

Village of Wesley Hills  
Village Board Meeting February 12, 2008

The meeting was called to order by Mayor David Goldsmith at 8:04 P.M.

Present: Mayor David Goldsmith, Deputy Mayor-Ed McPherson, Howard Richman-Trustee, Marion Ben-Jacob-Trustee, Brett Bekritsky-Trustee.

Also Present: Frank Brown-Village Attorney, Ben Selig-Deputy Village Attorney, Barbara Cartaya-Village Clerk.

A motion was made by Brett Bekritsky and seconded by Howard Richman to approve the following resolution:

RESOLUTION 11-08

RESOLVED, that the Minutes of the respective meetings of the Board of Trustees of the Village of Wesley Hills on January 8, 2008 and February 5, 2008, as submitted by the Village Clerk, be approved, and that the reading of such minutes be waived.

The following vote was taken: Mayor Goldsmith-yes, Deputy Mayor McPherson-yes, Howard Richman-yes, Marion Ben-Jacob-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 5 ayes and 0 nays.

Mayor Goldsmith briefly discussed the settlement of the Friedman lawsuit with the Board members.

Mr. Selig then discussed the settlement of the lawsuit in detail with Mayor Goldsmith and the Board members.

A motion was made by Howard Richman and seconded by Ed McPherson to approve the following resolution:

RESOLUTION 12-08

WHEREAS, Kwilecki Enterprises, Inc. deposited the sum of \$4,500.00 with the Village of Wesley Hills in connection with the construction of the Wesley Hills Estates Subdivision, which sum continues to be held in escrow by the Village of Wesley Hills, and

WHEREAS, Arnold Friedman, an owner of real property adjacent to said subdivision, has claimed entitlement to said escrow funds on account of damages alleged to have been sustained by him in connection with the construction of drainage improvements for said subdivision, and

WHEREAS, in 2002, the Village of Wesley Hills commenced a stakeholder action in Supreme Court, titled Village of Wesley Hills v. Village of Pomona, Kwilecki Enterprises, Inc. and Arnold Friedman and bearing Rockland County Index Number 2137/02, to determine entitlement to said escrow funds and

WHEREAS, In 2005, Arnold Friedman commenced an action in Supreme Court, titled Arnold Friedman v. Village of Pomona, Village of Wesley Hills, and Kwilecki Enterprises, Inc. and bearing Rockland County Index Number 2569/05 setting forth claims relating to the same subdivision and the same actions relating thereto, and

WHEREAS, those two actions have been consolidated, and extensive settlement negotiations have resulted in a Stipulation of Settlement, a copy of which is made a part of the Minutes of this Board, and

WHEREAS, this Board believes that the said Stipulation of Settlement is in the overall public interest because it does not require the payment of any public funds by the Village of Wesley Hills,

NOW, THEREFORE, BE IT RESOLVED, that the said Stipulation of Settlement is hereby approved, and that the Mayor and the Village's attorneys are hereby authorized to prepare and execute any and all documents necessary to effectuate such settlement, including general releases as required by said Stipulation of Settlement, and

BE IT FURTHER RESOLVED, that, as required by such settlement, the village shall pay the entire sum of \$4,500.00 held by it in escrow to Arnold Friedman by bank or certified check no later than February 28, 2008.

The following vote was taken: Mayor Goldsmith-yes, Deputy Mayor McPherson-yes, Howard Richman-yes, Marion Ben-Jacob-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 5 ayes and 0 nays.

At this time Mayor Goldsmith discussed with the Board members, a company called Cost Control Associates. Mayor Goldsmith said that Cost Control would review (at no cost to the Village) existing street light usage in the Village, to be sure that the Village is not being overcharged by the utility company. Mayor Goldsmith then said that the only cost to the Village would be that the company would take a small percentage of any overcharge they might find.

A motion was made Howard Richman and seconded by Ed McPherson to approve the following resolution:

RESOLUTION 13-08

RESOLVED, that the proposed Agreement between Cost Control Associates, Inc. and the Village of Wesley Hills for cost recovery and reduction services relating to the Village's energy and telecom services, a copy of which Agreement is made a part of this Board, is hereby approved, and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute said Agreement on behalf of the Village of Wesley Hills.

The following vote was taken: Mayor Goldsmith-yes, Deputy Mayor McPherson-yes, Howard Richman-yes, Marion Ben-Jacobs-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 5 ayes and 0 nays.

A motion was made by Howard Richman and seconded by Ed McPherson to approve the following resolution:

RESOLUTION 14-08

RESOLVED, that the proposed Municipal Multi-Modal Capital Project Agreement between New York State Department of Transportation and the Village of Wesley Hills, as set forth in NYS Comptroller's Contract No. D027397, for reimbursement of costs incurred by the Village in connection with the installation of a traffic signal at the intersection of Willow Tree Road, a copy of which Agreement is made a part of the Minutes of this Board, is hereby approved, and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute said Agreement on behalf of the Village of Wesley Hills.

