

18:00

AS: My name is Arnold Sheiffer – S-H-E-I-F-F-E-R. I reside at Five Old Neck (?) Road, Westhampton Beach. Thank you, Madame Mayor, and (inaudible) for allowing me to talk. I'm here tonight on my personal behalf, and behalf of my organization, the Jewish People for the Betterment of Westhampton Beach. In a ruling by the United States Second Circuit Court, a judge said that our organization did not need special representation, because we were represented by the municipalities involved. I'm here tonight for an update to see how I'm being represented, my organization is being represented by the municipalities. I might add, as for the seriousness of the situation, former Mayor Connie Teller (?) stated that 85 percent of the people in this village were seriously concerned – in fact, they oppose – the erection of an eruv. Every elected official in this village therefore received votes (?) from those people. So I ask tonight for an update on that situation. Thank you, (inaudible phrase).

F: Well, Mr. Sheiffer, as you're aware, there were certain decisions...

M: I don't hear a word you're saying.

F: There are certain decisions here that the... Well, I think it... Certain decisions that were rendered by the courts and those are on our website. And the litigation is continuing. And we are in discussions with the attorneys that our insurance company has provided for us. And I really can't discuss our strategy in terms of the litigation, other than to tell you it's still ongoing and that the decisions that were recently issued are on the website.

M: Anybody else want to (inaudible – simultaneous speakers)?

M: I would like to know what cases are ongoing. And we all recognize that our strategy in the past has not been overly successful. So could you talk to the point, what's ongoing? What are we doing? We recently had two elected, new elected trustees. And we would have hoped at this particular time to hear something. Thank you.

F: Well, the case of Verizon and Lipa (sp) versus the Village is still ongoing. As you know, the judge in that action issued a decision on the state law claim. But the federal claims, the First Amendment, are still pending and open.

(inaudible comment in background)

M: Just tell me if you're appealing it.

F: There is no... When the decision on the state law, which was just a part of the lawsuit, came down, we asked the judge for permission to appeal it. And that was denied. She said we have to wait till the entire case is over in order to file an appeal. So, the case is still ongoing, on the federal question involved. And when that concludes, then

we would have the right to appeal. But at this point, we did ask her, and it's not the norm to be able to appeal a partial decision from the case. So we asked for special permission to do that, because it was important. And she denied that.

M: Are you finished, (inaudible)? Okay, could I speak now?

F: Yes, please step up.

JO: I know enough to speak on a mic, because there's a lot of shows. You see they put it right next to their mouth. They put it in their mouth. And... I've been trying since January to talk to any of these fine people – on the phone or in person – and you (inaudible phrase) no one will see me. I'm a reporter. I'm a resident here 27 years, a homeowner. I'm a taxpayer and a voter. And I would ask you now, would any of you fine people meet with me in person and go over this? I have hundreds and hundreds of pages of all the legal decision, stories in the Southampton Press. The Jewish press has written about this intensely. I have questioned – would any of you fine people talk to me anywhere?

M: I'll speak for myself very quickly. I've learned that there are certain things with an ongo – with ongoing litigation – that we're not allowed to discuss.

JO: I don't think (?) that at all.

M: Well, I, I – let me finish. I'm speaking now.

JO: I have questions to ask...

M: And you just keep going and going and going. And I mean, I could spend my whole life answering your questions and we'll never get anywhere. So I – at the advice of our legal counsel, I have certain limitations on what I can discuss. I'll be happy to discuss with you things that I am allowed to discuss when I am allowed to discuss them.

JO: That's you. What about the other four? Do you also refuse to see or meet me on the, meet me in person or on the telephone? Because I need this for my story. I'm a reporter. Cannot write stories without straight answers. I can't get any answers from any of these people. Are any of you other four, will you meet me on the phone or, or meet in person? Would you meet me in person? I'm here all week long. I got till November. Would any of you four sit down and go over all my materials?

M: Like I said, I have no comment on that.

M: I'll repeat what Mr. ...

JO: None of you will? I think...

M: ...Mr. Timon has said, we have said to you several times. On advice of legal counsel, we cannot discuss this matter with the press or with individuals.

JO: The answer's no?

M: And we choose to take our legal counsel from our legal counsel, not you.

