Minutes of a Meeting of the Town Board of the Town of Eastchester held remotely and at the Town Hall, 40 Mill Road, Eastchester, New York on August 18, 2020 at 8:00 p.m.

I. CALL TO ORDER

The Meeting was Called to Order noting the proceedings are being aired live and repeated on local government access channels 19 (Cablevision) and 40 (Fios). Attendance by the Town Board was both in person and remotely, by telephone, without public participation during the meeting.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present: Supervisor Anthony Colavita  
Councilman Joseph Dooley  
Councilwoman Theresa Nicholson  
Councilman Luigi Marcoccia

Present: Town Clerk Linda Laird (remote)  
Town Attorney Louis Reda (remote)  
Comptroller Dawn Donovan (remote)

IV. APPOINTMENTS – HIGHWAY DEPARTMENT

Councilman Marcoccia offered a motion that was seconded by Councilman Dooley to approve the probationary appointment of Raffaele Fuschetto of Yonkers, NY to the full time position of Laborer (Group BE5S, Step 1) at the annual salary of $46,958 effective August 21, 2020. If approved he will be required to serve a probationary period which will run not less than twelve weeks and not more than fifty-two weeks. The appointment is contingent on the successful completion of the background investigation and pre-employment testing. Funds are provided in the 2020 budget.

On the roll call, all voted “AYE.” Motion carried.

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the probationary appointment of Thomas Riley of Bronx, NY to the full time position of Laborer (Group BE5S, Step 1) at the annual salary of $46,958 effective August 21, 2020. If approved he will be required to serve a probationary period which will run not less than twelve weeks and not more than fifty-two weeks. The appointment is contingent on the successful completion of the background investigation and pre-employment testing. Funds are provided in the 2020 budget.

On the roll call, all voted “AYE.” Motion carried.

V. APPROVAL OF MINUTES

Councilman Marcoccia offered a motion that was seconded by Councilwoman Nicholson to approve the Minutes of the July 14, 2020 Town Board Meeting as prepared by Town Clerk Linda Laird

On the roll call, all voted “AYE.” Motion carried.

VI. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

A) POLICE DEPARTMENT REPORT the Parking Summons, Citation Activity Report, Patrol Activity Report Statement of Accounts and the Traffic Accident Report for the month of July 2020 was received for filing.

B) LAW DEPARTMENT REPORT

1. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CLAIM BY PINO LAGE

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION authorizing the settlement of a claim by Pino Lage against the Town of Eastchester in the amount of $2,500.00 for damages sustained to Mr. Lage’s vehicle on June 4, 2020.
On the roll call, all voted "AYE." Motion carried.

2. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CERTIORARI PROCEEDING BY GARTH ROAD OWNERS CORP.

Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson to approve a RESOLUTION authorizing the settlement of a certiorari proceeding instituted by Garth Road Owners Corp., affecting premises known as Section 49.B, Block 4, Lot 1 – 235 Garth Road, Eastchester, as follows:

<table>
<thead>
<tr>
<th>ASSESSMENT YEAR</th>
<th>TAX YEAR</th>
<th>ASSESSED VALUATION</th>
<th>PROPOSED SETTLEMENT</th>
<th>AMOUNT OF REDUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>2016</td>
<td>$441,000</td>
<td>$386,250</td>
<td>$54,750</td>
</tr>
<tr>
<td>2016</td>
<td>2017</td>
<td>$441,000</td>
<td>$397,100</td>
<td>$43,900</td>
</tr>
<tr>
<td>2017</td>
<td>2018</td>
<td>$441,000</td>
<td>$398,400</td>
<td>$42,600</td>
</tr>
<tr>
<td>2018</td>
<td>2019</td>
<td>$441,000</td>
<td>$393,250</td>
<td>$47,750</td>
</tr>
</tbody>
</table>

Eastchester School District approved the settlement
To be bonded at a later date

TOTAL TOWN TAX REFUND.................................................................$68,448.38

On the roll call, all voted "AYE." Motion carried.

3. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE THE INTERMUNICIPAL AGREEMENT WITH THE VILLAGE OF TUCKAHOE WITH RESPECT TO THE 2020 SIDEWALK AND CURB REPLACEMENT

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION authorizing the Supervisor of the Town of Eastchester to execute the Intermunicipal Agreement with the Village of Tuckahoe with respect to the Sidewalk & Curb Replacement for 2020.

The Supervisor explained this, the Sidewalk and Curb Agreement and the Street Resurfacing Agreement are cooperative efforts to reduce the cost for each agency (Town, Villages and School Districts) and are an example of long term shared services projects.

