

Minutes of the **Regular Meeting** of the Board of Trustees of the Village/Town of Mount Kisco held on **Monday, October 24, 2016 at 7:30 pm** in the Frank J. DiMicco Board Room, Village Hall, and 104 Main Street, Mount Kisco, New York.

Present: Mayor J. Michael Cindrigh  
Trustee Jean Farber  
Trustee Peter Grunthal  
Deputy Mayor Anthony Markus  
Trustee Karen Schleimer

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

### **Regular Village Board Meeting**

Mayor Cindrigh opened the Village Board Meeting and led everyone in the Pledge of Allegiance. Mayor Cindrigh asked everyone to please remain standing for a moment of silence, so that we may reflect on why we are here and ask for guidance in the decisions that are made here this evening that they may benefit all of the people of our community. He also asked that we keep in our thoughts and prayers the Kensing Family. Henry V. Kensing was a man of stature, dignity, and compassion. He distinguished himself with an uncompromised loyalty to his Catholic Faith. An uncompromised loyalty to his family, and an uncompromised loyalty to his profession as an Attorney. He was loyal to the people of Mount Kisco, especially those citizens most in need. An extremely intelligent man, a product of Regis High School, Fordham University, and Harvard Law School, he shared his time, energy and wealth of knowledge with those he considered most needy. He set the bar for the phrase giving back to the community, something that we should all emulate. Asking nothing in return just the satisfaction of knowing that he had helped others was enough. Hank will always be remembered for his passion, his caring and his personalized service to the people of Mount Kisco as a Trustee, a Mayor, and a Town Justice. He touched many lives, all for the better and he will be missed by all.

### **Public Hearing Membership of the Planning Board**

Mayor Cindrigh noted that the Board was in receipt of the proper affidavits of service and the proper affidavits of public notice regarding the public hearing to discuss a local law to amend the membership of the Planning Board.

Mayor Cindrich introduced the proposed local law to amend the membership of the Planning Board. Mayor Cindrich stated that there is a Village Law Section 7-718 that applies to Planning Board and the creation of appointments which is superseded by Village Law Chapter 25 -1. "Village Law gives the authorization for the Board of Trustees of each Village the authorization to create a local law to establish a Planning Board consisting of 5 (five) to 7 (seven) members. Members and the Chairperson of such Planning Board shall be appointed by the Mayor subject to the approval of the Board of Trustees". Under Home Rule this law was amended in 1995 by the Board of Trustees such that "The Board of Trustees may appoint not more than two Alternate Members to the Planning Board and such Alternate Members shall attend meetings of the Planning Board and participate in its deliberations and shall vote only in the event that a member of the Planning Board is absent or otherwise unable to act with respect to a particular matter". It goes on to say that "The Board of Trustees shall at its Annual Meeting designate one member of the Planning Board as Chairman and one member as Vice Chairman each of whom shall serve until the commencement of their next official year or until their respective successor is designated and qualified. In the Village Law it's a little bit different, in our own Planning Board Chapter it gives the Board of Trustees the authority to appoint the Alternate Members of the Planning Board. However, the appointment of the Planning Board Members still rests with the Mayor with the approval of the Board of Trustees. This was a question that was posed to me several times and I just want to clarify that. In Section 718 of Village Law of New York State Law the authorization under Chapter 7 Decreasing Membership. "A Village Board of Trustees which has 7 (seven) members on a Planning Board may by local law decrease the membership to 5 (five) to take effect upon the next two expirations terms, However no incumbent shall be removed from office except upon the expiration of his or her terms. Tonight's Public Hearing is to change the wording of the local law in section 25-1 "There shall be a Planning Board composed of five (5) members pursuant to the provision of Village Law".

Ms. Gina Picinich stated that she was in support of the reduction of Planning Board members. The reason being that the overall building approval process has been recognized as being broken and to that end, this Village Board assigned a Task Force to identify places where this process was broken. Yet throughout the process there were issues. Twenty-three (23) recommendations were put forth and many of those recommendations have already been implemented. We are seeing the benefit of those recommendations that were implemented largely in the Building Department. One of the issues that was identified was

that often times the Planning Board cannot achieve a quorum. I recognize fully that the folks that sit on the Planning Board are volunteers. Many have sat on this Board for 17 years, 25 years, and even 30 years. They have given very graciously of their time to this community to do what they thought was best. So there are times when, you cannot get to a meeting. So reducing the number of Planning Board members from seven (7) to five (5) will reduce the quorum needed for a voting meeting. It will also allow for two (2) alternate members to be able to also vote when a sitting member cannot be there, a real benefit, a genuine reason. Why does this matter, because if you can't achieve a quorum then applicants that come forward can't move forward their process or their application, so people are stalled for months. Again, these folks have given graciously of their time for so many years, because it is difficult to recruit volunteers to sit on this Board. Having five (5) people to recruit instead of seven (7), again easier to achieve. Lastly, if we look at the others that participate in the building approval process, i.e. the Zoning Board of Appeals, 5 members; Architectural Review Board 5 members; Village Board of Trustees 5 members. Mount Kisco is at a very important juncture right now. We have an opportunity and a responsibility to make the changes that are necessary to sustain business in our community and to move our community forward. So those of you sitting there who vote NO are basically saying, I'm good with the status quo and I don't need to make any changes we'll just continue to stumble along. So a simple YES recognizes the need for change and takes action to move this community forward. So I emphatically ask you to please vote YES to reduce the number of Planning Board Members.

Mr. Anthony Montelone, Esq. stated that he has appeared before this Planning Board probably hundreds of times over the years and the members have all been outstanding and dedicated. However, I do support the reduction of the Board from seven (7) to five (5) and the reason for that primarily is the quorum issue. I have the greatest respect for the Board Members that have served for many years and they have done an outstanding job. But I think it is time for a change and I think that by having this reduction the quorums will be met with the fact that you only need three (3) out five (5) and you'll have two (2) alternates. I request that you consider voting in favor of this.

Ms. Eileen Polese stated that she applauds anybody who gives of their time and effort especially in a capacity of 30 and 17 plus years. She has also spent a considerable amount of her time volunteering. She served five (5) plus years on the Library Board and she is in her third year on the Recreation Commission. I do understand how hard it is to find people to dedicate their time, let alone doing it for the duration that they have. I support the proposed local law change to go from seven (7) members to five (5) members,

based on quorum along with the ability to breathe new life into the environment in Mount Kisco. The Planning Board volunteers have given generously of their time and knowledge, but this community has gone through rapid changes over the past 15 years that she has lived here and it's time to make this Village a more business friendly community and the Planning Board needs to do that in a more steadfast way and I support the change to five (5) members.

