

Minutes of the **Regular Meeting** of the Board of Trustees of the Village/Town of Mount Kisco held on **Monday, May 7, 2012 at 7:30 pm** in the Frank J. DiMicco Board Room, Village Hall, 104 Main Street, Mount Kisco, New York.

Present: Mayor J. Michael Cindrich
Trustee Jean Farber
Trustee Anthony Markus
Trustee Joseph Morreale

Absent: Deputy Mayor George Griffin Jr.

Also Present: James Palmer, Village Manager/Clerk
Whitney Singleton, Village Attorney

Prior to the meeting (7:30 pm), the Board conducted informal interview with Joe Amuso regarding a potential Board vacancy on the Recreation Commission.

Mayor Cindrich opened the Village Board Meeting and led everyone in the Pledge of Allegiance. Mayor Cindrich asked everyone to please remain standing and to reflect on why we are here and ask for guidance in the decisions that we make here this evening that they may benefit all the people of Mount Kisco. I also ask that you keep in your thoughts and prayers the Sullivan Family who perished in a fire in Carmel, New York last week. Life is fragile and it's quite a tragedy. Thank you.

1) Communication:

A. Mount Kisco Summer 2012 Event Follow-up.

Ms. Sarah O'Grady and Maria Colaco of Occupy Main Street - Westchester gave an overview of their proposal for the "Kisco Summer Sunday's" to be held on July 15th from 3pm to 9pm to take place in the space behind the Library and Village Hall.

The following motion was offered by Trustee Farber and seconded by Trustee Morreale approving the request of the Occupy Main Street – Westchester as outlined in their proposal dated 5/4/12 and that any particulars and details that the Village Manager sees fit based upon insurance or other wise that it be subject to his discretion making sure that that all gets taken care of properly, all in favor.

<u>Motion adopted</u>	
Mayor Cindrich	Aye
Trustee Farber	Aye
Trustee Markus	Aye
Trustee Morreale	Aye

B. Email from Joe Amuso re: Vacancy on the Recreation Commission.

The following motion was offered by Trustee Farber and seconded by Trustee Markus appointing Joseph Amuso to the Recreation Commission filling the unexpired term which will expire on December 4, 2017, all in favor.

<u>Motion adopted</u>	
Mayor Cindrich	Aye
Trustee Farber	Aye
Trustee Markus	Aye
Trustee Morreale	Aye

C. Letter from Linda Cindrich, 2012 Poppy Chairperson re: Poppy Sale Request.

Mayor Cindrich read the letter from Mrs. Cindrich received on May7, 2012 requesting permission to sell Memorial Poppies during the month on May.

The following motion was offered by Trustee Markus and seconded by Trustee Farber granting permission to the American Legion Ladies Auxiliary to sell Memorial Poppies during the month of May, all in favor.

<u>Motion Adopted</u>	
Mayor Cindrich	Aye
Trustee Farber	Aye
Trustee Markus	Aye
Trustee Morreale	Aye

2) Petitions: None.

3) Board, Committee and Commission Reports:

A. Presentation by the Byram Lake Committee.

Mr. Peter Grunthal, Chairman of the Byram Lake Committee introduced Mr. Russell Urban Mead of the Chazen Companies. Mr. Mead reviewed the 2011 Annual Report regarding the Byram Reservoir Monitoring Program, a copy of which is on file in the Village Manager's Office.

The following motion was offered by Trustee Markus and seconded by Trustee Morreale to renew the Chazen Companies Monitoring Program for Byram Lake re: 2012 in the amount of \$32,850, all in favor.

Motion adopted
Mayor Cindrich Aye
Trustee Farber Aye
Trustee Markus Aye
Trustee Morreale Aye

4) Village Manager's Reports –

A. Level of Byram Lake.

Village Manager Palmer reported that the level of Byram Lake as of this afternoon is at 93% however, the sluiceway is currently flowing. We are also continuing to use the Leonard Park Wells as an additional source of supply. We are planning on making those repairs to the sluiceway as soon as it does stop running. We will also be making repairs to the dam. We should be close to getting our permit from the DEC for making those Dam repairs. They just sent out some final comments from some of their staff members.

