

VILLAGE OF WESLEY HILLS  
VILLAGE BOARD MEETING  
APRIL 11, 2006

PRESENT: Mayor R. Frankl  
Deputy Mayor E. Mc Pherson  
Trustee D. Goldsmith  
Trustee D. Gantshar  
Trustee H. Richman  
Village Attorney, F. Brown  
Village Clerk J. Pagliaroli

The meeting was opened at 8:00 p.m. by Mayor Frankl. Trustee Goldsmith made the following resolution:

**RESOLUTION 47-06**

RESOLVED, that the Minutes of the respective meetings of the Board of Trustees of the Village of Wesley Hills on March 14, 2006 and March 28, 2006, as submitted by the Village Clerk be approved, and that the reading of such Minutes be waived.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with the following vote: Mayor Frankl, aye; Deputy Mayor Mc Pherson, aye; Trustee Goldsmith, aye; Trustee Gantshar, abstained; Trustee Richman, abstained.

Trustee Goldsmith made the following resolution:

**RESOLUTION 48-06**

RESOLVED, that the Minutes of the meeting of the Board of Trustees of the Village of Wesley Hills on March 31, 2006, as submitted by the Village Clerk be approved, and that the reading of such Minutes be waived.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with the following vote: Mayor Frankl, aye; Deputy Mayor Mc Pherson, aye; Trustee Goldsmith, aye; Trustee Gantshar, abstained; Trustee Richman, abstained.

Trustee Goldsmith made the following resolution:

**RESOLUTION 49-06**

RESOLVED, that the Minutes of the meeting of the Board of Trustees of the Village of Wesley Hills on April 4, 2006, as submitted by the Village Clerk be approved, and that the reading of such Minutes be waived.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with the following vote: Mayor Frankl, aye; Deputy Mayor Mc Pherson, aye; Trustee Goldsmith, aye; Trustee Gantshar, aye; Trustee Richman, aye.

Mayor Frankl opened the public hearing on the budget. Marvin Nyman, Village Treasurer, was before the Board to discuss the budget. Several items were discussed regarding the proposed budget. Discussion was held on the expenses for litigation support and why reduction of the line item was in order. Discussion of the reduction of engineering expenses was held. This line item should be smaller because the Willow Tree Bridge Project was over. No funds are to be appropriated for elections because there are no elections scheduled for 2007. Discussion was held on line item A3310 regarding the traffic signal funding. Trustee Richman said that people were under the impression that the Village was going to put the light in. The Mayor said the Board should wait for a plan from the engineer. Trustee Gantshar wants to have a resolution to make sure that the light is installed. Trustee Goldsmith asked for a resolution asking Brian Brooker to do a study. Trustee Richman was concerned that it will not be done within six months when residents left the last meeting thinking the light would be installed. Trustee Richman wants to have a resolution so that there will be a paper trail indicating that there will be a light. Deputy Mayor Mc Pherson wants a letter sent to the Rockland County Legislature thanking them for their resolution and telling them if they want to do this we will support them. Trustee Gantshar said that if the county won't pay for the light, we still have a public safety issue and he would not want to wait until this "political football" goes back and forth and he believes the Village should go forward. Mayor Frankl stated that he believes that we will be setting an example and he believes that we should start the process. Trustee Richman said that he did not get the impression that the County should pay for the light from reading the letter submitted by Doris Ulman. Trustee Goldsmith said that the problem now was whether or not the Village should leave the \$50,000 in the budget. Trustee Gantshar and Trustee Richman believed that the \$50,000 should be left in the budget. Mayor Frankl, Deputy Mayor Mc Pherson and Trustee Goldsmith wanted the line item reduced to \$5,000. Village Treasurer, Marvin Nyman explained how the tax amount is reached. Discussion was held by the Board whether or not to reduce the mortgage tax and county aid. Decision was made to leave both as is. Trustee Goldsmith made a motion to close the public hearing. The motion was seconded by Deputy Mayor Mc Pherson and so carried. Trustee Goldsmith made the following resolution:

**RESOLUTION 50-06**

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,

2006, and has conducted a public hearing thereon as required by Section 5-508 of the Village Law; and

WHEREAS, said Board of Trustees has determined that the amount estimated in the tentative budget for Municipal Associations Dues is less than required for said fiscal year; and

WHEREAS, said Board of Trustees has determined that the amounts estimated in the tentative budget for Assessment, Village Clerk – Office Equipment, Attorney – Litigation Support – Attorneys, Engineer, Traffic Control – Traffic Signal, Safety Inspection – Buildings, Street Maintenance & Snow – Highway Improvements, Celebration, and Architectural Review are more than required for said fiscal year; and

WHEREAS, said Board of Trustees has determined that the amount of revenue estimated in the tentative budget to be received from County Aid is more than the amount now anticipated to be received in said fiscal year; and

