

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
SEPTEMBER 26, 2005

ADOPTED DECEMBER 12, 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 September 26, 2005.

Present

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

Doris Ulman, Village Attorney
Michael Zrelak, Jr., Building Inspector
Jay Helfgott, Code Enforcement Officer
Sue Glantz, Village Clerk/Treasurer

Absent

P. J. Corless, Village Engineer

Summary of Motions

Trustee Lamer moved to adopt the amendment with the removal of the wording “or by both such fine and imprisonment” in Article VIII, Penalties, Sec. 124-14 A to the proposed local law. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Lamer moved to adopt “A Local Law Amending the Code of the Village of Pomona in Relation to Towing and Penalties for Violations of the Vehicle and Traffic Law”, as amended. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Banks moved to adopt the minutes of July 11, 2005 as presented. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Banks moved to adopt the minutes of July 25, 2005 as presented. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Roman moved to approve a Flamenco Dance Workshop at the Cultural Center, for 8 sessions at a cost of \$800.00; and be it further resolved, that the total tuition for each student shall be determined based upon the number of students who enroll in the workshop so that the total cost of tuition will be \$800.00 for all students for the 8 sessions. Seconded

by Trustee Banks. Motion carried 4-1. Deputy Mayor Sanderson voted no because he does not think Village residents benefit from it.

Trustee Roman moved to approve a Topiary Workshop at a cost of \$300.00 for two classes. Seconded by Trustee Lamer. Motion carried 4-1. Deputy Mayor Sanderson voted no because he does not think Village residents benefit from it.

Mayor Marshall moved to appoint Norvy Elliot as Recreation Committee Chairperson. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Lamer moved to accept the date of October 29, 2005 for the Halloween Parade and Party. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Lamer moved the resolution that the payment of General Funds Claims totaling \$82,101.08 set forth on pages 1 through 8 in the Monthly Abstract Listing dated August 15, 2005 through September 23, 2005, 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.

Trustee Lamer moved to designate Richard B. Phelan as the insurance agent for the Village of Pomona. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Lamer moved to authorize the Mayor to sign a Broker of Record Letter with Grant, Smith & Dassler, Inc., subject to policy review by Mayor Marshall and Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to approve the expenditure of \$300.00, membership fee, for the Village of Pomona to join the Ramapo River Watershed Intermunicipal Council and to designate Trustee Alan Lamer and Village Attorney Doris Ulman as the Village representatives. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to authorize the hiring of Paychex to prepare the quarterly reports for the Village. Seconded by Trustee Roman. Motion carried 5-0.

1. Salute the Flag.

2. Open Period

David Herskowitz, 1 Litman Lane inquired if there was an answer to a question he asked at the last meeting, if as a Town of Ramapo resident and a Village resident he was paying for both sides of the lawsuit the Village has instituted against the Town of Ramapo. The Village Attorney responded that she is researching the matter and as soon as she has an answer she will let inform Mayor Marshall. In turn, the Village Clerk will let him know the answer.

3. Public Hearing Vehicle and Traffic Law Towing and Penalties

Ms. Ulman gave an explanation of the local law entitled "A Local Law Amending the Code of the Village of Pomona in Relation to Towing and Penalties for Violations of the Vehicle and Traffic Law". A copy of the proposed local law is attached to the Minutes.

David Herskowitz, 1 Litman Lane had some questions regarding the background of the proposed amendment, i.e., any specific event or a preponderance of overnight parking that led to the escalation of the magnitude of the law. Mayor Marshall responded that there has been an escalation of degree, not quantity, of people parking in the street, knowing there was law against it and flaunting the law. There are major problems during the winter when it snows, people park in the streets and the snow plows cannot plow properly. Existing local law has been clarified, not intensified.

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

Trustee Lamer questioned Article VIII, Penalties, Sec. 124-14 A and the possibility of placing people in jail. Ms. Ulman responded the wording is the same in all the penalty provisions in the Code. After discussion, the portion "or by both such fine and imprisonment" will be omitted from the local law.

Trustee Lamer moved to adopt the amendment with the removal of the wording "or by both such fine and imprisonment" in Article VIII, Penalties, Sec. 124-14 A to the proposed local law. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Lamer moved to adopt "A Local Law Amending the Code of the Village of Pomona in Relation to Towing and Penalties for Violations of the Vehicle and Traffic Law", as amended. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

4. Adoption of Minutes A. July 11, 2005

Trustee Banks moved to adopt the minutes of July 11, 2005 as presented. Seconded by Trustee Lamer. Motion carried 5-0.

B. July 25, 2005

Trustee Banks moved to adopt the minutes of July 25, 2005 as presented. Seconded by Trustee Roman. Motion carried 5-0.

C. August 15, 2005

Tabled to the next meeting.

