

April 26, 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, April 26, 2011 at 8:00 pm.

Sherry M. Scott
Village Clerk

Dated: Spring Valley, New York
April 17, 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 April 12, 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 (Late)
Joseph Gross	Trustee (Absent)
Demeza Delhomme	Trustee
Kevin T. Conway	Village Attorney
Sherry M. Scott	Village Clerk

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

The invocation was delivered by Deputy Mayor Desmaret.

Referral No. 2058

**RESOLUTION NO. 225 OF 2011
APPROVING MINUTES OF
April 12, 2011**

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

RESOLVED, that the transcribed minutes of the Village of Spring Valley meeting held on April 12, 2011 as recorded by the Clerk and presented to the Board are hereby adopted.

Mayor's Report

On a positive note, I am very pleased that this Board is working in unison and moving forward.

April 26, 2011

Referral No. 2059

**RESOLUTION NO. 226 OF 2011
OPEN PUBLIC PARTICIPATION**

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

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

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

Referral No. 2059

**RESOLUTION NO. 227 OF 2011
CLOSE PUBLIC PARTICIPATION**

Trustee Delhomme offered the following resolution, which was seconded by Deputy Mayor Desmaret 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. 2026

**RESOLUTION NO. 228 OF 2011
CLASSIFY THE POSITION OF
OFFICE SERVICES AIDE IN THE
OFFICE OF THE VILLAGE CLERK**

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

WHEREAS, the Office of the Village Clerk is requesting that the position of Office Services Aide, Full Time be classified; 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 classify the position Office Services Aide, Full Time, in the Office of the Village Clerk.

April 26, 2011

Referral No. 2030

**RESOLUTION NO. 229 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 Delhomme and unanimously adopted:

WHEREAS, the Village Clerk is requesting approval of payment to Dainde Laplante for Recorded Village of Spring Valley Board Meeting and tape; 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 #04122011-1) for the April 12, 2011 Village Board Meeting.

Referral No. 2030

**RESOLUTION NO. 230 OF 2011
AUTHORIZING PAYMENT OF BILLS
FOR THE VILLAGE OF SPRING VALLEY**

Deputy Mayor Desmaret offered the following resolution, which was seconded by Trustee Delhomme 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: April 27, 2011

GENERAL ABSTRACT #2010/45

Amount \$404,779.39 Claim #56020417 thru 56020520

CAPITAL ABSTRACT #2010/C6

Amount \$1,888.02 Claim #56020521 thru 56020523

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Referral No. 2030

**RESOLUTION NO. 231 OF 2011
AUTHORIZING PAYMENT OF BILLS
FOR THE VILLAGE OF SPRING VALLEY
(APPROVAL OF POST AUDIT)**

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

POST AUDITED GENERAL ABSTRACT #2010/16

DATED: April 27, 2011

Amount \$523,673.24 Claim #56020416 thru #56020579

Referral No. 2021

**RESOLUTION NO. 232 OF 2011
APPROVE THE REQUEST FROM THE VILLAGE TREASURER
TO TRANSFER FUNDS, REDUCING THE CONTINGENCY LINE BY \$15,921.00
AND INCREASING ACCOUNT LINES 1010, 1210, 1325, AND 1420,
PROPOSED CHANGES TO BUDGET 6/1/11-5/31/12**

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

WHEREAS, the transfers are as follows:

Department	Account	Proposed Change Increase (Decrease)	
Village Board	1010	2,400	2,400.00
Mayor	1210	9,521	9,521.00
Treasury	1325	1,000	1,000.00
Law	1420	3,000	3,000.00
Contingency	1990	15,921	(15,921.00)

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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 Treasurer to transfer funds reducing the Contingency Line by \$15,921.00 and Increasing Account Lines 1010, 1210, 1325 and 1420, proposed changes to Budget June 1, 2011 through May 31, 2012.

