

Village of Wesley Hills  
Village Board Meeting March 11, 2008

The meeting was called to order by Mayor David Goldsmith at 8:00 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 Ed McPherson and seconded by Marion Ben-Jacob to approve the following resolution:

RESOLUTION # 18-08

RESOLVED, that the Minutes of the meeting of the Board of Trustees of the Village of Wesley Hills on February 12, 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,

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

A motion was made by Howard Richman and seconded by Marion Ben Jacob to approve the following resolution:

RESOLUTION# 19-08:

WHEREAS, on November 9, 2006, Prestige Builders deposited the sum of \$3,500.00 with the Village of Wesley Hills to be held in escrow until the completion of restoration work required in connection with a road opening permit for a water main extension at 7 Buena Vista Road; and

WHEREAS, by site visit report dated March 5, 2008, the Village Engineer has advised this Board that the said contractor's responsibility for the completion of such work has been satisfied,

NOW, THERFORE, BE IT RESOLVED, that the said escrow funds in the amount of \$3,500.00 be released and returned to Prestige Builders.

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.

Mr. Selig then briefly discussed with Mayor Goldsmith and the Board members a request from Verizon to set a public hearing. Mr. Selig said that he had a meeting with representatives from Verizon and that they are still discussing a draft contract with him. Mr. Selig then said that he

needs further clarification from Verizon on certain issues before he reviews the final draft of the contract.

Mayor Goldsmith and the board members then briefly discussed the proposal from Verizon.

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

RESOLUTION# 20-08

RESOLVED, that a public hearing concerning the grant of a franchise to Verizon of New York, Inc. to maintain a communications system within the streets and public ways of the Village of Wesley Hills in order to provide FIOS TV cable service within the Village shall be held before the Board of Trustees of the Village of Wesley Hills on the 8<sup>th</sup> day of April, 2008, at 8:00 P.M., at the Village Hall, 432 Route 306, in the Village of Wesley Hills, at which hearing citizens shall have the opportunity to be heard with respect to such proposed franchise, subject to the condition that a

A motion was made by Marion Ben-Jacob and seconded by Howard Richman to approve the following resolution:

RESOLUTION# 21-08

RESOLVED, that FYS Computer Consulting is hereby retained to provide support services for the computer systems of the Village of Wesley Hills, for the period of April 1, 2008 through May 31, 2008, as set forth in the proposal of FYS Computer Consulting to perform such work as set forth on its proposal, a copy of which is made a part of the Minutes of this Board, for a total cost of \$750.00, and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute said Proposal 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 Howard Richman and seconded by Ed McPherson to approve the following resolution:

RESOLUTION# 22-08

RESOLVED, that a special meeting of the Board of Trustees of the Village of Wesley Hills shall be held on March 26, 2008 at 8:00 P.M. at the Village Hall, 432 Route 306, for the following purposes:

- (1) consideration of tentative budget;
- (2) scheduling of public hearing on tentative budget;  
and
- (3) such other matters as may properly be brought before the Board of Trustees

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 Brett Bekritsky and seconded by Howard Richman to approve the following resolution:

RESOLUTION# 23-08

RESOLVED, that general fund claims #273 through #299 in the aggregate amount of \$116,023.18, as set forth in Abstract #3-08 dated March 11, 2008, a copy of which abstract of audited claims is made a part of the Minutes of this Board, are hereby approved.

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, the Board members and Frank Brown then discussed a letter dated March 10, 2008 from Neil Marcus.

Mr. Brown said that there are two issues; Mr. Marcus requested a list of records kept by the Village Clerk. At the time of the request, the list did not yet exist (although the Village Board had directed the previous Village Clerk to prepare it) the list subsequently was completed and was given to Mr. Marcus. Mr. Marcus is dissatisfied with the list that was provided. Mr. Brown said that in general the Village doesn't have to create a document that doesn't exist. In this case however, State law requires the document requested, so the Village Clerk did create the document. Mr. Brown then said that the only grounds for an appeal are either (1) that the Village denied the existence of documents that they had or (2). that the Village failed to provide existing documents for an improper reason. Frank Brown said that in both cases that is untrue. When the Village Clerk initially denied Mr. Marcus's request. The document did not yet exist, so the Village Clerk's action was technically correct, and Mr. Marcus's appeal was properly denied by this Board on February 12, 2008. Mr. Marcus is now appealing that decision of this Board to this same Board, which he cannot do. His only recourse is to bring a proceeding in Supreme Court. Similarly, if Mr. Marcus is dissatisfied with the document produced, his only recourse is a proceeding in Supreme Court. He cannot appeal the quality of the document to this Board because his access to the document was not denied. Therefore Mr. Brown advised the Board that Mr. Marcus has not presented a proper appeal, and there is nothing for the Board to act upon.

Mayor Goldsmith and the Board members then briefly discussed the Planning Board minutes and the Dalzell application that is before the Planning Board. There was a comment on the fact that deliveries to the shops occur before 6 A.M. Ben Selig said that no deliveries are permitted before 6 A.M. There was additional discussion on the issue of buses stopping and standing in the shopping center and causing traffic jams.

The Mayor and the Board members then discussed the clearing and filling on 31 Astor Place. Mayor Goldsmith said that this is the second time the homeowners have started work on their property without seeking permits from the planning board.

Mayor Goldsmith and the Board members then briefly discussed the tax exempt properties in the Village.

Frank Brown said that there are different basis for tax exempt status. Mr. Brown said that Section 420-A is for complete religious use, Section 462 of the law, the property is owned by a religious corporation and is used by a clergyman. Mr. Brown then said that in Section 460 of the law, the property is not owned by a corporation but has a clergyman residing on premises, and finally in Section 436 of the law it is real property held in trust by the clergyman for benefit of the church.

Mayor Goldsmith and the Board members then discussed the website. Mr. Richman reported that the website was reconstructed and that the services to reconstruct the website were donated to the Village.

Ben Selig then discussed the Zarin and Steinmetz bill. Mr. Selig said that he had discussed the increase in price with Doris Ulman and that the consensus of all the Villages involved is not to pay the proposed increase.

Mayor Goldsmith, the Board members and Frank Brown then discussed the religious use portion of New York State Building Code.

Mayor Goldsmith and the Board members decided to request a meeting with Erica Krieger (from New York State Building Department) to discuss safety issues in detail.

Mayor Goldsmith then announced that Frank Brown will be leaving the position of Village Board Attorney and will be the Attorney for the Planning Board. Mayor Goldsmith then said that Ben Selig will be the Attorney for the Village Board. Mayor Goldsmith and the Village Board thanked Frank Brown for all the years of excellent service he has provided for the Village.

A motion was made by David Goldsmith and seconded by Howard Richman to adjourn the meeting.

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