

VILLAGE OF POMONA  
BOARD OF TRUSTEES MEETING  
MAY 27, 2003

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 May 27, 2003.

Present

Mayor: Herb Marshall  
Deputy Mayor: Nick Sanderson  
Trustees: Ian Banks  
Alan Lamer  
Alma Roman – arrived 8 p.m.

Reuben Ortenberg, Village Attorney  
P. J. Corless, Village Engineer  
Michael Zrelak, Jr., Building Inspector

Village Clerk: Susan Glantz

Summary of Motions:

**Trustee Banks moved to approve an expenditure of \$1850.00 to Bob Sheridan to clean and paint the outside of the Cultural Center as shown in his estimate dated May 27, 2003, and \$1200.00 to reglaze and paint the front windows of the Cultural Center. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.**

**Trustee Roman moved to accept the budget for the Pomona Fish-In submitted by the Recreation Committee in the amount of \$1350.00. Seconded by Trustee Lamer. Motion carried 5-0.**

**Mayor Marshall nominated Mel Cook to the Board of Ethics. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.**

**Trustee Lamer moved to set a public hearing for June 23, 2003 at 7:30 p.m. on the local law revision for no overnight parking at any time. Seconded by Trustee Roman. Motion carried 5-0.**

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

**Trustee Banks moved to close the Executive Session and resume the public session. Seconded by Trustee Lamer. Motion carried 5-0.**

**Deputy Mayor Sanderson moved to adopt the resolution pursuant to 4-400(1)d and 7-714 of the Village Code of the State of New York authorizing action against JWL Construction to enforce Pomona Code and Enjoin Violations. Seconded by Trustee Lamer. Motion carried 5-0.**

**Trustee Lamer moved to adopt a resolution authorizing and directing that an action be brought to require the transfer of the escrow funds held in the matter of Mickleberry Estates. Seconded by Trustee Roman. Motion carried 4-0-1. Deputy Mayor Sanderson abstained.**

**Deputy Mayor Sanderson moved to adopt the resolution for the road widening of Camp Hill Road in front of the Avaneil property subject to the tax map being added to the resolution. Seconded by Trustee Banks. Motion carried 5-0.**

**Mayor Marshall moved to adopt the resolution reappointing Michael Zrelak as Building Inspector of the Village of Pomona at a salary of \$26,000.00 per annum for a term ending May 31, 2004. Seconded by Trustee Roman. Motion carried 5-0.**

**Trustee Banks moved to authorize an expenditure of \$630.00 for an additional 21 slate repairs to the roof of Village Hall. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.**

**1. Salute to the Flag**

**2. Open Period**

No one appeared to speak.

**Trustee Lamer moved to close the Open Period. Seconded by Deputy Mayor Sanderson. Motion carried 4-0.**

**3. Public Hearing – Local Law to Regulate Snow Plowing Contractors and Landscapers**

No one appeared to speak on the proposed local law.

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

Following a subsequent Board discussion on the proposed local law, Village Attorney Reuben Ortenberg was asked to redraft the proposed local law for the June 9<sup>th</sup> workshop meeting. In summary, the revisions will include prohibition of parking in the street, improper snow plowing, dumping of clippings etc., omit the need for a permit and blend it all into existing sections.

A new public hearing will be set when the proposed local law is finalized.

**4. Adoption of Minutes**

**A. April 28, 2003 and May 12, 2003**

Tabled to the next Board Meeting.

**5. Treasurer's Report**

The Treasurer's Report is attached to the minutes.

**6. Committee Reports**  
**A. Cultural Center**

A copy of the Director of the Cultural Center's report is attached to the minutes.

Mr. Gde submitted an estimate for cleaning and painting the outside of the Cultural Center building. He will also obtain an estimate from the same painter for painting the inside of the Cultural Center, and meet with Deputy Mayor Sanderson to discuss the Cultural Center's computer needs

**Trustee Banks moved to approve an expenditure of \$1850.00 to Bob Sheridan to clean and paint the outside of the Cultural Center as shown in his estimate dated May 27, 2003, and \$1200.00 to reglaze and paint the front windows of the Cultural Center. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.**

Mayor Marshall requested written details for the Board's review encompassing all aspects of the plan for June 21, 2003 rock concert. Mr. Gde will meet with Trustee Roman to prepare a written plan of the event. The plan will include any costs associated with the concert, name of bands playing, name, address and phone numbers of chaperones at the concert (minimum of 10), plans for parking, etc. Trustee Roman reported that the Recreation Committee will assist in chaperoning the event. Deputy Mayor Sanderson stressed the need for a detailed plan for the evening. How will complaints be handled? This needs to be addressed in the written plan. Trustees Roman and Lamer will attend the concert.

Mr. Gde reported that Mr. Kim, a resident, has donated and installed a new storage cabinet downstairs in the Cultural Center.

**B. Recreation Committee**

Trustee Roman submitted a budget developed by the Recreation Committee for the Pomona Fish-In scheduled for June 29, 2003. Trustee Roman also read the program planned for the day.

**Trustee Roman moved to accept the budget for the Pomona Fish-In submitted by the Recreation Committee in the amount of \$1350.00. Motion carried 5-0.**

**C. Board of Ethics**

**Mayor Marshall nominated Mel Cook to the Board of Ethics. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.**

Trustee Roman commented that the Board of Ethics is meeting tomorrow at 10 A.M. at Village Hall.

