

July 14, 2015

NOTICE OF MEETING

Notice is hereby given that the Village of Spring Valley will meet in the Village Hall, Senator Gene Levy Municipal Plaza, 200 North Main Street, Spring Valley, New York on Tuesday, July 14, 2015 at 7:00 pm.

Respectfully Submitted
Village Clerk's Office

Dated: Spring Valley, New York
June 29, 2015

**BOARD OF TRUSTEES
SPRING VALLEY, NEW YORK**

The Board of Trustees of the Village of Spring Valley convened in regular session pursuant to adjournment of the Special Meeting of July 7, 2015 meeting.

A Roll Call being taken, the following were present and answered to their names:

Demeza Delhomme	Mayor
Anthony Leon	Deputy Mayor
Vilair Fonvil	Trustee
Asher Grossman	Trustee
Emilia White	Trustee
Feerick Lynch MacCartney	Special Counsel
Herby Jean-Charles	Deputy Village Clerk

The pledge of allegiance was led by Trustee Fonvil

Mayor's Report *No report*

Referral No. 2059

**RESOLUTION NO. 342 OF 2015
OPEN PUBLIC PARTICIPTION**

Trustee White offered the following resolution, which was seconded by Trustee Fonvil and unanimously adopted:

WHEREAS: the public participation portion of the meeting is opened; now, therefore, it is hereby

RESOLVED, that the following person(s) appeared to address the Board and participate in this portion of the meeting.

Referral No. 2037

**RESOLUTION NO 304 OF 2015
CLOSE PUBLIC PARTICIPATION**

Deputy Mayor Leon offered the following resolution, which was seconded by Trustee White and unanimously adopted:

WHEREAS, the Village Board of Trustees closed the public participation portion of the meeting; now, therefore, it is hereby

RESOLVED, that the public participation portion of the meeting is hereby closed.

The next item on the agenda, Approval to accept the proposed Bond amount of 5,000,000.00 to purchase police vehicles for \$200,000.00 and for estimated 2015 certiorari refunds, in the amount of \$1,866,770.00, the remainder of the money will go to the remaining streets to be paved within the Village of Spring Valley; **failed.**

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The next item on the agenda, Approval to appoint Manuel Carmona provisionally to Deputy Building Inspector, Full Time, at an hourly rate of \$29.92 subject to Rockland County Personnel approval; **failed.**

Referral No. 3069

**RESOLUTION NO. 344 OF 2015
MOTION TO SKIP AGENDA ITEMS 5C, 5D, AND 5E
AND MOVE TO AGENDA ITEM NUMBER 6A ON THE AGENDA**

Trustee Grossman offered the following resolution, which was seconded by Trustee Fonvil and unanimously adopted:

WHEREAS, there was a motion made to suspend the rules to skip agenda items 5c, 5d and 5e and move to agenda item 6a on the agenda; and

WHEREAS, such motion requires the approval of the Village of Spring Valley Board of Trustees, now, therefore, it is hereby

RESOLVED, the Village Board of Trustees hereby approves the motion to suspend the rules to skip agenda items 5c, 5d, 5e and move to agenda item 6a on the agenda.

The next item on the agenda, Approval to pay the invoice and statement of the Law Offices of David Fried, PC for legal services rendered to the Village of Spring Valley in the amount of \$5,375.00; **failed.**

Referral No. 2030

**RESOLUTION NO. 345 OF 2015
REQUEST TO PAY INVOICE NUMBER 32159
TO FEERICK LYNCH, MACCARTNEY, PLLC
FOR LEGAL SERVICES RENDERED**

Trustee White offered the following resolution, which was seconded by Deputy Mayor Leon and unanimously adopted:

WHEREAS, the Legal Department requests approval to pay invoice number 32159 to Feerick Lynch MacCartney PLLC for legal services rendered to the Village of Spring Valley in the amount of \$4,919.71;

WHEREAS, such request requires the approval of the Village of Spring Valley Board of Trustees, now, therefore, it is hereby

RESOLVED, that the request to pay invoice number 32159 to Feerick Lynch MacCartney in the amount of \$4,919.71. is hereby approved.

Referral No. 2030

**RESOLUTION NO. 346 OF 2015
APPROVAL OF
SECTION 8 ABSTRACT # 594**

Trustee White offered the following resolution, which was seconded by Trustee Fonvil and unanimously adopted:

WHEREAS, the Village of Spring Valley through its various departments had made certain expenditures pursuant to the appropriations contained in the Village of Spring Valley of 2015 adopted budget; and

WHEREAS, Mayor Demeza Delhomme and the members of the Village of Spring Valley Board of Trustees have reviewed bills to be paid reflecting such expenditures; and

WHEREAS, such payments requires the approval of the Village of Spring Valley Board of Trustees; now, therefore, it is hereby

RESOLVED that the Village of Spring Valley Board of Trustees hereby approves the payment of the bills of the Village of Spring Valley set forth below and authorize the Treasurer of the Village of Spring Valley to pay such bills.

