

9/14/2021
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**Village of Wesley Hills
Board of Trustees
Board Meeting-Zoom
Tuesday, September 14, 2021**

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, 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 #96-21

Approval of Minutes of Regular Meeting: August 3, 2021

Marion Ben-Jacob made a motion to approve the minutes of August 3, 2021, seconded by Howard Richman. Upon vote, this motion carried unanimously.

Item #2

Resolution #97-21

Approval of Minutes of Special Meeting: August 17, 2021

Howard Richman made a motion to approve the minutes of August 17, 2021, seconded by Ruth Ivey. Upon vote, this motion carried unanimously.

Item #3

Resolution #98-21

Establishment of the position of Clerk-Typist PT

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

RESOLVED, that the Village of Wesley Hills hereby establishes the new position of Clerk-Typist PT at a salary of \$18.00 per hour.

Upon vote, this motion carried unanimously.

Item #4

Resolution #99-21

Resolution scheduling a Public Hearing on the Proposed Local Law amending the Code of the Village of Wesley Hills to prohibit short term occupancies

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

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 local law entitled, “Local Law amending the Code of the Village of Wesley Hills to Prohibit Short Term Occupancies, and

WHEREAS, the Village Attorney, at the request of this Board, has prepared such a proposed local law entitled, “Local Law amending the Code of the Village of Wesley Hills to Prohibit Short Term Occupancies”,

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the Municipal Home Rule Law Section 7-706 of the Village Law, a Public Hearing on the adoption of said proposed Local Law shall be held before the Board of Trustees of the Village of Wesley Hills on the 5th day of October, 2021, at 7:00 pm via Zoom or at the Village Hall, 432 Route 306, in the Village of Wesley Hills, at which time citizens shall have the opportunity to be heard with respect to such Local Law, and

BE IT FURTHER RESOLVED, that the notice of said time and place of Public Hearing shall be published and posted by the Village Clerk at least ten (10) days in advance of such time in the manner provided by law.

Discussion:

Ed McPherson questioned if the proposed law specifies paid or free stays? Mayor Katz answered that the proposed law does not specify paid or free.

Upon vote, this motion carried unanimously.

Item #5

Resolution #100-21

Resolution scheduling a Public Hearing on the Proposed Local Law amending the Code of the Village of Wesley Hills in Relation to Open Alcoholic Containers

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

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 local law entitled, “Local Law amending the Code of the Village of Wesley Hills in Relation to Open Alcoholic Containers, and

WHEREAS, the Village Attorney, at the request of this Board, has prepared such a proposed local law entitled, “Local Law amending the Code of the Village of Wesley Hills in Relation to Open Alcoholic Containers”,

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the Municipal Home Rule Law Section 7-706 of the Village Law, a Public Hearing on the adoption of said proposed Local Law shall be held before the Board of Trustees of the Village of Wesley Hills on

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the 5th day of October, 2021, at 7:00 pm via Zoom or at the Village Hall, 432 Route 306, in the Village of Wesley Hills, at which time citizens shall have the opportunity to be heard with respect to such Local Law,

BE IT FURTHER RESOLVED, that the notice of said time and place of Public Hearing shall be published and posted by the Village Clerk at least ten (10) days in advance of such time in the manner provided by law.

Discussion:

Mayor Katz stated the Town of Ramapo Police have requested this law as they were in the Village responding to an open container complaint and noticed that the Village does not have a law on the books.

Upon vote, this motion carried unanimously.

Item #6

Resolution #101-21

Resolution approving the Village of Wesley Hills Cafeteria Plan including a Flexible Spending Plan

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

WHEREAS, the Village of Wesley Hills has contracted with PrimePay for the development of a Cafeteria Plan including a Flexible Spending Plan for the staff at the Village of Wesley Hills, and a copy of which is made a part of the minutes of this Board, and

WHEREAS, said plan is effective as of June 1, 2021,

NOW THEREFORE, BE IT RESOLVED, that the Village of Wesley Hills approves and adopts the Cafeteria Plan including a Flexible Spending Plan prepared by PrimePay and authorizes the Mayor to sign all related contracts and certifications as needed.

