TOWN OF
MOUNT PLEASANT

MINUTES OF THE REGULAR
MEETING OF THE TOWN BOARD
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, N.Y.
HELD DECEMBER 10, 2024

PRESENT	SUPERVISOR	- CARL FULGENZI
	COUNCILPERSONS	- LAURIE SMALLEY
		- THOMAS SIALIANO
		- DANIELLE ZAINO
		- MARK SARACINO
	TOWN CLERK	- EMILY COSTANZA
	TOWN ATTORNEY	- DARIUS CHAFIZADEH

Also present were Town Comptroller, Noreen McGinty; Chief of Police, Paul Oliva; Building Inspector, Sal Pennelle; as well as other Department Heads.

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

I. Public Hearings

Continuation of Public Hearing for the Preliminary 2025 Budget — RESOLUTION 459-24

Supervisor Fulgenzi: The first thing on our agenda will be the continuation of a public hearing for our preliminary budget. Before starting that, I just want to read a little information for you. The purpose of the public hearing is for the town board to listen to the public, address what they can, and follow-up as necessary. We take everything into consideration.

The hearing was for a preliminary budget, part of the budget process, and was released as things stood at the time. Working within the tax cap is always the town board's intention and something we have been able to do. Over the last decade, taxes have been kept below approximately 2% on average per year except for 2017 when we went over the cap. While maintaining services and making improvements and upgrades throughout the budget process, we now will be working within the tax cap. The budget process is just that, a process.

When preparing a budget for the town or any municipality, the Comptroller and the town board work hard with department heads to prepare a budget that will keep taxes as low as possible, maintain services as best as possible as for police, the building, recreation, maintain the town's infrastructure (drainage, roads, sidewalks, town buildings), and equipment (mainly highway, trucks, police cars) so future generations are not saddled with untenable situations. Maintain a healthy fund balance or reserve monies to ensure that the town can borrow money at the lowest rate possible, but also not having too large of a fund balance that's holding on to taxpayers' money.

Is it possible the town may cut leaf pickup to one time a year, but this will then require residents to pay to have their pickup scheduled all the way at their own expense. Also for management and department heads, the town board feels that department heads deserve the same raises as staff, which are all governed by union contracts. The town board decided to continue the same 3% raise for elected officials. We feel this is a very healthy budget, maintaining the strong fund balance. At this time, we can take comments from the public.

Public Comment:

Marie Wayne, Hawthorne: I have a couple of questions. I'm not sure when you'd be able to answer it, but I'd like to know what the police budget is. And what I'm trying to figure out is how much the non-for-profit schools in the area are costing us in that budget, like, how much we are paying. Because as of 2022, June 2022, right here off the New York State Charities website, they're showing a $138,000,000 in assets.

> **Councilman Saracino:** When you say nonprofit? Because all schools are nonprofit.
>
> **Ms. Wayne:** Well, this one is JCCA. The one that's using our police force at no cost to them. So they have a $138,000,000 as of 2022. They didn't file their last year's tax return yet for some reason. I don't know why. And then the PPP loan that they received during COVID was $13,000,000 and it got forgiven. So I'm just curious, like, why does a not-for-profit need a $13,000,000 PPP loan that's forgiven so we have to pay it back. They're getting all their money for their teachers, for their executives from New York State, which we pay for. And the rich keep getting richer. There's a $138,000,000. So I wanna find out why they're not paying our police force. They're using a third. I believe that's what Chief said last time. Approximately a third of our police force is going to a non-for-profit that is a $138,000,000. I'm sorry I keep saying this, but there's no reason for that. There's no reason that we're paying their police force. I don't— It doesn't matter what—if you rationalize that you don't want them owning us. They own us. There's no question. We are paying it. And even though people here aren't starving, maybe they can pay their bills, but other people in the area are having problems with that. But even people here, they're going maybe into credit card debt, they're paying higher bills. So they're losing their children's inheritance, they're losing their retirement because of what's going on in the economy. And it's happening because this is happening and it's happening all across the country where non-for-profits are taking our money away and oh by the way, what was the restaurant on 9A, Stone Manor. They became a non-for-

profit, I guess. Now they're a, looks like a they're a non-for-profit, which they weren't supposed to be because I did ask about that. They're not a non for profit.

Supervisor Fulgenzi: They’re not a not-for-profit.

Ms. Wayne: They're tax free is what I mean.

Supervisor Fulgenzi: No.

Ms. Wayne: Well, they have a cathedral or whatever you call it. I'm not sure what's called in another religion.

Supervisor Fulgenzi: They are a funeral parlor.

Ms. Wayne: A funeral parlor—they don’t pay taxes, right?

Supervisor Fulgenzi: They do.

Ms. Wayne: They do? Maybe a lower rate?

Supervisor Fulgenzi: No.

Ms. Wayne: Oh, I'm surprised. Okay. Well, that's good news. So yeah. So I'd like to find out what the police budget is because I wanna find out, so if JCCA had been there since I've been here and it was before that. Right? So let's say it was 30 years. How much did we have to pay out of our pocket? Everybody here and everybody in town had to pay out of our pocket for that school and why aren't they funding us for this increase? Because I feel like over the 30 years, it's probably 50 years, I'm not sure, how much was it per year that we had to pay out of our pockets? Because why are we paying it? I don't wanna be paying for it. I don't own that thing. I don't wanna have anything to do with it—they’re using our EMTs like I had mentioned last time. Those people don't wanna have to deal with that. They shouldn't have to. They're volunteers. Our police force shouldn't have to deal with that. And it's not fair to the people who live in this community. You know, there's recently was some kind of action over there in Rose Hill which happens all the time. That's just a matter of time before something else happens. They've, you know, there's been murders. There's been horrible things. So anyway, I wanna know what the police force—how much we're paying every year for that.

Supervisor Fulgenzi: It's in the town budget. It specifies how much is...

Ms. Wayne: And we're using, I believe, a third. They're using a third.

Supervisor Fulgenzi: I don't have those actual numbers, but we could we could figure that out. So I mean, it's an ongoing issue, believe me.

Ms. Wayne: It's an ongoing issue that never ends, that's the problem. So I am opposed to any increase in my taxes. I just wanna put that on the record. And I'm curious about who gets to vote on the budget increase?

Supervisor Fulgenzi: The town board.

Ms. Wayne: Oh, okay. Alright. Well, I think that's all I have to say. Thank you.

Joe Soricelli, Valhalla: I spoke last week, I sent a memo out to the board and to the Supervisor, and just have a couple of questions that we can talk about. And, actually, I had a brief conversation with one of the major areas of concern and that was the police budget. Very specifically, the proposed $800,000 of overtime that is being budgeted for. And then in 2024, it was actually exceeded by more than 50% to a $1,200,000 of expenses. So that's a significant piece. One of the things that I, you know, was having the conversation, with, it bleeds all the way through to the retirement costs. Right? Which is exemplified within the budget also that that same roughly 25% increase goes across to the retirement. When you break out the actual costs of the salaries that are published within the budget, it—simplified, I'm not gonna say exact—it could be 4 additional officers which have a completely different contract that doesn't include the retirement benefit of the additional overtime into their retirement calculations, and a supervisor. So maybe it's an opportunity to really review the budget and, you know, I was given the opportunity to maybe sit down and go through it with the chief. But he I'm not gonna say he disagreed—would he like the 4 additional officers? Of course. Which could potentially reduce the overtime, which then in tune can reduce a lot of other parts of the budget.

The second, you know, and again, different notes. Having sent an email and got a response from Carl, which you did respond, we have this community liaison officer or whatever. Would that be one of their responsibilities to react to the community or respond to the community? And it was relatively a creative move on the budget to take it from the Supervisor's office to bring it up to the town board office, but not reduce the fee at all. So it just was moving numbers.

Councilwoman Zaino: Can you—I don't understand what you're talking about community liaison. Are you talking about the town board's duty as a liaison to our departments?

Mr. Soricelli: There's a specific line item for community liaison. You know, it's $24,000 that somebody's receiving.

Councilwoman Zaino: And—I'm sorry—you saw that under the

Supervisor’s...?

Mr. Soricelli: It was in 2024, it was under the Supervisor's. In 2025, it's under the town board. It moved.

Councilman Saracino: That’s the liaison stipend.

Councilman Sialiano: Yeah.

Councilwoman Zaino: That is, and I believe you *[Supervisor Fulgenzi]* answered that question in your email that it was in the wrong section. That’s the liaison stipend for the board members.

Mr. Soricelli: Two years it was in the Supervisor's Office, and now it moved up to above. But, you know, I can say—there was nobody from either of the two sections responded to my email. So I don't know if that's their responsibility or not. I don't know. But it appears that they're the person that is supposed to be the intermediary.

Councilman Saracino: So just from what I understand of it, it might be a poor label for that line item. It's basically a liaison stipend that the board members get to liaison…

Mr. Soricelli: Oh, so it's a board member.

Councilman Saracino: Correct. It's split amongst us.

Mr. Soricelli: Again, so then why doesn't it reflect just in the board's pay?

Councilman Saracino: Well, it does now.

Mr. Soricelli: It doesn't. It reflects in the budget, but it doesn't reflect in the actual. So if you were to take—and this is getting a little scary because now what you're saying is you're asking for an increase in your stipend as a board member.

Supervisor Fulgenzi: No, we're not. We’re not increasing the stipend.

Mr. Soricelli: Not the stipend. You're increasing the board pay.

Supervisor Fulgenzi: As with all management.

Mr. Soricelli: Yes. As with all management, but yet you're already receiving a stipend. They do that at in the school system also where administrators get stipends for showing up at an event, right, and so forth. So what I'm like saying is, is it a dollar to the board member in both ways? You split it equally, whatever it may be, so forth. But what I see it as is each of you are getting, you know, this, you know, 4 board members. Right? Each of you are getting $6,000 more in pay. Is that a good definition?

Supervisor Fulgenzi: It is.

Mr. Soricelli: Okay. It, you know, it seems to be more I would rather have just seen that $6,000 on the top side, right, of the pay instead.

Councilman Saracino: Forgive me because this is my first year, but I believe it was the board members, and I'll ask the Comptroller just to confirm. Prior, it was just in the wrong place. It was always going to the board members.

Mr. Soricelli: I'm not disagreeing, but if you're getting paid to be a board member, why isn't it a one line item instead of 2 line items? You're drawing from two different sources as board members. You're getting a stipend of $6,000 and you're getting your salary. I could look at it, but you're roughly at $30,000. So to me, that's $36,000.

Councilman Saracino: So the stipend should probably be really changed from Community Liaison, maybe to Department Liaison. So each board member is assigned to departments that they are specific liaison to. So for example, I'm a liaison to the Comptroller's office so I work in addition to my...

Mr. Soricelli: And I'm not disagreeing, but what I…

Councilman Saracino: Well, I'm trying to explain so you understand what it is. So as a board member, in addition to our legislative work and our approvals and business meetings and work sessions, there's additional work that we now do in working with individual departments so that there's an actual conversation throughout the year, from one person in the department...

Councilwoman Zaino: And some of those - I don't mean to cut you off - but some of those liaison positions require additional meetings that the board members are required to attend as well.

Councilwoman Smalley: It was done last year as well. And addition to that, recently, in the last few months, we've also been assigned to attend and report back to the Supervisor and the other members of the town board, the planning board, and the zoning board meetings. Because there's been so much activity in town just so that we all keep up with it. So it's not only the role that we were first elected to, the role itself, the job itself has expanded just as you mentioned before, in school districts where administrators get a salary, and they also receive a stipend for the extra additional work.

Mr. Soricelli: Unfortunately, I do see it as just a way of drawing increasing an overall salary, which, so…it's my opinion.

Councilwoman Smalley: I understand what you're saying. But the salary would fall under management increase. The stipend does not.

Mr. Soricelli: Agreed. You're moving line items to increase the salary. We could argue it every which way. And then you can also say, do you have actually a job description of your board position? And does it include some of the liaison material that we just talked about with interacting with either members of the community or other departments? I would imagine it probably is in the original job description. Right? So I'm not gonna say, I haven't seen it, but it only makes sense that for how many years people were doing similar things.

Councilman Saracino: Not exactly. I know a few departments that have specifically mentioned board members in the past who never showed up to the departments that they were supposed to be liaising with. So, just so you know, and again, I see your point, but the liaison stipend for me when I break it down to the hours of additional work that I do in in dealing with the Comptroller and the payments and all that, that's in addition to my board role. It comes out to about $13 an hour.

