

7/7/2020  
BOT

**Village of Wesley Hills  
Board of Trustees  
Board Meeting, Online Zoom Meeting  
Tuesday, July 7, 2020**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

None

**OTHERS PRESENT:**

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

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

**Item #1**

**Resolution #64-20**

**Approval of Minutes of Regular Meeting: June 2, 2020**

Howard Richman made a motion to approve the Minutes of June 2, 2020, seconded by Ruth Ivey. Upon vote, this motion carried (Ivey Abstained).

**Item #2**

**Resolution #65-20**

**Resolution authorizing the release of Escrow Funds to Chaim Adler**

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

**WHEREAS**, Chaim Adler on or about April 2, 2020 posted in escrow with the Village of Wesley Hills in connection with an issuance of a Certificate of Occupancy with respect to the premises located at 7 Roble Road, Wesley Hills, New York 10952; and

**WHEREAS**, on May 21, 2020, the Village Engineer of the Village of Wesley Hills confirmed that all outstanding site issues with respect to said premises had been addressed; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Clerk is authorized and directed to refund the original Escrow Deposit of \$3,000.00 less the sum of \$250.00 for an Administrative Fee pursuant to said Escrow Agreement and also the sum of \$2,030.00 representing outstanding Village Engineer professional fees again pursuant to the terms of said Escrow Agreement; such that as a consequence to the above the Village Clerk is hereby authorized and directed to refund to said Chaim Adler the net amount of \$720.00.

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Upon vote, this motion carried unanimously.

**Item #3**

**Resolution #66-20**

**Resolution authorizing Village Election polling place and hours**

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

**RESOLVED**, that the General Village Election of the Village of Wesley Hills will be held on September 15, 2020, and

**BE IT FURTHER RESOLVED**, that the polling place for the General Village Election will be at the Wesley Hills Village Hall, 432 Route 306, Wesley Hills, New York 10952 and the pools will be open from 6:00 am to 9:00 pm on the day of Election.

Upon vote, this motion carried unanimously.

**Item #4**

**Resolution #67-20**

**Resolution authorizing refund of a Planning Board Fee to Alan Ginsburg and Faiga Ginsburg**

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

**WHEREAS**, on or about February 22, 2020, Alan Ginsburg and Faiga Ginsburg paid a fee to the Village of Wesley Hills with respect to a Planning Board application in the amount of \$1,050.00, and

**WHEREAS**, it is now been determined that the requested Planning Board application fee is not necessary,

**NOW, THEREFORE BE IT RESOLVED**, that the said Alan Ginsburg and Faiga Ginsburg are entitled to a refund of the heretofore Planning Board application fee in the sum of \$1,050.00, and it is

**FURTHER RESOLVED**, that the Village Clerk is hereby directed to issue a refund to said Alan Ginsburg and Faiga Ginsburg in the amount of \$1,050.00 less outstanding professional fees to the Village Engineer in the amount of \$728.83, such that the Village Clerk is hereby directed to issue a net refund to said Alan Ginsburg and Faiga Ginsburg in the amount of \$321.17.

Upon vote, this motion carried (Ivey Abstained).

**Item #5**

**Resolution #68-20**

**Resolution approving the Indemnity and Hold Harmless Agreement with the Town of**

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### **Ramapo concerning the installation of a handicap swing at the Greg Sikorsky Park**

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

**WHEREAS**, the Village of Wesley Hills has requested the Town of Ramapo to install a handicap swing at Greg Sikorsky Park located at Lime Kiln Road in Wesley Hills, New York, and

**WHEREAS**, in consideration of the said installation of said handicap swing, the Town of Ramapo has requested that the Village of Wesley Hills indemnify and hold harmless the Town of Ramapo in connection with said swing installation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Indemnification and Hold Harmless Agreement prepared by the Town of Ramapo, a copy of which is made a part of the Minutes of this Board is hereby acknowledged and accepted and the execution of same on June 19, 2020 by the Mayor of the Village of Wesley Hills on behalf of the Village of Wesley Hills is hereby approved and affirmed, nunc pro tunc.

#### Discussion:

Mayor Katz stated that the Town is willing to install the swing free of charge instead of the Village paying the installation company.

Ruth Ivey stated that she feels that the Village should pay for the installation.

Upon vote, this motion carried 4 to 1 (Naye-Ivey).

#### **Item #6**

#### **Resolution #69-20**

**Resolution approving a tax refund to US Bank Trust by payments to “Joseph Reiter, Attorney at Law as Attorney”, with respect to 2019 Village of Wesley Hills taxes regarding One Wood Lane, Wesley Hills, New York.**

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

**WHEREAS**, by Order and Judgement dated February 6, 2020, the Supreme Court of the State of New York, County of Rockland (Honorable Robert M. Berliner, J.S.C.) a copy of which Order is made a part of the Minutes of this Board has directed a refund be made to US Bank Trust for 2019 Village of Wesley Hills taxes with respect to the premises known as One Wood Lane, Wesley Hills, New York by the refund of an over assessment of taxable value to said premises reducing same from \$77,900.00 to \$65,000.00.

