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Friday August 11, 2023

County Legislator David Tubiolo to Serve Our Country in the Army Reserves



County Legislator David Tubiolo

By Dan Murphy

Yonkers County Legislator David Tubiolo is off to basic training to serve our country in the Army reserves, Yonkerstimes.com has learned. Tubiolo will spend the next three months in basic training at Fort Leonard Wood, Missouri.

According to Tubiolo, "I have always wanted to serve in the military, and at my age that time has to be now. I will be gone for a few months, but will return to my service on the County Board."

The age requirement for Army Reservists is between 17-35 years old, and reservists must spend one weekend a month on duty and two weeks a year in training.

Tubiolo said that he always wanted to serve his country "since I was young. I joined ROTC in college and did some training at Fort Knox in 2008. I thought about joining but it was a big commitment. Now that I'm older, its now or never."

With most of the news about the US Military focusing on how recruitment numbers are down, here is a positive story about an elected official who wants to serve his country. We asked Tubiolo if his decision might be an example for others to serve.

"I think military service is a great opportunity to learn discipline, and trusting other soldiers and networking, while learning about life. There are a lot of positive attributes."

"As a County Legislator, I'm serving my local community. In the reserves, I will be serv-

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Can Noise Cameras Improve the Quality of Life for Westchester Residents? Ruth Walter Says Yes



Former County Legislator and candidate Ruth Walter, with Reuben Peckham of Intelligent Instruments, makers of the SoundVue noise camera,

By Dan Murphy

Many Westchester communities have fallen victim to excessive noise at night, coming from cars driving at excessive speeds and with loud mufflers. Some of these communities are near the Sprain Parkway, Bronx River Parkway or Central Avenue in lower Westchester.

Candidate and former Westchester County Legislator Ruth Walter is calling on municipal officials across Westchester to implement an innovative, high-tech system to enforce noise limits on car owners whose vehicles dramatically exceed permitted noise levels because of muffler modifications.

Walter first proposed the system — which links noise monitoring equipment to traffic cameras to issue summons to violators based on exceeding legal decibel levels — when she chaired the Board of Legislators' Environment and Health Committee in 2020. She secured \$125,000 to launch a pilot of the project in the County's 2021 Capital Budget.

Since Walter's initial efforts brought this program to the County's attention, New York State has passed the SLEEP Act, co-sponsored by State Sen. Shelly Mayer, which creates stricter penalties for modified and excessively loud vehicles on our residential streets, and New York City has launched a successful pilot study of the noise camera technology (SoundVue). The New York City program, which began in June 2021 with a single camera, is being expanded to ten cameras this year.

On Monday July 24, Walter brought representatives of Intelligent Instruments, a company based in the U.K. which provided noise camera equipment for New York City's program, to five separate municipalities in Westchester who are interested in solving this problem for their residents.

Walter said, "Noise from modified vehicles on our roadways is more than just a nuisance. It jars us awake at night, startles drivers sharing the road, rattles our nerves and keeps us constantly on edge, and can permanently damage our hearing. It also often accompanies dangerous behavior like racing. It is a quality of life issue.

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Term Limits Petition Does Not Have Enough Signatures to Quality for November Ballot

By Dan Murphy

The Yonkers City Clerk's office issued a statement on Aug. 1 stating that the petitions submitted by a group of Yonkers residents to get the issue of term limits before the voters this November on a referendum was rejected.

Yonkers City Clerk Vincent Spano recused himself from the matter last month because his brother, Mayor Mike Spano is running for reelection this year. Deputy County Clerks Nerissa Pena and Mike Ramondelli oversaw the review of the petition, which sought to ask the voters whether they wanted to reduce the number of terms a Mayor or City Council member can serve from 4, four-year terms, to 3, four year terms.

The statement reads: TERM LIMIT PETITION FAILS TO COMPLY WITH THE REQUIREMENTS OF THE LAW

The City Clerk's Office has undertaken a review of the Petition submitted on July 10, 2023, seeking to amend the City Charter as it relates to term limits of certain elected officials, and has determined that said Petition fails to comply with the requirements of law in that: (1) there are an insufficient number of valid signatures; (2) it is untimely; and (3) it is insufficient on its face. The complete report has been provided to the City Council that fully describes the insufficiencies of the Petition. The complete report and petition are on file and may be examined at the Office of the City Clerk, City Hall, 40 S. Broadway, Yonkers, NY 10701.

A full copy of the report is available on our website: City Clerk Term Limits Petition Certification Report -

<https://www.yonkersny.gov/home/showpublisheddocument/38938>

Highlights of the 11-page report, which was delivered to all members of the City Council, include:

The petition consisted of 5,076 signatures. The valid number of signatures required is 4,723. According to the review, 2,463 valid and 2,613 invalid.

The largest number of invalid signatures are those deemed not legible, 1,821. 352 voters are not registered in Yonkers, 284 signatures are "printed", 273 have an incomplete name, 106 signatures were witnessed by a non registered voter, and 175 address incomplete.

Other reasons cited as the cause of the rejection of the petitions include:

The petition was untimely: There are deadlines for when the petition can be filed, which allow the City Council to accept or reject. If the Council rejects the petition, there needs to be enough time for the petitioners to go out and collect another 2,500 signatures and resubmit. According to the report, this additional petition "may be filed with the City Clerk at least two months and not more than four months after the filing of the original petition."

The original petition was filed on July 10; 60 days after that date is September 11. 60 days after 9/11/23 is November 10, three days after the election, which is not enough time to get the referendum approved and on the ballot.

Assembly Speaker Heastie Visits Yonkers to See Flood Damage



L-R- Chris and Marisa Kaufman, Assemblyman Nader Sayegh, Assembly Speaker Carl Heastie, Armour Villa Neighborhood Association President Steve Wagner, Senator Shelley Mayer, Symra Bradon, representing Senate Majority Leader Andrea Stewart-Cousins

Assemblyman Nader Sayegh welcomed to Yonkers New York State Assembly Speaker Carl Heastie, who is conducting a statewide tour to hear from local officials and residents. Assemblyman Sayegh took Heastie on a walking tour in the Armour Villa neighborhood adjacent to the Saw Mill River and Saw Mill River Parkway to view flash flooding problems. Heastie told residents that Yonkers was not the first place he has visited this summer where Climate Change, Flash Flooding and Storm Damage are serious challenges.

