

TOWN OF LODI
Board Meeting Minutes
November 8, 2012

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

Also Present: Attorney Michael Mirras

Supervisor Davidson called the meeting to order at 7:01 p.m. All rose for the Pledge of Allegiance, followed by a moment of silence.

COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF to accept the night's agenda as presented. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILWOMAN JONES to open the Public Hearing to Introduce Local Law # 1 To Override the Tax Levy Limit Established in General Municipal Law § 3-C. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

COUNCILWOMAN JONES MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF to close the public hearing at 7:22 PM. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF, to open the regular board meeting at 7:23 PM. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

RESOLUTION 2012-11-1
TO ADOPT LOCAL LAW 1 OF THE YEAR 2012 TO OVERRIDE
THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C

WHEREAS, the Lodi Town Board has been made aware of passage by the State legislature § 3-C of the New York State General Municipal Law (GML), and

WHEREAS, § 3-C GML provides for a “tax cap” on tax levies by municipalities without placing a similar “cap” on unfunded mandates imposed upon municipalities by the State, and

WHEREAS, Required Town expenditures, including those for such unfunded mandates continue to rise at a rate in excess of the cap imposed under § 3-C GML,

NOW, therefore, be it

RESOLVED, That Local Law 1 of 2012 entitled “A Local Law To Override The Tax Levy Limit Established In General Municipal Law § 3-C” be, and the same is hereby introduced before the Town Board of The Town of Lodi, New York, to read in substantially the following form:

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Lodi to adopt a budget for the fiscal year commencing January 1, 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-C.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law § 3-C, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of Lodi is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-C.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

AND BE IT FURTHER

RESOLVED that copies of the aforesaid proposed local law have been laid upon the desks of each member of the Town Board for the Town of Lodi; and, be it further

RESOLVED that the Town Board Held a public hearing on said proposed Local Law at the Lodi Town Hall, 8440 Main Street, Lodi, New York at 7:00 p.m. on November 8, 2012; and, be it further

RESOLVED that the Clerk to the Board published a notice of said public hearing in the official newspaper of the Town of Lodi at least five (5) days prior thereto; and, be it further

RESOLVED that the Clerk to the Board provided notice of this resolution to adjacent municipalities at least ten (10) days prior to the public hearing and to the Seneca County Planning Board at the Planning and Community Development Department.

Moved: Supervisor Davidson
Seconded: Councilwoman Clawson

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

Date: November 8, 2012
Nancy M. Jones, Lodi Town Clerk

RESOLUTION OF TOWN BOARD
APPROVING 2013 PRELIMINARY BUDGET
RESOLUTION NO. 2012-11-02

RESOLVED, that the Town Board does hereby prepare and approve as the Preliminary Budget of the Town for the fiscal year beginning on the first day of January 2013, the itemized statement of estimated revenues and expenditures hereto and attached and forming a part of the resolution and it is,

FURTHER RESOLVED, that such preliminary budget shall be filed in the office of the Town Clerk where it shall be available for inspection by any interested person at all reasonable hours, and be it

FURTHER RESOLVED, that the Board shall meet at 7:00 PM on the 8th day of November, 2012 for the purpose of Public Hearing upon such preliminary budget, and be it

FURTHER RESOLVED, that the Town Clerk gave notice of such Public Hearing in the manner provided in Section 113 of the Town Law, and that such notice was published and posted in substantially the following form:

*NOTICE OF PUBLIC HEARING ON
PROPOSED LOCAL LAW & PROPOSED 2013 TOWN BUDGET:
TOWN OF LODI, NY*

NOTICE IS HEARBY GIVEN that a public hearing will be held before the Town Board of the Town of Lodi, NY on November 8, 2012 at 7:00 PM concerning:

- 1. Proposed Local Law No. A of the year 2012: TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-C.*
- 2. Proposed 2013 Town Budget including General Town Funds, Highway Funds, Five Town Joint Assessment Fund, Ambulance Contract and Fire Protection Contract.*

This public hearing will be held at the Lodi Town Hall, 8440 Main Street, Lodi, NY 14860.

