TOWN OF
MOUNT PLEASANT

MINUTES OF THE REGULAR
MEETING OF THE TOWN BOARD
TOWN OF MOUNT PLEASANT
WESTCHESTER COUNTY, N.Y.
HELD NOVEMBER 26, 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, as well as all other Department Heads.

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

I. Presentations

Celebrating Our Youth Honoree, Hailey Schott RESOLUTION

The Town Supervisor and Town Board honored Westlake Middle School student, Hailey Schott, the first recipient of the town's Celebrating Our Youth program. Ms. Schott is recognized for volunteering at Rockefeller State Park Preserve since 2017, logging several hundred hours. Supervisor Fulgenzi praised Ms. Schott for creating Hailey's Charity Art Auction, which has raised over $14,000.00 for the Preserve to date. The funds were used to purchase two all-terrain wheelchairs for park guests. State Assemblywoman MaryJane Shimsky also gave Ms. Schott words of praise and thanked her for her work.

II. Public Hearings

Public Hearing for the Preliminary 2025 Budget RESOLUTION 453-24

The Town Supervisor opened the public hearing. The Town Clerk read the Notice of Public Hearing aloud. Supervisor Fulgenzi invited Town Comptroller, Noreen McGinty up to the podium.

Ms. McGinty: I’m here to discuss with you the 2025 preliminary budget. Just to introduce myself, my name is Noreen McGinty, and I am the new Comptroller for the town. To provide a little bit of background, the town begins the budget process during the summer months. Supervisor Fulgenzi and I conduct meetings with all the department heads to discuss their plans for the upcoming year and to review the status of the current year.

From there, much time and effort is put into compiling the tentative budget which is filed with the Town Clerk by October 30th. The Town Board is then presented with the tentative budget for review no later than November 10th. Once the Town Board has reviewed the tentative budget, any revisions are made, the preliminary budget is prepared and filed with the Town Clerk prior to the public hearings. For New York State Office of the State Comptroller, the public hearing must be conducted on or before December 10th, and the budget must be adopted by December 20th. The Town Supervisor and Town Board typically schedule two public hearings to allow the public to have ample opportunity to ask any questions or voice any concerns.

The preliminary budget is made available via the town's website and the Town Clerk's Office. Based on the continual rising prices of goods and services, it has been the goal of Supervisor Fulgenzi, the Town Board, and the department heads to sharpen our pencils and find ways to cut back on expenditures without reducing any services. As expected, a large portion of the estimated increase is made of 12% for health insurance costs and 16.6% for ERS and [unintelligible] for PFRS, which are retirement costs. The town must also reflect the various special district in its budget. For example, the fire protection districts, ambulance districts, and library districts, for which we have no control over.

All factors considered, I believe Supervisor Fulgenzi, the Town Board, and all department heads have accomplished their goal of creating a lean budget but also efficient. The town is presenting a 2025 preliminary budget of $64,900,000 in total expenditures. This is $1,400,000 more than the 2024 adopted budget of $63,500,000. The town is budgeting to use approximately $2,290,000 of fund balance in addition to budgeting conservatively for expected revenues. This will result in the 2025 tax levy to be $33,700,000, approximately 229,000 more than the allowable levy of $33,400,000.

This translates to an increase of less than $50 per household. For the upcoming year, the town will be taking a conservative approach to spending. We are not planning on borrowing money unless it's absolutely necessary, and we'll continue to search for grant funding to offset any budgeted expenditures. The town has completed a tremendous amount of work over the past several years, many improvements throughout town, and it tends to continue to provide the same level of service going forward. Please keep in mind the town's tax only encompasses approximately 20% of your total tax bill.

The remainder of your bill is made up for the school district's tax and the county tax for which the town simply acts as a collection on behalf of. Thank you for your time.

Supervisor Fulgenzi: Thank you, Noreen. At this time, the public hearing is open. Anyone who wishes to ask a question about the budget, you're welcome to do so, and we'll do our best to answer your questions. If you could please sign in before you speak, and then when you get to the mic, just state your name and address. You could you could come up. Do you [Ms. Costanza] need to read the notice?

Ms. Costanza read the Notice of Public Hearing aloud.

Gol Ophir, Pleasantville: I'm a resident. Questions with regard to those figures you gave. Can you give the percentage of year over year increases?

> **Supervisor Fulgenzi:** For all management is 3%. We try to keep it same as what the union raises are. So management gets same as what's been stipulated in the union contract. Generally, it's 3%. It is 3% this year.
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> **Mr. Ophir:** Thank you. And what is the percentage increase for the staff as it relates to those health care increased costs of 16 point an odd percent. Where I work, when the increases go on for health care, employees' contributions often go up. What is your increase in contributions?
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> **Supervisor Fulgenzi:** Well, the contribution for each employee does go up if the rates go up. So, all employees pay 25% in their salary towards health care, so if the health if 25% of that new increase, whatever it is, that's what they have to pay. It goes up.
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> **Mr. Ophir:** Got it. So if it goes up significantly, that only 25% is absorbed by the employees no matter what.
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> **Supervisor Fulgenzi:** Yes.
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> **Mr. Ophir:** Thank you. That helped. I would like to voice my opposition to the increase in the budget in particular as it relates to compensation. I have been a resident of this town for over a dozen years. I have been disappointed with the services that I have been receiving. I've actually called your office in particular, Mr. Supervisor, multiple times this year. I was deflected by your EA multiple times. I had to spend 4 months clearing up a dangerous situation on my street with a power line issue. I called multiple times. You never called me back.
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> **Supervisor Fulgenzi:** You never received any calls from my office?
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> **Mr. Ophir:** I only was able to get a response from the EA when I called directly multiple times. She picked up the phone. She responded. That was it. And it took months to receive it. Now in my mind, that is underperforming. And when you underperform, you don't get an outsized raise. Full stop. Okay. And I've had the similar issue, by the way, with…
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> **Supervisor Fulgenzi:** You do understand that we have no control over the power lines themselves, right?
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> **Mr. Ophir:** I understand that you could have called me once, spent 10 minutes as a constituent. How are things going? How can I help? You didn't do it once. You didn't follow-up. Your EA didn't follow-up once. I had to call multiple times. That is poor service. I could do the same thing with the town

roads where I had potholes, and I had to call over years before my road finally got repaired. Years. I was dodging potholes driving.

Councilwoman Zaino: I'm sorry, what street did you say you live on?

Mr. Ophir: Country Club Lane. And as it turned out, only part of the—what do you call it, the curb piece?—was repaired, but not by my house. So, underperforming, outsize raises doesn't make sense to me. I vote against. Thank you.

Marie Wayne, Hawthorne: I have a couple of questions I didn't hear from our first speaker. What is the percentage that our taxes will go up if this passes? I couldn't hear that part.

Supervisor Fulgenzi: Total increase with breaking the cap is 3 a half percent.

Ms. Wayne: 3 a half percent of which tax is that? The town tax?

Supervisor Fulgenzi: Town tax.

Ms. Wayne: Does that tax have anything to do with our police force?

Supervisor Fulgenzi: Yes.

Ms. Wayne: So that police force that are non-for-profit schools use has a big impact on that number, right?

Supervisor Fulgenzi: Well, the School Resource Officers that we had to hire for each school. We hired 3 School Resource Officers which the school pays 60%, we pay 40%.

Ms. Wayne: So we pay 40% of the non-for-profit schools that are running in our town out of our pocket. So it's out of everyone's pocket here. I'm not sure why I feel like I don't wanna pay their police force at all. Not all. And not only that, the EMTs, when we had our last meeting last year, the EMTs expressed concern about what they have to go through. They are volunteers. They're not being paid. They're volunteers. They're young people or whoever they are. They're young people who are putting their life in danger because we know how dangerous those schools were and are and still are. We've seen things happen just over…

Supervisor Fulgenzi: Are you speaking of Pleasantville Cottage School?

Ms. Wayne: I'm speaking of whatever not-for-profit schools are running through our police force.

Supervisor Fulgenzi: No, we're not—we do not patrol Pleasantville Cottage School.

Ms. Wayne: Hmm…what about JCC?

Supervisor Fulgenzi: No.

Councilwoman Zaino: Cedar Knolls is closed. Well, I mean, the school is not, but we don't have anybody up there.

Supervisor Fulgenzi: No.

Ms. Wayne: But what about JCC? Don't they run through our police force? They use our police force.

Supervisor Fulgenzi: Well, we have to provide police service to them, yes.

Ms. Wayne: But why do we have to pay for that when they have ample funds on their balance sheet of like, $100,000,000? And somehow we're paying into that and it's not really fair to us.

Supervisor Fulgenzi: We've been in conversation with the state for a number of years trying to get…

Ms Wayne: I know. I've seen people die. Over 30 years, I've been doing this and I've seen people go to their death fighting this because it's a big issue that we're paying for this and they have—If you look at their books, they haven't filed their taxes in, at least according to New York State Charities, in the past 2 years, but if you look at prior tax returns, they have over $100,000,000 of which belongs to us and the residents of our town. And I feel like we can't go on what is the state doing because they're the ones that are making this happen. We know that. So whatever they're doing, it's always like, oh well the streets aren't paved, oh, but that's a state issue. This is a state issue too, but they're allowing it to happen. They're using our money. It's direct. We can see it. It's obvious and it's not fair. I don't know why it continues for so long but like I said, I've seen people go to their death trying to fight this and it's not fair. And on another subject, which I'm curious about is, will Amazon be paying taxes?

Supervisor Fulgenzi: For sure. They're on the tax roll.

Ms. Wayne: When will they start?

Supervisor Fulgenzi: They started.

Ms. Wayne: They started?

Supervisor Fulgenzi: Yeah.

Ms. Wayne: So I'm sure they're paying a lot. I mean, that basically is gonna take over all the little stores in the area. They're huge. It's a tremendous establishment there. So wouldn't that kind of go into our help our situation?

Supervisor Fulgenzi: It does. A little over $1,000,000 goes to the school. About under $600,000 goes to the town. We won't see that until the April 25 collection once they get fully assessed. So we don't see that yet, but we will be getting a portion of that in 2025.

Ms. Wayne: Okay. And I think I when we met recently, I asked you about the school taxes and you had said that the school taxes that we pay don't go to any of the non-for-profit schools. But yet, deep down, it does affect what we get from the state, I have a feeling. Because they're paying for those schools, the Superintendents making like $400,000. None of our Superintendents, and that's a guess number, but it's pretty high. None of our Superintendents are making that kind of money...

Supervisor Fulgenzi: No.

Ms. Wayne: …They're just in it for the money. They're not in it for those kids. We know that. That's a long-time thing where those kids are being abused for money. And we're paying for it. I feel like we're all paying for it. It's not fair…

Supervisor Fulgenzi: I know.

Ms. Wayne: …And then, last year or the year of the election, there was talk of a surplus that the town had. And I know that, of course, we had to use that for that court case...

Supervisor Fulgenzi: No, not true…

Ms. Wayne: …But is there a surplus and can we use it?

Supervisor Fulgenzi: We've always maintained a fund balance in the town. During the COVID situation, we were one of the towns that did not have to borrow money to be able to cover us through that COVID situation. We used our fund balance to help cover us. Every year, we have taken a portion of fund balance to put towards taxes to help keep them—we've been under the 2% cap for about 10 years. So this is the first time, I think, in 2013, I think, that budget broke the cap.

Ms. Wayne: Isn't there, given the economy, is there any way we can use those funds? And also on another question regarding those funds, how are they being, I guess, stored or what kind of earnings are they making? Because that's a lot of money to be having sit around.

Supervisor Fulgenzi: I believe it's—it's in a savings account. I don't—we can't invest them or anything like that, but it's in a savings.

Ms. Wayne: I wonder what kind of—I'd be curious, I know you can't answer it now, but I'd be curious to find out because some of the savings accounts are, like, 0 or 0.2% or 0.5%, but some of them are 4.5%.

Supervisor Fulgenzi: I think that we usually list it at every other meeting. I think it was about 4-point-something at the last meeting.

Ms. Wayne: Okay, so that's good. So would the board consider using any of our surplus since I mean, the economy is bad. We know how much it cost. Things have gone up substantially in the last couple of years. Would the board consider using the surplus to cover…

Supervisor Fulgenzi: We did use some surplus for this budget.

Ms. Wayne: What percentage was used of the surplus? Or how much directly?

Councilman Saracino: $2,900,000,000 is being used.

Supervisor Fulgenzi: 2.29.

Ms. Wayne: What percentage is that of the surplus?

Supervisor Fulgenzi: Oh, I would have to ask our Comptroller that. I don't have that in my head. But believe me, we all pay taxes in town. The lower we keep the taxes, the better it is for everyone. So we're not here to break the cap. Like I said, we've maintained it for about 10 years. And because of the way—we all know what cost have gone up the past couple of years. We are all feeling that pain. So we did our best. We started off over 7% over in the budget. We cut every department as low as we could go and I've asked all of our departments heads to do more with less. And even though we have the budget for 2025, I still ask that they cut whatever they can throughout the year so we can build up our fund balance again for next year. I think everybody—department heads are not happy with the cuts, but we're all not happy paying more taxes.

Ms. Wayne: And we do have a good, crowd here tonight, but I feel like it would have been double or more had this not been this week when Thanksgiving is couple of days away.

Supervisor Fulgenzi: We don't have we don't have much of a choice. I was supposed to be in South Carolina with my son who's got Stage 4 cancer. I didn't wanna be here either tonight, but we knew how important this was, so we're all here.

Ms. Wayne: Is there any way to schedule this in the future, say, a month ahead of time? I know you guys are really busy, but I feel like it would give all of us time, especially in your situation and everyone else has other situations that they're dealing with. They're going to get their kids from school. You know, people have company coming. I have Australians in town. I have Italians in town. I have, you know, a lot going on. So…

Supervisor Fulgenzi: There are set dates. You cannot schedule it too early. You can't schedule it too late. I think by December, I think 20th, I think, is the final where it has to be submitted...

Councilman Saracino: There will be another…a second…there will be a second…

Supervisor Fulgenzi: Yeah, we're meeting again December 10th. But also, this is not gonna be closed. We're gonna continue the meeting.

Ms. Wayne: Okay. I'll give someone else a chance to talk, but I'd like to leave with the final words that at some point, I really feel that our police force should not be, we should not be paying into that for a company that has a $100,000,000 on their books. I'd like to just leave it at that.

Supervisor Fulgenzi: You won't get an argument from any of us here.

Ms. Wayne: So, where can we go with that? Because I would like to see that go somewhere.

Supervisor Fulgenzi: Well, at one point, they had there was a suggestion we should charge the state. My problem with that is once you get paid by an agency like that, they control you. And that's something I…

Ms. Wayne: But they do control—they control that…this, they're controlling this right now. Let's just say that.

Supervisor Fulgenzi: We've been fighting this for 10 years.

