



**Classified Ad Receipt
(For Info Only - NOT A BILL)**

Customer: MT KISCO TOWN/VILLAGE OF

Ad No.: 0004721328

Address: 104 E MAIN ST
MOUNT KISCO NY 10549
USA

Pymt Method Credit Card

Net Amt: \$64.00

Run Times: 1

Zone: TJN-Westchester

No. of Affidavits: 1

Run Dates: 05/06/21

Text of Ad:

VILLAGE/TOWN OF MOUNT KISCO
PUBLIC NOTICE

Please take notice that the Board of Trustees of the Village/Town of Mount Kisco has scheduled a public hearing on Monday, May 17, 2021 at 7:00 pm or as soon thereafter as possible in the Frank J. DiMicco Board Room in Village Hall; 104 Main Street, Mount Kisco, New York to discuss a proposed amendment to Chapter 77 of the Village Code to regulate Gas Powered Leaf Blowers.

By Order of the Mayor Picinich and Board of Trustees
Edward W. Brancati, Village Manager
4721328



**AFFIDAVIT OF PUBLICATION
FROM**

**State of Wisconsin
County of Brown, ss.:**

On the 6 day of May, in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Nicholas Penstrom, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Nicholas Penstrom being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

**Zone:
Westchester**

**Run Dates:
05/06/2021**

Signature

Sworn to before me, this 6 day of May, 2021

Notary Public, State of Wisconsin, County of Brown

5.15.23

My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolndale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

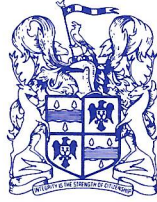
Ad Number: 0004721328

**NANCY HEYRMAN
Notary Public
State of Wisconsin**

VILLAGE/TOWN OF MOUNT KISCO
PUBLIC NOTICE

Please take notice that the Board of Trustees of the Village/Town of Mount Kisco has scheduled a public hearing on Monday, May 17, 2021 at 7:00 pm or as soon thereafter as possible in the Frank J. DiMicco Board Room in Village Hall; 104 Main Street, Mount Kisco, New York to discuss a proposed amendment to Chapter 77 of the Village Code to regulate Gas Powered Leaf Blowers.

By Order of the Mayor Picinich and Board of Trustees
Edward W. Brancati, Village Manager
4721328



MAYOR

Gina D. Picinich

VILLAGE TRUSTEES

Anthony C. Markus
DEPUTY MAYOR

Peter F. Grunthal
Karen B. Schleimer
David J. Squirrel

VILLAGE MANAGER

Edward W. Brancati

ASSISTANT

VILLAGE MANAGER
Kenneth L. Famulare

VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK

104 Main Street, Mount Kisco, NY 10549-0150
Tel (914) 241-0500 • Fax (914) 241-9018
www.mountkisco.ny.gov

State of New York)
) ss:
County of Westchester)

AFFIDAVIT OF POSTING – Gas Powered Leaf Blower

Gjon Rrotaj, being duly sworn, says that on the 4th day of May 2021, he conspicuously fastened up and posted in seven public places, in the Village/Town of Mount Kisco, County of Westchester, a printed notice of which the annexed is a true copy, to Wit: ---

Municipal Building – _____ X
104 Main Street

Public Library _____ X
100 Main Street

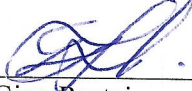
Fox Center _____ X

Justice Court – Green Street _____ X
40 Green Street

Mt. Kisco Ambulance Corp _____ X
310 Lexington Ave

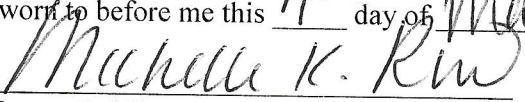
Carpenter Avenue Community House _____ X
200 Carpenter Avenue

Leonard Park Multi Purpose Bldg _____ X



Gjon Rrotaj

Sworn to before me this 4th day of May 2021



Notary Public

MICHELLE K. RUSSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298
Qualified In Putnam County
My Commission Expires 10-20-2022

**A LOCAL LAW TO AMEND THE CODE
OF THE VILLAGE/TOWN OF MOUNT KISCO
TO REGULATE GAS POWERED LEAF BLOWERS**

Be it enacted by the Village/Town of Mount Kisco of the County of Westchester as follows:

Additions are reflected with
Underlining, Deletions are reflected
within ~~Strikethrough~~

Section 1. The Code of the Village/Town of Mount Kisco Chapter 77 Noise; is hereby amended as follows:

Article 1 Noise Control

§ 77-1 Title.

This chapter shall be known as the "Village of Mount Kisco Noise Control Law."

§ 77-2 Purpose.

The making and creating of unreasonably disturbing, excessive or offensive noises within the Village/Town of Mount Kisco (the "village") is a condition which has persisted, and the level and frequency of occurrences of such noises continue to increase. These noise levels are a detriment to the public health, comfort, convenience, safety and welfare of the citizens. Every person is entitled to an environment in which unreasonably disturbing, excessive or offensive noise is not detrimental to his or her life, health or enjoyment of property. This chapter is to be construed literally, but it is not intended to be construed so as to discourage the enjoyment by residents of normal, reasonable and usual activities.

§ 77-3. Prohibited acts.

~~A. No person, with the intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, shall make, continue or cause to be made or continued any unreasonable noise in the village. For purposes of this chapter, "unreasonable noise" is any disturbing, excessive or offensive sound that disturbs or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities.~~

~~B.~~ The following acts are declared to be prima facie evidence of a violation of this chapter. This enumeration shall not be deemed exclusive.

~~A.~~**(1)** Any unreasonably loud or disturbing noise from any source that can be heard from within an adjoining property between the hours of 10:00 p.m. and 7:00 a.m. the following day or 11:00

p.m. and 9:00 a.m. the following day if such following day is a Sunday or United States government holiday.

B.(2) The generation of noise from equipment used in the construction, including excavation or filling, demolition, alteration or repair of any building between the hours of 8:00 p.m. and 8:00 a.m. the following day, or 9:00 a.m. the following day if such following day is a Sunday or legal holiday.

C.(3) The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine or device, air compressor, motorcycle engine, motor vehicle engine or any other nonelectrical mechanical device, except through a muffler or other device which effectively prevents loud, unusual or explosive noise.

D.(4) The making of deliveries of supplies or merchandise except between the hours of 7:00 a.m. and 11:00 p.m. unless such deliveries do not disturb the comfort or repose of persons in the vicinity.

§ 77-4 Penalties for offenses.

Any person who violates any provision of this ~~chapter~~ article shall be guilty of a Class III violation and shall be subject to the punishment set forth in § 1-17C of the Code. Both the owner and the operator of any instrumentality used in violation of this chapter shall be deemed violators thereof. The village may also seek injunctive relief to prevent the continued violation of this chapter.

Article II Gas Powered Leaf Blowers

§ 77-5 Purpose.

The Village finds that the reduction of noise, emissions of gases, the blowing of dust particles and other airborne pollutants into the air and onto other nearby properties from the use of gas-powered leaf blowers is a public concern that affects the public health, safety, comfort, welfare and environment of the Village/Town of Mount Kisco and its residents. This article is enacted to protect the Village/Town and its residents from such negative impacts while not unduly curtailing normal, reasonable and usual activities

§ 77-6 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FEDERAL HOLIDAYS

New Year's Day; Dr. Martin Luther King, Jr.'s Birthday; Lincoln's Birthday; Columbus Day; Election Day; Veterans Day; Washington's Birthday (also known as Presidents' Day); Yom Kippur; Thanksgiving Day; and Christmas Eve, and Christmas Day.

GAS-POWERED LEAF BLOWER

Any gasoline or diesel-powered portable, handheld, wheeled, or backpack-style leaf-blowing devices powered by fuel used for the purpose of blowing, moving, removing, dispersing, vacuuming or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs or any other type of litter or debris.

TWO-STROKE ENGINE

A two-cycle internal combustion engine that completes a power cycle with two strokes (up and down movements) of the piston during only one crankshaft revolution, using a combination of gasoline or diesel and oil to operate.

§ 77-7 Limitations on use.

Notwithstanding any other provision of the Village Code, the following limitations shall apply to the use of gas-powered leaf blowers within the Village/Town of Mount Kisco:

A. From May 1 until September 15, the operation of gas-powered leaf blowers is prohibited.

B. From September 16 through April 30, the operation of gas-powered leaf blowers is permitted:

- (1) Monday through Saturday between the hours of 8:00 a.m. through 5:00 p.m.;
and
- (2) No usage permitted on Sundays or Federal Holidays.

C. Notwithstanding the immediately preceding paragraph B, gas-powered leaf blowers may be used by individual residential homeowners and tenants for their own property as follows:

- (1) Monday through Saturday between the hours of 8:00 a.m. through 7:00 p.m.;
and
- (2) Sundays and Federal Holidays between 9:00 a.m. and 1:00 p.m.

D. Not more than two (2) gas-powered leaf blowers shall be used simultaneously on any one property that is two acres or less in size.

E. All gas-powered leaf blowers using a two-stroke engine shall be prohibited after January 1, 2025.

F. Residents are encouraged to minimize the use of gas-powered leaf blowers, especially during the summer and winter, and to generally be considerate of their neighbors at all times.

§ 77-8 Exemption from noise control.

Upon the effective date of this article, the use of gas-powered leaf blowers shall not be subject to the noise restrictions or limitations set forth in Article I of this chapter.

§ 77-9 Exceptions.

The limitations set forth in § 77-7 shall not apply to gas-powered leaf blowers used to clean up after major storms or other emergencies as determined by the Village Manager. In such an event, gas-powered leaf blowers are exempt from the provisions of this chapter for the purpose of cleaning up for a period not to exceed seven (7) days from the end of the storm or other emergency, except for municipal operations and where the Village Manager approves additional time for cleanup in response to a major storm or other emergency.

§ 77-10 Village operations.

Notwithstanding any other provision of the Village Code, the Village's use of gas-powered leaf blowers is subject to the limitations set forth in § 77-7, except that the Village/Town shall be exempt from the limitations set forth therein for the following purposes:

- A. Moving leaves or yard debris to and from streets for the purpose of Village/Town leaf collection, in those areas where the Village/Town collects leaves, from October 15 through December 31; and
- B. Clearing and cleanup of Village/Town tennis courts, basketball courts, volleyball courts, and ball fields from April 1 through August 31.

§ 77-11 Compliance.

This local law shall be equally applicable to, and enforceable against, both property owners and third-party landscapers. Commercial landscapers and other commercial home improvement companies using gas-powered leaf blowers must comply with all local, county, state, and federal laws, including, but not limited to, Westchester County Code §§ 863.314 and 863.327 relating to regulation of gas-powered leaf blowers and satisfaction of EPA Phase 2, 2007, exhaust emission standards, and must maintain all required state and county licenses and maintain proper vehicle and equipment decals.

§ 77-12 Enforcement.

The provisions of this chapter shall be enforced by the Village/Town of Mount Kisco Building Department and Village/Town of Mount Kisco Code Enforcement Officers, or other officials designated by the Village Board.

§ 77-13. Penalties for offenses.

Any person who violates any provision of this article shall be guilty of a Class III violation and shall be subject to the punishment set forth in § 1-17C of the Code. Both the property owner and the owner of any commercial landscaping entity or property management firm, but not any individual employee of any commercial landscaping entity or property management firm, utilizing any instrumentality in violation of this chapter shall be deemed violators thereof. The Village may also seek injunctive relief to prevent the continued violation of this chapter.

§ 77-14. Effective date.

This article shall become effective immediately upon its filing with the Secretary of State of the State of New York and all provisions of this article, other than § 77-7(E), shall become effective and operative on that date.

Section 2. The Village Clerk shall cause the amendments effected by this Local Law to be incorporated into the Code of the Village/Town of Mount Kisco.

Section 3. Should any section or provision of this Law be determined by any court of competent jurisdiction to be unconstitutional or invalid, then such section shall be null and void and shall be deemed separable from the remaining section(s) of this Law, and such determination shall in no way affect the validity of the remaining sections or provisions of this Law.

Section 4. This Law shall become effective immediately upon its filing with the Secretary of State of the State of New York.



Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: MT KISCO TOWN/VILLAGE OF
Address: 104 E MAIN ST
MOUNT KISCO NY 10549
USA

Ad No.: 0004754530
Pymt Method Credit Card
Net Amt: \$74.00

Run Times: 1

Zone: TJN-Westchester
No. of Affidavits: 1

Run Dates: 05/28/21

Text of Ad:

VILLAGE/TOWN OF MOUNT KISCO

PUBLIC NOTICE

Please take notice that the Board of Trustees of the Village/Town of Mount Kisco has scheduled a public hearing on **Monday, June 7, 2021 at 7:00 pm** or as soon thereafter as possible in the Frank J. DiMicco Board Room in Village Hall; 104 Main Street, Mount Kisco, New York to regarding the discussion of applications to be submitted for Program Year 2022 – 2024 through the Westchester County Urban County Consortium for Community Development Block Grants for projects related to economic development and improving local public infrastructure.

