

**TOWN OF LODI**  
Board Meeting Minutes  
September 13, 2012

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

Late Arrival: Councilman Chance Van Cleef @ 7:04 PM

Supervisor Davidson called the meeting to order at 7:00 p.m. All rose for the Pledge of Allegiance, followed by a moment of silence.

COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILWOMAN JONES, to accept the night's agenda as presented. Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye. Councilman Van Cleef not present yet.

COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILWOMAN JONES, that the minutes of July 12, 2012 be approved as modified. Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye. Councilman Van Cleef not present yet.

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**A RESOLUTION TO INTRODUCE LOCAL LAW A OF THE  
YEAR 2012 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED  
IN GENERAL MUNICIPAL LAW § 3-C  
RESOLUTION NO. 2012-09-01**

**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 A 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 be 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 hold a public hearing on said proposed Local Law at the Lodi Town Hall, 8440 Main Street, Lodi, New York at or about 7:00 p.m. on October 11, 2012; and, be it further

**RESOLVED** that the Clerk to the Board publish or cause to be 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 provide notice of this resolution to any 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: Councilman Van Cleef

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

Dated: Sept. 13, 2012

Nancy Jones, Town Clerk

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**AMENDMENT TO THE  
TOWN OF LODI HIGHWAY “DB” FUND  
RESOLUTION NO. 2012-09-02**

**WHEREAS.** There is not sufficient amount of budgeted appropriations in some of the Highway Fund Budget lines to meet obligations of the Fund for the year 2012 and

**WHEREAS,** in conformity with Town Law and good bookkeeping practices, accounts should not be over appropriated, be it

**RESOLVED**, that the financial Officer is hereby authorized and directed to make the transfers from unencumbered balances to offset any shortages in appropriations

DEBIT: DB-960 Appropriations      \$6,130.13

Debit: DB-5140.200 Miscellaneous Equipment      \$3,469.13

Debit: DB-5140.4 Miscellaneous Brush & Weed Control      \$2,661.00

CREDIT: DB- 960 Appropriations      \$6,130.13

Credit: DB-5110.400 General Repairs, Contractual      \$6,130.13

Moved:                      Councilwoman Clawson

Seconded:                 Councilwoman Jones

Councilman Van Cleef                      Aye

Councilwoman Jones                      Aye

Councilman Latini                         Aye

Councilwoman Clawson                    Aye

Dated: Sept. 13, 2012

Nancy Jones, Town Clerk

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SUPERVISOR DAVISON MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF that the Town Board, Town Clerk, Highway Superintendent and Attorney Michael Mirras, enter into executive session at 7:09 PM to discuss possible litigation. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

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COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILWOMAN JONES, that the board comes out of executive session at 7:26 PM. Councilman Van Cleef, Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.  
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Highway Report:

Highway Superintendent Len Carlsen reports that they have finished all their major road work for the summer with exception to the shoulders on Parmenter-Butcher Hill Road. They have been working on Clark Road and Porter Covert Road cleaning ditches and brush. He brought information from a meeting he attended on the Delta Road Protection Program to give to the Planning Board regarding hydrofracking and protecting our roads.

Committee 1:

Before reading the library report, Councilwoman Jones took a moment to introduce the new librarian, Dora Minichello.

Committee 2:

No Report

Committee 3:

Supervisor Davidson mentioned that the 2<sup>nd</sup> floor fire escape's stairs were unsafe and since we don't use the upper floors anymore the fire escape doorway has been boarded up and the stairs will be coming down.

Committee 3 Continued:

Councilwoman Clawson informed us that a woman from Vermont, who has been researching old stage curtains and does restoration work on them, came here to look at the one we have here at the town hall on the 2<sup>nd</sup> floor. She was quite impressed with ours saying it was in very good condition. There are no rips and no fading however it needs cleaning. There is one grease spot where someone had dropped it down onto greasy food. From her observation she said it was made in Ithaca and believes it was all done freehand. She could clean it for us and she may be able to get a grant to help with the cost.

Committee 4:

No Report

Committee 5:

No Report

Committee 6:

Supervisor Davison and Councilwoman Jones meet with the Board of Directors of the Lodi Fire Department to discuss their situation for the coming year. Then the Board of Directors of the Lodi Fire Department came and talked to the Town Board at the September 6, 2012 town budget workshop.

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Supervisor Davison discussed the results from the Lodi Planning Board Survey. He found the results to be interesting and informational. Councilwoman Clawson made mention that 21 % of the population answering the survey are between the ages of 60 and 69. Councilwoman Jones observed that a large percent of people responding to the survey would like the town of Lodi to pursue solar and wind power. Supervisor Davison informed us that he had asked Bob Aronson, the Executive Director of the Seneca County IDA what was going on with the wind situation. A man named Steve Wilks could meet with the Town Board and discuss what is happening with wind and solar power.

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More budget workshops were planned for Tuesday September 18<sup>th</sup> and 27<sup>th</sup> at 6:30 pm. Town Clerk Nancy Jones will notify the media, place a public notice in The Ovid Gazette, and will hang notices at the Town Hall, Lodi Library and Lodi Post Office.

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Councilman Latini, Town Clerk Jones, Highway Superintendent Carlsen and Supervisor Davidson have formed a committee to continue renegotiations on the PILT Agreement and the "Forest Development Road Agreement" between the Forest Service, United States Department of Agriculture and the Town of Lodi.

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COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF, to approve payment of general fund claims #20120375 to #20120396 & 20120408 & 20120409 in the amount of \$14290.03 and also to approve payment of highway fund claims #20120397 to #20120407 in the amount of \$130,143.83. Councilwoman Jones, Councilman Latini and Councilwoman Clawson all voting Aye.

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HEARING NO FURTHER BUSINESS COUNCILWOMAN JONES MADE MOTION, SECONDED BY COUNCILWOMAN CLAWSON, to adjourn the meeting at 8:51 p.m.

Respectfully Submitted,  
Nancy Jones, Lodi Town Clerk  
Dated: September 13, 2012