

VILLAGE OF POMONA  
BOARD OF TRUSTEES MEETING  
DECEMBER 20, 2004

**ADOPTED MARCH 14, 2005**

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 December 20, 2004.

Present

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

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

Absent

Trustee: Ian Banks  
Bldg. Inspector: Michael Zrelak, Jr.

Summary of Motions

**Deputy Mayor Sanderson moved to return the escrow money in the amount of \$2100.00 being held for Lot C-46, the Bricker property, subject to a written release from the Town of Haverstraw. Seconded by Trustee Lamer. Motion carried 4-0.**

**Trustee Lamer moved the resolution that the payment of General Funds Claims totaling \$116,797.72 set forth on pages 1 through 7 in the Monthly Abstract Listing dated November 22, 2004 through December 17, 2004 as submitted by the Village Clerk/Treasurer are hereby approved subject to individual audits by the Board of Trustees. Seconded by Trustee Roman. Motion carried 4-0.**

**Deputy Mayor Sanderson moved that the General Village Election shall be held on March 15, 2005 and that there shall be one polling place in the Village to be held at the Village Hall, and be it further resolved that polls shall be open from 12 noon to 9 p.m. on the aforesaid Election Day. Seconded by Trustee Lamer. Motion carried 4-0.**

**Deputy Mayor Sanderson moved to authorize Mayor Marshall to execute the Town of Ramapo Highway Agreement. Seconded by Trustee Lamer. Motion carried 4-0.**

**Deputy Mayor Sanderson moved to authorize Mayor Marshall to negotiate and execute the Town of Haverstraw Highway Agreement when it is final. Seconded by Trustee Lamer. Motion carried 4-0.**

**Deputy Mayor Sanderson moved the Resolution Authorizing the Mayor to Request A Waiver of Section 594 of the NY Department of Public Service Commission Cable Franchise Rules. Seconded by Trustee Lamer. Motion carried 4-0.**

1. **Salute to the Flag.**
2. **Open Period**

No one appeared to speak.

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

3. **Adoption of Minutes**
  - A. **November 22, 2004**
  - B. **December 8, 2004**

Mayor Marshall announced that the above noted Minutes would be tabled to the next Board Meeting.

4. **Cultural Center**

A copy of the Director's monthly report is attached to the Minutes. Mr. Gde requested the Cultural Center be closed on Friday, December 24, 2004 and Saturday, December 25, 2004. The Board agreed with the request. Mr. Helfgott reported that the air conditioning unit will be installed shortly after the first of the year.

5. **Building Department**
  - A. **Engineering and Building**

Mr. Corless reported that Southern Pomona Homes has requested a return of escrow money for the sewers. The work has not been completed yet and the escrow money will not be returned at this time. Mayor Marshall brought up the matter of the Bricker escrow money. Mrs. Ulman commented that the rocks have been removed from the park property and the escrow should be returned to the builder. Mr. Corless commented that the rocks were removed from the park but are still on Town property. The Town wants the rocks removed from their property and until that is done they will not sign off for the return of escrow money. Mr. Corless will contact the Town to check on the current status of the matter. He recommended that the Board move to return the escrow money subject to the approval of the Town.

**Deputy Mayor Sanderson moved to return the escrow money in the amount of \$2100.00 being held for Lot C-46, the Bricker property, subject to a written approval from the Town of Haverstraw. Seconded by Trustee Lamer. Motion carried 4-0.**

Mr. Corless reported that the repaving in the Village, with the exception of the North Circle and a small piece of Tamarack has been completed. Also the

cracking and sealing has been done. Mr. Helfgott reported on a complaint he received regarding the repaving. At 1 Beaver Dam Road the repaving does not meet the end of the driveway and needs to be blended to meet the road. Mr. Corless will look into the matter. Mr. Corless also reported that the North Circle Tamarack paving would be completed as soon as practicable.

Mayor Marshall inquired of Mr. Corless about the residents' complaints concerning Southern Pomona Homes project. Mr. Corless responded that the builder is in compliance with the Village's laws and approved plans for the subdivision.

Mr. Corless reported that the ongoing drainage problem on Ladentown Road near Quaker Road is being repaired. A pipe is being replaced under a driveway and the ditch is being cleaned out and a pipe installed and then covered with stone.

Mayor Marshall distributed a letter from Patrick Brady, Executive Director of the Joint Regional Sewerage Board regarding the pump station on Halley Drive. The letter listed outstanding issues with respect to construction and operation of the pump station. A copy of the letter is attached to the Minutes. The Town will not accept dedication of the pump station until the outstanding items are corrected. Mayor Marshall inquired as to the return of escrow money to the homeowners who have put up the escrow initially. Mrs. Ulman responded that the pump station has to be accepted for dedication by the Town before the escrow money can be returned to the homeowners.