Upon vote, this motion carried unanimously.

Item #7

Resolution #102-21

Resolution approving the annual maintenance plan for the Village Park Pathway and the Arcadian/Sherry Pathway

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

WHEREAS, the Village of Wesley Hills has recently completed the reconstruction of the Village Park walking paths which are located at the Greg Sikorsky Children's Park, and

WHEREAS, the Village of Wesley Hills further completed the reconstruction of the pathway on Arcadian/Sherri, and

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WHEREAS, the Village Board has elected to contract for the annual maintenance of the walking paths at the Village Park and at Arcadian/Sherry to avoid the large expense of reconstruction, and

THEREFORE BE IT RESOLVED, that the proposal from Environmental Construction for the annual maintenance of both walking paths at an annual cost of \$6,000.00 a copy of which is made a part of the minutes of this Board is hereby approved and the Mayor is authorized to sign on behalf of the Village.

Discussion:

Mayor Katz stated that as the pathway was restored the contractor cleared the entrance on Arcadian and the neighbors are not happy with how it looks. Mayor Katz stated that he will have a meeting with the contractor and residents to come up with a restoration plan. Mayor Katz stated that he has also received request for lights on the pathway. Board Members requested a proposal.

Upon vote, this motion carried unanimously.

Item #8

Resolution #103-21

Resolution approving the payment to Dorothy Peteet & Brian Lee of 72 Wesley Chapel Road for the acquisition of real property

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

WHEREAS, the Village of Wesley Hills has received New York State funding for the replacement of the culvert at Wesley Chapel Road and Grandview Ave, and

WHEREAS, Henningson, Durham and Richardson, Inc. (HDR), Village's Engineer has determined that an area of 132 linear feet is needed for a temporary easement during the construction process at 72 Wesley Chapel Road, and

WHEREAS, HDR has recommended that the cost of \$2,600.00 be paid to Dorothy Peteet & Brian Lee of 72 Wesley Chapel Road as compensation for the temporary easement, and

THEREFORE, BE IT RESOLVED, that the Village of Wesley Hills hereby approves the payment of \$2,600.00 to Dorothy Peteet & Brian Lee of 72 Wesley Chapel Road as compensation for the temporary easement that the Village and/or contractors will use during construction of the Wesley Chapel culvert.

Upon vote, this motion carried unanimously.

Item #9

Resolution #104-21

Resolution approving a refund to Jade Abstract for fee previously paid for an onsite violation search with respect to 29 Timber Trail

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

WHEREAS, on or about August 25, 2021, Jade Abstract requested a full violation search with respect to 29 Timber Trail, Wesley Hills, NY and

WHEREAS, on or about said date Jade Abstract paid to the Village of Wesley Hills a fee in the amount of \$150.00 for said search, and

WHEREAS, said Jade Abstract later requested only a records search and paid separately for such service, and

NOW, THEREFORE BE IT RESOLVED that the Village Clerk is directed to refund to Jade Abstract the sum of \$150.00.

Upon vote, this motion carried unanimously.

Item #10

Resolution #105-21

Resolution authorizing the filing of an application for a grant under the Justice Court Assistance Program, 2021, established by the State of New York

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

RESOLVED, that the Board of Trustees of the Village of Wesley Hills authorizes the Village of Wesley Hills Court to apply for a JCAP grant in the 2021/2022 grant cycle up to \$30,000.00.

Upon vote, this motion carried unanimously.

Item #11

Resolution #106-21

Resolution authorizing the implementation and funding 100% of the costs of a transportation project, of which qualified costs may be reimbursed from Bridge NY funds.