Mr. Soricelli: I'm not disagreeing, but you all volunteer to be elected so forth and so on…

Councilman Saracino: We don't volunteer. It's a paid position.

Mr. Soricelli: Well, during the election process, you had a choice of either applying or, campaigning to be elected. It's just that I very visually saw was it moved from one office to another office on it. And I was like, okay. How did this work? You explained how it worked. It should have been a line allocated, but I think it should have just been publicly put out that, hey, as board members and especially since being equal, because if you took on 7 layers on, if you took on all the layers on positions, then you should get the whole $24,000.

Councilman Saracino: Right. But I don't think anybody wants to do that.

Mr. Soricelli: I'm not saying anybody wants to. But what I'm saying is because of the way it has been allocated, it maybe should just be in the position salary rather than be separately. I'm a financial planner. I can make numbers say what they need to say.

Supervisor Fulgenzi: We got the point.

Mr. Soricelli: Alright. On that side. As I said, the police budget really was more because, unfortunately, I do a lot of pension work. And when you can actually identify that the overtime is bleeding through to the police retirement contributions, maybe we should be looking and especially which I was recently informed that, the newbies, the new hires, have a much significantly restricted pension benefit going forward.

Councilwoman Smalley: But I believe, Joe, I believe that's on the state. The state changed the whole retirement system.

Mr. Soricelli: Oh, wholeheartedly. I was explaining you know, even explaining that the 20%, which the maximum they can be going towards is an additional 20% so forth, compounds out. It's gone. Because there was there was a lot of, in quotes, abuses. It’s being corrected, but we can also correct it at the local level by reducing the overtime for the more established people that are in the old state system. Right? And have newer people come on that aren't in that system in the same budget and we might pick up 4 additional officers. And again, it's rough numbers. And it's just basically taking a $100,000 salary, dividing it by you know, into it and adding a supervisor. So there are, you know, there are there are a lot of other notable pieces. As I had said in my email, I realize and it was reemphasized here, you as the board voted. Would I like to turn around and see a reduction? Yes.

Through a news organization, I was informed that the likelihood of us staying within the 2% cap is very high because of a reduction in the overall medical costs. When I tore apart the budget, it didn't seem like it was that significant, right, of a reduction to offset a 1.5% piece. And then the other part which I did go through, and this was something that you referenced and I don't know the ultimate insurance, is the legal cost we budgeted in this budget, you have $250,000 budgeted. Right? Apparently, the cost is already at $500,000 or whatever. I have no idea, I've not followed this piece of it at all. But, I would assume that, you know, since it's ongoing litigation, right, that that's gonna take place. And then, unfortunately, knowing the insurance industry, you have a policy underlying limit that says, hey. We'll pay out x. Right? It's not an unlimited for fees for legal fees. They'll pay out x. If we had 0% increase, wouldn't that it be better? If we addressed some of what I say the irregularities or the observations that I made within here? And that's pretty much it.

I do have one other comment, but it's for and I'm just gonna ask, and it's in reference to an amendment that's pending, right, for, the, Green Leaf.

Supervisor Fulgenzi: That’s the public hearing that will be coming up on the agenda. On the police overtime, there are a lot of times where our police department is hired by contractors for traffic control…

Mr. Soricelli: It's noted in here.

Supervisor Fulgenzi: Can I finish? So there's an offset there on those costs. There's a revenue side to help offset some of those costs in the overtime. Just so you're aware and other people are aware.

Mr. Soricelli: It is 100% budgeted, but we have $800,000 in the budget. But you show a $300,000 offset. In the proposed 2024 budget, you had $800,000. We're at a $1,200,000. So the $300,000 offset really is not that consequential. The other part of it, which is not in the budget because you don't charge through, is if that person gets overtime and he is eligible for a step up in his pension, they don't pay it. They pay the actual cost of the services. So we're getting hit with...

Supervisor Fulgenzi: We all pay taxes here too. Thank you for your comments.

Pat Scova, Hawthorne: As the former Town Clerk, I was advised by the attorney for the New York State Town Clerk's Association that a stipend is a stipend is a stipend. It's not part of your salary. And we were told when we posted salaries in the legal notice, we did not include our stipend. Thank you.

Police Chief, Paul Oliva: I just want to follow up on a comment. Good evening. Thank you for the opportunity. If I could just say a couple of things, maybe address some of the stuff that was brought up. So my mission as Chief of Police is to provide the best public safety for the most efficient cost. The officers that we have, it's my responsibility to give them the best equipment and training that we can possibly give them, within reason. So just to give a little comparison, the town of Harrison, similar in size, about the same population. It says we have 44,000 in population, but if you take away the Village of Pleasantville and Sleepy Hollow, we probably have around 30,000. It says that they have around 27,000. They currently have 73 sworn officers. We have 52 sworn officers. So I take the mission of as a taxpayer here and as Chief of Police very seriously. This board has been very good. We won't compromise public safety, and they haven't, and we'll continue to, we'll continue to do that.

Have there been some issues with the JCCA? Yes. In the Supervisor's tenure and my tenure, I'm Chief for 10 years and I'm 36 years here as a police officer, and that facility has been challenging for my entire career. As Chief of Police, the best way to handle the problem is to hit it head on. So we had scheduled meetings, and it's been meeting upon meeting with them over the course of 10 years. We've gotten state representatives involved. At one point, I had the state Comptroller's Office looking into the situation up there. We really don't have too much control over that facility. We offer the, you know, all officers here are pretty much the best in de-escalation, and we do some de-escalation training. But I gotta tell you when de-escalation became an issue a few years ago, it was never a problem here because our officers are fantastic.

There have been incidents up there where we could use deadly physical force on students that are up there and we have not done it. My fear is that if it continues the way it has been, that we may have to--and I hope to God we don't. But we're working tirelessly to try to prevent that. And do we go up there? Is it something we have to do? Yes. Does it ebb and flow? Sometimes we're up there 3 times a day. Sometimes less than that. It's a challenge, but it's not for lack of trying. We have definitely been asking our state officials to look into it and to try to help us out there. You know, other agencies, the state police, nobody's interested in in taking that on. There's a crisis team, a county-wide crisis team, that was started a couple of years ago. It's a great idea. Some places will embed a social worker, along with the police. But I shut it down right out of the gate because it's supposed to be a service that that is shared through different municipalities, but they would be up there on a consistent basis. So, our officers are doing a fantastic job of de-escalation and they really do care. So it's an ongoing problem. We're constantly addressing it. There's a new Commissioner of the Office of Children and Family Services and we already had one meeting. We're looking for another one. So that's an update on the JCCA. It's ongoing, but that's best I can tell you for right now.

So as far as overtime and training, we embarked on a School Resource Officer program. We're probably 2 years into it now. We had trained School Resource Officers and they would go intermittently in each one of the schools, a couple of times a month. But after the Uvalde, Texas shooting happened, there was a call from the schools that immediately they wanted somebody in the schools, a police officer to protect our greatest resource, our children. Right? So we did endeavor to do that and we put officers in the schools immediately.

We had to backfill some hires for that, but I wasn't gonna do it unless the officers are trained--highly trained--because we're not gonna have someone in there at the tail end of their career that maybe wouldn't do the best job. So these School Resource Officers train at least once a month tactically, plus they do other training. But the problem is that training costs money. Right? So we do our training in-house, and I have several certified police instructors, tactical guys. We're sending guys to school all the time, but I can't send 1 instructor with 3 or 4 School Resource Officers. So unfortunately, the training cost is high but it's worth it. It's worth it.

So I just want you to know that, you know, our numbers might be as far as overtime. We're working to curb that, but there's some things that we can't control. And especially manpower because we could have a lot more cops, but we're doing what we can and I think we're doing a pretty good job. These guys caught a burglar in a house a couple of months ago. Fantastic job. Hit and run accident last year. There was a couple of parts on the ground with a couple of numbers and these guys within 5 hours had somebody in custody. So you're getting a good bang for your buck for police service at least. As far as the pension stuff goes, you know, the new officers are in the lower tier contribution for their time and overtime does not count towards their pension. But we're dealing with the world now where I have a lot of younger officers that value their time off. So they're not interested in working overtime. Maybe it's because it doesn't go into the pension system. I don't know. But so there are officers that like to work the overtime, and there's officers that don't like to work it. And we don't like to force anybody if we don't have to. But there are times on occasion where people have to get forced. As a matter of fact, Monday night or Sunday night into Monday, I worked the midnight tour, 11 to 7. And because an officer, a sergeant called in sick, and I came in because that's what we do here. So, if anyone has any other questions, I'll be happy to meet with them and talk to them. Thank you.

Andy Steinvurzel, Pleasantville: Good Evening. I'm a town of Mount Pleasant resident for 15 years. I'd like to echo what the chief said about supporting the officers, supporting the department. It's a hard job. They need to be supported with whatever resources they need. Of course, within reason. I feel the same about the highway department, sanitation workers. They're tough jobs. They do a great job at it. They're hardworking. They're courteous. They're conscientious. They all need to be supported as well.

Having said that, I am 100% opposed to blowing past the budget cap. There's never a time when you're going to have the money that you need to make everybody happy, everybody's wish come true, everybody gets everything they want all the time. That's just the nature of the beast. You have limited resources no matter what and the board has had to deal with those limited resources in the past. Makes no sense to blow past it. That's part of the job. You have this pot of money that's called the budget and you have to allocate it to get the most bang for our buck as taxpayers. And the same goes for you, you’re taxpayers as well. And, I think that's the, for me, that's the bottom line.

Related to that, I would also like to oppose the immediate increase in salary for the board members. I've never heard of a situation where you campaign for a job that pays a certain amount, you get the job and as soon as you get there, you're asking for more money. I'm not opposed to the increase. But have it be effective once you're reelected for the next term. If you do the stellar job that I'm sure you can all do, I'll be the first one on line to reelect you. But it shouldn't be kicking in right now. I mean, you just got here.

Councilman Saracino: Only I did.

Mr. Steinvurzel: I mean, the term just started. This new term just started. The new year just started.

Councilwoman Smalley: I'm not following you, sir.

Supervisor Fulgenzi: We're not new at this job. Mark is our newest member of the town board. As far as the tax cap, you may not have heard earlier, but we are not gonna be breaking the cap.

Mr. Steinvurzel: Oh, I apologize. I came in right when you were wrapping up the discussion. I missed it.

Supervisor Fulgenzi: After adjustments with insurance and stuff like that, we were able to work within the cap.

Mr. Steinvurzel: Okay. That's great news. Thank you.

Domenick Vita, Hawthorne: I like to ramble so I wrote everything down. Like a lot of homeowners in town, I'm being told that I will be required to pay more in town taxes yet again. And I just want your help to understand why. Can we level set at the outset and understand since a new preliminary budget hasn't been put out since these decisions were made or discussions were had to keep things within the tax cap, Can you tell us now what that amount is? What percentage? Are we at 2%? Is it less than 2%? Where are we in terms of the number? Do we know?

Supervisor Fulgenzi: First of all, it is a preliminary budget until it's approved by the town board to be a final budget. Final budget numbers will be decided as of tonight. I don't know if, Noreen, if you wanna give any numbers? It's up to you.

Mr. Vita: Is there a percentage increase that you can disclose that's being considered as part of this? Do we have a percentage increase that we can…we came here tonight and you started off the meeting by letting us know the good news, which you also disclosed in the notice. Thank you very much. I also received a personal note on some of my questions. Thank you very much for that. I appreciate the feedback. But it would be good to understand where things stand now since a lot of people showed up back on November 26th. A lot of people have shown up tonight because they're thinking you're reaching into our wallets. You're taking out a lot of money. What's going on here? I understand that the amount may not seem like a lot, Tom, I understand that. We can't gaslight folks and let them know it's only $50. Right? It's more than that when we consider other things. So, we need to understand what these amounts are and I think one of the reasons that so many people showed up 2 days before Thanksgiving and one of the reasons you have so many people here now is a real lack of communication from some gatekeeping that's been happening. I understand you're gonna take offense to that because you believe you've been very communicative. But I will tell you that other jurisdictions have provided information to their constituents well ahead and while they've been discussing the budget numbers to get them prepared and to let them know what amounts they're gonna be asking those constituents for. So I would just ask in the future for better communication early on if the tax cap is gonna be exceeded. Do we know what that percentage is now? Are you willing to disclose that?

