

## **TENTH: RECORDING OF THE MONTHLY BOARD MEETING.**

On this 12th day of October 2023. 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 Seth Thomas, Councilman Trevor Sibley and Councilman Chance Van Cleef. Along with, Town Clerk Connie Rosbaugh. To take the official recording of this said meeting.

In representation of Attorney at law; Mr. Frank Fisher.

Those absent:

### **AGENDA ADDRESSED AS FOLLOWS**

#### **PRESENTERS/PETITIONERS:**

**Karel Titus Lodi Library:** Karel is here to share with the Board, new information of the Lodi Library. The Library has a new staff member Maureen Bruno, she is the new youth and program coordinator. Replacing Nora Snyder. In addition, Karel speaks on the Lodi Literacy club. The director of the Library Beth, has initiated the program providing materials to, children, parents and teachers, to help children learn to read. Karel speaks on the statistics of 30% of 4<sup>th</sup> graders are unable to read. This program helps and supports readers, and teaches them to read according to their special needs.

#### **PUBLIC COMMENTS:**

**Trevor Sibley reads comments from Mark Benjamin,** who is not in audience. In reference to email sent out in late June of this year. Reportedly, the e-mail is from Kyle Barnhart, and Sent to fellow political party and community members.

**Mark:** It's deeply concerning that the Lodi Supervisor is using his chair as secretary to the democratic committee, to continue a culture of division amongst the Town Board and Town residents. Its deeply concerning that the Supervisor continues to make personal attacks against those who have different ideas. Trevor continues to read Mark's statement regarding the lack of transparency to the construction going on at the new building. The mismanagement of the project, the lack of project management and further. In addition to questioning the offset of the grants applied for, and or received at this point.

Ending his statement with, things work best when all parties and all people work towards what is best for the residents.

**Jim Utter:** Address the Supervisor on the email sent out in June. Stating that he feels that if as much effort has gone into the public building as it did the emails and the division of individuals, then we wouldn't be in the circumstances that we are now. Jim gives personal details of who he is, his time of

service and as a long standing business owner here in Lodi. Jim is also a running for a seat on the Town of Lodi Board as a Councilman.

Referring to the email he states... that when I saw that e-mail stating I was only running for self-interest it angered me, as it was far from true. Jim reminds the Supervisor how he personally dropped his work load and other clients to come help the family of Kyle Barnhart to get water. Jim makes mention to the opposed water district that he believes isn't needed in Lodi, and that it was a \$15MM overspend to the community tax-payers for 60 people. Jim states that he went to those who would be effected by this and gave them the correct information and the impact that it would cause them. That his interest to run as councilman, is genuine, and for the best interest of all. I simply shared the information that I took out of your (Kyle's) meeting. My concerns were for the overall community, those who are disabled and or who can't even afford their taxes as they stand, in addition to the delinquent sewer bills, as people just couldn't afford this water project, and it wasn't needed for the residents. It wasn't a lie; it was the facts you provided.

Jim makes mention to the fact that he was impressed by the things that you did make happen. States that you can get things done. My issue is you don't tell people what you are going to do. You push things through and deal with it later. An example of this is the New Town Hall. You started it you will be around 1.5 million and its low-quality components and work. You are head of the building committee and you have no idea what is going on over there, you say everything is hunky dory and the next thing you see is that the building is condemned. They have had the septic tore apart three or four times now and it is something so simple, all you have to do is put tanks in the ground.

Jim finishes with I didn't run, to prevent city water (as your email stated), I'm running to prevent over spending on projects that are tax payer funded. You don't concenter those who are effected by your actions. I personally don't work very much for the Town of Lodi, because they already have water, unless we are in a drought. The building you are building is highly important to the functions of the community, its over budget and we should throw a made in China sticker on it. I would never treat you as you have treated others. Anything you had to say, you could of came to me and discussed what was best for the Town.

**Dan Jacobson:** Lodi resident. Dan introduces himself and states that he is running for a seat on the Lodi Town Board. He adds his services to the community and his interest to make decisions for all residents of Lodi. He addresses Supervisor Barnhart on the email previously mentioned. In reference to why I was running. There are inaccuracies and before people vote in the upcoming election, they should be afforded the opportunity to hear from me. You had indicated that I was hand selected by Trevor, specifically to get my personal road fixed. I have a very good memory and personally recall our conversation and I don't think that at any point I ever expressed that was my interest. I do recall having a conversation about Mr. Jacot and the upcoming plans that he had. I do remember you stating that you are disappointed in his performance. I have nothing against him, he has done his service and he has put his time in to his town. Reading the email, you made a correlation to me being friends with Mr. Landers, who is running for the highway position. That we had created a plan to get the road paved. This isn't true, as at the time of our conversation, I personally didn't know Mr. Landers and had not conversed with him on any level at all, let alone create a plan to pave my road. I didn't even know who he was.

