

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
MAY 24, 2004

ADOPTED JULY 26, 2004

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 24, 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
Michael Zrelak, Jr., Building Inspector
Leslie Sanderson, Administrative Assistant

Absent

Susan Glantz, Village Clerk-Treasurer

Summary of Motions

Deputy Mayor Sanderson moved to authorize the Mayor to certify the SPDES General Permit for Stormwater Discharge (MS4) Permit No. GP-02-02 and submit it to the New York State Department of Environmental Conservation. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Lamer moved to adopt the Minutes of April 26, 2004 as amended. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Lamer moved to adopt the Minutes of May 10, 2004 as amended. Seconded by Trustee Roman. Motion carried 3-2. Deputy Mayor Sanderson and Trustee Banks voted against the motion. Deputy Mayor Sanderson stated for the record, his opposition is because the revised or amended Minutes do not clearly reflect the discussions that took place in the meeting.

Trustee Banks moved to approve \$750.00 for items 1 and 3 in Christopher Meredith's proposal for repair work at Burgess Meredith and Van den Hende Parks. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Roman moved to approve July 18, 2004 for the Fishing Derby to be held at Secor Park. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Banks moved the resolution that the payment of General Funds Claims totaling \$86,319.36 set forth on pages 1 through 6 in the Monthly Abstract Listing dated April 24, 2004 through May 24, 2004 as submitted by the Village Clerk/Treasurer are hereby approved subject to individual audits by the Board of Trustees. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Deputy Mayor Sanderson moved to approve the Village of Pomona Personnel Manual. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the resolution retaining Zarin & Steinmetz, in conjunction with other Villages, to commence litigation to require the Town of Ramapo to conduct extensive environmental studies and to provide mitigations as required by the New York State Environmental Quality Review Act. Seconded by Trustee Lamer. Motion carried 5-0.

1. Salute to the Flag.

2. Open Period

Susan Mastrorocco, 12 White Birch Drive had a question regarding the role between the Planning Board and the Board of Trustees. Mayor Marshall explained that the Planning Board functions independently of the Board of Trustees.

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

3. Public Meeting: Annual MS4 Permit Report

Mr. Corless, Village Engineer, reported on the attached copy of the MS4 Permit Report. Mr. Corless estimates the storm catch basins will be completely identified by next spring. He will also draw up a plan for the monitoring and maintaining all the storm catch basins.

No one from the public appeared to speak.

Deputy Mayor Sanderson moved to close the Public Meeting relating to the Annual MS4 Permit Report. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to authorize the Mayor to certify the SPDES General Permit for Stormwater Discharge (MS4) Permit No. GP-02-02 and submit it to the New York State Department of Environmental Conservation. Seconded by Trustee Lamer. Motion carried 5-0.

4. Adoption of Minutes

A. April 12, 2004

Tabled to the next meeting.

B. April 26, 2004

The following corrections were made regarding the drainage report in the Dennis Acres area, Mr. Corless will prepare and submit a final report to the Board of Trustees. A spelling correction on page 4, the word 'contact' should be 'contract'. Also on page 4, the refurbishing was for the meeting room floor, not the meeting room. Trustee Roman requested her comments be included in the Recreation Committee Report and not after the motion that was voted on. On page 6, Deputy Mayor Sanderson's question did not reflect being answered. The Village Attorney responded she is still working on the August 2003 Planning Board Minutes.

Trustee Lamer moved to adopt the Minutes of April 26, 2004 as amended. Seconded by Trustee Roman. Motion carried 5-0.

C. May 10, 2004

Corrections made were: on page 2, item C, delete the first sentence. From second sentence remove wording 'to avoid similar problems'. The last sentence in the paragraph, remove the second 'date'. On page 3, second paragraph, remove second 'the'.

Trustee Lamer moved to adopt the Minutes of May 10, 2004 as amended. Seconded by Trustee Roman. Motion carried 3-2. Deputy Mayor Sanderson and Trustee Banks voted against the motion. Deputy Mayor Sanderson stated for the record, his opposition is because the revised or amended Minutes do not clearly reflect the discussions that took place in the meeting.

5. Cultural Center

A copy of the Director of the Cultural Center report is attached to the Minutes. Trustee Banks reported that Chris Meredith will do the ground work for the shed when he finishes the front walkway. Mayor Marshall commented that central air conditioning was not discussed by the Board, but a new window unit for the downstairs of the Cultural Center was. The possibility of installing a window air conditioning unit will be looked into by Mr. Corless and Mr. Zrelak.