Supervisor Fulgenzi: Yeah, we can. Just so you're aware, up until the last meeting, the night of the last meeting, we received notification by the health insurance, New York State Health Insurance, that the percentage had changed. We didn't wanna use that until we were able to confirm it. So our Comptroller's office went forward to confirm that number to make sure it was accurate. It was accurate, and it gave us the ability to get out of that it—1 and a half percent over cap. So we're somewhere around 2%.

Mr. Vita: One of the questions that's out there that you guys are gonna come back to me on is what it is that's causing the tax levies to keep increasing year after year. Another thing that you cleared up tonight, thank you for doing so, is that over the past 10 years, there have been increases, roughly 2.2% per year on average. Now it's not every year, but that's what it's been. Last time it's been 3.5%, which was proposed this year, but I know it's gone down, was 2017. Things do have to go up. We do have to take care of the people who work for this town. It is important. No one's disputing that. But I see Chief Oliva directing traffic because there's flooding and cars going through the flooding on East Stevens, I wonder why the heck is he out there directing traffic and not at his desk directing all the other officers to direct traffic? Thank you for your service, by the way. I saw you that day. And what is—what planning is the town doing to ensure that the tax levies are not going up above the cap in the future? I'm very curious what that is gonna be. You don't have to answer it tonight, but it'd be good to hear that communicated, town-wide to everybody.

It would also be good to understand the net impacts on each homeowner over time from all the development in town on our tax levies. We keep hearing from time to time that with all this new development, we're gonna have less in taxes. I understand the point. Maybe our taxes would have been higher but for, but I think we should hear some actual numbers on that. It would be good to know. And on the fund balance, I understand it's at 18%. That's great. Where should it be? So we know. Should it be at 10%? Should it be higher? Where should it be? Where should it not dip below so we don't lose our standing with the bond rating?

And one thing I do reject is this idea of doing more with less and this is probably because I come from the corporate world where I've had to deal with this for over 20 years. Do more with less can mean a couple of things. Do more with less can mean that we are putting things aside and not taking care of them when they're needed. We heard last meeting, the meeting I watched, the meeting a lot of these people attended, that there are things on the wish list of all the department heads. Are there things that were not taken care of by not raising taxes enough or by not using money well enough to cover these things? And finally, my last my last point, thanks, Darius *[referring to timer buzzing]*. My last point, having reflected on last meeting, when board members showed disdain toward the town stakeholders, its taxpayers, those board members fail their constituents and they do not uphold the public's trust. Just something to keep in mind as we all move forward together. Thank you.

Councilwoman Zaino: Thank you.

Councilman Saracino: Noreen, can we confirm the exact percentage number? I believe it was in the 1% range. Correct? 1.54%? So, Mr. Vita, 1.54% is the new levy increase.

Gol Ophir, Pleasantville: Hi, Gol Ophir, Mount Pleasant resident. You had mentioned 2 weeks ago, last meeting that the average, increase was about $50. I had asked for the min and max because $50 is a good news number, but, obviously, that's an average. You didn't respond and give me an answer.

Supervisor Fulgenzi: Every household will see a different number.

Mr. Ophir: Of course. Are we waiting for Bob Marley to use a fountain pen to calculate for everybody, or do you have a system to know the numbers?

Supervisor Fulgenzi: No. Because if your house is worth more than your neighbor's, you're gonna pay more than your neighbor's. So every single home will have a different number.

Mr. Ophir: Of course. So, you have every single home in your records. You already know an average. What's the max? What's the max increase? Can't you disclose that? Can't you calculate it? Is it not something that the Comptroller's office or the tax office is capable of doing?

Mr. Chafizadeh: We're talking about residential properties or commercial?

Mr. Ophir: Whatever that $50 average was associated to.

Mr. Chafizadeh: It's a complicated question, I think. You have to look at what water district you're in, what fire district you're in, what ambulance district you're in, whether you're in a village or a town, whether you're in the unincorporated or non-incorporated part, what the value of your house is, and then what the new tax rate will be. Can it be figured out, the highest and lowest? It can be.

Mr. Ophir: Was that done? Was that done for the $50 calculation?

Mr. Chafizadeh: The $50 calculation is a lot less now. *[to Ms. McGinty] But how was that done?*

Ms. McGinty: That was just based on the town's operating budget. That was not including any special districts.

Mr. Ophir: Okay. So not including any special districts. What's the max?

Supervisor Fulgenzi: We just explained that.

Mr. Ophir: No. No. Just if you can calculate it with whatever exclusions you want, on an average, you can calculate it on the min and max.

Supervisor Fulgenzi: What's the value of the home? Tell me the value of the home.

Mr. Ophir: What is the max value of the home in our town?

Supervisor Fulgenzi: Well, it could be $2,000,000.

Mr. Ophir: Okay. What is the tax on $2,000,000? Why is this hard number?

Mr. Chafizadeh: We'd have to do the calculation. We don't have that information this second. We can provide it for you. That was an average.

Mr. Ophir: Okay. I asked 2 weeks ago in an email.

Mr. Chafizadeh: Well, it was a long email, I remember. Many pages.

Mr. Ophir: Yes, there were many good ideas. All of—no answers and no numbers on any of them.

Mr. Chafizadeh: So if you want the max on a—on what? What's your question?

Mr. Ophir: What is $50 associated with?

Mr. Chafizadeh: That's a different question.

Mr. Ophir: No. The average is a mean. Standard numbers. Min, max, mean.

Mr. Chafizadeh: But you want the max? We can provide that for you.

Mr. Ophir: That'd be wonderful. Thank you. The other question I had was in terms of budget management. I had suggested a hiring freeze. Many businesses suffer that because of tight budgets. And you had confirmed that in 2025, there would be no full-time replacements. I'm being very specific because you had a very specific response. But that excludes backfilling with multiple part-timers, backfilling with temps, backfilling with consultants. So I wanna ask more broadly because my question is more broad. Can you manage better with a hiring freeze for 2025 with no caveats?

Supervisor Fulgenzi: No. I can't guarantee that we will not hire any part-timers. Part-timers, in a lot of cases, save us a lot of money and help get the work done. So I can't guarantee that we will not hire any part-timers.

Mr. Ophir: This is a tough budget season.

Supervisor Fulgenzi: We know that, we've been working on it for quite a while.

Mr. Ophir: And that's why many a business have to suffer a hiring freeze. And by the way, just to be super clear, I have very specifically excluded life and safety. Because that is just fundamental to everything. Black and white. No question about it. But, you know, we all suffer for years potholes. We could suffer potholes for a year and a day.

Supervisor Fulgenzi: No, actually, there's been a tremendous amount of work by our highway department over the years to do tremendous amount of miles of road work, and we're hoping that that's gonna carry us for a while.

Mr. Ophir: Great. So…hiring freeze there? Because it’s gonna carry us for a while?

Councilman Saracino: The same individuals that fill the potholes also plow the snow.

Mr. Ophir: Yeah. They're the ones who knock over the mailboxes.

Councilman Saracino: They also create safety conditions as well so it's very hard to gauge that and to say we're you're not gonna backfill. If somebody leaves that's gonna be plowing our roads and we get hit with 7 blizzards in February. It's very hard to say, you know what? We can't hire anybody. So now you have to drive through snow. We can’t do that.

Mr. Ophir: That's fair. That's what life safety is.

Councilman Saracino: So it's very hard for us to answer your question and give you an exact 'no.' Nor would we want to give a blanket hiring freeze because we're not a private company. Right? We're a public entity and a municipality that has certain goals that you have to meet such as plowing the roads.

Mr. Ophir: Yep. So life safety.

Councilman Saracino: Yes, but those same life safety bucket there also applies to the people who fill the potholes as well.

Mr. Ophir: Got it.

Councilman Saracino: So…can the highway superintendent tweak his budget? Of course. And he has. He's done more than…

Mr. Ophir: I don't wanna pick out anyone. Please don't please don't hear that. That's not the point of this conversation. The point of the conversation is more broad. And I'm once again, black and white on life and safety. And plowing the roads, could it save people's lives, of course. The point being that the response was narrowly worded, and it didn't respond to everything other than life safety, critical things, and managing with dealing with a few people less in 2025 until the budget has a little more headroom. And I don't understand why we couldn't pursue that. And if at least the financial impact of that to make an informed decision. This is what we could save, and we are choosing not to save it because it's more important. That's a great conversation and decision, getting back to the transparency that the other gentleman was asking about. But these decisions are not on the table for thoughtful decision making. And that's a shame. Do you agree?

Councilman Saracino: I do not agree. I think that in the meetings I've had with the department heads, with the Comptroller, I can't speak for the Supervisor in his meetings, but we've been having conversations for months about these items. So I disagree with you, but I understand what you're saying.

Mr. Ophir: So you're having it internally, in a transparent way?

Councilwoman Zaino: In work sessions, but the public are welcome to join us.

Councilman Saracino: Have you been at a work session this year?

Mr. Ophir: No, this is new to me.

Councilman Saracino: Sorry. Come to one, because we'd love company. I'd love company.

Mr. Ophir: This is my second meeting. This has been informative for sure.

Councilman Saracino: And it's helpful, and I mean that. I do. I appreciate you speaking. And, every speaker, I think, has a lot of value to add.

Jonathan Goldszmidt, Hawthorne: Good evening, Town Board. I was here last week. I had well, 2 weeks ago at this point, and I had some questions, new questions, this time. I was hoping that if you could shed some light in where the $5,000,000 increase in revenue for 2025 is coming from. Are we gonna be charging more permits or something else? Like, it seems like a very steep jump between 2024's revenue projections and next years.

Supervisor Fulgenzi: A lot of the revenues from building permits, taxes, different fees for different things. I can't give you a list.

Mr. Goldszmidt: I mean, I understand that's where it comes from. I don't know. I can't give you rate next year compared to this year. I mean, and for 2023 and 2024, it didn't jump up by $5,000,000. The next year, we're projecting it to be $5,000,000. So I'm just trying to understand how that was calculated. Because I understand when it comes down to actually calculating the tax levy, the expenses minus the revenues is the tax levy. Right? So if that number gets very high, it makes it look like our tax levy is really low. So I'm just curious as to why we think that the revenue is gonna be as high as it is, much higher than any year before. Even as a percentage increase, it's higher than any previous year, I think, for the last 7 or 8 years. So is there some way that we can understand where that additional tax or not the tax, but the additional revenue is coming in from?

Supervisor Fulgenzi: Well, like I said, it's a number of different places it comes from. It could be it's taxes, it's mortgage tax, sales tax, building fees, permits. That's where all that revenue comes from. There's an anticipation of certain amount of building fees coming in that maybe we didn't have in 2024.

Mr. Goldszmidt: Okay. So it's mostly based off of additional building fees that we're gonna be seeing?

Mr. Chafizadeh: The question, what line are you talking about in the budget about this $5,000,000 revenue? So the Comptroller can look at.

Mr. Goldszmidt: Top line item for revenue. I think it was $59,000,000 projected for the end of the year and next year is, like, $64,000,000. So it's pretty big jump.

Mr. Chafizadeh: Noreen, do you have the budget there? Do you know what line he's referring to?

Councilman Saracino: That includes your tax levy, I believe. Correct?

Ms. McGinty: All the special districts also, ones in which we don't have any control over. We have to just collect for them.

[unintelligible conversation]

Mr. Goldszmidt: Okay. It'd just be good to understand because, I mean, I think that changes…

Supervisor Fulgenzi: We could get you a breakdown.

Mr. Goldszmidt: Oh, I'd love that. I was also curious as to since we did get below the tax cap, are the only line items that changed the ones associated with the insurance? Or the other line items that might have been adjusted, during this period? Because I would like to know what the new budget looks like even though it's not finalized, but the new preliminary budget before it gets to that finalization point to understand, you know, where the money is going. So is it just purely on the insurance side, or is there other items that may have changed in this, most recent adjustment?

Supervisor Fulgenzi: There was a couple of different lines. Insurance was a big number. We decided not to hire an issue an additional police officer. And we just tried to tweak a few lines to try to save wherever we could.

Mr. Goldszmidt: Okay. That's understandable and I appreciate that. Is there a particular target that we wanna have the target fund balance at? Because I know earlier on when you give your introduction, you say you don't want it to be too big, you don't want it to be too small. What is that optimal number that we wanted to be at? Is it the $10,000,000 number? Is it less than the $10,000,000 number or a little bit higher than that number?