On the roll call, all voted "AYE." Motion carried.

4. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE THE INTERMUNICIPAL AGREEMENT WITH THE VILLAGE OF BRONXVILLE, THE VILLAGE OF TUCKAHOE AND THE EASTCHESTER AND TUCKAHOE UNION FREE SCHOOL DISTRICT WITH RESPECT TO STREET RESURFACING

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION authorizing the Supervisor of the Town of Eastchester to execute the Intermunicipal Agreement with the Village of Bronxville, The Village of Tuckahoe and the Eastchester and Tuckahoe Union Free School District with respect to Street Resurfacing.

On the roll call, all voted "AYE." Motion carried.

C) HIGHWAY DEPARTMENT REPORT for July 2020 was received for filing.

Supervisor Colavita reported on the Highway Departments "excellent" response to the August 4th Tropical Storm Isaias during which dozens of felled trees and powerlines left hundreds of Eastchester resident without electricity. The work to clear debris and limbs to make way for Con Edison crews was completed by August 6th. However, the first Con Edison crews didn’t arrive to restore power until days later on August 11th. The Supervisor labeled the utilities response in Eastchester as "disgraceful."

D) RECEIVER OF TAXES REPORT for July 2020 was received for filing.

E) TOWN CLERKS REPORT for July 2020 was received for filing.

VII. CORRESPONDENCE
A) MEMORANDUM FROM COMPTROLLER RE: BUDGET TRANSFERS

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the following Budget Transfers:

From: Sewer- Materials S8120.401 $ 5,000.00
To: Sewer- Maint. & Repairs S8120.414 $ 5,000.00

From: Refuse- Gas & Diesel R8160.408 $15,000.00
To: Refuse- Maint. & Repairs R8160.414 $15,000.00

On the roll call, all voted "AYE." Motion carried.

B) MEMORANDUM FROM COMPTROLLER RE: PART TIME SEASONAL EMPLOYEES

Councilman Marcoccia offered a motion that was seconded by Councilwoman Nicholson to approve the following Seasonal Appointments:

<table>
<thead>
<tr>
<th>NAME</th>
<th>JOB TITLE</th>
<th>RATE</th>
<th>EFFECTIVE DATE</th>
<th>DEPT.</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOPEZ, ANGEL</td>
<td>RECREATION ATTENDANT</td>
<td>13.00</td>
<td>7/21/2020</td>
<td>LAKE ISLE</td>
</tr>
<tr>
<td>D'AVANZO, PETER</td>
<td>LIFEGUARD</td>
<td>12.00</td>
<td>7/21/2020</td>
<td>LAKE ISLE</td>
</tr>
<tr>
<td>MILLER, GABRIELLA</td>
<td>LIFEGUARD</td>
<td>12.00</td>
<td>7/21/2020</td>
<td>LAKE ISLE</td>
</tr>
<tr>
<td>STOLL, JOHANN</td>
<td>LIFEGUARD</td>
<td>12.00</td>
<td>7/21/2020</td>
<td>LAKE ISLE</td>
</tr>
<tr>
<td>GARCIA, PAULINA</td>
<td>RECREATION ATTENDANT</td>
<td>13.00</td>
<td>8/11/2020</td>
<td>LAKE ISLE</td>
</tr>
<tr>
<td>CAMINERO, KEVIN</td>
<td>RECREATION ATTENDANT</td>
<td>10.00</td>
<td>8/11/2020</td>
<td>LAKE ISLE</td>
</tr>
<tr>
<td>DELBROCCO, ALEX</td>
<td>RECREATION ATTENDANT</td>
<td>10.00</td>
<td>8/11/2020</td>
<td>LAKE ISLE</td>
</tr>
<tr>
<td>NEMECEK, CHARLOTTE</td>
<td>RECREATION ATTENDANT</td>
<td>10.00</td>
<td>8/11/2020</td>
<td>LAKE ISLE</td>
</tr>
<tr>
<td>ERDMAN, TAYLOR</td>
<td>RECREATION ATTENDANT</td>
<td>10.00</td>
<td>8/11/2020</td>
<td>LAKE ISLE</td>
</tr>
<tr>
<td>FOX, ALEXA</td>
<td>RECREATION ATTENDANT</td>
<td>12.00</td>
<td>8/11/2020</td>
<td>LAKE ISLE</td>
</tr>
</tbody>
</table>

On the roll call, all voted "AYE." Motion carried.

