

TOWN OF MOUNT PLEASANT

MINUTES OF THE REGULAR MEETING OF THE TOWN BOARD TOWN OF MOUNT PLEASANT WESTCHESTER COUNTY, N.Y. HELD NOVEMBER 14, 2023

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

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

I. Presentations

II. Bids and Awards

III. Public Hearings

IV. Supervisor's Report

Authorization to Adopt Preliminary 2024 Budget RESOLUTION 418-23

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

RESOLVED: That the Town Board hereby adopts the Preliminary 2024 Budget.

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

Call for a Public Hearing for the Preliminary 2024 Budget RESOLUTION 419-23

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

RESOLVED: That the Town Clerk is hereby authorized to advertise Notice of Public Hearing for the Preliminary 2024 Budget on Tuesday, November 28, 2023 at 7:00 PM.

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

Scheduling of a Public Hearing for November 16, 2023 and November 20, 2023 Pursuant to NYS State Election Law Section 17-206 to Consider Procedures for Implementing New or Revised Redistricting or Districting Plans **RESOLUTION 420-23**

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

RESOLVED: To schedule a Public Hearing to consider procedures for implementing new or revised redistricting or districting plans pursuant to NYS Election Law § 17-206 at Town Hall, 1 Town Hall Plaza, Valhalla, NY 10595 on Thursday, November 16, 2023 at 5:30 PM.

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

Purchase Order 162-23-19: Plan Review for Interior Alterations for the Regeneron Building 1-1 Human System Lab, 777 Old Saw Mill River Road in Tarrytown **RESOLUTION 421-23**

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

RESOLVED: That authorization for Purchase Order No. 162-23-19 is granted to JHW Plan Review Services LLC, P.O. Box 40, Pleasant Grove, AL 35217 for plan review for Regeneron Building 1 Human System Lab renovation for a total cost of \$1,825.00.

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

Purchase Order 162-23-20: Plan Review for Interior Alterations for the Regeneron TT 9-2 Laboratory Renovations, 777 Old Saw Mill River Road, Tarrytown **RESOLUTION 422-23**

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

RESOLVED: That authorization for Purchase Order No. 162-23-20 is granted to JHW Plan Review Services LLC, P.O. Box 40, Pleasant Grove, AL 35217 for plan review for Regeneron TT 9-2 Lab renovation for a total cost of \$2,250.00.

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

Purchase Order 12-24-01: 2024 ALS services **RESOLUTION 423-23**

Upon motion of Councilman Schulman, seconded by Councilman Sialiano and

unanimously carried, it was,

RESOLVED: That authorization for Purchase Order No. 12-24-01 is granted to Starnet Emergency Services, Inc., 45 Kensico Dr., Mount Kisco, NY 10594 for Westchester EMS to provide paramedic advanced life support (ALS) to the Town of Mount Pleasant from January 1, 2024 to December 31, 2024 to be invoiced monthly as follows:

Valhalla	\$27,450.43
Pleasantville	\$46,454.58
Mt. Pleasant West	\$4,223.14
Hawthorne	\$14,781.00
Sleepy Hollow	\$12,669.43
Monthly Total:	\$105,578.58
Annual Total:	\$1,266,943.00

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

Investment Report

RESOLUTION

V. Business from the Floor

The Supervisor opened the meeting to business from the floor.

John R. Lewis Voting Rights Act of New York State (NYVRA)

- Jim Russell of Hawthorne asked about the status of the report from consultants Jeffrey M. Wice and Dr. Lisa Handley and when the report will be available to the public. Mr. Russell also asked if the scheduling of public hearings on redistricting means that the town is moving forward with it. The Town Board said they do not have a report and that the public hearings are only part of the legal procedure.
- Sergio Serratto of Pleasantville asked whether the report(s) from Mr. Wice and Dr. Handley would be available to the public. The Town Board said they do not have a written report and that findings would be presented at tomorrow's public hearing.

There were no additional speakers from the floor.