JO: Okay. Stories are littered with people who don't return calls. We reporters have to ask, seek... You say no. I don't want people saying I never asked. Okay. The other question I'm going to ask, (Inaudible) Teller said it was 90 to 95 percent of the populace does not want this eruv religious symbols on their utility poles. Do any of you have – and then Rubio and Time (?) were both elected after the Jewish people got out their 300 members to vote for you, and you got elected by an enormous margin over two incumbents on the, on the strength of the Jewish people against – you know, the Jewish people (inaudible phrase) Westhampton. Okay, now my question – do any of you five seriously challenge Mayor Teller who said, 90 to 95 percent of the people in this town are against the eruv? Do any of you challenge that?

M: Yeah, I'm going to interrupt here. I don't think that this is a proper place for cross-examination on this issue. And I will instruct...

JO: Well, they don't talk to anyone (?) .

M: ...I will instruct the board...

JO: This is America!

M: ...I am instructing the board not to answer your question. If you have a public comment, if you want to state something about your dislike of a group, you have a First Amendment right to do it. You can do it. But you don't have a First Amendment right to interrogate my board in a public meeting.

JO: Yes, I do.

M: You don't. They can not take my advice. But my advice to them is not to answer the question.

JO: You're not going to answer that question? That, do you, does anybody on this board feel that the great majority of residents do not want this eruv? Does anybody disagree with that?

M: My advice is not to answer the question, board members.

JO: All right. I need this for my story. They don't want to – they want to clam up, stonewall. I'm very used to that in the P.R. field. And I, I'll do my reporting and that's it. Arnold's doing what he can. But we are facing – we've ordered the four towns and

the Jewish people have already spent more than a million dollars on this... Arnold – okay – Mr., Mr. Sugarman, Robert Sugarman, who bills out at \$1200 bucks an hour has already said (?) significant fees of filing and all sorts of stuff are going to be visited upon his. And he, he got \$300,000 dollars plus from Tenafly, it's the same guy; he will not stop at anything. So, so I think, I'm saying, the administration, you fine people are out of step with what, with what the people, the rest of (inaudible phrase)... This is not democracy. This is, this is governance that is out of step with the people.

F: How are we out of step with the people?

JO: Because you're not fighting this. You...

F: We're not? We...

JO: You're, you're not fighting anything. I have here...

F: This lawsuit is continuing.

JO: No, no, no. I have Myron C. (?) Hamilton, Professor (inaudible) Marcy (?) Hamilton, 208 hundred (?) under, under contract from Westhampton Beach, the 18 pages saying eruvim are unconstitutional. And she says, we have – Westhampton Beach has a firm sign law – quad (?) is enforcing a sign law or trying to. And so is Westhampton Beach. Why isn't Westhampton Beach enforcing its sign law? That's the question. You have, we have a sign law. How come we're not enforcing our sign law?

F: The court ruled on that.

JO: No, not in Westhampton Beach. Well, well, that's just the section, that's just an article 78 ruling. But it's wrong. The court, the court – okay, you know (inaudible phrase), this is America – the court's crazy. Crazy as bedbugs. They're saying, nobody can see the signs, so therefore they're not important. Of course you can't see the signs if you're whizzing by at 40 miles an hour. You know where the signs are? The signs – this happens to be... The court, none of the court decisions take into account the internet (?). All are moving across America, are onto (?) websites. That's how they're displayed in New York. And this is the one, the Westhampton Beach. That's where they get their information, on the web. The courts – not one court decision says anything about the web. The courts are blind, deaf and dumb and illogical and a disgrace to America – the courts. These courts have been politicized on this question. And that the latest, the June 30<sup>th</sup> decision is the most illogical of all. And then the (inaudible phrase) does an editorial thing starting, these (inaudible) just aren't visible. Therefore, nobody can (?) see them. Therefore they don't matter. Completely false, because that editorial made them even more visible than ever. So it's, crazy stuff's going on here. And that journalists do not sit by while crazy stuff, politically motivated crazy stuff goes on. These, these courts are way out of bounds here. The courts, the courts have vastly damaged America. That's all. And these decisions... The best decision was Tenafly 201 by Judge Bassiter (sp). He said, the people of Tenafly have nothing against Jewish people. They just don't want

religious symbols up their utility poles, 187 of them... 187 pole, 186 poles, permanently. They have nothing against the Jewish religion. And that was overruled by a court. That's the Jersey court. That's overruled by a court in Wilmington, far from the scene. And this court that just allowed, disallowed the complainants in Southampton, far from the scene... We're being run by – it's like, like America was run by people in England. We finally revolted against that. So that the whole court scene (?) is sick, sick, sick on this thing; illogical to boot. I can do my story now.