Ms. Wayne: So 10 more than that.

Supervisor Fulgenzi: Well, I mean, personally.

Ms. Wayne: 30-plus that I know of, personally.

Supervisor Fulgenzi: Alright.

Ms. Wayne: Thank you for your time.

Mr. Chafizadeh: Carl, to clarify one issue you mentioned, the School Resource Officers are in the public school system. There are no School Resource Officers in the private schools or in any not-for-profit school. And we're not paying into that school. The police department patrols and it goes on calls when there's calls there. So just so that's clear for the record.

Supervisor Fulgenzi: Thank you.

<u>Jonathan Goldszmidt, Hawthorne</u>: Good evening, Mr. Supervisor and Town Board. A little bit nervous to be here today, but I feel like it's part of my duty to be here to discuss this budget with this board. I noticed that over the past couple of years, we've seen a decrease in our end of year fund balance. In 2022, we had about $20,000,000 and then it looks like at the end of this year, we're projected to be around $10,000,000. What strategy are we gonna be using to sort of replenish that balance? Because it seems like we've been in that high numbers, like, about double where we are now for quite some time.

Supervisor Fulgenzi: We've had…we've been blessed with the fact that corporations coming into town, remodeling, redeveloping, and contributing to our tax base, which all helps us to maintain the fund balance. The past few years, it's been a little bit tighter. We've seen development, but not like we've seen in the past Regeneron, PepsiCo, and all that. We like I said, we tightened our belt to try to reserve as much as we can in the fund balance, but like I said before, these are taxpayer dollars. I don't wanna hold on to $20,000,000 of taxpayer dollars. I don't want my money held by the town either. So we had to find a balance. We're required to hold a certain amount. It's by law. We have to contain a certain amount as a reserve. If people retired, then sometimes there's payouts and stuff like that. You have to maintain a certain amount minimum. And then, like I said before, when you had a situation like COVID, a lot of municipalities had to borrow money. We didn't. We made it through that without being hurt.

Mr. Goldszmidt: So Okay. Could you clarify what the minimum balance is?

Supervisor Fulgenzi: I'd have to ask our Comptroller. I don't have those numbers.

Mr. Goldszmidt: Okay. Fair enough. I also noticed that in the past few years, we've had a excess over revenue that has been in the well, in 2020, it was $1,000,000, but understand for COVID. In 2021 was about $650,000. 2022 was about another $1,000,000. 2023 was $2,600,000. And this past year, it looks like we're about to hit $5,700,000, almost $5,800,000. Do we anticipate to have the same type of excess spending where we're spending more than the revenue that the town is bringing in in 2025?

Supervisor Fulgenzi: I think if you looked around town, you'll notice the amount of the miles of roads that have been redone. We got hit with a tremendous amount of drainage issues in town because of the tremendous amount of rain that we've had over the past few years. Affected all of our drainage system in this town, and we're slowly trying to replace them a little at a time. It'll be a tremendous expense to redo all of our drainage in town. We're still looking at…still waiting for a report for Hawthorne, where the water down on the lower areas has been building up and it's hard to get that drainage out of the area. Tremendous amount of money goes into those type of thing. That's our biggest expense is road work and drainage work.

Mr. Goldszmidt: Were these all unexpected expenses this year? Because they didn't appear to be in the budget last year.

Supervisor Fulgenzi: Some of the drainage, was unexpected, yes. A good part of it was unexpected.

Mr. Goldszmidt: And what about the revenue side? It looks like our projected revenue was about $3,500,000 higher than it actually was in 2024. Is there a reason that our revenue was $3,500,000 below what was expected?

Supervisor Fulgenzi: When you do a budget, you try to anticipate what kind of revenue you could bring in from, like, building permits and stuff like that. Some of them do not move forward. Some of them will get delayed, possibly a year. So sometimes you get a shortfall on that.

Mr. Goldszmidt: Okay. So do we expect to make up that revenue difference in 2025?

Supervisor Fulgenzi: We always hope to, yes.

Mr. Goldszmidt: Because I've noticed a trend in the last couple of years that we've missed our revenue targets, by usually a single digit percentage. So the year-over-year revenue growth that was, I think, estimated was about 4.8%, but we actually got was 1.17%. The year before that was 6.9%, but we actually got 5%. It looks like this upcoming year, we're expecting to need about 2%. Or we're estimating about 2%, but it looks like we really need about 8% based on the trajectory that we've been going in. And it makes me think that the bottom line number is off by a pretty significant magnitude between about $1,500,000 to $4,500,000. So do we have certain cuts in place that will make sure that we actually stay within this tax cap or we're just going to take more money out of the fund balance to make up the deficit?

Supervisor Fulgenzi: We have to stay within the tax cap. We base our revenue on sales tax, mortgage tax, which is very fluid. Mortgage tax has dropped off considerably. We thought that would be higher than…turns out a lot of people are paying cash for homes, which so there's no mortgage tax involved there. Sales tax, like I said, fluctuates depending on sales. So there's some…those aren't hard numbers you can work with. There's some variations there.

Mr. Goldszmidt: But this is just an estimate based on averages, right? From the last couple of years. Even all the way…I did my averages all the way through 2018. And even with the minimum number and the average number, it looks like we're up by $1,600,000 to $4,500,000 or $5,000,000 almost.

Supervisor Fulgenzi: I'd have to see those numbers. I don't—I don't---that seems a little high, but…I'll be happy to share these with you after the meeting.

Amanda Jasilli, Supervisor's Secretary: Good evening, everyone. I'm a resident and I'm also the Supervisor's Executive Assistant. I don't know if Gol is still here, but I heard some comments that were made about me not returning phone calls. And since we all do foresee the 3% raise, I just wanted to give some background on the situation. So to start, the holdup was on the utility side. I have contacts at Verizon, Altice, and all of those. So I go out to them and try to partner to get resident emails rectified sooner because pole issues take a long time. For example, I've been trying to work to get the Chelsea Bridge Street fixed, where the sidewalks are, and there's those long wires. So I'm still working with the utility companies on those.

So in reference to the disparaging comments made about me, I usually let my work stand for itself, but I felt compelled to speak about it. I do also have emails with Gol. I followed up with them every time I spoke with a utility company. I would be happy to provide that to anyone that would love to look at it. And I also would be happy to share emails from other residents that said they never would have been able to get any issues rectified with the poles had I not been involved. So I'm more than happy to share any emails like that with the board. And I do have an email chain with Gol every time I got in touch with the utility company. And I can't help if Con Ed's not gonna get out there or if Altice has to get out there or Lightpath, but I do try and I follow-up with the residents. I gave him a point of contact. He actually did call me one time when I got them out there very quickly, and I think I still have that voicemail saved. And then when it was taking a little bit longer because those field representatives went to another site, that's when he got very impatient was upset. So, again, I usually let my work stand for itself, but since we're talking about budget and raises, I’d be happy to show you any of that documentation. Thank you.

> **Supervisor Fulgenzi:** Thank you. For the record, I think that's the first time I received a complaint about our office.

<u>Christine Clayton, Sleepy Hollow</u>: Pleased to be with you here today. Number 1, my first question is, what does the Town of Mount Pleasant do for the Village of Sleepy Hollow? Can you please specify what services you provide us? Thank you.

> **Supervisor Fulgenzi:** Jim [Timmings], you got a minute, please? I had this discussion with a trustee this morning. There's a lot of misunderstanding about it.
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> **Ms. Clayton:** Please clarify it.
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> **Supervisor Fulgenzi:** What we intend to. Jim is our Town Assessor and we actually had a discussion about this earlier today.
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> **Mr. Timmings:** The town's taxes in the villages cover costs the town has for providing court services when necessary, assessment services because we assess all the village properties and the town properties. The town assesses properties in the villages as well as the town. So that is part of the cost. The court, I mentioned, the Comptroller's portion of the expenses that

the town has to provide services for the village are paid through that. At any rate, those are the general services. They also provide support for ambulance, through contract basis, for the various ambulance services in the villages. So Pleasantville ambulance, Sleepy Hollow ambulance, there's a Valhalla ambulance, of course, that's not a village, and the other town ambulance services as well.

Ms. Clayton: So here's my my next question, and I apologize, I don't have my numbers right in front of me. What is the cost of the outside counsel for the voting rights civil rights case? Or what's the town of Mount Pleasant paying out to outside counsel for that case?

Supervisor Fulgenzi: First of all, we have in our budget, we have for legal services. Much of that is drawn through that part of the budget. Our insurance company is picking up large part of the tab also, because we have insurance to cover us for litigation. So the exact numbers we don't have, we're still in litigation. Although, right now, we're on a stay.

Ms. Clayton: So are you trying to say that the town of Mount Pleasant budget is not paying for legal services for that lawsuit?

Supervisor Fulgenzi: Not all of it. I just said…

Ms. Clayton: What percentage? What percentage of the cost would you say?

Supervisor Fulgenzi: Probably 50% is paid by...

Ms. Clayton: 50%. And is that amount of money, does that exceed the amount that you are asking to exceed the tax cap? Does the amount that you are paying, that 50%, to that lawsuit, does that exceed the increase in taxes that you're proposing ahead of the tax cap?

Supervisor Fulgenzi: That was not part of the increase.

Ms. Clayton: So you're saying that it does not. The amount that the town of Mount Pleasant is paying directly for that lawsuit is less than the amount you're asking to exceed the tax cap?

Supervisor Fulgenzi: Yes.

Ms. Clayton: So you must know how much you're spending if you can answer that question for me.

Supervisor Fulgenzi: I don't have those calculations in front of me...

Ms. Clayton: Well, I left my email and I'm hoping that you will send that amount because you clearly know if you can answer that question.

Supervisor Fulgenzi: Excuse me?

Ms. Clayton: You clearly know if you could answer that question to me right now. If you could answer that question…

Supervisor Fulgenzi: If the number is in front of me, I would.

Ms. Clayton: Well, it seems like that should be somebody's job. If you are the supervisor and you were asking for a raise, you should have those numbers for us. Secondly, will you forego the raises to your salaries due to the increase in this tax cap you are proposing on this community?

Supervisor Fulgenzi: The town board has discussed that, which affects all management starting from lieutenants all the way up.

Ms. Clayton: I'm asking a yes or no question. Will you forgo your raises if you have to exceed the tax cap?

Supervisor Fulgenzi: We did a calculation to see if foregoing management raises would eliminate the 1.5% and it would not.

Ms. Clayton: So, that's interesting. I'll dig some deeper into those numbers. I understood and appreciated that you said you feel our pain that like a lot of Americans, you felt the pain of the last 2 years. I'm sorry. People who vote themselves—public servants who vote themselves an increase in salary are not feeling our pain. Okay? I would like to, on behalf of Sleepy Hollow residents who are here and some of whom are preparing for Thanksgiving could not be here. I wanna voice my opposition to your budget, to proposing to increase, as you could hear from your Assessor, we do not benefit from the services at all. As far as what I've seen, I've lived in this area for 20 years and I adamantly oppose you exceeding the tax cap when I believe, from what I've understood, a lot of that money is going to outside counsel to fight a lawsuit for the voting rights lawsuit. I think it's absolutely a disgrace in public service.

Supervisor Fulgenzi: Thank you.

Marilyn Fleder, Sleepy Hollow: I live in Briarcliff, I guess, is the post office, but I'm in the town of Mount Pleasant. I, too, was gonna ask about the hundreds of thousands of dollars that we're going to pay for legal counsel, particularly because I was at both of the public meetings. There were 2 public meetings, right? I was at both of them, and the thing that struck me the most was how divided the town was. There were people who were passionately opposed to this and people who were passionately against it. And I came away thinking this is very interesting. We are, you know, that we are moving out this divide. And when I got home and then I heard the experts that you all had hired who said do not file this lawsuit. It is a loser. You're gonna lose. And so I went home thinking that, surely, this would be a lively discussion behind closed doors. And if I'm not mistaken, it was a unanimous decision to pursue the court case and spend this money, which, I have to say, I think of it as my money. I think that my money is involved, and I do not feel represented since I was one of the people thinking, don't pour our money into a legal case that that you're gonna lose.

I never heard a real rationale from you all about why it was so important, but I can guess that a town that is a 100% Republican that votes itself raises is not gonna be debating this to the extent that your constituents are. And I'm part of that constituency, and I think that there are a lot of us, and we don't feel represented. I do not feel represented by a town that is pouring that kind of money into the pockets of lawyers who exist to fan the flames of things. I mean, I think the lawsuit was brought in order to open a discussion about the fact that this is one of the weirdest towns that I can think of because it's made up of suburbs, it's made up of towns and villages, and it's far flung. And, you know, it took me over 20 minutes to drive here from my town. That's how far away I am, and that's really how far away I feel too.

I am also one of the people who live near a proposed development. There are several huge developments that I've seen come to fruition in this town, and I've heard the nearby residents just come and pour their hearts out, complain because the quality of their life has plummeted. The quality and the value of their homes is plummeting and we do not feel heard. And that to me adds up to a real problem in terms of my representatives asking for more money to do something that I and I think a whole lot of my fellow residents feel is not a good use of our resources, especially for cutting services, eliminating things, tightening up the departments, and yet also giving raises. I mean, to me, this is this does not make sense. And I say this respectfully.

I have had really lovely interactions. When I've come here to town hall, people have been very attentive. But when it comes to the big expenses and it comes to the big decisions, I do not feel represented, and I do not feel this budget represents my values. Thank you.

> **Supervisor Fulgenzi:** Thank you. Just a couple things. When we were first hit with this case, we all agreed it was unconstitutional. Recently, a judge agreed with us, up in Newburgh, that it is unconstitutional. I feel it was worth the fight and the town board members agreed. I don't feel it's right that anybody should be pushed to a point where they have to be unconstitutional and it was very wrong, what's going on? And you said this is all Republican town? It's not. It's 2 to 1 Democrats. So maybe some Democrats are voting for the Republicans on this board. So, and I appreciate their support. We try to—you say that we're cutting services and I don't know where you see that...
>
> **Ms. Clayton:** Oh, I I'm sorry. I was referencing what you were saying about all the departments were tightening their belt.
>
> **Supervisor Fulgenzi:** Yeah, and that's a good economic way of going about things, tightening the belt. There's nothing wrong with that trying to

do more with less, being more efficient, and that's our whole purpose here.

Ms. Clayton: And foregoing a raise, I would think, would be a very obvious way to cut the money. I haven't had a raise in so long. I mean, my business has just gone flying out the window and so I am looking at an erosion year, after year, after year. You know, I'm on Social Security and that raise is not nearly as handsome as the one that I saw here.

Councilman Saracino: What percentage do you get on Social Security? I'm just curious.

Ms. Clayton: I think it was 3%.