Referral No. 2030

**RESOLUTION NO. 233 OF 2011
AUTHORIZING PAYMENT OF BILLS
FOR THE VILLAGE OF SPRING VALLEY
COMMUNITY DEVELOPMENT**

Deputy Mayor Desmaret offered the following resolution, which was seconded by Trustee Delhomme 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 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 #633**

Countywide			
RESTORE	Claimant	Amount	Check
4855	John Rose	\$ 313.61	
	Heating & Cooling		
	(Emergency Repairs D.L.)		
Total Countywide RESTORE Abstract:		\$313.61	
<u>RESTORE</u>			
4856	NYS Housing	\$8,280.00	
	Trust Fund Corp		
Total RESYORE Abstract:		\$8,280.00	
TOTAL Community Development Abstract:		\$8,593.61

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Referral No. 2039

**RESOLUTION NO. 234 OF 2011
APPROVE THE LOWEST BID REQUEST HELD ON
TUESDAY, APRIL 5, 2011 FOR KENNEDY TRAILS PARK
FROM ASCAPE LANDSCAPING CONSTRUCTION**

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

WHEREAS, there was a bid opening on Tuesday, April 5, 2011 for Kennedy Trails park; and

WHEREAS, three bids were received; and

WHEREAS, the bids were as follows: Ascape Landscaping Construction, 634 Route 303, Blauvelt, NY 10913, Base Bid: \$299,895, Stated Allowance: \$10,000, Total Bid: \$309,895; Turco Golf, 212 Orange Avenue, Suffern, NY 10901, Base Bid: \$349,000, Stated Allowance: \$10,000, Total Bid: \$359,000; 3D Commercial, 3 Browns Lane, Hawthorne, NY 10532, Base Bid: \$485,250, Stated Allowance: \$10,000, Total Bid: \$495,250; and

WHEREAS, the bids have been reviewed for form by the Legal Department and found to be in compliance, and

WHEREAS, it has been recommended to accept the low bid as submitted by Ascape; 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 approve the request to accept the lowest bid for the development of Kennedy Trails Park from Ascape Landscaping Construction, 634 Route 303, Blauvelt, NY 10913 in the amount of \$309,895; and be it further

RESOLVED, that this is Phase One of the development of Kennedy Trails Park and will accomplish the development of walking and exercise trails.

Referral No. 2043

**RESOLUTION NO. 235 OF 2011
GRANT PERMISSION FOR YVETTE INZAR TO ATTEND
THE STEPS TO A HEALTHIER ROCKLAND COLLABORATIVE MEETING
AT ROCKLAND COMMUNITY COLLEGE**

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

WHEREAS, Yvette Inzar has requested permission to attend a Steps to a Healthier Rockland Collaborative Meeting; and

WHEREAS, the meeting will take place on Thursday, April 28th from 8:30 am through 10:30 am at Rockland Community College; and

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WHEREAS, the 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 Yvette Inzar to attend a Steps to a Healthier Rockland Collaborative Meeting, Thursday, April 28th from 8:30 a.m. through 10:30 a.m. at Rockland Community College.

Referral No. 2043

**RESOLUTION NO. 236 OF 2011
APPROVE THE REQUEST FROM YVETTE INZAR
TO ATTEND THE MANDATORY TRAINING SESSION
FOR THE SUMMER FOOD SERVICE PROGRAM**

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

WHEREAS, Yvette Inzar has requested permission to attend the mandatory training session for the Summer Food Service Program, which is necessary for sponsor participation; and

WHEREAS, the training will be held on Tuesday, May 3, 2011 at the Southern Westchester BOCES located at 2 Westchester Plaza in Elmsford, NY; and

WHEREAS, the training is from 9:00 a.m. through 12:45 p.m.; and

WHEREAS, the 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 Yvette Inzar to attend the mandatory training session for the Summer Food Service Program on Tuesday, May 3, 2011 at the Southern Westchester BOCES located at 2 Westchester Plaza in Elmsford, NY, 9:00 a.m. through 12:45 p.m., plus reimbursement for tolls and mileage.

The Village Clerk read the following notice

**LEGAL NOTICE
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 26th day of April, 2011 at 8:15 p.m. to consider the following matters:

Whether to re-zone the property listed below from R-2 to POR: Section 57.55, Block 1, Lot 55, 4 East Funston, Spring Valley, New York.

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

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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
April 16th, 2011

Sherry M. Scott
Village Clerk

Referral No. 2050

**RESOLUTION NO. 237 OF 2011
OPEN PUBLIC HEARING
WHETHER TO RE-ZONE THE PROPERTY LISTED BELOW
FROM R-2 TO POR: SECTION 57.55, BLOCK 1, LOT 55,
4 EAST FUNSTON, SPRING VALLEY, NEW YORK**

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

RESOLVED, that the public hearing for a whether to re-zone the property listed below from R-2 to POR: Section 57.55, Block 1, Lot 55, 4 East Funston, Spring Valley, New York, is hereby open.

Trustee Leon arrived at the meeting.

