

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
OCTOBER 25, 2004

ADOPTED NOVEMBER 22, 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 October 25, 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
Susan Glantz, Village Clerk-Treasurer

Summary of Motions

Builder	Lot Number	Amount	Escrow
Menna	C-44	\$1590.00	Curbs
Menna	G-35	\$1000.00	Monuments
Menna	C-47	\$500.00	Monuments
Menna	G-34	\$762.00	Street Cleaning
Menna	G-34	\$700.00	Trees
R&D Hudson Valley	C-42	\$1460.00	Curbs
Alfieri	G-15	\$4,200.00	Trees

Trustee Banks moved to approve the escrow refund, upon recommendation of the Village Engineer, to the below listed builders. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Lamer moved to return escrow money in the amount of \$7000.00 to JWL Construction. Seconded by Trustee Banks. Motion carried 4-1. Trustee Lamer voted no because the Board's past policy was not to split escrow money refunds.

Deputy Mayor Sanderson moved to deny the request for return of escrow of \$5000.00 to JWL Construction for a driveway on Lot H-22 because it has not been completed. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to approve an expenditure of \$8500.00 for an aerating fountain for Fairy Pond. Seconded by Trustee Banks. Motion carried 5-0.

Trustee Lamer moved the resolution that the payment of General Funds Claims totaling \$89,795.65 set forth on pages 1 through 7 in the Monthly Abstract Listing dated September 28, 2004 through October 25, 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 set a Public Hearing on "A Local Law Amending the Code of the Village of Pomona in Relation to Signs on Public Property" for November 22, 2004 at 7:30 p.m. Seconded by Trustee Roman. Motion carried 5-0.

Deputy Mayor Sanderson moved to set a Public Hearing on "A Local Law Amending the Zoning Law of the Village of Pomona in Relation to Fences" for November 22, 2004 at 7:30 p.m. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the resolution amending the fee schedule for the Village of Pomona. Seconded by Trustee Banks. Motion carried 5-0.

Trustee Lamer moved to authorize Mrs. Ulman to send a letter to the Town of Ramapo regarding reimbursement for fire hydrants in the Ramapo Water District they were paid for by the Village of Pomona. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Mayor Marshall moved to authorize the Village to take part in a general campaign of Coats for Kids. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Deputy Mayor Sanderson moved the resolution that the tax roll returned by the Village Clerk-Treasurer is hereby accepted and that the warrant for uncollected taxes is hereby authorized to be transmitted to the Rockland County Commissioner of Finance on or before November 15, 2004. Seconded by Trustee Roman. Motion carried 5-0.

1. Salute the Flag.
2. Open Period

No one appeared to speak.

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

3. Adoption of Minutes
 - A. September 7, 2004
 - B. September 27, 2004

The adoption of the Minutes was tabled to the next Board Meeting.

4. Cultural Center

A copy of the Director’s report is attached to the Minutes. Mr. Helfgott has not yet installed the air conditioning unit for the lower level of the Cultural Center.

Deputy Mayor Sanderson inquired about the contractual amount of money that has been spent on the Cultural Center to date

5. Building Department
A. Engineering and Building

Upon the recommendation of the Village Engineer, the following escrow amounts will be returned to the builders listed below:

Builder	Lot No.	Amount	Escrow
Menna	C-44	\$1590.00	Curbs
Menna	G-35	\$1000.00	Monuments
Menna	C-47	\$500.00	Monuments
Menna	G-34	\$762.00	Street Cleaning
Menna	G-34	\$700.00	Trees
R&D Hudson Valley	C-42	\$1460.00	Curbs
Alfieri	G-15	\$4200.00	Trees

Trustee Banks moved to approve the escrow refund, upon recommendation of the Village Engineer, to the above listed builders. Seconded by Trustee Lamer. Motion carried 5-0.

The Village Engineer then recommended the return of \$7000.00 to JWL Construction of escrow money held for Lot G-33 pending the recalculation of the driveway slope. The driveway was then re-measured by JWL’s surveyor and it is less than the 12 ½% slope required by the Village. An escrow amount of \$2000.00 will continue to be held on Lot G-33 for drainage work to be verified.

Trustee Lamer moved to return escrow money in the amount of \$7000.00 to JWL Construction. Seconded by Trustee Banks.

Trustee Lamer inquired as to what drainage work needed to be completed. He then commented that his understanding was that escrow money would not be split and returned in partial payments. After a lengthy discussion, Mayor Marshall called for a vote on the motion with an understanding that going forward escrows would only qualify for return when the entire portion specified was completed.