By Order of Mayor Picinich and the
Board of Trustees
Edward W. Brancati, Village Manager
4754530



**AFFIDAVIT OF PUBLICATION
FROM**

**State of Wisconsin
County of Brown, ss.:**

On the 28 day of May in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

_____ being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:
Westchester
[Signature]

Run Dates:
05/28/2021

Signature

Sworn to before me, this 28 day of May, 2021

[Signature: Kathleen Allen]

Notary Public, State of Wisconsin, County of Brown

1-7-25

KATHLEEN ALLEN
Notary Public
State of Wisconsin

My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0004754530



MAYOR

Gina D. Picinich

VILLAGE TRUSTEES

Anthony C. Markus
DEPUTY MAYOR

Peter F. Grunthal

Karen B. Schleimer

David J. Squirrel

VILLAGE MANAGER

Edward W. Brancati

ASSISTANT

VILLAGE MANAGER

Kenneth L. Famulare

VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK

104 Main Street, Mount Kisco, NY 10549-0150

Tel (914) 241-0500 • Fax (914) 241-9018

www.mountkisco.ny.gov

State of New York)
) ss:
County of Westchester)

AFFIDAVIT OF POSTING – CDBG

Guillermo Gomez, being duly sworn, says that on the 26th day of May 2021, he conspicuously fastened up and posted in seven public places, in the Village/Town of Mount Kisco, County of Westchester, a printed notice of which the annexed is a true copy, to Wit: ---

Municipal Building – _____ X
104 Main Street

Public Library _____ X
100 Main Street

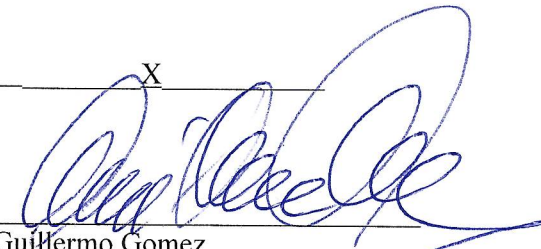
Fox Center _____ X

Justice Court – Green Street _____ X
40 Green Street

Mt. Kisco Ambulance Corp _____ X
310 Lexington Ave

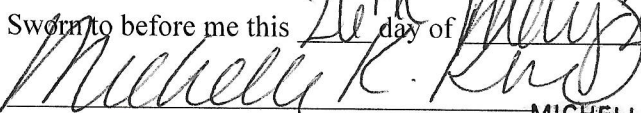
Carpenter Avenue Community House _____ X
200 Carpenter Avenue

Leonard Park Multi Purpose Bldg _____ X



Guillermo Gomez

Sworn to before me this 26th day of May 2021



Notary Public

MICHELLE K. RUSSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298
Qualified In Putnam County
My Commission Expires 10-20-2022

Village of Mount Kisco

Village Board Memo

May 24, 2021

1. CDBG Projects FY 2022-2024

The Village/Town of Mount Kisco is ready and prepared to once again participate with the Westchester Urban County Consortium (WUCC) to fund the following projects as detailed below, with the understanding that the CDBG program requires a minimum 50%/50% match and that the Consortium has capped awards of CDBG funds to no more than four projects per entity and no more than \$1,000,000 in total CDBG funds throughout the three-year cycle:

- Maple Avenue Street Sidewalk Rehabilitation, Waterline Replacement, and Storm Sewer Replacement Project

Total Project Cost: \$1,750,000

50% Village/Town of Mount Kisco – \$875,000

50% WUCC CDBG funds – \$875,000

This project involves replacement of sidewalks, replacement of the outdated existing 6” water line that has experienced multiple breaks in the past four years with a new 8” water line, replacement of storm lines along and underneath Maple Avenue in its entirety in the Village of Mount Kisco. The primary goal of the project is to replace the existing sidewalks, water main, and storm sewer line on a street that is home to a variety of multi-family and single family residences to ensure that residents have a safe place to walk, continue to receive clean drinking water from the Village’s public water supply, and mitigate against the risk of flooding from severe storms and heavy rainfall.

- Fox Senior Center Improvements Project

Total Project Cost: \$1,000,000

50% Village/Town of Mount Kisco – \$500,000

50% WUCC CDBG funds – \$500,000

This project allows for improvements to the Fox Senior Center’s heating, ventilation, and air conditioning systems as well as the building’s interior and exterior lighting, electrical systems, renovate existing bathrooms, and provide for increased storage through a modest addition that will enable seniors to better utilize existing space. This project will certainly enhance the experience for seniors as they enjoy the many activities available at the Fox Senior Center and provide a better environment for the exceptional senior nutrition program that is also housed in the building. The improvements will also make the building more energy efficient and reduce operating expenses enabling the Village to make greater investments in senior programs and services.

➤ Dakin Avenue and Highland Avenue Waterline Replacement Project

Total Project Cost: \$600,000

50% Village/Town of Mount Kisco – \$300,000

50% WUCC CDBG funds – \$300,000

This project involves the replacement of an existing, old, and inadequate 2” waterline with a new 8” waterline along and underneath the entire length of Dakin Avenue and Highland Avenue in the Village of Mount Kisco. The primary goal of the project is to replace the existing water lines with new 8” lines that are consistent with the size of all other adjoining water lines in the project area. These two streets are home to a variety of multi-family and single family residences. This project is necessary to ensure that all residents continue to receive clean drinking water from the Village’s public water supply and to preserve the integrity of the public water distribution system serving the entire census block.

➤ Train Platform Access Improvement Project

Total Project Cost: \$2,500,000

60% Village/Town of Mount Kisco – \$1,500,000

40% WUCC CDBG funds – \$1,000,000

We are looking at two projects designed to increase and improve access for both residents and commuters to the Metro-North Harlem Line train station platform in Mount Kisco. There are 19 Metro-North stations on the Harlem Line in Westchester, and Mount Kisco is one of only six of those stations without access to the platform on both sides of the tracks. Of these six, Mount Kisco is the only station with a municipal lot directly adjacent to the tracks without access to the platform. Currently, the only access point to the platform is from the eastern side of the tracks. As a result, we have developed two options for increasing access.

The first proposal is to develop an access point to the northern end of the train platform from our North Moger Parking Lot, utilizing the existing Main Street (Route 133) bridge over the tracks and platform, allowing residents from the western side of the tracks easier access to the platform. The project includes stairs and an elevator from the North Moger Lot up to the Main Street sidewalk, and then stairs and an elevator down to the north end of the train platform. Metro-North has written to the Village that they are willing to permit such an access, but are not able to provide any funding for this project that is expected to cost approximately \$2.5 million.

In addition, the Village is also seeking to add an access point from our Maple Avenue parking lot on the west side of the tracks with either a platform to provide access to southbound trains or for the access to include stairs and an elevator that would connect to the existing stairs and elevator that descend onto the platform. Early estimates are that this western access project will cost approximately \$2 million, and will require cooperation and support from the Metropolitan Transportation Authority (MTA).

MAYOR

Gina D. Picinich

VILLAGETRUSTEES

Anthony C. Markus
DEPUTY MAYOR

Peter F. Grunthal
Karen B. Schleimer
David J. Squirrell



VILLAGE MANAGER

Edward W. Brancati

**ASSISTANT
VILLAGE MANAGER**

Kenneth L. Famulare

VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK

104 Main Street, Mount Kisco, NY 10549-0150

Tel (914) 241-0500 • Fax (914) 241-9018

www.mountkisco.ny.gov

VILLAGE/TOWN OF MOUNT KISCO

PUBLIC NOTICE

Please take notice that the Board of Trustees of the Village/Town of Mount Kisco has scheduled a public hearing on **Monday, June 7, 2021 at 7:00 pm** or as soon thereafter as possible in the Frank J. DiMicco Board Room in Village Hall; 104 Main Street, Mount Kisco, New York to regarding the discussion of applications to be submitted for Program Year 2022 – 2024 through the Westchester County Urban County Consortium for Community Development Block Grants for projects related to economic development and improving local public infrastructure.

By Order of Mayor Picinich and the Board of Trustees
Edward W. Brancati, Village Manager

The background features abstract, overlapping geometric shapes in various shades of blue, ranging from light sky blue to deep navy blue. The shapes are primarily triangles and polygons, creating a modern, dynamic feel. The text is centered in a clean, sans-serif font.

Village/Town of Mount Kisco Stormwater Management Program

Village/Town of Mount Kisco Stormwater Program & Annual Report

Introduction & Basics

- On March 10, 2003, the Village began the development of its Stormwater Management Plan, mandated by the United States Environmental Protection Agency and administered by the New York State Department of Environmental Conservation (NYS DEC).

The Village must implement six (6) minimum control measures including:

- Educating the public
- Soliciting participation and involvement of the public
- Detection and elimination of illicit discharges
- Control of construction site runoff
- Maintenance and operation of post construction structural Best Management Practices
- Pollution prevention and good housekeeping at municipal facilities.

Village/Town of Mount Kisco Stormwater Program & Annual Report

What is Stormwater Pollution:

Stormwater pollution refers to many types of harmful materials that are carried by water (rain water, wash water, or snow melt) through the storm drain system to our creeks, the Saw Mill River, the Kisco River, Branch Brook, and the New York City Water Supply. These pollutants can include: sediments, nutrients, trash, metals, bacteria, oil and grease, phosphorus and organics such as pet waste.

You can help by:

- **Disposing of Household Products Carefully**
- **Care for your lawn cautiously**
- **Picking up after your pet**
- **Illicit Discharge Detection and Elimination**

**Village/Town of Mount Kisco
Stormwater Program & Annual Report**

Report for Year Ending March 9, 2021

Village Stormwater Management and Erosion and Sediment Control Law

<https://www.ecode360.com/10861848>

Village Partners in addressing Stormwater include:

- Westchester County Planning Department
Assist with general stormwater information and stormwater mapping
- East of Hudson Watershed Corporation
Enable the Village to achieve compliance with phosphorus reduction measures required by NYS DEC
- Northern Westchester Watershed Coalition
Assist with general stormwater information and phosphorus reduction
- Kisco River Coalition
Land Use

**Village/Town of Mount Kisco
Stormwater Program & Annual Report**

Report for Year Ending March 9, 2021

The Village provides education and outreach on topics including:

- general stormwater information
- household hazardous waste disposal
- recycling
- pesticide and fertilizer application
- trash management
- water conservation
- wetland protection

Through the Village's various platforms including:

- Village website: <http://www.mountkisco.ny.gov/>
- Village cable channels: Altice - Ch. 20
 Verizon Fios - Ch.40
- email notification system
- printed materials/flyers
- our partners websites

Village/Town of Mount Kisco Stormwater Program & Annual Report

Report for Year Ending March 9, 2021

- There are approximately 88 stormwater outfalls throughout the Village that are all mapped and 21 of which were inspected throughout the year for dry weather discharges.
- Our stormwater system can be found online at:
<http://giswww.westchestergov.com/gismap/>
- All required Village personnel have received Illicit Discharge Detection and Elimination training and stormwater management training, and 50% of responsible staff have attended training on Low Impact Development, Better Site Design, and other Green Infrastructure principles.
- No illicit discharges were detected throughout the Village during the year.
- The Building Department administered and monitored four projects during the year for compliance with approved Storm Water Pollution Prevention Plans (SWPPP).
- There were two (2) projects disturbing more than one (1) acre that were active during the year and which were inspected multiple times.
- The Village also inventoried four (4) filter systems and one (1) infiltration basin.

**Village/Town of Mount Kisco
Stormwater Program & Annual Report**

Report for Year Ending March 9, 2021

Department of Public Works (DPW):

- Conducted roadside clean-ups and partnered with volunteers on 24 additional clean-up events
- Swept 42 acres of parking lots
- Swept 2,160 miles of streets
- Inspected and cleaned when necessary 1,000 catch basins
- Inspected and cleaned 7 post construction control stormwater management practices
- The Village also completed 5,000 square feet of plantings.

**Village/Town of Mount Kisco
Stormwater Program & Annual Report**

Report for Year Ending March 9, 2021

For further information, or to assist the Village in its efforts,
contact **Stormwater Management Coordinator**
Edward Brancati at 914-864-0001, e-mail ebrancati@mountkisco.ny.gov

or

Visit the following websites:

https://www.mountkisco.ny.gov/departments/engineering_department/stormwater_annual_reports.php

<https://www.epa.gov/npdes/npdes-stormwater-program>

<http://www.dec.ny.gov/chemical/8468.html> <http://www.cwp.org>

http://www.nyc.gov/html/dep/html/watershed_protection/index.shtml

<https://planning.westchestergov.com/environment/stormwater-management>

Water System Improvements

The Village continues to invest in strengthening and improving our infrastructure to deliver the highest quality water possible to everyone served by our system. In 2019, we completed replacement of the Mountain Avenue water main ensuring continued water service and pressure to the western end of the Village as well as the replacement of the outdated North Bedford Road water main, which removed the only section of asbestos concrete main in the system improving public health and ensuring effective water delivery to the northern end of our system. Improvements continued in 2020 with a complete overhaul and upgrade of our Supervisory Control and Data Acquisition (SCADA) system, which enables the Village to appropriately control and manage the entire water system. We also replaced one of the three main filter units at the Byram Lake Water Filtration Plant and replaced the outdated and undersized Woodland Street water main. In 2021, we expect to begin work to replace the Byram Lake water main that brings the Village's water supply from Byram Lake into the Village, and continue improvements to the Byram Lake Water Filtration Plant.

Is our water system meeting other rules that govern operations?

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. The Village did not have any monitoring violations during 2020. The quality of your drinking water was safe throughout this time.

Community Participation

You are invited to participate in our public forum and voice your questions or concerns about your drinking water at a regularly scheduled Village Board of Trustees Meeting. Meetings are generally held every two weeks on Mondays, beginning at 7:00 pm, at Village Hall, 104 Main Street, Mount Kisco, New York.

Questions?

For more information about this report, or for any questions relating to your drinking water, please contact the Water Department at (914) 864-0021. You can also call the Westchester County Department of Health at (914) 813-5000. To be informed of water emergencies, please visit the Village of Mount Kisco website and sign up for eNotify, our emergency email and text alert system at www.mountkisco.ny.gov, or you may call the Water Quality Information Line at (914) 864-0020 for a recorded message.


Village of Mount Kisco
PWS ID#5903437
104 Main Street
Mount Kisco, NY 10549

En Español

Este informe contiene información muy importante sobre su agua potable. Tradúzcalo o hable con alguien que lo entienda bien.

Village of
**Mount
Kisco**

PWS ID#5903437



2020 Annual Drinking Water Quality Report

To comply with state regulations, the Village/Town of Mount Kisco will be annually issuing a report describing the quality of your drinking water. We are once again proud to present our annual water quality report, covering all testing performed between January 1 and December 31, 2020. Throughout the years, we have dedicated ourselves to producing drinking water that meets all state and federal standards. Last year, your tap water met all state and federal drinking water health standards, and our system did not violate any other maximum contaminant level or water quality standard. We continually strive to adopt new methods for delivering the best quality drinking water to you. As new challenges to drinking water safety emerge, we remain vigilant in meeting the goals of source water protection, water conservation, and community education while continuing to serve the needs of all our water users.

