

TOWN OF MOUNT PLEASANT

MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD TOWN OF MOUNT PLEASANT WESTCHESTER COUNTY, N.Y. HELD SEPTEMBER 9, 2025

PRESENT

SUPERVISOR
COUNCILPERSONS

- CARL FULGENZI
- LAURIE SMALLEY
- THOMAS SIALIANO
- DANIELLE ZAINO
- MARK SARACINO
- EMILY COSTANZA
- DARIUS CHAFIZADEH

TOWN CLERK
TOWN ATTORNEY

Police Captain Michael Pierce and Town Engineer David Smyth were also present.
Resolution 347-25 was moved to the top of the meeting.

The Supervisor opened the meeting at 7:00 PM with a Salute to the Flag.

I. Public Hearings

Continued Public Hearing to Consider Proposed Local RESOLUTION 319-25
Law Prohibiting Battery Energy Storage Systems
within the Town of Mount Pleasant

The Town Supervisor opened the continued public hearing. To ensure proper notice in the newspaper, the Town Attorney advised the board to either pass the law as originally proposed and then amend it with the new language after a new public hearing, or to not vote on the law at this meeting. Councilman Saracino stated that he wanted to vote tonight so the law was on the books before the moratorium expires on September 11, 2025.

Anthony Pesce of Valhalla asked if there is a current application submitted for one of these facilities in Town. He was advised that there is not.

Speakers For:

- Domenick Vita, Hawthorne
 - Joanne Scutero, Hawthorne
 - Kim Luciano, Hawthorne
 - Rebecca Bello, Hawthorne
 - Fran Carlucci, Hawthorne
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Speakers Against:

- John Ravitz, EVP of Business Council of Westchester

Upon motion of Councilwoman Smalley, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That the Public Hearing is closed.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Continued Public Hearing to Increase 2025 and 2026 RESOLUTION 320-25
Water Rates for all Town Water Districts

The Supervisor opened the continued public hearing.

Patricia Halpin of Hawthorne asked whether the data centers we have in town would be in the higher rate tier. It was answered that tiers are determined by water usage, so they likely would be in the highest tier.

Upon motion of Councilman Sialiano, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That the Public Hearing is closed.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Continued Public Hearing for Proposed Local Law RESOLUTION 321-25
Amending Building Lot Coverage within the Valhalla
Hamlet Zoning District

The Supervisor opened the continued public hearing. The Town Attorney gave an overview of the changes and the Board's intent behind them.

Alexandra Glickman of Valhalla asked the Board to clarify the difference between "property owner" and "applicant." Councilman Sialiano explained that the property owner [referring to 75 N Kensico] has not yet submitted an application, so there is no applicant. Mr. Chafizadeh interjected and explained that this law would decrease the allowable size of a building on the affected properties. The Board also clarified that the 34-unit conceptual drawing was only a conceptual drawing and not an official application.

Russell Jonas of Valhalla said last meeting, we learned the proposed 75 N Kensico building would have been a maximum of 40 feet in height, which clarified the concept of what would be allowable there, though he understands there is

nothing happening with the property right now. He asked to clarify 55% FAR (Floor Area Ratio) versus allowable building area of 70%. Discussion ensued, during which Mr. Chafizadeh responded with the correct numbers from the proposed law.

Jim Russell of Hawthorne asked the board to extend the hearing. He said Mr. Amicucci [potential developer of 75 N Kensico] estimated in his application to rezone the property that the maximum building coverage of the 34-unit building he designed would be 40.7%, so a reduction from the current 70% FAR to 50% doesn't have much benefit. He suggested a 20 or 30% FAR. Mr. Chafizadeh said that the combination of planning tools, including the maximum percentage of impervious surfaces (including parking lots, sidewalks, etc.), along with the maximum lot coverage and FAR would work together to reduce the size of the project.

Donna Babak of Valhalla asked if the law could include language that made the transitional zone residential only. She said residential only would be five units or less. She said she watched the Planning Board meeting from September 4th and was concerned by their comments that the "Town Board is going to do what the Town Board is going to do" and that they "don't want to sway the Town Board," but that the Town Board has said that the Planning Board is the body that will decide what is ultimately built on a property. Supervisor Fulgenzi and Mr. Chafizadeh clarified the difference in responsibilities, and Mr. Chafizadeh said the Town Board develops the legislation that informs the Planning Board, but the Planning Board ultimately decides how to apply it.

