

FIFTH: RECORDING OF THE MONTHLY BOARD MEETING.

On this 11th day of May 2023. Lodi, NY 14860.

Supervisor Kyle Barnhart called the meeting to direct order at 7:07 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, Councilman Seth Thomas. Councilman Chance Van Cleef entering at 7:55. Along with, Town Clerk Connie Rosbaugh. To take the official recording of this said meeting. In representation of Attorney at law; Mike Mirras who is absent from this recording.

Those absent: Attorney of law: Mike Mirras.

AGENDA ADDRESSED AS FOLLOWS:

PRESENTERS/PETITIONERS:

Debbie Cumings, Lodi Planning Board-Proposed 75-acre solar farm on 414/ Upper Lake Road.

Specifically requesting a moratorium to be placed on the construction until Lodi residents are fully aware of the impact that it will have on our environment in the proposed 25-year lease.

Adding to the record that she isn't agent's solar farms in general and is an advocate for clean energy.

Stating that her concerns are in the area of no land use restrictions are in place and allow big business to come in and do major construction and can do whatever they want, that it will impact the beauty of our Town, and cause change to the local landscape. New York's agricultural preservation law describes agricultural land as "irreplaceable state asset", the New York's right to farm law promised to support a strong agricultural economy. Furthermore, New York's Constitution vows to protect its scenic beauty.

While developing and improving agricultural land. Reminding everyone that the New York State Senate, approved legislation to make an 18-mile stretch of 414, between Watkins Glen and Lodi an official scenic byway. Protecting the scenic beauty that attracts tourism, and farming, that has been the life blood of Lodi. This legislation was signed into law and was made official on August 2nd, 2012. The 18-mile stretch includes all of the land along the 4141 corridor, in the Town and Village of Lodi. Which includes the land for the proposed 75 acres of land to be used as a solar farm.

In final Debbie stresses the need for and immediate updated Comprehensive plan, that the Town is not protected in a meaningful way. She makes formal request of the Board, that the board take immediate action to rectify the lack in planning and comprehensive planning. Asking that the Board do take action on a Moratorium. Recommending that a local law be put into place, stating as to where solar farms can be installed.

Further discussion is had, on the Town inabilities to do anything about the sale, purchase or use of the land in Lodi, and does not have the statute to build a local law preventing such, as the Comprehensive

Plan as current lacks support of such action. Adding that it is hopeful that potentially a few beautification berms may be added, but again the Town has no right or authority to impose such, but is willing to converse on the possibility.

PUBLIC COMMENTS: None heard at this time.

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 Supervisor Kyle Barnhart. 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). Supervisor Kyle Barnhart entertains a motion to accept the bills. Motion in the First by, Councilman Trevor Sibley. Motion in the second by, Councilman Chance Van Cleef. All members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITHOUT COMMENT.**

HIGHWAY REPORT—SUPERINTENDENT MR. RICK JACOT.

The highway team has been working on hauling in loads of runner crush. They have completed the application of 50,000 gallons of dust oil on the dirt roads of Lodi, mud spots and ditch re-construction having been completed on Christfield Road, down along the 414 exit, along with further roadside grating, prep and repair as the oil was laid down. Monthly servicing of the highway equipment and vehicles has been completed. Mandatory State Training was completed, updating the State Requirements of the Superintendent.

Porter Covert Road has seen a delay in the start of the project, because of a Mother's Day event that Boundary Breaks was having. The new date of start will be Monday the 15th.

Discussion of the sale or auction of the recently replace highway department excavator.

Research on the trade-in concluded that the trade value was \$24,000 (3 offers). Research on Auction wasn't conclusive as it was a fluctuation base. Further negotiations with neighboring communities had led to an offer from the Town of Covert in the value of \$30,000. The Board taking moment to look into the online average value, ask that Covert consider offering 34,000.

Superintendent re-addresses the subject of a bonus for the Highway department guys for their effort and support on years of FEMA projects and enhanced duty expectations of such a high scale national disaster repair team. Having addressing funds, and budget lines, the Board has approved that each Highway Employee, receive a bonus check in the value of \$1,500. The Board approves that Superintendent Rick Jacot, is allowed to use a supported budget line to honor payment.

Supervisor Kyle Barnhart adds that; the resolution shall be addressed under new business.

