

Minutes of the **Regular Meeting** of the Board of Trustees of the Village/Town of Mount Kisco held on **Monday, September 4, 2018 at 7:00 pm** in the Frank J. DiMicco Board Room, Village Hall, and 104 Main Street, Mount Kisco, New York.

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

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

Absent: Trustee Peter Grunthal

### **Regular Village Board Meeting**

Mayor Picinich opened the Village Board Meeting and led everyone in the Pledge of Allegiance. Mayor Picinich asked everyone to remain standing for just one moment. I want to give thanks this evening very specifically to Mr. George Rubin. We just had the honor of being at the Independent Fire House where they celebrated Mr. Rubin's 70 years of Volunteer Service as part of the Mount Kisco Fire Department. So we are very thankful that, in 1948, George Rubin decided to become a dedicated firefighter here in our beautiful Village. Mayor Picinich also read the following statement into the record: "our shared values define us more than our differences and acknowledging those shared values can see us through our challenges today if we have the wisdom to trust in them again." This was said by Senator John McCain, may he rest in peace.

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

##### **a. Update from The Honorable Kitley Covill, Westchester County Legislator.**

Westchester County Legislator Kitley Covill stated that she had sent out an email to the Mayor and Board of Trustees that highlighted the most recent legislative issues with regards to businesses not asking for a salary history when someone is applying for a job. In addition, one of the other things that is now being done County wide is the promotion of hiring Disabled Veterans' in all contracts which gives them some preference over others. We have also been pressing our utilities on their poor service and their lack of responsiveness. What is coming up on the Board of Legislature's agenda is Sick Leave. There is going to be a very robust conversation on Thursday with the Mount Kisco Chamber of Commerce about this topic, which would have employers give one (1) hour of paid sick time (if you have five (5) or more employees) for 30 hours worked. It is really going to effect employers, and I think it is important that businesses in particular know what is being contemplated. The Mount Kisco Chamber of Commerce will be sponsoring this meeting with local business owners to explain why this is a good thing and why it's very helpful. One thing that is in the pipe line and is set for a public hearing on September 17, 2018 is Conversion Therapy for Children under 18. We are also going to have "Ban the Box" which means that you cannot ask someone on an application if they have been convicted of a crime. You can ask them once they come in for the interview, but this legislation will level the playing field for people coming in for an interview. We are also going through a big Ethics Law revision which will take several months. My hope is that this will be a model for other municipalities to examine. The Ethics Law in general is not something that someone takes up willingly, but if we do it right it would be helpful. We are also hoping to change the Ethics filing that all municipal officials must do, because it's lengthy and hard to understand. We have Co-op Legislation which we will be bringing up soon, and we are also going to take up legislation regarding sparklers. Our goal is to opt out of being able to sell sparklers by New Year's Eve. With regards to the Westchester County Airport, I've noticed an increase in air traffic by private planes. A couple of years ago there was a decision made at the County level to increase the hangar space, which does mean that you are going to have more take off and landings. The question is what do we do now and can anything be done about it? It's a really difficult puzzle to figure out. Finally, I'd like to leave you with a resource guide that was put together for seniors in Northern Westchester and once again the Mount Kisco Senior Center is really a model example. You are very lucky to have such a wonderful group.

Mayor Picinich and the Village Board of Trustees thanked Westchester County Legislator Kitley Covill for the legislative update and for representing the Village of Mount Kisco on the Board of Legislators. We know that you have the best interest of our residents at heart and we appreciate it.

##### **b. Email from Jim O'Keefe re: Thank you to the Department of Public Works.**

Mayor Picinich read the letter from Mr. Jim O'Keefe thanking the Mount Kisco Department of Public Works for their outstanding work in helping Con Ed restore power to his home.

Mayor Picinich and the Village Board of Trustees thanked Mr. O'Keefe for his email. Mayor Picinich stated that we greatly value our DPW Team, we know that they go above and

beyond to make sure that they provide the highest levels of service for our community.

c. Captain Merritt's Hill Neighborhood - Block Party Request.

Mayor Picinich read the letter from the Captain Merritt's Hill Neighborhood requesting permission to hold their annual Block Party event on Saturday, September 22, 2018 from 3:00 pm to 7:00 pm (rain date 9/23/18).

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Schleimer granting permission to the Captain Merritt's Hill Neighborhood to hold this annual event; all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Schleimer	Aye

d. Update regarding Charitable Reserve Funds and the IRS Preliminary Rules.

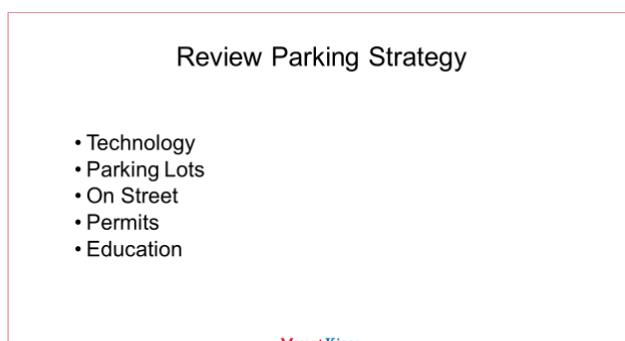
Mayor Picinich stated that we have been having this ongoing conversation with reference to establishing a Municipal Charitable Trust in response to the Federal Tax restrictions on S.A.L.T. deductions and the Internal Revenue Service (IRS) has issued proposed regulations regarding recent state efforts establishing Charitable Contributions and State and Local Tax Credits as another means to make state and local tax payments that would keep them deductible on a person's federal taxes. The bottom line is that the IRS is not going to permit such charitable contributions and corresponding tax credits beyond 15%. At this point in time, this system does not appear to be favorable to the residents of our community. I propose that we pass this information along to our Finance Committee to review one more time so that they can provide a recommendation. The Village Board was in agreement with this recommendation to send this to the Finance Committee.

**2) Petitions: None.**

**3) Board, Committee and Commission Reports:**

a. Parking Task Force Recommendations.

Ms. Eileen Polese, member of the Parking Task Force, presented the following recommendations from the Parking Task Force Committee in order to determine how they should move forward.



## Technology

- Additional lighting at kiosks
- Review need for additional kiosks in higher traffic areas
- Evaluate different App options
- Advertise App and provide education

 Mount Kisco  
The Big Little Village

## Parking Lots

- Allow for some level of free parking in lots (Weekend)
- Simplify time limits in lots
  - 3 or 4 hour, 12 hour, Permit
- Review and modify signage throughout Village lots
- Provide directional signage to parking lots

 Mount Kisco  
The Big Little Village

## On Street

- Addition of on street parking where possible
- Keep meters to promote turnover
- Review options for on street handicapped spaces
- Review options for credit cards at meters

 Mount Kisco  
The Big Little Village

## Permits

- Volume discounts on parking permits for employers
- Allow for quarterly permit purchases

 Mount Kisco  
The Big Little Village

## Education

- Create campaign to educate, inform parking options and guidelines

 Mount Kisco  
The Big Little Village

## Next Steps

- Cost analysis
- Identify measurement of success
- Implementation of parking strategy

 Mount Kisco  
The Big Little Village

Ms. Polese suggested that free parking on Thursday, be allowed in all Village parking lots, not just the Shoppers Park and Blackeby Parking lots. This was done as a short term stratagey and we would want to keep that as a short term strategy as we make recommendations for greater clarity allowing the end user to have a better experience. Our recommendations weren't based on free parking or not. Instead, they were about unifying what the parking offering is and ensuring that makes more sense in the long term for both the Village and the end-users to encourage greater usage.

