

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
MARCH 27, 2006

ADOPTED MAY 22, 2006

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 27, 2006.

Present

Mayor: Herbert Marshall

Deputy Mayor: Nick Sanderson

Trustees: Ian Banks
Alan Lamer
Alma Roman

Doris Ulman, Village Attorney
P. J. Corless, Village Engineer
Michael Zrelak, Building Inspector
Leslie Sanderson. Village Clerk/Treasurer

Summary of Motions

Deputy Mayor Sanderson moved to adopt the local law “Prohibiting Illicit Discharges, Activities and Connections into the Village of Pomona Stormwater Sewer System”. Seconded by Trustee Banks. Motion carried 5-0.

Deputy Mayor Sanderson moved to allow Cultural Center activities, approved on each individual activity, to take place in the Village Hall meeting room. Seconded by Trustee Banks. Roll call vote: Trustee Banks, aye; Deputy Mayor Sanderson, aye; Trustee Lamer, no; Trustee Roman, abstain; Mayor Marshall, no. Motion failed 2-2-1. The no votes were because there were no guidelines in place for using Village Hall.

Deputy Mayor Sanderson moved to allow Yoga Classes under the auspices of the Cultural Center to be held at the Village Hall meeting room. Seconded by Trustee Lamer. Roll call vote: Deputy Mayor Sanderson, aye; Trustee Banks, yes; Trustee Lamer, no; Trustee Roman, abstain; Mayor Marshall, no. Motion failed 2-2-1. Trustee Lamer was opposed to the unfettered use of Village Hall without any policies or controls in place even on an ad hoc basis. Mayor Marshall’s no vote was for the same reason.

Trustee Roman moved to hold the Yoga Classes at the Cultural Center. Seconded by Trustee Lamer. Motion carried 4-1. Deputy Mayor Sanderson voted no because it felt it should be held at Village Hall.

Trustee Lamer moved to return an escrow of \$2500.00 to JWL for Lot H-22 for a driveway. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Lamer moved to approve an expenditure not to exceed \$5000.00 to correct the drainage problem on Ormion Drive. Seconded by Trustee Roman. Motion carried 5-0.

Mayor Marshall appointed Linda Simmons to fill the unexpired term of Rita Louie on the Village of Pomona Planning Board effective May 1, 2006 and ending in April 2010.

Trustee Banks moved that the Agreement between the Village and Christopher Meredith Inc. for landscaping and maintenance services on Village properties is hereby extended for a period of one year upon the same terms and conditions as the expired Agreement and an option to renew for two more years. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Lamer moved the resolution that the payment of General Funds Claims totaling \$132,606.51, set forth of pages 1 – 6 in the Monthly Abstract Listing dated February 28, 2006 through March 24, 2006, as submitted by the Village Clerk/Treasurer are hereby approved subject to individual audits by the Board of Trustees. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Lamer moved that the Developers' Agreement between the Village and Summit at Pomona is hereby approved subject to approval as to form by the Village Attorney, and be it further resolved that the Mayor is hereby authorized to execute said Agreement and to take all actions necessary to implement this resolution. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Sanderson moved that the Village of Pomona continues with the Appeal on the Ramapo II lawsuit with a cost not to exceed \$10,000.00. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson resolved that a public hearing on the Tentative Budget for Fiscal Year 2006/2007 shall be held by the Board of Trustees on the 10th day of April 2006 at 7:30 p.m. at the Village Hall, 100 Ladentown Road, in the Village of Pomona, and be it further resolved that notice of said hearing shall be published and posted at least five days prior to the date of such hearing, including that the Tentative Budget is available for public inspection at the Village office and the compensation proposed to be paid to each member of the Board of Trustees. Seconded by Trustee Lamer. Motion carried 4-0.

1. Salute the Flag.

2. Open Period

Robert Humber, 26 Old Pomona Road addressed the Board regarding the problem of numerous stray and feral cats in the area. Mayor Marshall responded that in the past the Village has had problems with stray cats in other parts of the Village. Part of the problem is that even though the cats are strays, people put out food for them which encourages them to stay in the area. The Village Attorney commented that cats are not required to be licensed by the State, as dogs are, and suggested Mr. Humber contact the Board of Health if he thinks it is a health problem. The Village Clerk commented that she has contacted the Town of Ramapo's Animal Control Officer regarding the situation. Mayor Marshall instructed the Clerk to continue to follow up with the Animal Control Officer and also prepare an article on the subject for the next Newsletter. Mr. Humber also commented on the two mini-school buses that are parked at 24 Old Pomona Road during the day and night. The buses are started up early in the morning and left to run for a long period of time causing loud noises. The Code Enforcement Officer will follow up on the problem.

