

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
OCTOBER 27, 2014

ADOPTED FEBRUARY 9, 2015

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 27, 2014.

Present

Mayor: Brett Yagel
Trustees: Ian Banks
Alma Roman
Nick Wilson

Village Attorney: Doris Ulman
Bldg. Inspector: Louis Zummo
Code Enf. Officer: Fred Viohl
Dep. Vlg. Clerk: Carol LaChiana

Absent

Deputy Mayor: Leon Harris
Vlg. Engineer: J. Corless

SUMMARY OF MOTIONS

Resolution No. 90 – 2014

Trustee Roman moved the resolution that the payment of General Funds Claims totaling \$252,719.06 set forth in page 3 in the Monthly Abstract Listing dated September 23, 2014 through October 23, 2014 as submitted are hereby approved subject to individual audits by the Board of Trustees, minus \$800.00 for Flamenco Dancers.

The Payroll of October 15, 2014 as set forth in the payroll in the amount of \$22,155.50 is hereby submitted for approval, subject to the individual audits by the Board of Trustees. Seconded by Trustee Banks. Motion carried 4-0.

Resolution No. 91 – 2014

Trustee Roman moved to approve an expenditure of \$675.00 (\$600.00 for musicians and \$75.00 for entertainment) for the Winter Concert 2015 to be held on Saturday, January 17, 2015 at 8:00 p.m. Seconded by Trustee Wilson. Motion carried 4-0.

Resolution No. 92 – 2014

Trustee Roman moved to approve a contract with Ian Banks, Inc. to provide the musicians and dancers (Elisabet Torras Aguilera and Aixo Fernandez) vocals (Juan Perez Rodriguez) percussion (Jose Moreno) and guitar (Ian Banks) for the November 8, 2014 Fall Concert Flamenco Performance at 8:00 p.m. at a cost not to exceed \$800.00. Seconded by Trustee Wilson. Motion carried 3-0-1 (Trustee Banks abstaining).

Resolution No. 93 – 2014

Trustee Banks moved the following resolution: RESOLVED, that the Highway Services Contract submitted by the Town of Ramapo to provide highway maintenance and snow removal services for the Village of Pomona for the period January 1, 2015 through December 31, 2015, is hereby approved, and be it further

RESOLVED, that the Mayor is hereby authorized to execute said Contract and to take all actions necessary to implement this resolution. Seconded by Trustee Roman. Motion carried 4-0.

Resolution No. 94 – 2014

Trustee Roman moved the following resolution: RESOLVED, that the Returns for Unpaid Taxes for those properties situated within the Town of Ramapo and for those properties situated within the Town of Haverstraw submitted herewith, are hereby approved, and be it further

RESOLVED, that said Returns for Unpaid Village Taxes shall be transmitted to the Rockland County Commissioner of Finance on or before November 15, 2014. Seconded by Trustee Banks. Motion carried 4-0.

Resolution No. 95 – 2014

Trustee Roman moved the following resolution: WHEREAS, the Village of Pomona ("Pomona") is a "franchising authority" in accordance with Title VI of the Communications Act of 1934 (the "Communications Act") and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article II of the New York Public Services Law, as amended, and Title 16, Chapter VIII Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the "Cable Laws"), and

WHEREAS, Pomona executed a franchise renewal agreement with Cablevision of Wappinger Falls, Inc. ("Franchisee") on July 30, 2003, which was thereafter confirmed and made effective by the New York State Public Service Commission on May 14, 2004 for a term of ten (10) years (Case No. 98-V-0942), and

WHEREAS, Franchisee has submitted a proposed Franchise Renewal Agreement to operate a cable system within Pomona, and

WHEREAS, representatives of the Franchisee and of Pomona have met, negotiated, amended and agreed upon the terms of a Franchise Renewal Agreement and

WHEREAS, the Village hereby determines that the Franchisee is and has been in substantial compliance with the terms and conditions of the existing Franchise Agreement and applicable law, and

WHEREAS, the Village believes that the Franchisee has the requisite legal, technical and financial capabilities to operate a cable system within Pomona and that the agreed upon franchise meets the cable related needs of the community, and

WHEREAS, a duly noticed public hearing affording an opportunity for all interested persons to be heard on the proposed Franchise Renewal Agreement was held by the Board of Trustees of the Village of Pomona on October 27, 2014

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees determines that it is in the best interest of the Village of Pomona to award a Franchise Renewal Agreement to the Franchisee, and be it further

