

VILLAGE OF WESLEY HILLS  
VILLAGE BOARD MEETING  
September 12, 2006

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

ABSENT Trustee H. Richman

Meeting was called to order by Mayor Frankl at 8:03 P.M.

Representatives from Waste Management and Interstate Waste Services were before the Board, at their request, to discuss the requested assignment of the garbage contract now in effect from Waste Management to Interstate Waste Services. Trustee Goldsmith asked why they want the assignment and they informed the Board that it was so they could take over the existing contract. Interstate would take over the contract on October 1<sup>st</sup> and continue under the existing terms until May of 2007. Trustee Goldsmith said that he had no problem signing the assignment letter. Deputy Mayor Mc Pherson noted for the record that the service received from Waste Management had been very good. Mayor Frankl said that he was in favor of signing the assignment. Mr. Brown advised the Board that a resolution must be adopted before the assignment could be executed.

Mayor Frankl informed the Board that a member of the Zoning Board of Appeals had resigned. Mayor Frankl introduced Mrs. Carol Anderson to the Board and informed them that she had expressed interest in becoming a member of the Zoning Board because she was concerned about Wesley Hills and would like to be able to stay a resident. She also voiced her concern as to keeping Wesley Hills a green space. Mayor Frankl suggested that she attend some of the Zoning Board of Appeals meetings to see if she wanted to serve.

Mr. Ron Steiner was before the Board asking for an update on the Village's collaboration with the Town as far as the property behind the Lime Kiln School. He said that he had been led to believe that collaboration between the Village, Town and other entities is falling into place. He wants everyone to speak with one voice and encourage the school board not to accept the bid and keep the property green. Natalie Patterson was before the Board and was concerned about the sale of the school property. Her concerns included the water aquifers because the property contained three areas of designated wet lands. She was

also concerned with the air quality and the cutting of trees. Mr. Ben Selig, Deputy Village Attorney, arrived at the meeting and joined the dais. Trustee Gantshar informed the Board that there is a third bidder who is a single bidder that is interested in purchasing the property in order to build five large homes on the land. He said that he became aware of this third bidder because of some correspondence he was copied on.

The first item on the agenda was the continuation of the public hearing on the proposed amendment to the Zoning Law concerning an amendment of the Zoning Map. Mr. Savad was before the Board. Deputy Mayor Mc Pherson informed Mr. Savad that the Board completely supports Mr. Brown's comments made at the Planning Board Meeting. Mr. Savad asked the Board not to pass the zone change with a restrictive floor area ratio. He stated that if the Board changed the stipulation, they are restricting the developer. Mr. Savad asked the Board to stay with the signed stipulation as ordered in the court order. A letter was given to the Board members (no copy was given for the file) along with copies of the subdivision plat that was part of the court order (no copy was given for the file). He pointed out to the Board members that the stipulation allows that the plaintiff can go back to court to enforce the stipulation. Trustee Goldsmith made the following resolution:

**RESOLUTION 102-06**

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 Establish Two New Zoning Districts and to Amend the Zoning Map of the Village of Wesley Hills" is hereby adjourned until October 10, 2006 at 8:00 P.M.

Trustee Gantshar seconded the resolution and was so carried with a vote of 4 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 103-06**

RESOLVED, that the Minutes of the meeting of the Board of Trustees of the Village of Wesley Hills on August 8, 2006, with corrections 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 a vote of 4 ayes and 0 nays.

Mr. Selig asked if he needed to remain. Trustee Goldsmith asked him about the Rosenblum matter. He asked if the Village could start an action against NYMIR for breach of contract. Mr. Selig said that they can go forward with the suit against NYMIR. Trustee Goldsmith asked if we had notified the other clients of NYMIR. Mayor Frankl to make calls for the client list.

Mayor Frankl opened the public hearing at 9:35 p.m. 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 Concerning Required Architectural Review of Buildings" and on the related proposed local law to abolish the Architectural Review Board. Conversation was held regarding the review of a single house as opposed to only houses in a three or more lot subdivision. Mrs. Taub was before the Board. She feels that the ARB should be dissolved. Trustee Goldsmith said that the ARB is going away and the review is going to the Planning Board, the question is whether houses should be reviewed in a three or more lot subdivision or should single houses also be reviewed. Mr. Marvin Finker was before the Board. He feels that it is important that a single family house go to the Planning Board for review. Mr. Abrams was before the Board. He feels that the prospect of single family dwellings not being reviewed was frightening. Trustee Gantshar asked if the Board were going to add members to the Planning Board. He was told no members were being planned. Trustee Goldsmith's position was his concern that because we have single homes going to the ARB now, the neighbors can air concerns and if this review is not transferred to the Planning Board, the neighbors cannot have any input on those houses. Trustee Goldsmith made a motion to close the hearing at 10:00 p.m. the motion was seconded by Trustee Gantshar and so carried by a vote of 4 ayes and 0 nays. Trustee Goldsmith made the following resolution:

**RESOLUTION 104-06**

RESOLVED, that 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 Concerning Required Architectural Review of Buildings" is hereby approved and enacted as Local Law No. 4 of 2006.