Anthony Pesce of Valhalla asked why the Board doesn't allow multifamily properties in single-family zones if we need more housing. Supervisor Fulgenzi said he doesn't believe that belongs in those areas.

Denise Mira of Valhalla asked the difference between a multifamily home and an apartment building. Mr. Chafizadeh said there are a few different definitions that are used for different uses.

Shayne Cairns of Valhalla asked what spawned all of this because they keep saying there is no application, but this was in response to something that was going to happen. Mr. Chafizadeh explained how the Master Plan started five years ago, was passed in 2022 after numerous public hearings and public work sessions with feedback from hundreds of residents and created the Hamlet Zones. There was a recent proposal to change one piece of property adjacent to the Valhalla Hamlet zone [75 N Kensico] and after seeing the conceptual drawing and hearing the feedback, the Town Board realized it was very large for the area and is now proposing this law for parts of the Valhalla Hamlet Zone that directly border a residential zone.

Mr. Pesce and Ms. Glickman briefly returned to ask additional questions.

Upon motion of Councilman Sialiano, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That the Public Hearing will remain open.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

II. Supervisor's Report

Authorization to Adopt Local Law Prohibiting Battery Energy Storage Systems within the Town of Mount Pleasant RESOLUTION 322-25

LOCAL LAW NO. 6-2025

A LOCAL LAW AMENDING CHAPTER 218 OF THE TOWN CODE PROHIBITING BATTERY ENERGY STORAGE SYSTEMS IN THE TOWN, NEGATIVE DECLARATION AND RESPONSES TO THE COUNTY PLANNING BOARD

WHEREAS, this Battery Energy Storage Systems (hereinafter "BESS") Law is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments § 10 (1) and (7), Town Law §§ 261-263, and Municipal Home Rule Law of the State of New York § 10, which authorize the Town of Mount Pleasant to adopt zoning provisions that advance and protect the health, safety and welfare of the community; and

WHEREAS, the Town has previously enacted a six (6) month moratorium on the review of projects involving BESS within the Town and thereafter extended such moratorium for another six (6) months, expiring on or about September 11, 2025; and

WHEREAS, the Governor of New York has convened an Inter-Agency Fire Safety Working Group to study potential safety requirements; and

WHEREAS, the Town Board has reviewed coverage of recent BESS fires in Jefferson, Orange, and Suffolk Counties, as well as numerous other incidents throughout the country; and

WHEREAS, following a 2023 fire in Warwick, New York, its Town Supervisor advised other municipalities to "reevaluate zoning and permitting requirements to prevent these facilities from being sited near schools, parks, and other places where large numbers of people congregate;" and

WHEREAS, research indicates that the common approach to fighting fires at BESS locations is to let the fire burn out, rather than actively fight the fire, which would require the local volunteer fire departments to maintain and control the area around the fire for an extended period of time, in some cases, maintaining the area for more than a week, as occurred in Warwick, New York; and

WHEREAS, the Town Board has concerns that a fire at a BESS facility could release harmful toxins into the air, affecting air quality at neighboring properties; and

WHEREAS, the Town Board has studied the regulations of numerous municipalities and their regulation of BESS, including, but not limited to, the Town of Yorktown, the Town of Carmel, the Town of Duanesburg, the Town of Montgomery, the Town of Ossining, as well as the Town of Southampton; and

WHEREAS, the Town Board seeks to mitigate the impacts of BESS facilities on the Town's natural resources, including floodplains, wetlands, and the Saw Mill River watershed; and

WHEREAS, the Town received a letter from the County of Westchester Planning Board dated July 21, 2025 commenting on the proposed local law pursuant to General Municipal Law §§ 239L, M, and N and Westchester County Administrative Code § 277.61; and

WHEREAS, in passing this local law, the Town Board considered all the comments made by the County of Westchester Planning Board and makes the following responses to the comments by the Town:

1. BESS Facilities Reduce Carbon Emissions and the Use of Fossil Fuels

The County recommends disapproval of the local law because BESS technologies are important to the State and County's efforts to reduce carbon emissions and the use of fossil fuels for energy creation.

Response:

While the Town is aware of the potential benefits of BESS facilities, the health and safety risks which can include thermal runaway, the emission of toxic gas and fires which cannot be actively fought, greatly outweigh the benefits.