Mr. Joseph Cosentino, Planning Board Chairman stated that he was here tonight to represent his Planning Board Membership with the help of Mr. Grunthal we had the Task Force meeting and I believe the Task Force wanted to keep the Planning Board Membership at seven (7). There were other things that were said that were implemented. Let's talk a little bit about members not coming to meetings. We had two (2) elderly gentlemen, one of which died and the other one was very sick. So yes, there were times that we couldn't have a quorum and if you think you are going to get five (5) members to have a quorum your mistaken. I don't care if the Board doesn't want me for reasons as a Chairman, fine! But we have gentlemen on our Board that have knowledge, have gone to school, and they know what they are talking about in the Village. Let's talk about some of the things that the Planning Board has done over the years. With regards to the Mount Kisco Chase development the developers initially wanted 350 condominiums and it was this Planning Board that did not want 350 condominiums, we chose to have residential homes. Also take a ride down North Bedford Road and look at the fronts of the buildings and the landscaping. Then when you hit the Bedford Town line it's not as nice. That was because of the Planning Board. There are many beautiful buildings in the Village, so we have been doing our job as far as planning. The Planning Board has no control of the empty buildings in town. There are other reasons why the Board may want to go from seven (7) to five (5). I'm not at liberty to say right now, but there are other reasons. I don't believe that the Planning Board should go from seven (7) to five (5). Maybe the Village Board should go to 7 members, I don't know. It is a shame that certain members of the Planning Board, that have put their hearts into it will now no longer be on this Board because the Village Board wants to go to five (5) members. It's not the thing to do to people who have served for many years. We have serviced the Village for a long time and now we are being put aside. Maybe they should do it in a year or two from now. I don't have the answer, but it definitely shouldn't go from five (5) to seven (7) and there are reasons for it and the reasons are not the quorum.

Trustee Grunthal clarified what the Task Force recommendations were. With regards to the number of people on the Task Force it was I and Deputy Mayor Markus who were in

favor of reducing from seven (7) to five (5). Some of the interviewees that we spoke with were interested in going from seven (7) to five (5). We were opposed by the Chairman and Vice Chairman of the Planning Board on that Task Force. So basically the recommendation to go from 7 to 5 members is coming more from Deputy Mayor Markus and myself than it is from the entire Planning Board, but we believe we have a substantial number of people wanting it to be reduced to 5 members. In a small Village like this it is truly difficult to get volunteers to come forward and do this particularly difficult and responsible job. We think in the future it will be a lot easier to fill seven (7) positions namely five (5) full positions and two alternates than it is to fill nine (9). This issue of the quorum is really touchy with the people with whom we interviewed. When a large applicant comes before the Planning Board for approval they usually have an Engineer or Lawyer with them and every meeting can literally cost them thousands of dollars and then to find out that there is no quorum is truly upsetting. So if we go to five (5) members, with two (2) alternates for a total of seven (7) we only need three (3) of those people to come to the meeting to have a quorum. Instead of having four (4) out of the seven (7) and from a practical point of view it's just a lot easier to get three (3) than it is to get four (4). If we look at the number of meetings this year through October 11, 2016 we had thirteen (13) meetings, two (2) were cancelled and four (4) had no quorum. It's a little distressing to the applicants that appear with their full team to have four (4) out of thirteen (13) meetings with no quorum. A survey was done by our Village Manager and out of 23 municipalities, 16 have a board membership of five (5); and only seven (7) have a seven (7) board membership, so certainly there is a majority of municipalities that favors a five (5) board membership.

Trustee Grunthal read into the record a letter that was sent to the Trustees and was signed by twenty-three (23) Mount Kisco families with regards to the Planning Board membership.

"As residents of the Town/Village of Mount Kisco, we take seriously the need to attract new businesses to downtown Mount Kisco. It is widely believed in the business, architecture, legal, and real estate communities that the Mount Kisco Planning Board is a barrier to starting a business in our village.

Work done by the Planning Board Task Force led by Trustee Grunthal and Deputy Mayor Markus verified the negative perceptions of the Planning Board and identified more than twenty (20) recommendations for improving the effectiveness and efficiency of the building approval process. We understand some of these recommendations have been implemented, while others have not. We are writing to emphatically encourage the Village Board to implement all of the recommendations.

Most specifically we believe there should be an immediate reduction of the number of Planning Board members from seven to five.

Trustee Grunthal read into the record an email he received from a former Village Manager from the Village of Ardsley, George Calvi.

"Since I am not currently an active manager, I will not comment based on my prior experience in local communities. I will say however that whenever we discussed organizational management in graduate school, the optimal number for any elective, advisory, or steering group was five (5). Generally, all five members pull their own weight, and if one is routinely absent or noncontributory, it is immediately noticeable by all parties, and peer pressure tends to rein them in. In my humble opinion seven person boards in any scenario are less optimal because members can get lost in the crowd. With seven it is very easy to slide by, not do your homework, be absent, and your lack of productiveness is less noticeable. Lastly, if you are burdened by one of those boards where each and every member has the misguided feeling they have to voice a lengthy opinion on every item no matter how redundant, listening to five (5) members is far less burdensome than having to listen to seven (7) members, and takes up a lot less time".

Trustee Grunthal read an email from Mr. Jim Diamond. "I would certainly want to speak on behalf of reducing the Boards size I think five (5) with two (2) alternates is perfect and helps insure that (a) the quality of the five (5) is high and (b) there is rarely a lack of quorum.

Trustee Grunthal stated the other reasons that I believe Mr. Cosentino is implying is that this Village Board wants to remove one or two or three members from the Board. The two are very separate issues reducing from 7 to 5 is an institutional issue, removing specific members is a personnel issue. If we had wanted to remove anybody from the Board we could have done so at the organizational meeting last December, but we tabled the appointments and did not remove anybody, because that was not our intention at that time. The intention now is to make an institutional change not a personnel change. Having said that we have received a number of requests asking us to look at the membership itself from a personnel point of view and that will be done later on. It is a separate issue from the change of seven (7) to five (5).

Mayor Cindrach stated that we will have a seven (7) member Planning Board regardless of what we do, if we do change it to five (5) it will be five (5) members with two (2) alternates and every member currently serving on the Planning Board will be given the opportunity to interview before the Village Board.

Mrs. Antoinette Whalen stated that she felt that it should remain the same, our forefathers decided for some reason that seven (7) was the number to have. You have a bigger diversity of ideas and opinions with seven (7). Who is going to guarantee a quorum with five (5) members versus seven (7) members?