Councilman Saracino: Right, so we're doing 3% across the board as a cost of living increase for management because it's very hard to strip raises from I know we're public servants and our management are public servants, and it's just very in a time where their costs at home are up 20, 30, 40 percent on certain items, sometimes more than that, it's a very tough balance to strike for us as trustees and at the same time as leaders. And, so you're getting 3% on Social Security and…

Ms. Clayton: 2.5%. I think as a public servant, it is a very difficult thing to ask for a raise from people, to ask for an increase in our tax contribution while you are taking a raise. I just, I think…

Councilman Saracino: No, and I can appreciate…

Ms. Clayton: I think that's a bad look. And I think and I know that your costs are going up. You should tighten your belt. That's what we've had to do. And I think, and it's not like it's not a handsome salary to begin with, okay, I will just say. I tried to figure out what the average Town Supervisor, salary was, and I found a lot of Town Supervisors in the state of New York who were making $60,000.

Supervisor Fulgenzi: They're not—it's very difficult to look at that. I'd be happy to share with you some numbers. There’s a Supervisor and then there's a Town Administrator. A lot of Town Administrators in Westchester County make more than my salary. And then there's a Supervisor on top of that, and there's generally an Administrative Assistant. So when you calculate it all out, I'm probably on the low end of salaries.

Ms. Clayton: You are—no, you are a handsomely paid public servant, I will say. I do not, I mean, and I don't think you can stand in a room like this and say that that's a tough salary to go home with.

Supervisor Fulgenzi: I didn't say it was.

Ms. Clayton: Oh, no. No offense. Tough job. No offense, I know you have to absorb us. But, this is my comment on the salary. Thank you.

<u>Patricia Halpin, Hawthorne</u>: In no certain order that I have this, but we have lived here for 9 years. And each of those 9 years, our taxes for the town have increased. And they're cumulative. They don't go down. So I know there was a number of $50 per household, but that's $50 which ours will likely be more than that, in addition to everything that's increased for the last 9 years as well. So I think it's important to know. While we've been here, we've also heard a lot about there's the need for development in order to keep our taxes low. And where we're located, we have been impacted by that development. So I'm wondering where's that offset to the taxes that we were promised?

Supervisor Fulgenzi: Are you trying to say that your value of your home went down because of development in town?

Ms. Halpin: I'm saying that we've lived through the construction, the added noise, the added pollution, the added traffic that we have been impacted by because of the construction. And the understanding is the offset is there'll be some additional taxes being raised by those corporations to offset the residents' taxes.

Supervisor Fulgenzi: As I said before, the greatest impact on tax is school tax…

Ms. Halpin: I'm talking about the town.

Supervisor Fulgenzi: …it's over 70%.

Ms. Halpin: I'm specifically talking about—when I said to you the last 9 years, our town taxes have increased, we're not talking about school taxes. There's been a lot of development since we've moved here, but our taxes keep going up. And I wonder what's the difference this year that you have to surpass the cap? And if you surpass the cap, will you do it in the future? And what's the percentage you're gonna increase it by to allow yourself to do it in the future as well?

Supervisor Fulgenzi: That's a decision we have to make down the road. I'm hoping that next year could be a lot less impact on the taxes.

Ms. Halpin: I think we would all hope for that same thing.

Councilman Saracino: I know the supervisor mentioned earlier, too, that—sorry—that the tax revenue being received from new developments, new properties, etcetera, is embedded in this number. So it would have actually been worse had that not been there, based on the current way the budget is formed.

Ms. Halpin: And I guess I would also ask for transparency. You know, the idea that this came up, there are other towns that spoke about it in advance, gave people notice. Here, the notice came out, what appeared to be on 13th. There was some discussion around Facebook, which was pushed back by some people who sit on the board to say we don't discuss it there. But we would invite you to either come to speak with Carl Fulgenzi, which, I saved you, I didn’t come in, so you’re welcome for that.

Supervisor Fulgenzi: You’re always welcome.

Ms. Halpin: But I did send an email. All of you were on it, with the exception of Emily. Nobody acknowledged my email or responded to my 2 questions in it. And generally, I will compliment Amanda who's very responsive. Nobody responded. So I'll direct it to you [Councilwoman Zaino] because you didn't wanna entertain any conversation on social media, which I understand. You directed me in how I should go about getting my questions answered. I followed your direction and received nothing.

Councilwoman Zaino: And I apologize for that. I'll be honest, I did not see your email. I don't—I check my emails later in the night when I get home from work, so I apologize. I honestly did not see it. When did you send it?

Ms. Halpin: On the 15th of November.

Councilman Saracino: I don't see it either.

Councilwoman Zaino: I didn't—yeah, I don't I don't recall seeing it, but I will go back and look at it. I apologize.

Ms. Halpin: And then I wasn't gonna address anything, but since 2 people brought up the lawsuit, Mark, I'm sure that you can weigh in on the dollar amount because when I listen to or attend the meetings, you're the one who brings up the dollar amount that needs to be approved by the board in order to pay those bills.

Councilman Saracino: Yes.

Ms. Halpin: So you probably can give the group an idea, not a specific dollar amount, but an idea of how much to date has been spent.

Councilman Saracino: I don't have an exact figure. I would say, at least in terms of what we've been invoiced, it's over $500,000 so far that we've approved on Comptroller's Memo reports since the onset of the case. And as the supervisor mentioned earlier, we're expecting at least half of that and hopefully more to be offset by insurance.

Ms. Halpin: Last thing I'll say is I have attended many meetings and it's very unusual to have this many people here, particularly on Thanksgiving week. My husband couldn't be here because he had to go pick up our daughter. There's a lot of people who are in that same boat. So the idea that you waited till people pushed back before you put on a second meeting…

Councilman Sialiano: That's not true.

Supervisor Fulgenzi: It was scheduled this way.

Ms. Halpin: It was. And what you had said is, you know, government is government. We have deadlines. But didn't you add on another meeting?

Councilwoman Smalley: No, there was always 2. For the years that I've sat here, this is the process that we go through every budget season. There are 2 public hearings. There'll be another one on December 10th, so if anyone has any additional questions. But we are mandated by the State of New York to follow a schedule as the Comptroller described in her opening comments. And we are required by law to have adopted a budget by December 20th. It's the same process. And I've been here long enough to know that we follow the same process, we don't waiver. This is what the state tells us. We follow the guidelines. So yeah.

Ms. Halpin: So what I would just add to that is there are other towns that are surpassing or asking to surpass that cap, and they have been more communicating with their constituents and the people whose pockets are going to be emptied by the increase in taxes. And I'm asking for transparency in that.

Councilwoman Smalley: No, I understand what you're asking. I can also say that many of us are in touch with our colleagues throughout the county. And I myself have been to a meeting, two Thursdays ago and spoke to several. And I know the struggle is real throughout Westchester County. I also know that many communities are struggling. Several will be over the tax cap. Several will be in double digits over the tax cap. This board has worked very hard to keep the increase as low as possible...

Ms. Halpin: So is the 13th the first time that you notified the public of your desire to…

Councilwoman Smalley: We have been working on this budget from August when the department heads first meet with the Comptroller and the Supervisor…

Ms. Halpin: So is the first time you notified the public of your desire to increase the cap on November the 13th, or did you start in August when you were working on the budget?

Councilwoman Smalley: No. We did not start in August, Ms. Halpern, I think you're twisting what I'm trying to say.

Ms. Halpin: It's Halpin.

Councilwoman Smalley: Well, I apologize for that. What I'm saying to you is that there's a lot of work that goes into devising a budget of over

$65,000,000 for a town of this size.

Ms. Halpin: Right. And I'm asking for transparency. That's all. I'm not saying that you're not doing a lot of work or that you're not working out since August or there are other towns there to also suffering the same consequences.

Councilwoman Smalley: And just to also…to defend the Supervisor, the staff, these department heads that are here this evening, myself, and my fellow board members, we meet four times a month. Twice is a public meeting where you can come and ask questions. Twice are work sessions where you can come and although not engage with the town board, but you can sit there and listen to what the work we are doing, which is work. So we are there. And to hear that we haven't been transparent, I take that as an insult. Most of us are—all of us reside in town. Most of us are active members of the community in many different ways. We're available by phone. We're available by email. And if people do not reach out to us, we don't know what you're thinking. I can't read your mind.

Ms. Halpin: You were copied on that email too, and you didn’t respond.

Councilwoman Smalley: I realize that, and I’m looking at it now. However, again, when you work in an organization, as you probably know, there are certain levels. There are certain people that take on those responsibilities, and it's not for a councilperson to overstep the department heads, the financial officers, and the Supervisor. We are here now trying to answer your questions. And, please, for anyone else here who has questions that won't get them answered this evening by coming to the mic, please write them down. Send them in. We all have email. Amanda Jasilli is excellent at responding and letting us know who's trying to get in touch with us. The Supervisor has said for years he has an open door policy and he does. If you want to make an appointment, please call. If you need to speak with me or my colleagues, please call. But, no, we will always be united in what we feel is the best thing to do for the Town of Mount Pleasant. We might have different opinions and we discuss those at work session. Again, we are here to listen to you, but we are not here to be chastised, okay? Thank you.

Councilwoman Zaino: I have a quick question for you. Was the email from you or from your husband?

Ms. Halpin: It was from me.

Councilwoman Zaino: I don't see it.

Councilman Saracino: Yeah, reforward it.

Councilwoman Zaino: Oh, I see. Amanda just sent it.

Ms. Halpin: Yeah. Okay. Well, thank you. There was no intent to chastise just open being open and honest and responsive to emails when they're sent. That's all. And I wish you all a happy Thanksgiving.

Councilman Saracino: Thank you for coming. Have happy Thanksgiving.

Jordana Silverstein, Pleasantville: I'm probably one of the few people who has come to town meetings year after year. And, I'm sorry. And my concern is I feel like we're our area is invisible. We live in the Old Farm District. We're by Usonia. We're by Heritage. I am probably the only one and a few other families that even knew about the meeting, and everyone was surprised that it was two days before the holiday and it doesn't foster a lot of trust amongst my neighbors when they're hearing about a property tax increase and the meeting is two days before Thanksgiving. I'm just asking for transparency…

Councilman Saracino: Can I ask something? Do you think we sit around and say, when could we have this meeting when nobody would come?

Ms. Silverstein: I think there could have been much more appropriate…

Councilman Saracino: Is that really the sentiment? I'm curious because everyone keeps saying that. Like, we follow a schedule, we establish…

Ms. Silverstein: I do, I'm sorry.

Councilman Saracino: Well, I'm telling you that's incorrect. And whether you believe me or not, that's up to you. But we follow a schedule as to when the Supervisor states that the budget is going to—this is the preliminary budget, and this is what we have to put out, right? And then we have to have two public hearings before the budget is adopted. So we're having one tonight. We're having another one on December 10^{th}, okay, so there's two. Now, if we didn't have it tonight, then we couldn't have two. So we had to have it tonight so that we can have another on 10^{th} because these meetings are every other week and we're in a holiday week as well.

Councilman Sialiano: So it's—and Thanksgiving was late this year, and we're following the law to the way it's written. So we didn't organize this intentionally to inconvenience anybody or to affect anyone's holiday. That's the way it fell.

Ms. Silverstein: Well saying that goes a long way, but we're in the dark.

Councilman Saracino: I didn't know that Thanksgiving was this week until my wife told me last week. I had no idea. But when—so when somebody tells me the 25th or 26th, I don't know what week that is. I know that's the date I'm having the meeting. So I'm—for what it's worth, and whether you believe me or not, we don't sit around and do that. I promise.

Ms. Silverstein: Some type of reaching out to our community to hear what we, you know, what affects us because I was also here at least a year—I guess it was over a year ago when we were, being notified about the haloacetic acids in the water. And I came before this board and I asked for transparency and you said that you would post things on the town site, reach out to us. Let us know what was where we were at with the haloacetic acids. We have a cancer cluster in our area and it's still been crickets.

So I've reached out by email. I've called and I haven't heard back. So I think everything is linked together that if we reach out and we don't hear back, and I'm pretty persistent, I still didn't hear anything. I feel like I've always been polite and I haven't heard back. And you know I was here.

Supervisor Fulgenzi: On the water notice, you never received any notice from the Water Department?

Ms. Silverstein: No. Well, you said you were gonna follow-up. You.

Supervisor Fulgenzi: No, the Water Department has the description of each thing that's in the water.

Ms. Silverstein: But you said you were gonna—your office was going to post online to let us know where we were at because our water bills were going up, but we still couldn't drink our water. So we had a whole big discussion, and you only did and said you were gonna post it and be more communicate with us, and it didn't happen. So that's what makes me nervous about these tax increases. If I can't get an answer about the water, how am I ever gonna get an answer about—it doesn't sit with me in a good way if little things are…it's not a little thing. It's my health. It's everyone's health.

Supervisor Fulgenzi: I apologize. You should have received that report from the Water Department, which is required to be distributed. I'm gonna look into that. It doesn’t come from the Town Board, it comes from the Water Department.

Ms. Silverstein: If somebody says they're gonna own it, own it and reach out to us and, you know, we feel very invisible where we are. And you see me at these meetings. I've been here. Maybe you don't wanna see me, but I'm here. And I appreciate when you do get back to us. So thank you.

<u>**Yael Monselise, Hawthorne**</u>: I wanted to kinda bring up a point to someone who asked in the beginning about services by the police in terms of schools. So I'm actually an LCSW, which is a licensed clinical social worker, and I do a lot of, like, de-escalation. I'm very familiar with that and I offered my services to the board in 2022 for free, it was pro bono. And I emailed you on October 23rd. It was both you and the police to try to provide free services to try to decrease escalation

happening at the JCCA and the school and the Cottage School, but I never heard back from you. I was hoping to provide it. I'm still offering new service as a volunteer.

Supervisor Fulgenzi: We're not allowed—we can't tell them how to provide services either.

Ms. Monselise: No, not how to tell them, but to do training. We actually met. We met on Zoom. I worked at Montefiore in 2022. And you said that you were interested in kind of collaborating and going forward, but it kinda dropped.

Councilwoman Zaino: Training with their staff?

Ms. Monselise: No. Training with the with the police on how to provide de-escalation. So there's a decrease in need of police force in those that training.

Supervisor Fulgenzi: They have that training and they're required to get that training.

Ms. Monselise: Right, right. So we met and we discussed this and you said that you were interested, but I never heard of anything back. So I thought that it would decrease the amount of times that the police does have to go into the actual campus. But there was no follow-up.

Councilwoman Zaino: I think the staff at the campus maybe would benefit from your services. I mean, we don't go there just to go there. We go there because we get called because they can't handle what happened there.

Ms. Monselise: Right. Well, I'm not saying that the police is not doing its job. I'm saying that when, you know, like, in terms of providing some social service aspect to that.

Councilwoman Zaino: So our officers all have de-escalation training, but I would love for you to reach out to JCCA and offer your services to them. And I'd be very curious if they take you up on that. I think that would be a huge help to them.