VI. Town Clerk

Town Clerk's Report

RESOLUTION

[Town Clerk's Report](#)

VII. Council Reports

Councilman Sialiano

Comptroller's Memo

RESOLUTION 424-23

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

RESOLVED: That the Comptroller is hereby authorized for payment of the following claims:

[SEE ATTACHED MEMO](#)

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

Authorization for Lump Sum Payout for Traffic & Safety
Department Employee

RESOLUTION 425-23

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

RESOLVED: That the Town Board hereby authorizes lump sum payout to Traffic & Safety Department employee, Nicholas Barbero, as follows:

<u>Pay Type</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Amount</u>
Vacation	32.00	\$34.613	\$1,107.62
Comp Time	32.25	\$34.613	\$1,116.27
Total:			\$2,223.89

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

Councilwoman Zaino

Councilman Schulman

Purchase Order 70-23-80: Pat Henry Field Rehab

RESOLUTION 426-23

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

RESOLVED: That authorization for Purchase Order No. 70-23-80 is granted to lowest bidder, Merone Landscaping Inc. d/b/a Merone Sports Fields, 11 Longview Drive, Eastchester, NY 10709 for Pat Henry Field rehabilitation (laser grade the infield, remove

sod around home plate and pitcher's mound, add soil and clay, regrade to the proper slope, and re-sod) for a total cost of \$12,175.00.

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

Authorization to Renew the Prepared Meals Contract RESOLUTION 427-23
with Hubbard's Cupboard for a Two-year Term Ending on
December 31, 2025

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

RESOLVED: That the Town Board hereby authorizes the renewal of the Office of Elder Americans contract with Hubbard's Cupboard for the home delivered meals and prepared meals programs for a two (2) year term ending on December 31, 2025 with a 3% price increase, as follows:

	<u>2024</u>	<u>2025</u>
Hot Meal	\$6.18	\$6.37
Cold Meal	\$6.18	\$6.37
Special	\$8.24	\$8.49
Event Meal		

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

Authorization to Hire Julia Jeraci to the Position of RESOLUTION 428-23
Substitute Food Service Worker at the Office of Elder
Americans Effective November 8, 2023

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

RESOLVED: That the Town Board hereby authorizes the hiring of Julia Jeraci to the position of Substitute Food Service Helper at the rate of \$14.00 per hour to fill in at the Senior Nutrition Program when additional staff is needed, with a potential start date of November 8, 2023.

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

Authorization to Hire Kimberly Williams to the Full-time RESOLUTION 429-23
Position of Recreation Assistant Effective November 27,
2023, salary per CSEA Contract

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

RESOLVED: That authorization is granted to hire Kimberly Williams to the full-time position of Recreation Assistant at the Office of Elder Americans, effective November 27, 2023 at a salary of \$49,555 per the CSEA contract.

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

Councilwoman Smalley

Purchase Order 50-23-19: 2024 Sanitation & Recycling Guides RESOLUTION 430-23

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

RESOLVED: That authorization for Purchase Order No. 50-23-19 is granted to Tremont Offset, Inc., 1500 Ericson Place, Bronx, NY 10461 for 10,000 copies of the 2024 Sanitation & Recycling Guides including mailing and distribution at a cost of \$5,300.00.

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

Purchase Order 50-23-20: Truck Transmission Jack RESOLUTION 431-23

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

RESOLVED: That authorization for Purchase Order No. 50-23-20 is granted to Gray Manufacturing Company, 3501 South Leonard Road, St. Joseph, MO 64503 for one (1) truck transmission jack for the Central Garage at a cost of \$3,195.00.

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

Authorization to Deposit Bond for Curb Cut Permit No. 1504 RESOLUTION 432-23

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

WHEREAS, the work being performed under Curb Cut Permit No. 1504 on Mountain Road, Pleasantville (Section 106.5, Block 5, Lot 20) has been completed and the road restored to the satisfaction of the Highway Superintendent; be it

RESOLVED that authorization is granted to the Comptroller for release of the bond in the amount of \$480.00 to ZappiCo Construction, LLC, 17 Saw Mill

River Road, Hawthorne, NY 10532.

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

Authorization to Hire Giovanni DiMatteo as a Seasonal Employee at the Highway Department, Effective November 27, 2023 RESOLUTION 433-23

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

RESOLVED: That authorization is granted to hire Giovanni DiMatteo of Lake Peekskill as a seasonal employee at the Highway Department at a rate of \$20.00 per hour, effective Monday, November 27, 2023.