Ms. Polese stated that with regards to next steps, the Parking Task Force Committee would like to request additional resources to take a deeper dive into a cost analysis, which will help us to identify measurements of success as well as the implementation of parking strategy and education. We have looked at the numbers and we have a lot of information at our fingertips, we are looking for additional manpower to help.

Mayor Picininch stated that in order to accept and review some of these recommendations there will be some associated costs. For example, we need to review all of the signage, provide directional signage, and figure out the cost for implementing these new signs. So we need a person that we can pass the project on to from an administrative perspective.

The Board agreed to have Assistant Village Manager Kenneth Famulare work with Chief of Police John Brogan along with members of the Parking Enforcement Department and Members of the Park Task Force Committee to try and assign dollar amounts to the Parking Task Force's recommendations and potential implementations.

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

a. New Employee Announcement.

Village Manager Brancati announced the hiring of the newly appointed Animal Warden/Parking Enforcement Officer Erwin Culanag effective August 20, 2018. He replaces Christopher Sordellini.

b. Reminder Primary Elections – Thursday, September 13, 2018.

Village Manager Brancati noted that next Thursday, September 13, 2018 is Primary Election Day. The Election Polls in the Village of Mount Kisco will be open from 6:00 am to 9:00 pm.

**ED# Locations**

**District #1 Mount Kisco Library - 100 Main Street**

**District #2 Village Hall - 104 Main Street**

**District #3 Mount Kisco Library - 100 Main Street**

**District #4 Mount Kisco Justice Court – 40 Green Street**

**District #5 Ambulance Corps Building – 310 Lexington Avenue**

**District #6 Mount Kisco Housing Authority - 200 Carpenter Avenue**

**District #7 Mount Kisco Library - 100 Main Street**

c. Bid Results contract 2018-08 Diving Pool Leak Repair & Resurfacing.

Village Manager Brancati announced the Bid Results for contract 2018-08 Diving Pool Leak Repair and Resurfacing. One bid was received for this project and the bidder was Norberto Construction, Inc. of Commack, NY with a total bid price of \$195,000.00. We have a recommendation from our Consulting Engineer, Anthony Oliveri, of Dolph Rotfeld Engineering to award this contract to Norberto Construction, Inc.

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Schleimer to award contract 2018-08 to Norberto Construction, Inc. of Commack, NY in the amount of \$195,000.00; all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Schleimer	Aye

d. Debt and Fund Balance Analysis.

Village Manager Brancati stated that the Village will be undertaking several Capital Projects in the Water Fund that we have been talking about for a while now. We had several meetings with our Finance Committee earlier this year when we looked at a number of the major capital projects that we needed to do in the Village with respect to our Water Supply and our Water System. When we looked at the number of different projects that we had to undertake for the Water Fund including replacement of a section of the water main on North Bedford Road and Green Lane, replacing a water main that runs up Mountain Avenue from the Hillside Pump Station to the water tank on top of the hill, replacement of the water main running down Byram Lake Road from the Filtration Plant to Main Street, replacing a water main on Woodland Street, and upgrades at the Filtration Plant. These are all of the projects and priorities that we considered undertaking during the next few years at a cost of approximately \$22 million dollars. When considering these projects, we also looked at the fact that we have debt from our Filtration Plant that will be dropping off in a few years. So when we looked at the total cost of these priority projects initially, we wanted to assume the worst case scenario. We wanted to assume that we would not receive any grant funding for these projects, nor receive any financial assistance in any form from anybody, and then ask the question -- can we do it? So we looked at the revenue in our Water Fund, we looked at the existing water fund balance, and we looked at the cash flow through the next few of years and as debt begins to drop off from the Filtration Plant, we were going to be taking on new debt. We also looked at accelerating debt because we needed to get some of this work done now. However, by the time some of these new debt payments start to come due, the debt from the filtration plant will be retiring. So the fund balance would drop a little during the transition, but we would be able to do all of the priority projects without increasing water rates. So these spreadsheets show that and I think the real important line is across the bottom which shows our existing fund balance in the Water Fund. You see it increasing a little bit across the bottom, then it drops, and then starts to recover in the later years. That was looking at borrowing the full \$22 million dollars for a period of twenty (20) years at the interest rates at that time plus twenty-five (25) basis points, which is where rates are currently, but again, that was the worst case scenario. We have more information at this point and we have a better understanding of costs since we put out the bid to replace the water mains on Route 117 and Green Lane as well as Mountain Avenue. As a result, we are now dealing with known numbers, not cost estimates. The good news is that those numbers came in a lot less than we originally projected. So we also know what our Water Fund balance was at the end of the fiscal year that ended May 31, 2018, so we've updated these numbers. What we assumed as far as costs, particularly with two of the most expensive ones (Rt. 117 and Mountain Avenue) where we had estimated a total cost of \$15 million dollars for those two (2) projects, turned out to be higher than the bids we actually received. What you are going to see in the bid results is that they are coming in considerably lower than estimated for a total cost of \$9.5 million dollars between those two (2) projects, but we still have to allow for some soft costs such as engineering, permitting, design work, and contingencies for those projects. In addition, we recognize that some of the projects that we still have to design and put out to bid, those again are still estimates. Just as the estimates on these were high and the numbers came in lower, the opposite may occur on some of the other projects that we not yet bid. At the moment, we are \$4.5 million dollars to the positive versus original estimates. We wanted to leave \$2.5 million dollars of that just to allow for the estimates being a little low on the projects still yet to be done. At the same time, we felt fairly confident and comfortable that we don't need to borrow \$22 million dollars and that we could reduce that figure down to \$20 million dollars. The picture then starts to look a little bit better, and again, this is assuming the debt is repaid during a twenty (20) year period at current interest rates plus twenty-five (25) basis points, which is where interest rates are expected to go, but it assumes no subsidies or additional grant funding for which we have applied and will continue to apply. We remain hopeful and optimistic that we will receive some portion of funding that will further reduce this borrowing figure. It also again assumes that these estimates on the other projects actually come in and eat up that additional \$2.5 million dollars that we've set aside. It is entirely possible that as we bid the other projects out, if the estimates for those projects hold, we won't need to borrow \$20 million dollars, but will only need to borrow \$17.5 million dollars. Again, we took the worst case scenario and still do not overburden the Water Fund. What I'm here to tell you is that with the additional information we have, we are moving in the right direction because we are not borrowing as much and we are looking now at \$2 million dollars less than what we originally anticipated.

Mayor Picinich stated, so in June of 2016 the Board authorized \$7.5 million dollars for Water. As a result, and a little later in the agenda, we are seeking to authorize the variance of an additional \$3.0 million dollars based upon the fact that we are front loading the work and because we have actual costs at this point in time. So when the plan was first presented it was divided such that it would be in three (3) phases, \$7.5 million dollars for 2018-19; \$7.5 million dollars for 2020-21 and \$7.0 million dollars for 2021-22 and we would take on the debt for those over those periods of time. Now, we have the actual/revised costs of the two (2) projects that we authorized which are \$8.8 million for

North Bedford Road and \$700,000 for Mountain Avenue, excluding all soft costs. The request is for us to increase the bond authority to \$10.5 million dollars which would be the \$7.5 million which was authorized in 2016 plus an additional \$3.0 million to get us to \$10.5 million at this point in time.

Village Manager Brancati stated that the Village will be taking out a Bond Anticipation Note, not a Serial Bond, because we expect things to change as these projects proceed and we obtain real numbers.

Mayor Picinich noted that the Village will also be applying for grants, so it is possible that this \$10.5 million dollars will be reduced further based on grants that we are going to request.