Please share with us your thoughts or concerns about the information in this report. After all, well-informed customers are our best allies.

Facts and Figures

Our water system serves approximately 10,000 customers through 2,400 service connections. The total amount of water produced in 2020 was 408.39 million gallons. The daily average of water treated and pumped into the distribution system was 1.115 million gallons per day. Approximately 90.5 percent of the total was billed directly to consumers. The balance, or unaccounted water, was used for firefighting, hydrant use, distribution system leaks, and unauthorized use. The Village continues to be vigilant in identifying any loss of water in our system. The community is encouraged to report any unauthorized use, such as an illegal hydrant connection, to the Westchester County Police Department, Mount Kisco Precinct immediately by calling (914) 241-1100. In 2020, the average annual water charge per customer was \$913.81, based on an average household water use of 12,148 cubic feet.

Where Do We Get Our Drinking Water?

The Village of Mount Kisco's primary water source is Byram Lake Reservoir, which is a surface water supply located on Byram Lake Road in the towns of Bedford and North Castle. Water from Byram Lake Reservoir is pumped to the Byram Lake Filtration Plant, a state-of-the-art facility which became operational in 2003, where the water is then disinfected with chlorine, treated for corrosion control, and filtered before entering the distribution system. The Leonard Park Wells, constructed and operational in 2001, supplement the Byram Lake water supply. The well water is disinfected with chlorine, aerated to remove radon, and treated for corrosion control before entering the distribution system. The water filtration plant and wells are operated by Suez (formerly United Water). Please be reminded that what enters a community's separate storm sewer system (catch basins and storm drains) outflows to tributaries which contribute to our drinking water. For more information on our stormwater regulations, please visit our website at www.mountkisco.ny.gov/departments/engineering_department/

The Village needs your help to ensure that Byram Lake is protected. Please report any dumping, littering, or other illegal activity to the Westchester County Police Department, Mount Kisco Precinct at (914) 241-1100. Certain fishing activities are permitted at Byram Lake, provided the appropriate permits have been obtained (please contact the Tax Receiver at (914) 864-0034 for more information).

Substances that Could be in Water

In general, the sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

Contaminants that may be present in source water include:

- (A) Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.
- (B) Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.
- (C) Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.
- (D) Organic chemical contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.
- (E) Radioactive contaminants, which can be naturally occurring or be the result of oil and gas production and mining activities.

All Drinking Water May Contain Contaminants

In order to ensure that tap water is safe to drink, the EPA prescribes regulations, which limit the amount of certain contaminants in water provided by public water systems. The Food and Drug Administration (FDA) regulations establish limits for contaminants in bottled water, which must provide the same protection for public health.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that the water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Westchester County Department of Health at 914-813-5000 or the Environmental Protection Agency's Safe Drinking Water Hotline at 1-800-426-4791.

Important Health Information

Although, our drinking water met, or exceeded state and federal regulations, some people may be more vulnerable to contaminants in drinking water than the general population. Immunocompromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants may be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. The U.S. EPA/CDC (Centers for Disease Control and Prevention) guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline at (800) 426-4791 or <http://water.epa.gov/drink/hotline>.

Lead and Drinking Water

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. As you will see in the table in this report, the action level for lead was exceeded in one sample taken during the year, but not in any other samples taken at any other time within the Mount Kisco Water Supply during 2019. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. The Village of Mount Kisco is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>.

Cryptosporidium in Water

Cryptosporidium is a microbial pathogen found in surface water and groundwater under the influence of surface water. Although filtration removes Cryptosporidium, the most commonly used filtration methods cannot guarantee 100 percent removal. The Mount Kisco water system has been tested for the presence of cryptosporidium and all tests have been negative. Ingestion of Cryptosporidium may cause cryptosporidiosis, a gastrointestinal infection. Symptoms of infection include nausea, diarrhea, and abdominal cramps. Most healthy individuals can overcome disease within a few weeks. However, immunocompromised people are at greater risk of developing life-threatening illness. We encourage immunocompromised individuals to consult their health care provider regarding appropriate precautions to take to avoid infection. Cryptosporidium must be ingested to cause disease, and it may be spread through means other than drinking water.

2020 Sampling Results

PWS ID#5903437

As the state regulations require, we routinely test your drinking water for numerous contaminants. During the past year, we have taken hundreds of water samples in order to determine the presence of any radioactive, biological, inorganic, volatile organic, or synthetic organic contaminants. The table below shows only those contaminants that were detected in the water. The state allows us to monitor for certain substances less than once per year because the concentrations of these substances do not change frequently. In these cases, the most recent sample data are included, along with the year in which the sample was taken.

REGULATED SUBSTANCES			Byram Lake	Leonard Park Wells			
Substance (Unit)	Date Sampled	Violation Yes/No	Level Detected	Level Detected	MCL [MRDL]	MCLG [MRDLG]	Typical Source
Barium (ppm)	8/28/20	No	0.051	0.14	2	2	Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits
Nickel (ppb)	8/28/20	No	0.73	1.2	NA	NA	Erosion of natural deposits

DISINFECTION BY-PRODUCTS							
Substance (Unit)	Date Sampled	Violation Yes/No	Level Detected	MCL [MRDL]	MCLG [MRDLG]	Typical Source	
Total Trihalomethanes [TTHM] (ppb)	12/11/20	No	43.4* Range: 23.4-61.9**	80	NA	By-product of drinking water disinfection	
Haloacetic Acids [HAA5] (ppb)	12/11/20	No	22.8* Range: 14.0-27.2**	60	NA	By-product of drinking water disinfection	

*The level represents the highest value of Locational Running Annual Average calculated from the data collected. **The range represents the minimum and the maximum values out of all TTHMs and HAAs data collected throughout the year.

RADIOACTIVE CONTAMINANTS							
Contaminant (Unit)	Date Sampled	Violation Yes/No	Level Detected**	Range	MCL	MCLG	Typical Source
Beta particle and photon activity from man-made radionuclides (pCi/l)	12/10/20	No	9.54	2.32 - 9.54	50*	0	Decay of natural deposits and man-made emissions
Gross alpha activity (including radium-226 but excluding radon and uranium)(pCi/l)	12/10/20	No	6.65	1.09 - 6.65	15	0	Erosion of natural deposits
Combined radium- 226 and 228 (pCi/l)	12/10/20	No	2.047	0.0563 - 2.047	5	0	Erosion of natural deposits
Uranium (µg/l)	12/10/20	No	1.51	0.00 - 1.51	30	0	Erosion of natural deposits

* The state considers 50 pCi/l to be the level of concern for beta particles. ** This represents the maximum level detected.

LEAD AND COPPER (Tap water samples were collected for lead and copper analyses from sample sites throughout the community.)								
Substance (Unit)	Date Sampled	Violation Yes/No	Amount Detected (90th Percentile)	Range (Low-High)	Sites Above AL/ Total Sites	AL	MCLG	Typical Source
Copper (ppm)	7/3/19	No	0.214	0.0551 - 0.472	0/20	1.3	1.3	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservative
Lead (ppb)	7/3/19	No	3.7	ND - 17.1	1/20	15	0	Corrosion of household plumbing systems; erosion of natural deposits

If present, elevated levels of lead can cause serious health problems, especially for pregnant women, infants, and young children. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. One sample taken at one site during 2019 had a lead level above the action level as indicated above. Mount Kisco Water Supply is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline (1-800-426-4791) or at <http://www.epa.gov/safewater/lead>.

SECONDARY SUBSTANCES						
Substance (Unit)	Date Sampled	Violation Yes/No	Byram Lake Level Detected	Leonard Park Wells Level Detected	Secondary MCL	Typical Source
Chloride (ppm)	8/28/20	No	87	77	250	Naturally occurring or indicative of road salt contamination.
Color (units)	8/28/20	No	5	5	15	Naturally occurring organic materials.
Iron (ppm)	8/28/20	No	0.06	0.06	0.3	Naturally occurring.
Manganese (ppb)	8/28/20	No	12	74	300	Naturally occurring; Indicative of landfill contamination.
Odor (TON)	8/28/20	No	1	1	3	Naturally occurring organic materials.
Sulfate (ppm)	8/28/20	No	9.1	30	250	Naturally occurring.
Zinc (ppm)	8/28/20	No	ND	0.019	5	Naturally occurring; Mining waste.

SYNTHETIC ORGANIC COMPOUNDS

Contaminant (Unit)	Date Sampled	Violation Yes/No	Level Detected**	Range	MCL	MCLG	Typical Source
PFOA (ppt)	2020	No	4.32	2.54 - 4.32	10	NA	Released into the environment from widespread use in commercial and industrial applications.
PFOS (ppt)	2020	No	2.16	ND - 2.16	10	NA	Released into the environment from widespread use in commercial and industrial applications.
1,4 Dioxane (ppb)	2020	No	ND	ND	1	NA	Released into the environment from commercial and industrial sources and is associated with inactive and hazardous waste sites.

UNREGULATED SUBSTANCES

Substance (Unit)	Date Sampled	Violation Yes/No	Byram Lake		Leonard Park Wells		Typical Source
			Level Detected	Level Detected	Secondary MCL	Level Detected	
Sodium* (ppm)	8/28/20	No	41	23	NA	NA	Naturally occurring; Road salt; Water softeners; Animal waste.

* Water containing more than 20 ppm of sodium should not be used for drinking by people on severely restricted sodium diets. Water containing more than 270 ppm of sodium should not be used for drinking by people on moderately restricted sodium diets.

SUMMARY OF TURBIDITY SAMPLED

Substance (Unit)	Date Sampled	Violation Yes/No	Level Found	MCL [MRDL]	Typical Source
Turbidity (NTU) <i>Byram Lake Entry Point</i>	2020	No	0.102 (100% sample meeting the 0.3 NTU limit.)	TT-0.3	Soil runoff
Turbidity (NTU) <i>Distribution System</i>	2020	No	0.200 - Highest Monthly Average (Range 0.100-0.300)	5.0	Soil runoff

Non-detected Substances

The following contaminants were tested for, but not detected, in our water:

- Inorganics: Silver, Aluminum, Arsenic, Asbestos, Beryllium, Cadmium, Chromium, Cyanide, Fluoride, Mercury, Ammonia as N, Nitrite nitrogen as N, Nitrate nitrogen as N, Potable Metal Digestion, Antimony, Selenium, Thallium.
- Volatile Organic Compounds: Tetrachloroethane, Trichloroethane, Dichloroethane, Dichloropropene, Trichlorobenzene, Trichloropropane, Trimethylbenzene, Dichlorobenzene, Dichloropropene, Butanone (MEK), Chlorotoluene, Benzene, Bromobenzene, Bromochloromethane, Bromomethane, Carbon tetrachloride, Chlorobenzene, Chloroethane, Chloromethane, Dichloroethene, Dibromoethane, Dichlorodifluoromethane, Ethylbenzene, Hexachlorobutadiene, Isopropylbenzene, Methyl isobutyl ketone (MIBK), Methyl tert-butyl ether (MTBE), Methylene Chloride, Nbutylbenzene, N-propylbenzene, Naphthalene, O-xylene, P & M-xylene, Pisopropyltoluene, SEC-butylbenzene, Styrene, TERTbutylbenzene, Toluene, trans-1,2-dichloroethene, trans-1,3-dichloropropene, Trichloroethene, Trichlorofluoromethane, Vinyl chloride.
- Synthetic Organics: Dioxin, 1,2-Dibromo-3-chloropropane, 1,2-Dibromoethane, 4,4-DDE, Aldrin, Chlordane, Dieldrin, Endrin, Heptachlor, Heptachlor Epoxide, Lindane, Methoxychlor, PCBs, Propachlor, Toxaphene, 2,4,5-T, 2,4-D, Dalapon, DCPA di-acid, Dicamba, Dinoseb, Pentachlorophenol, Picloram, Silvex, 2,4-Dinitrotoluene, 2,6-Dinitroloeuene, Acetochlor, Alachlor, Atrazine, Benzo(a)pyrene, bis(2-Ethylhexyl)adipate, Butachlor, EPTC, Hexachlorobenzene, Hexachlorocyclopentadiene, Metoachlor, Metribuzin, Molinate, Simazine, Terbacil, 3-Hydroxycarbofuran, Aldicarb, Aldicard sulfone, Aldicard sulfoxide, Carbaryl, Carbofuran, Methomyl, Oxamyl, Glyphosate, Endothall, Diquat.

Information on Radon

Radon is a naturally-occurring radioactive gas found in soil and outdoor air that may also be found in drinking water and indoor air. Some people exposed to elevated radon levels over many years in drinking water may have an increased risk of getting cancer. The main risk is lung cancer from radon entering indoor air from soil under homes. In 2020, we collected five samples that were analyzed for radon. The results for the sample at the entry point into the water distribution system were 52.3 picocuries/liter (pCi/l). Currently, there is no federally-enforced drinking water standard for radon, but the EPA has proposed to require community water suppliers to provide water with radon levels no higher than 4,000 pCi/L. As you can see from our sampling results, even if the EPA were to adopt such a regulation, the Mount Kisco Water Supply would be well below that limit. For additional information call the New York State radon program (1-800-458-1158) or call EPA's Radon Hotline (1-800-SOS-Radon)

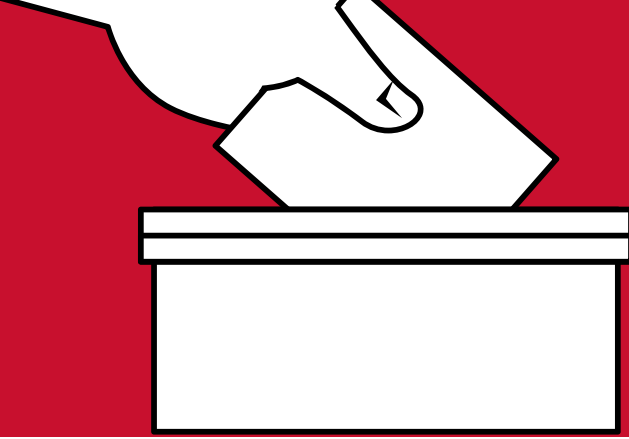
What does this information mean?

