

VILLAGE OF POMONA
VILLAGE BOARD MEETING
OCTOBER 23, 2023
7:30 P.M.

PRESENT

Mayor Ilan Fuchs

Deputy Mayor Mendy Lasker

Trustee Joel Grunwald

Trustee Raanan Zidile

Trustee Marc Greenberg

ALSO PRESENT

Village Attorney Brian Nugent

Village Clerk Jenna Antoine

At 7:32pm Mayor Ilan Fuchs called the meeting to order and led everyone in the Pledge of Allegiance.

A Moment of Silence for Israeli victims

Mayor Ilan Fuchs made a motion to open the public comment period. The motion was seconded by Joel Grunwald.

No public comment

Mayor Ilan Fuchs made a motion to close the public comment period. The motion was seconded by Joel Grunwald.

Public Hearing Continued– Veolia (formerly Suez) Water Tank: 83 Halley Dr.

Mayor Ilan Fuchs made a motion to open the public hearing for Veolia Water Tank: 83 Halley Drive. The motion was seconded by Marc Greenberg.

Paul Cabral and Gary Stuart were present from CDM Smith. They went over the GML Review that we received from the Rockland County Department of Planning. The Town of Haverstraw must be given the opportunity to review the proposal and its impact on the community. We have still not received any comments from the Town of Haverstraw. Per Deputy Mayor Mendy Lasker, Village Clerk is to prepare GML review package for the Town of Haverstraw and he will hand-deliver it tomorrow, October 24, 2023, this way we can ensure they have received the package.

Per the Rockland County Planning Department the Palisades Interstate Park Commission needs to be given the opportunity to review this proposal. Per Village Attorney, Brian Nugent, CDM Smith is to send a letter to the Palisades Interstate Park Commission and let them know they are free to respond to the project proposal. If we don't hear back from them, we don't have to technically override the recommendation. Per the Rockland County Planning Department a review must be completed by the County of Rockland Office of Fire and Emergency Services, Village of Pomona fire inspector or the Moleston/Hillcrest Fire Department to ensure that the site is designed in a safe manner and that there is easy access to the water tank and associated structures, in the event of an emergency. Per the Board of Trustees applicant is to contact these other agencies and make sure we receive a response from at least one of them, in order to move forward. Per Village Attorney, Brian Nugent, in our resolution we will acknowledge which landscaping plan is currently being proposed. The correct version is the one submitted to the Village in August 2023.

Per Village Attorney, Brian Nugent, hopefully at the next meeting on November 27, 2023 we can do a resolution approving the special permit, conditional of variances. CDM Smith is to get the other notifications out to the other agencies for GML Review. If we don't have responses back by the next meeting, as long as the Board doesn't see it differently, we could move to do a special permit approval. We could do a special permit with conditions that would be approved subject to site plan approval and the variances that are required in compliance with any conditions. Village Board authorized the applicant to begin the process with the Planning Board, they voted on this resolution. Upon vote, the motion was carried by all present, passes 5-0.

Mayor Ilan Fuchs made a motion to move the public hearing on this special permit to next month, November 27th at 7:30 p.m. The motion was seconded by Deputy Mayor, Mendy Lasker. Upon vote, the motion was carried by all present, passes 5-0.

Mayor Ilan Fuchs made a motion to open the public hearing concerning the proposed law regarding parades. The motion was seconded by Deputy Mayor, Mendy Lasker.

No public comment

Mayor Ilan Fuchs made a motion to close the public comment period. The motion was seconded by Joel Grunwald.

RESOLUTION

A Meeting of the Village Board of the Village of Pomona, New York was convened on **October 23, 2023 at 7:30 p.m.**

The following Resolution was duly
offered and seconded to wit:

**RESOLUTION ADOPTING LOCAL LAW NO. 5 OF 2023
A LOCAL LAW TO CREATE CHAPTER 99 OF THE VILLAGE CODE
REGARDING PARADES IN THE VILLAGE OF POMONA**

WHEREAS, the Village Board of the Village of Pomona, New York (“Village Board”) from time to time reviews its laws, rules and regulations to be certain the same are consistent with all current lawful practices as well as best practices to protect the health, safety and welfare of Village residents; and

WHEREAS, the Village Board desires to adopt a LOCAL LAW TO CREATE CHAPTER 99 OF THE VILLAGE CODE REGARDING PARADES IN THE VILLAGE OF POMONA; and

WHEREAS, such introductory Local Law was introduced before the Village Board on October 23, 2023; and

WHEREAS, upon notice duly published and posted, a Public Hearing was held on said Local Law on October 23, 2023 wherein public discussion was heard concerning the merits of said Local Law and after hearing from all those present wishing to speak and acknowledging that no written comments had been received, the Village Board declared the public hearing closed.

