

VILLAGE OF WESLEY HILLS  
VILLAGE BOARD MEETING  
APRIL 11, 2007

PRESENT: Mayor R. Frankl  
Deputy Mayor E. Mc Pherson  
Trustee D. Goldsmith  
Trustee D. Gantshar  
Trustee H. Richman  
Village Attorney F. Brown  
Deputy Village Attorney B. Selig  
Village Clerk J. Pagliaroli

Mayor Frankl opened the meeting at 8:00 P.M. Mayor Frankl continued the public hearing on tentative budget. Mrs. Ivey was before the Board. She said she did not see in the budget the tax monies collected from Wesley Kosher. Trustee Goldsmith explained that all tax monies collected are listed together, not individually. Mrs. Ivey asked why the surplus was listed at \$215,000. Trustee Richman explained that because this is the year we go to bid for a new garbage contract and because the Board did not wish to give advance notice to bidders as to how much the Village was willing to spend for garbage collection; the extra monies were put in the surplus funds. The funds can then be transfer to the proper appropriation, if needed.

Mrs. Ivey said she did drive around Wesley Hills to see how many streets had garbage pails out at the curb. She said that several streets had homes with garbage cans out at the curb. She said that if we are going to pay for this service we should make it known and if a majority of the residents are not going to keep garbage by the garage then we should notify the residents. Mayor Frankl spoke to the mess that people leave at the curb when the garbage pails are not taken in. Mrs. Ivey also said that the construction site on 7 Laura Lane was very dirty and had garbage strewn about. Trustee Richman made a motion to close the public hearing and was seconded by Trustee Goldsmith and was so carried with a vote of 5 ayes and 0 nays. Mr. Brown explained to the Board the alternatives they had regarding this matter. The Board could approve the budget as submitted, set the date for another special meeting or make changes to the budget. Trustee Richman made the following resolution:

**RESOLUTION 52-07**

WHEREAS, the Board of Trustees of the Village of Wesley Hills has met and considered the tentative budget for the fiscal year beginning June 1,

2007, and has conducted a public hearing thereon as required by Section 5-508 of the Village Law,

NOW, THEREFORE, BE IT RESOLVED, that the tentative budget as set forth in the copy of such budget annexed hereto and made a part of the Minutes of this Board, is hereby adopted, and that the several amounts as set forth in the "Adopted" column of such budget be and hereby are appropriated for the objects and purposes specified, and the salaries and wages set forth in Schedule 4 of the budget shall be and hereby are fixed at the amounts shown therein effective June 1, 2007.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 3 ayes (Trustee Richman, Deputy Mayor Mc Pherson and Mayor Frankl) and 2 nays (Trustee Goldsmith and Trustee Gantshar).

Trustee Richman made the following resolution:

**RESOLUTION 53-07**

RESOLVED, that the Minutes of the respective meetings of the Board of Trustees of the Village of Wesley Hills on March 13, 2007, March 19, 2007, and April 5, 2007, with corrections to the April 5, 2007 minutes as noted by the Board, be approved, and that the reading of such Minutes be waived.

The resolution was seconded by Trustee Goldsmith and so carried with a vote of 4 ayes (Trustee Richman, Trustee Goldsmith, Mayor Frankl and Deputy Mayor Mc Pherson) and one abstention (Trustee Gantshar).

Mayor Frankl asked for the Village Clerk's report. The Village Clerk asked the Board to address the letter from Rockland County Board of Elections requesting to have the name of someone to open the Village Hall for the special election on May 1<sup>st</sup>. Mayor Frankl asked Trustee Gantshar if he were still willing to come at 6 A.M. and open the building for the election inspectors. Trustee Gantshar said that if the Mayor asked him he would. Jayne Homyak volunteered to be at the Village Hall to let the inspectors in. Mayor Frankl said that he would close the Village Hall. The Village Clerk reported to the Village Board that she is investigating the request from Cornell Cooperative Extension to join a Drainage Consortium. Mayor Frankl said that he believes the consortium is a good idea. He said that there are two dams and bridge on Grandview Avenue and Wesley Chapel Road. He said that other Villages were becoming part of the consortium and we should also.

