

TOWN OF MOUNT PLEASANT

MINUTES OF THE SPECIAL MEETING OF THE TOWN BOARD TOWN OF MOUNT PLEASANT WESTCHESTER COUNTY, N.Y. HELD NOVEMBER 20, 2023

PRESENT	SUPERVISOR	- CARL FULGENZI
	COUNCILPERSONS	- LAURIE SMALLEY
		- THOMAS SIALIANO
		- DANIELLE ZAINO
		- JERRY SCHULMAN JR.
	TOWN CLERK	- EMILY COSTANZA
	TOWN ATTORNEY	- DARIUS CHAFIZADEH

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

I. Presentations

II. Bids and Awards

III. Public Hearings

NYS State Election Law Section 17-206 to Consider RESOLUTION
Procedures for Implementing New or Revised
Redistricting or Redistricting Plans

The Town Supervisor reviewed the rules of order and opened the public hearing.

Speakers:

- **Fran Berger, Valhalla:** I ask you to proceed with caution and not move forward with any resolution. Request you hire special counsel and get further analysis.
 - **Jonathan Alicea, Valhalla:** I voted for you and I'm Hispanic. Grew up in the Bronx in a proud Puerto Rican household and didn't learn politics growing up. My vote does count, I have a voice. I am embarrassed that people who are not Hispanic are trying to speak for Hispanics. I served two tours overseas in the military and any Hispanic should be offended - we are grown adults. As Hispanics and Latinos, if we feel our voice is not being heard, let's find a candidate and vote them in. When I retire, if I feel it's needed, I'll run for a seat because that's how we do things in America.
 - **Patrick Lilly, Valhalla:** Have lived here my entire life. This is a place of tremendous acceptance and I was shocked by this accusation. The
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achievements made by this Town Board. Ecuadorian owners on Commerce have better business because of the Town Board. Why are we pretending the successes of this Town Board don't equally affect Hispanics? Why is it that when Francesca Hagadus McHale never mentioned Hispanic issues when she ran or was on the board but is raising them now?

- **Ken Wray, Sleepy Hollow:** Former Mayor of Sleepy Hollow. Sleepy Hollow is a proud immigrant town of Sicilians, Italians, Portuguese... at a Christmas party, there were 7 other languages spoken. In support of redistricting or creating wards not because of what Mt. Pleasant can do for Sleepy Hollow but what they can do to Sleepy Hollow. General Motors plant in SH for decades after being off tax rolls for 30 years went back. Developer made deal with Mt. Pleasant to get back off tax rolls and was a huge hit. SH found out by accident when councilmember noticed public hearing was scheduled. If someone from SH had been on the board, that wouldn't have happened so the Village needs representation
- **Supervisor Fulgenzi:** Just to clarify, Ken, the IDA was handling that and the Town Board had nothing to do with that process. No tax dollars were being taken away. He (Ken) knows very well how that process went and the IDA would never do anything to hurt the Village of Sleepy Hollow. There was a member of the IDA from Sleepy Hollow and there always has been.
- **Mark Saracino, Valhalla:** This is the first case brought up in New York. Looking to set a state precedent - attorney last week brought up that there is already precedent federally and noticed that federal complaints were all related to geographically related groups. In all those cases, those groups had no other representation. The important distinction is that Sleepy Hollow already has their own representation. The unincorporated parts only have the town but the village has both. People in Sleepy Hollow are fortunate enough to have a voice in their own Village, which provides all daily services, in addition to a voice in Mt. Pleasant which does not provide any daily services to them, unlike the unincorporated parts of town. If a Sleepy Hollow resident has a \$5,000 municipal tax bill, only \$70 goes to Mount Pleasant. Mt. Pleasant's appointed Planning Board, Zoning Board, Police Department, Building Department have no jurisdiction over Sleepy Hollow because they have their own. For you to sue this Town and threaten litigation, it seems so far out of left field I'm trying to understand. Lawyers are telling you we want to own you and engineer your voting system so you have your ward because they don't think you're smart enough or ambitious enough to do it yourself. I believe in freedom and this isn't freedom. There are real issues for minorities but this isn't one of them. If you want to make a difference and be a pioneer, why doesn't Sleepy Hollow become a town?
- **Michael Pernack, Legal Defense Fund:** Redistricting counsel for Legal Defense Fund that litigates on behalf of black voters in the country. Here to provide background on the law and offer services. NYVRA has made at-large voting unlawful in the presence of racially polarized voting where minority voters are unable to elect candidates of their choice. I'm pleased to

