

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
APRIL 13, 2015

ADOPTED JULY 13, 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 April 13, 2015.

Present

Mayor: Brett Yagel
Deputy Mayor: Leon Harris
Trustees: Ian Banks
Nicholas Wilson

Village Attorney: Doris Ulman
Vlg. Clerk/Treas.: Frances Arsa Artha

Absent

Trustee: Alma Roman
Vlg. Engineer: J. Corless
Bldg. Inspector: Louis Zummo

SUMMARY OF MOTIONS

Resolution No. 32 – 2015

Trustee Wilson moved the following resolution: **RESOLVED**, that the proposed local law entitled “A Local Law Amending the Code of the Village of Pomona in Relation to Residency Requirements for Village Clerk/Treasurer and Deputy Village Clerk” is hereby adopted and enacted as Local Law No. 1 of 2015. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 33 – 2015

Deputy Mayor Harris moved to close the Public Hearing on the proposed local law overriding the tax cap, and to reserve decision until later this month. Seconded by Trustee Wilson. Motion carried 4-0.

Resolution No. 34 – 2015

Trustee Wilson moved to accept the contract submitted by Christopher Meredith Landscaping & Construction for April 1, 2015 and ending November 30, 2015 in the amount of \$9,200.00 and for roadside litter removal \$1,200.00, subject to the contractor submitting a certificate of insurance and indemnify

the Village for work performed. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 35 – 2015

Deputy Mayor Harris moved to approve an expenditure of \$600.00 for a company to inspect the elevator at Village Hall and determine the repairs needed in order for it to function. Seconded by Trustee Wilson. Motion carried 3-1. Trustee Banks voted no.

Resolution No. 36 – 2015

Trustee Wilson moved the following resolution: RESOLVED, that the Mayor's appointment of Frances Arsa Artha as Village Clerk/Treasurer and Registrar of Vital Statistics for a term expiring April 10, 2017 is hereby approved. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 37 – 2015

Trustee Wilson moved the following resolution: RESOLVED, that the Mayor's re-appointment of Carolyn LaChiana as Deputy Village Clerk for a term expiring April 11, 2016 is hereby approved. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 38 - 2015

Trustee Wilson moved the following resolution: RESOLVED, that the Mayor's re-appointment of Eloise Litman as Village Historian for a term expiring April 11, 2016 is hereby approved. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 39 – 2015

Trustee Wilson moved the following resolution: RESOLVED, that the Mayor's re-appointment of Pasquale Miele as member of the Planning Board for a term expiring April 13, 2020 is hereby approved. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 40 – 2015

Trustee Wilson moved the following resolution: RESOLVED, that Dan Kolak is hereby designated Chairperson and Jonathan Prager Deputy Chairperson of the Planning Board for terms expiring April 11, 2016. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 41 – 2015

Trustee Wilson moved the following resolution: **RESOLVED**, that the Mayor's re-appointment of Gerald Inman as member of the Zoning Board of Appeals for a term expiring April 13, 2020 is hereby approved. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 42 – 2015

Trustee Wilson moved the following resolution: **RESOLVED**, that Rhoda Appel is hereby designated Chairperson of the Zoning Board of Appeals for a term expiring April 11, 2016. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 43 – 2015

Trustee Wilson moved the following resolution: **RESOLVED**, that a contract with Fulton, Timmes, Frega and Straubinger as Village Auditor is hereby approved for a period of one year. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 44 – 2015

Trustee Wilson moved the following resolution: **RESOLVED**, that a contract with P. Joseph Corless, P.E., as Village Engineering Consultant, is hereby approved for a period of one year. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 45 – 2015

Trustee Wilson moved the following resolution: **RESOLVED**, that a contract with Turner Miller Associates as Village Planning Consultant is hereby approved for a period of one year. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 46 – 2015

Trustee Wilson moved the following resolution: **RESOLVED**, that the Journal News is hereby designated as Official Newspaper for the Village of Pomona. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 47 – 2015

Trustee Wilson moved the following resolution: **RESOLVED**, that Sterling Bank, M & T Bank and J.P. Morgan Chase Bank are hereby designated Official Depositories for the Village of Pomona, and be it further

