

**Village of Wesley Hills
Board of Trustees
Board Meeting, Village Hall
Tuesday, October 2, 2019**

MEMBERS PRESENT:

Marshall Katz, Mayor
Ed McPherson, Deputy Mayor
Howard Richman, Trustee
Ruth Ivey, Trustee
Marion Ben-Jacob, Trustee

MEMBERS ABSENT:

None

OTHERS PRESENT:

Ben Selig, Village Attorney
Sydney Aliseo, Deputy Village Clerk
Donalee Berard, Treasurer

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

Item #1

Resolution #101-19

Approval of Minutes of Regular Meeting-September 3, 2019

Howard Richman made a motion to approve the Minutes of September 3, 2019, seconded by Ruth Ivey. Upon vote, this motion carried unanimously.

Item #2

Public Hearing on proposed Local Law amending the Code of the Village of Wesley Hills entitled, “A Local Law Amending the Code of the Village of Wesley Hills to provide for a requirement that a Peddling and Soliciting License shall expire thirty (30) consecutive dates after the first day the License is in effect”.

Howard Richman made a motion to open the public hearing, seconded by Ruth Ivey. Upon vote, this motion carried unanimously.

No one from the public wished to speak.

Howard Richman made a motion to close the public hearing, seconded by Ruth Ivey. Upon vote, this motion carried unanimously.

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

Resolution #102-19

RESOLVED, that the proposed local law entitled, “A Local Law Amending the Code of the Village of Wesley Hills to provide for a requirement that a Peddling and Soliciting License shall expire thirty (30) consecutive dates after the first day the License is in effect”, is hereby approved and enacted as Local Law No. 2 of 2019.

Upon vote, this motion carried unanimously.

Item #3

Public Hearing on proposed Local Law amending the Code of the Village of Wesley Hills entitled, “A Local Law Amending the Code of the Village of Wesley Hills prohibiting commercial vehicles on Willow Tree Road between Route 306 and Grandview Avenue and on East Willow Tree Road between McNamara Road and Route 306”.

Howard Richman made a motion open the public hearing, seconded by Ruth Ivey. Upon vote, this motion carried unanimously.

No one from the public wished to speak.

Howard Richman made a motion close the public hearing, seconded by Ruth Ivey. Upon vote, this motion carried unanimously.

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

Resolution #103-19

RESOLVED, that the proposed local law entitled, “A Local Law Amending the Code of the Village of Wesley Hills prohibiting commercial vehicles on Willow Tree Road between Route 306 and Grandview Avenue and on East Willow Tree Road between McNamara Road and Route 306”, is hereby approved and enacted as Local Law No. 3 of 2019.

Discussion:

Mayor Katz directed the Village Clerk to contact the Village Engineer to develop a plan for signage.

Upon vote, this motion carried unanimously.

Item #4

Resolution #104-19

Resolution approving nunc pro tunc the 2019 Settlement Agreement between the Village of Wesley Hills and Donato Marangi Inc.

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

WHEREAS, the Village of Wesley Hills and Donato Marangi Inc, disagree as to the proper interpretation of Paragraph I of Section XVII of the 2016 Specifications forming a part of the 2016 Specifications for the providing of residential trash collection services for the Village of Wesley Hills, County of Rockland, State of New York, and

WHEREAS, the Village of Wesley Hills and Donato Marangi Inc. have agreed to execute a Settlement Agreement resolving the aforementioned dispute; and

WHEREAS, the attorneys for the said Village of Wesley Hills and Donato Marangi Inc. have drafted the 2019 Settlement Agreement resolving the aforementioned issues in an effort to avoid further acrimony and possible litigation, and

NOW, THEREFORE, BE RESOLVED, that the Village of Wesley Hills hereby agrees to the terms of the Village of Wesley Hills and Donato Marangi Inc. 2019 Settlement Agreement, a copy of which is made a part of Minutes of this Board, and it is further

RESOLVED, that the Mayor of the Village of Wesley Hills is hereby authorized to execute the aforementioned Village of Wesley Hills and Donato Marangi Inc 2019 Settlement Agreement which is by its terms is effective September 1, 2019.

Upon vote, this motion carried unanimously.

Item #5 **Resolution #105-19**
Scheduling a Public Hearing on the proposed Resolution of the Board of Trustees of the Village of Wesley Hills delegating to the Rockland County Solid Waste Management Authority the collection of Solid Waste for the Village of Wesley Hills including property classes: 210, 220, 230 and 280.