B. Bid Results for Contract 2012-2 Air Compressor System for the Mt. Kisco Volunteer Fire Department.

The following motion was offered by Trustee Farber and seconded by Trustee Morreale to award Contract 2012-2 Air Compressor System to AAA Emergency Supply Company, the bid matched exactly the specifications of the Fire Department while the other company's bid did not, (\$42,150 – trade in \$500 – total cost \$41,650), all in favor.

Motion adopted
Mayor Cindrich Aye
Trustee Farber Aye
Trustee Markus Aye
Trustee Morreale Aye

C. Manager's Conference Request.

The following motion was offered by Trustee Markus and seconded by Trustee Morreale authorizing Village Manager Palmer to attend the 54th Annual NYSCMA Conference in Syracuse from Sunday, May 20th to Wednesday May 23rd, all in favor.

Motion adopted
Mayor Cindrich Aye
Trustee Farber Aye
Trustee Markus Aye
Trustee Morreale Aye

D. Annual Stormwater Report.

Village Manager Palmer announced that today the Village of Mount Kisco had a Stormwater audit with the NY State Department of Conservation which also included a tour of some of our out falls. I also took our representative down to the DPW along with our Foreman to show them around there. I just want to make sure that the public is aware that we do have copies of this Report on the Village's website and we will also make copies available here in the Board Room.

This report is one of many requirements for the Village of Mount Kisco to maintain its SPDES Permit and to insure our compliance with our MS-4 Program since we do operate a municipal septic storm sewer system. The State Department of Environmental Conservation has established six minimum measures to present to the public the Village's efforts in the management of storm water and meeting those six minimum measures, as follows:

1. Public Education and Outreach – information available on our website, cable channel and in Village Hall.
2. Public involvement and participation
3. Illicit discharge detection
4. Construction site management
5. Post construction management
6. Performance of the DPW

E. Executive Session to discuss pending litigation, personnel and real estate matters.

Motion made by Trustee Markus and seconded by Trustee Morreale to hold an executive session this evening to discuss pending litigation, personnel and real estate matters; all in favor.

Motion adopted
Mayor Cindrich Aye
Trustee Farber Aye
Trustee Markus Aye
Trustee Morreale Aye

5) Board Reports:

Trustee Morreale stated that he really enjoyed the Little League Parade last weekend. That was a magnificent community spirited feeling. It's an event that not too many communities do and it's very nice to see us be able to do that and continue that tradition. The next Finance Committee Meeting will be held on May 14th and we will get an update on the budget for this year to see where we are. We seem to be doing very well so far and we should close out balanced if not a surplus. Secondly, we are going to look at the budget for next year so that we could make recommendations for the following year. We are going to be looking at water and sewer rates just to get a sense as to how we compare to other communities in the area.

Trustee Farber stated that we really had a great time last Saturday morning marching down Main Street to Leonard Park with all of the Little League Teams. I have to complement Trustee Markus who did the honors and gave the opening pitch. Now the season is in full swing. I want to thank the Recreation Department and all of the Coaches and kids and all of those who support Mount Kisco Little League. It was really fun and it was a beautiful Saturday morning. I also had the honor of swearing in the new officers at the Mount Kisco Senior Center on this past Wednesday, May 2nd. I really want to congratulate all of those new officers including the new President Roseanne Trentacosta; Vice President Lydia Dabby; Treasurer Anne Whalen and Recording Secretary Marion Corsi and Correspondence Secretary Leslie Yen. Some of the dignitaries that were in attendance included Nita Lowey, so it was a really important event. County Legislator Peter Harckham was there along with Village Manager James Palmer. Once again, it can not be emphasized enough how many seniors take advantage of this center and making it so successful. A big part of this success can be attributed to the Director Liz Dieter. I also want to mention that we celebrated Arbor Day on Friday, April 27th at Teddy Roosevelt Park. Karen Mango from the Tree Preservation Board, her husband, Jim Palmer and I were thrilled to accept a \$1,500 donation for planting trees in the Village from Luke Scala. Thank you Mr. Scala for your generous donation for this tree and for planting future trees in our Village. I also want to remind everyone about the 100th Birthday Party for the Mount Kisco Elementary School this Saturday, from 10-12. We will be celebrating the corner stone on the side of the building. Finally, I want to remind everyone that this Wednesday, May 9th is the Mount Kisco Chamber of Commerce annual dinner at the Holiday Inn. The Chamber will be honoring the 9/11 Committee of Mount Kisco Firemen which is Co-Chaired by Richard Alexander and Paul Felice who built this awesome fountain which was dedicated on the 10th Anniversary on that date of horror at the World Trade Center, the Pentagon and the fields of Pennsylvania. There will also be a life time commitment award and memoriam to our really good friend Martin Bancroft who passed away this past year. Marty was a Volunteer Firefighter for 43 years and an active members of the Union Hook and Ladder Company and he is greatly missed. I want to thank the Mount Kisco Volunteer Fire Department for their courageous battle for a fire last Sunday at a house on St. Marks Place. There were 69 Mount Kisco Firemen with another 21 mutual aid from other communities that put this fire out in one hour. So this is a true testament to the caliber, skill and courage that our Fire Department was able to do the job in such a short time. Thank you guys.

