

VILLAGE OF WESLEY HILLS  
VILLAGE BOARD MEETING  
MARCH 13, 2007

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

ABSENT: Trustee H. Richman

The meeting was called to order by Mayor Frankl at 8 P.M.

The public hearing for the continuation of a hearing pursuant to Local Law No. 4 of 1984, requiring maintenance of properties free of litter. Code Enforcement Officer Stephen Abrams said that the property was posted with two notices and the rusted piece of metal was still there. Trustee Goldsmith said that he had driven past the sight and could not see from the road the piece of metal that is in question. Mr. Abrams said that there is a worn path from the road which goes past the object. Mayor Frankl reported that the trailer will be gone by Passover or we will have it taken out. Mr. Abrams submitted pictures to the Board. Trustee Gantshar said that he has gotten many emails and calls from neighbors complaining about this. Mr. Menche, the property owner, was before the Board. He said that he would like the object to remain and put up "no trespassing" signs. He also said that who ever is trespassing has not right to be on his property and since it cannot be seen from the road he doesn't think he should be required to remove it before he is ready to build on that lot. Trustee Gantshar asked Mr. Menche why he feels people shouldn't complain. Mr. Menche said that he straightened out his property and he felt that the Board should not demand he should take out the object since it is not visible to anyone other than people walking across his property. Mr. Brown advised the board that to have the object removed it must be esthetically offensive, a public health hazard or nuisance. Mr. Marvin Finker, from Village Green, suggested the Board require a small fence around the object. Deputy Mayor Mc Pherson said that the Village had a number of neighbors come to the Board first because of the refusal of Ramapo to plow the undedicated street, being upset about the trailer and the piece of steel in the woods. Of the three things, this is possibly the least. He suggested that the Board continue the public hearing and invite the neighbors to come back and make comments. Trustee Goldsmith said that notices were up and he felt that there was no reason to continue the public hearing. He said he feels that the Board should close the hearing and leave it until it is removed. Mayor Frankl said that he agreed with Trustee Goldsmith. Mr. Brown said the Board must first close the hearing. David Goldsmith made a motion to close the

public hearing. The motion was seconded by Deputy Mayor Mc Pherson and so carried with 3 ayes and 1 nay from Trustee Gantshar. Mr. Brown informed the Board that he could write a resolution that some of the material has been removed. Trustee Goldsmith made the following resolution:

**RESOLUTION 21-07**

WHEREAS, the Code Inspector of the Village of Wesley Hills has determined that the parcel of real property known as 7 Rochelle Lane and identified on the Town of Ramapo Tax Map as Section 41.08, Block 2, Lot 58.7 is being maintained in violation of Local Law No. 4 of 1984, entitled "A Local Law to Require the Maintenance of Private Properties Free of Litter"; and

WHEREAS, pursuant to such Local Law, the Code Inspector caused a Notice of Violation, dated April 20, 2006, to be served upon the last known owner of such parcel of property, which Notice gave such owner until April 30, 2006, being ten days after the service of such Notice, to correct such violation; and

WHEREAS, the said owner failed to correct such violation by April 30, 2006; and

WHEREAS, the Board of Trustees of the Village of Wesley Hills thereupon held a public hearing on five days' public notice and five days' notice to the owner of the premises by certified mail, as required by such Local Law; and

WHEREAS, sworn testimony was taken and a report of the Code Inspector was introduced at the aforesaid public hearing; and

WHEREAS, the owner of said premises testified at said public hearing, from which testimony it appears that most of the debris that had been deposited on said premises has been removed and that the only object remaining on said premises is not visible from Rochelle Lane;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Wesley Hills, that the said premises hereby, is determined no longer to be littered with debris and no longer to be in violation of Local Law No. 4 of 1984.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 3 ayes and 1 nay from Trustee Gantshar.

Mr. Brown told Mr. Menche that the same type of hearing could be held for the trailer; and if not removed by the time indicated, action such as this would be taken. Mr. Abrams to send a letter to Mr. Menche to remove the trailer. At the April 5<sup>th</sup> meeting the Board will know if the trailer has been removed. Trustee Goldsmith made a motion to have a public hearing on March 19<sup>th</sup> regarding the trailer. The motion was seconded by Trustee Gantshar and was so carried with 4 ayes and 0 nays. Trustee Gantshar made the following resolution:

**RESOLUTION 22-07**

WHEREAS, Entergy is the owner and operator of two nuclear power plants, Indian Point 2 ("IP2") and Indian Point 3 ("IP3"), located in Buchanan, New York; and

WHEREAS, the nuclear Regulatory Commission ("NRC") is the federal regulatory agency overseeing, regulating and licensing IP2 and IP3; and

WHEREAS, the NRC has the power and authority to mandate an Independent Safety Assessment ("ISA") of IP2 and IP3; and

WHEREAS, the NRC, in spite of the problems and safety issues experienced by IP2 and IP3, has refused to mandate an ISA of IP2 and IP3; and

