

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
OCTOBER 24, 2005

ADOPTED DECEMBER 12, 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 October 24, 2005.

Present

Mayor: Herbert Marshall
Deputy Mayor: Nick Sanderson
Trustees: Alan Lamer
Alma Roman

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

Absent

Trustee Ian Banks

Summary of Motions

Deputy Mayor Sanderson moved to incorporate the comments as described by Mayor Marshall in the proposed local law “A Local Law Amending the Code of the Village of Pomona to Regulate Peddlers, Solicitors and Canvassers”. Seconded by Trustee Lamer. Motion carried 4-0.

Deputy Mayor Sanderson moved to adopt the proposed local law “A Local Law Amending the Code of the Village of Pomona to Regulate Peddlers, Solicitors and Canvassers”, as amended. Seconded by Trustee Lamer. Motion carried 4-0.

Deputy Mayor Sanderson moved to adopt the minutes of August 15, 2005, as presented. Seconded by Trustee Lamer. Motion carried 4-0.

Trustee Roman moved the resolution that the payment of General Funds Claims totaling \$51,719.10 set forth on pages 1 through 8 in the Monthly Abstract Listing dated September 26, 2005 through October 24, 2005, 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 4-0.

Deputy Mayor Sanderson moved to accept the proposal from All County Property Management for snow removal on Village property. Seconded by Trustee Roman. Motion carried 4-0.

1. Salute the Flag.

2. Open Period

No one appeared to speak.

Trustee Roman moved to close the Open Period. Seconded by Trustee Lamer. Motion carried 4-0.

3. Public Hearing – Regulating Peddlers, Solicitors, and Canvassers

A copy of the proposed “Local Law Amending the Code of the Village of Pomona to Regulate Peddlers, Solicitors and Canvassers” is attached to the minutes. Mayor Marshall read a public comment into the minutes, an e-mail he received from David Hershkowitz regarding the proposed local law.

“I won’t be able to attend Monday night’s meeting but I had some thoughts regarding the new law.

If I read the law correctly, candidates collecting signatures to run for office are exempt from the law (103-4f) while an individual(s) collecting signatures for a petition or a ballot initiative would be required to conform with the law (103-7) which seems inherently unfair. Why value public office over public issue?

In addition, not always will a formal organization be behind such a canvassing drive. Unaffiliated individual(s) do step up on occasion to promote/campaign for an issue whereby many of the criteria in 103-7 would not be applicable and should not be used as justification to deny a permit, if a permit is truly a just requirement.

On a positive note, if the law prevents unsolicited items being placed (as opposed to mailed) in a mailbox (which is illegal anyway), then it’s progress.

Now, what can be done to stop placards and signs (political and otherwise) being placed on private property or on easements without permission? Is it legal for them to be placed on public property? I would think that some of that activity would fall under this law.

David Hershkowitz”

Mayor Marshall commented that he did speak with Mr. Hershkowitz regarding his e-mail and his last paragraph is covered under the Village's sign law. Ms. Ulman, Village Attorney, replied in respect to 103.2 (Definitions) paragraph 2, the law does not prevent individuals who are not representing an organization from going door to door. It is only where they are representing a non-profit that they would be considered a "Canvasser" or if they were doing commercial work, they would be a "Solicitor" or a "Peddler". If a person is just going around, not representing any particular organization, but talking on an issue or proposing an issue, they would have the right to do so without having to obtain a permit or registration. Regarding election or ballot issues, in Section 103-4, paragraph F, we can, if the Board agrees, add to the exemption of candidates, any person who would be working on a ballot issue or in connection with any election, could be exempt from the law.

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

The Board then discussed the proposed local law and Mr. Hershkowitz' comments. Mayor Marshall suggested the following changes: under Section 103.2 – Canvasser – delete the word 'petition' from the list. Part of the democratic process is to be able to go door to door with petitions and solicit signatures. Another suggested change was under Section 103-4 F – adding the following, 'Any candidate running for office or his or her representatives or persons involved in the election process.'

Deputy Mayor Sanderson moved to incorporate the comments as described by Mayor Marshall in the proposed local law "A Local Law Amending the Code of the Village of Pomona to Regulate Peddlers, Solicitors and Canvassers". Seconded by Trustee Lamer. Motion carried 4-0.

Deputy Mayor Sanderson moved to adopt the proposed local law "A Local Law Amending the Code of the Village of Pomona to Regulate Peddlers, Solicitors and Canvassers", as amended. Seconded by Trustee Lamer. Motion carried 4-0.

- 4. Adoption of Minutes**
- A. August 15, 2005**

Deputy Mayor Sanderson moved to adopt the minutes of August 15, 2005, as presented. Seconded by Trustee Lamer. Motion carried 4-0.

- B. September 12, 2005**

Tabled to the next meeting.

C. September 26, 2005

Tabled to the next meeting.

5. Cultural Center

A copy of the Director's report is attached to the minutes. Mr. Gde reported that Ian Hughey has repaired the computer at the Cultural Center and it is now working.