The following vote was taken: Mayor Goldsmith-yes, Deputy Mayor McPherson-yes, Howard Richman-yes, Marion Ben-Jacob-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 5 ayes and 0 nays.

A motion was made by Marion Ben-Jacobs and seconded by Ed McPherson to approve the following resolution:

RESOLUTION 15-08

RESOLVED, that the Village of Wesley Hills Employee Manual dated June 1, 1994, as adopted by Resolution #69-94 and revised, is hereby further revised, effective immediately, so that new sections entitled “ SEXUAL AND OTHER UNLAWFUL HARRASSMENT”, “EQUAL EMPLOYMENT AND WORK RULES”, “DISABILITY ACCOMODATION”, “CONFLICTS OF INTEREST “, and “GRIEVENCE POLICY” shall be added, and that such new sections shall read as set forth in the memorandum dated “Effective Date February 12, 2008”, a copy of which memorandum is made a part of the Minutes of this Board; and

BE IT FURTHER RESOLVED, that Resolutions # 5-94 and 6-94 concerning the adoption of the Village’s prior Sexual Harassment Policy are hereby superseded and therefore repealed.

The following vote was taken: Mayor Goldsmith-yes, Deputy Mayor McPherson-yes, Howard Richman-yes, Marion Ben-Jacobs-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 5 ayes, and 0 nays.

A motion was made by Howard Richman and seconded by Ed McPherson to approve the following resolution:

RESOLUTION 16-08

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 December 31, 2007, Neil Marcus presented a written request to the Village Clerk, pursuant to the Freedom of Information Law for “a reasonably detailed list of current records, by subject matter, of all records in possession of the Village”, and

WHEREAS, the Village Clerk had not responded to Neil Marcus in writing at the time of the filing of the appeal determined hereby, because the document that he requested did not yet exist at that time, but such document has since been completed and delivered to Neil Marcus, and

WHEREAS, Neil Marcus interpreted such non-response as a constructive denial of his request, and, on February 4, 2008, Neil Marcus presented a written appeal of such denial to the Village Clerk, 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 testimony that no such document existed at the time that the request was received, but that such document now exists and has been tendered to Neil Marcus,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby confirms the determination of the Village Clerk, and the Board of Trustees hereby denies the appeal of Neil Marcus, and

BE IT FURTHER RESOLVED, that the Board of Trustees further determines that such appeal is now moot, and

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

The following vote was taken: Mayor Goldsmith-yes Deputy Mayor McPherson-yes, Howard Richman-yes, Marion Ben-Jacob-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 5 ayes and 0 nays.

A motion was made by Ed McPherson and seconded by Howard Richman to approve the following resolution:

#### RESOLUTION 17-08

RESOLVED, that general fund claims # 241 through 245 and 247 through 272 the aggregate amount of \$113,636.53, as set forth on Abstract # 2-08 dated February 11, 2008, a copy of which abstract of audited claims is made a part of the Minutes of this Board, are hereby approved.

RESOLVED, that parks and recreation fund claims # 191 through 193 in the aggregate amount of \$1,506.42, as set forth in Abstract # PR 2-08 dated February 11, 2008, a copy of which abstract of audited claim is made a part of the Minutes of this Board, are hereby approved.

The following vote was taken: Mayor Goldsmith-yes Deputy Mayor Ed McPherson, Howard Richman-yes, Marion Ben-Jacob-yes, Brett Bekritsky-yes.

The resolution was carried with a vote of 5 ayes and 0 nays.

Mayor Goldsmith then asked Scott Liebert from CLG Financial to discuss NYMIR policy with the Board members.

Mr. Liebert said that NYMIR deals only with municipalities in New York State and that the company does more for municipalities than a traditional insurance company would. Mr. Liebert then said that traditional insurance companies will pay nuisance claims and NYMIR will not. Mr. Liebert said that NYMIR has decided to raise their current premium rate in all Rockland County Villages. Mr. Liebert then said that NYMIR is offering a renewal to the Village and he has also received a proposal from Travelers Insurance Company. Mr. Liebert said that NYMIR is watched by the Conference and that it would be best to use a carrier admitted by the New York State Watch Coverage Board. Mr. Liebert then discussed premium amounts with Mayor Goldsmith and the Board members. Mr. Liebert said that NYMIR has increased their premium by \$3,000.00 and that Travelers has offers and policy to the Village for \$22,353.00 with the understanding that if the Village's Court officers carry guns, the premium will be increased by \$821.50.

After further discussion Mayor Goldsmith thanked Mr. Liebert for his time and said that the Village would be making a decision soon on his proposals.

A motion was made by Howard Richman and seconded by Ed McPherson to adjourn the meeting.

The following vote was taken: Mayor Goldsmith-yes, Deputy Mayor McPherson, Howard Richman-yes, Marion Ben-Jacob-yes, Brett Bekritsky-yes.