M: Mayor? I'd like to make a very quick comment. I think it's been obvious through my statements in running for this board, but I'll just very quickly comment that I personally am still opposed to an eruv in this village. (applause) I want that to be known. I will do anything that I can, and I think this – I won't speak on behalf of anyone else – to fight that within our powers. Unfortunately, we've seen some things go the opposite way with the courts. That's all I'll say. But that's where I stand. (applause)

F: Does anybody else have any comments? Okay, I'd like a...

F: This man...

M: Charles Cosano, 79 Oneg (?) Road, Westhampton Beach. I've been coming out here for the last 50 years, starting I was a single, and then bought real estate on Dune Road, Stillwaters, and finally on Oneg, paying substantial taxes year in and year out. What I would like to understand is, I'm in the insurance business and I did a lot of business in the five towns many, many years ago. Just a quick question to the trustees. Have any of you gone and seen what has happened in the five towns? Have you driven there? Have you seen the school systems? Has anyone gone – am I allowed to ask a question – anyone gone to the five towns?

M: You are allowed to ask a question. But they have no obligation to respond to your question. Because it's a public comment period for you to comment. It's not a forum to interrogate the board. If the board wants to respond to your questions, they can. But they have no obligation legally to do so.

M: Okay. Then it's quite obvious that none of you have driven through the five towns.

M: Well, he just finished... Wait. He just finished his statement. I didn't even get a chance to react. I've been there.

M: Okay, go ahead.

M: I've been there.

M: You, you understand that...

M: That's all I'll say.

M: ...both you, Rubio and you won a substantial election through the JPOE, Arnie Schieffer, etc., etc. And you both said you are against the eruv. That's all we're asking. And 95 percent of the Westhampton residents are against it. What's happening? So you can talk now.

M: That's it. I just answered the question.

M: Okay.

M: I was there.

M: I've been to the five towns. I've been there. I got customers there. I've lived over there, work over there, business... But I can (inaudible phrase) I've seen it (?). But I don't live there, so it's different. You know what I mean? I live here. This is my home town, you know.

M: It's your home town?

M: This is my home town. I live here.

M: Huh?

M: I grew up here in Westhampton Beach.

M: No, no. Oh...

M: Yeah, so this is my, this is my home town. So for me to really comment on a five-town issue, well, I've driven through but I don't live there. So I really can't comment on that, you know.

M: Okay, but because of the eruv and what the Orthodox do to a town, you would think that one of the trustees or some of the trustees would drive down there and see what's happened. It's not going to happen in our generation. It's going to happen in our children's generation and our grandchildren's generation. That's all I have to say.

(applause and inaudible comments)

F: Why don't you tell them what's happened?

M: What's happened?

F: Yeah, tell them.

M: Maybe they can, maybe they can read.

(a few inaudible comments; low volume, whispering)

F: Does anyone else want to get up and have something to say? I think of course we understand everybody's frustration. And the lawsuit is ongoing. So I'm not sure what, you know, what it is that you want us to do that we're not doing.

M: Well said.

F: Mm-hm.

M: I'm sorry, Marie. I can't hear you.

F: We can't hear you.

F: I said, the lawsuit is ongoing, and I'm not sure what it is that you want us to do that we're not doing. We were sued. We have an attorney. We're defending or representing our interests in the lawsuit.

M: You're asking me?

F: I'm, I'm saying, you got up and you're expressing frustration, several of you, about the way it's being handled. And yet we are – the lawsuit is ongoing. So I'm not sure what it is that's happening.

M: Having looked at the deterioration of the five towns, when I started doing business there in 1965 and I don't dare go there on a Saturday – okay – the school systems have all been changed because the Orthodox don't want their children to go to the public schools. So the public schools are being closed. What would happen if that happened in Westhampton with the public schools being closed? They both – all their trustees are all Orthodox. (36:40) And they can do whatever they want. I just would like, maybe a [inaudible] that you could drive through, see what happens. That's all.

