

The Village of Wesley Hills  
Village Board Meeting-April 8, 2008

The meeting was called to order by David Goldsmith, Mayor 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: Ben Selig-Village Attorney, Barbara Cartaya-Village Clerk.

Mayor David Goldsmith opened the public hearing on the proposed budget.

The following members of the public spoke: Mrs. Ivy, David Herskowitz,

Mayor Goldsmith and the Board members answered questions about the budget (what certain item numbers meant, and why there is a proposed increase in taxes) it was suggested that a middle column with actual expenses should be in place, because this would facilitate the interpretation of the budget and pending lawsuits (in particular with the Town of Ramapo and why doesn't the Village settle the suit).

Mayor Goldsmith and the Board members then discussed the concerns of the public in detail. Mayor Goldsmith said that he would speak with Mr. Nyman about the addition of an expense column and the Mayor and the Board members continued to discuss the budget. Attorney's fees were discussed (Mayor Goldsmith explained why the dollar amount for the attorney's was reduced) and the change in the Village's insurance carrier was discussed.

A lengthy discussion began between Mayor Goldsmith and the Board members regarding the Ramapo lawsuit. Mayor Goldsmith and the Board members discussed the pros and cons of continuing the lawsuit. The Mayor and the Board members feel that it would be a great error on the part of the Village to "back down" from continuing the lawsuit at this time, and they feel that the majority of the residents in the Village want to continue the lawsuit.

Ben Selig said that there are two factors involved with the lawsuits. Mr. Selig said that the most recent lawsuit was brought due to the restraining order in place and this lawsuit will continue to be defended by the insurance carrier that originally handled it. Mr. Selig then said that Frank Brown has motioned the Court to dismiss the lawsuit.

At this time, Mayor Goldsmith polled the Board members for their opinion on proceeding with the lawsuits that are pending or, would the Board members prefer to attempt to settle the lawsuits. Ed McPherson, Howard Richman, Marion Ben-Jacob and Brett Bekritsky unanimously support the continuance of the lawsuits and that the Village not "back down" at this time.

After further discussion, a motion was made by Howard Richman and seconded by Marion Ben-Jacob to close the public hearing.

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

Mayor Goldsmith then asked if there were any comments from the Board members with regard to the proposed budget.

There were none.

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

#### RESOLUTION# 26-08

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, 2008, and has conducted a public hearing thereon as requires 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 an hereby are fixed at the amounts shown therein effective June 1, 2008.

The following vote was taken: Mayor David Goldsmith- yes, Ed McPherson-yes, Marion Ben-Jacob-yes, Brett Bekritsky-no.

The budget was carried with a vote of 4 ayes and 1 nay.

A motion was made by Howard Richman and seconded by Marion Ben-Jacob to approve the March 11, 2008 and March 26, 2008 minutes.

#### RESOLUTION# 27-08

WHEREAS, that the minutes of the respective meetings of the Board of Trustees if the Village of Wesley Hills on March 11, 2008 and March 26, 2008, as submitted by the Village Clerk, be approved, and that the reading of such Minutes be waived.

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

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

Mayor David Goldsmith then opened the floor for comments from the public.

The following items were discussed with the public: when minutes will be on the website, and when FIOS will be in the Village.

Ben Selig said that the Village is in the process of working out a contract with Verizon.

At this time Mr. Selig discussed the proposed DEC law that will be in place for stormwater control. Mr. Selig said that there will be no statutory change in procedure for the Village, but the law must be in place.

Mayor Goldsmith then discussed the various copy machine proposals with the Board members. Mayor Goldsmith and the Board members decided to go with Konica Minolta.

Mayor Goldsmith then discussed the road list from the Town of Ramapo. Mayor Goldsmith said that he and Brett Bekritsky are going to travel all the roads in the Village to create a list for repair of the roads.

Mayor Goldsmith appointed Edward McPherson, Jr. as Deputy Mayor for a one-year term.

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

RESOLUTION# 28-08

RESOLVED, that the Mayor's appointment of Barbara Cartaya to the Office of Village Clerk for a four-year term is hereby approved.

The following vote was taken: Mayor David 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 # 29-08

RESOLVED, that the Mayor's appointment of Janice R. Golda to the office of Deputy Village Clerk for a one-year term is 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.

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

RESOLUTION #30-08

RESOLVED, that the Mayor's appointment of Marvin H. Nyman to the office of Village Treasurer for a four-year term is 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.

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

RESOLUTION # 31-08

RESOLVED, that the Mayor's appointment of Yael Ash to the office of Deputy Village Treasurer for a one-year term is 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.

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

RESOLUTION# 32-08

RESOLVED, that the Mayor's appointment of Benjamin E. Selig to the office of Village Attorney for a one-year term is hereby approved.

The following vote was taken: Mayor Goldsmith-yes, Ed 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 Marion Ben-Jacob to approve the following resolution:

RESOLVED, that the Mayor's appointment of Frank I. Brown to the office of Deputy Village Attorney for a one-year term is hereby approved.

The following vote was taken: Mayor Goldsmith-yes, Deputy Mayor McPherson, 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 # 33-08

RESOLVED, that the Mayor's appointment of Doris Ulman, Jeffery James Fortunato, and Jan Ulman, respectively to the office of Assistant Village Attorney for the respective one-year terms is hereby approved.

The following vote was taken: Mayor Goldsmith-yes, Deputy Mayor Ed 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 Marion Ben-Jacob to approve the following resolution:

RESOLUTION# 34-08

RESOLVED, that the Mayor's appointment of Patrick Massaro to the office of Building Inspector for a one-year term is 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.

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

RESOLUTION# 35-08

RESOLVED, that the Mayor's appointment of Stephen Abrams to the position of Code Inspector for a one-year term is 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.