WHEREAS, said Board of Trustees has determined that the amount estimated in the tentative budget for Appropriated Surplus is more than required for said fiscal year;

NOW, THEREFORE, BE IT RESOLVED, that the tentative budget for said fiscal year is hereby revised as follows:

(1) For General Fund Account #A1920, the line item Municipal Association Dues is hereby increased to the sum of \$3,400; and

(2) For General Fund Account #A1355, the line item Assessment is hereby decreased to the sum of \$0; and

(3) For General Fund Account #A1410, Village Clerk, the line item Office Equipment is hereby decreased to the sum of \$1,000, and the total for such account is hereby decreased to the sum of \$134,355; and

(4) For General Fund Account #A1420, Attorney, the line item Litigation Support – Attorneys is hereby decreased to the sum of \$40,000, and the total for such account is hereby decreased to the sum of \$150,500; and

(5) For General Fund Account #A1440, the line item Engineer-Personal Services is hereby decreased to the sum of \$60,000; and

(6) For General Fund Account #A3310, Traffic Control, the line item Traffic Signal is hereby decreased to the sum of \$5,000, and the total for such account is hereby decreased to the sum of \$6,500; and

(7) For General Fund Account #A3620, Safety Inspection, the line item Buildings is hereby decreased to the sum of \$45,000, and the total for such account is hereby decreased to the sum of \$60,100; and

(8) For General Fund Account #A5110, Street Maintenance & Snow, the line item Highway Improvements is hereby decreased to the sum of \$50,000, and the total for such account is hereby decreased to the sum of \$331,900; and

(9) For General Fund Account #7550, the line item Celebration is hereby decreased to the sum of \$7,000; and

(10) For General Fund Account #A8989, Architectural Review, the line item Personal Services is hereby decreased to the sum of \$1,017, the line item Contractual is hereby decreased to the sum of \$150, and the total of such account is hereby decreased to the sum of \$1,167; and

(11) For General Fund Account #A4089, the line item County Aid is hereby decreased to the sum of \$80,000; and

BE IT FURTHER RESOLVED, as a consequence of such changes, the Schedule 3 of such tentative budget, "Summary of Budget" is hereby revised as follows:

- (1) Total Appropriations is hereby decreased to \$1,677,855;
- (2) Total Revenues Other Than Real Estate Taxes is hereby decreased to \$575,797;
- (3) Appropriated Surplus is hereby decreased to \$50,000;
- (4) Balance to be raised by Taxation is hereby decreased to \$1,052,058;
- (5) Tax Rate is hereby decreased to 8.7757 and

BE IT FURTHER RESOLVED, that the tentative budget as so amended and revised and 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 and hereby are fixed at the amounts shown therein effective June 1, 2006.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with the following vote: Mayor Frankl, aye; Deputy Mayor Mc Pherson, aye; Trustee Goldsmith, aye; Trustee Richman, aye; Trustee Gantshar, nay. Trustee Gantshar stated that he would not vote for the budget because the \$50,000 had been removed from the budget and that the tax rate had increased.

Mayor Frankl opened the public hearing on proposed amendment to the Zoning Law concerning additional special permit uses. Mr. Brown reported to the Board that they had received and answer from the Rockland Planning Department. The County has requested 19 changes and or questions in the proposed law and additional reviews and 16 recommendations concerning the EAF form. Mr. Brown has discussed this with Jeff Osterman, Planning Consultant to the Village. Mr. Brown also informed the Board that the Rockland County Planning Department is not within their rights to make comments on the EAF but are suppose to limit their comments to the proposed laws. Trustee Goldsmith said that at some point the Board must go over the points noted by the R.C. Planning Department one by one and if there is one point that cannot be passed then that is the end of the process. Further discussion was held as to what process the Board should take. Mayor Frankl asked for comments from the public. Ira Emanuel, Attorney for Ira Wickes, was before the Board. He gave a short history on the proposed law. He asked for the people who were present and in support of Ira Wickes to please stand up. Mr. Robbie Feeder of Nyack was before the Board. He stated that he owned property on Mc Namara Road. He said that the site plan had not been followed and there was a question about New Hempstead Road and Union Road. Mr. Brown informed Mr. Feeder that the Rockland County Highway Department had informed the Village that Union Road began at the intersection of Grandview Avenue. Mr. Tom France was before the Board in support of the Wickes operation. Mario Pennza was before the Board in support of the Wickes operation. Matt Horn was before the board in support of the Wickes operation. Mr. Neil Oman was before the board in support of the Wickes operation. Dr. Saunders was before the Board with suggestions for the Board regarding this application. Mr. Lee Ross was before the board in support of the Wickes operation. Mr. Ralph Snodsmtih was before the board in support of the Wickes operation. Ronnie Horn was before the board in support of the Wickes operation. Phyllis Coleenie was before the board in support of the Wickes operation. Rabbi Elizabeth Dunsker was before the board in support of the Wickes operation. Mr. Mark Lendise was before the board in support of the Wickes operation. Mr. Steve Batto, President of the Landscapers Association, was before the Board in support of the Wickes operation. Mr. Feeder said the