"For Armour Villa residents, climate change is not a distant problem for future generations, it's impacting their lives today," said Speaker Heastie. "I want to thank Assemblyman Sayegh and the Armour Villa community for showing me the impact these extreme weather events are having on their homes and storm water drainage systems. The Assembly Majority is committed to working with our neighborhoods to reduce the severe impacts of climate change and helping build the infrastructure needed to prevent future damage."

"I was honored to have Speaker Carl Heastie join us in East Yonkers today to see the devastating impact climate change is having on our homes and community spaces," said Assemblyman Sayegh. "It has been a summer of severe weather, and we can no longer wait to protect our community from its impact. By working with partners across all areas of government, I'm committed to ensuring our neighborhoods are prepared for the next storm as we continue to fight against the impact of our ever-changing climate."

Armour Villa Neighborhood Association President Steve Wagner introduced Speaker Heastie to residents whose homes have been flooded as recently as this month, including Chris and Marisa Kaufman. Their house has sandbags running along the street and around utilities in their basement. Also joining the walking tour were, Senator Shelley Mayer, Councilman Mike Breen, County Legislator James Nolan and other officials.

Bronx Gun Violence Advocate Busted in Yonkers Home with 1.5 Kilos of Cocaine and Guns--pg 4

BOL Considers Amending Reproductive Facilities Access Act As Vitagliano v Westchester County, Heads Toward USSC--pg 5

Free Jazz and Poetry This Sunday at Untermyer Park -Free!

Be On the Lookout for the Spotted Lanternfly

Untermyer Performing Arts Council, Mayor Mike Spano, and Yonkers Department of Parks, Recreation & Conservation

Presents
WORLD FEST 2023 **SUNDAY, AUGUST 6TH 6:30 PM**

Another Free Untermyer Performing Art Council Program!

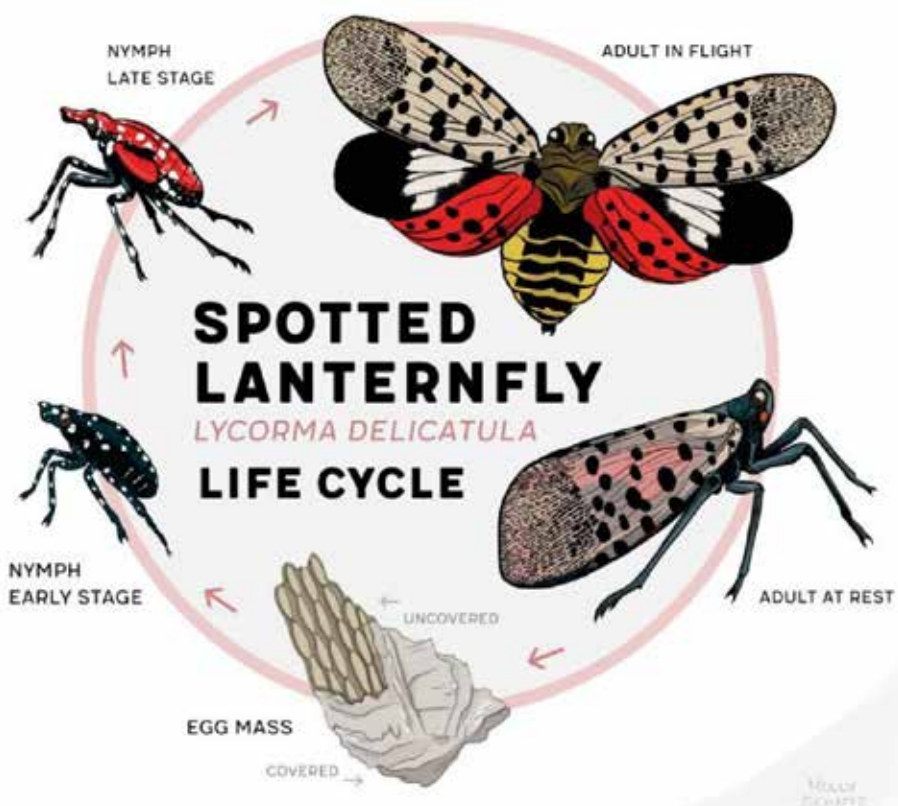
The Jazz & Poetry Choir Collective

This program is one in cooperation with Mayor Mike Spano, and the Yonkers Department of Parks, Recreation and Conservation. Funding for our programs is received from Arts Westchester with support from Westchester County Government, the City of Yonkers, Senator Shelley Mayer, Assemblymember Nader Sayegh, Empire City Casino by MGM and our loyal arts patrons.

OUR EVENTS ARE ADMISSION FREE AND OPEN TO THE PUBLIC. PLEASE BRING LAWN CHAIRS, OR PICNIC BLANKETS, AS WE DO NOT PROVIDE SEATING.

In case of inclement weather: Performance will be held in the air, conditioned Cola Community Center -Untermyer Park

Samuel Untermyer Memorial Park 945 North Broadway Yonkers



Invasive species, Spotted Lanternfly, has been found in our community and the Westchester County Department of Parks, Recreation and Conservation has been taking steps to reduce this species from our parks and recreational areas.

The Spotted Lanternfly is a sap-sucking, threatening invasive species that can cause significant damage to parks and wooded areas as feeding stresses plants, making them vulnerable to disease and attacks from other insects. They are identified by their black or red spotted nymphs as juveniles and look more moth-like with white wings as adults. If found, it is best to kill them.

The Westchester County Parks Department has surveyed large outbreaks and is evaluating the best non-toxic sprays to use to get rid of them. Most recently, the department has acquired high-powered commercial vacuums that are used to suck up large congregations of Spotted Lanternflies found in our parks.

