

Minutes of the **Regular Meeting** of the Board of Trustees of the Village/Town of Mount Kisco held on **Monday, August 13, 2018 at 7:00 pm** in the Frank J. DiMicco Board Room, Village Hall, and 104 Main Street, Mount Kisco, New York.

Present: Mayor Gina Picinich  
Deputy Mayor Jean Farber  
Trustee Isidoro Albanese  
Trustee Peter Grunthal

Also Present: Whitney Singleton, Village Attorney  
Edward W. Brancati, Village Manager

Absent: Trustee Karen Schleimer

### **Regular Village Board Meeting**

Mayor Picinich opened the Village Board Meeting and led everyone in the Pledge of Allegiance. Mayor Picinich asked everyone to remain standing for a moment. Our hearts and thoughts are with both the Miller and Ferrara families who have sadly lost people who are very dear to them and who were very important members of our community. We think of these families and we wish them peace. Thank you.

Mayor Picinich announced that prior to the start of tonight's Regular Village Board Meeting the Village Board of Trustees held an Advice of Council Executive Session regarding a legal matter.

#### **1) Communications:**

- a. Westchester Power – Community Choice Aggregation Presentation a program of Sustainable Westchester.

Mr. Dan Welsh, Program Director for Westchester Power, highlighted some of the key benefits that this program has brought to our community in the area of savings and what the future looks like insofar as the Village signing on to the Community Choice Aggregation agreements in order to continue participating in the program.

Mayor Picinich reminded everyone on how the process works for this program. She explained that the Village signs an agreement to participate in the program, which has been reviewed by the Village Attorney and then a bid goes out, bids are received back, the power is purchased, and then we are all on board. I want to remind the community that the Village of Mount Kisco has opted in to this program for "Traditional Power". As we discussed there is also a "Green Energy" option and we can have further conversations about that, but the thing that I want folks to keep in mind is you may be saving a little less with the "Green Energy" option, but what you are saving in terms of sustainability is far greater. So everyone in our community has the opportunity, even right now, to go with the "Green Energy" option. All you have to do is call Sustainable Westchester, we can make sure that their information is posted on our website, and tell them that you would like to opt-in to the "Green Energy" option and you'll automatically be signed up for it and you'll be doing a very good thing for the community and sustainability at large if you choose that option.

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Grunthal authorizing the Village Manager to sign the Community Choice Aggregation Memorandum of Understanding for the "Traditional Energy" option at this time; all in favor.

#### Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye

- b. Letter from the Liturgy Committee of St. Francis of Assisi Church.

Mayor Picinich read the letter from the Liturgy Committee of St. Francis of Assisi Church inviting residents to participate in the Mass which will be held at the St. Francis of Assisi Catholic Church on Sunday, September 9, 2018 at 9:30 AM in memory of all lives lost on September 11<sup>th</sup>.

- c. Letter from the MKESA re: Fall Car Wash & Fundraiser.

Mayor Picinich read the letter from the Mount Kisco Elementary School Association (MKESA) requesting permission to hold their Car Wash & Fundraiser event on Saturday, September 22, 2018 (rain date 9/29/18) at 9:00 am. A copy of their certificate of insurance was enclosed regarding this event.

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Albanese granting permission to the MKESA to hold this event; all in favor.

#### Motion Adopted

Mayor Picinich	Aye
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Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye

2) **Petitions: None.**

3) **Board, Committee and Commission Reports: None.**

4) **Village Manager's Reports:**

a. Introduction of newly appointed Assistant Village Manager.

Village Manager Brancati announced the hiring of the newly appointed Assistant Village Manager Kenneth Famulare effective July 23, 2018.

b. Monthly Water Report for July 2018.

Village Manager Brancati reported that the total water production for the month of July was 45,901,722 gallons for an average of 1,408,701 gallons per day (gpd). The June average was 1,485,419 and the May average production was 1,324,968 gpd. On July 1<sup>st</sup> Byram Lake Reservoir was at 97% of capacity and at the end of the month the lake capacity was at 94%. The Leonard Park Wells are currently in use and are averaging about 77,249 gpd.

c. Water/Sewer Bill Payment Reminder.

Village Manager Brancati announced that the water and sewer bills have been mailed out. Payment is due by Wednesday, September 5, 2018. If you have any questions, please call 914-864-0029 or email [aforzano@mountkisco.ny.gov](mailto:aforzano@mountkisco.ny.gov). To sign up for E-Z pay Automatic Debit on all future water/sewer bills visit our website at [www.mountkisco.ny.gov](http://www.mountkisco.ny.gov) and click on the Water and Sewer Department tab.

Future water/sewer bills will be issued quarterly pursuant to the schedule below:

<u>Billing Date:</u>	<u>Payment Due Date:</u>
August 1, 2018	September 5, 2018
November 1, 2018	March 2, 2019

d. Bid Results for Contracts 2018-06A and 2018-06B Rt. 117 Water Distribution Upgrades.

Village Manager Brancati stated that the Village will be undertaking several Capital Projects that we have been talking about for a while now. We had several meetings with our Finance Committee a number of months ago when we looked at a number of the major capital projects that we needed to do in the Village with respect to our Water Supply and our Water System. When we looked at the number of the different projects that we had to undertake for the Water Fund these projects included replacing a section of the water main on North Bedford Road and Green Lane, replacing a water main that runs up Mountain Avenue from the Hillside Pump Station to the water tank on top of the hill, replacement of the water main running down Byram Lake Road from the Filtration Plant to Main Street, replacing a water main on Woodland Street, and upgrades at the Filtration Plant. These are all of the projects and priorities that we considered undertaking during the next few years and which would cost us approximately \$22 million dollars. When considering these projects we also looked at the fact that we have debt from our Filtration Plant that will be dropping off in a few years. So when we looked at the total cost of these priority projects initially, we wanted to assume the worst case scenario where we don't obtain any grant funding from these projects and don't get any financial assistance in any form from anybody, and then ask the question -- can we do it? So we looked at the revenue in our Water Fund, we looked at the existing water fund balance, we looked at the cash flow over the next number of years and as debt would drop off from the Filtration Plant, we were going to be taking on new debt, but we would also be accelerating debt because we needed to start to get some of this work done now. But by the time some of these new debt payments start to come due, the debt from the filtration plant would be dropping off. So the fund balance would drop a little during the transition, but we would be able to do all of the priority projects without increasing water rates. So these graphs shows that and I think the real important line is across the bottom which shows our existing fund balance in the Water Fund. You see it increasing a little bit across the bottom, then it drops, and then starts to recover in the later years. That was looking at borrowing the full \$22 million dollars for a period of twenty (20) years at the interest rates at that time plus twenty-five (25) basis points, which is where rates are currently, but again, that was the worst case scenario. We have more information at this point and we have a better understanding of costs since we put out the bid to replace the water mains on Route 117 and Green Lane as well as Mountain Avenue. As a result, we are now not dealing with cost estimates, but we are now dealing with some known numbers. The good news is that those numbers came in a lot less than we originally projected. So we also know what our Water Fund balance was at the end of the fiscal year that ended in May, so we've updated these numbers. What we assumed as far as costs, particularly with two of the most expensive ones (Rt. 117 and Mountain Avenue) we had a total cost of \$15 million dollars for those two (2) projects.

