

TOWN OF LODI
Board Meeting Minutes
October 10, 2013

Present: Councilman Chance Van Cleef, Councilwoman Winifred Jones, Supervisor E. Lee Davidson, Councilman Lucas Latini, Councilwoman Clawson, Town Attorney Michael Mirras, and Town Clerk Nancy Jones. Also present: Highway Superintendent Rick Jacot

Supervisor Davidson called the meeting to order at 7:06 p.m. All rose for the Pledge of Allegiance, followed by a moment of silence.

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

COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILWOMAN JONES to accept the minutes from September 12, 2013 as presented. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, and Councilman Latini and Councilwoman Clawson all voting Aye.

**A RESOLUTION TO INTRODUCE LOCAL LAW 2 OF THE
YEAR 2013 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 2 of 2013 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, 2014 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, 2014 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 November 7, 2013; 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: Councilwoman Clawson
Seconded: Councilman Van Cleef

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

Dated: October 10, 2013

Nancy Jones, Town Clerk

The town board discussed the tentative budget which was previously laid out before them.

**RESOLUTION OF TOWN BOARD
APPROVING 2014 PRELIMINARY BUDGET
RESOLUTION NO. 2013-10-02**

WHEREAS, the Tentative Budget was presented to the Town Board at a Special Public Meeting of the Town Board on September 18, 2013 and discussed further on September 25, 2013; and

WHEREAS, pursuant to Town Law §106(3), the Town Board may make such changes, alterations, and revisions to the Tentative Budget as it shall consider advisable and consistent with law; and

RESOLVED, that the Town Board does hereby prepare and approve the Tentative Budget as the Preliminary Budget of the Town for the fiscal year beginning on the first day of January 2014, 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 for a Special Meeting at 7:00 PM on the 7th day of November 2013 for the purpose of Public Hearing upon such preliminary budget, and be it

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

**NOTICE OF PUBLIC HEARING ON
PROPOSED 2014 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 a Special Meeting Date of November 7, 2013 at 7:00 PM concerning:

Proposed 2014 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 2014 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;

Supervisor.....	\$ 6,180.00
Town Councilpersons (4)	\$ 5,793.00
Town Clerk/Tax Collector.....	\$12,360.00
Town Justice.....	\$ 6,000.00
Highway Superintendent.....	\$39,140.00

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 a Special Meeting of the Lodi Town Board will follow the public hearing on November 7, 2013 regarding any other business needing attention by the Town Board.

**Dated: October 10, 2013
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 on October 23, 2013.

Moved: Supervisor Davidson
Seconded: Councilwoman Jones

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

Date: October 10, 2013
Nancy M. Jones, Lodi Town Clerk

**APPOINTMENT OF ASSESSOR
RESOLUTION NO. 2013-10-01**

WHEREAS, In accordance with laws contained in the Real Property Tax Law the terms of office of all Assessors are set for a six year period of time; and

WHEREAS, the terms of office of all New York State Certified Assessors expire as of September 30, 2013; and

WHEREAS, Anne M. Morgan, the current Assessor who retired effective September 30, 2013, and has agreed to serve as Assessor on an interim basis until a new Assessor begins employment; and

WHEREAS, the Governing Body finds that Anne Morgan performed her duties as the Sole Assessor for the Town of Lodi in an acceptable and professional manner; and

WHEREAS, it would be in the best interest of the Town of Lodi to re-appoint Anne M. Morgan as Assessor on an interim basis until the Assessor position is filled.

NOW, therefore, be it

RESOLVED, that said term of office for the Sole Assessor for the Town of Lodi shall be October 1, 2013 to run until September 30, 2019; and

RESOLVED, that Anne Morgan be, and is hereby, appointed to the position of Interim Assessor for the municipality, effective October 1, 2013 to Dec. 31, 2013; said appointment to be at the pleasure of the Governing Body and subject to all applicable law.

Moved: Councilman Van Cleef
Seconded: Councilman Latini

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

Dated: October 10, 2013
Nancy Jones, Town Clerk

Helen A. Dunlap, M.A., Project Coordinator of the Tobacco Action Coalition of the Finger Lakes spoke to the Town Board to inform them of who they are and how they can help us as a municipality. She informed the Board Members that this coalition, a program of the American Lung Association, can educate and inform community leaders and the public to reduce the harm of tobacco, can help the municipality adopt resolutions that will restrict the tobacco industry presence, educate policy makers to de-normalize tobacco use and eliminate exposure to secondhand smoke. She brought some informational fact sheets about tobacco use, the number of deaths and the burden on health care costs due to smoking in NYS and Across America. Another fact sheet discusses the environmental impacts from the litter that is caused by cigarette butts that take decades to decompose, leach chemicals into our waters and the dangers of them causing fires when not properly extinguished. Helen also informed the board that she can provide signage for public buildings and outdoor community areas and/or help write, update or enhance any policies establishing smoke free environments.

Highway Superintendent Jacot reported that they have been putting in more pipes, put drains in Butcher Hill Road and will be blacktopping those spots. They have been helping Ovid and Interlaken service their equipment. He also reported that a total of 8 miles of ditches has been cleaned out this summer and fall.

