

Minutes of the **Regular Meeting** of the Board of Trustees of the Village/Town of Mount Kisco held on **Monday, November 6, 2017, 7:30 pm** in the Frank J. DiMicco Board Room, Village Hall, and 104 Main Street, Mount Kisco, New York.

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

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

Prior to the start of the Regular Village Board Meeting the Board of Trustees conducted an informal interview with Anthony Montelone regarding a vacancy on the Board of Ethics.

Regular Village Board Meeting

Mayor Cindrich opened the Village Board Meeting and led everyone in the Pledge of Allegiance. Mayor Cindrich asked everyone to please remain standing for a moment of silence, so that we may reflect on why we are here and ask for guidance in the decisions that we make here this evening so that they may benefit all of the people of our community. Saturday is Veterans' Day and he asked that we keep in our thoughts and prayers all of the Veteran's that have served along with all of the men and women that are currently serving in our armed forces.

1) Communications:

A. Letter from Kathy Lynch re: Board Vacancies.

Mayor Cindrich read the email from Ms. Kathy Lynch expressing an interest in serving on the Board of Ethics.

Mayor Cindrich requested that an informal interview be scheduled with Ms. Lynch for Monday, November 20, 2017 at 7:30 pm.

B. Letter from the Moses Taylor Jr. Post No. 136 American Legion re: Veterans' Day.

Mayor Cindrich read the letter from Ferdinand C. Vetare dated October 30, 2017 requesting permission to hold the Annual Veterans' Day Ceremony on November 11, 2017 at 11:00 am.

The following motion was offered by Mayor Cindrich and seconded by Trustee Farber supporting the Moses Taylor Jr. Post No. 136 in their service and guard duty ceremony, all in favor.

Motion Adopted

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

C. Email from David Gorin re: vacancy on the Economic Development Council.

The Village Board of Trustees requested that an informal interview be scheduled with Mr. Gorin for Monday, November 20, 2017 at 7:30 pm.

Motion Adopted

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

2) Petitions: NONE.

3) Board, Committee and Commission Reports:

A. Beautification Committee Residential Garden Contest Awards Ceremony.

Mrs. Joan Stewart, Chairperson of the Beautification Committee presented the Beautification Committee Residential Garden Award to the following winners.

1st place Jose Alvarez - 88 Forest Dr.
2nd place The Mareschi Family - 112 West St.
3rd place Markus Buergler - 71 Ward Ave.

Honorable Mentions went to:

Susan Ross - 201 West Main St.
Alice DuBon - 30 Prospect St.
Charles Pieragostini - 27 Woodland St.

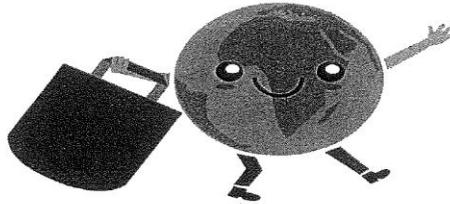
Barbara Cutri - 137 Croton Ave.

Mrs. Stewart announced this year's recipient of the Flower Basket Award which was presented to Conte's Seafood located at 448 East Main Street.

Mrs. Stewart announced this year's recipient of the Decade of Greenery Award which was presented to St. Francis of Assisi Catholic Church located at 2 Green Street.

- B. Conservation Advisory Council Presentation on the Reusable Bag Initiative.
Mr. Alan Antin, Member of the CAC, presented the Reusable Bag Initiative.

The Reusable Bag Initiative



When we do our shopping we have to pay for the products we take home, but surprisingly, the plastic disposable grocery bags, for which the store owner paid, are free. What has begun as a kind gesture, has become an environmental problem. Why?

Because plastic disposable bags:

- Do not biodegrade
- Endanger marine life and wild life
- Shed chemical particles that are found in our food chain
- Litter our beaches and the oceans
- Have few valuable recycle options
- Can clog the machines in recycle facilities
- Use fossil fuels or ethane gas for production
- Use fossil fuels for distribution
- Disperse toxins and air pollution in incinerators
- Cost towns and cities money to clean up
- Add to the expenses of our solid waste disposal
- Are part of our climate change problem

Our Initiative encourages the use of reusable bags and works together with the stores, the towns and local organizations in Westchester to find solutions for the plastic grocery bags.