Debate:

James D. Licata – 222 Route 59, Suffern, NY 10901

I am the Attorney for the applicant, Bais Medrash of Rockland. This property is located on East Funston Avenue. It consist of two separate lots and is under the same ownership, unfortunately the lots are in different zoning districts. What we would like to do is correct that and allow one lot to become consistent with the other lot.

Referral No. 2050

**RESOLUTION NO. 238 OF 2011
CLOSE PUBLIC HEARING
WHETHER TO RE-ZONE THE PROPERTY LISTED BELOW
FROM R-2 TO POR: SECTION 57.55, BLOCK 1, LOT 55,
4 EAST FUNSTON, SPRING VALLEY, NEW YORK**

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

WHEREAS, there were no other speakers on the Public Hearing; now, therefore, it is hereby

RESOLVED, that the Public Hearing on whether to grant a zone change of one lot from R-2 to POR, Bais Medrash of Rockland, 4 East Funston Avenue, Spring Valley, New York, is hereby closed.

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Debate:

Kevin Conway, Village Attorney

Before the Board votes on it; As stated by Counsel, notice that it is a motion to re-zone the one lot from R-2 to POR, the adjacent lot want to add a seminary to the existing home which will be turned into a dormitory (inaudible) hopefully to a legal POR zone and not a R-2. Last month the Village Board upheld the Public Hearing to issue a special permit for the application continue (inaudible). Next motion I would just ask that the Board to declare itself lead agency with regard to any environmental issues with regard to the zone change and refer that the motion which also included two set of plans prepared by the applicant's engineers, a narrative, short form environmental SEQRA and a drainage analysis (inaudible).

Referral No. 3043

**RESOLUTION NO. 239 OF 2011
TO DECLARE THE VILLAGE BOARD AS LEAD AGENCY
GRANT A ZONE CHANGE OF ONE LOT FROM R-2 TO POR
BAIS MEDRASH OF ROCKLAND
4 EAST FUNSTON AVENUE, SPRING VALLEY, NEW YORK**

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

WHEREAS, the Village Board has declared themselves lead agency on this zone change; and

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

RESOLVED, that Village Board is declared lead agency to grant a zone change of one lot from R-2 to POR, Bais Medrash of Rockland, 4 East Funston Avenue, Spring Valley, New York.

Referral No. 3021

**RESOLUTION NO. 240 OF 2011
TO ADOPT NEGATIVE DECLARATION TO
GRANT A ZONE CHANGE OF ONE LOT FROM R-2 TO POR
BAIS MEDRASH OF ROCKLAND
4 EAST FUNSTON AVENUE, SPRING VALLEY, NEW YORK**

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

WHEREAS, the Village of Spring Valley Board of Trustees has declared itself Lead Agency on the project; and

WHEREAS, the Village of Spring Valley Board of Trustees has moved to adopt the Negative Declaration for the proposed zone change of one lot from R-2 to POR; now, therefore, it is hereby

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RESOLVED, that the Village of Spring Valley Board of Trustees approves the adoption of the Negative Declaration for the proposed zone change of one lot from R-2 to POR, Bais Medrash of Rockland, 4 Funston Avenue, Spring Valley, New York.

**LOCAL LAW NO. 8 OF 2011
VILLAGE OF SPRING VALLEY
STATE OF NEW YORK**

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

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 Chapter 255, Zoning

Purpose and Findings

The Village Board of Trustees finds that the lot listed below which is presently situated in the R-2 zoning district should be re-zoned to the immediately adjacent POR zoning district. This lot (Section 57.55, Block 1, lot 55) and the one immediately adjacent to it (Section 57.55, Block 1, Lot 56) are assertedly jointly owned by the same entity. The owner wishes to open a seminary which is permitted by special permit in the POR zoning district but disallowed in the R-2 zone. To do so, the area encompassed within lot designated as Section 57.55, Block 1, lot 55 needs to be re-zoned to POR. The Board finds that the re-zoning of this lot from R-2 to POR is in the best interest of the Village.

CHAPTER 255

SECTION 1.

The zoning map of the Village of Spring Valley is hereby amended as follows: The lot listed below, currently designated on the zoning map of the Village of Spring Valley as being in the R-2 zone is hereby re-zoned to the adjacent POR zone”

Section, Block and Lot No.

Section 57.55, Block 1, Lot 55

Street Address

4 East Funston

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.