Mayor reported that the fire-damaged house on Lime Kiln Court has been knocked down but a fence must be put up.

Mayor reported that the road opening done on Buena Vista is terrible and should be fixed. The Mayor also reported that the trailer on Rochelle Lane will be gone next Monday.

Mr. Selig reported that he had sent a letter to the Village Clerk regarding the litigation regarding Arnold Friedman. He said the trial is coming up on May 7<sup>th</sup>. He also reported that the claims against Village of Wesley Hills on the grounds that the property was damaged because of the retention basin installation have been dismissed. The Village is still involved in the litigation regarding the design of the retention basin.

Mr. Selig also advised the Board that regarding the Rosenblum case there is a notice to dismiss the judgment.

Mr. Finker was before the Board. He said the Kwilecki property on Village Green is littered and should be cleaned up. He said that other people are dumping on the property. Mayor Frankl said that it was the time of year when the litter seems to appear and he is working on having a detail from the jail come with the sheriff to clean up the roadways in the Village. Mr. Finker also asked about the signs on either end of Route 306 in the Village about Sikorsky Auto Disposal being responsible for the clean up along Route 306. The Mayor said that is the responsibility of New York State D.O.T. and he will make another call.

Trustee Goldsmith said the church property on Willow Tree Road should also be cleaned up. He asked the Village Clerk to call Ascape to make sure all the garbage on the walking path on the Powderhorn side in Sikorsky Park is cleaned up.

The next item on the agenda is the appointment for Village Justice. Mayor Frankl said that he has a candidate but asked to hold the appointment off until the May meeting.

Mayor Frankl appointed Jayne Homyak to the office of Village Historian, pursuant to Section 57.07 of the Arts and Cultural Affairs Law.

Frank Brown explained to the Board the changes made to the specifications for the garbage bid. He said the bid request prices for four alternatives: (a) once a week at the curb; (b) once a week at the garage door; (c) twice a week at the curb or (d) twice a week at the garage door. This will determine which method of pick up could decrease the cost of collection garbage. He told the Board that

he had changed the wording in the specifications so that the Board could accept any of the alternatives. Trustee Goldsmith asked if we could terminate the contract before the budget is being done. Frank Brown suggested that the Board start to redo the new contract in February and that would make it easy to budget in the costs. After a discussion, it was decided to leave the contract termination date as May 31, 2010. Deputy Mayor Mc Pherson suggested putting in a clause to give the bidder the opportunity to extend the contract more than 3 years. Trustee Richman said that he did not see how that would be to the Village's advantage. Trustee Goldsmith said that it would not be an effective tool in this case because the bidders are not afraid of someone undercutting their price. Mayor Frankl said that the garbage collectors now are professional people and very sophisticated. He asked Mrs. Homyak if the complaints were better or worse. She said much better. Mr. Brown said that to allow a bidder to extend the contract period would be a change in the specifications. Trustee Richman said the Board has to do this now and that there wasn't a lot of time to get the bid specifications out. Mr. Selig said that it would effectively deny other people the right to bid. Mr. Brown reminded the Board that the reason for the bid process was to make sure there was no collusion between a contractor and the Village. Trustee Goldsmith made the following resolution:

**RESOLUTION 54-07**

RESOLVED, that the 2007 Specifications for the providing of garbage and trash collection service to and for the Village of Wesley Hills, as set forth in the copy of such Specifications annexed hereto and made a part of the Minutes of this Board, are hereby approved.

The resolution was seconded by Trustee Gantshar and so carried with a vote of 5 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 55-07**

RESOLVED, that the Village Clerk is hereby directed to publish a legal notice in the official Village newspaper inviting sealed bids to be submitted on or before 4:00 P.M. on May 8, 2007 for the furnishing of all materials, labor and equipment necessary for the performance of the contract to be let by the Village of Wesley Hills for the providing of garbage and trash collection service to and for the Village of Wesley Hills for the contract period commencing on June 1, 2007 and terminating on May 31, 2010.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 5 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 56-07**

RESOLVED, that the Village Clerk is hereby authorized to open the bids received pursuant to the aforesaid notice, at the time and place specified in such notice.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 5 ayes and 0 nays.