Ms. Monselise: So I have and they did. So that's why I wanted also from the town also to to kinda get some perspective on kind of what it would look like. And we discussed it and it sounds like you were open to having further discussion.

Supervisor Fulgenzi: A lot of times when I receive an email that's regarding a different department, what I would generally do is send it to that department.

Ms. Monselise: Which department would that be?

Supervisor Fulgenzi: Sometimes they may be overwhelmed with some things. Sometimes it gets pushed to the side. So I apologize for not personally following up for it.

Ms. Monselise: Yeah. I mean, I think we met all of the met all 3 all 4 of us, the Police Chief and you, if I remember correctly. It was you.

Supervisor Fulgenzi: Yep. Well, I can say it's not in my department that would handle it, so I would generally rely on our Police Department. If it's a financial matter, we go to Comptroller's office. Building matters go to Building. I don't have all those answers, but I do rely on qualified personnel we have running our departments to take care of those. So if I don't follow-up, I apologize for that because sometimes I just believe it's been taken care of.

Joe Soricelli, Valhalla: Alright. 2 basic questions. The amendment to the town bylaws, is it a one-time situation to exceed the budget or is it an open card to do it every year?

Supervisor Fulgenzi: It's just for 2025.

Mr. Soricelli: Only for 2025.

Supervisor Fulgenzi: It has to be done any year that you're making that change, you have to get Town Board approval.

Mr. Soricelli: So it's basically a special, you know, recommendation, okay. Confirming that that it you know, theoretically, if we're here again in 2025 this time, right, we have to go through the same budgetary situation. 2nd situation the second question that I have, and this comment, right, is the phrase was used doing more for with less. As actual town employees, at least from an observation, it appears our employee base has dramatically increased, whether it be in different departments. Is that known, is that number known?

Supervisor Fulgenzi: No, first of all, if you compare our municipality…

Mr. Soricelli: I'm not comparing. I'm using…

Supervisor Fulgenzi: Well we have to compare it with something. We have an HR personnel that we rely on for advice on staffing and stuff like that. We are generally lower than the average as far as not only salary, but staffing wise.

Mr. Soricelli: Again, but we are also asking for a relatively significant increase above the actual 2% cap, if you look…

Supervisor Fulgenzi: 1.5%.

Mr. Soricelli: Which is 75%. If I can get a 75% raise, it would be a phenomenal year, right, on that side. So it you know, it's a simple number.

Supervisor Fulgenzi: What is the point here?

Mr. Soricelli: No. No. I'm just again, the phrase was used more with less. I'm trying to identify whether or not we are actually performing, not being comped. Right? But the phrase was we're doing more with less, but yet if we have increased our—and I'm not gonna use payroll because payroll will go up with union contracts, so forth and so on. That's all understood. But, theoretically, payroll can be reduced if we don't continue to add more employees wherever it is. Right? So that's a comment that I would like to be, you know, a little bit more versed on. I literally have been reading the budget for the last half hour in the back. Alright? So I'll have more opportunity. Another, you know, quick, you know and I'm gonna say I lost my train because I didn't jot anything down because I arrived late because I thought the open session was only next week. Alright? So I wanted to get some background on it. So we have more for less being one. We have the one time, which I'm happy about.

Supervisor Fulgenzi: The question was asking department heads to do more for less. That's what my request was. It's asking department heads to do more for less.

Mr. Soricelli: I agree, it's all the same situation. If we're doing more for less, but I added an employee, right, we have more employees. Right? So it's just a natural question whether or not we have increased the overall staffing of the town over the last year to 2 years, whatever it may be.

Supervisor Fulgenzi: I'd say in the past 10 years we have.

Mr. Soricelli: 10 years? Right?

Supervisor Fulgenzi: Yeah.

Mr. Soricelli: Because you're using comps and, you know, at the same time, you use we're doing better than some, but we're probably doing, you know, we're more expensive per capita than others.

Supervisor Fulgenzi: That that's your opinion, not mine.

Mr. Soricelli: It's what we're here for in, you know, in identifying different, you know, information.

Supervisor Fulgenzi: Definitely.

Mr. Soricelli: And if, under those circumstances, if I put in an email to request very specific information, that would be responded to before 10th?

Supervisor Fulgenzi: Yeah, definitely.

Mr. Soricelli: Okay. And, you know, just asking upfront questions at the last minute. And again, there's no personal affront. And, yes, I understand the timing and so forth. And there was not an intentional situation to do it today, it was a disadvantage.

Supervisor Fulgenzi: I think we have all rather not be here this week.

Mr. Soricelli: Oh, there's no question. Hey, if you look at my hands, I had paint on my hands, and I'm still in the same clothes. So different things to touch up the kitchen. Normal situation. I had two other questions that I can probably defer until next month. But I was very interested in whether or not this was a one off, which is apparently it is. Right? I still think 70-- you know, in excess increase or increasing the budget by a 175%, I think that is very significant. Alright. Oh, I recall. And I will say something that there was a post on Facebook that talked about how, you know, the traditional, when you want a school budget, everybody threatens the sports programs, right? We're gonna lose the sports programs and so forth. The post referenced that we might be losing fire districts or might affect the fire districts and so forth. Right?

Supervisor Fulgenzi: Where'd that come from?

Mr. Soricelli: It's on Facebook. I could probably find it.

Supervisor Fulgenzi: I don’t go on Facebook.

Mr. Soricelli: It was just that, you know, the costs are increasing and just because I was reviewing it, and I don't know the population, but the Hawthorne fire budget is significantly higher than all the others. Is there an identifiable reason? And is it per capita or anything else?

Supervisor Fulgenzi: We have, as you probably aware, we have absolutely nothing to do with those budgets. We can't say yes or no.

Mr. Soricelli: If we're funding it…

Supervisor Fulgenzi: Yeah. We have to.

Councilwoman Zaino: Their ambulance is part of that too. Right?

Councilman Saracino: Yeah. They have an ambulance. They have an ambulance.

[unintelligible discussion between Councilwoman Zaino, Councilman Saracino, Mr. Soricelli]

Mr. Soricelli: We're talking probably if you're looking at, you know, $65,000,000 and that budget is $650,000 above the others, we're, you know, we're looking at 1% right there. Right? So I don't know whether or not as you said, we have no control. If we're funding it, I don't know the politics, but you're telling me they can come to you with a budget that was gonna say $2,000,000. Right? And we have to pay it?

Supervisor Fulgenzi: It's up to the taxpayers within that district to object to it.

Mr. Soricelli: But that district is now affecting the entire town.

Supervisor Fulgenzi: No. It's paid by paid for by Hawthorne District.

Mr. Soricelli: So even though it's included in the entire budget, it is segregated strictly to Hawthorne residents?

Supervisor Fulgenzi: Yes.

Mr. Soricelli: Alright.

Supervisor Fulgenzi: So the Special District tax in Hawthorne is gonna be higher than Thornwood. Thornwood is considered…

Mr. Soricelli: I think it was Thornwood was, like, $350,000 or something like that. Right on the budget. Alright. So you answered the question because when I was looking at a budgetary scenario, it appeared as it was a single line item. Right? You know, on that. I may have some additional questions. I will probably, you know, unfortunately, reading it on my phone without my glasses because they're still at home. I couldn't read everything I was looking at. I was doing it, but it's only so big. And even on that, when was it actually posted? Because I did see it was available. So that's why I went on to it. When was it actually posted?

[unintelligible discussion]

Because unfortunately, I see sometimes with meetings, agendas get posted very shortly before the actual meeting. Not saying this time, but other meetings, the it doesn't seem to give, you know, significant opportunity to, you know, to review the information.

[unintelligible discussion]

As I said, I got a 64-page budget that I have 72 hours to review.

Councilwoman Zaino: The agendas have to be posted 72 hours prior.

Amanda Jasilli responded from the audience.

Mr. Soricelli: Oh, I understood it was hyperlinked to who asked and so forth, but the public hearing was only 2 weeks ago. Or 3 weeks.

Amanda Jasilli: Once the notice is sent to the paper, we post it on the website.

Mr. Soricelli: Goes back to some of the objections earlier on that there doesn't appear to be as much transparency or much opportunity to…you can always do things early.

Ms. Costanza: You can't do it too early, and you can't do it too late. There's a window. There's a window of 7 to 10 days. I'm pretty sure I did this one for 10 days. But if I did it too early, people would say that they forgot. So we try to do it…

Mr. Soricelli: You know, it's, hey. We forgot about Thanksgiving already. Right? You know?

Councilman Saracino: Just me.

Mr. Soricelli: It's just you. Right? That's because…that just means you're not entertaining.

Councilman Saracino: We are, actually.

Mr. Soricelli: I appreciate it. I may be here in 10 days or, you know, or actually what is it? It's 14 days. And it'll be some specifics, but I would be very curious on the I'll say the budgetary situation when you look at overall payroll was not significant. Yes. There was a lot of comments on, you know, raises for certain people, so forth, and so on, and all the other stuff. Everybody, you know, that should if you're doing more for less, you take you try to take less on that side. Right? So that's as you said, that's an opinion. Right? And, you know, I don't wanna take a pay cut, and you spend a lot of time, and I'll give you credit on it. So we will find out, but I would be very curious about the, you know, the phrase more for less. Usually, when a person tells me I'm doing more with less, that means I have less people. Right? I have less people or less resources. Right?

Supervisor Fulgenzi: No. Each department has a wish list. Things that they would like to have. And Noreen and I go through it. We cut line by line.

Mr. Soricelli: Oh, I'm not I'm not debating. I have a wish list for Christmas, you know, and I'm not gonna get everything on my wish list. And if it's a bad year, inflationary year, anything else, I might have to get less Christmas. Or as people have recommended, maybe I don't get any presents for Christmas. I don't get any raises.

Supervisor Fulgenzi: Right. But you can't really correlate the town board budget with Christmas.

Mr. Soricelli: I know. But it's just an expectation of what's there. Sometimes, as we would discuss, as it was discussed the water scenario, and I've been very quiet in the water scenario. Right? Even though I have to say I bought, you know, 1 year filters, and they don't last 2 months in my house. Right? And I am one of the test houses. I am one of the test houses. I thank you. I'll probably see you in 2 weeks, and, you know, and I'll try to get you the questions beforehand.

Joanne Scutero, Hawthorne: I've been in this town for about oh, actually, over 50 years. Two things and I'll keep this brief. Number one, there's what's fair and equitable. As far as the town of Sleepy Hollow, the voting rights case is what's fair and equitable, and then there's what's lawful or constitutional. And it seems to me that what's going on here is maybe lawful. It may be unlawful or unconstitutional, but it certainly doesn't strike me as being fair and equitable. If it were fair and equitable, then, given that we have more Democrats in this town than, Republicans, we would have at least 2 or 3 people on the Town Board who are Democrats. That's one thing. Number two is, you're aware that the Town of Greenburgh, the Town Supervisor is, the Town of Greenburgh has twice as many roughly twice as many residents as the town of, Mount Pleasant. Correct?

Councilwoman Smalley: It's about a 100,000.

Ms. Scutero: Roughly. I'm not gonna say it's exactly half or, you know, whatever. But anyway, the thing is I noticed in the 2024 Adopted Budget that, the Town Supervisor and the Town Comptroller got 13% raises. I didn't see where anybody else did. And then you're also proposing another raise for yourselves, although not as large, for this year. So I'm wondering, do you not see that's not a good look?

Supervisor Fulgenzi: I lost you on something. As far as increases, department heads always follow what the union salaries are…

Ms. Scutero: Well yeah, they're civil service, but you're not.

Supervisor Fulgenzi: The average is 3%.

Ms. Scutero: Yeah, I know, but that's the point, though. I mean, you already had a hefty raise in the Adopted Budget for 2024, and you're giving yourself another raise. And it just isn't a good look considering that you're out earning the Town Supervisor for the Town of Greenburgh. You were already out earning him in 2024.

Supervisor Fulgenzi: That's not true. If you calculate the total amount that office has to charge to do the same job that I'm doing, it's a lot different.

Ms. Scutero: Well, does he have more assistance? I mean, how is it that you're justifying?

Supervisor Fulgenzi: He does. He has a staff that does what Amanda and I do.

Ms. Scutero: It just doesn't look good. Let's put it this way. But anyway, that's all I'm gonna say.

Lauren Charney, Hawthorne: This is my first town meeting, but it's been very interesting. So thank you. I will come to more. I just had a couple of questions. I know there's been some discussion about the budget requiring two meetings and the next meeting is gonna be on December 10th. But the first notice didn't say anything about December 10th. Like, I just went and reread it. So, like yeah…

Ms. Jasilli from the audience: So, the town board has to make a motion, you know? So in our clarification email, on the bottom, it says historically, the town board always holds two public hearings for the budget, so we clarify down the bottom. You have to make a motion to keep it open or to close it. Because some budget meetings, no one comes.

Ms. Charney: Yeah. Last year, nobody came. Right. I don't mean to be accusatory. I'm just wondering because I definitely missed that. Because I opened the original notice was just for the public meeting, and I was just wanting to…

[Ms. Jasilli responded, unintelligible]

Ok so that hasn't been noticed yet at all.

Ms. Jasilli: No. But the December 10th meeting, we put in the clarification notice that historically, the Town board has always held two public hearings. Okay, so we did that last year…

Ms. Charney: Can we, maybe next year, put that in the first notice just saying, usually, there's two public hearings?

Ms. Costanza: You can't, it's a legal notice, so there's certain requirements for what it has to say and when it has to be published and I can't do that unfortunately.

Ms. Charney: Okay. Like, it would be super…inconvenient.

Supervisor Fulgenzi: We will be, at the close of our meeting, talking about the next meetings, scheduled meetings. So it's always a matter of public record as we're speaking about it.

Ms. Charney: Okay. I mean, the whole town can't come to the meetings, but I understand what you're saying. There were some questions about the legal fees and other, like, budgetary questions that I'm wondering if…I see the Comptroller is still here, if she could have addressed those. I know she doesn't have a you know, all of the information of the town budget with her, but, I thought maybe some of those questions that were open ended could have been answered if since we have her here. And the last thing about the salary increases, I am also a public servant. I work for the federal government, and, you we get you know, with inflation, we get salary increases. So I totally understand, and I'm sympathetic to needing a budget to get a salary increase. But, I'm wondering if there's an option for proposing a salary increase, but that doesn't go into effect until the next election cycle so that people have a chance to vote on the salary increase essentially with your positions when you're up for re-election. And that's all I wanted to say.

Supervisor Fulgenzi: Thank you. Anybody else like to address the board at this time regarding the budget?

