

Minutes of the **Regular Meeting** of the Board of Trustees of the Village/Town of Mount Kisco held on **Monday, September 18, 2017 at 7:50 pm** in the Frank J. DiMicco Board Room, Village Hall, and 104 Main Street, Mount Kisco, New York.

Present: Deputy Mayor Anthony Markus
Trustee Jean Farber
Trustee Peter Grunthal
Trustee Karen Schleimer

Absent: Mayor J. Michael Cindrich

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

Prior to the start of the meeting the Village Board conducted an informal interview with Christina McGinn regarding her interest in volunteering on the Leonard Park Committee.

Regular Village Board Meeting

Deputy Mayor Markus opened the Village Board Meeting and led everyone in the Pledge of Allegiance. Deputy Mayor Markus commended everybody who contributed to the vibrancy of Mount Kisco Sales Days and with regards to the 9/11 Memorial Service let's keep in our thoughts and prayers and never forget all of the men and women who were victims of that terrible terrorist attack. We can never forget that event and we give great gratitude to our Fire Department here in Mount Kisco for creating such a wonderful memorial and having our community members come out every year for that recognition.

- 1) **Communications: None.**
- 2) **Petitions: None.**
- 3) **Board, Committee and Commission Reports: None.**
- 4) **Village Manager's Reports:**

a. Monthly Water Report for August 2017.

Village Manager Brancati reported that the total water production for the month of August was 54,770,646 gallons for an average of 1,766,795 gpd. The July average was 1,737,550 gpd and the June average production was 1,743,668 gpd. The Leonard Park Wells have been in service during the month of August. Total monthly production from the wells was 4,863,646 gallons for a daily average production of 156,892 gpd. The treatment plant produced a total of 49,907,000 gallons for a daily average production of 1,610,000 gallons per day. On August 1st the Byram Lake Reservoir was at 96% of capacity and on August 31st the lake capacity was at 94%.

Village Manager Brancati reported on the water main break that took place over this past weekend on North Bedford Road. The Water Department and Department of Public Works worked on the break all Saturday and through the night into Sunday morning. We apologize for the disruption of service to the Foxwood Residents. It is very old water main and we are looking to replace the main in the next couple of years. I want to commend DPW Foreman Joe Luppino along with the DPW and Water Department Staff for their hard and diligent work to get the water back on and in service for our residents with as little disruption as possible. I would also like to extend my thanks to the Bedford Police Department and Westchester County Police Department in helping us keep the public aware of the situation and in helping to make the work area safe.

- 5) **Board Reports –**

Trustee Schleimer thanked our seniors who have decided to take the proceeds from the Senior Tag Sale held this weekend and donate the \$1,000.00 for Hurricane Relief for people who lost so very much in the hurricanes and their animals. September is National Hunger Action Month. The Mount Kisco Food Pantry has some signs out and I believe they are collecting donations. ShopRite has put out a newsletter as part of this month's activities as organizations and businesses across the country will be doing their part to fight hunger. On Wednesday September 20th ShopRite in Bedford Hills will be opening a Help Bag Hunger event to help raise money for an awareness of the issue of hunger in Westchester County. Throughout the day cashiers will be collecting donations for the ShopRite Partners & Caring Fund to help fill the shelves of local community food banks. The American Automobile Association is having a Car-Fit program which will take place at My Second Home on September 30th from 9am to 1pm. The Car-Fit program helps senior drivers achieve optimal safety and comfort in their cars. A technician will help drivers reduce blind spots, adjust mirror seats, tilt steering wheels, and more. Appointments are required, so please call my Second Home at 914-674-7814. On September 22nd from 9am to 1pm at the Westchester County Center there will be the Senior Speak Out where various community members make reports and comments are made on things of interest to seniors. This event is free of charge. The reports and the information are priceless and there is a free

continental breakfast. Just as a heads-up on the Columbus Day Parade. The parade will be held on October 8th, which is a Sunday at 2:00 pm.

