

Village of Wesley Hills
Village Board Meeting-February 17, 2009

The meeting was called to order by David Goldsmith, Mayor at 7:05 P.M.

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

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

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

RESOLUTION # 07-09

WHEREAS, the minutes of the Board of Trustees of the Village of Wesley Hills on January 13, 2009, as submitted by the Village Clerk, be approved, and 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, Brett Bekritsky-yes.

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

At this time Mayor Goldsmith asked Mr. Selig to discuss the pending Rosenblum lawsuit.

Mr. Selig said that the appeal was denied and that the Village is to pay \$666.68 to the Plaintiff. Mr. Selig said that the Village is proceeding with a summary judgment motion and the we will have to await the decision of the Court.

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

RESOLUTION # 08-09

WHEREAS, Daniel Rosenblum, by Summons and Complaint, dated March 16, 2006, commenced litigation against Robert H. Frankl, Edward McPherson, Jr., Richard D. Fortunato, David A. Goldsmith, Jay B. Rosenstein and Robert I. Rhodes, all individually, and

WHEREAS, the law firm of Joseph A. Maria, P.C., has been retained to represent the aforesaid defendants, and

WHEREAS, by notice of motion dated September 11, 2007, the aforesaid defendants sought as Order granting leave to amend an Answer previously served on behalf of said defendants, and

WHEREAS, the Hon. William Sherwood, by Order dated December 28, 2007, denied said defendants' motion for leave to serve an amended Answer, and

WHEREAS, by notice of motion dated September 11, 2007, the aforesaid defendants sought on Order granting leave to amend an Answer previously served on behalf of said defendants, and

WHEREAS, the Hon. William Sherwood, by Order dated December 28, 2007, denied said defendants' motion for leave to serve an amended Answer, and

WHEREAS, by Decision & Order dated December 30, 2008, the New York State Supreme Court, Appellate Division, affirmed the aforementioned Decision of the Hon. William Sherwood with costs, and

WHEREAS, plaintiff, Daniel Rosenblum, has set forth a Bill of Costs in the amount of \$666.68,

NOW, THEREFORE, BE IT RESOLVED, that the Village Clerk is hereby directed to remit to said Daniel Rosenblum, the aforesaid sum of \$666.68 forthwith.

The following vote was taken: Mayor Goldsmith-yes, Ed McPherson-yes, Marion Ben-Jacob-yes, Howard Richman-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 #09-09

RESOLVED, that general fund claims #243 through #265 in the aggregate amount of \$97,173.24, as set forth in Abstract # 2/09 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, Ed McPherson-yes, Marion Ben-Jacob-yes, Howard Richman-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 # 10-09

RESOLVED, that parks and recreation fund claim # 2/09 in the amount of \$397.50, as set forth in Abstract #PR 2/09 dated February 17, 2009, a copy of which abstract of audited claim is made a part of the Minutes of this Board, is hereby approved.

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

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

Mayor Goldsmith discussed the proposed sidewalks on East Willow Tree Road. Mayor Goldsmith said that preliminary work has been conducted by the Village Engineer.

Mayor Goldsmith then discussed the IMA subdivision on Wesley Chapel Road with the Board members. Mayor Goldsmith said that this is a three lot subdivision and that the ZBA imposed (as part of their decision) planting of approximately forty trees on the north side and forty trees on the south side of the properties. Mayor Goldsmith then said that this information was not passed on to the building department and that the original owners of the subdivision have now sold all the properties.

Ben Selig reviewed the filed subdivision plat and said that there is a note on the plat referring to the trees and that the homeowner will be receiving a letter from him regarding this matter.

Mr. Selig then discussed with Mayor Goldsmith and the Board members a letter that was received from Omnipoint. Mr. Selig said that there are outstanding bills from Dick Comi that Omnipoint must pay. Mayor Goldsmith and the Board members discussed the possibility of the Village hiring a new telecommunications expert.

Mayor Goldsmith then said that he spoke with Chris Kear and advised Mr. Kear that the Village will be charging a fee for any business related fire inspections that he conducts.

Mayor Goldsmith and the Board members then briefly discussed the proposed changes to the fee schedule.

Mayor Goldsmith then discussed with the Board members the need for an escrow account to be created for any construction or applications that involve the planner, engineer or the attorney for the Village. Mayor Goldsmith said that he feels that the savings to the Village would be substantial.

Mayor Goldsmith said that he spoke with the Mayors from the Village of Airmont and Chestnut Ridge regarding the Highway Department contract and the possibility of hiring

a different company to maintain the roads. Mayor Goldsmith said that Mayor Kobre will be hosting a symposium in March for input and discussion on this matter.

Mayor Goldsmith then said that if the Village uses tar and chipping for the roads, the Village will be able to cover more roads because this method is less expensive. Mayor Goldsmith said that East Willow Tree to Marisa Drive is in very bad shape and it needs to be patched.

After further discussion a motion was made by Howard Richman and seconded by Marion Ben-Jacob to adjourn the meeting.

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