

Minutes of the ***Regular Meeting*** of the Board of Trustees of the Village/Town of Mount Kisco held on ***Monday, June 18, 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 Karen Schleimer

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

Absent: Trustee Isidoro Albanese
Trustee Peter Grunthal

Prior to the start of tonight's Village Board Meeting the Village Board conducted an informal interview with Mr. George Hoyt regarding his interest in serving on the Zoning Board of Appeals.

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. We had a scare this week one of our children who was not where they were supposed to be and we just wanted to thank the Bedford Central School District and the Westchester County Police Department for returning that child safely home to their family. Thank you.

Update from Westchester County Legislator – The Honorable Kitley S. Covill

Westchester County Legislator Kitley Covill gave an update on current events that were going on at the Westchester County Legislature with regards to the newly passed legislation titled Tobacco 21, the proposed Co-op Legislation, the proposed usable bag legislation and the current review of the Westchester County Airport's Master Plan.

Public Hearing to discuss applications to be submitted for Program Year 2019-2021 through the Westchester County Urban County Consortium for Community Development Block Grant funding.

Mayor Picinich noted that the Board was in receipt of the proper affidavits of service and the proper affidavits of public notice for the Westchester County Urban Community Consortium for Community Development Block Grant Applications (CDBG).

Mayor Picinich stated that the Village/Town of Mount Kisco is ready and prepared to participate with the Westchester Urban County Consortium (WUCC) to fund the following projects with the understanding that the CDBG program requires a minimum 50%/50% match and that the Consortium has capped awards of CDBG funds at \$250,000:

- Woodland Street Sidewalk Rehabilitation, Waterline Replacement, and Storm Sewer Replacement Project
 - Total Project Cost: \$1,000,000
 - 75% Village/Town of Mount Kisco – \$750,000
 - 25% WUCC CDBG funds – \$250,000
- Fox Senior Center Improvements Project
 - Total Project Cost: \$750,000
 - 67% Village/Town of Mount Kisco – \$500,000
 - 33% WUCC CDBG funds – \$250,000
- Spring Street Sidewalk Rehabilitation Project
 - Total Project Cost: \$591,250
 - 58% Village/Town of Mount Kisco – \$341,250
 - 42% WUCC CDBG funds – \$250,000
- Dakin Avenue and Highland Avenue Waterline Replacement Project
 - Total Project Cost: \$500,000
 - 50% Village/Town of Mount Kisco – \$250,000
 - 50% WUCC CDBG funds – \$250,000

The Village Board voiced no objections to participating in these projects.

Open Door Family Medical Centers – CDBG Applications

Ms. Michele Noe, Director of Capital Projects for Open Door Family Medical Centers stated that they currently have fifteen (15) sites in Westchester and Putnam Counties and that they have a total 281,996 visits per year. About 9 out of 10 of their patients live at or below 200% of the federal poverty level. 43% of our patients are uninsured and 40% of our patients are on Medicaid/CHIP. They provide medical, dental, behavioral health and social services to these people. They were hoping to apply for the following grants to replace their aging infrastructure for energy conservation and emergency preparedness. The three (3) applications that they were proposing will fulfill CDBG goals and ultimately serve low-income and otherwise vulnerable Mount Kisco residents with high quality care.

➤ Green and Energy Efficient Upgrades to Public Site Infrastructure.

Total Project Cost: \$105,500

Open Door is open to the general public, but houses aging energy infrastructure equipment that is more than 20 years old and at the end of its useful life. The proposed project to address this issue includes:

- a) New energy saving HVAC system including rooftop units, dunnage, curb, exhaust ventilation, and upgraded power requirements at a \$37,500 request.
- b) Upgrade all lighting to energy saving LED at a \$18,000 request.
- c) Solar energy rooftop panels at a \$50,000 request.