2. The Local Law Does Not Allow for Small-Scale BESS Facilities

The County also noted that the proposed Local Law does not allow for small-scale BESS systems suitable for individual households or commercial buildings, so private residents and businesses will be prohibited from utilizing the full advantage of any sustainable energy infrastructure they have installed on their property. The County further noted that the Town's prohibition establishes a stigma to BESS that is not imposed upon established hazardous energy conveyances

such as, automobile gasoline stations and natural gas systems.

Response: The Town Building Department is unaware of any small-scale BESS systems being used within the Town. Further, the Town Board hereby determines that the health and safety benefits outweighed such uses. While the Town Board does not prohibit other energy systems such as gasoline stations and natural gas systems, the ability of fire departments to fight such fires is well established. Conversely, the method of fighting fires at BESS facilities is to simply let them burn out. Furthermore, the Town's interest in the general safety and welfare of its citizens is much more important than any potential stigma caused by such a ban.

3. EPA Data Indicates a Decrease in BESS Failures, the Establishment of the State Fire Code and Westchester County's Recently Adopted BESS Notification Legislation

The County points to EPA Data providing a decrease in failure incidents at BESS facilities, as more systems are constructed. The County further points out that the State has recently approved an update to its Fire Code which provides for enhanced safety standards for BESS facilities. Finally, the County cites the County Board of Legislator's recent adoption of BESS notification legislation, which was established to coordinate emergency services and increase safety standards.

Response: The Town Board is aware that the State has approved a new Fire Code, but it has yet to be published for a complete review by the Town Board. Further, while the County has adopted its BESS notification legislation, the County's website acknowledges that BESS facilities "can present serious hazards like thermal runaway, toxic gas emissions, and fires." See <https://emergency.services.westchestergov.com/bess-safety-notification-program>.

While the County points to data provided by EPA as to the frequency of fires at BESS facilities, such comment ignores the serious effects of a failure. Such serious effects were cited in EPA Administrator Zeldin's recent comments, providing that local authorities have raised serious concerns about the potential for toxic emissions caused by lithium battery fires which can burn for weeks and release hydrogen fluoride and other dangerous chemicals. These health and safety issues are too great for the Town Board to ignore. Finally, the Town is not foreclosed from later amending its code to allow for BESS facilities, when they are proven to be more reliable; and

WHEREAS, the Town Board also referred this Local Law to the Town Planning Board for comment on the proposed Local Law; and

WHEREAS, the Town Planning Board had no comments on the proposed Local Law; and

WHEREAS, the Town Board declares the adoption of this Local Law a Type 1 Action under the New York State Environmental Quality Review Act, 6 NYCRR Part 617 and Article 8 of the New York Environmental Conservation Law (SEQRA); and

WHEREAS, the Town Board had a Full Environmental Assessment Form (FEAF) "Part 1" related to the adoption of the Local Law prepared under SEQRA to consider potential environmental impacts of the Proposed Local Law. The Town Board then prepared a "Part 2" of the FEAF and compared the banning of BESS's in the Town to the criteria in 6 NYCRR Part 617 (7)(c)(i-xii) for potential adverse environmental impacts. The Town Board also assessed the likely consequences of the Local Law in connection with 6 NYCRR 617.7(3)(i-vii); and

WHEREAS, in analyzing the environmental impacts, the Town Board finds that the adoption of the Local Law will not have any significant adverse environmental impacts. The Town Board notes that these facilities can be built in neighboring municipalities that do not include the Westchester Medical Center (located within the Town) which would place a large strain on the entire County should a proposed BESS facility catch fire within the Town. These facilities outside the Town can meet any needs of storing energy. Further, the Town already has two (2) BESS facilities in the Town that are storing excess energy for the grid that has been mentioned by speakers at the public hearings and therefore assisting the need for storage facilities in the State; and

WHEREAS, the Town Board authorizes the Town Supervisor to execute Part 3 of the FEAF, issuing a negative declaration under SEQRA for the adoption of the Local Law;

WHEREAS, this Local Law is a land use regulation intended to address matters of local concern, and it is declared that it is not the intention of the Town to address matters of statewide concern; and

WHEREAS, the Town Board seeks to adopt zoning which precludes all BESS facilities within the Town.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Mount Pleasant hereby adopts Town Code Chapter §218.20.7 Battery Energy Storage Systems as follows with ~~strike through~~ language being removed and underlined language being added:

CHAPTER 218. Zoning

Article II Supplemental Regulations

§ 218-20.7 Battery Energy Storage Systems.

