

February 15, 2011

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, New York on Tuesday, February 15, 2011 at 8:00 pm.

Sherry M. Scott
Village Clerk

Dated: Spring Valley, New York
January 26, 2011

**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 January 25, 2011 meeting.

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

Noramie F. Jasmin	Mayor
Joseph A. Desmaret	Deputy Mayor
Anthony Leon	Trustee
Joseph Gross	Trustee
Demeza Delhomme	Trustee (Absent)
Kevin T. Conway	Village Attorney
Sherry M. Scott	Village Clerk

Trustee Leon led the assembly in the salute to the flag.

The invocation was delivered by Deputy Mayor Desmaret.

Referral No. 2058

**RESOLUTION NO. 86 OF 2011
APPROVING MINUTES OF
JANUARY 11, 2011
JANUARY 25, 2011**

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

RESOLVED, that the transcribed minutes of the Village of Spring Valley meeting held on January 11, 2011 and January 25, 2011 as recorded by the Clerk and presented to the Board are hereby adopted.

Referral No. 2059

**RESOLUTION NO. 87 OF 2011
OPEN PUBLIC PARTICIPATION**

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

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

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RESOLVED, that the following person(s) addressed the Board and participated in this portion of the meeting: (There were no speakers).

Referral No. 2059

**RESOLUTION NO. 88 OF 2011
CLOSE PUBLIC PARTICIPATION**

Deputy Mayor Desmaret offered the following resolution, which was seconded by Trustee Leon 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. 2028

**RESOLUTION NO. 89 OF 2011
CREATE AND ESTABLISH THE POSITION OF
OFFICE SERVICE AIDE IN THE TREASURY OFFICE**

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

WHEREAS, the Treasury Office is requesting that the position of Office Service Aide be created and established; 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 approve the request to create and establish the position of Office Service Aide in the Treasury Office.

Referral No. 2001

**RESOLUTION NO. 90 OF 2011
APPOINT MARTINE NARCISSE TO THE
POSITION OF OFFICE SERVICES AIDE IN THE TREASURY OFFICE**

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

WHEREAS, the Treasury Office has made a request to appoint Martine Narcisse to the position of Office Services Aide; and

WHEREAS, the Mayor Noramie F. Jasmin has appointed Martine Narcisse to the position of Office Services Aide; 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 approve the appointment of Martine Narcisse to the position of Office Services Aide, at a salary of \$14.95 per hour, effective February 16, 2011.

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Referral No. 2030

**RESOLUTION NO. 91 OF 2011
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 Leon 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, \$80.98 for the recorded meeting and tape; 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 and tape in the amount of \$80.98 (Invoice #01252011-1) for the January 25, 2011 Village Board Meeting.

Referral No. 2030/3007

**RESOLUTION NO. 92 OF 2011
APPROVAL OF ABSTRACT #537
SECTION 8**

Trustee Leon 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 \$500.00, 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>
5125	NLHA – Base Dues	\$ 500.00
Total Section 8 Program Abstract for Village Board Approval		<u>\$ 500.00</u>

Referral No. 2030

**RESOLUTION NO. 93 OF 2011
AUTHORIZING PAYMENT OF BILLS
FOR THE VILLAGE OF SPRING VALLEY
COMMUNITY DEVELOPMENT**

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

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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 F. 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
COMMUNITY DEVELOPMENT

ABSTRACT #63

Countywide RESTORE 4842	Claimant John Rose Heating & Cooling (Emergency Repairs – D.L.)	Amount \$2,139.83	Check
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TOTAL RESTORE PROGRAM ABSTRACT.....\$2,139.83

TOTAL CD PROGRAM ABSTRACT FOR VILLAGE BOARD APPROVAL....\$2,139.83

The Village Clerk read the following notice

NOTICE OF PUBLIC HEARING

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 15th day of February, 2011 at 8:15 p.m. to consider the following matters:

1. Whether to adopt a local law making changes to Chapter 71, animals to align Village Law with the fact that the State is no longer issuing dog licenses.

