

**TOWN OF LODI**  
Board Meeting Minutes  
July 11, 2013

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

Also Present: Attorney Michael Mirras

Late Arrival: Councilman Chance Van Cleef at 7:30 p.m.

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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.

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

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Supervisor Davidson opened the public Hearing on the Revised Comprehensive Plan At 7:15 p.m. Councilwoman Jones and Councilwoman Clawson discussed some of the changes that were made to the plan. Councilwoman Jones mentioned that we need to find some ways to raise our tax base. She would also like to see more recommendations in the Comprehensive Plan. Supervisor Davidson talked about a problem for our town in which the only income we have is from our taxes and reminds everyone that other towns have industries and water and sewer situations. He also mentions that on top of this problem we also have the National Forest that has taken quite a bit of our land off the tax rolls. Roy Ike reminded the board that we have agricultural business in Lodi and spoke to the Board about the Yates County Produce Auction. He suggested perhaps we could get involved and help enhance the auction that has already started in Romulus to bring in more tourism to the area. He also invited Supervisor Davidson to go with him on a tour of Yates Co. to see what they are doing over there.

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Councilman Van Cleef arrived during the Public Hearing at 7:25 p.m.

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COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILMAN LATINI TO CLOSE THE PUBLIC HEARING AT 7:26 p.m. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, Councilman Latini and Councilwoman Clawson all voting Aye.

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SUPERVISOR DAVIDSON MADE MOTION, SECONDED BY COUNCILWOMAN JONES to reopen the regular Board meeting at 7:28 p.m. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, Councilman Latini and Councilwoman Clawson all voting Aye.

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COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY SUPERVISOR DAVIDSON to accept the Meeting Minutes of June 13, 2013 as presented. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, Councilman Latini and Councilwoman Clawson all voting Aye.

**A RESOLUTION TO INTRODUCE LOCAL LAW NO. 1 OF THE YEAR 2013  
INTRODUCING A REFERENDUM ITEM THAT PROVIDES FOR THE POSITION OF  
HIGHWAY SUPERINTENDENT FOR THE TOWN OF LODI TO BE AN  
APPOINTED RATHER THAN AN ELECTED POSITION**

**WHEREAS**, Town Law, § 20(1)(a)(b) provides that the position of town highway superintendent is to be elected, and

**WHEREAS**, the Town of Lodi Highway Superintendent is currently an elected position, and

**WHEREAS**, Municipal Home Rule Law, § 10(1)(a)(1) authorizes all local governments, including towns, to adopt local laws relating to the manner of selection of town officials, and § 10(1)(d)(3), authorizes towns, by local law, to supersede Town Law, § 20(1)(a)(b) subject to mandatory referendum, and

**WHEREAS**, the Town Board of the Town of Lodi believes that it is in the best interest of the Town of Lodi to have the position of town highway superintendent be an appointed position.

**NOW**, therefore, be it

**RESOLVED**, that Local Law No. 1 of 2013 entitled "A Local Law Introducing a Referendum Item on the November 5, 2013 Election Ballot that Provides for the Position of Highway Superintendent for the Town of Lodi to be an Appointed rather than an Elected Position", 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. Title**

This Local Law shall be known as Local Law No. 1 of the year 2013, a Local Law Introducing a Referendum Item on the November 5, 2013 Election Ballot that Provides for the Position of Highway Superintendent for the Town of Lodi to be an Appointed rather than an Elected Position.

**Section 2. Purpose**

The purpose of this law is to place on the November 5, 2013 general election ballot, a referendum item which allows the electors of the Town of Lodi to decide if they wish to have an appointed rather than an elected Highway Superintendent.

**Section 3. Termination of Position of Elected Highway Superintendent**

If the electors of the Town of Lodi vote to appoint rather than elect a Highway Superintendent, the current elected position will terminate on December 31, 2013.

**Section 4. Creation of Position of Appointed Highway Superintendent**

If the electors of the Town of Lodi vote to appoint rather than elect a Highway Superintendent, the Town Board shall appoint a qualified individual to that position effective January 1, 2014. The Highway Superintendent would then serve according to the terms established by, and be accountable to, the Town Board.

**Section 5. Mandatory Referendum**

This Local Law is subject to mandatory referendum according to the provisions of Section 23.2.e of the Municipal Home Rule Law.