➤ Public Site Infrastructure Flood and Emergency Preparedness

Total Project Cost: \$87,500

In addition to an array of essential medical, dental, and behavioral/mental health care and human services, Open Door Mount Kisco houses medication and vaccines that require accurate temperature control and need to be refrigerated or kept frozen. The proposed project seeks to ensure that vaccines and medications, as well as the site itself, are not compromised in the event of power outages due to flood, natural disaster, or other emergencies. The proposed project would accomplish this through the addition of the necessary infrastructure and an in-house power generator through an \$87,500 request.

Trustee Schleimer noted for the record that the Village of Mount Kisco has no financial responsibilities with respect to these grants. We just have to acknowledge that Open Door has participated in our public hearing process.

Ms. Noe replied that was correct.

Mayor Picinich asked if there were any comments from the public at this time on any of the potential grant applications from the Village or Open Door. There were none at this time.

The following motion was offered by Mayor Picinich and seconded by Deputy Mayor Farber, that the Village Board of Trustees hereby close the Public Hearing regarding the discussion of applications to be submitted for Program Year 2019 – 2021 through the Westchester County Urban County Consortium for Community Development Block Grants for projects related to economic development, affordable housing, and improving local public infrastructure. Further, that written comments would be accepted for an additional seven days, and that the Village Board of Trustees endorse the four projects detailed in the letter dated June 18, 2018 from Village Manager Brancati to Westchester County Department of Planning Acting Commissioner Norma Drummond that is also included in the agenda for this meeting; all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Schleimer	Aye

1) Communications:

- a. Letter from Donald Rose re: Resignation from the Zoning Board of Appeals.

Mayor Picinich read the letter from Mr. Rose regarding his resignation from the Zoning Board of Appeals. The Board accepted his letter with regret and wished him good luck in Champlain, Illinois. The Board asked that the Village Manager forward a letter of appreciation to Mr. Rose thanking him for his many years of dedicated service on the ZBA as a member and Chairman.

- b. Letter from the Mt. Kisco Volunteer Fire Dept. re: Sept. 11th Memorial Service.

Mayor Picinich read the letter from Chief John Boddie requesting permission to host the 9-11 remembrance ceremony on Tuesday, September 11, 2018.

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Schleimer authorizing the Mount Kisco Volunteer Fire Department to host a 9-11 remembrance ceremony as detailed in their letter received on June 18, 2018; all in favor

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Schleimer	Aye

2) Petitions: None.

3) Board, Committee and Commission Reports: None.

4) Village Manager's Reports:

- a. Monthly Water Report 2018.

Village Manager Brancati reported that the total water production for the month of May was 41,074,000 gallons for a daily average production of 1,324,968 gallons per day (gpd). The April average was 1,122,333 gpd and the March average production was 1,105,032 gpd. The Leonard Park Wells are still not in service at this time, so all of the water is coming out of Byram Lake. On May 1st Byram Lake Reservoir was at 100% of capacity and on May 31st the lake capacity was at 99%, so the lake is still doing very well.

c. Westchester County Mobile Shredder July 14th.

Village Manager Brancati reminded everyone that the Westchester County Mobile Shredder will be here in Mount Kisco on Saturday, July 14, 2018 from 10am to 1pm at Village Hall, 104 Main Street. The mobile shredder is for residents only. Each resident may bring a maximum of 4 file boxes, approximately 10" by 12" by 15" in size. All papers must be free of clips, bindings, folders and files. No bound or hardcover ledger books are allowed. He noted that it was a wonderful service that the County provides and we are happy to have it here in Mount Kisco.

d. Bid Results for Contract 2018-05

Village Manger Brancati stated that the Village had a bid opening this morning for Contract 2018-05 Roof Repairs for the Department of Public Works Building. We decided to bid the project out rather than treating it as a change order to the existing work to make sure that we got the best price. We received only one (1) bid and it was from Giordano Builders who is the contractor currently doing the improvements on site. The base amount to replace the entire roof, along with asbestos testing and removal of the roof came in at \$254,500.00. Our Consulting Engineer has looked at the bid, but he still needs additional time to review the bid with the roofing consultant. The bid amount is consistent with the cost estimate and bid that we received for the Police Department Roof. Our next Village Board meeting is not until July 16, 2018 and to hold up the bid award until then will unnecessarily delay the overall DPW project, which is a significant concern. I'd like to ask if the Board is agreeable to awarding this contract in the amount of \$254,500 pending the recommendation from our Consulting Engineer as one option. A second option would be to wait until that recommendation comes in and then call for a Special Village Board Meeting to formally vote on the award of the contract at that time, which will probably be some day later this week. The third option would be to wait until the July 16th Village Board Meeting, but that is not my recommendation.