<u>SECTION 8 PROGRAM</u>	<u>CLAIMANT</u>	<u>AMOUNT</u>
5288	Intermedia, Inv. #1507002930	\$167.25
5289	The Nelrod Consortium, Payment # 189	\$199.00

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5290	Ever Bank, Inv. # 3229130	\$364.23
5291	Optimum, 6/22 – 7/21	\$94.85
Total Section 8 Program Abstract for Village Board Approval		\$825.58

**RESOLUTION NO. 347 OF 2015
APPROVAL FOR THE VILLAGE OF SPRING VALLEY
TO PAY \$60.00 FOR KAREN RYAN’S NOTARY PUBLIC RENEWAL FEE
TO THE NYS DEPARTMENT OF STATE**

Trustee White offered the following resolution, which was seconded by Deputy Mayor Leon and unanimously adopted:

WHEREAS, Karen Ryan has requested that the Village of Spring Valley pay the renewal fee for her Notary Public License to the NYS Department of State, in the amount of \$60.00; and

WHEREAS, such request requires the approval of the Village of Spring Valley Board of Trustees, now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the request to pay the renewal fee for Karen Ryan’s Notary Public License to the NYS Department of State, in the amount of \$60.00

Referral No. 3000

**RESOLUTION NO. 348 OF 2015
APPROVAL OF THE REQUEST FROM THE
SPRING VALLEY POLICE DEPARTMENT TO GRANT THE LIQUOR LICENSE FOR
TROPICAL DELICACY RESTAURANT**

Deputy Mayor Leon offered the following resolution, which was seconded by Trustee White and unanimously adopted:

WHEREAS, the Spring Valley Police Department requests approval to grant a liquor license to George Edward Corbin for Tropical Delicacy Restaurant, located at 80 East Route 59, Spring Valley, New York; and

WHEREAS, such request requires the approval of the Village of Spring Valley Board of Trustees, now, therefore, it is hereby

RESOLVED, that the Village Board of Trustees approves the request to grant a liquor license to George Edward Corbin for Tropical Delicacy Restaurant, located at 80 East Route 59, Spring Valley, New York.

Referral No. 3068

**RESOLUTION NO. 349 OF 2015
APPROVAL OF THE REQUEST FOR REIMBURSEMENT
FROM PO DZIEDZIC IN THE AMOUNT OF \$30.00
SPENT ON FUEL DURING A PRISONER TRANSPORT MATTER**

Trustee Grossman offered the following resolution, which was seconded by Trustee White and unanimously adopted:

WHEREAS, PO Dziejdzic has requested that the Village of Spring Valley reimburse him in the amount of \$30.00 spent on fuel during a prisoner transport matter; and

WHEREAS, such request requires the approval of the Village of Spring Valley Board of Trustees, now, therefore, it is hereby

RESOLVED, that the Village Board of Trustees approves the request from Po Dziejdzic for reimbursement in the amount of \$30.00 that he spent on fuel during a prisoner transport matter.

**RESOLUTION NO. 350 OF 2015
MOTION TO SUSPEND THE RULES TO MOVE
TO AGENDA ITEM 10C ON THE AGENDA
TO ALLOW TRUSTEE GROSSMAN TO COME BACK
WITH INFORMATION PERTAINING TO VOUCHER NUMBER 56034951**

Mayor Delhomme offered the following resolution, which was seconded by Trustee Fonvil and unanimously adopted:

WHEREAS, there was a motion made to suspend the rules to move to agenda 10c on the agenda to allow Trustee Grossman to come back with information pertaining to voucher number 56034951; and

WHEREAS, such motion requires the approval of the Village of Spring Valley Board of Trustees, now, therefore, it is hereby

RESOLVED, the Village Board of Trustees hereby approves the motion to suspend the rules to move to agenda 10c on the agenda to allow Trustee Grossman to come back with information pertaining to voucher number 56034951.