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
January 31, 2011

Sherry M. Scott
Village Clerk

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Referral No. 2050

**RESOLUTION NO. 94 OF 2011
OPEN PUBLIC HEARING
WHETHER TO ADOPT A LOCAL LAW MAKING CHANGES
TO CHAPTER 71, ANIMALS TO ALIGN VILLAGE LAW WITH THE FACT
THAT THE STATE IS NO LONGER ISSUING DOG LICENSES**

Deputy Mayor Desmaret 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 making changes to Chapter 71, animals to align Village Law with the fact that the State is no longer issuing dog licenses, is hereby open.

Referral No. 2050

**RESOLUTION NO. 95 OF 2011
CLOSE PUBLIC HEARING
WHETHER TO ADOPT A LOCAL LAW MAKING CHANGES
TO CHAPTER 71, ANIMALS TO ALIGN VILLAGE LAW WITH THE FACT
THAT THE STATE IS NO LONGER ISSUING DOG LICENSES**

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

WHEREAS, there were no speakers on the Public Hearing for whether to adopt a local law making changes to Chapter 71, animals to align Village Law with the fact that the State is no longer issuing dog licenses; now, therefore, it is hereby

RESOLVED, that the public hearing on whether to adopt a local law making changes to Chapter 71, animals to align Village Law with the fact that the State is no longer issuing dog licenses, is hereby closed.

**LOCAL LAW NO. 1 OF 2011
VILLAGE OF SPRING VALLEY
STATE OF NEW YORK**

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

A Local Law to amend Article 1 of Chapter 71 Animals.

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 the following changes to Article 1.

Chapter 71, Article 1. Licensing, Identification and Control of Dogs.

Section 1.

§71-1 Purpose and Findings.

The Board of Trustees of the Village of Spring Valley, New York, finds that the running at large of dogs and other uncontrolled behavior of dogs has caused physical harm to persons and property and created nuisances within the Village of Spring Valley. The Board also finds that, as of January 1, 2011, the State of New York will no longer regulate the licensing of dogs and, therefore, the Village must do so, effective January 1, 2011. The purpose of this article is to protect the health safety and well-being of persons and property by licensing dogs, and the

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imposing of restrictions upon the keeping or running of at large dogs and the seizure thereof within the Village.

§71-4. Definitions.

As used in this Article, the following terms shall have the meanings indicated

Clerk- means the Village Clerk.

Dog - means any member of the species canis familiaris.

Harbor- means to provide food or shelter to any dog.

Identification tag- means a tag issued by the Village which sets forth an official identification number as required by this law.

Identified dog -means any dog carrying an identification tag as provided in this law.

Owner- means any person who harbors or keeps any dog. In the event that any dog found in violation of this Article shall be owned by a person under 18 years of age, the owner shall be deemed to be the parent or guardian of such person (or the head of the household in which said person resides.)

Owner of record- means the person in whose name any dog was last licensed, except if any license is issued on application of a person under eighteen years of age, the owner of record shall be deemed to be the parent or guardian of each such person.

Police work dog -means any dog owned or harbored by any state or federal or municipal police department or any state or deferral enforcement agency which has been trained to aid law enforcement officers and is actually being used for police work purposes.

Hearing dog-means any dog that is trained to aid a person with a hearing impairment and is actually used for such purpose, or any dog owned by a recognized training center located within the state during the period such dog is being trained or bred for such purpose.

Service dog -means any dog that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability, provided that the dog is or will be owned by such person or that person's parent, guardian or other legal representative.

Running at large- means any dog off the premises of its owner or of the person keeping or harboring such a dog when not on a leash, tether, chain, rope or the like, the overall length of which, including the handgrip, exceeds six feet, held by its owner or other person able to control the dog.

§71-10. Penalties for offenses.

[Any person, firm or corporation or agent who shall violate any provision of this Article shall be guilty of a violation punishable by a fine not to exceed \$5,000 and/or imprisonment for a period not exceeding 15 days or both. The continuance of such offense against the provisions of this Article shall constitute, for each and every day or part thereof the same is continued, a separate and distinct violation hereunder.]

