

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
NOVEMBER 22, 2004

ADOPTED JANUARY 24, 2005

A Board of Trustees meeting of the Village of Pomona was held at the Pomona Village Hall, 100 Ladentown Road, Pomona, New York at 7:30 p.m. on November 22, 2004.

Present

Mayor: Herb Marshall
Deputy Mayor: Nick Sanderson
Trustees: Ian Banks
Alan Lamer
Alma Roman

Doris Ulman, Village Attorney
P. J. Corless, Village Engineer
Michael Zrelak, Jr., Building Inspector
Susan Glantz, Village Clerk-Treasurer

Summary of Motions

Deputy Mayor Sanderson moved to adopt “A Local Law Amending the Code of the Village of Pomona in Relation to Signs on Public Property”. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt “A Local Law Amending the Zoning Law of the Village of Pomona in Relation to Fences”. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the Minutes of February 17, 2004 as presented. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the Minutes of September 7, 2004, as corrected. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the Minutes of September 27, 2004, as corrected. Seconded by Trustee Lamer. Motion carried 4-0-1. Trustee Banks was absent from the meeting.

Deputy Mayor Sanderson moved to adopt the Minutes of October 12, 2004, as corrected. Seconded by Trustee Banks. Motion carried 4-0-1. Trustee Lamer was absent from the meeting.

Deputy Mayor Sanderson moved to adopt the Minutes of October 25, 2004 as presented. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the Minutes of November 8, 2004, as corrected. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Lamer moved that on Lot G-35 the Village will accept that the trees be planted in the Village right of way because there is no other plantable place on the lot. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Deputy Mayor Sanderson, upon the recommendation of the Village Engineer, moved to return \$500.00 in escrow funds for Lot No. 6 on Valley View to Carlton LaRomme. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Roman, upon the recommendation of the Village Engineer, moved to return \$2000.00 in escrow funds to Mr. Diamond on Halley Drive for the required installed fence. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Roman, upon the recommendation of the Planning Board, moved to return \$27,500.00 to Summit at Pomona for the completion of curbs. Seconded by Trustee Lamer. Motion carried 5-0.

Mayor Marshall moved to rename East Court to Dar Court. Seconded by Deputy Mayor Sanderson. Motion failed 0-5.

Deputy Mayor Sanderson moved to accept the bid from Pond Connection as submitted. Seconded by Trustee Lamer. Motion failed 0-5 due to an error in the bid.

Deputy Mayor Sanderson moved to reject the bid submitted by Pond Fountain. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Sanderson moved to re-advertise for bids for the Fairty Pond Fountain. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Banks moved to advertise for bids for the landscaping at Village Hall on specifications prepared by Trustee Banks. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Banks moved to recommend the renewal of the Shadow Security contract. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Roman moved the resolution that the payment of General Funds Claims totaling \$109,512.74 set forth on pages 1 through 6 in the Monthly Abstract Listing dated October 25, 2004 through November 19, 2004 as submitted by the Village Clerk/Treasurer are hereby approved subject to

individual audits by the Board of Trustees. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Lamer moved to accept the needs survey as prepared by the Community Development Projects Committee. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Sanderson moved to accept the proposal from Orange and Rockland Utilities for fencing the utility boxes on Halley Drive. Seconded by Trustee Lamer. Motion carried 5-0.

1. Salute to the Flag.

2. Open Period

No one appeared to speak.

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

3. Public Hearings

A. Proposed Local Law Amendment – Sign Law Revision

Mayor Marshall then opened the public hearing on the proposed sign law revision.

Steve Wilham, Stonehurst Court, Pomona asked if the new sign law was limited to Open House signs? Mayor Marshall responded that this is a revision to the current local law and relates to all signs in the public right of way.

Jerry Fox, 123 Camp Hill Road, Pomona, a real estate broker, commented that he personally felt signs left out for a long period of time are a nuisance. But for people who want to sell their house and want the maximum exposure by way of Open Houses the signs are beneficial. If the signs are left overnight they are a nuisance but if they are put up at the beginning, and removed after, the Open House they are not intrusive at all but a way of someone marketing their home.

Rosemary Franzese, Associate Broker with Prudential Rand commented she has a lot of listings in Pomona and when she holds an Open House signs are put out and removed after the Open House is over. She felt the signs are necessary to assist people who are answering a newspaper ad and need directions to the Open House. She did feel that signs left overnight are a nuisance and hoped the Village could work out a compromise with the Realtors.

Mayor Marshall reiterated that the proposed local law delineates more clearly where the signs may be placed not that they cannot be used.

Mayor Marshall read into the Minutes a letter the Village Board received from Joseph Rand of Rand Realty regarding the proposed revision to the local law on signs. A copy of the letter is attached to the Minutes.

Jay Helfgott, Village of Pomona Code Enforcement Officer commented on the letter from Mr. Rand. The signs from Rand Realty were still placed on Village roads and right of ways in spite of Mr. Rand saying he would ensure they would not be illegally placed in the Village.

