

November 23, 2010

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, November 23, 2010 at 8:00 pm.

Sherry M. Scott
Village Clerk

Dated: Spring Valley, New York
November 18, 2010

**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 November 9, 2010 meeting.

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

Noramie F. Jasmin	Mayor
Joseph A. Desmaret	Deputy Mayor
Demeza Delhomme	Trustee
Anthony Leon	Trustee
Joseph Gross	Trustee
Ed Katz	Assistant Village Attorney
Sherry Scott	Village Clerk

Deputy Mayor Desmaret led the assembly in the salute to the flag.

The invocation was delivered by Trustee Delhomme.

Referral No. 2058

**RESOLUTION NO. 688 OF 2010
APPROVING MINUTES OF
NOVEMBER 9, 2010**

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

RESOLVED, that the transcribed minutes of the Village of Spring Valley meeting held on November 9, 2010 as recorded by the Clerk, and presented to the Board are hereby adopted.

Referral No. 2036

**RESOLUTION NO. 689 OF 2010
AUTHORIZE MAYOR JASMIN TO DEED
CERTAIN LOTS MAKING UP SITE IV
OF VILLAGE'S URBAN RENEWAL PLAN**

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

November 23, 2010

WHEREAS, the developer of Site IV, CPC Resources, Inc., has obtained the necessary funding to proceed with the construction of a new development located at the intersection of North Main Street and Dr. Berg Lane consisting of 55 residential units and about 6800 square feet of retail space facing North Main Street; and

WHEREAS, the Village wants this project to proceed and, in order to accomplish this, it is necessary to transfer ownership of the site from the Village to the designated entity pursuant to a Developer Agreement among the Village of Spring Valley, the Village of Spring Valley Urban Renewal Agency and CPC Resources, Inc., now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby authorizes Mayor Noramie Jasmin to deed the lot(s) making up Site IV of the Village's Urban Renewal Plan from the Village to the Spring Valley Urban Renewal Agency which will, in turn, transfer title to the Developer.

Debate:

Mayor Jasmin

Tonight we are going to be pushing forward for CPC to getting moving on Site IV. At this time we do have a date for a closing.

Referral No. 2036

**RESOLUTION NO. 690 OF 2010
ADOPT A SECOND AMENDMENT TO THE DEVELOPER
AGREEMENT AMONG THE VILLAGE OF SPRING VALLEY,
THE VILLAGE OF SPRING VALLEY URBAN RENEWAL AGENT
AND CPC RESOURCES, INC.**

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

WHEREAS, the Village of Spring Valley previously entered into a Developer Agreement among the Village of Spring Valley, the Village of Spring Valley Urban Renewal Agency and CPC Resources, Inc. and, thereafter adopted a First Amendment of this Agreement, and

WHEREAS, it has become necessary to adopt a Second Amendment to the Agreement which reflects a reduction in the number of units from 72 to 55 and a reduction of the sales price from \$400,000 to \$0.00. This reduction in the number of units to be built has resulted in the amount of the loan by Empire State Development Corporation to the Village being lowered from \$2,500,000 to \$1,700,000. Therefore, the developer is unable to complete the project without the Village's consent to a reduction in the sales price, now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby adopts the Second Amendment of the said Agreement and authorizes Mayor Noramie Jasmin to sign it.

Referral No. 2036

**RESOLUTION NO. 691 OF 2010
ADOPT AN AMENDMENT TO THE AGREEMENT
WITH THE EMPIRE STATE DEVELOPMENT CORPORATION
TO ACCEPT A GRANT IN THE SUM OF \$1,700,000.00 AND TO
TRANSFER THIS SUM, WHEN RECEIVED, TO SPRING VALLEY SITE IV LLC.**

Deputy Mayor Desmaret offered the following resolution, which was seconded by Trustee Delhomme and unanimously adopted.

November 23, 2010

WHEREAS, the Empire State Development Corporation has agreed to grant to the Village of Spring Valley the sum of \$1,700,000.00 for the construction of 55 units of residential housing and additional retail space at the intersection of North Main Street and Dr. Berg Lane; and,

WHEREAS, the Village and Spring Valley Site IV LLC have agreed that the Village will lend this \$1,700,000.00 in funds to Spring Valley Site IV LLC; now, therefore, it is hereby

RESOLVED that the Village of Spring Valley accepts the grant of \$1,700,000.00 from the ESDC and agrees to loan those funds to Spring Valley Site IV LLC pursuant to a written loan agreement in a form approved by counsel and authorizes Mayor Jasmin to sign the ESDC grant commitment and the \$1,700,000.00 loan commitment to Spring Valley Site IV LLC.

Referral No. 2036

**RESOLUTION NO. 692 OF 2010
APPROVE A TRI-PARTY AGREEMENT AMONG
THE CONSTRUCTION LENDER TO SITE IV, THE VILLAGE OF
SPRING VALLEY AND SPRING VALLEY SITE IV LLC AND
AUTHORIZE MAYOR JASMIN TO SIGN**

Trustee Gross offered the following resolution, which was seconded by Deputy Mayor Desmaret and unanimously adopted.

WHEREAS, a bank which has agreed to act as the construction lender to the developer of Site IV and requires, as a condition of the loan, that the Village, the construction lender and Spring Valley Site IV LLC enter into a Tri-Party Agreement which sets forth the terms and conditions pursuant to which the permanent loan will be made; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees approves the Tri-Party Agreement and authorizes Mayor Jasmin to sign it.

Referral No. 2036

**RESOLUTION NO. 693 OF 2010
APPROVE A RESTRICTIVE COVENANT BETWEEN
THE VILLAGE OF SPRING VALLEY, AND SPRING VALLEY
SITE IV LLC GUARANTEEING PAYMENT TO
UNITED WATER NEW YORK, INC. OF UNPAID WATER BILLS FOR SITE IV**

Trustee Gross offered the following resolution, which was seconded by Trustee Delhomme and unanimously adopted.

WHEREAS, the Village and Site IV LLC have asked United Water New York, Inc. to exempt the residential units to be constructed on Site IV from certain metering requirements of United Water's Tariff from the NYS Public Service Commission. As a condition of granting this waiver, United Water insists that the Village guarantee payment of any unpaid water bills for this property. Before the Village agrees to provide such a guarantee, the Village demands that Site IV LLC agrees that if it does not pay its water bills and the Village is required to pay them to United Water, the total of the unpaid bills will become a lien on the property and the Village may sue Site IV LLC to collect any sums paid by the Village; now therefore, it is hereby

November 23, 2010

RESOLVED, that the Village of Spring Valley Board of Trustees approves a Restrictive Covenant between the Village and United Water New York, Inc. subject to Site IV LLC agreeing that if the Village is compelled to pay water bills for Site IV, it will have a lien on the property and may also sue to recover such payments.

Debate:

Isaac Henderson, Vice President , CPC, 210 East 11th Street, New York, NY

Thank you Mayor and Deputy Mayor for your support on the project. This is the last piece we are looking to close on. We are excited to begin. I hope to reflect the vision that the Village Urban Renewal has shown for many, many years. Thank you for having the trust in CPC.

Referral No. 2059

**RESOLUTION NO. 694 OF 2010
OPEN PUBLIC PARTICIPATION**

Trustee Leon offered the following resolution, which was seconded by Trustee Gross and unanimously adopted.

WHEREAS, the public participation portion of the meeting is open; and, therefore, it is hereby

RESOLVED, that the following person(s) addressed the Board and participated in this portion of the meeting:

Debate:

Tracy Allen – Warwick, NY

I came tonight to address the Spring Valley Finkelstein Library drop-off. It is not being used and will be replaced with something else. I would also like to make you aware that the Library has a new catalog system and a lot of changes are going on at the Library. We want to get your support and entertain any questions that you may have.

Referral No. 2059

**RESOLUTION NO. 695 OF 2010
CLOSE PUBLIC PARTICIPATION**

Deputy Mayor Desmaret offered the following resolution, which was seconded by Trustee Delhomme 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.

