

**VILLAGE OF POMONA**  
**VILLAGE BOARD MEETING**

**JANUARY 22, 2024**

**7:30 P.M.**

**PRESENT**

**Mayor Ilan Fuchs**

**Deputy Mayor Mendy Lasker**

**Trustee Raanan Zidile**

**Trustee Marc Greenberg**

**ABSENT**

**Trustee Joel Grunwald**

**ALSO PRESENT**

**Village Attorney Brian Nugent**

**Village Clerk Jenna Antoine**

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At 7:34pm Mayor Ilan Fuchs called the meeting to order and led everyone in the Pledge of Allegiance.

Marc Greenberg made a motion to open the public comment period. The motion was seconded by Mendy Lasker. Upon vote, the motion was carried by all present, passes 4-0-1.

No public comment

Mendy Lasker made a motion to close the public comment period. The motion was seconded by Marc Greenberg. Upon vote, the motion was carried by all present, passes 4-0-1.

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## **Treasury Report**

Mayor Ilan Fuchs and the entire Village Board thank the Treasurer, Dorinda M. Mittiga for all of her hard work for the Village of Pomona.

Trustee Mendy Lasker moved the resolution that the payment of General Funds Claims totaling \$191,744.33 set forth on page 7 in the Monthly Abstract Listing dated December 19, 2023 through January 22, 2024 as submitted is hereby approved subject to individual audits by the Board of Trustees.

The Payroll(s) of December 29, 2023 and January 12, 2024 as set forth in the payroll in the amount(s) of \$11,463.64 and \$11,480.38 respectively, are hereby submitted for approval, subject to the individual audits by the Board of Trustees. Seconded by Trustee Raanan Zidile. Upon vote, the motion was carried by all present, passes 4-0-1.

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## **Meeting Minutes**

Approval of Minutes from the Village Board Meeting on 12/18/23. Mendy Lasker moved that the minutes be approved and was seconded Raanan Zidile. Upon vote, the motion was carried by all present, passes 4-0-1.

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## **Pomona Cultural Center**

Gde Arsa Artha submitted a report to the Village Board on the Pomona Cultural Center. In the report he wrote about an upcoming Spring Exhibition on April 21, 2024. Mr. Arsa Artha requested a sum of \$750: \$400 for the entertainment and \$350 for refreshments. Mayor Ilan Fuchs made a motion to approve the above. Seconded by Marc Greenberg. Upon vote, the motion was carried by all present, passes 4-0-1.

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**RESOLUTION**

A Meeting of the Village Board of the Village of Pomona, New York was convened on **January 22, 2024 at 7:30 p.m.**

The following Resolution was duly offered and seconded to wit:

**RESOLUTION APPROVING EXTENSION OF SPECIAL PERMIT SUBJECT TO  
CONDITIONS FOR A HOUSE OF WORSHIP AT 34 NORTH RIDGE ROAD**

WHEREAS, the Village of Pomona (“Village”) previously enacted and filed Local Law No. 1 of 2021 amending Chapter 130 of the Village Code regarding Neighborhood Houses of Worship, Residential Gatherings and Community Houses of Worship; and

WHEREAS, the Village Board of Trustees is the entity in the Village that approves Special Permits for Houses of Worship; and

WHEREAS, a neighborhood House of Worship is a permitted use subject to Special Permit approval by the Village Board of Trustees, pursuant to § 130-10.H; and

WHEREAS, the Village previously received and approved an application (“Special Permit”) in August of 2022 for a Neighborhood House of Worship from Chabad of the Heights (“Applicant”) proposed at 34 North Ridge Road in the Village, S/B/L 25.05-2-13 (“Subject Property”); and

WHEREAS, pursuant to the Village Code, the Special Permit would expire after a one-year period; and

WHEREAS, the Applicant has requested an extension of two months of its Special Permit due to the Applicant awaiting approvals relating to the service of water and sewer to the Subject Property; and

WHEREAS, the Village Board desires to approve a limited extension of the Special Permit.