RESOLVED, that the Board of Trustees concludes that the terms of the Franchise Renewal Agreement is reasonably comparable in its totality with the terms of the Agreement between the Village and Verizon NY Inc. (Case No. 08-V-1252, confirmed by the Commission on November 14, 2008) and does not contain economic or regulatory burdens which, when taken as a whole, are greater or lesser than those burdens placed upon the party to the other agreement, and, with regard to the provision of facilities and support for Public, Educational and Government access are competitively neutral, and be it further

RESOLVED, that the Cable Franchise Agreement between the Village of Pomona and Cablevision of Wappingers Falls, Inc. as last revised October 14, 2014, is hereby approved, and be it further

RESOLVED, that the Mayor is hereby authorized to execute said Agreement and all other documents related thereto and to take all actions necessary to implement this resolution. Seconded by Trustee Wilson. Motion carried 4-0.

Resolution No. 96 – 2014

Trustee Banks moved to approve an expenditure of \$50.00 for a NYCOM Manual. Seconded by Trustee Roman. Motion failed 2-2. (Mayor Yagel and Trustee Wilson voted nay.)

Resolution No. 97 – 2014

Trustee Wilson moved to approve an expenditure up to \$90.00 for a black ¼ inch steel latch for the gate at the tennis courts. Seconded by Trustee Roman. Motion carried 3-1 (Trustee Banks voted nay)

- 1. Salute the Flag.**
- 2. Public Hearing – Cablevision Franchise Agreement (Cablevision of Wappinger Falls, Inc.)**

A copy of the Agreement is attached to the Minutes. Robert Hoch, Counsel, Local Government and Regulatory Affairs for Cablevision gave an outline of the agreement including that it is a 15-year agreement with a grant of \$7500.00 to the Village and a quarterly 5% franchise fee to be paid to the Village.

Bert Singer, 10 Chestnut Drive commented that he felt the agreement with the Village should be bid on. Also, the timing of when bills to customers from Cablevision are received and the due payment date has a short time period. He would like to see a three to four time period before the due date. He also felt the 15-year time period was too long. Mr. Singer also questioned if notice was given to all Village residents in order to receive their comments.

Ms. Ulman, Village Attorney, responded that the 15-year period was standard for all cable companies and notice had been given in the local newspaper and on the Village website.

Trustee Roman moved to close the Public Hearing. Seconded by Trustee Banks. Motion carried 4-0.

3. Open Period

Tony Sharan, Town of Ramapo Highway Superintendent. His comments to the Board concerned the condition of the undedicated roads on the mountain. The

raised manhole covers, sticking up, are dangerous and will cause damage to the snow plow trucks. There are also deep pot holes that need to be repaired. Mr. Sharan requested the Board to address the issue and consider finishing the roads and having them dedicated. Ms. Ulman commented that blacktop "collars" had been placed around the manholes. Mr. Sharan responded the "collars" over time have broken up and are no longer viable. Another problem is the private snow plowers who push the snow onto the roads. Mayor Yagel responded pushing snow onto the roads is against the law and the Code Enforcement Officer will be monitoring the situation in the Village and inform homeowners of the laws regarding leaving snow in the roads. Mr. Sharan also reported that all the Highway Department trucks now have GPS systems in them in order to know where the trucks are located.

Trustee Roman moved to close the Open Period. Seconded by Trustee Banks. Motion carried 4-0.

4. Resolution to Approve Abstract of Audited Claims

Resolution No. 90 – 2014

Trustee Roman moved the resolution that the payment of General Funds Claims totaling \$252,719.06 set forth in page 3 in the Monthly Abstract Listing dated September 23, 2014 through October 23, 2014 as submitted are hereby approved subject to individual audits by the Board of Trustees, minus the sum of \$800.00 for the Flamenco Event.

The Payroll of October 15, 2014 as set forth in the payroll in the amount of \$22,155.50 is hereby submitted for approval, subject to the individual audits by the Board of Trustees. Seconded by Trustee Banks. Motion carried 4-0.

5. Engineering & Building

A copy of the Building Inspector's report is attached to the Minutes.

6. Cultural Center & Recreation

A copy of the Director's report is attached to the Minutes. Mayor Yagel reported that the Children's Halloween Party was a huge success. Mayor Yagel expressed thanks on behalf of the Board of Trustees to Patti Wilson, Rhoda Zingale, Kay R. Kelly, Tjokay Dalem Arsa Artha and especially to Nick Wilson. The children were delighted and pleased with all the candy given out as treats.