Trustee Markus stated that the Sign Committee had a meeting scheduled however it had to be postponed and it has to be re-scheduled. Trustee Markus stated that he had a couple of questions for the Village Manager which were raised to him by some constituents. I know some neighbors and some individuals had trees some of which have a historic significance. My question is are there any grants or funding available through our Village or otherwise when you have an historic type tree on a property that could help in terms of the maintenance. Because I know that it could be quite expensive in this particular instance to maintain such a tree and I made a commitment to follow-up on that.

Village Manager Palmer stated that he would probably reach out to the National Arbor Day Foundation who might be aware of any Federal Programs and I'll check with the State Division of Forestry Unit to see what they have out there for local programs.

Mayor Cindrach noted the disparity in pricing for tree maintenance and take downs was enormous and anyone that is doing tree work he advise to get three or four prices and they may save some money.

Trustee Markus noted that the seconded thing he had some concerns about regarding the use of public right-of-way the sidewalks. I was wondering if there were any requirements dealing with air conditioners that might be partially in the way of ambulating on the sidewalk. Because I have had some complaints on the issue and I don't want to single out any particular place at this point. But I just would like to follow-up on that and see if you could let me know. My concern is the possibility of somebody getting injured, as they walk in that kind of scenario.

Trustee Markus also noted that with regards to recyclables for a commercial entity when you are putting out recyclables you are not supposed to put it out and I know of one

in this particular case that I've been told about has been putting it out on a Sunday morning for recyclable pick-up on Tuesday and I know that is a violation.

Mayor Cindrich started his report on the St. Mark Fire that Trustee Farber referred to. The newspaper accounts maybe have embellished what actually happened there. Let me be clear on this we don't have an accurate report on what happened there. One paper reported that there were five families living in the house and I received a number of calls where people were concerned that five families were living in a one family zone in one particular structure. I also got a report from one of the Firemen that there was evidence of people sleeping in the basement. So this is something that we've asked the Building Inspector to give us a complete report on and we will get that information back to you based on a physical inspection of the house or interviews of the people living there and/or the Fire Fighters that were the first ones in the house. Again, I would like to ask that the Village Board consider that with some of these multi family dwellings we require retro active sprinklering of houses and/or adequate fire escapes and we're checking the means of egress from bedrooms. It's something that we have to look at. We have older homes that are somehow grandfathered into our Code which allows multiple families in zones that don't permit multiple family houses. In my opinion the houses that are non-conforming that are of construction types that I consider peril they should have a minimum of Fire escape or they should be sprinklered. Mayor Cindrich requested that Village Attorney Singleton keep the research going on that.

Mayor Cindrich stated that he had received a letter from the Principal of the Mount Kisco Elementary School Susan Ostrofsky thanking us for the donation of trees that were made possible from the Arbor Day Foundation. We also have a letter from the Arbor Day Foundation congratulating Mount Kisco on being named a Tree City USA Community for 2011 and the residents of Mount Kisco should take pride in the fact that they live in a community where planning and nurturing of trees is a priority.

Mayor Cindrich announced that on Saturday morning May 12th a 10:00 am is the commencement of activities for the Mount Kisco Elementary School 1912 etching in stone of the Corner Stone when it was originally place there. It is going to be an exciting day for Mount Kisco filled with lots of activities and I encourage our residents to get out there and give the Mount Kisco Elementary School our support.

6) Old Business:

A Resolution re: Citizen's United.