What you are going to see in the bid results is that they are coming in considerably lower for a total cost of \$9.5 million dollars between those two (2) projects, but we still have to allow for some soft costs such as engineering, permitting, design work, and contingencies for those projects. In addition, we recognize that some of the projects that we still have to design and put out to bid, those again are still estimates. Just as the estimate on these were high and the numbers came in lower, it might not work that way on some of the other projects. So right now we are \$4.5 million dollars ahead right now. We wanted to leave \$2.5 million dollars of that just to allow for the estimates being a little low on the projects still yet to be done. At the same time, we felt fairly confident and comfortable that we don't need to borrow \$22 million dollars and that we could reduce that figure to borrow down to \$20 million dollars. The picture then starts to look a little bit better, and again, this is assuming the debt is repaid during a twenty (20) year period at current interest rates, plus twenty-five (25) basis points which is where interest rates are expected to go, but it assumes no subsidies or additional grant funding for which we have applied and are going to continue to apply. We remain hopeful and optimistic that we will get some portion of funding that will further reduce this borrowing figure. It also again assumes that these estimates on the other projects actually come in and eat up that additional \$2.5 million dollars that we've set aside. It is entirely possible that as we bid the other projects out, and if those prices hold we won't need to borrow \$20 million dollars, but will only need to borrow \$17.5 million dollars. Again, we took the worst case scenario and still do not over burden the Water Fund. What I'm here to tell you is that with the additional information we have, we are moving in the right direction because we are not borrowing as much and we are looking now at \$2 million dollars less than what we originally anticipated.

Mayor Picinich asked about the different phases of the projects and asked what was calculated into each of these phases.

Village Manager Brancati replied next year, we are looking at the Byram Lake Road water main and the Woodland Street water main, and then Phase III was for some upgrades at the Pump Station and the Filtration Plant, to ensure that it continues to efficiently, effectively, and properly operate along with the possibility of exploring some additional wells to increase water supply.

Mayor Picinich asked about the clarifier.

Village Manager Brancati replied that thanks to Delaware Engineering we have gotten the insurance company to cover that expense which looks like it will be approximately a little more than \$1 million dollars. The last remaining question is if it is going to be a repair or a full blown replacement. We are still working on it and we all want to get it resolved.

Mayor Picinich stated so these four (4) phases are actually construction and implementation through 2022 and then by the time we are done with all of these we should pretty much have an up-to-date water infrastructure that is not going to need much more for a long time.

Village Manager Brancati replied that these projects are some of the larger dollar items that need to be completed, but I think we are still going to see some smaller scale replacements and projects beyond these major priorities. We have some Community Development Block Grant Applications for some smaller projects, but nothing on the scale of these projects.

Mayor Picinich noted that all of this assumes that there will not be any increases in our water rates and no funding or financing from anybody for these projects. Again, this is the worst case scenario. So this is in a good place now, but it could look even better.

Mayor Picinich stated that at our last meeting we had sent out a bid for replacing the water main on North Bedford Road that is the asbestos concrete main and we did not get responses back to that bid. We went back, with the assistance of Delaware Engineering, and divided that into two (2) separate pieces. We knew that it was urgent that we get the crossings that are going across and under North Bedford Road replaced as soon as possible, because we know that everyone has a very high urgency in getting that road paved. So we broke it into two (2) separate bids. The pieces that would be going underneath the road and then the main replacement itself, which in the new plan is residing under and along the sidewalk on the east side of the road for the most part.

Village Manager Brancati stated that the bid was split in to two (2) bids and that MTS Infrastructure was the only bid received for each of the contracts and that the bids are consistent with the revised cost estimates that Delaware Engineering had calculated. We did inspect this firm's operational headquarters in Maspeth, Queens. We interviewed and spoke with them, and we also had them come up the following day for a site walk of Rt. 117 along with the New York State Department of Transportation (NYSDOT). We discussed the

job and scheduling and I think what's important here for everyone to understand is that it's a State Road, so we are dealing with their permits and their requirements and regulations. We are also doing this work at night because of the commitment we have to our residents, businesses, property owners, and the Town of Bedford because it is not possible to do work on that road during the daytime. I think Delaware Engineering has come up with a good design and this firm has the technical capabilities. MTS Infrastructure is a women owned business which will be a great help to us as we seek additional funding and financing for this project.

Mr. John Brust, Principal of Delaware Engineering, gave an overview of the logistics of the project. Our consensus is that MTS has the skills, equipment, and desire to do the project, so we are recommending that the two (2) projects be awarded to them and then get their bonds and insurances so that a notice to proceed can be issued. That will all have to happen fairly quickly to meet that October 26, 2018 deadline so that resurfacing of Rt. 117 can be completed this year.

The following motion was offered by Mayor Picinich and seconded by Deputy Mayor Farber awarding contracts 2018-06A and 2018-06B Route 117 Water Distribution Upgrades, as recommended by Robert Flores, P.E. of Delaware Engineering the Village's consulting engineers on this project, to MTS Infrastructure LLC, of 46-27 54<sup>th</sup> Road, Maspeth, New York 11378 for the following amounts.

\$1,883,715.50 for the Road Crossings and Green Lane, Contract 2018-06A  
 \$6,947,581.75 for the Water Main Replacement, Contract 2018-06B

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye

e. Bid Results for Contract 2018-07 Mountain Avenue.

Village Manager Brancati stated that eight (8) bids were received for this job. Dolph Rotfeld Engineering has worked with Legacy Supply in the past and is very comfortable in recommending them for this job as their references were checked and we all feel comfortable awarding this contract to them as the lowest responsible bidder.

