

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
MARCH 22, 2004

CORRECTED MINUTES

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 22, 2004.

Present

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

Doris Ulman, Village Attorney
P. J. Corless, Village Engineer
Susan Glantz, Village Clerk-Treasurer

Absent

Michael Zrelak, Jr., Building Inspector

Summary of Motions

Deputy Mayor Sanderson moved to adopt the proposed Local Law Amending the Code of the Village of Pomona in Relation to Driveway Gradients as amended. Seconded by Trustee Banks. Motion carried 5-0

Deputy Mayor Sanderson moved to adopt the Minutes of February 23, 2004 as amended. Seconded by Trustee Lamer. Motion carried 4-0-1. Trustee Roman abstained, she was absent from the meeting.

Deputy Mayor Sanderson moved to adopt the Minutes of March 8, 2004 as amended. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Banks moved to return the escrow amount of \$4282.00 to Lifestyle Homes, Avi Davi, Inc. for the completion of curbs. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Deputy Mayor Sanderson moved the resolution that the payment of General Funds Claim totaling \$45,967.71 set forth on pages 1 through 5 in the monthly abstract listing dated February 23, 2004 through March 22, 2004 as submitted by the Village Clerk-Treasurer are hereby approved subject to individual audits by the Board of Trustees. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Nick Sanderson moved to reopen the Grievance Hearing held on February 17, 2004. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Banks moved to accept the recommendation of the Assessor of the 65% exemption and 35% taxable of the Hudson Valley Humane Society property. Seconded by Deputy Mayor Sanderson. Motion carried 4-1. Mayor Marshall voted against the motion.

Mayor Marshall moved to accept the grievance as filed and grant tax exemption to the Yeshiva of Spring Valley. Seconded by Trustee Roman. Motion was defeated 3 to 2. Deputy Mayor Sanderson, Trustees Banks and Lamer voted against the motion.

Trustee Roman moved to set a Public Hearing for the 2004-2005 Village of Pomona Budget for Monday, April 12, 2004 at 7:30 p.m. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the revised 2004 Schedule of Fees and Charges as set forth on the attached schedule, effective March 22, 2004. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Banks moved to adopt a resolution calling on the Nuclear Regulatory Commission to reject the re-licensing of Entergy Corporation's Indian Point 2 and 3 Nuclear Power Plants located in Buchanan, New York when their lease expires in 2013 and 2015, respectively. Seconded by Trustee Roman. Motion carried 3-0-2. Deputy Mayor Sanderson and Trustee Lamer abstained.

Deputy Mayor Sanderson moved to accept the low bid from Christopher Meredith, Inc. Landscaping and Construction in the amount of \$7,850.00. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Sanderson moved to accept the 2004-2005 Schedule of Meetings for the Village Board as presented. Seconded by Trustee Lamer. Motion carried 5-0.

1. Salute the Flag.

2. Open Period

Susan Mastrococco, 12 White Birch Lane: Inquired about an issue from the last Board Meeting regarding the expiration of building permits. Ms. Ulman responded that a resolution was adopted permitting building permits to be extended for a fee that would be 50% of the original application, exclusive of the C.O. or sewer charges.

David Herskowitz, 1 Litman Lane: Inquired about the proposed school to be built by the Yeshiva of Spring Valley. Expressed his disappointment that the Board voted against the grievance filed and did not grant them tax exemption for the property.

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

3. Public Hearing (Continuation) – Local Law Amendment – Driveway Gradients

Ms. Ulman, the Village Attorney, described the proposed local law regarding driveway gradients. After discussions with Mr. Corless, two changes were made to the proposed local law. Under the definition of Driveway Gradients, second line now reads 'that it is measured from the property line at which the private property meets the street'. This change makes the definition clearer. The second change, in Paragraph B, the change was in the last sentence 'at no time shall the ten feet of driveway from the edge of pavement into the property exceed a gradient of 4%'. Ms. Ulman stressed the new law only applies to new driveways not existing driveways.

Mayor Marshall then opened the Public Hearing on the proposed local law. No one appeared to speak.

Deputy Mayor Sanderson moved to close the Public Hearing. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Lamer raised the issue of not including the ten feet of driveway from the edge of payment in the gradient calculations. Mr. Corless agreed and suggested the following sentence be included at the end of Paragraph B. "This ten feet area at the bottom of the driveway shall not be included in the driveway gradient calculations."