**D. Parks**

Trustee Banks reported that he visited the parks today to look them over. He is working on obtaining a new sign for the Brookside entrance to Burgess Meredith Park. A garbage can will be installed at the parking lot for Burgess Meredith Park. The large

pipe still has not been removed by Scaffidi. Mr. Corless will talk to Scaffidi about removing the pipe.

Secor Park still needs work to be done for an access to the park for the handicapped. The curb needs to be cut out and the ground leveled. A sign will be made for the park. Trustee Banks has met with Mr. Katz at Tamarack Park, his lot borders the park and there is a swale between the properties which needs to be cleaned out of downed trees and debris. Mr. Corless will obtain a price on having the easement cleaned out and the overhanging trees cut back and stone placed in the swale.

**E. Other**

Nothing at this time.

**7. Grants and Awards**

Clerk Glantz has received approval for the \$15,000.00 originally obtained for a clock to be used elsewhere in the Village. The matter will be pursued at the next workshop meeting.

**8. Building Department**

**A. Code Enforcement**

Attached is a letter from the New York State DOT regarding the 6 foot high stockade fence on Route 202. The Village Code does not allow 6 foot fences in front yards. The State has no problem with the height or location of the fence in their right of way. Trustee Banks felt the fence should be removed because it is in violation of the Village Code.

**Trustee Banks moved to have the fence removed since it doesn't comply with the Village Code. Seconded by Mayor Marshall.**

Discussion followed in which the Village Attorney suggested amending the Code to allow the fence on State roads but not on Village, County or Town roads. The matter was tabled until the Village Attorney prepares an amendment to the current local law allowing fences in the public right of way along State highways.

**Trustee Lamer moved to table the motion until the Village Attorney prepares an amendment to the Village Code. Seconded by Mayor Marshall. Motion carried 5-0.**

**B. Engineering**

Mr. Corless withdrew his recommendation of return of escrow in the amount of \$1500.00 to Lifestyle Builders for landscaping and tabled until the next Board meeting.

The procedure on proposed C. of O. escrow changes was discussed. C. of O.'s will not be issued April through November if the driveways and seeding have not been completed and there are no extenuating circumstances. The escrow amounts will be doubled if a C. of O. is issued during a time when the work cannot be done completed. Mr. Ortenberg commented that the escrow fees, and time limits for the work to be done, should be part of the subdivision process. Mr. Ortenberg will obtain specific details from

Mr. Corless and prepare an amendment to the Code regarding escrow fees and time limits.

Trustee Lamer inquired as to when the excavation, unprotected opening, on Halley Drive and North Ridge will be filled in by the cable company. Mr. Corless responded the cable company is working around the Village and he will contact them to have the hole filled in.

### **C. Building Inspector**

Mr. Zrelak reported that things have been pretty quiet. A couple of C.O.'s have been issued for houses up on the mountain.

### **9. Legal Period**

**Trustee Lamer moved to set a public hearing for June 23, 2003 at 7:30 p.m. on the local law revision for no overnight parking at any time. Seconded by Trustee Roman. Motion carried 5-0.**

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

**Trustee Banks moved to close the Executive Session and resume the public session. Seconded by Trustee Lamer. Motion carried 5-0.**

Mayor Marshall asked the Board to consider a resolution which is pursuant to 4-401D and 7-714 of the Village Code of the State of New York authorizing action against JWL Construction to enforce the Village of Pomona Code and enjoin violations. Mr. Ortenberg explained that the resolution expresses the sense of the Board and it's direction to him in January and is ratifying the acts done in response to that direction even though there was no formal resolution at that time. A copy of the resolution is attached to the minutes.

**Deputy Mayor Sanderson moved to adopt the resolution pursuant to 4-400(1)d and 7-714 of the Village Code of the State of New York authorizing action against JWL Construction to enforce Pomona Code and Enjoin Violations. Seconded by Trustee Lamer. Motion carried 5-0.**

**Trustee Lamer moved to adopt a resolution authorizing and directing that an action be brought to require the transfer of the escrow funds held in the matter of Mickleberry Estates. Seconded by Trustee Roman. Motion carried 4-0-1. Deputy Mayor Sanderson abstained.**

**Deputy Mayor Sanderson moved to adopt the resolution for the road widening of Camp Hill Road in front of the Avanel property subject to the tax map being added to the resolution. Seconded by Trustee Banks. Motion carried 5-0.**

### **10. Old Business**

Discussion was held regarding the proposal for the satellite antenna law. Deputy Mayor Sanderson has some changes to recommend, he will prepare a draft for Mr. Ortenberg

to review. The present local law regarding satellites needs to be modified to include the small satellites used by homeowners.

**Mayor Marshall moved to adopt the resolution reappointing Michael Zrelak as Building Inspector of the Village of Pomona at a salary of \$26,000.00 per annum for a term ending May 31, 2004. Seconded by Trustee Roman. Motion carried 5-0.**

A copy of the resolution is attached to the minutes.

Mayor Marshall announced a meeting with representatives of the Hindu Temple for June 9, 2003 at 7 P.M. at Village Hall.

**Trustee Banks moved to authorize an expenditure of \$630.00 for an additional 21 slate repairs to the roof of Village Hall. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.**

#### **11. New Business**

Mayor Marshall commented that he and Deputy Mayor Sanderson have begun contract renewal negotiations with Cablevision.

#### **12. Office Period**

Nothing at this time.

#### **13. Trustees Period**

Nothing at this time.

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

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Malverne J. Toll