For more information and to show your support:

www.thereusablebaginitiative.org

Watch the movie : Bag It - Is Your Life Too Plastic? Wed June 28 at 6.30 in the Katonah Library. Admission free

The Village Board thought this was an excellent initiative and suggested that this be discussed in a future work session meeting in order to fine tune the legislation and bring it up for a vote in order to bring it to fruition.

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

- A. Change in Recycling and Garbage Collection Schedule for the Week of 11-6-2017.

Village Manager Brancati announced that the Village Offices will be closed on Tuesday, November 7th for Election Day and Friday, November 10th for Veteran's Day. The recycling schedule for this week is as follows:

| | | |
|------------|----------|---|
| Tuesday, | 11/7/17 | Offices Closed – Election Day. <i>No Collection</i> |
| Wednesday, | 11/8/17 | ALL Glass, Plastic & Metal along with Newspapers & Cardboard. |
| Thursday, | 11/9/17 | Thursday's Garbage will be collected. |
| Friday, | 11/10/17 | Offices Closed – Veteran's Day. <i>No Collection</i> |
| Monday, | 11/13/17 | Friday's Garbage will be collected. |

Village Manager Brancati also announced that the Moses Taylor Jr. Post #136 – American Legion will hold its Annual Veterans' Day Ceremony on Saturday, November 11, 2017 at 11:00 am in front of the Veterans War Memorial located in front of the Public Library, 100 Main Street. ALL ARE INVITED TO ATTEND!

- B. Announcement of New Employee – Senior Recreation Leader.

Village Manager Brancati announced the hiring of Nicole M. Stone to the position of Senior Recreation Leader in the Mount Kisco Recreation Department effective Tuesday, October 31, 2017.

5) **Board Reports –**

Trustee Grunthal reported that he was very happy to learn that the New York State Department of Environmental Conservation (NYS DEC) has awarded the Village an Urban Community Forestry Grant in the amount of \$50,000. This will be a very welcome addition to the funds that we have allocated for added trees as part of our downtown streetscape plan.

Our Economic Development Council has had discussions on two (2) subjects that I would like to report. First, they have been discussing the possibility of free parking on both South Moger Avenue and Main Street for limited periods of one or two hours. We still get complaints and recommendations from merchants, residents, and out-of-towners who come into our town to shop, and I expect the Economic Development Council to make some recommendations to this Board quite soon. I think it makes very good sense, and we should look at both the costs and benefits of this proposal. It can be combined with the rethinking of the free parking that we have that is limited to Thursdays only and perhaps it won't cost us much in the way of revenue. Perhaps free parking for limited periods of time on South Moger and Main Street might be a better proposition for everybody than the Thursday option.

Second, the Economic Development Council is starting to look at the possibility of finding methods to improve some of the facades of storefronts in town. Many of the storefronts are attractive, but clearly some of them are not attractive at all, so we have to look at a variety of random signs in some of the windows, or even products stacked up inside the store against the windows. Obviously, all of this could do with some improvements. So the Economic Development Council is starting to look at the possibility of having incentives for improvements, and more stringent application of the Village Code to improve what these storefront facades look like. I expect that the Economic Development Council will report on this quite soon.

Trustee Schleimer announced that tomorrow is Election Day and she wanted everyone to know that the polls will be open from 6:00 am to 9:00 pm. The Fox Senior Center will be holding a Medicare information center at the Fox Center on November 13th from 9:30 am to 12:00 pm to provide expert assistance for reviewing your Medicare Health insurance and prescription drug coverage. Please sign up at the Fox Senior Center. If you can't make it on November 13th, you can always go to the Mount Kisco Library on Wednesday's from 10:30 am to 1:30 pm. The service is free and the counselors are wonderful, it is a tremendous service.