Mr. Ralph Vigliotti stated that he has been on the Planning Board for almost 17 years. I think there is a misconception that has caused galvanizing to take place and there has been a division that has come out with what took place with the Modell's Sporting Goods store Planning Board Application. I think we have well over two hundred store fronts, businesses, and banks in the Village and there are a lot of reasons why there are empty store fronts. The entrepreneurs today as opposed to 30 years ago where able to get loans, they were able to work in a store with a reasonable rent, that is not the case today. There are stores in which the landlords are quite greedy, they doubled their rents. Modell's came before the Planning Board on July 14, 2015, we had to have a special public hearing, it was part of our legislation otherwise they would have gone directly to the Building Department. There was a formal resolution 4 1/2 months later on November 24<sup>th</sup>. Now within that 4 1/2 months they weren't prepared for two meetings. There was a lot of conversation within the Village with regards to whether they would be a good fit, and that was a large issue. But the Planning Board in its process of this application had to do all of the right things and we did and 3 1/2 months later they were ready to go. But guess what, it took 9 months for them to have their grand opening. It took the Planning Board 4 months to approve their application and it took them 9 months to open. So please don't blame the Planning Board for that. We talk about eyes and ears going over an application, some are easy applications and some are laced with flaws and issues that we have to send the application back for further review. I feel that the more eyes that you have on an application and the more voices that you have the better off you are. Mr. Sturniolo and I have been here in the Village for quite some time and we are part of the history of the Village. A five (5) member Board might work, but I would rather have the approval with four (4) members than three (3) on any given night. The alternates vote only if a member is absent. The alternates feel sometimes, why am I hear and they tend to back up a little bit. I'm not opposed to five (5) members, but I am supporting seven (7) members. I honestly believe now that the two (2) seats have been filed that we can now meet on a regular basis. If one (1) member has a conflict of interest which happens regularly, now you are down a member. Many towns only have one (1) meeting a month, we have two (2). I am supporting a seven (7) member board. The Village Board will make their decision and we will live by it. I want to give kudos to the Building Department, because we were

not that fortunate over the last five (5) or seven (7) years to have a Building Department of the esteem and of the value that it brings to the town as we do right now. A lot of things just ended up on our plate. A lot more things are being handled by Staff before it gets to the Planning Board level. There is a good department there. Peter Miley is the Building Inspector and he is doing a good job. I do not want the Planning Board to take any of the blame for having any of the empty stores that currently exist in town. No one has the answer, no one knows why there isn't enough activities in the Village to bring young families into town. But it's not the Planning Board.

Mayor Cindrich stated that he appreciated Mr. Vigliotti's comments about the Building Department, it has taken a long time to find somebody capable of handling the challenges that we have in Mount Kisco. I don't agree with everything that was said because a number of stores have gone before the Planning Board. I have expressed my concerns that by reducing the membership from seven (7) to five (5) it would give to few people too much power and that of course is of concern.

Ms. Kathy Lynch stated that she was in support of the change from seven (7) members to five (5). Her support was not based upon blame, it's not based upon personality issues, and it's not based upon the history of what went on in this town back when it was a sleepy little Village. My support is based upon what I think is more expedient for the Town that we are becoming and is better for progress. As someone who volunteers her time to do something for this town, I applaud and commend the members of the Planning Board who have served for years, but it's time for a change, progress, efficiency and moving forward in a different direction.

Mr. William Polese stated that he agreed with what Ms. Lynch just said. I order my food, my clothing, and my personal goods through Amazon. How I'm buying doesn't take me into the stores of the Village and I get why we have empty stores and it's not the Planning Board's fault. But the speed of review and the speed of approving plans is urgent. There are a lot of great things here and I think where we need to focus is being nimble and I think going to five (5) members gets us nimble and the people that care will voice an opinion. I think if we maintain the status quo it's a recipe for disaster. People are currently dissatisfied with the current system, so if we can get to nimble great. I think it's foolish to get in the way of progress and if five (5) members gets us there then the Village Board should take it under consideration.

Trustee Grunthal stated that Mr. Polese hit the nail on the head regarding his statement about the "speed of review". That was one of the major goals of the task force to get reviews done much more quickly because that's what we were pushing for, to keep the

costs down on the part of the applicants. I agree there are a lot of reasons for the empty stores, but the Planning Board process is one of the reasons. I agree that the process needs to be sped up, while not lowering our standards.

Trustee Schleimer stated I don't know if you all appreciate all of the detail that our Planning Board pays attention to. When they were working on the parking lot at the Hospital they worried about the effect that the lighting might have on the sky and the residents of the Village. There are things that most of us would never have in our everyday life, we have no idea what the issues are that come before the Planning Board and what their many years of experience have taught them to deal with. I currently live in a community that wasn't subjected to Planning Board review and there was a huge difference. There is a reason why large applications take time and I'm not sure that we can give up doing a serious, competent, and careful review because we need to move things quickly, it would be a huge mistake.

Trustee Schleimer read the following statement into the record. This request to reduce the number of Planning Board members from seven (7) to five (5) is not appropriate or necessary for several reasons.

The claimed necessity for the reduction in the number of members is that a large number of Planning Board meetings were cancelled as a result of a failure to obtain a quorum with the result that applicants' projects suffered serious delays and cost them substantial monies due to this delay. This proposal was supported by a survey prepared by our Village manager which suggests that a large number of Planning Boards have only 5 members.

Firstly, of all of Towns polled, there is no information as to the number of meeting where these boards failed to obtain a quorum.

Second, almost all of these towns meet only 1x a month. Some take off for July and August and some have their meetings as needed.

What this shows us more than anything is the extreme dedication of our volunteers who have 2 meetings a month, including July and are now being asked, notwithstanding these members are volunteers and receive absolutely no compensation for what they do, by the Task Force to hold, I believe, 2 full meetings in August. Our records show that one meeting was held August, 2016.

Of 23 meetings scheduled during the past 12 months, only 3 failed for a lack of quorum, notwithstanding the fact that in this unusual year for the Planning Board, one long term member passed away, one moved out of the area and was no longer eligible to serve and a third had serious medical issues that took him out of state for several months.

Notwithstanding the foregoing losses, temporarily or permanently, and the replacement of only one member therefore functioning short one member for the entire year and short one member for medical reasons for 8 meetings, the Board only lacked a quorum for 3 meetings.

Perhaps the real issue here is why a 7<sup>th</sup> member was not appointed and why a second alternate was also not appointed. Surely this all volunteer Board rendered exceptional service under very difficult circumstances.

Changing the Board to 5 will not increase its ability to have a quorum.

Doing the simple math, a 7 member board requires 4 members for a quorum while a 5 member board requires 3. A 7 member board requires 57.1428% of its members show while a 5 member board requires 60%.

The assumption therefore that reducing the number of members will assure less meetings being cancelled is therefore incorrect.

The timing for this request is most unfortunate. There is an outstanding question as to why various members of the Planning Board and the Chairman have not been reappointed for going on 11 months during which they have continued to serve.

I am not sure what the effect of reducing the number of members would have and we have not yet discussed who would go, but the coincidence in timing is uncomfortable.

I would ask that the Village Board either table this discussion until after the issue to reappoint volunteer members is resolved or dismiss this amendment as not accomplishing its stated goal.