Westchester County Executive George Latimer said, "The Spotted Lanternfly has become a nuisance – and a potential threat – in Westchester County. The steps and suggestions recommended by the Department of Parks, Recreation and Conservation should be taken seriously and I urge the community to come together to help reduce this invasive."

Commissioner of the Westchester County Department of Parks, Recreation and Conservation, Kathy O'Connor said, "Our Conservation Division are leaders in the conservation space and I'm proud of the steps they are taking to not only work to lower the number of the invasive in our parks, but how they are educating the public to also do their part.

In addition to using high-powered vacuums, the department previously partnered with the New York-New Jersey Trail Conference's Conservation Dogs, who are trained to sniff out the eggs in order to detect the next wave of invading insects before they become more of a problem.

Ways for homeowners to kill them include using power washers and vacuum cleaners as stomping them doesn't always work since they are quick. Please report sightings to parksinfo@westchestercountyny.gov and include location, contact information and pictures.

Tubiolo, continued from pg 1-

ing my country and fulfilling a dream that I've always had," said Tubiolo, who underscored the fact that he has to complete basic training before becoming an Army reservist.

County Executive George Latimer said, "I salute David's desire to serve our nation. I'm confident that he will bring his full dedication to this commitment and will reflect well on all us who know him."

Tubiolo leaves for Fort Leonard Wood on Aug. 2. Godspeed!

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Mayor Spano Launches 12th Annual Backpack to School Drive

Mayor Mike Spano's BACKPACK TO SCHOOL DRIVE supplies list



Please Donate the Following Supplies through August 20th

- backpacks
- crayons
- colored pencils
- washable markers
- glue sticks
- Elmer's Glue
- rulers
- pink erasers
- #2 pencils
- pencil sharpeners
- loose leaf paper
- composition books
- pencil pouches
- pocket folders
- hand sanitizer
- tissue packets
- masks/face coverings

On Aug. 1, Yonkers Mayor Mike Spano announced the launch of the City's annual "Backpack to School" donation drive. The 12th annual donation drive provides backpacks and school supplies to Yonkers Public Schools students most in need. "We want to support our children's education and help them achieve their academic goals. That's why we need to provide them with the resources and assistance they require," said Mayor Spano. "Buying school supplies can be a financial challenge for many families, especially with recent increases in costs."

"The cost burden of sending students back to school can cause significant financial stress on families, particularly those with multiple school age children. Our students often see the strain on the family budget, and that can diminish the excitement of returning to school," noted Interim Superintendent of Schools Dr. Luis Rodriguez. "By alleviating some of that pressure, the Mayor's 'Backpack to School' Drive allows our families and students to share the excitement of returning to school, focused on the upcoming school year. We're very grateful to Mayor Spano for modeling not only generosity, but good citizenship!"

Beginning today, backpacks and school supply donations may be made at the following "Backpack to School" drop-off locations until Sunday, August 20th:

- Yonkers City Hall - 40 South Broadway (Lobby) [Until Friday, August 18th]
- Yonkers Riverfront Library - 1 Larkin Center, Riverfront Library - 1 Larkin Center, Grinton I. Will Library - 1500 Central Park Avenue, Crestwood Library - 16 Thompson Street

- All four Yonkers Police Precincts:
 - PCT 1 - 730 E. Grassy Sprain Road
 - PCT 2 - 441 Central Park Avenue
 - PCT 3 - 435 Riverdale Avenue
 - PCT 4 - 53 Shonnard Place

Suggested supply packages for donation include new backpacks filled with the following school supplies listed in the graphic above.

The latest survey on school supplies for 2022 from the National Retail Federation (NRF) determined that families with kids in grades K-12 expect to spend \$864 on average for school items, which is an increase of \$16 from the previous year.

Backpacks and supplies will be distributed to a Pre-K - 8 school as selected by Yonkers Public Schools. For more information, contact the Mayor's Office at 914-377-6300 or visit www.yonkersny.gov/backpack.

Skip the Politics! Lets Save \$5



By Eric Wolf Schoen

It's August. Summer is officially for many of us half over. I get tired of writing about the Bidens, Chris Johnson, the Trumps, global warming, ash in the sky, the same things every week. I bet you get tired of reading and listening on TV and radio 24-7 about these things too.

So we take a break this week and Skip the Politics. Let's Save Some Money this week with cool thoughts in our minds given the weather we have just experienced. Nothing beats a frozen Coke or Orange drink from McDonald's for \$2 to beat the heat. Or a delicious vanilla cone or hot fudge sundae from McDONALDS for about the same price. And if you have the McDonald's App you can quickly stack up points for free food.

Speaking of the McDonalds app, it will get you hot or iced coffee for \$1 and senior coffee is always \$1. Cheat on one of their cookies and cream pies, hot Oreo crust filled with warm Oreo type cream. It's almost as good as the fried apple pies from years ago, much better than the baked ones served nowadays.

Have you been to the movies lately. Showcase with theaters at Cross County, Ridge Hill and White Plains City Center has all movies for members for \$7 on Tuesdays. But the real deals are for a number of movies at a fixed price per month. I see 3 movies with a guest monthly for \$32. That's a little over \$5 a movie, a deal that can't be beat. As for movie snacks, the dollar stores have the snacks the theaters charge \$5 for \$1.25, offering a greater selection including bags of my favorite, cotton candy. Bring your water or other beverage from home and the \$5 bottle of water turns into the \$1.50.

Though the theaters offer Starbucks hand crafted beverages, if there is a Starbucks physical store get your latte there as it will be fresher and probably half the cost. And like years ago the ticket taker won't tell you that you can't bring food or drink into the movie. Nowadays most people will bring food like sandwiches and salads into the theater rather than eating stale, salty popcorn.

Kudos to County Executive George Latimer for bringing us another summer of free County bus rides. Matinee ladies and gentleman this includes the WESTCHESTER County bus that goes down Central Avenue into Manhattan and back during the week.