NOW, THEREFORE, it is resolved as follows:

- Section 1. The above “WHEREAS” clauses are incorporated herein as if set forth in full.
- Section 2. The Special Permit, previously approved, is hereby extended for 60 days, subject to any conditions that were included with the initial approval of the Special Permit application.
- Section 3. The Mayor, or in his absence or inability to act, the Deputy Mayor is hereby authorized to take any and all actions necessary to carry out the provisions of this Resolution. Further, all employees, officials and consultants, as directed by the Mayor (or Deputy Mayor) are hereby authorized to take any and all actions necessary to carry out the provisions of this Resolution.
- Section 4. The Village Clerk shall transmit a copy of this Resolution to the Building Inspector and any other official as determined appropriate by the Village Clerk.
- Section 5. 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	ABSENT
Trustee Raanan Zidile	YES

The Resolution was thereupon duly adopted.

DATED: JANUARY 22, 2024

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## **PROCUREMENT POLICY VILLAGE OF POMONA, NEW YORK**

### **1. Review of Purchase Type; Competitive Bidding; Documentation**

Every purchase to be made must be initially reviewed by the Authorized Purchaser<sup>1</sup> who will determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding pursuant to Section 103 of the General Municipal Law of the General Municipal Law of the State of New York (GML), taking into account past purchases and the aggregate amount to be spent in a year.

The following items are not subject to a requirement of competitive bidding pursuant to § 103 of the GML:

- Purchase contracts in the amount of \$20,000 or less and public works contracts in the amount of \$35,000;
- Emergency Purchases<sup>2</sup>

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<sup>1</sup> Authorized Purchasers are identified under No. 9 in this policy.

<sup>2</sup> An “emergency” shall mean a public emergency arising out of an accident or unforeseen occurrence or condition affecting public buildings, public property or life, health, safety or property of the inhabitants of the Village. Unless

- Goods purchased from agencies for the blind or severely handicapped;
- Goods purchased from correctional institutions;
- Purchases or services exempt from solicitation;
- Surplus and second-hand purchases from another governmental entity;
- Purchases under State contracts pursuant to § 104 of the GML;
- Purchases under County contracts pursuant to § 103 of the GML; or
- Other publicly bid contracts from another municipality or state that conforms to New York State General Municipal Law.

## **2. Decision**

The decision that a purchase is not subject to competitive bidding shall be documented in writing by the Authorized Purchaser. This documentation shall include:

- Written or verbal quotes from vendors;
- A memo from the purchaser indicating how the decision was arrived at;
- A copy of the contract indicating the source which makes the item or service exempt;
- A memo from the purchaser detailing the circumstances which led to an emergency purchase, if any;
- Any other written documentation that is appropriate

## **3. Requests for Proposals**

All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism shall be avoided except for purchases made pursuant to the “Decision” section of this policy.

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exigent circumstances exist such that time is of the essence, the purchaser shall seek to obtain approval of the Village Board of Trustees prior to purchase or contract.

#### 4. Method of Purchase

The following method of purchase will be used when required by this policy in order to achieve the highest savings:

##### (a) Purchase Contracts

Estimated Amount	Method
Up to and including \$ 2,000	Discretion of Authorized Purchaser, 2 Verbal Quotations
\$ 2,001 to \$ 5,000	Discretion of the Village Mayor; 3 Verbal Quotations
\$ 5,001 to \$ 19,999	3 Written/Fax Quotations or Written Request for Proposals with List of Deliverables and Schedule
\$ 20,000 and over	<b>To be bid pursuant to § 103 of the General Municipal Law</b>

##### (b) Public Works Contracts

Estimated Amount	Method
Up to and including \$ 2,000	Discretion of Authorized Purchaser, 2 Verbal Quotations
\$ 2,001 to \$ 5,000	Discretion of the Village Mayor; 3 Verbal Quotations
\$ 5,001 to \$ 34,999	3 Written/Fax Quotations or Written Request for Proposals with List of Deliverables and Schedule
\$ 35,000 and over	<b>To be bid pursuant to § 103 of the General Municipal Law</b>

Any request for proposals shall describe the desired goods, quantity of goods, and particulars of delivery. The purchases shall compile

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempts made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

## **5. Documentation**

Documentation is required of each action taken in connection with each procurement. All information gathered in complying with the procedures of this Policy shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract. All responses to the request for proposals shall be kept confidential until such time as the contract for work or goods is awarded and thereafter all documents responsive to the request for proposals shall be subject to disclosure pursuant to the applicable provisions of the Public Officers Law.