WHEREAS, legislation has been introduced into both Houses of the United States Congress, by Senator Hillary Rodham Clinton, Representatives John Hall, Nita Lowey, Elliot Engel, Maurice Hinchey and Christopher Shays, that mandates the NRC to conduct a Maine Yankee style ISA on the vital systems of Indian Point and require FEMA to justify, with specificity, its approval of the Indian Point evacuation plan despite the findings of the 2003 Witt Report; and

WHEREAS, the Attorneys General of New York and Connecticut support this legislation as well as the New York Comptroller; and

NOW THEREFORE, BE IT RESOLVED, taking into consideration the historical safety record of Indian Point and the current uncontrolled and uncorrected leaks of radioactive materials as compared to the health and safety of Hudson Valley residents (including the residents of the Village of Wesley Hills), that the Board of Trustees of the Village of Wesley Hills requests that the United States Senate pass S. 649 and that the United States House of Representatives pass HR 994 – To Require the Nuclear

Regulatory Commission to Conduct an Independent Safety Assessment of the Indian Point Nuclear Power Plant; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Wesley Hills supports the legislation currently before Congress that mandates the Independent Safety Assessment of IP2 and IP3 which would:

- (1) Include a "vertical slice" review of all operating systems,
- (2) include a "Horizontal" review of all plant maintenance,
- (3) be monitored by independent experts,
- (4) be monitored by local officials, and
- (5) include a rigorous re-evaluation of the feasibility of the evacuation plan for Indian Point; and

BE IT FURTHER RESOLVED, that the citizens of the Village of Wesley Hills and of the rest of Rockland County, because of their close proximity to Indian Point, deserve to have a clear and accurate assessment of any and all safety problems or issues that are currently known or may be discovered at Indian Point, and that these issues be presented to the public in a timely manner after discovery; and

BE IT FURTHER RESOLVED, that a copy of this Resolution should be sent to the governing boards of all Towns and Villages within Rockland County with a request that each municipality consider passing a similar resolution; and

BE IT FURTHER RESOLVED, that the Village Clerk be an hereby is authorized and directed to send a certified copy of the Resolution to the Hon. George W. Bush, President of the United States; Hon. Charles Schumer and Hon. Hillary Rodham Clinton, United States Senators; Hon. Eliot Engel, Hon. Nita Lowey, Hon John Hall, Hon. Maurice Hinchey, and Hon. Christopher Shays, Members of the United States Congress; and President Pro Tem of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives; and to the Rockland County Legislature.

The resolution was seconded by Trustee Goldsmith and so carried with a vote of 4 ayes and 0 nays as follows: (Mayor Frankl, aye; Deputy Mayor Mc Pherson, aye; Trustee Gantshar, aye; Trustee Goldsmith, aye).

Mr. Marvin Finker was before the Board and asked what the decision was regarding the pictures he submitted of people parked in the driveways. The Board informed him that they were not upset with the cars in the driveways and that they would take no action on this complaint.

Discussion was held on the minutes submitted to the Board for the February 13, 2007 meeting. Trustee Goldsmith had a spelling corrections (RLUIPA was misspelled). Trustee Gantshar asked that his comment be added on page 2 that he was questioning the Board's wisdom of voting for the appeal of the RLUIPA but had voted for downzoning on the Kwilecki property.

Trustee Goldsmith made the following resolution:

**RESOLUTION 23-07**

RESOLVED, that the Minutes of the meeting of the Board of Trustees of the Village of Wesley Hills on February 13, 2007, with corrections, be approved, and that the reading of such Minutes be waived.

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

Trustee Gantshar left the meeting at this point.

Mayor Frankl discussed the garbage contract.

Mr. Finker was before the Board. He reminded the Board about the truck that parked on Route 306 before Passover last year and what a mess was left. Mayor Frankl said that would not be allowed this year.

Trustee Goldsmith made the following resolution:

**RESOLUTION 24-07**

RESOLVED, that the Village Clerk is hereby directed to order from Lorman Education Services the manual it is producing for its seminar to be held on April 26, 2007 entitled "What You Need to Know About Public Records and Open Meetings in New York", for a price of \$126.00 (including shipping and handling).

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 3 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 25-07**

RESOLVED, that the Mayor, Trustees, Planning Board members, Zoning Board of Appeals members, Village Attorney, and Deputy Village Attorney are hereby authorized to attend the Rockland Municipal Planning Federation annual dinner meeting to be held on March 29, 2007, and that the expenses of such officials for attending such meeting shall be paid by the Village of Wesley Hills.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 3 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 26-07**

WHEREAS, the New York State Legislature has amended Section 7-712 of the Village Law to add a new subdivision 7-a which establishes minimum training requirements for members of village zoning boards of appeals, and

WHEREAS, the New York State Legislature has amended Section 7-718 of the Village Law to add a new subdivision 7-a which establishes minimum training requirements for members of village planning boards, and

WHEREAS, such new legislation provides that such training shall be approved by the Board of Trustees, and

