

VILLAGE OF WESLEY HILLS
SPECIAL VILLAGE BOARD MEETING
MARCH 31, 2006

PRESENT: Mayor R. Frankl
Deputy Mayor E. Mc Pherson
Trustee D. Goldsmith
Trustee J. Rosenstein
Trustee R. Fortunato
Trustee Elect D. Gantshar
Trustee Elect H. Richman
Village Attorney F. Brown
Village Attorney B. Selig

The meeting was called to order by Mayor Frankl at 9:30 A.M. Deputy Mayor Mc Pherson made the following resolution:

RESOLUTION 26-06

WHEREAS, on or about March 16, 2006 Daniel Rosenblum commenced an action in the Supreme Court of the State of New York, Rockland County, against Robert H. Frankl, Edward B. Mc Pherson, Jr., Richard D. Fortunato, David A. Goldsmith, Jay B. Rosenstein and Robert I. Rhodes, bearing Rockland County Index Number 2006-001964, and

WHEREAS, although each of said defendants is purportedly sued individually, each of their acts that are complained of in the Complaint were performed by the respective defendants solely in their capacities as members of the Board of Trustees of the Village of Wesley Hills, in good faith and in the interests of the Village of Wesley Hills, and

WHEREAS, Local Law No. 2 of 1983 of the Village of Wesley Hills requires the Village to "provide for the defense" of each of its officers and employees "in any civil action or proceeding in any state or federal court arising out any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting or in good faith purporting to act within the scope of his or her public employment or duties", and

WHEREAS, despite the defense having been tendered to NYMIR, NYMIR disclaimed coverage and refused to provide the Village with a defense or indemnity by letter dated March 24, 2006,

NOW, THEREFORE, BE IT RESOLVED, that the Village of Wesley Hills hereby retains Joseph A. Maria, P.C. to defend each of the defendants in the said action and to pursue all reasonable and appropriate actions

against NYMIR to obtain a reversal of its disclaimer of coverage and its refusal to provide the Village and its Mayor and Trustees with a defense and indemnity pursuant to its insuring agreement with the Village.

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

Respectfully submitted,

Julie Pagliaroli
Village Clerk