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

WHEREAS, the Board of Trustees of the Village of Wesley Hills deems it to be in the interest of the Village to consider the enactment of a Resolution delegating to the Rockland County Solid Waste Management Authority the collection of solid waste for the Village of Wesley Hills within property classes 210, 220, 230 and 280;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of the Municipal Home Rule Law, a public hearing on the adoption of a Resolution delegating to the Rockland County Solid Waste Management Authority the collection of solid waste for the Village of Wesley Hills within property classes 210, 220, 230 and 280 be held before the Board of Trustees for the Village of Wesley Hills on the 5th day of November, 2019 at 7:00 p.m. at the Village Hall, 432 Route 306 in the Village of Wesley Hills at which hearing citizens shall have the opportunity to be heard with respect to such proposed Resolution.

Discussion:

Mayor Katz explained that the garbage service for the Village may be serviced through a contract with the Solid Waste Management Authority which requires the county to charge for garbage service on the county tax bill. Mayor Katz further explained that a public hearing is required in order for the Town of Ramapo Assessor, Scott Shedler to impose the required charges. Mayor Katz and Board Members discussed the dynamics of how the charges are placed on the tax bills and the possibility of refunds. Mayor Katz, Attorney, Treasurer and Mr. Shedler will discuss procedures should the contract move forward.

Upon vote, this motion carried unanimously.

Item #6
Resolution releasing escrow funds with respect to 37 Wilder Road

Resolution #106-19

Marion Ben Jacob made a motion to approve the following resolution, seconded by Howard Richman:

WHEREAS, pursuant to an Escrow Agreement between the Village of Wesley Hills and Tzvee Rotberg and Miriam Rotberg dated August 5, 2019, the said Tzvee Rotberg and Miriam Rotberg deposited with the Village of Wesley Hills an escrow deposit in the sum of \$8,000.00 in order to guarantee that certain conditions set forth in the Village of Wesley Hills Planning Board's Resolution No. 19-32 and the letter of the Village Engineer of the Village of Wesley Hills dated June 18, 2019 were completed; and

WHEREAS, the Village Engineer of the Village of Wesley Hills on September 13, 2019 confirmed that the work required by the aforementioned Escrow Agreement has been satisfactorily completed,

NOW, THEREFORE, BE IT RESOLVED, that said Tzvee Rotberg and Miriam Rotberg are entitled to a refund of the aforementioned escrow deposit in the sum of \$8,000.00 less the sum of \$250.00 to be retained by the Village of Wesley Hills as and for administrative fee and the sum of \$724.56 in outstanding related professional fees, and

BE IT FURTHER RESOLVED, that the Village Clerk be and the same is hereby directed to forthwith refund to said Tzvee Rotberg and Miriam Rotberg the net sum of \$7,025.44.

Upon vote, this motion carried unanimously.

Item #7
Resolution approving release of escrow funds to JP Group with respect to premises located at 110 East Willow Tree Road

Resolution #107-19

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

WHEREAS, the Planning Board of the Village of Wesley Hills by Resolution No 18-2 required an escrow deposit with the Village of Wesley Hills in the amount of \$20,000.00, and

WHEREAS, pursuant to said Planning Board Resolution, JP Group deposited with the Village of Wesley Hills the aforementioned escrow fund in the amount of \$20,000.00, and

WHEREAS, on or about February 6, 2019, the Village of Wesley Hills refunded a portion of the aforesaid escrow deposit in the amount of \$12,200.00 leaving the sum of \$8,000.00 in escrow with the Village of Wesley Hills; and

WHEREAS, on August 19, 2019, the Village Engineer of the Village of Wesley Hills confirmed that the conditions required for release of the full escrow have been satisfactorily met

subject to the submission by the said JP Group to the Village of Wesley Hills a letter of satisfaction from Jacob Streicher; and

WHEREAS, the Village of Wesley Hills is in receipt of the aforementioned letter of satisfaction from Jacob Streicher; and

NOW, THEREFORE, BE IT RESOLVED, that the aforementioned JP Group is entitled nunc pro tunc to a refund of the remaining funds held in escrow in the amount of \$8,000.00 less the sum of \$250.00 to be retained by the Village of Wesley Hills as and for an administrative fee and the sum of \$857.00 for remaining outstanding professional fees owned to the Village of Wesley Hills with respect to this matter which sums have been previously refunded to said JP Group in the amount of \$6,893.00.

Upon vote, this motion carried unanimously.

