

VILLAGE OF POMONA  
BOARD OF TRUSTEES MEETING  
MARCH 28, 2005

**ADOPTED APRIL 25, 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 March 28, 2005.

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

Trustee Lamer moved to adopt "A Local Law Amending the Code of the Village of Pomona in Relation to Bulk Requirements". Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Lamer moved to adopt "A Local Law Amending the Zoning Law of the Village of Pomona in Relation to Protected Trees". Seconded by Trustee Roman. Motion carried 4-1. Deputy Mayor Sanderson voted No.

Trustee Lamer moved to adopt the Minutes of February 15, 2005, as corrected. Seconded by Trustee Banks. Motion carried 5-0.

Trustee Roman moved to adopt the Minutes of March 14, 2005, as corrected. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Banks moved the resolution that the payment of General Funds Claims totaling \$112,887.21 set forth on pages 1 through 6 in the Monthly Abstract Listing dated February 20, 2005 through March 28, 2005, as submitted by the Village Clerk/Treasurer are hereby approved subject to individual audits by the Board of Trustees. The last four items to Zarin & Steinmetz are subject to review by Mrs. Ulman, Village Attorney. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Lamer moved to set a Public Hearing on the 2005 Budget for the Village Board Meeting scheduled for April 11, 2005 at 7:30 pm. Seconded by Trustee Roman. Motion carried 5-0.

**Trustee Lamer moved to adopt the resolution as presented dissolving the established Sewer Fund and transferring the funds into a Capital Improvement Fund call Street Repaving, which funds shall be used to offset the appropriations for street repaving set forth in Account No. 5410.4 in the Village Budget for Fiscal Year 2004/2005. Seconded by Trustee Roman. Motion carried 5-0. This resolution is subject to permissive referendum.**

**Trustee Roman moved to adopt the Village Meeting Schedule as presented. Seconded by Trustee Lamer. Motion carried 5-0.**

**1. Salute the Flag.**

**2. Open Period**

Kelly Wilford, 16 Trappers Way, asked the Board what type of local laws are in place regarding her neighbor's dogs who are allowed to run at large. Also, neighbors are walking their dogs but not picking up after them... Mayor Marshall advised Mrs. Wilford that dogs are not allowed to run loose. She should contact Village Hall when loose dogs are observed so that the Animal Control Officer can take the appropriate action.

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

**3. Public Hearing**

**A. Proposed Local Law Amendment: Bulk Requirements**

A copy of the Proposed Local Law Amendment: Bulk Requirements is attached to the Minutes. Mayor Marshall explained the proposed amendments to the local law and then opened the Public Hearing. No one appeared to speak.

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

**Trustee Lamer moved to adopt "A Local Law Amending the Code of the Village of Pomona in Relation to Bulk Requirements". Seconded by Deputy Mayor Sanderson. Motion carried 5-0.**

**B. Proposed Local Law Amendment: Protected Trees**

A copy of the Proposed Local Law Amendment: Protected Trees is attached to the Minutes. Mayor Marshall explained the proposed amendments to the local law and then opened the Public Hearing. No one appeared to speak.

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

Deputy Mayor Sanderson addressed the changes to the Village Code. His opposition to the changes have been discussed and duly recorded many times. He remains totally and completely opposed to it because he feels the rights of the Village's residents are being infringed upon.

Trustee Banks commented he would like to see the size of the protected tree made smaller in the local law.

Trustee Lamer commented that he felt the size, 45 inches, of the protected tree in the local law strikes the proper balance between protecting individual property rights and protecting the bucolic nature of the Village.

**Trustee Lamer moved to adopt “A Local Law Amending the Zoning Law of the Village of Pomona in Relation to Protected Trees”. Seconded by Trustee Roman. Motion carried 4-1. Deputy Mayor Sanderson voted No.**

**4. Adoption of Minutes  
A. February 15, 2005**

Trustee Banks offered the correction on page 3 B Buildings and Parks that Deputy Mayor Sanderson received the telephone call from Pond Connection not him.