Referral No. 2029

**RESOLUTION NO. 696 OF 2010
ACCEPT THE FIRE DEPARTMENT
MEMBERSHIP REPORT
DATED NOVEMBER 11, 2010**

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

November 23, 2010

WHEREAS, the Mayor of the Village of Spring Valley accepts the Spring Valley Fire Department Membership Report dated November 11, 2010; and

WHEREAS, such acceptance 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 accepts the Spring Valley Fire Department Membership Report dated November 11, 2010 as follows:

Albert Mann	Accepted	Rockland Hook & Ladder Co.
Brodny Celestin	Accepted	Spring Valley Hook & Ladder
Reynald Alexis	Resigned	Columbian Fire Engine Co. #1
Rodney Charles	Resigned	Columbian Fire Engine Co. #1
Max Louis	Resigned	Columbian Fire Engine Co. #1

Referral No. 2027

**RESOLUTION NO. 697 OF 2010
ABOLISH POSITIONS IN THE VILLAGE OF SPRING VALLEY
DUE TO BUDGET CONSTRAINTS**

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

WHEREAS, the Mayor has requested certain positions to no longer exist; and

WHEREAS, the positions deem no longer necessary and should be eliminated due to budget constraints; and

WHEREAS, it is necessary for the Village of Spring Valley, Board of Trustees to approve the request; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the request to abolish the position of Seasonal Laborer in Parks and Recreation, Control #3595z3; Seasonal Laborer, Department of Public Works, Control #3595z3; Laborer, Department of Public Works, Control #350237, effective December 7, 2010.

Referral No. 2027

**RESOLUTION NO. 698 OF 2010
ABOLISH POSITIONS IN THE VILLAGE OF SPRING VALLEY
DUE TO BUDGET CONSTRAINTS**

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

WHEREAS, the Mayor has requested certain positions to no longer exist; and

WHEREAS, the positions deem no longer necessary and should be eliminated due to budget constraints; and

WHEREAS, it is necessary for the Village of Spring Valley, Board of Trustees to approve the request; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the request to abolish the position of Laborer in the Department of Public Works, Control #350220 and MEO I, Department of Public Works, Control #350052, effective immediately.

November 23, 2010

Referral No. 2001

**RESOLUTION NO. 699 OF 2010
APPOINT BEVERLY R. FRIED TO THE POSITION OF
RECEPTIONIST TYPIST IN THE DEPARTMENT OF PUBLIC WORKS**

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

WHEREAS, the Department of Public Works is in need of a Receptionist Typist; and

WHEREAS, according to Rockland County Personnel there is not an eligible list for the position; and

WHEREAS, Beverly Fried has been approved in accordance with the current specification for the position; and

WHEREAS, it is necessary for the Village of Spring Valley, Board of Trustees to approve the appointment; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees approves the appointment of Beverly Fried to the position of Receptionist Typist in the Department Public Works, effective immediately.

Referral No. 2034

**RESOLUTION NO. 700 OF 2010
APPROVE THE CONTRACT BETWEEN
INTER COUNTY ALARM SYSTEMS AND THE
VILLAGE OF SPRING VALLEY LOUIS KURTZ CIVIC CENTER**

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

WHEREAS, Inter County Alarm Systems has requested a signed sales agreement for the Louis Kurtz Civic Center for the Burglar/Fire Alarm; and

WHEREAS, that the term of this Agreement is for an initial period of Five Years and thereafter for consecutive terms of one year until such time either party, upon 60 days written notice, advises the other party of its intent to terminate the Agreement at the end of the then current term; and

WHEREAS, that the Village of Spring Valley (Louis Kurtz Civic Center) authorizes the Company to make inspections, tests, and repairs as required to maintain the system outlined in the installation schedule; and

WHEREAS, there will be a charge for services – labor rates \$75.00 residential, \$85.00 commercial and \$135.00 overtime; and

WHEREAS, it is necessary for the Village of Spring Valley, Board of Trustees to approve the request; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees approves the request of the Agreement for the Louis Kurtz Civic Center for the Burglar/Fire Alarm system at a cost of \$90.00+tax per month, payable semi-annually.

November 23, 2010

Referral No. 2030

**RESOLUTION NO. 701 OF 2010
APPROVE PAYMENT TO DAINDE LAPLANTE
RECORDED THE VILLAGE OF SPRING VALLEY BOARD MEETING**

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

WHEREAS, the Village Clerk is requesting approval of payment to Dainde Laplante for Recorded Village of Spring Valley Board Meeting; and

WHEREAS, it is necessary for the Spring Valley Board of Trustees to approve this payment to Dainde Laplante, \$75.00 for the recorded meeting; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees approves the payment to Dainde Laplante for the recorded Village of Spring Valley Board meeting in the amount of \$75.00 (Invoice #11-9-2010) for the November 9, 2010 Village Board Meeting.

Referral No. 2030

**RESOLUTION NO. 702 OF 2010
AUTHORIZING PAYMENT OF BILLS
FOR THE VILLAGE OF SPRING VALLEY**

Trustee Delhomme offered the following resolution, which was seconded by Trustee Gross 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 2010/2011 adopted budget; and

WHEREAS, Mayor Noramie Jasmin 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: November 23, 2010

GENERAL ABSTRACT #2010/24

Amount \$2,169,766.06 Claim #56019069 thru #56019178

CAPITAL ABSTRACT # 2010/C5

Amount \$22,951.45 Claim #56019164 thru #56019167

Referral No. 2030

November 23, 2010

**RESOLUTION NO. 703 OF 2010
AUTHORIZING PAYMENT OF BILLS
FOR THE VILLAGE OF SPRING VALLEY**

Trustee Delhomme offered the following resolution, which was seconded by Trustee Gross 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 2010/2011 adopted budget; and

WHEREAS, Mayor Noramie Jasmin 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 AUDITED ABSTRACTS

DATE: November 23, 2010

POST AUDITED GENERAL ABSTRACT #2010/8

Amount \$6,704.75 Claim #56019055 thru #56019055

Referral No. 2030/3007

**RESOLUTION NO. 704 OF 2010
APPROVAL OF ABSTRACT #534 - SECTION 8**

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

WHEREAS, the Village of Spring Valley Section 8 Department had made certain expenditures; and

WHEREAS, Mayor Noramie Jasmin 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 Section 8 Department totaling \$199.00, set forth below and authorizes the Treasurer of the Village of Spring Valley to pay such bills.

<u>Program</u>	<u>Claimant</u>	<u>Amount</u>
5121	The Nelrod Company (<i>Monthly Fee for Technical Assistance due 12/6/10</i>))	\$ 199.00
Total Section 8 Program Abstract for Village Board Approval		<u>\$ 199.00</u>

November 23, 2010

Referral No. 3029

**RESOLUTION NO. 705 OF 2010
APPROVE THE REQUEST FROM NALLIA BOOTH TO
RECEIVE COMPENSATORY TIME TO ATTEND A MEETING
FOR THE HOME OWNERSHIP PROGRAM WITH HASCO**

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

WHEREAS, Nallia Booth, Housing Program Assistant, has requested approval for approximately two (2) hours of Compensatory Time; and

WHEREAS, the approval of the Village of Spring Valley Board of Trustees is needed for Nallia Booth to receive two (2) hours of Compensatory Time; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the request by Nallia Booth, Housing Program Assistant to receive approximately two (2) hours of Compensatory Time to attend a meeting for the Home Ownership Program with HASCO and the Graduation Ceremony.

The Village Clerk read the following notice:

**NOTICE OF PUBLIC HEARING
VILLAGE OF SPRING VALLEY
VILLAGE BOARD**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Village Board of the Village of Spring Valley, 200 North Main Street, Spring Valley, New York, 10977 on the 23rd day of November, 2010 at 8:15 p.m. to consider the following matters:

Whether to adopt a local law adding Chapter 102, Defense and Indemnification

The Board, at the aforementioned time and place, will hear all persons in support of the application(s) and all objections thereto. Applicants must appear in person or by a representative. Letters in favor or opposed to the applications will be accepted if they are received prior to the time of the hearing. Applications are available for review at the Village Clerk's Office during normal business hours (8:30 a.m. to 4:30 p.m.), Monday through Friday, exclusive of legal holidays.