A. Purpose.

This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare and quality of life in the Town of Mount Pleasant by prohibiting battery energy storage systems from being sited in the Town of Mount Pleasant due to their significant safety and environmental risks and to protect the Town's residents, businesses and natural resources -including, but not limited to, flood plains, wetlands and the Saw Mill River watershed.

This law also seeks to ensure that existing Battery Energy Storage System facilities are properly maintained and “decommissioned” after their useful life.

B. Definitions.

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

ANSI: American National Standards Institute.

BATTERY(IES): A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE SYSTEM: One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

CELL: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

DECOMMISSIONING: A systematic process that provides for the removal/proper disposal and reclamation of a Battery Energy Storage System, and its site, at the end of its useful life and/or as the result of damage by fire or other event.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A United States Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry Occupational Safety and Health Administration (“OSHA”) electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

C. Regulation of Battery Energy Storage Systems

1. Battery Energy Storage Systems shall be prohibited from being sited in the Town of Mount Pleasant.
2. Existing Battery Energy Storage Systems shall be considered permitted, nonconforming uses. Such existing Battery Energy Storage System shall not be expanded, modified or retrofitted in any manner, including but not limited to, in a manner that increases their energy capacity.

D. Emergency Regulations/Site Access - Existing Systems/Non-Conforming Use.

All previously existing Battery Energy Storage Systems shall be maintained in good working order and in accordance with industry standards listed by a Nationally Recognized Testing Laboratory (NRTL) to UL 9540 standards. Site access for maintenance and in the event of an emergency, shall be maintained at all times, including snow removal at a location acceptable to the Building Inspector. The provisions of Town Code Chapter 218, Article V, Nonconforming Uses, Lots and Structures shall apply and any owner/operator of an existing Battery Energy Storage System shall comply with the following safety and compliance requirements which must be submitted to the Town Building Department within six (6) months of the passage of this law:

1. Fire Safety Compliance Plan: All existing, non-conforming, Battery Energy Storage Systems shall have a Fire Safety Compliance Plan that documents and verifies that the system, its associated controls and safety systems are in compliance with the Uniform Code. The Fire Safety Compliance Plan must be prepared to the satisfaction of

the Town Building Inspector.

2. Emergency Operations Plan: All existing non-conforming, Battery Energy Storage Systems shall have an "Emergency Operations Plan" prepared to the satisfaction of

the Town Building Inspector. Copies of the Emergency Operations Plan shall be maintained by the system owner, the local fire department, and Building Inspector. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire officials, and emergency responders. The "Emergency Operations Plan" shall include the following information:

- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions;
- b. Emergency contact information for the owner and operators, with twenty-four-hour contact information, which must be kept current;
- c. Procedures for inspection and testing of associated alarms, interlocks, and controls;
- d. Procedures to be followed in response to notifications from the Battery Energy Storage System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing notification to Fire Department personnel for potentially hazardous conditions in the event of a system failure;
- e. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the Fire Department, evacuating personnel, de-energizing or isolation of equipment, and controlling or extinguishing the fire;
- f. Response considerations similar to a safety data sheet ("SDS") that will address response safety concerns and extinguishment when an SDS is not required;
- g. Procedures for dealing with Battery Energy Storage System equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged Battery Energy Storage System equipment from the facility;
- h. Other procedures as determined necessary by the Building Department to provide for the safety of occupants, neighboring properties, and emergency responders; and
- i. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents

of the plan and appropriate response procedures.

E. Decommissioning.

1. All existing, nonconforming Battery Energy Storage Systems, within six (6) months of the passage of this law, are required to provide the Building Department with a decommissioning plan. The decommissioning plan shall include the following:
 - a. A narrative description of the activities to be accomplished, including who will perform each activity and at what point in time, for complete physical removal of all Battery Energy Storage System components, structures, equipment, security barriers, transmission lines, access roads and other related improvements from the site;
 - b. A detailed narrative and plan for the disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - c. The anticipated life of the Battery Energy Storage System;
 - d. The estimated decommissioning costs, prepared by a licensed professional engineer, and how said estimate was determined;
 - e. The method of ensuring that funds will be available for decommissioning and restoration;
 - f. The method by which the decommissioning cost will be kept current;
 - g. A narrative description of the manner in which the site will be restored, including how any changes to the surrounding areas and other systems adjacent to the Battery Energy Storage System, including, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
 - h. A listing of any contingencies for removing an intact operational Battery Energy Storage System from service, and for removing a Battery Energy Storage System from service that has been damaged by a fire or other event.