## **6. Awarding of Contracts Other Than Lowest Responsible Offeror**

The lowest responsible offeror shall be awarded the purchase or public works contract unless the purchaser prepares a written specification providing reasons why it is in the best interest of the Village to award the contract to other than the lowest responsible offeror. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

## **7. Exemptions from Solicitation**

Pursuant to General Municipal Law § 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality.

In the following circumstances it may be not in the best interests of the Village of Pomona to solicit quotations or document the basis for not accepting the lowest bid:

- (a) Professional services or services requiring special or technical skill, training or expertise subject to resolution of the Village Board
  - The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.
  - In determining whether a service fits into this category, the Village Board shall take into consideration the following guidelines:
    - whether the services are subject to state licensing or testing requirements;

- whether substantial formal education or training is a necessary prerequisite to the performance of the services; and
  - whether the services require a personal relationship between the individual and municipal officials.
  - Professional or technical services shall include but not be limited to the following:
    - services of an attorney; services of a physician, technical services of an engineer or architect engaged to prepare plans, maps and estimates; securing insurance coverage and/or
    - services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or artwork; management of municipally owned property; and
    - computer software or programming services for customized programs, or services involved in substantial modification, and
    - Water / Sewer Operations, and
    - Computer software or programming services for customized programs or services involved in substantial modification and customizing of prepackaged software.
  - Notwithstanding the above, the Village shall still seek to obtain requests for proposals or requests for qualification in consideration of an award for professional services, unless impracticable to do so. In any event, the Village shall document its actions in seeking out qualified professionals and any submissions submitted or obtained in response.
- (b) Emergency purchases pursuant to § 103, Subdivision 4, of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
- (c) Purchases of surplus and secondhand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and secondhand in excess of \$500 goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used

goods and a lower price may indicate an older product. The Authorized Purchaser will conduct a review of the item to be purchased that is used or secondhand and forward a written opinion to the Village Board explaining the useful remaining life of the item, and the benefit and / or saving by purchasing the item used rather than new.

- (d) Goods or services under \$1,000. The time and documentation required to purchase through this policy may be costlier than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

## **8. Amendment and Annual Review**

This policy shall be effectively immediately upon adoption by Village Board resolution and shall be reviewed and adopted annually at each Village Board re-organization meeting. The failure of the Village Board to review and/or adopt the Procurement Policy at any Village re-organization meeting shall not affect the application of this policy to Village procurement. The Village Board may amend this Procurement Policy at any time by a Village Board resolution adopted by a majority of the Village Board. In the event of an amendment to General Municipal Law § 103 altering the bidding thresholds for competitive biddings, this policy shall be deemed amended to reflect such alterations.

## **9. Authorized Purchasers**

The following officers//employees shall be deemed Authorized Purchasers for their respective departments/ areas of responsibility during their term of office or employment:

Mayor Ilan Fuchs	For all Village Departments, including for general Village services and purchases for areas of responsibility overseen by consultants or vendors.
Village Clerk Jenna Antoine	For the Village Office and Village Clerk's Office.
Building Inspector Louis Zummo	For the Building Department/ Code Enforcement Office
Treasurer Dorinda Mittiga	For the Treasurer's Department

Mendy Lasker made a motion to approve the above Procurement Policy. Seconded by Mayor Ilan Fuchs. Upon vote, the motion was carried by all present, passes 4-0-1.

The Resolution was thereupon duly adopted.