Resolution No. 91 – 2014

Trustee Roman moved to approve an expenditure of \$675.00 (\$600.00 for musicians and \$75.00 for entertainment) for the Winter Concert 2015 to be held

on Saturday, January 17, 2015 at 8:00 p.m. Seconded by Trustee Wilson. Motion carried 4-0.

Discussion was then held regarding the Fall Concert/Performance scheduled for November 8, 2014 at 8:00 p.m. The performance features flamenco music and dancers. Trustee Banks insisted the dancers were his responsibility and he should receive payment for them and in turn he would pay the dancers. Trustee Banks commented that the performers were not working for the Village but were working for him. Mayor Yagel inquired if Trustee Banks has a contract with the performers and his response was the same contract for the past 17 years. Ms. Ulman responded if Trustee Banks has a contract with them, he should enter into a contract with the Village of Pomona to supply the performers. The solution reached was for the Village of Pomona to enter into a contract with Ian Banks, Inc. to pay for the performance and Ian Banks, Inc. would pay the dancers (Elisabet Torras Aguilera and Aixo Fermamdez) vocals (Juan Perez Rodriguez) percussion (Jose Moreno) and guitar (Ian Banks) for their performance.

Resolution No. 92 – 2014

Trustee Roman moved to approve a contract with Ian Banks, Inc. to provide the musicians and dancers (Elisabet Torras Aguilera and Aixo Fermamdez) vocals (Juan Perez Rodriguez) percussion (Jose Moreno) and guitar (Ian Banks) for the November 8, 2014 Fall Concert Flamenco Performance at 8:00 p.m. at a cost not to exceed \$800.00. Ian Banks, Inc. will then pay the performers. Seconded by Trustee Wilson. Motion carried 3-0-1 (Trustee Banks abstaining).

7. Village Maintenance

The wiring at Village Hall had been discussed previously.

8. Code Enforcement Report

A copy of the Code Enforcement Officer's report is attached to the Minutes. Mr. Viohl reported there is still a problem with residents leaving out their garbage/recycling bins overnight. Some residents comply and some do not. He will continue to monitor the matter. There are issues with 1 High Mountain and excavation work being done and 6 France Drive work being done with no building permit. Discussion was held regarding the type Appearance Tickets to be used. Ms. Ulman redid the Appearance Ticket and wants to continue to use the multiple copy form used with one copy being on file in Village Hall.

9. Grants

Nothing on Grants at the present time.

10. Legal

Ms. Ulman gave an update on two ongoing lawsuits that the Village is involved in.

11. New Business

An Agreement between the Town of Ramapo and the Village of Pomona for the Town of Ramapo to provide highway maintenance, snow removal, road repairs and related services to the Village was discussed. A copy of the Agreement is attached to the Minutes.

Resolution No. 93 – 2014

Trustee Banks moved the following resolution: **RESOLVED**, that the Highway Services Contract submitted by the Town of Ramapo to provide highway maintenance and snow removal services for the Village of Pomona for the period January 1, 2015 through December 31, 2015, is hereby approved, and be it further

RESOLVED, that the Mayor is hereby authorized to execute said Contract and to take all actions necessary to implement this resolution. Seconded by Trustee Roman. Motion carried 4-0.

Mayor Yagel then introduced the Warrants for the Return of Unpaid Village Taxes with the Towns of Haverstraw and Ramapo.

Resolution No. 94 – 2014

Trustee Roman moved the following resolution: **RESOLVED**, that the Returns for Unpaid Taxes for those properties situated within the Town of Ramapo and for those properties situated within the Town of Haverstraw submitted herewith, are hereby approved, and be it further

RESOLVED, that said Returns for Unpaid Village Taxes shall be transmitted to the Rockland County Commissioner of Finance on or before November 15, 2014. Seconded by Trustee Banks. Motion carried 4-0.

Mayor Yagel called for a resolution regarding the renewal of the Cablevision Franchise Agreement.

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Trustee Roman moved the following resolution: **WHEREAS**, the Village of Pomona ("Pomona") is a "franchising authority" in accordance with Title VI of the Communications Act of 1934 (the "Communications Act") and is authorized to grant one or more nonexclusive cable television franchises

pursuant to Article II of the New York Public Services Law, as amended, and Title 16, Chapter VIII Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the "Cable Laws"), and

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RESOLVED, that the Mayor is hereby authorized to execute said Agreement and all other documents related thereto and to take all actions necessary to implement this resolution. Seconded by Trustee Wilson. Motion carried 4-0.

