

VILLAGE OF WESLEY HILLS  
VILLAGE BOARD MEETING  
MAY 8, 2007

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

ABSENT: Mayor R. Frankl (arrived late)

Deputy Mayor Mc Pherson opened the meeting at 8:00 P.M. Trustee Goldsmith made the following resolution:

**RESOLUTION 62-07**

RESOLVED, that the Minutes of the meeting of the Board of Trustees of the Village of Wesley Hills on April 11, 2007, as submitted by the Village Clerk, be approved, and that the reading of such Minutes be waived.

The resolution was seconded by Trustee Richman and so carried with 4 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 63-07**

A resolution levying the total taxes and other charges extended and levied against each parcel of real property shown on the roll prepared and verified by the assessors for the 2007-2008 fiscal year.

RESOLVED, that there be levied and assessed against the real property of the Village of Wesley Hills the following sums for village government and other charges for the fiscal year 2007-2008 with a tax rate of 9.3305 per thousand dollars of assessed valuation:

General Fund:	\$1,117,606.00
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The resolution was seconded by Trustee Richman and so carried with the following vote: Deputy Mayor Mc Pherson, aye; Trustee Goldsmith, aye; Trustee Richman, aye; and Trustee Gantshar, nay. Trustee Gantshar asked

that it be noted that he voted against the resolution because he is opposed to any tax increase on the residents.

Trustee Goldsmith made the following resolution:

**RESOLUTION 64-07**

WHEREAS, the Board of Trustees of the Village of Wesley Hills, by public notice duly published according to law, has invited sealed bids for the providing of garbage and trash removal service to and for the Village of Wesley Hills for the contract period of three years, commencing June 1, 2007 and terminating on May 31, 2010; and

WHEREAS, a bid proposal was received only from Interstate Waste Services, Inc.; and

WHEREAS, such proposal received was opened and considered publicly at the Village Hall, 432 Route 306, Wesley Hills, New York on March 9, 2004, at 4:00 P.M., the time and place specified in said public notice; and

WHEREAS, the Board of Trustees, after consideration such proposals, has determined that it is in the best interests of the Village of Wesley Hills to accept the level of service corresponding to Alternative #4 as set forth in the Bid Proposal form, that being the only alternative for which a bid was received; and

WHEREAS, the Board of Trustees has determined that Interstate Waste Services, Inc. is the lowest responsible formal bidder whose bid was filed in conformity with said public notice for such public work in accordance with the Specifications therefore;

NOW, THEREFORE, BE IT RESOLVED, that the said proposal of Interstate Waste Services, Inc. be and the same hereby is accepted for Alternative #4 for a lump sum price of \$1,765,522.00 inclusive of all dumping and tipping fees, to be paid in 72 equal semi-monthly installments; and

BE IT FURTHER RESOLVED, that the Board of Trustees shall enter into a contract with said Interstate Waste Services, Inc. for garbage and trash removal service for the price specified in said proposal of Interstate Waste Services, Inc. and in accordance with the Specifications for said public work, a copy of which contract is made a part of the Minutes of this Board, upon said Interstate Waste Services, Inc. supplying the performance bond

and certificates of proof of insurance coverage and executing the indemnification agreement as required by said Specifications.

The resolution was seconded by Trustee Richman and so carried with a vote as follows: Deputy Mayor Mc Pherson, aye, Trustee Goldsmith, aye; Trustee Richman, Aye and Trustee Gantshar, nay. Trustee Gantshar said that he would have liked to re-bid. He said he feels that there are enough suppliers in Rockland that we should get more than one bid. Trustee Goldsmith said that it is the way it is. Only one time did the Board get any more than one bid and only one time did the Board re-bid and the bids came in at a higher price.

