC COMMENTS:

*Mr. Mccheyne. – from what I see and what is done, I can see that you have cut the cost down as far as you can shave it. My question is- is this what the community wants or not?

KB. There have been some painful decisions to be made. When the guiding factor is cost. We have gone as bare bone as we can. Its venal siding, concrete pad, gravel driveway. We are trying our best.

*Mr. Mccheyne- I would also like to ask- why was Paul Batman's position was never filled on the Board?

There are plenty of local residents who would like to take seat. The process of absence on an extended amount of time as in Paul's Death, being 7 months ago. Why was there not an appointment made.

KB. I looked for someone to fill the seat as I heard interest. I could not find anyone to serve, and it's funny because one of the last people who I had asked was one of your colleges. My question was if you Dick Mccheyne would serve. I never appointed because I couldn't find an interested democratic individual to fill Paul's Democratic seat. I personally filled Paul's seat at the Democratic committee and Ann and I have worked hard at getting people involved and participate but we were not able to find someone at the time.

D.MC. the usually process would be that you as Supervisor would appoint out of the same party as said person was of. With-in executive session with Board present.

Kurtis Voorheis: I would like to ask a question about Ames Road If you do not mind that I ask.

I'm under the understanding that you have abandoned Ames Road because of traffic travel.

Was there a study done, when was it done, and by whom was the study conducted? To verify that?

KB. Not as far as I am aware, but I could be mistaken.

KV. Then how do you abandon it with saying that there is less travel then needs to be before abandonment?

Attorney of Law Mr. F. Fisher. – (as requested by Supervisor, answer reply). The Town Highway Superintendent, made the determination that it would fit the criteria for an abandonment.

KV. Well how does he know, how many cars travel down it? My attorney spoke with you and he said that is how you determine to abandoned it, if it's less than 2.5 cars or something. I'm curios as to where the results to that are and how do I find copy of it.

S.KB. - do you personally believe that more than two cars travel that road on a daily?

KV. Oh yeah, I have trail cams. I got it on my trail cams. So then they brought the signs that say "no maintenance". So why, does the Town go out and pick up the trash on the side of the road is that not maintenance, or is it selective maintenance?

KB. It was a good Samaritans effort.

KV. But it wasn't picked up for 3 years, you put up the signs, no maintenance, travel at your own risk.

But say no maintenance. Is it selective maintenance, to? Keep the money?

So what are we doing with the money that came off of that road that we are not putting back into it?

Is that what this is for, the Building.

S.KB. – no we haven't received any money for Ames Road to date.

Because when I was at the public hearing of Ames Road you told me that there was 180,00.00 roughly, allotted for that Road and that is why we are abandoning it. Because if do not abounded it. we cannot move that money.

S.KB. we have the possibility to ask the Federal Government to apply those potential funds to another project. To date we have not identified another project to give that money to. We have not asked the Federal Government, to approve an alternate project. So yes it does exist potentially, but we have not asked the Federal Government to do that.

KV. - so back to my original question: then why did we drop the maintenance, we own the grader, we own the roller, these guys get paid no matter if they are down to the lake or up there. Why can't we continue to hit it twice a year and continue to do the little maintenance that has been done.

S.KB. - as a group it was determined that it was not in the towns interest .

KV. – well you or the Town Board, do not own any land up there, but I do. With doing this you make it so I could potentially not get there.

S.KB. – understood Mr. Voorheis.

Deputy L. Latini= Kurt, just be aware, that the question that was asked is, all the residents aligned with the abandonment of that Road.

KV. Yeah but we didn't. I was here at that meeting and we didn't. not one person here was for that.

L.L. the decision to abandon was premised on the report of; that all 100% of the land owners aligned with doing so, along with the Federal Government, but my concerns are with the land owners. Was there a dynamic that changed, with the gate? I don't know what that was, but it was the input to us.

That the correct dialog happened and then the unanimous consensus of every land owner that had property on that Road, was aligned with it.

KV. Because of, they had mentioned, putting up gates and locking it, that we would have a key to get to our land. It was okay thinking that it would be locked and then nobody could destroy it, or rut it up, as they do all the time. That if we damaged it we would fix it. but how can anyone just damage it and nobody takes responsibility eventually I won't be able to get to my land. 3 out of the 4 are now agents it.