Mayor Marshall reported that he has been contacted by Cablevision who wants to put together a Cultural Center public service announcement to run in July or August. He will contact Cablevision and have them get in touch with Trustee Roman or Mr. Gde.

6. Building Department

A. Engineering and Building

Mr. Corless reported there were no requests for return of escrow monies. Mayor Marshall and Mr. Corless investigated a number of drainage problems that exist in the Village. Mr. Corless reported on 52 Tamarack, a drainage easement that has not been cleaned in a number of years. At 50 Tamarack the buried drainage pipe under lawn debris needs to be removed and cleaned. This is a Village easement, Mr. Corless will prepare a description of the work to be done and send it to the Village's landscape contractor for a cost estimate.

At 18 Tamarack that is a small strip of standing water that needs to be filled before it can be mowed. Mr. Corless will prepare a description of the work to be done for the Village's landscape contractor to give a cost estimate.

A detention basin was built by a developer on Town of Haverstraw property past North Circle. There is standing water in the basin that should be cleaned out. Mr. Corless will contact the developer to have it cleaned out. At 1 Jade Court, a reported problem was investigated and none was found. Burning Brush – no Village easement was found on the property, however, a headwall and drainage pipe had been installed privately and their maintenance was determined not to be a Village responsibility.

Mr. Corless reported a lack of success with the Town of Ramapo regarding the road maintenance and paving in the Village. Trustee Banks brought up the drainage problem on Ladentown Road just past Quaker Road. The water is ponding on the road and needs to have the swale cleaned out so the water can reach the pipe under the nearest driveway and then run under the road to the wetlands on the other side.

7. Committee Reports
A. Recreation Committee

Trustee Roman reported the Recreation Committee is working hard to have the Fishing Derby held on July 18th. Also, the Committee is working on a schedule for the year but it is not completed yet.

Trustee Roman moved to approve July 18, 2004 for the Fishing Derby to be held at Secor Park. Seconded by Trustee Lamer. Motion carried 5-0.

B. Buildings and Parks

Trustee Banks reported on a proposal received from Christopher Meredith for work in Burgess Meredith Park, including replacement of the basketball hoop, clearing away a tree in the walkway, and some miscellaneous tasks at a cost of \$450.00. A second item in Tamarack Park was determined to be part of his contract which Trustee Banks will explain that to him. Item three, Van de Hende Park, fill in and seed ruts made over the winter, at a cost of \$300.00. A copy of the proposal is attached to the Minutes.

Trustee Banks moved to approve \$750.00 for items 1 and 3 in Christopher Meredith's proposal for repair work at Burgess Meredith and Van den Hende Parks. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

8. Finance
A. Treasurer's Report

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

B. Expenditure Abstract Resolution

Trustee Banks moved the resolution that the payment of General Funds Claims totaling \$86,319.36 set forth on pages 1 through 6 in the Monthly Abstract Listing dated April 24, 2004 through May 24, 2004 as submitted by the Village

Clerk/Treasurer are hereby approved subject to individual audits by the Board of Trustees. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

C. Grants and Awards

Mayor Marshall requested ideas from the Board for the Historic Preservation Grant Program. Suggestions should be forward to Deputy Mayor Sanderson prior to the next Workshop meeting on June 14, 2004. Mayor Marshall suggested basketball court and tennis court possibilities, stream improvement, natural areas in the passive parks relating to the long path going up into Cheesecote Mountain, and trees, along Brookside should be considered for the grant.

Trustee Banks reported on the handicap access for Burgess Meredith Park, Mr. Corless is obtaining estimates. Trustee Banks will inspect the entrance to determine whether anything additional needs to be done.

9. Code Enforcement

A copy of the Code Enforcement Officer's report is attached to the Minutes. Mr. Helfgott reported on the Wolf Road construction debris situation. The developer said he will have the owner of the machinery remove it. Some of the debris has been removed but more has been dumped on the site. A violation notice has been sent to the developer with a ten day correction period. If the site is not cleaned up, an appearance ticket will be issued.

The dead trees on the Sri Ranganatha Temple property still have not been replaced. The garbage area needs to be repaired and maintained. Mr. Helfgott will meet with Mr. Corless to discuss how to proceed.