neighbors have a problem with trucks and feel that the Wickes do not have to be here to serve the Village. Ms. Mair was before the Board and was against the business being there. Mr. Marcus was before the Board and was against the business being there. Mr. Emanuel was before the Board and spoke to the claim that the business had caused a cancer cluster and the report from the R. C. Health Department that stated this was not true. Mr. John Kaufman was before the Board in favor of the Wickes operation. Trustee Gantshar asked about a compromise. Trustee Gantshar asked if there were any way a compromise could be reached. Mr. Ira Wickes, Sr. was before the board. He thanked everyone for their support and suggested a mediator to sit down with everyone. Mr. Gantshar wants a written report from the Village Attorney including all the resolutions. Trustee Richman also wants to review all the information that he needs to be up to speed on the problem. Mr. Brown reminded everyone that the stipulation is not under review, the Zoning Board of Appeals resolution is not under review, only the suggested changes to the zoning law. Mr. Brown did not think that a written report would be helpful but a sit-down meeting would be better instead. Mr. Brown advised the Board that the only think they could do was to adjourn the public hearing. Trustee Richman made the following resolution:

**RESOLUTION 51-06**

RESOLVED, that the public hearing on the proposed local law entitled "A Local Law Amending Local Law No. 14 of 1984, as Amended, to Revise the Zoning Law of the Village of Wesley Hills to Authorize Additional Special Permit Uses" is hereby adjourned until May 9, 2006 at 8:00 P.M.

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

Mayor reported that the paving is going to start tomorrow.

Mayor Frankl opened the floor for discussion. Mr. Finker was before the Board regarding 6 Village Green and the business taking place there. Meeting with Jeff Fortunato was discussed and Mr. Finker was told that we can only prosecute if someone was willing to testify that something is being sold there.

Mr. Salkin was before the Board and was disappointed in the Board's decision to take out the money to put in the light. Trustee Goldsmith said that the engineer is going to do the study and the Village is going to look into monies to put the light up.

Trustee Gantshar stated that he voted against the budget because the money was removed and because he did not want a tax increase.

Trustee Richman made the following resolution:

**RESOLUTION 52-06**

RESOLVED, THAT THE Village Engineer is hereby directed to prepare a survey and report to this Board concerning the feasibility and practicality of installing flashing traffic control lights at the following tow intersections: Wilder Road/Forshay Road with Willow Tree Road, and Wilder Road with Lime Kiln Road.

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

Trustee Goldsmith made the following resolution:

**RESOLUTUION 53-06**

WHEREAS, pursuant to Resolution #93-05, the Village of Wesley Hills entered into an intermunicipal agreement with the Rockland County Sewer District No. 1, whereby (a) Cal Mart Enterprises, Inc. would be requested by the Village to perform certain additional sewer line construction work for the benefit of the Sewer District in connection with its provisions of services under its contract with the Village to replace the drainage culvert on Willow Tree Road, (b) the Sewer District would pay \$24,800.00 to the Village as reimbursement for such additional construction work, and (c) the Village would pay an additional \$24,800.00 to Cal Mart Enterprises, Inc. for such additional construction work, and

WHEREAS, Cal Mart Enterprises, Inc. has performed such additional construction work to the satisfaction of the Sewer District, and

WHEREAS, the Sewer District has paid the amount of \$24,800.00 to the Village,

NOW, THEREFORE, BE IT RESOLVED, that the Village of Wesley Hills shall pay to Cal Mart Enterprises, Inc. the additional amount of \$24,800.00 for its performance of such additional construction work.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 5 ayes and 0 nays

Trustee Gantshar made the following resolution:

**RESOLUTION 54-06**

RESOLVED, that the Board of Trustees hereby adopts the following policies concerning the posting of Village documents on the Village web site effective July 1, 2006:

(1) A draft of the agenda of each meeting of the Board of Trustees, Planning Board, Zoning Board of Appeals, and Architectural Review Board shall be posted thereon not later than 48 hours prior to such meeting, except in the case of a special meeting called on less than 48 hours notice. Any change to such agenda that is made after such initial posting and prior to the meeting shall be posted thereon as soon as possible after such change is made.

(2) The approved minutes of each meeting of each such Board shall be posted thereon not later than 48 hours after the approval of such minutes.

(3) The tentative budget shall be posted thereon not later than 48 hours after its consideration and revision by the Board of Trustees.

(4) The adopted budget shall be posed thereon not later than 48 hours after its adoption by the Board of Trustees.

