

**TOWN OF LODI**  
Regular Board Meeting Minutes  
September 10, 2015

PRESENT: COUNCILMAN MAC CHEYNE, COUNCILMAN LUCAS LATINI, COUNCILMAN BRAD JENNINGS, HIGHWAY SUPERINTENDENT RICK JACOT and TOWN CLERK NANCY JONES.

ALSO PRESENT: TOWN ATTORNEY MICHAEL MIRRAS

LATE ARRIVAL: COUNCILMAN VAN CLEEF at 7:40 pm and Supervisor Davidson at 7:45 pm

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Councilman Latini, Deputy Supervisor called the meeting to order at 7:02 p.m. All rose for the Pledge of Allegiance, followed by a moment of silence.

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COUNCILMAN JENNINGS MADE MOTION, SECONDED BY COUNCILMAN MAC CHEYNE to accept the night's agenda as presented. Councilman Mac Cheyne, Councilman Latini and Councilman Jennings all voting aye.

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COUNCILMAN MAC CHEYNE MADE MOTION, SECONDED BY COUNCILMAN JENNINGS to accept the meeting minutes for August 13, 2015 as presented. Councilman Mac Cheyne, Councilman Latini and Councilman Jennings all voting aye.

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TOWN BOARD OF THE TOWN OF LODI OPPOSES SENATE BILL S-1879  
Resolution 2015-09-01

WHEREAS, United States Senate Bill S-1879 was introduced on July 29, 2015 as the "Interior Improvement Act"; and

WHEREAS, this Bill amends the 1934 Indian Reorganization Act and purports to "fix" the perceived inequities of the United States Supreme Court decision in *Carcieri v. Salazar*; and

WHEREAS, in fact, the Supreme Court in *Carcieri* fairly and correctly applied the spirit and intent of the 1934 Act by limiting its effects to tribes whose lands were previously subject to alienation under prior Congressional Acts, permitting restoration of lands to control by those tribes; and

WHEREAS, in eliminating the term "any recognized tribe now under Federal Jurisdiction" from the 1934 Act and replacing it with "any federally recognized tribe", the Bill permits the Secretary of the Interior to grant trust acquisitions anywhere and for the benefit of any Indian or Indian tribe by the Federal Administration controlling the Department of the Interior at the time of the application, all without Congressional oversight at the Secretary's discretion; and

WHEREAS, the Bill fails to provide meaningful local input to the land to trust process, permitting the Secretary to disregard local municipal comment and ignore a Indian tribe's failure to obtain cooperative agreements with local municipal governments that might minimize the disruptive impact of trust acquisition or even worse, to determine that a local municipality's failure to agree to tribal demands in connection with such application constitutes a failure to bargain in good faith; and

WHEREAS, empowering the Secretary with such discretion would in effect, create a virtual administrative veto over local objections to tribal trust acquisitions and would permit the Secretary, based upon political or other considerations to authorize Federal, Indian controlled enclaves into heavily populated areas resulting inevitably in administrative disruption and local economic instability; and

WHEREAS, this Resolution has been taken from the floor of the Seneca County Board of Supervisors by a two thirds vote of the members present and passed unanimously,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board opposes and finds disturbing the provisions of Senate Bill S-1879 which rescind critical portions of the 1934 Indian Reorganization Act without adequate provision for meaningful local in-put; and be it further

RESOLVED, that the Town Board respectfully urges the strongest opposition to this Bill from our Congressional delegation and from the United States Senate as a whole; and be it further

RESOLVED, that the Board further requests that our State legislators affirm and convey to our Congressional delegation, their opposition to this Bill; and be it further

RESOLVED, that the Clerk of the Town Board of the Town of Lodi cause a copy of this Resolution to be transmitted to each member of our Congressional Delegation and to both members of the United States Senate from New York and to our representatives in the New York State Assembly and Senate.