Any person whose dog violates any provision of this Article shall be guilty of a violation punishable by a fine not to exceed \$75 for a first violation; not less than \$75 nor more than \$150 for a second violation occurring within a year of the first violation; not less than \$150 nor more than \$500 for each subsequent violation occurring within a year of the first violation.

§71-11 [Additional local licensing fee] Licensing fee

[In addition to the fee imposed by §110 of the Agriculture and Markets Law, an additional fee as set forth in Chapter 118, Fees, is hereby imposed. Further, said additional fee shall not be imposed upon licensees 65 years of age or older at the time the said license is obtained.]

The fee(s) for obtaining a license are as set forth in Chapter 118, Fees. The fees set forth therein include sums which the Village is obligated to pay to the State of New York.

§71-11A . Licensing of Dogs, Rabies Vaccination Requirement

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All dogs within the Village of Spring Valley, four months of age or older, unless otherwise exempted shall be licensed. The owner of each dog required to be licensed shall obtain, complete and return to the Clerk of the Village of Spring Valley a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Village. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination may not be required. Each license shall be valid for a period of one year and shall not be transferrable.

§71-11B. Identification of Dogs.

Each dog licensed pursuant to this law shall be assigned, at the time the dog is first licensed, a municipal identification number which shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times. A dog participating in a dog show shall be exempt from the licensing requirement.

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.

The Village Clerk read the following notice

NOTICE OF PUBLIC HEARING

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 15th day of February, 2011 at 8:15 p.m. to consider the following matters:

1. To consider whether to adopt a local law making changes to Chapter 118, fees to establish fees for dog licensing in the Village.

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
January 31, 2011

Sherry M. Scott
Village Clerk

Referral No. 2050

**RESOLUTION NO. 96 OF 2011
OPEN PUBLIC HEARING
TO CONSIDER WHETHER TO ADOPT A
LOCAL LAW MAKING CHANGES TO CHAPTER 118,
FEES TO ESTABLISH FEES FOR DOG LICENSING IN THE VILLAGE**

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

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RESOLVED, that the public hearing on whether to adopt a local law making changes to Chapter 118, fees to establish fees for dog licensing in the Village, is hereby open.

Referral No. 2050

**RESOLUTION NO. 97 OF 2011
CLOSE PUBLIC HEARING
TO CONSIDER WHETHER TO ADOPT A
LOCAL LAW MAKING CHANGES TO CHAPTER 118,
FEES TO ESTABLISH FEES FOR DOG LICENSING IN THE VILLAGE**

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

WHEREAS, there were no speakers on the Public Hearing on whether to adopt a local law making changes to Chapter 118, fees to establish fees for dog licensing in the Village; now, therefore, it is hereby

RESOLVED, that the public hearing on whether to adopt a local law making changes to Chapter 118, fees to establish fees for dog licensing in the Village, is hereby closed.

**LOCAL LAW NO. 2 OF 2011
VILLAGE OF SPRING VALLEY
STATE OF NEW YORK**

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

A Local Law to amend Chapter 118, Fees.

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 amending Chapter 118, Fees.

Purpose and Findings

The Village Board of Trustees finds that the State of New York Department of Agriculture and Markets is no longer licensing dogs and, therefore, the Village of Spring Valley must do so. To accomplish this, the Village needs to make changes in the fees charged for dog licenses.

CHAPTER 118.

SECTION 1.

§118-4. Schedule of fees.

1. Miscellaneous fees.

(2) Chapter 71, Article 1, Dogs

(c) [Additional local license fees: \$4.50 per license.] License fees.

- (1). Male dog, neutered: \$8.00 of which \$1 goes to the State.
- (2). Female dog, spayed: \$8.00 of which \$1 goes to the State)
- (3). Male dog, unneutered: \$15 of which \$3 goes to the State).
- (4). Female unsprayed: \$15 of which \$3 goes to the State)

There shall be no licensing charge for the following : Guide, war, police, detection, therapy, working, search and service dogs.