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Referral No. 2050

RESOLUTION NO. 241 OF 2011
CONTINUATION OF PUBLIC HEARING
SPECIAL PERMIT TO BAIS MEDRASH OF ROCKLAND TO CONSTRUCT A
SEMINARY WITH A DORMITORY LOCATED ON THE SOUTHEAST CORNER OF
SOUTH MAIN STREET AND EAST FUNSTON AVENUE

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

RESOLVED, that the continuation of the public hearing for a Special Permit to Bais Medrash of Rockland, 2 East Funston Avenue, Spring Valley, New York to construct a Seminary with a Dormitory, is hereby continued.

Debate:

James D. Licata – 222 Route 59, Suffern, NY 10901

The Board has just voted to change the existing R-2 Zone to POR Zone which will allow us to have a consistent lot and will allow us to proceed to a special permit. After that we will have to go back to the ZBA and then the Planning Board for another Public Hearing and Special Permit. So, we still have two more Public Hearings to go, but this Public Hearing is in regard to a Special Permit for the construction of the dormitory.

Referral No. 2050

RESOLUTION NO. 242 OF 2011
CLOSE PUBLIC HEARING
SPECIAL PERMIT TO BAIS MEDRASH OF ROCKLAND
TO CONSTRUCT A SEMINARY WITH A DORMITORY LOCATED ON THE
SOUTHEAST CORNER OF SOUTH MAIN STREET AND EAST FUNSTON AVENUE

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

WHEREAS, there were no other speakers on the Public Hearing; now, therefore, it is hereby

RESOLVED, that the Public Hearing for a Special Permit to Bais Medrash of Rockland to construct a seminary with a dormitory located on the Southeast Corner of South Main Street and East Funston Avenue, is hereby closed.

Debate:

Kevin Conway, Village Attorney

With regard to the main motion, again as counsel noted, the proposed development will require site plan approval. The Planning Board variances from the ZBA which (inaudible) for the motion by this Board (inaudible) enough to grant the special use permit from this Board should also be noted in this motion the Planning Board has already determined the SEQRA regulations (inaudible) and has acted as Lead Agency. The Planning Board adopted a Negative Declaration December 2nd 200(inaudible) and more specifically in considering this application for special permit you should consider the proposed development in light of its operational characteristics determine whether or not there will be an impact on the surrounding neighborhood. This Board

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should also consider the size of the building, the variances required in making its determination for this request for a special use permit.

Referral No. 2050

**RESOLUTION NO. 243 OF 2011
GRANT A SPECIAL PERMIT TO BAIS MEDRASH OF ROCKLAND
TO CONSTRUCT A SEMINARY WITH A DORMITORY
LOCATED ON THE SOUTHEAST CORNER OF SOUTH MAIN STREET
AND EAST FUNSTON AVENUE**

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

WHEREAS, the applicant, Bais Medrash of Rockland has requested a special to construct a seminary with a dormitory located on the Southeast Corner of South Main Street and East Funston Avenue, Spring Valley, New York; and

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

RESOLVED, that the Village Board of Trustee approves the request for a Special Permit to Bais Medrash of Rockland to construct a seminary with a dormitory located on the Southeast Corner of South Main Street and East Funston Avenue, Spring Valley, New York.

The Village Clerk read the following notice

**LEGAL NOTICE
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 26th day of April, 2011 at 8:15 p.m. to consider the following matters:

Whether to adopt a Local Law amending Chapter 239, Taxicabs and Vehicles for Hire to exclude from the definition of “taxicab” and “vehicles for hire,” livery vehicles which provide medical transportation to Spring Valley residents without charging for this service and providing a fee for registration of these medical transportation companies.

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
April 16th, 2011

Sherry M. Scott
Village Clerk

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Referral No. 2050

RESOLUTION NO. 244 OF 2011
OPEN PUBLIC HEARING
WHETHER TO ADOPT A LOCAL LAW AMENDING CHAPTER 239,
TAXICABS AND VEHICLES FOR HIRE TO EXCLUDE FROM THE DEFINITION
OF “TAXICAB” AND “VEHICLES FOR HIRE,” LIVERY VEHICLES WHICH
PROVIDE MEDICAL TRANSPORTATION TO SPRING VALLEY RESIDENTS
WITHOUT CHARGING FOR THIS SERVICE AND PROVIDING A
FEE FOR REGISTRATION OF THESE MEDICAL TRANSPORTATION COMPANIES

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

RESOLVED, that the public hearing on whether to adopt a Local Law amending Chapter 239, Taxicabs and Vehicles for Hire to exclude from the definition of “taxicab” and “vehicles for hire,” livery vehicles which provide medical transportation to Spring Valley residents without charging for this service and providing a fee for registration of these medical transportation companies, is hereby open.