RESOLVED, that the Village Clerk/Treasurer is hereby authorized to deposit funds not to exceed \$2 million in each of said Depositories. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 48 – 2015

Trustee Wilson moved the following resolution: **RESOLVED**, that the Village Clerk/Treasurer and Deputy Village Clerk are hereby authorized to be bonded in the amount of \$100,000 for each of said Officers. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 49 – 2015

Trustee Wilson moved the following resolution: **RESOLVED**, that the mileage reimbursement for Village officers and employees who use their private vehicles for Vehicle business is hereby set at 56.5 cents per mile. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 50 – 2015

Trustee Wilson move to approve an expenditure of \$85.00, plus mileage, for the Village Clerk/Treasurer to attend a seminar given by the NYS Comptroller's office in Kingston, New York on April 14, 15 and 16, 2015. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 51 – 2015

Trustee Wilson moved to approve the tentative meeting dates for 2015/16 as presented. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution No. 52 – 2015

Deputy Mayor Harris moved to adopt the March 23, 2015 Board Meeting Minutes. Seconded by Trustee Wilson. Motion carried 4-0.

Resolution No. 53 – 2015

Trustee Wilson moved the following resolution: **RESOLVED**, that the escrow in the amount of \$13,510.00 plus interest heretofore deposited with the Village by Southern Pomona Homes and/or Jada Subdivision is hereby authorized to be refunded to Aaron Cohen as attorney after the as-built for the subdivision has been received and approved by the Village Engineering Consultant. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Resolution N. 54 – 2015

Deputy Mayor Harris moved the following contract renewal: RESOLVED, that the contract submitted by Cornell Cooperative Extension to provide educational and other services in connection with the Village’s MS4 Program for the annual fee of \$1,000.00 is hereby approved, and be it further

RESOLVED, that P. Joseph Corless, P.E. and Doris Ulman are designated as Village representatives to the Rockland County Stormwater Consortium, 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 Wilson. Motion carried 4-0.

- 1. Salute the Flag.**
- 2. Public Meeting – Local Law Amending Village Code Regarding Residency Requirements – Village Clerk/Treasurer and Deputy Village Clerk**

Mayor Yagel introduced the proposed local law amending the Village Code regarding residency requirements for the offices of Village Clerk/Treasurer and Deputy Village Clerk. The public was invited to speak on the matter. No one from the public appeared to speak. A copy of the proposed local law is attached to the Minutes.

Deputy Mayor Harris moved to close the Public Hearing. Seconded by Trustee Wilson. Motion carried 4-0.

Mayor Yagel then asked for a resolution accepting the proposed local law.

Resolution No. 32 – 2015

Trustee Wilson moved the following resolution: RESOLVED, that the proposed local law entitled “A Local Law Amending the Code of the Village of Pomona in Relation to Residency Requirements for Village Clerk/Treasurer and Deputy Village Clerk” is hereby adopted and enacted as Local Law No. 1 of 2015. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Trustee Banks commented that he did not receive a copy of what the present law says. There could be other things in here that are being repealed.

Ms. Ulman, responded that she would read the current local law if he would like and proceeded to read the local law to the public.

Trustee Banks asked if there were other things than about residency in Section 20-15. Ms. Ulman responded "No". The current law was adopted a very long time ago and it provides that any Village Officer can reside outside of the Village. That cannot be done. Zoning Board Members and Planning Board Members are all Village Officers and by State law they are required to live within the Village. The proposed local law relates only to the Village Clerk/Treasurer and Deputy Village Clerk.

3. Public Hearing – Local Law Amending Village Code Regarding Overriding Tax Cap

Mayor Yagel invited the public to speak regarding the local law amending the Village Code overriding the tax cap. No one from the public appeared to speak. Trustee Wilson read the proposed local law.

Resolution No. 33 – 2015

Deputy Mayor Harris moved to close the Public Hearing on the proposed local law overriding the tax cap, and to reserve decision until later this month. Seconded by Trustee Wilson. Motion carried 4-0.