Marilyn Miller, Thornwood: I wasn't intending to, to be up here. I thought I would hear a couple of things. So I'd I would like to ask, as I heard that we were considering or maybe have decided to exceed the cap on the budget, and I talked to other people in town and neighbors that I thought would be interested to come to the hearing, I had an awful lot of people that said to me that, oh, what's the point? They've already made up their mind. They're gonna do what they want and, you know, they're not you know, they're really not gonna take it into account. I know this is being broadcast and I would like confirmation. I'm assuming that this hearing is to get the town's input and perhaps reconsider, and I would think it would be very helpful to the community, particularly since the tone got a little bit, kind of condescending a little bit earlier, if you could comment, Mr. Fulgenzi, that you are seriously gonna consider the input that you have, and perhaps that will encourage some people who are very concerned about the cap and the precedent it's gonna set and the cumulative effect that we've had for a number of years. And it's granted, the town budget is the smallest part of what we have here, but it all adds up and, a lot of people are seeing their incomes go down significantly. So I would ask, would you give the town that assurance at this point?

> **Supervisor Fulgenzi:** In regards to…how do we lower the budget?
>
> **Ms. Miller:** Is it a done deal that you've decided the budget is going to exceed the cap, or are you still taking input from people?
>
> **Supervisor Fulgenzi:** It's still a process…
>
> **Ms. Miller:** And I think that's a very important thing. I'm very encouraged to hear if that's the case.
>
> **Supervisor Fulgenzi:** We haven't adopted anything at this point. The problem that we have right now is we worked it down from 7-8%. We worked this—we kept cutting, cutting, cutting, and the best we were able to do without depleting our fund balance. Which, I think it's very important to maintain a certain amount of fund balance for something that goes wrong. We've had some conditions with flooding and all that…
>
> **Ms. Miller:** Right, and we don't want to risk credit ratings changing and things like that.
>
> **Supervisor Fulgenzi:** Right, it's all affected. So, we do at this point—now, we haven't stopped thinking, but at this point, we felt that 3.5% was about the best we could do, but we're not done.
>
> **Ms. Miller:** Well, I also would encourage you to look very closely. I think

you missed an opportunity of having given a signal to the town and to people that it was a high possibility or you were seriously concerned about being able to stay under the cap and you might have engaged some interaction. I thought the comments back to Ms. Halpin—I'm not sure I have the right name—I thought they were a little harsh, honestly, Ms. Smalley, and I don't usually see that from you. So I would ask you to kind of reconsider that.

Councilwoman Smalley: I understand what you're saying, but I think it just goes to the passion that I have for what I do here…

Ms. Miller: And passion is good, but scolding the audience who's here to express their opinion, I think you were a little harsh on her.

Councilwoman Smalley: I understand. If anyone took it that way, I apologize.

Ms. Miller: Thank you.

Councilwoman Smalley: As an elected official, I respect all of you as taxpayers and voters, but I have to tell you something. I'm looking out there at the department heads and I respect them too. And they work hard. We have asked them for a lot. As the supervisor said, we were at 7 to 8% over the—over. Yeah. And he, the Comptroller, and every department head here had to suck up and deal with it. Sorry for the French, but it's been tough, and you can see our frustration.

Ms. Miller: Well, and the sentiments are the same on both sides. So there were a lot of stresses there. Okay. Thank you. My other comment, Carl, has there been an effort to actually identify the I don't know what we'd call it, but the non-cap budget, and could you articulate what things would you be taking out? If we don't have that now, I think that would perhaps make this more palatable for people if they understood if in order to stay under the cap, what would change, because we're not really hearing that.

Supervisor Fulgenzi: Would you like to know where we cut? Is that what you…?

Ms. Miller: No. If you were to stay under the cap—you're saying this is all we can do. We have to exceed the cap by this big number. You don't think it's a big number, a lot of people think it's a big number. So if you did stay under the cap and you did not have the big excess going over, what would you be cutting out? Does anybody know that?

Supervisor Fulgenzi: It would be, no—we can't cut departments any further. It would be using more fund balance would be the only way to get under the cap.

Ms. Miller: Or you could stop doing something. There's I mean, what I'm not hearing, which we usually hear in business, anytime people are trying to make a financial target for a certain amount of work, they start saying, well, maybe there's some things that we've been doing or that we were we were planning to do that we should reconsider and say, you know what? In order to stay under the cap, we would take this, this, and this, and we would not do it this year. We would hold off and delay it.

Supervisor Fulgenzi: That is part of the plan.

Councilwoman Zaino: Do you mean, like, cutting services?

Ms. Miller: Well, services or, you know call it services, whatever. I mean, I see some new hires. What happens if you don't do a new hire? I mean, people in business deal with this conceptual problem all the time and they say, if this is the number you must meet, what are you going to stop doing? So call it services, call it don't hire, call it the...

Councilwoman Zaino: Right. The 2025 budget does not include any new hires for 2025.

Supervisor Fulgenzi: There’s one [police] officer.

Councilwoman Zaino: One officer. And then if there's if somebody retires, obviously, we would have to refill that position. But there's only one.

Ms. Miller: Unless you say I'm going to say if I'm not going to exceed—in order to not exceed the cap, which is what some people in the community would wanna know, if we don't exceed the cap and we stay under it, here's what we must do. Here's what we must change. Here's what we must give up or delay or say. I think you owe the community that answer.

Supervisor Fulgenzi: I think I don't like to use the word owe the community because I think that working with Noreen for the past two months on this budget, I think a lot of effort went into to try to…we’re all taxpayers in town. None of us wanna pay more tax. I don't wanna cut services. Because everybody wants the leaves picked up. They want the drainage in the street to work. They want the snow to be plowed. These are things that we have to do. They want public safety...

Councilwoman Zaino: They want garbage pickup…

Ms. Miller: So there's nothing that you could cut. So then how can you say, honestly, that it isn't…there is still a possibility of not exceed not passing.

Supervisor Fulgenzi: We could do layoffs. We could talk about laying off people.

Ms. Miller: But I think that's exactly what I'm saying. What is it that you would do in order to not…if you're still open to considering that you're not going to exceed the cap, you have to be able to describe if you're not gonna exceed the cap, what will that mean to us? What will you do?

Supervisor Fulgenzi: It's a decision on whether we use more fund balance.

Ms. Miller: So you would not cut anything. What you would do is cut the reserves. That's the only option…

Supervisor Fulgenzi: We've already cut the budget as far as we think we could do without affecting services. And I'm being very honest. Department heads are not thrilled about the budget because we ran it very, very tight. Nothing on their wish list was granted, period. The only thing is public safety, which I think is a very important thing for our town. One officer is on for the 2025 budget. That's it. Now if the town board decides to use more fund balance, which I'm very cautious about, then we'd be able to be at the cap.

Ms. Miller: Okay. Alright. I'm disappointed that there isn't something that what you might not want to do it, but that you don't identify anything that could be done.

Ms. Costanza: She's saying what is it that you would have to do that you don't wanna do, and that's why we have to go over the cap.

Ms. Miller: Right.

Supervisor Fulgenzi: Lay off employees.

Ms. Miller: Well, spell out what that is.

Supervisor Fulgenzi: Well, I just said before. I said we'd have to lay off employees…

Ms. Miller: But be specific. What if you laid off some employees, you'd have to lay off how many of them and where would you do it? And that would mean that the town people who are looking at the following kind of services wouldn't get them. I mean, make it meaningful so that people understand why this is necessary because we haven't heard that. I mean, what we hear is you've worked really hard. Good. But we don't know what that means. And so it's hard to conclude that it's impossible to stay under the cap because…

Supervisor Fulgenzi: No, nothing is impossible. I said already…

Ms. Miller: Well, we wanna know in order to do it, what would they have to do?

Supervisor Fulgenzi: We could lay off employees. We could cut back on services such as, let's say, leaf pickup. Eliminate that…

Ms. Miller: Pick the services you cut and say what they are so people would know.

Supervisor Fulgenzi: I'm trying to.

Ms. Miller: Well, no. You're saying maybe it's this and maybe it's that.

Supervisor Fulgenzi: Well, it's not a fact right now. We're discussing…

Ms. Miller: And that's what I'm asking you to communicate.

Supervisor Fulgenzi: I'm not gonna guarantee we're gonna eliminate leak pickup or snow removal or anything like that. I'm not gonna tell you that right now. This is a discussion we're gonna have. Do we cut services?

Ms. Miller: I hope we will hear that before the next meeting so that we know what you're talking about and what the consequences would be. Because otherwise, you're just asking everybody to just blindly trust that it can't be done as opposed to describing here's what here's what you would here's what we we would have to give up…

Supervisor Fulgenzi: I'm not asking for anybody to go blindly on anything. The town board is not just blindly approving a budget here.

Ms. Miller: Well, the community wants to know what would life be like if we do stay under the cap because that's that would be what we would like. And the first time anybody heard that it was even a consideration was less than a week ago. So that and now there's very short time to be able to give any input, and that's the information that they'd like, you know, people would like to have.

Supervisor Fulgenzi: Well, that's when we decided that it may be the only way, at that date.

Ms. Miller: Okay. Thank you.

Maria Annunziatta, Thornwood: I lived in this town all my life. And I think I wanted to thank you and both for your service to the town. I love this town. But the thing is, I think it's getting too big to handle. And when I read or pick up a newsletter and see Toll Brothers is gonna build a development, all I think to myself is, well, how are we gonna handle that extra populous coming in. It means, like you said, public safety, the emergency, paramedics. So I don't know whether the town is getting too big to handle in a way. It's getting very expensive, I understand that. So is there any hope that let's say development folks kind of just, will not keep going on and on this way because it's very hard on the taxpayers. And I think for you, also, to service it. And that's all I wanna say.

Supervisor Fulgenzi: I grew up in Hawthorne. And when I was a kid, there was woods around me. We used to camp out in the woods. When a new family moved in, I got excited. I got new friends. It was a nice thing as this town grew. You can't tell somebody who owns a piece of property, you cannot develop it, because then you're in a court case. Because it's illegal for us to say, sorry, you can't build on that property. You can't do that. We have cases where they file an Article 78 because they don't like the decisions town board or planning board or zoning board made in regards to their property. So it's another challenge that we have to deal with. It would be nice to go back when I was a kid. Unfortunately, we do have property in this town that can be developed and will eventually.

Ms. Annunziatta: Oh, no. Oh, no! Well, do we have a say on that? Can we vote on this?

Supervisor Fulgenzi: I mean, we can control maybe the size of a project, the amount of homes, or we could put certain restrictions on it.

Ms. Annunziatta: Because it's not helping I mean, I would think that the redevelopment then, like up in the summit or whatever else, is being developed would help to maintain the tax base, you know.

Supervisor Fulgenzi: If we didn't have the development that we have had, the taxes would have been a lot higher.

Ms. Annunziatta: True?

Supervisor Fulgenzi: Oh, yeah. I'm sorry. I wish I could, tell you something different, but I wanna be factual with you.

Councilman Saracino: And each of those projects have requirements around them as well. They're set by the planning board. For example, Toll Brothers is an HOA. So to your point, yes, it might incur additional needs for public safety. But in terms of sanitation, garbage pickup, snow plowing, that will all be paid by the residents of only that community. So there's ways that the town uses the ability to develop with trying to manage how is it most efficient.

Ms. Annunziatta: But when the development comes in, can't the town say we don't have enough of a police force to handle the safety or, you know, isn't maybe a way to curtail some of the development so that it is manageable.

Supervisor Fulgenzi: There have been many developers that have come to the town board. Like at a Work Session, they make a presentation, and we tell them go back and be creative because it ain't happening here.

Ms. Annunziatta: Okay. Well, thank you for hearing me.

The Town Supervisor asked for a motion to continue the public hearing to December 10, 2024 at 7:00 PM and asked for additional comments or questions to be submitted via email.

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

> RESOLVED: That the public hearing shall remain open through Tuesday, December 10, 2024 at 7:00 PM, at which time additional comments shall be heard.

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

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Public Hearing to Consider a Local Law Authorizing the Town to Exceed the 2% Tax Cap for the 2025 Budget RESOLUTION 454-24

Supervisor Fulgenzi: Next, a public hearing on considering a local law authorizing the town to exceed the tax cap. We've had discussions about this already. Just to make you aware, we have no intention tonight of approving that tax cap at this point. Eventually, we will have to make a decision on that. So we would like to carry over this town public meeting if it's okay for us to do that. Or…

Mr. Chafizadeh: We need to schedule…we need to have the public hearing now because if you end up exceeding the tax cap and don't have the public hearing, the Comptroller can fine you, the town.

Supervisor Fulgenzi: Okay. But we've already had discussions on the cap already. But you wanna open it up again?

Mr. Chafizadeh: Let's open up this hearing for the 2% task cap. If people have more comments that are different, they can make them. And if not, then you can adjourn it to the same date of December 10th.

The Town Clerk read the public notice aloud.

Supervisor Fulgenzi: Thank you. Well, we are having continuing public hearing on the 2% tax cap. If you have not already commented or if you wanna add something to that, you're welcome to do so at this time.

Public Comment:

Gol Ophir, Pleasantville: I'll appear again. Sorry. Just with the question on the 2% modeling that the other person was asking about, the woman I don't catch her name. You were talking about if you have to go with a 2% tax cap, the option is layoffs. Is an option to have a smaller increase for management?

> **Supervisor Fulgenzi:** Yeah. We did that calculation. If we eliminate or lower that, will it bring us under the cap? It will not.
>
> **Mr. Ophir:** So any one thing is the only way to pursue it? Or is it that any

10 things smaller is a possibility?

Supervisor Fulgenzi: It could be a combination of things to get us pulled up.

Mr. Ophir: Excellent. So…I'm going to ask the question again…are you considering, if you go with the 2% tax cap, to have a smaller increase for management?

Supervisor Fulgenzi: Yeah, that's one of the considerations. That's not gonna lower it. It's not enough to bring it below…

Mr. Ophir: It's not in and of itself enough. I get it. So it has to be more than that. Accepted. So to follow-up, the litigation seems to be another big item. I'm not even familiar with it. If that were to be settled, would that settle it?

Supervisor Fulgenzi: No.

Mr. Ophir: With that plus the increase reducing the increase in management get us there?

Supervisor Fulgenzi: The litigation that we're going through is not something that's throwing us over the cap.

Mr. Ophir: It's money spent by the by the town.

Supervisor Fulgenzi: Obviously. Yep.

Mr. Ophir: Yes. So it's dollars. And compensation is dollars. Dollars here, dollars there are $2. $2 gonna get us under the tax cap?

Supervisor Fulgenzi: No.

Mr. Ophir: How close are we?

Supervisor Fulgenzi: I don't know. I don't have those numbers in my head. But if the litigation stopped today, that's not gonna solve that issue.

Mr. Ophir: Any one thing. I accept it. But it seems like you were talking about layoffs. And the question that would be great for December 10th is, what are the 1, 2, 10, 20 things that you would do to get us under so we can make an informed decision? Because she's right. In any business, we model multiple budgets. And sometimes you have to do more with you do less with less. And it's reasonable for us to see what that looks like. And you'll let us make an informed decision. What does 2% look like? So is that something you'd be able to give to us with some notice so we could have it for 10th?