**Trustee Lamer moved to adopt the Minutes of February 15, 2005, as corrected. Seconded by Trustee Banks. Motion carried 5-0.**

**B. March 14, 2005**

Trustee Banks offered the correction on page 4 regarding the landscape bids. He wanted a clearer explanation shown for the rejection of the bid by Knapp’s Landscaping. The reason was that it was approximately 50% lower than the next lowest bidder.

**Trustee Roman moved to adopt the Minutes of March 14, 2005, as corrected. Seconded by Trustee Lamer. Motion carried 5-0.**

**5. Cultural Center**

A copy of the Director of the Cultural Center report is attached to the Minutes. Mr. Gde’s request to purchase five Balinese tree puppets was tabled to the next Workshop. Mr. Gde’s request about his computer was discussed. Mayor Marshall told Mr. Gde there is a computer for the Cultural Center in Village Hall. It needs to be installed in the Cultural Center and a printer needs to be purchased for it. Mr. Gde inquired again about the electrical work to the shed. Trustee Banks will discuss the work with Mr. Helfgott.

**6. Building Department  
A. Engineering and Building**

Mr. Corless reported that there were no requests for return of escrow.

Mrs. Ulman reported that she sent a letter to Mr. Stein, Attorney for the Town of Haverstraw, regarding the Bricker escrow. She is waiting to hear from Mr. Stein.

Mayor Marshall inquired about the road problem on the mountain. Mr. Corless replied that the problem is between two builders, and that the Village is not involved in this matter.

Mr. Corless brought up the matter of the Developer's Agreement which expires in May. Mrs. Ulman will review the Agreement and bring it up at the Workshop.

The survey that was done by Southern Pomona Homes was adequate and a building permit was issued. Also, preliminary approval was given by the Planning Board for the 2-lot Jada Subdivision.

Mayor Marshall reported on contact that was had with Verizon regarding Village approval before they begin work in the Village. Mrs. Ulman sent a letter to Verizon restating the results of the meeting with Verizon held on February 11<sup>th</sup>. No work is to be started until the stated requirements in the letter are met. A copy of Mrs. Ulman's letter is attached to the Minutes. Mr. Corless reported that he has talked to their engineer who stated that six boxes will be in the Pomona area and two in the Village. One box will be pole mounted at the Ormian and Keim intersection and the second box, a pedestal mount, on the right side of Halley Drive. Mrs. Ulman received a telephone call from Mr. Windram who stated they are holding off competing cable service at this time, but when they are ready they will obtain the required permits, and they are not ready to enter into a franchise agreement at this time.

## **B. Planning and Zoning**

Mayor Marshall distributed a memo he received from Rita Louie, a member of the Village Planning Board regarding "Fill" lots in the Village and her request for a meeting between the Planning Board and the Village Board. A copy of the memo is attached to the Minutes. The matter will be discussed further at the next workshop.

## **7. Committee Reports**

### **A. Recreation**

Trustee Roman reported that the Committee is working on recruiting a new chairperson.

### **B. Buildings and Parks**

Trustee Banks reported on needed drainage repairs at Burgess Meredith Park, and that more gravel was needed in the parking area.

### **C. Other**

Nothing at this time.

## **8. Finance**

### **A. Treasurer's Report**

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

### **B. Expenditure Abstract Resolution**

**Trustee Banks moved the resolution that the payment of General Funds Claims totaling \$112,887.21 set forth on pages 1 through 6 in the Monthly Abstract Listing dated February 20, 2005 through March 28, 2005, as submitted by the Village Clerk/Treasurer are hereby approved subject to individual audits by the Board of**

**Trustees. The last four items to Zarin & Steinmetz are subject to review by Mrs. Ulman, Village Attorney. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.**

### **C. Grants and Awards**

Mayor Marshall reported that a \$50,000 multi-modal grant payment has been received from the State.

### **D. 2005 Budget**

**Trustee Lamer moved to set a Public Hearing on the 2005 Budget for the Village Board Meeting scheduled for April 11, 2005 at 7:30 pm. 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. Mayor Marshall reported that on April 6<sup>th</sup> from 9 a.m. to 1 p.m. at the Fire Training Center a Keep Rockland Beautiful forum being held for professionals in enforcement pertaining to trash, roadside litter, abandonment of cars, etc. Mr. Helfgott and Leslie Sanderson will attend the forum.

