

Minutes of the **VILLAGE BOARD MEETING** of the Board of Trustees of the Village/Town of Mount Kisco held on Monday, November 19, 2018 at 7:00 p.m. in the Frank J. DiMicco Board Room, Village Hall, 104 Main Street, Mount Kisco, New York.

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

Also Present: Edward Brancati, Village Manager
Kenneth Famulare, Assistant Village Manager
Whitney Singleton, Village Attorney

Mayor Picinich opened the Village Board Meeting and asked everyone to rise for the pledge of allegiance. She asked everyone to please remain standing for a moment to think of all of those in California devastated by the fires and the first responders that are giving their lives to ensure the safety of others.

Public Hearing to discuss Community Development Block Grant (CDBG) Project North Moger Avenue and Carpenter Avenue Sidewalk Improvements

Mayor Picinich opened the hearing to discuss the CDBG project to improve sidewalks and pedestrian access to downtown along North Moger Avenue and Carpenter Avenue. She explained that the work has already been completed.

Mr. Brancati offered that all we wanted to do was let the public know that this project had been completed to the satisfaction of the Village and as intended to improve pedestrian access in this part of the Village. The sidewalks were completed along North Moger Avenue from its intersection with Main Street north to its intersection with Carpenter Avenue and then along Carpenter Avenue north to the Mount Kisco Housing Authority making sure that there were sidewalks and ramps compliant with the Americans with Disabilities Act (ADA).

Mayor Picinich opened the floor for comment. There was no comment.

The motion to close the public hearing was offered by Trustee Schleimer and seconded by Deputy Mayor Farber.

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

Public Hearing to discuss Community Development Block Grant (CDBG) Project Senior Bus Acquisition

Mayor Picinich opened the hearing to discuss the CDBG project that involved the acquisition of a new Senior Bus compliant with the Americans with Disabilities Act (ADA). The bus has been purchased and it's running on its route delivering seniors to the Fox Center and other locations. Mayor Picinich opened the floor to comment. Mr. Brancati offered that the bus was also being used to deliver meals to homebound seniors in the community. There were no comments.

The motion to close the public hearing was offered by Deputy Mayor Farber and seconded by Trustee Schleimer.

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

1. Communications:

a. **Swearing in of a new member of the Mount Kisco Rescue Fire Police.**

Mayor Picinich swore in Humberto Mejia Perez into the Mount Kisco Rescue Fire Police.

b. Stayin' Alive – Presentation to the Independent Fire Company.

Christy Saltstein and Michele Berliner, who are the co-founders of the Stayin' Alive charity presented a grant to the Independent Fire Company in Mount Kisco. The organization started six years ago when their husbands were severely injured during Hurricane Sandy in Armonk. There was a long and involved rescue to get them to Westchester Medical Center. It was a combined effort from the Westchester EMS, North Castle Fire Department, North Castle Police department, and the highway department working together to get them to the hospital. It was during this experience that they realized how important the first responders really were. They took the time to thank the first responders that helped their husbands, they felt it was the right thing to do and this is what led to the formation of Stayin' Alive. The more they spoke to first responders, the more they heard that they need funding for life saving equipment. They started a 5K run that was able to raise enough money to donate to the Armonk Fire Department to purchase equipment they needed to save lives. After six years, they have been able to give away \$150 thousand dollars to many departments in Westchester County. This year's recipient of the Stayin' Alive grant goes to the Independent Fire Company and was presented to President Richard Fitzgerald for the purchase of a blow hard ventilator fan.

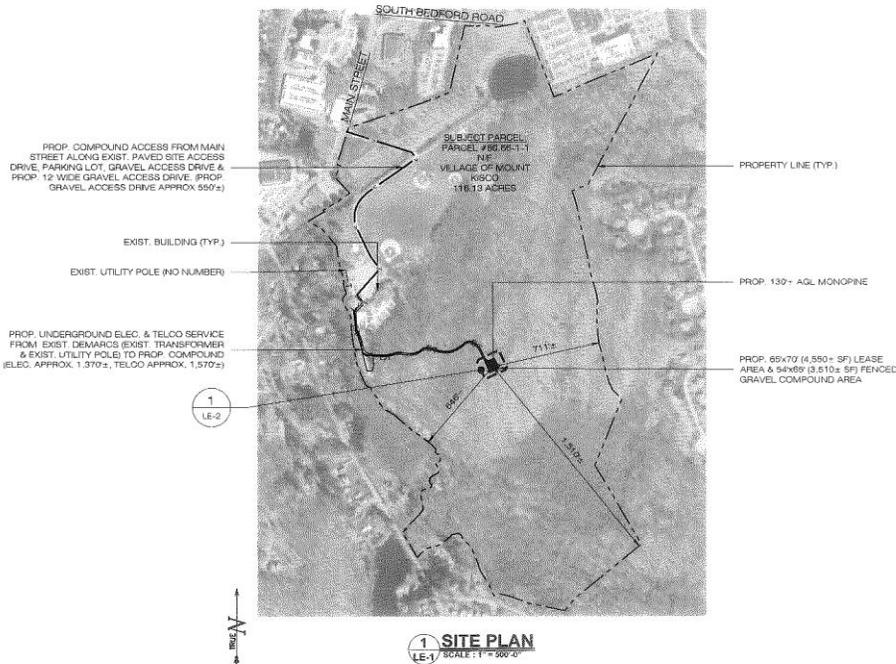
c. Fire House Improvements Update from H2M

Cole Podlosky of H2M provided the following update on the three Fire Houses in Mount Kisco. Since the beginning of the bond vote last November, H2M has been meeting with the Village bi-weekly for coordination meetings with the first one in January 2018. Discussions during those meetings have included programing, equipment needs, as well as finishes for inside and outside of the buildings. Surveys that were requested were received in March of 2018. They have met with the floodplain manager for the flood plain at the Green Street station regarding its elevation and location near the Branch Brook. Adjustments were made and are in the current documents. They met with ConEd regarding the poles in front of the Green Street station and the Independent station. They met with the New York City Department of Environmental Protection in regards to watershed infiltration testing that needed to be done, has been performed, and the results have been received. They performed environmental reports which included asbestos abatements, PCB and lead testing, and soil borings for all three firehouse locations. They provided structural analysis for the buildings. The advertised bid date for the Green Street firehouse is next week and the bids will be received in January. They are going to phase the construction to allow the building to maintain function and operation during the renovations. The second phase is for Mutual and Independent firehouses to go out for bid in February of 2019. Mayor Picinich added that the phased construction approach was approved after discussions that we wanted to maintain operations during the renovations. Green Street is going out to bid on November 29, 2018 and those bids are due the first week in January with the work expected to start in February or March. The Independent and Mutual bids will go out in February with bids returning about 4-5 weeks later. Cole reiterated that the plan is to keep the houses as operational as possible during construction.

d. Homeland Towers Presentation for a proposed cell tower at Leonard Park OR water tower at Rolling Ridge Court.

Mayor Picinich mentioned that the conversation started at the end of the summer when it was realized that there was a need for additional cellular service in the southern end of the Village and along the Route 172 and Route 117 corridors as well as Byram Lake Road. Two possible locations for a cell tower that would meet coverage needs in this area have been identified.