2. The owner and/or operator of the Battery Energy Storage System shall implement the decommissioning plan upon abandonment and/or in conjunction with removal from the facility.

F. Enforcement

1. Enforcement Officer. The provisions of this chapter shall be enforced by the Town Building Inspector.

2. A violation of this chapter is hereby declared to be an offense, punishable by a fine not exceeding \$1,000 or imprisonment for a period not to exceed six months, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not exceeding \$1,500 or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not exceeding \$2,000 or imprisonment for a period not to exceed six months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each day's continued violation shall constitute a separate and distinct violation.

BE IT FURTHER RESOLVED, if any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be modified by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file said Local Law in the Office of the Secretary of State; and

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.

Motion By: Councilwoman Zaino

Seconded By: Councilman Sialiano

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Call for Public Hearing to Consider Amendment to RESOLUTION 350-25
Town Code Section 218.20.7 for September 25, 2025,
at 7:00 PM (added during meeting)

Upon motion of Councilman Sialiano, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That the Town Clerk is authorized to advertise Notice of Public Hearing to consider a local law to amend Town Code Section 218-20.7 for September 25, 2025 at 7:00 PM at 1 Town Hall Plaza, Valhalla, NY 10595.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Increase 2025 and 2026 Water Rates RESOLUTION 323-25
for all Town Water Districts

LOCAL LAW NO. 7-2025

**LOCAL LAW AMENDING TOWN CODE
§ 211-8, RATES FOR WATER CONSUMPTION**

WHEREAS, pursuant to Article 12 of the New York State Town Law, the Town has established various water districts; and

WHEREAS, Town Law § 198 (3) (d) authorizes the Town Board to establish, from time to time, the water rates to be paid by consumers; and

WHEREAS, Town Code § 211-8 provides the water rates charged for various water districts, with three (3) separate tiered rates being charged, depending on whether customers use 0 to 20,000 gallons of water (Tier 1), 20,001 to 40,000 gallons of water (Tier 2), and 40,001 or more gallons of water (Tier 3); and

WHEREAS, the Town increased the water rates published in Town Code § 211-8 on June 28, 2016; and

WHEREAS, the Town later increased its water rates for 2018 and 2019, on or about February 27, 2018 and February 26, 2019, respectively, but such rates were not updated in Town Code § 211-8; and

WHEREAS, in updating the water rates in 2018, properties in the Hawthorne, Thornwood and Valhalla Water Districts were moved to the Kensico Water District and charged the applicable rate for such district; and

WHEREAS, in or around 2018 the Town also removed the Old Faun Road Water District; and

WHEREAS, the Town has seen increases in the costs necessary to supply water, including, but not limited to inflation, COVID related material adjustments, as well as, increased labor costs; and

WHEREAS, the Town Board wishes to properly charge for the costs associated with supplying water, without impacting services, while continuing to make necessary infrastructure improvements, while maintaining healthy fund balances;

and

WHEREAS, the current proposal would provide for an increase in water rates to go into effect for the last two (2) quarterly billing cycles of 2025 and then provide for a straight 3% increase for 2026.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Mount Pleasant hereby amends Town Code Chapter § 211-8 Rates for Water Consumption to establish the rates detailed in the attached Schedule "A" which will take effect for the 3rd and 4th quarters of 2025, as well as for 2026.

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file said Local Law in the Office of the Secretary of State; and

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.

Motion By: Councilman Saracino

Seconded By: Councilwoman Smalley

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Adopt Local Law Amending Building RESOLUTION 324-25
Lot Coverage within the Valhalla Hamlet Zoning
District

Upon motion of Councilwoman Smalley, seconded by Councilwoman Zaino and unanimously carried, it was,

Tabled.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Call for a Public Hearing to Amend Town Code RESOLUTION 325-25
Chapter 14 and Chapter A224, Amending Building,
Planning and Zoning, as well as Highway Department
Fees