What better place for a hot summer day than in a supermarket with its air conditioning and dairy and freezer cases blasting cold air. I noticed a new locked refrigerator in the front of Stop and Shop called Flashfood. Flashfood is a relatively new app that works with grocery stores to offer deals of up to 50% off items that are near there sell-by date. Pay for the items through the app and pick them up at a designated zone aka Flashfood refrigerator at Stop and Shop.

I keep two shopping lists. One for what I will need during the week and one for items I may run out during the week that I can stock up on when they go on sale. When they are on sale I'll buy enough to last a month or so. Saves a lot of money.

I just learned something from my Produce Manager this week. Who doesn't love summer berries. Moisture is the reason berries go bad, so when selecting berries flip over the container at the grocery store. If they are not sticking to the bottom chances are they will keep fresh longer. Freeze extras for smoothies and to casually snack on.

Large grocery stores may have multiple places where they sell cheese (I.e. deli, gourmet cheese section and dairy case for mozzarella cheese). The prices vary from section to section so check to see that you are getting the cheese you want at the best value price.

As we see in Yonkers, new supermarket chains are opening in suburban areas. Lidl is opening in Yonkers, and Aldi has opened in Westchester and Rockland. These German chains keep prices low by selling a large selection of private label items. I was not happy with the grapes I got at Aldi, small and very mushy so check out what you are buying and take advantage of return policies these stores offer. A bargain is not a bargain if you toss it in the trash.

Have you downloaded the apps for the grocery stores where you shop. Sometimes you can only get the item if you have the app or courtesy card. If you don't have the courtesy card ask the cashier if you can use hers or his or the managers card.

With many name brands raising their prices during and after the Covid climax, grocery stores have come out with cheaper house brands which contain the same ingredients and are often manufactured by the company that makes the name brands.

Try a new supermarket. So many of us have gone to the same market for years and don't realize selections and prices change often. A box of healthy frozen pancakes at a store I have gone to for many years was \$2 cheaper at another neighborhood store.

A dollar here, 50 cents there it all adds up to savings for you and your family. Note that All deals and prices are subject to change so check before you go.

Briefs: When Will the Target Store at Cross County open? There's no signage nor signs up on the outside to indicate its' opening. I haven't even seen employee recruitment signage up or 'COMING SOON' signage. Granted it's an old store so a lot of work had to be done but still. WESTCHESTER Community College went up in less than a year what's taking Target so long, City and Target Officials?

Whenever you hear someone say they saved a lot of money, chances are they shopped at Walmart. Yonkers is the 3rd largest city in New York State. When are we getting a Walmart. Next to Stew Leonard's and at Ridge Hill. Two of the many places Walmart would fit in perfectly. We need those Roll Backs!

continued on pg 6-

YONKERS seniors



Yonkers Office for the Aging
Mayor Mike Spano



FARMERS MARKET Coupons Distribution

AUGUST 7 & AUGUST 8
9AM - 3PM

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- Photo ID and proof of age and Yonkers residency are required.
- No appointments are needed; limited quantity.
- Coupons are given out on a first come first serve basis.
- Rain or Shine.

ELIGIBILITY:

60 years or older and who are currently receiving or eligible to receive SSI, public assistance, food stamps, Section 8 housing subsidy or have a monthly income of \$2,248 per month or less for a one person household; \$ 3,041 per month or less for a two person household and \$ 3,833 per month or less for a three person household.

Office for the Aging services are supported by the City of Yonkers and by state and federal grants through New York State Office for the Aging and Westchester County Department of Senior Programs and Services.

Legislator James Nolan has joined forces with St. John's Riverside Hospital for a back-to-school drive



2ND ANNUAL BACK TO SCHOOL DRIVE

COLLECTING ESSENTIAL SUPPLIES SUCH AS BACKPACKS, NOTEBOOKS, PENCILS, PENS, FOLDERS, LOOSE-LEAF PAPER, BINDERS, CRAYONS, GLUE, HAND SANITIZER, TISSUES, AND DISINFECTANT WIPES.

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3PM - 5PM

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Email Legislatornolan15@gmail.com if you would like to donate new school supplies. The last day to donate is Tuesday August, 29th.

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6208-0721

Bronx Gun Violence Advocate Busted in Yonkers Home with 1.5 Kilos of Cocaine & Guns

Accused of being "a major drug dealer" in Orange County



Michael Rodriguez

Law enforcement officials in Orange County concluded a two-year investigation into a narcotics operation into cocaine trafficking that resulted in 15 persons arrested.

Included in those arrested was Michael Rodriguez, 48, from Yonkers. Rodriguez was the Director of an anti-violence group called Bronx Rises Against Gun Violence, (BRAG), a prominent anti-violence program that receives government money and works in the Bronx to promote safer streets.

Michael Rodriguez was charged with Criminal Possession of a Controlled Substance in the First Degree two counts of Criminal Possession of a Weapon in the Third Degree, and Conspiracy in the Second Degree. Michael Rodriguez is accused of supplying cocaine to narcotics dealers in the City of Middletown and the City of Port Jervis and possessing two illegal handguns. On July 26, 2023, a search warrant was executed at Michael Rodriguez's Yonkers residence, which resulted in the seizure of 1516 grams (over 1.5 kilograms) of cocaine, \$165,509 in United States currency, scales, a money counter, an unlicensed Ruger .380 caliber pistol, an unlicensed Bond Arms .357 caliber handgun, a vacuum sealer, digital scales and jewelry estimated to have a value of approximately \$50,000. It is alleged that Michael Rodriguez regularly supplied cocaine to Angelica Rodriguez, who would sell it in and around Middletown, and Tiano Lopez who would sell it in and around Port Jervis. Michael Rodriguez is currently being held without bail in the Orange County Jail pending his appearance in County Court. The District Attorney's Office has filed a Notice of Affirmative Grand Jury Action in the City of Middletown Court with respect to Michael Rodriguez.

Orange County District Attorney David Hoovler said, "The very guy that we have that is supposed to be stopping gun violence in one jurisdiction in New York City, is poisoning our jurisdiction up here."