Mayor Yagel announced that agenda item 11.d was withdrawn. Regarding agenda item 11.e, upgrading the Pitney Bowes mailing meter, Mayor Yagel is waiting for further information from Pitney Bowes. A new agreement would be for 36 months and would allow for additional features on the meter.

Discussion was held regarding the NYCOM Village Code Book. A printed upgrade is available to Village Officials at a cost of \$50.00 each. The alternative is to purchase one copy of the book; the Village may then make additional copies and put the copies in binders for the officials. Another option reported by Mayor Yagel was to download his copy from the Mayor site. Trustee Banks requested a book directly from NYCOM at a cost of \$50.00.

Resolution No. 96 – 2014

Trustee Banks moved to approve an expenditure of \$50.00 for a NYCOM Manual. Seconded by Trustee Roman. Motion failed 2-2. (Mayor Yagel and Trustee Wilson voted nay.)

Mayor Yagel then introduced new Village Trustee Nicholas Wilson to fill the unexpired term of Rita Louie due to her resignation. The term expires on April 6, 2015. Mr. Wilson has over 22 years of experience in the New York City Police Department as a Lieutenant in the counter-terrorism division and stated he will bring a wealth of knowledge to this Board. He has also served on the Zoning Board of Appeals.

In regards to Bullet Security, in July a motion was made to remove the cameras in the office, the remote access capability, the wall monitor, etc. Bullet Security was asked to provide a list of services to the Village and the matter will be brought to the Board at a future meeting to reconnect the closed circuit television system to the state it was before it was dismantled, to reinstall the office camera, to mount the TV and reconnect the monitor to the cameras, to replace the hard drive in the unit with a one terabyte unit hard drive and to reinstall the DVR where it was original installed and reconnect the inactivity. We have not as yet, paid the \$125.00 that was the cost of implementing the last resolution. He asked the Board to keep this in mind and a motion will be made at the next meeting regarding the matter.

12. Old Business

Trustee Banks had distributed pictures of a quality latch that is current on all tennis courts all over the world. It is made of cast iron. Mayor Yagel inquired if Trustee Banks had specifications of the lock he found. Trustee Banks responded No, it was just on a tennis court. The lock cannot be bent, it can only be broken. Mayor Yagel explained that the Board had received specifications of a latch that was ¼ inch steel and in the same color, black. The cost was \$50.00 plus shipping and an extra \$15.00 for black. Sport Tech was only paid for the material and not for the labor for the bottom rail. Mayor Yagel has been in contact with them and they said they are done and will not do anything else. Mayor Yagel asked Mr. Zummo if he would install the new latch if the Board purchased it. Mr. Zummo replied he would install it. The latch is constantly being damaged and Sport Tech will not replace it. Mayor Yagel asked for a motion to spend up to \$90.00 on a latch as presented by the Building Inspector at the last meeting including color black, shipping.

Resolution No. 97 – 2014

Trustee Wilson moved to approve an expenditure up to \$90.00 for a black ¼ inch steel latch for the gate at the tennis courts. Seconded by Trustee Roman. Motion carried 3-1 (Trustee Banks voted nay)

Mayor Yagel gave an update on the snow removal contract with Greenworld to decrease the snow depth from 2" to 1" for Greenworld to plow and shovel the walks at Village Hall. A revised contract has been sent to the Village with the 1" depth.

13. Trustees Period

Trustee Roman inquired as to the status of the Village signs. Mayor Yagel responded he has heard from the sign maker, Mr. Riley, the signs are complete, the sign locations were made at the last meeting. Trustee Banks asked about the revised list. Mayor Yagel responded the revised list was sent to the Trustees by e-mail. Trustee Banks did not think he received it and Mayor Yagel will resend the list to him.

Trustee Banks ask that the meeting time be kept and not changed on short notice because he has other things in his life.

14. Office Period

Carol LaChiana, Deputy Clerk, thanked Malverne Toll for coming into the office to help. Mayor Yagel also thanked MaMalverne for volunteering. Ms. LaChiana also thanked Doris Ulman and the Mayor for all their help at this time.

15. Executive Session

Trustee Roman moved to adjourn to Executive Session to discuss matters of litigation and personnel. Seconded by Trustee Wilson. Motion carried 4-0.

Trustee Wilson moved to close the Executive Session and reopen the Public Meeting. Seconded by Trustee Roman. Motion carried 4-0.

Trustee Roman moved to adjourn the meeting. Seconded by Trustee Wilson. Motion carried 4-0.

Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Malverne J. Toll