Upon motion of Councilman Saracino, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That the Town Clerk is authorized to advertise Notice of Public Hearing to consider amending Town Code Chapter 14 and Chapter A225, to amend Building, Planning and Zoning, as well as Highway Department fees, on Thursday, September 25, 2025 at 7:00 PM at Town Hall, 1 Town Hall Plaza, Valhalla, NY 10595.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Call for Public Hearing to Amend Town Ordinance 206-42 Schedule VIII: Trucks Over Certain Weight Excluded to Include Beech Hill Road	RESOLUTION 326-25
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Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That the Town Clerk is authorized to advertise Notice of Public Hearing to consider amending Town Ordinance 206-42 Schedule VIII: *Trucks Over Certain Weight Excluded*, to include Beech Hill Road, on Thursday, September 25, 2025 at 7:00 PM at Town Hall, 1 Town Hall Plaza, Valhalla, NY 10595.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 135-25-07: Renewal Contract for Assessment System Software	RESOLUTION 327-25
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Upon motion of Councilman Saracino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 135-25-07 is granted to Catalis, 3025 Windward Plaza, Suite 200, Alpharetta, GA 30005 for assessment system software technical management and support at a total cost of \$19,158.28.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to accept the Stormwater Maintenance & Access Agreement between the Town of Mt. Pleasant and Shelbourne Healthcare Development Group	RESOLUTION 328-25
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Upon motion of Councilwoman Smalley, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That authorization is granted to accept the proposed Stormwater Maintenance and Access Agreement, dated April 15, 2025, between the Town of Mount Pleasant and Shelbourne Healthcare Development Group.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Renew School Resource Officer	RESOLUTION 329-25
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(SRO) Agreements with Mount Pleasant Central School District, Pocantico Hills Central School District and Valhalla Union Free School District for the 2025-2026 School Year

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization is granted to renew the School Resource Officer (SRO) Agreements with Mount Pleasant Central School District, Pocantico Hills Central School District, and Valhalla Union Free School District for the 2025-2026 school year.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Grant an Extension of up to Five (5) Business Days for the Payment of Taxes by Senior Citizens who Receive an Enhanced STAR Exemption Under Real Property Tax Law S. 925-b RESOLUTION 330-25

Upon motion of Councilwoman Smalley, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That the Receiver of Taxes is authorized to grant an extension of up to five (5) business days for the payment of taxes by senior citizens who receive Enhanced STAR Exemption under Real Property Tax Law § 925-b.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Approve Street Closing Permits (i.) Warren Avenue from Frankford Street to Lexington Avenue, (ii.) Linda Avenue from Frankford Street to 320 Linda Avenue, and (iii.) Jefferson Avenue from Sherwood Street to Prospect Avenue RESOLUTION 331-25

Upon motion of Councilwoman Smalley, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That Street Closing permits are granted to the following applicants:

Maria Leone - Warren Avenue, Hawthorne

Closing: Warren Avenue from Frankford Street to Lexington Avenue for a block party on Saturday, September 13, 2025 from 10:00 AM to midnight (rain date: Sunday, September 14, 2025 for the same time).

Kathy Conroy - Linda Avenue, Hawthorne

Closing: Linda Avenue from Frankford Street to 320 Linda Avenue for a block party on Saturday, September 20, 2025 from 4:00 PM to 10:00 PM (no rain date).

Timothy Mohl - Jefferson Avenue, Valhalla

Closing: Jefferson Avenue from Sherwood Street to Prospect Avenue for a block party on Saturday, September 27, 2025 from 2:00 PM to 10:00 PM (no rain date).

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Approve Temporary License Agreement and Hold Harmless Agreement for NYSDOT to Use Cleveland Street Lot for Staging Area	RESOLUTION 349-25
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Upon motion of Councilman Sialiano, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That a Temporary License and Hold Harmless Agreement for the New York Department of Transportation to use the southernmost area of the 2 Cleveland Street parking lot owned by the Town of Mount Pleasant to stage contractor's equipment for a nearby project is approved.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Investment Report	RESOLUTION
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THE SUPERVISOR REPORTED THAT THE CURRENT RATE OF INTEREST IS 3.75%.

Receiver of Taxes Report	RESOLUTION
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RECEIVER OF TAXES REPORT

III. Business from the Floor

The Supervisor opened Business from the Floor. Tom Milliott from the Mount Pleasant Chamber of Commerce thanked the Town Board for their support for Mt. Pleasant Day. He said the Chamber's main concern is the new sidewalks and curbs on Elwood Avenue making parking difficult, especially with delivery trucks double-parked. He asked the Board to please reconsider changing the triangle to a circle. Supervisor Fulgenzi said the new design would be an extended triangle, enhancing visibility. Councilman Sialiano asked whether the new curbing has eliminated spaces for booths. Mr. Milliott said they extended further north.