Hoovler called Rodriguez "a major drug dealer," adding "It is unconscionable that the Director of a respected group which has pledged to reduce gun violence and help at-risk youth would himself choose to commit weapons offenses."

Noise Cameras, continued from pg 1-

Reuben Peckham from Intelligent Instruments stated, "This technology will bring relief to thousands of people in their homes for whom noisy mufflers have been a chronic disruption of peace and quiet as well as negatively impacting their health. We are ready to partner with municipalities across Westchester to bring them relief."

County Executive George Latimer said, "Once again, Ruth Walter has brought innovation to a thorny problem in Westchester County."

Paul Feiner, Supervisor from Greenburgh, said, "No one has come up with a solution to a major quality of life problem before Ruth Walter brought this innovative approach to our attention. I'm committed to giving her idea a try – it could make living on Central Ave safer and much better. This is a chronic problem on Central Park Avenue. I applaud her efforts to make our roadways safer and our residents healthier in their homes."

Read more on this story at Yonkerstimes.com

DiNapoli Warns of State Budget Gaps Coming in New York State

Just a year after the Division of the Budget forecast fiscal stability and no projected budget gaps in the State Fiscal Year (SFY) 2022-23 Enacted Budget Financial Plan, the SFY 2023-24 plan shows looming gaps cumulatively totaling \$36.4 billion through SFY 2026-27. Reasons for the deteriorating fiscal outlook include declines in revenue from a weaker economic forecast, stock market volatility, and increases in recurring spending, according to a report by State Comptroller Thomas P. DiNapoli.

"The state's fiscal outlook has changed considerably over the past year, and significant economic and fiscal risks could further upend the state's finances," DiNapoli said. "The Governor and the Legislature prudently increased New York's reserve funds, but that cannot replace fiscal discipline or be relied upon to plug recurring budget gaps. While there is no quick fix, a proactive approach by state leaders to align recurring revenues with recurring spending could help preserve the economic competitiveness of our state and avoid cuts to critical programs New Yorkers rely on."

DiNapoli said large budget gaps underscore the importance of building up rainy day reserves and enhancing criteria for their use. At the end of SFY 2022-23, statutory rainy day reserves totaled \$6.3 billion. The Enacted Budget Financial Plan states future deposits will be made at the discretion of the Executive. Given the size of the estimated gaps and risk of economic downturn, DiNapoli recommends beginning to transfer the \$13.2 billion in fund balance designated by DOB for "economic uncertainties" and controlled by the Executive into the statutory rainy day reserves on a monthly basis over the course of the fiscal year.

Growing Budget Gaps

In the three months between the release of the SFY 2023-24 Executive Budget Updated for the 30-Day Amendments and the SFY 2023-24 Enacted Budget Financial Plan, DOB's budget gap projections grew by \$4 billion in SFY 2024-25, \$5.3 billion in SFY 2025-26, and \$6.3 billion in SFY 2026-27. The gaps are now projected to be \$9.1 billion, \$13.9 billion and \$13.4 billion, respectively. The estimated gaps are well above typical forecasted levels over the previous 15 years.

The updated financial plan reduced General Fund tax receipts from the SFY 2023-24 Executive Budget estimates by more than \$5 billion annually. In addition, more than \$1.1 billion of average annual recurring spending was added. The projected budget gaps would have been larger, but were offset by discretionary actions taken by DOB, including adjustments to the timing of payments and prepaying future expenses. Without these actions, DOB's projected cumulative gap over the four-year financial plan period would have totaled \$48.9 billion.

Spending Up, Revenues Down

While State Operating Funds revenues are projected by DOB to decline by more than 10% from SFY 2022-23 through SFY 2026-27, projected expenditures are expected to grow by almost \$22 billion, or 17.8%. On an All Funds basis, which captures the impact of waning extraordinary federal aid from the pandemic, DOB projects that receipts will decline by 5.3% during this period, while expenditures will grow by 10.3%. All Funds health disbursements are projected to grow by almost \$16 billion between SFY 2022-23 and SFY 2026-27, comprising more than 70% of the projected growth for this time period. That growth is largely due to a projected rise in Department of Health Medicaid costs of nearly \$10 billion (from \$77.4 billion to \$87.3 billion) and of \$4.3 billion in the Essential Plan (from \$6.3 billion to \$10.6 billion).

DiNapoli's report identifies several risks and concerns related to DOB's forecast and projections, including the following.

Increasing Volatility in Tax Collections

As one of its largest revenue sources, the state is highly dependent upon the Personal Income Tax (PIT). In the past ten fiscal years, collections from the PIT averaged 62% of All Funds tax revenues and nearly half of total State Operating Funds receipts. PIT receipts can fluctuate from year-to-year since they are partially based on volatile income sources such as capital gains, dividend and interest income, and bonuses paid to securities industry employees.

In 2022, DiNapoli noted that increased tax rates on high-income earners would likely make PIT collections more volatile. PIT liability is largely paid by a relatively small number of taxpayers who also have a higher share of non-wage income, like capital gains and dividend and interest income, that makes state tax collections especially vulnerable to declines in the stock market. Based on preliminary tax year 2021 data, taxpayers with incomes over \$1 million were 1.5% of all filers but paid 43.5% of the total liability. Their share of those non-wage income sources was 74%.

DiNapoli's 2022 report on taxpayer migration showed that from 2015 to 2019 a net average of 28,700 personal income taxpayers moved out of New York annually, many of whom were high-income residents. In 2020 a net of 112,400 taxpayers moved out, nearly four times as many in 2019. According to preliminary 2021 tax year data, the net number of taxpayers moving out of New York declined but was over 10,000 higher than the annual average for 2015 to 2019.

End of Pandemic Federal Aid

The federal American Rescue Plan Act of 2021 provided \$12.75 billion in State and Local Fiscal Recovery Funds to New York state. Over the two years, approximately one-quarter of funds were used for public health and safety payroll, and more than half (almost \$4 billion) was for "government services." This high-level reporting provides little specificity and explanation for use of the funds, including whether it is for recurring or non-recurring items. If these funds are supporting recurring spending, they may cause a "fiscal cliff" when funds are depleted. Future updates from DOB should be more specific about the uses of these funds.

