

VILLAGE OF POMONA  
BOARD OF TRUSTEES MEETING  
OCTOBER 28, 2002

**CORRECTED MINUTES**

A Board of Trustees meeting of the Village of Pomona was held at the Pomona Village Hall, Old Route 202 and Camp Hill Road, Pomona, New York at 7:30 p.m. on October 28, 2002.

Present

Mayor: Herb Marshall  
Deputy Mayor: Al Appel  
Trustees: Ian Banks  
Alma Roman  
Nick Sanderson  
Village Attorney: Reuben Ortenberg  
Village Engineer: Joe Corless  
Bldg. Inspector: Michael Zrelak, Jr.  
Village Clerk: Susan Glantz

Summary of Motions:

**Deputy Mayor Appel moved to delete Section 1 of the proposed Local Law 6-2002. Seconded by Trustee Sanderson. Motion carried 5-0.**

**Trustee Sanderson moved to adopt Local Law 6-2002 as amended with the hourly fee of \$150 in Section 1, \$250 per inspection in Section 2 and \$250 per inspection in Section 3, and the word 're-inspection' is changed to 'inspection'. Seconded by Deputy Mayor Appel. Motion carried 5-0.**

**Trustee Banks moved to accept the bid from Conserv Construction, Inc. for asphalt concrete curbs on various streets in the Village, approximately 6,000 lineal feet, pending clarification of the plan, at a cost of \$7.00 per lineal foot. Seconded by Trustee Roman. Motion carried 4-0-1. Trustee Sanderson abstained.**

**Trustee Sanderson moved to install asphalt curbs only. Seconded by Deputy Mayor Appel. Motion carried 3-1-1. Trustee Banks voted No, Trustee Roman abstained.**

**Mayor Marshall moved to appoint Ken Cruickshank as a Member of the Planning Board. Seconded by Trustee Sanderson. Motion carried 5-0.**

**Trustee Sanderson moved to declare that the burned-out buildings on the Frenzel property were unsafe and should be removed. Seconded by Trustee Roman. Motion carried 5-0.**

**Trustee Sanderson moved to return the \$2500.00 escrow to Menna Construction for Lot G-34. Seconded by Trustee Banks. Motion carried 5-0.**

**Trustee Roman moved to allow the fire hydrant at 12 South Ridge Road be moved a maximum of 30 feet in front of the property, at the homeowner's request. Seconded by Trustee Sanderson. Motion carried 5-0.**

**Deputy Mayor Appel moved that the Village not enter into the Digital Data Release Agreement with the County. Seconded by Trustee Sanderson. Motion carried 4-0-1. Mayor Marshall abstained.**

**Trustee Sanderson moved to adopt the Resolution to be sent to the New York State Department of Transportation requesting the completion of the Palisades Parkway renovations. Seconded by Trustee Banks. Motion carried 5-0.**

**Trustee Sanderson moved to purchase Software Consulting Associates (SCA) Building Department software program. Seconded by Trustee Banks. Motion carried 4-0-1. Mayor Marshall abstained.**

**Trustee Sanderson move to adopt a memorializing resolution supporting the Highlands Stewardship Act. Seconded by Trustee Banks. Motion carried 5-0.**

**Trustee Sanderson moved to accept the Pro Cut 2002-2003 Village snow plowing agreement in the amount of \$820.00 and \$130.00 for salt and sanding when needed. Seconded by Deputy Mayor Appel. Motion carried 5-0.**

**1. Salute to the Flag**

**2. Open Period**

John Abreu, 5 Woodfield Road, Pomona read a statement to the Board. (Copy of statement is attached to the minutes.) Mayor Marshall addressed each of the concerns raised in Mr. Abreu's statement.

**Trustee Sanderson moved to close the Open Period. Seconded by Deputy Mayor Appel. Motion carried 5-0.**

### **3. Public Hearing – Local Law 6-2002**

Mayor Marshall opened the Public Hearing with a brief explanation of the proposed law. The local law established a temporary Certificate of Occupancy and also amending Chapter 67-1 relating to fees in accordance with Local Law 118-14C and 119-6, and also amending 119-6B.

No one appeared to speak.

**Trustee Sanderson moved to close the Public Hearing. Seconded by Trustee Banks. Motion carried 5-0.**

The Board then covered each section of the proposed local law separately. After extensive discussion, it became clear that the Board was generally opposed to the issuance of temporary C of O's as described in Section 1.

Mayor Marshall then recommended that a motion be made to amend the proposed local law by deleting Section 1.

**Deputy Mayor Appel moved to delete Section 1 of the proposed Local Law 6-2002. Seconded by Trustee Sanderson. Motion carried 5-0.**

Regarding the fees included in Section 2, a recommendation was made to change the advertised fee of \$300 to; 1) subdivision inspection fee, after the map is signed, \$150 per hour as required; 2) re-inspections per 118-14, \$250 per inspection, and 3) inspections and re-inspections per 119-6, \$250 per inspection. Mayor Marshall recommended that the changes be included in the motion to adopt the local law. Mr. Ortenberg suggested using the word 'inspection' in place of 're-inspection'. Therefore, the wording in the local law will be changed to read 'inspections per 118-14'.