### **10. Legal**

Mrs. Ulman distributed a proposed resolution regarding the Sewer Fund Transfer within the Village of Pomona. A copy of the resolution is attached to the Minutes.

**Trustee Lamer moved to adopt the resolution as presented dissolving the established Sewer Fund and transferring the funds into a Capital Improvement Fund call Street Repaving, which funds shall be used to offset the appropriations for street repaving set forth in Account No. 5410.4 in the Village Budget for Fiscal Year 2004/2005. Seconded by Trustee Roman. Motion carried 5-0. This resolution is subject to permissive referendum.**

Mrs. Ulman reported on the status of the fire hydrant situation with the Town of Ramapo. Her recent discussion with the Ramapo Town Attorney's office informed her, the matter is being handled by Alan Berman. Mr. Berman is waiting for a report from his Finance Department and he assures Mrs. Ulman that they are working on the matter as fast as they can. Hopefully, he will have an answer for her by Friday, April 1<sup>st</sup>.

### **11. Old Business**

Mayor Marshall distributed a Village Meeting Schedule for the 2005/2006 year. A copy of the schedule is attached to the Minutes.

**Trustee Roman moved to adopt the Village Meeting Schedule as presented. Seconded by Trustee Lamer. Motion carried 5-0.**

Deputy Mayor Sanderson reported on the utility fence to be installed on the mountain. It will probably be installed in the spring.

**12. New Business**

Mayor Marshall announced the Rockland County Office of Community Development invited the Mayor and the Board to attend their 8<sup>th</sup> Annual Block Grant Day on Tuesday, April 5, 2005.

**13. Office Period**

Nothing at this time.

**14. Trustees Period**

Trustee Lamer commented on a complaint he received about 24 Old Pomona Road and the storing of construction equipment at 26 Old Pomona Road. He wants to make sure that the Code Enforcement Officer is aware of the matter and will check into it.

**Trustee Banks moved to adjourn to Executive Session to discuss matters of litigation. Seconded by Trustee Lamer. Motion carried 5-0.**

**Trustee Lamer moved to reopen the public portion of the meeting. Seconded by Trustee Banks. Motion carried 5-0.**

Mayor Marshall distributed copies of the proposed budget for 2005/2006. A line by line discussion then commenced regarding each item contained.

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

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Malverne J. Toll

## SEWER FUND TRANSFER RESOLUTION

WHEREAS, the Board of Trustees of the Village of Pomona had heretofore established a Sewer Fund which was to have been used for the construction and improvements of sewers within the Village of Pomona, and

WHEREAS, construction of Village sewers has been fully completed and is operational, and

WHEREAS, the Village has contracted with the Rockland County Sewer District No.1 whereby said Sewer District operates and maintains the sewer system and collects fees therefore directly from Village taxpayers, and

WHEREAS, no funds have been expended from the Sewer Fund since the effective date of the Village contract with the Sewer District in 2000, and

WHEREAS, no funds have been paid into said Fund since the aforesaid date, and

WHEREAS, the Board of Trustees of the Village of Pomona hereby determines that the aforesaid Sewer Fund is no longer needed for the payment of operation and maintenance of the Village sewer system,

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York, the funds remaining in the Sewer Fund shall be transferred into a Capital Improvement Fund called Street Repaving, which funds shall be used to offset the appropriations for street repaving set forth in Account No. 5410.4 in the Village Budget for Fiscal Year 2004/2005, and be it further

RESOLVED, that a revenue account shall be established in the Village Budget for Fiscal Year 2004/2005 to be Account No. 5031 Interfund Transfers, which account shall be used for the payment of the aforesaid street repaving, and be it further

RESOLVED, that this resolution shall take effect thirty days from the date of its adoption unless a petition signed and acknowledged by electors of the Village in number equal to at least twenty per centum of such electors is filed with the Village Clerk-Treasurer protesting against such resolution, and be it further

RESOLVED, that a copy of this resolution shall be posted and published by the Village Clerk-Treasurer in the manner provided by law within ten days after adoption hereof.