Motion carried 4-1. Trustee Lamer voted no because the Board’s past policy was not to split escrow money refunds.

Mrs. Ulman will prepare a resolution for the next meeting requiring project completion before escrow qualifies for refunds.

Mr. Corless commented on escrow of \$5000.00 for the driveway on Lot H-22. The homeowner intends to install driveway pavers sometime in the future and since the

driveway has not yet been installed, Mr. Corless recommended denying the return of escrow.

Deputy Mayor Sanderson moved to deny the request for return of escrow of \$5000.00 to JWL Construction for a driveway on Lot H-22 because it has not yet been completed. Seconded by Trustee Lamer. Motion carried 5-0.

Mr. Corless then introduced a situation on Lot G-27 on Overlook. The Lot has unstable soil and is adjoined with a lot next store which needs to be completed before the soil can be stabilized. A Certificate of Occupancy cannot be granted until the neighboring lot, which has an easement across Lot G-27, is completed. Mr. Corless will compile an escrow amount to cover the unstable soil being stabilized and bring it back to the Board for approval.

Mayor Marshall brought up the matter of Norock Development, Lot C-2, and their request for return of escrow. Mrs. Ulman commented that there are still outstanding bills from Mr. Corless that need to be deducted before any escrow refunds are made.

Mr. Corless reported that road paving in the Village should commence in two weeks. The roads to be paved are: Hidden Valley, Scenic, Tamarack from #15 to #18, Beaver Dam from Camp Hill to Catalina including the cul-de-sac, Ethan Allen, cul-de-sac only, and North Circle. The paving on North Circle should correct the drainage problems on the road. Mayor Marshall is still looking into cracking and sealing on some roads in the Village.

Trustee Banks raised the issue of flooding on Ludentown Road between Quaker Road and the Fernandez' driveway. Mr. Corless responded there is a drain under the road that becomes clogged and requires periodic cleaning.

Trustee Roman again brought up the poor condition of Camp Hill Road between Route 202 and Pomona Road. The Mayor responded the road is outside the boundary of the Village and he has written Ramapo Highway Superintendent Tom Howard about the situation. A copy of the letter is attached to the Minutes.

6. Committee Reports

A. Recreation

Trustee Roman distributed a copy of the budget for the Halloween Parade. She also announced the Parade will step off from the Indian Temple on Ludentown Road at 12 noon, October 30th.

B. Buildings and Parks

Trustee Banks reported that he has received the information he needed from Mrs. Ulman in order to prepare separate phases for the landscape work to be done at Village Hall in order to obtain increment pricing. He will attempt to have the phases to be done completed for the workshop. The clean-up at Tamarack Park will be incorporated into the clean-up for all the parks in November.

C. Other

Deputy Mayor Sanderson reported on his research for a fountain or aeration device for Fairy Pond to control the algae. After discussion, it was decided that a fountain would be the best method to use. Deputy Mayor Sanderson will prepare specifications to advertise for bids for an aerating fountain for Fairy pond. Mayor Marshall asked for a motion to approve a maximum expenditure of \$8500.00 for the installation of a fountain in Fairy Pond.

Deputy Mayor Sanderson moved to approve an expenditure of \$8500.00 for an aerating fountain for Fairy Pond. Seconded by Trustee Banks. Motion carried 5-0.

Mayor Marshall raised the issue of signage for handicapped access to Village Hall. Deputy Mayor Sanderson commented that a sign is needed outside to direct people to the door that is handicapped accessible, especially during Election Day.

7. Finance

A. Treasurer's Report

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

B. Expenditure Abstract Resolution

Trustee Lamer moved the resolution that the payment of General Funds Claims totaling \$89,795.65 set forth on pages 1 through 7 in the Monthly Abstract Listing dated September 28, 2004 through October 25, 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

Nothing at this time.

8. Code Enforcement

There was no Code Enforcement report this month. Discussion regarding a truck parking overnight on Ladentown Road held. A warning notice will be placed on the trucks' windshield that overnight parking is not permitted in the Village.

9. Legal Period

A. Sign Law Revision

A copy of the proposed "A Local Law Amending the Code of the Village of Pomona in Relation to Signs on Public Property" is attached to the Minutes.

Deputy Mayor Sanderson moved to set a Public Hearing on "A Local Law Amending the Code of the Village of Pomona in Relation to Signs on Public Property" for November 22, 2004 at 7:30 p.m. Seconded by Trustee Roman. Motion carried 5-0.