Robert Gaudioso with the law firm of Snyder and Snyder on behalf of Homeland Towers along with Manuel Vicente, President of Homeland Towers made their presentation. Mr. Gaudioso began stating that the first step in the process was to visit the locations and prepare preliminary site plans. They are to provide the understanding that the properties do allow for access to utilities and enough ground space for the equipment and facilities. (Please see below)



NOTE: EXACT LAYOUT, LOCATION AND ORIENTATION OF PROPOSED LEASE AREA PENDING SITE SURVEY & FURTHER ENGINEERING REVIEW AND ANALYSIS. PROPOSED UTILITY ROUTINGS AND R.O.W. EXTENTS TO BE DETERMINED BY LOCAL UTILITY PROVIDERS

PROPERTY INFORMATION:
 -SITE NAME: "MOUNT KISCO"
 -SITE ADDRESS: ... MAIN STREET
 -BLOCK: 60 66
 -LOT(S): 1
 -ZONING: PRESERVATION DISTRICT

OWNER INFORMATION:
 OWNER: VILLAGE OF MOUNT KISCO
 LANDLORD: ... 101 MAIN STREET
 MOUNT KISCO, NY 10549

REVISIONS:
 -REV0: 05/23/18 FOR REVIEW: SMC
 -REV1: 11/14/18 CLIENT REV: RCB
 -REV2:
 -REV3:
 -REV4:

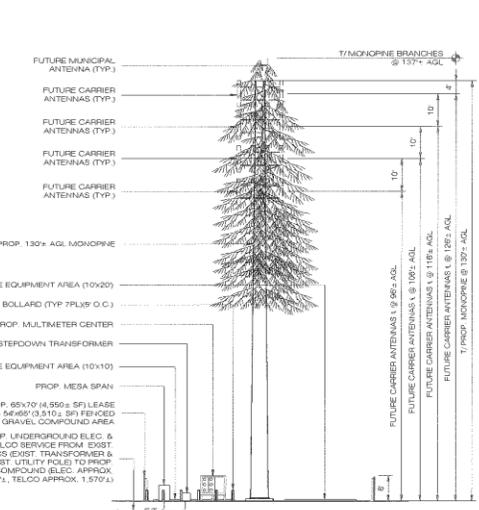
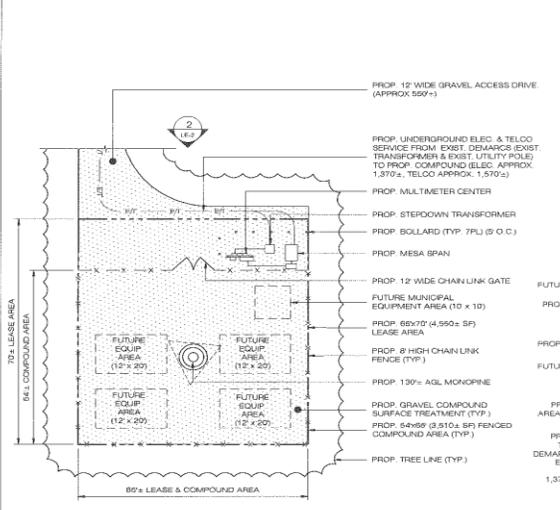
APT ENGINEERING
 100 W. 10TH STREET
 SUITE 200
 NEW YORK, NY 10011
 TEL: 212-312-1111
 FAX: 212-312-1112

SHEET NUMBER: LE-1

APT FILING NUMBER: NY23330
 HOMELAND TOWERS: NY156
 GATE OF DY: 05/17/18
 DRAWN BY: CSK
 DATE: 05/23/18
 CHECKED BY: SMC

"MOUNT KISCO"
 MAIN STREET
 MOUNT KISCO, NY 10549

HOMELAND TOWERS, LLC
 100 W. 10TH STREET
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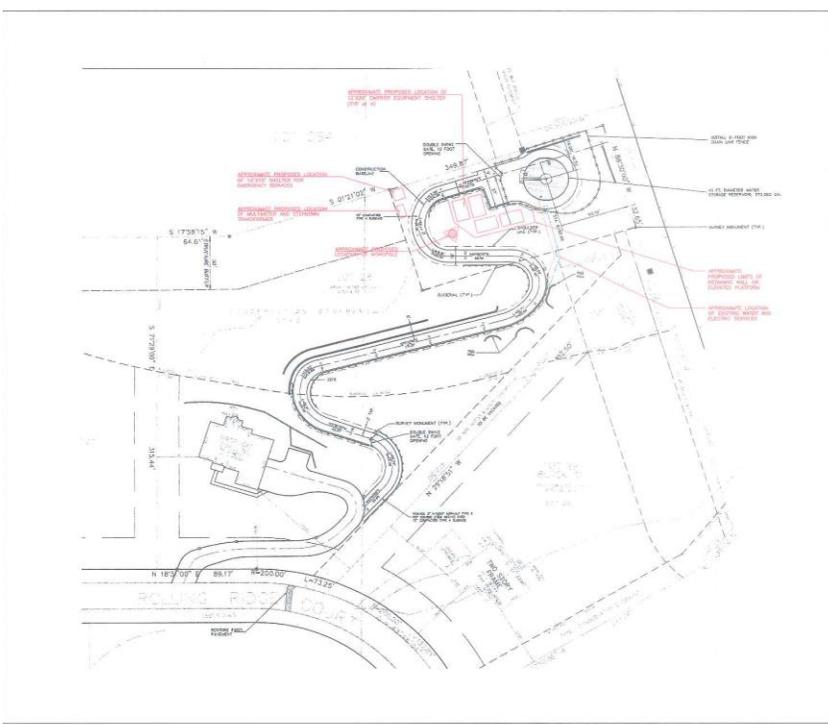
APT ENGINEERING
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SHEET NUMBER: LE-2

APT FILING NUMBER: NY23330
 HOMELAND TOWERS: NY156
 GATE OF DY: 05/17/18
 DRAWN BY: CSK
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NOTE:
 1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.

GRAPHIC SCALE

KELLARD ASSOCIATES
 100 W. 10TH STREET
 SUITE 200
 NEW YORK, NY 10011
 TEL: 212-312-1111
 FAX: 212-312-1112

CONCEPTUAL LAYOUT
 MT. KISCO - WATER TANK SITE

DATE:	05/23/18
SCALE:	1" = 20'-0"
DRAWN BY:	CSK
CHECKED BY:	SMC

Mr. Gaudioso continued to say that part of the initial canvassing was also to see if the properties would be usable and feasible to resolve the communications issues within the Village. They believe both properties would work with Leonard Park being the favorable site and capable of supporting municipal services with the tower reaching 130 feet. With the

Rolling Ridge Court property by the water tank, they believe a lower height would work; somewhere around 100 feet high. They believe that the next step, and proposed to do, a balloon test. During this time they would float two balloons, one at each site, so that residents can see where the towers would be and how high they would be. This test also allows for a different type of canvas for Homeland Towers as they are able to take pictures from different angles to be able to create visual renderings of what the sites would look like.

Mayor Picinich stated that the initial conversation was held earlier this year when the leaves were still on the trees and the board wanted to wait as a balloon test at that time wouldn't be prudent. She believes that this is a better time for that testing to be done now that the leaves are down. Mr. Brancati stated that the proposed balloon testing was requested on Saturday, December 1, 2018, so that residents were in the area and could take the time to see the sites and take pictures from different angles to add comment to the site improvements as the project moves along, if it moves along.

Mr. Gaudioso stated that the test usually is performed early in the morning when the winds are at the lowest usually between 8am –noon. He proposed Saturday, December 1, 2018, would be perfect, but as a precaution to add Sunday, December 2, 2018, as a backup date in case of any unforeseen weather and the following weekend if those two dates don't work out. Deputy Mayor Farber asked if the test could be performed for a few more hours or a couple days. Mr. Gaudioso stated that the testing could be done for a few more hours, but multiple days gets tricky. He believes that the most important thing is for the balloon testing to be done so that renderings can be made for people to get a better idea of what the sites would look like. The balloon is a 4-foot diameter balloon that gets lifted to the highest point of the tower, from there pictures are taken from various vantage points to allow for computer imaging to be done for full renderings of the sites. Trustee Schleimer mentioned that Bedford was redoing their testing with a bigger balloon and asked if that would be something they can do so that it was more visible to the residents. Mr. Gaudioso said he would check with the consultants on that possibility. Trustee Schleimer wanted to know if this would be necessary even though our cell tower on the water tower at Mountain Avenue is going up another 30 feet. Mr. Gaudioso explained that that will provide more coverage in the area the tower is in, but doesn't add any coverage where these proposed sites would add service coverage that isn't currently there.