The next item on the agenda, approval to pay the 2015 U.S. Conference of Mayors membership (voucher number 56034560) in the total amount of \$3,489.00; **failed.**

The next item on the agenda, Approval to pay invoice number M-2014-0083 to the African American Mayors Association for annual membership dues in the amount of \$2,000.00 covering the period of July1, 2015 thru June 30, 2016; **failed.**

**RESOLUTION NO. 351 OF 2015
AUTHORIZING PAYMENT OF BILLS
FOR THE VILLAGE OF SPRING VALLEY
(APPROVAL OF ABSTRACTS)**

Deputy Mayor Leon offered the following resolution, which was seconded by Trustee White and unanimously adopted:

WHEREAS, the Village of Spring Valley through its various departments had made certain expenditures pursuant to the appropriations contained in the Village of Spring Valley 2015/2016 budget; and

WHEREAS, Mayor Delhomme and the members of the Village of Spring Valley Board of Trustees have reviewed bills to be paid reflecting such expenditures; and

WHEREAS, such payments require the approval of the Village of Spring Valley Board of Trustees; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the payment of the bills of the Village of Spring Valley set forth below and authorizes the Treasurer of the Village of Spring Valley to pay such bills.

APPROVAL OF ABSTRACTS

DATE: July 14, 2015

GENERAL ABSTRACT #2015/6

Amount \$514,354.08 Claim #56034736 thru #56034953

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Referral No. 2030

**RESOLUTION NO. 352 OF 2015
AUTHORIZING PAYMENT OF BILLS
FOR THE VILLAGE OF SPRING VALLEY
(POST AUDIT ABSTRACTS)**

Deputy Mayor Leon offered the following resolution, which was seconded by Trustee White and unanimously adopted:

WHEREAS, the Village of Spring Valley through its various departments had made certain expenditures pursuant to the appropriations contained in the Village of Spring Valley 2015/2016 budget; and

WHEREAS, Mayor Demeza Delhomme and the members of the Village of Spring Valley Board of Trustees have reviewed bills to be paid reflecting such expenditures; and

WHEREAS, such payments require the approval of the Village of Spring Valley Board of Trustees; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the payment of the bills of the Village of Spring Valley set forth below and authorizes the Treasurer of the Village of Spring Valley to pay such bills.

APPROVAL OF POST AUDIT GENERAL ABSTRACTS

DATE: July 14, 2015

POST AUDITED GENERAL ABSTRACT #2015/3

Amount \$496,502.31 Claim #56034726 thru #56034735

Referral No. 3037

**RESOLUTION NO. 353 OF 2015
APPROVAL TO ACCEPT AND ADMINISTER
THE JUSTICE FOR FAMILIES (JFF) GRANT
IN THE AMOUNT OF 192,258.00**

Deputy Mayor Leon offered the following resolution, which was seconded by Trustee Grossman and unanimously adopted:

WHEREAS, Matthew Jones, Community Development Specialist requests approval to accept and administer the Justice for Families (JFF) Grant in the amount of \$192,258.00; and

WHEREAS, such request requires the approval of the Village of Spring Valley Board of Trustees, now, therefore, it is hereby

RESOLVED, the Village Board of Trustees hereby approves the request from Matthew Jones, Community Development Specialist to accept and administer the Justice for Families (JFF) Grant in the amount of \$192,258.00.

Referral No. 3037

**RESOLUTION NO. 354 OF 2015
APPROVAL TO ACCEPT AND ADMINISTER
THE GRANTS TO ENCOURAGE ARREST AND ORDERS OF PROTECTION (GTAP)
IN THE AMOUNT OF 299,679.00**

Deputy Mayor Leon offered the following resolution, which was seconded by Trustee Grossman and unanimously adopted:

WHEREAS, Matthew Jones, Community Development Specialist, requests approval to accept and administer the grants to encourage arrest and orders of protection (GTAP) in the amount of \$299,679.00; and

WHEREAS, such request requires the approval of the Village of Spring Valley Board of Trustees, now, therefore, it is hereby

RESOLVED, the Village Board of Trustees hereby approves the request from Matthew Jones, Community Development Specialist to accept and administer the grants to encourage arrest and orders of protection (GTAP) in the amount of \$299,679.00.

**RESOLUTION NO. 355 OF 2015
APPROVAL OF TIME SHEETS
FOR THE SUMMER FEEDING PROGRAM**

Trustee White offered the following resolution, which was seconded by Trustee Grossman and unanimously adopted:

WHEREAS, Community Development requests approval of signed vouchers and time sheets for the time period of 6/22/15 to 7/10/15 for 65.25 hours in the amount of \$1,631.25 for the Summer Feeding Program; and

WHEREAS, this request requires the approval of the Village of Spring Valley Board of Trustees; now, therefore, it is hereby

RESOLVED, the request for approval of signed vouchers and time sheets for the time period of 6/22/15 to 7/10/15 for 65.25 hours in the amount of \$1,631.25 for the Summer Feeding Program is approved.