Complete texts of the above proposed local law and proposed 2013 Town Budget are available for viewing during normal business hours at the Office of the Town Clerk, at the Lodi Town Hall, 8440 Main Street, Lodi, NY 14860.

FURTHER NOTICE IS HEREBY GIVEN that the proposed salaries of the elected officials are set forth in the General Fund Budget as follows;

<i>Supervisor.....</i>	<i>\$ 6,000.00</i>
<i>Town Councilpersons (4)</i>	<i>\$ 5,624.00</i>
<i>Town Clerk/Tax Collector.....</i>	<i>\$12,000.00</i>
<i>Town Justice.....</i>	<i>\$ 6,000.00</i>
<i>Highway Superintendent.....</i>	<i>\$38,000.00</i>

PLEASE TAKE FURTHER NOTICE, at the aforementioned time and place, all interested citizens will be afforded an opportunity to submit written and oral comments, and may appear in person or by his agent. Handicapped or senior citizens who require assistance in attending said public hearing, or in furnishing comments and suggestions, may contact the undersigned Town Clerk for more information.

TAKE FURTHER NOTICE, that the regular monthly meeting of the Lodi Town Board will follow these public hearings on November 8, 2012.

Dated: October 25, 2012

*By Order of the Town Board of the Town of Lodi
Nancy Jones, Town Clerk*

BE IT FURTHER RESOLVED, that such notice was published in the following newspaper having general circulation within the Town, The Ovid Gazette, in the first publication on October 30, 2012.

Moved: Clawson
Seconded: Davidson

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

Date: November 8, 2012
Nancy M. Jones, Lodi Town Clerk

SUPERVISOR DAVIDSON MADE MOTION, SECONDED BY COUNCILWOMAN CLAWSON to temporarily adjourn the regular meeting to hold the Public Hearing on the 2013 Preliminary Budget. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF to open the Public Hearing on the 2013 Preliminary Budget. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

COUNCILWOMAN JONES MADE MOTION, SECONDED BY COUNCILWOMAN CLAWSON to close the Public Hearing on the 2013 Preliminary Budget. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

COUNCILWOMAN JONES MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF to reopen the regular meeting of the Town Board. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

Mr. William B. Chamberlain, our health insurance broker from The Finger Lakes Group, LLC, came tonight to speak about the current health insurance plan and other options that are available with it. Councilwoman Jones asked how Obama's new health plan will affect our health insurance plan. Mr. Chamberlain explained that it won't affect the health insurance plan but it will affect where he will shop for our insurance in the future. For example in 2014 he will have other options to search, such as the State Exchange or the Shop Program. He further explained that his job as our broker is to make sure he is getting the best deal wherever he can get it. He wants to find the best benefits keeping in mind he needs to save the town money any place he can. One way the town could cut expenses would be by not having the employees health savings account money roll over to the next year. In switching to a Health Reimbursement Account rather than Health Savings Account any money the employee doesn't use stays with the town instead of rolling into the next year. In this situation the town would still have to expense the same amount of money out but might get some funds back at the end of the year. Another way the town could save some money would be to not fund the whole deductible as we are now.

COUNCILWOMAN JONES MADE MOTION, SECONDED BY COUNCILWOMAN CLAWSON that the minutes of October 11, 2012 be approved as modified. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

RESOLUTION TO ABOLISH SUPERVISORS PETTY CASH FUND
Resolution No. 2012-11-03

WHEREAS, the Town Board of the Town of Lodi had established a petty cash fund for the Supervisor of the Town of Lodi in the amount of \$200.00; and

WHEREAS, the petty cash fund is no longer necessary

NOW THEREFORE BE IT RESOLVED, that the Town of Lodi hereby abolishes the petty cash fund for the Supervisor of the Town of Lodi in the amount of \$200.00 and acknowledges it was re-deposited into the general fund account on 10-18-12.