The resolution was seconded by Trustee Gantshar and so carried with a vote of 4 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 105-06**

RESOLVED, that the proposed local law entitled "A Local Law Repealing Local Law No. 2 of 1984, as Amended, to Abolish the Architectural Review

Board of the Village of Wesley Hills" is hereby approved and enacted as Local Law No. 5 of 2006.

The resolution was seconded by Trustee Gantshar and so carried with a vote of 4 ayes and 0 nays.

The Board expressed their thanks and gratitude to the Architectural Review Board Chairman, Stephen Abrams.

Discussion was held regarding the specifications for the drainage improvement project on Skylark Drive. Richard Weinberger was before the Village Board. He asked what work was covered under these specifications. He suggested that letters be sent to the residents of Skylark Drive informing them of the coming work. Trustee Goldsmith made the following resolution:

**RESOLUTION 106-06**

RESOLVED, that the Specifications titled "Specifications for Miscellaneous Drainage Improvements: 2006", dated August, 2006, as set forth in the copy of such Specifications annexed hereto and 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 4 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 107-06**

RESOLVED, that the Village Clerk is hereby directed to publish a legal advertisement in the official Village newspaper inviting sealed bids to be submitted on or before 4:00 p.m. on October 10, 2006 for the furnishing of all materials, labor and equipment necessary for the performance of the contract to be let by the Village of Wesley Hills for the performance of the Miscellaneous Drainage Improvements: 2006 project.

The resolution was seconded by Trustee Gantshar and so carried with a vote of 4 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 108-06**

RESOLVED, that the Village Clerk is hereby authorized to open the bids received pursuant to the aforesaid advertisement, at the time and place specified in such notice.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 4 ayes and 0 nays.

Discussion was held on the assignment requested on the garbage contract. Trustee Gantshar said that he didn't get the concept of agreeing to the assignment without getting something in return. Mayor Frankl explained that there was not enough time in the contract to have leverage with Interstate. Trustee Goldsmith made the followings resolution:

**RESOLUTION 109-06**

WHEREAS, a contract dated May, 2004 exists between the Village of Wesley Hills and Waste Management of New York, LLC for the provision of garbage and trash removal service, which contract covers the period terminating on May 31, 2007, pursuant to Section X of the 2004 Specifications for the Providing of Residential Garbage and Trash Collection Services to and for the Village of Wesley Hills, and

WHEREAS, Waste Management of New York, LLC has requested permission to assign the said contract to Interstate Waste Services, Inc., and

WHEREAS, the written consent of the Village of Wesley Hills is required before the said contract can be assigned, pursuant to General Municipal Law section 109 and Section XXVII of the said 2004 Specifications, and

WHEREAS, the Board of Trustees is satisfied that Interstate Waste Services, Inc. possesses the equipment, experience, and financial resources to perform the balance of said contract responsibly,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby consents to the assignment of the said contract by Waste Management of New York, LLC to Interstate Waste Services, Inc., subject to the following conditions:

(1) That said assignee shall provide to the Village of Wesley Hills the performance bond required by Section XXIV of the said 2004 Specifications;

(2) the said assignee shall provide to the Village of Wesley Hills the certificates of insurance for the coverage required by Section XXI of the said 2004 Specifications and Paragraph 6 of the said contract dated May, 2004;

(3) the said assignee shall execute an Indemnification Agreement in favor of the Village of Wesley Hills, to the satisfaction of the Village Attorney; and

(4) the said assignee shall pay to the Village of Wesley Hills an escrow deposit of \$15,000.00, as required by Section XXIII of the said 2004 Specifications (or, in the alternative, the Village shall accept the written assignment by Waste Management of New York, LLC of the said amount now held in escrow by the Village of Wesley Hills to the said assignee which amount shall be left on deposit with the Village by the said assignee); and

BE IT FURTHER RESOLVED, that upon compliance by the said assignee with all of the said conditions, the Mayor is hereby authorized to sign consent to such assignment on behalf of the Village of Wesley Hills.

The resolution was seconded by Deputy Mayor McPherson and so carried with a vote of 4 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 110-06**

WHEREAS, by Resolution #101-06, the Board of Trustees of the Village of Wesley Hills scheduled a special meeting to be held on August 21, 2006 for the purpose of conducting a public hearing pursuant to Local Law No. 4 of 1984 concerning the deposit of litter and debris at 22 Holland Lane, and

WHEREAS, the litter and debris deposited at said premises was removed therefrom prior to August 21, 2006, so that it was unnecessary for such public hearing to be held,

NOW, THEREFORE, BE IT RESOLVED, that the special meeting heretofore scheduled to be held on August 21, 2006 is hereby canceled retroactively.