(5) The text of each proposed new local law shall be posted thereon not later than 48 hours after the Board of Trustees shall have adopted a resolution scheduling a public hearing on such proposed law. Together with the test of such proposed law, there shall be posted the date of the public hearing thereon.

(6) The text of each local law that shall have been adopted shall be posted thereon not later than 48 hours after its adoption by the Board of Trustees.

(7) The text of each legal notice of public hearing shall be posted thereon not later than 48 hours after the delivery of such notice to the Village's official newspaper for publication.

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

Trustee Goldsmith made the following resolution:

**RESOLUTION 55-06**

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 permitting the Justice Court Clerk to reside within the State of New York in a county adjacent to Rockland County, 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 significant effect on the environment as defined in the New York State Environmental Quality Review Act for the reason that such proposed local law is procedural only in nature and therefore does not authorize or involve any action that has the potential to have any adverse impact on the environment as defined in such Act; 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 Superseding the Provisions of Section 3 of the Public Officers Law in relation to Residency of Justice Court Clerk" shall be held before the Board of Trustees of the Village of Wesley Hills on the 9<sup>th</sup> of May, 2006, 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 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 resolution was seconded by Trustee Richman and so carried with a vote of 5 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 56-06**

WHEREAS, the Board of Trustees of the Village of Wesley Hills deems it to be in the interests of the Village to consider the enactment of a local law amending the Zoning Law of the Village of Wesley Hills in order to revise the regulations pertaining to the permitted sizes of one-family detached dwellings, and

WHEREAS, the Village Attorney, at the request of this Board, has prepared such a proposed local law, entitled "A Local Law Amending Local Law No. 14 of 1984, as Amended, to Revise the Zoning Law of the Village of Wesley Hills Concerning the Regulation of Permitted Size of Dwellings", and

WHEREAS, by Resolution number 20-06 adopted on March 14, 2006, this Board has determined that the enactment of such local law will not have a significant effect on the environment as defined in the New York State Environmental Quality Review Act, and

WHEREAS, by the same Resolution, such proposed local law was referred to the Planning Board and various Village officials for review and report in accordance with the provisions of Section 13.5 of the Zoning Law of the Village of Wesley Hills, and reports have been received orally or in writing from such Board and all such officials, and such proposed local law has been revised in accordance with the recommendations of the Planning Board and the Village Engineer,

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of the Municipal Home Rule Law and Section 7-706 of the Village Law, a public hearing on the adoption of such proposed local law, as so revised, shall be held before the Board of Trustees of the Village of Wesley Hills, on the 9<sup>th</sup> of May, 2006, at 8:00 P.M., at the Village Hall, 432 Route 306, in the Village of Wesley Hills, at which hearing citizens shall have an opportunity to be heard with respect to such local law, and

BE IT FUTHER RESOLVED, that the notice of the time and place of such public hearing shall be published and posted by the Village Clerk at least 10 days in advance of such time in the manner provided by law.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 5 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 57-06**

RESOLVED, that general fund claims #333 through 368 in the aggregate amount of \$79317.80, as set forth in Abstract #4-06 dated April 11, 2006, a copy of which abstract of audited claims is made a part of the Minutes of this Board, are hereby approved.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 5 ayes and 0 nays.

Trustee Goldsmith said that he would investigate the information sent regarding Transportation Enhancement.

Mr. Ben Selig, Village Attorney, discussed a conversation he had with Mr. Emanuel. He said that the Wickes are willing to go to the mediation process. He inquired if the Board wanted to go that route. Mr. Selig said that he would be willing to do this and wanted time to review and wanted the Village Clerk to check with Mr. Emanuel if Mr. Selig was acceptable to his client as a mediator. Trustee Gantshar recommend an attorney and either he or Trustee Richman be part of the mediation board. Trustee Richman said that he did not think that it was a good idea to have a Board Member sit in on the mediation. The Board gave its approval from Mr. Selig to go ahead. The Village Clerk is to call Mr. Emanuel.

Mr. Brown discussed the Freedom of Information Request received from Rochelle Inger.

Trustee Richman said that he would try and resolve the garbage problem on Kentor Lane and the problem with Mr. Singe.

Trustee Gantshar reported that he was at a meeting with the County Executive regarding the silting of the lake on Wesley Chapel that is privately owned. A representative of the County Executive recommended a creation of special district for drainage. He suggested that we reach out to the owner of the dam where the cap stone is missing and ask him if he would fix the dam. Trustee Goldsmith wants to have an estimate from Environmental Construction to fix the cap stone.

Discussion about the Weinberger subdivision was held. The neighbors on South Parker are upset and asked for the Planning Board of Montebello to change their design. The Village is to ask Jeff Osterman to make that case to Montebello.

Trustee Goldsmith made a motion to adjourn seconded by Trustee Richman and so carried.

Respectfully submitted,  
Julie Pagliaroli, Village Clerk