Moved: Councilman Latini  
Seconded: Councilman Mac Cheyne

Councilman Van Cleef	Absent
Councilman Mac Cheyne	AYE
Supervisor Davidson	Absent
Councilman Latini	AYE
Councilman Jennings	AYE

Date: September 10, 2015  
Nancy M. Jones, Lodi Town Clerk

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Highway Superintendent Jacot informed the board they put in 60 foot of 36 inch pipe on Case Rd. and a 24 inch pipe on Seneca Rd. They helped out the Towns of Ovid and Covert as well as the County this month. They hauled run- a-crush and put in the rest of the pipes on Keady Rd. He also informed the Board they worked on Porter Covert Rd, mowed some road sides, graded a couple seasonal roads and did some cold patch. COUNCILMAN LATINI MADE MOTION, SECONDED BY COUNCILMAN JENNINGS to accept the September 2015 Highway Report. Councilman Mac Cheyne, Councilman Latini and Councilman Jennings all voting aye.

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Town Clerk Jones reported on her monthly report for August 2015 in which she received a total of \$386.00. All monies received were disbursed in the following way:

Paid To Supervisor for General Fund	\$144.96
Paid To NYS DEC For DECALS	\$213.54
Paid To Ag. & Markets For Dog Licenses	\$5.00
Paid To NYS Health Dept. For Marriage Licenses	\$22.50
	<b>\$386.00</b>

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COUNCILMAN MAC CHEYNE MADE MOTION, SECONDED BY COUNCILMAN JENNINGS to accept the Town Clerk's August 2015 Monthly Report. Councilman Mac Cheyne, Councilman Latini and Councilman Jennings all voting aye.

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Councilman Latini read the August 2015 Court Activity Report. COUNCILMAN JENNINGS MADE MOTION, SECONDED BY COUNCILMAN MAC CHEYNE to accept the August 2015 Court Activity Report. Councilman Mac Cheyne, Councilman Latini and Councilman Jennings all voting aye.

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Councilman Latini read the Library Report.

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Budget Officer Winifred Jones presented a Tentative 2016 Town Budget to the Board.

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COUNCILMAN JENNINGS MADE MOTION, SECONDED BY COUNCILMAN MAC CHEYNE to authorize Supervisor Davidson to sign the Hunt Engineers, Conceptual Design Services Agreement for the New Town Hall dated September 13, 2015 authorizing to spend up to \$4,200.00. Councilman Van Cleef, Councilman Mac Cheyne, Councilman Latini and Councilman Jennings all voting aye.

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COUNCILMAN LATINI MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF THAT THE TOWN BOARD, SUPERVISOR DAVIDSON, TOWN CLERK JONES, TOWN JUSTICE LOU VAN CLEEF AND ATTORNEY MICHAEL MIRRAS, ENTER INTO EXECUTIVE SESSION AT 7:50 PM regarding property acquisition. Councilman Van Cleef, Councilman Mac Cheyne, Councilman Latini and Councilman Jennings all voting aye.

COUNCILMAN JENNINGS MADE MOTION, SECONDED BY COUNCILMAN VAN CLEEF that the board comes out of executive session at 8:02 PM. Councilman Van Cleef, Councilman Mac Cheyne, Councilman Latini and Councilman Jennings all voting aye.

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COUNCILMAN VAN CLEEF MADE MOTION, SECONDED BY COUNCILMAN JENNINGS to approve payment of general fund claims #177 to 192 in the amount of \$3,380.20. Payment of trust & agency claims #26 & 27 in the amount of \$4,800.46. Payment of highway fund claims #89 to 101 in the amount of \$64,691.28. Councilman Van Cleef, Councilman Mac Cheyne, Councilman Latini and Councilman Jennings all voting aye.

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HEARING NO FURTHER BUSINESS COUNCILMAN LATINI MADE MOTION, SECONDED BY COUNCILMAN JENNINGS MADE MOTION to adjourn the meeting at 8:05 p.m. Councilman Van Cleef, Councilman Mac Cheyne, Councilman Latini and Councilman Jennings all voting aye.

Respectfully Submitted,  
Nancy Jones, Lodi Town Clerk  
Dated: September 10, 2015