Referral No. 2050

RESOLUTION NO. 245 OF 2011
CLOSE PUBLIC HEARING
WHETHER TO ADOPT A LOCAL LAW AMENDING CHAPTER 239,
TAXICABS AND VEHICLES FOR HIRE TO EXCLUDE FROM THE DEFINITION
OF “TAXICAB” AND “VEHICLES FOR HIRE,” LIVERY VEHICLES WHICH
PROVIDE MEDICAL TRANSPORTATION TO SPRING VALLEY RESIDENTS
WITHOUT CHARGING FOR THIS SERVICE AND PROVIDING A
FEE FOR REGISTRATION OF THESE MEDICAL TRANSPORTATION COMPANIES

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; now, therefore, it is hereby

RESOLVED, that the Public Hearing on whether to adopt a Local Law amending Chapter 239, Taxicabs and Vehicles for Hire to exclude from the definition of “taxicab” and “vehicles for hire,” livery vehicles which provide medical transportation to Spring Valley residents without charging for this service and providing a fee for registration of these medical transportation companies, is hereby closed.

LOCAL LAW NO. 9 OF 2011
VILLAGE OF SPRING VALLEY
STATE OF NEW YORK

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

A Local Law to amend Chapter 239 Taxicabs and Vehicles for Hire.

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Be it enacted by the Board of Trustees of the Village of Spring Valley, County of Rockland and State of New York that the code of the Village of Spring Valley is hereby amended by amending Chapter 239.

Purpose and Findings

The Village Board of Trustees finds that its Taxicab and Vehicle for Hire law defines Taxicabs and Vehicles for Hire so as to include vehicles which provide transportation to and from medical providers such as doctors, hospitals, clinics and other providers of medical services to Spring Valley residents even though the passengers are not charged for this service. The cost of such transportation is borne by insurance carriers and/or the medical providers. The Board of Trustees is herein amending the law to exclude livery vehicles which provide such medical transportation without charge to those being transported from the definitions of “taxicab” and “vehicle for hire” and providing for the registration of these medical transportation companies thereby enabling them to legally pick up and discharge in the Village persons requiring medical transportation.

CHAPTER 239

SECTION 1.

§239-3. Definitions .

TAXICAB-- Any motor vehicle engaged in the business of carrying persons for hire, whether the same is operated from a street stand, a garage or otherwise operated for hire, except vehicles known as “jitneys,” [or] “buses”, livery vehicles providing transportation to and from medical providers, such as doctors, hospitals, clinics and other providers of medical services without charging a fee to those being transported or subject to the provisions of the Transportation Corporation Law or used by undertakers in carrying on their business. Notwithstanding anything above written, “taxicabs” shall include a livery vehicle or any vehicle for hire carrying passengers, unless specifically excluded under any provision of this chapter. Taxicab drivers shall include drivers of livery vehicles for hire carrying passengers.

VEHICLE FOR HIRE— (Delete the existing definition and substitute the following)

Any motor vehicle engaged in the business of carrying persons for hire which does not operate from street stands and is not available for hail except buses, jitneys], livery vehicles providing transportation to and from medical providers, such as doctors, hospitals, clinics and other providers of medical services without charging a fee to those being transported or those used by undertakers. A vehicle displaying a license plate designated by the New York State Department of Motor Vehicles for use by vehicles for hire shall be presumed to be so engaged.

§239-7.1. Vehicles for medical transportation operating license

Any person, firm or corporation operating vehicles providing exclusively medical transportation to and from medical providers, such as doctors, hospitals, clinics and other providers of medical services without charging a fee to those being transported shall apply for a fleet operating license covering up to 25 vehicles. Such vehicles shall have signs on their bodies setting forth the name of the fleet. The individual vehicles need not be licensed or inspected by the Village. The fees for a fleet operating license shall be as set forth in Chapter 118, fees.

SECTION 2.

§ 118-4. G. Applications to the Village Clerk

(8) Miscellaneous licenses and permits. (See Chapter 156. Licenses and Licensing.)

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(g) Medical Transportation fleet (up to 25 vehicles): new, \$500; renewal, \$250.

SECTION 3. 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 4. 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

**LEGAL NOTICE
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 26th day of April, 2011 at 8:15 p.m. to consider the following matters:

Whether to Adopt a Local Law Amending Chapter 183, Peddlers and Solicitors to Increase the Number of Ice Cream Vendor Licenses to be Issued Yearly.