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Albanese awarding Contract 2018-07 Mountain Avenue Water Main and Drainage Improvements to the apparent lowest bidder, as recommended by Anthony Oliveri, PE of Dolph Rothfeld Engineering the Village's consulting engineer, to Legacy Supply LLC, of 14 Railroad Avenue, Valhalla, NY for a total bid price of \$700,074.36, all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye

**5) Board Reports:**

Deputy Mayor Farber reported that the Mount Kisco Arts Council had to cancel two (2) concerts because of the rain, but we are back! This Wednesday August 15<sup>th</sup> Dan Blake and the Diggins will be performing at Fountain Park beginning at 6:30 pm and next Wednesday we have Omar Ramirez who will be taking center stage. Please come by and check out these great performances. Bring a chair and a picnic to all of these wonderful concerts. They are all free and they are brought to you by the Mount Kisco Arts Council.

The four (4) part series of concerts in Leonard Park just concluded and there were some really great acts, which all rocked the park. Thank you Joanne Aquilino, the Recreation Department, the Recreation Commission, and the Leonard Park Committee for bringing great music to all of us this summer. The concerts were extremely well attended this year and their popularity are definitely growing.

There is one more free concert coming your way so don't miss it, it's the Big Band Sound at the American Legion and that will be happening on Thursday, August 16, 2018 at 6:30 pm. So if you're in town don't miss the Big Band Sound.

Deputy Mayor Farber stated that one of the nicer things about being a Trustee is attending special events honoring our youth. I got a chance to attend the induction ceremony for new Eagle Scout Victor Ramone on Thursday, July 26<sup>th</sup> at the American Legion. An Eagle Scout is a Boy Scout's highest rank and highest honor. Victor wanted to benefit Leonard Park where he and his family had spent so many years enjoying the park, so he chose for his project to build seven (7) wooden boxes that are going to contain recycling bins and will be located throughout Leonard Park. The project took him two (2) years to be approved and completed. Victor is the first Latino to become a true flying Eagle Scout. Congratulations to Victor and his family for this great honor.

Deputy Mayor Farber reported that the Italian American Club of Northern Westchester changed things up this summer and invited a Sicilian Folk Group to Mount

Kisco for a visit this summer and they created two (2) major events around the occasion. The first, was a summer multi-cultural festival which was held on Sunday afternoon, July 29<sup>th</sup> with the Lagato Latino Group there were more than 200 people there enjoying the food, wine, and the show. The following Sunday, which was August 5<sup>th</sup>, the Italian American Club held an all-day outdoor car show, music, and multi-cultural event right behind Village Hall. There were multi-cultural food booths set up along with plenty of music and dance. It was a great event.

The Mount Kisco Lions Club held their annual Downtown Thunder and Motor Cycle Ride on Sunday, July 22<sup>nd</sup> to raise money for Guiding Eyes for the Blind. A little rain didn't stop these folks from participating in this very worthy cause. It was raining before the ride, but as the group took off, wouldn't you know, the sun came out. Thank you Mount Kisco Lions Club and Bob Scopelliti for all of the good work that you do and thanks also goes to the Westchester County Police Motor Cycle Battalion that leads the group and keeps them very safe along the ride.

On Wednesday, August 8<sup>th</sup> there were leis and grass skirts at the Fox Senior Center for Hawaiian Luau Day with a delicious pineapple chicken lunch and terrific instructions from three (3) dancers on the art and beauty of the Hawaiian Hula. Our Mayor Gina Picinich joined the dancers at one point, learning the hula. I participated with a special bamboo musical instrument with lessons. We all got great instructions with hand movements while doing the hula, it was a lot of fun, and all of the seniors really enjoyed it, it was great fun.

On Tuesday, August 7<sup>th</sup> the Westchester County Police Department sponsored a National Night Out at Pinecrest Manor for friends and family. The Mount Kisco Recreation Department was also there with cotton candy and treats for the young and old. Many police officers were there with their police dogs, special equipment, and a lot of time to meet the residents and kids. Of course there were hot dogs, music, a dance performance, and fun. It was a great chance for our community to meet our local officers and to feel very comfortable with them.

Finally, I want to remind everyone of the upcoming Cops and Cones event scheduled for Thursday, August 30<sup>th</sup> from 5pm to 9pm. This year the event is going to be held right here in the center of town in the Blackeby Municipal Parking Lot. The Westchester County Police Department sponsors this great community event that helps build relationships one cone at a time with fun. Our local police will be there with police dogs, fancy equipment, music, and of course, free ice cream. A rain date is set for Friday, August 31<sup>st</sup>. This is a great event so don't miss it, come on out to the Blackeby Parking lot. Enjoy the rest of the summer and please keep cool. Thank you.

Trustee Albanese stated that he hoped everybody was enjoying their summer, it goes really quick and it seems that the older you get the faster it goes by. I would like to touch a little bit on a project that we started about five (5) months ago which was the Adopt-an-Area program in Mount Kisco. One of our goals was to establish five (5) different areas in our town and to have businesses and landscapers take over these areas and beautify them. So I'm happy to say that all of them have been done and all of the sponsorship signs are up and it looks gorgeous. One of our goals and our hope with that program was that it would become contagious and that other businesses would follow along and start doing improving their part of the Village. As you drive through our town today and into our neighborhoods the transformation is incredible. I'm really proud of what our town has done and what the landscapers have done. I really want to thank everybody who got involved and what they are doing, especially our Highway Department under the leadership of Joe Luppino for watering and how we keep Mount Kisco and the Mount Kisco pride going. I'm just so proud of everything and I hope everyone likes what they are seeing out there. Enjoy the rest of the summer and I look forward to hearing from the Comprehensive Plan Committee tonight. The Comprehensive Plan is a big part of our future, our vision, and what is going to happen or not happen in Mount Kisco for the next ten (10) to fifteen (15) years. Thank you.

Trustee Grunthal stated at the last meeting this Board authorized a wall of honor/monument at Leonard Park to recognize volunteers who are not compensated in any other way by the Village and who have done great service for the Village through many years. I am pleased to report that we put down some stakes a few days ago as to exactly where the monument will be placed, which was exactly as was presented to the Village Board. We have four (4) little stakes in the ground and at the end of this summer we will move along with that. The memorial is being built by and with donations from the Mount Kisco Rotary Club.