Deputy Mayor Sanderson moved to adopt the proposed Local Law Amending the Code of the Village of Pomona in Relation to Driveway Gradients as amended. Seconded by Trustee Banks. Motion carried 5-0

4. Adoption of Minutes
A. February 23, 2004

Deputy Mayor Sanderson commented that on page 2 of the Minutes, Mr. Herskowitz lives at 1 Litman Lane and Mr. Leiber lives at 5 Litman Lane. Also, the spelling of Chiam was incorrect on page 6.

Deputy Mayor Sanderson moved to adopt the Minutes of February 23, 2004 as amended. Seconded by Trustee Lamer. Motion carried 4-0-1. Trustee Roman abstained, she was absent from the meeting.

B. March 8, 2004

Deputy Mayor Sanderson referred to page 3 under Old Business. Trustee Banks and Mr. Corless will meet to review the drawings and scope of the project to ensure that the work stated in the specifications is completed. Also, correct the spelling of SEQRA. Also, identify Jeff Osterman as a Planner and Frank Brown as an Attorney.

Deputy Mayor Sanderson moved to adopt the Minutes of March 8, 2004 as amended. Seconded by Trustee Lamer. Motion carried 5-0.

5. Cultural Center

A copy of the Director's report is attached to the Minutes. Mayor Marshall reminded everyone that a workshop has been scheduled for March 31st at the Cultural Center regarding West Nile Virus and Lyme Disease. Also, next month, May 5th is a meeting scheduled for the Personal Identify Workshop in Village Hall at 7:30 p.m.

6. Building Department
A. Return of Escrow Requests

Mr. Corless reported on a return of escrow request from Lifestyle Homes, Avi Davi, Inc. for curbs and trees. The curbs are complete but the trees are required to be installed and guaranteed. Mr. Corless is recommending the return of \$4282.00 for the completion of curbs. This would leave a balance of \$3850.00 for the tree escrow.

Trustee Banks moved to return the escrow amount of \$4282.00 to Lifestyle Homes, Avi Davi, Inc. for the completion of curbs. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Mr. Corless reported that Halley Estates II have cleared the Town and County drainage issues and should appear for a SEQRA hearing within a few months.

7. Committee Reports
A. Recreation

Trustee Roman reported the Committee is working on their next event. Mayor Marshall read a letter from Linda Simmons, the previous Chairperson, thanking the Board for their support and how much she appreciated working with the Committee.

B. Buildings and Parks

Trustee Banks reported the park signs are completed and ready to be installed, weather permitting. The work on the walkway at Village Hall should begin this week. Belleville Construction should begin work on the entrance to Secor Park within a couple of weeks, weather permitting.

C. Other

Trustee Roman reported that she is planning to schedule a meeting of the Ethics Committee. Also, the Beautification Committee are working on plans for flower beds in the Village.

Mayor Marshall reported that the Clean-up Committee has removed some large trash and garbage out of Tamarack Park to the curb and the Town will pick it up shortly.

8. Finance
A. Treasurer's Report

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

Deputy Mayor Sanderson moved the resolution that the payment of General Funds Claim totaling \$45,967.71 set forth on pages 1 through 5 in the monthly abstract listing dated February 23, 2004 through March 22, 2004 as submitted by the Village Clerk-Treasurer are hereby approved subject to individual audits by the Board of Trustees. Seconded by Trustee Lamer. Motion carried 5-0.

C. Grants and Awards

Mayor Marshall reported on the receipt of the CHIPS grant in the amount of \$46,608.35.

D. Assessor's Report

Deputy Mayor Nick Sanderson moved to reopen the Grievance Hearing held on February 17, 2004. Seconded by Trustee Lamer. Motion carried 5-0.

The Village Assessor, Scott Shedler, addressed the Board regarding two grievances that were filed with the Village. The Hudson Valley Humane Society did not file their grievance prior to February 17, 2004, so it had been denied. Mr. Shedler recommended that the exemption be granted using the following guidelines: percentage of 65% exempt for the Humane Society functions and 35% taxable for the income generated by boarding dogs.

Mr. Raymond Mundy, President of the Hudson Valley Human Society addressed the Board on the issue.

Trustee Banks moved to accept the recommendation of the Assessor of the 65% exemption and 35% taxable of the Hudson Valley Humane Society property. Seconded by Deputy Mayor Sanderson. Motion carried 4-1. Mayor Marshall voted against the motion.

The Assessor then addressed a grievance request from the Yeshiva of Spring Valley claiming a religious tax exemption for their property on Route 306. Mr. Shedler's recommendation, based on the data that he had received to date, is that the grievance be denied.