C) MEMORANDUM FROM COMPTROLLER RE: HEARING OFFICER

Per a request from Comptroller Dawn Donovan, Councilman Dooley offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION to designate Michael Sendlenski, Esq. as Hearing Officer for CSL Section 71 for employee #2836 at the cost of $1850.

On the roll call, all voted "AYE." Motion carried.

D) MEMORANDUM FROM COMPTROLLER RE: ADOPTION OF STANDARD WORK DAY AND REPORTING RESOLUTION

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION that the Town of Eastchester (Location Code 30050) does hereby establish the following Standard Work Days for the following titles and will report the officials to the New York State and Local Retirement based on their record of activities as per the memorandum dated August 11, 2020 from Comptroller Dawn Donovan:

Standard Day of Eight (8) Hours: Supervisor Anthony S. Colavita, Receiver of Taxes Rocco Cacciola, Town Clerk Linda Laird
Standard Day of Seven (7) Hours: Town Councilman Joseph Dooley, Town Councilman Luigi Marcoccia
Standard Day of Six (6) Hours: Town Attorney Louis Reda, Deputy Town Attorney Robert Tudisco, Town Justice Janet Calano, Town Justice Frederick Salanitro

On the roll call, all voted "AYE." Motion carried.

E) MEMORANDUM FROM ASSESSOR RE: TAX REFUND APPLICATION – 7 ANPELL DRIVE
Supervisor Colavita reviewed a memo submitted by Assessor Todd Huttunen in which he requests approval for a Real Property Tax Refund for tax year 2020 for property located at 7 Anpel Drive (Section 64/Block 1/Lot 4). This refund, which has been approved by the Westchester County Tax Commission, totals $3,451.45 and is due to a clerical error on the 2019 Assessment Roll. A Partial Tax Exemption for Real Property of Senior Citizens was approved but not entered therefore producing an incorrect 2020 County and Town Tax bill.

Councilman Marcoccia offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION to approve a 2020 Partial Tax Exemption for Real Property of Senior Citizens refund in the amount of $3,451.45 for property located at 7 Anpel Drive (Section 64/Block 1/Lot 4).

On the roll call, all voted "AYE." Motion carried.

F) MEMORANDUM FROM ASSESSOR RE: TAX REFUND APPLICATION - 45 TUCKAHOE AVENUE

Supervisor Colavita reviewed a memo submitted by Assessor Todd Huttunen in which he requests approval for a Real Property Tax Refund for tax year 2020 for property located at 45 Tuckahoe Road (Section 71/Block 1/Lot 40). This refund, which has been approved by the Westchester County Tax Commission, totals $1,479.32 and is due to a clerical error on the 2019 Assessment Roll. A Basic STAR Exemption was approved to be reinstated but not entered therefore producing an incorrect 2019/20 Tax bill.

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION to approve a 2019/20 Basic STAR refund in the amount of $1,479.32 for property located at 45 Tuckahoe Road (Section 71/Block 1/Lot 40).

On the roll call, all voted "AYE." Motion carried.

G) MEMORANDUM FROM ASSESSOR RE: TAX REFUND APPLICATION - 266 DANTE AVENUE

Supervisor Colavita reviewed a memo submitted by Assessor Todd Huttunen in which he requests approval for a Real Property Tax Refund for tax year 2020 for property located at 266 Dante Avenue, Tuckahoe (Section 42/Block 5/Lot 9). This refund, which has been approved by the Westchester County Tax Commission, totals $1,479.32 and is due to a clerical error on the 2019 Assessment Roll. A Basic STAR Exemption was approved to be reinstated but not entered therefore producing an incorrect 2019/20 Tax bill.

Councilman Marcoccia offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION to approve a 2019/20 Basic STAR refund in the amount of $1,479.32 for property located at 266 Dante Avenue, Tuckahoe (Section 42/Block 5/Lot 9).

On the roll call, all voted "AYE." Motion carried.

H) MEMORANDUM FROM ASSESSOR RE: TAX REFUND APPLICATION - 15 LORRAINE DRIVE

Supervisor Colavita reviewed a memo submitted by Assessor Todd Huttunen in which he requests approval for a Real Property Tax Refund for tax year 2020 for property located at 15 Lorraine Drive (Section 65.G/Block 2/Lot 9). This refund, which has been approved by the Westchester County Tax Commission, totals $372.51 and is due to a clerical error on the 2019 Assessment Roll. A Cold War Exemption was removed therefore producing an incorrect 2020 County and Town Tax bill.

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION to approve a 2020 Cold War Exemption refund in the amount of $372.51 for property located at 15 Lorraine Drive (Section 65.G/Block 2/Lot 9).

On the roll call, all voted "AYE." Motion carried.