Trustee Grunthal asked that as Homeland Towers provides additional information on this, that the information is specific as to which areas will be covered by each tower separately, so that people can see the difference in service coverage and/or what businesses and residents are covered by each tower. Trustee Schleimer also mentioned that 5G technology is coming in as well and questions whether this is still going to be needed with the new technology coming out. Mr. Gaudioso explained that 5G is a DAS system or Distributed Antenna System, they are not mutually exclusive and this technology would still be needed and the sites would be still be necessary for service in the future. Trustee Schleimer asked what service would be on the tower. Mr. Gaudioso stated that working with Homeland Towers is beneficial in the sense that they build the tower that will support all major carriers, Verizon, Sprint, AT&T, and T-Mobile, and also have space on the towers for local emergency services. Mr. Vicente added that Verizon has committed to the project and have full funding for the project and have approved both proposed locations. The other three carriers are being updated on the project as they have the need for the services in the area. Trustee Grunthal asked what the dimensions would be for this equipment. Mr. Vicente replied that the diameter wouldn't change with the height, as they need 10 feet of separation from the equipment. The size would depend on what the carriers would be putting onto the tower. Generally, it's anywhere from 6-12 feet. Trustee Grunthal requested that when the balloon test is performed that Homeland Towers stake the site so that people could get an idea of how big the base of the tower and outer fencing would be. Mr. Gaudioso advised that it can be done; however, it would be an estimate at this time. Trustee Grunthal just reiterated that the people in the audience at this meeting are most concerned with the locations of these towers and it is important that they get the best idea of what these sites would look like.

Deputy Mayor Farber asked if once this tower went up, is Homeland Towers confident that it will fill the service need and that all Mount Kisco would be covered. Mr. Gaudioso replied that they are going to have RF maps, information, and studies that they will present to the board that would answer those questions more definitively. At this time, all the data has not been collected to fully answer those questions. Trustee Albanese asked if these were the only two locations that were being considered to date. Mr. Gaudioso stated that they have been canvassing for some time, that the best locations, considering Village owned property, are the ones that are presented at this time. The goal is to minimize visibility while allowing the service to come in.

Mayor Picinich stated that what she heard to this point was that we are going to perform the balloon test in both locations on December 1st weather permitting, alternately it will be conducted on December 2nd or the following weekend. The balloon tests will be conducted from 8am –noon and as a result of the floating of the balloons, and photos will be

taken at the exact heights where the towers would be located. Based on those photos there will be renderings of what the sites would actually look like. There is a request for the balloon to be as big as we can get it with the brightest color for visibility for the community to take a look. There was also a request to try to identify, as close as possible, the ground location of the equipment. Trustee Schleimer added that she is concerned that the tower in Leonard Park would also have to go to the road and there would be a loss of trees to get the equipment and base at that location. Is there any way to layout where the road would be located to access the tower? Mr. Gaudioso stated that as part of the design process they try to eliminate the loss of trees by using the natural grade as they bring the access drive to the site and minimize the size of the site as well. That would be part of the designs that are drawn up after the initial balloon test. They try not to disturb nature if they don't have to. Trustee Grunthal asked if they looked at a site off of W. Patent Road that has a tower on a hill, that he believes would be the perfect location for a tower to cover the Rt. 172 corridor that is without service. Mr. Gaudioso stated that they are aware of that site and have discussed it with the Town of Bedford, but that there is nothing that can be shared at the time. That tower would have to come down and be rebuilt in order for it to accommodate the service carriers. Trustee Schleimer stated that with Mount Kisco being such a small geographical area with cell towers in town at a couple of different locations and with towers in the surrounding towns like Bedford and New Castle, what is Mount Kisco to anticipate in terms of how many cell towers we are going to need in the next 5-10 years. Mr. Vicente stated that when they build these macro stations what they are doing is establishing geographic coverage, and you would need to have that geographic coverage first before you can add services like 5G to that site and other enhancements that you may need in the future. The macro towers in the Village/Town of Mount Kisco do not have coverage to support what people are using their phones for now with downloading and watching videos, all the data that is being used. There was not a need for that years ago and they did not foresee the need when those towers went up.

Trustee Grunthal wanted to confirm that Homeland Towers was aware that Leonard Park was given to the Town under a land trust which precludes all commercial activity. He wanted to make sure that they were advised of that fact. Mr. Gaudioso stated that they were made aware of that and understand that, but believe there are procedures and mechanisms to make exceptions for facilities like this and believe historically that's been done in other places. Their job is to present all the information on the best location and position to resolve the gaps in coverage, but ultimately the decision is on the board to approve the work. Trustee Schleimer added that if the tower is in Leonard Park, she believes some lease payment or financial agreement would be in place, but hasn't heard anything about it yet. Mr. Vicente adds that at either of the locations currently proposed, a lease agreement that would include financial terms to the Village that are consistent with what the market requires in these types of instances. They provided a draft copy of that to the Village Attorney who has reviewed and given preliminary comments to which they need to respond.

Deputy Mayor Farber proposed to have a strong notification system on this project because there is only one opportunity for the public to see the proposed locations with the balloon test. Mr. Vicente reiterated that Homeland Towers is eager to perform the test so that they can take all the analytical pictures they need to make the renderings of the sites for the public and board to review. Trustee Schleimer suggested having the test done after the holidays since people spend these weekends getting ready for the upcoming holidays. Mayor Picinich believed that the date for the test was ok considering they weren't having the testing done during the Thanksgiving weekend and it will be conducted in the morning so people can view it and go about their day. The bigger outcome of this testing is to be able to see the overall rendering of what the tower would look like. She continued to advise Homeland Towers that Mr. Brancati would be their point of contact for scheduling the testing and Mr. Famulare would work on communications to advise the residents through social media and/or a robo-call if necessary. Trustee Albanese also mentioned that residents should post any pictures that they take to the Facebook page so that we can take their comments into consideration. Mr. Gaudioso added that if people had specific locations that they would like Homeland Towers to take pictures from to let them know prior to testing so that they can take those photos to use for any renderings that come from this balloon test. Mayor Picinich wanted to make sure that Homeland Towers had the locations that Mr. Brancati had suggested for them to start with and encouraged the community to email the Village with any other vantage points they wanted to be considered in this process. Deputy Mayor Farber liked the idea of the phone notification and wanted that to be used to make sure that everyone knew of the date and time of testing. Mr. Gaudioso yielded the floor thanking the board for their time. Trustee Grunthal requested that we take public comment on the cell towers now instead of having the people wait until the end of the meeting as there are a lot of residents here to show their concern. The Mayor allowed the comments to start, but requested that it not become a question and answer session and that the comment is specific to the cell towers with a two minute time limit.

Richard Gould of Glassbury Court and Chairman of the Leonard Park Committee, wanted to let the board know that the grant of the park to the Village was accomplished by

a deed in 1941 which also created the Leonard Park Committee and the Committee was charged with making sure that the provisions, conditions, and focuses of the deeds of dedication by the grantors of Leonard Park are fully in compliance. The deed itself, which gave the property outright to the Village, contains covenants and restrictions and the deed states that the grantee, the Village, takes the property specifically subject to the covenants and restrictions set forth in the deed. Paragraph 1 states the park shall be used for charitable purposes, playgrounds, and recreational purposes, but not directly or indirectly by lease or otherwise in whole or in part as a business or commercial enterprise. He submits that placing this tower in the park creates a business or commercial enterprise. Furthermore, under the covenants and restrictions of the deed, no permanent or temporary building or structure shall be erected or permitted for any business use by lease, concession, license agents or otherwise. So it's his opinion that the deed would be violated by the construction of the tower within the park, and if the Village disagrees with him, that any monies generated by the construction of this tower can only be used for park purposes and not be put into the general fund. That being said, he believes the deed is absolutely clear and the building of this tower would be in direct contradiction to the covenants and restrictions of this deed. So he asks the board to consider that very carefully when deciding on the location of the tower.