Dated: Spring Valley, New York
November 3rd, 2010

Sherry M. Scott
Village Clerk

Referral No. 2050

**RESOLUTION NO. 706 OF 2010
OPEN PUBLIC HEARING
WHETHER TO ADOPT A LOCAL LAW ADDING
CHAPTER 102, DEFENSE AND INDEMNIFICATION**

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

RESOLVED, that the public hearing on whether to adopt a local law adding Chapter 102, Defense and Indemnification, is hereby open.

November 23, 2010

Referral No. 2050

**RESOLUTION NO. 707 OF 2010
CLOSE PUBLIC HEARING
WHETHER TO ADOPT A LOCAL LAW ADDING
CHAPTER 102, DEFENSE AND INDEMNIFICATION**

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

WHEREAS, there were no speakers on the Public Hearing for whether to adopt a local law adding Chapter 102, Defense and Indemnification; now, therefore, it is hereby

RESOLVED, that the public hearing on whether to adopt a local law adding Chapter 102, Defense and Indemnification, is hereby closed.

**LOCAL LAW NO. 8 OF 2010
VILLAGE OF SPRING VALLEY
STATE OF NEW YORK**

A Local Law to add Chapter 102, Defense and Indemnification

Be it enacted by the Board of Trustees of the Village of Spring Valley, County of Rockland, State of New York that the code of the Village of Spring Valley is hereby amended by adding Chapter 102, Defense and Indemnification Law.

Purpose and Findings

The Village Board of Trustees finds that the Village Code does not currently address the situation where Village employees who hold a position by election, appointment or employment in the service of the Village, whether compensated or not, are provided indemnification and held harmless if they are sued in a civil action for activities arising out of any alleged act or omission which the Board of Trustees find occurred while the employee was acting within the scope of his/her public service and in the discharge of duties and was not in violation of any rule or regulation of the Village at the time the alleged act or omission occurred. The Board finds that it is in the best interest of the Village to adopt such a law.

CHAPTER 102 Defense and Indemnification

SECTION 1. Definitions.

EMPLOYEE -- Any person holding a position by election, appointment or employment in the service of the Village of Spring Valley, whether compensated or not, but shall not include an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative. The benefits of this chapter shall inure only to "employees" as defined herein and shall not enlarge or diminish the rights of any other party.

SECTION 2. Defense of employees authorized.

At the request of an employee and upon compliance by the employee with all of the provisions of this chapter, the Village of Spring Valley shall provide for the defense of an employee in any civil action or proceeding in any state or federal court, including actions under Sections 1981 through 1988 of Title 2 of the United States Code, arising out of any alleged act or omission which the Board of Trustees finds occurred while the employee was acting within the scope of his public service and in the discharge of his duties and was not in violation of any rule or regulation of the Village at the time the alleged act or omission occurred.

November 23, 2010

SECTION 3. Indemnification.

A. At the request of an employee and upon compliance by the employee with all of the provisions of this chapter, the Village shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court or in the amount of any settlement of a claim approved by the Village Board of Trustees, provided that the Board of Trustees finds that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his public service and in the discharge of his duties and was not in violation of any rule or regulation of the Village of Spring Valley at the time the alleged act or omission occurred and the damages were sustained.

B. The duty to defend or indemnify and save harmless prescribed by this chapter shall not arise where the alleged act or omission, injury or damage resulted from intentional wrongdoing or recklessness on the part of the employee or where the civil action or proceeding is brought by or on behalf of the Village or any other federal, state or municipal entity.

SECTION 4. Conditions of duty to defend or indemnify.

A. The duty to defend or indemnify and save harmless prescribed by this chapter shall be conditioned upon the following:

- (1) The delivery by the employee to the Village Clerk, at the office of the Village Clerk, of the original or a copy of any summons, complaint, notice, petition, process, demand or pleading within ten (10) days after the employee is served with such document; and
- (2) The full cooperation of the employee in the defense of such action or proceeding and in the defense of any action or proceeding against the Village of Spring Valley based upon the same act or omission and in the prosecution of any appeal.

B. Such delivery shall be deemed a request by the employee that the Village provide for his defense pursuant to this chapter. In the event that the Village shall assume an employee's defense and thereafter the employee fails to or refuses to cooperate in the formation or presentation of his defense, the court shall permit the Village to withdraw its representation ten (10) days after giving written notice to the employee of its intention to discontinue such representation.

SECTION 5. Denial of benefit due to disciplinary proceedings.

In the event that the act or omission upon which the court action or proceeding against the employee is based, was or is, also the basis of a disciplinary proceeding by the village against the employee, representation by the Village and indemnification by the village may be withheld:

A. Until such disciplinary proceeding has been resolved; and

B. Unless the resolution of the disciplinary proceeding completely exonerates the employee as to such act or omission.

SECTION 6. Commencement and prosecution of actions.

Every action or proceeding instituted hereunder, including an action brought to enforce a provision of Sections 1981 through 1988 of Title 42 of the United States Code, shall be commenced pursuant to the provisions of ~ 50-I of the General Municipal Law and within one (1) year and ninety (90) days. No action or proceeding instituted hereunder, other than one instituted pursuant to Sections 1981 through 1988 of Title 42 of the United States Code, shall be prosecuted or maintained against the Village or an employee unless notice of claim shall have been made and served upon the Village in compliance with ~ 50-e of the General Municipal Law and within ninety (90) days after the claim arises.

November 23, 2010

SECTION 7. Representation by an attorney.

Subject to the conditions set forth in this chapter, the employee shall be entitled to be represented by an attorney to be retained by the Board of Trustees. The Village of Spring Valley shall have no liability to represent, defend or hold harmless an employee who is represented by an attorney other than one retained by the Board of Trustees.

SECTION 8. Punitive or exemplary damages.

Nothing in this chapter shall authorize the Village of Spring Valley to represent, indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties or to money recovered from an employee pursuant to Article VII-A of the State Finance Law.

SECTION 9. Interpretation of provisions.

A. The provisions of this chapter shall not be construed to affect, alter or repeal any provision of the Workers' Compensation Law.

B. This chapter shall not in any way affect the obligation of any claimant to give notice to the Village of Spring Valley under any provision of law.

C. The provisions of this chapter shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

D. Except as otherwise specifically provided in this chapter, the provisions of this chapter shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any employee of the village, nor any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with or by reason of any other provision of state or federal statutory or common law.

SECTION 10. Purchase of liability insurance.

The Board of Trustees may, by resolution, undertake to purchase liability insurance for its employees to insure against acts or omissions covered by this chapter.

SECTION 11. Application of provisions.

The provisions of this chapter shall apply to all actions and proceedings pending upon the effective date thereof or thereafter instituted.

SECTION 12. Severability

If any section, subsection, sentence, clause or other portion of this law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the remaining portions of this law, which shall continue in full force and effect.

SECTION 13. Effective Date

Unless otherwise specified, this local Law shall take effect upon filing with the office of the Secretary of State, pursuant to section 27 of the Municipal Home Rule Law.

[Bracketed] wording is deleted.

Underlined wording is added.

November 23, 2010

The Village Clerk read the following notice:

**NOTICE OF PUBLIC HEARING
VILLAGE OF SPRING VALLEY
VILLAGE BOARD**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Village Board of the Village of Spring Valley, 200 North Main Street, Spring Valley, New York, 10977 on the 23rd day of November, 2010 at 8:15 p.m. to consider the following matters:

Whether to adopt a local law amending Chapter 82, Building Construction and Fire Prevention to provide explicit authority to the Village Building Inspectors and code enforcement personnel to enter apartments to check whether such units have working smoke alarms and CO detectors, subject to certain limitations.

