

JULY 14, 2026, TOWN BOARD MEETING

Deborah Gargiulo- Chappaqua Road & Clay Bird Lane

Good evening, Supervisor Fulgenzi and members of the Board,

Before I begin, I'd like to recognize former Councilman Mark Saracino.

I didn't know Mark personally, but I learned a great deal about his character through his actions.

Character is revealed when doing the right thing comes at a personal cost.

He stood up for residents! He stood up for us! He stood for honesty and accountability, and he didn't stop asking questions simply because the answers were uncomfortable.

To his wife, children, and family, thank you for the sacrifices that come with public service.

Leadership isn't measured by titles. It's measured by the willingness to stand up when it's difficult. Mark did that. I hope this Board reflects on that.

Thank you, Mark.

Now - I am speaking about the disasters at Clay Bird Lane "Mulch" Site.

Let's me remind you why we're really here.

This is a public health and public safety issue. It is about protecting people.

I never want to look back years from now and learn that **one of us became sick** because we failed to ask the hard questions when we had the chance to.

This is about the air we breathe...the water we drink...our wells, streams and wetlands...our homes, children and pets...and every resident who depends on this Board to protect their health and safety.

It was brought to my attention that some of you actually believed this was political.

This has NEVER been about politics.

How incredibly ARROGANT of you.

For more than a year I have been warning this Town. Since March I have stood before this Board asking one thing: protect this community. No one spends a year researching documents, meeting with agencies, and hiring experts because of politics. They do it because they're afraid their government won't protect them. Afraid that if you stop asking questions...that the laws designed to protect public health and safety will not be followed.

Because the people here knew what was happening...and it still continued for years.

I didn't choose this fight.

This fight came to MY neighborhood.

And until I know this community is protected

I'm not going anywhere.

This Board has one responsibility above every other responsibility.

To protect the health, safety, and welfare of the people who elected you.

I don't care about your litigation. You brought that onto yourselves. But I do care about how much it will cost all of us, for your careless acts.

This site did not become a disaster overnight.

It became a disaster because this town choose to take the easy way while warning after warning was ignored.

The Town's actions and omissions in authorizing, facilitating, and overseeing operations at the site resulted in adverse conditions affecting neighboring residents, including environmental safety, and quality-of-life impacts.

The only people who failed to act were the people who had the authority to stop it.

At the last meeting I read this statement which I will repeat....

As the property owner and governmental entity responsible for protecting the health, safety, and welfare of its residents, the Town had an obligation to ensure that such impacts were prevented, minimized, or promptly addressed

AND the town has a CONTINUING obligation to protect public health, safety, and the environment.

Westwood Emergency Contract, RFPs and Procurement

Let's talk about Westwood and the "Emergency Contract"

First, I want to thank David Smyth.

I submitted a number of questions yesterday, and I appreciate receiving responses before tonight's meeting. Several answers were helpful. Others, respectfully, raised even more questions.

David, I'm not calling you out personally. I'm sure your responses were reviewed through counsel. My concern is that, taken together, the contract, the Town's emails, the RFPs, and the responses create a very confusing picture for taxpayers.

My questions are intended to protect taxpayers and ensure this Town enters into contracts with a clear scope, financial accountability, and appropriate safeguards.

But one question still hasn't been answered.

What changed between June 26 and June 30 that suddenly justified an emergency contract? Why Now!

Residents had been standing before this Board warning about fires since March.

There were documented fire responses in April.

After reviewing Westchester County FOIL records, Fire Department reports, NFIRS and NERIS records, and independent news coverage, I realized I had actually understated the history. I only mentioned in my last public comment a few fires, so I would like to correct the record.

Records document **32 emergency responses to this one address between 2014 and 2026, including 24 confirmed or dispatch-coded fire events.** The December 2024 fire required approximately **17 fire departments, more than 11 water tankers, and burned more than seven hours to control because there are no hydrants at the site.**

And these weren't just mulch fires.

The records also document a **\$350,000 industrial grinder fire in 2014 and two separate equipment fires on consecutive days in December 2021.**

This wasn't a new problem. - It was a known problem.

So, what new, unforeseen event occurred between June 26 and June 30 that justified bypassing competitive procurement?

Because tonight's agenda tells a different story.

The Town is approving an emergency contract while simultaneously moving into 2 competitive RFPs for the remaining work.

Carl's email to me discusses transporting mulch to Westwood's Bedford facility.