Town Clerk Jones reported on her monthly report for September 2013, completed on October 1, 2013 in which she received a total of \$559.00 All monies received were disbursed in the following way:

Paid To Supervisor for General Fund	\$150.07
Paid To NYS DEC For DECALS	\$395.93
Paid To Ag. & Markets For Dog Licenses	\$13.00
Paid To NYS Health Dept. For Marriage Licenses	\$.00
	\$559.00

COUNCILWOMAN JONES MADE MOTION, SECONDED BY SUPERVISOR DAVIDSON to approve the Town Clerk's monthly report for September 2013. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, and Councilman Latini and Councilwoman Clawson all voting Aye.

Councilwoman Jones read the library report in which informs us that Senator Nozzolio, in his support for libraries in New York State was responsible for garnering \$75,000 to be awarded to the libraries in Seneca County. This month, Lodi Whittier Library will receive \$20,000 toward its building fund.

Justice Van Cleef gave a copy of a Monthly Checklist for Review of Justice Court Records. Councilman Latini clarified that this is a self audit and discussed that it needs a signature and time and date of person who actually completed the report. Justice Van Cleef, in attendance tonight, agreed to sign it.

President, Jason Henderson and Director of Operations, Bruce Wallbourn from the South Seneca Ambulance came to speak to the town board. They informed the Town Board that their meetings are every third Thursday of the month at 6:00 pm and are open to the public. Jason discussed why their budget is so much higher this year saying that there has been a couple of years that they didn't get payment from a couple other towns. He also said that the past administrations never properly did an adequate budget, overlooking rotation of rigs and growing expense of equipment. He also discussed that medication costs have gone up and insurance reimbursements have gone down. Jason clarified that the town contracts are not devised to keep the Ambulance afloat completely, they are to keep an ambulance staffed 24/7 so they can be on call and provide service to anyone in need in the ambulance area. Attorney Mirras asked questions regarding the other towns that belong to the South Seneca Ambulance Area that didn't sign a contract or pay for service but were provided service anyway. Jason clarified that the South Seneca Ambulance Area consists of 5 towns. In the past few years Covert and Varick didn't pay their share but still received emergency service. He said that Covert has dropped out of this area causing the Ambulance Company to now consolidate to 4 towns. He also informed the Town Board that Varick is still undecided as to what they will do about ambulance service in 2014. Attorney Mirras pointed out that the Towns of Lodi, and the other two towns have therefore been footing the bill for Covert and Varick. Councilman Latini spoke up as well saying that we have been supporting these other towns because the ambulance company is still providing service to those towns and is deferring their costs onto the other towns. Jason said their costs weren't deferred onto the other towns because they used their own revenue that was supposed to be put away for new equipment and new vehicles. Attorney Mirras asked if the Town of Varick will catch up on their payments. Jason explained that Varick could only pay half of last year's contract amount because of the 2% tax cap.

Councilwoman Jones spoke up on behalf of the Agricultural Committee with some recommendations for the Town Board. First they would like to have the Town Board see where we are at with the National Forest regarding the Memorandum of Understanding (MOU) that was supposed to outline a process for better communication and public understanding of the Forest Service's land acquisition plans. Involved with this MOU would be a Land Ownership Adjustment Plan (LOA) that will identify and prioritize parcels of land that the forest has an interest in acquiring or disposing of. Secondly the Agricultural Committee would like the town board to look into asking the State to complete a SEQR (State Environmental Quality Review) in regards to how the Finger Lakes National Forest affects the Town of Lodi.

COUNCILWOMAN JONES MADE MOTION to direct the town bookkeeper, Diane Nelson to do a fund amendment to add \$100.00 to the Agricultural Advisory Committee Fund (B.8020.410) and to take it out of the fund balance. The board moved on to other business and the motion was not seconded.

Town Clerk Jones informed the town board that she received notice of intent to obtain an on-premise liquor license from Karen Gilman, owner of Dano's Heuruger on Seneca and that Karen was asking if the town board could write a letter waiving the 30-day notice period. Dano's already has an off-premise liquor license. COUNCILWOMAN JONES MADE MOTION, SECONDED BY COUNCILWOMAN CLAWSON that town supervisor, Lee Davidson be directed to write a letter on behalf of the town board stating that they have been notified of Karen Gilman's intent to obtain an on-premises liquor license, received a copy of her application, have no objection to its issuance, and waive the 30-day waiting period. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, and Councilman Latini and Councilwoman Clawson all voting Aye.

COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF to approve payment of General Fund claims # 187-208 in the amount of \$6,072.30, to approve Trust & Agency claims # 21-23 in the amount of \$3,066.70 and also to approve payment of highway fund claims #112-120 in the amount of \$8,522.54. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, and Councilman Latini and Councilwoman Clawson all voting Aye.

HEARING NO FURTHER BUSINESS, COUNCILWOMAN JONES MADE MOTION, SECONDED BY COUNCILWOMAN CLAWSON to adjourn the meeting at 8:10 pm. Councilwoman Jones, Supervisor Davidson, and Councilwoman Clawson all voting Aye.

Respectfully Submitted,
Nancy Jones, Town Clerk
Dated: October 10,2013