The Board, at the aforementioned time and place, will hear all persons in support of the application(s) and all objections thereto. Applicants must appear in person or by a representative. Letters in favor or opposed to the applications will be accepted if they are received prior to the time of the hearing. Applications are available for review at the Village Clerk's Office during normal business hours (8:30 a.m. to 4:30 p.m.), Monday through Friday, exclusive of legal holidays.

Dated: Spring Valley, New York
November 3rd, 2010

Sherry M. Scott
Village Clerk

Referral No. 2050

**RESOLUTION NO. 708 OF 2010
OPEN PUBLIC HEARING
TO ENACT A LOCAL LAW AMENDING CHAPTER 82,
BUILDING CONSTRUCTION AND FIRE PREVENTION**

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

RESOLVED, that the public hearing on whether to enact a local law amending Chapter 82, building construction and fire prevention, is hereby open.

Referral No. 2050

**RESOLUTION NO. 709 OF 2010
CLOSE PUBLIC HEARING
WHETHER TO ADOPT A LOCAL LAW AMENDING CHAPTER 82,
BUILDING CONSTRUCTION AND FIRE PREVENTION**

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

WHEREAS, there were no speakers on the Public Hearing for whether to adopt a local law amending Chapter 82, Building Construction and Fire Prevention; now, therefore, it is hereby

RESOLVED, that the public hearing on whether to adopt a local law amending Chapter 82, Building Construction and Fire Prevention, is hereby closed.

November 23, 2010

**LOCAL LAW NO. 9 OF 2010
VILLAGE OF SPRING VALLEY
STATE OF NEW YORK**

A Local Law to amend Chapter 82, Building Construction and Fire Prevention.

Be it enacted by the Board of Trustees of the Village of Spring Valley, County of Rockland, State of New York that the code of the Village of Spring Valley is hereby amended by amending Chapter 82, Building Construction and Fire Prevention as follows:

Purpose and Findings

The Village Board of Trustees finds that the safety of property owners and tenants of residential properties in the Village would be enhanced by granting explicit permission to Building Inspectors and Code Enforcement personnel to inspect residential units to assure that there are proper smoke detectors and CO detectors in place

CHAPTER 82, Building Construction and Fire Prevention

SECTION 1.

§82-10. Authority to enter premises for inspections.

The Inspector may at all reasonable hours enter any building or premises for the purpose of making any inspection or investigation which, under the provisions of this code, he may deem necessary to be made. The Inspector may, with the permission of the property owner or tenant, enter a residential unit to determine whether such unit has a functioning smoke detector and CO detector.

§82-11.1. Inspection of buildings and premises.

D. It shall be the duty of the Inspector to inspect or cause to be inspected all buildings and premises, including residential units, as often as may be necessary for the purpose of ascertaining and causing to be corrected the absence of a functioning smoke detector and CO detector.

§82-12 Dangerous and hazardous conditions and/or materials.

O. The absence of a functioning smoke detector and CO detector.

§82-14. Removal of fire hazard and/or code violations required: failure to remove.

B. Where, during any type of inspection or a fire related incident investigation, an Inspector finds any of the violations listed below, he/she may issue an immediate summons/desk appearance ticket:

(5) CO detector inoperable .

SECTION 1 2. Severability

If any section, subsection, sentence, clause or other portion of this law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the remaining portions of this law, which shall continue in full force and effect.

SECTION 13. Effective Date

Unless otherwise specified, this Local Law shall take effect upon filing with the office of the Secretary of State, pursuant to section 27 of the Municipal Home Rule Law.

[Bracketed] wording is deleted

Underlined wording is added.

November 23, 2010

The Village Clerk read the following notice:

**NOTICE OF PUBLIC HEARING
VILLAGE OF SPRING VALLEY
VILLAGE BOARD**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Village Board of the Village of Spring Valley, 200 North Main Street, Spring Valley, New York, 10977 on the 23rd day of November, 2010 at 8:15 p.m. to consider the following matters:

Whether to adopt a local law amending the Zoning Map of the Village to extend the boundaries of the existing R-1A zone in the Blueberry Hill and surrounding areas

The Board, at the aforementioned time and place, will hear all persons in support of the application(s) and all objections thereto. Applicants must appear in person or by a representative. Letters in favor or opposed to the applications will be accepted if they are received prior to the time of the hearing. Applications are available for review at the Village Clerk's Office during normal business hours (8:30 a.m. to 4:30 p.m.), Monday through Friday, exclusive of legal holidays.

Dated: Spring Valley, New York
November 3rd, 2010

Sherry M. Scott
Village Clerk

Referral No. 2050

**RESOLUTION NO. 710 OF 2010
OPEN PUBLIC HEARING
WHETHER TO ADOPT A LOCAL LAW AMENDING
THE ZONING MAP OF THE VILLAGE TO EXTEND THE BOUNDARIES
OF THE EXISTING R-1A ZONE IN THE BLUEBERRY HILL
AND SURROUNDING AREAS**

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

Resolved, that the public hearing on whether to grant a special permit to adopt a local law amending the zoning map of the Village to extend the boundaries of the existing R-1A zone in the Blueberry Hill and surrounding areas, is hereby open.

Debate:

Mel Firer, P.O. Box 854 (186 Quarkerbush Lane, Monsey), Spring valley, NY 10977

I come before you because I would like the Board to hear from my perspective as a builder, I have had the opportunity to do several projects in Spring Valley. I have had many findings. I have gone into many homes and seen things constructed. Sometimes not as a buyer, but more out of necessity. As we all know these are very difficult times for everyone and I think there is opportunity for people to have this chance to change from single family homes to two family homes, which will give them legal opportunity to have an additional income. This is very important, especially with a lot of the larger families. I think it would benefit not only the people who own homes in this particular area, but also greater than that is that it would benefit the Building Department and would have greater control of what's going on and also as far as a safety measure it would help the Fire Department to also know that buildings are being constructed according to the building rules and regulations. I would like the Board to take this into consideration.

November 23, 2010

Referral No. 2050

**RESOLUTION NO. 711 OF 2010
CLOSE PUBLIC HEARING
WHETHER TO ADOPT A LOCAL LAW AMENDING
THE ZONING MAP OF THE VILLAGE TO EXTEND THE BOUNDARIES
OF THE EXISTING R-1A ZONE IN THE BLUEBERRY HILL
AND SURROUNDING AREAS**

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

WHEREAS, there were no other speakers on the Public Hearing on whether to grant a special permit to adopt a local law amending the zoning map of the Village to extend the boundaries of the existing R-1A zone in the Blueberry Hill and surrounding areas; now, therefore, it is hereby

RESOLVED, that the public hearing on whether to grant a special permit to adopt a local law amending the zoning map of the Village to extend the boundaries of the existing R-1A zone in the Blueberry Hill and surrounding areas, is hereby closed.

Debate:

Ed Katz, Assistant Village Attorney

I just want to remind the Board that we did open a SEQRA Investigation, we received all the information that we need. I ask the Village Planner, Mr. Kauker to prepare a negative declaration, which I am sure you have seen and at this point we should entertain a motion to adopt a negative declaration which is dated November 15, 2010.

Referral No. 3021

**RESOLUTION NO. 712 OF 2010
ADOPTION OF NEGATIVE DECLARATION
TO AMEND CHAPTER 255, ZONING, TO EXTEND
THE BOUNDARIES OF THE R-1A ZONE IN THE
BLUEBERRY HILL AREA, THEREBY CHANGING
THE ZONING OF MANY PROPERTIES FROM R-1 TO R-1A**

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

WHEREAS, the Village of Spring Valley Board of Trustees has moved to adopt the Negative Declaration to amend Chapter 255, zoning, to extend the boundaries of the R-1A zone in the Blueberry Hill Area, thereby changing the zoning of many properties from R-1 to R1A; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees approves the adoption of the Negative Declaration to amend Chapter 255, zoning, to extend the boundaries of the R-1A zone in the Blueberry Hill Area, thereby changing the zoning of many properties from R-1 to R-1A.

November 23, 2010

**LOCAL LAW NO. 10 OF 2010
VILLAGE OF SPRING VALLEY
STATE OF NEW YORK**

A Local Law to amend Chapter 255, Zoning.