Trustee reports

Youth and Recreation- Trustee White – *As you know we do not have anything going on for the youths. Second is the lack of cooperation from you Mayor with the youth, in regards to equipment I spoke with yesterday I went to park, after I sent an e-mail to Bobby Johnson asking him to have the nets the flip charts the benches ready for the children, and he said I would tell the appropriate person to do so. I went to the park and I found out that you told the gentlemen that you told them to put the stuff back. Mr. Dorvil had the things out and he was told by you to put the stuff back. And when I tried to speak to you and you got very loud and didn't want to cooperate and you told me that you were not going to put them out, that you were going to keep them in, and you were not going to do it because Mr. Blacknall did not come to you. I find it very disheartening that we have to fight for the use of the nets and benches and you told me that the benches were all broken down. The players yesterday were standing all around the court because there was only one bench for them to use. I think you really need to stand up and stop this fight. We shouldn't have to fight for everything, we shouldn't have to take you to court to do something, we shouldn't have to fight with you it's sad. Another thing you need to make sure if the park is open the bathrooms need to be open to for the people playing in the park to use.*

Fire and Safety- Trustee Grossman- Lt. Schnaars *is here from the Police Department and I would him to present his report from the Police Department, as part of fire and safety. Lt. Schnaars presented his report from the Police Department to the Board of Trustees and the community.*

Infrastructure-Deputy Mayor Leon- *Expressed that he had concerns throughout the Village in regards to the maintenance and safety of some of the building, and informed the board that they should be aware of it. also that the work on Union Road and in the area of Jacaruso Drive and Francis Place is close to being finished and to try and be patient with the construction going on.*

Economic Development/Community Development- Trustee Fonvil- *No report.*

Trustee Grossman left the meeting at 8:49P.M. And returned to the meeting 9:06 P.M.

**RESOLUTION NO. 356 OF 2015
APPROVAL OF THE REQUEST FROM CHIEF MODICA
TO GRANT THE TUITION REIMBURSEMENT FOR TWO POLICE OFFICERS
AS PER THE PBA CONTRACT FOR THE FISCAL YEAR 2014/2015
AND THE TUITION REIMBURSEMENT FOR ONE LIEUTENANT
AS PER THE SOA CONTRACT FOR THE FISCAL YEAR 2014/2015**

Deputy Mayor Leon offered the following resolution, which was seconded by Trustee White and adopted:

WHEREAS, Chief Modica has requested that the Village of Spring Valley grant the tuition reimbursement of two police officers, Officer Brandon King (\$1,800.00) and Officer Francois Brooke (\$8,200.00) totaling \$10,000.00 as per P.B.A. contract for the fiscal year 2014/2015 and approve the tuition reimbursement of Lieutenant C.J. Schnaars totaling \$3,000.00 as per S.O.A. (Supervisor Officer Association) contract for the fiscal year of 2014/2015; and

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WHEREAS, all the courses taken by the Officers were pre-approved by Chief Modica; and

WHEREAS, this request requires the approval of the Village of Spring Valley Board of Trustees; now, therefore, it is hereby

RESOLVED, that the Village Board of Trustees approve the request to grant the tuition reimbursement of two police officers, Officer Brandon King (\$1,800.00) and Officer Francois Brooke (\$8,200.00) totaling \$10,000.00 as per P.B.A. contract for the fiscal year 2014/2015 and approve the tuition reimbursement of Lieutenant C.J. Schnaars totaling \$3,000.00 as per S.O.A. (Supervisor Officer Association) contract for the fiscal year of 2014/2015.

Referral No. 3048

**RESOLUTION NO. 357 OF 2015
APPROVAL OF THE REQUEST TO GRANT
THE EXTENSION OF THE SPECIAL PERMIT FOR
BETHUNE GARDENS LOCATED AT 34, 35, 38 BETHUNE BOULEVARD**

Deputy Mayor Leon offered the following resolution, which was seconded by Trustee Grossman and adopted:

WHEREAS, the Ryan Karben, Attorney for the applicant has requested that the Board grant an 18 month extension of the previously approved Special Permit, for the project of Bethune Gardens located at 34, 35, 38 Bethune Boulevard, so that construction on the site can be completed on or before June 30, 2016; and

WHEREAS, this request requires the approval of the Village of Spring Valley Board of Trustees; now, therefore, it is hereby

RESOLVED, that the Village Board of Trustees approve the request to grant an 18 month extension of the previously approved Special Permit, for the project of Bethune Gardens located at 34, 35, 38 Bethune Boulevard, so that construction on the site can be completed on or before June 30, 2016

**RESOLUTION NO. 358 OF 2015
APPROVAL OF THE VILLAGE OF SPRING VALLEY
TO GO INTO CONTRACT WITH THE FIRST BAPTIST CHURCH
IN THE AMOUNT OF \$500.00 FOR RECREATIONAL SERVICES PROVIDED
AND AUTHORIZATION FOR THE MAYOR TO SIGN SAID CONTRACT**