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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.

The Village Clerk read the following notice

NOTICE OF PUBLIC HEARING

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 15th day of February, 2011 at 8:15 p.m. to consider the following matters:

1. To consider adopting a local law amending Chapter 183, Peddlers and Solicitors to establish rules regarding ice cream trucks selling in the Village.

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
January 31, 2011

Sherry M. Scott
Village Clerk

Referral No. 2050

**RESOLUTION NO. 98 OF 2011
OPEN PUBLIC HEARING
ADOPTING A LOCAL LAW AMENDING CHAPTER 183,
PEDDLERS AND SOLICITORS TO ESTABLISH RULES
REGARDING ICE CREAM TRUCKS SELLING IN THE VILLAGE**

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

RESOLVED, that the public hearing adopting a local law amending Chapter 183, Peddlers and Solicitors to establish rules regarding ice cream trucks selling in the Village, is hereby open.

February 15, 2011

Referral No. 2050

**RESOLUTION NO. 99 OF 2011
CLOSE PUBLIC HEARING
ADOPTING A LOCAL LAW AMENDING CHAPTER 183,
PEDDLERS AND SOLICITORS TO ESTABLISH RULES
REGARDING ICE CREAM TRUCKS SELLING IN THE VILLAGE**

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

WHEREAS, there were no speakers on the Public Hearing on adopting a local law amending Chapter 183, peddlers and solicitors to establish rules regarding ice cream trucks selling in the Village; now, therefore, it is hereby

RESOLVED, that the public hearing on adopting a local law amending Chapter 183, Peddlers and Solicitors to establish rules regarding ice cream trucks selling in the Village, is hereby closed.

**LOCAL LAW NO. 3 OF 2011
VILLAGE OF SPRING VALLEY
STATE OF NEW YORK**

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

A Local Law to amend Chapter 183, Peddlers and Solicitors.

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 sections to Chapter 183, Peddlers and Solicitors.

Purpose and Findings

The Village Board of Trustees finds that there is a need to amend Chapter 183 to provide special rules concerning the selling of ice cream by vendors outside of an established place of business. The times and places where such ice cream and ice cream products may be sold needs to be defined and the number of trucks or other vehicles permitted to sell needs to be regulated to prevent noise emanating from such trucks or other vehicles from disturbing village residents.

CHAPTER 183, Peddlers and Solicitors.

SECTION 1.

§183-4. Word usage and definitions.

ICE CREAM- Includes the words ice cream and ice cream products , soft or hard, ices, whether dispensed in cups or bars, and other similar items customarily sold by vendors of ice cream dispensed from trucks or bicycle type vehicles.

§183-10 Restrictions.

A. A licensed peddler shall not:

(7) Use any noisy device to attract public attention to his wares or shout or cry out his wares, except that peddlers of ice cream and ice cream products for immediate consumption [are exempted from the foregoing prohibition of the use of a bell] may employ a bell or music limited to not more than 30seconds at each stop.

(12) Sell or solicit except between the hours of 9:00 a.m. and 8:00 p.m., except that peddlers of ice and ice cream products for immediate consumption may sell or solicit from June 21 through Labor Day only between the hours of 9 a.m. to 9 p.m.

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B. Prohibited Areas. No peddling shall be permitted in the following areas and locations

(2) Within [500] 250 feet of any school in the Village[.] between the hours of 8:00 a.m. and 4:00 p.m. on school days.

(4) Within [the] Memorial Park or 100 feet therefrom [.] except that peddlers of ice cream and ice cream products for immediate consumption may sell their wares adjacent to Memorial Park if their vehicles do not block the movement of pedestrians into or out of Memorial Park.

§183-12A. Ice cream vendors, number of licenses and term of license.

The number of licenses to be issued by the Village Clerk is limited to five which shall be effective from March 1 through October 31 of each year.

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.