NOW, THEREFORE, BE IT RESOLVED by the Village Board as follows:

Section 1. All “WHEREAS” paragraphs are incorporated herein by reference as though set forth in full.

Section 2. The Village Board hereby adopts Local Law No. 5 entitled, “A Local Law to Create Chapter 99 of the Village Code Regarding Parades in the Village of Pomona” as attached hereto as Schedule “A.”

Section 3. The Village Clerk is hereby directed to enter said Local Law into the minutes of this meeting and in the Local Law book of the Village of Pomona, and to give due notice of the adoption of said Local Law by filing the Local Law in the Office of the Secretary of State in the State of New York.

Section 4. This Resolution shall be effective immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Mayor Ilan Fuchs	YES
Trustee Mendy Lasker	YES
Trustee Marc Greenberg	YES
Trustee Joel Grunwald	YES
Trustee Raanan Zidile	YES

The Resolution was thereupon duly adopted.

DATED: OCTOBER 23, 2023

VILLAGE OF POMONA

LOCAL LAW NO. 5 OF 2023

**A LOCAL LAW TO CREATE CHAPTER 99 OF THE VILLAGE CODE
REGARDING PARADES IN THE VILLAGE OF POMONA**

BE IT ENACTED by the Village Board of the Village of Pomona, County of Rockland New York (“Village Board”) as follows:

Section 1.

§ 99-1 Title.

This chapter shall be known as “The Parade Law of the Village of Pomona.”

§ 99-2 Legislative intent.

It is the intent of this chapter that, prior to any person or organization conducting a parade, assembly or demonstration, they shall register with the Village Clerk in order that the Village of Pomona may provide for proper traffic control, pedestrian safety and police protection.

§ 99-3 Definitions.

For the purposes of this chapter, the following definitions shall apply:

ASSEMBLY

A group of 20 or more persons gathering at a specific location or locations for a period in excess of 30 minutes.

CONTACT PERSON

The individual who has been authorized by the applicant and has agreed to be present at the event and to be responsible for the good order and conduct of the event.

DEMONSTRATION

A public display of support (as of approval, disapproval, sympathy or antagonism) by 20 or more persons.

EVENT

An assembly, demonstration, or parade.

PARADE

Any march or procession of any kind, or other similar activity consisting of 20 or more persons, five or more animals, or five or more vehicles, or any combination thereof, in or upon any public street or any other Village property. Funeral processions and wedding processions shall not be considered parades.

PERSON

Any person, firm, partnership, association, corporation or other organization of any kind.

POLICE

The Ramapo Town Police Department and/or Haverstraw Town Police and any other police department with authority to act within the Village.

PUBLIC STREET

Any street, sidewalk, crosswalk or alley open to the public within the Village.

VILLAGE PROPERTY

Any property owned by the Village, other than a public street, that is not leased to another public entity.

§ 99-4 Prior registration required.

All persons, organizations, organizers and/or sponsors who plan to conduct an event within the Village of Pomona shall register with the Village Clerk at least 15 days prior to the date of the event, unless the applicant can show good cause why the applicant could not reasonably comply with said provision.

§ 99-5 Event permit required.

It shall be unlawful for any person to take part in an event on any public street or on any Village property unless a valid permit has been issued for said event by the Village Clerk. No permit shall be required for an assembly of less than 30 people in a public place or other area that does not impact public health, safety and welfare (e.g. no street closures, no additional parking required, no sound systems, no additional Village services)

§ 99-6 Application for permit.

A. Application.

(1) An application for an event permit shall be made in writing to the Village Clerk and shall include the following:

(a) The name, address, and telephone number of the applicant.

(b) To the extent that the applicant has the following, they shall also be provided: a facsimile number and an e-mail address.