**6. Committee Reports**  
**A. Recreation**

Trustee Roman reported that the Recreation Committee will meet again in the spring to further discuss their plans. Discussion was held regarding Volunteer Recognition and a method of honoring volunteers in the Village.

**B. Building and Parks**

Deputy Mayor Sanderson reported that the specifications for the fountain at Fairty Pond have been revised and will be sent out for proposals to be opened on January 21, 2005. Mr. Helfgott requested using Burgess Meredith Park for cross country skiing. Deputy Mayor Sanderson responded that the park is already being used for cross country skiing.

**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 \$116,797.72 set forth on pages 1 through 7 in the Monthly Abstract Listing dated November 22, 2004 through December 17, 2004 as submitted by the Village Clerk/Treasurer are hereby approved subject to individual audits by the Board of Trustees. Seconded by Trustee Roman. Motion carried 4-0.**

## **C. Grants and Awards**

Nothing to report at this time.

## **8. Code Enforcement**

A copy of the Code Enforcement Officer's report is attached to the Minutes. Mr. Helfgott reported he will be traveling to Albany to look at a generator to be used in emergency situations in the Village.

## **9. Legal**

Mrs. Ulman distributed a proposed resolution regarding the General Village Election in March 2005.

**Deputy Mayor Sanderson moved that the General Village Election shall be held on March 15, 2005 and that there shall be one polling place in the Village to be held at the Village Hall, and be it further resolved that polls shall be open from 12 noon to 9 p.m. on the aforesaid Election Day. Seconded by Trustee Lamer. Motion carried 4-0.**

## **10. Old Business**

Mrs. Ulman reported that she has requested a meeting with Michael Klein, Attorney for the Town of Ramapo regarding the fees paid to United Water for hydrants in the Ramapo section of the Village. She has also called Mr. Klein and left a message for him. To date she has not heard back from him.

The highway agreement with the Town of Ramapo was discussed.

**Deputy Mayor Sanderson moved to authorize Mayor Marshall to execute the Town of Ramapo Highway Agreement. Seconded by Trustee Lamer. Motion carried 4-0.**

Mrs. Ulman reported that she is working with the Town of Haverstraw on a Highway Agreement for the Village. After discussion, the Board decided to authorize Mayor Marshall to execute an agreement when it is finalized.

**Deputy Mayor Sanderson moved to authorize Mayor Marshall to negotiate and execute the Town of Haverstraw Highway Agreement when it is final. Seconded by Trustee Lamer. Motion carried 4-0.**

Trustee Lamer reported that a stop sign has been installed on North Ridge Road.

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

Mayor Marshall reported on a meeting he attended in Clarkstown with representatives from the NYS Public Service Commission regarding the possibility of Verizon competing for cable services. The first step in the process of this happening is for the Board to pass a waiver request of certain preliminary procedural requirements. Mayor Marshall read the attached resolution into the record.

**Deputy Mayor Sanderson moved the Resolution Authorizing the Mayor to Request A Waiver of Section 594 of the NY Department of Public Service Commission Cable Franchise Rules. Seconded by Trustee Lamer. Motion carried 4-0.**

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

Nothing at this time.

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

Nothing at this time.

#### **14. Executive Session**

**Trustee Roman moved to adjourn to Executive Session to discuss matters of litigation. Seconded by Trustee Lamer. Motion carried 4-0.**

**Trustee Lamer moved to reopen the Public Meeting. Seconded by Trustee Roman. Motion carried 4-0.**

**Deputy Mayor Sanderson moved to adjourn the meeting. Seconded by Trustee Lamer. Motion carried 4-0.**

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Malverne J. Toll

**RESOLUTION AUTHORIZING THE MAYOR TO REQUEST  
A WAIVER OF SECTION 594 OF THE NY DEPARTMENT  
OF PUBLIC SERVICE COMMISSION CABLE FRANCHISE  
RULES**

**WHEREAS, the Village of Pomona desires that alternate cable providers be allowed to offer their services to the Village of Pomona residents allowing for competition of multi-channel video programming services, and**

**WHEREAS, the Public Service Commission has ruled numerous times that the procedural steps set forth in Section 594 of the New York Public Service Commission Rules are no longer necessary where a community has at least one cable television franchise; and**

**WHEREAS, the Village Board of the Village of Pomona wishes to obtain a waiver from the procedural steps that are set forth in Section 594 of the New York Public Service Commission's cable franchising rules to all additional competition;**

**NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to request a waiver from the New York State Department of Public Service allowing the Village of Pomona to bypass the franchise procedures set forth under Section 594 of the New York Public Service Commission Rules.**