Supervisor Kyle Barnhart entertains a Motion to accept the Highway Report. Motion in the first by, Councilman Seth Thomas. Motion in the second by, Councilman Trevor Sibley. All members of the Board **IN FAVOR AND VOYING AYE: MOTION CARRIED WITHOUT COMMENT.**

Sale of the JBC 8065 RTS Excavator.

By the order of the Lodi Town Board, Superintendent of The Town of Lodi Highway Rick Jacot is permitted and ordered to sell the JBC 8065 RTS at the Towns accepted asking price of \$34,000.00.

Motion in the first by Deputy Supervisor Lucas Latini. Motion in the second by Councilman Seth Thomas.

All members of the Board **IN FAVOR AND VOTING AYE. MOTION CARRIED WITH OUT COMMETS.**

Highway Department Employee Bonus.

Superintendent Rick Jacot has requested permission for the Town Board to issue an individual bonus check to the employees of the highway department, each to receive an additional \$1,500 onetime payment. Deposited into the existing, payroll policy as it stands.

Motion in the first by: Supervisor Kyle Barnahrt. Motion in the second by. Councilman Trevor Sibley.

All members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED WITH COMMENTS TO BE EXACUTED IMEDITALLY.**

TOWN CLERKS REPORT- CONNIE ROSBAUGH:

Two Freedom of Information Laws (FOIL) request have been made to the Town. The first is a request from North Atlantic State Region of Council for Carpenters. Requesting all information on all contractors listed under MASSA construction, Contract of the New Town Hall, in compliance with New York State Prevailing wage law. Request has been granted and the Council has been provided with all information that pertains to.

The second F.O.I.L. is from a company known as PSI, they have requested all environmental information that the Town may have on ground conditions, and or storage tanks, that may have been on the property known as 03-1-67.1 located in the Village of Lodi. Request has been granted and the archived records of the Town provided no information on specific request. Information has been provided to the company known as PSI, that a search was concluded and no information was found or attached to the approved request.

Further contacts of. Planning Board Member Noel Clawson has submitted to the Clerk for the intension to be giving to the Town Board. A letter of interest to remain a member on the Town of Lodi Planning Board and is currently serving as secretary and member.

Remitting to the Town Supervisor for the intension to be added to the General fund \$ 0.00. no licenses purchased, during the time frame. To animal population control, \$0.00 no monies collected to the State of New York, the value of \$0.00. no marriage license requested.

\$50.00 was distributed, in 5 certified copies for the Hayward family.

Tax Collection report to date.

As of today April 13th, 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.

Supervisor Kyle Barnhart entertains a motion to accept the Clerks report. Motion in the first 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.**

Committee Reports:

Ag, environments, & infrastructure.

Econ. Dev., Planning, & Tourism.

Building Committee

Finance & Federal Affairs

Further Standing committee reports:

County Board and Supervisor Report. Supervisor Kyle Barnhart, gives report

We have two subjects for discussion. Sales tax and the Town Hall. I have made my proposal to the County Board on shared sales tax, it was passed through committee. It has passed by a 3 to 2 vote out of 5. Making it to the full Board 2 weeks later, I knew when I brought this proposal, that it would likely go back to the committee for further data research. Expecting that I really wanted to get this passed by the end of June, so I had proposed in May. Sure enough they did vote it back to committee, that in a way is good news. As it allowed further discussion and ideas, and a counter idea was brought up that instead of sharing 10% of sales tax, that the overage that is accumulated is the part that is shared. Sharing the difference in the estimated sales tax and what it came in at. Further process and proceedings will happen at the County level and I hope to bring back some positive news in the near future.

The new town hall, we are currently around 6 or so week out for completion if all goes to plan.

Final detail documents should be taking care of tonight if we so chose to pass them. Updating our policies to be at a Federal standard of; Rule of Procurement Policies. Yesterday was the deadline to receive comments back on any public to be heard on the sight build or location. Passing these things tonight, we will be able to submit them to the state and request that the Food 4 all Pantry Funds Be Released. Starting the official build and completion of the pantry. It should only take a few weeks after that to clean up the construction site and we are ready to move in.

Gov't Ops & Criminal Justice

OLD BUSINESS:

NEW BUSINESS:

Equal Opportunity Employer Policy Update.

