

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
FEBRUARY 12, 2007

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 February 12, 2007.

Present

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

Doris Ulman, Village Attorney

Summary of Motions

Trustee Lamer moved the resolution that the Board of Trustees hereby authorizes a contract with Carole Vazquez to provide services in connection with the Village Election on an as-needed basis, for a total contract price of \$1,500.00, payable \$1,000.00 on March 15, 2007 and \$500.00 on April 15, 2007. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Roman moved the resolution requesting the Congress of the United States to pass legislation requiring the Nuclear Regulatory Commission to conduct an Independent Safety Assessment of the Indian Point Nuclear Power Plant. Seconded by Trustee Banks. Motion carried 3-0-2. Deputy Mayor Sanderson and Trustee Lamer abstained.

Deputy Mayor Sanderson moved to reluctantly accept the resignation of Richard Blumenthal from the Zoning Board of Appeals. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Lamer moved the resolution that the Monthly Abstract Listing dated December 18, 2006 through January 22, 2007, which was approved on January 22, 2007, is amended by deleting the item #2363 in the amount of \$19,800.00 for Scaffidi Construction for the reason that this was an error on the Abstract. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Lamer moved to set a Public Hearing for March 26, 2007 at 7:30 p.m. regarding a Local Law Amending Chapter 25 of the Code of the Village of Pomona to Establish Offices of Alternate Members of the Planning Board and Zoning Board of Appeals. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Lamer moved to set a Public Hearing for February 26, 2007 at 7:30 p.m. regarding a Local Law Amending Chapter 9 of the Code of the Village of Pomona to Prohibit Employment of Members of the Immediate Family of Elected Officials. Seconded by Trustee Roman. Motion carried 4-1. Deputy Mayor Sanderson voted No.

Trustee Lamer moved the resolution regarding the Religious Land Use and Institutionalized Persons Act (RLUIPA) urging Congress to hold hearings on amendments to the Act and to obtain testimony from towns and villages that are burdened with the improper use of the Act. Seconded by Deputy Mayor Sanderson. Motion carried 4-1. Trustee Banks voted No.

1. Salute the Flag.

In attendance was Susan Cooper from Paul Savad's office along with a court reporter.

Mayor Marshall reported to the Board that Leslie Sanderson, Village Clerk/Treasurer submitted her resignation verbally on Thursday evening, February 8, 2007. Mayor Marshall met with Ms. Sanderson on Friday, February 9, 2007 at Village Hall where she formally resigned in a meeting with Mayor Marshall. Carolyn LaChiana, Deputy Village Clerk will assume the responsibilities of the Village Clerk. The Mayor has contacted Carole Vazquez, Clerk/Treasurer at the Village of New Hempstead who will provide consultant services in connection with the Village of Pomona Election on an as-needed basis.

Trustee Lamer moved the resolution that the Board of Trustees hereby authorizes a contract with Carole Vazquez to provide services in connection with the Village Election on an as-needed basis, for a total contract price of \$1,500.00, payable \$1,000.00 on March 15, 2007 and \$500.00 on April 15, 2007. Seconded by Trustee Roman. Motion carried 5-0.

**2. Committee Reports
A. Cultural Center**

Nothing at this time.

B. Recreation

Mayor Marshall reported on a letter he received from Lee Anne Greene requesting a third yoga class be held at Village Hall on Wednesday mornings. His response to Ms. Greene was that it would be considered and for next year's budget.

C. Buildings and Parks

Trustee Banks reported that the light on the flag pole at Village Hall has been repaired. The electrician has ordered a part for the parking lot light and when it comes in will repair the light. The electrical work at the Cultural Center involves digging on the outside and will wait until there is a break in the weather. Hopefully it can be done in the next 2 to 4 weeks. The parks are quiet at present.

3. Old Business

Ms. Ulman brought the Board up-to-date on the T-Mobile Tower request. She asked T-Mobile to co-locate on the proposed Verizon tower. She received a letter from T-Mobile stating they have another facility within ½ mile of the Quaker Road facility and to co-locate with Verizon would not be good for them. They originally requested to locate a tower at the Cultural Center. Mayor Marshall responded that if a height limitation was agreeable to them, and the pole could be camouflaged and placed in back of the Cultural Center, a location there might be possible. Discussion followed concerning the drop off at the back of the Cultural Center property and that the pole would not clear the high hill on the other side of Route 306. Deputy Mayor Sanderson felt T-Mobile should be required to give the Village a study showing what they need, pole height and locations for a tower.

Mayor Marshall announced the Grievance Day Procedure for Monday, February 26, 2007 will begin at 6:00 p.m. The meeting will be conducted from 6 p.m. to 10 p.m. in the Conference Room. At 7:30 p.m. the regular meeting of the Village Board would be convened in the down stairs meeting room with Mr. Shedler remaining in the Conference Room until 10 p.m.

Mayor Marshall distributed a letter he received from the State of New York Department of Transportation regarding the turn lane on Route 202 onto Camp Hill Road. The DOT conducted a review of the location and have decided to install a "State Law – Do Not Drive On Shoulder" sign at the location.