Ken Silver of Rolling Ridge Court, comment and question. The comment he would think that the deed restrictions would be overcome, in part, by the common good that the tower would provide from Leonard Park to all the residents of Mount Kisco as opposed as being viewed as a commercial enterprise. His question, is there any benefit at one location versus the other and would like to know when that information becomes available. Trustee Grunthal added that he requested a layout from Homeland Towers as to how many businesses and residents would be affected by each tower.

Greg Hayt of Rolling Ridge Court, was surprised that this was on the agenda for tonight seemingly without notice to the neighborhood that this was under discussion. So he was wondering if the board would outline what would be the actual decision making process, what is the public comment period, can letters be sent to the town, can you explain how to comment on this before any decision is made? Mayor Picinich stated that a message was sent through the homeowners association for Mount Kisco Chase from her understanding, the crowd voiced that they received notice today through word of mouth. They felt it was a short notice. Mayor Picinich said fair enough, and stated that tonight starts the conversation. At this point in time we are looking to gather more information both visually, getting feedback from the public, and this will be on the agenda going forward as we gather more information. The decision making is ultimately up to the Village Board and so based on feedback received from the public will help with that decision. The timeframe on that decision making is completely open at this time based on the fact that we don't have all the information we need right now. We work diligently to make sure folks have the information. Mr. Singleton added that there is no application filed for this project. It is simply exploring locations in the Village for consideration for a potential application. It is very preliminary at this time. Deputy Mayor Farber added that there was notification of this earlier in the spring about the possibility of this happening and it was deferred until the leaves were down for visual impact.

Edison Lopez from Mount Kisco Chase, was curious, during the presentation there was mention of talks with other towns and villages of other locations, he wanted to know if those towns and villages turned down Homeland Towers and why; he also wanted to know if this tower is going to be forced on the Village if the people do not want it. Mayor Picinich reiterated that this is the start of the conversation and we have three choices at this point. One being we can do nothing and not have the service and infrastructure we need, two, we can put it in the park, or three, we can put it by the water tower. Those are the choices that are presented to the board at this time. So decisions will be made based on those three choices as we get more information.

Amy Lerner from Rolling Ridge Court. She stated that she was an original resident of the Mount Kisco Chase so she was involved in the easement agreement for the water tower at the beginning. The easement that was given to the Village of Mount Kisco for the water tank was for that water tank and the use of the neighborhood to have adequate water supply and pressure. She doesn't think that the intent for that easement, which is partly on her property which was then given back to her, was to use that property for anything other than the water tank. Putting a cell tower at 100 feet or so was never meant to be put on that piece of property. Additionally, she wanted to know if anyone could answer, where else in Westchester County you have a cell tower smack in the middle of a residential neighborhood. Lastly, she believes the houses on the other side of Mount Kisco Chase, might be Bedford residents, but they should be notified of the balloon test as they will be impacted by the tower as well. She hopes that the Village and Homeland Towers continues to scout for other locations as neither one is desirable to residents. She is curious to see what each tower is going to cover as she gets decent service in her house and finds it amazing that others have no service.

John Rhodes from Stewart Heights and Chair of the Mount Kisco Conservation Advisory Council (CAC), who did a preliminary survey, because at that point there was only the Leonard Park location that was being discussed. The CAC was unaware of the Rolling Ridge location so they will be going to that location to do a survey. As part of the agenda for the CAC meeting, they want to address the concerns that they have and see what they can do to provide the Village Board with additional information in terms of the environmental impact, specifically with concerns, that at that time with loss of some recreational space and trails, but were more concerned with any loss of trees to accommodate the equipment. The reason they are concerned is because the drainage of that hill goes into Leonard Park and it's only those trees that would absorb the water that would otherwise go into the park which already has a flooding issue. The CAC would like to look into this carefully and discussed and suggested a very specific detailed investigation with a hydrologist to take a look at that because we know that there is a serious problem with flooding in Leonard Park and this wouldn't help. The question is would it hurt more with this tower in place. Those are the issues that the CAC is concerned about and is looking forward to getting additional information.

Anita Hull of Rolling Ridge Court said she doesn't understand why the board would be going forward with this not considering the health risk that comes with this project. She states that these radio waves and microwaves are going to go out into our community, a community that started over 21 years ago. She doesn't understand why the towers would go into one of your (board members) neighborhoods so that they might understand in a few years why their cancer rates have gone up or don't you understand what you are doing here, not only to your health, but when potential buyers for your homes come in and see a tower there, good luck trying to sell your home. She asked again why the tower wasn't going into any of the board member's neighborhoods. The Mayor interjected that she lives in that neighborhood as does Trustee Grunthal. Ms. Hull asked if they really wanted that tower in their neighborhood. She's lived there a long time and is concerned. Trustee Grunthal added that two of the members of the board live in that neighborhood and will take this very seriously. He stated that he looked into the issue of cancer a few years ago in connection with the tower that is located in Oakwood Cemetery and the information they had at that time was that there was no serious evidence of cancer rates associated with these cell towers, but they can take another look. Ms. Hull went on to ask why not put the tower in a neighboring town like Chappaqua or Bedford; why in our town, in our neighborhood, and reiterated that properties would be harder to sell with the tower in that complex. Mr. Singleton added that there would not be an Environmental Protection Agency (EPA) study done since the Federal government precludes them from looking at the medical impacts because they deem there to be none.

Mayor Picinich stated that there is no vote being taken because there is not enough information. The next step is to float the balloons to get the renderings of the proposed towers. Once that information is received, the board will put this on the agenda for further discussion. Trustee Albanese stated that there are no set dates for this project or discussion because we are still in the preliminary stages and the board may not go forward with the project as this is only a possibility. Ms. Hull stated as a resident that she had just heard about this project the day before the meeting and some people just found out the day of, so she believes it is the responsibility of the board to give the residents information in a timely fashion.

Arthur Weiss of Cold Spring Court, who lives in the Chase and states that his cell phone coverage is terrible. He has lost connections multiple times in the last day and would like to know if a map can be drawn with what the current coverage is versus what would be covered with the new tower. He believes that a tower is necessary and would do the public good. Trustee Schleimer asked about the carrier he uses; Verizon he replied, and she stated that she has AT&T and doesn't run into problems. Mayor Picinich states that she has both and has problems with both. Mr. Weiss continues, that he lost 1 call three times in a twenty minute time frame while being stuck in traffic and people with kids, young kids especially, are traveling to the park and other places and parents are relying on cell phones to get in contact with them. Mr. Weiss thinks it is a matter of finding the best location to provide this service.

Mayor Picinich stated that she would like those concerned with the health risk, as she has concerns as well, to go to the American Cancer Society website as they put out a public statement and opinion on this that speaks to the fact that they identify no risk with cell towers. So if anyone wants to research this further, the American Cancer Society website would be a good place to start. Trustee Grunthal added that Ms. Hull had stated there are reports from other countries that have linked cancer with cell towers, please point the board in the right direction so that they can read those studies. He continued to say that everyone standing before them in the meeting and giving their opinions is valuable as well, it's the reaction of the people that the board needs to hear as well as the developers. With no other comment Mayor Picinich thanked everyone for their comments and will make sure communications go out in a timely manner.