Both Deputy Mayor Farber and Trustee Schleimer requested to see another bid.

Mayor Picinich stated if we do get another bid I then hope that everyone is prepared to come together before our next Regularly Scheduled Board Meeting which is on July 16th and review another bid and take a look at the final numbers.

Village Manager Brancati stated that he couldn't get another bid to the Board in a timely manner because it would have to be re-noticed in the newspaper and let out to bid.

Deputy Mayor Farber stated that the bid amount seemed very high and she would feel more comfortable making some telephone calls tomorrow to check on the pricing.

Mayor Picinich replied people have to be available then to come back together when more information is available. Village Manager Brancati will have our engineer take another look to validate that these numbers are appropriate and in line and if the Deputy Mayor has some insight that she can bring to this as well that would be useful. So we will be prepared to come back together again.

Village Manager Brancati replied that's fine he had information available today and he needed to give the Village Board an update because it really can't wait until the July 16th Village Board Meeting. Our consulting engineer will continue to work on reviewing the bid.

5) Board Reports:

Mayor Picinich stated last week the Board voted to invest some money in New York Cooperative Liquid Assets Securities System (NYCLASS) and during our conversation about that it was not stated publically that our Treasurer Robert Wheeling is on the Board of NYCLASS. He is actually Chairman of the Board of NYCLASS. I want to point out that this was disclosed in our Finance Committee Meeting and those who are on the Finance Committee didn't see any conflict with this mostly because Mr. Wheeling is a volunteer on this board. He has no financial gain in any size, shape, or form. Whether we as a municipality choose to get a better rate and return on our money by investing in NYCLASS, Mr. Wheeling has nothing to gain or lose by that. So if we do or do not invest in NYCLASS, the Finance Committee had determined that there was no conflict and no personal gain for Mr. Wheeling. It was very important that we ensure that the public was made aware of this and so I'm making that publicly known here tonight because it was not stated last week.

Mayor Picinich reported that we had a new business open house last week and I have to commend the Economic Development Council. They put together this idea that we had come up with through the Fall of last year and we had a packed room with people who are property owners here in Mount Kisco, commercial real-estate brokers as well as potential business owners. Our goal and purpose was to share that Mount Kisco is in fact open for business and to begin a positive relationship and re-establish positive relationships with

these different groups of folks. We look forward to continuing our conversation and for more things to happen in the area of economic development.

Mayor Picinich reported that our Comprehensive Plan continued on with a public hearing and meeting this past week. Lots of questions were asked and hopefully answered. You can see the video from that entire event streaming now on our website, www.mountkiscony.gov.

Mayor Picinich pointed out that our Library is going to begin their summer reading game. Starting this Wednesday, you will be able to pre-register on-line at the Library website or you can go to the kick-off event this Saturday, June 23rd from 2pm to 3pm. Throughout the summer, in addition to reading and rewards for that along the way, there will be challenges and scavenger hunts which will help you get tickets that will then be entered into a raffle in which the students can win big prizes. I encourage all students to participate in the Library's summer reading game.

Mayor Picinich shared that the Village's Facebook page now has more than 1,000 followers, so we are reaching out to a broad group of people in our community and the neighboring communities. So if you have not already liked us or followed us on Facebook, I encourage you do to so.