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

WHEREAS, a project for the Wesley Chapel Road over Willow Tree Brook Culvert Replacement in the Village of Wesley Hills, Rockland County, P.I.N. 8762-33 (the "Project") is eligible for reimbursement of qualified costs from Bridge NY funding that calls for the post-reimbursement apportionment of the qualified costs be borne at the ratio of 100% Bridge NY funds and 0% non-Bridge NY funds; and

WHEREAS, the New York State Department of Transportation (NYSDOT) will design, let, and administer all phases of the Project, and

WHEREAS, the Village of Wesley Hills desires to advance the Project by making a commitment of 100% of the costs of design and construction work for the Project or portion thereof, and

WHEREAS, Resolution No. 33-19 adopted by the Village of Wesley Hills on April 2, 2019, approved, and agreed to advance the Project by making a commitment of 100% of the non-Bridge NY share of the costs of design and construction work, and

WHEREAS, it was subsequently found necessary to undertake additional design and construction work not contemplated in the original agreement authorized by the previous Resolution, and

WHEREAS, it has been found necessary to increase the non-Bridge NY share of costs for the additional design and construction work for the project,

NOW, THEREFORE, the Village of Wesley Hills Village Board duly convened does hereby:

RESOLVE, that the Wesley Hills Village Board hereby approves the Project, and it is hereby further

RESOLVED, that the Village of Wesley Hills Village Board hereby grants NYSDOT permission to directly apply Bridge NY funds to reimburse costs incurred by NYSDOT on the Project, and it is further

RESOLVED, that the sum of \$115,804 is hereby appropriated from Operating Account-Reserves and made available as a deposit to cover the participation in the above phase of the Project, and it is further

RESOLVED, that the Wesley Hills Village Board hereby agrees that the Village of Wesley Hills shall be responsible for all costs of the Project which exceeds the amount of the Bridge NY Funding awarded to the Village of Wesley Hills, and it is further

RESOLVED, that in the event the costs of the Project exceed the amount of Bridge NY funding appropriated, the Wesley Hills Village Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and it is further

RESOLVED, that the Wesley Hills Village Board hereby agrees that the Village of Wesley Hills hereby commits that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months, and it is further

RESOLVED, that the Mayor of the Village of Wesley Hills be, and it hereby authorized to execute all necessary agreements, certifications, or reimbursement requests with NYSDOT for State Aid and/or Bridge NY funding on behalf of the Village of Wesley Hills in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's funding of the Project costs, and it is further

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RESOLVED, that the Village of Wesley Hills will be responsible for all maintenance of the Project, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Upon vote, this motion carried unanimously.

Item #12

Resolution #107-21

Resolution approving abstracts of audited claims

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

RESOLVED, that the general fund claims #18780 through #18866 in the aggregate amount of \$186,489.00 as set forth in Abstract #9/21 dated September 14, 2021, 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 #13

Mayor's Report

15 Rockingham Road

Mayor Katz stated that he has invited homeowner AJ Ginsburg to the meeting tonight to discuss the Village's adjacent property to Mr. Ginsburg's property. Mr. Ginsburg stated that he was required to restore the Village's property. He further stated that he would like to maintain the Village's property now and in the future. The Mayor stated that the Village received an estimate for the maintenance, and it would cost approximately \$2,250.00. Mr. Ginsburg has agreed to handle the maintenance at his own cost subject to an agreement with the Village.

Ben Selig read into the record the draft agreement for discussion purposes.

Mr. Ginsberg raised some concerns in reference to the language in the draft agreement and Mr. Selig stated that once the agreement is typed up, he will share it with Mr. Ginsburg for his review and comments.

Mr. Ginsberg added that the County Health Department has been out to the property and stated that a violation will be issued to the Village if the property is not maintained.

Board Members stated that they will review the agreement once all parties have made their proposed changes.

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Mr. Ginsberg requested permission from the Board tonight to mow the grass on the Village's property now while he is waiting for the agreement. Board Members were in favor of Mr. Ginsberg mowing the grass now while the agreement is being reviewed.

ARPA Funds

Mayor Katz stated that the Village has received an additional \$2,400.00 from the State towards the ARPA funds which were already received. Mayor Katz noted that the additional funds were provided as some municipalities have decided to not participate in the program.