Trustee Grunthal reported on the Mount Kisco Sales Days. We had many vendors making it a very colorful event. We had a food court and many not-for-profit organizations, we had trains for the kids, we had the Mount Kisco Historical Society Trolley ride, we had the Volunteer Ambulance Corps with their equipment, we had the Conservation Advisory Council with a turtle, a crab from our local river, and a long beautiful golden color garter snake that curled around the arms of Steve Ricker from the Westmoreland Sanctuary and around the arms of many of the kids who dared to touch it with fascinated looks on their faces. A huge number of residents came out and it was just such a wonderful event for the town. On Sunday the 5K Race took place earlier that day and we had over 600 entries for the race this year. Another event that benefits all of us took place on September 9th which was the gathering of volunteers from our town and our neighboring towns to clean-up the Byram Lake Watershed, surrounding our water supply. The event was sponsored by Nestle Waters of North America, they provided the gloves, the bags, and of course bottles of water. Our volunteers picked-up the litter all around the lake and we had teams cut the invasive vines that were throttling many of the trees in that area. Our Village Manager Edward Brancati, along with the Mount Kisco Department of Public Works led by Joseph Luppino had all of the trash bags cleared away by Monday morning. It was just a terrific team effort by everybody.

Adding to that good news we have teams of volunteers prepared to cut back invasive vines and plants, not only at Byram Lake, but on municipal properties all over Mount Kisco. The problem which I announced a few weeks ago is that all over New York State and Westchester County we have invasive vines and invasive plants throttling many of the trees in our area. So this is something that we really need to get on top of before they take over. I've been talking with the Conservation Advisory Council and Village Manager Edward Brancati and I'm please to say that we are all set to go on addressing this issue. We will have a sub-committee of the Conservation Advisory Council and the Tree Preservation Board, they will gather the volunteers and coordinate the volunteers, train them and equip them. We are very fortunate to have two people in our town who are truly experts on all of this James Gmelin and John Rhodes. So we are in good hands with both of these gentlemen. We have agreed that they will advise our Village Manager ahead of time when a team is going to work on invasives, so that Ed can make sure that everybody who needs to know about this is told.

Mr. Jim Gmelin, Chairman of the Tree Preservation Board elaborated to the public and Village Board more about this Invasive Plant program and how it will work.

Trustee Farber thanked Trustee Grunthal for his very colorful and exciting summary of Mount Kisco Sales Days and also the 5K Run. The 9/11 Memorial Service which was held last Monday evening on September 11th at 6:15pm, was powerful and very meaningful as always. Thank you again, to the Mount Kisco Fire Departments and Co-Chairs Paul Felice and John Marshall for putting all of this together so beautifully and to Richard Alexander for his very special words. The tribute was followed by food and amazing music rocking out at the Mutual Fire House across the street. Last Sunday on September 10th the dedication of the Hank Kensing Flower Garden was celebrated behind St. Francis. If you get a chance please just stroll over and take a look, it's absolutely beautiful and peaceful. There is a wonderful bench to sit on and just reflect, there is actually a prayer wall there too. The dedication was followed by a wonderful picnic lunch. This is one of many ways to honor former Mayor Hank Kensing who was a true friend, a leader, and a great hero of Mount Kisco. We had a ribbon cutting to welcome a brand new business to Mount Kisco on Thursday, September 7th. Deputy Mayor Markus did the honors welcoming Club Pilates to Mount Kisco, they are located at 30 East Main Street. There is also a new Knitting Store coming to Mount Kisco in the Dakin Avenue parking lot, more on that to come in the near future. The Mount Kisco Arts Council met on September 7th to finalize our plans for our very first ever Juried Art Show, please come for our concert right here on the Village Hall steps on October the 5th at 6:00 pm before the Gallery opening and both events are FREE. The Mount Kisco Historical Society met on Wednesday, September 13th and we are working on adding Historical designations to the old commercial and industrial areas of bygone days. Town Historian Harry McCartney is working on the next elder conversation. The topic will be sororities and social life back in the days. The Rotary Club has elected the Historical Society as its Organization of the Year recipient to be honored at the Taste of Northern Westchester Gala, on Thursday, October 26th at the Mount Kisco Holiday Inn. So thank you to the Rotary Club in recognizing the Mount Kisco Historical Society. Please mark your calendars for Sunday, October 8th. We are going to celebrate Columbus Day with our exciting parade going down Main Street beginning at 2:00 pm. There will be an all-day Car Show in the parking lots right behind Village Hall. There will be music, food, a special ceremony at noon right in front of the Columbus Statue, and then highlighted by the parade beginning at 2:00pm and everybody loves a parade, it will be a wonderful day!