Trustee Schleimer announced that the final public hearing on the Westchester County Airport Comprehensive Plan will be held on June 25, 2018 at 7:00 pm at the West Harrison Senior Center located at 251 Underhill Avenue, West Harrison, New York and it will cover operations. This is a very important topic and your input would be invaluable, so I encourage residents to participate.

Deputy Mayor Farber announced that the Arts Council held its 2nd Annual Summer Art and Music Festival. It was a gorgeous day and there was plenty of local art, food trucks, and amazing entertainment. I want to thank my co-board members Lisa Abzun and Beth Vetare-Civitello for so much work and dedication to make this happen. Thank you Alan Reingold for your amazing contribution for our auction. Our wonderful music talent was Omar Ramirez and Al Frankel and the Howlin Hearts Band plus all of the artists who contributed to this great show. Hopefully, this event will grow as years go on. The Arts Council also held the first of eight (8) concerts at Fountain Park, we kicked-off the series this past Wednesday, June 13th with the unbelievably talented Sophia Rae, and she rocked the house. The next concert is scheduled for Wednesday, June 27th at 6:30pm and extremely talented local musician Drew Bordeaux will be performing. Thank you Daniel Blake for helping the concert series become a reality. Again all of these concerts are FREE!

Deputy Mayor Farber stated that the Mount Kisco Historical Society held its last meeting until the fall on Wednesday, June 6th. A new display is being planned right now in Town Hall exhibiting new trails that have been created over the last couple of years by Town Historian Harry McCartney and his team. There are currently seven (7) trails in service. The new display will be on the history, maps, and photos of these trails.

Deputy Mayor Farber noted that the Memorial Day Parade Committee wrapped up the details of this past year's parade. The Women's Auxiliary and Sons of the American Legion sponsored a delicious barbecue at the American Legion on Sunday, June 10th. It was an all-you-can-eat barbecue for \$20.00. The event was well attended and no one left hungry.

Deputy Mayor Farber stated that the Mount Kisco Chamber of Commerce held its Annual Meeting at the Saw Mill Club. Mayor Picinich gave a wrap-up of what's going on in our fair Village and it was very comprehensive. Meanwhile there was a new ribbon cutting ceremony on Tuesday, June 12th for Raymond Jones who officially opened at 41 South Moger, we welcome them to our community.

Deputy Mayor Farber reported that the Italian American Club met on Thursday, June 14th for a buffet reception at the Knights of Columbus to celebrate two (2) new scholarship recipients for 2018. The two (2) High School Seniors where Daniel Rice and Joseph Sorintenti. Please mark Sunday, July 29th down on your calendar for the very first summer multi-cultural festival of the Italian American Club. For more information please call Filippo Simone 914-420-3589 or Elizabeth Veccio at 914-769-0499.

Finally, please join us for the annual Firemen's Parade on Friday, July 13th at 7:00 pm. Volunteer Firemen from all over the county join our own local volunteers to celebrate all that they give to our community. This means a lot to my family and my twin grandsons will definitely be there. I want to wish everyone a Happy 4th and please enjoy the summer.

6) Old Business:

- a. Recommendations from the Planning Board regarding rezoning of RD and ML Districts' Permitted Uses, Supplementary Use Regulations and Zoning Definitions.

Mayor Picinich stated that the Board has received a recommendation from our Planning Board with reference to the proposed zoning text changes for the Research and Development (RD) district and the Light Manufacturing (ML) districts. All of this information is available online as part our agenda packet.

Mayor Picinich stated that the Planning Board met a number of times and discussed the proposed zoning text changes and they state in their letter dated June 13, 2018 "that there is uniform support for the inclusion of "family recreational" use to the ML and RD districts and "full service grocery stores" to the ML district. This endorsement is slightly tempered by the Board's second comment that there can always be room for further improvement. Any and all changes that the Planning Board has reviewed and endorsed herein and which are enacted by your Board should be further referred and critiqued by the Comprehensive Plan Committee during the source of its update of the Master Plan. So what they are saying is that the Comprehensive Development Plan Committee might offer some additional perspectives that have yet to be considered and could potentially be incorporated at some later point in time. They make some very specific recommendations with reference to the definition, with reference to parking, also with reference to location of the uses and some things also to consider with reference to camps using the family recreation and cabaret. Again, there are very specific recommendations that are **red lined** throughout the text which we will need to sit down, take into consideration, and incorporate.