Microphone System

Mayor Katz stated that he has received a request from the Planning Board Chair in reference to having a difficult time hearing during their meetings due to the installation of the plexiglass in the meeting room. The Village has obtained two proposals and the Mayor is requesting direction from the Board.

Board Members were in favor of the lowest price proposal. Mayor Katz stated that he will present this for approval at next month Board meeting.

Local Law change to Neighborhood Gathering

Mayor Katz stated that he was approached from the Village's Fire Inspector to discuss the Village's minor neighborhood gathering law. The Fire Inspector is requesting a review of this law as there is no fire oversight such as annual inspections and/or a registration process. Further there is no list of locations, so the Fire Department is not aware of what the home is being used for in case of an emergency.

Ed McPherson stated that this law was written and designed to avoid all those requirements.

Board Members requested the Fire Inspector to attend our next workshop to discuss.

Sherri Lane Street Light Request

Mayor Katz stated that he received a street light request for Sherri Lane. Mayor Katz stated that there is a section of Sherri Lane that has underground streetlights, another section that has no streetlights, and further another section that has above ground streetlights. This light would be placed in the area where there are no streetlights between house #10-12. The cost for the streetlight is \$13,000.00.

Board Members suggested that the Mayor send a letter to the homeowners on Sherri Lane to get their input.

Hurricane Ida

Mayor Katz stated that an approximately 20 x 10 sink hole developed in the Village's easement at 7 Martha Road. Mayor Katz stated that the Town of Ramapo immediately secured the area, and the Village Engineer will send a report. The Town of Ramapo has agreed to add this repair to their FEMA application as this is the only location in the Village that received damage.

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Ed McPherson questioned if the Mayor responded to the emails from the County/State on damage? Mayor Katz answered yes.

Ed McPherson questioned if the County would make a claim for Spook Rock Bridge? Mayor Katz stated that he is unsure what the County has done. The bridge was closed but had little damage.

E Willow Tree Road Speeding

Mayor Katz stated that the Village Board received an email from the Town of Ramapo Police Department in reference to the speeding on E Willow Tree Road. The Town has suggested that the Village purchase a speed monitor for this location. Mayor Katz stated that a speed monitor trailer is \$8,000, and the speed signs are \$4,000 each. Mayor Katz stated that both items require high maintenance, and no one slows down after seeing the sign on a constant basis.

Board Members agreed that they require maintenance, and they work only intermittently. At this time the Board is not interested in making this purchase.

Comprehensive Plan

Mayor Katz stated that he spoke with Jonathan Lockman of Nelson & Pope in reference to the procedure of a comprehensive plan. It was recommended that the Village establish a committee of not more than 9 people and the committee should consist of 2 Village Board members, PB Chair, ZBA Chair, Frank Brown, 1 PB member, 1 ZBA member and 2 residents. Mr. Lockman has offered one hour of his time for free to the Village. The Village Board will continue its consideration of this issue at a future workshop.

Treasurer's Report

Donalee Berard stated that we are three months into the new year, and we are on track. The Village has collected 97% of taxes. Ms. Berard looks forward to the Village Clerk cleaning up the receivables.

Village's Clerk Report

Village Clerk confirmed that 97% of taxes have been received and there is \$23,000 outstanding. The collection rate is high this year thanks to the Deputy Treasurer who mailed out reminder notices each month to those who did not pay. The Village had 66 complaints this month. Paperwork has been completed for the reallocation of grant funds thanks to Assemblyman Kenneth P. Zebrowski office for their assistance. This grant is for \$45,000 which will be used towards this year's paving cost. The pre-application for the Willow Tree sidewalk project was submitted and reviewed by the NYSDOT and they offered no comments. Full application is due September 29. The Code officials from the Village are scheduled for their annual training on September 27-29. The Village election is March 15, 2022.

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

Respectfully Submitted,
Camille Guido-Downey