

**DECLARATION OF THE TOWN SUPERVISOR
OF THE TOWN OF MOUNT PLEASANT OF A STATE OF
EMERGENCY REGARDING SUSTAINABLE MIGRATION**

CARL FULGENZI
Supervisor

I hereby declare, pursuant to NYS Executive Law § 25, a State of Emergency to exist in the Town of Mount Pleasant

WHEREAS, the New York City Council declared the City of New York to be a “sanctuary city”, finding “The City will not abandon immigrant New Yorkers and we will support and defend their rights” and that “the City’s commitment to the rule of law and the protection of immigrant New Yorkers is deep and strong”; and

WHEREAS, over the past several months, thousands of asylum seekers have been arriving in New York City, from the Southern border, without any immediate plans for shelter; and

WHEREAS, there is nothing humanitarian about a sanctuary city sending busloads of people to a municipality that does not have the infrastructure to care for them; and

WHEREAS, the City of New York City Council’s sentiments have now failed in the face of the reality of the Federal mismanagement of immigration at the border; and

WHEREAS, as recently as May 5, 2023, as a result of Federal policies and the sanctuary city policies of the government of the City of New York, the Mayor of the City of New York conceded that “the City now faces and unprecedented humanitarian crisis that requires it to take extraordinary measures to meet the immediate needs of the asylum seekers while continuing to serve the tens of thousands of people who are currently using the NYS DHS Shelter System”; and

WHEREAS, New York City’s state of emergency is the result of being overwhelmed by the number of migrants and asylum seekers accepting the offer of sanctuary accepted by New York City; and

WHEREAS, NYC has attempted to alleviate the problem it has created for itself by support for sanctuary city policies and the open border immigration policies of the Federal Government by shirking its housing responsibility and sending asylum seekers to the neighboring, County of Rockland; and

WHEREAS, the Town, with a tiny fraction of the population and resources of New York City, has no ability to receive and sustain an influx of migrant persons and asylum seekers, whose presence will spike the number of people in need of government services, and stress other services that require the expenditure of local tax dollars with no aid from the Federal Government or the sanctuary city that instigated this issue; and

WHEREAS, there is no reason to believe that these migrant persons or asylum seekers will leave such jurisdictions after New York City ceases to pay for the housing and any services they are presently receiving from New York City, or that this will be the last time this kind of spike will occur; and

WHEREAS, the Town of Mount Pleasant is a diverse place, featuring people of many backgrounds and identities that helps all in need with programs for documented and undocumented migrant individuals; and

WHEREAS, the Town of Mount Pleasant was a Town built and supported by immigrants from many cultures since it was established in 1788; and

WHEREAS, the Town already struggles with available manpower, emergency services, parks and recreation areas and the School Districts within the Town have an ever-burdening concern if there is a spike in students attending the school districts within the Town, with local services stressed without an unnatural spike in population caused by New York City's failed promise and mass transportation of asylum seeking persons to outside jurisdictions; and

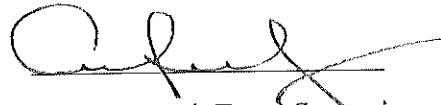
WHEREAS, the Town would require reimbursement by the City for any expenses incurred as a result of this program to move asylum seekers; now it is declared that

A state of Emergency continues to exist in the Town of Mount Pleasant;

And This local State of Emergency shall be effective as of May 26, 2023 and remain in effect for thirty days, and may be extended at that time.

Date:

10/22/2023



Carl Fulgenzi, Town Supervisor

TOWN OF MOUNT PLEASANT

**Carl Fulgenzi,
Town Supervisor**

**LOCAL STATE OF EMERGENCY
EMERGENCY ORDER NO. 1
(Sustainable Migration)**

On May 26, 2023, a State of Emergency was declared for the Town of Mount Pleasant arising from New York City's program to rapidly increase the number of migrants outside of New York City and in neighboring Towns and Counties.

Pursuant to NYS Executive Law § 24, when a State of Emergency is in effect, the Town Supervisor may promulgate local emergency orders to protect life and property or to bring the emergency situation under control. By law upon reconsideration of all the relevant facts and circumstances, such an order may be extended for additional periods not to exceed five days each during the pendency of the state of emergency.

If it were allowed for the City of New York or other municipalities to simply flood the Town with persons in need of services, as described in the related Declaration, this crisis would only worsen.

Therefore, by the power vested in me as Chief Executive of the Town of Mount Pleasant, it is hereby ordered:

Section 1. Prohibition of foreign municipal programs that burden the Town.

A. No person, business, entity, or municipality may make contracts with persons, businesses, or entities doing business within the Town to transport migrants or asylum seekers to locations in the Town, or to house persons at locations in the Town for any length of time without the express written permission of the Town Supervisor. In addition, no person or entity may act on behalf of the Town or in performance of a Town program, or other act funded by the Town, to perform an act in violation of this subsection.

B. No hotel, motel, school, commercially zoned property, or owner of a multiple dwelling or any other building in the Town, regardless of zoning classification, is permitted to contract or otherwise engage in business with any other municipality other than the Town of Mount Pleasant (an "external municipality") for the purpose of providing housing or accommodations for migrants or asylum seekers without a license granted by the Town. This prohibition extends to any person or entity participating in an external municipality's government program, or a contract or service funded by an external municipality, or acting on behalf of any external municipality.