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

3. Public Hearing – Prohibiting Illicit Discharges into Storm Sewers

A copy of the proposed local law is attached to the Minutes. The Village Attorney, Ms. Ulman, gave an explanation of the proposed local law. Mr. Corless, Village Engineer, spoke in favor of the local law and urged the Board to adopt it. No one from the public appeared to speak on the matter.

Deputy Mayor Sanderson moved to close the Public Hearing on the proposed local law “Prohibiting Illicit Discharges, Activities and Connections into the Village of Pomona Stormwater Sewer System”. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson questioned if the local law is adopted how much it would cost the Village since it is not outside funded. Mr. Corless responded that is not known yet. Trustee Banks questioned who would enforce the law and who is responsible for monitoring it. Mr. Corless responded one way of monitoring it initially would be visually and it will cost the Village some money. Paint, pool chemicals, leaves, etc. are not to be dumped into the storm drains. Mayor Marshall responded that the responsibility will be handled by the Village Engineer, Village Building Inspector and the Code Enforcement Officer. Trustee Lamer pointed out the sub-section that requires an employee, municipal engineer

or other public official be designated at the Stormwater Management Officer. Mayor Marshall asked for a volunteer from the Board to monitor the matter.

Deputy Mayor Sanderson moved to adopt the local law “Prohibiting Illicit Discharges, Activities and Connections into the Village of Pomona Stormwater Sewer System”. Seconded by Trustee Banks. Motion carried 5-0.

Trustee Banks volunteered to be the Stormwater Management Officer and was approved by the Mayor.

4. Adoption of Minutes

- A. January 23, 2006**
- B. February 13, 2006**
- C. February 27, 2006**

Mayor Marshall requested the adoption of Minutes be tabled to the next meeting.

5. Cultural Center

A copy of the Director’s Report is attached to the Minutes. Mr. Gde requested that the upcoming Yoga Classes, because of the number of participants, be held in the meeting room at Village Hall instead of the Cultural Center. The classes would meet on Tuesday evenings and Friday mornings. Clerk Sanderson commented that people are inquiring about the classes but some can make the Tuesday evening class and others the Friday morning class. Trustee Roman commented that there should be guidelines and supervision for using Village Hall for events. Deputy Mayor Sanderson commented that he felt having a Yoga Class at the Cultural Center could be a problem for ongoing exhibitions. There is a possibility of the exhibits being damaged. The Village Hall meeting room would be an excellent place to hold the Yoga Program. Trustee Banks felt cultural activities should be held at the Cultural Center but he has no objection to holding the classes at Village Hall. Mr. Gde responded the lower level at the Cultural Center is too small to hold Yoga Classes. Trustee Banks felt the Board should develop a policy regarding the Cultural Center extending its activities to be held at the Village Hall meeting room. Trustee Roman agreed with Trustee Banks on the policy issue. Mayor Marshall asked for consensus of the Board to allow Cultural Center activities to be held at the Village Hall meeting room. Mayor Marshall asked for a motion on the matter.

Deputy Mayor Sanderson moved to allow Cultural Center activities, approved on each individual activity, to take place in the Village Hall meeting room. Seconded by Trustee Banks. Roll call vote: Trustee Banks, aye; Deputy Mayor Sanderson, aye; Trustee Lamer, no; Trustee Roman,

abstain; Mayor Marshall, no. Motion failed 2-2-1. The no votes were because there were no guidelines in place for using Village Hall.

Deputy Mayor Sanderson moved to allow Yoga Classes under the auspices of the Cultural Center to be held at the Village Hall meeting room. Seconded by Trustee Lamer. Roll call vote: Deputy Mayor Sanderson, aye; Trustee Banks, yes; Trustee Lamer, no; Trustee Roman, abstain; Mayor Marshall, no. Motion failed 2-2-1. Trustee Lamer was opposed to the unfettered use of Village Hall without any policies or controls in place even on an ad hoc basis. Mayor Marshall's no vote was for the same reason.

Deputy Mayor Sanderson inquired as to the insurance coverage for items on exhibit at the Cultural Center if damaged because of a program at the Cultural Center. Ms. Ulman responded that if the Village sponsors a program, they are covered.