Supervisor Fulgenzi: There are requirements of minimum. You don't wanna hold a lot of taxpayer dollars. So we were as high as $18,000,000 at one point and we have been using, every year, we try to take some fund balance to control taxes over the years. I don't want the town holding my tax dollars. I'd rather have it in my bank account.

Mr. Goldszmidt: But what's the target?

Supervisor Fulgenzi: In the same token, we went through COVID without having to borrow money. A lot of municipalities had to borrow money. Luckily, because we had a decent fund balance, we got ourselves through COVID without a problem. A lot of people don't understand from January 1st until collection in April, you work with fund balance. That's how you pay bills. There's no extra money sitting around. So that's what you work with. So if you don't have a decent fund balance, you can't pay your bills.

Mr. Goldszmidt: I completely understand. I was just curious if there was a number target that is ideal or optimal where we're not holding too much of our residents money, but we're also still meeting all the requirements. We can also get the benefits of being able to borrow at the best rates.

Supervisor Fulgenzi: We're actually talking about creating a number, a range where we should work in. We don't have that yet. There's a certain amount of money we have to make sure we have for retirements, payouts, and stuff like that. You always have to maintain a certain minimum fund balance. Like I said, we are talking with our Comptroller about creating a range where you wanna be, so we make sure we never go below. And if we go above, it's going back to the taxpayers.

Mr. Goldszmidt: Okay. Will we be told that range when it is identified?

Supervisor Fulgenzi: Yeah. I think it's something once we establish it, we'll definitely make that public. We're happy to.

Mr. Goldszmidt: I'd very much appreciate. I think most of us would also appreciate to know what that target should be or what that range should be. I also saw there was a post about the highway department about their asphalt prices increasing by about 10%. Are there any other line items in the budget that may be increasing due to tariffs or any unexpected, you know, changes in administration in 2025 and that have been accounted for?

Supervisor Fulgenzi: I don't think the administration had anything to do with price changes. I think we all know everything went up. We're trying to work with the numbers that we have to deal with. I don't know of anything that went down in price in 2024.

Mr. Goldszmidt: I don't think anything has gone down. I know I was looking at the email you sent out where you mentioned that there was, and I hope it's a typo, but a 6.2% increase in inflation. Every source that I've seen said 2.6%. Is that just a typo?

Supervisor Fulgenzi: No.

Mr. Goldszmidt: It's at 6.2%? What source did you get that from? Because I was not able to find that when I was looking online.

Mr. Chafizadeh: Over a period of time.

Mr. Goldszmidt: Yeah. I was looking October to October. It said 2.6%.

Mr. Chafizadeh: I don't think it was 1 year.

Mr. Goldszmidt: So what period of time was that then?

Mr. Chafizadeh: I forget where we got the information from. But it was it was…

Supervisor Fulgenzi: It changes constantly.

Mr. Chafizadeh: It wasn't year over year.

Mr. Goldszmidt: Okay. It wasn't clear then in the email that it was not year over year, because we look at our town budget every year. Right? And we talk about it wasn't year over year percent increases for our town budget.

Supervisor Fulgenzi: As you know, a lot of things go up, it's rare that they come down.

Mr. Goldszmidt: They never come down. I just wanna make sure that everything is, you know, apples to apples when we do a comparison. Right? If we're only talking about increasing our tax cap by 2% or up to 2%, then we're talking about inflation over a 3-year period or longer term than, you know, a year, it doesn't look apples to apples anymore. Right? I was also curious if there'd be any opportunity where I mean, I was thinking a lot of my neighbors and residents here will say that they're very passionate about this town budget. Right? We have such a big turnout tonight that we can have maybe a small community group where we can look at the numbers more closely and analyze if there's any opportunities for potential savings or maybe things that could be done slightly differently to optimize the way the budget is being spent.

Supervisor Fulgenzi: Well, if the budget passes tonight, you'll have a copy of it within the next week or so. And you're welcome to get together and sit down and talk about it and see what you think you may be able to make some changes. I have to say something. This is my 10th budget. This is the first time people ever came here to talk about the budget. And it troubled me because I had always asked department heads to be at the budget meetings and nobody came to ask a question. It's the first time, even when we went above the cap in 2017, I think it was 2 people here. So I'm glad to get more input from the people. That's how it works. And we haven't had that in, say, 9 years. I don't think we've had it.

Mr. Goldszmidt: I mean, I'm really happy to hear that because I think we're all feeling like the pinch from inflation being so high. So we're trying to make sure we get the most bang for our buck at the end of the day. Not only meant to cut anyone's budget, we also wanna make sure that we're getting the most value out of it too.

Ms. Wayne: I have some numbers here.

Supervisor Fulgenzi: Can you just physically give it to me?

Ms. Wayne: I want everyone to hear. The budget for police officers, I did some numbers. Chief, thank you for speaking. I love our police force. They're amazing. And I believe I'm looking correctly. There's a lot of numbers on that page. I'm not including any of the equipment. I'm just including salaries and things like that and it's roughly around $8,000,000, for the year. So I did a little bit of math and if $8,000,000 if JCC, who you know I'm on them because they're taking money from our pockets, everyone in this room and everyone in the town, if JCC is costing one third, they're using one third of our police force, that comes out to $2,600,000 per year. And if you multiply that by 30 years, which is approximately how long I've been living in this town, so for the town, let's just randomly say 30 years, that's $79,000,000. Okay? $79,000,000. What is the increase that we're looking for in the budget? I know you don't know it. They're gonna tell me to go look on the website, which I'm surprised about because I would love for everybody here to get a copy of the budget. I know that it's available online, but anytime I've been to a meeting, they always give you whatever they're speaking about. And because there's so many *[unintelligible]* on there to look you know, it's just better to have it and for everybody in the board to have it also so then they can say, oh, it's $8,000,000…its $8.3M but I'm giving you…if we're including salaries it's actually $9.3M so *[unintelligible]*.

So their total assets is $138,000,000. Why are we paying for that? And everything's talking about cutting things. Don't cut our police force. Put a policeman in another school. Why are we paying for JCC? Why? Because the state wants it? Because every time we talk about fixing the street, oh, the state the state the state. No. What about the state? Why can't anybody go after the state? They are public servants, but we act like we're subservient to him. We're not. They are servants. Chief said there's gonna be a meeting, probably by the time he retires. Nothing will ever change because I've seen it for the 30 years I've been here and I've seen people die going through this. But why can't we have an actual answer right now? Why can't we do something about the $79,000,000 which of over 30 years that school has costed us in police force? Our police force. Our schools deserve more police. They do. And it's wonderful here. It's a wonderful town. There's no reason why we should cut anything in this town. I see the guys working with the, leaves. People complain. They didn't come on my street. Okay. It's very cute and all that. And they come on the street and they're wonderful guys. Why should anybody have to have a cut in their salary or a cut in their in their jobs? They shouldn't.

And then I just wanna make a comment about the pensions. So the younger guys are getting less of a pension, I wonder why that is. And the way it's affecting all of us now is they're not working because they're getting paid less. I'm just assuming this, I don't know. So the older the more, what do you call it—senior guys—are working more. So they're getting higher pay and they're getting a bigger pension because that's how it works. So whoever made that decision didn't save us a dime.

Supervisor Fulgenzi: It's New York State.

Ms. Wayne: Well, there you go. Okay. So we keep coming back to the same issue. So aren't they our public servants? And shouldn't we all have an opinion about that and say, hey, What's going on here? Why are we putting up with this?

Councilwoman Zaino: Have you tried to reach out to New York State? Because I know you're aware Mark [Saracino] and I had started Coalition for a Safe Mount Pleasant. And it saddens me that you feel like nothing will change at Cottage School when we were able to get Cedar Knolls closed.

Ms. Wayne: Thank you very much for that. I'm sorry that I didn't say thank you.

Councilwoman Zaino: No, no, no. I'm not looking for a thank you. I mean, we've had several, several meetings with the state and our legislators, and it is extremely frustrating because it goes in one ear and out the other.

Ms. Wayne: Exactly. But that's my whole point.

Councilwoman Zaino: But it doesn't—it's not gonna just come from these people up here. It needs to come from you guys.

Ms. Wayne: In what way?

Councilwoman Zaino: The residents need to get involved. Reach out to your state and county legislators and express to them. I mean this is the state, here. You know. You were at the meetings we had for Cedar Knolls. I'm happy to talk to you. I know this is really not the forum for this right now because this is about the budget. I'm happy to talk to you on the side and brainstorm with you on how we can attack them more.

Ms. Wayne: Thank you. But I agree with you. This is not the form for that, and this is about the budget. But the budget is directly affected by that school. And they are a business, they are not a not-for-profit. They’re not just there to help people.

Councilwoman Zaino: Absolutely. We have a duty to respond to calls up at that school. So, you know, whether…I agree, we shouldn't have to pay for it, and that's one of the things we fought with them. Hire your own private security. Have your own ambulance up there, because it shouldn't fall on our department. But in the meantime, until we're heard, they have an obligation to respond. And, unfortunately, we're all the ones paying for it. You're right. And it's not right, but it is what it is for right now.

Ms. Wayne: Thank you. But the reason, I know you're saying that it's up to us. Listen. I don't wanna be that one person. And I realize I can get everyone to come in and do stuff with me, and I feel like it should be someone besides a resident here.

Councilwoman Zaino: Well, like I said, I don’t wanna hold everybody else up. This is the public hearing for the budget, but I'm happy to talk to you. Honestly, I'll give you my number on Facebook. I'll message you, and I'm happy to talk to you and brainstorm.

Ms. Wayne: Okay. Thank you.

Supervisor Fulgenzi: Just a note on the state paying for police officers on that facility. I had had this conversation with prior Police Chief. He was thinking of going after the state to get them to pay. My concern at the time was, once we have the state paying for our police officers, they will control our police department, and that's something I did not want.

Ms. Wayne: Well, what we can do is you're talking about the state police? Because…

Supervisor Fulgenzi: They won't go there.

Ms. Wayne: Oh, the state police won't do it. Oh, of course not. They don't have the manpower. Well, they have to hire people and then the taxes. Ultimately, we, the people, will still have to pay for it. We'll still pay for it, but there's something really wrong with that, and we shouldn't have to cut anything in our town.

Councilman Saracino: I would say take Danielle's advice. Don't sell yourself short as a resident. You say someone out here shouldn't do it, I think you can do it. And Danielle and I each were not on the town board when we started that mission and we got more done in those few years than a lot of we probably ever thought we could have gotten done. Don't sell yourself short every little bit of grouping residents together, emailing your legislators, your assemblypeople, it all helps. It all helps. Sometimes more than hearing from us, believe it or not.

Ms. Wayne: Yes. And thank you for what you do. Thank you.

The Supervisor asked if anyone else would like to address the budget. There were no further speakers.

Upon motion of Councilwoman Zaino, seconded by Councilman Saracino 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

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Continuation of Public Hearing to Consider a Local Law Authorizing the Town to Exceed the 2% Tax Cap for the 2025 Budget — RESOLUTION 460-24

The Supervisor asked for a motion to close the hearing because the most recent preliminary budget is staying under the 2% cap.

Councilman Saracino: Mr. Supervisor, may I just add for the residents here really quick to keep in mind that the budget is a moving target. Right? It's what we set now is what we think we're going to need for next year. Doesn't mean we're gonna stop trying to find savings and stop trying to find efficiencies. I think it's really important to keep in mind that there's a very good chance that that budget might come in lower at the end of the year. And we say, okay. Well, now we add to our fund balance and learn from those things. And all throughout the year, listening to the input that you've given us, don't think it's gone in one ear and out the other. We have a year ahead of us to work with that budget and to find ways to make it better for the year going forward. I just wanna make sure everyone knows and understands it's not a number set in stone.

Supervisor Fulgenzi: And I think I mistakenly said, *do more with less*. My meaning is possibly, *be more efficient*. We all learn that, you know, when we have to save, we learn to be more efficient. And there's all of our department heads are great people and they'll find ways of saving and cutting here and there. And I appreciate their efforts on that.

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

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RESOLVED: That the public hearing is closed.

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

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Continuation of Public Hearing to Consider Hardship Variance from the Battery Storage Moratorium Submitted by New Leaf Energy — RESOLUTION 461-24

The Town Supervisor opened the continuation of the public hearing. Representatives of New Leaf Energy approached the microphone.