A copy of the proposed "A Local Law Amending the Zoning Law of the Village of Pomona in Relation to Fences" is attached to the Minutes.

Deputy Mayor Sanderson moved to set a Public Hearing on “A Local Law Amending the Zoning Law of the Village of Pomona in Relation to Fences” for November 22, 2004 at 7:30 p.m. Seconded by Trustee Lamer. Motion carried 5-0.

Discussion was held regarding a resolution amending the fee schedule for the Village.

RESOLVED, that subparagraph c of paragraph 6 of the Schedule of Fees and Charges heretofore adopted by the Board of Trustees of the Village of Pomona is hereby amended to read as follows:

c. Clearing, Filling, Grading and Site Modifications on Lots where there is an Existing Single Family Residence - \$100.00 for the first 1,000 square feet of affected area or fraction thereof or any number of trees plus \$100.00 for each additional 1,000 square feet or fraction thereof.

Deputy Mayor Sanderson moved to adopt the resolution amending the fee schedule for the Village of Pomona. Seconded by Trustee Banks. Motion carried 5-0.

Mrs. Ulman introduced the recommendation of the County Planning Department that the Villages of Pomona and New Hempstead comment on a proposed local law being considered by the Village of Wesley Hills that creates a new Special Permit Use for arborist services. There were people in the audience who asked to comment on the matter. Mrs. Ulman disclosed, for the record, that she was the attorney for Zoning Board of Appeals for the Village of Wesley Hills at the time this matter was before them.

Neil Marcus and Suzanne Meyer of Wesley Hills addressed the Board. They addressed the Board as concerned citizens that the proposed local law was not in the best interest of the community of Wesley Hills. Mayor Marshall instructed the Clerk to have copies of the proposed local law distributed to the Board of Trustees and said that it would be discussed at the next Workshop.

Mayor Marshall introduced an e-mail he received from Brett Yagel regarding the wetlands at Patrick Farm requesting the Board to petition the New York State DEC regarding their designation. Mrs. Ulman will contact Mr. Yagel to determine exactly what it is they are requesting and report back to the Board at the next Workshop. The owners of Patrick Farm had a court appearance today regarding their disturbing the wetlands and Mrs. Ulman will also inquire as to the outcome of the court hearing.

10. Old Business

Deputy Mayor Sanderson reported that he still has not heard from O&R regarding the fencing of the utility box at the top of Halley Drive.

Mayor Marshall commented on a letter he has received from Allen Grafstein regarding the numerous electric outages he has endured at his home over a long period of time. This was a major complaint in which he asked the Village to institute a lawsuit against O&R. Mayor Marshall has contacted O&R and is pursuing the matter. Mayor Marshall asked the Board to vote if they are in favor of pursuing action against O&R. Mrs. Ulman advised the Board that the Village has no cause of action against O&R. The Board

voted 4-0-1 against taking any action against O&R at this time, with Mayor Marshall abstaining.

Mrs. Ulman inquired whether or not the Board wanted her to pursue reimbursement from the Town of Ramapo for hydrant fees paid by the Village that were supposed to be paid by the Town because the hydrants are in the Ramapo Water District.

Trustee Lamer moved to authorize Mrs. Ulman to send a letter to the Town of Ramapo regarding reimbursement for fire hydrants in the Ramapo Water District they were paid for by the Village of Pomona. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Responding to Trustee Roman's inquiry, Mayor Marshall reported that only one request was made to the office for leaf pick-up.

11. New Business

Mayor Marshall introduced a request to use Village Hall as a Coats for Kids collection site.

Mayor Marshall moved to authorize the Village to take part in a general campaign of Coats for Kids. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Discussion was held regarding a resolution for a warrant for uncollected taxes.

Deputy Mayor Sanderson moved the resolution that the tax roll returned by the Village Clerk-Treasurer is hereby accepted and that the warrant for uncollected taxes is hereby authorized to be transmitted to the Rockland County Commissioner of Finance on or before November 15, 2004. Seconded by Trustee Roman. Motion carried 5-0.

12. Office Period

Mayor Marshall distributed information regarding the payment options to the retirement system and tabled it to the next workshop.

Regarding All County and the snow removal contract, they need to provide an all-inclusive contract to the Village including shoveling walks each time it snows. The Village Clerk will contact them regarding this.

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 9:55 p.m.

Respectfully submitted,
Malverne J. Toll