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BOL Considers Amending Reproductive Facilities Access Act As Vitagliano v Westchester County, Heads Toward US Supreme Court



Debra Vitagliano

By Dan Murphy

In June of 2022, the Westchester County Board of Legislators passed the Reproductive Health Care Facilities Access Act, which was designed to protect health care workers and patients seeking medical treatment from being obstructed from entering or exiting a reproductive health care facility and from harassing behavior from persons within specific distances of the premises. It enacts a 25-foot no-harassment zone around the facility's perimeter and establishes the designation of an 8-foot personal space bubble surrounding the person within 100 feet of the facility," according to a release from the BOL.

The law passed by a 15-2 vote and was signed into law by County Executive George Latimer. One of the no votes on the act was Legislator James Nolan, who said at the time, "Tonight, I voted no on the Reproductive Health Care Facilities Access Act. I voted no because I think this bill won't meet the test put forward in the 2014 U.S. Supreme Court Decision McCullen v Coakley and that this bill sets an unfair burden on protestors' right to free speech. In the long run, I think that passing this law will ultimately cost Westchester County millions of dollars trying to defend this unconstitutional law in Court. We are elected to not only represent our constituents but also to defend the United States Constitution."

Nolan's predictions seem to be coming true, as the case of Vitagliano v County of Westchester makes its way through the Federal courts. Westchester resident and "Catholic sidewalk counselor" Debra Vitagliano has filed suit against Westchester County, claiming that her First Amendment rights were violated with the passage of the access law, and specifically the 8-foot bubble.

On June 21, the United States Court of Appeals ruled in Vitagliano v Westchester County that the Reproductive Health Care Facilities Access Act was valid based on Hill v Colorado, a 2000 case. In Hill, the United State Supreme Court ruled 6-3, that the First Amendment right to free speech was not violated by a Colorado law that limited protest within 8 feet of a person entering a health care facility. The court found that Hill v Colorado was not a regulation of speech but a "regulation of the places where some speech may occur."

But the same court also held that Vitagliano could ask the Supreme Court to reconsider Hill v. Colorado (2000). "Vitagliano contends that the County's bubble zone law is a content-based restriction on speech that cannot survive strict or intermediate scrutiny.... Vitagliano has standing to seek preenforcement relief because she has pleaded sufficient facts to support a credible threat that Westchester County

will enforce the bubble zone law if she pursues her stated intention to engage in sidewalk counseling."

Now that the US Supreme Court has 8 new members from when the 2000 Hill v Colorado decision was reached (only Justice Clarence Thomas remains) Vitagliano's case could provide an opportunity for the new majority on the Court to overturn Hill v. Colorado, provided they agree to take the case. Legal scholars have criticized Hill, and in 2022 five Justices of the Supreme Court stated that Hill "distorted First Amendment doctrines."

"My faith calls me to offer help to pregnant women considering abortion. In her most vulnerable state, a woman considering an abortion needs to know that she is loved and that there are other options for her and her child. I am hopeful that the Supreme Court will hear my plea and allow me to help these women," said Vitagliano.

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On This Day in Yonkers History...



Yonkers High School graduate Edwin Armstrong, an early pioneer of radio

By Mary Hoar, Yonkers City Historian, Yonkers Historical Society President Emerita, recipient of the 2004 Key to History, Yonkers Landmarks Preservation Board Member, and Untermeyer Performing Arts Council President

Monday, August 7th

August 7, 1937: Yonkers Police filed a report stating trucks pulling onto New Main Street sidewalks to allow trolleys to pass were destroying them! Sidewalks were cracking and sinking due to the vehicles' heavy weight, creating dangerous pedestrian pathways.

August 7, 1937: YPD Patrolman John Ryan was shot by a Bronx teen shooting crows at the Grassy Sprain Golf Club! After getting complaints two days earlier, Ryan warned four young men to stop shooting. Getting more golfer complaints, Ryan found the teens had pitched a tent near the twelfth hole. Searching the tent, Ryan uncovered a rifle; sixteen-year-old George Klimkowsky of the Bronx grappled with Ryan to get the gun back. It went off accidentally, and a bullet passed through Ryan's lower chest. Ryan walked back to his radio car; his partner Edward Christen drove him to St. Joseph's Hospital. Fortunately, the bullet missed all vital organs.

Tuesday, August 8th

August 8, 1920: The Board of Estimate voted to acquire the property at the junction of South Broadway and Mclean Avenue of \$92,5000. It was to be laid out as Lincoln Square with a monument in memory of Abraham Lincoln.

August 8, 1941: Thanks to Chicago's Auxiliary Bishop Bernard Sheil, British refugee Michael Lund-Yates celebrated Christmas on his seventh birthday! Sheil not only arranged for his good buddy Santa to come down from the North Pole, he convinced Claus to give Michael the red tricycle he couldn't receive due to the European war. Michael, recuperating from tuberculosis at the House of Rest at Sprain Ridge, viewed the party from the lap of his friend the Bishop. Joining the young refugee were his brother Allen, living with foster parents in Connecticut, and sister Maureen, staying with foster parents in Pittsburgh. The children's father was a Captain in the Royal Air Force.

Wednesday, August 9th

August 9, 1937: Yonkers High School graduate Major Edwin Armstrong ordered a 600-foot steel tower built on top of the Palisades! To be manufactured by the American Bridge Company in Pittsburgh, it was to be one of the tallest towers ever built in the US.

While studying at Yonkers High, Armstrong was an early pioneer of radio.

August 9, 1940: Yonkers School Superintendent William Ankenbrand wrote Edsel Ford, Ford Motor Company President, to request permission to use Ford's three-story building at 178 South Broadway/373 New Main Street as a technical training center for the National Defense Program, scheduled to open September 1st.