Moved: Councilwoman Clawson

Seconded: Councilman Van Cleef

Councilman Van Cleef Aye

Councilwoman Jones Aye

Councilman Latini Aye

Councilwoman Clawson Aye

Date: November 8, 2012

Nancy M. Jones, Lodi Town Clerk

RESOLUTION NO. 2012-11-04

WHEREAS. The Town of Lodi budget for FY 2012 has an appropriation for funds to establish a Reserve Account for Capital Equipment purchases, and

WHEREAS, in conformity with Town Law a separate Bank account needs to be established to maintain funds for the Capital Equipment Reserve Fund, now therefore be it

RESOLVED, that the financial Officer is hereby authorized and directed to establish an Account entitled Highway Capital Equipment Reserve Fund to be used for the purchase of highway equipment, now and in the future, not to exceed a maximum value of \$150,000.

RESOLVED, for the fiscal year 2012 that an equity transfer of 20,000.00 be made from the fund balance (DA 911) to the Capital Reserve Fund Balance (DA878)

Journal Entry:	Debit: DA 911	\$20,000
	Credit: DA 878	\$20,000

Moved: Councilwoman Jones
Seconded: Councilman Van Cleef

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

Date: November 8, 2012
Nancy M. Jones, Lodi Town Clerk

Highway Report:

Highway Superintendent Len Carlsen reports that submitted the last payment for CHIPS and should get 45,000.00 back in December.

Committee 1:

Councilwoman Jones read a few announcements from the Historical Society. She also read the library report.

Committee 2:

No report

Committee 3:

No Report

Committee 4:

No Report

Committee 5:

No Report

Committee 6:

No Report

SUPERVISOR DAVIDSON MADE MOTION, SECONDED BY COUNCILWOMAN CLAWSON to have a special meeting of on November 20, 2012 to vote on the 2013 Annual Budget. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

Jan Chauncey and Kristina Cook of the Concerned Citizens of Covert came to bring the Town Board pamphlets on drilling and hydrofracking for natural gas. They are offering to work as advisories for town boards on the topic of hydrofracking. They have been working to gather all the information they can to help inform and educate people on the risks. Their website is www.covertcc.org.

Councilwoman Jones asked a question regarding bill # 454 to National Business Furniture. She was under the impression that the justice grant was to go toward the air conditioning system. Supervisor Davidson said he found out from Town Justice Van Cleef that only \$1,500.00 went toward the air conditioning system, and \$2,000.00 was for office furniture. Supervisor Davidson said he was under the impression that the whole grant would be for the air conditioning system. Supervisor Davidson said the air conditioning system was roughly \$12,000.00 and it was supposed to be split between the court grant and the town. Supervisor Davidson says he asked Justice Van Cleef if future grants could be going toward the air conditioning system and that his response was that he would look into it.

COUNCILWOMAN JONES MADE MOTION, SECONDED BY COUNCILWOMAN CLAWSON, to approve payment of general fund claims #20120443 to #20120462 in the amount of \$12,221.47 and also to approve payment of highway fund claims #20120463 to #20120476 in the amount of \$14,840.40. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

Councilwoman Jones is concerned that she heard that the county is going to discontinue the Dept of Human Services transport vans that help Medicaid and Medicare folks get to medical and counseling appointments. Supervisor Davidson said he has heard the plan is for the State to take over this transportation. Councilwoman Jones says that 9 people will lose their jobs in Seneca County if the state takes this over and that we will lose a vital service. If the state takes it over the transportation service will be put out to bid. It could be a taxi service that wins the bid. Currently the drivers are caring and helpful and she is concerned with whether a taxi service would help these folks to and from the building. Also concerning is that if no one accepts the bid then the folks who have greatly relied on this service will have to call a taxi or use the Seneca Transit Service, Dial-A-Ride Bus. This would not be easy for most of these folks to wait around for transportation and then climb up on a bus. COUNCILWOMAN JONES MADE MOTION SECONDED BY COUNCILWOMAN CLAWSON that we instruct our supervisor to vote against the State taking over this Transportation Service, that we need it, especially in this end of the county. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

HEARING NO FURTHER BUSINESS, SUPERVISOR DAVIDSON MADE MOTION, SECONDED BY COUNCILWOMAN JONES to adjourn the meeting at 9:21 PM.

Respectfully Submitted,
Nancy Jones, Lodi Town Clerk
Dated: November 8, 2012