5. Cultural Center

A copy of the Director's report is attached to the Minutes. Mr. Gde reported that the Flamenco Dance Workshop attendees requested the workshop be continued. The attendees offered to pay for the teacher for the additional workshop. Trustee Lamer questioned if other groups could request to use the Cultural Center. Trustee Roman responded that because it was the continuation of a workshop, the attendees could pay for the teacher. Deputy Mayor Sanderson still questioned the number of Village residents that participate in workshops at the Cultural Center. Ms. Ulman suggested the matter be handled the same way the Mask Workshop was handled. The Village pays the teacher, and the attendees pay a tuition fee to the Village. For the Flamenco Dance Class, 8 sessions, the nonrefundable tuition, paid in advance, would be \$160.00 per student which equates to \$20.00 a class. A minimum of five (5) students would be required.

Trustee Roman moved to approve a Flamenco Dance Workshop at the Cultural Center, for 8 sessions at a cost of \$800.00; and be it further resolved, that the total tuition for each student shall be determined based upon the number of students who enroll in the workshop so that the total cost of tuition will be \$800.00 for all students for the 8 sessions. Seconded by Trustee Banks. Motion carried 4-1. Deputy Mayor Sanderson voted no because he does not think Village residents benefit from it.

Mr. Gde then asked for approval of a Topiary Workshop for two classes at a cost of \$300.00 (\$150.00 each class). The cost for the workshop would come out of the Cultural Center's budget.

Trustee Roman moved to approve a Topiary Workshop at a cost of \$300.00 for two classes. Seconded by Trustee Lamer. Motion carried 4-1. Deputy Mayor Sanderson voted no because he does not think Village residents benefit from it.

The Board then discussed the need for a sign in sheet or log with the names and addresses of people who attend the Cultural Center so they know if Village residents are participating. Mr. Gde said it is difficult to get people to sign in. Mayor Marshall stressed to Mr. Gde that a sign in log with names and addresses be kept at events. Mayor Marshall reported that the Cultural Center now has a computer and printer, fax, scanner installed. Mr. Gde responded that after he installed everything, they would not work. Clerk Glantz will have a computer repair person look at the computer to get it to work. Mayor Marshall asked for an update on the gravel installation. Trustee Banks responded it has not been organized yet. There are also some tree branches that need to be pruned. The dehumidifier downstairs at the Cultural Center needs to be re-installed. Trustee Banks will look into it. Also, a wood reinforcement will be installed on the rail at the entrance to the Cultural Center.

Mayor Marshall reported that Ms. Sanderson was unsuccessful in having Cablevision install a cable hook-up at the Cultural Center. She will look into an inexpensive phone connection for an e-mail service. An answer will be available at the workshop meeting in October.

Mr. Gde will obtain a price this week for a big pumpkin for Halloween. He will have the price before the workshop.

6. Building Department
A. Engineering and Building

There were no requests for return of escrow. The Building Inspector referred to a letter to the Mayor from NYEIS Inc. requesting approval to provide electrical inspection services for the Village. Ms. Ulman commented if the Board has not approved other similar requests, then this one should not be approved. Ms. Ulman commented that if they are licensed, they don't need Board approval to work in the Village. Mayor Marshall tabled the discussion to the next meeting.

B. Planning and Zoning

Nothing at this time.

7. Committee Reports
A. Recreation Committee

Mayor Marshall reported that he has met with Norvy Elliot and is recommending her for the position of Recreation Chairperson.

Mayor Marshall moved to appoint Norvy Elliot as Recreation Committee Chairperson. Seconded by Trustee Roman. Motion passed 5-0.

Trustee Roman reported that the Halloween Parade and Party are scheduled for Saturday, October 29, 2005.

Trustee Lamer moved to accept the date of October 29, 2005 for the Halloween Parade and Party. Seconded by Trustee Roman. Motion carried 5-0.

Mayor Marshall distributed a memo he sent to Leslie Sanderson regarding an added assignment involving Expenditure Guidelines and Approvals for the Recreation Committee. A copy of the memo is attached to the Minutes. Trustee Roman questioned the scope of her role with the Recreation Committee. Mayor Marshall responded that she is still the Board Liaison to the Recreation Committee. Mayor Marshall has asked the Recreation Chairperson to prepare an event budget for each planned event for Board approval. After each event, a summary of expenditures will also be prepared. Trustee Roman requested a thank you letter be sent to the outgoing Chairperson for her services.

B. Buildings and Parks

Clerk Glantz will follow up on the signs and prepare a memo for the Board for the next meeting. The prepared signs for the park have been corrected. Trustee Banks recommended adding the "No Ice Skating" and "No Swimming" signs to the existing sign posts. Deputy Mayor Sanderson suggested a second sign be placed on the fishing pier so visitors do not miss the intent. Trustee Banks will obtain prices for the second signs for Secor Park for the next workshop.