Thursday, August 10th

August 10, 1938: When the weather finally broke after three days of soaking rainstorms delaying the Eastern Lawn Tennis Championship at Westchester County Club, Yonkers resident and Chairman of the Umpires' Committee of the United States Lawn Association Ben Dwight organized the cleanup crew of ball boys and groundskeepers. The crew used 500 Club towels to mop up the courts so the long delayed first round matches could continue. Ben was not above helping; he was one of the first to take off his coat and work on water by the baseline.

August 10, 1938: Thanks to a transfusion from his mother, Douglas Avenue's Michael D'Ascoli, with only "one chance in a thousand," was recovering in St. Joseph's Hospital! A staphylococcus infection had traveled into his blood stream, and large doses of anti-toxin medication were not working quickly enough; the transfusion turned the tide, according to Doctor Dante Cotullo.

Friday, August 11th

August 11, 1950: A representative of the New York Telephone Company, speaking at a hearing before the Brooklyn Appellate Court, said the company would restore phone service to the Yonkers Daily Times if the paper guaranteed their telephones would not be used to pass on gambling information.

August 11, 1953: People responded overwhelmingly to a Yonkers woman's need for O-negative blood! Mrs. Kenneth McCormick of Helena Avenue was pregnant with twins, but had a dangerously low blood count. Doctors estimated she needed at least four pints of the rare blood type, unavailable from area blood banks. By the end of the first day, more than 500 people had volunteered to donate blood; people volunteered to donate blood from as far away as New Jersey and Philadelphia!

Saturday August 12

August 12, 1919: Members of the United Slovak Societies at Holy Trinity Church, Franklin and Walnut Streets, learned one of the boxes of clothing they regularly sent overseas made its way to Yonkers resident Charles Malone! Malone, in Czechoslovakia, was a former Lieutenant in the French Lafayette Flying Corps.

August 12, 1950: Postmaster William Cronin, Yonkers Chamber of Commerce President, announced the Chamber wanted to erect a marker at the southeast corner of North Broadway and Shonnard Place to mark the first green of the original St. Andrew's Club Golf course... and to create a Golf Hall of Fame on the site!

Sunday, August 13th

August 13, 1940: The Justice Department issued an order of appearance for Highland Place's Raissa Browder, wife of US Communist Party Secretary Earl Browder. They wanted to question her about her entry into the US; Immigration officials claimed they had no record of her arriving in the country!

August 13, 1947: Police Chief William Kruppenbacher announced the early morning fire at the Kimball Theater that destroyed 15,000 feet of film was "of suspicious origin!" Firefighters found a film reel had been unwound in the film vault; its

continued on pg 6-

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Yonkers History, continued from pg 5-

end was carried through the theater to the office and lit. The fire traveled the length of the film back to the vault, where it set off the other films.

Questions or comments? Email YonkersHistory1646@gmail.com.

For information on the Yonkers Historical Society, Sherwood House and upcoming events, please visit our website www.yonkershistoricalsociety.org, call 914-961-8940 or email info@yonkershistoricalsociety.org.

Eric Schoen, continued from pg 3-

At press time overstock.com and Bed, Bath and Beyond have announced a merger. Going to be interesting to see what kind of merchandise they sell.

Support a Yonkers Boy. Former Yonkers Resident and New York Times Critic Alan Kozinn is the author of 'The McCartney Legacy. Volume 1. 1969-1973. Adrian Sinclair is the Co-author. Kozinn wrote for the Arts and Leisure Section of the Times from 1977-2014. He graduated Yonkers High School in 1972.

Listen to Eric Schoen on the Westchester Rising Radio Show Thursday's from 10-11 a.m. On WVOX 1460 AM, go to WVOX.com and click the arrow to listen to the live stream or download the WVOX app from the App Store free of charge. Reach him at thistoisonkers@aol.com.

Clinic Access Law, continued from pg 5-

“Americans like Debra have every right to engage in peaceful, face-to-face conversations with women in need on public sidewalks,” said Mark Rienzi, president and CEO at Becket, the law firm representing Vitagliano. “Nobody should have to risk jail time and go to court for a peaceful conversation on public sidewalks—even when local government disagrees with them. We are hopeful that the Court will take this case and protect Debra’s ability to serve women in need.”

As Vitagliano’s case proceeds through the Federal courts, the Westchester County Board of Legislators held a public hearing on Aug. 1 to discuss amendments to the act, and specifically removing the 8 foot bubble zone. No vote was taken at the hearing but a vote is planned before the case goes to the US Supreme Court.

Motivated by her Catholic faith and experience as an occupational therapist for children with disabilities, Debra Vitagliano has been called to offer compassionate, face-to-face support to women considering abortion. Two years ago, Debra began participating in a prayer vigil at the Planned Parenthood in White Plains. As part of her vigil, Debra engaged in peaceful prayer and held signs about the impacts of abortion on both expecting mothers and fathers. During this time, Debra trained to volunteer as a counselor to abortion-vulnerable women. She views this ministry as a final attempt to turn pregnant women away from abortion and to save the lives of unborn children.

Debra Vitagliano is a devout Catholic and an occupational therapist. For over 40 years, she has lived out her vocation by working with children diagnosed with various physical and neurological disabilities, including severe disabilities. Debra’s work with special needs children has led her to see the inherent worth of each person, no matter their level of functioning. Just before Debra started sidewalk counseling, Westchester County passed the Reproductive Health Care Facilities Access Act

The argument against the county law is that the First Amendment protects the right to a free and peaceful exchange of ideas, which includes an individual’s ability to have personal conversations about matters of public concern in public places, and that the law harms both men and women by depriving them of peaceful offers to help.

According to attorneys from Becket, county legislators were warned about “serious legal concerns” during hearing held last year, “but they passed it anyway. The gambit the county is apparently considering now should not and likely will not work. But it’s clear that they are afraid of our case, and scared of what will happen in the US Supreme Court,” said Becket attorney Joe Davis, who added that Westchester County will still have to answer for spending 1 year enforcing this law, and account for damages for past harm. “They can’t erase that, and they can’t show that they won’t break the law again going forward.” If the USSC agrees to hear the case it will be in Oct.

