

The Village of Wesley Hills  
Village Board Meeting-December 1, 2009

The meeting was called to order by Mayor David Goldsmith, at 7:00 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 Marion Ben-Jacob to approve the following resolution.

RESOLUTION # 78-09

RESOLVED, that the minutes of the Board of Trustees of the Village of Wesley Hills, on November 3, 2009, as submitted by the Village Clerk, be approved, and that the reading of such minutes be waived.

The following vote was taken: Mayor 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.

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

RESOLUTION # 79-09

RESOLVED, that the minutes of the Board of Trustees of the Village of Wesley Hills, Special Meeting, on November 17, 2009, as submitted by the Village Clerk, be approved, and that the reading of such minutes be waived.

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

The resolution was carried with a vote of 4 ayes and 0 nays.

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

RESOLUTION # 80-09

RESOLVED, that the minutes of the Board of Trustees of the Village of Wesley Hills, Special Meeting, on November 20, 2009, as submitted by the Village Clerk, be approved, and that the reading of such minutes be waived.

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

The resolution was carried with a vote of 3 ayes and 0 nays.

A motion was made by Howard Richman and seconded by Brett Bekritsky to approve the following resolution.

#### RESOLUTION # 81-09

RESOLVED, that the Village of Wesley Hills Justice Court Statement of Cash Receipts for the period June 1, 2008 to May 31, 2009, a copy of which Statement is made a part of the Minutes of this Board, is hereby accepted.

The following vote was taken: Mayor 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 Ben Selig if the proposed site lease with T-Mobile Northeast was ready to move forward.

Mr. Selig said that he has the final draft in hand from T-Mobil and he is going to review the lease again. Mr. Selig then said that the charges for co-location will be \$2,400.00 per month and that the applicant is leasing only the land. Mr. Selig said that T-Mobile will be solely responsible to construct and maintain the facility and that the lease will run for five years with an annual increased renewal fee of 3%. Any taxes that may be incurred by the placement of the tower on Village property will be absorbed by T-Mobile. Mr. Selig then said that Liz Mello and Jeff Osterman have reviewed the drawings and they have no negative comments at this time. Mr. Selig said that once construction of the pole begins, the applicant will have to begin pay rent on the proposed facility to the Village.

At this time Mayor Goldsmith discussed a letter that was submitted to the Village by Ilan Schoenberger, Legislator from Rockland County. Mayor Goldsmith said that the letter expresses Mr. Schoenberger's opinion about the construction of a cell tower in the Village, but also states (referring to the existing cell towers on the Mitch Miller property, Rockland Community property and Veteran's Cemetery) that the Town of Ramapo "would share its revenue equally with the Village where the tower was located." Mayor Goldsmith said that he is unaware of any monies that the Town of Ramapo has sent to the Village. Mayor Goldsmith asked Mr. Selig to send a letter of inquiry to the Town of Ramapo and the County regarding the aforementioned letter. Mr. Selig said that he would place a call to Michael Klein and Ilan Schoenberger.

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

RESOLUTION # 82-09

RESOLVED, that the proposed Site Lease with Option with T-Mobile Northeast, LLC, and related memorandum of lease, copies of which are made a part of the Minutes of this Board, are hereby accepted; and the Mayor is hereby authorized to indicate the approval of such lease and memorandum by signing said lease and memorandum on behalf of the Village of Wesley Hills.

The following vote was taken: Mayor 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.

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

RESOLUTION # 83-09

RESOLVED, that general funds claims # 139 through # 161 in the aggregate amount of \$203,141.22, as set forth in Abstract # 12/09 dated December 1, 2009, a copy of which abstract of audited claims is made a part of the Minutes of this Board, are hereby accepted.

The following vote was taken: Mayor 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.

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

RESOLUTION # 84-09

RESOLVED, that parks and recreation fund claim # 210 in the amount of \$125.00, as set forth in Abstract # 7/09, 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, Howard Richman-yes, Marion Ben-Jacob-yes, Brett Bekritsky-yes.

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

Mayor Goldsmith then discussed the new traffic pattern and the problems that were created due to the changes, at the Wesley Hills Shopping Center. Mayor Goldsmith said that he had planned to discuss the problems at the next Planning Board meeting, but he feels that (due to the reaction from the public regarding the proposed cell tower at Antrim Playhouse), that there will be too much occurring at that meeting to do so. Mayor Goldsmith said that there are many things that need to be corrected at the Shopping Center site, there is now a right turn only entering the Plaza with the intersection at Village Green. Mayor Goldsmith then said that trucks can only enter from Willow Tree Road and then they can't go north on 306. Mayor Goldsmith then said that the only change that was requested by the Village was to have a no left turn into the Shopping Center heading north on Route 306.

At this time Mayor Goldsmith discussed a letter that was received from the Zoning Board of Appeals. The Zoning Board wants to know the Village's opinion on "flag lots" and the ZBA has had numerous requests before the Board for impervious surface relief, the ZBA asked if the current law should be amended.

Mayor Goldsmith and the Board members discussed the letter in detail and they decided that "flag lots" have been a part of the landscape in the Village and as long as the requirements are met they can see no reason to disallow applications for "flag lots". Mayor Goldsmith then said that when an applicant appears before the ZBA with a request for a large increase in impervious surface the Board should consider referring them to the Planning Board so that storm water runoff issues, etc. can be reviewed by the Village Engineer and the Village Planner.

Mayor Goldsmith then briefly discussed with the Board members a new legislation proposed by Ilan Schoenberger. The Mayor and Board members feel that the proposed law is written in very broad terms and could easily be used against municipalities and would be extremely difficult for Village's to defend.

Mayor Goldsmith then said that he is going to appoint Rachael Taub to the Planning Board and that William Fried will be moving from the Planning Board to the Zoning Board of Appeals.

Ben Selig then said that he will be in Florida at the scheduled workshop meeting and wanted to move the meeting forward to December 22, 2009. The Mayor and Board members agreed to the request.

Ben Selig then said that he made an application to appeal the Order to Show Cause staying Judge Nicolai's recent decision requiring Mosdos to obtain a bond from an insurance company rather than from Mr. Rosenblum.

After further discussion, a motion was made by Marion Ben-Jacob and seconded by Brett Bekritsky to adjourn the meeting.

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