Mayor Picinich reminded residents to please add the following activities to your calendar. There is a Drug-Take Back Event that is happening on the 16<sup>th</sup> of August at the Fox Senior Center. Senator Murphy, in cooperation with the Mount Kisco Drug and Alcohol Prevention Council, are asking residents to bring back prescription medications that they are not using. Also, there will be a Touch-A-Truck event that is being sponsored by the Mount Kisco Fire Department and Siegel Brothers, who will be donating some of the proceeds back to the Fire Department. The BBQ will take place on August 26<sup>th</sup>. I also just wanted to let

everybody know that our Parking Task Force has been meeting and they plan on presenting their recommendations at our next Village Board Meeting. We sent a letter with the most recent water bill, and I know that there are some folks that do not receive water bills, those that perhaps live in condos or co-ops, so we've asked the management companies of these condos or co-ops to either help distribute the letter or to put them in a visible place perhaps by mail boxes and we've also posted that letter on the Village website. Quite simply, it's another touch point for us to communicate, on a quarterly basis, the different things that are happening in the Village. There was a recent article that was done in Lohud that was a great spotlight on our Village that focused in on the decreasing vacancy rate in our Village. Lots of really great new businesses are coming in and I'll list just a few: Wild Heart on Main Street; Unique Fittings; a new home design studio is coming in; Pure Barre is coming in on South Moger Avenue; the Yogurt Café is coming, Mass Brothers has started clearing out inside as they will be occupying the former Heller's Shoe Store space, of course there is major construction going on with the Charles Schwab building, and many more folks are in conversations. So there are truly wonderful things that are happening in our community right now. Everyone is starting to understand and really see the value of investing in our community. Also please don't forget the weekend of September 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup>. This is going to be Sales Day's weekend and it has been re-imagined to be bigger and better than ever. There is a full carnival coming into Mount Kisco that will be in the Shoppers Park Parking Lot. There is also a music tent that is going to be set-up, and I just came out of a meeting where I heard that there is going to be a DJ Dance party that the entire community is invited to on the evening of the 14<sup>th</sup>. Exit 5 will be playing on the evening of the 15<sup>th</sup>, and of course, the 5K Road Race will take place on the morning of the 16<sup>th</sup>. In between all of that, wonderful Mount Kisco restaurateurs as well as shop owners and store fronts will be selling. So get ready for a fabulous weekend in our community. Everyone is invited to all of this fun that will be happening in our community. So I hope everyone puts down those dates on their calendar because it's going to be a great celebratory weekend in Mount Kisco.

**6) Old Business:**

- a. Resolution to adopt the Scoping Document for the Draft Environmental Impact Statement on the Mount Kisco Comprehensive Plan and concurrent zoning amendment and RFP.

Mayor Picinich stated that we have undertaken a Comprehensive Plan process and as part of this process we've had five (5) public engagements, we've also had a survey out there, we've asked for input from the community and those ideas that were received from those that participated have been incorporated into a draft Comprehensive Plan. We also have changes and recommendations to change zoning in specific areas in our community, and we also have a recommendation, which is one of the outcomes of the Comprehensive Plan process, to do some mixed use residential and commercial development on the North and South Moger Parking lots while maintaining necessary parking. So there is a Request for Proposal (RFP) that has been put together to go out to the development community for us to consider a partner to work with on this development. There is a lot to this, there's a lot of conversation that needs to happen. We've been working at this for the past six (6) months and there are many more conversations to be had. Before we can move forward with the Comprehensive Plan we need an Environmental Impact Statement (EIS) and we've taken an extra step as a Village by deciding to do a Scoping Document. This document basically says what we are going to look at in the EIS. We've requested feedback from a variety of different sources and have gotten feedback from our Conservation Advisory Council (CAC) as well as the New York City Department of Environmental Protection (NYC DEP) and we have incorporated those recommendations into the Scoping document.

Mr. Frank Fish, BFJ, stated that the Scoping document is essentially just an outline of the Draft Environmental Impact Statement (DEIS). What Scoping says under the State Environmental Quality Review Act (SEQRA) is that it should take sixty (60) days so it would be good if you could adopt that document this evening? We've had comments from two (2) groups, the CAC and also from the NYC DEP, both of whom asked to be listed as interested agencies. They are both listed in the scoping document that you have and they are both listed now as interested agencies. This designation means that they have requested to be an agency that gets the document when it's published and also get the Final Environmental Impact Statement (FEIS) and the Findings Document, so we've added them. There were a number of comments made from the CAC and we've tried our best to accommodate those comments. The NYC DEP had two (2) comments, one about wetland areas and distinguishing them and I hope that we are able to do that and we've put it in the scope. I think that we have tried to respond to the comments. The changes are outlined in red in the document that you have before you. Once the Board adopts this Scoping Document, we will then do the DEIS which we have been working on all summer, but we can't finish it until you adopt the Scoping Document. Once you do that we will get you a DEIS submitted to you naming the Village Board of Trustees as the Lead Agency. You will then review the DEIS and if you find that you want changes in it, those changes are up to the Board. When you do accept it, we will then send it to the interested agencies on the list and have a

comment period on the DEIS. Once those comments are made, we would then address them in what is called an FEIS and that is the SEQRA process. You've taken an extra step in the Scoping, which isn't required, but we just thought it was a good one to do because it outlines the document.

Trustee Grunthal had a couple of questions for Mr. Fish regarding the Scoping Document. I'd asked you to address the possibility of noise pollution. I see the phrase you've got on page 6 is "and discuss Village noise ordinances." I'd like to see this particularly address the possibility of noise pollution and I'm not sure if this is strong enough. The other point I asked for was the possibility of lighting pollution, and again, there you have lighting conditions, I'd like that to be a bit stronger.

Mr. Fish replied you can adopt this this evening subject to the changes, if you'd like.

Village Attorney Singleton asked Mr. Fish to have "ordinances" changed to Local Laws. We don't have any ordinances in the Village.

Village Manager Brancati replied I think it should be changed to *...and discuss Village Noise Local Law and Noise pollution.*

Trustee Grunthal stated on page 8 we have *lighting conditions*, again find the right words there to address the possibility of pollution from lighting.

Mr. Fish stated that he would send these changes to the Village Manager and Village Attorney to make sure that these changes were incorporated correctly.

Village Attorney Singleton noted one more change on page 4 *New York State Department of Environmental Protection* should be New York City Department of Environmental Protection.

Mayor Picinich stated that this Scoping Document outlines what the DEIS and FEIS are going to look at with respect to the draft Comprehensive Plan and draft Zoning Amendments. If there is development that happens, there is going to be a separate site specific EIS required.