Village Attorney Singleton stated that the Planning Board expressed their widespread support for the full service grocery store use with almost no requested modifications. They felt that the use was appropriate and they knew the value of seizing another grocery store for the community. With regard to the family recreation there was also very strong support for that, but because it was a novel definition and there could be such a range of impacts, very nominal parking requirements for something like indoor go-carts versus something with very intense parking requirements. They felt that those should be identified, but they were fully in support of everything and as the Mayor noted there is a **red lined** copy where there were the definitions that should be elaborated on. Ultimately, they felt comfortable with cabaret provided that it was not an adult cabaret. That is not to say that adoption should be delayed, particularly given the time sensitivity and constraints of the interest in these uses. But the comprehensive plan committee might offer some additional perspective that have yet to be considered and could potentially be incorporated at a later point in time.

Deputy Mayor Farber stated that at earlier meetings, we had discussed the possibility of tweaking some of the exact wording. She asked about the process for doing that because before she would vote on something she would like to tweak some of the uses including water parks and ice skating. So how do we do that?

Mayor Picinich replied we gave the Planning Board this document prior to some of our other meetings and so I think we have to take all of this now and sit down with the Village Manager and Village Attorney and incorporate it all together into one master document with the recommended changes and then redistribute it out.

Trustee Schleimer asked if we've received any comments back from the Town of Bedford regarding this matter.

Village Manager Brancati replied no.

Trustee Schleimer asked if anybody has reached out to them to see whether we are going to hear back from them.

Village Manager Brancati replied, we sent the notice to them and we haven't gotten a response. Our obligation was to send the notice to them and that's what we did.

Deputy Mayor Farber stated that she would send her recommendations to the Village Manager.

Trustee Schleimer stated if it was possible, she would like to be a part of that discussion.

Mayor Picinich replied yes, if you are available in the times that we have available to schedule the meeting.

Deputy Mayor Farber stated it would be nice to alert the whole Board and whoever is available to come.

Mayor Picinich stated again if you have any changes feel free to either share them or say them and we will definitely make sure that they are in here.

Trustee Schleimer stated that there were comments regarding changes to Radio Circle, considerations are different than at 333, because of the proximity of the residential neighborhood which is immediately adjacent to Radio Circle.

Village Attorney Singleton replied, but that is not necessarily true as it depends on which parcel you are talking about. He also noted that that was not lost on the Planning Board that the potential for impact would be greater over there than somewhere else. I think the Planning Board was unanimously supportive of this because they realize that everything that is being proposed here is a special use permit, so in addition to having its own set of criteria under the special use permit declarations and the zoning regulations for that district, they are also subject to the regulations set forth in Section 110-46 of the Code regarding special use permits. Section 110-46 basically says that there should be no adverse impact with regards to noise, light, sound, traffic, etc. The Planning Board felt that if something comes along at a later date it is something that they can address and potentially deny the application for a particular neighborhood.

Deputy Mayor Farber asked Mr. Singleton to please emphasize that, because that seems to be the hesitation for quite a few residents in the northern part of Mount Kisco. They are very concerned that their whole way of life is going to be effected.

Trustee Schleimer stated that we haven't really focused on Radio Circle and the effect that it would have in that area.

Mayor Picinich stated, to recap, we are making a plan to sit down with myself, Mr. Brancati, Mr. Singleton, and our Planner Jan Johannessen to incorporate the changes and then redistribute the document.

7) New Business:

a. Appointment of Wayne Spector to the Zoning Board of Appeals as a Full Member

Mayor Picinich noted that in light of tonight's resignation of Mr. Donald Rose from the Zoning Board of Appeals (ZBA) she would like to make a motion to appoint Mr. Spector as a full member of the ZBA.

