

**VILLAGE OF SPRING VALLEY
VILLAGE BOARD
FEBRUARY 4, 2025 9:33 PM**

Present: Deputy Mayor Gross
Trustee Grossman
Trustee Eisenbach
Trustee Smith
Absent: Mayor Simon

Village Clerk Montgomery read the roll

Assemblage saluted the flag led by Attorney Dan Richmond

Resolution No. T-017-2.4.25

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

WHEREAS, Abstracts 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, with the exceptions noted below.

APPROVAL OF ABSTRACTS

GENERAL FUND 2024/17

Amount \$79,369.35

Claim #'s 56065274 thru 56065394

Moved by Deputy Mayor Gross, Seconded by Trustee Smith, Mayor Simon Absent, Trustee Grossman & Trustee Eisenbach Yes

POST AUDITED GENERAL ABSTRACT 2024/17

Amount \$108,993.56

Claim #'s 56065200 thru 56065393

Moved by Deputy Mayor Gross, Seconded by Trustee Grossman, Mayor Simon Absent, Trustee Eisenbach & Trustee Smith Yes

Dated: February 4, 2025

Resolution No. T-018-2.4.25

Moved by Deputy Mayor Gross, Seconded Trustee Smith

RESOLUTION APPROVING SECTION 8 ABSTRACT # 853

WHEREAS, Section 8 requests approval of Abstract # 853

and;

WHEREAS, such requests require the approval of The Board of Trustees, Village of Spring Valley;

NOW, THEREFORE, BE IT

RESOLVED, that Section 8’s request for approval of Abstract #853 is hereby approved.

SECTION 8	AMOUNT
Abstract #853	\$8,714.08

Upon vote, motion carried by all present

Dated: February 4, 2025

Public Participation:

James Fraiser of 143 Bethune Blvd. spoke of the enormous amounts of beds around the village, how the Village is in need of a Building Inspector and how many illegal trucks parked on Lawrence Street.

Hank Baxter of 5 Wood Street spoke of the beds and garbage all over the streets within the Village of Spring Valley and how the taxis and buses are speeding throughout the Village.

Resolution No. T-19-2.4.2025

Moved by Deputy Mayor Gross, Seconded by Trustee Smith

RESOLUTION GRANTING A SPECIAL PERMIT FOR 11 TENURE AVENUE TO USE PART OF THE EXISTING BUILDING FOR A DAYCARE CENTER WITH A NEIGHBORHOOD MIKVAH ON THE FIRST FLOOR

WHEREAS, the property owner of 11 Tenure Avenue has submitted an application for a Special Permit to use the existing second floor of the building on site as a day care center and the first floor as a neighborhood Mikvah; and

WHEREAS, the property is located in the Village’s R-1 Zoning District where daycare centers are permitted by Special Permit; and

WHEREAS, the proposed project received a Negative Declaration, pursuant to the New York State Environmental Quality Review Act (“SEQRA”) from the Village Planning Board, following coordinated review; and

WHEREAS, pursuant to General Municipal Law § 239-m, the Rockland County Department of Planning recommended Disapproval of the project in a letter, dated August 7, 2024; and

WHEREAS, the property owner submitted a response to the Department of Planning’s correspondence, dated December 26, 2024; and

WHEREAS, the applicant seeks an override of the Department of Planning’s comments 1, 2, 3, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16 , 17, 18, and 20, as well as its overall disapproval recommendation; and

WHEREAS, the Village Board conducted a duly noticed public hearing on February 4, 2025.

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

Section 1. The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and grants a special permit to use the existing second floor of the building as a daycare center and allow a neighborhood Mikvah to be used in the first floor.

Section 2. The Board in granting this application votes to override the Rockland County Planning Department’s August 7, 2024, denial recommendation, specifically comments 1, 2, 3, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16 , 17, 18, and 20 contained therein, as is stated in the applicant’s letter, dated December 26, 2024.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Absent
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Yes
Trustee Smith	Yes

Dated: February 4, 2025

Public Hearing for the applicant of 53 South Main Street requesting a zone change from POR to PRD and a Special Permit for constructing a four-story building and developing multifamily units was opened by Deputy Mayor Gross, seconded by Trustee Eisenbach and carried by all. As the applicant never received a GML Deputy Mayor Gross moved to adjourn Public Hearing to February 18, 2025, seconded by Trustee Grossman and carried by all present.