As you can see by the table, our system had no violations. We have learned through our testing that some contaminants have been detected; however, these contaminants were detected below the level allowed by the state.

Definitions

In the table above, you may find unfamiliar terms and abbreviations. To help you better understand these terms we've provided the following definitions:

- 90th percentile:** The levels reported for lead and copper represent the 90th percentile of the total number of sites tested. A percentile is a value on a scale of 100 that indicates the percent of a distribution that is equal to or below it. The 90th percentile is equal to or greater than 90 percent of the lead and copper values detected at your water system.
- Action Level (AL):** The concentration of a contaminant that, if exceeded, triggers treatment or other requirements that a water system must follow.
- Maximum Contaminant Level or MCL:** The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.
- Maximum Contaminant Level Goal or MCLG:** The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.
- Maximum Residual Disinfectant Level or MRDL** – the highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.
- Maximum Residual Disinfectant Level Goal or MRDLG** – the level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.
- NA** – not applicable
- ND (Not Detected)** – indicates that the substance was not found by laboratory analysis.
- NTU** – Nephelometric Turbidity Units
- Parts Per Million (ppm) or Milligrams Per Liter (mg/l)** – one part by weight of analyte to 1 million parts by weight of the water sample.
- Parts Per Billion (ppb) or Micrograms Per Liter (µg/l)** – one part by weight of analyte to 1 billion parts by weight of the water sample.
- Threshold Odor Number (TON)** – a measure of odor in water.
- Treatment Technique (TT)** – a required process intended to reduce the level of a contaminant in drinking water.



JUNE 2021 PRIMARY ELECTION INFORMATION

- ✓ Mount Kisco residents are only eligible to vote for one race - Democratic Primary for Westchester County Clerk - and voters must be registered Democrats.
- ✓ Early voting will take place at the Memorial Pool Complex at Leonard Park from 6/12 to 6/20, and times vary.
- ✓ Primary Election Day is Tuesday, June 22nd and polls are open from 6am to 9pm. Voting locations on this day are:

Election District 1 – Memorial Pool Complex

Election District 2 – Memorial Pool Complex

Election District 3 – Henry V. Kensing Library Building (Mount Kisco Library)

Election District 4 – Richard A. Flynn Complex (Mount Kisco Justice Court)

Election District 5 – Neighbors Link

Election District 6 – Mount Kisco Housing Authority

Election District 7 – Henry V. Kensing Library Building (Mount Kisco Library)

**QUESTIONS? CALL (914) 995-5700 OR VISIT
[HTTPS://CITIZENPARTICIPATION.WESTCHESTERGOV.COM/](https://citizenparticipation.westchestergov.com/)**

CHARLES V. MARTABANO
Attorney at Law

9 Mekeel Street
Katonah, New York 10536
cmartabano@gmail.com
(914) 242-6200 Telephone
(914) 242-3291 Facsimile
(914) 760-9241 Cell

April 19, 2021

Mayor Gina D. Picinich, and
Members of the Village Board of Trustees
Village of Mt. Kisco
104 Main Street
Mt. Kisco, New York 10549

Re: Application of CJ Developers, LLC
461 Lexington Avenue
Proposed Land Exchange

Dear Mayor Picinich and Members of the Village Board of Trustees:

As you may be aware, my client, CJ Developers, LLC, is the owner of property known as 461 Lexington Avenue, Mount Kisco New York. As some members of the Board may recall, the Village Board has previously been instrumental in attempting to facilitate development of this parcel for office purposes, granting an easement over Village owned property (for driveway/access purposes as well as a necessary construction easement for stormwater management facilities), although the development proposal never reached fruition. My client subsequently acquired same for the specific purpose of developing townhouses as now permitted under the updated zoning applicable to the CL-1 Mixed Use Residential and Commercial District regulations. For an extended period of time my client has been working closely with Village staff and the Planning Board to develop a conceptual layout for a townhouse development on the site.

After initially submitting a conceptual plan showing the development of the property for six (6) townhouse units, on March 9, 2021, my client presented to the Planning Board a conceptual plan which was specifically revised from the initial conceptual development plan (including a reduction in the unit count to five (5) units), to respond to comments made by members of the Planning Board at their first meeting held in connection with my client's initial conceptual plan. The Planning Board responded very favorably to the new design and specifically requested that my client proceed to file its formal application for site plan approval and any necessary variances in connection with same. At a subsequent meeting of the Planning Board held on April 13, 2021, the Planning Board responded very favorably to my client's formal application and determined to circulate a notice of intent to be lead agency for SEQRA purposes including the land exchange and rezoning (discussed below), site plan approval (inclusive of any necessary wetland permit) and any necessary variances. We are most anxious to move the process forward at this time.

However, as we have discussed with the Village Manager, Village Planning Consultant, Village Attorney and Planning Board from the inception of the planning for this project in late summer of 2020, the proposed site plan is predicated upon a land exchange with the Village whereby we propose to exchange 3,583 SF of property owned by my client for 3,583 SF of land owned by the Village. Such a land exchange can only be authorized by the Village Board of Trustees. Further, while I would defer to the Village Attorney to provide you with advice in this regard, it is my belief that the proposed land exchange will require the consent of NYC DEP and/or the Law Department of the City of New York by reason of the deed restrictions on the property conveyed by the City of New York to the Village of Mount Kisco in 1985.

For the Board's edification, I have caused Insite Engineering to prepare the attached exhibit which graphically depicts the proposed land exchange. I believe that this document illustrates compelling reasons for the proposed land exchange which should readily facilitate the City's consent. As can be seen by reference to such plan, the property to be exchanged by my client is outlined in red and the property to be acquired by my client is outlined in green. Please note in this regard that the property sought to be conveyed to the Village is located completely *within* the wetland buffer limit line while the property to be conveyed by the Village to my client is located completely *outside* the wetland buffer limit line. Accordingly, in terms of protection of the water supply of the City of New York, acquisition by the Village of the property to be conveyed by my client will enable the Village to better protect the water supply of the City of New York as owner of that property contiguous to the property acquired by the Village from the City of New York in 1985. I think this presents a compelling situation for the City of New York to consent to the transfer. Additionally, my client is willing to convey to the Village an easement for the Village to access all of its property in this area as previously acquired by the City of New York for maintenance and cleanup purposes. This right of access is, I believe, of significant importance and convenience to the Village because, at present, the Village has no way to access Village owned lands in this area from Route 117 to the bridge over the brook a substantial distance to the north. I think that this presents an additional compelling reason for the Village to move forward with respect to this transfer.

I do need to point out that, as was the case with the Village's approval of the former application on this site, that it will be necessary to install a stabilized stormwater discharge outlet on the property being conveyed by my client to the Village and to provide for grading in connection therewith which would extend onto property currently owned by the Village as provided for in the existing easement. Accordingly, our transfer to the Village will be subject to an easement for this purpose as well as for construction purposes with respect to the property being conveyed by my client to the Village including retention of the existing easement on lands currently owned by the Village.

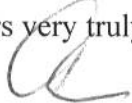
To facilitate the construction of this townhouse development, the Village Board of Trustees will also need to rezone the property being conveyed to my client from its current PD zoning designation to the CL-1 zoning designation. The Village can choose or not choose to rezone the property being conveyed by my client to the Village so long as any resultant zoning allows for the easement for the stormwater discharge outlet referenced above. With respect to such rezoning, we will need to know whether the Village intends to undertake the rezoning on its

own motion (which I believe would be appropriate under the circumstances) or whether it will require a petition to be submitted by my client for this purpose.

It is important to understand that the actions requested of the Village are, under the circumstances, conditions precedent to the processing of my client's application i.e., we have essentially taken the process as far as we can with respect to other boards of the Village until such time as the Village resolves to transfer and rezone the property as hereinabove requested.

We would very much like to appear before your Board at the earliest possible date so that this matter might be thoroughly discussed so as to obtain a consensus on the part of the Board as to how they wish to proceed at this juncture. Accordingly, I would be grateful if you could please advise me as to the earliest agenda upon which this matter might appear.

On behalf of my client, I thank you for your consideration of my client's request which we believe will result in a project which truly adheres to your Board's vision in connection with the redevelopment of this area of Lexington Avenue.

Yours very truly,


Charles V. Martabano

cc: CJ Developers, LLC
Insite Engineering
Whitney Singleton, Esq.
Jan Johannessen, Village Planning Consultant
Peter Miley, Village Building Inspector
Edward Brancati, Village Manager
Planning Board

VILLAGE OF MT. KISCO
REGULATED WETLAND

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

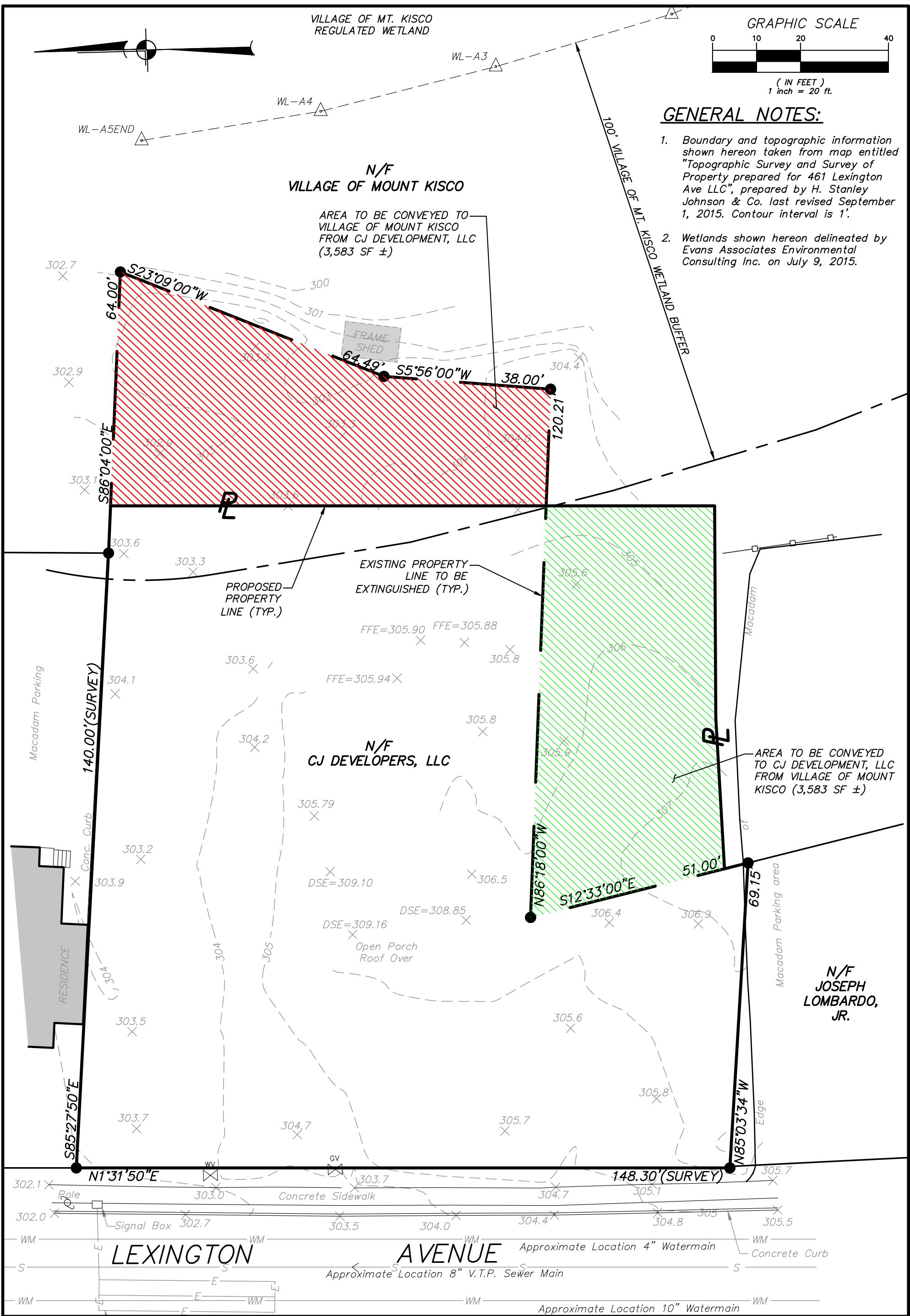
GENERAL NOTES:

1. Boundary and topographic information shown hereon taken from map entitled "Topographic Survey and Survey of Property prepared for 461 Lexington Ave LLC", prepared by H. Stanley Johnson & Co. last revised September 1, 2015. Contour interval is 1'.
2. Wetlands shown hereon delineated by Evans Associates Environmental Consulting Inc. on July 9, 2015.

N/F
VILLAGE OF MOUNT KISCO

AREA TO BE CONVEYED TO
VILLAGE OF MOUNT KISCO
FROM CJ DEVELOPMENT, LLC
(3,583 SF ±)

100' VILLAGE OF MT. KISCO WETLAND BUFFER



EXISTING PROPERTY
LINE TO BE
EXTINGUISHED (TYP.)

PROPOSED
PROPERTY
LINE (TYP.)

N/F
CJ DEVELOPERS, LLC

AREA TO BE CONVEYED
TO CJ DEVELOPMENT, LLC
FROM VILLAGE OF MOUNT
KISCO (3,583 SF ±)

N/F
JOSEPH
LOMBARDO,
JR.