WHEREAS, in furtherance of such training requirements the New York State Department of State is offering a series of training programs, but no such programs are presently scheduled in Rockland County, and the Village Clerk has been advised that the New York State Department of State is in the process of producing training programs in DVD format, but such DVDs are not yet available, and

WHEREAS, the Rockland Municipal Planning Federation intends to provide training classes within the upcoming year, but such classes are not yet scheduled for this Board to consider, and

WHEREAS, Village Law Section 7-12, subdivision 7-a (c) , and Village Law Section 7-718, subdivision 7-a (c), each authorize this Board to waive or modify the training requirement if in its judgment it is in the best interests of the Village to do so,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby determines that it is in the best interests of the Village at this time to modify such training requirement to allow the reappointment of members of the Zoning Board of Appeals and the Planning Board without having completed training classes, in light of the present unavailability of suitably convenient training programs and the long experience of most of the current members of such Boards, and

BE IT FURTHER RESOLVED, that the Board of Trustees intends to reconsider the establishment of minimum training requirements as suitable training programs become available and can be approved by this Board.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 3 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 27-07**

WHEREAS, some organizations have used the Religious Land Use and Institutionalized Persons Act ("RLUIPA") in an attempt to avoid all local land use regulations when the stated purpose of the Act was to prevent religious discrimination; and

WHEREAS, because of ambiguities in the statute, the use of RLUIPA by these organizations and others has generated substantial litigation nationwide, which has been costly to municipalities in legal fees and other court-related expenses; and

WHEREAS, although municipalities must reimburse plaintiffs for legal fees if the municipality loses the lawsuit, the standard by which a municipality may be reimbursed is almost impossible to attain; and

WHEREAS, municipal taxpayers who must bear the burden of these unnecessary litigation expenses are also the constituents of federal legislators who are always concerned about the tax burdens placed on their constituents; and

WHEREAS, prior to the enactment of RLUIPA, Congress did not invite input and information from towns and villages that have the obligation to regulate land use within their jurisdictions; and

WHEREAS, the Board of Trustees of the Village of Wesley Hills believes that Congress did not intend to create the inequities that have developed as a result of RLUIPA nor to impose these financial burdens on towns and villages;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Wesley Hills urges the Congress of the United States to hold hearings on amendments to the Religious Land Use and Institutionalized Persons Act and to obtain testimony from towns and villages that are burdened with the improper use of that Act; and

BE IT FURTHER RESOLVED, that Congress is further urged to amend Section 722 (b) of the Revised Statutes (42 U.S.C. 1988 (b)) to require that the standard for legal fees for prevailing defendants shall be the same as the standard used for prevailing plaintiffs; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to each members of the United States Congressional delegation from New York State as well as to the Speaker of the House of Representatives and the Majority Leader of the United States Senate.

The resolution was seconded by Deputy Mayor McPherson and was passed with 3 ayes (Mayor Frankl, Deputy Mayor Mc Pherson and Trustee Goldsmith) and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 28-07**

RESOLVED, that a special meeting of the Board of Trustees of the Village of Wesley Hills shall be held on March 19, 2007 at 8:00 P.M. at the Village Hall, 432 Route 306, for the following purposes:

- (1) consideration of tentative budget;
- (2) scheduling of public hearing on tentative budget; and
- (3) such other matters as may properly be brought before the Board of Trustees.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 3 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 29-07**

RESOLVED, that a special meeting of the Board of Trustees of the Village of Wesley Hills shall be held on April 5, 2007 at 8:00 P.M. at the Village Hall, 432 Route 306, for the following purposes:

- (1) annual reorganization meeting;
- (2) such other matters as may properly be brought before the Board of Trustees.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 3 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 30-07**

RESOLVED, that the regular meeting of the Board of Trustees of the Village of Wesley Hills for the month of April shall be held on April 11, 2007 instead of April 10, 2007.

The resolution was seconded by Deputy Mayor Mc Pherson and so carried with a vote of 3 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 31-07**

RESOLVED, that general fund claims #247 through #272 in the aggregate amount of \$89,814.99, as set forth in Abstract #3-07 dated March 13, 2007, 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 3 ayes and 0 nays.

Trustee Goldsmith made the following resolution:

**RESOLUTION 32-07**

RESOLVED, that parks and recreation fund claim #181 in the amount of \$240.00, as set forth in Abstract #PR 1-07 dated March 13, 2007, 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 3 ayes and 0 nays.

Trustee Goldsmith asked that the dumpster the Village supplies for Passover be delivered on Saturday; otherwise it is filled up too quickly.

Mr. Brown reminded the Board that they have to address the timing for the new garbage contract. He said it must be discussed at the workshop meeting. The Board needs one meeting to approve the bid specifications, set the bid times and have the bids returned before June 1<sup>st</sup>.

Trustee Goldsmith made a motion to adjourn and was seconded by Deputy Mayor Mc Pherson and was so carried.

Respectfully submitted,

Julie Pagliaroli  
Village Clerk