L.L. okay with that being said, and I think that we or Kyle was under the premise that the Town could pay for a locking gate. That the landowners could lock it and secure it, working on the entrance and access via then selves. We have been advised by legal that we cannot do that, because we cannot use public funds to put on an abandoned road. Under the original Premise, that if we had a gate that you and the Feral Government could lock, that you are okay with the abandonment. Is that Correct Kurt?

K.V. well yes, because then if one of us screws it up, we can fix it. Now we cannot do that after you told us that.

L.L. nobody told me other than Kyle, that you guys had any concerns. We would of not have moved forward one second if you guys hadn't been unanimously for it.

KV. Luke where you at the public hearing.

LL. no I was not at it.

KV. Because Jody said that she wasn't for it when she found out that we couldn't lock it .I wasn't for it after finding out.

LL. Who was at the meeting from this board.

Board response: all of us.

KB. Jody was in favor of it, I got the emails a week after the meeting saying that. "I have changed my mind after the public hearing'.

L.L. it sounds like to me that you are saying that this is all balanced on the locking of the gate and the cost in labor to install. Is my understanding correct.

KV. A gate that can lock, with us having keys.

LL. So you are saying that if you had a gate that locked others out, that you would have no concerns at all?

KV. Sure. But that can't happen.

L.L. speaking to Attorney: frank, how do we go about trying to make the land owners whole?

Attorney: we can council further with research of the issue. With that being said, in not currently prepared with a direct answer at this time.

*Building committee member Art, speaks on the new building and overall expenses cut by, the voluntary work offered by councilman and community. The budget for the prior project being around \$900,000.00, if we come in around 700 and you add in the 67 grand that we paid for the building, we fall well under the budget of two years ago.

L.L. questioning the vertical ridge on the new town hall design. Are those windows or?

KB. No they are panels to break up the flat, we had discussed this as what to do. We are calling it a knee wall and it's just a flat vertical wall. They are designed to look like windows to break up that flat, but do not have the expense of windows.

MOTION TO ACCEPT THE AGENDA: Motion made by Supervisor Kyle Barnhart. Motion in the second by Councilman Trevor Sibley. Hearing no comment, all members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITHOUT COMMENT.**

MOTION TO ACCEPT THE MINUTES: (THE MONTH PREVIOUS TO THE CURRENT)-

Motion made by Supervisor Kyle Barnhart. Motion in the second made by Councilman Seth Thomas. All members of the Board **IN FAVOR AND VOTING AYE; MOTION CARRIED WITHOUT COMMENT.**

MOTION TO ACCEPT THE BILL(S): acquired in the previous month(s).

Motion made by Councilman Seth Thomas. Motion in the second by, Councilman Trevor Sibley. All members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITHOUT COMMENT.**

HIGHWAY REPORT: SUPERINTENDENT RICK JACOT.

Boom mowed, fixed shoulder on Shaw Road, cut and mulched tree limbs on spur Road. Cleaned and organized shop shelf's upstairs. Installed road sings. Maintenance of the Grader battery. Winter Road prep of scatter material of salt. Dug and cleaned ditches along culvert and Roads.

Installed driveway pipe, serviced the Egt. Patch work continues in the Roads and driveway level to road on Shaw Road.

Motion in the first by: Supervisor Kyle Barnhart. Motion in the second by: Councilman Trevor Sibley. All members of the Board **IN FAVOR AND VOYING AYE: MOTION CARRIED WITH COMMENTS.**

TOWN CLERKS REPORT- CONNIE ROSBAUGH:

Town Clerk: Remitting monies to the Town Supervisor Kyle Barnhart, in purpose to be added to the General Funds of the Town of Lodi. \$105.00 in Clerk Fees, monies. Remitted to the Dept. of AGS & MARKETS \$ 16.00. Remitted to the department of Health in the amount of \$ 00.00

Monies remitted from Judge Van Cleef- in fines, fees and etc... \$5,208.00-355

Tax collection: tax collection is upon us. Although things such as P.P.E will be considered. I will still be excepting in person payments, at the Town Hall. Monday through out Thursday. Between the hours of

10:00 a.m.- 2:00 p.m.. Fridays will still be reserved to those who need specific appointment times, in addition to appropriation actions.