LEXINGTON

AVENUE

Approximate Location 8" V.T.P. Sewer Main

Approximate Location 4" Watermain

Approximate Location 10" Watermain

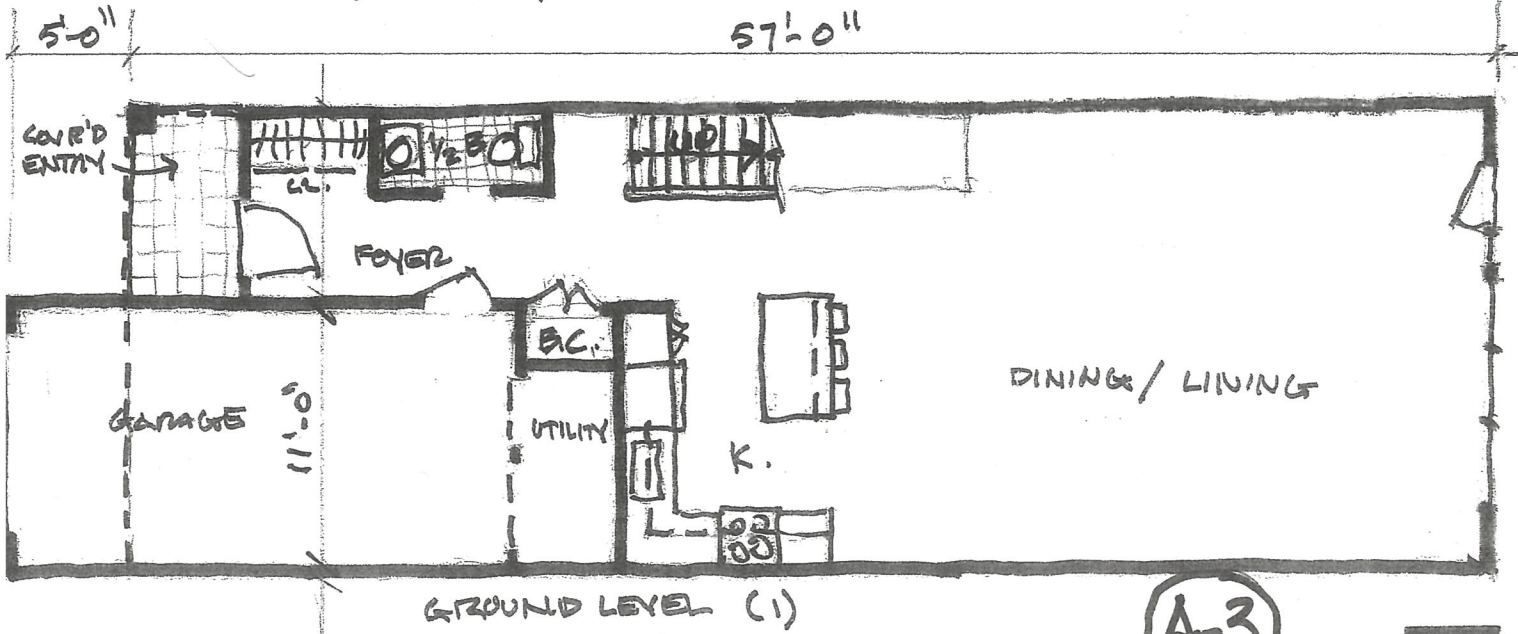
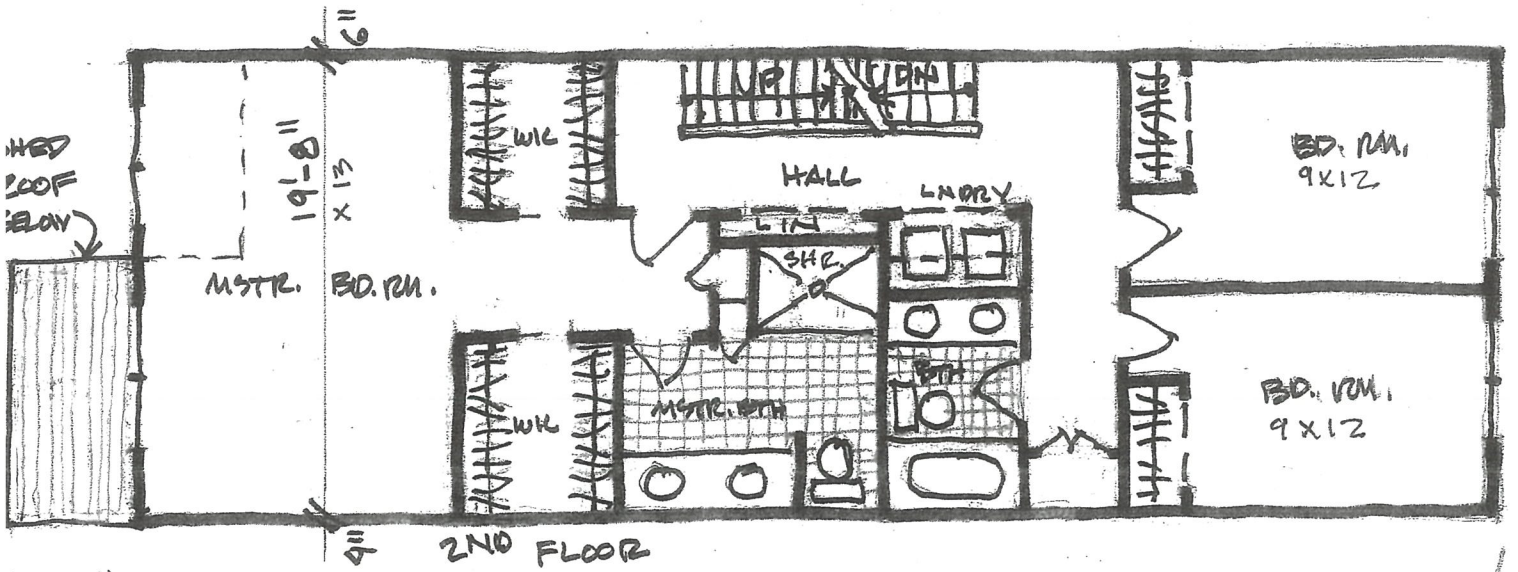
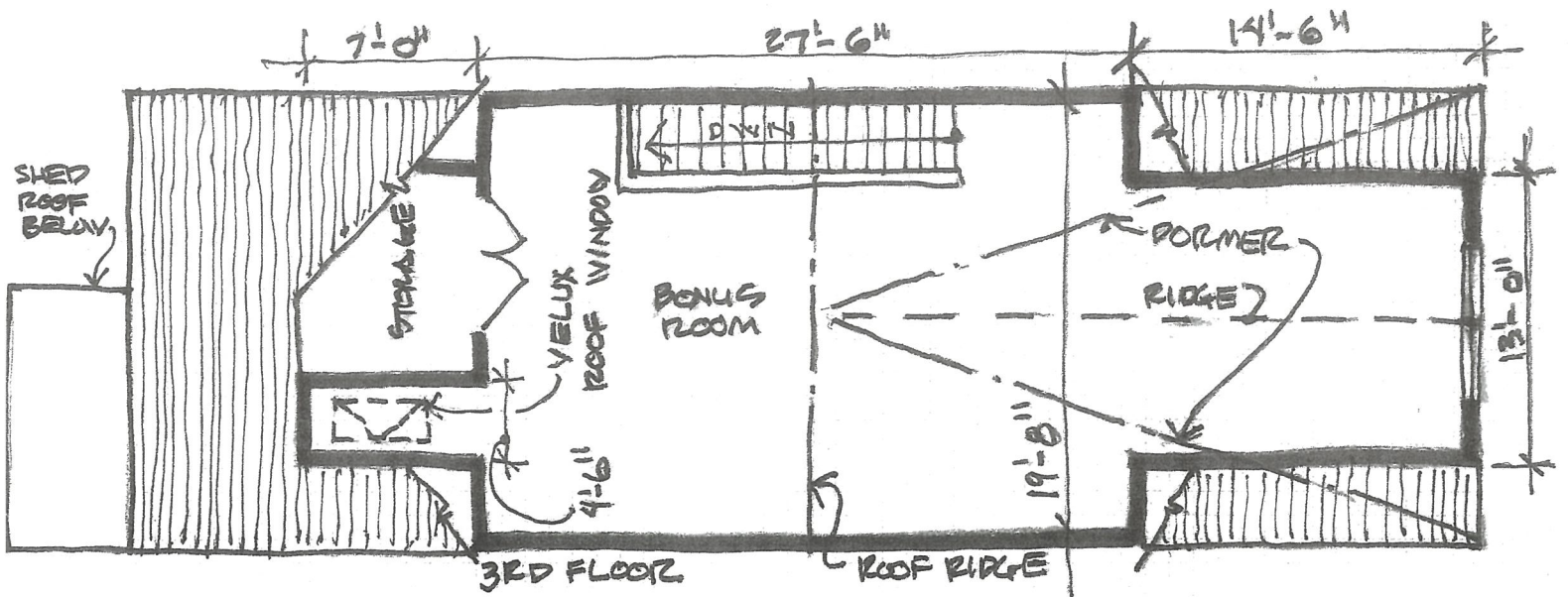
PROJECT:
CJ DEVELOPERS, LLC
461 LEXINGTON AVENUE, VILLAGE OF MT. KISCO, WESTCHESTER CO., NY

PREPARED BY:
INSITE
ENGINEERING, SURVEYING &
LANDSCAPE ARCHITECTURE, P.C.
3 Garrett Place • Carmel, New York 10512
Phone (845) 225-9690 • Fax (845) 225-9717
www.insite-eng.com

DATE: 3-4-21
SCALE: 1" = 20'
PROJECT NO.: 20211.100
FIGURE: LS-1

DRAWING:
LAND SWAP SKETCH

Z:\E\20211100 CJ Developers LLC-461 Lexington Ave\Misc Drawing Files\LS-1.dwg, 3/4/2021 4:20:23 PM, czazzer0, 1:1



461 LEXINGTON AVE.
 C.J. DEVELOPMENT
 MT. KISCO, NEW YORK

(A-3)

LEXINGTON COURT

22 MAR 21
 PHILLIP CERADINI ARCHITECT
 914-666-0542

1/8"



300 LB. ARCH'L
ASPHALT SHINGLES

SHAKE
VINYL
SIDING

STANDING SEAM
METAL ROOFING

SHAKE
VINYL
SIDING

VERTICAL
VINYL
SIDING

HORIZONTAL
VINYL
SIDING



10'-0"

102'-8"

' LEXINGTON COURT '

FRONT ELEVATION (461 LEXINGTON AVE.)

C J DEVELOPMENT



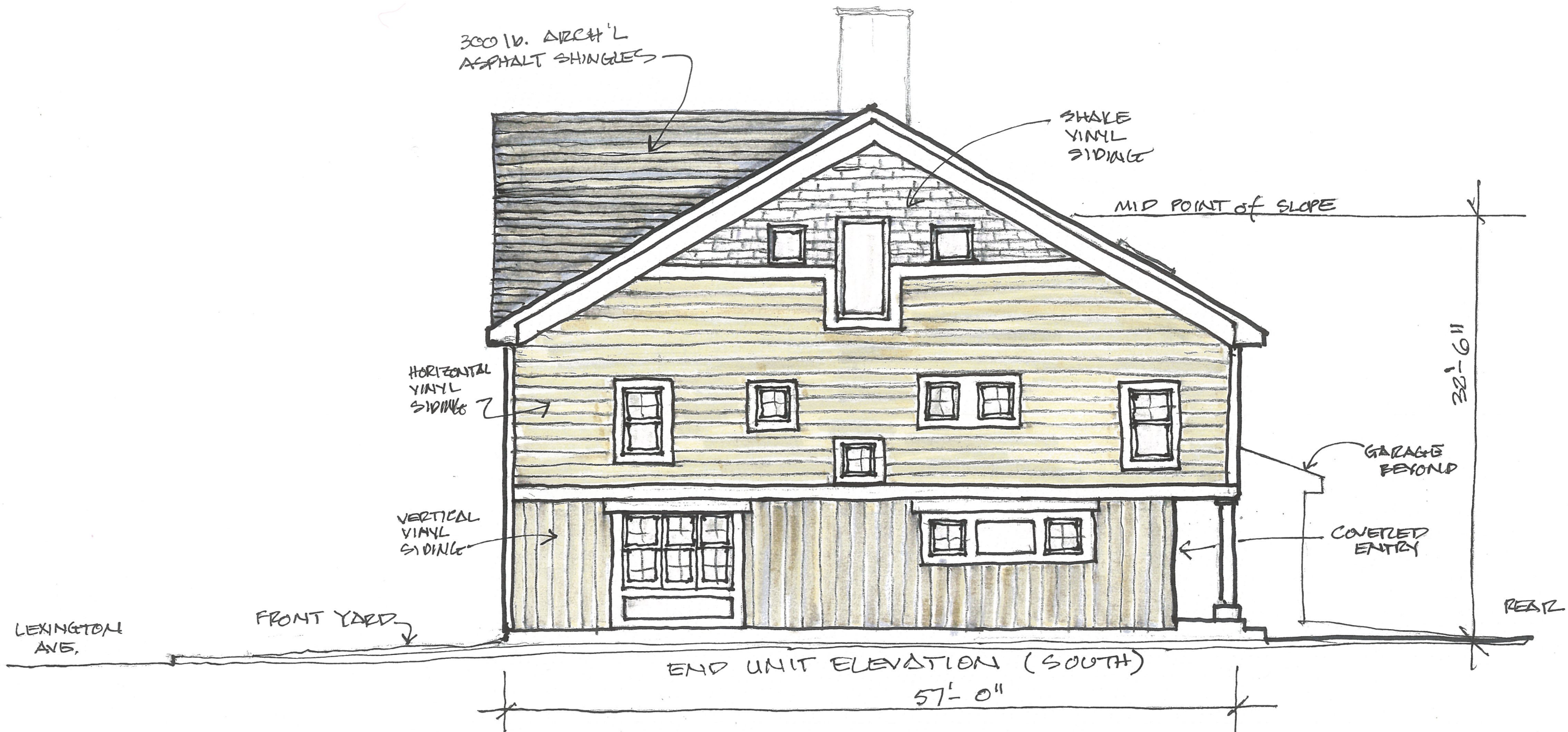
PHILLIP CERADINI ARCHITECT

120 KISCO AVE
MT. KISCO NEW YORK 10549
914-666-0547 FAX: 914-666-2386

A-1

22 MAR 21

1/8"



'LEXINGTON COURT', MT. KISCO, N.Y.

