

**Village of Wesley Hills
Board of Trustees
Board Meeting, Village Hall
Tuesday, October 9, 2018**

MEMBERS PRESENT:

Marshall Katz, Mayor
Ed McPherson, Deputy Mayor
Howard Richman, Trustee
Ruth Ivey, Trustee

MEMBERS ABSENT:

Marion Ben-Jacob, Trustee

OTHERS PRESENT:

Ben Selig, Village Attorney
Camille Guido-Downey, Village Clerk
Donalee Berard, Treasurer

Mayor Katz called the meeting to order at 7 pm followed by the Pledge of Allegiance.

Item #1

Resolution #93-18

Approval of Minutes of the Regular Meeting: September 4, 2018

Howard Richman made a motion to approve the minutes of September 4, 2018, seconded by Ruth Ivey. Upon vote, this motion carried unanimously.

Item #2

Resolution #94-18

Resolution authorizing Village Attorney of the Village of Wesley Hills to forward correspondence to Barak Jacobov, confirming the authority of the Village of Wesley Hills to use escrow funds posted by said Jacobov to perform work required by the Village Planning Board Resolution No. 18-2

Howard Richman made a motion to move the following resolution, seconded by Ed McPherson:

WHEREAS, by Resolution 18-2, the Planning Board of the Village of Wesley Hills required that Barak Jacobov posted an escrow fund with the Village of Wesley Hills in the amount of \$20,000.00 to ensure that work required by the Filling and Excavation permit granted pursuant to said resolution was completed in accordance with the revised topography shown on the plot plan entitled, "Barak Jacobov, Village of Wesley Hills, Rockland County, New York, Existing Site" dated December 6, 2017, and last revised on January 8, 2018, as prepared by Atzl, Nasher & Zigler, P.C., be undertaken and completed no later than July 1, 2018, and

WHEREAS, as of this date the applicant, Barak Jacobov, has failed to undertake and complete said work,

NOW, BE IT RESOLVED, that the Village Attorney of the Village of Wesley Hills is authorized to correspond with the applicant, Barak Jacobov, in order to confirm that the Village will undertake this work on behalf of the applicant and pay for same out of the applicant's escrow fund unless said work is diligently undertaken by said applicant on or before ten (10)

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days subsequent to forwarding to said applicant of the aforementioned correspondence from the Village Attorney.

Discussion;

Mayor Katz stated that the applicant has not completed the work and the Village is ready to move to have the work done and paid for with applicants' escrow account. Village Engineer will have to visit the property and provide the Village with a list of items to get done and the Village would have to hire a contractor. Board members suggested that the Village Engineer recommend a contractor to perform the required work.

Upon vote, this motion carried unanimously.

Item #3

Resolution #95-18

Resolution approving a partial release of escrow funds to Wesley Estates LLC

Ruth Ivey made a motion to move the following resolution, seconded by Howard Richman:

WHEREAS, pursuant to an escrow agreement executed by Wesley Estates, LLC, on August 21, 2018, said Wesley Estates, LLC, deposited with the Village of Wesley Hills an escrow fund in the sum of \$29,500.00 in order to ensure that the work required at the premises located at 7 Soundview Drive, Wesley Hills, New York, be undertaken and completed by November 1, 2018, and

WHEREAS, as of this date, all of the required work has been completed with the exception of final grading including topsoil, hay and seed,

NOW, THEREFORE, BE IT RESOLVED, that \$27,000.00 of the aforementioned escrow fund in the amount of \$29,500.00 be released and forwarded to Wesley Estates, LLC, in order that the said escrow fund be reduced to the net amount of \$2,500.00 which will continue to be held in escrow pursuant to said escrow agreement until completion of final grading, including topsoil, hay, seed to the satisfaction of the Village of Engineer of the Village of Wesley Hills, and

IT IS FURTHER ORDERED, that the Village Clerk shall forthwith remit out of said escrow fund the sum of \$27,000.00 to Wesley Hills, LLC.

Upon vote, this motion carried unanimously.

Item #4

Resolution #96-18

Resolution approving, nunc pro tunc, effective September 5, 2018, the Governmental Lease Agreement between the Village of Wesley Hills and E. Copier Solutions, Inc.