Deputy Mayor Markus stated that this Board has never shied away from making decisions that are challenging and I think that is because we don't always put our finger up in the air and feel where the wind is going. We do what we think is right and that's the way I try to conduct myself. The Police Department change took a long time, I think it was the right decision. I know a lot of people didn't and I respected both views. I think it saved the Village a lot of money and I think we have better service and I think that's why we are elected, to make those kinds of tough decisions. It took a lot of time and energy to put the Building Department together that we have today. I think tonight's meeting is wonderful. I think debates and discussions on issues such as this is important. I think it's important for the community to come in and voice their opinions on subjects, because we all live here. It is not easy to get an unpaid, volunteer to come in who has the energy and qualifications to do that kind of work. My experience has been that we have not been able to get that new talent on there. We have been fortunate to have two (2) new members that we brought on

in the recent past which has helped. I think bringing the membership down to five (5) members with the two (2) alternates, who I hope will attend the meeting notwithstanding the fact that they may or may not participate. Given what we've seen in the past they probably will participate because of the circumstances that they are under and in my opinion this is the best way for us to go and if it doesn't work out we can always revisit it. I think this is the way to go for now and I do not put the blame on the Planning Board for the store vacancies in town.

Mr. Joseph Cosentino stated that Building Inspector Peter Miley is great. They are now looking at applications before the Planning Board gets them, so that's what makes the process much faster.

Mayor Cindrich stated that another important thing that we have done is change the Planning Consultant. Because the planning consultants ideas were stale here in the Village of Mount Kisco. So we got a young gentlemen here as a consultant that is vested in the community and personally I don't think we are delegating enough things to him. I think he should be doing more. I think the best thing a Planning Board should have that makes a Planning Board work, are top notch consultants.

Mr. Joseph Cosentino stated that the Building Department is great, you have a great Planner and a good Village Manager and the best Attorney this Village has ever had. So you have the crew you want. If you have to reduce it to five (5), so be it. But like I told Deputy Mayor Markus "we'll be back". Thank you.

Ms. Eileen Polese stated that she felt that it was very important to come back up to remind the Village Board that the reduction request was something that was identified by a Task Force. A Task Force that was created by the Village Board because you were addressing feedback from the community, business owners, and residents. The Village Board was responding to the needs that needed to be addressed here in the Village. I implore you as the Village Trustees to really move that motion from seven (7) to five (5) not based on any personal history of any resident. There are new residents with new ideas, just because of a duration on a committee or length of service with the Village doesn't necessarily mean you have anything to add. There is a history that belongs in the Village's decision making process, but what about the new residents and the new businesses that are coming to town. The Board has already identified this process as being problematic and

now you are trying to be responsive. So I implore you to really take seriously the motion to go from seven (7) to five (5) based on your own investigation and not by the community that is here tonight. So please take heed to your motion.

Ms. Gina Picinich asked the Village Board to separate the very good people, from the process. This is about process improvement, you have to identify an effective process and once you identify the effective process you then have to plug in the qualified people. So one decision has to be made first, then you determine the other. So I just ask you please to keep that in mind.

The following motion was offered by Deputy Mayor Markus and seconded by Trustee Farber to close the public hearing and that it should remain open until December 5, 2016 for written comment only, all in favor.

Motion Adopted

Mayor J. Michael Cindrach	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

8:45pm

**Public Hearing to Allow Certain Connections to the Village Water System.**

Mayor Cindrach noted that the Board was in receipt of the proper affidavits of service and the proper affidavits of public notice regarding this public hearing to allow certain connections to the Village Water System.

Mayor Cindrach introduced the proposed local law to allow certain connections to the Village Water System. This involves two (2) distinctive issues that have been brought to our attention over the past several years. The changing of the wording that is being proposed is "For the purposes of this Chapter, each separate tax lot shall be deemed a separate premises, constituting separate uses and requiring individual applications and meters". Several years ago the Health Department put a particular piece of property in the Town of Bedford under a mandate to not use the water as potable water. We still don't have the affidavits necessary from the Health Department. One of the occupants of the building that has been a driving forces behind this application is a resident and former

Village Trustee. We would be providing water to this particular building with no more than 150 gallons per day for each of the separate condominium units. The second issue involves a building in the Town of Bedford that by law was allowed to be constructed and enter into the Village of Mount Kisco's Water supply system without authorization. In an unprincipled move a developer tied in a nineteen (19) unit condominium into our water supply system for fire suppression purposes. It came to light well over two years ago. They have enjoyed the fire protection of this Village and our water supply for twelve (12) years without reimbursing the Village, which is very disturbing. Our Planning Board had no input, our Village Board had no input, and the Bedford Planning Board possibly reviewed the project but never got certifications that the Village permitted such a tie in. So the options are that we tell the developer of the condominium complex to construct their own water tower, water supply system, generator, and fire suppression system to satisfy the needs of their community. Or we enter into an agreement to provide fire suppression service to them at a cost that is rewarding to the tax payers of Mount Kisco. Unless it is rewarding to the tax payers of this village I would recommend telling the developer to build their own water supply system. The caveat in this whole issue is, if there is a fire in this particular area they are going to use Mount Kisco water any way because we do have fire hydrants all along North Bedford Road. So that is part of what this legislation is about.

Village Manager Brancati stated that this amendment only addresses the issue on South Bedford Road. We didn't propose the amendment to deal with the North Bedford Road issue. When we arrive at some sort of solution, we will come back with any amendment that will satisfy the Board's concerns.

Mayor Cindrich replied that he wanted to bring it to the public's attention because we have been sitting on this for well over two (2) years after being noticed of it and we haven't done anything and they are still enjoying the benefits that Mount Kisco tax payers are paying for.

Village Attorney Whitney Singleton stated that what he would like to add to this was not something for public discussion. At the last meeting we asked the Village Board specifically whether you wanted to hold off on the Public Hearing for this item so that we could present it in an omnibus fashion all of the changes and your board said no, we want to consider the first part first, then we will make a decision on the second part later. I will address to you privately my concerns relative to this and those are private concerns and I am not going to discuss those publically, but they do have bearing on the second part of the proposed legislation.

Mr. Cosentino stated that it was his understanding that the Village was going to be selling water to a development out of the Village, as we do now. But this isn't something new.

Mayor Cindrich replied that they made an application to the Village.

Mr. Cosentino stated so the Board is considering this request.

Mayor Cindrich replied yes.

Mr. Cosentino stated that it was just a couple of months ago that Trustee Grunthal was concerned about water going into Byram Lake. He was scared that the lake was going to go low, which it is now and aren't we on a water restrictions right now.

Mayor Cindrich replied that the Village has been on a water restriction for almost as long as he has lived in the Village. This application was presented to the Board several years ago and the Board entertained it and said let's look at our options. Because we felt with the fees that would be garnered by this application it would give us the ability to stabilize the water rates and not have to raise them. We lose more water in the inflow and outflows of the water supply system than we would by supplying water to this particular development.

