

Lodi Town Board Minutes
June 10, 2010
7:00 PM at Town Hall

Present: Supervisor Davidson, Councilman Haviland, Councilwoman Jones, Councilman Ike, Councilwoman Woodard, Town Clerk Tina Carlsen

Public hearing opened at 6:30 p.m. on Adoption for Town of Lodi Comprehensive Plan

Councilman Haviland made motion, seconded by Councilwoman Jones to open the public meeting. Councilpersons Haviland, Ike, Jones, and Woodard all voting Aye.

Lynn Rosbaugh mentioned that there was a two year plan in place from the Planning Board on updating the Comprehensive Plan if there becomes a need for it.

There was a letter submitted to the Board from Michael Smith on comments do to the Comprehensive Plan.

Attorney for the Town, Steve Getman stated that the Comprehensive Plan should not be passed to get grants and that if the Plan is passed, that the Town has to abide by the Local Laws that the Plan falls under.

Councilman Haviland made motion, seconded by Councilwoman Jones to close the public hearing at 6:55 p.m. Councilpersons Haviland, Ike, Jones, and Woodard all voting Aye.

Public hearing opened at 6:56 p.m. on Adoption for Proposed Local Law A of 2010

Councilman Haviland made motion, seconded by Councilwoman Jones to open the public meeting. Councilpersons Haviland, Ike, Jones, and Woodard all voting Aye.

Councilman Haviland made motion, seconded by Councilwoman Jones to close the public hearing at 7:04 p.m. Councilpersons Haviland, Ike, Jones, and Woodard all voting Aye.

Regular Board Meeting called to order at 7:05 p.m.

Present: Supervisor Davidson, Councilman Haviland, Councilwoman Jones, Councilman Ike, Councilwoman Woodard, Town Clerk Tina Carlsen, Highway Superintendent Len Carlsen

The moment of silence was held in memory for Arlo Johnson's wife who passed away.

Guest Speaker Peg Birmingham who is an Assistance Coordinator for towns spoke on what is available to the town employees.

Councilwoman Woodard made motion, seconded by Councilman Ike, to accept the night's agenda as presented. Councilpersons Haviland, Jones, Ike, and Woodard all voting Aye.

Councilman Ike made motion, seconded by Councilwoman Woodard, to accept the meeting minutes for as presented. Councilpersons Haviland, Jones, Ike, and Woodard all voting Aye.

Councilman Ike made motion, seconded by Councilman Jones, to approve payment of general fund claims #119 to #133 in the amount of \$5,490.88 and also to approve payment of highway fund claims #82 to #97 in the amount of \$24,551.78. Councilpersons Haviland, Jones, Ike and Woodard all voting Aye.

**RESOLUTION NO. 2010-06-01
RESOLUTION ADOPTING TOWN OF LODI
COMPREHENSIVE PLAN**

WHEREAS, the Town of Lodi Planning board has referred a

Draft Comprehensive Plan for the Town of Lodi with a recommendation for its adoption by the Town Board, and

WHEREAS, this plan sets forth a vision, specific goals, subgoals, strategies and recommendations, a general future land use map, and a plan for implementation, and

WHEREAS the Town Board of the Town of Lodi has primary responsibility for funding and approving the Comprehensive Plan, and

WHEREAS pursuant to § 617.10 (b) of the State Environmental Quality Review Act regulations, a Full Environmental Assessment Form (EAF) was prepared for the Comprehensive Plan, and

WHEREAS the Town Board, as Lead Agency for the environmental review of the Comprehensive Plan and EAF, has fulfilled all of the requirements of the State Environmental Quality Review Act, and

WHEREAS pursuant to Town Law §272-a(6), public hearings were held by the Town Planning Board and the Town Board for the purpose of obtaining comments from the public on the Comprehensive Plan, and

WHEREAS the Seneca County Planning Board, pursuant to the provisions of the General Municipal Law, has given its approval to the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts in its entirety the Lodi Comprehensive Plan, dated March 11, 2010.