Supervisor Fulgenzi: That is what we are looking at right now. What do we do to get at 2%?

Mr. Ophir: I understand what you're looking at. Is that something you'll be able to provide to us to consider so when we have an informed conversation on the 10th?

Supervisor Fulgenzi: Yeah, I will work on whatever practical way that we think we could preserve services and stay at 2%. That's always a possibility. It's a Town Board decision, not just mine.

Mr. Ophir: I understand. But it'd be great for the transparency. Thank you.

Supervisor Fulgenzi: Sure. We try to do that.

Councilman Saracino: I wanna make a comment too as I sit here, and we have—I think I've counted eight department heads—that are here tonight that are not protected by a union. They don't get overtime. They're not technically really paid to be here. It's not in the job description. And I wanna thank all—I believe it's eight of you—department heads for being here tonight. That's above and beyond in my opinion. Thank you.

Councilwoman Zaino: Yes, thank you.

Supervisor Fulgenzi: *[to Councilwoman Smalley]* You wanted to make a point.

Councilwoman Smalley: I had a question. You know, we're talking about going over the tax cap. Does the public understand that the 2% is the limit established by the state? Yes. Okay? So we all know that no matter what we do, there will be an increase in town taxes next year. Alright? So I think what we're looking at right now is not the totality of the increase; it's the part where we're going above the 2%, which right now is 1.5%. So as we work as a town board and taking your comments and sit with the supervisor again and probably with the comptroller again, we're looking at the 1.5%. And what we really have to take in mind is that as Danielle mentioned and the supervisor confirmed, there are no plans for hiring next year for 2025. One police officer, and that's based on the needs for public safety, which are paramount above everything else in town. So when we take a look at what we do for the town from highway to court to recreation to parks to the assessor's office to the Office of Elder Americans, there's so many things to the receiver of taxes, to all the other department heads that we really have to drill down. Please remember, it is 1.5%, but we don't wanna cut your services.

Unknown Audience Member: That's exactly what we're asking.

I understand, I understand. But I didn't—I was reaching the point where I'm thinking, does everyone think we want to do this? And do you realize that it's 2% it's going to go up anyway because of, let's just say, cost of living. And the state mandates that we stay under 2%. Okay, so we're really talking here about 1.5%.

[unintelligible comment from audience]

No, I think we get the message. Thank you. I think we understand, and we're gonna try.

Supervisor Fulgenzi: I tell you, I ideally, I would like a 0% tax increase. But the same token, something has to go.

Unknown Audience Member: And you guys should spell out what that would be.

Councilman Saracino: So you want, like, a scenario in other words or a number of scenarios? Like, okay, we could lay off five highway workers…we don't pick up leaves anymore, Example A. Yep, okay, in combination with compensation. Okay.

Supervisor Fulgenzi: Union salaries are set.

Councilman Saracino: Yeah, just for management.

Councilwoman Smalley: Health insurance…

Councilman Sialiano: But I just wanted to make a comment on—your analysis is excellent, but you have to take in consideration the cost of health care, of labor, of oil, electricity, pensions. It has hit the roof. I mean, people are frustrated and our salaries are not matching the increase, and that's part of the problem. You analyzed it beautifully. But at the same time, the cost—these are record level costs that we've never seen before that are exceeding our budget. The last time we increased the cap was in 2013. So last 10, 11 years, we've been very fiscally responsible, and the town is managed beautifully. Now the costs are astronomical, Mark mentioned it, it's I have my own business. I'm an entrepreneur. I have a golf shop. I look at costs all the time. I look at labor. I look at insurance costs. I look electricity. It's if you look at our numbers, they're not normal numbers. So we're trying to solve a problem, but you also have to analyze cost. You also have to analyze and think about, hey, what's the history of the town? Do they do this every year? This is like the exception to the rule. I don't wanna raise your taxes. I don't wanna raise your taxes a dollar. It's right now, it's $49, and I feel terrible about it. Okay, and we're here 34 years. We raised a family. It's a great place to live. It's awesome. Things are very, very expensive. It's expensive to live. We're trying to do the best we can so you get a bang for your buck. Do we wanna raise your taxes $49? Absolutely not. I don't wanna raise them a dollar. But if you look at the history of what we've done, we've been fiscal conservatives the last 10, 11 years. This is the exception to the rule. And that's one of the reasons why everyone came out because they're like, hey, you're going above the cap because it hasn't been done because this team of people here and that team of people have done an exceptional job.

Supervisor Fulgenzi: If you wanna speak, please come up to the mic. There's 40,000 people in town who wanna hear what you have to say.

<u>Lauren Chamey, Thornwood</u>: Sure. Well, I don't know specifically, but wasn't the cap, the state law wasn't that implemented just a few years ago? It wasn't 20 years.

Supervisor Fulgenzi: 2000…

Councilman Sialiano: 12.

Ms. Chamey: So it's to say that, oh, we have we haven't raised the…

Councilman Saracino: No, he's accurate. He said in the last 10 years.

Councilman Sialiano: Yeah, that's what I said. It was implemented 12 years ago.

Ms. Chamey: Okay. So, my point is that we don't have dozens of years of, like, in the last 10 years, we have we've stayed within the cap, which is great. That's the point of the cap.

Councilman Sialiano: And one year was 0% if I'm—Mr. Supervisor, am I giving the right information?

Multiple Councilpeople: Yes.

Councilman Sialiano: One year was 0%.

Ms. Chamey: Right. That's the point of the cap—the cap is working.

Supervisor Fulgenzi: Just to rein in cost, yeah. Thank you.

Bob Levy, Pleasantville: I live in the Pleasantville district and what I'm gonna say right now is very unpopular. I didn't even think about it until you said something. What would you like to get rid of? Leaf pickup? I've lived in many places and never had leaf pickup. I personally compost my own leaves. How much money do we spend on that?

Supervisor Fulgenzi: Well, that's a number we've gotta look at.

Mr. Levy: I mean, that to me, I don't use it. It's complete luxury. And when you're in fiscal crisis, you get rid of luxury items. I strongly suggest you get rid of that.

Councilwoman Zaino: Thank you.

Supervisor Fulgenzi: I don't wanna be the one to tell everybody we're not gonna pick up your leaves anymore, but we're gonna talk about it.

Mr. Levy: [*from the audience]* I hate that the leaves sit there for 3 weeks. You finally get them picked up. It's a nightmare.

Supervisor Fulgenzi: Okay. Anyone else wanna address the, 2% tax cap? If there are no further speakers, we would like to carry on this meeting. We'll continue until December 10th for a further discussion on the 2% tax cut. And in the in the meantime, we will try to look at some of the ideas that we discussed tonight. What can we cut further? What can we use or not use? And we will let you know.

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

> RESOLVED: That the public hearing shall remain open through Tuesday, December 10, 2024 at 7:00 PM, at which time additional comments shall be heard.

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

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Public Hearing to Consider Hardship Variance from the Battery Storage Moratorium Submitted by New Leaf Energy	RESOLUTION 455-24

The Supervisor opened the public hearing. The Town Clerk read the public notice aloud.

Supervisor Fulgenzi: At this time, I believe the representatives would like to address the public.

Robert Gaudioso, Snyder and Snyder: Good evening. Thank you, Mr. Supervisor and members of the Town Board. Robert Gaudioso with the law firm of Snyder and Snyder on behalf of the applicant, New Leaf Energy. I'll introduce the team that we have with us this evening. I just wanna give you a little bit of background about the project. This is a proposed battery energy storage system, and this is a request for a waiver from the moratorium that was adopted on September 10th. But the history of the projects is important, I think, for the waiver application. We had originally met with the Town Planner and the Building Inspector, back around this time last year. We filed the complete application for site plan approval with the Planning Board on February 14th, and we filed for the special permit application on June 5th with the Zoning Board of Appeals. And the application was very similar to a project that had previously been approved and has recently been constructed in Hawthorne at 65 Broadway behind the Reformed Church. And it was New Leaf's predecessor that processed that application and received the approvals under the existing zoning code. We met with the Planning Board a number of times. We were scheduled for a possible SEQRA determination in August, and at that time, the Town Board had proposed the moratorium.

We submitted our comments to the moratorium. At that time, we offered New Leaf's expert assistance. That offer still stands. If the Town Board does move forward with new regulations, we'd be happy to meet with your staff, your consultants, the Town Board yourself, in preparing new regulations because we do not oppose new regulations, but we believe the existing regulations and the Zoning Board and Planning Board have the ability to process this application if this waiver were granted.

The moratorium, as I mentioned earlier, was adopted on September 10th. And on October 10th, we filed for the waiver that we're here for this evening. As part of that application, Mr. Zach Longo, who's with us tonight, he's the project engineer. He went through the criteria for the waiver, and there's a letter in the record, going through that criteria, and Zach will talk a little bit that about that in the site plan in a moment. We submitted confirmation that there's no existing contamination that'll be disturbed or impacted by the proposed facility. There were some prior comments, and we thought that was important.

We submitted the referral letter from Westchester County Planning Department, and they actually wrote that they commended the applicant on this particular application. And I think we submitted a lot of the documentation that showed the importance of this type of facility. And finally, we submitted the site plan, which Zach will talk about in a moment, which includes the fact that we're in the Light Industrial Zone. We're not near any residences. The closest residents are over 1,100 feet away. The existing commercial buildings over 150 feet away. We're in a grassy area next to the Taconic, across the street from a cemetery and adjacent to the Con Ed transmission towers. So, we think it's a good site overall based on the site plan. But with that, I'd like to first introduce Zach Longo. He's the project engineer and he's from New Leaf Energy and he has a few comments that he'd like to elaborate on. Thank you.

Mr. Longo: Hi. I'm Zach Longo. I'm a project civil engineer at New Leaf Energy. I'm the engineer of record for this project. I'm also a New York State licensed professional engineer. So starting off, I'd like to give an overview of the site. So our project is located at 115 Wall Street. It's located to the north of the Taconic State Parkway and also Commerce Street. So we're placing the site to the southeast on our parcel. Our parcel is a 10-acre parcel. It's located within an M-1 zoning district, which is a light industrial district. So the project site is going to be located within a grassed area that's located to the south of the existing parking lot that's down here. The grassed area is relatively flat. As you can see between Commerce Street and where our site is, there's a large forested area between the two. This is going to provide additional natural screening that we can observe during operation. The nearest residents are located to the east over here, along Park Avenue and Leroy Avenue, and the closest resident is approximately 1,100 a near feet away from our site.

So our proposed facility is a 5 megawatt, 4 hour duration battery energy storage site. It's approximately 6,200 square feet in size. As I said earlier, it's located to the southeast of the existing parking lot. It consists of 6 Tesla MegaPack 2XL batteries, each of them represented here. Other equipment is related to the above ground equipment for the interconnection for the system to the grid itself. To the south of our proposed facility is the Con Edison utility line. It's an overhead wire that runs approximately 40 feet to the to the south of the facility. Our facility will be connecting into the Con Edison grid. To the south of our facility is also a federal wetland down in this area. As you can see from our site plan, we are outside of the 50-foot wetland buffer which is enforced by the town. So this project will not impact any of the wetlands or the buffer. As part of this project, we are also proposing a 20-foot-wide access road, which would connect from the existing parking lot to the proposed facility to provide maintenance and access to it.

So our as part of the design, we've elevated the system approximately 2 feet above existing grade. This is to provide additional to keep the electrical equipment outside of the flood elevation and also to provide gravel storage for the stormwater runoff that's generated from the impervious surfaces on our site. Around the perimeter of the site is going to be a retaining wall, which is going to hold back the gravel within the area of the facility. On top of the retaining wall is going to be a chain link fence, which is going to be approximately 8 feet tall, which is going to provide additional security to the site. Now on the outside edge, there's going to be on the outside edge of the chain link fence there is going to be HDPE slats that are going to be installed, which are going to provide additional screening so you can't look into the facility. So along each at each of the four corners of the facility, we are proposing to put in additional motion detection lighting and security cameras. And along the eastern and western sides of the facility is going to be, we are proposing additional tree or landscape screening to provide additional screening from the property owners to the to the east over here, and then whoever is driving along Commerce Street to the west. Thank you.

Supervisor Fulgenzi: Thank you. Can I just, I've just gotta make a comment. We've been rehashing this, not only this project but other projects in the town. The Town Board has always been open minded to development. And like I said in the past, we have recommended people go back and rethink their projects because we didn't think they work. These particular projects, the battery storage units, have been quite a challenge to members of the Town Board. We have received a tremendous amount of negative information, and we've received some positive information. Obviously, you could buy a cheap battery or you could buy a very good battery, and that may be the reason why some of these have failed. We've been given demonstrations on what could happen if a battery fails. Sometimes, we've been meant to believe that there could be a disaster in a in a community because of the battery failure. And we've seen cases where it's a very limited result from it.

We all worry about what does it do in the air? Does it pollute the air? Is it gonna pollute the water? These are all issues that we have to look at. It's not a simple decision for us to make. And you can give us the finest batteries in the world. I'm sure Tesla batteries are quite quality, but we're in a tough position. That's all I could tell you.

And we did the moratorium because we all wanted to know more about what's going on. And we have learned a lot and I think there's more we need to learn. The restrictions are very important. Where are we gonna put these moving forward and what are the restrictions surrounding the properties? Obviously, you don't want this in a neighborhood. We have residential. That's an important thing. But I do think and I'm not trying to cut your presentation off, but there are things that we need to be satisfied with before moving forward.

Mr. Gaudioso: I think those are important points, Mr. Supervisor. And let me say this. The state has set forth man mandates that I'm sure you're all aware of, and I don't wanna bore you with those details at this late time. But this is happening, and this is happening for a very real reason. The grid needs to be modernized. It needs to be modernized for a number of reasons. There needs to be the influx of renewables. Okay? And renewables work now because we have the technology to store energy. We've always stored energy. We've stored energy in our cars with a gas tank. We've stored energy with propane tanks. We've stored energy with piles of coal. So now we can store electrical energy and that's why the renewables work.

But the grid also needs to be more reliant and more resilient. And the state has been studying this for some time, and we've cited to some of the PSC orders that have come out and the state's mandates pursuant to the climate act. And again, I won't go into all those details, but by 2030, this will happen. And it will have to happen safely, and it will have to happen under your guidance and your approval. So we appreciate that.

