

TOWN OF MOUNT PLEASANT

MINUTES OF THE SPECIAL MEETING OF THE TOWN BOARD TOWN OF MOUNT PLEASANT WESTCHESTER COUNTY, N.Y. HELD NOVEMBER 16, 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 5:30 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 announced that this public hearing will be open for one (1) hour and that each speaker will have five (5) minutes. He asked the Town Attorney to give an overview of the purpose of the hearing.

Darius Chafizadeh, Town Attorney: On July 18, 2023, the Town received a letter from the law firm Abrams Fensterman alleging the Town's at-large voting system is unconstitutional under the new state statute, the New York State Voting Rights Act [Election Law Section 17-206] to which the Town Board responded immediately. The statute allows for certain provisions the Town can avail itself of, so the Town Board passed a resolution to review the issues of allegations of voter dilution and have spoken to experts. The statute provides for public comment and the Town Board would like to hear from the public. The law firm [Abrams Fensterman] represents five (5) residents of the town. The letter came without any warning so these issues are being brought up as a result of this letter.

Speakers:

- **Carlo Valente, Hawthorne:** Sleepy Hollow residents are well represented by their Village government and the town should not have responded to this complaint until this law went to court.
 - **William McGuinn, Valhalla:** This is a large change to the system that has been in place for quite some time. It would be in our best interest to retain outside counsel with an expertise in this area before making any changes.
 - **Jonathan Blackman, Pleasantville:** Is an attorney that has litigated cases under Federal Voting Rights Act and vote dilution is a well recognized claim that was recently upheld by the Supreme Court. This statute is designed to make it easier to bring cases of vote dilution to court and this is a clear case of vote dilution. If there were wards, the residents of Sleepy Hollow would clearly be afforded a representative of choice and the Town should attempt to accommodate the needs of this community.
 - **Francesca Hagadus McHale, Pleasantville:** This is a large town and this would be an incredibly expensive fight for no gain. Would suggest dividing into three: unincorporated areas; Pleasantville; and Sleepy Hollow.
 - **Arthur Krokowski, Chappaqua:** A ward system would provide equity to groups that would otherwise feel unrepresented.
 - **Domenick Vita, Hawthorne:** Against a ward system but believe at-large voting system sometimes throws one vote away. Said Dr. Handley's report says there is racially disparate voting. Supports rank-choice voting.
 - **John Fisher, Pleasantville:** Residents of the two villages which have their own government do not realize how much the town affects aspects of their life so they don't turn out on town elections. Redistricting would improve turnout.
 - **Jim Russell, Hawthorne:** Believes a challenge to this legislation would be successful and there is no better expenditure of tax money than protecting our traditional voting system. This is a political ploy by the Democratic Party to take power as conceded by the governor. *Provided handout to Town Board with information on non-profit legal defense fund interested in assisting the town.* Said Dr. Handley's report is based on assumptions and questionable data. This issue should be extended past Thanksgiving so people have a chance to review.
 - **Don Maldonado, Hawthorne:** As a Spanish-American, it's telling that there is no one here from Sleepy Hollow and everyone should be heard.
 - **Tom Abinanti, Pleasantville:** This is not coming from the Democratic Party. Suggest to move to even-year voting pattern because it is the only year election that the winners are on the side of Hispanic voters. Stated that he voted for this bill when a member of the State Legislature and is proud of it.
 - **Dee Rodman, Valhalla:** This seems like a case of sore losers who are really upset about losing. There was a fair election where people who went out and voted did, there were winners and there were losers. There was not a Hispanic candidate that ran. Where does it end if we need one member of
-

every ethnicity on the board?

- **Nicholas DeRubeis, Valhalla:** This is a very serious allegation that the town is facing. Urge the town to not take any fast action on this before getting second or third opinions.
 - **Bruce Campbell, Sleepy Hollow:** As a former three-term Village Trustee, the Village board includes all aspects of the village and has had multiple Hispanic members. The Town Board should feel bad that a section of the constituency has been denied the franchise and has a diluted vote due to the geographic representation. The Town Board should have concern that the members of the village are not getting their full rights. Should not go to court and waste taxpayer money. *Speaker's time was paused due to disruption from the back of the courtroom.* Speaker continued: Ask to take into account the people of Sleepy Hollow who have never had a chance to have a voice in their government.
 - **Marilyn Fleder, Briarcliff:** Did not know she was a Mt. Pleasant resident because there are no signs outside of Thornwood, Hawthorne, Pleasantville. Said she lives by Sleepy Hollow in the unincorporated part of Briarcliff. Said she cannot find a map of the town. The town could have put a sign up in a laundromat in Sleepy Hollow so they know about the public hearing. Does not want to see tax money spent fighting a law designed to make things fair. We heard only one person from Sleepy Hollow but a precession from Hawthorne, Thornwood, Valhalla.
 - **Sergio Serrota, Pleasantville:** One of the plaintiffs in this case. This is not about "us versus them." The board represents "we." It's critical to listen to the experts we have and not waste tax money needed for the schools on seeking others to say the same thing. This lawsuit is not about Sleepy Hollow having a Hispanic running, it's so they can pick their own candidate. Village residents don't run because they know they have no chance. None of the board members have come to the two churches in Sleepy Hollow to speak to the congregation.
 - **Chris Zadrina, Thornwood:** School tax is separate and has no relevance. Nobody in town wants constituents to be unrepresented, but a good first step would have been to run a candidate, but when you file a lawsuit first it's suspect. Out of 929 towns in New York, only 15 have ward system so why come out for Mount Pleasant first? A ward system creates redistricting, political games, and identity politics. Years ago when Hillary Clinton lost, there was insistence about the popular vote being the important vote but now we're creating wards. Said he thinks the goal is to blow up the only conservative part of Westchester.
 - **Alexander Zadrina, Thornwood:** As an attorney, advises fighting the matter because pressure cannot be the cause of action. Need the ability to understand the needs of all in the town to act properly. Can't make a major change to appease someone who wants to strong arm the town to satisfy them; that is not why voting was created. This should be fought in court to let them present their case.
-

- **Mark Saracino, Thornwood:** As a Mt. Pleasant councilman-elect who is not registered to a party, spent time in Sleepy Hollow and connected with residents; would like to believe he was their candidate of choice but no way of knowing. The data makes an assumption about Hispanic voting trends. Said he would like to learn what Sleepy Hollow residents are disenfranchised from since they have their own Police Department, Parks and Recreation, Highway Department. Said if anyone feels disenfranchised please reach out because we are all residents.
- **Barbara Baric, Valhalla:** Had question for gentleman who brought the claim (Mr. Serrotta) who said that people don't run because they know they don't have a chance to win; why? *A brief debate ensued.* Asked don't you have a choice to run, this is America? Because you won't win?
- **Rocco DeRubeis, Valhalla:** Volunteered time on Election Day in Sleepy Hollow for over 12 hours and was disappointed that less than 150 people in two districts came to vote. Said he has heard Hispanics don't bother coming out to vote because they are tired of the Democratic Party. We have people here from Sleepy Hollow but did any of you try to run? Why didn't anyone bother to run but sit here and complain? It's about people wanting to be up here and do the right thing for the community; doesn't matter what race.

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

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

.

IX. Schedule of Meetings

November 16, 2023

Special Meeting and Public Hearing for New York State
Election Law Section 17-206: November 20, 2023 at 7:00
PM

RESOLUTION

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

RESOLUTION

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

X. Adjourn

The meeting was adjourned at 6:34 PM.

Respectfully Submitted,



EMILY COSTANZA
TOWN CLERK
TOWN OF MOUNT PLEASANT