David's response says removing the mulch now would make it **solid waste** but allowing it to continue processing would turn it into a **recycled product**.

The RFP discusses **removing, processing, and storing approximately 25,000 cubic yards of organic material**, while the emergency work is expected to conclude in approximately **three weeks**, yet the mulch project could continue for **up to 365 days**.

Those documents describe very different projects.

So, before another taxpayer dollar is spent, I simply ask this Board to explain the project in plain English.

- **What exactly is being approved tonight?**
- **When you say "remove, process and store," what happens to one truckload from the moment it leaves Clay Bird Lane until the project is complete?**
- **Who owns that material?**
- **If it ultimately becomes a saleable recycled product, who receives the economic benefit, and how was that value reflected in the price taxpayers are paying?**
- **If the emergency ends in three weeks, why does this project continue for up to another year?**
- **And how are you determining that this material becomes solid waste today but a recycled product later? Has it been tested? Is it contaminated? What changes?**

Finally...

Protecting taxpayers means more than reviewing invoices after the work is complete.

Residents deserve to know:

- **What is the maximum project cost?**
- **Why isn't there a not-to-exceed amount, even under a time-and-materials contract?**
- **What contractual protections exist if costs increase or the scope expands?**
- **What bonds and insurance protections ensure the contractor—not the taxpayers—bears the financial risk if something goes wrong?**

Those are the safeguards taxpayers deserve.

Because we've already seen what happens when government relies on assumptions instead of documentation.

This entire situation began with a handshake.

Let's not replace one open-ended arrangement with another.

Transition to the RFP of the Berm

And while we're discussing project scope...

Laurel's report states that the **southern extent of the berm cannot even be determined because additional soil stockpiles were placed directly on top of it.**

So how can the Town accurately estimate, bid, remove, and verify approximately **1,000 cubic yards** of berm material if the berm itself cannot yet be fully delineated? **Isn't it all compromised?**

Where does one end and one begin? and what disposal requirements applies to each?

Will every area requiring removal be fully identified, characterized, and included in these contracts?

I don't need another engineering report.

I need someone to explain this in plain English.

Is it included in these RFPs?

What is the end goal?

Is the objective to permanently remove the mulch and berm...

or to continue processing mulch at Clay Bird Lane?

NYSDEC has also identified **another area of fill near the shooting range** that may require regulated handling.

NYSDEC indicated the material should be handled as **regulated waste** and disposed of at a licensed waste disposal facility regardless of the chemical quality of the soil, but they also identified another **area of fill** on the site, near the shooting range, that may also require regulated handling.

Is that material included in these RFPs?

Can someone please explain this with one simple flow chart?

One truckload.

- Where does it start?
- Where does it go?
- Who owns it?
- Is it regulated waste?
- Is it processed?
- Or is it sold?

Because after reading the contracts, the RFPs, the Town's emails, and the responses to my questions...

I still don't know the answer.

Because every Town document seems to tell a different story.

Now let's get technical. Let's talk about the BERM

The Town's environmental consultant concluded that the berm **is not suitable for beneficial reuse and should be disposed of at a licensed waste disposal facility.** The report also documented construction

and demolition debris within the berm, **lead at 854 parts per million (ppm)—more than thirteen times the unrestricted residential standard**—as well as mercury and C&D material.

This berm also sits immediately adjacent to wetlands, drainage pathways, and nearby residential wells.

This isn't just about moving dirt into trucks.

It is about ensuring this material is properly classified, lawfully transported, legally accepted at an authorized disposal facility, and managed in compliance with all applicable environmental requirements.

Before one truck leaves Clay Bird Lane, the Town should be able to demonstrate:

- **Proper NYSDEC classification of the material.**
- **A licensed facility authorized to accept this specific material.**
- **Any required State, County, and federal approvals, including consultation with the U.S. Army Corps of Engineers, if applicable.**
- **Proper transporter authorizations, including NYSDEC Part 364 where required.**
- **Compliance with applicable Westchester County Solid Waste Commission requirements.**
- **Complete documentation showing where every truckload ends up—from departure through final disposal.**

Removal of the berm is necessary.

But it must be done legally, safely, and transparently.

Residents deserve proof that every legal requirement has been met—not simply another assurance from the Town.

After all, this entire situation began with nothing more than a handshake.

Now let me explain why I'm asking these questions.

I'm not asking because I'm trying to make this process more difficult.

I'm asking because we've seen this story before.