Mr. Fish replied that when the Board gets the DEIS, it will have a Chapter 6 in it and that chapter will be entitled Future SEQRA Actions. In that chapter we will list there that a developer coming in on the Moger Avenue lots is responsible for their own environmental assessment form because we have not covered site specific ground conditions, they have to do all of that. What we will do in the generic EIS is look at traffic, water, and the school district. Those generic things are in the EIS so the developer does not have to look at those issues again because it's in the EIS for the Comprehensive Plan, but they do have to look at all of their sites specific issues.

Deputy Mayor Farber asked how long the area wide generic scoping assessments are valid.

Mr. Fish replied that State Law does not have any limits, however, New York City has a reasonable guideline that says if it's longer than three (3) years it's getting dated, but there is no mandate under State Law.

The following Resolution was offered by Trustee Grunthal and seconded by Trustee Albanese;

To adopt the Scoping Document for the Draft Generic Environmental Impact Statement (DGEIS) on the Mount Kisco Comprehensive Plan and Concurrent Zoning Amendments, and

Whereas, the Village/Town of Mount Kisco is preparing a Comprehensive Plan and concurrent Zoning Changes;

Whereas, the Mount Kisco Board of Trustees declared themselves lead agency for State Environmental Quality Review (SEQR) on April 16, 2018;

Whereas, the Mount Kisco Board of Trustees issued a Positive Declaration on June 18, 2018, received a Draft Scope on June 21, 2018, and held a Scoping Session on July 16, 2018; and

Whereas, scoping is expected to be completed within 60 days of submission of the Draft Scope.

Now Therefore Be It Resolved, that the Final Scope for the DGEIS for the Comprehensive Plan and concurrent Zoning Changes is hereby adopted as amended.

Motion Adopted

Mayor Picinich Aye

Deputy Mayor Farber Aye

Trustee Albanese  
Trustee Grunthal

Aye  
Aye

**7) New Business:**

a. Comprehensive Plan Steering Committee Draft: August 8, 2018.

Mr. Frank Fish handed out copies of the Draft Comprehensive Development Plan to the Board of Trustees. He requested that while the Board reviews the document and notices any grammatical corrections that those comments be sent to Village Manager Brancati by August 30<sup>th</sup> so that they can be included in the draft. We are hoping to discuss anything that is major and that is a policy matter with the entire Village Board at the next Village Board meeting on September 4, 2018. We thought that Simon Kates from BFJ who really wrote most of this would meet with the Village Board on the 10<sup>th</sup> and we would give you enough time to review things and then go over them with us and that's our attempt to give you all enough time for the rest of the summer to read all of this. The thing that I would like to emphasize is that there were comments made about the overlay district. We've been very careful to give discretion in implementing it to the Planning Board. Its discretion, it's not mandated because the Planning Board needs to have some judgement so that a developer that comes in and has a creative idea can show the Planning Board why that idea is as good as the overlay district's suggestion. So the overlay district is spelled out clearly, but we have written it in such a way that the Planning Board has discretion in its application. Lexington Avenue is the other zoning change which would allow some residential town homes in the zone.

Trustee Grunthal stated that he was a little concerned about the emphasis, especially in the overlay district, about traditional styles and about fitting in with the character of New York Villages. I don't want to follow the design practices of the lowest bidder in the 19<sup>th</sup> century. I want us to be looking ahead. I want to be sure our RFP and overlay district don't give too strong a leading hand to designs that were fine one hundred and fifty (150) years ago when small towns were developing and have no relation whatsoever. New styles and new modulations of buildings are making towns much more attractive. I'm afraid what we've got here is much too leading in traditional practices and I'm not sure that we should be telling architects how to modulate the buildings. I think we shouldn't ask them to do all of that, so I am going to be fairly critical over the next couple of months of being too leading in what we are doing.

Mr. Fish replied that we tried to leave the wording that is in the end of the overlay zoning discretionary with the Planning Board, but we can make it clearer if the Board would like. I know what you mean, you don't want to be confined to that and so we can open up that language.

Trustee Grunthal with regards to scale, it is absolutely imperative that we retain the scale which will lead me to set backs on the fourth story.

Mr. Fish replied we can easily do a range of perhaps eight (8) feet to twelve (12) feet or even eight (8) feet to fifteen (15) feet for the setbacks. I read your comments over the weekend and we are open to that.

Mayor Picinich stated to Mr. Fish, so you've passed along a Comprehensive Plan, you've passed along some zoning recommendations including the Downtown Overlay, and I think now as a Board the work is on us. We need to go through every word of this plan and we can have a more formal conversation on this at our September 4<sup>th</sup> meeting. At the September 10<sup>th</sup> Work Session Meeting we are going to sit down with maps and roll up our sleeves and review all of the verbiage at the Work Session which will be conducive to doing that in an effective way.

Deputy Mayor Farber agreed and noted that the Board would all be in the same room together instead of making comments through email. It's much more effective that way. I have been reading it, but I get so caught up in all of the facts and figures, its so interesting and takes a while to absorb, but its certainly so informative.

Mr. Fish thanked all of the Trustees for attending all of the workshop meetings that were held over the summer.

Mayor Picinich stated that we need to get all of the chapters up on line. We are the Board that has the final decision making, but we are here based upon the recommendations of the community. So our community needs to have access to every chapter. We want to hear the community's thoughts, ideas, and comments.

Mr. Fish replied that all of the chapters will be uploaded on [www.envisionmk.org](http://www.envisionmk.org) shortly.

Mayor Picinich stated so we have a plan as to how we are going to interact with these documents. We are all going to read separately, we are going to send minor edits to the Village Manager by the 30<sup>th</sup>, we are going to discuss bigger picture policy things in the plan on the 4<sup>th</sup>, and then we are going to have a roll-up your sleeves Work Session to discuss the zoning on the 10<sup>th</sup>.

Mr. Fish stated here is where the time line comes in handy. The Steering Committee has now formally transmitted to you the Plan. State Law says you have ninety (90) days within which you must hold a Public Hearing, which brings it out to early November.

Mayor Picinich stated that one (1) public hearing will not be enough.

Mr. Fish stated that the Board could start a public hearing on October 1<sup>st</sup> and continue it through to the 15<sup>th</sup>, and if you need to go later you could end it on November 5<sup>th</sup>. However, you'll need to close the hearing at the November 5<sup>th</sup> meeting so that you could achieve the State Law requirement. This would give you three (3) opportunities to hold a public hearing.