Be it enacted by the Board of Trustees of the Village of Spring Valley, County of Rockland, State of New York that the code of the Village of Spring Valley is hereby amended by making changes to the zoning map of the Village (§255-8) where the boundaries of the districts established by §255-7 are delineated.

Purpose and Findings

The Village Board of Trustees notes that about six years ago, after an intensive study which included a traffic study, it created the R-1A zone (Low-Medium Density Residential District) and changed the zoning of homes in the lower Blueberry Hill Area of the Village from R-1-Low-Density Residential District to a new R-1A zone. At that time the Board determined that there were many nonconforming two family homes in the Blueberry Hill section of the Village and that the impact upon the surrounding neighborhood required regulation. The Board further found that there was a need for additional housing types and that there was a demand for two family homes in this unique part of the Village.

In the years since the R-1A zone was created, the Board finds the Blueberry Hill area remains one of the most pleasant appearing areas in the Village and that it contains many residential homes, with a mixture of one and two family residences. Most of these homes are situated on lots of 8,500 square feet or larger.

The R-1A district has the same bulk requirement as the R-1 district, but allows two family homes. Since the enactment of the R-1A zone, many one family homes in this zone have been converted into two family residences. The Board finds that there is still a need for more two family homes in this district and that extending the boundaries of the R-1A zone to encompass the rest of the Blueberry Hill area will provide a benefit to our residents and to their families, friends and others who would like to reside there without resulting in overuse of the roadways in the area or overcrowding. Finally, the Board finds that there has been an increase of population in the Village creating a need for additional such housing.

CHAPTER 255

SECTION 1.

255-8. Zoning Map.

The zoning map of the Village of Spring Valley is hereby amended to extend the boundaries of the R-1A zoning district to include the following:

Anthony Drive- All of the width and length of the Village right-of-way known as “Anthony Drive” and the tax lots on the east and west side of Anthony Drive from the northern intersection with King Terrace to its intersection with Union Road.

Aselin Drive- All of the width and length of the Village right-of-way known as “Aselin Drive” and the tax lots on the east/west and north/south sides of Aselin Drive from its northern intersection with Valley View Terrace to its southern intersection with Stanley Place.

Blueberry Hill Road- All of the width and length of the Village right-of-way known as “Blueberry Hill Road” and the tax lots located on the north and south sides of Blueberry Hill Road from its western intersection with Jill Lane to its eastern intersection with Dr. Frank Road.

Buckman Place- All of the width and length of the Village right-of-way known as “Buckman Place” and the tax lots located on the north and south sides of Buckman Place from its western intersection with Jill Lane to its eastern intersection with Dana Road,

November 23, 2010

Dana Road- All of the width and length of the Village right-of-way known as “Dana Road” and the tax lots located on the east and west sides of Dana Road from its northern intersection with Blueberry Hill Road to its southern intersection with Yale Drive.

Dr. Frank Road- All of the width and length of the Village right-of-way known as “Dr. Frank Road” and the tax lots located on the east and west sides of Dr. Frank Road from its northern intersection with Blueberry Hill Road to its southern intersection with Yale Drive.

Elener Lane- All of the width and length of the Village right-of-way known as “Elener Lane” and the tax lots located on the north and south sides of Elener Lane from its western intersection with Rigaud Road to its eastern intersection with Merrick Drive.

Fox Lane- All of the width and length of the Village right-of-way known as “Fox Lane” and the tax lots located on the east/west and north/south sides of Fox Lane from its northern intersection with Blueberry Hill Road to its southern intersection with Dr. Frank Road.

Jill Lane- All of the width and length of the Village right-of-way known as “Jill Lane” and the tax lots located on the east side of said street from the southernmost Village boundary line south of Yale Drive to its northern intersection with Blueberry Hill Road.

King Terrace- All of the width and length of the Village right-of-way known as “King Terrace” and the tax lots located on the east/west and north/south sides of King Terrace from the western intersection with Union Road to the eastern/southern end of the street known as “King Terrace.”

Linderman Lane- All of the width and length of the Village right-of-way known as “Linderman Lane” and the tax lots located on the north and south sides of Linderman Lane from its western intersection with Mosier Court to its eastern intersection with Dana Road.

Merrick Drive- All of the width and length of the Village right-of-way known as “Merrick Drive” and the tax lots located on the north and south sides of Merrick Drive from its western intersection with Rigaud Road to its eastern intersection with Union Road

Mosier Court- All of the width and length of the Village right-of-way known as “Mosier Court” and the tax lots located on the east and west sides of Mosier Court from its northern intersection with Buckman Place to its southern intersection with Sam-Law Drive.

Nancy Lane- All of the width and length of the Village right-of-way known as “Nancy Lane” and the tax lots located on the north and south sides of Nancy Lane from its western intersection with Rigaud Road to its eastern intersection with Elener Lane.

Rigaud Road- All of the width and length of the Village right-of-way known as “Rigaud Road” and the tax lots on the west and north sides from the point 275 feet south of School Drive to its northern intersection with Nancy Lane and including the three tax lots on the east and south sides of Rigaud Road west of the point approximately 100 feet west from its intersection with Nancy Lane.

Sam-Law Drive- All of the width and length of the Village right-of-way known as “Sam-Law Drive” and the tax lots located on the north and south sides of Sam-Law Drive from its western intersection with Jill lane to its eastern intersection with Dana Road.

Stanley Place- All of the width and length of the Village right-of-way known as “Stanley Place” and the tax lots located on the east and west sides of Stanley place from its northern intersection with Valley View Terrace to the southern end of the street known as “Stanley Place” and including 68-70 Union Road.

Union Road- All of the width and length of the Village right-of way known as “Union Road” and the tax lots on the east and west sides of Union Road from its southern intersection with Elm Street to its northern intersection with Morris Road. The two properties, 68 and 70 Union Road, (Lot numbers 50-70-74.4 and 50-70-74.3). Along the private drive known as “Union Road” south of the southern end of “King Terrace” and east of the street known as “Anthony Drive.” The property, 104 Union Road (Lot number 50.62.1-3.)

November 23, 2010

Valley View Terrace- All of the width and length of the Village right-of-way known as “Valley View Terrace” and the tax lots located on the north and south sides of Valley View Terrace from its western intersection with Union Road to the eastern end of the street known as “Valley View Terrace.”

Wilsher Drive- All of the width and length of the Village right-of-way known as “Wilsher Drive” and the tax lots located on the east/west and north/south sides of Wilsher Drive from its northern intersection with Mosier Court to its southern intersection with Linderman Lane.

Yale Drive- All of the width and length of the Village right-of-way known as “Yale Drive” and the tax lots located on the north and south sides of Yale Drive from its western intersection with Jill Lane to its eastern intersection with Charles Lane.

See attached map of the area (In the office of the Village Clerk or Attorney).

SECTION 2. Severability

If any section, subsection, sentence, clause or other portion of this law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the remaining portions of this law, which shall continue in full force and effect.

SECTION 3. Effective Date

Unless otherwise specified, this Local Law shall take effect upon filing with the office of the Secretary of State, pursuant to Section 27 of the Municipal Home Rule Law.

[Bracketed] wording is deleted

Underlined wording is added

The Village Clerk read the following notice:

**NOTICE OF PUBLIC HEARING
VILLAGE OF SPRING VALLEY
VILLAGE BOARD**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Village Board of the Village of Spring Valley, 200 North Main Street, Spring Valley, New York, 10977 on the 23rd day of November, 2010 at 8:15 p.m. to consider the following matters:

Whether to adopt a local law amending Chapter 255, Zoning to alter the definition of Gross Floor Area as set forth in §255-6 of the Zoning Law.

The Board, at the aforementioned time and place, will hear all persons in support of the application(s) and all objections thereto. Applicants must appear in person or by a representative. Letters in favor or opposed to the applications will be accepted if they are received prior to the time of the hearing. Applications are available for review at the Village Clerk’s Office during normal business hours (8:30 a.m. to 4:30 p.m.), Monday through Friday, exclusive of legal holidays.