IV. Town Clerk

Town Clerk's Report

RESOLUTION

[TOWN CLERK'S REPORT](#)

V. Council Reports

Councilman Sialiano

Comptroller's Memo

RESOLUTION 332-25

Upon motion of Councilman Sialiano, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That authorization is granted to the Comptroller for payment of the following claims:

[SEE ATTACHED MEMO](#)

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization for Budgetary Transfers

RESOLUTION 333-25

Upon motion of Councilman Sialiano, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That the Comptroller is authorized to complete various departmental budget transfers.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization for Final Lump Sum Payment for Police Department Employee

RESOLUTION 334-25

Upon motion of Councilman Sialiano, seconded by Councilwoman Smalley and unanimously carried, it was,

RESOLVED: That authorization is granted for the final lump sum payout to Police Department employee, Jason Patane, as follows:

<u>Pay Type</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Amount</u>
Vacation	224.00	73.5519	\$16,475.63
Holiday	56.00	73.5519	\$4,118.91
Unused Sick	120.00	73.5519	\$8,826.23
Unused Sick	160.00	73.5519	\$11,768.30

Unused Sick	237.50	73.5519	\$17,468.58
Comp Time	14.00	73.5519	\$1,029.73
		TOTAL:	\$59,687.38

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Councilwoman Zaino

Purchase Order 70-25-49: Valhalla Gazebo Repair RESOLUTION 335-25

Upon motion of Councilwoman Zaino, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 70-25-49 is granted to A.G. Williams Company Inc., 411 Fifth Avenue, Pelham, NY 10803 for repair of the Valhalla gazebo at a total cost of \$3,900.00.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Obtain Proposals for the Operation of RESOLUTION 336-25
Vending Machines at Town of Mount Pleasant
Facilities

Upon motion of Councilwoman Zaino, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That the Town Clerk is authorized to advertise a Request for Proposals for the installation and operation of vending machines at Town of Mount Pleasant facilities. Proposals will be accepted by the Recreation Department beginning on Wednesday, September 10, 2025 until Friday, October 3, 2025 at 11:00 AM.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Councilman Saracino

Purchase Order 50-25-10: HD 60G Excavator Door RESOLUTION 337-25
Replacement Repair

Upon motion of Councilman Saracino, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 50-25-10 is granted to sole source provider Powerplan (Jesco/John Deere), 21310 Network Place,

Chicago, IL 60673 for an HD 60G excavator door replacement repair at a total cost of \$3,010.90.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Deposit Bond for Curb Cut Permit No. 1516 RESOLUTION 338-25

Upon motion of Councilman Saracino, seconded by Councilman Sialiano and unanimously carried, it was,

WHEREAS, Curb Cut Permit No. 1516 has been issued to Toll Brothers, 42 Old Ridgebury Road, Danbury, CT 06810 for work being performed at Lozza Drive, Valhalla; and

WHEREAS, a check covering the bond amount of \$2,700.00 for said Curb Cut Permit has been forwarded to the Office of the Comptroller; be it

RESOLVED that the Comptroller is authorized to deposit said check in the Escrow Account, where it shall remain until the work being performed under the bond has been completed and the road restored to the satisfaction of the Highway Superintendent.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Deposit Bond for Curb Cut Permit No. 1517 RESOLUTION 339-25

Upon motion of Councilman Saracino, seconded by Councilwoman Zaino and unanimously carried, it was,

WHEREAS, Curb Cut Permit No. 1517 has been issued to homeowner Frank Gregory for work being performed at 186 Evelyn Ave., Thornwood; and

WHEREAS, a check covering the bond amount of \$360.00 for said Curb Cut Permit has been forwarded to the Office of the Comptroller; be it

RESOLVED that the Comptroller is authorized to deposit said check in the Escrow Account, where it shall remain until the work being performed under the bond has been completed and the road restored to the satisfaction of the Highway Superintendent.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Deposit Bond for Curb Cut Permit No. RESOLUTION 340-25

1518

Upon motion of Councilman Saracino, seconded by Councilman Sialiano and unanimously carried, it was,