Village Manager Brancati replied based on the responses of the October 1<sup>st</sup> or 15<sup>th</sup> public hearing an additional session could be scheduled dedicated solely to this matter, but with regards to the ninety (90) days we will have to close the hearing by the end of the November 5<sup>th</sup> meeting.

Mayor Picinich stated that she would like to provide as much time as possible, leave it open as long as needed, and it may not be needed, but I don't want to cut anybody off. So we will decide on September 4<sup>th</sup> when the public hearing will be held.

Mr. Fish agreed if there are a lot of people wanting to comment then the hearings should be kept open, with the possibility of having a meeting solely dedicated to the public hearing.

Mayor Picinich stated that we have an RFP that we've had for a month now and we've had lots of comments on that. I'll remind the public that the Request for Proposal's objective was to seek out a development partner who can understand the goals of our community in order to create some residences, some civic space, some community space, and some commercial space on the North and South Moger lots, but the focus is primarily residential. It is important to note, because some folks have had concern that there are approximately 600 spaces combined between the North and South Moger lots, so the RFP very clearly states that we must retain all of those spaces in addition to the parking that must be created to accommodate those residential units and any commercial development. That being the case, the design solution would likely be some level of decked parking. Again, this RFP would go out to the development community for them to respond with their thoughts and ideas and their solutions as to what this could look like. These pieces of property in the parking lots are owned by the Village. We would be looking to retain ownership and provide a ninety-nine (99) year lease.

Village Manager Brancati said that he had the current version of the RFP as of two (2) hours ago because we had to adjust the timelines and submission dates regarding the comments that had just been received from the Board.

Mayor Picinich brought up the possibility of adding a section in the RFP called "During Construction" letting the developer know that they needed to be mindful about the construction effects on nearby neighbors.

Mr. Fish replied in another community who recently did the same type of RFP they decided to see who was submitting first, and then asked them for their construction management plan before they finalized the contract, of course this is all at the Board's discretion. It will take a developer a little bit of time to do that. You can put them in now or the person who is chosen needs to be prepared to present their construction plan.

Trustee Grunthal stated that his feeling was that we should alert them ahead of time that we will be looking at this. He thought the time frame was too narrow and he didn't think giving them three (3) or four (4) weeks was going to do any damage to anybody and may give the Village a better proposal including some of these little points here.

Mr. Fish replied what I see happening a lot is that a developer comes to a site meeting and they will ask a lot of questions, which will be answered by the Village Manager. Some other developers are going to choose not to ask certain questions, because they want to retain what they already know and not show their hand. We found the time frame to be ok, but if you want to give it a little more time that's ok too.

Village Manager Brancati reviewed the updated timeline on the slide. He noted that the RFP will go out tomorrow. He noted that everything has been pushed back as a result of the delay. We are still looking at the November 19<sup>th</sup> date. If the Board wanted to push back the submission date back to October 15<sup>th</sup> that will just narrow down the time that we will have to interview the developers.

Mayor Picinich proposed a different time line. She stated if we get it out on the 14<sup>th</sup> why can't we still do our site visit on September 5<sup>th</sup>? So I suggest that we pull the site visit back to September 5<sup>th</sup> and the deadline to submit questions is the 10<sup>th</sup>, have questions posted by the 15<sup>th</sup> and then submit by the 8<sup>th</sup>. So the site visit, the questions, and the answer to questions can remain as is currently in the printed document. Because the site visit was based upon what the Board's availability was, so why wouldn't we leave that where it was versus pulling it forward? Is there a negative impact for doing that?

Deputy Mayor Farber stated I just don't know how many people we are going to reach in such a short time, because people are away and they don't come back from vacation until after Labor Day. I just think that's awfully quick and I want to get the most people involved and a lot of people might just miss it.

Village Manager Brancati replied we can adjust the time schedule if the Board would like, but I think that there are a lot of firms out there who are anxiously awaiting this RFP.

Mayor Picinich replied yes there are firms waiting for this RFP, I got a phone call about it today because this was supposed to be out last week.

Trustee Grunthal replied that he liked the suggested dates by Mayor Picinich which was to send this RFP out in the next day or two and adjust the October 1<sup>st</sup> date to October 8<sup>th</sup> and everything else stays as is on the print out. That will give developers three (3) weeks instead of two (2) weeks. The site visit will be held on September 5<sup>th</sup>; Questions on September 10<sup>th</sup>; Answers on September 15<sup>th</sup>, and submissions on October 8<sup>th</sup>. This will give the extra time.

Village Manager Brancati stated that he will make the changes in the timeline as directed and Frank Fish and I will discuss the couple of comments that were made this evening by the Village Board. I will get those changes back to the Village Board by tomorrow afternoon and we will get it out Wednesday morning.

Village Manager Brancati reminded the Board with regards to the RFP that the Village Board retains the control and the flexibility of the project.

Trustee Grunthal stated yes we need to do that, but let's not get off on the wrong foot.

Mayor Picinich stated that one of the things that is really important, and I want to make sure that everybody understands, is that we are serious about this effort. We are saying to the development community that this is something that we are interested in doing. A developer is going to invest time, money, and energy in providing proposals. This is going to take thought, and again, time and money. From my view, the outcome of this process is that we find a partner that wants to work with us in order to maintain the character of our community and not to overwhelm our community, but to be conscious and considerate of the very thing that is going on around it as well.

Mr. Fish stated that one of the things that will make the development community believe that the Village Board is serious about this is the Draft Comprehensive Development Plan and the Draft Zoning that controls the Moger Parking lots. We will also be meeting with them on a site visit on the 5<sup>th</sup>. I think they'll get the sense that you are very serious about it and you are creating something that is a predictable overlay zone.

Mayor Picinich stated with regards to the Construction Management Plan, I think that we should say that those chosen are expected to present a Construction Management Plan and when we get down to three (3) or four (4) finalists, we make it a part of the interview process and tell them upfront that we expect for you to present a Construction Management Plan as part of the interview process.

Trustee Albanese asked if the Construction Manager Plan was part of the Planning Board approval process.

Mr. Fish replied that the Planning Board can make the Construction Management Plan a condition of site plan approval. I think that it is better to telegraph to the development community that they will need to provide this during the interview process, because you will be reviewing the plan very closely.

b. Resolution authoring the Village Manager to sign the NYS DOT Snow Amendment B for the winter of 2017-2018.