Dated: Spring Valley, New York
November 3rd, 2010

Sherry M. Scott
Village Clerk

Referral No. 2050

November 23, 2010

**RESOLUTION NO. 713 OF 2010
OPEN PUBLIC HEARING
TO AMEND CHAPTER 255-6 TO
CHANGE THE DEFINITION OF “GROSS FLOOR AREA”**

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

RESOLVED, that the public hearing on whether to amend Chapter 255-6 to change the definition of “gross floor area”, is hereby open.

Debate:

Ed Katz, Assistant Village Attorney

The Village Board (inaudible) previously declared lead agency on this proposed local law and provided notice (inaudible) pursuant to Section 239 L & M (inaudible) of the General Municipal Law. They received a response dated August 4th, 2010 from the Rockland County Department of Planning, which include the (inaudible) because the proposed zoning amendment would have no adverse affect on any (inaudible). The Planning Board made no comment on this law. It is a Type 2 Action of the SEQRA, therefore (inaudible) is required, which means that you do not need a Negative Declaration to adopt this law.

Referral No. 2050

**RESOLUTION NO. 714 OF 2010
CLOSE PUBLIC HEARING
TO AMEND CHAPTER 255-6 TO
CHANGE THE DEFINITION OF “GROSS FLOOR AREA”**

Trustee Gross offered the following resolution, which was seconded by Trustee Leon and unanimously adopted:

WHEREAS, there were no other speakers on the Public Hearing to amend Chapter 255-6 to change the definition of “Gross Floor Area”; now, therefore, it is hereby

RESOLVED, that the public hearing for a special permit to amend Chapter 255-6 to change the definition of “Gross Floor Area”, is hereby closed.

**LOCAL LAW NO. 11 OF 2010
VILLAGE OF SPRING VALLEY
STATE OF NEW YORK**

A Local Law to amend Chapter 255, Zoning

Be it enacted by the Board of Trustees of the Village of Spring Valley, County of Rockland, State of New York that the code of the Village of Spring Valley is hereby amended by making changes to §255,

CHAPTER 255

Purpose and Findings

The Village Board of Trustees finds that the definition of Gross Floor Area as set forth in Chapter 255 requires the changes set forth in this law and that the space measurement of floor area ratio be specified.

SECTION 1.

November 23, 2010

§255-6 Words and terms defined.

GROSS FLOOR AREA---

A. The sum of the gross horizontal area of every floor of a building, measured from the [exterior faces] inside perimeter of exterior walls or from the interior perimeter of the exterior walls to the interior of the party walls [of the center line of party walls] separating the two buildings, including:

(1) Basement space over [three(3)] seven and a half (7.5) feet in height.

(2) Attic space—There shall be no permanent sheetrock. There shall be no permanent staircase. [There shall be permanent collar ties bolted and glued to the roof bringing the attic space to a height no higher than 6 feet.] Attic space used exclusively for mechanical equipment or storage space shall not be counted toward floor area ratio.

B. Regardless of the internal arrangement of a building, it shall be deemed to have at least one floor for each 20 feet of height or a major fraction thereof. However, a floor area does not include:

(1) Unroofed terraces, open porches and steps.

(2) Loading berths.

(3) Crawl spaces under five feet in height.

(4) Stairways/stairwells.

If any section, subsection, sentence, clause or other portion of this law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the remaining portions of this law, which shall continue in full force and effect.

SECTION 3. Effective Date

Unless otherwise specified, this Local Law shall take effect upon filing with the office of the Secretary of State, pursuant to section 27 of the Municipal Home Rule Law.

[Bracketed] wording is deleted

Underlined wording is added

The Village Clerk read the following notice:

**NOTICE OF PUBLIC HEARING
VILLAGE OF SPRING VALLEY
VILLAGE BOARD**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Village Board of the Village of Spring Valley, 200 North Main Street, Spring Valley, New York, 10977 on the 23rd day of November, 2010 at 8:15 p.m. to consider the following matters:

Whether to adopt a local law amending Chapter 255, Zoning to increase the permitted floor area ratio for one and two family homes from 0.53 to 0.65.

The Board, at the aforementioned time and place, will hear all persons in support of the application(s) and all objections thereto. Applicants must appear in person or by a representative. Letters in favor or opposed to the applications will be accepted if they are received prior to the time of the hearing. Applications are available for review at the Village Clerk's Office during normal business hours (8:30 a.m. to 4:30 p.m.), Monday through Friday, exclusive of legal holidays.

Dated: Spring Valley, New York
November 3rd, 2010

Sherry M. Scott
Village Clerk

Referral No. 2050

November 23, 2010

**RESOLUTION NO. 715 OF 2010
OPEN PUBLIC HEARING
TO AMEND CHAPTER 255, APPENDIX B TO INCREASE
THE PERMITTED MAXIMUM FLOOR AREA RATIO FOR
ONE AND TWO FAMILY HOMES IN THE VILLAGE FROM 0.53 TO 0.65**

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

RESOLVED, that the public hearing on whether to adopt a local law amending Chapter 255, Zoning to increase the permitted floor area ratio for one and two family homes from 0.53 to 0.65, is hereby open.

Referral No. 2050

**RESOLUTION NO. 716 OF 2010
CLOSE PUBLIC HEARING
TO AMEND CHAPTER 255, APPENDIX B TO INCREASE
THE PERMITTED MAXIMUM FLOOR AREA RATIO FOR
ONE AND TWO FAMILY HOMES IN THE VILLAGE FROM 0.53 TO 0.65**

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

WHEREAS, whether to adopt a local law amending Chapter 255, Zoning to increase the permitted floor area ratio for one and two family homes from 0.53 to 0.65; now, therefore, it is hereby

RESOLVED, that the public hearing to adopt a local law amending Chapter 255, Zoning to increase the permitted floor area ratio for one and two family homes from 0.53 to 0.65, is hereby closed.

Referral No. 3021

**RESOLUTION NO. 716A OF 2010
TO ADOPT THE NEGATIVE DECLARATION
TO AMEND CHAPTER 255, APPENDIX B TO INCREASE THE
PERMITTED MAXIMUM FLOOR AREA RATIO FOR ONE AND
TWO FAMILY HOMES IN THE VILLAGE FROM 0.53 TO 0.65**

Deputy Mayor Desmaret offered the following resolution, which was seconded by Trustees Gross, Leon and Delhomme and unanimously adopted:

WHEREAS, the Village of Spring Valley Board of Trustees has moved to adopt the Negative Declaration whether to adopt a local law amending Chapter 255, Zoning to increase the permitted floor area ratio for one and two family homes from 0.53 to 0.65; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees approves the Negative Declaration whether to adopt a local law amending Chapter 255, Zoning to increase the permitted floor area ratio for one and two family homes from 0.53 to 0.65.

November 23, 2010

**LOCAL LAW NO. 12 OF 2010
VILLAGE OF SPRING VALLEY
STATE OF NEW YORK**

A Local Law to change the permitted floor area ratio in zoning districts which allow one and two family homes within the Village.

Be it enacted by the Board of Trustees of the Village of Spring Valley, County of Rockland, State of New York that the Code of the Village of Spring Valley is hereby amended by making changes to Zoning Appendix B.

Chapter 255

Purpose and Findings

The Village of Board of Trustees recognizes that single family and two family homes built in the Village over the years often do not accommodate the needs of today's homeowners who may have more children of varying ages than past homeowners and larger extended families living locally. The need for larger homes to permit families to raise their children in normal settings has resulted in numerous applications to the Zoning Board of Appeals seeking bulk variances, including increases in front, rear and side yards and floor rear ratios. The applications are, more than not, supported by the owners of neighboring residences.

There is little underdeveloped land within the Village. Current residents of the Village are happy to live here; have established friendships with their neighbors and do not want to move to other areas. The Village Board finds that these changing conditions warrant changes in the floor area ratios of one and two family homes. The increase in the allowable floor area ratio of one and two family homes will accommodate the needs of our residents.