The only slight change to be seen in our approach is in the receipt portion of taxes, because of price increase, availability of supplies and overall crammed postal system's. Hard copy of your receipt will only be given if the (mail me a receipt portion of your bill is marked). We will figure alternative ways to get a receipt to you if any circumstances are to arise. Example.. scanned email.

Register of Vital Statistics: certified copies for a legal matter. Register of a single death, 4 certified copies w/ fees.

Permits Official: 2 parking permits issued to those individuals who are disabled or ill by ailments.

Building and offices: Empire phone and internet company. All employees and or justice are currently trying to find the best operational system to use, as we continue to have tons of issues revolving around. Phones, voice mail, email and all operations in general.

Motion in the first by: Supervisor Kyle Barnhart. Motion in second by: Deputy Supervisor Lucas Latini. All members of the board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITHOUT COMMENTS.**

LIBRARY REPORT: READ BY Karel Titus: please see attached document for full report.

WE ARE OPEN:

- No appointment necessary- walk right in!
- Mask are still required
- Chrome Books available for checkout
- Print/scan/Copy/ Fax available- 15 cents/page.

Hours of operation: Tuesday 10-4; Wednesday 1-7; Thursday 10-4; Friday 1-7; Saturday 10-2; Closed Sunday/ Monday.

Please see the full upcoming dates and activities online at the libraries website. Website: lodilibrary.net. phone 1(607) 582-6218. FACEBOOK: <https://www.facebook.com/lodilibrary>.

Staff: Beth Bevars, Director : director@lodilibrary.net- Nora Snyder, Youth & Children's Programming coordinator: youth@lodilibrary.net.

COMMITTEE REPORTS:

Deputy Supervisor reports:

* Mill Creek update – after several attempts to get help since our last rain storms, we had one in August, and the last one we had in October. It really filled in the creek with gravel, it again over flowed and the bank in one south spot, near Franks house did stop at the road. Causing pool up. Primarily its all of the gravel that is still coming down from above as results of the 2018 flood and events.

What happened is that some areas of the gorge are straight (shale out-crop) and some areas soil based and that heavy water of 2018 scoured the wall, as a result all of the trees slumped down into the bottom of the gorge. Consequently, the material flows coming out are absolutely tremendous. Rick on Black well removed from 70-80, in a short culvert area, maybe an inch from the tremor.

We are looking at about 7, possible 8 hundred loads of settlements to be moved. Compounding the issue is when that State remediated the Creek in Sep/Oct. When I say the state I mean. (The state of New York Department of Environmental Conservation), the state being responsible for resetting and reshaping the Creek.

Because you really couldn't tell in some areas exactly where the original Creek was. Because of the extensive washed out areas and etc... They the state put it back, in-place using standard guidelines for fisheries.

Included a tight bend, behind the trailer park in location. Our concern is that they never armored the side wall of the Creek, they said to just wait and let the Creek establish its flow pattern.

The problem is that, the whole area they knocked down (Sessler and Conley) and latter. Terries tree that had the state bid.

In basic they had to gain access to the Creek, so they could cut down in the area, and when they were done they could put gravel fill, back down in its place.

Just imagine a corner that's acutely sharp and its lined with 20/30 feet of lose shall, lake gravel. So the water has continuously, moved the Creek to the north. Its caused a very sharp bend, the creation of this bend, slows as the water hits the wall, dropping the suspended rocks, the rocks pile and cause a serpentine effect, underneath it.

I talked to the DEC multiple times over the course of the month, but there isn't anyone who was willing to touch it. I couldn't even get anyone to call me back. I talked to Senator Pam Helmens office, one of her aides did call me back, we spoke for about a ½ hour. I also reached out to County Soil and Water. Along with County Emergency. The just released at this time that they do not have that type of fund, to apply towards stream bed repair. I would estimate the cost to be about a million dollars, for cleaning that volume of gravel out. Certainly no one has that fund and it seems as no one has interest in helping.

One of the pitched I proposed to the DEC is, instead of hauling out 8 hundred loads, maybe we could push it into the lake. As the trucking cost for 8 hundred loads is staggering.