The Resolution was offered by Trustee Morreale and seconded by Trustee Farber:

Whereas, in 2010 the United States Supreme Court issued its decision in Citizens United v. Federal Election Commission, holding that independent spending on elections by corporations and other groups could not be limited by government regulation; and

Whereas, this decision rolled back the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

Whereas, in reaching its decision, a majority of the Supreme Court, relying on prior decisions, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

Whereas, in his eloquent dissent, Justice John Paul Stevens rightly recognized that "corporations have no consciences, no beliefs, no feelings, no thoughts, and no desires. Corporations help structure and facilitate the activities of human beings, to be sure and their 'personhood' often serves as a useful legal fiction. But they are not themselves members of 'We the People' by whom and for whom our Constitution was established"; and

Whereas, the Court's decision in Citizens United severely hampers the ability of Federal, State and Local Governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

Whereas, corporation should not be afforded the entirety of protections or "rights" of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech; and

Whereas, several proposed amendments to the Constitution have been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections;

Now, Therefore, Be It Resolved, that the Village/Town of Mount Kisco Board of Trustees opposes the Supreme Court's interpretation of the Constitution in Citizens United regarding the constitutional rights of corporations, supports amending the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and calls on Congress to begin the process of amending the Constitution, all in favor.

Motion Adopted

Mayor Cindrich	Aye
Trustee Farber	Aye

Trustee Markus	Aye
Trustee Morreale	Aye

7) **New Business**

A. Resolution authorizing the Village Manager to sign the Retainer Agreement for the Town Prosecutor.

This item was tabled.

B. Resolution authorizing the Village Manager to sign the 2011 – 2012 Fire Contract with the Rescue Fire Police, Union Hook and Ladder Company and Independent Fire Company.

The following motion was offered by Trustee Farber and Trustee Markus authorizing the Village Manager to sign the 2011 – 2012 Fire Contracts with the Mount Kisco Rescue Fire Police, Union Hook and Ladder Company and Independent Fire Company in the amount of \$136,701.60 per annum per company, all in favor.

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

C. Discussion on Downtown Decorations.

Mayor Cindrich stated that he has been having discussions with some of the merchants in the downtown area both on Main Street and also on South Moger Avenue. To utilize our flag holders to put decorative flags up in the holders to perk up the business district. What's been presented to myself is that the merchants and the other interested parties would pay for the flags and we would utilize the labor of the Village Employees to put the flags in place. They would come down during other holidays that we celebrate in the Village of Mount Kisco where we do put flags up to signify those holidays. So the contribution the Village of Mount Kisco would be making is too basically to maintain the holders that are in place right now and provide the labor for the placing of the flags into the holders.

Trustee Farber asked what type of decorative flags we are talking about.

Mayor Cindrich stated that the design has not been solidified and what I'm going to suggest that once the merchants do come up with a design that it be reviewed by the Beautification Committee because we've allowed the Beautification a great deal of leeway with placing other decorative idea and signs to enhance the Village of Mount Kisco.

The Village Board of Trustees stated that they were confused about the concept of the flags/banners and would like to see exactly what the merchants were talking about and they requested more information.

D. Schedule a Public Hearing re: IDDE Legislation.

The following motion was offered by Trustee Markus and seconded by Trustee Farber to schedule a Public Hearing for Illicit Discharge Detection and Elimination (IDDE) for Monday, June 4, 2012 at 7:30 pm.

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

8) **Bills –**

The following motion was offered by Trustee Markus and seconded by Trustee Morreale to pay the bills as presented to the Board, all in favor.

Be it Resolved, the Village Treasurer is hereby authorized to release payments to vendors.

General Fund	\$108,092.78
Water Fund	43,224.12
Sewer Fund	2,773.09
Library Fund	13,615.23
Capital Projects Fund	50,051.80
Trust and Agency Fund	<u>6,264.59</u>
TOTAL	\$224,021.61

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

9) **Approval of Minutes** –

Motion made by Trustee Farber and seconded by Trustee Markus to approve the Public Hearing and Regular Meeting Minutes of April 23, 2012, all in favor.

Motion Adopted

Mayor Cindrich	Aye
Trustee Farber	Aye
Trustee Markus	Aye
Trustee Morreale	Aye

10) **Non-Local Business** – None.

11) **Public Comment** – None.

There being no further business to come before the Board, a motion to close the meeting was made by Mayor Cindrich, and seconded by Trustee Farber, all in favor. The meeting ended at 9:45 pm.

James M. Palmer
Village Manager and Clerk