Mr. Cosentino asked if this meant that anybody out of the Village limits in Bedford are entitled to tap into our water lines.

Mayor Cindrich stated that no it is a clarification of Section 103-3. The premises would have to be located within 1,000 feet of a main existing on May 1, 1992. The clarification was if this particular group of Dr.'s fit this particular law. The issue was that we looked at the wording and to make it palatable was that they would have to use less than 150 gallons per-day per-unit and they would have to be separate tax lots. If they are not separate tax lots it wouldn't fit this bill.

Mr. Cosentino asked if they have municipal water and they expand their buildings are we going to entertain that.

Mayor Cindrich replied no.

Mr. Cosentino stated so that means if we serve a person or units on Route 172 does that mean that nobody on the property can expand?

Village Manager Brancati replied this property has a septic system which cannot be expanded and they have no room to expand. So they are limited by the capacity of that septic system as is all of the properties. As you know the Village's sewer line cannot accept sewer, from outside the Village so as a result all of those properties that you are suggesting have a septic system and cannot be expanded and that property/development is limited to the capacity of the sewer system that exists.

Mr. Cosentino stated so that means the Merv Blank property that they are going to be building on will not be connected into the Village's water line.

Mayor Cindrich replied that we haven't had any application from Mr. Blank regarding that property. However, I will say the water that now feeds the condominium units at the gateway to the Village of Mount Kisco, is contaminated and does not meet the criteria of the State Health Department and it has become an overwhelming burden for the people that use that facility and according to the records that they provided to the Village half of their patients or clients live in the Village of Mount Kisco.

Mr. Cosentino stated that he was concerned about providing water to another municipality if the Village of Mount Kisco was under water restrictions.

Trustee Grunthal stated in the monthly Byram Lake Reports which has been provided to us by the Village Manager it states that the August average was 1,887,767 gpd and the July average was 1,921,982 gpd. Our safe yield we believe is somewhere between 1.6 or 1.7 gpd and I have been on record in wondering what our plans are if we run out of water. I think the point that Mr. Cosentino brings up is completely legitimate, when we have concerns about the amount of water that is used versus the safe yield. We have been supplementing our water with the Leonard Park Wells for a few years now and it's worked. But it is a concern of mine.

Village Manager Brancati stated for clarification all of the other sections of Code Section 103-3 still need to be met. The Westchester County Department of Health still has to make a final determination that there is no other source on the site for a well. The applicant still has to obtain all of the approvals necessary for the DEC, NYCDEP, and those are just some of the conditions that have to be met. This was simply a point of clarification because as the law reads at the moment "an existing or proposed office or commercial use having an anticipated water demand of not more than 150 gallons per day. While it's one building it's not one entity, they are all individual entities. As long as each one stays below 150 gallons per day and meeting all of the other requirements.

Trustee Schleimer stated that she has no idea how many tax lots we are dealing with at this location.

Mayor Cindrich replied that he thought it was fourteen (14) and we are dealing with tax lots that are individual doctor's offices.

Trustee Schleimer stated that the legislation does not specifically reference this building, it deals with proposed or existing commercial use.

Mayor Cindrich stated that the Board voted on this a couple of years ago to entertain this proposal and it was unanimous. If we had no interest in it I would have abandoned the

whole idea, which I'm still willing to do. But I think it's kind of disingenuous for the applicant, because we did vote on it and we sent them a message to pursue it.

Deputy Mayor Markus suggested leaving it as a public hearing and provide Trustee Schleimer and anyone else information to be well versed on this topic. We can table this item tonight and we can decide on the legislation so that everybody can make an informed determination.

Trustee Grunthal stated that the amount of water that this complex will be using is a tiny fraction of the total water coming out of Byram Lake, but there are a couple of points that concerned him we are deeper into this now. The first being that the water consumption has gone up significantly. The amount of water that we are using is certainly now becoming much more of a matter of concern than it was a couple of years ago. The other point I'd like to make is how do we stop people from using 150 gallons per day.

Mr. Singleton replied that the applicant did provide the Village with historical data as to what their annual water usage was for the entire year, so we know what they are averaging for the entire facility. We will also meter each condominium unit.

Trustee Schleimer stated that she has some concern because this may not be the only property that makes use of this. I have no idea what else might come on-line and be legitimately entitled to hook up to the Village's water system and that causes me great concern. I think we are opening Pandora's Box.

Mayor Cindrich stated that Pandora's Box is already open, it's in the law now. The Rugged Bear Building on North Bedford Road was able to tie into Mount Kisco's water supply many years ago under this law, just by application and the wording of this law.

Trustee Schleimer replied, well maybe we need to look at the law.

Mayor Cindrich replied that's what we are doing here tonight.

Trustee Schleimer stated but not to expand the use, but to contract the use.

Village Manager Brancati replied that this proposed local law is clearly defining the language of the law. This change is not an either/or, you still have to meet all of the items of Section 103-3 which are extensive and are two (2) pages worth of items that need to be complied with for this to even be an option.

Trustee Schleimer stated that she needed to know what our possible exposure was because truthfully, I'm not worried about some other town. Our primary concern is Mount Kisco and ensuring our residents that we have enough potable water. So I need to know where else there could be developments and tie in's, so that we know what we are talking about. They are still open now? How are they doing it?

Deputy Mayor Markus stated if you look at the statute it looks like they have to meet all of the criteria and then it says, "May be approved". Perhaps one of the criteria factors should be the impact on the present water supply system.

Village Attorney Singleton stated that there were things that he previously identified for the Village Board of Trustees at the last meeting and in a memorandum that he sent to the Board. My suggestion would be for you to discuss this in Executive Session, because there are some legal considerations to weigh before you make your decision and I can appreciate what Trustee Schleimer is saying about weighing the impacts of this on a Village wide basis. There is also some consideration to give regarding what Mayor Cindrich said regarding people tying into the water system that should be tying in and what is the best way to move forward. As a practical matter when you go to get an approval from the Board of Health, and they see a water meter within 250 feet of them they are going to expect that you tie in. We have a provision in this law that talks about within 1,000 feet and then you get into the issue of whether or not there is going to be a discriminatory application of that particular provision. I think that this issue could easily be discussed before any meeting that you have to make a determination on this issue.

Mayor Cindrich stated that he agreed with the Village Attorney. This is not a new building it's an existing building. When we started selling water outside of this district we do get double the rate. When this water request proposal was presented to the village Board and endorsed by the then Village Manager, we under took this whole process because the Town of New Castle withdrew from our water supply system and we lost 30 or 40 units and we we're looking to recoup that income from the residents that we lost.