Robert Gaudioso, Snyder & Snyder: Good evening, Mr. Supervisor and members of the board. Robert Gaudioso with the law firm of Snyder and Snyder on behalf of the applicant, New Leaf Energy. We did have a pretty thorough discussion about our waiver request, to be able to process these applications that have been pending for some time. We believe we've met the criteria of the waiver provision Section 3 of your law that you did adopt a few months back. We did submit the documentation to show that. And what I think we expressed last month was we wanted the opportunity to be able to work through the process with the planning board and zoning board. We wanted the opportunity to collaborate with the town of any new regulations, and we believe that the waiver would help both of those goals. You did have some very important questions specifically related to the hardship and related to certain fire safety issues. We submitted a letter from New Leaf Energy and I just would like to introduce New Leaf Energy's senior project developer, who wrote the letter and just would like to discuss it a little bit with you to give you an overview of what we submitted. Thank you.

Corina Solis, New Leaf Energy: Thank you. I just wanna for the record and also for folks that may not have seen the letter, wanted to give an overview of the explanation we gave. So we communicated last public hearing that we'v, invested about half a million dollars into this project, and that was with the understanding of an experience of having our Hawthorne Energy Storage Project, which is the same size, same purpose, which is actually in operation now. Having gone through the same process and with the existing code. One of the things that that letter highlighted is really the hardship not only to New Leaf Energy, but to the grid itself. So the New York State Independent System Operator publishes regular reports with their projections on what the grid is experiencing and any shortages that we're experiencing on generation. There are a couple of really alarming statistics that came out of some of the most recent reports. Namely, that at minimum, about 50% electricity increase is expected throughout the state by 2042, but it can be as much as 90% increase.

There is a couple of different scenarios that they modeled out that said how much capacity we would need. This project in particular would add 5 megawatts of capacity to the grid. But it showed that by 2042, we would also need about 3 times

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the existing capacity that's on the grid today to be built out in order to avoid things like, during a 98 degree heat wave of just 3 days, power being lost, and potential widespread blackouts. And not only in Mount Pleasant, but throughout the state. There is a really critical need for investments like energy storage that have been in the making at the public service commission level for over a decade now. So there recently we also include this information recently this summer. New York State, PAC, and NYSERDA, approved a road map that is for energy storage. It contemplates about 30 of these projects being sited in Westchester. So this is certainly a need throughout Westchester and in the most populous areas. Also, the orders that have been submitted are specifically to encourage public sorry, private investment rather, than the traditional utility model. And that's explicitly because, you know, this is an unprecedented need in terms of increasing capacity and upgrades to the grid that's needed. And it would just absolutely be unaffordable for it to be rate based the way that, this type of infrastructure has traditionally been invested in.

So our project, you know, if it was to be able to come online, it would, come on during the hottest times of the year, every single day during the summer, making sure that the local grid does not go down, and it gives that benefit without adding to the rate base that ultimately increases utility bills to any utility customers. There are other ancillary services that our project would provide to the grid that ultimately prevent, you know, accelerated wear and tear on the system, accelerated replacements, and overall increases the efficiency of the grid so we're not wasting as much electricity throughout it. And then finally, part of the road map process is to support the 2030 goals for both energy storage and continuing to decarbonize the grid. All of these, you know, projections are really informed by a bunch of huge load interconnections that we expect over the next several years, actually through 2030, the electrification of gas, more electric vehicles. There's a lot of things that are happening on the grid that the utility is very urgently trying to address.

I did mention in my letter that for this project in particular, because we had already gone through and gotten our interconnection agreement with Con Edison, they were insisting, although they can't require us, they were insisting that they'd be able to start construction on this project this past October, which is their original date, just to get the upgrades done in a timely manner because as the moratorium stands, this is the only upgrade for this neighborhood that's contemplated and no other project to serve this upgrade need would be contemplated by Con Edison. So I just wanted to say one last thing on some comments that we got last week on safety. So I just wanted to highlight a couple of other comments we had. Firstly, that, I completely understand that there is potentially some fear that's been generated from a recent incident in Warwick. There are over 5,000 systems that are operational in New York State right now. And, statistically, as monitored by 3rd party independent parties, it's less than a fraction of a percent that we see across the industry for failure rates, which is emblematic. Yes, we saw something happen nearby, but it's actually, you know, one project out of those 5,000. Regardless of the statistics, the state is contemplating updating their fire code.

It's likely that in terms of timeline, it's likely not going to actually be changed until the end of next year. But it mimics a lot of what is already being required in New York City and has been required since early 2018, where there haven't been any incidents, but where there are a significant amount of energy storage systems. I personally developed the projects that have been in operation there for over 5 years now. Because these are recommend fire safety recommendations that we're familiar with and that we believe are the industry standard regardless of the timeline for the fire code adoption of these new recommendations, we would be comfortable committing to abiding by these recommendations as a condition of eventual permit approval. You know, just because if we were to be granted this hardship variance, it might we may be a little bit ahead of that code change, but we don't have a problem with adopting those requirements.

Supervisor Fulgenzi: Thank you. Just got a couple of comments. Appreciate your input on this. The town board established a moratorium for a reason. The reason was it's new to us. We wanted to get more information and we are doing that. Unfortunately, we have 2 units that were put into town that I personally wish I had more involvement with, but I didn't. I am concerned that eventually the government or governor may mandate certain things that puts things out of our control. So that's why I do wanna be ahead of anything that could be mandated. So we've got to come up with our proper zoning that we control whatever happens in the future. But I think the town board, and I'm just speaking for myself, there's a comfort level we have to be at before we say let's move forward and forget the moratorium. So right now, we are in a moratorium, but I'm open to any suggestions from the board or the public at this point.

Councilman Sialiano: Carl, I'd like to say a few words. I'm a retired lieutenant from New York City Fire Department. I worked in Chinatown, I worked in the Bronx in the Soundview section. I think I responded about 90,000 fires and emergencies. Worked in the busiest truck company in the City of New York. So, unfortunately, I saw a lot. And fires are very, very dangerous. The fire associated with this product is super dangerous. You can't put it out. The byproducts of combustion are lethal. There's not enough evidence to me that the unit—it just burns. When the fire department responds, they're just gonna protect the perimeter. So I'm very concerned about, like I said, the byproducts of combustion, how it's gonna affect the environment, how it's going to affect our water. We have a water source up here. It hasn't been proven to me beyond a reasonable doubt that your product could self-extinguish. That's what should really happen. You have a battery storage system, it should put itself out. And some of these fires burned for, like, 6 days. So your argument with energy is—that's a good argument, but from fire safety perspective, based on my experience, and I have a lot of experience—I also taught at the division of training—and I at this point, I agree with Carl. We need more research. We need more time. We have to make sure our citizens are safe.

Councilwoman Smalley: I would I'd just like to make a comment, and then go back to a statement that you made in regard to the fire code in New York State not being updated perhaps during this coming year. And we understand that from also from our volunteers here that have met with us several times in public and in work sessions. In my industry, in healthcare, I would never go ahead and proceed with some kind of a treatment unless the guidelines had been written. And therefore, I would like to take a much more cautious stance on this and wait till we see what the fire codes are going to be put in place by New York State before I would feel comfortable addressing a hardship or lifting the moratorium. So I'm going to go back to what Tom said as a professional firefighter. Myself, as a professional in healthcare, I don't feel comfortable with this at this time. Thank you.

Mr. Gaudioso: We'd like to introduce an additional witness, but before I do that, I just wanna respond to some of the comments. So we understand you have a moratorium and your moratorium does not allow the processing of applications. We are not here asking you to approve this application. We are not here asking you to decide whether it complies with the regulations. We are not asking you to decide whether it's safe. We're asking you to allow the zoning board and planning board to obtain the necessary information and make those determinations because they are the boards under New York State Town Law and under your zoning code that have the authority to make those determinations. Your criteria for whether you should grant the waiver or not was drafted by you, adopted by you, and enacted in section 3 of the moratorium. And those issues that that you appear to be concerned about are not criteria of that law. Those criteria will ultimately be decided if we're allowed to at least process the application with the zoning board and planning board. They have authority under SECRA to evaluate many of these issues. They have authority under your special permit criteria, which they've used in the past on other applications that they've evaluated, and they have authority under the site plan regulations to do all of that. So what we're asking you to do is review the criteria that you placed in the moratorium for the waiver and apply it to this particular application. And I think the hardship is one issue. I think that the timeframe that this application was filed and why we have that hardship is very critical to that component. As far as regulations by New York state, there are already regulations in the New York state fire and building code. That that has been enacted for many, many years. It's in place, and the governor's task force has suggested additional regulations, which we are willing to comply with as part of the process. So we have no objection to that. As far as the fire issue, I'd like to introduce our expert on that. Last month, or 2 weeks ago, I should say, you heard from, Mr. Paul Rogers from ESRJ. Tonight, we have Adam Jacobowski, with us. He's also from ESRJ. In Carina’s letter, she had detailed the results by third parties, including the DEC, of issues related particularly to the Warwick fire and the fact that even according to the governor, there was no significant off-site contamination. So that's in Carina’s letter, which I think is very important. No matter what burns, you know, it's it's a fire, and this is not unlike whether it's a Home Depot or anything like that. So I just like to have Adam, respond to a couple of those comments.

Supervisor Fulgenzi: I just wanna make one point. With all due respect, you said that all we have to do is refer to the planning board or zoning board. Nothing really leaves the town board unless we're comfortable with it. So we're not just gonna send something to the planning or zoning board if we're not comfortable. And until we get to that point, it's not gonna happen, in my opinion.

Mr. Gaudioso: Sure. I'm just asking you to apply the criteria. That's all.

Mr. Chafizadeh: We understand the standard. The board does.

Speaking to Mr. Jacobowski, **Councilman Saracino:** What's your position?

Mr. Jacobowski: So, honorable members of the board, residents, I do appreciate the opportunity to speak. I'm a consultant for Energy Safety Response Group. I am a career firefighter and also a fire protection engineer.

Councilman Saracino: Okay, who's paying you to be here?

Mr. Jacobowski: I am paid by ESRG through New Leaf*…*

Ms. Solis: Just for the record, we are not paying.

Mr. Jacobowski: Oh, I'm a consultant for ESRG. I was asked to come here today. I assumed, incorrectly, I apologize. Did you have any questions specifically?

Councilman Sialiano: Yeah, what is your background with respect to being a firefighter?

Mr. Jacobowski: I'm on a job in Connecticut. I've been there about 13 years. I'm a company officer now.

Councilman Sialiano: Excellent. Have you ever fought a fire like this before?

Mr. Jacobowski: I have seen them. I have fought them in…not in the jurisdiction I work, but we were dispatched or responded to an incident, and we did help the local fire department.

Councilman Sialiano: And how long did it burn?

Mr. Jacobowski: That was unique, because it was in a facility that would actually not be allowed to be permitted here. It would not be allowed to be permitted under current codes and standards. When it was constructed, there were actually no regulations in existence for battery energy storage. So that same exact type of facility could not be constructed now, anywhere. So that—actually, started to involve a roof of a structure and, as you know, it was a QDAC roof covered by insulated foam and then covered by a waterproof membrane. So once that foam caught on fire, it couldn't be extinguished. You apply water, waterproof membrane sheds that water.

Councilman Saracino: So at the time it was built, it was okay, from what the people who built it and the people who approved it understood at the time. Just like what you would wanna propose now is okay based on what the safety might be, but that changes. It's a constant evolving, changing technology, in code, in safety. We are just not comfortable right now to let this go further than…and, you know, subvert our moratorium. It's just not something that I think we wanna do right now. And it's not to say it might never happen. It's just right now, I'm not comfortable with it. And I want you to respect and appreciate that fact, that I'm not comfortable. And don't tell me that I should be comfortable because I'm not. I'm sorry, but, that's not gonna change.

Mr. Jacobowski: Of course. And I'm not here to put words in your mouth. I'm just here to answer any questions. And understand that codes and standards have come a very long way since then. So it's not that something being installed now is anything like that. It's just what you're saying when they installed that, they did install it to what they thought was best.

Councilman Saracino: Correct.

Mr. Jacobowski: We've learned, unfortunately, through some incidents, that what they knew then was not adequate. And there are a lot of safety experts in multiple industries that have applied this knowledge, applied the knowledge from these instances to build out those standards, to build out those codes, to ensure that this safety improves tremendously. And they've been successful in that. With the amount of deployments that are across the country and world now compared to the amount of incidents that we see, those codes and standards and government regulation made a difference. They really have. What we know now is not what we knew when that was built. So I do, I really respect your opinion.