Ms. Sanderson reported on the status of the web hook-up for the Cultural Center. She was unsuccessful in obtaining a hook-up, gratis, from Cablevision. She is now obtaining prices from different companies for hooking up the computer so Mr. Gde has e-mail. Mr. Gde reported he is still having trouble on the phone system; calls to the 201 area code are not going through. Ms. Sanderson will check this out.

6. Building Department
A. Engineering and Building

Mr. Corless reported there were no requests for return of escrow at this time. The Planning Board has not adopted a resolution to the Village Board regarding the bond reduction for Southern Pomona Homes.

Mayor Marshall inquired of Mr. Corless the status of paving for the two remaining roads in the Village. Mr. Corless will check on it this week and attempt to have it done this week or next week.

Mr. Corless reported on the status of the Storm Water Management group. The matter is getting more and more involved and it looks like it will cost more money. The matter is non-funded but is mandated.

The homeowner at 75 Halley is not satisfied with the height of the curbs in front of his property. He claims the rainwater washes over the berms and onto his property. Mr. Corless inspected the site and reported the curbs are satisfactory and are maintaining the water in the road. The homeowner requested Belgium Block curbs, but the Village does not install them.

B. Planning and Zoning

Nothing at this time.

7. Committee Reports
A. Recreation

Ms. Sanderson gave an update on the preparations for the Halloween Parade set for Saturday, October 29, 2005. Everything is under control; the 450 pound pumpkin has been delivered for Mr. Gde to carve. The barricades for Ladentown Road have been ordered, as well as the tent. Ramapo Police Department has been notified of the event to handle traffic. The chairs will be brought over from the Cultural Center, as well as chairs from Village Hall to be used for seating. Hot dog cart and hot dogs are ordered. The Key Club volunteers have been lined up to help set up on Friday and Saturday. Trustee Roman inquired about playing music outside the day of the Halloween Party. Ms. Ulman responded the Village is exempt from the local law regarding noise. Trustee Roman also thanked Leslie and Norvy for all their work and cooperation in putting the Halloween event together. The parade will form and start at the Hindu Temple, which has been very helpful in preparing for the event.

B. Building and Parks

Trustee Banks was absent from the meeting. There was a question on the road signs that announce the overnight parking law. A line is needed on the signs between the statement No Overnight Parking at Anytime and the statement No Parking Midnight to 6 A.M. between November 15th and April 1st. Trustee Lamer raised the issue that Village residents understand what is meant by No Overnight Parking. The next Newsletter should contain clarification of the signs.

There is nothing new on the repair or replacement to the damaged fence at Village Hall.

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 \$51,719.10 set forth on pages 1 through 8 in the Monthly Abstract Listing dated September 26, 2005 through October 24, 2005, 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 4-0.

Mayor Marshall inquired of the Clerk Glantz the status of the Annual Report. Clerk Glantz responded that our accountants stated it should be completed shortly.

C. Grants and Awards

Nothing at this time.

9. Code Enforcement

A copy of the Code Enforcement Officer's report is attached to the minutes. Ms. Ulman reported the fence at 117 Overlook Road has been moved twice, they have agreed to pay a fine and move the fence back onto their property. Mr. Ferreira telephoned Ms. Jan Ulman and reported he has removed everything. Mr. Helfgott the Code Enforcement Officer will check it out. He also agreed to pay a fine. The matters regarding the real estate signs has been negotiated and fines will be paid.

10. Legal

Ms. Ulman reported the legal matters are scheduled for the Executive Session.

11. Old Business

Ms. Ulman reported she had received a call from general counsel to United Water regarding the hydrant litigation. Ms. Ulman brought him up to date on the situation and was told it was being turned over to outside counsel.

There is nothing new on the Halley Drive utility fence.

The matter of the Town of Ramapo double dipping will be discussed in Executive Session.

12. New Business

Clerk Glantz reported she has received one proposal from All County Property Management for snow removal at Village Hall and the Cultural Center. She is expecting additional proposals from two other vendors. Because of the time constraints, the Board decided to go ahead with the All County Property Management proposal. The proposal is the same as last year with an increase of \$13.00. Trustees Lamer and Roman agreed to accept the All County proposal. They need to shovel the walks and salt them at both Village Hall and the Cultural Center. They will be told to include this in their contract.

Deputy Mayor Sanderson moved to accept the proposal from All County Property Management for snow removal on Village property. Seconded by Trustee Roman. Motion carried 4-0.

13. Office Period

Nothing at this time.

14. Trustees Period

Deputy Mayor Sanderson reported a problem with the computers at Village Hall. A new switch that switches between the server and the computers is defective and needs to be replaced at a cost of less than \$100.00.

Deputy Mayor Sanderson moved to adjourn to Executive Session for matter of litigation. Seconded by Trustee Lamer. Motion carried 4-0.

Trustee Lamer moved to close the Executive Session and reopen the Public Meeting. Seconded by Deputy Mayor Sanderson. Motion carried 4-0.

Trustee Roman moved to adjourn the meeting. Seconded by Trustee Lamer. Motion carried 4-0.

Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Malverne J. Toll