And as I mentioned earlier, I talked about the fact that we had put in our August letter that we wanted to work with you on that. And we were doing that with your Zoning Board and your Planning Board. We did that previously on the Hawthorne project. I think that project came out great. But we understand that there are fears. And a lot of times, those fears are based on reality, and a lot of times, those fears are based on hysteria and things that are read on Facebook. And what I can tell you is we have Mr. Paul Rogers, who's a third-party expert. He's not with New Leaf. He's here this evening. He's an expert in the field. He'd be happy to talk to you tonight or at a work session regarding this. What I would say is that we believe we've picked a good site. We think we have the best batteries. We have the Tesla Mega Pack 2 batteries. That's the technology that's been approved by New York City. That's the technology that's being built out in New York City. That's the technology that we're installing, or have been installed at the Hawthorne project.

A lot of what you've heard or seen is incorrect. The amount of fires are very minimal. What your job is, is you're the legislative body. The Planning Board and the Zoning Board will have to look at the site specifics. They will have to look at the site plan, the distance to residences, all those different things. Your job is to establish the regulations that then those boards can use to actually process the application. And what we called out in our August letter was the fact that NYSERDA, the state agency, has a model code. There were fires up in Warwick. There were two of them. We've heard about that. We've seen that. It was an older technology. The state put together a task force. The Governor put together a task force. They came out with very specific findings on that and that there was not off-site contamination even though you've heard the opposite on some, in some literature. It's not true.

But the point is that the state learned a lot, and they've proposed changes to the building code. We were already told the Planning Board and Zoning Board, and we'll tell you this tonight, that this application, we will agree to all of those regulations. So for example, Ms. Letterman on the Zoning Board said, well, I want the security cameras. And Zach already had amended the plan and added the security cameras. So that Zoning Board—I'm sorry—Planning Board process was working to go through and analyze not only this project, but to learn for the for the Planning Board and Zoning Board to learn as we went along. And where I'm going with this ultimately is your moratorium is very restrictive in that you do not allow the processing of the applications. Okay.

On the flip side, you allowed this waiver process for a reason and we would hope that you would grant a full waiver from the moratorium, but at a minimum, we'd hope you would at least let us process these applications with the Planning and Zoning board during the pendency of the moratorium. So that way, we can continue to provide you the information. Your Zoning and Planning boards can continue to become educated. You as well could become educated on what we're providing. And hopefully, we can have a dialogue that results in a great ordinance and a better project. What we've done in other municipalities that had ordinances or didn't have ordinances, again, we've complied with the NYSERDA model. We've agreed to things like the commissioning report. We've agreed to things like the bonding. We've agreed to things like the peer review, which is why we have Paul here tonight overlooking this application. We've agreed to things, like a safety plan, training with the fire department, providing them the knowledge, the experience, the information that they need to understand what exactly this project is.

So we have Paul here tonight. If you have some specific questions on fire safety, quite frankly, he's the premium expert. He's hired by municipalities. He's hired by project developers. He has the experience. He'd be happy to talk to you tonight or at a work session, however you'd like to do that. But at a minimum, what we would ask is to be able to process these applications with the Planning Board and Zoning Board during the pendency of the moratorium, if not a full waiver.

Supervisor Fulgenzi: My other concern moving forward here is I am concerned—we've had our challenges with New York State government. I'm concerned about a mandate coming from the state government, which tells us what we have to do. I was never good at listening to New York State on what they think we should do. So if anything comes at us where we could create restrictions that control what the state may wanna impose on us, that would be a benefit in the long run also.

Mr. Gaudioso: Yeah. I think that's a great point. I think that where I started was this is going to happen. This is like cell phones 25 years ago when everyone said they didn't want them and every speaker tonight read from their cell phone. Right? We all have them. This is this writing is on the wall and in the past few months, the

PSC put out a specific order on battery storage. It is necessary. Without these facilities, what happens is during the peak period, environmentally polluting peaker plants come online to be able to handle that demand. That cannot continue to happen. That will not continue to happen. Either the utilities will spend $2,000,000,000 to avoid that situation or we'll have power outages and an unstable grid or your alternative is you have private investment putting money into the community to build these types of facilities.

They have agreements with the utilities. They have to follow strict protocols to tie into the utility's infrastructure. That's all regulated. That'll be regulated by your town as well as part of that site plan and zoning process. But that's what will ultimately happen. And if it doesn't happen because of the inability to have these facilities sited, then there is that possibility that's been talked about. And I don't know if that helps anyone, you know, there are certain size solar facilities that are regulated by the state. They are they are exempt from local zoning if they are of a certain size. And I don't know if municipalities prefer that, and I don't even know if developers prefer that. I think the process that we worked through on the Hawthorne project worked very well. And we would hope to be able to continue to do that with the town on this project because in the grand scheme of things, this is a small project. This is 5 megawatts. It's part of the, you know, the overall goal of the state that has to take place, but it's a relatively small project in a commercial zone, distant from residences, across from a cemetery, next to the power lines. And that's why we think it's a good site. So I understand those aren't your challenges because you're the legislative body, and what we'd ask is to be able to at least make our case to the Planning and Zoning boards.

Councilman Saracino: Can I just—I just wanna comment just for me, personally. So I know you're here for a variance to basically bypass the moratorium and put your project through to move forward in those approval processes as a hardship because you spent so much time on it. My concern is if you were allowed to do that, you may end up spending a lot more time on it, a lot more money where we may ultimately come back and say that we don't want it here. And then in that case, you've created more of a hardship for yourself. The reason I appreciate the moratorium is that it gives us an opportunity to understand these facilities. We don't understand them. They're fairly new, new to most of us. The technology is ever changing by the year, it seems. Tesla is coming out with newer models and newer models and, Oh, that one wasn't so good, but this one's better…then two years later…but we have a better one. There's so much for us to understand.

And there's a lot of residents in our community that have been very outspoken against it and I think it's important for me, at least, to hear them. And what you're sort of asking us to do today is to say, well, that's all great. You can hear them, but you still you know, we want you to try to let us through so we could have the dialogue with you. But I just worry, like I said, that if we were to grant it and you were to continue those conversations and those meetings, that you might ultimately end up spending more money, creating more of a hardship.

Mr. Gaudioso: So I think that's a great point. So I would say two things: One, we filed this application because we want to proceed because we do believe it's a good site. We want to continue to process. We have put in almost a year's worth of work, significant resources and time, and we're willing to take that risk. We understand that risk. That's the case really with any application with or without a moratorium. The rule in New York is that a municipality may change the zoning code right up until the time you have substantial construction completed. So every applicant is, in essence, at risk, but we believe this is so important that we wanna go through that process. If we didn't file this application, the way the moratorium works is we were not allowed to process our pending applications, which means this board would be working in basically an echo chamber. You wouldn’t have the real-life experience of seeing an application before the Zoning Board, going through the SEQRA process, going through the analysis of both the Zoning Board and Planning Board with the benefit of the Building Inspector, the Planning staff, the Planning and Zoning Board members who are excellent have asked so many good questions that we've provided additional documentation and will continue to do.

So if we hadn't filed this application, there really wouldn't be an opportunity for the board to hear from the public in a real life situation. And that's why I think having us process with the understanding, you have a moratorium in place, you're ultimately going to adopt regulations. We hope you adopt them sooner than later, and we hope to be able to comply with them. So we're willing to take that risk. We think it's a benefit for both parties to be able to process and we hope you see fit in that regard.

Supervisor Fulgenzi: I’d like to open up to the public. Any members of the community have any questions regarding this project?

<u>Carlo Valente, Hawthorne Fire Department</u>: How you doing, Carlo Valente, Hawthorne. New York State, NYSERDA, Albany, and all the parties involved have put together 15 recommendations. Our new code book, at the earliest, is probably gonna come out in December of 2025. I know they're still working on these. They're not set in stone yet. But I would suggest keeping that moratorium until our new code cycle does come out so we do see what those regulations are. It's 2024. There's a bunch of things that can go wrong. They probably do go wrong. We have other things to think about. Right now in the county, we have several in White Plains as well up northern county as well, I believe. But just think about it. Technology, like Mark said earlier, is ever advancing, but other technology to do harm is also ever advancing. And these battery systems, these BESS’s are susceptible to them. So for example, the one that we already have in town behind the church sits adjacent to two parkways, some marshland, residential area, train tracks, some ball fields. There's a no outlet in there.

This plan right here, that is by The Cliffs. Again, you have that one way in, it's next to a parkway, next to a train, train tracks right across the street. It's adjacent to a building that has government-adjacent businesses that are in there as well as The Cliffs, which handle, you know, people from all ages from children to adults. These sites are picked because they make money for those land owners, and for no other reason. Yes, Hawthorne is centrally located, helps everybody out. That's why everybody loves it. But the problem is we're the test bed. We should be the test bed. If these things were so great, you know, they would put them on Con Ed's property and let Con Ed deal with anything that might go sideways.

We do have a problem with our infrastructure in the State of New York, but that's the infrastructure themselves. And these BESS's that can give us two to four hours on a good day of some energy is not gonna solve the system. The system itself needs to be revamped. If we wanna talk about clean energy, it should open up Indian Point and open up new nuclear plants. There's advanced technology and reusing the rods instead of being a onetime use. That's the way to go. Yes, New York has this mandate. By 2030, they want all those to happen and go through, but we don't need to be the test bed. I think, like I said, the first thing I said, we should hold off this moratorium and extend it until our new code cycle comes out, until these regulations are in that code cycle and see what else is in that fire code as well. And then from there, when it does get approval, it does need the Fire Department's approval, which it does not have. Thank you.

Jonathan Goldszmidt, Hawthorne: Hello. I personally believe in battery systems. I have 14.4 kilowatt hours at home. I think it's a great investment, but at the same time, every time I keep reading online about Tesla's that catch fire, how much effort it takes, for the fire department to put it out, it seems significant. So I'm not really too sure how far the fire suppression systems have come to handle something like this because I believe a Tesla took, like, 50,000 gallons of water and only has 900 kilowatt hours, which is about a 5th of what this team is proposing to build. So I think we just need to understand really, like, how is this going to affect us in the long term, if it's gonna be safe to suppress or if there's better technologies to make sure that there is fire suppressant there because I can't imagine that our fire departments can be equipped to handle a 5 megawatt system going up on fire. Not that we want that to happen, but you have to always prepare for the worst. Thank you.

Patricia Halpin, Hawthorne: Taking a chance coming up again, but hopefully, you'll be okay. So I'm just gonna say that the moratorium was put in place for a reason just as you illustrated to become more knowledgeable about it, understand better the risks, and I can't imagine that you've figured it all out by now. There was a reason it was put in place for a time, and that time is to give you guys the time that you need to do all the research you need. Carlo, who has come up and spoke each time to talk about from his perspective as a firefighter, the risks associated with it, the idea that you can't put them out if they get on fire and you just have to watch them burn. There was another woman who came here and talked about risk assessment of having more than one in Mount Pleasant itself. I think she was saying that there were already were two maybe in place. So having another one, I'm not sure, at this stage why we would entertain it without understanding all the facts. And I guess, why would we as a community or you as a board be willing to go against the moratorium that was put in place just because an applicant is asking for it. I think we have to think about the community there. Thank you.

Rich Briganti, Valhalla: Hi. My name is Rich Briganti. I live on 65 Leroy, which is very close to this, to the unit that they wanna put in. Couple of things I didn't hear about. What is the hardship? The hardship, it's a hardship variance, but I haven't heard, you know, what is the hardship that you're going—the reason why you want to put this in?

> **Supervisor Fulgenzi:** They can they can answer that when you're done.
>
> **Mr. Briganti:** Okay. Sound. Cooling. Right? They have to cool these things off. They can go up to 85 decibels. A train, a freight train is 80 decibels. These things have to run 24/7. So you're gonna have the constant hum, right? That's something else you have to think about. I'm an electrical engineer. Big battery. Right? These things go on fire. They're toxic. It's lithium. Wind blows from west to east, right over the neighborhood. Something else to think about. Alright? That's it.

Supervisor Fulgenzi: Would you like to answer those questions?

Mr. Gaudioso: As far as the 15 recommendations by the state, again, we've committed to comply with those and we'll comply with whatever the New York State building and fire code is. We've already said that and we have no objection to that. You're not a test bed. These facilities are throughout New York City, they're throughout the state, throughout Westchester County. There's two in White Plains off the top of my head, one in Ossining, that New Leaf's predecessor, permitted. One in Yorktown, that New Leaf's predecessor permitted. There are others around. I'm just not aware of them because I didn't I didn't actually participate.

Councilman Saracino: Do those use the same battery that you're proposing?

Mr. Gaudioso: Yeah. So the ones the ones in Ossining and the ones in Yorktown are the Tesla Megapacks.

Councilman Saracino: Okay, they're the same model?

Mr. Gaudioso: I think they're the same model. I believe they're the same model. I believe they're the Tesla Megapack 2's. The utilities are implementing these facilities. There was a comment about that. Con Edison has them in the city. They have a very large facility in the city. They put out RFPs to be able to build these facilities themselves, as are the other utilities. So part of their part of their process through the PSC regulations is that they're installing these facilities and they're having third party investment that becomes part of the tax base, build these facilities and interconnect, pursuant to PSC regulations and the utility approvals. So that is happening.

Councilwoman Smalley: May I ask a question, sir? I think the previous speaker asked what is the hardship? And I think the Supervisor said that you'd be able to answer that. Could you please?

Mr. Gaudioso: So I'm gonna answer two parts because one part was why go against the moratorium that you just enacted. And we had written comments, and I won't go into detail about that moratoriums have to be based on an exigent circumstance. And you put in, specifically, a waiver provision to be able to address applications. And you put in the in the moratorium the acknowledgment that this was the only application that was pending. So for your moratorium to withstand scrutiny, you had to have a waiver provision, and that's why we made the application. So I don't think you could say just because we've, you know, just because you enacted a moratorium, you shouldn't grant the waiver because you specifically put in paragraph 3, which is the whole waiver. And as part of the waiver application process and criteria, you included a provision of hardship. And the way it's written is it talks about the hardship to the property owner. So we answered that question, the hardship to the property owners is they're not getting the value of the lease that they signed with us.

But we also put in the hardship in a more broader sense. And part of the hardship is the need for these facilities, the need to make the grid more resilient, the need to eliminate the environmental polluting peaker plants, the need to meet the state's goals pursuant to the Climate Act and all of the PSC regulations. And then with respect to the applicant, we documented in Zach's letter the fact that they've invested over a half a million dollars in this project, $550,000, which includes a deposit to the utility company for the interconnection. So these facilities are expensive to install. They require a lot of capital.

The way the state has set this up is it's drawing capital from the private markets to be able to install these facilities as opposed to the utility companies paying $2,000,000,000 to upgrade the grid, which would go into the ratepayer base. And the state has laid this all out in various PSC orders. I'd be happy to send them to you. We cited to some of them, but the point of the of the of the hardship is that the way the moratorium waiver provision, it talks about the hardship to the property owner, which are the lease payments, the use of their property. I think the Supervisor made comments earlier about how property owners are allowed to use their property pursuant to, you know, reasonable regulation.