The resolution was seconded by Trustee Gantshar and so carried with a vote of 4 ayes and 0 nays.

Deputy Mayor Mc Pherson made the following resolution:

**RESOLUTION 111-06**

WHEREAS, on September 23, 2005, Daniel Furman and Phyllis Furman deposited the sum of \$11,250.00 with the Village of Wesley Hills to be held in escrow until the completion of all work required by the clearing, filling, and excavating permit approved by the Planning Board of the Village of Wesley Hills affecting premises located at 35 Astor Place, and

WHEREAS, by letter dated September 8, 2006, the Village Engineer indicated that all such work has been completed satisfactorily,

NOW, THEREFORE, BE IT RESOLVED, that the said escrow funds be released and returned to Daniel Furman and Phyllis Furman.

The resolution was seconded by Trustee Goldsmith and so carried with a vote of 4 ayes and 0 nays.

Trustee Gantshar made the following resolution:

**RESOLUTION 112-06**

RESOLVED, that general fund claims #82 through 107 in the aggregate amount of \$81,443.92, as set forth in Abstract #9-06 dated September 12, 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 Trustee Goldsmith and so carried with a vote of 4 ayes and 0 nays.

Trustee Gantshar made the following resolution:

**RESOLUTION 113-06**

RESOLVED, that parks and recreation fund claim #178 in the amount of \$2,700.00, as set forth in Abstract #PR 4-06 dated September 12, 2006, a copy of which abstract of audited claim is made a part of the Minutes of this Board, is hereby approved.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 4 ayes and 0 nays.

Trustee Goldsmith reported to the Board that he had met with Bruce Smith from Environmental Construction regarding the drainage work at the Greg Sikorsky Park on Lime Kiln. He also discussed the installation of the fire truck and removal or relocation of the balance beam and the replacement of the wooden fence.

Trustee Goldsmith also talked about the walking path on Arcadian Drive. He said that the plans have been drawn up by Liz Winzinger of Brooker Engineering but must be reviewed by Brian Brooker.

Trustee Goldsmith also spoke about Bokar Park. He reported that the Army Corps of Engineering is still backed up because of the hurricane in New Orleans. Liz Winzinger to follow up on the progress of the permit.

Deputy Mayor Mc Pherson discussed the copy of the New York Building Code and asked that a copy be sent to Mr. Traviato. He asked that the Building Inspector review this and after review go out and look at the property and maybe send a letter to the owner.

Mr. Neil Marcus was before the Board. He asked questions regarding the statements made at the June 13<sup>th</sup> meeting by Trustee Goldsmith concerning the Wickes operation. Mr. Brown advised the Village Board that on advice of its attorney the Village Board members should not answer any questions asked by Mr. Marcus because this was not a cross-examination. . Mr. Marcus was advised that he could make any statement that he wanted but could not interrogate the Board members.

Mr. Finker was before the Board. He complimented the Board on the notice sent over the internet regarding the preparedness for hurricanes.

Mr. Steiner was before the board asking if there was a resolution on the monies from the Village regarding the Lime Kiln School property. From his telephone conversations he believed that the amount would be \$200,000. Mayor Frankl said that several possibilities were being looked into at the present time and did not want to elaborate on the matter further. Dr. Saunders was before the Board and want to know how much money was needed to buy the property and if it were possible to get a mortgage to purchase the property. The Mayor again said that Ramapo indicated they could commit to \$2 million, Wesley Hills could commit to \$200,000 and there may be money from the state and/or county. Deputy Mayor Mc Pherson said that municipalities can only offer the appraised value of \$3.75 million. Richard Weinberger said that he was disappointed with the conversation. He said the School Board has a fiduciary responsibility to the public and wanted to know how this sale relates to taxes. Trustee Goldsmith was in favor of the \$200,000 but was not sure about the idea of getting a bond. Mrs. Taub wanted assurances from the Board that the property would not be zoned R-20. Trustee Gantshar said that this is not a public school vs. private school issue. Mr. Weinberger said that if he did not believe that the School Board was being pressured to sell this piece of property by the Orthodox community he, was fooling himself.

Mr. Brown informed the Board that at the last meeting he was instructed to draft changes to the Noise Law. He gave a copy of the revised proposed law to the Board and asked that they review the proposed changes, and then next month a public hearing could be scheduled. It was agreed to be placed on the October workshop agenda.

Respectfully submitted,

Julie Pagliaroli  
Village Clerk