Deputy Mayor Markus reported on the Mount Kisco Sales Days. Yes, we were represented by the Mount Kisco Historical Society, the CAC, the Fire Department, and the American Legion and of course the Chamber of Commerce did a great job! The Grand Opening of Club Pilates was very exciting and we are excited about a new businesses in town. I've also seen new signs announcing a new business Raymond James Investment Company, in the former Churchill's Clothing Store, in Shopper's Park which is exciting. I'm sure there will be more new store openings to report in the future because our town is vibrant and is continuing to grow. The Village Board of Trustees met in work session earlier this evening discussing the makeup of the Master Plan Committee, we had some good discussions with our representatives from our Planning Consultants. We are going to have a follow-up work session on September 28th at 4:00 pm and then bring it to our next public meeting to get moving on this comprehensive plan, so that we can work on what we need to do going further into this century. The next Finance Committee meeting will be held on Wednesday, September 27, 2017 at 7:00 pm.

6) Old Business:

- a. Resolution adopting the SEQRA Findings regarding the renovations, expansion and various improvement to all (3) Fire Department facilities in the Village/Town of Mount Kisco.

The following resolution was offered by Trustee Grunthal and seconded by Trustee Farber adopting the Short Environmental Assessment Review Form which has no negative findings and authorizing the Mayor to sign same, regarding the renovations, expansion and various improvement to all (3) Fire Department facilities in the Village/Town of Mount Kisco;

On the question:

Trustee Schleimer stated that she found it unusual that we are acting as the Lead Agency, generally the Planning Board acts as Lead Agency, this is the first time I've seen this Environmental Assessment Form. I feel unprepared to evaluate it, as to whether or not we should sign it.

Village Attorney Singleton replied that you can't move forward with your determination for funding without making a determination that you are moving forward with the project. So that is why you are making the determination now. My understanding is that the proposed renovations and/or additions are going to be to the existing sites, and that they are going to be on the existing surfaces and that they will not result in any significant increase in traffic, there will not be any construction on any contaminated sites, or next to a landfill, and that there is not going to be any significant adverse impacts to the environment as it's defined and set forth in this Environmental Assessment Form. Certainly, these are findings not for me to make, but these are findings for your Board to make in going through the Environmental Assessment Form. As to Trustee Schleimer's concern about the Planning Board, I believe it's the Village Board's position, although it hasn't been discussed, that you are going to exempt this project from normal Planning and Zoning reviews as was done with the Mount Kisco Library.

Trustee Grunthal stated these are buildings that we own and that we are improving existing buildings. The Fire Department wants them improved and we want to put it to the residents in a referendum to see whether they want to spend the money and have them improved. So I don't have any problem adopting these findings, because from an environmental point of view, I can only see this as an improvement not a detriment.

Village Attorney Singleton replied that he had gone through the Short Environmental Assessment Form and had completed and researched the form to the best of his ability. But ultimately it is the Village Board's determination, not his, he simply provided the Board with a filled out form.

Deputy Mayor Markus stated that he agreed with Trustee Grunthal, we want to move forward with this, the Fire Department requires it. I don't believe that we have any problems with environmental issues here. We are doing it in the same fashion we did with the Library and I for one would like to move forward on this. We can certainly continue the review of all of the different plans as we move forward and if the Bond Referendum is approved. But again, these are existing sites and these improvements are only going to help the environment. I'm very comfortable moving forward with this.

Trustee Farber stated that this has been extremely well reviewed and researched. We know exactly what we need and time is of the essence because it has to be on the ballot in November and I feel very comfortable that we have done our due diligence.

Motion Adopted

Trustee Farber	Aye
Trustee Grunthal	Aye
Deputy Mayor Markus	Aye
Trustee Schleimer	NAY

- b. Resolution authorizing the issuance of bonds for renovations, expansion and various improvements to all (3) Fire Department facilities in the Village/Town of Mount Kisco.

Resolution authoring the submission of a proposition for approval or disapproval of such bond resolution at the General Election of the Village to be held on November 7, 2017.

Trustee Peter F. Grunthal offered the following resolution and moved its adoption:

RESOLUTION OF THE VILLAGE OF MOUNT KISCO, NEW YORK, ADOPTED SEPTEMBER 18, 2017, GRANTING AUTHORITY TO CONSTRUCT ADDITIONS, ALTERATIONS AND IMPROVEMENTS TO ALL VILLAGE FIREHOUSES AND SITES THEREOF, PROPOSED TO BE FINANCED BY THE ISSUANCE OF BONDS OF THE VILLAGE TO BE AUTHORIZED BY A BOND RESOLUTION, WHICH SHALL BE SUBJECT TO A MANDATORY REFERENDUM

Recitals

WHEREAS, the Board of Trustees of the Village of Mount Kisco, in the County of Westchester, New York (the "Village") has determined that it is in the public interest to construct additions, alterations and improvements to all Village firehouses and the sites thereof (the "Project"), substantially in accordance with the report dated February 27, 2017 (the "Plan") and prepared for the Village by H2M Architects and Engineers, White Plains, New York, which Plan is on file and available for public inspection in the office of the Village Clerk; and