Public Hearing to consider a Proposed Local Law amending Village Code Chapter 255, Sections 46 and 58 relating to the expiration of site plan and variance approval. This matter was not heard as the applicant did not receive a GML.

The applicant for 1-6 North Cole requesting a Public Hearing for a Zone Change from PL1 to R2 for religious school use and a Special Permit to construct a four-story building was set for February 18, 2025.

Resolution No. T-020-2.4.25

Moved by Deputy Mayor Gross, Seconded by Trustee Grossman

**RESOLUTION CALLING FOR A PUBLIC HEARING TO
CLOSE OUT THE COMMUNITY DEVELOPMENT BLOCK
GRANT FOR THE POLICE DEPARTMENT EXPANSION
PROJECT**

WHEREAS, the Village was awarded a \$500,000 Community Development Block Grant for the expansion of the Police Department’s Locker Rooms and the relocation of the Evidence Room; and

WHEREAS, the project is 98% complete with only minor adjustments remaining from the architect; and

WHEREAS, the full grant amount of \$500,000 has been utilized, filed and reimbursed to the Village; and

WHEREAS, the Village has been instructed by the New York State Homes & Community Renewal Department to have a public hearing to close out the Community Development Block Grant.

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

The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and sets a public hearing form February 18, 2025 to close out Community Block Grant for the Police Department expansion project as required by the New York State Homes & Community Renewal Department.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Absent
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Yes
Trustee Smith	Yes

Dated: February 4, 2025

Resolution No. T-021-2.4.25

Moved by Deputy Mayor Gross, Seconded by Trustee Grossman

**SUBMITTING DERLI SANTANA’S APPLICATION TO
SERVE AS A FULL-TIME POLICE OFFICER WITH THE
SPRING VALLEY POLICE DEPARTMENT FOR
PSYCHOLOGICAL AND MEDICAL REVIEW BY THE
ROCKLAND COUNTY PERSONNEL DEPARTMENT**

WHEREAS, the Village Police Department is in need of a Police Officer to serve and protect the Village and its residents; and

WHEREAS, Derli Santana has applied for a full-time Police Officer position with the Village; and

WHEREAS, the Village Board wishes to have the Rockland County Personnel Department review Derli Santana’s application to determine if they are cleared as fit for duty.

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

Section 1. The Village hereby nominates the application of Derli Santana to be considered by the Rockland County Personnel Department for review to determine if they are cleared as fit for duty.

Section 2. The Village Board authorizes any necessary staff to execute any documents required to submit Derli Santana’s application to the Rockland County Personnel Department.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Absent
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Yes
Trustee Smith	Yes

Dated: February 4, 2025

Resolution No. T-022-2.4.25

Moved by Deputy Mayor Gross, Seconded by Trustee Grossman

**AUTHORIZATION TO ENTER INTO AN
INTERMUNICIPAL AGREEMENT WITH THE TOWN OF
RAMAPO TO ALLOW SPRING VALLEY POLICE
DEPARTMENT PERSONNEL TO USE THE TOWN OF
RAMAPO POLICE FIRING RANGE FOR THE 2025
CALENDAR YEAR**

WHEREAS, the Village of Spring Valley Police Department personnel are from time to time required to conduct firearms training; and

WHEREAS the Village of Spring Valley Police Department does not have its own firing range to conduct such training; and

WHEREAS, the Town of Ramapo has its own Police Range Facility located at the end of Bailer Road in the Town of Ramapo; and

WHEREAS, the Town of Ramapo is willing to enter into an intermunicipal agreement to allow the Village to use its Police Range as a licensee.

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

Section 1. The Village hereby ratifies and affirms each and every “Whereas” paragraph above and authorizes the Village to enter into an intermunicipal license agreement with the Town of Ramapo for use of its Police Range Facilities.

Section 2. The Village Board authorizes the Village Mayor and any necessary staff to execute any documents required to effectuate the intermunicipal license agreement with the Town of Ramapo.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Absent
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Yes
Trustee Smith	Yes

Dated: February 4, 2025

Resolution No. T-023-2.4.2025

Moved by Deputy Mayor Gross, Seconded by Trustee Eisenbach

**AUTHORIZATION TO PAY WHITEMAN OSTERMAN &
HANNA, LLP \$1,406.00 FOR SERVICES RENDERED
THROUGH DECEMBER 30, 2024**

WHEREAS, the Village has retained Whiteman Osterman & Hanna, LLP to provide legal services in addressing Building Department issues with New York State; and

WHEREAS, Whiteman Osterman & Hanna, LLP has submitted invoices for services rendered through December 30, 2024, totaling \$1,406.00; and

WHEREAS, the Village Board wishes to authorize payment of \$1,406.00 to Whiteman Osterman & Hanna, LLP;

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

Section 1. The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and approves the payment of the invoices totaling \$1,406.00 to Whiteman Osterman & Hanna, LLP.