Mayor Marshall recommended that Local Law 6-2002 be adopted with the amendment deleting Section 1 with the hourly fees of \$150 in the first one, \$250 per inspection in the second, \$250 per inspection in the third and the change of the wording in 118.14 from 're-inspections' to 'inspections' in the sections renumbered. The Sections would also be renumbered, Section 1, Section 2 and Section 3.

**Trustee Sanderson moved to adopt Local Law 6-2002 as amended with the hourly fee of \$150 in Section 1, \$250 per inspection in Section 2 and \$250 per inspection in Section 3. Also, the word 're-inspection' is changed to 'inspection'. Seconded by Deputy Mayor Appel. Motion carried 5-0.**

### **4. Bid Opening – Curbs**

Two bids were received.

Tilcon New York Inc., 162 Old Mill Road, West Nyack, NY 10994  
Bid response was for asphalt concrete curbing, approximately 6,000 lineal foot, at \$9.65 per lineal foot. No bid for Belgium Block curbs. Credit for omission of topsoil back up \$3.50 per lineal foot.

Conserv Construction, Inc., 17 Washington Avenue, Suffern, NY  
Bid response was for asphalt concrete curbing, approximately 6,000 lineal foot, at \$7.00 per lineal foot. Furnishing and installation of Belgium Block, approximately 2,000 lineal foot, \$14.00. Credit for omission of topsoil back up \$1.00 per lineal foot.

**Trustee Banks moved to accept the bid from Conserv Construction, Inc. for asphalt concrete curbs on various streets in the Village, approximately 6,000 lineal feet, pending clarification of the plan, at a cost of \$7.00 per lineal foot. Seconded by Trustee Roman. Motion carried 4-0-1. Trustee Sanderson abstained.**

The various curb options were then discussed.

**Trustee Sanderson moved to install asphalt curbs only. Seconded by Deputy Mayor Appel. Motion carried 3-1-1. Trustee Banks voted No, Trustee Roman abstained.**

**5. Adoption of Minutes  
A. 9/9/02**

**Trustee Sanderson moved to accept the Minutes of September 9, 2002 as presented. Seconded by Deputy Mayor Appel. Motion carried 4-0-1. Trustee Roman abstained.**

**B. 9/23/02**

**Trustee Sanderson moved to accept the Minutes of September 23, 2002 as presented. Seconded by Trustee Roman. Motion carried 5-0.**

**C. 10/7/02**

**Trustee Sanderson moved to table the Minutes of October 7, 2002 to the next regular Board meeting. Seconded by Deputy Mayor Appel. Motion carried 5-0.**

**6. Committee Reports**  
**A. Cultural Center**

A copy of the Director's report is attached to the minutes. Trustee Banks reported that the sign and flagpole work will begin this coming week and should be completed within two weeks.

**B. Recreation Committee**

Trustee Roman announced that the Halloween Parade and Party was a success.

**C. Planning Board Appointment**

Mayor Marshall introduced Ken Cruickshank to the Board of Trustees. Mr. Cruickshank informed the Board of his background and qualifications for appointment to the Planning Board.

**Mayor Marshall moved to appoint Ken Cruickshank as a Member of the Planning Board. Seconded by Trustee Sanderson. Motion carried 5-0.**

**7. Grants and Awards**

Deputy Mayor Appel had nothing new to report at this time.

**8. Building Department Period**  
**A. Code Enforcement**

A copy of the Code Enforcement Officer's report is attached to the minutes. Deputy Mayor Appel distributed pictures he took today of the back area of the Hindu Temple and the debris accumulated there. Neighboring residents are complaining about the accumulation of construction debris on the Temple property. Mr. Ortenberg commented the Code should be enforced and suggested calling the Health Department to inspect it. Mayor Marshall will call the administration of the Temple and talk to them about the situation.

Attached is a copy of the Building Inspector's report and the Village Engineer's report on the Frenzel property. Based on the Building Inspector and Village Engineer's inspection of the property, Mr. Ortenberg recommended the Board move to give notice to the property owner regarding the unsafe and dangerous buildings. The notice would order him to make the buildings safe and secure with a time limit of not less than 10 days to start the work and not more than 60 days to conclude the work.

**Trustee Sanderson moved to declare that the burned-out buildings on the Frenzel property were unsafe and should be removed. Seconded by Trustee Roman. Motion carried 5-0.**

Mr. Ortenberg will draft the notice to be sent to Mr. Frenzel with a start and ending date for completion of the work.

## **B. Engineering**

Mr. Corless reported one return of escrow of \$2500.00 to Menna Construction for Lot G-34.