Rabbi Metzger, Executive Director of Yeshiva Spring Valley addressed the Board regarding the grievance they had filed. He stressed the Yeshiva has no intention to sell the property and intend to build a school on the property. Mr. Corless commented that a site plan is still before the Planning Board for private homes and if the Yeshiva is not planning on building residential houses the application should be withdrawn. Ms. Ulman suggested to Rabbi Metzger that something in writing be sent to the Village withdrawing the application to the Planning Board.

Mayor Marshall moved to accept the grievance as filed and grant tax exemption to the Yeshiva of Spring Valley. Seconded by Trustee Roman. Motion was defeated 3 to 2. Deputy Mayor Sanderson, Trustees Banks and Lamer voted against the motion.

E. Budget

A copy of the Proposed Budget for 2004-2005 is attached to the Minutes. Mayor Marshall asked for a motion setting a public hearing for the budget for April 12, 2004.

Trustee Roman moved to set a Public Hearing for the 2004-2005 Village of Pomona Budget for Monday, April 12, 2004 at 7:30 p.m. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

9. Code Enforcement

A copy of the Code Enforcement Officer's report is attached to the Minutes. In the future, the Code Enforcement Officer's report will be in the Village Hall Office the Wednesday prior to the Board meeting. Mr. Helfgott, the Code Enforcement Officer, reported that he will meet with Claude Van Kleeck to inspect and review the dog problem on Litman Lane and will then continue to monitor the situation.

Mr. Helfgott reported that the lawn at Van de Hende Park is once again ripped up by vehicles. He suggested that bollards be installed so that cars cannot drive onto the property. Trustee Banks will check out the situation and come up with a solution.

Mr. Helfgott also reported on a fire in a mulch pile at the top of the mountain on property owned by JWLConstruction. The fire department responded and wanted the pile of mulch removed. JWL Construction responded by cutting back the size of the mulch pile. JWL also installed hand-painted stop signs at the necessary intersections. The Board was appreciative of JWL Construction's response to the mulch pile and the intersection signs and expressed their thanks.

10. Legal

Ms. Ulman reported on the proposed Village of Pomona 2004 Schedule of Fees and Charges. A copy of the Schedule is attached to the Minutes.

Deputy Mayor Sanderson moved to adopt the revised 2004 Schedule of Fees and Charges as set forth on the attached schedule, effective March 22, 2004. Seconded by Trustee Lamer. Motion carried 5-0.

Mayor Marshall introduced a request from the Town of Haverstraw regarding increased cost on the Regional Sewerage Board for Sewer District #1. Ms. Ulman responded that the Village Board has no authority to approve the request since the Village has no authority over the sewer district.

Mayor Marshall then introduced a request from the Westchester County Board of Legislators regarding Indian Point. They requested the Board adopt a resolution that the licenses for Indian Point 2 and 3 not be extended for 20 years. A copy of the request is attached to the Minutes.

Trustee Banks moved to adopt a resolution calling on the Nuclear Regulatory Commission to reject the re-licensing of Entergy Corporation's Indian Point 2 and 3 Nuclear Power Plants located in Buchanan, New York when their lease expires in 2013 and 2015, respectively. Seconded by Trustee Roman. Motion carried 3-0-2. Deputy Mayor Sanderson and Trustee Lamer abstained.

11. Old Business

Five bids were received for the Landscape Maintenance for the Village for the year 2004. The bids ranged from \$7,850 to \$29,900. The low bid of \$7,850 was awarded to Christopher Meredith, Inc., Landscaping and Construction.

Deputy Mayor Sanderson moved to accept the low bid from Christopher Meredith, Inc. Landscaping and Construction in the amount of \$7,850.00. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Banks will meet with Christopher Meredith and go over the work that is required to be done as set forth in the specifications. He will also give them the weekly check list that is to be turned into Village Hall in order to receive payment.

12. New Business

Mayor Marshall reported that he has received notice that Columbia Pipelines will be purging the lines along Route 202 and there may be an odor and the work will be noisy. After discussion, it was decided a notice will be mailed to adjoining properties informing them of the Columbia Pipelines work that will be done.

13. Office Period

Clerk Glantz suggested that a completion time for work be included in bids that go out. The suggestion was favorably received and will be implemented in future bids that go out.

Deputy Mayor Sanderson moved to accept the 2004-2005 Schedule of Meetings for the Village Board as presented. Seconded by Trustee Lamer. Motion carried 5-0.

14. Trustees Period

Nothing at this time.

15. Executive Session

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

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

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

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Malverne J. Toll