The Village Clerk read the following notice

NOTICE OF PUBLIC HEARING

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 15th day of February, 2011 at 8:15 p.m. to consider the following matters:

1. To consider whether to grant a special permit to permit the construction in the floodplain of a building by Congregation Belzer Shtiebel.

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
January 31, 2011

Sherry M. Scott
Village Clerk

February 15, 2011

Referral No. 2050

**RESOLUTION NO. 100 OF 2011
OPEN PUBLIC HEARING
TO CONSIDER WHETHER TO GRANT A SPECIAL PERMIT
TO PERMIT THE CONSTRUCTION IN THE FLOODPLAIN
OF A BUILDING BY CONG. BELZER SHTIEBEL**

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

RESOLVED, that the public hearing to consider whether to grant a special permit to permit the construction in the floodplain of a building by Congregation Belzer Shtiebel, is hereby open.

Referral No. 2050

**RESOLUTION NO. 101 OF 2011
CLOSE PUBLIC HEARING
TO CONSIDER WHETHER TO GRANT A SPECIAL PERMIT
TO PERMIT THE CONSTRUCTION IN THE FLOODPLAIN
OF A BUILDING BY CONG. BELZER SHTIEBEL**

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

WHEREAS, there were no speakers on the Public Hearing to consider whether to grant a special permit to permit the construction in the floodplain of a building by Congregation Belzer Shtiebel; now, therefore, it is hereby

RESOLVED, that the public hearing to consider whether to grant a special permit to permit the construction in the floodplain of a building by Congregation Belzer Shtiebel, is hereby closed.

**RESOLUTION NO. 102 OF 2011
WHETHER TO ISSUE A SPECIAL PERMIT TO BUILDING IN THE
FLOODPLAIN OF A BUILDING BY CONGREGATION BELZER SHTIEBEL**

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

WHEREAS, the applicant is proposing to demolish an existing dwelling and construct a place of worship on the subject property; and

WHEREAS, the applicant will require site plan approval from the Planning Board and a referral to the Zoning Board for associated variance and to the Village Board for a special permit as the property is located within the Floodplain Overlay District; and

WHEREAS, the subject property is located on the south side of Morris Road in the R-1A District; and

WHEREAS, the subject property is also located within the Village's Flood Plain Overlay District; and

WHEREAS, the Pascack Brook runs along the rear property line of the site; and

WHEREAS, the applicant proposes to demolish a residential dwelling and construct a place of worship; and

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WHEREAS, new construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated or above base flood elevation; and

WHEREAS, such request 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 request for a permit to building in the floodplain of a building by Congregation Belzer Shtiebel located on the south side of Morris Road in the R-1A District; and be it further

RESOLVED, that all postings and mails are completed.

Referral No. 3047

**RESOLUTION NO. 103 OF 2011
APPROVE THE REQUEST FROM OFFICER FRANCIS BROOKE,
D.A.R.E. OFFICER, FOR 1-2 CLOTHING RECYCLE BINS TO BE PLACED
IN THE VILLAGE HALL PARKING LOT**

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

WHEREAS, Officer Francis Brooke, D.A.R.E. Officer is requesting the approval for a clothing recycle bin(s) to be placed in the Village Hall parking lot; and

WHEREAS, the program has been having a difficult time with funding this year; and

WHEREAS, two years ago New York State stopped supplying D.A.R.E. books; and

WHEREAS, the D.A.R.E. Program main source of revenue has been cut; and

WHEREAS, the Program was receiving monetary income from the recycle bins at Kennedy Mall; and

WHEREAS, last year the recycling company was told by the management of Kennedy Mall to remove one bin due to space restrictions; and

WHEREAS, this bin removal has led to a deficit in the Program; and

WHEREAS, placing 1-2 bins in the Village parking lot would help to make up the deficit; and

WHEREAS, this would allow the Program to continue to offer the school programs without the quality being adversely affected; and

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

RESOLVED, that the Village Board of Trustees of the Village of Spring Valley approves the request from Officer Francis Brook, D.A.R.E. Officer for 1-2 Clothing Recycle Bins to be placed in the Village Hall parking lot.