Deputy Mayor Leon offered the following resolution, which was seconded by Trustee White and adopted:

WHEREAS, the Village of Spring Valley is requesting to enter into contract with the First Baptist Church in the amount of \$500.00 for recreational services provided; and

WHEREAS, The Village Board of Trustees authorizes Mayor Delhomme to sign said contract; and

WHEREAS, this request requires the approval of the Village of Spring Valley Board of Trustees; now, therefore, it is hereby

RESOLVED, that the Village Board of Trustees approve the request for the Village of Spring Valley to enter into contract with the First Baptist Church in the amount of \$500.00 for recreational services provided, and authorization for Mayor Delhomme to sign said contract.

The next item on the agenda Approval to hire up to 40 youths for the Spring Valley Student work program for 17 hours per week at \$8.75 per hour for duration of nine weeks; **failed.**

**RESOLUTION NO. 359 OF 2015
APPROVAL OF THE RESOLUTION
REGARDING PUBLIC ACCESS TO RECORDINGS OF
VILLAGE BOARD MEETINGS**

Trustee Grossman offered the following resolution, which was seconded by Trustee White and adopted:

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WHEREAS, the Village Board for the Village of Spring Valley, has previously authorized the video and audio taping of all Village Board Meetings so that the members of the public who cannot attend a particular Village Board Meeting will have a record of the meeting to review; and

WHEREAS, the Village Board has also authorized the aforesaid taping of such meetings so that all member of the Board have a record of the events that take place at Village Board Meetings in the event they are not present or otherwise wish to review events at a Village Board Meeting; and

WHEREAS, the Village Board has previously authorized and contracted with a Mr. Laplante to so record of the Village Board Meetings and that Mr. Laplante has been previously authorized by the Village Board to be paid for said taping; and

WHEREAS, a question has arisen as to the right of access of Village Board Members and the public to said taping; and

WHEREAS, full disclosure to the public of all Village Board Meetings is important to keep the public informed as to all Village matters;

NOW THEREFORE, it is resolved by the Village Board as follows:

Section 1. The Village hereby ratifies and affirms each and every "Whereas" paragraph above as though set forth in full herein.

Section 2. Effectively immediately, a copy of the taping of each Village Board Meeting shall be made and placed in the box of the Mayor, Deputy Mayor and all Village Trustees, no later than Three (3) days after the conduct of any such Village Board Meeting. A copy of the aforesaid taping of each and every Village Board Meeting shall be deposited in the Office of the Village Clerk for the Village within the same time period and such tape shall be available for anyone to obtain pursuant to FOIL upon payment of the reasonable cost of reproduction of said tape. Nothing in this Resolution shall prohibit the individual or entity hired by the Village to perform such taping services from lawfully disposing otherwise of said tapes.

Section 3. This Resolution shall take effect immediately.

**RESOLUTION NO. 360 OF 2015
APPROVAL OF THE RESOLUTION
REGARDING THE CORRECTION OF THE TAX ROLL FOR
36 COLLINS LLC FROM 9,200.00 TO 11,000.00**

Trustee Grossman offered the following resolution, which was seconded by Trustee Fonvil and adopted:

WHEREAS, the Village Board for the Village of Spring Valley, New York has historically exercised the power to correct errors that are clear, apparent and manifest from examination of the assessment roll based upon application of the Village Assessor or otherwise permitted by law so as to avoid litigation and adverse impacts of litigation upon the Village and its residents; and

WHEREAS, the powers of the Village Board pursuant to Real Property Tax Law § 553 or otherwise permitted by law enables the Village Board to undertake such corrective measures and otherwise remedy such aforesaid defects and deficiencies that exists with regard to the tax roll; and

WHEREAS, the Village board wishes to undertake appropriate action with regard to the foregoing and directs the Village Assessor to do so based upon this Board action.

NOW, THEREFORE, it is resolved by the Board of Trustee as Follows:

Sectin1. The Village herby ratifies and affirms each and every "Whereas" paragraph above as though set forth in full herein.

Section2. With regard to the real property annexed as Schedule "A" the tax roll shall be corrected to reflect that correction of the assessment as set forth elsewhere in said schedule.

Section3. This Resolution shall take effect immediately.