1. Licenses will be granted only by the Town Supervisor and/or the Town Board. The Town Supervisor/Board may enlist the services of any other agency to perform the duties necessary to effect this provision.
2. Licenses will only be granted where, to the satisfaction of the Town Supervisor/ Town Board, both the applicant and the foreign municipality demonstrate that:
 - a. The contract provides that the migrants or asylum seekers will be returned to the foreign municipality from which they arrived or another location outside the Town, within fifteen days;
 - b. The foreign municipality demonstrates to the Town that it has sufficient funding to sustain the needs of the migrants or asylum seekers during the time of their stay;
 - c. The foreign municipality agrees to assume any costs expended by the Town itself, for the care, welfare, law enforcement interactions, or other expenses related to municipal interaction with the migrants or asylum seekers upon demand; and
 - d. The applicant and the foreign municipality each have a performance bond for the conditions set by the license in the amount of \$2,000 per migrant or asylum seeker being housed or boarded at the applicant's facility.
3. The conditions described in this section will not apply to any contract directly between the foreign municipality and the Town.
4. License renewal will be at the sole discretion of the Town Supervisor/Town Board, after consideration of the purpose and intent of the State of Emergency that instigated this Emergency Order.

C. Remedies.

1. Appearance tickets. The Town Police Department officers are authorized to issue appearance tickets for any violation of this Emergency Order for the penalty prescribed by NYS Executive Law § 24(5).
2. Civil penalties. In addition to those penalties prescribed by NYS Executive Law § 24(5), any person who violates any provision of this Emergency Order or any term or condition of any license issued pursuant to this Emergency Order, shall be liable to a civil penalty, to be determined by a process set by the Town Supervisor/Town Board, of not more than \$2,000 per migrant/asylum seeker housed by the foreign municipality or other violator, for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Town and initiated by the Town Supervisor/Town Board.
3. Abatement. Regardless of any other remedy or relief brought by the Town for any violation, the Town Supervisor/Town Board is authorized to direct the Town Attorney and/or the Town Prosecutor to commence actions or proceedings in the name of the Town, in a court of competent jurisdiction, to abate any violation of, or to enforce any provision of this Emergency Order.

D. Remedies not exclusive.

1. No remedy or penalty specified in this Emergency Order shall be the exclusive remedy or remedy available to address any violation described in this Emergency Order.
2. Each remedy or penalty specified in this Emergency Order shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this Emergency Order or in any other applicable law.
3. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Emergency Order or in any other applicable law.
4. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in NYS Executive Law §

24, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in NYS Executive Law § 24.

- E. Notifications. In addition to such other powers or duties the Town Police Department may consider in the exercise of the police officer's duties with respect to this Emergency Order, the Police Department is authorized and directed by this order to make limited stops to notify persons suspected of transporting migrants or asylum seekers into the Town in violation of the restrictions and regulations of this Emergency Order, and to similarly, notify the owners and operators of facilities suspected of housing any migrants or asylum seekers, or seeking or entering agreements with external municipalities, without the license required by this Emergency Order.

Section 2. Effective Date.

This Local Emergency Order shall take effect immediately.

Section 3. Duration of Local Emergency Order

The Local Emergency Order shall remain in effect for five days unless sooner modified, extended, or revoked, and may be extended for additional periods not to exceed five days during the pendency of the local state of emergency.

Section 4. Common Name

This Order may be referred to as the "Town of Mount Pleasant Sustainable Migration Protocol."

Date: 11/6/2023


Carl Fulgenzi, Town Supervisor

As Chief Executive Officer of the Town of Mt. Pleasant, I, Carl Fulgenzi, in conjunction with the State of Emergency Declared on same date, issue the following Executive Orders:

EXECUTIVE ORDER 1

THEREFORE, I, Carl Fulgenzi, as Chief Executive Officer of the Town of Mt. Pleasant, New York hereby exercise the authority granted to me under New York State Executive Law, Chapter 18, Article 2-B, §24 to preserve the public safety, and I direct that all hotels, motels, any facilities allowing short-term rentals, any facility including schools and/or residential care facilities (or similar facilities) in the Town, do not accept said migrants and/or asylum seekers for housing in what would effectively be homeless shelters within the Town of Mt. Pleasant absent a proper shared services agreement between New York City and the Town of Mt. Pleasant to provide said services.

I FURTHER FIND that any attempt to violate this Order will be met with summonses, stop work orders, daily levied fines and requests for injunction (this list is not meant to be exhaustive).

I FURTHER FIND that this Executive Order in conjunction with the Emergency Declaration does not in any way impact travel or Town employees or Town operations, is not weather related, and does not suspend Town operations. This Executive Order and all portions thereof shall take effect immediately, be filed and published as required by law, and individually expire as required by law.

EXECUTIVE ORDER 2

THEREFORE, I, Carl Fulgenzi, as Chief Executive Officer of the Town of Mt. Pleasant, New York, may use any and all facilities, equipment, supplies, personnel and other resources — including but not limited to Town law enforcement, building code enforcement officers, fire departments, public health inspectors and zoning code enforcement personnel — in order to effectuate the Supervisor’s Executive Order declaring a State of Emergency and any Emergency Order attendant thereto, and to take whatever steps are necessary in order to protect life, property and public infrastructure, to enforce State and local codes, laws and regulations, and to provide such emergency assistance as deemed necessary.

I FURTHER FIND that this Executive Order in conjunction with the State of Emergency does not in any way impact travel or Town employees or Town operations, is not weather related, and does not suspend Town operations. This Executive Order and all portions thereof shall take effect immediately, be filed and published as required by law, and individually expire as required by law.