

TOWN OF LODI
Public Hearing &
Special Board Meeting Minutes
May 16, 2012

Present: Supervisor E. Lee Davidson, Councilman Chance Van Cleef, Councilwoman Winifred Jones, Councilman Lucas Latini, Councilwoman Noël Clawson, and Town Clerk Nancy Jones

Absent: Highway Superintendent Len Carlsen

COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILWOMAN JONES, to open the public hearing at 8:00 p.m. for discussion on the Lodi/Ovid Court Consolidation. Councilman Van Cleef, Councilwoman Jones, Councilman Latini & Councilwoman Clawson all voting Aye.

Councilwoman Jones and Councilman Latini asked questions about the Shared Justice Court Study. Heated discussion ensued over the proposed annual usage fee the Town of Ovid would pay the Town of Lodi, which is detailed in Table 4 of the Shared Court Justice Study.

Members of the Ovid Town Board who were present tonight, Lodi Town Justice Van Cleef and Lodi Supervisor Davidson articulated assurance that further negotiations will be made on the annual usage fee and contractual expenses the Town of Ovid will be responsible for. Therefore the study presented tonight is a proposal and the agreement (Exhibit P) at the end of the packet, is still in draft format and will remain unsigned until the negotiations take place.

Attorney Emil J. Bove, Jr. was here tonight representing Midey, Mirras and Ricci, Our Town Attorneys. He explained that if the Joint Resolution 2012-5-01, presented later tonight, is passed it will then be forwarded to the State Legislature. The State Legislature would then pass a Municipal Home Rule Act signed by the Governor. Once that is done and the shared court system is created, the Towns will then do their negotiating to then enter into an agreement that works for both towns.

COUNCILWOMAN JONES MADE A MOTION, SECONDED BY COUNCILWOMAN CLAWSON, that the Shared Court Justice Study between the Towns of Ovid and Lodi be made a part of the record of tonight's hearing. Councilman Van Cleef, Councilwoman Jones, Councilman Latini & Councilwoman Clawson all voting Aye.

COUNCILWOMAN JONES MADE A MOTION, SECONDED BY COUNCILWOMAN CLAWSON, made a motion to close the public hearing at 8:52 p.m. Councilman Van Cleef, Councilwoman Jones, Councilman Latini & Councilwoman Clawson all voting Aye.

COUNCILWOMAN CLAWSON MADE A MOTION, SECONDED BY COUNCILWOMAN JONES, to open the Special Meeting at 8:53 p.m. Councilman Van Cleef, Councilwoman Jones, Councilman Latini & Councilwoman Clawson all voting Aye. All rose for the Pledge of Allegiance, followed by a moment of silence.

RESOLUTION 2012-05-01

Joint Resolution Of The Towns Of Ovid, New York And Lodi, New York, Providing For The Election Of A Single Town Justice For Two Or More Adjacent Towns, Pursuant To New York Uniform Justice Ct Act § 106-B

WHEREAS, the Town of Ovid, New York and Town of Lodi, New York adjacent towns within the same county, acting by and through their town boards, did jointly undertake a study relating to the election of a single town justice who shall preside in the town courts of each such town, pursuant to Uniform Justice Court Act § 106-b[1], which study contains a joint plan for the election of a single town justice at large to preside in the town courts of the participating towns, the abolition of the existing office of town justice in the participating towns, and the election of such single town justice which shall occur at the next general election of town officers and every fourth year thereafter; and

WHEREAS such study was commenced upon and conducted pursuant to a joint resolution adopted by the town board of each such adjacent town, with such joint resolution or a certified copy thereof upon adoption having been filed in the office of the town clerk of each adjacent town which adopted the resolution; and

WHEREAS, each town having conducted a public hearing on the said study, not less than twenty days nor more than thirty days after publication of the notice of such public hearing and all interested persons having had notice and opportunity to be heard and each town having heard testimony and received evidence and information thereon with regard to the election of one town justice to preside over the town courts of the adjacent towns which are parties to the joint resolution providing for the study; and

WHEREAS, any such joint plan shall only be approved by a town by the adoption of a resolution by the town board providing for the adoption of such joint plan; and

WHEREAS, it appears in the public interest of each said town to approve and adopt said joint plan;

NOW, THEREFORE, BE IT

RESOLVED that the Town of Ovid, New York and the Town of Lodi, New York shall and hereby do so participate in a joint plan providing for the election of a single town justice to preside in the town courts of two or more adjacent towns and hereby provide for the adoption of such joint plan; and be it further

RESOLVED that the Town of Ovid, New York and the Town of Lodi, New York, hereby approve and adopt of such joint plan; and be it further

RESOLVED that the Town of Ovid, New York and the Town of Lodi, New York, each adopt this joint resolution and hereby provide for: the election of a single town justice at large to preside in the town courts of the participating towns; the abolition of the existing office of town justice in the participating towns, effective December 31, 2012; and the election of such single town justice for a four-year term commencing January 1, 2013, which election shall occur at the next general election, to wit, November 6, 2012 and every fourth year thereafter; and be it further

RESOLVED that any town justice elected to preside in multiple towns pursuant to this resolution shall have jurisdiction in each of the participating adjacent towns, shall preside in the town courts of such towns, shall maintain separate records and dockets for each town court, and shall maintain a separate bank account for each town court for the deposit of moneys received by each town court; and be it further

RESOLVED that in the event any town court operated pursuant to the joint plan enacted into law pursuant to this resolution is without the services of the single town justice because of absence or disability, the provisions of section one hundred six of the Uniform Justice Court Act and the Town Law shall apply; and be it further

RESOLVED that no such joint resolution shall take effect until state legislation enacting the joint resolution shall have become a law; and be it further

RESOLVED that the Town Clerks of each town shall forward certified copies of this joint resolution to the other town and to the New York State Legislature, and this joint resolution shall constitute a municipal home rule message pursuant to article nine of the state constitution and the municipal home rule law and in support of proposed New York State legislation Assembly Bill A 10083 and proposed New York State legislation Senate Bill S 7291.

Moved: Councilman Van Cleef
Seconded: Supervisor Davidson

Councilman Van Cleef	Aye
Councilwoman Jones	Aye
Councilman Latini	Nay
Councilwoman Clawson	Aye

Date: May 16, 2012

HEARING NO FURTHER BUSINESS SUPERVISOR DAVIDSON MADE MOTION, SECONDED BY COUNCILWOMAN JONES, to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,
Nancy Jones, Lodi Town Clerk

Dated: May 16, 2012