

BOT  
5/4/2020

**Village of Wesley Hills  
Board of Trustees  
Board Meeting, Online \*Zoom Meeting  
Tuesday, May 5, 2020**

**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  
Donalee Berard  
Camille Guido-Downey, Village Clerk

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

Ira Emanuel, Attorney was present along with his clients Simcha & Peter Hyman, to discuss the Board's opinion on selling the dead-end portion of roadway on Onderdonk Road. Mr. Emanuel stated that his client owns one house on Onderdonk and is in discussion to purchase two additional lots on Onderdonk. The purchase of the dead-end portion of the roadway would assist the homeowner with having a lawn between the two lots. Mr. Emanuel stated that he is interested to see if the Village Board is interested in selling that portion of the roadway before his clients spend money on the design plans.

Mayor Katz stated that Frank Brown and he had a meeting previously with Mr. Emanuel and his client to discuss this issue. Pending the Village Board's approval, the applicant will need to appear before the Planning Board. Mayor Katz polled the Board about the Village declaring the property surplus and selling off that portion with an appropriate appraisal of the dead-end portion of Onderdonk Road:

Marion Ben-Jacob stated that she agrees with selling it off as there is no reason or use for the Village to keep it. Ms. Ben-Jacob also stated that there does need to be an appropriate turn around constructed.

Mayor Katz stated that the turnaround will be addressed at TAC between the Village's Professionals and the Applicant. Mayor Katz stated that in the future the Applicant can always use it as a driveway.

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Ed McPherson questioned if Stanley Road exists?

Mayor Katz answered no, it is a non-existent roadway.

Ed McPherson stated that since it does not exist no reason to not sell it off.

Simcha Hyman stated that he intends to keep the lot lines as is, lot #1 will be the main house, lot #2 will be a guest house and lot #21 will be lawn for lot #1 & #2, including the dead-end roadway that is between lot #2 & #21.

Ben Selig stated that it makes sense to keep the lot lines in case they need to be sold later.

Ed McPherson stated that he remembers there being an abandoning procedure for ROW in the courts which is a streamlined process. Mr. McPherson stated that nothing will change from selling off that portion of roadway.

Ben Selig questioned if Onderdonk is a private roadway?

Mayor Katz answered no.

Howard Richman questioned if lot #21 has shown an interest in selling?

Simcha Hyman answered yes.

Howard Richman stated that he agrees with Marion and during the public hearing process lot owners #3,4, 20 & 19 may come out to discuss.

Ruth Ivey stated that she agrees with Marion and is also concerned with having an appropriate turn around.

Mayor Katz stated that there will be a public hearing process and the Board is ok with selling the portion of the dead end on Onderdonk. Mayor Katz directed Mr. Emanuel to work with Frank Brown to get the process started.

Mr. Emanuel thanked the Board.

**Item #1**  
**Approval of Minutes of Regular Meeting: April 2, 2020**

**Resolution #50-20**

Howard Richman made a motion to approve the Minutes of April 2, 2020, seconded by Marion Ben-Jacob. Upon vote, this motion carried unanimously.

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**Item #2** **Resolution #51-20**  
**Resolution approving the 2020 Stormwater II Education Program Agreement between Cornell Cooperative Extension of Rockland and the Village of Wesley Hills**

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

**RESOLVED**, that the 2020 Stormwater II Education Program Agreement between Cornell Cooperative Extension of Rockland and the Village of Wesley Hills, a copy of which is made a part of the Minutes of this Board, be and the same is hereby approved, and the Mayor is authorized to indicate such approval on said documents on behalf of the Village of Wesley Hills.

Upon vote, this motion carried unanimously.

**Item #3** **Resolution #51-20**  
**Resolution approving the contract proposal of FYS Computers for VPN Setup and One Computer Upgrade dated April 13, 2020**

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

**RESOLVED**, that the contract proposal of FYS Computers for VPN Setup and One Computer Upgrade dated April 13, 2020, a copy of which is made a part of the Minutes of this Board, is hereby approved and the Mayor is authorized to indicate such approval on said documents on behalf of the Village of Wesley Hills.

Upon vote, this motion carried unanimously.

**Item #4** **Resolution #52-20**  
**Resolution approving the adjustment summary of charges due to the Village of Wesley Hills from Wesley Estates, LLC and credits due to Wesley Estates, LLC from the Village of Wesley Hills in connection with the proposed dedication to Soundview Drive to the Village of Wesley Hills.**

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

**RESOLVED**, that the adjustment summary of charges due to the Village of Wesley Hills from Wesley Estates, LLC and credits due to West Estates, LLC from the Village of Wesley Hills in connection with the proposed dedication of Soundview Drive to the Village of Wesley Hills, a copy of which is made a part of the Minutes of this Board is hereby approved and,

**BE IT FURTHER RESOLVED** that Wesley Estates LLC remit to the Village of

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Wesley Hills the sum of \$25,500.00 in connection with the subdivision and as described in the escrow agreement dated February 5, 2019, and

**BE IT FURTHER RESOLVED**, that the Village of Wesley Hills shall remit to Wesley Estates LLC the sum of \$18,287.73 which is a deduction of \$7,212.27 that covers the following accounts: Admin Fee \$100.00, Wesley Estates LLC Professional Fees-Inspections Fees \$1,608.51, Professional Fees- Wesley Estates \$1,536.78, Professional Fees-6 Soundview \$414.00, Professional Fees-7 Soundview \$138.00, Professional Fees-4 Soundview \$2,414.98 and Retention for Road Dedication \$1,000.00.

