Minutes of a Meeting of the Town Board of the Town of Eastchester held on September 15, 2020 at 8:00 p.m., at the Town Hall, 40 Mill Road, Eastchester, New York.

I. CALL TO ORDER

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
Town Attorney Louis Reda
Comptroller Dawn Donovan

IV. APPOINTMENTS – TOWN BOARD

Supervisor Colavita offered a motion that was seconded unanimously by the Town Board to appoint Sheila Marcotte to the position of Eastchester Town Council Member, effective September 15, 2020 – December 31, 2020.

Supervisor Colavita stated that Ms. Marcotte, having served on the Tuckahoe ZBA, Tuckahoe Village Board, Town Board and as a Westchester County Legislator, is uniquely qualified to serve on the Town Board and will be an “invaluable asset” with her budget expertise.

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

Town Justice Frederick Salanitro administered the Oath of Office to Sheila Marcotte. Councilwoman Marcotte joined the Town Board on the dais for the remainder of the Meeting.

V. PRESENTATION TO EASTCHESTER POLICE DEPARTMENT

In 2015, the Eastchester Police Department earned the honor of becoming recognized as a New York State accredited agency. The accreditation program is a voluntary program and is a progressive and contemporary way of helping police agencies evaluate and improve their overall performance, as well as providing formal recognition that a police agency meets or exceeds general expectations of quality. The accreditation program is comprised of a set of 109 different standards that are divided into three categories; Administration, Operations and Training. In order for a police department to earn initial accreditation status, they must first demonstrate that their policies and procedures meet the requirements of each standard, and they must also demonstrate compliance with the specifications of each standard.

Since acquiring its initial accreditation status in 2015, the Eastchester Police Department has worked diligently to remain in compliance with each of the standards set forth by the New York State Law Enforcement Accreditation Program. On July 22 2020, an auditor from the New York State Department of Criminal Justice conducted a full day on-site audit of the Eastchester Police Department. During this visit, the auditor reviewed a sampling of the policies and procedures of the Department as well as proof of compliance with these policies over the past 5 years, and the auditor found them all to be in compliance with program standards. Additionally, the auditor interviewed several members of the Police Department, including several patrol members, supervisors, administrators, as well as the Chief of Police regarding the policies and procedures of the Police Department, and the auditor concluded that the employees of the agency were well versed in the policies and procedures. The auditor then completed a comprehensive report regarding his findings and submitted this report to the New York State Law Enforcement Accreditation Program.

On September 3rd 2020 the New York State Law Enforcement Accreditation Program council voted unanimously for the Eastchester Police Department to earn re-accreditation status. This is significant in that it demonstrates the on-going commitment of the Police Department to provide the best possible services to as all people that it serves. The Police Department intends to continue its involvement in the Accreditation Program, with the ultimate goal of continuing to promote public confidence in the Department.
Supervisor Colavita presented a New York State Law Enforcement Certificate of Re-Accreditation to Police Chief Tim Bonci.

In addition to the Department Award the John Kimball O'Neil award which recognizes the hard work, time, and commitment required for a law enforcement agency to attain this status, is presented to Sgt. Andrew Wade. Andrew was assigned as the Accreditation Manager who oversaw the entire Accreditation process and presented the department policies and procedures to the council assuring the Department’s compliance with all 107 Standards of Excellence.

Chief Bonci acknowledged the hard work and dedication of each member of the Eastchester Police Department.

VI. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS – none

VII. APPROVAL OF MINUTES

Councilman Marcoccia offered a motion that was seconded by Councilman Dooley to approve the Minutes of the August 18, 2020 Town Board Meeting as prepared by Town Clerk Linda Laird.

On the roll call, all voted "AYE." Motion carried, except Councilwoman Marcotte, who “ABSTAINED. Motion carried.

VIII. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

A) POLICE DEPARTMENT REPORT

B) LAW DEPARTMENT REPORT

1. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CERTIORARI PROCEEDING BY EASTCHESTER ITALIAN AMERICAN CITIZENS CLUB, INC. 793, 787-789 WHITE PLAINS ROAD

<table>
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<tr>
<th>ASSESSMENT YEAR</th>
<th>TAX YEAR</th>
<th>ASSESSED VALUATION</th>
<th>PROPOSED SETTLEMENT A.V.</th>
<th>AMOUNT OF REDUCTION</th>
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Eastchester School District approved the settlement
TOTAL TAX REFUND..........................................................$1,236.11

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

2. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER AN AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE TOWN OF EASTCHESTER AND EASTCHESTER EVENTS

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION authorizing the Supervisor to execute and deliver an amendment to the License Agreement which was originally made between the Town of Eastchester and Eastchester Events, Inc. on February 24, 2014 and amended on November 2, 2016.

WHEREAS, the parties have entered into a License Agreement, dated February 24, 2014, and an amendment to that License Agreement dated November 2, 2016 ("Agreement") and

WHEREAS, in March of 2020, the State of New York along with the rest of the country were adversely impacted by the spread of Covid-19. New York State declared a State Disaster Emergency for the entire state of New York on March 7, 2020.
WHEREAS, all restaurants and catering facilities were ordered to close. Since that time, restaurants have been allowed to reopen with a 50% occupancy capacity. However, catering facilities are still not permitted to open.