Trustee Roman moved to hold the Yoga Classes at the Cultural Center. Seconded by Trustee Lamer. Motion carried 4-1. Deputy Mayor Sanderson voted no because it felt it should be held at Village Hall.

Mr. Gde reported he is still waiting for a modem for the computer at the Cultural Center. Trustee Lamer will look into the matter.

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

Mr. Corless reported that an additional escrow return was due to JWL for Lot H-22 for the installation of a driveway. The escrow was \$5000.00 and at the last meeting \$2500.00 was returned. An additional \$2500.00 is due to be returned to JWL.

Trustee Lamer moved to return an escrow of \$2500.00 to JWL for Lot H-22 for a driveway. Seconded by Trustee Roman. Motion carried 5-0.

Ms. Ulman reported there is nothing new at this time regarding the Highgate Road Dedication.

Mr. Corless reported there is nothing new at this time regarding the sign-off list and procedures.

Mr. Corless reported on a drainage complaint he received regarding 5 Ormion Drive. Water from a drainage pipe is ponding at the bottom of the driveway due to a flat spot in the road.

Trustee Lamer moved to approve an expenditure not to exceed \$5000.00 to correct the drainage problem on Ormion Drive. Seconded by Trustee Roman. Motion carried 5-0.

Mayor Marshall and the Village Engineer conducted an inspection of Village roads and the attached list shows the roads to be repaired and the costs involved.

Ms. Ulman reported on the status of the Halley II subdivision. Mayor Marshall has received a letter from Supervisor Phillips regarding the Town's drainage concerns with the Halley II subdivision. The drainage issues were addressed by Halley II and a letter from Maser Consulting, the Town's engineer in July 2004 stating that all of the Town's concerns were addressed. The Planning Board required that the Town Engineer's concerns be addressed by the builder. Ms. Ulman will send a letter to Supervisor Phillips that the Pomona Planning Board has not ignored their concerns but have made them a condition of approval. Ms. Ulman also sent a letter to John Edwards, attorney for Halley II, to have his engineer contact Maser to address any additional concerns that were raised.

Mr. Zrelak reported on a packet he received from an electrical underwriter requesting permission to work in the Village. Ms. Ulman responded that as long as they are licensed by the State of New York they are qualified to work in the Village. The Board of Trustees does not grant permission to work in the Village.

B. Planning and Zoning

Attached is a copy of letter from Trustee Roman, Chairperson of the Ethics Committee to Rita Louie. Mayor Marshall read a letter of resignation he received from Rita Louie regarding her membership on the Planning Board. A copy of the letter is attached to the Minutes. Mayor Marshall recommended accepting her resignation and he will send her a letter thanking her for her service to the community. The Board was unanimous in accepting the resignation from Rita Louie.

Mayor Marshall recommended Linda Simmons, a Member of the Zoning Board of Appeals, to fill the unexpired term of Rita Louie effective May 1, 2006 and ending on April 2010.

Mayor Marshall appointed Linda Simmons to fill the unexpired term of Rita Louie on the Village of Pomona Planning Board effective May 1, 2006 and ending in April 2010.

Mayor Marshall then requested recommendations from the Board for the opening(s) on the Zoning Board of Appeals.

7. Committee Reports
A. Recreation

Nothing at this time.

B. Buildings and Parks

Trustee Banks introduced an extension of the Christopher Meredith Landscaping contract, at the same cost as in the previous year, \$9200.00 for landscaping and \$1200.00 for roadside litter removal, for an additional year with the option of renewing for two additional years.

Ms. Ulman explained the extension of the existing contract, since the terms and conditions are not changing, and he is experienced in working in the Village, it is appropriate to extend the existing agreement for another year.

Trustee Banks moved that the Agreement between the Village and Christopher Meredith Inc. for landscaping and maintenance services on Village properties is hereby extended for a period of one year upon the same terms and conditions as the expired Agreement and an option to renew for two more years. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Banks reported that he has received another estimate for the painting of the outside of Village Hall. Trustee Banks also has received a complaint about the fallen trees in the passive parks. Mr. Islin has a cut up tree next to his property which has been there for years and he would like it removed. Presently, the Village's policy is not to remove fallen trees in the passive parks. The cut up tree is unsightly and next to a resident's property. After discussion, it was decided that Trustee Banks will obtain a price to remove the cut up tree that was left next to Mr. Islin's property.