The argument was the environmental impact of putting it into the lake. My argument being. Its going to go there anyways. #2. Considering the environmental impact of all those homes flooding again, the septic's, fuel tanks, household chemicals, and much more. The creek bed is up to 3 and in some places 6 feet.

Ag, environments, & infrastructure (Thomas).

Econ. Dev., Planning, & Tourism.

Building Committee(Thomas/Barnhart)

Finance& Federal Affairs (Latini/Sibley)

Gov't Ops & Criminal Justice (Sibley/Latini).

Water Committee (Barnhart/ Huff)

Supervisor remarks. * please see attachment*

NEW BUSINESS:

*2021-Budget modifications: Motion in the first by: Supervisor Kyle Barnhart. Motion in the second by: Councilman Trevor Sibley. All members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITHOUT COMMENT.**

*Court joint Grant Application: Motion in the first by: Supervisor Kyle Barnhart. Motion in the second by: Councilman Seth Thomas. All members of the Board **IN FAVOR AND VOTING: AYE. MOTION CARRIED WITH-OUT COMMENT.**

*Ambulance Contract Approval: Motion in the first by: Supervisor Kyle Barnhart. Motion in the second by: Councilman Trevor Sibley. All members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITH COMMENTS.** Comment- contract to be as was before at 80,000.00.

*Town Hall Bid: Open for discussion and to send to bid. To begin in January 2022.

Motion in the first by: Supervisor Kyle Barnhart. Motion in the second by: Councilman Seth Thomas. All member of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED.**

*Cannabis opt in/out. Deputy Supervisor Lucas Latini.

Over the last few months we have heard a lot about opt in or opt out. A lot of our communities in our area, have opted out. Meaning that they do not want to have a cannabis retailer selling with-in their townships. We have discussed it, had a public meeting and at one point took a vote. This is something that would have been nice to have on the ballet to vote, so that people have their say.

I have taken a lot of calls this week. In particular, with concerns of the sales. My concern is not with-in your personal home, the conjunction of this along with the wine trail. The concern falls in to the safety of those who travel. We have not had any real legal counsel on this subject and I am left with concerns as is our community. We have no dollar amount that we can put on the health and safety of our family members and community.

I would like to have a discussion, and call for a vote.

Supervisor approving the vote. Opt –in/opt-out.

Motion in the First by Deputy Supervisor Lucas Latin. (based on the lack of current information). To introduce the local law prepared by: Attorney F. Fisher. To opt out of the cannabis retail in Lodi.

Motion in the Second by: Councilman Trevor Sibley.

*Frank Miller, Adds Comments of his support to Opt-out.

* Councilman Seth Thomas stands behind the facts that pharmaceutical Degree holder. Ms. Mosher.

Presented during the official public meeting.

That opting out isn't going to make a difference, of the use, as it is already legal. That by opting out, we are not preventing the use or cultivation of marijuana. Its legal just as alcohol and or tobacco use.

*Opting out only prevents us from receiving the revenue sales/tax and etc... No matter how small the amounts to be. It's still monies to be used. We will only be saying no to the potential income.

*Judy David. Supports opting out now, because we have zero details. If you opt out now, you can opt back in at any point. But if you do not opt out, you are subject to stay in under any terms, you will not be able to opt out. So why not just opt out, see what is going on and if you change your mind. Fine opt in.

*Mr. Mccheyne. I would like to see the vote that has been called for from Mr. Latini and Sibley.

*Board vote- tie vote. 2/2 Latini/Sibley-Barnhart-Thomas.

2-AYE

2-NAY

Further group discussion on the opt –out.

OLD BUSINESS:

Further **PUBLIC COMMENTS:**

ANNOUNCEMENTS:

The next Board Meeting is to be set as: 01/13/2021 @ 7pm (in person at the Town Hall).

End of year meeting to be set as: 12/30/2021 @ 7pm (in person at the Town Hall).

ADJOURNMENT- TIME: P.M. Motion in the first by: Councilman Trevor Sibley. Motion in the second by. Deputy Councilman Lucas Latini.

All members of the Board **IN FAVOR AND VOTING AYE: MOTION TO ADJOURN CARRIED WITHOUT COMMENT.**

By the order of the Lodi Town Board.

Respectfully submitted, Town Clerk Connie Rosbaugh.