2. Petitions: None.

**3. Board, Committee and Commission Reports:
Finance Committee Update:**

Mayor Picinich stated that the Finance Committee met and has gone over a capital plan which is spending out of a capital plan for all the investments that need to be made over time for infrastructure. She wanted everyone to focus on the projects they have listed first. The general fund new debt throughout the next fifteen (15) to twenty (20) years, \$10,250,000.00 has been committed to the fire houses, money has been committed to the pool, other things that are on the list of things to do are the Streetscape project, the Police and Court facility which has been divided into two phases, the Fox Center, the Library, and work that needs to be done at Village Hall. Those are the big investments that need to be made in infrastructure. Mayor Picinich yielded the floor to Mr. Brancati who would explain the spreadsheet further.

Mr. Brancati stated that the idea for all the projects listed is that the Village is looking at \$19 million throughout the next fifteen (15) or twenty (20) years depending on the project and depending on the eligible period of useful life depending on construction. The analysis shown is looking at the existing debt in the general fund, which is in the Highway department garage currently underway and nearing completion with the bond anticipation note taken along with principal and interest payments over fifteen (15) years. As you work further down the spreadsheet you can see the existing fund balance that exists based on the audited financials through May 31, 2017 as well as the Capitol fund balance with 25% of fund balance reserved that the Finance committee recommended and the Board has agreed to maintain in reserve. There is a figure for an estimated surplus as well as estimated expenses for paving and vehicle purchases. There is revenue listed from the sale of two properties, there are two different amounts of \$250,000 which are just place holders for the sale of the Smilkstein property just acquired and other properties acquired through tax foreclosure. The revenue from the fire districts in New Castle and Bedford will change as we take on the payments of the bond approved by the voters. The principal and interest payments for the firehouse improvements will be shared throughout the coverage area of the Fire Department and Ambulance Corps which includes the Northern Fire Protection District in New Castle, the New Castle Fire District #1, and Bedford Fire District #1 who we apportion the costs of fire and ambulance services among currently. That's the revenue that we expect from them to offset those costs. Mr. Brancati went through the list of projects and stated that the Fox Center project is based on a Community Development Block Grant (CDBG) application submitted for those improvements, if the Village is not awarded that grant he is not sure that the Village would move forward with that project at this time. The Library has some work that needs to be done along with Village Hall that needs some improvements and the Dive pool at Leonard Park. The bottom line is the one across the bottom when you take all the debt, all the payments, all the assumptions, all the projects, all of the work, and assuming worst case scenario which means no grant funding or other federal or state aid, the number would be the number that you see along the bottom. He continued to state that the Village/Town of Mount Kisco was just awarded \$250,000.00 from Senator Murphy's office for the Streetscape improvements which is not shown on the spreadsheet. What this spreadsheet ultimately shows is what the numbers look like if we do all of this in the time frames detailed and at this level we see the fund balance start to drop. This is a fund balance that is still maintaining that 25% reserve. There is a two year span where the Village would dip a little below that however and the Mayor pointed out that there would be other funds to draw from at that point. She also stated that while at the New York Conference of Mayors (NYCOM) the Village Manager and Treasurer were able to identify the fact that the Village is able to transfer funds that are in the fund balance from our water fund so if there is surplus there the Village can transfer from there to cover these projects. Mr. Brancati stated that at its lowest point, the water fund balance doesn't go below \$1.3 million given the current capital plan for the water fund. Trustee Grunthal stated that in the general fund it was made and amended over the years to maintain that 25% balance, which is very conservative, and as long there is \$5.25 million in the reserve we should be at a decent operating level and that reserve is there to be used should the Village need to use the funds. So he believes that we have a strong financial situation here. He left off stating he believes that if the Village received revenue from the sale of real property that that money should be put into a fund to acquire new land. Deputy Mayor Farber asked about the Fire Department payments being a little aggressive and wondered if other municipalities would feel it was a lot of money. Mr. Brancati assured her that they looked at the numbers in other volunteer fire departments and districts such as those in the Town of Bedford, the Town of Lewisboro, and Town of New Castle and their cost per tax payer per household and Mount Kisco is one of the lowest cost out of all of them. The ones that are higher are the ones who have made significant improvements to their fire houses.

Mayor Picinich finished with that this spreadsheet was developed to look at Village projects in the same way the finance committee looked at the water projects. This

spreadsheet is fluid and will change over time. This is a guideline for the board to use during discussion of projects and voting on said projects. On the water side of things there is \$20 million worth of investment needed for that infrastructure and on the general fund side there is about \$19 million that needs to be invested in other infrastructure. This is long term and won't be taken on all at once.

Trustee Schleimer wanted to know how much of this fund balance is liquid. Village Treasurer Wheeling responded that the fund balance is a net number of assets minus your liability and includes property for sale and some receivables and cash. Ballpark number is about 70% cash.

Mayor Picinich stated that the other thing the finance committee speaks about is garbage. They continue to discuss the methods in which we pick up the garbage in the Village/Town of Mount Kisco as well as the tools and techniques. There is an immediate need for a new truck with a small window of time to purchase. There are trucks that have seen their useful lives and purchasing new trucks is under discussion.

VILLAGE/TOWN OF MOUNT KISCO													
GENERAL FUND													
\$ 19 MILLION - 20/15 YEAR FINANCING													
	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029	
General Fund Current Debt													
Starting Balance	516,310												
Payment (Principal & Interest)		96,421	94,103	96,485	94,022	96,025	19,391	19,863	0	0	0	0	0
Year End Balance		419,889	325,785	229,301	135,279	39,254	19,863	0	0	0	0	0	0
Highway Garage Improvements	2,695,000												
Principal		179,700	179,700	179,700	179,700	179,700	179,700	179,700	179,700	179,700	179,700	179,700	179,700
Interest		32,610	30,435	28,261	26,086	23,912	21,738	19,563	17,389	15,215	13,040	10,866	
Principal Balance		2,515,300	2,335,600	2,155,900	1,976,200	1,796,500	1,616,800	1,437,100	1,257,400	1,077,700	898,000	718,300	
Total Principal & Interest		308,731	304,239	304,445	299,808	299,637	220,828	219,126	197,089	194,915	192,740	190,566	
* Debt is paid from current operating budget													
General Fund Fund Balance													
Balance from 5/31/17	6,520,483												
Capital Projects Fund Balance	2,827,468												
Less 25%	(5,250,000)												
Available for Debt Service	4,097,951												
Estimated Surplus		750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	
Appropriation for Annual Paving/Vehicles		(555,000)	(555,000)	(555,000)	(555,000)	(555,000)	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	
Reduced Transfer to Library		0	0	0	0	0	0	0	0	0	655,282	655,282	
Revenue from Sale of Properties		0	250,000	0	0	250,000	0	0	0	0	0	0	
Revenue from Other Fire Districts		0	132,420	268,785	374,972	378,323	378,203	402,360	404,508	404,821	405,273	407,261	
Change in Debt from Base Year		(101,754)	(97,262)	(97,469)	(92,831)	(92,661)	(13,851)	(12,149)	9,888	12,062	14,237	16,411	
Estimated Fund Balance	4,097,951	4,191,198	4,671,356	4,369,236	3,658,969	2,876,514	2,397,927	1,976,118	1,436,822	931,738	1,118,367	1,348,098	
General Fund New Debt 20 years													
Projects:													
Firehouse Improvements	10,250,000												
Streetscape	5,000,000												
Police/Court Facility Phase 1	1,000,000												
Police/Court Facility Phase 2	500,000												
Fox Center	500,000												
Library	1,000,000												
Village Hall	500,000												
Memorial Pool	250,000												
Total	19,000,000												
Phase 1 - \$ 6.5 million Interest			291,658	194,486	102,438	182,104	175,277	167,977	160,230	153,851	143,210	133,876	
Phase 2 - \$ 6.5 million Interest				291,658	194,486	102,438	182,104	175,277	167,977	160,230	153,851	143,210	
Phase 3 - \$ 6 million Interest					291,658	194,486	102,438	182,104	175,277	167,977	160,230	153,851	
Adjust Fire Dept to 15 years			42,560	107,560	167,976	192,440	196,190	201,488	207,500	212,024	217,321	224,107	
Total Interest			334,218	593,704	756,559	671,469	656,010	726,846	710,984	694,081	674,612	655,043	
Phase 1 - Principal			170,238	260,000	266,190	269,286	275,476	284,762	290,952	297,143	306,429	315,714	
Phase 2 - Principal				170,238	260,000	266,190	269,286	275,476	284,762	290,952	297,143	306,429	
Phase 3 - Principal					145,714	234,286	240,000	245,714	254,286	260,000	265,714	274,286	
Required Principal Payment			170,238	430,238	671,905	769,762	784,762	805,952	830,000	848,095	869,286	896,429	
Fund Balance After Principal & Interest Payment	4,097,951	4,191,198	4,002,920	3,181,828	2,145,851	1,533,576	1,085,908	522,425	14,854	(456,425)	(230,857)	38,011	