WHEREAS, the Village has taken various actions, including obtaining an estimate of the cost of the Project, and has proposed that such cost be financed by the issuance of bonds of the Village; and

WHEREAS, the Board of Trustees has proposed that residents of the Village be given the opportunity to vote upon a proposition for approval or disapproval of the bond resolution authorizing the financing of the Project pursuant to a mandatory referendum; and

WHEREAS, adoption of this resolution granting authority to undertake the Project does not create a requirement that the Project be undertaken, but is a necessary condition to adoption of the bond resolution subject to mandatory referendum, which shall provide residents of the Village with the opportunity to vote on a proposition for approval or disapproval of said bond resolution;

Now, therefore

THE BOARD OF TRUSTEES OF THE VILLAGE OF MOUNT KISCO, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Board of Trustees of the Village of Mount Kisco (the "Village"), in the County of Westchester, New York hereby grants authority to construct additions, alterations and improvements to all Village firehouses and the sites thereof, substantially in accordance with the report dated February 27, 2017 (the "Plan") and prepared for the Village by H2M Architects and Engineers, White Plains, New York (hereinafter the "Project").

Section 2. The estimated maximum cost of the Project, including preliminary costs and costs incidental thereto and the financing thereof, is \$10,250,000 and the plan of financing includes the issuance of \$10,250,000 bonds of the Village and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

* * * *

On the question:

Trustee Schleimer stated again, I feel like I don't have adequate information on exactly what it is we are doing, in terms of interest rates or anything else. I'm not sure I understand why we have to approve this before we have a referendum by the public.

Deputy Mayor Markus stated that it was his understanding that we pass this resolution, which is contingent on a positive referendum vote and if that doesn't come forward, then we wouldn't be floating the bond.

Trustee Grunthal stated that the resolution states "WHEREAS, adoption of this resolution granting authority to undertake the Project does not create a requirement that the Project be undertaken, but is a necessary condition to adoption of the bond resolution subject to mandatory referendum, which shall provide residents of the Village with the opportunity to vote on a proposition for approval or disapproval of said bond resolution". We are basically just paving the way that if the residents want to go ahead with the Fire Department Improvements we can do it and we can't go to the referendum if this is not in place.

Trustee Farber stated we have to get this settled in a timely manner in order to go on the November Ballot. I think we should also have the informational presentation done again, before the November Election, so that the public is made aware of exactly what improvements are being proposed.

Deputy Mayor Markus suggested that H2M make another informational presentation on Tuesday, October 17, 2017 at 7:30 pm, so that our residents can make an informed decision and in a timely manner.

Trustee Schleimer stated that this Bond resolution only provides for altering all three (3) fire houses and doesn't consider the possibility of consolidating and while I appreciate the fact that the Fire Department's themselves may not find that as their first choice in

reference to the fact that this is a major financial undertaking, I would have thought it would have and should have been part of the referendum.

Deputy Mayor Markus replied I believe that we did discuss that at length with the Fire Department. This bond resolution is for \$10,250,000 and what we had discussed at that meeting. In addition, we didn't necessarily have the place to put the fire department. Lastly, we were advised that the cost of that project would be around \$14,000,000 plus the cost of the property and the cost to repurpose the existing buildings, so based upon those factors, in addition to others, we believed that wasn't a viable option.

Trustee Farber stated that we also polled the firemen in the individual fire houses and they seemed to feel more comfortable with having their individual fire houses then consolidating.

Trustee Schleimer stated I think, as part of the discussion, it would have been nice to have with the public is whether in fact rehabbing a bunch of very old fire houses versus having something that is brand new and would have been sufficient for a longer period of time, notwithstanding the fact, that its claimed that these renovations are on fire houses from the 50's will be just fine, I think it would have been worthy of a discussion.

Deputy Mayor Markus called for the vote:

The adoption of the foregoing resolution was seconded by Trustee Jean M. Farber and duly put to a vote on roll call, which resulted as follows:

AYES: Deputy Mayor Anthony C. Markus

Trustee Jean M. Farber

Trustee Peter F. Grunthal

NOES: Trustee Karen B. Schleimer

The resolution was declared adopted.