The hardship to the state, to the residents, to the utility grid is that this will be delayed and we don't know how long that would be without being able to process the application, which we've already processed for nearly six months. And then the hardship to the applicant, specifically, is the amount of investment that they made in good faith, pursuant to a set of regulations that they relied on and were approved upon with the Hawthorne facility, and not being able to at least process the application is a significant hardship. So I hope I hope that answered your specific question.

As far as the sound, yeah, there is a train that goes by, but the facility will have to comply with your sound code. And that's something, again, that I think will be valuable to let your experts, your Planning Board, your Zoning Board, your professional Planner, your Building Department to be able to look at those site-specific issues in a real world instance. I don't think, you know, the amount of sound is relevant for the legislative body, but you will ultimately enact regulations. You already have sound regulations for any use in your code and will comply with that. But with that, I would like to ask Paul to come up and say a few words because I think it would be helpful if there were some comments that I think, are worthy of responding to as far as safety.

Mr. Rogers: Good evening. I'm Paul Rogers with, ESRG. We are fire protection experts. We work on projects throughout the United States, Canada, Hawaii. But we have projects that are currently up and running right now throughout the United States in different states. We also have ones in New York City that we manage from a fire protection point of view, where we go and check the functionality on a yearly basis to make sure all the fire protection systems are working. So, they have been some—when I was with the New York City Fire Department, we had approved projects that are still currently running today in New York City; three in Brooklyn, two in Queens, at least five during my time with the New York City Fire Department that we approved and with no incidents at all, they had been up and running, in New York City. And as I said, I heard one person said it is the test case, but they are already up and running and especially the Tesla Mega Pack. We, a lot of the systems that we work on are the Tesla Mega Pack. We're very happy when we see the Tesla Mega Pack because we know the testing results that came out of that as a result of the fire protection and the fire code that they're required to do.

Another gentleman spoke about the Tesla and the 50,000 gallons of water being used. The nice part about battery energy storage system as opposed to any other product that uses batteries is battery energy storage systems are required to go through rigorous testing and validation testing to prove that if there was a failure within the cells, that they would not propagate outside the unit. Not only did Tesla not propagate outside the unit, they never propagated outside the module. There's about 51 modules in the in the Tesla Megapack. So they purposely failed the system to see the propagation within the system itself. As you heard, a cascading event may take place where you get from cell to cell, module to module, till the whole unit goes up. The goal of that test is to make sure it doesn't go outside the unit. But as I mentioned before, Tesla never even went outside the actual module, so it stopped right at the module. That is something that is a very rigorous test. It's done by a nationally recognized testing laboratory. When it first came out, a lot of people complained about it. But these are the these are what the New York State fire code adopted. It's UL 9540-A for the for the record and for the people that are home. But this test is, is something that is the linchpin of safety, to validate safety and to show that if there was a failure within the cell or numerous cells, that would not propagate outside the unit. Sorry. I'm just going through my notes here.

So someone mentioned, if they were to actually go on fire and it would be toxic, and I can tell you as a New York City firefighter, every fire that I went to was toxic, whether it's a structural fire, car fire, or anything else to do with any type of fire. So fires are toxic no matter what and there's not much that we can do about it. One of the good things that we see about this, Tesla purposely went above and beyond the testing of UL 9540, and they physically put it on fire. They actually said we're gonna put it on fire because we wanna see how far it would go. Tesla is broken down into two sections, the cabinet itself. In between is a break, and that's called an HMI, human machine interface. So they actually put it on fire and they forced it into a propagating event, but it never went past the HMI area. So the whole other side of the Tesla actually never went on fire. That was their own testing. They did it without anyone prompting them to do it, but this is all in a report that could be made available to anyone here on the board that wants to read it. It's a very extensive report, but it explains actually the work that Tesla did. And other places are doing it now too. They set the standard for other people to start to do that. So you'll see other ones that are coming in on that.

And also these batteries that we see, or the cells that are inside the Tesla, they are very similar to the cells that we see in electric vehicles that are traveling all over the city or all over the town that are located in schools and charging areas and in businesses and wherever the case can be. I was just in a place, where they had an underground garage with a charging station inside of it, which is a nightmare in the event if there were to have a fire in that event, because it's underground very hard for the fire service. And also, you know, taking a look at the fire protections on that end. But the nice part about this one is this, again, has that feature of the UL 9540 a showing the validation of the propagating or stopping the propagating of the actual event to stay within the unit. So there has to be very little interaction as far as the fire service is concerned.

Councilman Saracino: We just had some research sent to us. Is that the, Mega Pack 2 XL model?

Mr. Rogers: That is the Mega Pack 2 XL, yes.

Councilman Sialiano: With respect to—I'm a retired lieutenant from Chinatown. So, I went to a couple of fires too. The byproducts of combustion with this unit, are they toxic? Does this require evacuation?

Mr. Rogers: Yeah, great question. So in all my years working as a lieutenant in the HAZBAD, I never did an evacuation. I spoke to many people throughout the New York City fire department, which is a very dense environment, how many times they did an evacuation. And I spoke to some pretty busy chiefs. None of them could give me one instance where they gave an evacuation for some pretty heavy duty fires that they had. In the case of this here, I've responded to the one in Warwick. I responded to the one in Shamont. I responded to one out in LA, and all of them, not one person reported getting sick from any smoke from the actual fire event that took place.

As you know, when you do an evacuation, it is extremely difficult to try to get people out of the house. You have to inform people that they can't move. The best thing, if the incident commander really needed to do it, if they felt that they needed, would be just a shelter in place if they actually need it. But again, highly unlikely we get to that area. I can never say never. But, as far as getting on fire like that, because all the layers of safety to prevent the fire have to be compromised in order for us to actually get to a fire event. And there's a lot of layers of safety that are associated with these battery energy storage systems.

Councilwoman Smalley: I have just one more question for the attorney, please. You mentioned financially that that your New Leaf Energy has a lease. So they are not the property owners of the 10 acre site. Is that correct?

Mr. Gaudioso: Correct.

Councilwoman Smalley: Okay. So they have a lease with which—who is the property owner, please?

Mr. Gaudioso: Oh, I would have to look in my file. I don't remember the exact name, but it's the owner of the 115 Wall Street property. There are two properties up there. There are separate owners. I think at one time, they were in common ownership. They are no longer, from my understanding, and we have the lease with the property owner of 115 Wall Street.

Councilwoman Smalley: So it was New Leaf that actually sought out the property and sought out to establish the lease and to put the facility there. It's not the owner of the property.

Mr. Gaudioso: Correct.

Councilwoman Smalley: Okay. Thank you. You've clarified things for me.

Councilman Saracino: I know we put that in our moratorium. I just have such a hard time with the word hardship, you know, from the perspective of it's a speculative investment. Right? I know, I appreciate that you put a lot of money into it, but it's a speculative investment on a very new technology. People invest millions of dollars in new technologies all the time. There's no guarantee. You know, if I bought shares of Nvidia stock and the stock went down, I'd love to be able to claim a hardship myself, but I can't. It's a speculative investment. And then around the need, I mean, we don't have rolling blackouts right now. Right? May we in the future? Yes. But to see it as an immediate hardship, immediate need, I'm not convinced.

Mr. Gaudioso: So let me let me answer two questions. One, the reason it's a hardship is because the common phrase is zoning is in derogation of the common law. Meaning that people are allowed to do with their land what they wish. And going back to the Supreme Court, Euclidean zoning, Supreme Court said municipalities for the common good may have reasonable zoning plans. But you have to be able to have variances. You have to be able to have exceptions. Municipalities cannot say no, no, no. You have to have a process.

So what you put in place was a moratorium that quite frankly is more strict than most moratoriums that I ever see because you did not allow the processing. One of the things we asked for was a three-month moratorium. You went with six. One of the things we asked for was the ability to process. You didn't grant that either, but what you granted was a waiver. So you created criteria, and one of the criteria is we show you what our hardship is. And that's what our hardship is. Our hardship is we're not allowed to use the land even though we're only a lessee. We still have property rights to the land as a lessee. We have just as many sticks in the bundle, so to speak. We're allowed to use the land subject to reasonable zoning. So that's what the hardship is.

As far as the need, I would say you really have to look then deep into the PSC orders. And there were a number of them. I'd be happy to send them to you, but there was specifically one this past June where the PSC laid out the need, specifically, for battery energy storage systems. There has been and there continues to be a need that's been enumerated throughout other PSC orders, which includes all different types of distributed energy resources, which means not the peaker power plants that are in underprivileged communities or faraway communities that are damaging those communities from a health and safety standpoint, but bringing the energy closer to the areas where it's needed. And one of the things where it's needed is where we can tie into the feeder lines. And that's why where there are feeder lines in this area that we can tie into. So when you see these facilities, they're going in areas where there are feeder lines. When you see solar, they're going in areas where there's 20 acres where you can put in a community solar project and have enough land to have enough solar panels.

But that's not what we're asking for here. We're asking for a different type of distributed energy resource. And under the PSC order from June, it specifically goes through the exact need for this type of distributed energy resource to be able to stabilize the grid, make the grid more efficient, be able to incorporate renewable energy, be able to make the grid non-reliant on carbon and also to be able to close down those peaker plants.

Supervisor Fulgenzi: Not to interrupt you. We can talk about this all night. We appreciate all the information. We may wanna reach out to you at a Work Session, possibly, to get somebody's details down. We have no intention of closing this public hearing tonight. If the board so wishes, we will carry this on to the…come on up.

Cam Amenedo, Valhalla: I'm Cam Amenedo. I live here in Valhalla. And my question is very simple. How many projects have you have within a two-mile, three-mile radius or from a major water supply? If you screw up with that water supply, you're messing up not only here, but the supply that's going into New York City. So how many projects have you have in two-mile distance from a major water supply like the Kensico Water District?

Mr. Gaudioso: I'll speak to the board. I don't wanna really go back and forth, Mr. Supervisor, but the answer is that the facility is not polluting to the water supply. Okay?

Mr. Amenedo: But you do have a major problem if you have a blow up in that facility. You have major chemicals going into the air, which is going to burn for a long time. All you need is one.

Mr. Gaudioso: I don't think that's—I don't think those facts are correct, and we can certainly provide you that documentation. I can tell you the one in Yorktown, off the top of my head, is right next to a lake, is right next to a wetlands. When Yorktown looked at it, they specifically were satisfied about the fact that there's not this effluent that comes out of these facilities. That's just not the case. So this is the type of information that I mentioned before that sometimes is incorrect and we'd be happy to provide the data to show that. Specifically, the fires that the Governor's task force looked at, they confirmed. You can go and look at those reports yourself. They confirmed that there was no off-site contamination of the type that this is being extracted here.

Supervisor Fulgenzi: I would be interested to find out if there is pollution coming out of it, how far can it travel? Does it dissipate as it's traveling? Does it fall to the ground? That's the things I'd like to know more about.

Mr. Gaudioso: Sure. We can we can provide you those reports that I think Paul alluded to earlier.

Mr. Amenedo: And by the way, a lake is not the water supply side of what you got.

Mr. Gaudioso: No, I understand. I'm not really here to debate the issue because it's not something that comes out of these facilities.

Mr. Amenedo: Well, you’re making the comparison.

Mr. Gaudioso: Okay, thank you for your time.

Supervisor Fulgenzi: We'll get more details.

Mr. Amenedo: You're asking for, I don't know, 6,000 square feet, a little bit more over there. Correct?

Councilwoman Zaino: Yes, that’s correct.

Mr. Amenedo: Alright, 6,000 square feet. You only need 3,000. Why are you asking for six? It seems to me you wanna bypass whatever the project is going forward. Since you got the six, you can expand upon it. It doesn't make any sense.

Supervisor Fulgenzi: There are regulations that would have to be followed.

Mr. Amenedo: But they still got the property.

Mr. Gaudioso: If you look at our site plan, the Tesla Mega Packs take up a portion of the compound, then there's a gravel area, then we have a security fence and we need to have access around the security fence. So I think it's about 6,700 square feet of that fence, then about another 1500 square feet of the little access path that comes off the parking lot. We're not taking up any parking spaces just to be able to have access to the facility, but that's all it is. If you look on the site plan, it's pretty clear.

Mr. Amenedo: Well, if you add pollution, you don't know where that wind's gonna go, so consider that. Thank you.

Councilman Saracino: Question also just to the point of where the pollution might fall. If there was a fire on a rainy day, if you could provide any feedback around that. Not right now. But when you send us information, you don't have to do it right now.

Mr. Gaudioso: Yes, we'll provide that information.

Supervisor Fulgenzi: Okay. Like I said before, we'd like to carry this on to our December 10th Town Board meeting. Resolution 455-24 will allow us to keep this public hearing open until then.

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

> RESOLVED: That the public hearing shall remain open through Tuesday, December 10, 2024 at 7:00 PM, at which time additional comments shall be heard.

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

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III. Supervisor's Report

Authorization to Reappoint Theodore Lai to the Board of Assessment Review for the Term Expiring September 30, 2029 — RESOLUTION 456-24

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

RESOLVED: That Theodore Lai of Sleepy Hollow is reappointed to the Board of Assessment Review (BAR) for the five (5) year term expiring September 30, 2029, retroactively effective October 1, 2024. BAR terms are set by New York State statute.

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

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Receiver of Taxes Report RESOLUTION

RECEIVER OF TAXES REPORT

IV. Business from the Floor

V. Town Clerk

Town Clerk's Report RESOLUTION

TOWN CLERK'S REPORT

VI. Council Reports

Councilman Sialiano

Councilwoman Zaino

Councilman Saracino

Comptroller's Memo RESOLUTION 457-24

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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Authorization to Enter into a Three Year Contract with PKF O'Connor Davies, LLP RESOLUTION 458-24

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

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RESOLVED: That the Comptroller is authorized to enter into a three (3) year contract with PKF O'Connor Davies, LLP for their professional services, covering all related audits for the 2024-2026 fiscal years, including Town, Library, Federal Funds, and DOT audits, as well as assistance with new Government Accounting Standards Board (GASB) reporting requirements. Fees are as follows:

	2024	2025	2026
Town	$75,000	$78,000	$81,000
Library	$12,500	$13,000	$13,500
IDA	$9,500	$10,000	$10,500
	$97,000	**$101,000**	**$105,000**

Additional Annual Service	Fee
Federal Single Audit	$3,500
DOT Audit	$6,000

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

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Councilwoman Smalley

VII. Town Attorney

VIII. Schedule of Meetings

Work Session: Tuesday, December 3, 2024 at 7:00 PM — RESOLUTION

Business Session: Tuesday, December 10, 2024 at 7:00 PM — RESOLUTION

IX. Adjourn

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

RESOLVED: That the meeting is adjourned at 9:56 PM.

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

November 26, 2024

Respectfully Submitted,

Emily Costanza

EMILY COSTANZA
TOWN CLERK
TOWN OF MOUNT PLEASANT