Mr. Brown gave the background on the request for appeal regarding the Freedom of Information request placed by Mr. Marcus. Mr. Brown stated that the appeal is before the Board because of the applicant's denial to review the record. Trustee Richman read the resolution into the record. Trustee Goldsmith said that he would like to hear what Mr. Marcus had to say. Mr. Marcus said that what he was offered to look at was only two pages and that was not what he was looking for and that it was offered after the time limit had passed. The Village Clerk stated that Mr. Marcus had verbally said that he would be in the next day after dropping off the Freedom of Information Request and that she did not follow up with a formal letter because she was waiting for Mr. Marcus to come in again. Mr. Brown explained that the papers that were offered were the only ones the Village has in its possession and that the original papers were filed by the Town of Ramapo with the State of New York because the Village did not exist until the papers were filed. Trustee Gantshar made the following resolution:

**RESOLUTION 65-07**

WHEREAS, pursuant to Section 2 of the Regulations for Public Access to Records of the Village of Wesley Hills, adopted by the Board of Trustees of the Village of Wesley Hills on March 8, 1983 by Resolution #22-83, the Village Clerk is the records access officer, and

WHEREAS, on April 12, 2007, Neil Marcus presented a written request to the Village Clerk, pursuant to the Freedom of Information Law, to examine "Village of Wesley Hills incorporation documents", at which time Neil Marcus advised the Village Clerk that he would return the next day to review such documents, and

WHEREAS, the Village Clerk has advised the Board of Trustees that she thereupon located such documents and put them aside to be available for inspection by Neil Marcus on April 13, 2007, but Neil Marcus did not return to Village Hall to examine such documents, and

WHEREAS, on April 23, 2007, Neil Marcus presented a written appeal of the alleged failure of the Village Clerk to respond to his request, and

WHEREAS, the Village Clerk has testified to the Board of Trustees that she offered to let Neil Marcus review such documents on April 23, 2007, but he refused to review such documents at that time and stated to her instead that he wanted his request "to go through the appeal process", and

WHEREAS, pursuant to Section 7 of said Regulations for Public Access to Records of the Village of Wesley Hills, the Board of Trustees is the body designated to hear appeals from denial of access to records, and

WHEREAS, the Village Clerk has forwarded the appeal of Neil Marcus to the Board of Trustees, and the Board of Trustees thereupon has considered such appeal and has heard the testimony of the Village Clerk as aforesaid,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby determines that an appeal is not appropriate in this instance, because pursuant to Public Officers Law section 89, subdivision 4, an appeal is available only if there has been a denial of access to a record whereas in this instance access to the requested record has been made available, and therefore the Board of Trustees hereby dismisses the appeal of Neil Marcus, and

BE IT FURTHER RESOLVED, that the Village Clerk shall transmit copies of this resolution to Neil Marcus and to the New York State Committee on Public Access to Records forthwith.

The resolution was seconded by Trustee Richman and so carried with a vote of 4 ayes and 0 nays.

Discussion was held regarding Mr. Marcus' second appeal and Mr. Marcus withdrew his appeal. Mr. Marcus was instructed that he could come into the Village Hall during work hours and view the types of printers used by the Village employees.

Trustee Goldsmith made the following resolution:

**RESOLUTION 66-07**

RESOLVED, that general fund claims #303 through 328 in the aggregate amount of \$113,606.08, as set forth in Abstract #5-07 dated May 8, 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 Trustee Richman and so carried with a vote of 4 ayes and 0 nays.

Mr. Brown asked the Village Board which nights the Village Hall would be opened for the collection of taxes so that it could be included in the notice to be published. The Board decided on June 21<sup>st</sup> and 28<sup>th</sup> between 6:00 p.m. and 8:00 p.m.

Mrs. Ivey was before the Board. She requested that each resolution be read into the record. She also said that she felt the garbage bid should be declined and re-bid. She said she felt they have the control. She would have like to know what it cost for the other options. Mrs. Ivey said that in the last newsletter it said that we had "side door pick up" and they did not pick up her garbage. She also wanted to know why recycling must be placed out at the curb. Trustee Goldsmith stated that because of the time constraints the bid could not be re-bid and if it were, the cost would probably be higher. He told Mrs. Ivey that recycling is out at the curb because it is dealt with in a different way and goes to a different place. He said that first the paper is picked up and then the co-mingled recycling so the carter must make two complete trips.

Mayor Frankl arrived at the meeting.