Adding a paragraph to our procurement policy, that states that we are an equal opportunity employer, and committed to a work place that is free of unlawful employment discrimination. Having this same language already in our handbook, we will need to send this update to the State.

Supervisor Kyle Barnhart makes a motion to accept the Equal Opportunity Employer Update. Motion in the second by Councilman Trevor Sibley. All members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED.**

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED AS RESOLUTION 15-2023.

Organic waste Management Plan.

Resolution formally recognizing and adopting an Organic Management Plan and Recognizing Lodi Food for All Community Garden.

Motion in the first by Councilman Seth Thomas. Motion in the second by: Supervisor Kyle Barnhart.

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

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED AS RESOLUTION 16-2023.

That the Town recognizes the Lodi Food 4 All's Community Garden and adopts an Organic Management plan.

Move funds from the building fund reserve to the new building spending account.

Supervisor Kyle Barnhart makes a Motion to open the floor on discussion of the proposed, transferring funds from an account known as Building Reserve into an account known as New Building Fund. Motion in the second by councilman Seth Thomas.

The proposed idea of moving the ARPA funds, originally intended to be used to demolish the current town hall, is because the grant that was promised to us from the Dormitory authority in 2017-2018.

The grant that was awarded to the Town with Lee Davidson in office, for the value of \$125,000.00, is no longer available to us. The reason behind that is the changeover of 3 State Senators, and change in their direction. In 2017/18, it was passed that something like, 200 million dollars be put into these local financial aid programs, intended to help small towns, fire departments and schools complete small projects. In 2018 the policy changed and the fund was lowered per timeline and fund hold. The projects in the districts, had a priority list, at one point we were considered a priority and we no longer are at this current time, with fund releases. That could potentially change for the future, but as current. It is not a fund that is available to us.

Motion in the first by: Supervisor Kyle Barnhart. Motion in the second by Councilman Chance Van Cleef.

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

Move ARPA funds from A fund to new building fund spending account.

In the year of 2022, the Town oddly enough had received another grant fund, in the value of that lost 125,000.00 dormitory funds. It is now proposed that we use the ARPA funds to finish the New Town Hall.

Motion in the first by Supervisor Kyle Barnhart to now use the rewarded ARPA funds in the value of \$125,00.00. Motion in the second by Councilman Seth Thomas. All Members of the Board **IN FAVOR AND VOTING AYE: MOTION CARRIED.**

Planning board vacancy.

The Town had received 3 letters of interest to join the town Planning Board. Details of availability and dedication are still in topic, for future appointments. Asking that the board take time to review the letter of interest and consider those who applied.

Standing member Noel Clawson, is not yet re appointed but is appointed to stand in until official appointments are made.

Steering committee.

Seeking recommendations from the Board on who they thought would be a good candidate to appoint to the steering committee and hearing none as of yet.

I do have a list of individual who sought out interest, I would like to place the same policy on the above mentioned planning board recommendations, and receive your feedback on those interested.

Martha Moser, makes mention that the Planning Board will be setting table at the Lodi June 3rd festival to recruit.

PUBLIC COMMENTS SECOND SESSION.

ANNOUNCEMENTS:

Silas Halsey historical marker dedication: June 3rd at 3pm (8375 North Main Street).

Lodi Festival occurs throughout the town and village on June 3rd

Our next regular board meeting will be held on 06/08/2023. In person at the location of the Lodi Town Hall

ADJOURNMENT- TIME: 8:35 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.



**Homes and
Community Renewal**

**Housing
Trust Fund
Corporation**

KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

SENT VIA ELECTRONIC MAIL, NO HARD COPY TO FOLLOW

May 15, 2023

Kyle Barnhart
Town of Lodi
P.O. Box 405
Lodi, NY 14860

Dear Supervisor Barnhart:

Re: Grant Agreement 30 Day Completion and Termination Notice
NYS CDBG Project #665CVPF90-22

The Office of Community Renewal (OCR) would like to take this opportunity to remind the Town of Lodi that the completion date for the above referenced NYS CDBG project, Town of Lodi Food4All Food Pantry, is set to occur in thirty (30) days on **June 22, 2023**. To date, the project remains open with a balance of **\$323,000.00** in unexpended grant funds.