WHEREAS, Curb Cut Permit No. 1518 has been issued to G O'Reilly Contracting Inc., 17 St. Charles Street, Thornwood, for work being performed at 63 Ridgewood Drive, Pleasantville; and

WHEREAS, a check covering the bond amount of \$540.00 for said Curb Cut Permit has been forwarded to the Office of the Comptroller; be it

RESOLVED that the Comptroller is authorized to deposit said check in the Escrow Account, where it shall remain until the work being performed under the bond has been completed and the road restored to the satisfaction of the Highway Superintendent.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Deposit Bond for Street Opening
Permit No. 6452

RESOLUTION 341-25

Upon motion of Councilman Saracino, seconded by Councilwoman Smalley and unanimously carried, it was,

WHEREAS, Street Opening Permit No. 6452 has been issued to Anthony D'Agostino, 143 Arnold Place, Thornwood, for work being performed at 2 Nannyhagen Road, Thornwood; and

WHEREAS, a check covering the bond amount of \$1,000.00 for said Curb Cut Permit has been forwarded to the Office of the Comptroller; be it

RESOLVED that the Comptroller is authorized to deposit said check in the Escrow Account, where it shall remain until the work being performed under the bond has been completed and the road restored to the satisfaction of the Highway Superintendent.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Councilwoman Smalley

Purchase Order 30-25-21: Engine Replacement

RESOLUTION 342-25

Upon motion of Councilwoman Smalley, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-25-21 is granted to Jasper Engines & Transmissions, 815 Wernsing Road, Jasper, IN 47546 for a PD 70 engine replacement with installation kit at a total cost of \$3,336.00.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Purchase Order 30-25-22: Server Upgrade

Upon motion of Councilwoman Smalley, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 30-25-22 is granted to Central Square Technologies, 1000 Business Center Drive, Lake Mary, FL 32756 for computer server upgrade to facilitate data archiving at a cost of \$8,970.00.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Renew Intermunicipal Agreement for Police Mutual Aid RESOLUTION 344-25

Upon motion of Councilwoman Smalley, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That authorization is granted to renew the intermunicipal agreement known as the Mutual Aid and Rapid Response Plan, which allows municipalities in Westchester County to call for additional police resources as needed, for a period of five (5) years.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Renew Electronic Ticket Software Contract (TRACS) RESOLUTION 345-25

Upon motion of Councilwoman Smalley, seconded by Councilwoman Zaino and unanimously carried, it was,

RESOLVED: That authorization is granted to renew the Traffic and Criminal Software (TraCS) contract used for electronic ticketing and accident reporting, administered by New York State Police at no cost to the town.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Hire Traffic Safety Seasonal

Maintenance Laborer Effective September 11, 2025

Upon motion of Councilwoman Smalley, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That authorization is granted to hire Luca Sica of Hawthorne as a Seasonal Maintenance Laborer in the Traffic and Safety Division at a rate of \$20.00 per hour, effective September 11, 2025.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Extend an Offer of Employment to Police Officer Candidate Effective September 10, 2025, Salary per Collective Bargaining Agreement with the PBA	RESOLUTION 347-25
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Captain Pierce invited Mr. Carter to stand and offered a brief introduction. Supervisor Fulgenzi then administered the Oath of Office.

Upon motion of Councilwoman Smalley, seconded by Councilman Sialiano and unanimously carried, it was,

RESOLVED: That the Police Department is authorized to offer Ryan Carter a conditional offer of employment for the title of Police Officer, effective September 10, 2025 at a salary specified by the collective bargaining agreement.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

VI. Town Attorney

VII. Schedule of Meetings

Work Session: Tuesday, September 16, 2025 at 7:00 PM RESOLUTION

Authorization to reschedule Business Session from Tuesday, September 23, 2025, to Thursday, September 25, 2025	RESOLUTION 348-25
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Upon motion of Councilwoman Zaino, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That the Business Session is rescheduled from Tuesday,

September 23, 2025 to Thursday, September 25, 2025 at the same time, due to Rosh Hashanah.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

VIII Adjourn

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Upon motion of Councilman Sialiano, seconded by Councilman Saracino and unanimously carried, it was,

RESOLVED: That the meeting is adjourned at 9:12 PM.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman Sialiano, Councilwoman Smalley, Councilman Saracino

Respectfully Submitted,

A handwritten signature in cursive script, reading "Emily Costanza".

EMILY COSTANZA
TOWN CLERK
TOWN OF MOUNT PLEASANT