Trustee Farber reported that the unveiling of the renaming of our Library to the Henry V. Kensing Memorial Library was a very special occasion in Mount Kisco. The ceremony took place on Sunday, October 29th outside of the rotunda in the pouring rain. Attendance was phenomenal considering the weather. It was a wonderful tribute to an amazing man as well as a former Mayor, Judge, and an exceptional human being. The Mayor led the way for this dedication to happen and we really appreciate all of the work that was put into the ceremony. Another new business has opened up in Mount Kisco called Regus Office Space which is located at 100 South Bedford Road. There was a ribbon cutting ceremony on Wednesday, October 18, 2017. The Italian American Club met on Thursday, October 26th to discuss their upcoming dinner dance on December 3, 2017. The Club will be honoring former Mayor Pat Reilly, Bob Scopelitti, and the Mount Kisco Chamber of Commerce. Club President Filippo Simone discussed the possibility of bringing to Mount Kisco a group of dancers from Sicily who he has met. They would come and perform and share a week of cultural exchanges with us. More on that to follow. The Mount Kisco Historical Society met on Wednesday, November 1st. A new display has been put into the display cases as you walk into Village Hall. The new theme is ads from the past, so please stop-by and check it out. Village Historian Harry McCartney reported on the success he's having with seniors finding their past on Ancestry.com, which has recently been purchased for the Senior Center. Harry will help you find your ancestry each Thursday at the Fox Senior Center in a class from 10:00 am to noon. There are also other days and times to conduct these searches, so check the Senior Center for more information. Finally, I want to remind everyone that this Saturday, is Veterans' Day. A memorial service to honor our Veterans' will take place at the War Memorial, right next to Village Hall and the Library. This meaningful ceremony will be led by the American Legion and the American Legion Auxiliary Moses Taylor Jr. Post #136. This service is always held at 11 am on the 11th day of the 11th month of the year, as always. The American Legion will host refreshments after the ceremony. All of us owe our Veterans' to attend this very meaningful ceremony.

Deputy Mayor Markus stated that his wife attended a conference at Iona College on Saturday which was the "Food Scrap Recycling Program". The program is currently being conducted in Scarsdale right now. I had some questions about it on how it gets composted and gets transferred to a site in Connecticut. My wife was really excited about the program and I'm going to pass along the information to our Conservation Advisory Council to find out more about the program. As the Economic Development Council (EDC) gets started, another thing I'd like to bring up is a Ted Talk that was done called "New York Streets – Not So Mean Anymore," and I think that the members of the EDC should take a look at it. They focused a lot in the talk about cycling and the whole idea of changing the concept of a

street. I'd be happy to share the link with anybody that is interested. On a commemorative note on the renaming of the Library in memory of Henry V. Kensing, I also want to thank the Mayor and Linda for putting that together. It was a very heart-warming event and so nice to have the community together to really honor a wonderful person, a very unselfish and giving man. The Finance Committee will reconvene on November 15th. I have a couple of items on the agenda, such as following up on the Water Fund just to make sure that we are on track and I also want to continue to look at the Streetscape Plans and review funding options. I've gotten a lot of complaints about the condition of North Bedford Road. I understand that this is gas line repair work being done by Con Edison. However, I think that they need to be more responsible. I'd like to get a letter out to our State Representatives asking them to push this project to a close.

Mayor Cindrich stated a couple of weeks ago we had a great exercise put on by the Westchester County Department of Emergency Services, including the Medical Examiner's Office, the Westchester County Department of Health, the Westchester County Department of Mental Health, the American Red Cross, the Westchester County Department of Public Safety, the Federal Bureau of Investigations' Office for Victim Assistance, and the Village of Mount Kisco. This exercise was about a Family Assistance Center. It was put on exceptionally well and we are very well prepared, if we do have a disaster in this Village. It was a great exercise and I'm very proud that the Westchester County Department of Public Safety helped us do that exercise right here in the Village of Mount Kisco. I also attended the Grand Opening of the Regus Office Space. They have temporary office spaces available with full facilities such as internet, telephones, and copy machines, etc. So if anybody has the need for a temporary or part-time office I urge them to visit this location. I had the honor of performing an anniversary wedding ceremony for a former Village Employee, Mr. John Odum. They had family come in from all over the United States for this ceremony, it was a very special time. I wrote a proclamation for the Bethel Baptist Church in celebration of their 80th Anniversary. I also wrote two (2) 100th Birthday Celebration proclamations for Dotty Schulman and Nitty Karas. I was also at the West Patent Elementary School to celebrate their school being honored as a National School of Character for 2017. This is a very special award for a very special school, and we had a great day. Mayor Cindrich read into the record part of what he wrote for the renaming of the Library in memory of Henry V. Kensing. When Hank Kensing left public office, I believe the entire Village realized how fortunate we were to have a great man serve the Village for more than thirty-three (33) years as Trustee, Mayor, and Town Justice. A very noble commitment for a man with a Harvard Law Degree. When he left public service he never stopped advocating with uncompromised compassion, and devotion to his constituents, the people that are generally underserved in this community. He never had long arms to pat himself on the back, he didn't need that, but his arms were strong enough to wrap around those asking for help. He never had time to flaunt his generosity or worry about his legacy. He shared what he had with his intelligence, understanding, and compassion with those most in need. On that Sunday we gave thanks to Hank for having served this community. We gave him the pat on the back, thanked him for his service to our community, and I hope that future generations will recognize what it means to give back to the community and ask nothing in return. What I hope is that someday a mother may be walking into the Library with their son or daughter and the child may ask the mother, who was Henry Kensing, and the mother replies that he was a wonderful man who gave back to the community because he wanted to give back and he didn't want anything in return. I'm very proud of what we've been able to accomplish. I also want to correct something that was recently raised about the Westchester County Department of Public Safety. I worked for three (3) years on that contract. I put in hundreds of hours meeting with the County Executive, his Deputies, the Commissioners, and the men and women of the existing Westchester County Department of Public Safety. Of course we would have wanted a multi-year contract and we ended up with a five (5) year contract. We are in it for the long haul as is Westchester County. As far as the cost, this is not a profit making business for the Westchester County Police Department, it's cost neutral for them. So just dismiss any notions of hysteria and don't buy into it. We are never going to be in peril, with our policing.