**Trustee Sanderson moved to return the \$2500.00 escrow to Menna Construction for Lot G-34. Seconded by Trustee Banks. Motion carried 5-0.**

Copies of the latest Maser Study was distributed to the Board. They have been performing routine inspections in the Village in conjunction with the Village Engineer.

Mr. Corless reported that the roads in the Summit at Pomona, Halley Extension have been paved all the way through.

Cablevision is currently doing all the above ground work to upgrade the cable lines.

The builder of Halley II is presently working with the Town of Haverstraw on the drainage plans for the subdivision.

Mayor Marshall and Mr. Corless will survey the Village roads this week and come up with a list of roads to be resurfaced.

## **C. Building Inspector**

Mr. Zrelak reported on the work being done on Lot I-6 which should be done in phased construction. Work was started on the house before doing the phased construction work. A stop work order was issued and the builder continued to work on the house. The building permit was revoked and the builder continued to work on the house. Presently, a consulting engineer is overseeing the lot and wants to work with the Village to have the building permit reinstated. Mr. Zrelak has not yet received the modification plans on the lot.

Mr. Zrelak then reported that the recent heavy rains knocked down a lot of the silt fences near Cheesecote Lane causing erosion problems.

Regarding CMU, Mr. Zrelak reported the purchasers of 12 South Ridge Road are requesting to have the fire hydrant at the foot of their driveway moved further along the front of their property, but away from the driveway.

**Trustee Roman moved to allow the fire hydrant at 12 South Ridge Road be moved a maximum of 30 feet in front of the property, at the homeowner's request. Seconded by Trustee Sanderson. Motion carried 5-0.**

## **9. Legal**

Discussion was held regarding the Digital Data Release Agreement from the County.

**Deputy Mayor Appel moved that the Village not enter into the Digital Data Release Agreement with the County. Seconded by Trustee Sanderson. Motion carried 4-0-1. Mayor Marshall abstained.**

Local Law 118-32 was discussed by the Board. Trustee Banks questioned the enforcement of the 118-32 provisions requiring continued performance of site plan conditions imposed by the Planning Board which states that continued performance of the site plan is a requirement of the validity of the certificate of occupancy.

Potential clarity problems in local law 119 were then discussed and Mr. Ortenberg was asked to prepare an amendment correcting the problem.

Mr. Ortenberg reported the matter of Hidden Valley and Wesley Hills is dormant. He will contract Frank Brown the Wesley Hills' Village Attorney to move the matter along.

The Mickleberry matter, which was referred to the Judicial Grievance Committee, and they are still investigating it.

**Trustee Sanderson moved to adjourn to Executive Session to discuss matters of litigation and Personnel matter. Seconded by Deputy Mayor Appel. Motion carried 5-0.**

**Deputy Mayor Appel moved to close the Executive Session and reopen the Public Meeting. Seconded by Trustee Sanderson. Motion carried 5-0.**

## **10. Old Business**

A Resolution was presented to be sent to the New York State Department of Transportation requesting completion of the renovation and widening of the Palisades Parkway.

**Trustee Sanderson moved to adopt the Resolution to be sent to the New York State Department of Transportation requesting the completion of the Palisades Parkway renovations. Seconded by Trustee Banks. Motion carried 5-0.**

Mayor Marshall announced the leaf pick-up will be done in the Village on Wednesday, October 30, 2002.

A meeting has been set for Thursday, October 31, 2002 at 7:30 p.m. at Wesley Hills Village Hall regarding the Patrick Farm property.

#### **11. New Business**

Mayor Marshall recused himself from the matter concerning SCA and turned the gavel over to Deputy Mayor Appel. Trustee Sanderson gave a brief presentation on a Building Department Software Program from Software Consulting Associates along with a memo describing the program.

**Trustee Sanderson moved to purchase Software Consulting Associates (SCA) Building Department software program. Seconded by Trustee Banks. Motion carried 4-0-1. Mayor Marshall abstained.**

A draft resolution was presented in support of the Highlands Stewardship Act.

**Trustee Sanderson move to adopt the memorializing resolution supporting the Highlands Stewardship Act. Seconded by Trustee Banks. Motion carried 5-0.**

#### **12. Office Period**

A 2002-2003 Village snow plowing agreement from Pro Cut Landscaping was presented to the Board for its consideration.

**Trustee Sanderson moved to accept the Pro Cut 2002-2003 Village snow plowing agreement in the amount of \$820.00 and \$130.00 for salt and sanding when needed. Seconded by Deputy Mayor Appel. Motion carried 5-0.**

#### **13. Trustees Period**

Nothing at this time.

**Deputy Mayor Appel moved to adjourn the meeting. Seconded by Trustee Sanderson. Motion carried 5-0.**

Meeting adjourned at 11:05 p.m.

Respectfully submitted,

Malverne J. Toll