In follow up to prior reminders, the OCR is advising that pursuant to Section 2(b) of the Grant Agreement, the OCR is hereby providing written notification of the completion of this award, effective **June 22, 2023**. As per the NYS CDBG Program Guidelines, the OCR provides grantees an additional 30-day window following the completion date of a grant agreement to submit any final drawdown requests for costs incurred prior to the grant agreement completion date.

Therefore, pursuant to Section 12(d) of your grant agreement, after **July 22, 2023** any unspent grant funds will be immediately turned over to the Housing Trust Fund Corporation and reallocated according to New York State's approved Action Plan.

As always, the OCR is prepared to assist Town of Lodi in any way we can to ensure the successful completion of the project. Please contact Hailey Hamias, Community Developer, with any questions at (518) 474-2057 or hailey.hamias@hcr.ny.gov.

Sincerely,

Charles Phillion
Program Director
Office of Community Renewal

cc: Hailey Hamias, Community Developer
Connie Rosbaugh, Town Clerk



Finger Lakes Regional Land Bank Corp.

1 DiPronio Drive
Waterloo, NY 13165
(315) 539-1667

May 10, 2023

Town of Lodi
POB 405
8440 Main Street
Lod, NY 14860

RE: Purchase Offer for 2126 Church Street & 8455 Washington Street

Dear Town Board Members,

The Finger Lakes Regional Land Bank Corporation (FLRLBC) intends to submit a purchase offer for two building lots in the Town's ownership currently listed for sale in the Village of Lodi. The FLRLBC intends to offer the asking price of \$24,000 for 2126 Church Street and \$13,000 for 8455 Washington Street for a total of \$37,000.

The FLRLBC was recently awarded a grant under New York State Homes and Community Development Initiative program that funds property acquisition, demolition, rehabilitation, and new construction. This grant will be supplying the funds for site preparation and preparation for new construction at the two properties.

If the Town Board accepts the purchase offer and the FLRLBC proceeds with development activities including the creation of site plans, building department and reviews required for financing new single-family construction, the development process concurrently with six other vacant lots that are currently in the development process. With approvals and building permits in hand, we will be well positioned to begin construction on all eight properties. A third building lot in the Village of Lodi is already owned by the FLRLBC and will be included in this package. The overall development process will take two years.

In pursuit of grant funding for new housing construction, the number of homes proposed to be built increases the likelihood that the purchase offer is accepted, it will help the competitiveness of future construction projects. The Land Bank has had recent success in partnering with the Town of Lodi in constructing new homes in Willard, Romulus, and Waterloo and hopes to continue that success.

I appreciate your consideration and hope to attend your next Town Board meeting to discuss the opportunity.

Sincerely,

Joseph P. McGrath
CEO/President

Board 1/3
Attorney

AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of January, 2023, between the Town of Lodi, a municipal subdivision of the State of New York situate in Seneca County, 8440 Main Street, Lodi, New York 14860, party of the first part (hereinafter referred to as "Town"), and Midey, Mirras & Ricci, LLP, attorneys at law, with offices at 54 Fall Street, P.O. Box 299, Seneca Falls, New York 13148, party of the second part (hereinafter referred to as "Attorneys"),

WITNESSETH:

WHEREAS, Midey, Mirras & Ricci, LLP has been assisting the Lodi Town Board since January 2012, and

WHEREAS, Midey, Mirras & Ricci, LLP has offered to continue to provide legal services to the Lodi Town Board, and

WHEREAS, the Town now desires to retain said Attorneys to perform said legal services.

NOW, THEREFORE, in consideration of the foregoing promises and the mutual covenants hereinafter expressed, it is hereby agreed by and between the parties hereto as follows:

1. The Town hereby enters into an agreement with Attorneys to provide legal services to the Lodi Town Board for the year 2023, in which event the Town shall pay Attorneys for said services performed at the rate of \$150 per hour.
2. For the above services as outlined, the Attorneys will submit an appropriate voucher to the Town every three (3) months for audit and payment of the work completed at that time.
3. In accordance with the provisions of section 109 of the General Municipal Law, the Attorneys are hereby prohibited from assigning, transferring, conveying, subletting or otherwise disposing of this Agreement, or of its right, title or interest in this Agreement, or its power to execute this Agreement, to any other person or corporation without the previous consent in writing of the Town.
4. Each and every provision of law and clause required by law to be inserted in this contract shall be deemed to have been inserted herein. If any such provision is not inserted through mistake or otherwise, then upon the application of either party, this contract shall be physically amended forthwith to make such insertion.
5. The Attorneys, in accordance with their status as an independent contractor, covenant and agree that they will conduct themselves consistently with such status. The Attorneys, their partners and employees will not hold out as nor claim to be an officer or employee of the Town by reason hereof, nor make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the Town, including, but not limited to, workers' compensation coverage, unemployment insurance benefits, social security coverage, or retirement membership or credit.