NOTE: THE FUND BALANCE LISTED DOES NOT INCLUDE \$ 5,250,000 (25%) AS A MANDATORY BALANCE

4. Village Manager's Reports:

a. Change in Recycling and Garbage Collection Schedule for Thanksgiving

There's a change in the recycling and garbage collection schedule for the week of November 19, 2018:

Village Offices will be closed on Thursday, November 22nd and Friday, November 23rd for Thanksgiving.

The collection schedule for the week will be as follows:

- Tuesday 11/20/2018 Bottles and cans picked up
- Wednesday 11/21/2018 Newspapers & cardboard and Thursday's garbage will be collected
- Thursday 11/22/2018 Offices Closed
- Friday 11/23/2018 Offices Closed
- Monday 11/26/2018 Friday's garbage will be collected

b. Holiday parking Program

Free holiday parking is being provided in all municipal parking lots (not on-street meters) through Tuesday, January 2nd, and is identified at all pay stations. Come downtown to shop, eat, visit the library, watch a movie, and more!

Please be sure to read the two hour or four hour time restriction on the signs. Time limits will be enforced to discourage all day and commuter parking.

Parking Lot Locations

Shoppers Park: 2 and 4 hour free parking
South Moger Parking Lot: 2 and 4 hour free parking
North Moger Parking Lot: 2 hour free parking
(12 hour meters excluded)
Blackeby Parking Lot: 2 and 4 hour free parking
(12 hour meters excluded)
Dakin Parking Lot: 2 and 4 hour free parking
Corner of Main and E. Hyatt Lot: 2 hour free parking

For Employees of Downtown Businesses: Free all day parking during this period is available in the North Moger Parking Lot - see the Tax Receiver's Office in Village Hall for obtaining a permit. (914-864-0034, taxreceiver@mountkisco.ny.gov)

c. Comprehensive Development Plan Timeline Update

Mr. Brancati stated that the board has a work session on November 28th at 6pm in regards to the Comprehensive Development Plan Update. That is a discussion with BFJ as they discuss changes to the plan and incorporate all the emails, feedback, and public comment into the plan and zoning amendments. There will be another work session on December 13th at 6pm to discuss the draft of the Final Generic Environmental Impact Statement to be able to add that to the agenda December 17th for acceptance. Any consideration to adopt the plan and zoning amendments would occur sometime next year.

d. Water Bill Payment Reminder

Water bills have gone out and are due on Friday, November 30, 2018.

Please note, Village offices will be closed on the following dates: Thursday, November 22nd Friday, November 23rd.

Should you have any questions or concerns please don't hesitate to contact Alyssa Forzano by phone at 914-864-0029 or by email at aforzano@mountkisco.ny.gov

5. **Board Reports:**

Trustee Albanese let everyone know that the Community sign is going to be installed in the coming weeks. He is coming up with a process on how to preserve that space so look for that. He also wanted to wish everyone a Happy Thanksgiving and is thankful and blessed to have this time with family.

Deputy Mayor Farber stated that the old Kirbyville Schoolhouse on Moore Avenue looks wonderful with all the repairs that have been made. The Historical Society is pleased with all the improvements made so far. An application to NYS will be completed by January naming Trail #1 an official Historical Cultural Landscape preservation area. This trail includes Byram Lake Road, the Old Grist Mill, Leonard Park, St. Mark's cemetery, the Spencer Optical site, and the Rochambeau plaque in front of the hospital. Thank you Harry McCartney and Ralph Vigliotti for making this happen. Andre Ferrara will be making the next Historical Talk and Elder Conversation series Saturday, December 1, 2018 in the Library. Thank you to those who participated in the Veterans Day memorial. The Lion's club held their 34th Annual Gourmet Brunch and the Independent Fire Company celebrated their Annual Ladies and Old-timers Brunch at the Mount Kisco Country Club. This was a chance to thank fire fighters for their service to the Village. Friday November 30th will be the Tree Lighting with festivities for all with weekend events sponsored by the Chamber of Commerce. Sunday December 2, 2018 will be the Menorah lighting in front of Village Hall. The Italian American Club is holding their dinner dance Sunday December 2, 2018 honoring Paula Maiorano, John Donohue, and the Mount Kisco Volunteer Fire Department. She wished everyone a Happy Holiday and hopes that everyone joins in the fun festivities the Village has to offer.

Trustee Schleimer wanted people to know that the last two Medicare workshops would be held in the Library on Wednesday November 28, 2018 and December 5, 2018 before the open enrollment period closed. Please come and take advantage of this service. The Mount Kisco Chamber of Commerce will be holding their Fire Truck Rides on December 8th. It is a great activity for the kids. The Jandon Foundation is looking for 15 high school seniors for \$12,000.00 college scholarships from one of our local families. You can apply at

Jandonscholarship.org. There is new legislation for COOP boards to take action on applications. Denials now need to be reported to the Human Rights Commission and there are penalties for failure to do so. Finally, AAA has car seats that you can borrow when you are visiting or others are visiting.

Trustee Grunthal had no report to make.

Mayor Picinich wanted to thank Assemblyman Buchwald for advising the Village/Town of Mount Kisco that they were awarded \$1.9 million through a Bridge NY grant, specifically for the Preston Way Bridge. We will be working with the Metropolitan Transportation Authority on the structure. She also wanted to let residents know of the launching of a newsletter that will summarize Village/Town of Mount Kisco government activities with other events that might be happening throughout town and encourages everyone to sign up on the Village website under the quick links section on the home page. This newsletter is set to go out once a month. She also wanted to thank the American Legion, the Independent Fire Company, and the Lion's Club for activities this past weekend. Welcome to All Together Now, a children's store that opened on South Moger Avenue that has all things children, books, clothes, activities, and photography. During the holidays, the Chamber is working with local merchants to stay open late on Thursday nights, it's a great opportunity to think local and make donations to the Interfaith Food Pantry.

6. Old Business:

a. Action on proposed local law regarding Solar Energy

Trustee Grunthal made a motion to adopt the Solar Energy Law. He stated that according to the Conservation Advisory Council, under the definition of native perennial vegetation on page twelve of the law we should include the word shrub. The motion was seconded by Trustee Albanese. Trustee Schleimer proposed that the law be adopted without the portion that applies to Tier 3 solar installations. Trustee Grunthal made a comment that Mount Kisco is implementing best practices for this law and believes that this is the right time for this to be approved. Mayor Picinich added that in March of this year the board approved moving forward with community solar project on our capped landfill which will provide the Village/Town of Mount Kisco with revenue through a lease and would allow the community to purchase local renewable solar energy. The proposed solar legislation will provide the same opportunity for private property owners in specified zones. The legislation demonstrates that this board is committed to promoting opportunities for clean renewable energy and is very much aligned with New York State's goal for 50% of electricity in the state come from renewable energy by 2030. Mr. Singleton added that the board would need to adopt a negative declaration that this proposal will not result in a significant adverse impact on the environment.