The Mayor appoints N. Dennis Kaplan to the office of Acting Village Justice for a one-year term, subject to his resignation from the Zoning Board of Appeals. Trustee Goldsmith made the following resolution:

**RESOLUTION 67-07**

RESOLVED, that the Mayor's appointment of N. Dennis Kaplan to the office of Acting Village Justice for a one-year term is hereby approved.

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

The Mayor announces the resignation of N. Dennis Kaplan from the Zoning Board of Appeals. The Mayor appoints Richard Weinberger as Chairman of the Zoning Board of Appeals for the balance of the term expiring in April, 2008.

Trustee Gantshar made the following resolution:

**RESOLUTION 68-07**

RESOLVED, pursuant to the provisions of Section 7-712 of the Village Law, that the Mayor's appointment of Richard Weinberger as Chairman of the Zoning Board of Appeals of the Village of Wesley Hills for the balance of the term expiring in April, 2008 is hereby approved.

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

Trustee Goldsmith made the following resolution:

**RESOLUTION 69-07**

RESOLVED, that Willie L. Bryant is hereby appointed as a regular member of the Zoning Board of Appeals of the Village of Wesley Hills in lieu of his previous position as alternate member thereof, for the balance of the term expiring in April, 2008.

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

Trustee Goldsmith made the following resolution:

**RESOLUTION 70-07**

RESOLVED, that Felicia S. Hirshfeld is hereby appointed as alternate member of the Zoning Board of Appeals of the Village of Wesley Hills for the balance of the term expiring in April, 2008.

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

Trustee Richman discussed with the Board the need for security in light of the incident in Sloatsburg, where there was a shooting in the court room. He said we need to evaluate the security at the court and at the Village Hall office.

Mayor Frankl said that he wanted the sheriff to make a presentation on the precautions that we should be taking.

Trustee Goldsmith discussed the letter from Brooker Engineering regarding 6 Cottonwood Lane. He informed the Board that the resident had been informed before that the drainage easement located on the property known as 6 Cottonwood Lane was a private easement and that the owners are responsible for the maintenance and/or repair of the drain.

Trustee Goldsmith discussed the letter from the Rockland County Highway Department, Mr. Vezzetti, regarding the culvert on Wesley Chapel. Mayor Frankl stated that he is asking for grant money to require this culvert. He has already contact Senator Morahan and Zebrowski.

Trustee Goldsmith asked about the contract from Cornerstone. The Village Clerk informed him it was only for the Board's information and a resolution would be done in June to accept this contract.

Trustee Goldsmith discussed if we were billed from the County for the cost of the problem with the sewer back up that involved the Lichtenstein residence. He also wanted to know if we were going to obtain and corrected certification of the cost of construction. The original certification stated that the house cost \$3 million and it was reported to the Fire Inspector that the actual cost was \$7.5 million. He also said if they are living in the house without a certificate of occupancy it is a serious violation of the code. The Mayor is to sit down the Brian Brooker and get technical information on this. Trustee Goldsmith said he wanted to make sure that they don't get a certificate of occupancy until they give us a correct certification of cost. Mayor Frankl to get information as to whether or not they have a certificate of occupancy. Mayor Frankl said that he needs to talk to Brian Brooker, Liz Mellow and Pat Massaro about the costs of the building. Frank Brown said that Barbara is not to get involved with the calculation of the cost. Mayor Frankl said that we have six or seven people who are in houses without certificate of occupancy and we must send them justice court appearance tickets.

Mayor Frankl said that the Village should enforce the State requirement of having 4 inch numbers identifying houses. Letters are to be sent out to the residents telling them of this requirement.

Deputy Mayor Mc Pherson said that the Zoning Code does not address solar access. This being trees that block the sun from neighbor's property. He feels some consideration should be given to this as it is in some communities.

Mr. Steve Abrams was before the Board. He asked the Board about the canoes on property located in Pomona Country Club. He said they are in the front yard and within the front yard set back. Deputy Mayor Mc Pherson is to tell the Board of Homeowners Association and discuss it with them to see what can be done.

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

Respectfully submitted,

Julie Pagliaroli  
Village Clerk