8. Finance
A. Treasurer's Report

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

B. Expenditure Abstract Resolution

Trustee Lamer moved the resolution that the payment of General Funds Claims totaling \$132,606.51, set forth of pages 1 – 6 in the Monthly Abstract Listing dated February 28, 2006 through March 24, 2006, as submitted by the Village Clerk/Treasurer are hereby approved subject to individual audits by the Board of Trustees. Seconded by Trustee Roman. Motion carried 5-0.

C. Grants and Awards

Nothing at this time.

D. 2006 Budget

A copy of the Proposed 2006 Budget is attached to the Minutes. Mayor Marshall went over the budget, line by line, with the Board. Questions and/or inquiries by the Board were answered by the Mayor.

Deputy Mayor Sanderson resolved that a public hearing on the Tentative Budget for Fiscal Year 2006/2007 shall be held by the Board of Trustees on the 10th day of April 2006 at 7:30 p.m. at the Village Hall, 100 Ladentown Road, in the Village of Pomona, and be it further resolved that notice of said hearing shall be published and posted at least five days prior to the date of such hearing, including that the Tentative Budget is available for public inspection at the Village office and the compensation proposed to be paid to each member of the Board of Trustees. Seconded by Trustee Lamer. Motion carried 4-0.

9. Code Enforcement

A copy of the Code Enforcement Officer's report is attached to the Minutes. Mr. Helfgott gave an update on items in the monthly report. Trustee Banks brought up the condition of the dumpster area at the Temple and how unsightly it is. Mr. Helfgott brought the matter up with the Temple's representative and she said it would be cleaned up. The donated cars will be removed.

Trustee Banks questioned the construction yard and container at the house across Route 202 from Village Hall. The material is expanding into the wetlands area. The owner is a commercial landscaper and the matter will be followed up by the Building Inspector.

10. Legal Period

Ms. Ulman reported on the Schechter Road Agreement. She has prepared a Developer's Agreement for Summit at Pomona's two roads in that development, Wolf Road and the Halley Road Extension. Until the Developer's Agreement is executed, additional lots will not be permitted to be developed.

Trustee Lamer moved that the Developers' Agreement between the Village and Summit at Pomona is hereby approved subject to approval as to form by the Village Attorney, and be it further resolved that the Mayor is hereby authorized to execute said Agreement and to take all actions necessary to

implement this resolution. Seconded by Trustee Roman. Motion carried 5-0.

Ms. Ulman reported that the Steinberg matter had been resolved regarding the refund of escrow money for Irving Kigler. The check was made payable to Mr. Kigler's and sent to Mr. Kigler's attorney and now Mr. Kigler cannot be located. The check was returned to the Village and asked it be reissued to the attorney as Attorney for Kigler so it can be deposited in their escrow account. Trustee Lamer may be able to obtain information on Mr. Kigler and he will report back at the workshop meeting. The matter was tabled to the workshop.

11. Old Business

Mayor Marshall distributed the meeting schedule for 2006/2007 and requested the Board to look it over and make any additions or corrections and get back to the Mayor before the next meeting.

12. New Business

Mayor Marshall announced a Public Hearing will be held by the State Public Service Commission. If anyone wants to attend, let the Mayor know.

The Attorney General's Statewide Neighborhood Watch Conference on May 24th. If anyone wants to attend, let the Mayor know.

Also, the Orange & Rockland meeting on the Executive Arts Council on April 27th. If anyone wants to attend, let the Mayor know.

The Young Lungs at Play Proposal was tabled to the next meeting.

13. Office Period

Ms. Sanderson reported on a letter she received from the Board of Elections requesting a key to Village Hall to use on Election Day. After discussion, it was decided to give a key to the front door but not the alarm code and the Board of Elections must inform the Clerk when they are planning to enter Village Hall.

14. Trustees Period

Deputy Mayor Sanderson reported on a meeting he and Trustee Roman attended with Board Members from the four Villages involved in the two lawsuits against the Town of Ramapo. It was the consensus of those present to proceed with the appeal of the lawsuit which was described as Ramapo II, which is the lawsuit contesting the validity of the of the Adult Student Housing local law.

Deputy Mayor Sanderson moved that the Village of Pomona continues with the Appeal on the Ramapo II lawsuit with a cost not to exceed \$10,000.00. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Roman left the meeting at 10:30 p.m. She recently had surgery.

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

Meeting adjourned at 11:05 p.m.

Respectfully submitted,

Malverne J. Toll