Across New York and the country, municipalities have moved contaminated fill or construction and demolition debris without proper oversight...

without complete documentation...

without verified disposal locations...

or without protecting nearby wetlands.

The result has been **criminal prosecutions, civil penalties, millions of dollars in cleanup costs, and taxpayers left paying the bill.**

In Fairfield, Connecticut, contaminated municipal fill was redistributed to public properties. The cleanup ultimately grew to approximately **\$23 million**, and contractors and **public officials faced criminal prosecution**.

At Roberto Clemente Park on Long Island, construction and demolition debris was illegally dumped on public property. The park remained closed for years, **millions of dollars** were spent on remediation, and the New York Attorney General pursued developers, haulers, and contractors.

And these weren't isolated incidents. In Frankfort, New York, **false documentation was used** to place construction and demolition debris into federally regulated wetlands, resulting in prison sentences and criminal convictions. Statewide, Operation Pay Dirt uncovered a network that **falsely represented contaminated material as clean fill, resulting in a 130-count indictment**.

And this isn't happening only in other towns.

It happened right here in Briarcliff Manor.

When contaminated soil was discovered on public school property, it wasn't simply loaded into trucks and hauled away.

It was sampled, characterized.

Its removal was controlled. Its disposal was documented.

And the remediation proceeded under **regulatory oversight**.

That level of care should apply to Clay Bird Lane and the residents of Briarcliff

Those cases all have something in common.

People assumed.

People trusted paperwork that wasn't verified.

People failed to document where material went.

People moved material before asking the hard questions.

We cannot afford to make those same mistakes here.

That is why I am asking for permits, transporter authorizations, chain of custody and where every truckload ends up.

Because once that first truck leaves Clay Bird Lane... there is no UNDO button.

And neither this Board nor the taxpayers of Mount Pleasant should ever have to explain why they failed to insist on doing it right the first time.

Environmental disasters rarely begin with one big decision. They begin with a series of small shortcuts.

Every one of these cases started with someone taking shortcuts.

A handshake deal

Assuming the soil was clean

Assuming the material would end up where it belonged.

Assuming someone else was watching.

Those assumptions cost taxpayers millions of dollars—and in some cases, they led to criminal prosecutions.

Documentation protects the public, the taxpayers and this Board.

I'm not standing here trying to scare anyone. I'm standing here because these are **real cases with real consequences**. They started with shortcuts, poor oversight, and failures in documentation. They ended with criminal prosecutions of town officials and contractors, millions of dollars in cleanup costs, and taxpayers footing the bill. We have an opportunity to make sure Mount Pleasant is not added to that list.

And for the Board, respectfully...

Councilwoman Zaino—Fight for accountability.

Councilman Sialiano—Residents deserve to hear your voice.

Councilman Bonanno—Keep asking the hard questions.

Supervisor Fulgenzi—I honestly have no words.

Leadership is measured by action. Tonight is your opportunity to restore trust

Not to win an argument.

FINISH THIS!

Test EVERYTHING. The entire site before you move one truck!

Test, the MULCH before you send it to Beford or another facility and have another community in arms.

Follow the law. Protect this community.

Ultimately, this site should never have been used this way. The environment has been destroyed. I'm asking the Board to permanently end industrial material handling and combustible mulch storage here, and to close the Clay Bird Lane site.

A known fire risk, next to a gun club, shooting range, and ammunition storage, and now dealing with contamination.

This site does not belong in a residential neighborhood with streams and wells. Trees have been found buried in these piles- it's a complete dumping ground. Return the land to its original use, restore the soil, rebuild the wildlife habitat that was destroyed, plant trees and earn back our trust.

We don't care how long it been here. **As far as we are concerned, the TOWN has lost that privilege- it's time to give it back to nature.**

The costs to taxpayers and the health and safety of residents and the environmental risk far surpasses your savings on ROW trees and the cost to keep it operational. **It's a money pit.**

Finally...

People have asked me why I keep coming- why I keep fighting.

The answer is simple.

Because someone has to.

I have far better things to do than spend every other Tuesday night standing before this Board.

But if that's what it takes... I'll be here.

Every other Tuesday.

For "Your" foreseeable future.

Not because I want to be. **Because you've left me no other choice.**

I will continue fighting for my rights. For my neighbors' rights.

For every resident who deserves a government that protects them instead of explaining afterward why it didn't.

And I want every resident watching tonight to remember one thing.

Stand up for your beliefs!

Never let anyone tell you that one person can't make a difference.