Item #8 **Resolution #108-19**
Resolution approving release of escrow funds with respect to premises located at 34 Astor Place

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

WHEREAS, pursuant to an Escrow Agreement between the Village of Wesley Hills and 34 Astor Realty LLC dated September, 2018, the said 34 Astor Realty LLC posted an escrow deposit with the Village of Wesley Hills in the amount of \$24,000.00 in order to guarantee that the conditions required by the Village Engineer of the Village of Wesley Hills by letter dated September 11, 2018 and revised on September 12, 2018, and

WHEREAS, the aforesaid \$24,000.00 escrow fund was deposited with the Village of Wesley Hills, and

WHEREAS, the Village of Wesley Hills on March 6, 2019 released a portion of the aforementioned escrow funds in the sum of \$8,500.00 leaving a new escrow fund with the Village of Wesley Hills in the amount of \$15,500.00, and

WHEREAS, by letter dated September 6, 2019 the Village Engineer of the Village of Wesley Hills recommended that the Village of Wesley Hills release an additional \$9,500.00 from the remaining escrow fund thereby leaving a remaining balance in escrow in the sum of \$6,000.00, and it is further

RESOLVED, that the remaining \$6,000.00 of escrow funds now held in escrow by the Village of Wesley Hills pursuant to the terms of the letter of the Village Engineer of the Village of Wesley Hills dated September 6, 2019 be held pursuant to said letter of the Village Engineer pending completion of the work to be completed by October 31, 2019.

Upon vote, this motion carried unanimously.

Item 9 **Resolution #109-19**
Resolution approving nunc pro tunc the Agreement between the Village of Wesley Hills and Environmental Construction Inc. for Old Route 202 Improvements

Howard Richman made a motion to approve the following resolution, seconded by Marion Ben-Jacob:

RESOLVED, that the proposed Agreement between the Village of Wesley Hills and Environmental Construction Inc. for Old Route 202 Improvements be and the same is hereby approved, nunc pro tunc, a copy of which Agreement is made a part of the Minutes of this Board and the Mayor is hereby authorized to execute such Agreement on behalf of the Village of Wesley Hills.

Upon vote, this motion carried unanimously.

Item #10 **Resolution #110-19**
Resolution designating March 18, 2020 as Election Day for the Village of Wesley Hills

Ruth Ivey made a motion to approve the following resolution, seconded by Marion Ben-Jacob:

RESOLVED, that the date of the Village of Wesley Hills election in 2020 is Wednesday, March 18, 2020 which is hereby designated as the 2020 Election Day.

Upon vote, this motion carried unanimously.

Item #11 **Resolution #111-19**
Resolution approving abstracts of audited claims

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

RESOLVED, that the general fund claims #16735 through #16817 in the aggregate amount of \$345,032.80 as set forth in Abstract #10/19 dated October 2, 2019, 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 #11A **Resolution #112-19**
Resolution approving transfer of funds

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

RESOLVED, that the transfers in the aggregate amount of \$425,000.00 as set forth in Abstract #10/19 dated October 2, 2019, 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.

Public Participation

Carole Anderson, 8 Rockingham Road expressed her concerns with the sight distance issue at the corner of E Willow Tree and McNamara Road.

Mayor Katz directed the Village Clerk to have the Code Enforcement Officer inspect.

Mayor's Report

2020 Census

Mayor Katz stated that he received an invitation to attend a meeting at the County for the 2020 Census and stated that he felt that that meeting was not beneficial to the Village as the Village does not conduct our own census. Mayor Katz further stated that the Village relies upon the Town and County for census work.

Streetlights-Timber Trail

Mayor Katz advised the Board Members that he has received a request for streetlights on Timber Trail and that residents have been invited to the Village Board workshop on 10/23/19 to discuss the possibility of streetlights on Timber Trail.

Class Action -Opioid Use

Mayor Katz stated that the Village will not be taking any action in reference to this request.

NYSDOT Wesley Chapel Culvert

Mayor Katz stated he has received notification from the NYSDOT in reference to engineering costs as they are coming in overbudget by \$43,000.00. Mayor Katz stated that he feels that it is acceptable to move forward as the award amount is \$669,000.00. Board Members agreed. A conference call is scheduled for 10/10/19 and a Board Member should participate with the Village Clerk as the Mayor is away. Ruth Ivey will look at her schedule and communicate with the Village Clerk on her participation.

Village Road Paving

Mayor Katz stated that the Village was notified today by Suez Water that they are performing water main replacements on Villa, Astor and Onderdonk. Mayor Katz stated that due to Suez's project, the paving for this year on those roads will be moved to next year. Mayor Katz expressed his frustration with Suez and will be seeking a cost sharing agreement for the paving of those roads with Suez.

Upcoming Meetings

October 23	Workshop
November 5	Regular Meeting

10/2/19
BOT Minutes

November 19 Workshop

Treasurer's Report

Donalee Berard presented the monthly reports to the Board Members and stated that the Village is on target for the year. Ms. Berard stated that the Village received the outstanding grant of \$15,000.00 from the State for drainage work.

Village Clerk's Report

Deputy Village Clerk stated that 95% of the Village taxes were collected and there were 37 complaints submitted.

Howard Richman made a motion to adjourn, seconded by Marion Ben-Jacob. Upon vote, this motion carried unanimously.

Respectfully Submitted,
Camille Guido-Downey