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Notice of formation of My Mind Is Magic, LLC. Arts. of Org. filed with the SSNY on 3/14/2023. Office: Westchester County. SSNY designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of process to the LLC, 20 South Broadway Suite 420, Yonkers, NY 10701. Purpose: Any lawful activity.

Notice of Formation of LIVE LONG LIVE STRONG FITNESS LLC. Arts. of Org. filed with SSNY on 11/07/22. Office location: Westchester. SSNY designated as agent of LLC upon whom process may be served. SSNY shall mail process to the LLC, 33 Sherwood Ave, apt. 3w, Yonkers, NY 10704. Purpose: any lawful act or activity.

Formation of LIMESMASHER LLC filed with the Secy. of State of NY (SSNY) on 6/2/2023. Office loc.: Westchester County. SSNY designated as agent of LLC upon whom process against it may be served. The address SSNY shall mail process to Michael Lime-killer, 938 Saw Mill River Rd., Yonkers, NY 10710. Purpose: Any lawful activity.

Notice of formation of True to Life Counseling Psychotherapy Services, LCSW PLLC. Arts. of Org. filed with the SSNY on 5/26/2023 Office: Westchester County. SSNY designated as agent of the PLLC upon whom process against it may be served. SSNY shall mail copy of process to the PLLC at 50 Riverdale Avenue Suite 15J, Yonkers, Ny 10701. Purpose: Any lawful purpose.

Notice of formation of 54 TOWER PLACE LLC of Org. filed with the SSNY on 07/10/2023 Office: Westchester County. RAED M ALAMMARI designated as agent of the LLC upon whom process against it may be served. SSNY shall mail copy of the process to the LLC, 54 TOWER PLACE YONKERS, NY 10703 Purpose: Real Estate.

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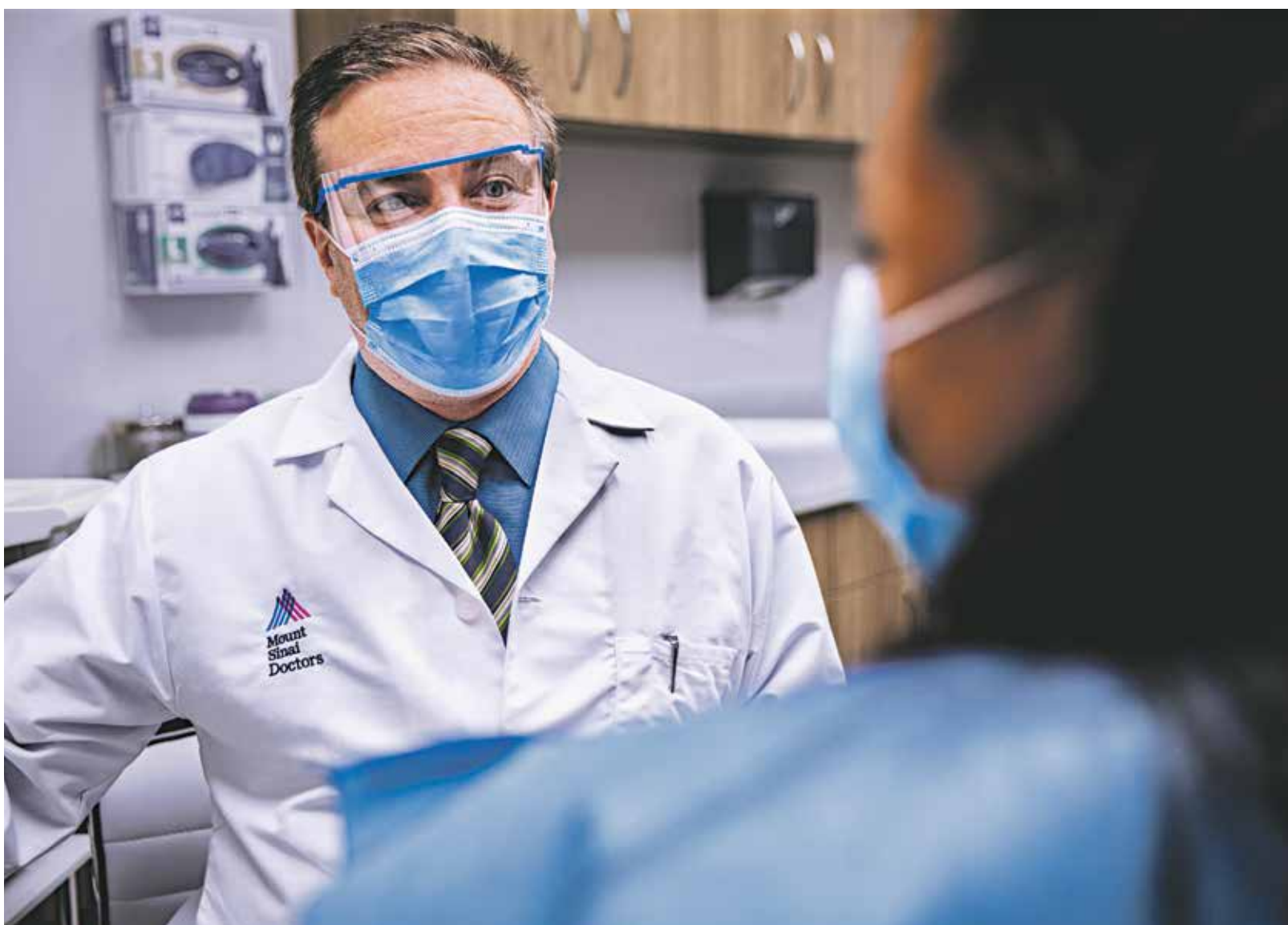
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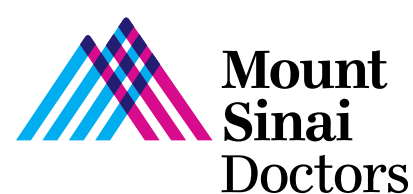
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