4. Public Hearing – Tentative Budget for Fiscal Year 2015-2016

May Pang, 6 Woodfield Road, expressed concern that the budget was "pretty big" especially the legal fees. She knows the Village taxes are going to go up. Mayor Yagel asked if she received the Village Newsletter that was sent to all residents and that explained everything including the lawsuit filed in 2007 and it is being answered. It was an expensive last year due to the many depositions that went on. The Judge allowed for an extension of the depositions period. There were bills that needed to be paid and unfortunately it will result in a raise in Village taxes. Ms. Pang asked how it was determined the tax amount to be raised. Mayor Yagel responded that the tax rate is set by the assessed value of your home. The tax bills go out June 1st, once the budget is approved then the tax rate will be set. In the tentative budget there is just over a 45% increase. Ms. Pang also questioned the increase in the Village Clerk's salary of 93%. Mayor Yagel responded that there has been a decrease on the Treasurer's side. She felt by combining the two, the amount should be less than what is shown, it's like almost 100%. Mayor Yagel responded it is not 100%. It is less. Ms. Pang then asked about the Minutes, there are no current Minutes. The Board is only doing last year's Minutes. Mayor Yagel responded that not everything is posted on the website, Ms. Pang may FOIL the Minutes in the office. Mayor Yagel commented there is an \$10,500.00 decrease in salary once the positions were combined for Village Clerk/Treasurer.

Ian Borsook, 44 White Birch also questioned the difference between the Clerk's salaries. Ms. Ulman responded the prior Clerk was not Clerk/Treasurer, she was just Clerk. Mr. Borsook then questioned the budget amount for contractual law fees. Ms. Ulman responded the number in the budget was already encumbered and the

Village's auditors suggest showing the amount in the 2015/16 budget even though it has already been accrued. The next item questioned was the increase in equipment for Village Hall. Mayor Yagel responded that amount is what is anticipated for the 2015/16 year. Mr. Borsook next asked about the street paving budget amount and did it include CHIPS money. Ms. Ulman responded yes. He also asked if the amount included paving roads on the mountain. Mayor Yagel responded not at present and the Board would never pave undedicated roads. Mr. Borsook then asked about the Capital Projects expenditures for Village Hall, Cultural Center and Parks. Mayor Yagel responded it would include repair to the elevator at Village Hall and the cost is presently unknown. At the Cultural Center the two exterior doors need to be either repaired or replaced. Also the walkway rail needs to be replaced and the Parks there are new signs and lock replacements and some of the equipment at Burgess Meredith Park. Mr. Borsook felt the Estimated General Fund Revenue was over estimated and that is a dangerous for the Village to do. Mayor Yagel responded the Budget is still to be reviewed by the Board. Mr. Borsook also questioned the salary increases. Mayor Yagel responded they are 3% across the board and health benefits are not included.

Bert Singer, 10 Chestnut asked what CHIPS stands for. Mayor Yagel responded it's a Consolidated Highway Improvement Program money that the Village receives annually from the State. Mr. Singer then asked about the upcoming tax increase and when would it take effect. Mayor Yagel responded the tax bills go out on June 1. The rate per 1,000 (for Haverstraw) based upon the assessed value would be 4.118731.

Chaim Millman, 29 Ladentown Road inquired about the legal fees and if they could be financed for payment over time. Ms. Ulman responded New York State Law does not permit this. Mr. Newman had some questions about the Reserve Account to which Ms. Ulman responded. He then asked about the health insurance for the Clerk/Treasurer and the Deputy Clerk. Mayor Yagel responded that health insurance is only provided for full time employees. In prior years it was fully paid by the Village, several years ago the law was changed that new hires would pay a percentage of the health insurance cost.

Deputy Mayor Harris moved to close the Public Hearing and reserve decision on the Budget until later this month. Seconded by Trustee Wilson. Motion carried 4-0.

Trustee Banks asked if the Board was having discussion on the Budget now or later this month. Mayor Yagel responded the discussion now but we're closing the Public Hearing.

5. Open Period

No one from the public appeared to speak.

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

6. Engineering & Building

Mayor Yagel reported on the upcoming assessment of Village roads. He will be meeting with the Village Engineer to go over an assessment of Village roads which were not included in the repaving schedules over last several years. If the Board has any recommendations for roads to be repaved send the Mayor a list by e-mail. Deputy Mayor Harris asked about berms being repaired and/or replaced. The berms will be replaced by the Town of Ramapo. Mayor Yagel asked the Board to notify Village Hall if they are aware of any berms that need to be repaired.