* * * *

Trustee Jean M. Farber offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF MOUNT KISCO, NEW YORK, ADOPTED SEPTEMBER 18, 2017, AUTHORIZING THE ISSUANCE OF \$10,250,000 BONDS OF SAID VILLAGE TO FINANCE THE CONSTRUCTION OF ADDITIONS, ALTERATIONS AND IMPROVEMENTS TO ALL VILLAGE FIREHOUSES AND SITES THEREOF

THE BOARD OF TRUSTEES OF THE VILLAGE OF MOUNT KISCO, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than three-fifths of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Mount Kisco, in the County of Westchester, New York (herein called the "Village"), hereby authorizes the issuance of \$10,250,000 bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Local Finance Law"), to finance the construction of additions, alterations and improvements to all Village firehouses and sites thereof (hereinafter the "Project"), substantially in accordance with the report dated February 27, 2017 (the "Plan") and prepared for the Village by H2M Architects and Engineers, White Plains, New York.

Section 2. The estimated maximum cost of the Project, including preliminary costs and costs incidental thereto and the financing thereof, is \$10,250,000. The plan of financing includes the appropriation of \$10,250,000 to pay the cost of the Project, the issuance of \$10,250,000 bonds of the Village to finance said appropriation, and the levy and collection of taxes upon all the taxable real property within the Village and the collection of revenue from all taxable real property where the Village provides fire protection service by contract or any other arrangement, to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. The firehouses to be altered and/or improved and any additions thereto are or will be of Class "B" construction as defined by Section 11.00 a. 11(b) of the Law, and the period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12(a) (2) of the Law, is fifteen (15) years.

Section 4. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 6. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law and pursuant to the provisions of Section 21.00 of the Local Finance Law relating to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relating to the authorization of the issuance of bond anticipation notes, and Section 50.00, Sections 56.00 to 60.00 and Section 168.00 of the Local Finance Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancement, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 8. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. A Proposition for the approval or disapproval of this resolution shall be submitted to the qualified voters of the Village at the general election of the Village to be held on November 7, 2017, and this resolution shall take effect upon the approval of said Proposition by a majority of the qualified voters of the Village voting at the general election of the Village. The Village Clerk is hereby authorized and directed to provide notice of the presentation of such Proposition in the Notice of Election for the general election of the Village. Such Notice shall be published at least once, not less than ten (10) days prior to such general election of the Village, in "*The Journal News*," a newspaper having a general circulation in the Village, and hereby designated the official newspaper of the Village for such publication, and shall be conspicuously posted at least one (1) day prior to such general election of the Village in at least six (6) public places in the Village and in each polling place. The notice to be included in the Notice of Election shall be in substantially the following form:

NOTICE IS HEREBY FURTHER GIVEN that a Proposition in substantially the following form shall be presented to the duly qualified voters of the Village for approval or disapproval at the general election of the Village to be held on November 7, 2017:

PROPOSITION

SHALL THE BOND RESOLUTION ENTITLED: "Bond Resolution of the Village of Mount Kisco, New York, adopted September 18, 2017, authorizing the issuance of \$10,250,000 bonds of said Village to finance the construction of additions, alterations and improvements to all Village firehouses and sites thereof," BE APPROVED?

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Mount Kisco, New York, to issue \$10,250,000 bonds to finance the construction of additions, alterations and improvements to all Village firehouses and sites thereof (hereinafter the "Project"), substantially in accordance with the report dated February 27, 2017 (the "Plan") and prepared for the

Village by H2M Architects and Engineers, White Plains, New York; STATING that the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$10,250,000; and FURTHER STATING that the plan of financing includes the appropriation of \$10,250,000 to pay the cost of the Project, the issuance of \$10,250,000 bonds of the Village to finance said appropriation, and the levy and collection of taxes upon all the taxable real property within the Village and the collection of revenue from all taxable real property where the Village provides fire protection service by contract or any other arrangement, to pay the principal of said bonds and the interest thereon as the same shall become due and payable;

SECOND: DETERMINING and STATING that the period of probable usefulness applicable to the purpose for which said \$10,250,000 bonds are authorized to be issued is fifteen (15) years; the proceeds of the bonds and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$10,250,000 bonds will exceed five (5) years;

THIRD: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FOURTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof;

FIFTH: STATING that the validity of the bonds authorized by the resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if: (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or (c) such obligations are authorized in violation of the provisions of the constitution; and

SIXTH: DETERMINING that a Proposition for the approval or disapproval of the bond resolution shall be submitted to the qualified voters of the Village at the general election of the Village to be held on November 7, 2017, and the bond resolution shall take effect upon the approval of said Proposition by a majority of the qualified voters of the Village voting at said general election of the Village

Section 10. The Village Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution, or a summary thereof, to be published in the newspaper referred to in Section 9 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

On the question:

Trustee Schleimer stated that she was just concerned that we basically have six (6) weeks and I think that this is a major financial burden and I think six (6) weeks is really not enough time to do it justice to give the residents of this Village adequate time.