6. No waiver of any breach of any condition of the Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.

7. The Supervisor has executed this Agreement pursuant to a Resolution adopted by the Town Board of the Town of Lodi, at a meeting thereon held on January 12, 2023. Kyle Barnhart, Supervisor, whose signature appears hereafter, is duly authorized and empowered to execute this instrument and enter into such an agreement on behalf of the Town.

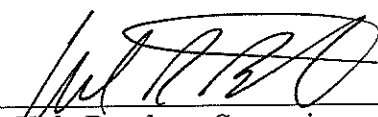
8. A copy of this Agreement shall be permanently filed, after execution thereof, in the office of the Town Clerk of the Town of Lodi, New York.

IN WITNESS WHEREOF, the Town of Lodi has caused its corporate seal to be affixed hereto and these presents to be signed by Kyle Barnhart, its Supervisor, duly authorized to do so, and to be attested to by Connie Rosbaugh, Town Clerk, and Midey, Mirras & Ricci, LLP has caused these presents to be signed by Michael J. Mirras, a partner.

(Seal of the Town of Lodi)

Attest: 
Connie Rosbaugh, Town Clerk

TOWN OF LODI

By: 
Kyle Barnhart, Supervisor

MIDEY, MIRRAS & RICCI, LLP

By: _____
Michael J. Mirras, Partner

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOIRROF)

04/18/2023
Town of Lodi
8440 N. Main Street
Lodi, NY 14860
607-582-6238

On or about April 26, 2023, the Town of Lodi will submit a request to the Office of Community Renewal for the release of CDBG funds under Title 1 of the Housing and Community Development Act of 1974, as amended, to undertake a project known as the New Lodi Town Hall *that* will use \$323,000 in NYS CDBG funds to renovate the pantry portion of the new town hall located at 8591 Route 414 Lodi, NY 14860. The total project cost will be \$832,000. Along with CDBG funding, \$449,000 is being funded by the town, along with \$60,000 in private funding. The project proposes to benefit low- and moderate-income people in the Town of Lodi.

The activities proposed comprise a project for which a finding of no significant impact on the environment was published on April 18, 2023. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at the Lodi Town Hall, 8440 N. Main Street, Lodi, NY 14860 and may be examined or copied on weekdays between 9:00 AM to 4:00 PM.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Lodi Town Office. All comments received by April 25, 2023, will be considered by the Lodi Town Office prior to submission of a request for release of funds.

RELEASE OF FUNDS

The Town of Lodi certifies to the Office of Community Renewal that Kyle Barnhart in his capacity as Town Supervisor consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. The Office of Community Renewal's acceptance of the certification satisfies its responsibilities under NEPA and allows the Town of Lodi to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

The Office of Community Renewal will accept objections to its release of fund and the Town of Lodi certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Town of Lodi; (b) the Town of Lodi has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by the Office of Community Renewal; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Crystal Loffler, President, at Office of Community Renewal, Hampton Plaza, 38-40 State Street, 4th Floor, Albany, NY 12207. Potential objectors should contact the Office of Community Renewal to verify the actual last day of the objection period.

Kyle Barnhart, Town Supervisor

9850 Lodi Center Road
Hector, N.Y. 14841
April 28, 2023

Town of Lodi Board
P.O. Box 405
Lodi, N.Y. 14860

To: The Lodi Town Board

I am interested in being appointed to the Planning Board. I have served and hope I have been an asset to the Planning Board's Secretary.

I have a background in administration.

I have been a resident of Lodi all of my life (third generation) and plan and hope for its success. I am and have been an active member of the Lodi Historical Society, presently serving as Treasurer.

I ask for your consideration to be appointed to the Town of Lodi Planning Board.

Planning Board
interest
request of
re-appointment.

Sincerely,
Noël Clewson