Village Manager Brancati noted that the resolution on tonight's agenda was previously adopted at the last Village Board Meeting because we needed to make sure that the Village Board's resolution in support of the grant application is consistent with the level of Bonding that has been authorized to this point. The resolution adopted at the last meeting had a figure of \$7.5 million. However, now that we have updated costs and the resolution to increase the bonding authority to \$10.5 million, the resolution in support of the grant application must also state \$10.5 million so that the Village is consistent in its applications.

Trustee Schleimer stated that she was not at the last Village Board Meeting and missed the presentation. Does Phase I from the original project to the updated project encompass the same work?

Village Manager Brancati replied that it is slightly different work because we originally envisioned replacing the Byram Lake Road water main first, but because of ConEd's gas main replacement work on North Bedford Road we needed to get in there and get the water main replaced before the road is resurfaced. The priority changed because we needed to get all of the work on Route 117 and Green Lane done and replaced before ConEd resurfaces the road. Now with known numbers, and because we had to front load the most expensive project into the first phase, that's where we see the adjustments.

Mayor Picinich stated we see a reduction in the number based on having gotten the real numbers at this point in time. So we were estimating a need for \$22 million dollars to complete all of these projects and now we are estimating a need for \$20 million and we hope that that number will continue to decline as we continue to get more numbers on other projects and potential grants.

Village Manager Brancati replied if no other grants or other financing of any other kind is awarded to the Village for these projects, and if the other projects that we have remaining come in at what we estimated them to cost, this goes down another \$2.5 million dollars. So it continues to look better after starting with the worst case scenario.

Deputy Mayor Farber stated that these are all infrastructure projects and they have to be done.

Trustee Schleimer stated that \$3.5 million dollars is still a lot of money and that she would feel more comfortable if we would ask the Finance Committee to just play with the numbers.

Mayor Picinich replied, they've already looked at this.

Trustee Schleimer replied when we say the Finance Committee has already looked at things, I would be much happier if they would give us a one line little report that says, we've looked at it and were comfortable with it, it's fine.

Mayor Picinich replied, so on \$22.0 million dollars you had a formal document written by then Deputy Mayor Markus explaining that \$22.0 million dollars was approved.

Trustee Schleimer stated that it would be helpful when we are revisiting it and actually authorizing the \$3.0 million dollars, if we could recycle that. Unfortunately my brain only holds so much and to refresh it would be helpful if somebody has that handy.

Trustee Albanese stated the only choice we have is to either not do that part of the work or bid it out again.

Trustee Schleimer replied we would still have to pay for it, it still has to come out of taxes.

Mayor Picinich stated actually it doesn't come out of taxes. This comes out of our Water Fund which is an Enterprise Fund which is not tax based. This is based upon the revenue that comes in for what we charge for water, not what we charge for taxes, and we are not proposing any increase in water rates.

Village Manager Brancati replied that is correct.

Trustee Schleimer stated as important as it is for me to understand it, I think the residents also need to understand it. Here we are increasing our bonding by \$3.0 million dollars, I think it's helpful that we all understand it.

Mayor Picinich replied so what else do you need to understand that you don't already have.

Trustee Schleimer replied for purposes of tonight, I don't think that there is anymore that we can provide at this meeting. I would just ask going forward if we can get confirmation from the Finance Committee, it would make it easier for me.

Mayor Picinich replied understood.

Deputy Mayor Farber stated that time is of the essence to get this job done, we've been under the clock to get this done and I don't want to jeopardize anything.

Village Manager Brancati stated that we are still going to go forward with the project, what it's going to mean is that we are only going to borrow \$7.5 million dollars and when the claims come in and that's out, we'll start going into the Water Fund balance to make those payments. We'll also have to go back and modify the grant applications again. It's just a lot more work, that's all.

Deputy Mayor Farber stated that she didn't have a problem with what is being proposed right now.

Mayor Picinich suggested letting everybody think on this for a few minutes, because the vote to actually take action on the Bond Resolution is later on tonight's agenda. The purpose at this point was to make sure that everyone was as informed as they could be based upon the information that was available.

## **5) Board Reports:**

Trustee Albanese hoped everybody had a great Labor Day and if you are listening out their tonight that means that your power is back on tonight. As you can see when you drive through town, a lot of the empty stores are starting to fill up. The Art Emporium has been vacant since 2008 and a new business called Porch now proudly displays in the front glass window that they are coming soon. Construction has begun on the remaining vacant space where Borders used to be, next to Modell's that has been vacant since 2011 and will soon be occupied by Party City. Home Goods, and even a chocolate factory, are on the way to opening soon. Retailors have regained confidence and know that Mount Kisco is open for business. There is a positive vibe. When I used to talk to merchants a couple of years ago, everybody was down on Mount Kisco, with how the town looked and what people thought. Finally, they are excited to see the light at the end of the tunnel. I can see a difference in my own business and the people around me are the same way. More people are out and just a vibrant feeling is present. As a resident, what can you do, what can we all do out there. The first thing is to support our local shops and restaurants. Shop Local and support our local art, music, sports, and everything that is going on in our Town. You can also get involved in our government. Let your voice be heard, we want you to be heard as your opinion does count. Go to a meeting, become part of a committee. I don't expect you to do what Mr. George Rubin did volunteering as a member of the Fire Department for 70 years! I can't even hold a candle to that and I've been living in Mount Kisco for 50 years. I'm proud of what we have done as a Board in eight (8) short months here. We have a lot more on our plate for this year, especially putting the finishing touches on our Comprehensive Development Plan. So I look forward to the rest of this year, our goals, and what we are going to do in 2019.

At our Board Meeting a few weeks ago, we discussed a community sign and we had talked about two (2) different kinds of sign. One was a metal sign to look more commercial and then we had a sign that was made out of re-claimed wood that looked and felt a lot more like Mount Kisco and like the signs that we did in the adopted areas. So we sent this out to the Architectural Review Board for their opinion on what they thought and basically they came back with the same response, they loved the wood sign and how it looked, but the metal sign was a lot easier, and would last a lot longer. So I've come up with a compromise where we can have both. We decided to have the inside of the sign made out of metal which will be a lot easier to maintain and last for about 10 to 15 years. We would

then have the reclaimed wood for the outside which puts everything together and makes everything look a lot better. So now I'm going back to the sign companies to get a revised price and I'll keep the Board posted on that so we can go ahead with that sign. Thank you.

Trustee Schleimer announced that the Senior Tag Sale will be held on Friday, September 28<sup>th</sup> and Saturday, September 29<sup>th</sup>. They will start collecting items on Monday, September 17<sup>th</sup> through Tuesday, September 25<sup>th</sup>.

Trustee Schleimer stated that we are compiling an excel spreadsheet on these intermittent power outages. So, if you are suffering from these flash one second in and out issues, please let us know. We are trying to locate neighborhoods, times, and information, so feel free to send it to me on at TrusteeSchleimer@mountkisco.ny.gov. We are working on presenting that information because it's become more and more of a problem. We are finding that people are being effected and I'm not sure what the cure is, but until we can identify it and then perhaps we can develop a solution.

Mayor Picinich stated, so if folks are finding that they do have intermittent outages, with lights blinking on and off, they should send information to Trustee Schleimer so she can add that to the spreadsheet that she is working on.

Deputy Mayor Farber stated the lazy hazy days of summer are now behind us. September is packed with activities, festivals, and remembrances. First, the Mount Kisco Arts Council - I'm so proud to announce that the Mount Kisco Rotary Club has chosen our Arts Council as the recipient of this year's award at their annual Taste of Westchester Evening. The event will take place at the Holiday Inn on Thursday, October 18<sup>th</sup>. Meanwhile the Arts Council has been taking over Fountain Park with lots of performances with another concert planned for tomorrow, so please stop by, admission is FREE, and the concerts are so much fun.