see that you retained Dr. Handley and Jeff Weiss. The conclusion was clear that leads to the answer that the at-large structure would be prohibited. Courts will not do what the town wants and the town would owe millions in attorney fees for the other side. We provided a letter with other options to consider.

- **Anne Marie DePaulis, Valhalla:** Concerned with how the statistics in the reports were entered. Data was manually entered and is over three (3) years old. Other concern is if we don't like an outcome of an election, we're here talking about how to change the results. Are we preventing minority candidates from coming forward? As a town we're allowed to fight this, but it says in the letter it will be difficult and costly, which sounds like blackmail and extortion like *do as I say or I'm coming after you*.
- **Carlo Valente, Hawthorne:** My parents came here as immigrants for the American Dream so when you hear *woe is me*, it gets tiring. They told me when I leave the house, speak English and assimilate; work hard; don't complain. The law that New York passed hasn't been challenged - just because it's a law doesn't mean it's constitutional. Something that came across my desk today - read aloud: *The ruling came from the 8th circuit court. The court rules that only the federal government, not individuals or activist groups can sue under Voting Rights Act.* While not in New York, it's a parallel law and sets precedent. Challenge this - it's a threat.
- **Mat Brown, Valhalla:** Have talked about rank choice voting, wards. The problem with districting is whoever is drawing them has a lot of control of the outcome. Rank choice is simple for voters where you have candidates and rank them. Counting is more complicated but you get a breakdown of winners that looks like preferences of all people voting and nobody can say redistricting is unfair.
- **Ted Lai, Sleepy Hollow:** Many last week said it would be best to settle with the accusation because it's expensive to fight. Mt. Pleasant is full of residents who want their Town Board to fight when confronted with mysterious accusations and fight for what is right. Do we even understand the situation well enough to make a decision at this point? The Town needs to hire special counsel and conduct a more detailed analysis of the data. I always remember the book, *How to Lie with Numbers*. I looked at the census data available to anybody which was used by the experts and could not drill down to demographics in specific voting districts so how did the experts come up with their findings? Census data also does not take into consideration citizenship or right to vote. The data also does not account for 4,000 projected residents to live in Edge on Hudson in a few years. May be logical answers to these questions, but they have not been asked or answered. As a resident of Sleepy Hollow, I can tell you most Sleepy Hollow residents only view Mt. Pleasant as a taxing entity because it has no jurisdiction into how Sleepy Hollow operates - in my opinion that's why residents don't attempt to run because have their own mayor, trustees, appointed officials. Should Sleepy Hollow annex from Mt. Pleasant and

form their own town? Wards will result in tremendous partisanship who will only divide the town instead of unifying.