The following motion was offered by Mayor Picinich and seconded by Trustee Schleimer to appoint Wayne Spector a full-member of the Zoning Board of Appeals. Mr. Spector was previously appointed as an alternate member at the June 4, 2018 Village Board Meeting and his term expiration will be December 4, 2023; all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Schleimer	Aye

b. Appointment of George Hoyt to the Zoning Board of Appeals as an Alternate Member.

The following motion was offered by Mayor Picinich and seconded by Deputy Mayor Farber to appoint George Hoyt as an Alternate Member of the Zoning Board of Appeals with a term expiration of December 4, 2023; all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Schleimer	Aye

c. Resolution authorizing the Village Manager to sign the 2018-2019 Snow & Ice Agreements Extensions.

The following resolution was made by Deputy Mayor Farber and seconded by Trustee Schleimer authorizing Village Manager Edward W. Brancati to execute the New York State Municipal Snow and & Ice Agreements Contract # DO10709 2018 – 2019 in the amount of \$22,468.25; all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Schleimer	Aye

d. Resolution to undertake an Environmental Impact Statement (EIS) and hold a Scoping Session for July 16, 2018 at 7:00 pm.

The following resolution was made by Mayor Picinich and seconded by Deputy Mayor Farber.

Whereas, The Village/Town of Mount Kisco is undertaking the Comprehensive Plan and Zoning Code Update;
Whereas, Mount Kisco must comply with the State Environmental Quality Review Act (SEQR);
Whereas, The Village Board of Trustees has considered the full Environmental Assessment Form (FEAF) prepared by BFJ Planning and determined that the adoption and implementation of the Comprehensive Plan and

Resolved, Zoning Code update may result in significant adverse impact to the environment; now therefore be it
that the Board of Trustees of the Village/Town of Mount Kisco hereby makes a Positive Declaration of potential impact and determines that an EIS must be prepared; and be it further
Resolved, that the Village Board of Trustees sets a Scoping Session to outline the issues to be addressed in the EIS on July 16, 2018 at 7:00 pm.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Schleimer	Aye

e. Resolution for Authorization to Pay Certain Claims in Advance of Village Board Audit and Approval.

The following resolution was offered by Trustee Schleimer and seconded by Deputy Mayor Farber in order to avoid paying late fees, the Village Treasurer is authorized to pay in advance of audit, claims for public utility services (electric, gas and telephone services), credit cards, postage charges, and those contractual lease payments coming due before the next regularly scheduled Board of Trustees meeting, provided that such claims shall be presented at the next regular meeting for audit. The authorization shall expire Tuesday, September 4, 2018, all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Schleimer	Aye

f. Charitable Trust Discussion.

Mayor Picinich stated that we wanted to start a conversation with the community with reference to Charitable Trusts. Mayor Picinich presented a few powerpoint slides to try to focus a conversation on this issue. A copy of the S.A.L.T. deduction presentation is available on the Village's website at http://www.mountkiscony.gov/government/boards_and_commissions/finance_committee.php

8) Bills -

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Schleimer to pay the bills as presented to the Board dated June 1, 2018 for the months of April and May, 2018; all in favor.

General Fund	\$674,417.13
Water Fund	149,731.64
Sewer Fund	10,647.93
Library Fund	15,535.82
Capital Fund	127,604.35
Trust Fund	<u>80.00</u>
TOTAL	\$978,016.87

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Schleimer	Aye

9) Approval of Minutes -

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Schleimer approving the Regular Meeting Minutes of June 4, 2018, all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Schleimer	Aye

The following motion was offered by Mayor Picinich and seconded by Deputy Mayor Farber to table approval of the Special Meeting Minutes of June 13, 2018 due to a lack of quorum for voting on these minutes, all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Schleimer	Aye

10) Non-Local Business: None.

11) Public Comment: None.

Meeting closed at 8:55 pm.

Edward W. Brancati
Village Manager