M2: I got a comment for you. I was going to say, I took a little offense to you saying how come we don't read. We read and we understand. We do the best we can. I'm new to the board, Ryan's new to the board. Most of these people weren't on the board when this all started back in 2007. So we're walking into a situation that's already been ongoing for this many years, so what more can we do other than listen to our legal counsel. They've been to hearings and board exams. I mean we're going to do what we can for the best of this community, that's what we're here for. We're not here to argue that I can stand up and say yeah, I don't like that [inaudible] but that's not-[inaudible]. This has been ongoing since 2007, so you guys got to work with us too because we're not the ones that have this whole thing started. So we're here now at the tail end of this dealing with it and we're more than happy to work with you as it permits, but that's-but we take offense that you guys sit here and say that we are not doing anything. We're coming in to help. You know we have attorneys on staff, they've been working on this case. Let the courts [inaudible] that has to do.

F: Mr. Scheiffer, would you step up just so the people at home can hear you?

M3: I'll show you what we're looking for. What Charlie didn't say.

F: Steve.

M3: Yes, there were 12 public schools. Nine of them were closed. We're looking for a commitment, perhaps the communication from the board to the community. You just said it. You said we have to work with you. We have 300-actually 400. I have 275 responses to an email. We're looking for your commitment. We want to be assured by you and the mayor and the rest of the trustees that you will prosecute this to the best of your ability. I will tell you this. One of the reasons I am here tonight is I can't go on the street, go to the beach, go to the BBQ or cocktail party, they don't ask what's going on. It's your responsibility to communicate better with us. And I will say this: It is not enough. Since we have a website and emails, it's not enough to say go to the website. We must get the community involved a little more and be a little more open. I will make one-and I applaud the fact that I think you really want to do it. The question is are we going to do it. I will make one criticism: This business of hiding behind lawyers has to stop. That is something that you need not do and you need not be afraid. Nobody's going to criticize you because you said something out of turn.

F: Perhaps not, but things that we say could be taken out of context and used against us in court proceedings.

M4: I'm not one to hide behind anything. When our attorney advises us not to discuss what was discussed. What do you want me to do? Do you want me to discuss it anyway?

M3: I want you to do what you think is right.

M4: I know what's right. Do you want me to discuss with you what our attorneys tell us not to? Do you think that's right? Or do you think that's even legal? It's litigation. We can't.

M3: I'm not a lawyer.

M4: Neither am I, but I asked them. After our last meeting I said, can I discuss this with the public. Everyone was there. Said, this is pending litigation, we can't. I don't know what you want me to do.

M3: Ryan. We have been unsuccessful with the legal advice we have up to date. What you and Rob were put on that board for was to change that. I'm sensing there is a little and [inaudible]

M4: I don't know how much more clear I can be.



M3: I'm saying you'll never be criticized for being open. There is a feeling-and listen, I may not agree with it, but I hear the cocktail parties and at the beaches, I don't want to hear it anymore that you're hiding behind lawyers.

M4: I don't appreciate you telling me I'm hiding behind anything. I really don't. I'm going to say it one more time very clearly. I am listening to the advice of our attorneys. That's it. End of discussion. And I made it just clear how I feel about this situation. I'm going to do the best that I can. But I am not going to discuss things that our attorney says not to discuss. Period.

M3: Okay. Thank you. I appreciate it.

F: And I think you're aware that one of our counter claim that we raised in the lawsuit was with respect to the First Amendment provision and that that you had a separate action: Jewish People for the Betterment of the Village, and that the Second Circuit ruled against you on those grounds, and so we no longer have that ground to raise in our lawsuit. So, you know, you know just what is happening with respect to the legal arguments. And we have the arguments, we've made them and we're waiting for the judge to decide.

M3: I think the people should help [inaudible] that it was your attorneys that asked us to encourage us to file that lawsuit.

F2: Can I say something? Hi, I'm Deborah Giamarco. I just wanted to say something to help clear up. What shared tonight [inaudible] was actually very helpful just spelling out the facts. So I understand maybe you can't say things that would cause a problem for the litigation, but I think for everyone hearing you explain that there was an appeal made, nothing could be done beyond that, it's reassuring just to hear it explained by someone in your position. So I just wanted to add that.

F: Thank you, maybe we should-you know we do put it on the website, but perhaps it would be more helpful to the community to hear it at a meeting; to have a update to the extent possible. Thank you. Would anyone else like to step up? All right, I would like a motion now to adjourn the meeting and go into Executive Session to discuss some personnel matters.

M2: [inaudible].

M5: Second that.

F: All in favor?

[Collective "Aye"]

F: Thank you all for coming tonight and participating.

End of Audio.