WHEREAS, the Mount Kisco Village Board of Trustees has entertained a proposed village-wide zoning modification to permit solar facilities; and

WHEREAS, the amendments to Chapter 110, Zoning, of the Village Code to establish a solar energy law are intended to accommodate solar energy systems while protecting the public health, safety and welfare of the Village and its residents. The proposed law, which is based on New York State's model law, establishes and three (3) different types of solar energy systems (Tiers 1 - 3) and provides different requirements and permitting processes for each, as follows:

Tier 1 (roof-mounted and building-integrated systems): Tier 1 systems would be permitted in all zoning districts and would require a building permit; however, these systems would be exempt from site plan or special use permit review.

Tier 2 is reserved for future use and is currently not applicable.

Tier 3 (any system not meeting the definitional or regulatory requirements of Tier 1 or Tier 2): Tier 3 systems would require site plan and special use permit approval from the Planning Board and would be allowed in the CD, PD, CL, GC, GR, H, ML, OD, OG, CB-1, CB-2, R, RD and SC Zoning Districts; and

WHEREAS, the proposed legislation was accompanied by a Full Environmental Assessment Form ("EAF") and other supporting information; and

WHEREAS, the Village Board has determined that the action is a Type 1 Action pursuant to 6 NYCRR §617.4(b)(2) "*the adoption of changes in the allowable uses within any zoning district, affecting 25 or more acres of the district;*" under the State Environmental Quality Review Act ("SEQRA") and completed an uncoordinated review; and

WHEREAS, the Village Board has reviewed and fully considered the proposed action and has completed all Parts of the Full EAF; and

WHEREAS, the Village Board has taken a hard look at all the relevant environmental impacts of this Project by carefully considering them and thoroughly analyzing their potential significance; and

WHEREAS, the Village Board has determined that the action will not result in any large or important impacts and, any potential impacts can be mitigated;

NOW, THEREFORE, BE IT RESOLVED, that based on the impact assessments discussed in the attached SEQRA Negative Declaration – Notice of Determination of Non-Significance (“Negative Declaration”) the Village Board hereby finds that the Action will not have a significant impact on the environment and authorizes the filing of a Negative Declaration for the Action.

Motion Adopted (Negative Declaration)

Trustee Peter Grunthal	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Nay
Deputy Mayor Jean Farber	Aye
Mayor Gina Picinich	Aye

Motion Adopted Solar Law

Trustee Peter Grunthal	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Nay
Deputy Mayor Jean Farber	Aye
Mayor Gina Picinich	Aye

7. New Business:

a. Resolution Amending Serial Bond for Water Line Improvement.

Mayor Picinich reminded the board that they have already authorized the use of these funds for our water projects. This resolution is to amend the probable useful life of these water infrastructure improvements in the previously adopted serial bond resolution. Mr. Brancati stated that the resolution amends and increases the probable useful life of the water improvements from five (5) years to forty years (40) consistent with New York State Local Finance Law. This amendment also provides for a permissive referendum period of thirty (30) days as well as a twenty (20) estoppel period. The following motion was made by Trustee Grunthal and was seconded by Trustee Schleimer.

RESOLUTION OF THE VILLAGE OF MOUNT KISCO, NEW YORK,
ADOPTED NOVEMBER 19, 2018, FURTHER AMENDING THE BOND
RESOLUTION ADOPTED ON JUNE 6, 2016 AND HERETOFORE
AMENDED ON SEPTEMBER 4, 2018 RELATING TO THE
RECONSTRUCTION AND/OR REPLACEMENT OF WATER LINES

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

Recitals

WHEREAS, the Board of Trustees of the Village of Mount Kisco, in the County of Westchester, New York, has heretofore duly authorized the reconstruction and/or replacement of water lines, including interconnections, hydrants, line valves, service connections and related appurtenances and restorations, at the estimated maximum cost of \$7,500,000, pursuant to the bond resolution adopted by the Board of Trustees on June 6, 2016; and

WHEREAS, on September 4, 2018, the Board of Trustees determined that the estimated maximum cost of the project, including preliminary costs and costs incidental thereto and the financing thereof, was \$10,500,000, and it was necessary and in the public interest to adopt an amending bond resolution to increase the appropriation for such project by \$3,000,000 and the amount of serial bonds authorized to finance said appropriation from \$7,500,000 to \$10,500,000; and

➤ WHEREAS, the Board of Trustees of the Village has now determined that it is in the best interests of the Village to further amend said bond resolution to provide

for a maximum maturity equal to the period of probable usefulness for the project, as authorized pursuant to Section 11.00 a. 1. of the New York Local Finance Law, and

➤ WHEREAS, the period of probable usefulness for the project pursuant to Section 11.00 a. 1 of the Local Finance Law is forty (40) years.

➤ Now, therefore, be it

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

Section (A) The bond resolution of the Village of Mount Kisco, New York, duly adopted by the Board of Trustees on June 6, 2016 and heretofore amended on September 4, 2018, entitled:

"Bond Resolution of the Village of Mount Kisco, New York, adopted June 6, 2016 and amended September 4, 2018, authorizing the reconstruction and/or replacement of water lines, stating the estimated maximum cost thereof is \$10,500,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of not to exceed \$10,500,000 to finance said appropriation,"

is hereby further amended to read as follows:

BOND RESOLUTION OF THE VILLAGE OF MOUNT KISCO, NEW YORK, ADOPTED JUNE 6, 2016, AMENDED SEPTEMBER 4, 2018 AND FURTHER AMENDED NOVEMBER 19, 2018, AUTHORIZING THE RECONSTRUCTION AND/OR REPLACEMENT OF WATER LINES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$10,500,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,500,000 TO FINANCE SAID APPROPRIATION

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 two-thirds 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"), is hereby authorized to reconstruct and/or replace water lines, including interconnections, hydrants, line valves, service connections and related appurtenances and restorations. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$10,500,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of not to exceed \$10,500,000 bonds of the Village to finance said appropriation, 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. Any funds to be received from the United States of America, the State of New York or any other sources shall be expended towards the cost of said project or redemption of the Village's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the Village in the principal amount of not to exceed \$10,500,000 are hereby authorized to be issued 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 "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) 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. 1 of the Law, is forty (40) years.

(b) 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 the original bond resolution adopted for the project. 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.

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

(d) The Board of Trustees of the Village, acting as Lead Agency, hereby determines that said reconstruction and/or replacement of water lines is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA) and therefore no further environmental review is required.