**NOW, BE IT RESOLVED**, that the Village Clerk is hereby directed to forthwith pay a refund of 2019 Wesley Hills Real Estate taxes with respect to the premises known as One Wood Lane, Wesley Hills, New York by payment of a refund in the sum of \$146.78 payable to “Joseph Reiter, Attorney at Law as Attorney”.

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Upon vote, this motion carried unanimously.

**Item #7**

**Resolution #70-20**

**Resolution referring to the Planning Board and other agencies the proposed Local Law Amending the Code of the Village of Wesley Hills to clarify the definitions of “Person”**

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

**WHEREAS**, the Village Attorney at the request of this Board has prepared a Proposed Local Law entitled, “A Local Law Amending the Code of the Village of Wesley Hills to Clarify the Definition of “Person”” to aid in the enforcement of the said Village Code with respect to land ownership responsibilities, a copy of which proposed Local Law is make a part of the minutes of this Board,

**NOW, THEREFORE BE IT RESOLVED**, that it was determined that the enactment of said proposed local law will not have a significant effect on the environment as defined in the New York State Environmental Quality Review Act for the reason that the said proposed Local Law would assist the Village of Wesley Hills in the enforcement of its land use regulations, and

**BE IT FURTHER RESOLVED**, that in accordance with the provisions of Section 230-76 of the Wesley Hills Code, such proposed Local Law is hereby referred for review and report to the Planning Board, Zoning Board of Appeals, Village Attorney, Village Engineer, Building Inspector, Code Inspector for the Village of Wesley Hills, the County of Rockland Planning Department and all abutting municipalities, and

**BE IT FURTHER RESOLVED**, that the Village Clerk is hereby directed to forward a copy of such proposed Local Law to such Boards and officials forthwith.

Upon vote, this motion carried unanimously.

**Item #8**

**Resolution referring to the Planning Board and other agencies the proposed Local Law Amending the Code of the Village of Wesley Hills in relation to Height of Fences.**

Howard Richman made a motion to table this item for more information, seconded by Ruth Ivey.

Upon vote, this motion carried unanimously.

**Item #9**

**Resolution #71-20**

**Resolution approving abstracts of audited claims**

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

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**RESOLVED**, that the general fund claims #17507 through #17609 in the aggregate amount of \$247,640.89 as set forth in Abstract #7/20 dated July 7, 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 #9A**

#### **Resolution #72-20**

#### **Resolution approving transfer of funds**

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

**RESOLVED**, that the transfers in the aggregate amount of \$293,198.27 as set forth in Abstract #7/20 dated July 7, 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 #10**

#### **Mayor's Reports**

##### Employee Handbook Changes

Mayor Katz stated that considering COVID-19 and at the recommendation of NYCOM, he drafted changes to the employee handbook for adoption. Board Members are in favor. Mayor Katz requested that the changes be placed on next month's agenda for approval.

##### Tent Permit

Mayor Katz stated that the Fire Inspector has notified the Village that in the International and NY State Fire Code it calls for permits for tents more than 400 sf. The Fire Inspector has drafted an application with instructions including the list of required documents. Mayor Katz stated that the Village Attorney has stated that we do not need a law we can add this to the fee schedule. Board Members requested a copy of the application for review. Mayor Katz requested an amendment to the fee schedule be on next month's agenda for approval.

##### Extension of Time-PB/ZBA Approvals

Mayor Katz stated that the Governor has signed a law that offers relief to applicants who received PB/ZBA approval to extend their approval time. Board Members are in favor of the extension of time for the period that construction was shut down by NYS. Mayor Katz requested that a resolution be prepared for next month's agenda.

##### NYS Archives

Village Clerk stated that the State Archives has updated the records retention scheduled and the Village will need to adopt the new schedule when it is available. Our current schedule is called MU-1 and the new one is called LGS-1.

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#### No Fishing on Spook Rock Bridge

Mayor Katz stated that the Village has received a request from a resident for the installation of no fishing signs on the Spook Rock Bridge. Mayor Katz stated that the resident has expressed valid concerns. Mayor Katz stated that the road is under the control of the Rockland County Highway Department and he is also concerned if the TOR Police will enforce the signs. Board Members stated that we should speak with the County and Police Department and report back.

#### Juneteenth Holiday

Mayor Katz stated that NYS workers received 6/19/2020 off and stated that if this holiday becomes Federal or NYS makes it permanent, we will need to discuss adding that holiday to the days off for the staff.

#### Summit Road Guiderail

Mayor Katz stated that we have received proposals for the guiderail and the site work. The total cost is \$11,000.00 plus sign installation by the TOR. Board Members were in favor of this improvement due to the safety concern.

#### Mask Complaint

Mayor Katz stated that he received a complaint that there were people not wearing masks in public in the Wesley Kosher Shopping Center. Board Members stated that it is a state issue and not an issue for the Village to code enforcement to handle, but rather the Ramapo Police as he has been advised by the County Executive.

