

VILLAGE OF POMONA  
BOARD OF TRUSTEES MEETING  
JULY 22, 2002

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 July 22, 2002.

Present

Mayor: Herb Marshall  
Deputy Mayor: Al Appel  
Trustees: Ian Banks  
                  Nick Sanderson  
Village Attorney: Reuben Ortenberg  
Village Clerk: Susan Glantz

Absent

Trustee: Alma Roman  
Village Engineer: Joe Corless  
Bldg. Inspector: Michael Zrelak

**Summary of Motions:**

**Adoption of amendment of Chapter 40 of the Code of the Village of Pomona as presented Motion carried 4-0.**

**Adoption of Minutes of April 22, 2002, as amended. Motion carried 4-0.**

**Adoption of Minutes of June 10, 2002, as amended. Motion carried 4-0.**

**Adoption of Minutes of June 24, 2002 as presented. Motion carried 4-0.**

**Adoption of Minutes of July 8, 2002 as presented. Motion carried 4-0.**

**Motion to set a public hearing on the local law regarding fees, scheduled for August 26, 2002 at 7:30 p.m. Motion carried 4-0.**

**Motion to cancel the August workshop. Motion carried 4-0.**

**1. Salute the Flag**

**2. Open Period**

Peter Silas, 8201 Oriole Drive, Pomona, NY: Mr. Silas is purchasing Lot C45 on Lakeview Drive in the Village and wanted to know when a Certificate of

Occupancy would be issued. Mr. Silas was told to bring that matter up with his builder.

Dan Rothstein, 7 Trappers Way, Pomona, NY: Mr. Rothstein read a letter to the Board regarding a lighting problem he is having with a neighbor. The light shines directly onto Mr. Rothstein's property and after speaking with his neighbor, the matter was not corrected. The Code Enforcement Officer will check the situation out at night when the light is on.

**Trustee Sanderson moved to close the Open Period. Seconded by Deputy Mayor Appel. Motion carried 4-0.**

### **3. Public Hearing – Revision of Local Law 40**

No one appeared to speak.

**Deputy Mayor Appel moved to close the Public Hearing. Seconded by Trustee Sanderson. Motion carried 4-0.**

Claude Van Kleeck, the Village's Animal Control Officer commented that the mention of what type of animal could be owned in the Village should be omitted, but the rest of the revised local law was fine. Mr. Ortenberg responded that the section Mr. Van Kleeck referenced had been removed. Mr. Van Kleeck then reviewed the document and said it was fine but did recommend the fines be increased in the local law. Mr. Van Kleeck suggested fines of \$100, \$250 and \$500. Mayor Marshall suggested passing the revised law and then reviewing the fine schedule at the next workshop.

**Trustee Sanderson moved to adopt the amendment of Chapter 40 of the Code of the Village of Pomona as presented. Seconded by Deputy Mayor Appel. Motion carried 4-0.**

### **4. Adoption of Minutes**

#### **A. April 22, 2002**

Changing the last two sentences of paragraph 6B to read 'A statement regarding the local law about removing trees on the property where new construction is being built' needs to be added to the site plan checklist on the Village website and to the site plan regulations that are given out with building permits.

**Deputy Mayor Appel moved to adopt the minutes of April 22, 2002, as amended. Seconded by Trustee Banks. Motion carried 4-0.**

**B. June 10, 2002**

On page 2, item 3 Executive Session, the motions following Executive Session are not part of the Executive Session and are misleading. The two paragraphs should appear above the Executive Session, before Section 3, because they are part of the Highgate discussion.