Councilman Saracino: I just think, might you know more 4 years from now? Of course, right? We all will. We're just asking for how many more months to know more. That's it.

Councilman Sialiano: It's actually 3 more months, but Mr. Gaudioso also is asking for a hardship, and he's saying that you've met the criteria. With respect to safety and to firematics, and the environment…and you don't meet the criteria. You're insisting that you do meet the criteria by virtue of the fact of us sending you to the Planning Board or the Zoning Board…it's almost like saying that it's okay. And I'm uncomfortable with that. I was a member of the Planning Board. If I got someone if the Town Board kicks something up to us, I might think it's okay. And I think that sends the wrong message.

Mr. Chafizadeh: So just for the record too, which will be part of the resolution when you see it, currently, the planner is reviewing zoning issues. The building department and fire inspector are reviewing issues also. We'll provide something to you shortly. This property is within 325 feet of residential zones. It abuts the R-20 zoning district, and is approximately 550 feet from residential homes on Galloway Drive. The records of DEC show that it is within a wetlands on this property. We know that the area is located over an aquifer in drinking water. So I think part of this…there's other issues on the hardship issue to look at, but these are considerations for you and ultimately what will be considered under the zoning, where these can be, if anywhere, which will be proposed to you by the planner. There are other issues that will be outlined ultimately in the resolution, which will withstand scrutiny. But if you wanna take comments in the public, I think you can do that.

Mr. Gaudioso: I just do wanna correct a couple things. We're over 1,100 feet from residences. We are not in the DEC wetland.

Mr. Chafizadeh: We took your SEQRA documents and other documents and mapped them on the DEC wetland site. So, if we're wrong, it's 1100 feet, 500 feet, whatever the number is, but we did the research.

Councilwoman Zaino: It's still too close.

Councilman Saracino: You're saying 1100 feet from a residence or from a residential district?

Mr. Gaudioso: It's in a light industrial zone.

Councilman Saracino: What's the distance to the start of the residential zone? Not to the first residence, but to the zone.

Mr. Gaudioso: About the same distance. If you look if you look at the maps that we submitted, yeah. It's 1100 feet. So I'm just I'm just telling you what the record shows before the planning board. We're also not in a DEC wetland. We're not even in the DEC buffer, actually, and we had that confirmed. But that's my point, like…

Mr. Chafizadeh: But what is that? Where you're putting the facility?

Mr. Gaudioso: Correct.

Mr. Chafizadeh: Or the property itself?

Mr. Gaudioso: No, the facility.

Mr. Chafizadeh: The property that it'll be on is part of a DC wetland, isn't it?

Mr. Gaudioso: No. The wetland's on an adjacent property.

Mr. Chafizadeh: Okay. Well, I'll look at the maps a little closer, but that's not what I understand. But if you have a map you wanna show me, feel free to send it.

Mr. Gaudioso: Yeah. But I guess this is the point, right? These are the issues that we're in the middle of discussing on this particular project. So these are the exact types of issues that, you know, we've already started building a record with the planning board and zoning board since February. And this is where they have the expertise to look at these specific issues. That's why we're asking to process it. We're not asking for it to be approved. We're asking it to be a process. And we're also still willing to work with the board as I think you had requested 2 weeks ago. We're willing to meet with you to help expedite the adoption of regulations because in essence, that's the point of a moratorium is to adopt regulations within that 6-month time frame. Thank you.

Supervisor Fulgenzi: Thank you. At this point, would anyone from the public like to speak?

Public Comment:

<u>Michelle Hertz, Pocantico Hills</u>: I oppose this variance request. I wanna ask a question. What codes do battery facilities must they abide by? There are utility electrical fire safety codes, and there are consumer electrical fire safety codes. Which codes do you have to abide by?

> **Mr. Jacobowski:** May I step in the mic? I'm sorry. Do you mind? So they have to abide by New York State Fire Code, and that includes international fire code language and…
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> **Ms. Hertz:** Right, but there is utility electrical fire safety codes that are different from business electrical fire safety code and consumer electrical safety code. So which one did you all fall under? Do you fall under a utility fire safety code?
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> **Mr. Jacobowski:** Energy storage systems are covered in the New York State fire code. That's the code. There’s a section in…
>
> **Ms. Hertz:** So they have their own…you have your own fire codes? I

understand that, but I'm wondering what is a battery facility go under?

Ms. Solis: Yeah. So we do have to abide by electrical codes. There's specific components of the system that mean that we have to fall under the electric code, but then there's also a section of the fire code that we have to follow. So there's multiple layers of codes that we have to follow.

Ms. Hertz: I still don't think that's a good enough answer. Is it the utility? Utilities have their own by electrical fire safety codes. They're separate from the other electrical fire safety codes. So that's in the state and that's federal. So what where are the codes for battery facility?

Mr. Chafizadeh: If I could if I could jump in, I don't know if you know, in July of 2023, there was a I think it was a task force, formed by the state. This is all on the state's website. And then there were some recommendations made in early of 2024 to follow. And then just recently in July of 2024, Governor Hochul announced a draft fire code language that addresses recommendations from the fire safety working group. The draft code language includes changes to improve coordination, emergency preparedness, advanced safety and reliable growth, emergency preparedness, advanced safety and reliable growth, and is, there's a number of other issues that are on the state website. So that's ultimately what'll be what'll be they'll be required to maintain, which can be ultimately in a resolution. There's a whole bunch of literature on this. I think you can find that'll be easier rather than going back and forth, but there's a number of codes that are proposed. Our planner and building and fire people are looking at it also and seeing what could be incorporated into a new law, which will be presented to the board.

Mr. Chafizadeh and Ms. Hertz continued to discuss the link.

Joe Soricelli, Valhalla: Fortunately or unfortunately, I maybe have more experience with this than most people. I was on the on the zoning board when the Broadway unit was approved. And I have a very specific question right now if I can ask them. Under the approval, this was approximately 4 to 5 years ago, would that unit pass the proposed new code? This is an existing unit that hasn't even been final. You just did the landscaping, which will give a final approval. Will that unit meet the proposed, which you mentioned this unit, in quotes, would meet? Would that facility meet the new proposed guidelines?

Mr. Gaudioso: I don't know off the top of my head. We'd have to go back and look at it and compare it. But I can say with reasonable satisfaction, it's the same equipment.

Mr. Soricelli: But on a different note, I actually attended and presented at the planning board meeting that was there. I was waiting for the 2nd planning board meeting for follow ups, and it was subsequently moratorium stepped in, and the planning board meeting was canceled but this was removed from the agenda on the planning board.

Mr. Gaudioso: Do you know which equipment is there?

Mr. Soricelli: I have…I can go back to the records, but *[unintelligible]*. But the answer is, would that meet the code? We don't know. And that supports, I'll say, the straw poll of the of the board right now saying, we need more information. It's evolving. We approved a unit 4 years ago, however the process went. Eventually, it, you know, went from town board to planning board to zoning board. I was on the zoning board. So certain questions. There's a second piece of this puzzle which has been the I'll say, at least in my opinion, the gorilla in the room. The site is a New York State supersite. It is part—I've had this discussion, they say, oh, no—the Foran property split it up, took the less contaminated site and made it, in quotes, something that was usable. The more contaminated site probably will never be usable to the point where there's a fence around the property as we speak. So 2 different areas. But one answer that I had submitted with a long DEC site, and the DEC has been in touch with me, right, asking about particulars. And I said, right now, it's a moratorium. I don't know where it is. Right? But I may request you come down to a meeting on the planning board and explain what's going on. 2 different site examiners, 2 different things out sort similar to what was going on. And I've been down this road. The other part which I am curious about, alright, is the concentration of these plants within the town of Mount Pleasant. I had an experience with ARC Homes 15, 20 years ago. Right? That part of it was we were being used as a dumping site for homes before it was fought back. It was fought back, and I had claimed to fame, I was sued with the town of Mount Pleasant by the person who was trying to develop. You can look it up. It was Joe Soricelli in the town of Mount Pleasant being sued for discrimination. It was dismissed. It was completely dismissed and all. But I had to retain attorneys. I had to do different things. Right? If you wanna voice your opinion, you voice your opinion. If you're on the right side, you're on the right side. Right? And I wasn't even doing it. It was the site itself was a contaminated site. Had to be repaired. This is a potentially contaminated site. There are guidelines that I've had. People have spoken about that if we have an accident, it was on an aquifer. This 1100 feet from a residence, it's gotta be damn close. I can think of 2 houses that aren't 1100 square feet. Right? I can think 2 houses directly. And I will say I bought into the neighborhood knowing that this was a supersite at the time. But, believe it or not, the most important thing is that you don't disturb the surface soil. Everything is underneath. If you disturb it, you don't know what you're gonna find. I'm sorry. You can argue that we're only gonna go down 3 feet, put a, you know, concrete platform, so forth. I'm sorry. An excavator is gonna be disturbing the soil. So I am with this and I will say it's a straw poll. But from listening in the audience, I almost left. Right? But I did wanna find out is, will this existing site, which I now work close to, pass, right, the proposed guidelines that are out there, which you have referenced multiple times in in this presentation. So that's my thought. And again, straw poll, it almost appears that we have a 5-0 vote to continue, but that's a straw poll. We'll find out when the vote comes in. Thank you.

Supervisor Fulgenzi: I think the town board made it pretty clear that there's a lot of questions we have, and we will get those answers.

Mr. Gaudioso: Yeah. So just in brief response, Mr. Soricelli is correct. We were on the verge of a public hearing where some of these issues could have been discussed when it was pulled off the agenda, pre-moratorium. But we did submit a letter to you. It shows that there's no contamination in this location. So I just wanna clarify and correct the record on that. You have it in your file, and we know that because there's actually monitoring wells right adjacent to the proposed site, and they've been clean.

Gal Ophir, Pleasantville: I wanna respond to something that you said actually. It was a parsing that disturbed me a little bit between the hardship and the concerns that the town board are articulating. Hardship is a vague word by design, and it is in context. And the context is incredibly important. If the hardship was, I'll pick an extreme, hundreds of people will die if the exception wasn't granted. I'm certain the town board will have a different view even with these concerns. I'm not gonna put words in your mouth, but there are legitimate concerns that the board has. And the hardship has to be listened to in that context. It's not separate. It's not isolated. So when they say that they have these concerns, I haven't heard the equivalent of hundreds of people will die or whatever it is that would override these very legitimate concerns in that context. So hardship is the question, I agree. But it is not isolated. Thank you.

Mr. Gaudioso: Your code has the criteria. The criteria is not hundreds of people will die. Your code has specific criteria.

Councilman Saracino: What was the year that the Hawthorne Broadway unit was finished?

Mr. Gaudioso: I think it was recently. I think it was just this past year. And it is my understanding it's the Tesla equipment.

Councilman Saracino: Is it the Megapack 2XL or is it a previous?

Councilwoman Smalley: I thought that the Megapack 2XL was brand new on the market and the Hawthorne facility behind the Reformed Church has been in existence for at least 2 years, is my understanding?

Mr. Gaudioso: No. It was it was approved, I wanna say, pre-COVID from what I recall, but by the time it was actually constructed was recently.

Mr. Chafizadeh: With the latter part, correct. Either the end of 2023 or early 2024.

Councilwoman Smalley: So it is now operational is what you're saying? That's my understanding. Okay. I'd like to double check and find out what the equipment is. I think Mr. Saracino would like to know that also.

Patricia Halpin, Hawthorne: So, I don't think it's Mount Pleasant's responsibility to take on all these battery storage. You know, New York State is gonna have them and they're they should be disseminated across the state, not just in our little pocket. I think we already, as mentioned, 2 are in place, and Maya Angelou said, when you know better, do better. Now we know better. We have a moratorium in place. You did it for a reason to be able to learn more, to understand better, to understand the safety that's associated with it. The applicant—are they from Mount Pleasant? Are you guys from Mount Pleasant?

> **Ms. Solis:** No...*[unintelligible].*
>
> **Ms. Halpin:** Okay. So they're not local. Safety was something that the chief was not willing to compromise on and nor was the board when we were discussing the budget. I think the same should be here. Last time that this was brought up, you [Councilman Saracino] had said this is sort of, like, speculative. You used Nvidia, I'm not sure that was the best analogy, but, you know, you're putting something in and you're trying something, but it might not work out the way you want it to. And that's just the way life happens. And I'm not sure why we'd be considering it since we already have 2 in place, and we just don't know everything. It just sounds like everybody on the board is saying the right things and needing to consider it and bringing all the experience as well as our own firefighters in town who have come repeatedly to say their concerns about it. So thank you.
>
> **Supervisor Fulgenzi:** As with any application, the applicant has a right to present to the board, and we are responsible to hear it.