A discussion followed on the Wetlands protection law and the comments received at the Public Hearings. Ms. Ulman distributed her comments which included five possible changes that she asked the Board to consider. The first two changes dealt with the County's recommendations. (A copy of the County's letter is attached to the Minutes.) The first recommendation suggested adding

driveways to the list. The Village's definitions in our Zoning Laws define structure as including driveways. To comply, driveways will be added to the local law.

Their second recommendation regarding permit procedure, a percentage limit should be set on use of the property. Ms. Ulman stated this would be difficult since each request will be different.

Ms. Ulman also suggested that in Section 126-5 a paragraph be added that if the Board grants an application for a permit, the applicant must provide the mitigation, where are they going to provide other wetlands if they use the existing wetlands. Also, a restoration plan must be provided with the permit application. Ms. Ulman's suggested in 126-5 where it says 'in order to apply for a permit, all reasonable use of the property is affected' that we change the word "all" to "the". This would make it a little less restrictive and reasonable use is the normal standard that we use in laws generally.

Ms. Ulman will prepare a draft of the changes and have it to the Board before the Board Meeting on the 26th. Mayor Marshall inquired as to how the wetlands law would affect individual residences. After much discussion, it was decided that more work needs to be done before the wetlands law is acted upon.

4. New Business

Ms. Ulman distributed a memorializing resolution regarding the Indian Point Nuclear Power Plant requesting an independent safety assessment be conducted. A copy of the full Resolution is attached to the Minutes.

Trustee Roman moved the resolution requesting the Congress of the United States to pass legislation requiring the Nuclear Regulatory Commission to conduct an Independent Safety Assessment of the Indian Point Nuclear Power Plant. Seconded by Trustee Banks. Motion carried 3-0-2. Deputy Mayor Sanderson and Trustee Lamer abstained.

Mayor Marshall informed the Board that he has received a letter of resignation from Richard Blumenthal who served on the Zoning Board of Appeals. Mayor Marshall will write to him thanking him for his years of service.

Deputy Mayor Sanderson moved to reluctantly accept the resignation of Richard Blumenthal from the Zoning Board of Appeals. Seconded by Trustee Lamer. Motion carried 5-0.

Mayor Marshall commented that he has received a request from the Brewer Fire Engine Co. No. 1 regarding the retirement of Andrew Schissel. The fire company does not cover the Village and Mayor Marshall will pursue the matter to obtain more information.

Mayor Marshall commented that in reviewing the Abstract from last month he came across a potential problem in the accounting procedure involving the Scaffidi payment of \$19,800.00. Payment was voided out but it still appeared on the abstract. An abstract amendment is needed to void the payment.

Trustee Lamer moved the resolution that the Monthly Abstract Listing dated December 18, 2006 through January 22, 2007, which was approved on January 22, 2007, is amended by deleting the item #2363 in the amount of \$19,800.00 for Scaffidi Construction for the reason that this was an error on the Abstract. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

The procedure for voiding checks needs to be reviewed and perhaps the program changed. Mayor Marshall will pursue the matter with the Village's accountant.

Mayor Marshall reported that the garbage was not picked up on Grey Beech Lane due to icing conditions. Grey Beech Lane is a private road and was not plowed by the time the garbage truck came through the area.

Mayor Marshall introduced a proposed local law regarding alternate members of the Planning Board and Zoning Board of Appeals for a 2-year term.

Trustee Lamer moved to set a Public Hearing for March 26, 2007 at 7:30 p.m. regarding a Local Law Amending Chapter 25 of the Code of the Village of Pomona to Establish Offices of Alternate Members of the Planning Board and Zoning Board of Appeals. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Mayor Marshall introduced a resolution regarding the prohibition of employment by the Village of members of the immediate family of elected officials.

Trustee Lamer moved to set a Public Hearing for February 26, 2007 at 7:30 p.m. regarding a Local Law Amending Chapter 9 of the Code of the Village of Pomona to Prohibit Employment of Members of the Immediate Family of Elected Officials. Seconded by Trustee Roman. Motion carried 4-1. Deputy Mayor Sanderson voted No.

Ms. Ulman distributed a draft resolution regarding the Religious Land Use and Institutionalized Persons Act (RLUIPA) urging Congress to hold hearings on amendments to the Act and to obtain testimony from towns and villages that are burdened with the improper use of the Act. A copy of the resolution is attached to the Minutes.

Trustee Lamer moved the resolution regarding the Religious Land Use and Institutionalized Persons Act (RLUIPA) urging Congress to hold hearings on amendments to the Act and to obtain testimony from towns and villages that are burdened with the improper use of the Act. Seconded by Deputy Mayor Sanderson. Motion carried 4-1. Trustee Banks voted No.

5. Office Period

Nothing at this time.

6. Trustee Period

Nothing at this time.

7. Executive Session

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

Trustee Roman moved to close the Executive Session and reopen the Public Meeting. Seconded by Trustee Lamer. Motion carried 5-0.

Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Malverne J. Toll