- (c) If the applicant is a person other than an individual, the name, address, and telephone number of the individual signing the application on behalf of the applicant.
- (d) The name, address, and telephone number of a responsible individual who shall be the contact person and who shall be present at the entire event, and the cellular telephone number of the cellular telephone that that individual shall carry from one hour before until one hour following the conclusion of the event.
- (e) The requested date and time for the event to commence and conclude.
- (f) The requested place of the event and, if applicable, the requested starting point, route to be traveled, and the termination point of the event and, to the extent applicable, the width of the public street to be used.
- (g) The approximate number of individuals, animals (and types thereof), and vehicles on behalf of the applicant which will constitute or otherwise be involved within the Village with the event.
- (h) Whether any amplified speech, music, or other sounds will be made during the event. All such sounds must conform to the Village's noise regulations.
- (i) If the event is a parade, the application shall state the approximate interval of space between the units of the parade and the approximate maximum distance from the front to the back of the parade.
- (j) The proposed location for the parking of vehicles and, if a parade, the lineup area.
- (k) The purpose of the event and such other information of which the applicant is aware as may assist the Village in estimating the number of observers and/or counter-demonstrators that may be expected so that the Board of Trustees and the police may adequately prepare for the event in order to protect the health, welfare, and safety of the residents and others taking part in or in close proximity to the event.
- (l) Any pertinent history of prior events by the applicant, to the extent that such history may be helpful to the Board of Trustees and the police in adequately preparing for the event in order to protect the health, welfare, and safety of the residents and others taking part in or in close proximity to the event.
- (m) Verification that the police have been notified of the event and that the applicant for registration has complied with all the requirements of the police.
- (n) Acknowledgment that the parade, motorcade or public assembly must continue to move at a fixed rate of speed and that any willful delay or willful stopping of said parade, motorcade or public assembly, except when reasonably required for the safe and orderly conduct of the parade, motorcade or public assembly, shall constitute a violation of the permit.

(o) The Village Clerk shall utilize the Village's "email blast" to notify residents of the date, time and parade route and shall also post same on the Village's website.

(p) Agreement to pay the costs actually incurred by the Village of Pomona in connection with the event.

(q) Agreement to make way should emergency vehicles require access to any property along the event route.

(2) The application shall be signed by or on behalf of the applicant and by the contact person. Both of such signatures shall be acknowledged by a notary public.

B. Each event permit shall include such conditions as to the time, place, and manner of the demonstration as the Board of Trustees and/or the police, in their respective reasonable discretion, may deem appropriate to adequately protect the health, welfare, and safety of the residents and others taking part in or in close proximity to the event. Notwithstanding anything to the contrary herein or in the event permit, the Mayor and/or the police are authorized to change the locations and/or routes if, in the interest of public safety, the Mayor and/or the police, in their respective reasonable discretion, find it appropriate to do so.

C. Unless such application is incomplete or there is a constitutional basis for doing so, such permit shall be issued timely by the Village Clerk upon the applicant's compliance with the provisions of this chapter.

D. Notice of the event date, time, route, and any temporary public street closures shall be provided to all property owners along the event route. Notice shall be provided in a cost-effective manner designed to reach each affected property owner.

§ 99-7 Interference with parades prohibited.

A. No person shall unreasonably hamper, obstruct, supersede or interfere with any event or with any person, vehicle or animal participating in an event.

B. No person shall interfere with an event by driving a motor vehicle between the vehicles or persons composing an event when such vehicles or persons are in motion and are conspicuously designated as an event, when such event is being held in conformity with an event permit issued pursuant to this chapter. The foregoing shall not apply to police, fire, ambulance, and other emergency vehicles when being operated in the course of their police or fire duties, or during emergency situations.

C. The Mayor and the police shall have the authority to prohibit or restrict the stopping, standing, and/or parking of vehicles along a public street or part thereof constituting a part of or in close proximity to an event. The Mayor may order the posting of signs to such effect, and it shall be unlawful for any person to stop, stand, or park any vehicle in violation thereof.

D. The Mayor and the police are hereby severally authorized to direct the towing of any vehicle parked in violation of this section and to collect any and all fees associated with the towing of the vehicle from the vehicle's registered owner.

§ 99-8 Duties of permittee.

A. A permittee under this chapter shall strictly comply with all permit directions and conditions and with all applicable statutes, codes, ordinances and rules and regulations and lawful directions of the Mayor and the police.

B. The contact person shall have immediate access to the cellular telephone, the telephone number of which was set forth in the application for the event permit, from one hour before until one hour following the conclusion of the event. The cellular telephone shall be turned on, in good condition, and sufficiently charged, so that the Village may have full contact with the contact person from one hour before until one hour following the conclusion of the event.

§ 99-9 Denial of permit.

Any application for a permit for an event may be summarily denied by the Village Clerk if:

A. The event for which a permit is sought would conflict with another event for which a permit is to be or has been issued and for which application was made previous to the application to be rejected.

B. The event would conflict with an event to which this chapter does not apply.

C. The event is to be held for the purpose of advertising any commercial product, goods or event or is designated purely for private profit.

D. The application does not comply with § 99-6 herein.

E. If the Police shall deem that the event is of a size or nature that requires the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto that allowing the event would deny reasonable police protection to the Village.

§ 99-10 Enforcement.

A Police Department having jurisdiction, and/or the Building Inspector or Code Enforcement Officer for the Village of Pomona, shall have the power, right and authority to issue an appearance ticket, as the same is defined in Article 150 of the Criminal Procedure Law of the State of New York, for the violation of any section of this chapter.

§ 99-11 Penalties for offenses.