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Referral No. 2032

**RESOLUTION NO. 104 OF 2011
APPROVE THE REQUEST FROM THE BUILDING INSPECTOR,
WALTER BOOKER, TO REFUND MOSHE KOHN FOR THE
UTILIZATION OF TWO OF THE VILLAGE FILED DRAWINGS**

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

WHEREAS, Walter Booker, Building Inspector, has requested a refund for Moshe Kohn, 12 Bethune Blvd., site plans, Receipt #5774; and

WHEREAS, the applicant submitted payment to the Village Treasurer as escrow fee for the utilization of two of the Village's filed drawings; and

WHEREAS, the drawings have been returned intact within twenty-four hours; and

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

RESOLVED, that the Village Board of Trustees of the Village of Spring Valley approves the request from Walter Booker, Building Inspector, Moshe Kohn, 12 Bethune Blvd., \$200.00 escrow fee for the utilization of two of the Village's filed drawings, receipt #5774.

Referral No. 2034

**RESOLUTION NO. 105 OF 2011
APPROVAL OF A DENTAL INSURANCE COVERAGE
PROPOSAL FOR BOARD OF TRUSTEES**

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

WHEREAS, the Legal Department received a proposal from a dental insurance company to cover the Trustees; and

WHEREAS, the coverage is similar to the coverage offered to the Police Department; and

WHEREAS, the coverage is subject to receipt of certificate of coverage, policy and/or contract of insurance; and

WHEREAS, approval of the Village of Spring Valley Board of Trustees is required for this contract agreement; now, therefore, it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves request for a dental insurance coverage from AETNA subject to receipt of certificate of coverage, policy and/or contract of insurance.

Referral No. 3029

**RESOLUTION NO. 106 OF 2011
APPROVE THE REQUEST FROM
SONIA BARTON, YOUTH BUREAU DIRECTOR
TO ROLL OVER VACATION HOURS HERSELF AND STAFF MEMBER**

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

February 15, 2011

WHEREAS, Sonia Barton, Youth Bureau Director, has requested to roll over 418 hours of vacation time for herself and 139 hours of vacation time for Jeantuilus Julmist; and

WHEREAS, Mayor Noramie Jasmin and the members of the Village of Spring Valley Board of Trustees have reviewed the request from Sonia Barton, Youth Bureau Director; and.

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

RESOLVED, the Village of Spring Valley Board of Trustees hereby approves the request from Sonia Barton, Youth Bureau Director, to roll over 418 four hundred eighteen (418) hours of vacation time for herself and one hundred thirty nine (139) hours of vacation time for Jeantilus Julmiste.

Trustee Reports

Economic Development - Trustee Leon

Reminded everyone about the ground breaking to ceremony, February 23, 2011 at 11:00 a.m. 46 N. Madison Avenue & Grove Street. Everyone is invited. This project will start in the spring and should be completed next year.

Fire & Safety – Trustee Gross

No Report.

Infrastructure – Trustee Delhomme

Absent.

Youth & Recreation – Deputy Mayor Desmaret

No Report.

New Business

Referral No. 2034

**RESOLUTION NO. 107 OF 2011
APPROVAL OF THE PROPOSAL SUBMITTED
BY BIELS INFORMATIONAL TECHNOLOGY SYSTEM
TO CONVERT MICROFILM ROLLS INTO PDF FILES
IN THE OFFICE OF THE VILLAGE CLERK**

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

WHEREAS, the Village of Spring Valley received a Records Management Grant in the amount of \$9,554 to convert microfilm rolls into PDF files for easy access of Village Board minutes; and

WHEREAS, upon completion minutes will also be indexed; and

WHEREASE, Rita Grayson recommend the approval of the proposal as submitted by Biels Informational Technology System, 1201 Indian Church Road, West Seneca, NY 14224 in the amount of \$9,660; and

WHEREAS, such approval 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 Rita Grayson to accept the proposal from Biels Informational Technology System in the amount of \$9,660 to convert microfilm rolls into PDF files for easy access of the Village Board minutes.

