

Lodi Town Board Minutes
May 13, 2010
7:00 PM at Town Hall

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

Absent: Councilwoman Woodard

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

Comprehensive Plan was not adopted until the Planning Board has a Public Hearing which is set for June 1, 2010 at 6:30 p.m.

Regular Board Meeting called to order at 7:00 p.m.

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

Absent: Councilwoman Woodard

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

Councilman Ike made motion, seconded by Councilman Haviland, to accept the meeting minutes for March 11, 2010 and April 8, 2010 as presented. Councilpersons Haviland, Jones and Ike all voting Aye.

Councilman Ike made motion, seconded by Councilman Haviland, to approve payment of general fund claims #101 to #118 in the amount of \$7,832.33 and also to approve payment of highway fund claims #62 to #81 in the amount of \$47,208.09 Councilpersons Haviland, Jones and Ike voting Aye.

Resolution No. 2010-05-01

**RESOLUTION INTRODUCING PROPOSED
LOCAL LAW NO. __A__ OF THE YEAR 2010**

**“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, it has been recommended that it is in the best interests of the Town that there be introduced a Local Law 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.

AND NOW, THEREFORE, BE IT RESOLVED that proposed Local Law No. __A__ of the year 2010 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” be and the same is hereby introduced before the Town Board of The Town of Lodi, New York; 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; and

BE IT FURTHER RESOLVED that the Town Board hold a public hearing on said proposed Local Law at the Town Office Building, 8440 Main Street, Lodi New York at 7:00 p.m. on the 10th day of June, 2010; and

BE IT FURTHER RESOLVED that the Town Clerk Post copies on the official bulletin board(s) of the Town and 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.

Moved: Councilman Haviland
Seconded: Councilman Ike
Dated: May 13, 2010
Town Clerk, Tina Carlsen

Resolution No. 2010-05-02

RESOLUTION SUPPORTING THE REASSESSMENT PROJECT FOR THE
2011 ASSESSMENT ROLL

WHEREAS, the Town of Lodi does not currently participate in an annual reassessment; and

WHEREAS, such reassessment will include an Annual Reassessment Plan outlining roles and responsibilities; and

WHEREAS, the Town of Lodi wishes to participate in an annual reassessment to sustain an equitable assessment roll;

NOW THEREFORE BE IT RESOLVED that the Town Board supports the Town's participation in an annual reassessment;

AND BE IT FURTHER RESOLVED that the Town Supervisor be given the authority to act on behalf of the Town Board in support of the Annual Reassessment.

Moved: Councilman Ike
Seconded: Councilwoman Haviland

BY ORDER OF THE TOWN BOARD OF THE TOWN OF LODI

Dated: September 7, 2010
Tina Carlsen, Town Clerk

Mr. Paul McPherson was asked to be heard tonight but turned it over to Mr. Tim Covert, President for the Lodi Historical Society (formerly known as the Lodi Museum) who read a statement pertaining to the water being restored at the Historical Society.

Supervisor Davidson stated that the water at the Town Hall was tested and that bacteria were found so therefore the Town of Lodi had to have a water softener put in The water at the Town Hall is not potable

therefore if the Town would release it, the Town could get sued if someone drank it and got sick. He stated that he was also in contact with the Association of Towns and that they advised him that it was in the best interest of the Town not to release water on property that is not owned by the Town.

Steve Getman, Town Attorney stated that the State of New York is very tough on what a municipality can and cannot do. He mentioned that the Town (Municipality) is a subdivision of the State of New York. He stated that it is illegal for a Town to provide water at a reduced or for free to a private entity or a not for profit organization. The State of New York can impose penalties on a Municipality if they break NYS Law.

It was mentioned to see if a water meter could be hooked-up and charge the Historical Society for the water usage. Mr. Getman stated that now it would become a whole new different contract because the Town would turn into a Water Authority and that it would have to make sure that everything is appropriately done and that it is all legally in place with the Lawyer, Association of Town, and Waterloo. The Town of Lodi would be willing to do this after more research is done and make sure that it is all legal.

Supervisor Davidson stated that the Town is looking at getting water into the Village and that he was told by the Village people that it (Village) does not need water. This is just a another example why the Village does need water.

Highway Superintendent Carlsen reported that the highway department has been busy removing brush on Butcher Hill Rd, installation of two culvert pipes on Betzler and Lodi Center Road, hauling stone and installing the water tank on the 2009 GMC 5500. He also stated that Asphun Tree Service remove willows on Lower Shaw Road, mower tractor is getting new knives installed and that the gradall had a switch replaces to control the bucket plus that the stone spreader box was repaired.

Winnie went to a meeting at the National Forest meeting and she read her report.

Superintendent Carlsen also mentioned that Neely, Ovid Lodi Townline Road, and town miles of Keady Road was graded and that Mag Chloride was applied for dust and stabilization. New guardrails were installed on Browkaw Rd. and that ditch digging is being continued on Lodi Center and Seneca Roads.

Superintendent Carlsen and employee Rick Jacot attended erosion and sediment control training at the County Building on May 7, 2010.

Superintendent Carlsen met with Jodie Vanselow from the FL National Forest about going partners on a wood chipper and also asked for an extension and more money for the project that was started last year on Wilkins Road. Jodie mentioned that it is the project that the Town bid out last year and that it is not the fault of the Forest that there is not enough money to finish the project.

Superintendent Carlsen and Supervisor Davidson met with Jason McCormick regarding the bridges on Dean and Upper Lake Rd and the possibility of turning them over to the County.

Superintendent Carlsen asked the Town Board for approval to advertise for contractual services for completion on the Wilkins/Townsend Road project. An ad will be published to accept bids.

Councilman Ike made motion, seconded by Councilwoman Jones to have the bid published. Councilpersons Haviland, Jones, and Ike all voting Aye.

Highway Superintendent Carlsen stated that the roller was in need of repair and asked the board for approval to put it out to bid. He mentioned that the vibratory motor had to be replaced and that the whole system will need to be flushed out. Repairs are likely to exceed \$10,000.00.

Supervisor Davidson made motion, seconded by Councilman Haviland to rent a roller for one month. Councilpersons Haviland, Jones, and Ike all voting Aye.

Committee 1: Library report was read

Committee 2: No Report

Committee 3: The bid for the structural building is being deferred for now.

Committee 4: Report read

Committee 5: No Report

An update list for the Planning Board is requested from the Seneca County Department of Planning and Community Development.

Councilman Haviland made motion , seconded by Councilman Ike to accept Donna Mott letter of interest to sit on the Board of Assessment Review Board. Councilpersons Haviland, Jones, and Ike all voting Aye.

Councilman Haviland made motion, seconded by Councilman Ike to upgrade to the KVS software. Councilpersons Haviland, Jones, and Ike all voting Aye.

Councilman Haviland made motion, seconded by Supervisor Davidson to accept the proposal from Diane Bassette Nelson to manage the Town Website. Councilpersons Haviland, Jones, and Ike all voting Aye.

A resident made a comment that the Village would only allow 1/3 of the test to be completed on the well water and would not allow any nitrate testing.

Councilwoman Jones made motion, seconded by Councilman Ike, to adjourn the meeting at 9:20 p.m. Councilpersons Haviland, Jones, and Ike all voting Aye.

Meeting Adjourned at 9: 20 p.m.

Dated: May 13, 2010

Tina Carlsen, Town Clerk