**BE IT FURTHER RESOLVED**, that upon the completion of the road dedication documents that are acceptable to the Village Attorney and filed with the Rockland County Clerk, the Village will release the balance of said account of \$1,000.00 less any additional fees due or become due.

Upon vote, this motion carried unanimously.

**Item #5**  
**Resolution approving abstracts of audited claims**

**Resolution #53-20**

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

**RESOLVED**, that the general fund claims #17355 through #17416 in the aggregate amount of \$97,527.12 as set forth in Abstract #5/20 dated May 5, 2020, 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 #5A**  
**Resolution approving transfer of funds**

**Resolution #54-20**

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

**RESOLVED**, that the transfers in the aggregate amount of \$113,000.00 as set forth in Abstract #5/20 dated May 5, 2020, a copy of which abstract of audited claims is made a part of the Minutes of this Board, are hereby approved.

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Upon vote, this motion carried unanimously.

## **Item #6**

### **Mayor's Reports**

#### Water Main Replacement on Woodcrest Road

Mayor Katz stated that Suez has notified the Village that they plan on doing a water main replacement on Woodcrest Road. This road is not on our list for paving and the road is in great condition. Mayor Katz recommends that the Village direct Suez to repair and pave the trench in accordance with the Village Engineer's approval and that we are not seeking a cost share agreement for this roadway.

Board Members agreed with the Mayor and Mayor Katz directed the Village Clerk to notify the Village Engineer of the Board's determination.

#### Summit Road Guiderail Replacement

Mayor Katz stated that he has visited Summit Road and one of the existing guiderails has sunken into the ground and a tree has grown over it. Mayor Katz would like to explore the cost for a guiderail replacement for this area. Mayor Katz would request the Village Engineer to review the areas and provide an estimate for the Village Board to consider.

Ruth Ivey stated that she visited the area also and it is very dangerous. She is interested in seeing the cost for the replacement.

Marion Ben-Jacob stated that she agrees with Ruth and that we may need to replace the one good guiderail that is existing there.

Howard Richman agrees.

Ed McPherson stated that he agrees, and the Village should also speak with Ramapo as they are required to perform maintenance and clearly, they have not.

Mayor Katz stated that he will discuss this with the Highway Superintendent and the Village Engineer and report back to the Board.

#### Spook Rock Dam

Mayor Katz stated that the County of Rockland Drainage Agency has contacted the Village and stated that they are moving forward with the replacement project and will be seeking the Village to contribute funds towards the project.

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Ed McPherson stated that the Village contributed to the dam already as we did work on that dam in 1987 and spent close to \$7,500.00 to replace the concrete under the dam.

Mayor Katz stated that he was unaware and will research that and report that to the County.

#### Village Tax Payment Deadline Extension

Mayor Katz stated that Assemblyman Zebrowski has reached out and offered to assist the Village with support in proposing to Governor Cuomo a Village tax deadline extension. The Village can request a 21-day extension, the right to forgive penalties/late fees and determine individual hardships.

Board Members are ok with the request for the 21-day extension and suggested sending the letter and waiting to see what the Governor decides.

#### Village Elections

The State has set the date for Village Elections for September 15<sup>th</sup>. Does the Board want to have our reorganizational meeting now or wait till after the elections?

Board Members agreed to have the reorganizational meeting after the elections.

#### Sales Tax

Mayor Katz stated that he participated in a conference call with the County about the projected decreased\ in sales tax from the County. The County provides guidance to Towns/Villages who have not adopted a budget yet. The Village has already adopted our budget, so we need to watch that line item and make future adjustments.

#### Planning Board/Zoning Board of Appeals/TAC Meetings

Mayor Katz stated that he has instructed the Village Clerk to speak with the respective chairpersons to encourage their meetings be held via zoom to get the Village moving.

#### Executive Session

Howard Richman made a motion to enter into Executive Session to discuss potential litigation, seconded by Ruth Ivey. Upon vote, this motion carried unanimously.

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

There was no action taken in Executive Session.

#### **Treasurer's Report**

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Donalee Berard stated that this month was uneventful and informed the Board that next month is the year end and it looks like we will be adding funds to our surplus.

### **Village Clerk's Report**

Village Clerk stated that the Village received 61 complaints this month which is an increase from last month. The RCSWMA has been monitoring the garbage contractor which was the bulk of our complaints. The Village has issued five violations of the Governor's Executive order for construction. The Village's MS4 annual report was completed and will be presented next month.

### **Village Attorney's Report**

Ben Selig stated that next month he will have the proposed local laws as requested by the Village Justice.

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

Respectfully Submitted,  
Camille Guido-Downey

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