Trustee Farber replied that we have been talking about this for a really long time.

Trustee Schleimer stated we have, but people haven't been a part of the specifics and they don't really know what it is going to cost and I'm concerned about that.

Deputy Mayor Markus replied I think that we need to put it out to the public again so we'll have another presentation. I don't agree with you that we are not in a financial position to handle this, I think we are. I think the Finance Committee has reported on our financial status and based on a combination of our fund balance and on our ability to handle capital projects, I don't think it is going to be a problem. I think this is a necessity. I think we also have to understand that we have a volunteer fire department, probably one of the best in the county, but if we didn't have a volunteer fire department it would be costing us a lot more money to have a paid fire department. Secondly, we are also going to be working in partnership with the Town of New Castle and Town of Bedford, because of the fact that we have a fire department that is contracted to provide fire protection services to parts of their communities, and that will help to defray from all of the costs of the debt service.

Trustee Grunthal stated clearly there are deficiencies in the present fire houses largely because of State requirements for what fire houses must have by way of equipment which has changed over decades and it has put the fire departments under enormous pressure in terms of space. Also the age of the fire houses is such that an update is appropriate. If we were to look at a single fire house we are probably looking at \$500,000.00 to \$1,000,000.00 dollars extra a year in debt service payments, so what we are actually doing here is doing something that the Fire Department wants and is less expensive than the alternative. We don't really have very much time for the Fire Department to make its case to the public as the Mayor has suggested. We also don't have very much time for anybody opposed to this to make a case, but if anybody in the Village feels that we should not be going ahead with this option, that case can be made between now and Election Day. So for all of these reasons I stick with my seconding of this motion.

Trustee Farber stated that it was her understanding that with these new improvements our fire houses will be in decent shape for at least the next 20 to 25 years, and hopefully more. Yes, these are expensive fixes, but they are important fixes and need to be made.

Village Manager Brancati replied I think what is also important is that these improvements and alterations are also going to help and allow the buildings to operate more efficiently in energy consumption, lighting, and HVAC systems. There is an overall reduction in our annual expenses as a result of operating more energy efficient buildings. With regards to the time frame, State Law requires that we only have a window of sixty (60) days prior to a General Election to place this referendum on the November ballot, if we were to adopt the referendum outside of that sixty (60) day window, we would have had to hold a special election before Election Day, simply for this one item, and pay for all of those expenses ourselves.

Trustee Schleimer stated I do not object to the cost and that was not my concern. My concern is really the timing and the adequate information out to the public, and I just feel that, unfortunately, people don't have a handle on what's being proposed and that's my concern. It's a major financial burden and you can't look at \$10,250,000.00 and say that it's not important and I just feel that we are being rushed and moved very quickly to make this happen. I really personally feel that the public is going to pay for this, it's going to come out of our budget, and their taxes are going to increase.

Deputy Mayor Markus replied, that's if it gets approved.

Trustee Schleimer replied, yes if it gets approved, but they've got six (6) weeks and I don't know if they feel comfortable that they have had an adequate amount of time to obtain and understand the information for this big of an undertaking.

Trustee Farber stated meanwhile the fire houses for so many years have been underserved and have needed so many new repairs. The time has come that we have to make a decision to go forward or not. I feel very strongly that these are our volunteers and we have been talking about this for such a long time, and all of the information that you've requested has been documented, it's just unfortunate that it was happening earlier in the spring. So we really need to refresh everyone's memory with all the information that you've been asking about.

Trustee Schleimer stated I feel very strongly that the public deserves more time to study the proposition.

Trustee Grunthal stated that previously the Mayor stated that he wanted our Fire Departments to educate the public on this referendum, so maybe Ed we can encourage the Fire Department to do this very soon and get the informational presentation scheduled so that if there are people with concerns maybe we can have an open forum for that.

Village Manager Brancati replied that we will be getting something to the Fire Department so that they can educate the public. We will also be having H2M come back and make the same presentation that they made back in February to the public again.

Deputy Mayor Markus stated some time has passed since the February presentation so let's make sure to get the presentation scheduled for Tuesday, October 17, 2017 at 7:30pm.

