

**Village of Wesley Hills
Board of Trustees
Board Meeting-Zoom
Tuesday, November 2, 2021**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Ruth Ivey, Trustee

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 #116-21

Approval of Minutes of Regular Meeting: October 5, 2021

Howard Richman made a motion to approve the minutes of October 5, 2021, seconded by Marion Ben-Jacob. Upon vote, this motion carried unanimously.

Item #2

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

Discussion:

Frank Brown, Assistant Village Attorney was present and stated that he provided the Board of Trustees with Planning Board Resolution #21-26 which describes the Planning Board's comments on the proposed local law. The Planning Board feels that this change should not be placed in the code as a zoning change as people should have the right to use their property as they feel fit and if that is utilizing it as an Airbnb, which should be allowed. Mr. Brown stated that that the Board stated that this change should have its own section.

Mayor Katz stated that the reason the Village Board is considering restricting the "Airbnb type uses" in the Village is for the following reasons:

1. Having a home on a street that is being rented out to different renters each week is a concern of safety to the residents who are living on the street.
2. Based upon the complaints he received, the homes that have been utilized in Wesley Hills as Airbnb have had large noisy parties each weekend which creates frustration with the residents living on the street.

3. Excess parking on the streets.
4. Airbnb type uses are owners who are using their home as a business.
5. Having different people each week changes the character of the neighborhood especially if you have more than one home on a block being rented out. Residents take pride in their home.
6. The Village of Wesley Hills is not a tourist location like the Village of Nyack, and we do not have attractions like other locations.

Howard Richman stated that other jurisdictions have passed the same law, we should get copies of those laws for review.

Mayor Katz stated that it is his understanding that Frank and Ben used examples from other jurisdictions for the creation this law.

Frank Brown stated that the Planning Board has stated that the Village cannot presume that there will be issues with all Airbnb type uses in the Village and the same issues can occur with a resident. There are two issues, should this be a stand-alone law; and the definition of a roomer needs to be reviewed and removed if necessary.

Ed McPherson stated that the State has defined roomer.

Ben Selig stated that he will meet Frank and discuss changes to the code.

Howard Richman made a motion to table this item for further discussion, seconded by Marion Ben-Jacob. Upon vote, this motion carried unanimously.

Item #3

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 open the public hearing, seconded by Marion Ben-Jacob. 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 Marion Ben-Jacob. Upon vote, this motion carried unanimously.

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

Resolution #117-21

RESOLVED, that the proposed Local Law entitled, "A Local Law Amending the Code of the Village of Wesley Hills in relation to open alcoholic containers," a copy of which is made a part of the Minutes of this Board, is hereby approved and enacted as Local Law No. 2 of 2021.

BOT
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Upon vote, this motion carried unanimously.

Mayor Katz requested the Village Clerk to notify the Ramapo Police Department of this new law for enforcement.

Item #4 **Resolution #118-21**
Resolution authorizing the release of escrow funds with respect to 120 E Willow Tree Road

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

WHEREAS, pursuant to an Escrow Agreement between the Village of Wesley Hills and Edwardo Schector dated October 7, 2019, the said Keren Hachesed of Monsey deposited with the Village of Wesley Hills an escrow deposit in the sum of \$4,800.00 in order to guarantee that certain conditions set forth in the letter of the Village Engineer of the Village of Wesley Hills dated March 26, 2019, were completed; and

WHEREAS, the Village Engineer of the Village of Wesley Hills on August 23, 2021, confirmed that the work required by the aforementioned Escrow Agreement has been satisfactorily completed,

NOW, THEREFORE, BE IT RESOLVED, that said Keren Hachesed of Monsey are entitled to a refund of the aforementioned escrow deposit in the sum of \$4,800.00 less the sum of \$1,500.00 to be retained by the Village Justice Court as a fine, and the sum of \$2,307.58 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 Keren Hachesed of Monsey the net sum of \$992.42.

Upon vote, this motion carried unanimously.

Item #5 **Resolution #119-21**
Resolution authorizing the release of escrow funds with respect to 72 Lime Kiln Road

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

WHEREAS, pursuant to an Escrow Agreement between the Village of Wesley Hills and Samuel & Sherry Horowitz dated February 5, 2021, the said Samuel & Sherry Horowitz deposited with the Village of Wesley Hills an escrow deposit in the sum of \$6,000.00 in order to guarantee that certain conditions set forth in the letter of the Village Engineer of the Village of Wesley Hills dated February 25, 2021, were completed; and

WHEREAS, the Village Engineer of the Village of Wesley Hills on May 20, 2021, confirmed that the work required by the aforementioned Escrow Agreement has been satisfactorily completed,

NOW, THEREFORE, BE IT RESOLVED, that said Samuel & Sherry Horowitz are entitled to a refund of the aforementioned escrow deposit in the sum of \$6,000.00 less the sum of \$250.00 to be retained by the Village of Wesley Hills as for an administrative fee and the sum of \$3,525.07 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 Samuel & Sherry Horowitz the net sum of \$2,224.93.