6) Old Business:

A. Action on an Amended Petition of Radio City Ventures, LLC for Text Change Relating to Property known as 2 Morgan Drive.

Mr. Mark Lowen from Hawthorn Development made a quick presentation with respect to the Hawthorn Senior Housing Proposal.

Mr. Charles Martabano, attorney for the applicant, asked about the next step in this process.

The Village Board of Trustees requested additional information about the contamination clean-up of the site and said that they would like to discuss this item again in a Work Session Meeting with the Planning Board.

Mayor Cindrich stated that we currently have an assigned counsel on this matter and we need to meet with counsel to discuss the road map on how to proceed from the counsel that will be representing the Village in this application.

7) New Business:

A. Resolution authorizing the Village Manager to sign the 2017/2018 Agreement with Student Assistance Services.

The following motion was offered by Mayor Cindrigh and seconded by Trustee Grunthal authorizing the Village Manager to sign the 2017/2018 Agreement with Student Assistance Services for the period of October 1, 2017 through September 29, 2018 agreement; all in favor.

| | |
|---------------------------|-----|
| <u>Motion Adopted</u> | |
| Mayor J. Michael Cindrigh | Aye |
| Trustee Farber | Aye |
| Trustee Grunthal | Aye |
| Deputy Mayor Markus | Aye |
| Trustee Schleimer | Aye |

B. Resolution re: Comprehensive Development Plan Advisory Committee.

The following motion was offered by Trustee Grunthal and seconded by Deputy Mayor Markus to table this item, all in favor.

| | |
|---------------------------|-----|
| <u>Motion Adopted</u> | |
| Mayor J. Michael Cindrigh | Aye |
| Trustee Farber | Aye |
| Trustee Grunthal | Aye |
| Deputy Mayor Markus | Aye |
| Trustee Schleimer | Aye |

C. Resolution declaring certain Village Property to be Surplus Property.

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

Whereas, it has been determined that the Village has no further use of certain items(s): and Whereas, the Village Board may determine that these items are surplus property; and Whereas, the fair market value, if any, is determined for the surplus property and its disposal will be for the common benefit; and

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

Whereas, the Village Manager or his designee will oversee the sale of these items(s) 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 items(s):

| <u>Year</u> | <u>Make</u> | <u>Model</u> | <u>Vehicle Identification Number (VIN)</u> |
|-------------|-------------|--------------|--|
| 1997 | Toro | Groundmaster | 90457 |
| 2002 | Chevrolet | Van-CG11405 | 1GCFG15W821232853 |
| 2008 | Chevrolet | Impala | 2G1W8583861362511 |

| | |
|---------------------------|-----|
| <u>Motion Adopted</u> | |
| Mayor J. Michael Cindrigh | Aye |
| Trustee Farber | Aye |
| Trustee Grunthal | Aye |
| Deputy Mayor Markus | Aye |
| Trustee Schleimer | Aye |

D. Resolution to incorporate consideration of the Natural Resources Inventory as part of the Comprehensive Plan Update.

The following motion was offered by Trustee Grunthal and seconded by Deputy Mayor Markus to table this item pending a work session meeting with the Conservation Advisory Council to discuss further, all in favor.

| | |
|---------------------------|-----|
| <u>Motion Adopted</u> | |
| Mayor J. Michael Cindrigh | Aye |
| Trustee Farber | Aye |
| Trustee Grunthal | Aye |
| Deputy Mayor Markus | Aye |
| Trustee Schleimer | Aye |

E. Resolution authorizing the Village Manager to sign the Cross Access Easement Agreement for 3 Main Street subject to review by the Village Attorney.