The Mount Kisco Fire Department and Siegel Brothers presented their first ever "Touch-a-Truck" Event on Sunday, August the 20<sup>th</sup>. The lots behind Shoppers Park were just filled with fire trucks, volunteer firemen, families, food, and lots of children. All signs point for this to become an annual event.

The Cops and Cones event on Thursday, August 30<sup>th</sup> also surpassed all expectations. The weather was great and our County Police put on quite a show, filling the Blackeby Parking lot with bouncing castles, there was a go-cart track thanks to Grand Prix, games for the kids, police dogs, several pieces of police equipment including a helicopter, and hamburgers, hot dogs, and a lot of ice cream. Mount Kisco was just packed with families and friends enjoying the evening getting to know our local cops over ice cream.

This evening, as was discussed earlier, the Independence Fire House celebrated George Rubin for his 70 years of service as a volunteer firefighter. As the Mayor said, that means he began his career in 1948. We cannot thank George enough as well as all of the volunteer firefighters, volunteer EMT's, fire police, and scores of other volunteers who give so much back to our Village and make it such a special place.

Then, coming up next Tuesday, September 11<sup>th</sup>, there will be a 9-11 ceremony which will take place at the 9-11 Memorial right next to the Library. It begins at 6:15pm. It has now been 17 years since the attack on our Country at the World Trade Center, the Pentagon, and a field in Pennsylvania. We thank our volunteer firefighters once again for giving us this memorial and organizing this service on this very solemn day.

We must also remember the upcoming September Fest sponsored by the Mount Kisco Chamber of Commerce. This is going to be huge, the dates to remember are Friday, September 14<sup>th</sup> and Saturday, September 15<sup>th</sup>. Sidewalk sales tables will be set up all along South Moger Avenue as well as down Main Street. This year there will also be a carnival right in the middle of Shoppers Park. On Sunday, September 16<sup>th</sup>, do not forget about the Annual 5K Run, which started out with 175 runners and has now exploded into one of the largest 5K events in the region. Last year there were more than 600 runners and this year they are expecting more than 675. The race begins at 8:30 am on Sunday in Kirby Plaza and there is still time to register by going to Kiscorun.com. Please register for this great event.

Finally, I want to wish everyone this Friday, September 7<sup>th</sup> at sunset a very Happy New Year, as it is Rosh Hashanah the Jewish New Year. May we all be blessed in the book of life for another year. And kids, it's back to school, have a wonderful school year. Thank you.

Mayor Picinich stated that Westchester County passed legislation that was enacted and took effect in the beginning of August that raised the age to purchase tobacco related products and vaping products to 21 years of age. There have been many concerns on social media with reference to some shops in the Village selling to children who were then under the age of 18 and potentially now under the age of 21. This is an issue that is enforced by the Westchester County Health Department and the Westchester County Board of Health. I want to reach out to the community and say it's lovely to share this information on Facebook so that people are aware, but it's equally as important to take action. If you have a concern and some information about someone under the age of 21 purchasing tobacco

related products I want to strongly encourage you to call the Westchester County Board of Health 914-864-7363.

**6) Old Business:**

- a. Comprehensive Development Plan discussion to review any comments and revisions on the plan.

Mayor Picinich stated that we've continued with our Comprehensive Plan process and the Board was handed the full draft of the plan at the last Village Board meeting. At our last meeting we said that any grammatical edits should be forwarded to the Village Manager, but tonight we wanted to have a broader conversation about the bigger picture concepts in the plan and if there were questions or comments related to those concepts.

Mr. Frank Fish (BFJ) stated I've also given each of you an agenda, but the time line is pretty much still the time line that we've been showing at all of our meetings. It's got a couple of attachments to it, including comments from Trustee Grunthal. I know you all have the Comprehensive Plan and a copy of the Draft Generic Environmental Impact Statement (DGEIS). You also have the zoning package from us, and we are hoping to discuss that with you on the 6<sup>th</sup>. Now that you have all of these documents, I just wanted to once again review the time line, which continues to follow the original timeline for this process. This month is our anniversary, we started a year ago in September as you can see on the time line, and we've pretty much been able to go through all of the workshops. We had three (3) workshops on the Comprehensive Plan and two Downtown workshops that have all been completed. The committee finished their work during the summer and as a result the committee sent to you the draft Comprehensive Plan. Now that the Committee's Plan has been provided to you, and I want to thank you all too, this is a very unique position where all of the trustees attended most of the workshops and you're familiar with the plan and drafts. I'm hopeful that you will therefore be able to schedule a public hearing for the plan. This is the one thing that I've mentioned to you, State Law is very permissive about many items when it comes to Comprehensive Plans, except for one or two items. Now is when your participation pays off as State Law says that you have to hold a public hearing on the draft Comprehensive Plan within ninety (90) days of receiving the draft Plan.

Mayor Picinich stated, so we have 90 days from the August meeting to open a public hearing. I just want to make sure, because we believe that a public hearing should be open as long as someone has something to say. I just want to verify that we don't have to close the public hearing within 90 day,s.

Mr. Fish replied it simply states that where there is a committee, and you've established a committee, the committee transmits to you the plan, which they have, you have 90 days to hold the public hearing. So it doesn't say anything else, it doesn't define it. I think you're in good shape for doing that because the committee gave you the plan in August. For the public at-large, we have been putting up the chapters of the draft plan on the website, [www.envisionmk.org](http://www.envisionmk.org), so that by the time we get to the public hearing on the plan, the public would have had months to study the Plan. That is the only thing on the Comprehensive Plan that the State Law does control, however, it's silent on zoning, so if you wanted to take longer on zoning you could. On the Comprehensive Plan, it just says that you have to hold a public hearing within 90 days and that would be November 8, 2018. So far we haven't received any comments on the plan except from Trustee Grunthal which I've attached to the handout regarding zoning. I do want to mention to the Board with regards to the DGIS, we hope that you all got it, we thought we could talk about it a little bit on Thursday night at the work session meeting and then any other comments you had beyond tonight and Thursday night, as well as typos and that type of thing, could be sent to the Village Manager. Then we could make any revisions, and meet with you again on the 17<sup>th</sup>. September 17, 2018 is the next Village Board meeting and then if you want to, and you are comfortable with things, you could then set a date for the public hearings. We had talked about that before and what I suggest is leaving two (2) dates open October 1<sup>st</sup> and then October 15<sup>th</sup>. From past experience with Comprehensive Plan hearings, on the first night there are quite a few people there and so you hold it open for a second night where there are typically not as many people, and many times, you can close it. It's up to the Trustees comfort level. You can continue a hearing as long as you feel it's needed and that everybody's had an opportunity to speak, and then, even if you close it, we usually suggest leaving it open for written comments to make sure that all members of the public have had an opportunity to speak, some people prefer to share their opinion in writing.

Deputy Mayor Farber stated that there is just a tremendous volume of information and Trustee Grunthal is on the Comprehensive Planning Committee. You live and breathe this material, but I'm reading and re-reading this and I'm trying to absorb it and I just don't want this process to move at too much of a fast pace. I think there is a tremendous amount of information that needs to be digested and understood. I welcome your presentation tonight to help break down the process.