The following motion was made by Deputy Mayor Farber and seconded by Trustee Albanese:

Mayor Picinich, I move that this Board authorize Village Manager Edward W. Brancati to execute the New York State Municipal Snow and Ice Lump Sum Contracts, Payment Factor Adjustment Amendment B, for the winter of 2017-2018; all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye

c. Appointment of George Hoyt from an Alternate Member of the Zoning Board of Appeals (ZBA) to a Full Member.

Mayor Picinich stated that due to the recent resignation of Ms. Barbara Richards as a Full Member of the ZBA she would like to appoint Mr. George Hoyt from an Alternate Member of the ZBA to a Full Member of the ZBA with a term to expire on 12/2/2019.

The following motion was offered by Trustee Albanese and seconded by Deputy Mayor Farber to appoint Mr. George Hoyt as a Full Member of the Zoning Board of Appeals leaving a vacancy on the Zoning Board of Appeals for an Alternate Member; all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye

d. Resolution authorizing the Village's Application for funding under the New York State Water Infrastructure Improvement Act and the Intermunicipal Water Infrastructure Grant program.

The following motion was offered by Trustee Grunthal and seconded by Deputy Mayor Farber.

Whereas, The Village/Town of Mount Kisco, New York (hereinafter the "Village") has established the public benefit of the Route 117 Water Distribution Upgrade Project (hereinafter the "Project");

Whereas, the Village plans to replace the asbestos cement pipe and cast-iron water main on New York State Route 117 and Green Lane with a 16 inch HDPE water main, to address public health and safety concerns;

Whereas, the Village has the opportunity to apply for grant funds from the New York State Water Infrastructure Improvement Act (WIIA) which may fund up to \$3 million or 60% of the total project costs, and from the Intermunicipal Water Infrastructure Grant fund (IMG), which may fund up to \$10 million or 40% of total project costs;

Whereas, the Project cost is estimated at \$7.5 million; and

Whereas, the Village is prepared to contribute matching funds through the Drinking Water State Revolving Fund loan program.

Now, Therefore Be It Resolved That,

1. The Village/Town of Mount Kisco is authorized to submit the WIIA/IMG grant application.
2. The Village Manager of the Village/Town of Mount Kisco is authorized to sign the WIIA/IMG grant application.
3. The Village agrees to provide the matching funds required for WIIA/IMG projects through the Drinking Water State Revolving Fund.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye

e. Resolution of the Village Board declaring Certain Village Property to be Surplus Property.

The following resolution was offered by Trustee Grunthal and seconded by Trustee Albanese.

Whereas, it has been determined that the Village has no further use of certain items(s);

Whereas, the Village Board may determine that these items are surplus property;

Whereas, the fair market value, if any, is determined for the surplus property and its disposal will be for the common benefit; and

Whereas, at time of sale of surplus item(s) money, if any will be allocated back to the appropriate department;  
 Whereas, the Village Manager or his designee will oversee the sale of these items(s) or other method of disposal.  
 Now, Therefore Be It Resolved, that the Village Board of the Village/Town of Mount Kisco, New York surpluses the following item(s):

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN#</u>
2007	Chevy	Pickup	1GCHK24U57E112084
	<u>Motion Adopted</u>		
		Mayor Picinich	Aye
		Deputy Mayor Farber	Aye
		Trustee Albanese	Aye
		Trustee Grunthal	Aye

f. Conversation regarding a proposed community sign.

Mayor Picinich stated since we have these beautifully new adopted areas in the Village and we are now requesting that people not post signs in these areas because people have invested a lot of time and money in beautifying these areas and we don't want the areas to be marred by signs. At the same time, we recognize the need to be able to advertise different things for different community groups or the Village itself. So the proposal is to put a community sign at the entrance to the Village Center Lot on the right hand side which would say, Village of Mount Kisco up at the top and then different groups would reserve one (1) of five (5) spaces and slot in their messages. Those signs would stay there from a week to two (2) weeks. Folks would be responsible to putting up and removing their signs, they would make a reservation and we would have a process for doing that.

Trustee Albanese stated that we came up with the basic design with the new logo up on the top.



Trustee Albanese noted that we obtained quotes from four (4) different sign companies. We received quotes back from New England Lumber \$7,150; Signarama \$10,585; C&M Sign Company \$10,500.00; and Apollo Signs \$11,575.00. All of the details for these quotes are in tonight's agenda packet. The Board will need to decide if we want a wood sign which will look a little more rustic and kind of fit in with the rest of the signs that we did for the Adopt-an-Area plantings or do we want to do more of a metal sign which is aluminum. I'd like the Board to vote on this and then we can decide later on if we want to go with a wood or aluminum sign. I would also like to suggest that we also consider an additional community sign at the intersections of Rt. 117 and Rt. 172 across from Northern Westchester Hospital once the intersection improvements are completed by the New York State Department of Transportation which should be completed later this year.

Mayor Picinich stated that those locations are the two (2) gateways into our Village. These are two (2) highly visible areas, so we are talking about a cost as high as \$11,575 and as low as \$7,150.00. I think this is an important thing to do, we have to provide an opportunity for folks to be able to advertise. This is something that is really needed. So it just comes down to what look the Board would like and whether the material to be used is reclaimed wood or aluminum.

Deputy Mayor Farber stated that she liked the idea of the sign and that her preference would be for wood because it's real, but I understand that it might not last as long. I am in favor of the sign, but I would still like to have a visual of what it looks like wood versus aluminum.

Trustee Grunthal stated that he would like to move forward with the Community Sign, but that he would like to get a better feel of what these signs would look like metal versus the wood or a combination of both.

Trustee Albanese stated that he would gather some pictures of the materials and we can make the final decision on the materials in the next couple of weeks.

No vote was taken on this subject.

g. Resolution authorizing the Village Manager to sign the Short Environmental Assessment Form prepared by the Consulting Village Planner regarding the solar installation on the Village's Landfill.

The following resolution was offered by Trustee Grunthal and seconded by Trustee Albanese:

- Whereas, the Mount Kisco Village Board of Trustees is in receipt of an application to install solar panels on Village owned land located at 43 Columbus Avenue (Tax I.D. #80.47-1-1);
- Whereas, the application was accompanied by Part 1 of a Short Environmental Assessment Form ("EAF") and other supporting information;
- Whereas, the Village Board has determined that the action is an Unlisted Action under the State Environmental Quality Review Act ("SEQRA") and completed an uncoordinated review;
- Whereas, the application is solely for placement of solar panels and associated infrastructure, with no authorization to disturb the land fill;
- Whereas, the Village Board has reviewed and fully considered the proposed action and Part I of the EAF, and has completed Part II of the EAF;
- Whereas, the Village Board has taken a hard look at all of the relevant environmental impacts of this Project by carefully considering them and thoroughly analyzing their potential significance; and
- Whereas, the Village Board has determined that the action will not result in any large or important impacts and, any potential impacts can be mitigated.