An estimate of \$850 was received to remove the fallen tree in Fairty Pond. Trustee Banks will check with Chris Meredith to see if he can do it for \$500.00

Trustee Banks reported on a letter he received from the New York State Attorney General's office regarding the dangers of treated wood. He suggests that the deck at Fairy Pond be sealed with an oil based sealer and he will obtain a cost to have it done by the next meeting.

Discussion was held regarding either replacing or repairing the damaged fence on the corner of Camp Hill Road and Route 202. Clerk Glantz received an estimate from Yaboo Fence and will obtain additional prices for the next workshop meeting.

Trustee Lamer reported a fallen tree at the tennis court which damaged the back fence. Trustee Banks will check it out.

8. 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 \$82,101.08 set forth on pages 1 through 8 in the Monthly Abstract Listing dated August 15, 2005 through September 23, 2005, 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 did question the amount paid for mileage reimbursement. The National Standard has been raised to .48 ½ cents.

C. Grants and Awards

Nothing at this time.

9. Code Enforcement

A copy of the Code Enforcement Officer's report is attached to the Minutes. Mr. Helfgott reported on a stop work order he had issued where a neighbor's property was being encroached upon. The property was resurveyed, and the stop work order was released. He is still watching Fairty Pond to see who is removing water from the pond.

10. Legal Period

Ms. Ulman reported that the matter regarding 24 Old Pomona Road is now in court and is on Ramapo's court calender for today. Jan Ulman has spoken to Mr. Ferreira and they are working out a settlement.

11. Old Business

Ms. Ulman reported there is nothing new on the situation regarding the hydrants in the Town of Ramapo.

The Halley Drive utility fence is being handled by Ms. Sanderson. A report will be sent to the Mayor before the next workshop.

Trustee Lamer reported on his review of a building appraisal report for the Village insurance. Discussion followed regarding retaining or changing the Village's insurance agent. Trustee Lamer was in favor of retaining Rusty Phelan as the Village's agent. Mr. Phelan is now with a new agency, Grant, Smith & Dassler,

Inc. The Board was in agreement in retaining Mr. Phelan and Deputy Mayor Sanderson will request a formal proposal from him for the Village's insurance.

Trustee Lamer moved to designate Richard B. Phelan as the insurance agent for the Village of Pomona. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Trustee Lamer moved to authorize the Mayor to sign a Broker of Record Letter with Grant, Smith & Dassler, Inc., subject to policy review by Mayor Marshall and Trustee Lamer. Motion carried 5-0.

Trustee Lamer recommended that a letter on Village letterhead be sent to Mr. Fred Deutsch of the New York Municipal Insurance Reciprocal regarding various policy numbers and signed by Mayor Marshall, which would basically say "effective immediately please accept this letter as your authorization to recognize as our sole broker of record for the aforementioned policy numbers, Grant, Smith and Dassler, Inc." to the attention of Richard Phelan at 2 Franklin Avenue, Pearl River, NY 10965. They do need a letter from you to NYMIR designating GSD as our broker of record for the various policies. Clerk Glantz will prepare a letter for the Mayor's signature.

Ms. Ulman reported on the Ramapo River Watershed Intermunicipal Council (RRWIC) which is seeking municipalities to join their organization. The objective of the Council is to protect the watershed, municipalities to work together to acquire grants and funds that can be used to study ways to protect the watershed, etc. The cost to join the Council is \$300.00 a year for Villages, \$500.00 a year for Towns and \$1,000.00 a year for the Palisades Interstate Park Commission. When joining the Council, the Village may appoint three representatives, 1 an elected official, 1 a Village professional, and a member of the public. The three members vote as one, with one vote permitted. Mayor Marshall recommended to the Board that the Village join the Council.

Deputy Mayor Sanderson moved to approve the expenditure of \$300.00, membership fee, for the Village of Pomona to join the Ramapo River Watershed Intermunicipal Council and to designate Trustee Alan Lamer and Village Attorney Doris Ulman as the Village representatives. Seconded by Trustee Lamer. Motion carried 5-0.

12. New Business

Mayor Marshall reported on the very large amount of donated clothing for the Hurricane Katrina victims. United Way of Rockland will collect the clothing for disbursement. The Mayor congratulates the community for their outpouring of help at this time of need. The Board joined with the Mayor in offering their congratulations to the community.

13. Office Period

Clerk Glantz reported that the accountants have recommended that the Village use Paychex to prepare and file quarterly reports. The cost is \$15.00 a month.

Deputy Mayor Sanderson moved to authorize the hiring of Paychex to prepare the quarterly reports for the Village. Seconded by Trustee Roman. Motion carried 5-0.

14. Trustees Period

Nothing at this time.

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

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

Trustee Lamer moved to adjourn the meeting. Seconded by Trustee Roman. Motion carried 5-0.

Meeting adjourned at 9:50 p.m.

Respectfully submitted,

Malverne J. Toll