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
April 16th, 2011

Sherry M. Scott
Village Clerk

Referral No. 2050

**RESOLUTION NO. 246 OF 2011
OPEN PUBLIC HEARING
WHETHER TO ADOPT A LOCAL LAW AMENDING CHAPTER 183,
PEDDLERS AND SOLICITORS TO INCREASE THE NUMBER OF
ICE CREAM VENDOR LICENSES TO BE ISSUED YEARLY**

Deputy Mayor Desmaret 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 Chapter 183, Peddlers and Solicitors to increase the number of ice cream vendor licenses to be issued yearly, is hereby open.

April 26, 2011

Referral No. 2050

**RESOLUTION NO. 247 OF 2011
CLOSE PUBLIC HEARING
WHETHER TO ADOPT A LOCAL LAW AMENDING CHAPTER 183,
PEDDLERS AND SOLICITORS TO INCREASE THE NUMBER OF
ICE CREAM VENDOR LICENSES TO BE ISSUED YEARLY**

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; now, therefore, it is hereby

RESOLVED, that the Public Hearing on whether to adopt a Local Law Amending Chapter 183, Peddlers and Solicitors to increase the number of ice cream vendor licenses to be issued yearly, is hereby closed.

**LOCAL LAW NO. 10 OF 2011
VILLAGE OF SPRING VALLEY
STATE OF NEW YORK**

Deputy Mayor Desmaret offered the following resolution, which was seconded by Trustee Delhomme 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 increase the number of ice cream trucks permitted in the Village and limit the number of licenses which can be obtained by any vendor to a maximum of two to prevent any vendor from removing competition. Except as herein amended, Local Law No. 3 of 2011 remains in full force and effect.

CHAPTER 183, Peddlers and Solicitors.

SECTION 1.

§183-12A. Ice cream vendors, number of licenses, term of license and limitation on the number of licenses available to a single vendor.

The number of peddler licenses to be issued by the Village Clerk for the sale of ice cream dispensed from trucks or bicycle type vehicles is limited to [five] six. The license [which] shall be effective from March 1 through October 31 of each year.

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.

April 26, 2011

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.

Saved as 2011- Local Law ice cream amended

Referral No. 3000

**RESOLUTION NO. 248 OF 2011
APPROVE THE RECOMMENDATION FROM THE
POLICE DEPARTMENT TO GRANT A LIQUOR LICENSE
TO GASWAY ENTERPRISES, INC.**

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

WHEREAS, the Spring Valley Police Department has given their recommendation on the liquor license renewal application for Gasway Enterprises, Inc., located at 162 East Route 59, Spring Valley; and

WHEREAS, the Police Department recommends that the Village Board approve this request; and

WHEREAS, the recommendation is based upon the history of the history of the location and the owner; and

WHEREAS, it is necessary for the Village Board of Trustees to approve the request to approve 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 approve a liquor license renewal application filed for Gasway Enterprises, Inc., located at 162 East Route 59, Spring Valley, New York.

Referral No. 2037/2030

**RESOLUTION NO. 249 OF 2010
APPROVE PAYMENT FOR GELLERT & KLEIN, P.C.
FOR REPRESENTATION OF A DISCIPLINARY HEARING
FOR A POLICE OFFICER**

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

WHEREAS, Gellert & Klein, PC represented a Spring Valley Police Officer in a disciplinary hearing; and

WHEREAS, the cost for this representation is \$4,632.27; and

April 26, 2011

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

RESOLVED, that the Village Board of Trustee approve the request to pay the amount of \$4,632.27 to Gellert & Klein, P.C. for disciplinary hearing representation for a Spring Valley Police Officer.

Referral No. 2054

**RESOLUTION NO. 250 OF 2011
APPROVE THE REQUEST FROM ROCKLAND PACKERS TO
USE THE FOOTBALL FIELD IN MEMORIAL PARK FOR
FOOTBALL PRACTICE**

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

WHEREAS, the Rockland Packers has requested the use of the Memorial Park for football practice; and

WHEREAS, the time slot requested is 11:00 a.m. through 2:00 p.m.; and

WHEREAS, there will be 50 participants and 10 spectators expected; and

WHEREAS, the dates requested are April 16th, April 17th, April 30th and May 1st, 2011; 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 Rockland Packers to use the football field in Memorial Park for football practice on April 16th, April 17th, April 30th and May 1st, 2011 from 11:00 a.m. until 2:00 p.m.