The actual reason why I am running is because everything that I have done in this life, I have excelled at. I have spent almost 20 years being a public servant. My years in the sheriff department and in other municipalities, my 8 years in the US Marines. The reason I wanted to run is to make Lodi, a better place.

Supervisor Barnhart comments to Dan.... To be fair in that email, I stated that I have only talked to Dan a few times. That I think he is a good guy.

**Councilman Trevor Sibley reads a text** from his wife: I'd like to address the accusations you (Kyle) made to my husband (Trevor). In your email sent to town residents, you accused Trevor of being corrupt but provide no evidence. As proof, you state evidence that he successfully fills his roles as Lodi republican chair for the town. Trevor responds to interested candidates and reaches out to nominated candidates to gauge their interest. This is, in addition to but separate from his role on the Town Board. Through both of these roles, Trevor serves his community, not for gratuitous public exposure on Finger Lakes 1, but truly to do his best to make our town a better place. Perhaps your problem with this is that Trevor is able to successfully fill the ballet with republican candidates, while you are unable to do the same for the democrats. Rather than make libelous claims against a citizen doing his best to give back to his community, perhaps you could simply ask for some mentorship in how to truly inspire others to participate in local government.

Deputy Supervisor Luke Latini. I was also attacked in your email that you (Kyle) and Anne sent out. Homeless, uninsured, everything lost except for my family. I have to rebuild everything; we did not even have shoes or clothing. I bought building materials during covid, getting them for \$30-50% off on the dollar. Reassessed every March 1<sup>st</sup>, 3 times in a row. Didn't have a house, demoed the house and still paid full tax for another year when we couldn't even live there. My only interest is serving the community that I grew up in. Serving it proudly with integrity, honesty and dedication. I always put my community and my neighbors first and you attack that as if I have something to gain. It is not the \$110.00 per month received as councilman or the 50 hours a week I have spent for the past 2 months cleaning up your (Kyle's) messes. If I could only go into details that have been discovered over the past two months, wow Kyle you should be ashamed of yourself.

Like Trevor said, you have created animosity between republicans and democrats. I sat on the board 8 years prior to you, and never felt that once (a division between democrats and republicans). Not until you created this situation. I respect Karel and all that she does in the community, I could care less what party she is enrolled in. In the end... the people saw through it.

**MOTION TO ACCEPT THE MINUTES: (THE MONTH PREVIOUS TO THE CURRENT)-** Motion in the First made by Councilman Seth Thomas. Motion in the second by Councilman Chance Van Cleef. 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 in the First by, Councilman Trevor Sibley. Motion in the second by, Councilman Seth Thomas.

All members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITH COMMENT.**

**HIGHWAY REPORT—SUPERINTENDENT MR. RICK JACOT.**

Serviced the equipment and got more of the mowing done. Ordered new road signs to replace the ones that came up missing. Put a load down on Lodi road, two more fill loads down on Christfield and upper

Shaw road, where the water is washing out from the creek. Getting all equipment ready for winter and all vehicles inspected.

Motion in the first by: Councilman Trevor Sibley. Motion in the second by Councilman Luke Latini. All members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITH COMMENTS**

Luke ask Rick to discuss the work he and his crew have done at the new town hall. Rick replies that they have dug a gutter trench to divert water away from the building. That they have dug up the sewer/septic for inspection purpose. That they have actively been involved with the holding tanks, mini splits and heating units. The well water has been treated and a water soft tank has been installed in the building.

**TOWN CLERKS REPORT- CONNIE ROSBAUGH: the clerk has no monies to remit because of the closing of the building.**

The clerk continues to work toward the reopen of the municipal building. She announces that the current New Building/ Town Hall, has lost the temporary occupancy permit to service the public. Asking that the community takes understanding, and has patience as we continue to sort out remaining issues. In addition, it is asked that rumors are not entertained, as it leads to confusion and miss-understanding of the facts.

As of 2023, the Tax Collector Connie Rosbaugh reports that a total analysis of Collections, states that the value of \$1,598,918.72 has been collect and that the Town portion of those funds have been paid in full. Remitting \$526,810.00 to the Town of Lodi General fund, and the value of \$543,603.00, to the Town of Lodi, Highway Fund. Paying off the Towns whole proton of \$1,070,413.00.

Full value payment has been made to the County Treasurer and final interest collected, payment has been made to the Town Supervisor. Concluding the tax year of 2023.