Now, Therefore Be It Resolved, that based on the impact assessments discussed in the attached SEQRA Negative Declaration – Notice of Determination of Non-Significance ("Negative Declaration") the Village Board hereby finds that the Action will not have a significant impact on the environment and authorizes the filing of a Negative Declaration for the Action.

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye

**h. Resolution authorizing the Village Manager to sign the 2018/2019 Fire Protection Contracts.**

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Albanese authorizing the Village Manager to sign the 2018/2018 Fire Protection Contracts; all in favor.

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye

**8) Bills –**

The following motion was offered by Trustee Albanese and seconded by Deputy Mayor Farber to pay the bills as presented to the Board dated August 8, 2018 for the months of June and July, 2018; all in favor.

General Fund	\$255,459.40
Water Fund	66,837.02
Sewer Fund	5,428.05
Library Fund	47,608.29
Capital Fund	327,460.38
Trust Fund	<u>27,322.38</u>
TOTAL	\$730,115.52

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye

**9) Approval of Minutes –**

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Albanese approving the Regular Meeting Minutes of July 16, 2018, all in favor.

<u>Motion Adopted</u>	
Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Grunthal	Aye

**10) Non-Local Business: None.**

**11) Public Comment:**

Mr. Douglas Hertz, of Sunrise Solar, Mount Kisco Planning Board Chairman and Member of the Energy Advisory Board stated that a solar law has been forwarded to the Village Board and he requested that the Board refer that over to the required bodies so that we can meet the timelines. I believe the Village Attorney needs to refer it to the Westchester County Planning Board as well as the Village Planning Board. I also believe that you are going to have to hold a public hearing on this local law and I am requesting that this be done as early as possible. Currently, our application before the Planning Board is stalled because they can't review how the Oakwood Project corresponds to the proposed zoning and because it hasn't been referred over to the Planning Board. They can't make that determination, so they can't move forward at this point. I am requesting that the Village Board at least make the referrals and move that forward if possible.

Mayor Picinich replied that we have text that we have received, but we haven't had a joint meeting surrounding that text. We are scheduled to have a conversation about this at our upcoming Work Session Meeting scheduled for Tuesday, August 21<sup>st</sup> at 6:30pm. So does the Board want to refer that over now to get input from those boards and let that be out there for thirty (30) days and then we modify, edit, and adjust the text on the 21<sup>st</sup> or does the Board want to wait until the 21<sup>st</sup> until we have the edited text to send out. So that's the question at hand.

Deputy Mayor Farber asked to who we would send a referral?

Mayor Picinich replied the Village Planning Board and Westchester County Planning Board.

Village Attorney Singleton stated that the local law that he drafted and sent to the Village Board of Trustees a couple of weeks ago was based on the State's model law as applied to our local law and in order to adopt it there is a certain process that you have to go through along with referrals and scheduling of a public hearing. If you were to refer it to the Planning Board and Westchester County for their comments you could schedule a public hearing at least thirty (30) days past the timing that you referred it to them.

Deputy Mayor Farber asked what is the urgency for this legislation?

Mr. Hertz replied that the Oakwood Application is before the Planning Board and they have nothing more to do at this point because they don't have a Zoning Code in which to make any determination regarding compliance with the regulations. We are trying to attempt to get approvals within the next few months and we are trying to get a model over to the Planning Board.

Mayor Picinich stated the only thing is that we haven't had a consensus around it as a Board, although a number of us were absolutely in favor of the solar project over at Oakwood. In order to enable that project we are considering modifications to our code in order to permit solar in different areas of our community. If we refer over what currently exists to the Planning Board and Westchester County then the clock would start ticking for thirty (30) days and then what is the time frame that we can schedule a public hearing. Do we do that simultaneously while it's referred out or do we have to wait for the input back?

Village Attorney Singleton replied if you make the referral tonight versus a week from tomorrow night, it's not going to change when the Planning Board gets it.

Mayor Picinich asked what the impact would be if this was delayed until after the Work Session meeting schedule on the 21<sup>st</sup>.

Village Attorney Singleton replied that the Public Hearing would be delayed or the Public Hearing would have to be opened past the 17<sup>th</sup>.

Village Manager Brancati stated that he agreed with the Village Attorney in that the Planning Board is not going to see it any quicker. I understand that it's a week and that there is a delay. If there are any changes or comments by the Village Board we should have that discussion at the August 21, 2018 Work Session Meeting. We could notice that meeting so that you can take that action to make the referral at that meeting and we can schedule the Public Hearing at that time for the 17<sup>th</sup>. We just can't close the Public Hearing on the 17<sup>th</sup> as we would have to keep it open until the 1<sup>st</sup>, but I think that makes the most sense because as a Board you haven't had a full conversation about the text.

Mayor Picinich stated we really need to discuss the proposed text as a Board because what is being proposed, even though it was a model law is touching every area of code in our Village. Because what we are saying is that we are going to permit solar in a variety of different flavors across our Village. The thought was that we all need to come to some

agreement on that before we refer it out and before we decided to have a public hearing. So if we wait a week that will result in keeping the public hearing open for a week, but the Planning Board won't get it any sooner.

Mr. Hertz asked if all of the members of the Village Board were planning on attending the Work Session Meeting.

Mayor Picinich replied that the Work Session was scheduled to have a full board.

Trustee Grunthal replied that he will not be at the Work Session meeting.

Mayor Picinich stated that it may not be a full board, but we are proceeding with that Work Session as we had planned and we can take additional comments from any board member who's not there and incorporate those. The text has been sent and we've had the text for a while now. The plan was to notice the meeting as a Work Session which is a public meeting, and to be able to make referrals at that time. I just don't feel comfortable referring something to interested agencies while members of the Village Board haven't even read the legislation yet. I think that that would be negligent of us to do that.

Mr. Hertz replied as long as at the Work Session the referral plus the scheduling of the public hearing is done.

Mayor Picinich stated that is our plan. We called the meeting to take a look at the solar legislation.

Meeting closed at 10:15 pm.

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Edward W. Brancati  
Village Manager