Discussion was held regarding the enforcement of the construction equipment law which restricts the times that heavy trucks may use Village roads. Ms. Ulman stated that all new site plans have a note relating to the time constraints for truck traffic in the Village. Site plans that were approved prior to the local law being passed need to be notified. Ms. Ulman, Village Attorney, will draft a letter to be sent to all developers and builders instructing them of the local law restricting the times that trucks are allowed on Village roads. Ms. Ulman will research the law to ensure that utility companies are included in the restrictions.

10. Legal

Ms. Ulman distributed a resolution regarding a Personnel Policy for Village employees. Deputy Mayor Sanderson questioned item A.1 regarding paid sick days which does not designate a specific number of sick days. In item D.1, insert the word 'also' after shall, regarding the Village Clerk-Treasurer "shall also attend all Village Board meetings". The same word insertion applies to D.2 also attend all Planning Board and Zoning Board of Appeals meetings. Item D.3 insertion will be "exclusive of lunch hours, **but including** such meetings as shall be determined by the Mayor. A copy of the resolution is attached to the Minutes. Items D.4, D.5 and D.6 will have inserted "shall **also** attend all meetings of the Board of Trustees and the Building Department meetings".

Deputy Mayor Sanderson will work with Ms. Ulman to amend portions of the Village of Pomona Manual and present it at the next Board meeting.

RESOLVED, that the Village of Pomona Manual for Village Officers and Employees relating to sick days, vacation, holidays, hours and days of employment is hereby amended to read as follows:

- A. All salaried officers and employees other than those paid on an hourly basis:
 - 1. All sick days are to be paid at regular rate of pay as approved by the Board of Trustees.
 - 2. Annual paid vacation of two (2) weeks after the first year of continuous employment; three (3) weeks after five years of continuous employment except that the Building Inspector shall receive an annual paid vacation of one (1) week.
 - 3. Requests for specific vacation dates shall be made to the Mayor at least two (2) months prior to the requested date.
 - 4. All vacation dates are subject to the approval by the Mayor.
- B. Officers and employees paid on an hourly basis shall receive no paid sick days and no paid vacation days.
- C. The following are official holidays on which Village Hall will not be opened for business:
 - New Years Day
 - Martin Luther King's Birthday
 - Presidents' Day
 - Memorial Day
 - Independence Day
 - Labor Day
 - Columbus Day
 - Veterans Day
 - Thanksgiving Day
 - Christmas Day
- D. The following titles and hours of employment are in effect in the Village of Pomona:
 - 1. Village Clerk-Treasurer – a minimum of 35 hours per week exclusive of lunch hours; the Village Clerk-Treasurer shall also attend all Village Board meetings and such other meetings as shall be determined by the Mayor.
 - 2. Deputy Village Clerk – a minimum of 35 hours per week exclusive of lunch hours; the Deputy Village Clerk shall attend all Planning Board and Zoning Board of Appeals meetings and also such other meetings as shall be determined by the Mayor.

3. Administrative Assistant – 16 hours per week exclusive of lunch hours, but including such meetings as shall be determined by the Mayor.
4. Building Inspector – a minimum of 15 hours per week, as follows: 7 A.M. to 8 A.M. and 5 P.M. to 7 P.M. every Tuesday, Thursday and Friday; 5 P.M. to 8 P.M. every Monday and Wednesday; any request for change in hours subject to approval of the Mayor; the Building Inspector shall also attend all meetings of the Board of Trustees and the Building Department meetings.
5. Code Enforcement Officer – a minimum of 15 hours per week, days and times to be determined by the Mayor; the Code Enforcement Officer shall also attend all meetings of the Board of Trustees and the Building Department meetings.
6. Program Aide – 14.5 hours per week including but not limited to all times the Pomona Cultural Center is open to the public; the Program Aide shall also attend meetings of the Board of Trustees.

Deputy Mayor Sanderson moved to approve the Village of Pomona Personnel Manual. Seconded by Trustee Roman. Motion carried 5-0.

An Internal Guideline for Enforcing Law Prohibiting Signs in the Public Rights of Way was distributed to the Board for their review.