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**RESOLUTION NO. 361 OF 2015
APPROVAL OF THE RESOLUTION
REGARDING MUNICIPAL INSURANCE**

Trustee Grossman offered the following resolution, which was seconded by Trustee Fonvil and adopted:

WHEREAS, The Village Board for the Village of Spring Valley, New York from time to time undertakes certain actions to provide for the proper administration of affairs for municipal government; and

WHEREAS, the procurement of municipal insurance for the Village of Spring Valley (“Village”) is a paramount issue with regard to the administration of such municipal government and the protection of its employees and others undertaking governmental actions; and

WHEREAS, for approximately one decade the procurement of municipal insurance for the Village has not been the subject of any bidding process to obtain the most economical insurance for the Village; and

WHEREAS, in June 2014 the Village had insurance proposed by the Binder Agency, Inc. (“Binder”) and that insurance had never been the subject of any competitive bidding or other actions so that the best municipal insurance possible on the most economical terms favorable to the Village could be obtained; and

WHEREAS, in June 2014 the Insurance Agency of Bauer Crowley, Inc. (“Bauer”) appeared before the Village Board and provided its evaluation and recommendations concerning procurement of municipal insurance in the most economical fashion for the Village and said presentation by Bauer was without charge to the Village for such review; and

WHEREAS, on June 23, 2015 at a regular Village Board Meeting a potential contract award for municipal insurance to Binder was considered by the Village Board having met with Binder representatives in Executive Session of that Village Board Meeting; and

WHEREAS, the Village Board thereafter said Executive Session re-convened in Public Session where the issue of Binder charging a “fee” with regard to the Workers Compensation coverage in the amount of \$108,024 for said fee was considered in public and the Village Board having understood that the payment of \$108,024 as a fee was an extraordinary charge that needed to be properly reviewed and negotiated; and

WHEREAS, the Village Board after said Executive Session on June 23, 2015 voted in Public Session to renew the municipal insurance coverage and to direct Special Counsel for the Village to negotiate a lower fee than charged by Binder in the amount of \$108.024; and

WHEREAS, Special Counsel for the Village having contacted Binder requested a reduction in the \$108.024 fee Binder indicated no such reduction would be forthcoming; and

WHEREAS, Special Counsel ascertained that Bauer would only charge \$20,000 for the same services that Binder was charging the Village \$108.024; and

WHEREAS, Special Counsel reported to the entire Village Board the results of said negotiations and the potential savings of \$88,024 to the Village Board; and

WHEREAS, the Village Board having adjourned its Village Board Meeting on June 23, 2015 to meet in Public Session on June 25, 2015 and at that time did duly vote in Public Session to authorize the change in the Broker of Record so that Bauer was the Broker of Record for the Village instead of Binder with regard to the procurement of municipal insurance; and

WHEREAS, thereafter Binder filed litigation papers in Rockland County supreme Court in with Attorney- Client Privileged Communications were set forth in the papers submitted to the Court by Binder; and

WHEREAS, a subsequent review of that release of confidential Attorney- Client Communication confirmed that the Confidential Assistant to the Mayor had released those Attorney-Client Privileged Communications to Binder; and

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WHEREAS, Binder having sought a Temporary Restraining Order from the Supreme Court for the County of Rockland and said application having been denied by the Court; and

WHEREAS, Binder having again sought a second Temporary Restraining Order and that application having again been denied by the Supreme Court for the County of Rockland; and

WHEREAS, subsequent to that second Supreme Court denial another Attorney-Client Privileged Communication to the Village Board was released or otherwise made available to and thereafter referenced by Binder's Attorney; and

WHEREAS, in a Special Village Board Workshop Meeting on July 13, 2015 the Mayor indicated that he would not comply with the vote by the Village Board with regard to said insurance being procured and paid as voted by the Board; and

WHEREAS, the premiums for the said Village municipal insurance must be paid on or before July 24, 2015 and no further Village Board Meetings are scheduled prior to that time;

NOW THEREFORE, it is resolved by the Board of Trustees as follows:

Section 1. The Village hereby ratifies and affirms each and every "Whereas" paragraph above as though set forth in full herein.

Section 2. The prior authorization for the Village Trustee Emilia M. White to execute the Broker of Record for Bauer in the absence of the Mayor doing so it is hereby ratified as well as reaffirmed and any further Broker of Record authorizations or other documentation required to effectuate the change of Broker of Record to Bauer by said Village Trustee Emilia M. White is further authorized to be executed as well as any further necessary documents without need for further Village Board approval.

Section 3. Given the need for the insurance coverage to be timely paid, the Village Board hereby directs the Village Treasurer to immediately make arrangement to timely pay all such municipal insurance premiums through the Broker of Record Bauer, so that insurance coverage continues for the Village without any interruption or delay. Any Village Official or Employee who fails to perform his or her duty regarding maintaining insurance coverage as directed by the Village Board shall be subject to all appropriate actions at law.

Section 4. This Resolution shall take effect immediately.

