

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
MARCH 26, 2001

CORRECTED MINUTES

Present

Mayor: Herb Marshall
Deputy Mayor: Al Appel
Trustees: Ian Banks
Nick Sanderson
Trustee Elect: Alma Roman
Village Attorney: Reuben Ortenberg
Village Engineer: Joe Corless
Secretary: Leslie Sanderson
Sub. Bldg. Insp.: Mike Zrelak, Jr.

Absent

Village Clerk Sue Glantz

1. Salute to the Flag

2. Open Period

Kris Swenson, 41 Mountain Road, Ladentown (not a Village resident) spoke about the proposed alternate route for a transmission line to be placed under Mountain Road and Old Route 202 ending up underground under the existing O&R overhead power lines..

Aarne Anton, 6 Mountain Road, Ladentown (not a Village resident) also spoke in opposition to the proposed alternate route for the power line.

Mayor Marshall commented the alternate route is still under discussion and those concerned should attend the public hearings that are being held by the Public Service Commission. No action on the project can be taken by the Village Board until the Public Service Commission gives its approval.

Alan Maciag, 4 South Ridge Road, Pomona is concerned about the construction going on on Overlook. He feels the work has changed the water tables and water is running underneath his house, eroding his driveway and property. Mr. Maciag also said that the blasting has damaged his bedroom roof and to one of his rooms.

Mr. Corless suggested that Mr. Maciag provide the damage information to the Village Hall and the Village will report it to the builder's insurance company. Mr. Corless will visit the area to determine the cause of the water that is running onto the property. Trustee Banks suggested that Mr. Maciag contact the holder of his homeowner's insurance and let them fight it out with the builder's insurance company.

Trustee Banks moved to close the Open Period, seconded by Trustee Sanderson. Motion carried 4-0.

At this point in the meeting, Mayor Marshall welcomed Trustee Elect Alma Roman and congratulated her on her election to the Village Board.

3. Public Hearing – Budget

Mayor Marshall announced some corrections to the proposed budget that was distributed to the Board Members. Item 1620.4 Contractual, the figure for 2000-2001 should be \$11,600. The Expenditure as of 1/31/01 is \$9486.45. Item 7510.4 Contractual, as of 1/31/01 the correct figure is \$4081.88. Item 7510.4b the correct figure for 2000-2001 is \$10,000 and the Expenditure as of 1/31/01 is \$7,258.46. On Schedule 4, the correct number of tax lots is 421 and the budget figure for 2001-2002 now becomes \$30,682.48. The Appropriated Surplus, as a result of that change, becomes \$917.52. The Mayor then opened the Public Hearing on the Budget. No one present asked to speak on the Budget.

Trustee Sanderson moved to close the Public Hearing, seconded by Trustee Banks. Motion carried 4-0.

Trustee Sanderson moved to adopt the proposed Budget as presented by Mayor Marshall, seconded by Deputy Mayor Appel.

During the discussion following the motion, it was pointed out that the Board agreed to combine Workshops, Programs, Artists-in-Residence and Hospitality, with no change in the budget amount.

Motion carried 4-0.

4. Adoption of Minutes

A. 1/22/01

Trustee Sanderson commented that on the Mirant presentation, the Board agreed to review Mirant's transmission line plans when they are submitted in detail. He asked that the minutes reflect that. Also, the correct spelling of Avenall should be made to the minutes. Under Legal, Trustee Sanderson requested clarification of the court matter that was referred to. The matter is

Pomona Pointe versus the Pomona Planning Board and will be included in the January 22, 2001 minutes.

Trustee Sanderson moved to adopt the minutes of January 22, 2001, as corrected, seconded by Deputy Mayor Appel. Motion carried 3-0-1. Deputy Mayor Appel abstained, he was not present at the meeting.

B. 2/20/01

There were no addition or corrections requested.

Trustee Sanderson moved to adopt the minutes of February 20, 2001 as presented, seconded by Deputy Mayor Appel. Motion carried 3-0-1. Trustee Banks abstained, he was not present at the meeting.

C. 2/26/01

Trustee Sanderson asked that the wording he used, regarding the Hudson River dredging, be included in the motion. The motion should read: **Trustee Sanderson moved to adopt a resolution supporting the completion of the EPA reassessment of PCB's in the Hudson River including the timely implementation of remedial action by dredging, seconded by Deputy Mayor Appel. Motion carried 3-0.** Also, on page 6 the time referred to for the Mirant meeting should reflect a.m. or p.m.

Deputy Mayor Appel moved to adopt the minutes of February 26, 2001, as corrected, seconded by Trustee Sanderson. Motion carried 3-0-1. Trustee Banks abstained, he was not present at the meeting.

D. 3/12/01

Trustee Sanderson commented that the motion regarding an additional expenditure for the Village Hall refurbishment was in the March 12, 2001 workshop meeting notes. It should be in the March 12, 2001 Board Meeting.

Trustee Banks moved to adopt the minutes of March 12, 2001, as corrected, seconded by Trustee Sanderson. Motion carried 3-0-1. Deputy Mayor Appel abstained, he was not present at the meeting.

5. Cultural Center

The Director of the Cultural Center was not present at the meeting. Mayor Marshall requested that the minutes reflect that the Cultural Center and the Director be discussed at the next workshop meeting. Trustee Banks is obtaining estimates for work on the rain gutters at the Cultural Center to eliminate drainage problems. He will have the estimates for the next workshop meeting. Trustee

Sanderson inquired as to Mr. Gde's request to hold his son's birthday party at the Cultural Center. Mayor Marshall responded that the Board cannot approve private parties at the Center.