Section 4. 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 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 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the 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 enhancements are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. 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 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 7. This bond resolution, as amended, is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption of this amending resolution, to publish or cause to be published, in full, in "*The Journal News*," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF MOUNT KISCO, NEW YORK

PLEASE TAKE NOTICE that on November 19, 2018, the Board of Trustees of the Village of Mount Kisco, in the County of Westchester, New York, adopted a resolution further amending the bond resolution adopted by said Board of Trustees on June 6, 2016 and heretofore amended on September 4, 2018, which bond resolution, as further amended, is entitled:

"Bond Resolution of the Village of Mount Kisco, New York, adopted June 6, 2016, amended September 4, 2018 and further amended November 19, 2018, authorizing the reconstruction and/or replacement of water lines, stating the estimated maximum cost thereof is \$10,500,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of not to exceed \$10,500,000 to finance said appropriation,"

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

FIRST: AUTHORIZING said Village to reconstruct and/or replace water lines, including interconnections, hydrants, line valves, service connections and related appurtenances and restorations; STATING the estimated maximum cost of said object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$10,500,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of not to exceed \$10,500,000 bonds of the Village to finance

said appropriation, 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; and STATING any funds to be received from the United States of America, the State of New York or any other sources shall be expended towards the cost of said project or redemption of the Village's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes;

SECOND: AUTHORIZING the issuance of not to exceed \$10,500,000 bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Village for expenditures made after the effective date of the original bond resolution; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: 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;

FIFTH: 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 of said notes; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

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

b. Zoning Code Enforcement Policy

Mayor Picinich explained that the Village Board has been working on policy that deals with the enforcement of Building Code, Fire Code, and Zoning Code. The challenge that Mount Kisco currently has is that over time, in certain situations, Certificates of Occupancies (CO) or Predate letters were issued in contravention with State and Village code. In these situations, there are two concerns; safety issues and the zoning issues that do not comply with local law. So the board is looking at a policy, across the village, where if a property was issued a CO or predate letter that is in contravention of the New York State Uniform Fire Prevention and Building code, or state energy code, that was issued to a prior owner or current owner, those violations that are not corrected will result in the revocation of the CO or predate letter. These are safety issues and are of the upmost importance; safety is paramount. There are other situations that have been "up-zoned" where the Board is willing to give some level relief to current owners that have not further expanded the illegal use and had no knowledge prior to acquiring that title of the purchased property. The Board will allow the current owner to maintain that use while they own the property, but upon transfer it must be restored to the legal use allowed in that zoning district. If the current owner received the CO or the predate letter, the current owner will have the option of converting the property back to its legal use eliminating the zoning violations or they may restore it back to the use that existed when they purchased the property with a valid CO. Failure to restore the property to its legal use will result in the revocation of the CO and legal actions will be initiated to terminate the illegal use. Any changes to a property that is pre-existing non-conforming would need a variance granted by the Zoning Board of Appeals as it states currently in our Village Code. When there is no CO or predate letter that was issued and signed, the property must be restored to the legal use. Failure to restore the property to its legal use will result in the revocation of the CO and legal actions will proceed to terminate the illegal use. Mayor Picinich then reminded property owners that they have the right to appeal through our Zoning Board of Appeals or the New York State court system. In situations where violations need to be remedied, there will be no immediate requirement from the building department for people to be displaced due to reduction of units in a property.

Deputy Mayor Farber stated that the Board has been working on this issue for years, trying to resolve the situation within the Village as safety is a great concern and everyone deserves to have a safe place to live. The Board has been working diligently with the building department and attorneys to come up with a solution and believes that this is the best way to go about it.

Trustee Schleimer had concerns for the innocent purchaser who buys without any knowledge that there is an issue with the CO for that property. They now have purchased a multi-family dwelling, that has a CO signed by a building inspector, they take out a mortgage, and then it's determined that the CO issued was given out erroneously. The Village Attorney would have to agree with the determination made by the building inspector, so there are some safeguards in place. The owner would not be able to sell the property in the same way they purchased it; a multi-family house is worth more than a single family home, now the current owner will lose on the sale or have to come out of pocket in order to sell. The discussion as a board is that people need to do their due diligence prior to closing. Transfers to surviving spouses would allow to remain in the current use, any transfers to children would need to be restored to the legal use.

Trustee Grunthal stated that the Board took into account all the concerns Trustee Schleimer laid out and some on the board thought that if someone bought a multi-family dwelling and that property didn't conform to the zoning, there are some questions to be asked to determine how innocent is that purchaser really. If that purchaser has purchased a multi-family house, it is an investment and investments can be good and could be bad. Sometimes investments aren't as favorable as you would hope. The Board also took into account that there are very few properties in Mount Kisco that might fall into this category.

Trustee Albanese stated that he is in somewhat agreement with Trustee Schleimer thinking about a couple who purchased a multi-family dwelling, living in one and renting the other. The family has grown, they want to move, but the value of the property is less than what they paid for the house. He believes that this will be a good way to give relief to owners like that while also giving the Building Inspector a way to move forward.

Deputy Mayor Farber stated that she could tell many stories of buyers who bought high and had to sell low, not just in Mount Kisco, but all over the county. This is an issue that all homeowners face whether they own single-family or multi-family dwellings.

Mr. Singleton stated that this policy is going to apply to all properties in the Village/Town of Mount Kisco, commercial, mixed use, and residential. Every single protection that property owners have currently, they will continue to possess. They will be able to appeal decisions to the Zoning Board of Appeals, if they do not like that decision they may seek relief in the court system. This is not foreclosing anyone's opportunity. What this policy is doing in very limited circumstances for it to become abundantly clear that an error was made within the building department at some point in time, that if the CO is revoked, that there is potential for review.

Mayor Picinich wanted to repeat what Mr. Singleton said and stated it was time for the Board to take action to make sure that everyone is living in a safe residence and the Village reclaims its zoning. This policy is being introduced tonight, not being voted on, and has been worked on for an extended period of time.

c. Resolution to award bid for the renovation of the Police Department facility at 40 Green Street.

Mayor Picinich stated that initially the original bid for this work was close to \$2,000,000.00, the Board agreed that they were not prepared to spend that much at that time so the current bid is for necessary improvements. This bid includes a new coating system for the roof and reconfiguring the interior space to accommodate the Westchester County Department of Public Safety, Mount Kisco Parking Enforcement personnel, and new rentable spaces. Trustee Grunthal made the motion to award the bid to Peter A. Camilli and Sons General Contracting in the amount of \$977,168.00, Deputy Mayor Farber seconded the motion.

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Nay
Trustee Peter Grunthal	Aye

d. Resolution to award bid for the renovation of the Public Library at 100 Main Street.

Mayor Picinich stated that there have been substantial challenges with the library. There have been issues identified by the building department and library staff. The Village received six (6) qualified bids. The three lowest bids all came in between \$905,000 and \$966,000. The majority of the work is electrical work which has proven difficult and essential as well as ceiling tile work in the main rooms in the building. As with all bid projects the Village will hold five percent (5%) retainage of the total project cost until we receive a two-year maintenance bond for the work. Deputy Mayor Farber made the motion to award the bid to Grace Contracting in the amount of \$905,013.00 and was seconded by Trustee Grunthal. Trustee Schleimer stated that she would like to receive a recommendation from the Finance Committee for projects moving forward.

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Nay
Trustee Peter Grunthal	Aye

8. Bills:

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Albanese to pay the bills as presented to the Board dated November 19, 2018 for the months of October & November 2018; all in favor.

General Fund	\$142,465.02
Water Fund	\$1,175,258.52
Sewer Fund	\$ 7,578.07
Library Fund	\$ 17,160.00
Capital Fund	\$248,417.12
Trust Fund	<u>\$ 1,189.75</u>
TOTAL	\$1,589,068.48

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

9. Minutes:

The following motion was offered by Trustee Schleimer and seconded by Deputy Mayor Farber approving the Regular Meeting Minutes for October 22, 2018; all in favor.

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

The following motion was offered by Trustee Schleimer and seconded by Deputy Mayor Farber approving the Comprehensive Plan Public hearing meeting for October 29, 2018; all in favor.

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

The following motion was offered by Trustee Schleimer and seconded by Deputy Mayor Farber approving the Regular Meeting Minutes for November 5, 2018; all in favor.

Motion Adopted

Mayor Gina Picinich	Aye
Deputy Mayor Jean Farber	Aye
Trustee Isidoro Albanese	Aye
Trustee Karen Schleimer	Aye
Trustee Peter Grunthal	Aye

10. Non-Local Business: None.

11. Public Comment:
No other comments.

There being no further business to come before the Board, Mayor Picinich closed the meeting at 10:16 pm.

Edward W. Brancati
Village Manager

/lh