**RESOLUTION NO. 362 OF 2015
APPROVAL OF THE RESOLUTION REGARDING
PROVISION OF INSURANCE TO
ZONING BOARD OF APPEALS AND PLANNING BOARD MEMBERS**

Trustee Grossman offered the following resolution, which was seconded by Mayor Delhomme and adopted:

WHEREAS, The Village of Spring Valley, New York ("Village") desires to attract the most qualified Village Residents to serve as volunteers for various Village Land Use Boards, including the Zoning Board of Appeals ("ZBA") and the Planning Board; and

WHEREAS, many municipalities in New York State make available to Land Use Board Members the purchase of insurance by the Land Use Board Member at no cost to the Village; and

WHEREAS, the Village is aware that a current member of the ZBA wishes to purchase insurance available to others in the Village, but said procurement of insurance shall be fully paid by the ZBA Member, including all members of the ZBA, provided the procurement of such insurance is at no cost to the Village.

NOW THEREFORE, it is resolved by the Village as follows:

Section 1. The Village hereby ratifies and affirms each and every "Whereas" paragraph above as though set forth in full herein.

Section 2. All Land Use Board Member who wish to purchase said insurance at no cost to the Village shall notify in writing the Village Mayor, with a copy of such request also being sent to the Deputy Mayor and all Village Trustees, of the request and the date that such insurance coverage is requested to take effect. Included in said request shall be the exact name, address and relationship to the Village of the person making the request shall be

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solely responsible to make payment of the insurance in advance as notified by the Village Treasurer. A copy of such request shall be also provided to the Village Treasurer.

Section3. Upon approval of the Village Board that the request is a proper one for such insurance, and in that event the Village Treasurer shall cause a letter to be sent to said individual advising that the request has been approved and that the appropriate application for such request must be completed by the applicant. The provision of such insurance is conditioned on the approved Land Use Board Member paying all fees required by the Treasurer in advance so as to be received by the Treasurer no later than the 5th day of every month before such insurance is sought or such other time or date as established by the Treasurer from time to time.

Section4. This Resolution shall take effect immediately.

**RESOLUTION NO. 363 OF 2015
APPROVAL OF THE RESOLUTION AUTHORIZING
THE VILLAGE BOARD TO REVIEW PERSONNEL FILES
OF CANDIDATES FOR PROMOTION IN THE POLICE DEPARTMENT**

Trustee Grossman offered the following resolution, which was seconded by Trustee Fonvil and unanimously adopted:

WHEREAS, the Village Board has requested to review the personnel files of the potential candidates for promotion within the Police department including but not limited to founded, unsubstantiated and exonerated civilian complaints; and

WHEREAS, such request requires the approval of the Village of Spring Valley Board of Trustees, now, therefore, it is hereby

RESOLVED, that the Village Board of Trustees approves the request for the Village Board to review the personnel files of the potential candidates for promotion within the Police department including but not limited to founded, unsubstantiated and exonerated civilian complaints, this Resolution shall take effect immediately.

**RESOLUTION NO. 364 OF 2015
APPROVAL OF THE MOTION
TO TAKE A FIVE MINUTE RECESS**

Trustee Grossman offered the following resolution, which was seconded by Trustee Fonvil and unanimously adopted:

WHEREAS, the Village Board has requested to take a five minute recess; and

WHEREAS, such request requires the approval of the majority of the Village of Spring Valley Board of Trustees, now, therefore, it is hereby

RESOLVED, that the majority of the Village Board of Trustees approves the request to take a five minute recess.

**RESOLUTION NO. 365 OF 2015
MOTION TO SUSPEND THE RULES TO GO BACK TO
AGENDA ITEMS 5C, 5D and 5E ON THE AGENDA**

Referral No. 3069

Trustee Grossman offered the following resolution, which was seconded by Trustee White and unanimously adopted:

WHEREAS, there was a motion made to suspend the rules to go back to agenda items 5c, 5d, and 5e on the agenda; and

WHEREAS, such motion requires the approval of the Village of Spring Valley Board of Trustees, now, therefore, it is hereby

RESOLVED, the Village Board of Trustees hereby approves the motion to suspend the rules to go back to agenda items 5c, 5d, and 5e on the agenda.

**RESOLUTION NO. 366 OF 2015
APPROVAL OF THE REQUEST FROM CHIEF PAUL MODICA
TO PROMOTE POLICE OFFICER BRENDAN DOWLING JR.
TO THE POSITION OF SERGEANT
WITHIN THE SPRING VALLEY POLICE DEPARTMENT
EFFECTIVE JULY 22, 2015**

Trustee White offered the following resolution, which was seconded by the Deputy Mayor Leon and unanimously adopted:

WHEREAS, there was a request to appoint Police Officer Brendan Dowling Jr. to the position of Police Sergeant in the Spring Valley Police Department; and

WHEREAS, such request requires the approval of the Village of Spring Valley Board of Trustees; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the request to appoint Police Officer Brendan Dowling Jr to the position of Police Sergeant in the Spring Valley Police Department, effective July 22, 2015.