The adoption of the foregoing resolution was seconded by Trustee Peter F. Grunthal and duly put to a vote on roll call, which resulted as follows:

AYES: Deputy Mayor Anthony C. Markus

Trustee Jean M. Farber

Trustee Peter F. Grunthal

NOES: Trustee Karen B. Schleimer

The resolution was declared adopted.

d. Tax Certiorari Settlement (1).

Resolution authorizing the following Tax Certiorari Settlement was offered by Trustee Farber and seconded by Trustee Schleimer.

Whereas, petitions have been filed by the property owner below, challenging real property tax assessments on the Town and Village assessment rolls with respect to the following parcels:

Property Owner	Tax Designation	Years
Townsend Street Assocs LP	69.51-2-1.2	2006 to 2016 (Town) 2008 to 2017 (Village)

Whereas, petitioner’s court challenge is now pending in the Supreme Court, Westchester County; and

Whereas, the Village and the property owner have reached a mutually agreeable resolution; Now Therefore Be it Resolved, the Office of the Village Attorney is authorized to execute a settlement on behalf of the Town for assessments for no less than the following:

Village Proceedings:

<u>Assessment Year:</u>	<u>Original:</u>	<u>Proposed Settlement:</u>	<u>Reduction:</u>
2008	\$1,100,000	\$1,022,400	\$77,600
2009	\$1,100,000	\$1,042,800	\$57,200
2010	\$1,100,000	\$1,047,600	\$52,400
2011	\$1,100,000	\$997,050	\$102,950
2012	\$1,100,000	\$1,003,200	\$96,800
2013	\$1,100,000	\$1,017,500	\$82,500
2014	\$1,030,000	\$1,030,000	\$0
2015	\$1,000,000	\$900,900	\$99,100
2016	\$1,000,000	\$888,300	\$111,700
2017	\$920,000	\$822,000	\$98,000

Town Proceedings:

<u>Assessment Year:</u>	<u>Original:</u>	<u>Proposed Settlement:</u>	<u>Reduction:</u>
2006	\$2,150,000	\$1,890,000	\$260,000
2007	\$2,100,000	\$1,816,500	\$283,500
2008	\$1,975,000	\$1,825,950	\$149,050
2009	\$1,975,000	\$1,856,400	\$118,600
2010	\$1,975,000	\$1,975,000	\$0
2011	\$1,975,000	\$1,975,000	\$0
2012	\$1,975,000	\$1,975,000	\$0
2013	\$1,975,000	\$1,975,000	\$0
2014	\$1,975,000	\$1,898,400	\$76,600
2015	\$1,975,000	\$1,843,800	\$131,200
2016	\$1,975,000	\$1,744,000	\$231,000

Motion Adopted

Trustee Farber	Aye
Trustee Grunthal	Aye
Deputy Mayor Markus	Aye
Trustee Schleimer	Aye

e. Resolution authorizing the Re-Scheduling of a Public Hearing regarding amending the Village’s Zoning Map and Chapter 110 of the Village of Mount Kisco Code (Section 110.3).

The following motion was offered by Deputy Mayor Markus and seconded by Trustee Schleimer to schedule a public hearing regarding updates to the Zoning Map for Monday, November 20, 2017 at 7:30 pm, all in favor.

Motion Adopted

Trustee Farber	Aye
Trustee Grunthal	Aye
Deputy Mayor Markus	Aye
Trustee Schleimer	Aye

7) New Business:

a. Resolution authorizing the Village Manager to sign the NYS DOT Snow and Ice Agreement for 2017-2018 Contract #D010709.

The following motion was made by Trustee Grunthal and seconded by Deputy Mayor Markus.

I move that this Board authorize Village Manager Edward W. Brancati to execute the NYS DOT Snow and Ice Agreement for 2017-2018 Contract #D010709.

Motion Adopted

Trustee Farber	Aye
----------------	-----

Trustee Grunthal	Aye
Deputy Mayor Markus	Aye
Trustee Schleimer	Aye

b. Resolution appointing Christina M. McGinn to the Leonard Park Committee.

The following motion was made by Trustee Farber and seconded by Deputy Mayor Markus, appointing Ms. Christina M. McGinn to become a member of the Leonard Park Committee for a five (5) year term to expire on 12/5/2022; all in favor.

<u>Motion Adopted</u>	
Trustee Farber	Aye
Trustee Grunthal	Aye
Deputy Mayor Markus	Aye
Trustee Schleimer	Aye

8) Bills –

The following motion was offered by Trustee Farber and seconded by Deputy Mayor Markus to pay the bills as presented to the Board dated September 14, 2017 for the months of August and September, 2017; all in favor.