Frank Brown informed the Board that the last time the money in lieu of lands was changed was 1996. Trustee Gantshar made the following resolution:

**RESOLUTION 57-07**

WHEREAS, the Recreation Fee charged by the Village of Wesley Hills in lieu of parkland for new subdivisions, pursuant to Village Law section 7-730, subdivision 4, was established on December 9, 1986 as \$2,500.00 per lot for each new lot created by a new subdivision plat, and such fee has not been increased in more than twenty years, and

WHEREAS, the cost of land in the Village of Wesley Hills has increased drastically during said twenty years, and the Board of Trustees has been advised by realtors that such cost has at least doubled just in the past five years alone, and

WHEREAS, as a consequence of such increase the said Recreation Fee no longer bears a reasonable relationship to the cost of developing new recreation areas made necessary by the growth in the Village's population resulting from the approval of new subdivisions,

NOW, THEREFORE, BE IT RESOLVED, that the Fee Schedule of the Village of Wesley Hills is hereby amended as follows: Item 5, "RECREATION FEE (money in lieu of land for new subdivision lots)", is hereby increased to \$5,000.00 per lot, and

BE IT FURTHER RESOLVED that such amended Recreation Fee shall apply to all subdivisions receiving preliminary or final approval from the Planning Board hereafter.

The resolution was seconded by Trustee Richman and so carried with a vote of 4 ayes (Mayor Frankl, Deputy Mayor Mc Pherson, Trustee Gantshar and Trustee Richman) and 1 nay (Trustee Goldsmith).

Trustee Richman made the following resolution:

**RESOLUTION 58-07**

RESOLVED, that hereafter the amount of the Recreation Fee charged by the Village of Wesley Hills in lieu of parkland for new subdivisions, pursuant to Village Law section 7-730, subdivision 4, shall be reviewed annually in April, at the annual reorganization meeting of the Board of Trustees, and shall be amended as necessary to reflect future changes in the cost of land in the Village of Wesley Hills.

The resolution was seconded by Trustee Goldsmith and so carried with a vote of 5 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 59-07**

RESOLVED, that Brooker Engineering, PLLC is hereby retained to prepare the required MS4 (Municipal Separate Storm Water Sewer System) 2007 Annual Report and the required 2007 MCC (Municipal Compliance Certificate) as set forth in its letter proposal dated March 20, 2007, a copy of which is made a part of the Minutes of this Board, is hereby accepted for a total price of \$950.00, and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the Acceptance of such letter proposal on behalf of the Village of Wesley Hills.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 5 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 60-07**

RESOLVED, that general fund claims #273 through 302 in the aggregate amount of \$10,291.68 as set forth in Abstract #4-07 dated April 11, 2007, a copy of which abstract of audited claims is made a part of the Minutes of this Board, are hereby approved.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 5 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 61-07**

RESOLVED, that parks and recreation fund claim #182 in the amount of \$305.00, as set forth in Abstract #PR 2-07 dated April 11, 2007, a copy of which abstract of audited claim is made a part of the Minutes of this Board, is hereby approved.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 5 ayes and 0 nays.

Deputy Mayor Mc Pherson spoke to the letter from the Village Fire Inspector reporting that 5 Grand Park Drive is worth 7.5 million. He felt that we should make the Town Assessor aware of this. Mayor Frankl reported to the Board that we are awaiting a report from the Town Sewer Department.

Deputy Mayor Mc Pherson discussed Verizon's installation of fiber optic service in the Village. He requested the Village Clerk to contact Verizon and have them come to our meeting and talk to the Board a timetable as to when this service will be available to the Village residents.

Deputy Mayor Mc Pherson also said that at the end of the meeting he would like to go into executive session to discuss litigation.

Trustee Richman made a motion to go into executive session to discuss litigation. The motion was seconded by Trustee Goldsmith and so carried.

Trustee Goldsmith made a motion to return to regular session. The motion was seconded by Trustee Gantshar and so carried.

No action was taken by the Board while in executive session.

Trustee Gantshar made a motion to adjourn and was seconded by Trustee Richman. The motion was so carried.

Respectfully submitted,

Julie Pagliaroli  
Village Clerk