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

VIII Town Attorney

Authorization to Approve Settlement of Keily v. Town of Mt Pleasant and Approve Amended Easement for Drainage RESOLUTION 434-23

**RESOLUTION SETTLING THE CLAIMS ASSERTED
BY MICHAEL AND NANCY KIELY AGAINST THE
TOWN OF MOUNT PLEASANT**

WHEREAS, Michael A. Kiely and Nancy B. Kiely (hereinafter, collectively the "Kielys") filed a complaint against the Town on August 1, 2019 (the "Complaint") relating to issues with their property located at 63 Leland Avenue within the Village of Pleasantville, Town of Mount Pleasant (the "Town"), County of Westchester and State of New York, which is identified on the Village of Pleasantville Tax Map as Section, Block and Lot: 106.8-1-23 (the "Property"); and

WHEREAS, the Complaint alleges causes of action against the Town sounding in trespass, unlawful taking, and intentional interference with the Kielys' rights related to a drainage pipe that runs from Randy Lane through their Property; and

WHEREAS, on November 11, 1976, the Robert H. Morrow and Co., Inc., as grantee, obtained a fifteen (15) foot wide drainage easement from the prior owners of the Property, Gustav E. Swanson Jr. and Harriet K. Swanson, (the "Easement Agreement"), the center line of the easement detailed in the

Easement Agreement was the existing line of the storm drainage pipe then installed which Easement Agreement detailed the easement area (the "Easement Area"); and

WHEREAS, litigation was previously commenced by the Kielys in New York State Supreme Court, Westchester County entitled Michael A. Kiely and Nancy B. Kiely v. Town of Mount Pleasant, (Index No.: 59350/2012) which culminated in a Decision and Order on or about March 20, 2013 (the "2013 Decision") which provided that the Easement Agreement had been transferred to the Town as a successor in interest to the original grantee, Robert H. Morrow and Co., Inc. under a deed, dated December 13, 1982 (the "1982 Deed"); and

WHEREAS, the 2013 Decision also ordered that the Town repair, restore and maintain the Town's drainage system running through the Kielys' Property to avoid further flooding of the Property; and

WHEREAS, the Town thereafter took action to repair the drainage system running through the Kielys' Property so as to avoid further flooding on the Property; and

WHEREAS, in or around May and June of 2018, the Town again entered onto the Kielys' Property and accessed the Easement Area to improve the drainage system located on the Property (the "Easement Area Work"), which additional work addressed flooding issues on the Property; and

WHEREAS, the Kielys allege in their complaint that the Easement Area Work exceeded the limits of the Easement Area, negatively affected the appearance of the Kielys' Property and created a defect in the Kielys' title to the Property; and

WHEREAS, in answering the Kielys' complaint, the Town denied the allegations and filed counterclaims against the Kielys asserting that in or around 2006/2007 they expanded the size of their residence by converting an open-air porch located on the northern side of the residence into a full addition, which encroached into the Easement Area in violation of the Easement; and

WHEREAS, the Town's counterclaims alleged trespass, and sought removal of the Kielys' encroachment within the Easement Area, ejectment, and determination of claims to real property; and

WHEREAS, the parties are interested in resolving any and all claims asserted or that could have been asserted in this action in order to avoid the uncertainty and expense of further litigation; and

WHEREAS, as part of the settlement of this matter, the parties agree to

execute and file an amendment to the Easement Agreement which will modify the metes and bounds of the Easement Area to incorporate the work performed by the Town and remove from the Easement Area, the location where work was performed by the Kielys to expand the size of their residence (the “Amendment to Easement Agreement”).

WHEREAS, in order to share in the cost of survey fees incurred the Town agrees as part of any settlement to pay the Kielys ONE THOUSAND EIGHT HUNDRED AND FIFTY DOLLARS (\$1,850.00); and

NOW THEREFORE BE IT RESOLVED that the Town of Mount Pleasant approves the settlement of the Kiely’s claims and the Town’s counterclaims as detailed in the annexed proposed Stipulation of Settlement and Agreement; and

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

The question of the adoption of the foregoing Order was duly put to a vote, which resulted as follows:

Motion By: Councilman Sialiano

Seconded By: Councilwoman Smalley

Vote:

Supervisor Carl Fulgenzi	<u>Y</u>	N	A	Absent
Councilwoman Laurie Smalley	<u>Y</u>	N	A	Absent
Councilman Thomas Sialiano	<u>Y</u>	N	A	Absent
Councilman Jerome Schulman	<u>Y</u>	N	A	Absent
Councilwoman Danielle Zaino	<u>Y</u>	N	A	Absent

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

X. Adjourn

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

RESOLVED: That the meeting was adjourned at 7:31 PM.

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

Respectfully Submitted,

A handwritten signature in cursive script that reads "Emily Costanza".

EMILY COSTANZA
TOWN CLERK
TOWN OF MOUNT PLEASANT