7. Cultural Center & Recreation

Mayor Yagel announced the Great American Clean –up is being held on April 26th and are looking for volunteers. The volunteers meet at Village Hall and he encouraged people to come out and help keep the Village clean.

There will be an Art Exhibition in progress, the opening reception is on Saturday, April 18th from 6 to 9 p.m.

8. Grants

Mayor Yagel reported on an historical grant that was looked into last year and he asked Trustee Wilson to pursue the matter, along with possible grants for the elevator repairs.

9. Village Maintenance

Mayor Yagel introduced a 2015 renewal Landscape Maintenance Contract from Christopher Meredith Landscaping & Construction. The contract covers Village Hall, Pomona Cultural Center, the tennis courts, parks, cul-de-sacs, passive park clean-up and roadside litter removal. The rate is the same as last year's contract, no increase. (A copy of the proposal is attached to the Minutes.)

Resolution No. 34 – 2015

Trustee Wilson moved to accept the contract submitted by Christopher Meredith Landscaping & Construction for April 1, 2015 and ending November 30, 2015 in the amount of \$9,200.00 and for roadside litter removal \$1,200.00, subject to the contractor submitting a certificate of insurance and indemnify the Village for work performed. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Deputy Mayor Harris asked how the contract compares with last year's contract. Mayor Yagel responded the rates appear to be the same.

Deputy Mayor Harris reported on his response to repair companies for the elevator at Village Hall. He was able to locate a company that will come to Village Hall and inspect the elevator to determine what is needed to make it functional. The rate is \$295.00 for the first hour and \$145,00 for each additional hour after that. Hopefully, it should only take 2 or 3 hours to ascertain what the problem is and the repairs to be made. Trustee Banks asked if they were coming to fix it or is that charge just to look at it and give us a price? Deputy Mayor Harris responded they are coming to take a look at it and give the Village an estimate to repair it. Trustee Banks reiterated that they are charging for the estimate. Trustee Banks understanding is that the Village does not pay for that in the past. Deputy Mayor Harris responded that presently there are no other companies that are willing to do that. Trustee Banks commented that the policy of the Village was not to pay for estimates and we never have. Deputy Mayor Harris responded that we have an elevator that is not working and we need to get it repaired. Trustee Banks asked Deputy Mayor Harris that he is saying he has found no company that is willing to give an estimate without charging. Deputy Mayor Harris responded that thus far he has not found any company that will come and give an estimate without charging. If Trustee Banks can find a company that will come without charging the Village will gladly do that. Mayor Yagel asked for a resolution to spend up to \$600.00 to have an estimate to find out what is wrong with the elevator at Village Hall.

Resolution No. 35 – 2015

Deputy Mayor Harris moved to approve an expenditure of \$600.00 for a company to inspect the elevator at Village Hall and determine the repairs needed in order for it to function. Seconded by Trustee Wilson. Motion carried 3-1. Trustee Banks voted no.

10. New Business

Organizational Appointments:

Mayor appoints Leon Harris as Deputy Mayor for a term expiring April 11, 2016.

Mayor appoints Frances Arsa Artha as Village Clerk/Treasurer and Registrar of Vital Statistics for a term expiring April 10, 2017.

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Resolution No. 49 – 2015

Trustee Wilson moved the following resolution: RESOLVED, that the mileage reimbursement for Village officers and employees who use their private vehicles for Vehicle business is hereby set at 56.5 cents per mile. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Mayor Yagel announced that the Grand Fondo NY bike ride will be held on May 17, 2015 and gave an overview of the route they will take in the Village.

Mayor Yagel and Ramapo Police Chief Peter Brower have arranged to hold a SCAM presentation in the Village on Thursday, May 28, 2015 at 7 p.m. Presenters will be from the Ramapo Police Department and the District Attorney's office.

The NYS Comptroller's office is holding a seminar for Clerks and Treasurers on April 14, 15 and 16, 2015 in Kingston, New York. Mayor Yagel requested approval for the Village Clerk/Treasurer to attend and approve an expenditure of \$85.00 plus mileage.