Mr. Vigliotti stated that on the surface there is a need to assist with contaminated water with that regard. However, the one thousand feet proximity to an existing main which is in the existing law bothers me more than anything else on both North Bedford and South Bedford Road. I just ask as you redefine this you take a really close look at all of the "what ifs" scenarios.

Mayor Cindrich replied that they would still be restricted to the 150 gallons per day.

Village Attorney Singleton stated they are not restricted to 150 gallons per day, they are restricted to four (4) bedrooms, which is what the law provides.

Mr. Vigliotti stated if the aquifer is serving that complex, who knows what can be contaminated on the properties that are adjacent to it.

The following motion was offered by Deputy Mayor Markus and seconded by Trustee Farber to adjourn this public hearing for 30 days, all in favor.

Motion Adopted

Mayor J. Michael Cindrigh	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

**1) Communications:**

A. Letter from the American Legion re: Veterans' Day Ceremonies.

The following motion was offered by Mayor Cindrigh and seconded by Trustee Farber authorizing the American Legion to hold their annual Veterans' Day Ceremonies as outlined in the letter received from Adjunct Ferd Vetare; all in favor.

Motion Adopted

Mayor J. Michael Cindrigh	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

**2) Petitions: None.**

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

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

A. Monthly Report Byram Lake and Leonard Water Treatment Plant.

Village Manager Brancati reported that during the month of September the water treatment plant produced a total of 51,557,000 gallons for a daily average production of 1,719,000 gallons per day which is down slightly from the August and July average production. The Leonard Park Wells are currently in service, however we are using them less than we had during the past few months. The capacity of the lake on September 1<sup>st</sup> was at 87% and at the end of September it is at 85%.

B. Village Offices Closed for Election Day and Veterans Day.

Village Manager Brancati announced that for the week of November 7<sup>th</sup> there will be two (2) holidays in which all Village Offices will be closed and the collection schedule for the week will be as follows:

Monday, Recycling (glass, plastic & metal)

Tuesday, Offices Closed for Election Day.

Wednesday – Thursday’s Garbage along with Newspapers & Cardboard.

Thursday – Friday’s Garbage

Friday Offices Closed for Veterans’ Day.

**5) Board Reports:**

Trustee Schleimer reminded everyone about the upcoming election on November 8, 2016. Residents should have gotten their voter guides from the League of Women Voters by now, if not there are copies available in the Library and Village Hall. If you need to request an Absentee Ballot please go to [www.411.org](http://www.411.org) and download the form on line. There will be a bus available on Election Day at the Fox Center to take seniors to the election polls. We did this last year and we were able to make it happen this year. Hopefully, it will be an annual event. Applications for Absentee Ballots need to be mailed seven (7) days before the election or hand delivered to the Westchester County Board of Elections no later than the day before Election Day. It is too late to register to vote if you have not done that. The Election materials will then be mailed to you immediately. Last week I meet with the County Board of Legislator’s Senior Committee for a discussion on proposed legislation to prohibit the eviction of seniors in senior housing projects. This bill will give seniors more of an opportunity to fight a closure of a reverse mortgage. This is legislation that I have been involved in for about a year. I will keep you informed as to the progress of that bill. On Wednesday, October 26<sup>th</sup> there will be a Halloween party at the Fox Senior Center at 12:00 pm. On Saturday, November 5<sup>th</sup> the Annual Craft Sale will be held from 10:00 am to 3:00 pm sponsored by the Fox Senior’s. I have been there in the past and some of the handmade offerings are amazing. The Mount Kisco Recreation Department is now sponsoring a Defensive Driving course several times a year. The dates that are coming up are November 5<sup>th</sup>, 19<sup>th</sup> and December 3<sup>rd</sup>. For more information, please contact that Recreation Department.

Trustee Grunthal reported that the Conservation Advisory Council (CAC) has been completely rejuvenated by a number of new people that have been appointed to the council recently. On October 11, 2016 the CAC had a meeting with Village Manager Brancati, Jim Nordgren who is doing the Village’s Natural Resource Inventory, and Rob Doshier from Westchester County to look at a number of flood prevention measures. There were two (2) other meetings of the CAC, at one meeting the members raised the many different things

they would like to do on the environment front and it was decided that they couldn't recommend everything to the Village Board, but that they should prioritize their list, which they are now in the process of doing. There is tremendous enthusiasm now and it's terrific to watch.

Trustee Farber reported I want to send my condolences with deep respect and sorrow with the passing of Hank Kensing. He was the ultimate gentleman. My sincere sympathy goes to Eileen, Hank's wife, their sons and family and also to Hank's brother Rub.

I have so much to discuss about the new Mount Kisco Arts Council. I have been meeting regularly with Lisa Abzun, Beth Vetare-Civitello, and Ed Brancati. We even had world renowned illustrator Alan Rheingold at our last meeting. As discussed earlier, the Mount Kisco Arts Council is alive and vibrant. We are preparing a Pop Up Art Show this November on South Moger in the vacant space where Celine Boutique was located. We have a mission statement and are actively working on the other legal forms. Our next meeting is tomorrow at 9AM. More to follow as things develop. Speaking of art, I had the pleasure of attending the first Adult paint night of the year with the artist Nando at the American Legion. It was so much fun. I brought my husband, I sat next to Paula, our Secretary to the Village Manager and we learned a new skill, how to layer and create a wooded meadow scene. If you would like to try your hand, Nando was a great teacher. The class was presented by the Mount Kisco Recreation Commission with the next session planned for Friday, January 27<sup>th</sup>. You will be shocked at the talent that resides within.

The Mount Kisco Historical Society had their last meeting Wednesday, October 5<sup>th</sup>. On Saturday morning, October 15, 2016. Harry McCartney interviewed and led a discussion with the elders of our Fire Department and Ambulance Corps at the Legion. The next meeting of the Historical Society will be Wednesday, November 2, 2016 followed by the spaghetti dinner at the American Legion.

So much work and meetings went into the effort of producing a Columbus Day Parade on Sunday, October 9, 2016. It was not to be as the Nina, the Pinta, and the Santa Maria were in Mount Kisco all lined up when the wind and rain destroyed the plans. The co-sponsors were the Lagato Latino Group who had so many kids ready to dance and perform. I want to thank Filippo Simone and the entire committee for such a gallant effort. We will be ready to go next year.

I attended the Sons of the American Legion Indian Summer BBQ on Sunday, October 9, 2016. It was a packed house and the food was delicious.

The Rotary Club sponsored the Tastes of Northern Westchester on Thursday, October 13<sup>th</sup> at the Mount Kisco Country Club. The beneficiary was the Richmond Community Services Foundation. The food was delicious, especially the seafood bar. No one left hungry that night.