The following motion was offered by Trustee Farber and seconded by Trustee Grunthal.

| | |
|---------------------------|-----|
| <u>Motion Adopted</u> | |
| Mayor J. Michael Cindrigh | Aye |
| Trustee Farber | Aye |
| Trustee Grunthal | Aye |
| Deputy Mayor Markus | Aye |
| Trustee Schleimer | Nay |

Trustee Schleimer objected because she felt that it needed further review along with a copy of the survey.

8) Bills –

The following motion was offered by Trustee Grunthal and seconded by Deputy Mayor Markus to pay the bills as presented to the Board dated November 2, 2017 for the months of September & October, 2017; all in favor.

| | | |
|--------------|----|-----------------|
| General Fund | \$ | 190,243.27 |
| Water Fund | | 119,219.02 |
| Sewer Fund | | 1,610.71 |
| Library Fund | | 7,252.89 |
| Capital Fund | | 375,147.02 |
| Trust Fund | | 14,891.80 |
| LOSAP Fund | | 5,896.00 |
| | | <u>5,896.00</u> |
| TOTAL | \$ | 714,260.71 |

Motion Adopted

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

9) Approval of Minutes –

Village Board Meeting Minutes of October 17, 2017

The following motion was offered by Trustee Farber and seconded by Trustee Schleimer approving the Village Board of Trustee Meeting Minutes for October 17, 2017; all in favor.

Motion Adopted

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

10) Non-Local Business: None.

11) Public Comment:

Mr. Brian Liebman (60 Barker Street) recalled that on the night of the May 15, 2017 public hearing regarding the sale of land for a senior residence proposed to be built at 270 Kisco Avenue, a citizen of this town came up to this podium and read a letter citing certain legal statutes which dictates when a public official should recuse themselves from a vote regarding a given property. Mayor Cindrigh, I'm sure are aware that your property is the closet residential property to the proposed 270 Kisco Avenue site, which has been the cause of unprecedented public outcry. Yet, you sir remain fixated on selling that land and I don't think that I am alone when I say that the justification you have given for that determination remains perplexing. On the night of May 15th after being confronted with a notion that you might have a conflict of interest in voting on the 270 Kisco Avenue property this was your reply as a read verbatim from the minutes "Mayor Cindrigh replied to Ms. Moy stating that she hadn't been in Mount Kisco long enough to realize that this was brought up several years ago. I went before the Board of Ethics here in Mount Kisco and after several months they came back with a decision that I didn't have any conflict of interest and what you are saying is absolutely absurd because we would have nothing in this Village if everybody that lived next to a piece of property was precluded from voting on it. If you want the copy check with the clerk's office of the Ethics decision that was rendered on my behalf." Well sir, I did as you instructed and I filed the FOIL request with the Clerk's Office and our very own Ed Brancati, call me to inform me that no such decision ever existed. He suggested that perhaps you were confused with a prior decision regarding the cell phone tower on Captain Merritts Hill when you were on the Zoning Board of Appeals or the Village Board of Trustees. As much as I would like to give you the benefit of the doubt that this is the case, I find it hard to believe that a man such as yourself who is as consistently sharp and accurate with his facts as you are could have made such a blunder and said it with such undeniable conviction as you did. It is the eve of Election Day sir, and before the citizens of this Village cast this most critical vote, they deserve an explanation for your statement. Thank you.

Village Manager Brancati replied to Mr. Liebman. At the time of your FOIL request we hadn't located the document referenced, it was brought into my office a couple of weeks ago by the Chairman of the Board of Ethics. Apparently, as he was going through his files he actually did find the letter that I believe the Mayor was referencing. I apologize to you for the confusion. The Chairman of the Board of Ethics has apologized to me, the letter had gotten stuck on a paperclip in his files.

Mayor Cindrich replied I think what is due now is an apology from you to me.
Trustee Grunthal said absolutely.

Mr. Liebman stated this is what he was told and that he was not going to apologize,
for that.

Mayor Cindrich stated, just another attempt to disparage me by you and your family.

Mr. Robert Liebman replied that his son wrote that himself, I don't know anything
about it.

Meeting closed at 10:35 pm.

Edward W. Brancati
Village Manager