Upon vote, this motion carried unanimously.

Item #6 **Resolution #120-21**
Resolution revoking all Certificates of Occupancies with respect to 5 Timber Trail

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

WHEREAS, pursuant to Village of Wesley Hills code section 230-36 (C) (5), 230-36 D (3) 230-36 (F) (5), & 230-36 (G) (6) the Village of Wesley Hills Building Inspector has requested that all the Certificates of Occupancies for 5 Timber Trail be revoked due to the damage that occurred during the June 6, 2021, house fire, and

WHEREAS, as required under Section 230-36 (F) (5) service of a violation notice revoking said Certificates of Occupancies will be delivered to said property owner on Friday, October 29, 2021, and

WHEREAS, the Village Board of Trustees has read the Building Inspector's report dated 10/15/2021,

NOW, THEREFORE BE IT RESOLVED, that the Village Board of Trustees agrees and confirms that the requested action of the Building Inspector to revoke the Certificates of Occupancies for the property located at 5 Timber Trail is hereby approved.

Upon vote, this motion carried unanimously.

Item #7 **Resolution #121-21**
Resolution certifying amount of unpaid taxes

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

WHEREAS, the Village Treasurer has returned the 2021 Village of Wesley Hills Assessment Roll and Warrant and has delivered to this Board an account of the unpaid taxes which sets forth the sum of \$17,216.25, exclusive of interest as the total amount of taxes unpaid (\$18,421.37, inclusive of interest), and

WHEREAS, this Board has compared the account of unpaid taxes with the original Assessment Roll, and

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby finds and certifies that the account of unpaid taxes is correct and that the total amount of taxes unpaid of \$17,216.25, exclusive of interest (\$18,421.37, inclusive of interest) is hereby approved.

Upon vote, this motion carried unanimously.

**Item #8
Appointment of Clerk-Typist (PT) - Balance of a one-year term**

Resolution #122-21

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

RESOLVED, that the Mayor's appointment of Edythe Finkelstein to the position of the Clerk-Typist (PT) for the balance of a one-year term is hereby approved.

Upon vote, this motion carried unanimously.

**Item #9
Resolution approving abstracts of audited claims**

Resolution #123-21

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

RESOLVED, that the general fund claims #18940 through #19004 in the aggregate amount of \$602,031.20 as set forth in Abstract #11/21 dated November 2, 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 #9A
Resolution approving transfer of funds**

Resolution #124-21

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

RESOLVED, that the transfers in the aggregate amount of \$656,345.00 as set forth in Abstract #11/21 dated November 2, 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.

New Business
Installation and Maintenance of License Plate Readers

Resolution #125-21

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

WHEREAS, the Town of Ramapo has received funding from the New York State Dormitory Authority for the installation and maintenance of license plate readers located throughout the Town of Ramapo, and

WHEREAS, the license plate readers are to be utilized for criminal and investigation purposes only, and

WHEREAS, the Town of Ramapo Police Department has selected two locations in the Village of Wesley Hills for the installation of license plate readers,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Wesley Hills hereby provides consent to the Town of Ramapo for the installation and maintenance of two license plate readers on telephone poles located within the Village of Wesley Hills and authorize the Mayor to sign the letter of consent nunc pro tunc.

Upon vote, this motion carried unanimously.

Item #10
Treasurer's Reports

Donalee Berard presented to the Board the monthly financials to the Board.

Village Clerk's Report

Village Clerk stated that the Village's tax collection period is over, and the Board approved the tax re-levy at this meeting. The Village received sixty-one complaints this month. The new clerk started this week and is currently training. The Village currently has 255 open permits, and the Village Engineer is conducting outfall inspections this week.

Item #12
Executive Session

Howard Richman made a motion to enter executive session, seconded Marion Ben-Jacob. Upon vote, this motion carried unanimously.

BOT

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Howard Richman made a motion to exit executive session, seconded Marion Ben-Jacob. Upon vote, this motion carried unanimously.

No action was taken in executive session.

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

Respectfully Submitted,
Camille Guido-Downey