Resolution No. 50 – 2015

Trustee Wilson move to approve an expenditure of \$85.00, plus mileage, for the Village Clerk/Treasurer to attend a seminar given by the NYS Comptroller's office in Kingston, New York on April 14, 15 and 16, 2015. Seconded by Deputy Mayor Harris. Motion carried 4-0.

A list of tentative meeting dates for the Village Board for the 2015/16 years. Mayor Yagel asked if the Board had any questions regarding the proposed dates. All were in agreement with the proposed dates.

Resolution No. 51 – 2015

Trustee Wilson moved to approve the tentative meeting dates for 2015/16 as presented. Seconded by Deputy Mayor Harris. Motion carried 4-0.

11. Old Business

Mayor Yagel asked for the adoption of the Minutes for the March 9, 2015 Workshop Meeting. Trustee Banks responded that he had sent an e-mail to the Board Members outlining a problem he has with one part of the Minutes and he asked the discussion be tabled to Executive Session as there are Executive Session issues in the public meeting Minutes which he would like cleared up.

Mayor Yagel then asked for the adoption of the Minutes for the March 23, 2015 Board Meeting.

Resolution No. 52 – 2015

Deputy Mayor Harris moved to adopt the March 23, 2015 Board Meeting Minutes. Seconded by Trustee Wilson. Motion carried 4-0.

12. Legal

Ms. Ulman explained the reason for the escrow refund in the amount of \$13,510.00 to Southern Pomona Homes and/or Jada Subdivision.

Resolution No. 53 – 2015

Trustee Wilson moved the following resolution: RESOLVED, that the escrow in the amount of \$13,510.00 plus interest heretofore deposited with the Village by Southern Pomona Homes and/or Jada Subdivision is hereby authorized to be refunded to Aaron Cohen as attorney after the as-built for the subdivision has been received and approved by the Village Engineering Consultant. Seconded by Deputy Mayor Harris. Motion carried 4-0.

Ms. Ulman explained to the Board and those in attendance the purpose of the Cornell Cooperative Extension contract and the reason the Village should continue to participate in the Extension's programs.

Resolution N. 54 – 2015

Deputy Mayor Harris moved the following contract renewal: RESOLVED, that the contract submitted by Cornell Cooperative Extension to provide educational and other services in connection with the Village's MS4 Program for the annual fee of \$1,000.00 is hereby approved, and be it further

RESOLVED, that P. Joseph Corless, P.E. and Doris Ulman are designated as Village representatives to the Rockland County Stormwater Consortium, 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 Wilson. Motion carried 4-0.

Ms. Ulman then gave an update on the status of the NYS Department of Labor investigation. She received a call from the Public Employees Safety Hazard Division Inspector to visit the Village to determine if the Village had complied with their recommendations. Ms. Ulman has prepared a written memo on all of the steps the Village has taken to comply, many steps had been taken prior to the citation. He conducted the follow-up audit and seems to be satisfied with the Village's response and have not heard from him officially but she feels there will be no further inquiry.

13. Trustees Period

Trustee Banks had two items he wanted to add to the record on the budget. A concerned resident sent him a copy of the Local Government Codes, titled Finances, it's Chapter 102, Municipal Budgets, that he's assuming applies to the Village, whether it does or does not, is not the point. He thinks there are some good ideas on presentation of a budget and he would like to suggest. Mayor Yagel requested Trustee Banks to send it around to the Board so they could take a look at it. Trustee Banks will give a copy of it to everyone. Trustee Banks asked Ms. Ulman if he was correct that the Local Government code applies to the Village. Ms. Ulman responded she would have to see the document. Trustee Banks then went on to read portions of the Local Government Code. Trustee Banks then raised the question of salary increases given to employees, some more than others. Mayor Yagel responded it was 3% across the board.

Deputy Mayor Harris asked for input on possible movies to be shown this coming summer at Village Hall. A tentative date would be June 13th and the movie would be Into the Woods. Contact the Village if you have any recommendations.

14. Second Open Period

Ian Borsook commented that people are receiving calls saying they represent Microsoft Corporation and it is a scam.

Trustee Wilson moved to close the Second Open Period. Seconded by Deputy Mayor Harris. Motion carried 4-0.

15. Executive Session

Deputy Mayor Harris 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 Deputy Mayor Harris. Motion carried 4-0.

Deputy Mayor Harris 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