Section 1

ZONING APPENDIX B

§B-1. R-1 District.

- A. One-family detached dwellings; accessory swimming pools to a dwelling and accessory tennis courts, paddle courts or other similar courts to a dwelling:
(8) Maximum floor area ratio (FAR): [0.53] 0.65

B-1A. R-1A District.

- C. Two Family detached dwellings; accessory swimming pools to a dwelling and accessory tennis courts, paddle courts or other similar courts to a dwelling:
(8) Maximum floor area ratio (FAR): [0.53] 0.65

§B-2. R-2 District.

- A. One-family detached dwellings; accessory swimming pools to a dwelling and accessory tennis courts, paddle courts or other similar courts to a dwelling:
(8) Maximum floor area ratio (FAR): [0.53] 0.65
- C. Two Family detached dwellings:
(8) Maximum floor area ratio (FAR): [0.53] 0.65
- D. One-Family semi-attached dwellings:
(8) Maximum floor area ratio (FAR): [0.53] 0.65

§B-3. R-3 District.

- A. One-family detached dwellings; accessory swimming pools to a dwelling and accessory tennis courts, paddle courts or other similar courts to a dwelling:
(8) Maximum floor area ratio (FAR): [0.53] 0.65
- C. Two Family detached dwellings:
(8) Maximum floor area ratio (FAR): [0.53] 0.65

November 23, 2010

- D. One-Family semi-attached dwellings:
 - (8) Maximum floor area ratio (FAR): [0.53] 0.65

§B-4. R-4 District.

A. One-family detached dwellings; accessory swimming pools to a dwelling and accessory tennis courts, paddle courts or other similar courts to a dwelling:

- (8) Maximum floor area ratio (FAR): [0.53] 0.65

- C. Two Family detached dwellings:
 - (8) Maximum floor area ratio (FAR): [0.53] 0.65

- D. One-Family semi-attached dwellings:
 - (8) Maximum floor area ratio (FAR): [0.53] 0.65

§B-5. RSH District.

A. One-family detached dwellings; accessory swimming pools to a dwelling and accessory tennis courts, paddle courts or other similar courts to a dwelling:

- (8) Maximum floor area ratio (FAR): [0.53] 0.65

- C. Two Family detached dwellings:
 - (8) Maximum floor area ratio (FAR): [0.53] 0.65

- D. One-Family semi-attached dwellings:
 - (8) Maximum floor area ratio (FAR): [0.53] 0.65

§B-6. PRD District.

A. One-family detached dwellings; accessory swimming pools to a dwelling and accessory tennis courts, paddle courts or other similar courts to a dwelling:

- (8) Maximum floor area ratio (FAR): [0.53] 0.65

- C. Two Family detached dwellings:
 - (8) Maximum floor area ratio (FAR): [0.53] 0.65

- D. One-Family semi-attached dwellings:
 - (8) Maximum floor area ratio (FAR): [0.53] 0.65

§B-7. POR District.

A. One-family detached dwellings; accessory swimming pools to a dwelling and accessory tennis courts, paddle courts or other similar courts to a dwelling:

- (8) Maximum floor area ratio (FAR): [0.53] 0.65

- C. Two Family detached dwellings:
 - (8) Maximum floor area ratio (FAR): [0.53] 0.65

- D. One-Family semi-attached dwellings:
 - (8) Maximum floor area ratio (FAR): [0.53] 0.65

§B-12. R-5 District.

A. One-family detached dwellings; accessory swimming pools to a dwelling and accessory tennis courts, paddle courts or other similar courts to a dwelling:

- (8) Maximum floor area ratio (FAR): [0.53] 0.65

- C. Two Family detached dwellings:
 - (8) Maximum floor area ratio (FAR): [0.53] 0.65

- D. One-Family semi-attached dwellings:
 - (8) Maximum floor area ratio (FAR): [0.53] 0.65

November 23, 2010

Section 2. Severability

If any section subsection, sentence, clause or other portion of this local law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

Section 3. Effective Date

This local law shall take effect immediately upon filing in the office of the Secretary of state pursuant to section 27 of the municipal Home Rule Law.

[Bracketed] wording is deleted

Underlined wording is added

The Village Clerk read the following notice:

**NOTICE OF PUBLIC HEARING
VILLAGE OF SPRING VALLEY
VILLAGE BOARD**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Village Board of the Village of Spring Valley, 200 North Main Street, Spring Valley, New York, 10977 on the 23rd day of November, 2010 at 8:15 p.m. to consider the following matters:

Whether to adopt a local law amending 249, Vehicles and Traffic to add certain roadways to the list of those able to accommodate vehicles over 30 feet long or more than 11 tons in weight.

The Board, at the aforementioned time and place, will hear all persons in support of the application(s) and all objections thereto. Applicants must appear in person or by a representative. Letters in favor or opposed to the applications will be accepted if they are received prior to the time of the hearing. Applications are available for review at the Village Clerk's Office during normal business hours (8:30 a.m. to 4:30 p.m.), Monday through Friday, exclusive of legal holidays.

Dated: Spring Valley, New York
November 3rd, 2010

Sherry M. Scott
Village Clerk

Referral No. 2050

**RESOLUTION NO. 717 OF 2010
OPEN PUBLIC HEARING
PROPOSED LOCAL LAW TO AMMEND
VEHICLES AND TRAFFIC LAW**

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

RESOLVED, that the public hearing on whether to adopt a local law amending 249, Vehicles and Traffic to add certain roadways to the list of those able to accommodate vehicles over 30 feet long or more than 11 tons in weight, is hereby open.

Referral No. 2050

November 23, 2010

**RESOLUTION NO. 718 OF 2010
CLOSE PUBLIC HEARING
PROPOSED LOCAL LAW TO AMMEND
VEHICLES AND TRAFFIC LAW**

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

WHEREAS, there were no other speakers on the Public Hearing on whether to adopt a local law amending 249, Vehicles and Traffic to add certain roadways to the list of those able to accommodate vehicles over 30 feet long or more than 11 tons in weight; now, therefore, it is hereby

RESOLVED, that the public hearing on whether to adopt a local law amending 249, Vehicles and Traffic to add certain roadways to the list of those able to accommodate vehicles over 30 feet long or more than 11 tons in weight, is hereby closed.

**LOCAL LAW NO. 13 OF 2010
VILLAGE OF SPRING VALLEY
STATE OF NEW YORK**

A Local Law to amend Chapter 249, Vehicles and Traffic.

Be it enacted by the Board of Trustees of the Village of Spring Valley, County of Rockland, State of New York that the code of the Village of Spring Valley is hereby amended by adding to Chapter 249, Vehicles and Traffic as set forth hereinafter.

Purpose and Findings

The Village Board of Trustees finds that in addition to the public streets or highways presently designated in Chapter 249, Section-18 D(7) as being capable of handling vehicles in excess of 30 feet or 11 tons, that Commerce Street is able to handle such traffic and should be added to that list.

CHAPTER 249, Vehicles and Traffic

SECTION 1.

§249-18. Dimensions and weights of vehicles.

D. Length. (7) The following public streets or highways in the Village of Spring Valley are designated as capable of handling vehicles in excess of 30 feet or 11 tons:

Church Street between Myrtle Avenue and Madison Avenue

Commerce Street

Dutch Lane

Fairview Avenue Extension

Jill Lane between Kearsing Parkway and the Ramapo Town line

Kearsing Parkway

Main Street (Route 45)

Maple Avenue

Melnick Drive

Memorial Park Drive

Myrtle Avenue between Commerce Street and Church Street

Robert Pitt Drive

Route 59

South Central Avenue

Union Road

West Street

November 23, 2010

SECTION 12. Severability

If any section, subsection, sentence, clause or other portion of this law is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the remaining portions of this law, which shall continue in full force and effect.

SECTION 13. Effective Date

Unless otherwise specified, this Local Law shall take effect upon filing with the office of the Secretary of State, pursuant to section 27 of the Municipal Home Rule Law.

[Bracketed] wording is deleted.

Underlined wording is added.