DATED: JANUARY 22, 2024

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### **RESOLUTION**

A Meeting of the Village Board of the Village of Pomona, New York was convened on **January 22, 2024 at 7:30 p.m.**

The following Resolution was duly offered and seconded to wit:

#### **RESOLUTION AUTHORIZING THE RELEASE OF CERTAIN ESCROW FUNDS DEPOSITED BY LUE DEVELOPMENT, LLP**

**WHEREAS**, pursuant to a prior 2018 agreement with the Village of Pomona (“Village”) and Lue Development, LLC (“Lue Development”), Lue Development posted certain performance and maintenance security amounts with the Village concerning the completion of certain road related work associated with the Highgate Estates Project (“Project”) and such escrow accounts were identified as “Account A” and “Account B”; and

**WHEREAS**, pursuant to the Agreement, Twenty-three thousand Five Hundred (\$23,500) Dollars (“Subject Escrow”) was to remain in Account A for a period of one year following acceptance of the work identified in the Agreement; and

**WHEREAS**, the one-year retention period for the Subject Escrow has expired; and

**WHEREAS**, the Village Engineer has recommended release of the Subject Escrow pursuant to correspondence dated December 17, 2023, Lue Development agrees that the scheduled balance shall be \$6,000 and no further refund shall be due; and

**WHEREAS**, the Village Board desires to authorize the release of the Subject Escrow in accordance with the recommendations of the Village Engineer.

HOW THEREFORE BE IT RESOLVED, that:

- Section 1. The above “WHEREAS” paragraphs are incorporated herein by reference as if set forth in full.
- Section 2. The Village Board hereby authorizes the Mayor, in consultation with the Village Treasurer to release Six Thousand (\$6,000) Dollars the Subject Escrow (“Account A”) to Lue Development.
- Section 3. The Mayor, and any officer, employee or consultant, as directed by the Mayor is hereby authorized to take any and all actions necessary to carry out the provisions of this Resolution.
- Section 4. This Resolution shall not authorize the release of any funds from Account B on deposit with the Village.
- Section 5. 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	ABSENT
Trustee Raanan Zidile	YES

The Resolution was thereupon duly adopted.

DATED: JANUARY 22, 2024

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## **Trustees Period**

Trustee Marc Greenberg asked if we have a way to make the new lights on Camp Hill Road less bright. Per Deputy Mayor, Mendy Lasker the lights are not under our jurisdiction, when Orange and Rockland installs new lights they always have the brightness turned all the way up. Mendy Lasker will have Orange & Rockland send the Village Clerk a contact so that we can email them with pictures of the pole numbers, as we get residents requesting the light brightness to be lowered a little.

Trustee Marc Greenberg requested that the Village Clerk send the Code Enforcement Officer out to 15 Hidden Valley Drive in Suffern, to investigate, lots of garbage being thrown out and nothing is in garbage bags. Trustee Marc Greenberg will email pictures for the above property to the Village Clerk as well.

Deputy Mayor, Mendy Lasker commended Trustee Raanan Zidile for all of his hard work for the Village of Pomona.

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## **Office Period**

The Village Clerk brought up a few things at the end of the meeting in regards to how great resident communication has been with our office in regards to certain roads needing additional salting and or plowing, as we continue to get cold weather and snow during these winter months. For example today we had the corner of Camp Hill Road and Quaker Road intersection re-salted due to ice patches seen by the Village Clerk. The middle of Camp Hill Road hill, going towards Ladentown Road was also re-salted as well, due to ice patches. Our office is aware that both of these areas above tend to get ice patches and we have alerted the Ramapo Highway Department about this as well. They are keeping an eye on the above areas and so is our office as well.

Today a resident also alerted the Village Clerk and Trustee Raanan Zidile to thick ice being at the corner of Mabley Court and Woodfield Road. Trustee Raanan Zidile sent our office a video as well, so the Ramapo Highway Department could see the full extent of the situation. The Ramapo Highway Department re-salted the area right away and the ice is already starting to thaw out. Safety is our top priority and the Village of Pomona staff and Board Members appreciate residents being cautious and also making us aware when certain streets need to be re-salted or plowed.

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Deputy Mayor Mendy Lasker made a motion to adjourn the public meeting at 7:58 pm. The motion was seconded by Trustee Raanan Zidile. Upon vote, the motion was carried by all present, passes 4-0-1.

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Minutes respectfully submitted by

Jenna Antoine, Village Clerk