Section 2. The Board directs staff to take whatever steps necessary to make payment thereof.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Absent
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Yes
Trustee Smith	Yes

Dated: February 4, 2025

Resolution No. T-024-2.4.25

Moved by Trustee Grossman, Seconded by Trustee Eisenbach

**SETTLEMENT OF SNEAD V. VILLAGE OF SPRING VALLEY
SECTION 8 OFFICE ET AL., 7:23-CV-00241(CS)**

WHEREAS, a lawsuit was filed in the United States District Court, Southern District of New York against the Village of Spring Valley entitled *Snead v. Village of Spring Valley Section 8 Office et al.*, 7:23-CV-00241(CS); and

WHEREAS, the parties to the lawsuit have been negotiating a settlement of the lawsuit with prejudice and desire to settle the lawsuit with prejudice upon payment of monies for back rent by the US Department of Housing and Urban Development (HUD);

NOW THEREFORE BE IT RESOLVED, the Village Board of Trustees hereby ratifies and affirms each and every “WHEREAS” paragraph above;

BE IT FURTHER RESOLVED, that the Village Board of Trustees authorizes a settlement of the above matter for an amount not to exceed \$20,000 contingent upon all amounts being paid for by HUD;

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Absent
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Yes
Trustee Smith	Yes

Dated: February 4, 2025

Resolution No. T-025-2.4.25

Moved by Trustee Grossman, Seconded by Trustee Smith

SETTLEMENT OF NYSDEC VIOLATIONS

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) issued violations against the Village of Spring Valley for allegedly failing to file annual reports related to stormwater management for the years 2021 (CO3-20222323-159) and 2022 (CO 3-20230920-115) and failing to submit a New Notice of Intent for the year 2023 (CO-20240620-55); and

WHEREAS, NYSDEC and the Village have agreed to settle the above violations for the total penalty amount of \$11,970 and the execution of necessary Consent Orders.

NOW THEREFORE BE IT RESOLVED, the Village Board of Trustees hereby ratifies and affirms each and every “WHEREAS” paragraph above.

BE IT FURTHER RESOLVED, the Village Board of Trustees authorizes the settlement of the above noted violations for up to \$11,970 and authorizes Village staff to execute any necessary or required Consent Orders or other paperwork to effectuate the settlement.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Absent
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Yes
Trustee Smith	Yes

Dated: February 4, 2025

Resolution No. T-026-2.4.25

Moved by Trustee Grossman, Seconded by Trustee Eisenbach

NULLIFICATION OF ULTRA-VIRES ACT BY HEARING OFFICER AND VILLAGE CLERK’S OFFICE AND DETERMINATION THAT DOMESTIC PARTNERSHIP HEALTH BENEFITS ARE *NOT* AVAILABLE TO VILLAGE EMPLOYEES

WHEREAS, a grievance was filed by one of the Village’s unions on behalf of the unions and all Village employees seeking domestic partnership health benefits for all Village employees;

WHEREAS, a hearing officer heard the grievance and agreed that the Village should provide domestic partnership health benefits to all Village employees;

WHEREAS, the hearing officer notified the Village’s Clerk’s Office to inform the Village’s health insurance carrier that domestic partnership health benefits were available to all Village employees;

WHEREAS, the Village Board of Trustees was not aware of the grievance or the decision of the hearing officer at the time of filing and decision, nor was it aware that the hearing officer notified the Village’s Clerk’s Office to inform the Village’s health insurance carrier that domestic partnership health benefits were available to all Village employees; and

WHEREAS, Village Board of Trustees approval was required prior to such decision being made by the Village because the decision would require the expenditure of public funds.

NOW THEREFORE BE IT RESOLVED, the Village Board of Trustees hereby ratifies and affirms each and every “WHEREAS” paragraph above.