I also attended the annual FISH of Mount Kisco dinner for all volunteers. FISH stands for Friends in Service Helping. It is such an important organization that helps our seniors who cannot drive, we get them to their doctors appointment, the pharmacy and the hospital. To be a FISH volunteer requires one morning or afternoon a month of your time. I am a volunteer, as is Trustee Grunthal' s wife Susan. If you would like to learn more about this organization, call Pat Reilly and Joan Stewart and they will fill you in.

Finally, next Monday is Halloween, October 31, 2016. The Recreation Department is sponsoring a pumpkin decoration contest on Sunday, October 30<sup>th</sup> from 4pm to 5:30pm. It's time to put on your Halloween costumes and go to Leonard Park for games and treats. This annual event is free and it's fun! Please notice that our Village is also in the spirit. The first ever Merchant Scarecrow contest is underway as well as a Halloween window art display on local business windows on Main Street and South Moger Avenue. The scarecrow contest includes 17 businesses vying for a plaque from the Recreation Department and you all have a chance to vote on your favorite scarecrow until Friday, October 28<sup>th</sup>. Happy Halloween, be safe, and have fun.

Deputy Mayor Markus complained about the pay stations once again not working. He asked if there was anything the Village can do to make it clear to them that we want to have this fixed.

Village Manager Brancati replied that there are a number of issues that Chief Brogan and I have been working on. We have had repeated meetings, countless emails and phone calls with the vendor, ITS, to try and resolve a number of issues that have come up. Some have been corrected and some they are still working on, which is totally unacceptable and why we are withholding their payments.

Deputy Mayor Markus asked if another company can take over the process.

Village Manager Brancati stated that we are going to have to start looking at those options because we cannot continue this way. Part of the problem is that we also have a dual rate structure for the different methods of payment (cash vs. credit).

Deputy Mayor Markus replied if that is the issue then we might want to reconsider that, it just might not be worth the 5 cents difference.

Mayor Cindrich stated that he was still receiving complaints on the road markings and crosswalks. The obvious one is on Maple Avenue, the crosswalk is blurred out and the road markings center line is faded. If they are wearing out too fast then we are using the wrong type of paint.

Mayor Cindrich reported that a Croton Avenue resident has repeatedly complained about the traffic light at Croton Avenue and Route 133 facing west. The signal in its normal operation is conflicting, we are not getting the requisite response from DOT. In other communities they use an optical lens that makes the signal only visible from a certain direction. Mr. Dave Parker, Traffic Engineer from the NYS DOT has been emailed on this issue frequently. This complaint was also emailed to the Interim Village Manager in 2014. Mayor Cindrich asked the Village Manager to contact the NYS DOT Engineer and ask him to look at the optic lens that work very well in other lower communities in Westchester.

Mayor Cindrich stated that he participated in a Health Fair at Pinecrest Manor. It was a great day. The Mount Kisco Partners in Prevention were involved along with Northern Westchester Hospital. The highlight of the day was the Westchester County Police presentation and Child Safety Photographs of the children there. The reason I got involved with this Health Fair was because we are giving young people the opportunity to bond with our Police Officers. The Police Officers did an exceptional job and they had a craft fair there on the property. It was a great event and hopefully we will see more of this.

Mayor Cindrich announced that they will be blasting on the Saw Mill River Parkway so be prepared. It's actually in the Town of Bedford, we had some concerns because we do have some infrastructure going into Cliffside Lane. The engineers will be installing seismic equipment, and they will be blasting every day at noon for a couple of months.

Mayor Cindrich stated that he worked with Senator's Murphy's office to obtain a \$5,000 grant which will be used for crime prevention and seminar's to people that want to learn how to protect their own properties. The Village Manager has the mechanism right now to tap into those funds, so I hope we can move that forward.

Mayor Cindrich stated that Senator Murphy is again holding the Veteran's Hall of Fame Program which will take place on Thursday, November 17, 2016 at the American Legion between 7:00 pm and 9:00 pm and it was his honor to announce this evening the nominations of Peter and Paul Hughes as twin brothers who served in the Korean War on the front lines. You will be hearing more about this in the future.

Finally, we have some challenges coming up regarding the alterations of the Mount Kisco Fire Department Houses. The architects are looking at making alterations and additions to the three (3) Fire Houses. Each fire house has its own challenges and once we

have a power point presentation I'd like to present it to the public and to the Village Board even before we get the costs. It is something that is long overdue and as I promised the fire fighters 2017 would be the year that we've stabilized our debt and if we do have to borrow money we can keep that level of debt basically at a reasonable level.

**6) Old Business:**

- A. Petition of Radio City Ventures, LLC and Maplewood Senior Living LLC for text change relating to property known as 2 Morgan Drive.

Village Manager Brancati stated that the applicants' attorney had some medical issues that he needed to attend to, so he was not going to be able to attend tonight's meeting. So as a result the applicant did not want to attend tonight's VB Meeting without him. So they requested to have this item pulled from tonight's agenda this evening and ask that it be placed on the next Village Board meeting in November.

Deputy Mayor Markus stated that he thought that this item was soliciting an opinion or a statement from each Board Member as to what our intentions are regarding (pass or not passing) a petition for a zoning change. I don't see it as a vote, but rather as a volunteering of information. I am prepared to give my opinion tonight, but I will forego it because it would be better to do that when the applicant is present.

Trustee Grunthal stated that he wanted to make sure that this item is schedule for the next agenda and that each one of us individually give them our honest view as to the viability and how we would likely vote on a text change. So that they understand whether they should go forward or whether they should decide to withdraw.

The following motion was offered by Deputy Mayor Markus and seconded by Trustee Farber to table this item this evening based on the applicants request; all in favor.

Motion Adopted

Mayor J. Michael Cindrich	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

- B. Appointment of Linda Greenberg to the Zoning Board of Appeals (5 year term)

The following motion was offered by Mayor Cindrich and seconded by Deputy Mayor Markus to table this item; all in favor.

Motion Adopted

Mayor J. Michael Cindrich	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

**7) New Business:**

A. Resolution of support for the establishment of the Mount Kisco Arts Council.

The following motion was offered by Trustee Farber and seconded by Deputy Mayor Markus;

Whereas, the Board of Trustees is dedicated to enhancing and preserving the creative spirit of the Village/Town of Mount Kisco;

Whereas, the Village Board is pleased to take this opportunity to announce its support for the creation of a Mount Kisco Arts Council, and recognize its establishment as a volunteer organization open to all that are committed to the betterment of the Mount Kisco community through the arts;

Whereas, the arts play a vital role in our society, and we recognize the importance of free and creative artistic expression;

Whereas, it is our hope that an active and enthusiastic Mount Kisco Arts Council will foster an environment that will promote local artists and encourage the development of various exhibits, events, educational programs, and workshops that provide people with a greater understanding and appreciation of the world in which we live; and

Whereas, we also see the creation of the Mount Kisco Arts Council as another integral and necessary piece to improving the economic vitality of our community and attracting people to our down town to help local businesses and strengthen Mount Kisco;

Now, Therefore, Be It Resolved, that the Village/Town of Mount Kisco understand the importance of maintaining the arts in our community and hereby supports the creation of a Mount Kisco Arts Council as a volunteer organization and further agrees to provide annual budgetary funding support of \$5,000 towards this initiative, within the constraints of the annual budget and with the approval of the Village Board of Trustees; all in favor.