Mr. Fish stated that you've all gotten the Environmental Impact Statement and what I've attached for you on this handout which is sort of the guide for accepting the DEIS and SEQRA time frame. SEQRA is on the Plan and is normally done with the Plan, so if you are comfortable on setting a public hearing date at the September 17<sup>th</sup> meeting I would suggest that you accept the DGEIS so that it can be distributed to the public. The DGEIS goes out to the involved agencies and all you are doing when you accept the DGEIS is saying that we feel it's adequate for the public to see it and we feel that it is complete in the sense that it matches the scope that you adopted in the summer. When you are comfortable to hold the public hearing on the plan it would be good to accept the DGEIS for public distribution. The reason I gave you the scope tonight was just to remind you that the qualifications for accepting it are to make sure that the draft is done in conformance with the Scope. I certainly hope it passes. You are the Trustees and the lead agency for SEQRA. By accepting the DEIS it would give the public the right to see it and comment on it. This is not a public document until you the Trustees accepted it. Once you accept it then we will send it on your behalf to all of the involved agencies for a thirty (30) day comment period. Afterwards, we are going to have to do a Final EIS answering comments regarding environmental significance. Then it will go back to the Village Board of Trustees to accept as being completed. When that is done, the SEQRA process will be completed with what is called a Findings Statement. We are trying to get the SEQRA documents in alignment with the plans. It's very confusing if you have hearings on the Comprehensive Plan and then people are trying to read the DEIS. You want to have it out at the same time, which I think you are able to do. You have both documents done. That's the overall time line on this.

Trustee Schleimer stated that the Comprehensive Plan itself is a major radical change for the direction of Mount Kisco and I am truly concerned that it's going to take the public time to absorb this. I'm learning new things and I've been through the Comprehensive Plan once before. I learned and clearly the story of the North and South Moger lots are featured prominently in the Comprehensive Plan, but I heard today, and I had not yet found where that is in the Plan or in the DGIS where you can have the possibility of going from 4 floors to possibly 5 stories in certain locations under certain circumstances. So there is a tremendous amount of information, and I for one would very much like to give people the opportunity to read the Comprehensive Plan, even without the DGEIS before we have a public hearing, before they have that pressure, so they can just start to get to know it. They don't have the benefit of knowing as much as some people that did come to the meetings. Some people didn't come to the meetings. I have some questions about how the survey was conducted. I think there is an unbelievable amount there. I would like to read the Comprehensive Plan, the DGEIS, and the Overlay District where I truly could use a little help understanding.

Mr. Fish replied that I hope we are going to discuss that on Thursday.

Trustee Schleimer replied, but I think the public is also going to need to be walked through that. This is complicated stuff and I for one would really like to push back the beginning of the public hearing to give people the chance to take baby steps because there is an unbelievable amount of material and proposed changes.

Mr. Fish replied that this is up to you I would just urge you to meet the State Law that is to hold the public hearing within 90 days.

Mayor Picinich stated that every chapter of the Comprehensive Plan is available on-line and as chapters were drafted, they were put up at [www.envisionmk.org](http://www.envisionmk.org).

Village Manager Brancati stated the chapters were made available as they were developed, but when BFJ presented the entire draft Comprehensive Plan to the Board at the August meeting that was then put up on the EnvisionMK site along with the entire zoning amendments, and the draft overlay for downtown. So all of that has been up on the EnvisionMK site for about three (3) weeks now and will continue to be up there for everyone to access and take a look at and read.

Mayor Picinich stated that we have a couple of different components and a couple of different things to accomplish. First, we have the Comprehensive Plan that is a big picture view as to what we would like for the future of our Village. Again, this was comprised based upon a Steering Committee and five (5) different public engagements that were held. So this Comprehensive Plan is supposed to be a broad view strategic path forward. Our job right now is to ensure that any text changes that we do still allow us to feel that we are in good enough shape to have a public hearing on the amendment. So if we want to make modifications, changes, edits we want to discuss that and get them incorporated. In addition to this Comprehensive Plan we also did an Environmental Impact Statement and what this does is it takes a look at this big picture, strategic plan and determines what the impacts of this plan, should we implement it would be and how those impacts can be mitigated. So that DGEIS is very important and goes with the Plan. There is another piece

that we are working on, because our Plan suggests that we look at different areas of our community in different ways. So we are also taking a very deep dive into our current zoning to make recommendations to change parts of our zoning. So we are recommending changes downtown to allow for mixed use development which would permit residential units in our downtown, which is not currently permitted, unless it is pre-existing which would make it non-conforming. We are also taking a look at some other areas like Lexington Avenue and Radio Circle where there is an opportunity for some changes. As a result, we need to take a deeper dive into the zoning changes as well, which will also need community input and feedback, and there are lots of components here. I couldn't agree more with Trustee Schleimer, it's deep, it's comprehensive, it's big and it all requires careful thought and consideration. So the time line that had been sent out was to potentially start a public hearing on October 1<sup>st</sup>. In order to be able to do that we have to feel comfortable enough that the DGEIS reflects the scoping document and that the Plan itself is ready and available for public comment. So that is our task at this point in time as a Board to ensure that the plan and the DGEIS are ready for public comment.

Deputy Mayor Farber stated that her issue was if it had been a perfect world, all we had to focus on was the Comprehensive Plan, and we didn't have all of the other extraneous things in our daily lives, this process wouldn't be so overwhelming. We have so many things as a board member to do other than just the Comprehensive Plan and I'm personally overwhelmed. I've read it a couple of times, so I feel somewhat comfortable, but this is so major. It's really for the future of our Village and I don't want to take it lightly. It is taking me a couple of times to read through it, I don't know how the public is going to have the opportunity to do it as well. I'm all for it, I think it's wonderful, I'm so excited, but at the same time I just want to take a deep breathe in between and I think October 1<sup>st</sup> might be a little too soon.

Mayor Picinich replied we don't need to make that decision yet, this is a broad time frame that we are putting out there. We need to make a decision at least 15 days before we choose to hold a public hearing, because we have to put out written notification. That's the time frame that we need to work within. From what I'm hearing from the Board is that we are not going to vote on that tonight, we are going to continue our conservation on this, we are not prepared to have a public hearing right now starting on October 1<sup>st</sup>.

Village Manager Brancati replied perhaps at the next Village Board meeting the Board will be prepared to schedule a public hearing on the Comprehensive Plan for October 15<sup>th</sup>, so we can meet our own guidelines and still also get started within the ninety (90) days.

Mayor Picinich stated because in the end what we are seeking is public input, so if we don't schedule a public hearing we can't formally get that. So that's the goal.

Trustee Albanese should we schedule that now.

Mr. Fish replied you can keep the public hearing open as long as there is a member of the public that is interested.

Trustee Albanese stated so the more eyes and ideas the better.

Mr. Fish replied we will reach a point that if there aren't any more comments you should close the hearing otherwise you could run into planning fatigue. This is a lot to digest, the major change in the plan is downtown in the Moger Lots. I would describe this as almost a 90/10 Plan and that is 90% of the Village is being protected with no major changes, but that 10% in the downtown is significant to allow for a better mix of uses and to allow for residential uses in the downtown. Most of the other chapters in the Comprehensive Plan maintain what was sort of in the old Fredrick Comprehensive Plan, but I hope enhances it or sustains the environmental area. There is a change in this plan and it is primarily downtown so it's important to discuss that and you'll see it on Thursday. We'll bring the Zoning Overlay with us for the downtown.

Deputy Mayor Farber asked in your experience in developing these comprehensive plans is it very dramatic that 10% of the overlay for downtown. Every single person that attended the meetings was absolutely for it and very excited about it. But as I'm going out to the community, I hear otherwise. How do you reach those people to get them on board and how do you handle those that didn't show up at the meetings on the comprehensive plan, and now they are really upset and don't understand how we can do this.

Mr. Fish replied give them a chance to show up at the public hearings. I find what happens when people realize toward the end, wow there is actually a public hearing now this is it, this is it a year and three (3) months later, and this is it. They will come.

Trustee Schleimer asked and what happens if there is sufficient outcry and people are really concerned.