I) MEMORANDUM FROM TOWN CLERK RE: NYS ARCHIVES MU-1 RECORDS RETENTION AND DISPOSITION SCHEDULE

Since 1993 the Town has used the NYS Archives MU-1 Records Retention and Disposition Schedule to determine the minimum length of time local government records are to be retained before they can be disposed of legally. Similar schedules have been used by Counties, Schools and other local governments.
The State Archives has revised and consolidated these schedules to a single document: *Retention and Disposition Schedule for New York Local Government Records* or LGS-1 for use to supersede and replace those schedules. In doing so, the Archives is requiring all local agencies to adopt LGS-1 prior to utilizing it and has determined that local government records may not be legally destroyed after the end of 2020 unless the LGS-1 is formally adopted. Per a request from Town Clerk Linda Laird, Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the following RESOLUTION:

RESOLVED, By the Town Board of the Town of Eastchester that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A: (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein; (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimal periods.

On the roll call, all voted "AYE." Motion carried.

VIII. MISCELLANEOUS BUSINESS

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve a request to conduct one Regular Town Board Meeting for the month of September and for the meeting to be scheduled for Tuesday, September 15, 2020 at 8 p.m.

On the roll call, all voted "AYE." Motion carried.

IX. COUNCIL MEMBER REPORT

The Town Board individually joined the Supervisor in thanking the members of the Highway and Parks Departments for their effort following the August 4th Tropical Storm Isaias during which dozens of felled trees and powerlines left hundreds of Eastchester resident without electricity. In addition, the Town Council Members issued the following reports:

Councilman Marcoccia announced the Lake Isle Annual Meeting will be held on September 16th at Lake Isle and that for those who join Lake Isle for 2021 between now and Labor Day will do so at the 2020 rates.

In addition, Mr. Marcoccia announced the final 3 Summer Concerts: Wednesday, August 19th Garth Road Park- 7:30pm Epic Soul, sponsored by Westchester Choice Realty and The Garth Road Cooperative Council.

Wednesday, August 26th Bookends Band 7:30pm at Lake Isle, sponsored by Cornell’s True Value Hardware

Wednesday, September 2nd Celtic Cross 7:30pm at Lake Isle, sponsored by Hendry School of Irish Dance and the Eastchester Irish American Social Club Products of Irish parents.

Councilman Dooley reminded residents our community benefits the most when the census counts everyone. Mr. Dooley asked everyone to visit [www.2020census.gov](http://www.2020census.gov) and complete the questionnaire. When you respond to the census, you help your community gets its fair share of the more than $675 billion per year in federal funds spent on schools, hospitals, roads, public works and other vital programs. Currently Eastchester 60% of residents have responded.

In closing, Councilman Dooley reported the Sign Law is being reviewed by the Building and Planning Department as well as the Law Department and work is being done to improve the law. It is anticipated that public comment will be sought in the coming months.

Councilwoman Nicholson announced a return of Eastchester Little League and Softball for nine to twelve-year-olds this fall.

Supervisor Colavita announced the Town was informed on August 12, 2020 by Moody’s Investors Service that they have reaffirmed the Town of Eastchester credit rating at **Aaa**. This is a clear indication from them that the Town’s management is keeping a tight control on finances and is especially rewarding given the current economic conditions.
The Supervisor reported the initial engineering reports to the Town, County, New Rochelle and Scarsdale regarding the Flood Abatement Project and the condition of the dam indicate the scope of the project to be more costly than originally estimated.

The Supervisor reminded residents that school tax bills will be mailed prior in the coming weeks with the 1st half due by September 30th. With the ability to pay the bill on-line or by check, the town is encouraging residents not to come to Town Hall.

Supervisor Colavita announced Con Edison’s gas main replacement project on Garth Road has been completed after many months. Prior to paving the utility company worked with NYS Department of Transportation in establishing traffic patterns as specified by NYS regulations. The Supervisor advised the public to be careful in the area noting that some of the turn lanes have changed.

Responses to questions contained in an email to the Supervisor’s Office prior to meeting:

1) It is anticipated the September 15th meeting will be open to the public and held in the auditorium of Town Hall
2) Issues related to school opening will be determined by the individual District
3) There is no court actions related to the removal of a sign at 46 Webster Avenue as there was no Summons issued
4) Data related to a “revenue shortfall” at Lake Isle is being compiled and reviewed. While the pool attendance appears to be lower this year, tennis and golf has been very busy.

There being no further business, the meeting was adjourned at 8:30 p.m.

Minutes prepared by:

Linda Laird
Town Clerk