#### Upcoming Meetings

July 21            Workshop Meeting – Zoom

August 4        Regular Meeting – Zoom

August 18      Workshop Meeting – in person pending further Executive Order extensions

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

Donalee Berard presented the monthly financial reports to the Board Members. Ms. Berard stated that as expected the Village has not received a lot of tax payments – likely due to the 21 day extension of the due date.

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

The Village has collected 49% of taxes and usually we would collect close to 70-75%. We received 29 complaints this past month. The new PB/ZBA program has been installed and modified and current applications are being inputted.

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

Ben Selig stated that the Mause claim is moving forward to the 50-H hearing.

#### **New Business**

##### Justice Court Annual Report

Donalee Berard stated that she could not complete the annual report as we are waiting for the State to bill us for the month of May. She expects to have the report ready next month.

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Official Newspaper of the Village

Mayor Katz stated that the Village Clerk received notification from the Rockland County Times which states that due to current circumstances the newspaper is forced to take a break from publication. Mayor Katz is requesting that the Village add Rockland Journal News as another official newspaper for the Village.

**Item #9.1**

**Resolution #73-20**

**Resolution designating official newspaper**

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

**RESOLVED**, that the Rockland Journal News, a local newspaper, be designed as the official Village newspaper.

Upon vote, this motion carried unanimously.

**Budget Amendment**

Donalee Berard presented to the Board the annual Budget Amendment.

**Item #9.2**

**Resolution #74-20**

**Resolution approving and accepting the July 2020 Budget Amendment**

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

**RESOLVED**, that the Village of Wesley Hills July 2020 Budget Amendment for the fiscal year ended May 31, 2020 as prepared by the Village Treasurer of the Village of Wesley Hills be and the same is hereby approved and accepted.

		Jun '19 - May 20	Budget	\$ Over Budget	% of Budget	amen dmen t amou nt	
<b>Income</b>							
	<b>A1170 · FRANCHISE FEE - CABLE TV</b>	63,915.24	75,000.00	-11,084.76	85.22%	- 12000	actual less than budget
	<b>A1560 · SAFETY INSPECTION FEES</b>	129,402.09	160,000.00	-30,597.91	80.88%	- 31000	actual less than budget
	<b>A2130 · REFUSE &amp; GARBAGE FEES</b>	2,500.31	4,000.00	-1,499.69	62.51%	-1500	part year reimburseme nts

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<b>A2410 · RENTAL INCOME-CELL TOWER crowne</b>	35,023.65	37,000.00	-1,976.35	94.66%	-2000	june was adjusted
<b>A2651 · SALE OF REFUSE FOR RECYCLING</b>	15,428.35	16,000.00	-571.65	96.43%	-1000	actual less than budget
<b>A3005 · MORTGAGE TAX</b>	160,688.66	90,000.00	70,688.66	178.54%	50750	to balance revenue
<b>A3021 · NYS GRANT COURT FACILITIES</b>	0.00	2,750.00	-2,750.00	0.0%	-2750	not this year
<b>A3501 · State Aid-Cons Highway -CHIPS</b>	79,519.05	79,836.00	-316.95	99.6%	-500	actual less than budget
<b>A3591 · STATE AID-HIGHWAY CP</b>	0.00	75,000.00	-75,000.00	0.0%		
<b>Total Income</b>	2,301,636.30	2,235,411.00	66,225.30	102.96%	0	
<b>Expense</b>						
<b>41110 · JUDICIAL</b>	73,047.60	72,497.00	550.60	100.76%	1000	court reporter
<b>41210 · MAYOR</b>	29,995.00	27,500.00	2,495.00	109.07%	2500	NYCOM annual meeting
<b>41320 · AUDITOR</b>	10,083.95		10,083.95	100.0%	10200	carryover 2019
<b>41910 · INSURANCE</b>	30,627.38	28,000.00	2,627.38	109.38%	3000	Loeffler claim deductible
<b>43620 · SAFETY INSPECTION</b>	57,361.60	54,333.00	3,028.60	105.57%	3200	fire inspector gear
<b>A6999 · Contingency Account</b>	0.00	75,000.00	-75,000.00	0.0%	49700	to balance
<b>A8664 · CODE ENFORCER</b>	29,353.93	14,500.00	14,853.93	202.44%	15000	additional services
<b>A9010.8 · STATE RETIREMENT</b>	53,110.00	45,000.00	8,110.00	118.02%	8200	actual more than budget
<b>A9030.8 · SOCIAL SECURITY</b>	29,239.36	27,000.00	2,239.36	108.29%	2500	actual more than budget
<b>A9040.8 · WORKERS COMPENSATION</b>	9,604.68	5,600.00	4,004.68	171.51%	4100	20-21 paid early
<b>Total Expense</b>	2,153,825.20	2,493,363.00	-339,537.80	86.38%	0.00	
	147,811.10	-257,952.00	405,763.10	-57.3%		

Upon vote, this motion carried unanimously.

### Short Term Rentals

Ed McPherson stated that there are several homes in the Pomona County Club that are owned by the same party. The owner has been renting the homes out for large gatherings. Board Members stated that we can discuss a short-term rental local law.

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



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Respectfully Submitted,  
Camille Guido-Downey