Referral No. 2054

**RESOLUTION NO. 251 OF 2011
APPROVE THE REQUEST FROM DONA JOHNSON
TO HAVE A COMMUNITY “SAFETY DAY”
AT MEMORIAL PARK**

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

WHEREAS, Safety Day is an annual community event; and

WHEREAS, Dona Johnson has requested the use of Memorial Park for this event; and

WHEREAS, the community event has also received commitments from local businesses to donate food and beverages; and

April 26, 2011

WHEREAS, three agencies are involved in Safety Day; Lt. Bosworth, Spring Valley Police; Chief Kenneth Sohlman, Spring Valley Fire Department and Natalie Tuzzolino, Spring Valley Community Ambulance Corp.; and

WHEREAS, the event will be held on May 14, 2011; 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 recommendation from Dona Johnson to have the use of Memorial Park for the Annual Safety Day May 14, 2011 which also involved the Spring Valley Police, Spring Valley Fire Department and Spring Valley Community Ambulance Corp.

Referral No. 2043

**RESOLUTION NO. 252 OF 2011
APPROVE THE REQUEST FROM JUSTICE DAVID FRIED
TO ATTEND A MANDATORY DOMESTIC VIOLENCE TRAINING,
AS REQUIRED BY OUR DOMESTIC VIOLENCE GRANT FROM THE
U.S. DEPARTMENT OF JUSTICE**

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

WHEREAS, Justice David Fried went to a mandatory Domestic Violence Training to enhance his judicial skills; and

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

RESOLVED, that the Village Board of Trustee approve the request from the Court Clerk for the attendance of Justice David Fried to attend a mandatory Domestic Violence Training at a total cost of \$1,873.60 as required by the Domestic Violence Grant from the U.S. Department of Justice.

Referral No. 2043

**RESOLUTION NO. 253 OF 2011
APPROVE THE REQUEST FROM THE VILLAGE JUSTICE CLERK
FOR SEVEN VILLAGE EMPLOYEES TO ATTEND THE JUDICIAL
EDUCATION PROGRAM IN THE TOWN OF FISHKILL JUSTICE COURT**

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

WHEREAS, Annu Jacob, Village Justice Clerk, has requested authorization for seven Village employees to attend the Judicial Education Program in the Town of Fishkill Justice Court; and

WHEREAS, the program will be held on May 7th, 2011; and

WHEREAS, there is no cost for the one day seminar; and

April 26, 2011

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 Board of Trustee approve the request from Annu Jacob, Village Justice Clerk for seven Village employees to attend the Judicial Education Program in the Town of Fishkill Justice Court (Dorothie Casimir, Claudia Lucca, Chebyvonne O'Brien, Sheree Edwards, Elise Cheron, Garizaldo Roxas, Annu Jacob), May 17th, 2011 at no cost for the seminar, reimbursement for travel and any other related cost expected.

Referral No. 2001/2029

**RESOLUTION NO. 254 OF 2011
APPROVE THE REQUEST FROM THE
SPRING VALLEY FIRE DEPARTMENT, INC.
TO APPOINT LAWRENCE BOLSON AS THE CHIEF OF THE DEPARTMENT;
ROBERT JOHNSON, JR. TO THE POSITION OF DEPUTY CHIEF
AND KENNETH SOHLMAN TO THE POSITION OF BATTALION CHIEF**

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

WHEREAS, on April 7th, 2011 the 91st Annual Chief's Convention was held at the Spring Valley Hook and Ladder Co. #1; and

WHEREAS, recommendations from the convention for officers of the Spring Valley Fire Department was requested; and

WHEREAS, Lawrence Bolson was appointed Chief, Robert Johnson, Jr. was appointed to the position of Deputy Chief and Kenneth Sohlman was appointed to the position of Battalion Chief; and

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

RESOLVED, that the Village Board of Trustee approves the request from the 91st Annual Chief's Convention which was held at the Spring Valley Hook and Ladder Co. #1 on April 7th, 2011 to appoint Lawrence Bolson to the position of Chief, Robert Johnson, Jr. to the position of Deputy Chief and Kenneth Sohlman to the position of Battalion Chief.

Referral No. 2043

**RESOLUTION NO. 256 OF 2011
APPROVE THE REQUEST FROM KENNETH SOHLMAN FOR VIRGINIA
SHENKMAN TO ATTEND A REFRESHER COURSE REQUIRED BY DOT AND
PUBLIC TRANSPORTATION SAFETY BOARD**

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

April 26, 2011

WHEREAS, Virginia Shenkman is the 19A Bus Examiner for the Village of Spring Valley; and

WHEREAS, she is due for a refresher course required by DOT and Public Transportation Safety Board; and

WHEREAS, the cost of the course is \$99.00, plus travel expenses to Albany, New York; and

WHEREAS, the course will be on May 21st, 2011; 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 Board of Trustee approves the request for Virginia Shenkman to attend a refresher course required by DOT and Public Transportation Safety Board at a cost of \$99.00, plus travel expenses, on May 21st, 2011 in Albany, New York.

