

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
SEPTEMBER 23, 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 September 23, 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
Village Clerk: Susan Glantz

Summary of Motions:

Deputy Mayor Appel moved to adopt the amendment to Local Law 40 as presented. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Appel moved to accept the Tilcon bid for asphalt curbs. Seconded by Trustee Sanderson. Deputy Mayor Appel abstained, Trustee Sanderson and Mayor Marshall voted yes, Trustees Banks and Roman voted no. Vote was tied, 2-2-1, motion failed.

Deputy Mayor Appel moved to accept the Tilcon bid and asphalt only those areas in the Village that need curbs. Seconded by Mayor Marshall. Mayor Marshall, Trustees Banks and Roman voted No. Deputy Mayor Appel and Trustee Sanderson voted Yes. Motion failed 3-2.

Trustee Banks moved to rebid the same footage for curbing in the previous bid with a linear foot option for Belgium Block. Seconded by Trustee Roman. Mayor Marshall, Trustees Banks and Roman voted Yes, Deputy Mayor Appel, Trustee Sanderson voted No. Motion passed 3-2.

Trustee Banks moved to reject all existing bids. Seconded by Trustee Roman. Mayor Marshall, Trustees Banks and Roman voted Yes, Deputy Mayor Appel, Trustee Sanderson voted No. Motion passed 3-2.

Deputy Mayor Appel moved the resolution authorizing an agreement with the New York State Department of Transportation for administration of a State Legislative Budget in the amount of \$20,000.00 for a curb improvement project in the Village. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Banks moved to return the escrow of \$6000.00 to Mr. Miranda. Seconded by Trustee Roman. Motion carried 4-1. Mayor Marshall voted No because of the illegal cut in the road that took place.

Trustee Banks moved to authorize an expenditure not to exceed \$1225.00 to remove the dead trees in the cul de sacs and plant a 10 foot maple tree in front of Village Hall. Seconded by Trustee Sanderson. Motion carried 5-0.

Trustee Sanderson moved to advertise for a Public Hearing on the proposed amendments to Local Law 6-2002 for October 28, 2002 at 7:30 p.m. Seconded by Deputy Mayor Appel. Motion carried 5-0.

1. Salute the Flag

2. Open Period

Donald Tirschwell representing the Pointe at Pomona spoke regarding a subdivision The Park at Pomona. Because of a meeting change by the Planning Board, Mr. Tirschwell was asking for the Village Board to accept the \$50,000.00 Letter of Credit subject to the Planning Board passing a resolution at their next meeting and setting the \$50,000.00 as the subdivision's Letter of Credit. If the Planning Board does not pass the resolution, the Village Board's resolution is nullified. The purpose was to allow the builder additional time to file for building permits. Mr. Corless recommended accepting the Letter of Credit for \$50,000.00. Mr. Ortenberg also recommended accepting the Letter of Credit.

Trustee Roman moved to accept a Letter of Credit for \$50,000.00 from Pointe at Pomona subject to approval by the Village Planning Board. Seconded by Mayor Marshall. Motion carried 5-0.

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

3. Public Hearing – Revision of Local Law Chapter 40

Local Law Chapter 40 refers to the Village's animal control and fines imposed for violation of the local law. The fines will be increased to not less than \$100.00

and not more than \$250.00 for the first offense, not less than \$250.00 and not more than \$500.00 for successive offenses.

No one from the public appeared to speak on the proposed revision.

Trustee Sanderson moved to close the Public Hearing. Seconded by Deputy Mayor Appel. Motion carried 5-0.

Deputy Mayor Appel moved to adopt the amendment to Local Law 40 as presented. Seconded by Trustee Roman. Motion carried 5-0.

4. Bid Opening – Curbs

Two bids were received:

PS Concrete of Newark, New Jersey for asphalt/concrete curbing at \$13.50 per foot for 8000 feet for a total of \$108,000.00

Tilcon, New York at \$9.45 per linear foot. The unit price for the deletion of back up soil material, topsoil, seed and mulch would be \$3.50. If there is no top soil, seed or mulch, the cost would be \$5.95.