Motion in the first by, Councilman Trevor Sibley. Motion in the second by Councilman Luke Latini. All members of the board **IN FAVOR AND VOTING AYE, MOTION CARRIED WITHOUT COMMENT.**

**Committee Reports:**

**Ag, environments, & infrastructure.**

**Econ. Dev., Planning, & Tourism.**

**Building Committee**

**Finance& Federal Affairs**

**Further Standing committee reports:**

**Gov't Ops & Criminal Justice**

**County Board and Supervisor Remarks:**

**NEW BUISSNESS:**

**\*Lodi Cemetery Superintendent Retiring Discussion.** Walter Bub Cemetery Superintendent for many years has announced his retirement on January 1<sup>st</sup>, 2024. We will advertise the position, and hold interviews accordingly.

**\*Set Public Hearing Date for FY2024 Town Budget: November 9, 2023.**

Motion in the first by: Councilman Trevor Sibley. Motion in the second by: Councilman Seth Thomas. All members of the Board in Favor and voting AYE: Motion Carried. Date set.

Clerk ordered to place ad in the paper.

**\*New Town Hall Updates.** The building has multiple issues as you can tell. Kyle recognizes Luke's comprehensive e-mail summary that he sent to the board and gives the floor to Luke to provide an update. Luke reports on the issues with the building and recommends we go to a legal discussion. That a detailed cost accounting of the project is needed immediately, meaning we need to know how much we have spent, how much was allocated to each contractor. We need to determine if we are we have paid in full, or how much is owed to each contractor. Our project manager stated that his contract ended in March, so we also need to look at all contracts for the build (to see what we agreed to pay).

Luke goes on to caution the board that we are currently building Quality into the building, meaning that we are fixing things after the fact, but they are only the things that are apparent to us because we can see the issue or notice the issue because something is not working, so we know it needs to be fixed. The greater concern is what about issues we cannot see, these will develop over time and will result in disruption in use of the building and added cost to the tax payer. The septic line is a good indicator, when it was dug back up and repaired, only then could we see that good building practices had not been used. There is a process for setting a sewer line, you need to ensure the earth is compacted and the line is set to the proper slope or pitch, the pipe is then bedded in the correct material to mitigate movement over time, and then backfilled in lifts, this process was not followed for the initial build but was followed for the rework. The town residents should not have to pay a second time to repair work that should have been done correctly the first time. There are companies and legal teams that specialize in this type of situation, we may want to engage their services to ensure we have vetted as many of the building issues now, before we lose our warrantee and have to pay for rework ourselves.

Luke goes on to discuss funding and that he sees a risk in meeting the documentation requirements of the \$300,000 CDBG grant, that not all requirements may be met and that the cost of the pantry work may fall onto the taxpayer.

**Further New Business:** Councilman Trevor Sibley expresses concerns over lack of accurate communication from the Town Supervisor to the board over the new building. Councilman Latini points out that Kyle has been telling the board for months that the project is on track and everything is looking good with the build and it certainly is not good, the toilets do not even flush because they are not connected properly, we have a cardboard exit sign. You tell us it is ok to pay these bills, you see the bill for hundreds of thousands of dollars, it just says "building" no details, no materials, no nothing, and that is how you end up with a building that does not work. Councilman Latini asks Supervisor Barnhart why did you not trust this board to help you? Supervisor Barnhart believes the building issues are limited to the septic. A member of the audience points out that there are 5 board members why is only one being focused on for the issues. Councilman Latini points out that Kyle is the project leader for the town and

in this role Kyle did not go to a single building meeting over the course of the build. Supervisor Barnhart responds that he is the chief financial officer for the town and handles all of the financials and paperwork for the build, that he hired a project manager and a grant writer to manage the build and the grant and that both of these people reported to me, yes things went bad but we have our contracts and I expect them to be finish the project.

Trevor makes a motion to hold a vote of no confidence relating to Supervisor Kyle Barnhart. The Motion is for zero Confidence in the Town Supervisor. Motion in the second by: Councilman Luke Latini.

**Vote:** Trevor Sibley. Aye

Luke Latini- Aye

Seth Thomas- Na

Motion not carried with votes.

**OLD BUSINESS:**

**FURTHER PUBLIC COMMENTS:**

**ANNOUNCEMENTS:**

Our next regular board meeting will be held on 11/2/2023.

Location of the meeting, is still an uncertain. Please take notice in advance that it could be held again at the location of the Lodi Fire Hall until the new building receives its operational permit.

Councilman Luke Latini makes a motion to enter into executive session. Motion in the second by Councilman Trevor Sibley. All members of the Board in Favor and voting aye. Motion to enter session is carried.

Session start 7:35 p.m.

Session end 8:29 p.m.

**ADJOURNMENT- TIME:** 7:35 P.M. Motion made by Councilman Seth Thomas. Motion in the second by Councilman Chance Van Cleef. All members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITHOUT COMMENT.**

By the order of the Lodi Town Board.

Respectfully submitted, Town Clerk Connie Rosbaugh.