February 15, 2011

Referral No. 2001

**RESOLUTION NO. 108 OF 2011
APPOINT USHER GROSSMAN AS AN
ALTERNATE ON THE ZONING BOARD OF APPEALS**

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

WHEREAS, an alternate position is needed on the Zoning Board of Appeals; and

WHEREAS, a request to appoint Usher Grossman to this position; 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 Usher Grossman to the position of Zoning Board of Appeals alternate, effective March 9, 2011.

Referral No. 2043

**RESOLUTION NO. 109 OF 2011
APPROVE THE REQUEST FROM MARIA FRANK
DIRECTOR OF HOUSING & COMMUNITY DEVELOPMENT
ALONG WITH MARNIE BERNSTEIN TO ATTEND
TRAINING AT THE OFFICE OF HUD IN NEW YORK**

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

WHEREAS, Maria Frank has requested to attend a training at the office of HUD in New York along with Marnie Bernstein regarding the Enterprise Income Verification System; and

WHEREAS, the training will be February 17, 2011; and

WHEREAS, the approval of the Village of Spring Valley Board of Trustees is needed for the attendance of this training; now therefore it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the request from Maria Frank and Marnie Bernstein to attend training at the Office of HUD in New York on February 17, 2011 regarding the Enterprise Income Verification System, at a cost of traveling and any other related expenses.

Referral No. 2049

**RESOLUTION NO. 110 OF 2011
APPROVE THE SETTLEMENT BETWEEN
FEDERAL APPRAISAL LLC AND
THE VILLAGE OF SPRING VALLEY**

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

WHEREAS, the Legal Department has negotiated a settlement of the lawsuit between Federal Appraisal LLC and the Village of Spring Valley; and

February 15, 2011

WHEREAS, the Legal Department is requesting that the settlement be approved; and

WHEREAS, the approval of the Village of Spring Valley Board of Trustees is needed for the settlement request; now therefore it is hereby

RESOLVED, that the Village of Spring Valley Board of Trustees hereby approves the request from the Legal Department to approve the settlement between Federal Appraisal LLC and the Village of Spring Valley (the documents are filed in the Office of the Village Attorney for review if requested).

Referral No. 3035

**RESOLUTION NO. 111 OF 2011
SCHEDULE A PUBLIC HEARING
HATZLACHA SUPERMARKET LOCATED ON THE
SOUTHWEST CORNER OF WEST STREET AND MAPLE AVENUE**

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

WHEREAS, it is necessary for the Village of Spring Valley Board of Trustees to schedule a public hearing on the application for the approval to consider whether to rezone Tax lots 57.13.1-2 and 3 from R-2 to NB (a new supermarket to be built at the southeast corner of Maple Avenue and West Street); now, therefore, it is

RESOLVED, that a public hearing before the Village of Spring Valley Board of Trustees is scheduled for Tuesday, March 8, 2011 at 8:15 pm, to approve whether to rezone Tax lots 57.13.1-2 and 3 from R-2 to NB, the application of a new supermarket to be built at the southeast corner of Maple Avenue and West Street (Hatzlacha Supermarket).

**ADJOURNMENT IN CELEBRATION OF
THE BIRTH OF
TRISTAN ANTHONY BOOTH**

The entire Board offered the following memorial, which was seconded by The Entire Board and unanimously approved:

RESOLVED, that the Village of Spring Valley Board of Trustees adjourns this meeting in celebration of the birth of Tristan Anthony Booth, the proud parents, Nallia and David Booth.

**RESOLUTION NO. 112 OF 2011
ADJOURNMENT**

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

RESOLVED, that the meeting of the Village of Spring Valley Board of Trustees is hereby adjourned to Tuesday, March 8, 2011, at eight o'clock in the evening.

Respectfully Submitted,
Sherry M. Scott
Village Clerk