Discussion was held regarding the need for back fill or possibly using Belgium Blocks instead of asphalt or using both types of curbing.

Deputy Mayor Appel moved to accept the Tilcon bid for asphalt curbs. Seconded by Trustee Sanderson. Deputy Mayor Appel abstained, Trustee Sanderson and Mayor Marshall voted yes, Trustees Banks and Roman voted no. Vote was tied, 2-2-1, motion failed.

Deputy Mayor Appel moved to accept the Tilcon bid and asphalt only those areas in the Village that need curbs. Seconded by Mayor Marshall.

Mayor Marshall brought out that the bid specs named the streets that need curbing. Trustee Banks expressed his feelings that if some people want Belgium Block curbs they should have the option to have them if they pay the difference in cost.

Mayor Marshall, Trustees Banks and Roman voted No. Deputy Mayor Appel and Trustee Sanderson voted Yes. Motion failed 3-2.

Trustee Banks moved to rebid the same footage for curbing in the previous bid with a linear foot option for Belgium Block. Seconded by Trustee Roman. Mayor Marshall, Trustees Banks and Roman voted Yes, Deputy Mayor Appel, Trustee Sanderson voted No. Motion passed 3-2.

Trustee Banks moved to reject all existing bids. Seconded by Trustee Roman. Mayor Marshall, Trustees Banks and Roman voted Yes, Deputy Mayor Appel, Trustee Sanderson voted No. Motion passed 3-2.

Mr., Corless will have the new bids prepared for the next Workshop Meeting. Deputy Mayor Appel suggested the bids ask for pricing in increments of 100 feet because of the possible difference in materials to be used.

5. Adoption of Minutes
A. September 9, 2002

This item was tabled to the next Board Meeting on October 28, 2002.

6. Committee Reports
A. Cultural Center

The Director's report is attached to the Minutes. Gde commented that some residents questioned why they are not receiving fliers about upcoming events and he would like to send fliers to all residents in the Village. All events are highlighted in the Newsletter and residents should get the event information from the Newsletter. Trustee Banks comments that if there is money in the Cultural Center budget, then fliers can be sent out. Mayor Marshall suggested inserting a flier inside the Newsletter announcing events. Gde will work with the Recreation Committee to make the Halloween Party a success. Gde will prepare a specific proposal for the flag pole and sign layout. Trustee Banks suggested placing large rocks along the front of the property to keep cars off the property. Mr. Corless suggested concrete filled bollards. Trustee Banks will work with Mr. Corless on the frontage for the Center and report back to the Board at the Workshop Meeting. Mayor Marshall read a letter from Phyllis Jaffe, a resident, commending Gde for his work at the Cultural Center. (Letter is attached to the minutes.)

B. Recreation

Trustee Roman reported that the Recreation Committee has met and is working on plans for the Halloween Party. The party will be held on Saturday, October 26th with the parade starting at 12 noon and the party at 1 p.m. Gde will prepare a carved pumpkin and goodie bags will be distributed. Committee members at the Party will wear appropriate Tee shirts to denote who they are if anyone needs assistance.

7. Grants and Awards

Deputy Mayor Appel announced that no new grants have been applied for. A check was just received for \$5000.00 for the flagpole. Mayor Marshall reported that a resolution was needed for the \$20,000.00 grant for berms.

Deputy Mayor Appel moved the resolution authorizing an agreement with the New York State Department of Transportation for administration of a State Legislative Budget in the amount of \$20,000.00 for a curb improvement project in the Village. Seconded by Trustee Roman. Motion carried 5-0.

8. Building Department
A. Code Enforcement

Deputy Mayor Appel reported that his contacts and efforts with Mr. Frenzel regarding the burned out buildings on his property has not resulted in the property being safely secured and it remains a hazard. The Village Fire Inspector, Mr. Walter Morris, has inspected the property and submitted a report to the Village. Mr. Corless and Mr. Zrelak will inspect the property and prepare a report for the next Workshop Meeting. At the next Workshop Meeting, after reviewing all reports, the next step to take will be decided.