BE IT FURTHER RESOLVED, that the Village Board of Trustees declares that the actions of the hearing officer and the Village Clerk’s Office referenced above are null and void and ultra-vires.

BE IT FURTHER RESOLVED, the Village Board of Trustees declares that the Village is *not* offering domestic partnership health benefits to Village employees and that such decision is retroactive to before the hearing officer’s decision or notification.

BE IT FURTHER RESOLVED, the Village Board of Trustees directs that the Village Clerk’s Office/Village personnel notify the Village’s health insurance carrier (and Village employees) that domestic partner health benefits are not available to Village employees.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Absent
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Yes
Trustee Smith	Yes

Dated: February 4, 2025

Resolution No. T-027-2.4.25

Moved by Trustee Grossman, Seconded by Deputy Mayor Gross

**RESOLUTION AUTHORIZATING THE RETENTION OF
AND COMPENSATION FOR SPECIAL COUNSEL**

WHEREAS, within the Village of Spring Valley, New York (“Village”) there comes from time-to-time a need to retain and compensate Special Counsel to handle certain matters that require the experience and expertise of said Special Counsel to expeditiously and economically address and resolve potential litigation involving the Village; and

WHEREAS, the Village Board had previously benefited from the legal services of Dennis E. A. Lynch, Esq. who is Of Counsel to Savad Churgin, Esqs. (collectively the “Special Counsel”) and who has defended the Village successfully in prior litigation and is familiar with Village practices and policies so that Special Counsel can best represent the Village in litigation or other matters; and

WHEREAS, the Village Board had previously authorized Special Counsel to undertake action in such matters as approved by the Mayor or the Village Board as and when necessary for protection of the interests of the Village; and

WHEREAS, Special Counsel performed such services successfully in matters such as defense of the former Village Police Chief in a Federal Court Litigation as well as the defense of the Village in other matters and accordingly the Village desires to retain and by this Resolution does retain Special Counsel in a Federal Court Litigation entitled “United States of America v. Village of Spring Valley, et al, under Docket Number 7:25-cv-00507 now pending in the Southern District of New York (the “Federal Court HUD Litigation’)

 and said Special Counsel shall be paid at an hourly rate of \$250 per hour plus all reasonable costs and disbursements;

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

Section 1. The Village hereby ratifies and affirms each and every "Whereas" paragraph above.

Section 2. The Village Mayor is authorized to sign a Retainer to so retain Special Counsel in the form and upon the conditions in a Retainer as approved by the Village Attorney

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Absent
Deputy Mayor Gross	Yes
Trustee Grossman	Yes
Trustee Eisenbach	Yes
Trustee Smith	Yes

Dated: February 4, 2025

Resolution No. T-028-2.4.25

Moved by Trustee Eisenbach, Seconded by Trustee Grossman

**RESOLUTION AUTHORIZING THE VILLAGE TO ENTER
INTO AN INTERMUNICIPAL AGREEMENT WITH THE
TOWN OF RAMAPO FOR TRAFFIC IMPROVEMENTS AT
THE INTERSECTION OF ELM STREET, UNION ROAD
AND ANTHONY DRIVE**

WHEREAS, the Town of Ramapo and Village would like to improve the intersection of Elm Street, Union Road and Anthony Drive (hereinafter the “Elm Street Intersection Project”); and

WHEREAS, the Village wishes to enter into an Intermunicipal Agreement with the Town in order to share in the costs of the Elm Street Intersection Project to be done by M.J. Engineering Architecture, Landscape Architecture and Land Surveying, P.C. with the Village reimbursing the Town half of the total amount due.

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

The Village Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and authorizes the Village to enter into an Intermunicipal Agreement for the Elm Street Intersection Project with the Village reimbursing the Town for half of the total amount due.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

On Roll:

Mayor Simon	Absent
Deputy Mayor Gross	No
Trustee Grossman	Yes
Trustee Eisenbach	Yes
Trustee Smith	Yes

Dated: February 4, 2025

Trustees Report

Regarding Collins turn around, Trustee Grossman expressed that emergency vehicles cannot safely turn around. Deputy Mayor Gross and Ray Canario visited the area and obtained a quote to remove the fill.

Trustee Eisenbach requested that DPW obtain a quote for a Hot Box new and used.

At 10:32 pm Trustee Eisenbach moved to adjourn the meeting, seconded by Deputy Mayor Gross and carried by all present.