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

Deputy Mayor Sanderson moved to adopt “A Local Law Amending the Code of the Village of Pomona in Relation to Signs on Public Property”. Seconded by Trustee Roman. Motion carried 5-0.

Mayor Marshall instructed the Village Clerk to inform Mr. Rand of the adopted local law.

B. Proposed Local Law Amendment – Fence Law Revision

Mayor Marshall opened the Public Hearing.

Jay Helfgott, Village of Pomona Code Enforcement Officer inquired as to the inclusion of “razor wire” on fences. The Village Attorney responded that barbed wire and razor wire are not permitted on fences in the Village.

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

Deputy Mayor Sanderson moved to adopt “A Local Law Amending the Zoning Law of the Village of Pomona in Relation to Fences”. Seconded by Trustee Lamer. Motion carried 5-0.

4. Adoption of Minutes

A. February 17, 2004

Deputy Mayor Sanderson moved to adopt the Minutes of February 17, 2004 as presented. Seconded by Trustee Lamer. Motion carried 5-0.

B. September 7, 2004

Deputy Mayor Sanderson corrected the approval of a printer from LaserJet to InkJet on page 2. Also, on pages 2 and 4 in the failed motion the Trustees who voted in opposition were not named. They were Mayor Marshall, Deputy Mayor Sanderson, Trustees Lamer and Roman.

Deputy Mayor Sanderson moved to adopt the Minutes of September 7, 2004, as corrected. Seconded by Trustee Lamer. Motion carried 5-0.

C. September 27, 2004

Deputy Mayor Sanderson offered the correct spelling of Irv Schucker's name.

Deputy Mayor Sanderson moved to adopt the Minutes of September 27, 2004, as corrected. Seconded by Trustee Lamer. Motion carried 4-0-1. Trustee Banks was absent from the meeting.

D. October 12, 2004

Deputy Mayor Sanderson corrected on page 3, the front walkway was to be shoveled, not salted.

Deputy Mayor Sanderson moved to adopt the Minutes of October 12, 2004, as corrected. Seconded by Trustee Banks. Motion carried 4-0-1. Trustee Lamer was absent from the meeting.

E. October 25, 2004

Deputy Mayor Sanderson moved to adopt the Minutes of October 25, 2004 as presented. Seconded by Trustee Roman. Motion carried 5-0.

F. November 8, 2004

Deputy Mayor Sanderson offered the correction of RLUIPA on page 6.

Deputy Mayor Sanderson moved to adopt the Minutes of November 8, 2004, as corrected. Seconded by Trustee Lamer. Motion carried 5-0.

5. Cultural Center

A copy of the Director's Report is attached to the Minutes. Mr. Helfgott reported that he will be installing the air conditioning unit downstairs at the Cultural Center next week. Mayor Marshall and Deputy Mayor Sanderson will discuss what steps to take for a computer for the Cultural Center.

6. Building Department
A. Engineering and Building

Mr. Corless reported on requests for the return of escrow money.

Lot/Builder	Field Data	Recommendation
G-35 Menna	No arborist certification	No return of escrow
C-44 Menna	Street monument not installed	No return of escrow
C-46 Lynn/Bricker	Stone fill not removed	No return of escrow
C-43 Merkley	Trees undersized/no arborist certification/curbs	No return of escrow

Further, on Lot G-35 the trees are planted in the Village right of way because that is the only place where they could be planted.

Trustee Lamer moved that on Lot G-35 the Village will accept that the trees be planted in the Village right of way because there is no other plantable place on the lot. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

The Village Attorney will prepare a form to be used for escrow funds and what the funds are for.

Mr. Corless recommended the return of \$500.00 in escrow funds for Lot No. 6 on Valley View to Carlton LaRomme for vegetation.

Deputy Mayor Sanderson, upon the recommendation of the Village Engineer, moved to return \$500.00 in escrow funds for Lot No. 6 on Valley View to Carlton LaRomme. Seconded by Trustee Lamer. Motion carried 5-0.

Mr. Corless recommended the return of \$2000.00 in escrow funds to Mr. Diamond on Halley Drive for the required installed fence.

Trustee Roman, upon the recommendation of the Village Engineer, moved to return \$2000.00 in escrow funds to Mr. Diamond on Halley Drive for the required installed fence. Seconded by Trustee Lamer. Motion carried 5-0.

Attached to the Minutes is a memo from the Village Attorney regarding a Planning Board recommendation for the return of escrow to Summit at Pomona for the completion of curbs in the amount of \$27,500.00.

Trustee Roman, upon the recommendation of the Planning Board, moved to return \$27,500.00 to Summit at Pomona for the completion of curbs. Seconded by Trustee Lamer. Motion carried 5-0.

Mayor Marshall brought up the matter of escrow return to Norock Development in the amount of \$1500.00. Mr. Corless will check his records to ensure all bills for him have been paid. The matter of returning escrow was tabled to the next Board meeting.

Mayor Marshall reported that the cracking and sealing of roads in Pomona will be done tomorrow. Beaver Dam will be paved, the cul de sac on Ethan Allan, all of North Ridge, frontage on 3 or 4 houses on Tamarack between Footstep and Chestnut, and a small area of Hidden Valley.