Moved: Councilwoman Jones
Seconded: Councilman Haviland
Opposed: Supervisor Davidson
Dated: June 10, 2010
Tina Carlsen, Town Clerk

**RESOLUTION ADOPTING PROPOSED
LOCAL LAW NO. A OF THE YEAR 2010,
SUBJECT TO A MANDATORY REFERENDUM**

“A local law providing a four-year term for the elective offices of Town Supervisor, Town Clerk and Town Superintendent of Highways of the Town of Lodi”

WHEREAS, a resolution was duly adopted by the Town board of the Town of Lodi for a Public Hearing to be held by said Town on at the Town Office Building, 8440 Main Street, Lodi New York at 6:30 p.m. on the 10th day of June, 2010; and

WHEREAS, the Town Clerk did post copies on the official bulletin board(s) of the Town and did publish or cause to be published a notice of said public hearing in the official newspaper of the Town at least ten (10) days prior thereto; and

WHEREAS, said public hearing was duly held on the date and time indicated above, and at the location indicated above, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local law, or any part thereof; and

WHEREAS, the Town Board, has reviewed the SEQR Form Prepared in Connection with this local law and filed with the Town Clerk;

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Art. 8 (State Environmental Quality Review Act) it has been determined by the Town board of the Town of Lodi that adoption of said proposed Local law would not have a significant effect upon the environment; and

WHEREAS, the Town board of the Town of Lodi, after due deliberation, finds it in the best interests of the Town of Lodi to adopt said Local Law, which is subject to a mandatory referendum;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Lodi hereby makes a negative determination of environmental significance in accordance with the New York State Environmental Quality Review Act for the above referenced action as proposed; and

BE IT RESOLVED that the Town Board of the Town of Lodi hereby adopts said Local Law, subject to a mandatory referendum, as follows:

Section 1. The terms of office of the elective Town Supervisor, Town Clerk and Town Superintendent of Highways of the Town of Lodi shall each be four years. Each such four-year term shall commence on the first day of January following the first biennial town election after the effective date of this local law.

Section 2. At the biennial town election next following the effective date of this local law, and every four years thereafter, the Town Supervisor, Town Clerk and Town Superintendent of Highways shall each be elected for a term of four years.

Section 3. This local law shall supersede in its application to the Town of Lodi section 24 of the New York State Town Law with respect to the terms of office of the elective Town Supervisor, Town Clerk and Town Superintendent of Highways.

Section 4. This local law shall be submitted for approval to the electors of the Town of Lodi at the next general town election to be held on November 2, 2010.

Section 5. Any other local law, ordinance or resolution inconsistent herewith is hereby repealed.

Section 6. If any provision, sentence, clause, section or part of this local law is for any reason found to be unconstitutional, illegal or invalid, such findings shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this local law. It is hereby declared to be the intent of the Town of Lodi that this local law would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part had not been included herein.

Section 7. This local law shall take effect immediately upon filing with the Secretary of State after approval by a majority of the electors voting thereon in accordance with the requirements of Section 27 of the Municipal Home Rule Law.

BE IT FURTHER RESOLVED that said Local Law No. A of the Year 2010, adopted on the 10th day of June, 2010, be submitted to the vote of the qualified electors of the Town of Lodi, New York, in the manner provided by law at the general Election to be held on the 2nd day of November, 2010 ; and that the form of the proposition to be submitted shall be as follows:

Proposition No. 1, submitting a local law for the year 2010 to the electors of the Town of Lodi, New York. To be voted upon at the Town General Election, to be held on the 2nd day of November, 2010. Shall there be approved and adopted in the Town of Lodi, New York, a local law entitled "A local law providing a four-year term for the elective offices of Town Supervisor,

Town Clerk and Town Superintendent of Highways of the Town of Lodi,” as enacted by the Town Board of the Town of Lodi on June 10, 2010?

BE IT FURTHER RESOLVED that the Town Clerk and Town Attorney shall prepare and submit to the County Board of Elections a Ballot Abstract For the Town General Election to be held November 2, 2010.