C N DEVELOPMENT



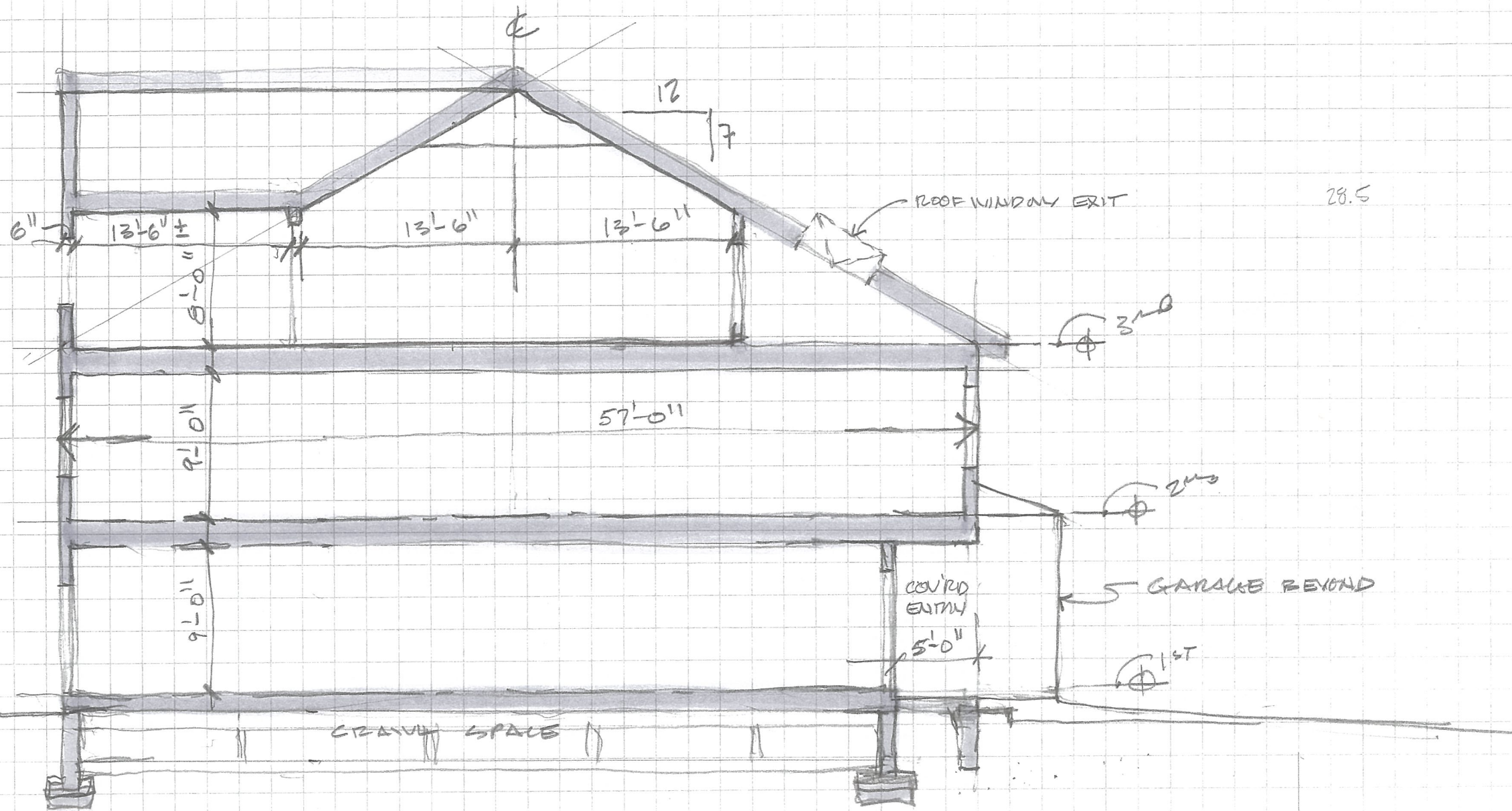
PHILLIP CERADINI ARCHITECT

120 KISCO AVE
MT. KISCO NEW YORK 10549
914-666-0547 FAX: 914-666-2386

A-2

22 MAR 21

1/8"



28.5

LEXINGTON AVE.

SIDE WALK

FRONT YARD

CRAWL SPACE

COVERED ENTRY 5'-0"

GARAGE BEYOND

1ST

2ND

3RD

ROOF WINDOW EXIT

PART SECTION

461 LEXINGTON AVE.

C J DEVELOPMENT

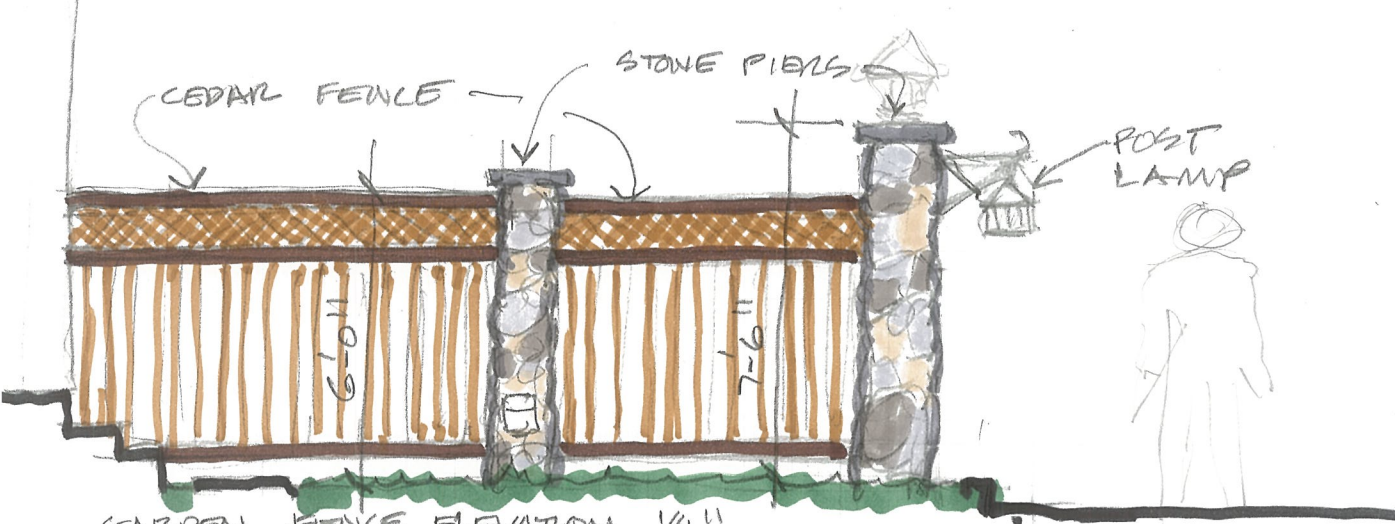
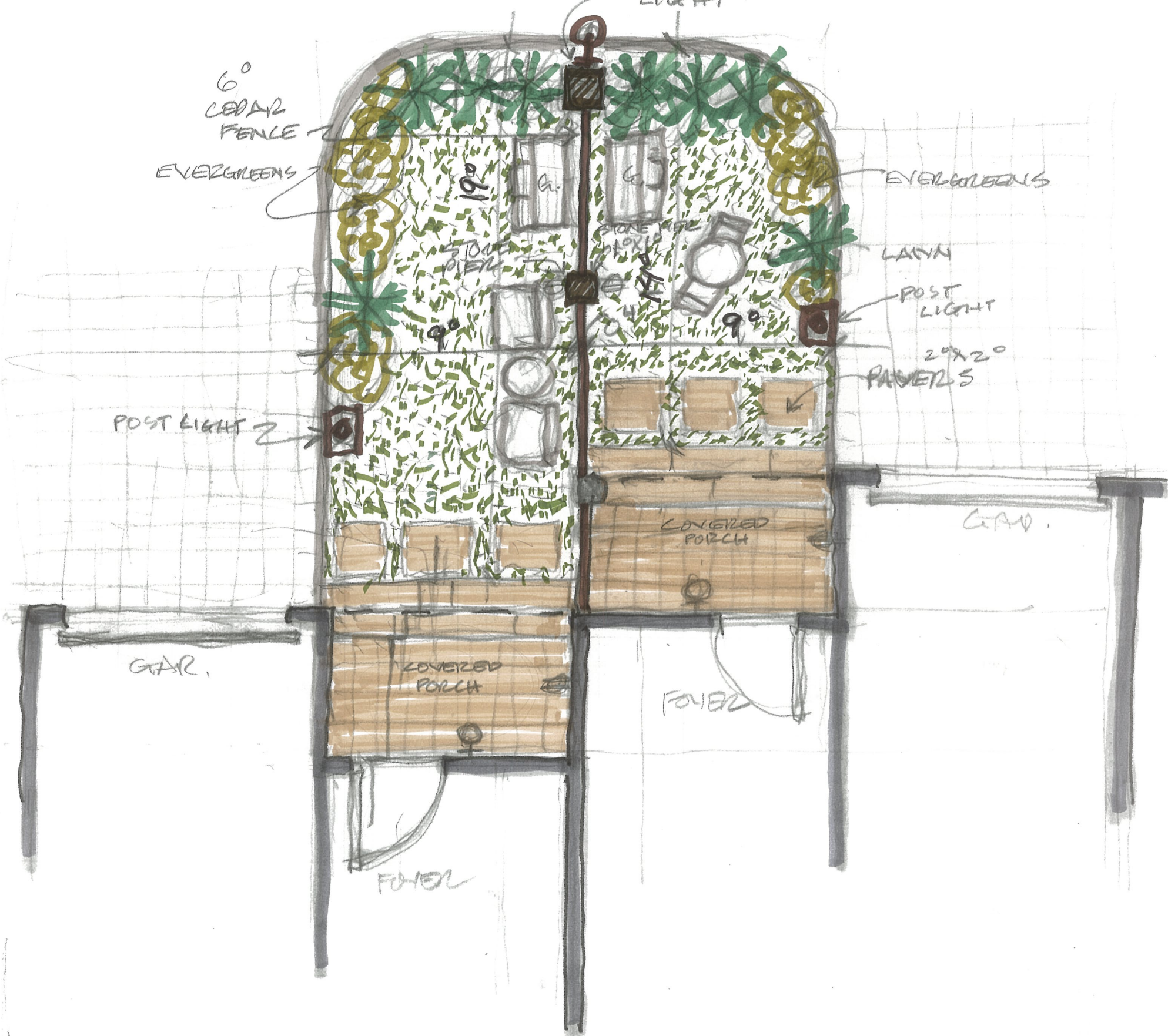
PHILLIP CERADINI, ARCHITECT
 MT. KISCO, N.Y. 914-666-0547

1 MAY 2021

1/8"

PLAN

10' X 16' T° STONE PIER WITH LIGHT



461 LEXINGTON AVE.

1/4"

MT. KISCO, N.Y.

ENTRY GARDEN COURTS / FENCE



ENTRY DRIVE ↗



(FRONT ELEVATION)
LEXINGTON AVENUE

LEXINGTON COURT

MT. KISCO, NEW YORK

CJ DEVELOPERS



PHILLIP CERADINI ARCHITECT

120 KISCO AVE
MT. KISCO, NEW YORK 10549
914-666-0547 FAX: 914-666-2386
www.phillipceradini.com

ARTIST STREET SCAPE

22 MAR 21

INTEROFFICE MEMORANDUM

TO: MAYOR AND VILLAGE BOARD OF TRUSTEES
FROM: ROGER D. MILLER, ASSESSOR
SUBJECT: SILVERMAN 487 CORP. - 489 MAIN STREET
DATE: 6/1/2021

Attached please find a resolution authorizing a real property tax settlement for the above referenced matter. The property is located at 489 Main Street and consists of a 4-tenant retail building with 9,419+/- square feet of rentable area, on a .78 acre parcel of land.

The petitioner challenged the Town assessments from 2016 through 2020, and the Village assessments from 2017 through 2021. The equalized assessments ranged from approximately \$2,800,000 to \$3,100,000 on the town rolls, and from approximately \$3,100,000 to \$3,500,000 on the village rolls. The petitioner provided an independent appraisal report indicating a value of \$2,560,000 in 2016, and declining each year to a value of \$2,330,000 in 2020.

The settlement values the property at \$2,650,000 in 2016, \$2,750,000 in 2017 and 2018, \$2,650,000 in 2019, and \$2,600,000 in 2020 and 2021. This was based on an analysis of income and expenses for the subject based on actual and comparable data, and an analysis of investment return rates for properties of the subject's type.

The analysis considers the challenging retail environment in recent years, further exacerbated by the pandemic. Specifically, the property includes a restaurant space which accounts for 37% of the total rentable area. This space was vacated in 2015 by a tenant scheduled to pay \$43.50 per square foot in gross rent. After remaining vacant for four years, it was rented for approximately \$25.50 per square foot.

Although we did not commission an independent appraisal for this property, we recently did so for the Modell's property on Main Street, which is currently under negotiation for grievance and may move to trial. That appraisal supported values in the range of approximately \$220 to \$260 per square foot. This settlement produces values of \$276 to \$292 per square foot.

In our opinion this settlement is reasonable and favorable to a potential trial, given market conditions and the specifics of this property.

This settlement will result in approximate refunds of \$25,726 from the village, \$23,274 from the school, and \$5,050 from the county.