Motion Adopted

Mayor J. Michael Cindrich	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye

Trustee Grunthal	Aye
Trustee Schleimer	Aye

B. Budget Amendments – (3)

The following motion was offered by Trustee Grunthal and seconded by Trustee Schleimer;

Authorizing the Budget Amendment for the DFC Grant Program to increase both the revenues and expenses for the Drug & Alcohol Abuse DFC Grant Program as outlined in the October 6, 2016 memorandum.

Resolved the fiscal year 2016/2017 adopted budget are hereby adopted and modified as follows:

Budget – General Fund Operating Fund

Increase Revenue:

001.0000.4486 Revenue - DFC Grant	\$125,000
Total	\$125,000

Increase Appropriations:

001.4210.4135 Expenses – DFC Grant	\$125,000
Total	\$125,000

Motion Adopted

Mayor J. Michael Cindrich	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

The following resolution was offered by Trustee Grunthal and seconded by Trustee Schleimer to Close Out Various Capital Project.

In connection with the adoption of the fiscal year 2015/2016 budget, to modify the use of capital fund balance moneys, as outlined in the October 6, 2016 memorandum. The purpose is to close out a completed capital project. All projects are funded and there is no fiscal impact.

Resolved, the fiscal year 2015/2016 adopted budget are hereby adopted and modified as follows:

Budget – Capital Fund

Modify Capital Fund Revenues & Close Projects:

004.0000.5031.0157 Inter-Fund Revenues Cleaner Greener	\$ 0.0 Close
004.0000.5031.0169 Inter-Fund Revenues Kirbyville School	\$ 0.0 Close
004.0000.5031.0170 Inter-Fund Revenues EDC Downtown	<u>\$ 0.0 Close</u>
Net Revenues	\$ 0.0

Modify Capital Fund Appropriations & Close Projects:

004.8020.2157.0000 Expenses – Cleaner Greener	\$ 0.0 Close
004.1620.2169.0000 Expenses – Kirbyville School	\$ 0.0 Close
004.7510.2170.0000 Expenses – EDC Downtown	<u>\$ 0.0 Close</u>
Net Expenses	\$ 0.0

Motion Adopted

Mayor J. Michael Cindrich	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

The following resolution was offered by Trustee Grunthal and seconded by Deputy Mayor Markus;

To provide Capital Project Financing for future projects as of 5/31/16.

In connection with the closing of the fiscal year 5/31/16, to move Unassigned Fund Balance money to Restricted – Designated for Capital Projects as outlined in the memorandum dated October 19, 2016.

Resolution to Transfer Fund Balance monies as of 5/31/16:

001.0000.0911	Designated for Capital Projects	\$1,256,000.00
001.0000.0909	Unassigned Fund Balance	(\$1,256,000.00)
Net		0.00

This budget modification will establish project funding of \$1,256,000 for future capital projects (General Fund Village Wide). The net impact on the total overall budget is 0; all in favor.

Motion Adopted

Mayor J. Michael Cindrich	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye

Trustee Grunthal	Aye
Trustee Schleimer	Aye

C. Budget Transfers

The following motion was offered by Deputy Mayor Markus and seconded by Trustee Schleimer Authorizing the Budget Transfers Journal entries #5555 and #5557;

Motion Adopted

Mayor J. Michael Cindrich	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye
Trustee Grunthal	Abstain
Trustee Schleimer	Aye

D. Resolution authorizing the Village Manager to sign the CPI-HR Consulting Agreement for 2017.

Village Attorney Singleton noted several contract changes from last year's consulting agreement and that there was a significant and potential liability in this year's agreement. Be advised that if you sign the agreement you will not be getting any type of recourse.

The Village Board requested that the Village Manager find out if the indemnification provisions that were written into last year's be available in this year's contract.

The following motion was offered by Deputy Mayor Markus and seconded by Trustee Grunthal authorizing the Village Manager to sign the CPI-HR Consulting Agreement for 2017, subject to asking that the terms, conditions and indemnification of the prior contract be included in this year's contract;

Motion Adopted

Mayor J. Michael Cindrich	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Nay

E. Resolution authorizing the Village Manager to sign the Student Assistance Services Agreement to provide services in support of the Mount Kisco Drug & Alcohol Abuse Prevention Council.

The following motion was offered by Deputy Mayor Markus and seconded by Trustee Schleimer to table this item pending a review and response from the new Director for the Mount Kisco Drug & Alcohol Abuse Prevention Council, all in favor.

Motion Adopted

Mayor J. Michael Cindrigh	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

F. Resolution authorizing the Village Manager to sign the County wide Bus Shelter Program IMA.

- First Amendment to Agreement #11-915.
- Agreement #DOTO12-16.

The Village Board of Trustees asked if there were any plans to improve or upgrade the existing bus shelters and also if any residents had requested additional bus shelters.

The Village Manager was directed to investigate these questions and get back to the Village Board.

The following motion was offered by Mayor Cindrigh and seconded by Deputy Mayor Markus to table this item pending the answers to the above questions; all in favor.

Motion Adopted

Mayor J. Michael Cindrigh	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

**8) Bills –**

The following motion was offered by Trustee Farber and seconded by Trustee Grunthal to pay the bills as presented to the Board for September & October, 2016; all in favor.

General Fund	\$	294,691.47
Water Fund		68,546.12
Sewer Fund		13,740.39
Library Fund		25,887.91

Capital Fund	539,230.19
Trust Fund	33,439.26
LOSAP	<u>7,750.00</u>
TOTAL	\$ 983,285.34

Motion Adopted

Mayor J. Michael Cindrich	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

**9) Approval of Minutes –**

Regular Village Board Meeting Minutes of September 20, 2016.

The following motion was offered by Trustee Farber and seconded by Trustee Schleimer approving the minutes of the Regular Village Board Meeting Minutes of September 20, 2016, all in favor:

Motion Adopted

Mayor J. Michael Cindrich	Aye
Deputy Mayor Markus	Aye
Trustee Farber	Aye
Trustee Grunthal	Aye
Trustee Schleimer	Aye

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

**11) Public Comment:**

Village resident Mr. Richard Bingham voiced his concerns about his neighbor’s various alleged code violations (smoke from his neighbor’s chimney) and requested that the Village Manager and Building Inspector inspect the property.

There being no further comments the meeting closed at 11:15 pm.

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Edward W. Brancati  
Village Manager