Ms. Solis: So I do wanna respond, I included this in my letter as well, but I wanna respond about the concentration of Mount Pleasant-specific projects. That is just not true. The state at large is experiencing these those 5,000 existing systems that I quoted, obviously, are not in Mt. Pleasant. New York City in particular, as an example, we'll see about 450 megawatts of these systems installed. They already have a critical mass throughout the boroughs where there are, you know, 5+ year systems that are in operation. There will be about 30 projects in Westchester County, based on the projections of what's needed, installed throughout and Mount Pleasant happens to have a large density of smaller enclaves that Mount

Pleasant board reviews, and so that's why you're seeing more than one application for energy storage systems. But that doesn't mean that there's any intent or in actuality even that there's a significant concentration here rather than somewhere else. I also think it's really important to note that, you know, I keep mentioning these projects that have been in operation for a number of years. Those systems, like Adam was mentioning, have learned like, we've progressively learned, yes, from some of the very initial, back probably 7 years ago, when there were critical failures. And now we're seeing that, like, less than 1% failure rate throughout, you know, all of the systems that are installed. There's gigawatts that are installed. This system also, so part of kind of the codes that we've been talking about are that, this system, we specifically chose the Tesla Maga Pack 2 XL because it has proven that it can fail safely. There are requirements that we hold so, you know, I definitely understand the perspective from like the healthcare perspective, etcetera. Our industry does work that way as well. Since those very initial incidents that happened, like I said, the fire code for energy storage in New York City has been in existence and basically has stayed the same for about 5 years now, 5 or 6 years. And it was informed by the need to prove out that these systems are safe, that they will fail safe in the worst case scenario. And Tesla, in particular, did go above and beyond and when their system…so there's basically a test called the 9548 that's done by a third party. In this case, it's through UL. And they have to prove what would happen if the system did fail. They actually couldn't make it fail just by like normal means of trying to overheat it. So they went above and beyond and tried to, like, make the worst case scenario. In those cases, the systems showed that, like Rob mentioned earlier, anything that was amended was very similar, if not, it's like a more, very similar, if not had less diversity of emissions than a typical structure fire, so in comparison to, like, a house fire or something like that. And the system can only complete the test and be approved as a 9548 system in New York City territory if it shows demonstrably that it can put itself out on its own. And not only that, I think we've maybe shown a couple of pictures in our submissions. But essentially, there you can envision like a like a shipping container and it has multiple doors which we can just consider different bays. So within those containers, a fire would not spread bay to bay. So there are—this is proven technology already, and that's what other fire departments are already referencing

<u>Cam Amenedo, Valhalla:</u> I was here 2 weeks ago in November and I think this goes beyond the moratorium and we have to consider things that I don't believe that we we've talked about. One is the contamination to the point where it's being carried by air. The distance between the points, point to point, is 1 it's 0.9. It's, less than a mile. It's 0.9, and the average speed of wind is between 8 and 10 miles per hour. That's per hour. There's 60 minutes in an hour. There's 60 seconds in a minute. That's 3,600 seconds. It takes 0.002 seconds at that speed wind for contamination to reach Kensico Dam. Do we really wanna take that chance?

Supervisor Fulgenzi: Would anyone else like to address this issue?

Mr. Jacobowski: If I may, just to help fill in that gap that we discussed. You're trying to have questions answered, get more information. I'm not familiar with the Hawthorne site, but if you go research that site and find out it's Mega Pack 2 and you see this is Mega Pack 2 XL, those are the same products. There's one more compartment. All the innards are the same. So don't let that little deviation just in that research…

Councilwoman Smalley: I think the point is that we're uncomfortable. And what we're saying to you right now is that and I'm speaking on behalf of all of us because I think, as Mr. Soricelli said, we do a straw poll. I actually live in the in the Valhalla community and I've driven that site just the other day. I'm very uncomfortable with it because the map doesn't match up to what I'm physically seeing. So it would take a lot for me to change my mind in regard to the moratorium, and then to really open my mind to explore what could possibly go there. Again, we're looking at a densely populated residential area, which does have neighboring wetlands. The aquifer is beneath Forand. There's the Bronx River. There's the brambles. There's a major parkway. So I'm not really sure that fitting this facility in that location is something that's beneficial to the Valhalla and the Mount Pleasant community. But tonight, we're speaking about the moratorium, and I think it's very obvious that we're not ready to supersede the moratorium and push this application through based on hardship or anything else. Again, I refer back to the supervisor. He is the one who will continue and close the hearing, if necessary. Thank you.

Supervisor Fulgenzi: With no further speakers, I will entertain a motion to close this public hearing as far as considering a hardship variance.

Upon motion of Councilwoman Smalley, 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

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II. Supervisor's Report

Authorization to Adopt 2025 Budget (added during meeting) RESOLUTION 475-24

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

RESOLVED: That the Town Board hereby adopts the 2025 Budget.

SEE ATTACHED ADOPTED 2025 BUDGET

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

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Authorization to Deny New Leaf Energy, Inc.'s Hardship Variance Application (added during meeting) RESOLUTION 476-24

RESOLUTION DENYING NEW LEAF ENERGY, INC.'S HARDSHIP VARIANCE APPLICATION SEEKING A WAIVER FROM THE TOWN'S SIX (6) MONTH MORATORIUM ON THE CONSIDERATION OF PLANNING AND ZONING APPLICATIONS RELATING TO BATTERY ENERGY STORAGE SYSTEMS

WHEREAS, Governor of New York has convened an Inter-Agency Fire Safety Working Group (hereinafter "Working Group") in the wake of battery energy storage system ("BESS") fires in Jefferson, Orange, and Suffolk Counties during the summer of 2023 to study potential safety requirements; and

WHEREAS, the Working Group released draft recommendations on February 6, 2024 and continues to inspect BESS facilities and review best-practices for safety; and

WHEREAS, the Town Board sought to temporarily prohibit the establishment or siting of all BESS facilities as experts conduct further review regarding the potential for additional safety requirements and for the Town Planner to prepare a draft local law for consideration concerning BESS facilities; and

WHEREAS, on or about September 10, 2024, the Town adopted a Local Law intended to be consistent with and pursuant to the authority granted to the Town Board of the Town under New York State Constitution Article IX, Section 2 (c) (ii) (6)(10); Municipal Home Rule Law § 10 (2); Municipal Home Rule Law §10 (3); Municipal Home Rule Law §10 (4) (a) (b); Town Law §135; and Town Law Article 16 (Zoning & Planning) amongst others; and

WHEREAS, the Local Law was a land use regulation intended to address matters of local concern, and it was declared that it was not the intention of the Town to address matters of statewide concern. The Local Law was intended to act as an exercise of the permissive "incidental control" of a zoning law and land use law that is concerned with the broad area of land use planning and the physical use of land and property within the Town, including the physical externalities associated with certain land uses, such as potential negative impacts of such uses on a community; and

WHEREAS, at the time the Local Law was adopted there was one pending special use permit application for the location, development or site plan approval of a BESS; and

WHEREAS, the Town Board found that temporary moratorium legislation was both advisable and necessary for a reasonable and defined period of time in order to consider development and adoption of necessary zoning and land use changes to the Zoning Code of the Town of Mount Pleasant, thus protecting and furthering the public interest, health and safety; and

WHEREAS, the adopted Local Law provided that:

> no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town of Mount Pleasant, for the construction, establishment, use of operation of any land, body of water, building, or other structure located within the Town of Mount Pleasant, for any Battery Energy Storage System Installation; and

WHEREAS, the moratorium and prohibition applies to all real property within the Town, and all land-use applications for the siting or creation of a BESS; and

WHEREAS, the moratorium and prohibition took effect on September 10, 2024 and shall expire on the earlier of: (i) that date which is six (6) months after said effective date (March 10, 2025); or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists; or the conclusion of any extension thereof; and

WHEREAS, the Local Law establishing the moratorium included a procedure for the application of a hardship variance following a written request for same; and

WHEREAS, the hardship variance required the submission of a written request and the hearing of a noticed public hearing which would be held within sixty (60) days of receipt of such request; and

WHEREAS, the Local Law explained that at the public hearing the Town Board may, but is not limited to consider:

A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other areas of environmental concern.

B. The impact of the proposed application on the applicant's premises and upon the surrounding area.

C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.

D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Mount Pleasant.

E. The written opinion of the Town of Mount Pleasant Planning Board and the Town of Mount Pleasant Building Inspector that such application may be jeopardized or made impractical by waiting until the moratorium is expired.

F. Evidence specifying in detail the nature and level of any alleged hardship imposed on the property owner(s) as result of this moratorium.

G. Such other considerations and issues as may be raised by the Town Board.

WHEREAS, in making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be helpful with review of said application; and

WHEREAS, a grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon property owner which is unique to the property owner(s), a finding that there are sufficient existing regulations to adequately govern the application for which a hardship waiver is being requested, and a finding that the grant or an exemption will be in harmony with, and will be consistent with an existing Town of Mount Pleasant Zoning Ordinance and the recommendation of the Comprehensive Plan as such may exist; and

WHEREAS, on or about October 7, 2024, New Leaf Energy, Inc. ("New Leaf") submitted a written Hardship Variance Relief application for property located at 115 Wall Street in Valhalla (the "Property"); and

WHEREAS, the Property is located in the Town's M-1 (Planned Light Industry) Zoning District; and

WHEREAS, within the M-1 Zoning District any principal nonresidential use permitted in any other district, except child day-care centers are permitted; and

WHEREAS, the M-1 Zoning District permits light industrial and manufacturing uses for the fabrication, processing converting, altering assembling or other handling of products, which will be conducted solely within a building or group of buildings and will not cause or result in:

> (a) Dissemination of dust, smoke, observable gas or fumes, odor, noise, vibration or excessive light beyond the immediate site of the building or buildings in which such use is conducted.
>
> (b) Menace by reason of fire, explosion or other physical hazard, including radiation or electrical disturbance.
>
> (c) A harmful discharge of waste materials.
>
> (d) Unusual traffic hazards or congestion due to the type of vehicles required.

WHEREAS, the Property abuts an R-20 Zoning District and is located approximately 250 feet from residential properties along Holly Ridge Road, in an R-10 Zoning and approximately 550 feet from residential properties, located along Galloway Lane in an R-20 Zoning District (understanding that the BESS is located further away from the actual residences); and

WHEREAS, the New York State Department of Environmental Conservation's ("DEC") records show that the Property contains wetlands or other waterbodies, which are regulated by a federal agency, while also being located over a principal aquifer; and

WHEREAS, the DEC's Environmental Site Remediation Database provides that the Property is in the State Superfund Program relating to Remediation Sites 360054 (on-site) and 360046 (on the neighboring property);

and

WHEREAS, the Property contains a two story building, parking lots and green space located on approximately 10 acres, there are paved parking lots in front (south) of the building and the topography slopes up steeply to a rocky, wooded area to the east and north; and

WHEREAS, the Property was first developed in 1958 by Farrand Controls (and/or its subsidiaries) which utilized the on-site building for industrial-manufacturing and office use through 1990; and

WHEREAS, it is reported that that DEL Global Technologies (a former tenant), which was on-site from 1991 through at least 2003, generated waste trichloroethene (TCE); and

WHEREAS, the current property owner, DP16 LLC, signed a consent order with DEC in June 2009 for a remedial program; and

WHEREAS, the Property is currently being monitored and regulated by DEC; and

WHEREAS, New Leaf is seeking to develop a five-megawatt BESS, located within a 6,150 sq. ft. portion of the Property, which currently hosts multiple commercial tenants and a rock-climbing gymnasium; and

WHEREAS, the proposed BESS, which would supplement the local power grid during peak house, would be enclosed by a chain link fence; and

WHEREAS, prior to the moratorium taking effect, New Leaf had submitted applications for a special permit and variance from the Town's Zoning Board of Appeals, as well as, Site Plan approval from the Planning Board; and

WHEREAS, the proposed BESS would be located on the southern side of the Property, across the parking lot from building located on the Property, requiring the removal of trees in the area; and