**Deputy Mayor Appel moved to adopt the minutes of June 10, 2002, as amended. Seconded by Trustee Banks. Motion carried 4-0.**

**C. June 24, 2002**

**Trustee Banks moved to adopt the minutes of June 24, 2002 as presented. Seconded by Deputy Mayor Appel. Motion carried 4-0.**

**D. July 8, 2002**

**Trustee Sanderson moved to adopt the minutes of July 8, 2002 as presented. Seconded by Deputy Mayor Appel. Motion carried 4-0.**

**5. Committee Reports**

**A. Cultural Center**

A copy of the Director's report is attached. Gde suggested donating collected funds to the 9/11 victim's families at the September 14<sup>th</sup> opening. The matter will be discussed further at the next workshop. Gde requested purchasing an outdoor shed to be used for storage and a small refrigerator. He also presented a sketch for the outdoor sign. Trustee Banks will work with Gde on these matters. A grant of \$5000.00 has been received to use at the Cultural Center. Trustee Sanderson commented that the flagpole should be part of the sign structure and centered on the building. The flagpole should be a few feet higher than the building. Mayor Marshall has talked to the police department regarding the sign vandalism at the Center. They will park in the Center's parking lot to write their reports which will give them a presence at the Center.

**B. Recreation Committee**

No report at this time.

**C. Other**

No report at this time.

## **7. Grants and Awards**

Deputy Mayor Appel reported that the following grant money has been received: \$5000.00 for the Cultural Center, \$5000.00 for computer, \$10,000.00 for handicapped access to Secor Park, \$20,000.00 for berms, and \$30,000.00 for CHIPS.

## **8. Building Department Period**

### **A. Code Enforcement**

The Code Enforcement Officer's report is attached. A house on Route 202, which has been vacated, left a very large pile of debris near the road. Mr. Ortenberg suggested paying someone to clean it up, and then file a lien against the property for repayment.

Deputy Mayor Appel reported that he is having difficulty contacting Mr. Frenzel. Mr. Frenzel has been told to send a schedule to the Village regarding the work to be done and the property must be fenced for safety. Mr. Ortenberg commented that the Code Enforcement Officer must write a report on the situation and the Village Attorney will then act on it.

There is nothing new to report on 9 Chestnut.

### **B. Building Inspector**

No report at this time.

### **C. Engineering**

Nothing at this time. Mayor Marshall commented on the Building Department meeting held last Thursday regarding some issues on the Highgate subdivision and the enforcement of our Code with the developers. It was stressed that an aggressive even-handed policy must be maintained at all times

## **9. Legal**

A public hearing was set regarding the local law authorizing the establishment and amendment of fees by resolution.

**Deputy Mayor Appel moved to set a public hearing on the local law regarding fees, scheduled for August 26, 2002 at 7:30 p.m. Seconded by Trustee Banks. Motion carried 4-0.**

A notice on the CMU Bankruptcy proceeding was received advising that the case was dismissed with limited prejudice. Mr. Ortenberg commented that it means

the case did not qualify as a Chapter 7 bankruptcy and the case was dismissed. The notice is attached to the minutes.

Mr. Ortenberg reported that Coldwell Banker Real Estate firm paid a fine of \$1000.00 for violating the sign law. A case against Joyce Realty is pending who has been offered a plea which is before their attorney.

Papers have been prepared for the case against Wesley Hills. They are a cross claim, in response to Kwilcki.

Attended a conference in the Supreme Court in Rockland before Judge Bergerman with Mike Miranda on the Summit at Pomona case. Expect depositions in the fall, and the case is moving along slowly.

On the Mickleberry Estates escrow, Mr. Ortenberg is waiting to obtain information from Mr. Corless.

#### **10. Old Business**

Mayor Marshall reported on a meeting held on Thursday with the Village's carter. A copy of the Mayor's July 19, 2002 letter is attached to the minutes, which summarized what was agreed to at the meeting.

Trustee Banks looked into the Iselin complaint regarding debris at the Tamarack Park. Trustee Banks walked the park and felt a good job was being done. The first ten feet are being cleaned up and the fallen trees inside the park are not a hazard to anyone. Trustee Banks sent a letter to Mr. Iselin regarding his findings.

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

Nothing at this time.

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

Clerk Glantz commented that because the air conditioning thermostat is in the hallway, the office becomes overheated during the weekends, and asked if the thermostat could be moved.

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

Trustee Banks suggested canceling the August workshop due to summer vacations.

**Trustee Banks moved to cancel the August workshop. Seconded by Trustee Sanderson. Motion carried 4-0.**

**Trustee Sanderson moved to adjourn the meeting. Seconded by Deputy Mayor Appel. Motion carried 4-0.**

Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Malverne J. Toll