Referral No. 3032

**RESOLUTION NO. 719 OF 2010
ACCEPT THE RECOMMENDATION FROM THE
SPRING VALLEY POLICE DEPARTMENT TO DENY
THE LIQUOR LICENSE APPLICATION FOR LA CABANA
LOCATED AT 23-25 KENNEDY DRIVE**

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

WHEREAS, the Spring Valley Police Department has given their recommendation on the liquor license renewal application for La Cabana, located at 23-25 Kennedy Drive, Spring Valley; and

WHEREAS, the Police Department recommends that the Village Board deny this request at this time; and

WHEREAS, the recommendation is based upon the history and type of police contact that this establishment has had and the potential effect that excessive alcohol consumption has on the crime rate and quality of life in the surrounding area; and

WHEREAS, it is necessary for the Village Board of Trustees to approve the request to deny a liquor license in the Village of Spring Valley; now, therefore, it is hereby

RESOLVED, that the Village Board of Trustees of the Village of Spring Valley approves the recommendation from the Spring Valley Police Department to deny a liquor license renewal application filed for La Cabana, located at 23-25 Kennedy Drive, Spring Valley.

Referral No. 3032

**RESOLUTION NO. 720 OF 2010
ACCEPT THE RECOMMENDATION FROM THE
SPRING VALLEY POLICE DEPARTMENT TO DENY
THE LIQUOR LICENSE APPLICATION FOR THE SENSATION
INTERNATIONAL RESTAURANT AND BAKERY**

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

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WHEREAS, the Spring Valley Police Department has given their recommendation on the liquor license renewal application for Sensation International Restaurant and Bakery; and

WHEREAS, the Police Department recommends that the Village Board deny this request at this time; and

WHEREAS, the recommendation is based upon the history and the crime rate in the areas; and

WHEREAS, it is necessary for the Village Board of Trustees to approve the request to deny a liquor license in the Village of Spring Valley; now, therefore, it is hereby

RESOLVED, that the Village Board of Trustees of the Village of Spring Valley approves the recommendation from the Spring Valley Police Department to deny a liquor license renewal application filed for Sensation International Restaurant and Bakery.

Referral No. 2034

**RESOLUTION NO. 721 OF 2010
APPROVAL OF THE HOUSING CHOICE
VOUCHER PROGRAM LEASE AGREEMENT**

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

WHEREAS, the Legal Department requested the approval of the Lease Agreement between the Village of Spring Valley and the Village of Spring Valley Housing Choice Voucher Program, a federally funded program with a principal place of business at 200 North Main Street, Spring Valley, New York 10977; 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 approve the Lease Agreement between the Village of Spring Valley and the Village of Spring Valley Housing Choice Voucher Program, a federally funded program with a principal place of business at 200 North Main Street, Spring Valley, New York 10977.

Referral No. 2034/2036

**RESOLUTION NO. 722 OF 2010
APPROVAL OF THE REQUEST FROM THE LEGAL
DEPARTMENT TO HAVE THE NEW DEVELOPER OF SITE 1 SIGN
AN AGREEMENT TO BE BOUND TO THE SAME TERMS AS SET FORTH IN
THE ORIGINAL DEVELOPER'S AGREEMENT (COLE DEVELOPMENT CORP.)
AND AUTHORIZE THE MAYOR TO SIGN AN ADDENDUM TO THE JANUARY 11,
2006 NAMING RT. 45 LLC AS THE DEVELOPER OF SITE 1**

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

WHEREAS, the Village of Spring Valley Urban Renewal Agency, the Village of Spring Valley and Cole Development Corp. entered into an agreement on January 11, 2006, wherein Cole Development Corporation was designated as the developer of certain parcels of land identified as Site 1 and 2; and

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WHEREAS, Cole Development Corporation transferred its interest as developer of Sites 1 and 2, which were combined into Site 1, to others and presently Rt. 45 LLC, 5 Ribber Court, Monsey, NY 10952 is the developer, and

WHEREAS, the Village of Spring Valley Urban Renewal Agency, the Village of Spring Valley and Rt. 45 LLC want to formally recognize Rt. 45 LLC as the developer of Site 1 as combined and Rt. 45 LLC wants to be formally recognized as the developer of Site 1 subject to all of the terms set forth in the agreement entered into on January 11, 2006; 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 agreement of the Village of Spring Valley Urban Renewal Agency, the Village of Spring Valley and Rt. 45 LLC to formally recognize Rt. 45 LLC as the developer of Site 1 as combined and Rt. 45 LLC to be formally recognized as the developer of Site 1 subject to all of the terms set forth in the agreement entered into on January 11, 2006.

Trustee Reports

Economic Development - Trustee Leon – *(No Report)*

Fire & Safety - Trustee Gross – *(Fire Department remind you to check your smoke detectors and carbon monoxide detectors – report of fire on Bethune Blvd.)*

Infrastructure - Trustee Delhomme – *(Opening another site across from the senior Development, 16th ground breaking, trying to improve the quality of building in the Village. Now we can enter buildings for inspectors, please open the doors for them)*

Youth & Recreation - Deputy Mayor Desmaret – *(No Report)*

New Business

Referral No. 3039

**RESOLUTION NO. 723 OF 2010
APPROVAL OF THE REQUEST BY THE U.S.
DEPARTMENT OF JUSTICE TO ADOPT A TEXT MESSAGING POLICY**

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

WHEREAS, the Village of Spring Valley has been requested by the U.S. Department of Justice to adopt a text messaging policy; 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 approve the request from U.S. Department of Justice to adopt a text messaging policy “Pursuant to Executive Order 13513, “Federal Leadership on Reducing Text Messaging While Driving,” 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness and other outreach to decrease crashes caused by distracted drivers”.

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Referral No. 2043

**RESOLUTION NO. 724 OF 2010
APPROVE THE REQUEST FROM THE VILLAGE CLERK
TO ATTEND THE ROCKLAND COUNTY VILLAGE CLERKS
AND FINANCE OFFICERS ASSOCIATION MEETING DECEMBER 14, 2010**

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

WHEREAS, the Village Clerk has requested permission to attend the Rockland County Village Clerks and Finance Officers Association meeting, December 14, 2010; and

WHEREAS, this is the last meeting of the year; 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 from the Village Clerk to attend the Rockland County Village Clerks and Finance Officers Association meeting, December 14, 2010.

Referral No. 2032

**RESOLUTION NO. 725 FO 2010
APPROVE THE REQUEST FROM THE
DEPUTY BUILDING INSPECTOR TO REFUND MR. SIGN USA INC.**

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

WHEREAS, Mr. Sign USA Inc. submitted an application to install two signs at 14 Melnick Drive; and

WHEREAS, once the application was approved and they were ready to do the work, the client decided that they wanted/needed only one sign; and

WHEREAS, Mr. Sign USA is requesting a refund of the payment made for the second sign; 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 from the Building Department to refund Mr. Sign USA \$112.50 fee for a sign that was paid for and not needed.

**ADJOURNMENT IN MEMORY OF
ANGELO FILOCCO**

Deputy Mayor Desmaret offered the following resolution, which was seconded by the entire Village Board and unanimously adopted:

RESOLVED, that the Village of Spring Valley Board of Trustees adjourns this meeting in memory of Angelo Filocco, October 30, 2010.

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**ADJOURNMENT IN MEMORY OF
ETHEL D. MURRAY**

Deputy Mayor Desmaret offered the following resolution, which was seconded by the entire Village Board and unanimously adopted:

RESOLVED, that the Village of Spring Valley Board of Trustees adjourns this meeting in memory of Ethel D. Murray, November 15, 2010.

**RESOLUTION NO. 726 OF 2010
ADJOURNMENT**

Deputy Mayor Desmaret offered the following resolution, which was seconded by the entire Village Board and unanimously adopted:

RESOLVED, that the meeting of the Village of Spring Valley Board of Trustees is hereby adjourned to Monday, December 6, 2010, Reorganizational Meeting, at eight o'clock in the evening.

Respectfully Submitted,
Sherry M. Scott
Village Clerk