Mayor Marshall introduced a letter from Susan Alessi on behalf of her clients Sal and Rupal Dar regarding a name change for East Court. A copy of Ms. Alessi's letter is attached to the Minutes. The Dar's are requesting the name of East Court be changed to Dar Court. Mayor Marshall commented that streets in Pomona should be named for either the topography or people who have historically contributed to the Village itself, not to individual residents who buy houses on those streets. After discussion by the Board the following resolution was made.

Mayor Marshall moved to rename East Court to Dar Court. Seconded by Deputy Mayor Sanderson. Motion failed 0-5.

Mayor Marshall announced that regular Building Department meetings are to be cancelled because it has been difficult for the Planning Board Chair and the Trustees to meet during the day. The meetings will be replaced with informal discussions between the Village Engineer, Village Building Inspector, Code Enforcement Officer, Village Attorney and the Mayor.

B. Planning and Zoning

Nothing at this time.

7. Committee Reports

A. Recreation

Trustee Roman requested that Volunteer Recognition be placed on the next Workshop agenda.

B. Buildings and Parks

Bids for the Fairty Pond Fountain were discussed. One bid was received from The Pond Connection for \$5,895.00 includes a three year warranty, control panel

timer, wiring, installation and a five year fall removal and storage and spring installation. The Village Attorney commented that the bid specifications were not followed in the bid from Pond Connection.

Deputy Mayor Sanderson moved to accept the bid from Pond Connection as submitted. Seconded by Trustee Lamer. Motion failed 0-5 due to an error in the bid.

Deputy Mayor Sanderson moved to reject the bid submitted by Pond Fountain. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Sanderson moved to re-advertise for bids for the Fairty Pond Fountain. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Banks reported on his meeting with Chris Meredith regarding the landscaping proposal for Village Hall.

Trustee Banks moved to advertise for bids for the landscaping at Village Hall on specifications prepared by Trustee Banks. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Mayor Marshall introduced the renewal of the Shadow Security contract for Burgess Meredith Park. The rates are the same as last year.

Trustee Banks moved to accept the renewal of the Shadow Security contract. Seconded by Trustee Lamer. Motion carried 5-0.

8. Finance

A. Treasurer's Report

A copy of the Treasurer's Report is attached to the Minutes.

B. Expenditure Abstract Resolution

Trustee Roman moved the resolution that the payment of General Funds Claims totaling \$109,512.74 set forth on pages 1 through 6 in the Monthly Abstract Listing dated October 25, 2004 through November 19, 2004 as submitted by the Village Clerk/Treasurer are hereby approved subject to individual audits by the Board of Trustees. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

C. Grants and Awards

Mayor Marshall distributed the recommendations of the Community Development Projects Committee. A copy is attached to the Minutes.

Trustee Lamer moved to accept the needs survey as prepared by the Community Development Projects Committee. Seconded by Trustee Roman. Motion carried 5-0.

9. Code Enforcement

A copy of the Code Enforcement Officer's report is attached to the Minutes. Mr. Helfgott reported that he is still working on obtaining a surplus generator for the Village for emergency use. He asked for permission to travel to Albany to inspect an available generator. The Board was unanimous in approving the travel.

Mayor Marshall commented on a letter he received from the County regarding plumbing and electrical works. The matter will be discussed at the next meeting.

10. Legal

The Village Attorney distributed a proposed resolution regarding refund of escrow deposits with the Village. The matter will be discussed at the next meeting.

11. Old Business

Attached to the Minutes is a letter from Orange and Rockland Utilities regarding the fencing of the utility boxes on Halley Drive.

Deputy Mayor Sanderson moved to accept the proposal from Orange and Rockland Utilities for fencing the utility boxes on Halley Drive. Seconded by Trustee Lamer. Motion carried 5-0.

Mrs. Ulman, Village Attorney reported that a letter has been sent to Mr. Michael Klein at the Town of Ramapo regarding the monies paid by the Village to United Water Company for hydrants and requested a meeting to discuss the return of the money. To date, she has not received a response.

Mayor Marshall reported on the new Highway contract with the Town of Ramapo. There is an increase from \$54,028 to \$71,216 for 2005. Mayor Marshall also reported on a meeting of the Solid Waste Management Authority, of which he is a member representing the Villages in Ramapo. The Acting Director of the Authority recommended that the reimbursement rate be reduced from \$32 to \$24 a ton, but further action was delayed until more information could be made available.

12. New Business

Nothing at this time.

13. Office Period

Nothing at this time.

14. Trustees Period

Nothing at this time.

15. Executive Session

Trustee Lamer moved to adjourn to Executive Session to discuss matters of litigation and personnel matters. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Deputy Mayor Sanderson moved to reopen the public meeting. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Roman moved to adjourn the meeting. Seconded by Trustee Lamer. Motion carried 5-0.

Meeting adjourned at 9:40 p.m.

Respectfully submitted,

Malverne J. Toll