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Howard Richman made a motion to move the following resolution, seconded by Ruth Ivey:

RESOLVED, that the Governmental Lease Agreement heretofore entered into between the Village of Wesley Hills and E. Copier Solutions, Inc., be and the same is hereby accepted and approved, nunc pro tunc, effective September 5, 2018, and that the Mayor's execution of said agreement on behalf of the Village of Wesley Hills be and the same is also approved, nunc pro tunc, effective September 5, 2018.

Upon vote, this motion carried unanimously.

Item #5A
Resolution approving abstracts of audited claims

Resolution #97-18

Ruth Ivey made a motion to move the following resolution, seconded by Howard Richman:

RESOLVED, that the general fund claims #15596 through #15691 in the aggregate amount of \$432,081.16 as set forth in Abstract #10/18 dated October 9, 2018, a copy of which abstract of audited claims is made a part of the Minutes of this Board, are hereby approved.

Upon vote, this motion carried unanimously.

Item #5B
Resolution approving abstracts of audited claims

Resolution #98-18

Ruth Ivey made a motion to move the following resolution, seconded by Howard Richman:

RESOLVED, that the transfers in the aggregate amount of \$566,000.00 as set forth in Abstract #10/18 dated October 9, 2018, a copy of which abstract of audited claims is made a part of the Minutes of this Board, are hereby approved.

Upon vote, this motion carried unanimously.

Executive Session

Howard Richman made a motion to enter executive session to discuss contract negotiations, seconded by Ruth Ivey. Upon vote, this motion carried unanimously.

No action was taken in executive session.

Howard Richman made a motion to exit executive session, seconded by Ruth Ivey. Upon vote, this motion carried unanimously.

Item #6
Treasurer's Reports

Donalee Berard presented to the Board the monthly financial reports and the Village has collected 98% of the Village Taxes. Ms. Berard also provided the draft Request for Proposals for the audit that NYS/US will want after the close out of the E. Willow Tree sidewalk project.

Village Clerk's Report

Village Clerk stated that for the month of September the Village has received 19 complaints and all were zoning issues that code enforcement is addressing. On Wednesday, October 17, 2018 at 7:30 pm the Village is holding an ethics training session for the ZBA & PB members. The upstairs bathroom renovations are complete along with scenery pictures of the Village are hung throughout the Village Hall. Tilcon will complete the paving on Holland and Beth Place next week. Contracts were received for the reallocation of funds from the Van Winkle grant to include the drainage improvements at Village Hall. Village Clerk is in the process of setting up the online training for the PB, ZBA and VB members for sexual harassment and workplace violence. Village Clerk discussed with the Mayor and Board of Trustees the purchase of a vehicle for the Building Department. The Mayor & Board Members are not in favor of the purchase of a vehicle at the current time and would like to review this during budget time.

Mayor's Report

Garbage Can Proposed Law

Mayor Katz stated that he has received an email from a resident request that the Village once again look into approving a local law requiring residents to remove garbage cans from the street. Board Members stated that they are not interested in approving this local law.

Meetings

Mayor Katz stated that he has a meeting with the Solid Waste Authority to discuss the possibility of Solid Waste going out to bid and handling the Village's garbage contract. Mayor Katz stated that the next environmental meeting is scheduled for Thursday, October 11 at 7pm at Village Hall. Mayor Katz stated that a meeting is scheduled with O&R to discuss the Village street light account as we have been overcharged for street lights for months. O&R has been billing the Village for street lights that are not located within the Village. Mayor Katz stated that he has a meeting with Frank Brown and a local attorney to discuss a potential average density subdivision.

Village Attorney

Ben Selig stated that the Village Park Claim is in the process of being settled. The Village received a Notice of Claim for 91 Lime Kiln Road that has been forwarded to the Village's insurance carrier. The Village received a notice of claim from Hudson Hills contracting and the Village engineer's stated that they believe that the items will be resolved.

Howard Richman made a motion to adjourn, seconded by Ed McPherson. Upon vote, this motion carried unanimously.

Respectfully Submitted
Camille Guido-Downey