A. Any person violating any section or provision of this chapter shall be liable to a fine a not more than \$250 for each day or part thereof during which such violation occurs.

B. In addition to the above provided penalties and punishment, the Village Board may also maintain an action in the name of the Village of Pomona in any court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

C. The remedies contained within this chapter shall not be exclusive but shall be in addition to any other remedy provided by law, so long as not inconsistent herewith, nor shall the invoking of any remedy or procedure contained within this chapter preclude the pursuit of any and all other remedies, and the same are intended to be cumulative.

Section 2. Severability.

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5 (26) and (33) this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

Section 4. Code Preparation.

The Village Code preparation contractor is authorized, without further action of the Village Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this Local Law.

Section 5. Effective Date.

This Local Law shall be effective immediately upon filing with the Secretary of State.

Mayor Ilan Fuchs made a motion to approve the below Indian Heritage Month Proclamation.

Seconded by Deputy Mayor, Mendy Lasker. Upon vote, the motion was carried by all present, passes 5-0.

Indian Heritage Month Proclamation

WHEREAS, the United States of America is a diverse and multicultural nation, strengthened by the contributions of individuals from various backgrounds, cultures, and heritages; and

WHEREAS, the Indian American community has played an integral role in shaping the cultural, social, economic, and educational fabric of our nation, enriching our society with their traditions, values, and innovations; and

WHEREAS, Indian Heritage Month provides an opportunity for all Americans to celebrate and recognize the rich history, vibrant traditions, and remarkable achievements of Indian Americans; and

WHEREAS, Indian Americans have made significant contributions to fields such as science, technology, medicine, business, arts, and government, and have excelled in academia, entrepreneurship, and numerous other areas; and

WHEREAS, the values of unity, diversity, and inclusion that are foundational to the Indian American community resonate with the core principles of the United States, fostering mutual understanding and cultural appreciation; and

WHEREAS, the month of October has been designated as Indian Heritage Month to honor and celebrate the enduring contributions of Indian Americans to our nation's heritage;

NOW, THEREFORE, I, do hereby proclaim the month of October as Indian Heritage Month. Let us all take this opportunity to recognize and celebrate the enduring legacy of Indian Americans and their invaluable contributions to the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Pomona to be affixed this twenty-third day of October in the year 2023.

Treasury Reports

Trustee Mendy Lasker moved the resolution that the payment of General Funds Claims totaling \$326,237.24 set forth on page 10 in the Monthly Abstract Listing dated August 29, 2023 through October 23, 2023 as submitted is hereby approved subject to individual audits by the Board of Trustees. Seconded by Joel Grunwald. Upon vote, the motion was carried by all present.

Approval of Minutes from Village Board Meeting on 9/11/23. Mayor, Ilan Fuchs moved that the minutes be approved and was seconded by Deputy Mayor, Mendy Lasker. Upon vote, the motion was carried by all present, passes 5-0.

Approval of Minutes from Village Board Meeting on 9/29/23. Mayor, Ilan Fuchs moved that the minutes be approved and was seconded by Deputy Mayor, Mendy Lasker. Upon vote, the motion was carried by all present, passes 5-0.

Pomona Cultural Center

Gde Arsa Artha presented a report on the Pomona Cultural Center and spoke about the upcoming New Year Concert on January 6, 2023. Mr. Arsa Artha requested a sum of \$950: \$800 for the performers and \$150 for refreshments. Deputy Mayor, Mendy Lasker made a motion to approve the above. Seconded by Trustee Joel Grunwald. Upon vote, the motion was carried by all present.

Playground updates for Burgess Meredith & Secor Park

We are using the grant money we received to update the playgrounds in both parks. Pat Corsetti, Inc. out of Mamoroneck, New York won the bids for both projects. After review of the recently submitted paperwork, the ARPA Department has determined that the solicitation was completed in accordance with the requirements set forth in the Post-Contract Expectations letter. We can now proceed with the contract for Pat Corsetti, Inc. We will fix the water issue in Burgess Meredith Park at a later day, when we get more grant money.

Secor Park: Fairty Pond

Per Deputy Mayor, Mendy Lasker why do we have three bills from the Pond Company when we only contacted them for service one time. The Village Clerk, Jenna Antoine is to contact the Pond Company and get this issue resolved.

Executive Session

Deputy Mayor, Mendy Lasker made a motion to go into the executive session of the meeting. The motion was seconded by Trustee Raanan Zidile.

Mayor Ilan Fuchs made a motion to adjourn the public meeting at 9:25pm. The motion was seconded by Trustee Marc Greenberg. Upon vote, the motion was carried by all present.

Minutes respectfully submitted by

Jenna Antoine, Village Clerk