General Fund	\$ 91,466.59
Water Fund	155,311.53
Sewer Fund	5,370.85
Library Fund	6,745.51
Capital Fund	84,134.25
Trust Fund	1,694.00
	<hr/>
TOTAL	\$ 344,722.73

<u>Motion Adopted</u>	
Trustee Farber	Aye
Trustee Grunthal	Aye
Deputy Mayor Markus	Aye
Trustee Schleimer	Aye

Trustee Schleimer stated that we held back payment on a series of bills, we held back payment on one of the Attorney's bills pending a discussion by this Board and going over that bill, we have yet had that discussion and I would ask that be put on our very next agenda in Executive Session.

Deputy Mayor Markus replied we can do that tonight, if you want.

Trustee Schleimer replied that she would rather have the Executive Session next time because she didn't bring the bill with her tonight, and that she wasn't prepared to go into it in depth.

9) Approval of Minutes –

Village Board Meeting Minutes of July 17, 2017.

The following motion was offered by Trustee Grunthal and seconded by Trustee Schleimer approving the minutes of the Village Board Meeting Minutes of July 17, 2017, all in favor:

<u>Motion Adopted</u>	
Trustee Farber	Aye
Trustee Grunthal	Aye
Deputy Mayor Markus	Aye
Trustee Schleimer	Aye

Village Board Meeting Minutes of August 14, 2017

The following motion was offered by Trustee Farber and seconded by Deputy Mayor Markus approving the minutes of the Village Board Meeting Minutes of August 14, 2017, all in favor:

<u>Motion Adopted</u>	
Trustee Farber	Aye
Trustee Grunthal	Aye
Deputy Mayor Markus	Aye
Trustee Schleimer	Abstain

Village Board Meeting Minutes of September 5, 2017.

The following motion was offered by Trustee Farber and seconded by Deputy Mayor Markus approving the minutes of the Village Board Meeting Minutes of September 5, 2017, all in favor:

<u>Motion Adopted</u>	
Trustee Farber	Aye
Trustee Grunthal	Abstain
Deputy Mayor Markus	Aye
Trustee Schleimer	Aye

10) Non-Local Business: None.

11) Public Comment:

Mr. Harry McCartney read the following email that he had sent to Mayor Cindrich and the Village Board of Trustees on September 13, 2017 into the record:

Folks,

I'm just following up on our 'Save Kisco Mountain effort' that was supported and continues to be supported extensively across our Mount Kisco community.

Our multiple volunteer organizations and community members continue our efforts deploying our multiple historic/nature trails across the village. In keeping with utilizing our trails as green space classrooms during July and August we led multiple historic/nature education walks. We led three groups of 3/4th graders from the Boys/Girls club over the course of three days. We had the pleasure of seeing a Snowy Egret fishing along the Kisco River during two of our sessions. The kids really loved the show. In July, partnering with the Neighbors Link, we also provided a nature education session and also led a nature walk on our Early Settlement trails for 4-year-olds and their mothers who attend the Neighbors Link center.

We have plans to expand our educational offerings across the community as part of our historical, nature, trail building, maintenance efforts. The historic/nature 51 acres on Kisco Mountain as you know is a signature green space area as part of our overall trail deployment efforts.

To ensure that the 51 historic/pristine Kisco Mountain acreage is protected from development we need your support and action so we can move forward developing the Kisco mountain trails for the MK community.

That being said we are requesting that this note be read into the next Town board meeting minutes and a resolution be drafted and voted on in support of preserving Kisco Mountain's 51 acres as soon as possible.

These actions will provide us with the clarity and support from the Village that we need to accelerate and expand our ongoing MK trail building efforts.

We would appreciate a response to this request.

Sincerely,

Harry McCartney - MK Village Historian, MK Trail Project Leader
MK Historical Society, MK CAC, MK Tree Preservation Board,
Friends of Kisco Mountain

Deputy Mayor Markus replied that I think that we did respond to your email, and that there is some pending legal matters that we have to address before we can move forward with that particular matter to protect the Village. There has been no acceptance of the development as you can see, so your efforts were somewhat fruitful. But as far as that application is concerned, we are going to wait for further information on pending law suits before we consider your request.

Mr. McCartney replied that we would appreciate anything that can be done to expedite it, so there is some type of decision in terms of what we are going to do as it would be very helpful to us. Thank you.

Meeting closed at 9:30 PM.

Edward W. Brancati
Village Manager