6. Village Hall Refurbishment

Trustee Banks reported that Mr. Kim, the contractor doing the refurbishment, is close to completing the work. He will meet with Mr. Kim on Tuesday morning to go over the open items. Trustee Sanderson requested that the addition be painted to match the rest of the building. The elevator motor needs to be repaired. It is not an expensive repair and it will be done. Trustee Banks will prepare a write-up on the entire refurbishment project for the Newsletter. Mr. Corless had a survey prepared of the property in order to draw up a landscaping plan for the front of the building.

7. Burgess Meredith Park Improvements

Trustee Sanderson has met with a Game Time representative regarding playgrounds, playground equipment, and recreational equipment. Trustee Sanderson will obtain written proposals from them for the tot lot, construction of the tot lot equipment, for the exercise trail, known as a Parcourse, picnic table and two benches. The construction costs will include a federally approved surface for the tot lot and Parcourse stations. If the equipment is order in a timely manner, a significant discount is available. Mr. Corless reported that he is still waiting for a permit from the County for the bridge.

8. Grants and Awards

There was nothing to report on Grants and Awards at this time.

9. Final Assessment

Trustee Sanderson moved to deny the grievance filed by Edouard Thevenut, 32 Tara Drive, Pomona, upon the ground that the grievant has failed to demonstrate that the assessment is illegal, that the property has been over-valued, or that the grievant's property has been assessed unequally. Seconded by Trustee Banks. Motion carried 4-0.

Trustee Sanderson moved to deny the grievance filed by Eugene Giscombe, 8 Beaver Dam Road, Pomona, upon the ground that the grievant has failed to demonstrate that the assessment is illegal, that the property has been over-valued, or that the grievant's property has been assessed unequally. Seconded by Trustee Banks. Motion carried 4-0.

Trustee Sanderson moved to deny the grievance filed by Paul Bateman, 25 Woodfield Road, Pomona, upon the ground that the grievant has failed to

demonstrate that the assessment is illegal, that the property has been over-valued, or that the grievant's property has been assessed unequally. Seconded by Trustee Banks. Motion carried 4-0.

Trustee Sanderson moved to deny the grievance filed by Jansen Barron, 8 Parkside Court, Pomona, upon the ground that the grievant has failed to demonstrate that the assessment is illegal, that the property has been over-valued, or that the grievant's property has been assessed unequally. Seconded by Trustee Banks. Motion carried 4-0.

Trustee Sanderson moved to deny the grievance filed by Irving and Eileen Botwinick, 1 Beaver Dam Road, Pomona, upon the ground that the grievant has failed to demonstrate that the assessment is illegal, that the property has been over-valued, or that the grievant's property has been assessed unequally. Seconded by Trustee Banks. Motion carried 4-0.

**10. Building Department
A. Code Enforcement Officer**

The Code Enforcement Officer will respond to Century 21 concerning the tent signs they put up on Village property. He will also work on the Avenall property.

B. Building Inspector

Mr. Zrelak reported that there are two model homes being built by JWL on Overlook. Also, he received two applications for new homes. One from Mr. Ferreira and one from Mr. Ukejiana. Mr. Ukejiana's application was denied because among the numerous errors, omissions, conflicting information, square footage calculated incorrectly, and it showed a two-family house. Deputy Mayor Appel questioned the validity of giving Mr. Ukejiana another building permit when he has two unfinished houses that are in questionable condition in the Village. Unless there is court action on the two unfinished houses, a permit can be granted if the specifications meet the Village Code requirements. There are still unresolved issues on the Ramsey Subdivision that must be cleared up before the final C.O.'s are issued and the road dedicated.

C. Engineering

Mr. Corless distributed a curved, color map to the Board of the High Gate Project on Overlook. The map shows the extent of the project. Residents in the area are concerned about the rocks and drainage from the top of the mountain coming down onto their homes. The Planning Board is dealing with the matter and is considering various ways to protect the residents already living in the area. The drainage work at Secor Court is on hold until the weather clears. Mr. Corless reported that Halley II is still at the Engineering phase, but should start moving along in about 6 months. Trustee Banks inquired about Phase 2 of the Hindu

Temple project. The rear parking area is shown as a stoned area, and Mr. Corless will pursue the matter with them based upon the current need for parking.

Deputy Mayor Appel moved to go into Executive Session to discuss the matter of litigation of Summit at Pomona, seconded by Trustee Banks. Motion carried 4-0.

Trustee Sanderson moved to reconvene the regular meeting, seconded by Deputy Mayor Appel. Motion carried 4-0.

11. Legal Period

As a point of information, Mr. Ortenberg informed the Board concerning a decision by Supreme Court of the United States regarding a particular case and the Army Corps of Engineers. The decision concerned small ponds and that the Army Corps of Engineers did not have jurisdiction over them.

12. Old Business

Mayor Marshall asked the Board to consider the Mirant proposal for an alternate route for the transmission lines and come prepared to the Workshop Meeting to discuss it.

13. New Business

Mayor Marshall reported he was told by a Village resident that Pomona Jewish Center had been purchased by Louis Ferrakand supporters. In fact, Pomona Jewish Center was purchased by Zoroastrians, a small religious group. A write-up about the group with background information will be printed in the Newsletter to inform all Village residents. A tentative meeting calendar for the year 2001-2002 was distributed to the Board. Mayor Marshall requested any conflicts be reported before the next meeting. Also distributed was a list of individual Board Member's tentative areas of responsibilities for the coming year.

14. Office Period

Nothing for discussion at this time.

15. Trustees Period

Nothing for discussion at this time.

Trustee Banks moved to adjourn the meeting, seconded by Trustee Sanderson. Motion carried 4-0.

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Malverne J. Toll