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

RESOLUTION# 36-08

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 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 Brett Bekritsky to approve the following resolution:

RESOLUTION# 37-08

RESOLVED, that the Mayor's appointment of Marvin Finker to the Planning board of the Village of Wesley Hills for a five-year term extending to April, 2013, is 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.

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

RESOLUTION# 38-08

RESOLVED, pursuant to the provisions of Section 7-718 of the Village Law, that the Mayor's appointment of Marshall F. Katz as Chairman of the Planning Board of the Village of Wesley Hills for a term of one year is 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.

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

RESOLUTION# 39-08

RESOLVED, that Ester Ben-Dov-Shucht is hereby appointed as first alternate member of the Planning Board of the Village of Wesley Hills for a one-year term.

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 Marion Ben-Jacob to approve the following resolution:

RESOLUTION# 40-08

RESOLVED, that William Fried is hereby appointed as second alternate member of the Planning Board of the Village of Wesley Hills for a one-year term.

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 Marion Ben-Jacob to approve the following resolution:

RESOLUTION# 41-08

RESOLVED, that the Mayor's appointment of Willie Bryant Kaplan to the Zoning Board of Appeals of the Village of Wesley Hills for a five year term extending to April, 2013 is 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.

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

RESOLUTION# 42-08

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 a term of one year is 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.

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

RESOLUTION# 43-08

RESOLVED, that Felicia S. Hirshfeld is hereby appointed as alternate member of the Zoning Board of Appeals of the Village of Wesley Hills for a one-year term.

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

RESOLUTION# 44-08

RESOLVED, pursuant to Section 4121 of the Public Health Law that Barbara Cartaya is hereby appointed as Registrar of Vital Statistics for the Village of Wesley Hills, for a four-year term expiring in April, 2012, and that the Registrar shall be paid the fees prescribed by Section 4124 of the Public Health Law in lieu of a stipulated salary; and

BE IT FURTHER RESOLVED, that pursuant to Domestic Relations Law Section 11-c, Barbara Cartaya is hereby appointed as a marriage officer authorized to solemnize marriages within the Village of Wesley Hills, for a term expiring in April, 2012, and that she shall not receive any salary or wage from the Village of Wesley Hills for the performance of her duties as such marriage officer.

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

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

RESOLUTION# 45-08

RESOLVED, that the following banks are hereby designated as official depositories for Village funds: The Bank of New York; HSBC Bank; Key Bank, N.A.; M& T Bank; First Union National Bank; M.B.I.A.; Provident Bank; and J.P Morgan.

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 Brett Bekritsky to approve the following resolution:

RESOLUTION# 46-08

RESOLVED, that the Rockland Journal News, a local newspaper, be designated as the official Village newspaper.

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 Marion Ben-Jacob to approve the following resolution:

RESOLUTION# 47-08

WHEREAS, the Board of Trustees of the Village of Wesley Hills deems it to be in the interest of the Village to consider the enactment of a local law to establish minimum stormwater management requirements and controls, and

WHEREAS, the Village Attorney, at the request of this Board, has prepared such a proposed local law, a copy of which proposed local law is made a part of the Minutes of this Board,

NOW, THEREFORE, BE IT RESOLVED, that it is hereby determined that the enactment of such proposed local law will not have a detrimental effect on the environment as defined in the New York State Environmental Quality Review Act for the reason that the only effect of such proposed local law will be to protect the environment by imposing minimum requirements for stormwater management and erosion and sediment controls, and therefore such proposed local law does not involve any matter having any adverse impact on the environment; and

BE IT FURTHER RESOLVED, that in accordance with the provisions of the Municipal Home Rule Law a public hearing on the adoption of such proposed local law, entitled "A

Local Law for Stormwater Management and Erosion and Sediment Control”, shall be held before the Board of Trustees of the Village of Wesley Hills on the 13<sup>th</sup> day of May, 2008, at 8:00 P.M. at the Village of Wesley Hills, at which hearing citizens shall have the opportunity to be heard with respect to such proposed local law; and

BE IT FURTHER RESOLVED, that the notice of the time and place of such public hearing shall be published and posted by the Village Clerk in the manner provided by law.

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 passed 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# 48-08

RESOLVED, that a public hearing concerning the grant of a franchise to Verizon, 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 13<sup>th</sup> day of May, 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 satisfaction of the Village Attorney, shall have been provided to the Village no later than the 28<sup>th</sup> day of April, 2008.

The following vote was taken; Mayor Goldsmith-0yes, 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# 50-08

RESOLVED, that general fund claims #300 through 336 in the aggregate amount of \$131,429.09, as set forth in Abstract #4-08 dated April 8, 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.

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

RESOLUTION# 51-08

BE IT RESOLVED, that the Village Board of the Village of Wesley Hills does hereby support the adoption of the Collateral Source Bill S.622/A.3483,

WHEREAS, the Law Department of the City of New York has asked the Village of Wesley Hills to join with 491 other municipalities and other agencies of New York State in support of State Legislation that eliminates the distinction between private and public employees with respect to certain deductions from monetary awards in court actions brought by employees.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Wesley hills hereby joins in with other municipalities and agencies within the State of New York in support of Bill S.622/A.3843 which amends CPLR 4545 by eliminating any distinction between private and public employees in the award of certain damages, and

BE IT FURHTER RESOLVED that a copy of this resolution shall be transmitted to the Governor's Counsel, the Majority Leader of the State Senate, the Speaker of the New York Sate Assembly, Senator Morahan, Assemblyman Zebrowski and Barry P. Schwartz, Esq. of the Office id the Corporation Counsel of the City of New York.

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

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

A motion was made by Brett Bekritsky and seconded by Marion Ben-Jacob to adjourn the meeting.

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