**RESOLUTION AUTHORIZING TAX
CERTIORARI SETTLEMENT**

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

Property Owner	Tax Designation	Years
Silverman 487 Corp.	80.57-3-2	2016 to 2020 (Town) 2017 to 2021 (Village)

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

WHEREAS, the Village and the property owner have reached a mutually agreeable resolution;

NOW THEREFORE BE IT RESOLVED, the Office of the Village Attorney is authorized to execute a settlement on behalf of the Town for assessments for no less than the following:

Village Proceedings:

<u>Assessment Year:</u>	<u>Original:</u>	<u>Proposed Settlement:</u>	<u>Reduction:</u>
2017	\$260,000	\$226,050	\$33,950
2018	\$260,000	\$228,250	\$31,750
2019	\$260,000	\$208,555	\$51,445
2020	\$260,000	\$193,700	\$66,300
2021	\$260,000	\$194,480	\$65,520

Town Proceedings:

<u>Assessment Year:</u>	<u>Original:</u>	<u>Proposed Settlement:</u>	<u>Reduction:</u>
2016	\$490,000	\$462,160	\$27,840
2017	\$490,000	\$474,375	\$15,625
2018	\$490,000	\$447,425	\$42,575
2019	\$490,000	\$415,520	\$74,480
2020	\$490,000	\$410,280	\$79,720

489 Main Street

	2016	2017	2018	2019	2020	2021
Village Assessment		\$260,000	\$260,000	\$260,000	\$260,000	\$260,000
Village Market Value		\$3,163,017	\$3,132,530	\$3,303,685	\$3,489,933	\$3,475,936
Village Eq. Rate		8.22%	8.30%	7.87%	7.45%	7.48%
Settlement Value		\$2,750,000	\$2,750,000	\$2,650,000	\$2,600,000	\$2,600,000
Settlement A.V.		\$226,050	\$228,250	\$208,555	\$193,700	\$194,480
Per sf		\$292	\$292	\$281	\$276	\$276
Tax Rate		98.985	100.655	102.057	105.0674	106.1227
Refunds		\$3,361	\$3,196	\$5,250	\$6,966	\$6,953
Town Assessment		\$490,000	\$490,000	\$490,000	\$490,000	\$490,000
Town Market Value		\$2,809,633	\$3,011,678	\$3,125,000	\$3,105,196	\$3,105,196
Town Eq. Rate		17.44%	16.27%	15.68%	15.78%	15.78%
Settlement Value		\$2,650,000	\$2,750,000	\$2,650,000	\$2,600,000	\$2,600,000
Settlement A.V.		\$462,160	\$447,425	\$415,520	\$410,280	\$410,280
School Tax Rate		83.31	95.13	101.0384	101.0384	101.0384
County Tax Rate		20.47	21.0889	21.3127	21.05	21.05
School Refunds		\$2,319	\$4,050	\$7,525	\$8,055	\$8,055
County Refunds		\$570	\$898	\$1,587	\$1,678	\$1,678
Total Village Refunds		\$25,726				
Total School Refunds		\$23,274				
Total County Refunds		\$5,050				

Note: The 2020 school tax refund is estimated based on the previous year's rate, pending issuance of a new rate later this year.

GRIFFIN, COOGAN, SULZER & HORGAN, P.C.

ATTORNEYS AND COUNSELORS AT LAW

51 PONDFIELD ROAD

BRONXVILLE, NEW YORK 10708

TELEPHONE (914) 961-1300

FAX (914) 961-9385

WWW.GCSHLAW.COM

WILLIAM E. GRIFFIN

1932-2012

JAMES M. COOGAN

(RETIRED)

WILLIAM E. SULZER (ALSO NJ)
MICHAEL F. HORGAN, JR. (ALSO CT)

MARIA C. CAVALLO
MATTHEW S. CLIFFORD (ALSO NJ)
KEVIN M. BRADY, JR.
OF COUNSEL

May 13, 2021

Alexander D. Salvato, Esq.
Singleton, Davis & Singleton
120 East Main Street
Mt. Kisco, New York 10549

Re: Silverman 487 Corp. v. Village of Mount Kisco
Index Nos.: 56190/17; 56052/18; 55880/19; 54681/20; 55126/21

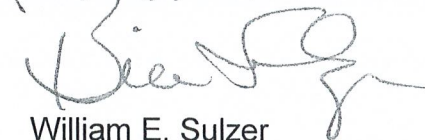
Dear Alex:

Enclosed please find three (3) Consent Judgments for your review and execution. Please return two copies of the executed Judgment to our office. We will provide you with a conformed copy once it has been entered by the Court.

As you know, we have included a clause in the orders which will allow for a waiver of interest if refunds are made within 60 days from the date of service of the Order with Notice of Entry. This, however, is predicated upon our understanding that we will receive back from you executed copies of the Consent Judgments in a timely manner.

Please call us if you have any questions.

Very truly yours,



William E. Sulzer

WES/kmb
Enclosures
6933/6927
cc: Roger Miller, Assessor (w/enc.)



At an IAS Term of the Supreme Court of the State of New York held in and for the County of Westchester, at the Courthouse thereof located in White Plains, New York.

PRESENT:

HON. E. LOREN WILLIAMS, J.S.C.

Justice.

-----X

In the Matter of the Application of

SILVERMAN 487 CORP.,

Petitioner,

-against-

**THE ASSESSOR OF THE VILLAGE OF MOUNT KISCO,
THE BOARD OF REVIEW OF THE VILLAGE OF MOUNT
KISCO and THE VILLAGE OF MOUNT KISCO,**

Respondents,

For Review Under Article 7 of the RPTL.

-----X

**CONSENT
JUDGMENT**

Index Nos.
56190/17
56052/18
55880/19
54681/20
55126/21

The above Petitioner having heretofore filed and served the Petitions and Notices to review the tax assessments fixed by the Village of Mount Kisco for the assessment years 2017 through 2021 upon certain real property located at 489 Main Street, Village of Mount Kisco, and designated as Section 80.57, Block 3, Lot 2 on the Official Assessment Map of the Village of Mount Kisco, and

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the Petitioner having appeared by **WILLIAM E. SULZER, ESQ.**,

of Griffin, Coogan, Sulzer & Horgan, P.C., and the Respondents having appeared by **WHITNEY W. SINGLETON, ESQ.**, of Singleton Davis & Singleton, and the parties having made their settlement, it is

ORDERED, ADJUDGED AND DECREED, that the assessments on the above-referenced property be and the same are hereby reduced, corrected and fixed for the assessment years as follows:

Assess. Year	Assessed Valuation		Amount of Reduction
	<u>Reduced From</u>	<u>Reduced To</u>	
2017	260,000	226,050	33,950
2018	260,000	228,250	31,750
2019	260,000	208,555	51,445
2020	260,000	193,700	66,300
2021	260,000	194,480	65,520

and so reduced and confirmed, it is further

ORDERED, ADJUDGED AND DECREED, that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite of said entries, that the same have been corrected by the authority of this order, and it is further

ORDERED, ADJUDGED AND DECREED, that there shall be audited, allowed and paid to the Petitioner by the **VILLAGE OF MOUNT KISCO** the amount of all

Village taxes paid, together with the proportionate share of any interest or penalty paid by reason of delinquent payment of any excess taxes, by the Petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, ADJUDGED AND DECREED, that all tax refunds are to be paid with interest pursuant to Section 726 of the Real Property Tax Law of the State of New York; provided, however, interest shall be waived in the event that full payment is made within sixty (60) days from the date of service of this Order with notice of entry upon the respective taxing authorities, and it is further

ORDERED, ADJUDGED AND DECREED, that all tax refunds hereinabove directed to be made by Respondent, the **VILLAGE OF MOUNT KISCO** and/or any of the various taxing authorities, be made by check or draft payable to the order of **GRIFFIN, COOGAN, SULZER & HORGAN, P.C.**, as attorneys for the Petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475 and it is further

ORDERED, ADJUDGED AND DECREED, that this Order hereby constitutes and represents full settlement of each of the tax review proceedings herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued

Dated:

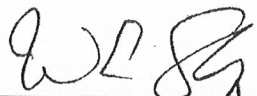
ENTER,

HON. E. LOREN WILLIAMS, J.S.C.

**SIGNING AND ENTRY OF THE WITHIN
ORDER IS HEREBY CONSENTED TO:**

WHITNEY W. SINGLETON, ESQ.

Village Attorney
Singleton Davis & Singleton
Attorneys for Respondents
120 East Main Street
Mt. Kisco, New York 10549
(914) 666-4400
wsingleton@sdslawny.com



WILLIAM E. SULZER, ESQ.

Griffin, Coogan, Sulzer & Horgan, P.C.
Attorneys for Petitioner
51 Pondfield Road
Bronxville, New York 10708
(914) 961-1300
WES@gcshlaw.com

INTEROFFICE MEMORANDUM

TO: MAYOR AND VILLAGE BOARD OF TRUSTEES
FROM: ROGER D. MILLER, ASSESSOR
SUBJECT: 121 SMITH AVENUE
DATE: 6/1/2021

Attached please find a resolution authorizing a real property tax settlement for the above referenced matter. The property is located at 121 Smith Avenue and consists of a 2.5 story converted residence of 2,170 square feet, containing a professional office and a one-bedroom apartment.

The petitioner challenged the 2020 town assessment, which indicated a value of approximately \$660,000. The property was on the market with an asking price of \$445,000, and subsequently sold in December 2020 for \$410,000. It had previously sold in 2014 for \$340,000, and was fully renovated prior to the most recent sale.

Because the sale appeared to reflect current market value, the settlement reduces the value to the sale price.

The village assessment was reduced accordingly in 2021, therefore there was no need for a village grievance or village refund.

This settlement will result in estimated refunds of \$3,981 from the school and \$829 from the county.

**RESOLUTION AUTHORIZING TAX
CERTIORARI SETTLEMENT**

WHEREAS, petitions have been filed by the property owner below, challenging real property tax assessments on the Town assessment roll with respect to the following parcel:

Property Owner	Tax Designation	Years
121 Smith Avenue LLC	80.40-2-3	2020 (Town only)

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

WHEREAS, the Village and the property owner have reached a mutually agreeable resolution;

NOW THEREFORE BE IT RESOLVED, the Office of the Village Attorney is authorized to execute a settlement on behalf of the Town for assessments for no less than the following:

Town Proceedings:

<u>Assessment Year:</u>	<u>Original:</u>	<u>Proposed Settlement:</u>	<u>Reduction:</u>
2020	\$105,000	\$65,600	\$39,400

121 Smith Avenue

2020

Town Assessment	\$105,000
Town Market Value	\$656,250
Town Eq. Rate	16.00%
Settlement Value	\$410,000
Settlement A.V.	\$65,600
School Tax Rate	101.0384
County Tax Rate	21.04859
School Refunds	\$3,981
County Refunds	\$829
Total Village Refunds	\$0
Total School Refunds	\$3,981
Total County Refunds	\$829

Notes

The 2020 Town ER was 15.78%, but it was agreed to calculate the new AV based on the 2021 rate of 16.0%.

The school tax refund is estimated based on the previous year's rate.

File 0010-217W

At a Special Condemnation and Tax
Certiorari Term of the Supreme Court of the State
of New York, held in and for the County of
Westchester, White Plains, New York, on the
day of _____, 20 .

P R E S E N T :

HON. E. LOREN WILLIAMS,
Justice

CONSENT ORDER & JUDGMENT

In the Matter of

121 SMITH AVENUE, LLC,

PETITIONER,

Index #	Assessment Year
60944/2020	2020

-AGAINST-

THE BOARD OF ASSESSORS AND/OR THE
ASSESSOR OF THE TOWN OF MOUNT
KISCO AND THE BOARD OF
ASSESSMENT REVIEW,

Section 80.40, Block 2, Lot 3

RESPONDENTS.

The above petitioner having heretofore served and filed the Petition and Notice to review the tax assessments fixed by the Town of Mount Kisco for the assessment year(s) 2020 upon certain real property constituting the following assessment parcel and designated as Tax Map No. 80.40-2-3, on the official Assessment Map of the Town of Mount Kisco, and

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the petitioner having appeared by WARREN M. DUBITSKY, ESQ. of HERMAN KATZ CANGEMI WILKES & CLYNE, LLP, and the respondents having appeared by WHITNEY SINGLETON, ESQ., of SINGLETON, DAVIS & SINGLETON, Counsel for the Town of Mount Kisco, it is

ORDERED, that the assessments on the above-referenced property be and the

same are hereby reduced, corrected and fixed for the assessment year as follows:

Tax Map No.: 80.40-2-3

ASSESSMENT YEAR	ORIGINAL ASSESSMENT	REDUCTION	FINAL ASSESSMENT
2020	\$105,000	\$39,400	\$65,600

and so reduced and confirmed, it is further

ORDERED, ADJUDGED AND DECREED that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite said entries, that the same have been corrected by the authority of this Order, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Town of Mount Kisco the amount of Town taxes paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Bedford Central School District of the Town of Mount Kisco, the amount of School taxes paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest from the date of payment thereof as provided by statute, and it is further

ORDERED AND DIRECTED that the County Legislators of the County of Westchester, State of New York, be and are hereby directed and authorized to audit, allow and to pay to the petitioner the amount, if any, of State, County, Judiciary, Sewer District and any

special taxes paid by the petitioner as taxes against said erroneous assessments in excess of what the taxes would have been if the said assessments had been as determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED AND DIRECTED, that the Commissioner of Finance of Westchester County be served with a copy of this judgment with notice of entry, together with proof of payment of State, County, Judiciary, Sewer and any other Westchester County special district taxes, and it is further

ORDERED AND DIRECTED, that all tax refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law of the State of New York; except that in the event the refund of taxes is paid within sixty (60) days from the date of service of a copy of this judgment with Notice of Entry, together with proof of payment of taxes, on the Westchester County Commissioner of Finance, then interest is waived; together with the amounts of interest and penalties, if any, paid on the excess of any of the aforesaid taxes by reason of delinquent payment, and it is further

ORDERED AND DIRECTED, that all tax refunds hereinabove directed to be made by respondent, the Town of Mount Kisco, and/or any of the various taxing authorities, be made by check or draft payable to the order of HERMAN KATZ CANGEMI WILKES & CLYNE, LLP, as attorneys for the petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475, and it is further

ORDERED AND DIRECTED, that the terms of R.P.T.L. §727 shall apply to this settlement with respect to the 2021, 2022 and 2023 assessments years, and it is further

ORDERED, that any prior stipulation of discontinuance filed by the parties to this index number is hereby vacated as agreed to by the parties, and it is further

ORDERED, that this Order hereby constitutes and represents full settlement of each of the tax review proceedings herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued.