Mr. Fish replied I've seen plans changed after a public hearing. The Trustees themselves hear something that they didn't expect or they've heard from a lot of members of the public, you have the right to change the plan and that's also the reason for the Final Environmental Impact Statement. If we change the plan, we will evaluate that in the Final Environmental Impact Statement. So that's the purpose, to hear from the public. If they are unhappy with part of the plan you have the ability to change it, that's the purpose of a public hearing. If you make a change, we would then evaluate that change in the Final Environmental Impact Statement and they will still be in a position to adopt the plan as you amended it. If there is a real public concern about something you have the right to change it since the Village Board of Trustees is the Lead Agency.

Trustee Schleimer asked what is the effect of accepting the DGEIS?

Mr. Fish replied, first you want to get it out to the public, it's not yet a public document as the draft of the Comprehensive Plan. The Plan is up on the website, we didn't put the DGEIS on the website yet because you have to say that it is ok for us to do so. So acceptance of it is not a big deal on the DGEIS. It's just the Village as Lead Agency saying you didn't miss a whole section of the scope or you didn't miss something entirely. You want to make sure that it's ok and that's why I handed it out again to you tonight. But all the DEC is saying to the lead agency is if it meets the scope you can send it out to everybody. Also you don't have to agree with everything in the DGEIS, it doesn't have to be developed in detail. DEC says if there is an applicant involved and the applicant disagrees with you not wanting to make the changes, DEC say you can still publish it and just put in that there is a disagreement between the applicant and the agency. There is no agency here, you are the applicant and the Lead Agency. So it's totally your document, so as soon as you are comfortable I would just accept the DGEIS so that everybody can read it. The CAC can officially have it because I know John wants it and he wants to read it. So this gets it to the CAC, gets it to the Planning Board, we put it on line, and it is not expected by DEC to be a perfect document. It's just a document that follows the scope and states the impacts of this action. If you get it wrong and the DEP or the DEC say something, you have the ability to answer them in the Final Environmental Impact statement. It's called a draft because it's just a draft. After the hearings, if you make a change in what you want to do then we pick-up the change and we analyze it in the FEIS. We also answer the comments made in the FEIS, so everyone, in terms of SEQRA and the environment are going to get a whole second crack at this and that is called the Final Environmental Impact Statement (FEIS).

Trustee Albanese stated so there is no reason to delay this and keep it from the public's eye.

Mr. Fish replied I would say the sooner you can get the DGEIS out, which doesn't have to be perfect. I'm hoping that you could get the DGEIS out relatively soon and accept it on the 17<sup>th</sup>.

Mayor Picinich stated ok, so that focuses in on process. Does anyone have any other process questions?

There were no other questions with regards to the process.

Ms. Ariana Branchini from BFJ reviewed the handouts that were given to the Village Board from BFJ regarding the Comprehensive Development Plan and the Vision Statement. There are goals listed for each chapter of the Plan. We are giving you this to get a sense of what each chapter is attempting to accomplish, how we've reflected the vision and the goals of the community in the Comprehensive Plan. So each chapter is very detailed with the idea that each goal should have a broad statement. At this point we want to give the Board the opportunity to send typos, and minor edits on the Plan itself to the Village Manager, or myself, my email address is also on the handout.

Deputy Mayor Farber said the goals are so easy to read and very exciting.

Mayor Picinich stated again, each chapter contains not just the overall goal, but what the current conditions are and then recommendations to be made in order to reach and achieve the goal. I feel comfortable with the Plan, because I've had the opportunity to participate on the committee and on all of the workshops. I've made lots of comments along the way and I feel comfortable at this point that the comments that I've made are part of the Plan. The only thing that I need to take a closer look at is the last chapter, the implementation section, because that is how we actually get from these ideas to actually making them happen. I have to find the time to dig in deeper on that piece.

Mr. Fish stated that the last chapter, Chapter 11 is a good chapter to read it gives the short term, medium term and long term goals of the plan.

Mayor Picinich stated that Chapter 11 is about the implementation of the Plan. It lists what the actions would be, who would be accountable for achieving those actions, and those which would be achieved simply by adopting the plan and modifying zoning are also listed there as well.

Deputy Mayor Farber stated that the plan has a lot of details and facts that I found fascinating to me. This Comprehensive Plan is Mount Kisco's Vision for the future, is divided into eight (8) chapters, and while it's not the easiest reading, it is a fascinating read and it takes a while to absorb. It is going to make such a difference in our future and I don't want to rush through things.

Mr. Fish stated we'll get into the downtown zoning changes on Thursday evening in more detail.

Trustee Schleimer stated for those of us who were not on the Comprehensive Plan Committee we've not even had a work session to discuss our feelings about the proposals in the Comprehensive Plan. The changes are huge and from what I've read, we are contemplating an additional 388 housing units downtown. That is a huge change, we are going from one and two story buildings to possibly 4 and 5 story buildings on both sides of the street.

Mr. Fish replied that we set the limit at 4. The only exception is the North Moger Lot closest to Main Street and the intersection of Kisco Avenue where you sort of feel like you are in a hole due to the topography and that's why in that one limited area we gave them the ability to get a bonusable 5<sup>th</sup> floor. This is very important for the public to understand that. It is limited to that one section only, but other than that the height is 4 stories. If the Board doesn't want to keep that they don't have to, it's totally up to you.

Trustee Schleimer stated also the change to residential and so many more units means there's an extra draw on our water, our sewer, our traffic, and our parking.

Mr. Fish replied, exactly and that is why you need to look at the DGEIS because we tried very hard in the DGEIS to go over all of those concerns. As soon as the Board can accept the DGEIS, we can get it out there and let the chips fall where they may. We can address any concerns raised by any of the interested parties in the Final EIS.

Trustee Schleimer stated that she was still feeling overwhelmed and I can only imagine what our residents are feeling. Many feel that they are being pushed along so fast with the possibility of such overwhelming changes. Perhaps hearing some of the details of this in bits and pieces might help.

Mr. Fish replied I'm glad to hear this now, because it will allow me to prepare a little bit better for Thursday evening. Perhaps I should put together a summary power point presentation on the big changes which are really limited to the downtown area.

Deputy Mayor Farber replied that at our meetings it was 100% agreement to go forward with things that you were presenting to us, but I don't think that is what the whole Village is feeling. This is really important for them to understand because for some of them, these are dramatic differences.

Mayor Picinich stated that we have a work session that we planned for this Thursday evening and in that work session we are going to speak specifically about zoning. We are going to take a much closer look at the proposed changes to zoning which is this downtown overlay district. We are also going to look at the recommended zoning changes in some of the other locations. All work sessions are public, so everyone is invited to join those work sessions. They are for the public to observe, there are no comments because it is for us to roll up our sleeves and work so anyone that wants to come join that, would be most welcomed. Some of the most important concepts that come out of this with mixed uses and residential in the downtown deals with being smart and aware about development. Development in isolation would certainly be a real mistake for this community. The important things that came out of these workshops was to understand what the potential impacts are of adding residential to the downtown and to work to mitigate those. We did look at water, we did discuss sewer, and we talked about a need for changes in traffic patterns and also some additional roadways. Those recommendations are a part of this. The need to make sure we not just maintain the 600 parking spaces that currently exist, but add additional parking in order to be able to accommodate residential units. I would really encourage folks, particularly those who are just thinking additional units, to roll-up your

selves and dig in, because there is a lot to this and it's not just building in isolation. It's understanding that there is far more to it. Folks have been keeping us very honest and aware the whole way through and that is important.

