

TOWN OF LODI
Special Board Meeting and Public Hearing Minutes
August 28, 2013

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

Late Arrivals: Attorney Michael Mirras at 7:14 p.m. and Councilwoman Noël Clawson at 8:00 p.m.

Early Departure: Councilman Van Cleef left early @ 7:50 p.m.

Supervisor Davidson called the Special Meeting to order at 7:02 p.m.

COUNCILWOMAN JONES MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF to open The Public Hearing at 7:03 p.m. on proposed Local Law 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. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson and Councilman Latini all voting Aye.

Mr. Paul Batman, a member of the audience, spoke to the Board on his thoughts about the proposed Local Law.

COUNCILWOMAN JONES MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF to close the Public Hearing at 7:24 p.m. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson and Councilman Latini all voting Aye.

COUNCILWOMAN JONES MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF to reopen the Special Meeting at 7:25 p.m. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson and Councilman Latini all voting Aye.

COUNCILWOMAN JONES MADE MOTION, SECONDED BY COUNCILMAN LATINI to read through and complete a SEQR (State Environmental Quality Review -Short Environmental Assessment Form) as part of Local Law Adoption Procedures. Councilman Van Cleef, Councilwoman Jones, Supervisor Davidson and Councilman Latini all voting Aye.

Resolution 2013-08-03
A RESOLUTION ADOPTING PROPOSED 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, and

WHEREAS, 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 August 28, 2013,

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 adopted by 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.

Moved: Councilwoman Jones

Seconded: Supervisor Davidson

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

Dated: August 28, 2013
Nancy Jones, Lodi Town Clerk

Councilman Van Cleef left to coach Football at 7:50 p.m.

Councilwoman Clawson arrived at 8:00 p.m.

Council Woman Clawson asked about the budget schedule. Supervisor Davidson will get budget request forms out and set workshop dates.

COUNCILWOMAN CLAWSON MADE MOTION, SECONDED BY SUPERVISOR DAVIDSON to instruct town attorney Michael Mirras to draft a resolution to introduce a local law to override the tax levy limit established in general municipal law § 3-c. Councilwoman Jones, Supervisor Davidson and Councilwoman Clawson each voting Aye. Councilman Latini voting Nay.

SUPERVISOR DAVIDSON MADE MOTION, SECONDED BY COUNCILMAN LATINI to go into executive session at 8:27 p.m. for confidential personnel reasons and to include Attorney Mirras and Town Clerk Jones. Councilwoman Jones, Supervisor Davidson, Councilman Latini and Councilwoman Clawson all voting Aye.

COUNCILMAN LATINI MADE MOTION, SECONDED BY COUNCILWOMAN CLAWSON to come out of executive session at 9:06 pm. Councilwoman Jones, Supervisor Davidson, Councilman Latini and Councilwoman Clawson all voting Aye.

HEARING NO FURTHER BUSINESS, COUNCILWOMAN JONES MADE MOTION, SECONDED BY COUNCILWOMAN CLAWSON to adjourn the special meeting at 9.06 p.m. Councilwoman Jones, Supervisor Davidson, Councilman Latini and Councilwoman Clawson all voting Aye.

Respectfully Submitted,
Nancy Jones, Town Clerk
Dated: August 28, 2013