**Section 6. Effective date**

If approved by the electors of the Town of Lodi, this Local Law becomes effective on January 1, 2014.

**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 August 8, 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.

Moved: Councilwoman Clawson  
Seconded: Councilwoman Jones

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

Dated: July 8, 2013

Nancy Jones, Lodi Town Clerk

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Highway Superintendent Jacot reports that they have been servicing equipment, cold patching roads and have three miles of road oiled and stoned. Superintendent Jacot also spoke to the Town Board about putting weight limit signs on the town roads to help keep large trucks from short cutting across our unpaved roads. The goal is to keep them on the county and state roads instead. Superintendent Jacot will put together a list of roads he is concerned about and decide on what weight limit so the Town Board can discuss further. A resolution will need to be drawn up and voted on.

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Councilwoman Jones read the library report.

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Supervisor Davidson informed the board that the Town of Fayette has been inquiring about joining in on our 5 Town Assessment Group.

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Supervisor Davidson also informed the board that the Seneca County Ambulance is putting their budget together now and that they are talking about having to raise their prices a lot.

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Supervisor Davidson reported that the numbers of children attending the Summer Rec Program have gone up this summer. They have had up to 13 participants. Supervisor Davidson thanked Councilman Latini on a job well done in finding a Recreation Leader at the last minute. Councilman Latini thanked Town Clerk Jones for her help as well in getting the program up and running for the summer. Supervisor Davidson praised a job well done by Jennifer Tucci and her husband, who helped as a volunteer. The Fire Department was also thanked for housing the Summer Rec Program at their firehouse.

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Supervisor Davidson congratulated Mike Huff in becoming the new Chief of the Lodi Fire Department.

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COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILWOMAN JONES to accept the Planning Board's 2013 Revised Comprehensive Plan. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, Councilman Latini and Councilwoman Clawson all voting Aye.

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Noel Clawson announced that they need another planning board member.

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COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILWOMAN JONES, for the town board to write a letter to OCA with copies to Judge Dorn and Judge Koeker asking the status of the audit of the Lodi Town Court Records and requesting that the audit be done as soon as possible. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, Councilman Latini and Councilwoman Clawson all voting Aye.

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Town Clerk Jones announced she would like to provide the Board with her Town Clerk's Monthly Reports during the regularly scheduled board meetings. This would be in addition to her current practice of submitting the Monthly Reports to the Supervisor. After Town Clerk Jones read thru her report for the month of July, COUNCILMAN VAN CLEEF MADE MOTION, SECONDED BY COUNCILWOMAN CLAWSON to accept the Town Clerk's Monthly Report for July 2013. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, Councilman Latini and Councilwoman Clawson all voting Aye.

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Mike Huff, Lodi Fire Dept. Chief thanked the Lodi Highway Department and gave praise for a job well done in their assistance with the sewer breaks. He appreciates the team work between the two entities, Town and Village. He mentioned he was also thankful for the help from the Village of Interlaken and the Village of Ovid.

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COUNCILMAN LATINI MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF to go into executive session at 8:50 pm for confidential personnel reasons and to include Attorney Mirras and Town Clerk Jones into the session and at some point to also include Highway Superintendent Jacot into the executive session. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, Councilman Latini and Councilwoman Clawson all voting Aye.

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COUNCILMAN VAN CLEEF MADE MOTION, SECONDED BY COUNCILMAN LATINI to come out of executive session at 10:06 PM. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, Councilman Latini and Councilwoman Clawson all voting Aye.

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COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY COUNCILWOMAN JONES to approve payment of General Fund claims # 129-145 in the amount of \$5,314.66, to approve Trust & Agency claims # 13-15 in the amount of \$2,357.20 and also to approve payment of highway fund claims #75-87 in the amount of \$11,911.27 with changes to highway account numbers as discussed. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, Councilman Latini and Councilwoman Clawson all voting Aye.

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HEARING NO FURTHER BUSINESS, SUPERVISOR DAVIDSON MADE MOTION, SECONDED BY COUNCILMAN LATINI to adjourn the meeting at 10:11 pm. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson, Councilman Latini and Councilwoman Clawson all voting Aye.

Respectfully Submitted,  
Nancy Jones, Town Clerk  
Dated: July 11, 2013