Deputy Mayor Farber stated there are so many exciting possibilities in this plan other than just that one portion of it such as taking advantage of the Greenway with Branch Brook which flows right through the middle of our town. It would be amazing to take advantage of this whole entire green space, add park benches and swing sets, and have concerts. It's really bringing our Village back to where you would come down to the Village on Friday nights to see your neighbors. There are a lot of wonderful opportunities in this Plan other than what we are focusing on with the overlay. Many other aspects that are just wonderful.

Village Attorney Singleton stated that he had some recommended changes and he would be emailing them to the Village Manager. He did have one correction which was on page 156 under 10.3 sub paragraph 3 you have it at 3.27 million gallons for a twenty-four (24) hour period which is correct. At the same, there are other sections in the draft and DGEIS regarding averages, we cannot exceed 2.2 million gallons. The rest of the changes are typos and I'll forward them to the Village Manager.

Village Manager Brancati noted for clarification we do not come anywhere close to our max flow.

Mr. Fish noted with regards to the Overlay District we are hoping that it fits into the Village's existing zoning code. The implementer of the Overlay District is the Mount Kisco Planning Board and this will be done during the site plan review process.

Trustee Schleimer stated that she was concerned about the payment in lieu of parking. Generally, that was set to mimic the cost of providing the parking space. If we reduce that I'm concerned.

Mr. Fish replied that we don't mention what the fee should be in the Comprehensive Development Plan. However, in the zoning we do mention it and our recommendation is a \$10,000 fee, not \$25,000. The parking space gets used by more than one (1) car it's got multiple users. So you shouldn't charge one individual property owner the entire cost of that spot. In other municipalities, we have not found the payment in lieu of parking fee to be as high as the \$25,000 here in Mount Kisco. I don't believe that to be a Comprehensive Plan issue as more of a Fee issue and you the Trustees should get that.

Trustee Schleimer stated, but it does talk about the fact that we should reduce the number of parking space per unit.

Mr. Fish stated yes it does and why don't we bring that up on Thursday, with our zoning presentation. The Village's current parking standards are more restrictive than what IT recommends, we think a minor modest change, but those modest changes are less restrictive than your current parking requirements.

Mayor Picinich stated that the Village Board needs to make it a priority to accept the DGEIS, so that it can be made available to the public and folks can start to review it, because in the end we are seeking public input.

**7) New Business:**

a. Resolution Declaring Certain Village Property to be Surplus Property.

The following Resolution was offered by Trustee Schleimer and seconded by Deputy Mayor Farber;

Whereas, it has been determined that the Village has no further use of certain item;

Whereas, the Village Board may determine that the item is surplus property;

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

Whereas, at the time of sale of surplus item, money if any, will be allocated back to the appropriate department; and

Whereas, the Village Manager or his designee will oversee the sale of this item or other method of disposal.

Now, Therefore Be It Resolved, that the Village Board of the Village/Town of Mount Kisco, New York surpluses the following item:

Hewlett Packard Copy Machine

Serial# KAA338790

Motion Adopted

Mayor Picinich

Aye

Deputy Mayor Farber

Aye

Trustee Albanese

Aye

b. Bond Resolution Amending Serial Bonds for Water Line Improvements.

Trustee Isidoro Albanese offered the following resolution and Deputy Mayor Farber moved its adoption:

RESOLUTION OF THE VILLAGE OF MOUNT KISCO, NEW YORK,  
ADOPTED SEPTEMBER 4, 2018, AMENDING THE BOND  
RESOLUTION ADOPTED JUNE 6, 2016 RELATING TO WATER  
SYSTEM IMPROVEMENTS.

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, the estimated cost of said project has now been determined to be \$10,500,000, and it is necessary and in the public interest to increase the appropriation for the project by \$3,000,000 and to amend said bond resolution to authorize the issuance of \$10,500,000 bonds to reflect such increase;

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 said Village duly adopted by the Board of Trustees on June 6, 2016, entitled:

"Bond Resolution of the Village of Mount Kisco, New York, adopted June 6, 2016, authorizing the reconstruction and/or replacement of water lines, stating the estimated maximum cost thereof is \$7,500,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of not to exceed \$7,500,000 to finance said appropriation,"

is hereby amended to read as follows:

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.

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 is or exceeds five (5) years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

(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 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.

(c) The proposed maturity of the bonds authorized by this resolution will not 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 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 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in the "*The Journal News*," a newspaper published having a general circulation within said Village and hereby designated the official newspaper of said Village for such publication.

Section (B) The amendment of the bond resolution set forth in Section A of this resolution, shall in no way affect the validity of the liabilities incurred, obligations issued, or action taken pursuant to said bond resolution, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as so amended.

\* \* \*

**On the question:**

Trustee Schleimer requested that in the future, when we have anticipated additional borrowing that we get a written resolution from the Finance Committee that they concur with this activity.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Schleimer	Aye

c. Resolution to apply for grant funds from the WIJA/IMG Funding Application.

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Schleimer:

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

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

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

Whereas, the Project cost is estimated at \$10.5 million; and

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

Now, Therefore Be It Resolved That,

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

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Schleimer	Aye

d. Resolution to Amend the Village Fee Schedule re: Water Meter Fee.

The following resolution was offered by Trustee Schleimer and seconded by Deputy Mayor Farber:

Whereas, the Village/Town of Mount Kisco, in accordance with the Code of the Village/Town of Mount Kisco, may amend its fee schedule.

Now, therefore, it is hereby resolved by the Board of Trustees of the Village/Town of Mount Kisco that the Village/Town of Mount Kisco amends its fee for water meters by adding the following:

- 1) Water Meter Fee (per cycle)
  - a. Commercial/Industrial 8" compound meter shall be \$165.00.
  - b. Commercial/Industrial 8" protectus meter shall be \$325.00.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Schleimer	Aye

e. Resolution to Modify Capital Project Financing for ongoing projects.

The following resolution was offered by Trustee Schleimer and seconded by Deputy Mayor Farber to modify capital project financing for ongoing projects for the fiscal year 2017/2018 adopted budget are hereby modified as follows:

**Budget – Capital Fund**

Increase Capital Fund Revenues:

004.0000.5031.0174 Inter-fund Revenue – Branch Brook	\$	1,972.00
004.0000.5031.0162 Inter-fund Revenue – FD UH & L	\$	(140.01)
004.0000.5031.0163 Inter-fund Revenue – FD Independent	\$	120.31
004.0000.5031.0164 Inter-fund Revenue – FD Rescue Fire Police	\$	19.70
004.0000.5031.0153 Inter-fund Revenue – Server Project	\$	(255.00)
004.0000.5031.0180 Inter-fund Revenue – Tree Project	\$	255.00
004.0000.5031.0167 Inter-fund Revenue – Parking Lot Imp	\$	(1,972.00)
004.0000.5031.0156 Inter-fund Revenue – Vehicle Replacement	\$	(55,854.14)
004.0000.5031.0146 Inter-fund Revenue – General Paving	\$	55,854.14
Total	\$	0.00

Increase Capital Fund Appropriations:

004.3320.2174 Branch Brook Improvements	\$	1,972.00
004.3410.2162 Fire Department – Union Hook & Ladder	\$	(140.01)
004.3410.2163 Fire Department – Independent Fire Co.	\$	120.31
004.3410.2164 Fire Department – Rescue Fire Police	\$	19.70
004.1680.2153 Server and Computer Replacement	\$	(255.00)
004.8560.2180 Tree Program	\$	255.00
004.3320.2167 Parking Lot Improvement	\$	(1,972.00)

004.5110.2146 Various Paving	\$	55,854.14
004.8020.2156 Vehicle Replacement	\$	(55,854.14)
Total	\$	0.00

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Schleimer	Aye

- f. Resolution to refer the draft Solar Energy Local Law to the Westchester County Planning Board and the Village Planning Board (Public Hearing 9/17/2018).