Ms. Ulman gave an update on the Ramapo Master Plan. The Plan was adopted by the Town of Ramapo on January 28, 2004. A contingent representing the Ramapo Village Mayors has been meeting with Town of Ramapo officials to discuss that environmental procedures be performed before any zone changes are made. Two zone changes have already been adopted and the Mayors' recommendations have been denied by the Town. Mayor Marshall requested the Board to approve a maximum amount of \$5,000.00 to join with other Ramapo Villages to pursue a lawsuit against the Town of Ramapo. The matter will be further discussed in Executive Session.

11. Old Business

Mayor Marshall reported on the meeting he and the Code Enforcement Officer attended with Ramaquois and Deer Mountain camps relating to bus and counselor traffic. It is against Village ordinances for their buses or vans to travel on Village roads unless they are making pickups. The camps will submit a list of the buses that will be making pickups in the Village. Ramaquois, as in the past, will require their buses and counselors to make only right turns onto Ladentown Road to Route 202. Both camps will strongly emphasize to their counselors the police presence on Village roads in order to have them maintain the speed limits. A Police Officer from the Ramapo Police Department discussed speeding issues on Ladentown Road with the Board.

Ms. Ulman reported on the Yeshiva of Spring Valley tax exemption request. She has not received any paperwork from the Yeshiva of Spring Valley.

Mayor Marshall reported on a meeting that he, Deputy Mayor Sanderson and Mr. Corless the Village Engineer had with Orange and Rockland Utilities representatives to discuss work they are doing in the Village. Specific complaints were the equipment on Halley Drive, the Halley Drive road cut, and Beaver Dam road cut. They were put on notice to make proper repairs.

Trustee Lamer reported that he is still working on the Worker's Compensation Report and referred it to the Workshop.

Mayor Marshall, at the request of Camp Ramaquois, brought up the matter of installing a Stop Sign on Ladentown Road at the Call Hollow intersection. After discussion, the Board decided not to proceed with the installation.

12. New Business

Nothing at this time.

13. Office Period

Nothing at this time.

14. Trustees Period

Nothing at this time.

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

Trustee Roman moved to reopen the Public Session. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Deputy Mayor Sanderson moved the following resolution:

WHEREAS, on January 28, 2004 the Town Board of the Town of Ramapo adopted a Comprehensive Plan that, among other things, recommends zone changes for various properties within unincorporated Ramapo that will substantially increase housing density in those areas by thousands of units, and

WHEREAS, prior to the adoption of the Comprehensive Plan the Town Board failed to conduct the necessary traffic, water, sewer, drainage and other studies to determine what mitigating measures should be taken to accommodate the proposed high density housing areas, and

WHEREAS, the properties identified by the Town for such housing are primarily in the Route 59/Route 306 corridor which currently is over-burdened with traffic, may not have adequate sewer capability, has serious drainage problems and will contribute to the general water shortage in Rockland County, and

WHEREAS, since the Plan in many instances proposes spot zoning of individual parcels, it is anticipated that applications for additional zone changes are likely to be

made and granted over time and that the number of housing units, retail space and population density would be substantially higher than originally estimated, and

WHEREAS, one such egregious instance of spot zoning is the zone change proposed for the Patrick Farm property which is adjacent to the Villages of Wesley Hills and Pomona, and

WHEREAS, ten Villages within the Town of Ramapo have expressed their concern to the Town that adequate environmental studies should have been undertaken and mitigations identified before the Comprehensive Plan was adopted, and

WHEREAS, the Villages have, on many occasions, met with Town officials in an effort to obtain assurances that adequate studies would be undertaken and mitigations identified prior to the adoption of any zone changes proposed in the Comprehensive Plan, and

WHEREAS, the Town Board has refused to provide such assurances but instead has adopted zone changes such as at the Faber Cement property without undertaking such studies or providing adequate mitigations, and

WHEREAS, the traffic and other impacts resulting from zone changes in the Route 59/Route 306 corridor directly impact Village roads and properties, and

WHEREAS, several Villages within the Town of Ramapo have agreed to join together to commence litigation to require the Town of Ramapo to conduct extensive environmental studies and to provide mitigations as required by the New York State Environmental Quality Review Act,

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Pomona hereby retains the law firm of Zarin & Steinmetz to commence legal proceedings, with other Villages, against the Town of Ramapo's adoption of the Comprehensive Plan, and be it further

RESOLVED, that the proposal submitted by Zarin & Steinmetz dated January 28, 2004 is hereby accepted at a cost not to exceed \$5,000.00.

Trustee Lamer seconded. Motion carried 5-0.

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

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Malverne J. Toll