Referral No. 2001

**RESOLUTION NO. 366 OF 2015
APPOINT RONY CHARLES TO THE POSITION OF SERGEANT
AND ROXANNE LOPEZ TO THE POSITION OF SERGEANT
IN THE POLICE DEPARTMENT**

Trustee White offered the following resolution, which was seconded by the Deputy Mayor Leon and unanimously adopted:

WHEREAS, there was a request to appoint Officer Dowling to the position of Police Sergeant in the Police Department; and

WHEREAS, such request requires the approval of the Village of Spring Valley Board of Trustees; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the request to appoint Officer Dowling to the position of Police Sergeant in the Police Department, effective July 22, 2015.

Referral No. 2001

**RESOLUTION NO. 367 OF 2015
APPROVAL OF THE REQUEST FROM CHIEF PAUL MODICA
TO PROMOTE POLICE OFFICER ALBERTO LOPEZ.
TO THE POSITION OF SERGEANT
WITHIN THE SPRING VALLEY POLICE DEPARTMENT
EFFECTIVE JULY 22, 2015**

Deputy Mayor Leon offered the following resolution, which was seconded by the Trustee White and unanimously adopted:

WHEREAS, there was a request to appoint Police Officer Alberto Lopez. to the position of Police Sergeant in the Spring Valley Police Department; and

WHEREAS, such request requires the approval of the Village of Spring Valley Board of Trustees; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the request to appoint Police Officer Alberto Lopez to the position of Police Sergeant in the Spring Valley Police Department, effective July 22, 2015.

**RESOLUTION NO. 368 OF 2015
APPROVAL OF THE REQUEST FROM CHIEF PAUL MODICA
TO PROMOTE POLICE OFFICER KEVIN COSTAIN.
TO THE POSITION OF SERGEANT
WITHIN THE SPRING VALLEY POLICE DEPARTMENT
EFFECTIVE JULY 22, 2015**

Deputy Mayor Leon offered the following resolution, which was seconded by the Trustee Grossman and unanimously adopted:

WHEREAS, there was a request to appoint Police Officer Kevin Costain. to the position of Police Sergeant in the Spring Valley Police Department; and

WHEREAS, such request requires the approval of the Village of Spring Valley Board of Trustees; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the request to appoint Police Officer Kevin Costain to the position of Police Sergeant in the Spring Valley Police Department, effective July 22, 2015.

**RESOLUTION NO. 369 OF 2015
APPROVAL OF THE RESOLUTION
AUTHORIZING THE LAW FIRM OF BARCLAY AND DAMON
TO FILE THE OPPOSITION BRIEF**

Deputy Mayor Leon offered the following resolution, which was seconded by the Trustee White and unanimously adopted:

WHEREAS, the Law firm of Barclay and Damon has requested authorization to file an opposition brief on behalf of the Village of Spring Valley; and

WHEREAS, such request requires the approval of the Village of Spring Valley Board of Trustees; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby grants the authorization to the Law firm of Barclay and Damon to file an opposition brief on behalf of the Village of Spring Valley.

**RESOLUTION NO. 370 OF 2015
APPROVAL OF THE RESOLUTION AUTHORIZING
THE LAW FIRM OF FERRICK, LYNCH AND MACCARTNEY
TO APPEAR FOR THE VILLAGE IN THE BINDER LITIGATION**

Deputy Mayor Leon offered the following resolution, which was seconded by the Trustee Grossman and unanimously adopted:

WHEREAS, the Law firm of Ferrick, Lynch and MacCartney has requested authorization to appear on behalf of the Village of Spring Valley in the Binder litigation until the other insurance company takes over; and

WHEREAS, such request requires the approval of the Village of Spring Valley Board of Trustees; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby grants the authorization to Law firm of Ferrick, Lynch and MacCartney to appear on behalf of the Village of Spring Valley in the Binder litigation until the other insurance company takes over.

July 14, 2015

Referral No. 3044

**RESOLUTION NO. 371 OF 2015
ADJOURNMENT**

Trustee Grossman offered the following resolution, which was seconded by Trustee Fonvil and unanimously adopted;

WHEREAS, there were no further discussions to be heard; now, therefore, it is hereby

RESOLVED, that the meeting of the Village of Spring Valley Board of Trustees is hereby adjourned to Tuesday, July 28, 2015 at seven o'clock in the evening.

Respectfully submitted

Village Clerk's Office