- **Jennifer Gil, Briarcliff:** Live in Briarcliff but kids in Sleepy Hollow schools. I'm very proud to raise my kids here. It was difficult to listen to a room of non-Sleepy Hollow people talking about Sleepy Hollow. We have a free and fair election system, the Board has done an amazing job. Francesca [Hagadus] has a lot to say about a lot of things and I've never heard her speak about the Hispanic community. I campaigned for the current Democrat mayor. We are a very progressive community and that's okay - this is my community, my neighbors, my friends and I want them to be represented. A Hispanic woman ran for Tarrytown board and got crushed, but I don't hear anyone talking about that because she's a Conservative. This Town Board ran an honest, fair campaign and their Democrat opposition ran on 'Save Pocantico Lake.' You can't buy a doghouse in that neighborhood for less than \$2M. How many Hispanics live there? I implore you to think about this carefully, hire unbiased experts and outside counsel to take this seriously. But we need to do due diligence and everyone in this community and in this room deserves that. They filed the lawsuit and then said don't fight it and use taxpayer money; that's kind of like lighting a fire and saying don't call the fire department, we don't want to bother them.
 - **Ida Michael, Sleepy Hollow:** I'm a petitioner in this case and a member of the school board. I implore the town to adhere to the recommendations in the report and address the non-compliance with the NYVRA. The report indicates the barriers to achieving representation in the Town government. I strongly advocate for this board to facilitate this vital change.
 - **Francesca Hagadus-McHale, Pleasantville:** I've been quoted incorrectly. I went to Sleepy Hollow High School and grew up in Mexico City. When I was on the Town Board, Sleepy Hollow High School won the Metro Awards for Hello Dolly and I brought the cast and their parents to the board meeting to honor them here in Mount Pleasant. It was a fun night and the Supervisor gave them a lovely proclamation. I care very much about the community because I am a former Horsewoman.
 - **Milagros Lecuona, White Plains:** Two decades ago, I collaborated with Marilyn Walters of the Sleepy Hollow Arts Council - she knew to integrate Hispanic community. I'm here as member of Hispanic Democrats of Westchester. The artistic contributions of the Hispanic community were very well received. I'm seeing residents unhappy that Hispanics want to be a part of the Town's political family. It's going against the present current of Republicans and Democrats in Westchester searching for Hispanic candidates to embrace and endorse. It's in the best interest of all of you in Mt. Pleasant to have the right representation on the Town Board. Two decades ago, my daughter was going through the deportation process because she turned 21 and was removed from my green card application. She asked how could her country do this to her. Today, she is an arts teacher at one of the best private schools in the country.
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- **Bill McGuinn, Valhalla:** The majority of speakers have told you do not capitulate. Hire outside counsel. Do your homework. I've learned a lot about voter dilution and I'd like that non-resident attorney [Mr. Pernack] to represent me. I'm a Republican in New York; my vote has been a throwaway vote since George Pataki. I'm a victim of voter dilution and I wish that attorney would take my case.
- **Bill McHale, Pleasantville:** 20 plus years ago, they proposed a group home next to my house. John Nonna, Mayor of Pleasantville at the time said he didn't want to fight it because they'd spend money and never win. I want the board to consider the financial reality - what will we cut? There's not a track record of cases for this law but when you hired your experts, I assume you asked about the probability of prevailing. From what I gathered, the suit is valid. This has become political but if this town has been Democratic for generations and there was a community of Cubans in Sleepy Hollow that was not represented, do you think there would be any hesitation for Republicans to gain an advantage here? Nobody on the board has done anything wrong but this is now the law of the land.
- **Rebecca Ford, Sleepy Hollow:** I moved here 20 years ago from Mexico. I'm happy to give my taxes to make sure this lawsuit is honest and a real issue. As a Latin person, I vote for whomever aligns with my rights and values, wherever you came from.

The Town Supervisor announced that the Public Hearing would remain open and comments would continue to be accepted by mail or email.

[EMAIL COMMENTS RECEIVED AS OF JANUARY 24, 2024](#)

IV. Supervisor's Report

V. Business from the Floor

VI. Town Clerk

VII. Council Reports

Councilman Sialiano

Councilwoman Zaino

Councilman Schulman

Councilwoman Smalley

VIII Town Attorney

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IX. Schedule of Meetings

Work Session: Tuesday, November 21, 2023 at 7:00 PM RESOLUTION

Business Session: Tuesday, November 28, 2023 at 7:00 PM RESOLUTION
PM

X. Adjourn

The meeting was adjourned at 8:08 PM.

Respectfully Submitted,

A handwritten signature in black ink, reading "Emily Costanza". The signature is written in a cursive, flowing style.

EMILY COSTANZA
TOWN CLERK
TOWN OF MOUNT PLEASANT