Mayor Picinich stated that this legislation permits different types of solar system and different types of solar arrays in different areas of our community. Currently, rooftop solar is permitted, but any other solar is not permitted by virtue of the fact that it is not mentioned in our Code. This legislation seeks to permit in potentially three (3) different forms. Tier 1 would be roof top solar or on building appliances. Tier 2 would be any ground mounted array that is less than 1,000 sq. ft. and has a maximum generation of energy of 110% of the energy that was last used on that site for the past 12 months, Tier 3 are larger ground mounted installations. That's what the legislation would permit, those three (3) different levels. The first two would be granted permits through the Building Department and Tier 3, which is a larger ground mounted installation would be by special use permit which would go through a full and complete planning process.

The following motion was offered by Trustee Albanese and seconded by Deputy Mayor Farber to refer the draft Solar Energy Local Law to the Westchester County Planning Board, the Village Planning Board, the Conservation Advisory Council, the Tree Preservation Board, and any other interested Village agencies. The public hearing to discuss this draft Solar Energy Local Law will be held on Monday, September 17, 2018 and kept open for at least 30 days;

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Schleimer	Abstain

**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 August 28, 2018 for the months of July and August, 2018; all in favor.

General Fund	\$159,168.14
Water Fund	191,475.93
Sewer Fund	10,984.63
Library Fund	5,855.30
Capital Fund	365,607.64
Trust Fund	15,166.32
TOTAL	<u>\$748,257.96</u>

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Schleimer	Aye

**9) Approval of Minutes -**

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Albanese approving the Regular Meeting Minutes of August 13, 2018, all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Schleimer	Abstain (Absent from Mtg.)

The following motion was offered by Trustee Schleimer and seconded by Deputy Mayor Farber approving the Special Meeting Minutes of August 21, 2018 with the one noted correction, all in favor.

Motion Adopted

Mayor Picinich	Aye
Deputy Mayor Farber	Aye
Trustee Albanese	Aye
Trustee Schleimer	Aye

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

**11) Public Comment:**

Mr. Brian Liebman (Barker Street) stated that according to the public survey conducted for the Comprehensive Plan an answer to the question which amenities should be provided by a new development in each of the following locations. The least popular response of all available options involving either of the Moger Lots was housing on the South Moger Lot. This answer received around 29% favorability while other answers like street scape and public room improvements received over 76% favorability. More than double that of housing on the South Moger Lot. Yet despite this the Village Board has decided to jump ahead of the Comprehensive Planning Process and has already sent out a request for proposals for the very thing which the public has the least favorability towards and furthermore, the Village Board has chosen to rush the process of picking a developer and set a self-imposed November 19<sup>th</sup> target date for that selection. A selection that could result in a 100 marriage between the town and a private enterprise in which they will receive power over most, if not all of the public space near the train station. Why isn't the comprehensive Planning process allowed to complete and reach final decisions before the critical actions are taken. There are many logistical complications with this proposal, for example if there is construction in either lot during the construction there will be insufficient parking for commuters. If there is construction on both lots there will be no parking at all for them or for anyone who wants to use the train station. I've heard that the proposed solution to this woe would be that buses would go to and from the lots at Leonard Park. Now let's assume for a moment that is a feasible solution. For the two (2) or more years that this construction will take. Then what is being expected of people is that they are off the train after a long work day and wait for a bus in the freezing cold of winter and burning heat of summer right next to a construction zone and then they have to have 20 to 30 minutes tacked on to their commute by the time the bus gets them to their car and they get back to where they would otherwise be if their car was initially near the train station. And all this burden is too endured so that eventually 300 people can live and in our public space. Folks you don't have to be a mathematics major to see that this doesn't add up. This request for proposals should not have gone forth before the comprehensive plan was finished and I do hope the public will let their voice be heard against it. Save Mount Kisco, the good little village.

Ms. Patricia Lee (Barker Street) stated that she was also concerned about the RFP, but I won't bring that up, because he did a very good job of it. One of the things that distresses me that came up this evening during the Comprehensive Plan presentation is the idea that its available only on the website. I'm a computer person and when I looked at the survey results and I see that only 337 people responded and of those responses only 12 were in writing. I feel that we are not sufficiently communicating with the people who live here. I would like to suggest, that before we have the Comprehensive Plan Public Hearing I would love to see us put together some sort of educational process/work shops where we could encourage people to come and have paper copies of the Comprehensive Plan that we could sit down and discuss them. Because there are a lot of people here that won't look at it on the website. I think that we have had an insufficient response to the survey particularly because we are reliant on the internet and we are not being inclusive. And I would be very happy to help.

Mayor Picinich requested that additional paper copies of the Comprehensive Development Plan be made available to residents, perhaps at the Library, Fox Senior Center and Village Hall.

Mr. John Rhodes (Stewart Place) Chairman of the Conservation Advisory Council, stated with regards to what Brian said, we did discuss this at the CAC meeting last week and the CAC decided to ask the Board to extend the period for responses on the RFP until after the Comprehensive Plan is approved. The feeling was that this is putting cart before the horse and there is no need to do it this way. That basically there are lot of people that showed up at the workshops and communicated with us and we feel that there is a lot in the down plan that and maybe it needs a closer examination in terms of some of the things that Brian mentioned like traffic and parking, but also the impact on stores during and after construction on our downtown residents. We are going to hear about all of those things during the public hearing and probably before that and that very well may result in some significant changes to the RFP. Having an RFP out there to have people spend a lot of time and money and also to get it out there to a limited field of developers and then to have significant changes in it, that's going to create some issues that we've faced before. So really our request is that you find some way to extend the RFP period and specially the selection of a vendor until after the comp plan public hearings and the final approval of the comprehensive plan and zoning that goes with it. We feel that that is a more sensible way of approaching it and the CAC wanted to ask you to consider that.

Mayor Picinich stated that the return dated on the vender selection isn't until January 2019. So based on what the schedule is now it is actually after that.

Mr. Rhodes replied I guess what we are asking is after the comprehensive plan is approved only then will we really know what is going to be done in the downtown, specifically in the Moger Lots but also other areas downtown and we feel that that is the appropriate time to issue and RFP not in advance of the hearings and the public hearing and the other discussions. It really seems backwards to us. We never really got a good explanation for the need and frankly some of the objections and questions that people have raised still haven't been answered in terms of traffic and so on. All of that I assume will come out at the public hearings and the discussion afterward. But it really seems to us to be much more logical and business like to decide what you are going to do and then issue an RFP, not issue and RFP and then have potential changes and turmoil that would result from making changes again. There are a lot of tremendous little things in the comprehensive plan including some ideas for down town development, but it just seem that there is a logical disconnect here and we don't understand why the Village is issuing an RFP before we've actually gone through the proper procedure to decided what we are going to do. It's also as if it's a given, or pre-destined thing and frankly that doesn't sit right with me or the other members of the CAC. We would like you to consider that process so that everybody's voice could be heard and the RFP could be modified or issued that responds to all of the public comments of the RFPs.

Ms. Shawna Naroma (Stewart) that that she had quite a bit of experience with government work, basically as a trainer and so I've seen a number of RFP's being issued and I've also seen how a situation like this is handled. Sometimes what is done is because the RFP preceded the comprehensive plan what you might consider doing is extending or adding an addendum for all of the changes that you are going to make to the comprehensive plan, add an addendum to the RFP and reissue it and as you mentioned that the decision would be made in January, just make sure there is enough time for those who've already collected the information that they want to present in the RFP to add to it.

Meeting closed at 10:30 pm.

---

Edward W. Brancati  
Village Manager