Moved: Councilman Haviland

Seconded: Councilwoman Jones

Opposed: Supervisor Davidson; Councilwoman Woodard

Dated: June 10, 2010

Tina Carlsen, Town Clerk

AMENDMENT TO THE
TOWN OF LODI GENERAL A FUND
RESOLUTION NO.: 2010-06-03

WHEREAS. There is not sufficient amount of budgeted appropriations in some of the District Fund Budget to meet obligations of the Fund for the year 2010 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: A-960 Appropriations \$8158.00

 Debit: A-1990.4 Contingent \$8158.00

CREDIT: A- 960 Appropriations \$8158.00

 Credit: A-1410.4 Town Clerk Expense \$3800.00

 Credit: A-1420.4 Attorney Expense 1787.00

 Credit: A-1989.4 Unclassified Expense 2571.00

 (Assoc. of Town Meeting:NYC)

Moved: Supervisor Davidson
Seconded: Councilwoman Woodard
Dated: June 10, 2010
Tina Carlsen, Town Clerk

AMENDMENT TO THE
TOWN OF LODI HIGHWAY "DB" FUND
RESOLUTION NO.: 2010-06-04

WHEREAS. There is not sufficient amount of budgeted appropriations in some of the District Fund Budget to meet obligations of the Fund for the year 2010 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	\$1800.73	
Debit: DB-5140.1 Part-time	\$1800.73	
CREDIT: DB- 960 Appropriations	\$1800.73	
Credit: DB-5120.4 Bridges Expense		\$1800.00
Credit: DB-8786.7 Lease Payment Interest		.73

Moved: Councilman Haviland
Seconded: Councilwoman Jones
Dated: June 10, 2010
Tina Carlsen, Town Clerk

Highway Superintendent Carlsen reports that road work this month has consisted of mowing road sides cleaning ditches; graded Wilkins Road and hauled in 11 (200 ton) loads of ROC; Seneca Road, spot patched and put dust oil down (18 ton), and Dean Road was graded, packed and rolled with 2 loads (36 ton) of ROC; Covert Road was graded, racked, and rolled and spot patched; Fox Road was racked, graded, and rolled and hauled 25 loads (450 ton) of ROC. Spot patching was done with ROC on Smith, Dean, East Town Line, Christfield, Brokaw, and Race Track Road. Cold patch was started on East

Town Line, corner of Darling, and Lower Lake Road (north). Installed a culvert pipe on Butcher Hill Road (24 inch x 40 ft.).

Highway Superintendent Carlsen reports that the vibratory motor was fixed and put back on the roller and it is up and running again. Regular maintenance on equipment was performed.

Highway Superintendent Carlsen mentioned that Mike M. and himself attended Highway School. Also met with Harold from Suit Kote in regards to Darling, Smith, Neeley, and Upper Lake road for quote on oil and stone for the roads and for dust control methods. Superintendent Carlsen also met with Phil Griswald on the Wilkins Road project for erosion control.

Highway Superintendent mentioned that he has received letters and phone calls regarding the dust. He asked that the people just be patient and to slow down on the roads.

Highway Superintendent Carlsen thanked the Town Board for the flowers and the vegetable tray and the support during the loss of his sister. He also thanked the highway workers for stepping up and coming together as a team, couldn't ask for a better team.

Two bids for the Wilkens Road Project were received and opened at 7:30 p.m. One bid was rejected for not Worker's Compensation. Todd Welch's bid was accepted.

Councilman Ike made motion, seconded by Councilman Haviland, to accept the bid for the work on Wilkens Road. Councilpersons Haviland, Jones, Ike, and Woodard all voting Aye.

Committee 1: Library report was read

Committee 2: No Report

Committee 3: No Report

Committee 4: Report read

Committee 5: No Report

Councilman Ike made motion, seconded by Councilwoman Woodard to buy the cemetery plot back from Paula Depew for the original price that it was sold. Councilpersons Haviland, Ike, Jones, and Woodard all voting Aye.

Councilman Haviland made motion, seconded by Councilwoman Jones, to adjourn the meeting at 9:43 p.m. So carried with Haviland, Ike, Jones and Woodard all voting Aye.

Meeting Adjourned at 9:15 p.m.

Dated: June 10, 2010

Tina Carlsen, Town Clerk