ENTER,

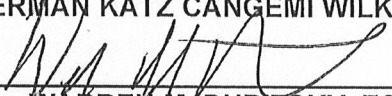
J.S.C.

**SIGNING AND ENTRY OF THE WITHIN
ORDER IS HEREBY CONSENTED TO:**

TOWN OF MOUNT KISCO

By: WHITNEY SINGLETON, ESQ.
Attorney for Respondents
SINGLETON, DAVID & SINGLETON
120 East Main Street
Mount Kisco, New York 10549
wsingletown@sdslawny.com

HERMAN KATZ CANGEMI WILKES & CLYNE, LLP



By: WARREN M. DUBITSKY, ESQ.
Attorneys for Petitioner
120 White Plains Road, Suite 125
Tarrytown, New York 10591
wdubitsky@hermankatz.com

INTEROFFICE MEMORANDUM

TO: MAYOR AND VILLAGE BOARD OF TRUSTEES
FROM: ROGER D. MILLER, VILLAGE ASSESSOR
SUBJECT: 6 COLD SPRING COURT REFUND
DATE: JUNE 3, 2021

The owners of the above referenced property, Christopher and Pamela Bruce, grieved the village tax assessment in 2020, utilizing a tax representative. The property is a single family dwelling at the Chase and the grievance went through the Small Claims Assessment Review (SCAR) process.

Because of delays in the process, a settlement was not formally signed until after the April filing of the final village assessment roll. The procedure in that case is to wait until the owner pays the full village taxes based on the previous assessment, and then issue a refund based on the stipulated settlement.

Based on the previous village assessment of \$81,000, the property had an implied market value of \$1,389,365. Our agreement provided for an assessment reduction to \$60,750, indicating a market value of \$1,042,000.

Based on the reduction in assessment of \$20,250 and the tax rate of \$105.067452 per \$1,000 of AV, the amount of the refund is \$2,127.62. Please authorize this refund per the stipulation of settlement.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

In the Matter of
Small Claims Assessment Review

STIPULATION OF SETTLEMENT

INDEX #: 80159/2020

Pamela Bruce
Petitioner(s)

ASSESSMENT YEAR: 2020

MUNICIPALITY: Village of Mount Kisco

6 Cold Spring Court

REPRESENTATIVE:

Property Location

O'Donnell & Eubank Property Tax

Address:

Tel: (914) 716-4444

E-Mail: nicholas@odonnell.com

Attorney Non-Attorney

SECTION 80.27

BLOCK 1

LOT 10

IT IS HEREBY STIPULATED AND AGREED by and between the above-named Petitioner(s) or Authorized Representative(s) and Tax Assessing Municipality that the 2020 Assessment on the referenced tax parcel be:

REDUCED FROM: \$ 87,000

TO: \$ 60,750

A REDUCTION OF: \$ 26,250

IT IS FURTHER STIPULATED AND AGREED that the municipal officials having custody of the assessment rolls shall correct the assessment roll to conform to this Stipulation. If any taxes were paid based on the "reduced from" assessment indicated above, a refund of the taxes paid on the amount of the reduction of the above-mentioned assessment shall be made to the Petitioner, or to the Representative on behalf of the Petitioner(s) if the Representative is an attorney, who is to hold the proceeds as trust funds for appropriate distribution, and who is to remain subject to the further jurisdiction of this Court with regard to its attorney's lien, pursuant to Judiciary Law §475.

IT IS FURTHER AGREED that this stipulation constitutes a "decision" for the purposes of Section 739 of the Real Property Tax Law.

IT IS FURTHER AGREED that this Stipulation represents full settlement of this Small Claims Assessment Review proceeding and that no costs or allowances shall be awarded or paid to, by, or against any of the parties.

Dated: _____, 20__

Authorized Representative

Assessor or Authorized Representative

SO ORDERED:

HEARING OFFICER

SCAR-Form # 1 (8-2020)

MAY 25 2021



MAYOR

Gina D. Picinich

VILLAGE TRUSTEES

Anthony C. Markus
DEPUTY MAYOR

Peter F. Grunthal

Karen B. Schleimer

David J. Squirrel

VILLAGE MANAGER

Edward W. Brancati

ASSISTANT

VILLAGE MANAGER

Kenneth L. Famulare

VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK

104 Main Street, Mount Kisco, NY 10549-0150

Tel (914) 241-0500 • Fax (914) 241-9018

www.mountkisco.ny.gov

VILLAGE/TOWN OF MOUNT KISCO

PUBLIC NOTICE

Please take notice that the Board of Trustees of the Village/Town of Mount Kisco has scheduled a public hearing on **Monday, June 21, 2021 at 7:00 pm** or as soon thereafter as possible in the Frank J. DiMicco Board Room in Village Hall; 104 Main Street, Mount Kisco, New York regarding the proposed Local Law 2021-02 to Abolish the Village of Mount Kisco Police Department and Replace with Contracted Police Services.

By Order of Mayor Picinich and the Board of Trustees
Edward W. Brancati, Village Manager

VILLAGE/TOWN OF MOUNT KISCO
LOCAL LAW #2 OF 2021
To Abolish the Village of Mount Kisco Police Department
And Replace with Contracted Police Services

Be it enacted by the Village Board of the Village/Town of Mount Kisco of the County of Westchester as follows:

Section 1: Chapter 27 of the Code of the Village/Town of Mount Kisco is hereby repealed in its entirety and replaced with this Local Law No. 02 of the year 2021 is to abolish the Village of Mount Kisco Police Department pursuant to Section 8-800 of New York State Village Law and Unconsolidated Law Section 5711-q , NY Constitution, Art. IX, §§ 2, 2(c)(i) and (ii)(1), 3(d)(1); Municipal Home Rule Law §§ 2(5) and (12), 10(1)(i), (ii)(a), (ii)(e)(3), 23; Unconsolidated Laws, §§ 5711 and 5711-q(4) and to transfer the function of the Mount Kisco Police Department by contract to the County of Westchester acting through its Department of Public Safety.

Additions are reflected with Underlining,
Deletions are reflected within ~~Strikethrough~~

Chapter 27 Police

~~[HISTORY: Adopted by the Board of Trustees of the Village of Mount Kisco: Art. I, 4-19-1982 as L.L. No. 1-1982; Art. II, 1-6-1975 as L.L. No. 4-1975; Art. III, 1-22-1990 as L.L. No. 2-1990. Sections 27-2A and 27-4B amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1. Other amendments noted where applicable.]~~

Article I Auxiliary Police Force¹

~~[Adopted 4-19-1982 as L.L. No. 1-1982²]~~

~~§ 27-1 Establishment.~~

~~The Village Board of Trustees of the Village/Town of Mount Kisco hereby establishes the Mount Kisco civil defense auxiliary police, to be recruited, equipped, trained and administered in accordance with the provisions of the New York State Defense Emergency Act, Unconsolidated~~

¹ Editor's Note: In a resolution adopted 4-19-1982, the Board of Trustees of the Village/Town of Mount Kisco provided as follows: "The Board of Trustees of the Village/Town of Mount Kisco, pursuant to the provisions of the New York State Defense Emergency Act, confers and hereby does confer upon said Auxiliary Police, appointed and designated in the table of organization of the Westchester County civil defense program, who have taken the prescribed loyalty oath, the powers of peace officers while on a drill as defined in said act pursuant to call as provided in said act and other applicable laws, subject, however, to the following conditions: "1. Auxiliary Police shall be duly qualified and trained according to the standards agreed upon by the County of Westchester and the Mount Kisco Chief of Police and shall not be permitted to bear arms except upon the successful completion of a training course under their supervision; and "2. Auxiliary Police shall exercise such powers only during periods when actively performing duty, including drill as defined above, officially prescribed and ordered by, and shall at all times be under the control and jurisdiction of, the Mount Kisco Chief of Police or his deputies."

² Editor's Note: This local law also repealed former Art. I, Special Patrolmen, adopted 6-3-1968 as L.L. No. 1-1968

Laws of New York, Section 9101 et seq., as same may be amended from time to time, and in accordance with the rules, policies, regulations and guidelines as may be promulgated thereunder by appropriate state and county civil defense authorities.

~~§ 27-1.1 Role of Chief of Police.~~

~~The Chief of Police of the Village/Town of Mount Kisco shall serve as the civil defense deputy local director and shall be responsible for the formation, enrollment, supervision, deployment, performance and discipline of said auxiliary police.~~

~~§ 27-1.2 Use of firearms by members of force.~~

~~When authorized by the Chief of Police, in his discretion, an auxiliary police officer may be permitted to carry with him, while on duty as an auxiliary police officer, firearms, provided that such officer has previously obtained all necessary permits and approvals to possess and carry such firearms as are required by the laws of the State of New York and provided further that such auxiliary police officer has been trained in the use thereof to the satisfaction of the Chief of Police. In no event may an auxiliary police officer carry such firearms while acting as an auxiliary police officer unless and until he has satisfactorily completed all training programs then required for members of the auxiliary police by the County of Westchester or by such other authority as may be designated by the Chief of Police.~~

~~§ 27-1.3 Compensation.~~

~~The auxiliary police shall be a completely voluntary organization, and no member of the auxiliary police shall be compensated for his services.~~

~~§ 27-1.4 Uniforms and equipment to be provided.~~

~~Uniforms and equipment for the special police shall be furnished by the Village/Town of Mount Kisco, with the exception of firearms.~~

~~§ 27-1.5 Training required.~~

~~All persons appointed as members of the auxiliary police must satisfactorily complete the Westchester County police training course for auxiliary police or such other training course as the Chief of Police shall designate.~~

~~Article II Special Service Rendered to Business~~

~~§ 27-2 Fees.~~

~~A. The special services hereinafter referred to rendered to private industries and business concerns by the Police Department of the Village of Mount Kisco shall be subject to the payment of a fee for such services. The fees provided in Chapter A112, Fees, are fixed for the following services:~~

~~[Amended 7-19-1982 by L.L. No. 4-1982]~~

- ~~(1) Conveying payrolls from banks to any location within the Village of Mount Kisco.~~
- ~~(2) Escorting an armored truck to and from any location within the Village of Mount Kisco.~~
- ~~(3) Conveying money to and from any location within the Village of Mount Kisco.~~
- ~~(4) A special detail within the place of business of any private industry or business concern.~~

~~B. All other requests for a special service not specifically stated in this section shall be made, in writing, to the Chief of Police, who shall advise the applicant, in writing, of his decision on the rendering of such service and the fee to be charged.~~

~~§ 27-3 Liability insurance required.~~

~~Any person, firm or corporation requesting such special services as hereinbefore provided shall furnish to the Village of Mount Kisco certificates of insurance policies for liability coverage and any other such policies that the Village Manager may require in order to hold the Village of Mount Kisco or any of its agents, employees or officers harmless for any act or omission in connection with the rendering of the aforesaid services.~~

~~§ 27-4 Records to be kept; disposition of fees.~~

~~A. The Chief of Police shall cause to be kept an accurate record of the time devoted to such special services by the police officers.~~

~~B. The Chief of Police shall cause to be kept an accurate record of all revenue accrued by the supplying of special services. [Amended 7-19-1982 by L.L. No. 4-1982]~~

~~C. All such fees collected shall be payable to the Village Treasurer.~~

Article III Mutual Aid

~~§ 27-5 Authorization.~~

~~The Chief of Police is hereby authorized to request and/or grant police assistance pursuant to the Westchester County Police Mutual Aid and Assistance Plan.~~

Chapter 27 Police.

§ 27-1 Legislative Intent. It is the intent of this local law to replace policing functions by contract with the County of Westchester or other eligible policing entities, thereby realizing consolidation of services, access to a wider array of resources, attaining greater efficiency and securing cost savings to the taxpayers of the Village of Mount Kisco.

§ 27-2 Authority to Abolish the Mount Kisco Police Department.

Pursuant to the authorizations and conditions set forth in Village Law 8-800, NY Const, Art IX, §§ 2, 2(c)(i) and (ii)(1), 3(d)(1); Municipal Home Rule Law §§ 2(5) and (12), 10(1)(i), (ii)(a), (ii)(e)(3), 23; Unconsolidated Laws, §§ 5711 and 5711-q (4), the Board of Trustees abolishes the Mount Kisco Police Department.

§ 27-3 Transfer of Police Function. All police function shall be transferred by a contract for policing service to the County of Westchester acting through its Department of Public Safety, or any such entity with whom the Village subsequently validly contracts.

§ 27-4 Code References.

- A. Any references in this Code of the Village/Town of Mount Kisco to the terms police, police officer, Police Department or Mount Kisco Police Department shall be interpreted to mean the corresponding term in the particular entity with whom the Village contracts for police services.
- B. Any references in this Code of the Village/Town of Mount Kisco to the terms Police Chief, Chief of Police of the Village/Town of Mount Kisco, Chief of Police, Chief, Police Commissioner or Deputy Chief of Police shall be interpreted to mean the corresponding term in the particular entity with whom the Village contracts for police services.

§ 27-5 Enforcement. The functions conveyed above shall be deemed to extend to all duties of enforcement as set forth in this Code of the Village/Town of Mount Kisco, as well as other enforcement authorized by any applicable County, State or federal law or regulation.

§27-6 Separability. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause,

sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2: This local law shall take effect upon filing with the Secretary of State. Pursuant to Village Law § 8-800, Unconsolidated Law § 5711-q and Municipal Home Rule Law, this local law is subject to a mandatory referendum and thus may not be filed with the Secretary of State until a referendum has been conducted approving this local law, after due publication and posting as required by the Village Law.