Mr. Corless will review the Hindu Temple property and prepare a report on what is still needed to be done.

B. Engineering

Mr. Corless recommended the return of escrow to Mr. Miranda for the cable repair work done on Halley Drive in the amount of \$6000.00. The road has been repaired to the Village Engineer's satisfaction.

Trustee Banks moved to return the escrow of \$6000.00 to Mr. Miranda. Seconded by Trustee Roman. Motion carried 4-1. Mayor Marshall voted No because of the illegal cut in the road that took place.

Mr. Corless reported that he has not received a written report on the Maser Study. When the Study is received by the Village copies will be made available to the Trustees.

Mayor Marshall and Mr. Corless will review the roads in the Village related to resurfacing.

C. Building Inspector

A builder, Avi Davi, applied for a building permit on August 20th but paid only part of the fees that were due. On September 4th the builder cleared trees on the property, without a permit. A stop-work order was issued and the builder was ordered to replant trees along the property line. The property was inspected again on September 19th and it was noted the tree stumps had been removed and the building site was staked. A second stop-work order was issued and the

builder and his architect were notified. A discussion then ensued regarding the Village procedure for stop-work orders.

9. Legal

Mr. Ortenberg introduced a local law amending 47-10 providing for temporary Certificates of Occupancy; 67-1 to provide fees in accordance with 118-14 and 119-6, and 119-6B of the Pomona Code . A copy of the local law is attached. The fee for Subdivision Inspection Fees After Map is Signed will be \$300.00. The fee for re-inspections per 118-14 will be \$300.00. The inspections and re-inspections per 119-6 will be \$300.00. A copy of the proposed changes will be forwarded to Mr. Corless for his comments.

Trustee Sanderson moved to advertise for a Public Hearing on the proposed amendments to Local Law 6-2002 for October 28, 2002 at 7:30 p.m. Seconded by Deputy Mayor Appel. Motion carried 5-0.

Mr. Ortenberg discussed his memo of September 18th regarding Lot G-33. A copy of the memo is attached.

10. Old Business

There will be a one-time leaf pick-up in the Village on Wednesday, October 30th. Leaves are to be placed in paper bags which are available at Village Hall.

11. New Business

Mayor Marshall introduced a resolution from the Town of Stony Point regarding the Palisades Parkway. Trustee Sanderson will review the resolution and bring it up for discussion at the next Workshop Meeting.

The Patrick Farm property on the corner of Routes 306 and 202 has been targeted in the Town of Ramapo Comprehensive Plan for average density, town houses or semi-attached developments. The Town of Ramapo is holding two meetings on the Comprehensive Plan on October 2nd and 9th. Deputy Mayor Appel will attend the meetings as a representative of the Village.

Mayor Marshall distributed a Municipality Digital Data Release License Agreement from the County of Rockland. Mr. Ortenberg will review the Agreement and report back to the Board.

12. Office Period

Nothing at this time.

13. Trustees Period

Trustee Banks reported on a complaint he received from a resident on Linden Court about a tree. Pro Cut submitted an estimate for work in several of the cul de sacs to remove dead trees in the amount of \$975.00. Also, a price to replace the maple tree in front of Village Hall with a 10 foot maple tree at a cost of \$250.00.

Trustee Banks moved to authorize an expenditure not to exceed \$1225.00 to remove the dead trees in the cul de sacs and plant a 10 foot maple tree in front of Village Hall. Seconded by Trustee Sanderson. Motion carried 5-0.

Deputy Mayor Appel moved to adjourn to Executive Session to discuss matters of litigation. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Roman moved to return to the public portion of the meeting. Seconded by Trustee Sanderson. Motion carried 5-0.

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

Meeting adjourned at 10:40 p.m.

Respectfully submitted,

Malverne J. Toll