Referral No. 2026

**RESOLUTION NO. 256 OF 2011
CREATE THE POSITION OF ASSISTANT DEPUTY
FOR THE LEGAL DEPARTMENT**

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

WHEREAS, the Legal Department has requested that the position of Assistant Deputy be created in the Legal Department; and

WHEREAS, the position has the responsibility for all legal files, performs notarization of documents, prepares case files for all Village Code Enforcement and litigation matters, interacts with personnel of all other Village departments, schedules legal matters, does legal research, act as liaison and interfaces with the Mayor and all department heads; 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 Board of Trustee approves the request from the Legal Department to create the position of Assistant Deputy for the Legal Department with the above responsibilities for the fiscal year 2011-2012.

Referral No. 2001

**RESOLUTION NO. 257 OF 2011
APPOINT KATHLEEN HOLMES AS
ASSISTANT DEPUTY FOR THE LEGAL DEPARTMENT**

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

April 26, 2011

WHEREAS, the Legal Department has requested to appoint Kathleen Holmes to the position of Assistant Deputy for the Legal Department; and

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

RESOLVED, that the Village Board of Trustee approves the request from the Legal Department to appoint Kathleen Holmes as the Assistant Deputy for the Legal Department for the fiscal year 2011-2012.

Trustees Report

Economic Development – Trustee Leon – Plans for Walgreen are complete and we welcome them into our community.

Fire & Safety – Trustee Gross – Absent

Infrastructure – Trustee Delhomme - Good news for the community, Pot holes are being fixed as fast as possible. If anyone sees any pot holes, please report it. Site IV is moving along.

Youth & Recreation – Deputy Mayor Desmaret - I am in contact with the summer young adults from United Haitian America and Don Bosco, we are working on a schedule for the summer. I should have a full schedule the next meeting. We are also scheduling the opening of the new building at Memorial Park.

**ADJOURNMENT IN MEMORY OF
JOHN DOUGLAS LEONARD**

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

RESOLVED, that the Village of Spring Valley Board of Trustees adjourns this meeting in memory of John Douglas Leonard, April 5, 2011.

**ADJOURNMENT IN MEMORY OF
MARIANNE MARCELIN**

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

RESOLVED, that the Village of Spring Valley Board of Trustees adjourns this meeting in memory of Marianne Marcelin, April 11, 2011.

April 26, 2011

**ADJOURNMENT IN MEMORY OF
LA'SHONDA RENEE ARMSTRONG**

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

RESOLVED, that the Village of Spring Valley Board of Trustees adjourns this meeting in memory of La'Shonda Renee Armstrong, April 12, 2011.

**ADJOURNMENT IN MEMORY OF
LANCE PIERRE**

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

RESOLVED, that the Village of Spring Valley Board of Trustees adjourns this meeting in memory of Lance Pierre, April 12, 2011.

**ADJOURNMENT IN MEMORY OF
LANDEN PIERRE**

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

RESOLVED, that the Village of Spring Valley Board of Trustees adjourns this meeting in memory of Landen Pierre, April 12, 2011.

**ADJOURNMENT IN MEMORY OF
LAIANNA PIERRE**

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

RESOLVED, that the Village of Spring Valley Board of Trustees adjourns this meeting in memory of Laianna Pierre, April 12, 2011.

**ADJOURNMENT IN MEMORY OF
LLOYD SMITH**

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

April 26, 2011

RESOLVED, that the Village of Spring Valley Board of Trustees adjourns this meeting in memory of Lloyd Smith, April 18, 2011.

**ADJOURNMENT IN MEMORY OF
ANDREW HAGGERTY**

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

RESOLVED, that the Village of Spring Valley Board of Trustees adjourns this meeting in memory of Andrew Haggerty, April 24, 2011.

**RESOLUTION NO. 258 OF 2011
ADJOURNMENT**

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

RESOLVED, that the meeting of the Village of Spring Valley Board of Trustees is hereby adjourned to Tuesday, May 10, 2011, at eight o'clock in the evening.

Respectfully Submitted,
Sherry M. Scott
Village Clerk