WHEREAS, the proposed facility would be located on top of the Property's stormwater management system; and

WHEREAS, New Leaf submits that the BESS would not impact agricultural soils, while there is a wetland area located to the south of the proposed site, it is outside of the Town's 50 foot wetland buffer; and

WHEREAS, New Leaf's submission provides that the proposed application will not have any impact on the existing building, nor will it impact the existing parking lot or vehicle circulation; and

WHEREAS, submits that the proposed project is compatible with the existing land use and character of the area in general proximity to the Property, noting that the Property has no abutting residential zoned parcels, with the nearest residential property being approximately 1,100 feet to the proposed facility; and

WHEREAS, New Leaf proposes to have screening of the proposed facility; and

WHEREAS, New Leaf asserts that the Planning Board and Town Building inspector had previously referred the matter to the Zoning Board of Appeals, but have not explained how the application would be made impractical by waiting until the moratorium is expired; and

WHEREAS, the Town Building Inspector has provided a letter to the Town Board explaining that the application will not be jeopardized or made impractical by waiting until the moratorium has expired; and

WHEREAS, New Leaf represents that there is an alleged hardship imposed upon the property owner(s) who are not able to collect rent for the current lease during the processing of the application which will be extended an additional six months during the pendency of the application; and

WHEREAS, New Leaf further represents that it has invested over $550,000 into the project, including an interconnection deposit with Con Edison; and

WHEREAS, public hearings were held on November 26, 2024 and December 10, 2024 wherein a presentation was provided by New Leaf and comments from the public were heard; and

WHEREAS, in order to prove "unnecessary hardship" under the common law for a variance*(a necessary requirement to obtain a waiver), the applicant must demonstrate that:

> (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
>
> (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
>
> (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and

(4) that the alleged hardship has not been self-created**.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby ratifies and affirms each and every “WHEREAS” paragraph above and denies the application of New Leaf for a waiver based on the fact that New Leaf has not demonstrated it has suffered or will suffer hardship by waiting until the Town Planner can prepare a local law relevant to the siting of BESS facilities in the Town, especially since there are no regulations concerning BESS facilities in the Town.

BE IT FURTHER RESOLVED, New Leaf’s alleged hardship is that it spent $550,000 (no evidence was submitted to date on the details of this $550,000) to site the Facility at the Property and that the Property owner (not New Leaf) will be unable to collect rent for the project. The owner not collecting rent is not a hardship to New Leaf (the applicant).

BE IT FURTHER RESOLVED, as per New Leaf, the $550,000 includes an unknown deposit amount and it is unclear if this deposit is refundable and there is also no evidence of the breakdown of this $550,000. With the new regulations being prepared by the Town Planner, there is no indication that New Leaf’s proposed facility cannot ultimately be built at this location (or another location) just slightly delayed until the Town has had time to appropriately consider measures to ensure the general health, safety and welfare.

BE IT FURTHER RESOLVED, that the Town presently has no BESS regulations which specifically address the documented potential fire hazards or health and safety issues which have been seen in other communities and can be addressed by the Town Board. To allow a project to go forward without proper regulations could create an issue which will potentially be located on the Property (and neighboring properties) for years to come. However, a delay of a few months, including any potential extension of the moratorium, will result in the adoption of legislation which protects the general health, safety and welfare relating to BESS projects. The fact that New Leaf may need to wait a few months on a potential facility is not a hardship.

BE IT FURTHER RESOLVED, in reviewing the criteria outlined in the Local Law, the BESS is proposed to be located on the Property, which contains a wetland area and is undergoing DEC Site Remediation.

BE IT FURTHER RESOLVED, that while the Property is in an M-1 Zoning District, it is close to residential neighborhoods. Furthermore, within the M-1 Zoning District, uses which disseminate dust, smoke, observable gas or fumes, odor, as well as those which result in menace by reason of fire, explosion or other physical hazard, including radiation or electrical disturbance are not permitted. If the BESS were to catch on fire, like those in Jefferson, Orange, and Suffolk

Counties, it would create many of these offending conditions prohibited in the Zoning District, close to a drinking water source and immediately adjacent residential areas.

BE IT FURTHER RESOLVED, the hardship applies to all properties within the Town equally; the requested variance may alter the essential character of the neighborhood, which is why the safety of BESS facilities are being studied by the Town Planner and the alleged hardship has been self-created. On the issue of reasonable return, the Property has been operational and providing a reasonable return without the BESS. Further, the conclusory submission of costs to date have not been substantiated or not deemed refundable. This facility will have a minimal impact on the grid and therefore, any impact to the electric grid is not relevant.

BE IT FURTHER RESOLVED, if any clause, sentence, paragraph, subdivision, or part of this Resolution 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 Resolution or in its application.

* Case law provides that a “hardship” may be considered economic. While the local law passed by the Town does not include this requirement, the Town Board nevertheless performs this analysis.

** See <u>Jones v. Zoning Board of Appeals of the Town of Oneonta</u>, 90 A.D.3d 1280 (3d Dept. 2011).

Motion By: Councilman Sialiano Seconded By: Councilman Saracino

Vote:

Supervisor Fulgenzi	**<u>Y</u>**	N	A	Absent
Councilwoman Smalley	**<u>Y</u>**	N	A	Absent
Councilman Saracino	**<u>Y</u>**	N	A	Absent
Councilman Sialiano	**<u>Y</u>**	N	A	Absent
Councilwoman Zaino	**<u>Y</u>**	N	A	Absent

Authorization to Obtain Bids for Delivery of Caustic Soda (25%) for Two Water Treatment Plants — RESOLUTION 462-24

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

> RESOLVED: That the Town Clerk is authorized to advertise Notice to Bidders for delivery of Caustic Soda (25%) for two water treatment plants in the Kensico and Pocantico Water Districts. Bids will be received by the Town Clerk, 1 Town Hall Plaza, Valhalla, NY 10595 until 11:00 AM on Friday, December 20, 2024.

VOTE - AYES - Town Supervisor Fulgenzi, Councilwoman Zaino, Councilman

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Sialiano, Councilwoman Smalley, Councilman Saracino

Authorization to Revise an Agreement to Perform Various Repairs and Related Costs to Maintain Fire Hydrants Annually in the Thornwood Fire District within the Town — RESOLUTION 463-24

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

> RESOLVED: That the Town Board accepts the revised Agreement to perform various repairs and related costs to maintain fire hydrants annually in the Thornwood Fire District.

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

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Investment Report — RESOLUTION

THE SUPERVISOR REPORTED THAT THE CURRENT RATE OF INTEREST IS 4.25%.

III. Business from the Floor

Chief Oliva said as part of a cost-saving measure, the Police Department is looking to hire a few part-time civillian dispatchers, which will lower the overtime. In the near future, may ask for part-time dispatchers at a salary of $25.00 per hour which is more palatable than a police officer's salary. Said he would imagine that some of the other departments also use part-timers as a cost saving measure.

Building Inspector Sal Pennelle said after 2 years the Energy Upgrade Project is complete and the new generator will cover the whole building now. The best news on savings is what the Window and Door portion of the project in 2023 saved on oil. From January 2023 to December 2023, used 14,000 gallons of fuel to heat the building. In 2024, with new windows and doors, only burned 8,000 gallons of oil. Saved $15,000 in fuel oil for one year. Also conserving on lighting costs with LED lighting and looking to complete the building.

IV. Town Clerk

Town Clerk's Report — RESOLUTION

TOWN CLERK'S REPORT

V. Council Reports

Councilman Sialiano

Purchase Order 30-24-42: American Flags — RESOLUTION 464-24

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

RESOLVED: That authorization for Purchase Order No. 30-24-42 is granted to Display Sales, 6300 W Old Shakopee Road, Bloomington, MN 55438 for 75 nylon American Flags with header and grommets at $27.00 each plus $77.00 shipping for a total cost of $2,102.00.

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

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Purchase Order 30-24-43: Graco Linelazer RESOLUTION 465-24

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

RESOLVED: That authorization for Purchase Order No. 30-24-43 is granted to Wallauer, 30 Virginia Road, White Plains, NY 10603 for one (1) Graco 3900 airless line stripe with two manual guns at $9,150.00 and one (1) Graco 15-gallon paint hopper with lid at $279.95 for a total cost of $9,429.95.

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

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Purchase Order 30-24-44: Electric Work in New Storage Shed for Traffic and Safety Garage RESOLUTION 466-24

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

RESOLVED: That authorization for Purchase Order No. 30-24-44 is granted to lowest quote, RLG Electrical Contracting LLC, 37 Cleveland Street, Valhalla, NY 10595 for the installation of a new electrical storage shed for Traffic & Safety at a total cost of $2,400.00.

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

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Authorization to Hire Traffic Safety Seasonal Maintenance Laborer Effective December 16, 2024 RESOLUTION 467-24

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

RESOLVED: That authorization is granted to hire Ronan Forde of Yorktown Heights as a Seasonal Maintenance Laborer in the Traffic & Safety Department at a rate of $20.00 per hour, effective December 16, 2024 until January 10, 2025.

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

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Councilwoman Zaino

Purchase Order 50-24-15: Salt per NYS Contract PC70462 RESOLUTION 468-24

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

RESOLVED: That authorization for Purchase Order No. 50-24-16* is granted to Atlantic Salt, Inc., 134 Middle Street, Suite 210, Lowell, MA 01852 for road salt as follows:

Quantity:	500 tons
Unit Price:	$74.75 per ton (as per NYS Contract)
Fuel Adjustment:	- $0.35 per ton
Cost Per Ton:	$74.40
Amount:	$37,200.00
Variable Costs:	$3,720.00 (dependent on tonnage upon delivery/fuel surcharge)
Total Cost:	$40,920.00

**12/16/2024 - PO corrected to 50-24-16.*

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

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Authorization to Execute a Hold Harmless Agreement with the Homeowner at 86 Franklin Avenue, Valhalla to Permit Encroachment into Town Right-Of-Way RESOLUTION 469-24

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

RESOLVED: That the Town Board authorizes a Hold Harmless Agreement with homeowner Jean M. Viviano of 86 Franklin Avenue, Valhalla to keep in place a stone wall on a portion of the Town right-of-way in front of the property.

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

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Councilman Saracino

Comptroller's Memo RESOLUTION 470-24

Upon motion of Councilman Saracino, seconded by Councilman Sialiano 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

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Councilwoman Smalley

Purchase Order 70-24-64: Portable Stage for Community Center and Town Events RESOLUTION 471-24

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

RESOLVED: That authorization for Purchase Order No. 70-24-64 is granted to Wenger Corporation, NW 7896, PO Box 1450, Minneapolis, MN 55485 for one (1) 16'x12' portable stage with 32" legs, guardrail, stairs, and cart at a cost of $12,781.76, per OMNIA contract #R191204.

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

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Purchase Order 70-24-65: 2025 Ford F-350 RESOLUTION 472-24

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

RESOLVED: That authorization for Purchase Order No. 70-24-65 is granted to Hempstead Lincoln Mercury Motors Corp., 301 N. Franklin St., Hempstead, NY 11550 for one (1) 2025 Ford F350 with plow at a cost of $61,262.20, price per Westchester County Contract.

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

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Purchase Order 70-24-67: Forty-foot (40ft.) Storage Container RESOLUTION 473-24

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

RESOLVED: That authorization for Purchase Order No. 70-24-67 is granted

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to Eveon Containers, 701 East Bay St., Suite 518, Charleston, SC 29403 for one (1) 40ft. storage container for park supplies and equipment at a cost of $2,344.00.

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

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Authorization to send out an RFP "Request for Proposals" for the Operation of the Concession Stand at the Town Pool	RESOLUTION 474-24

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

RESOLVED: That the Town Clerk is authorized to publish Notice of Request for Proposals for the operation of the concession stand at the Town Pool for a period of three years, 2025-2027. Proposals will be received by the Recreation Department, 1 Town Hall Plaza, Valhalla, NY 10595 until 11:00 AM on Friday, January 17th, 2025.

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

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VI. Town Attorney

VII. Schedule of Meetings

Work Session: Tuesday, December 17, 2024 at 7:00 PM	RESOLUTION
Business Session: Monday, December 23, 2024 at 7:00 PM	RESOLUTION

VIII. Adjourn

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

RESOLVED: That the meeting is adjourned at 9:17 PM.

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

December 10, 2024

Respectfully Submitted,

EMILY COSTANZA
TOWN CLERK
TOWN OF MOUNT PLEASANT