WHEREAS, due to the closure of its restaurant and catering facility, the Licensee was unable to make its required payment to the Town of the Minimum Annual License Fee, 1% payment of Gross Receipts and portion of Utilities. The Licensee has indicated they are unable to make these payments.

WHEREAS, the Town realizes the economic hardship the Licensee is facing and is desirous for the Licensee to continue operating the facility.

WHEREAS, Licensee seeks an amendment and extension of the Agreement, due to the economic impact and devastation caused to its business.

NOW, THEREFORE FOR A VALUABLE CONSIDERATION, IT IS MUTUALLY AGREED AS FOLLOWS:

1. Paragraph 2 of the License Agreement dated November 2, 2016, shall be amended as follows: The Town hereby agrees to waive and forgive all Minimum Annual License Fee(s), Utilities and 1% of Gross Receipts Fees accrued during the time period of this pandemic as a result of Licensee being closed for business. However, Licensee agrees to make the payments for the 1% for Gross Receipts and Utility payments beginning on October 1, 2020. Further, Licensee shall not be responsible to make payments for the Minimum Annual License Fee or the 1% of Catering Gross Receipts during the period that the Lake Isle Town Pool remains at less than 100% capacity. Licensee shall also not be responsible to pay 1% of the Snack Bar Gross Receipts during the period that the Catering Facility remains closed. Licensee shall also not be responsible to pay 1% of the Snack Bar Gross Receipts during the period that the Lake Isle Town Pool remains at less than 100% capacity.

2. In full satisfaction of any Minimum Annual License Fee, Utilities and Gross Receipts Fee owed the Town through the date hereof, Licensee shall make a payment of One Hundred Thousand ($100,000.00) Dollars to the Town: as follows: Fifty Thousand ($50,000.00) Dollars shall be paid within ten (10) days of the full execution of this agreement and the remaining Fifty Thousand ($50,000.00) Dollars shall be paid to the Town commencing on the 13th month after the Catering opening. The second Fifty Thousand ($50,000.00) Dollars shall be payable in equal monthly payments over the balance of the Term of the License Agreement as amended.

3. Paragraph 3 of the License Agreement dated November 6, 2016 shall be amended as follows: In addition to the payments set forth above, the Licensee shall resume monthly payment of the Minimum Annual License Fee upon the catering operation being lawfully permitted to operate at 100% of capacity and in a manner substantially similar to its operation prior to the pandemic (the “Catering Opening”). However, from the date of the Catering Opening, the monthly payment to the Town for the Minimum Annual License Fee shall be adjusted on a prorated basis using the Gross Receipts for the same month in 2019 (ie. in the event the Gross Catering Receipts for March, 2019 were twice the amount of the Gross Catering Receipts for March, 2021, then the Licensee would be obligated to pay one-half (1/2) of the Minimum Annual License Fee amount). The payment to the Town for the one percent (1%) of the Gross Receipts shall remain in effect notwithstanding the prorated Minimum Annual License Fee reduction.

4. After the Catering Opening has been operating for a period of twelve (12) months, the Licensee, beginning on the thirteenth (13) month, shall resume full payments due for the Minimum Annual License Fee, 1% payment of Gross Receipts and their one-third (1/3) share for Utilities. However, the two (2%) percent Minimum Annual License Fee increase shall be abated for the calendar years 2020 and 2021. Said two (2%) percent increase shall resume and be added to the Minimum Annual License Fee commencing in the months during 2022 that the twelve (12) month Minimum Annual License Fee reduction terminates (13th month).

5. The parties hereby agree that an additional four (4) years shall be added to the term of the lease, subject to the provisions of the License Agreement dated November 2, 2016 specifically paragraph 1. The additional four (4) years will be subject to the annual two (2) percent increase of the Minimum Annual License Fee.

6. Paragraph 6 of the License Agreement dated November 2, 2016 shall be amended as follows: The parties agree to make the payments for the 1% for Gross Receipts and Utility payments beginning on October 1, 2020. Further, Licensee shall not be responsible to make payments for the Minimum Annual License Fee or the 1% of Catering Gross Receipts during the period that the Lake Isle Town Pool remains at less than 100% capacity. Licensee shall also not be responsible to pay 1% of the Snack Bar Gross Receipts during the period that the Catering Facility remains closed. Licensee shall also not be responsible to pay 1% of the Snack Bar Gross Receipts during the period that the Lake Isle Town Pool remains at less than 100% capacity.

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

C) HIGHWAY DEPARTMENT REPORT

In August, tropical storm Isaias brought heavy winds causing downed trees and limbs town wide. Crews were assigned to clean up the right of ways and are still performing clean up and in house tree pruning and removal as necessary.

Work under the 2020 Sidewalk & Curb Contract is still ongoing. Work under the 2020 Street Resurfacing Contract has been completed.

Manpower was assigned to water seasonal flowers, weed and clean parklet areas and parking lots.

Normal scheduled work consists of tree trimming, garbage pickup, collection of recyclables to include metal, commingled, newspapers, yard waste, branches & CRT’s. Maintenance of the Town sanitary sewer system, street cleaning of town roadways, and maintenance of street lights, parking lots catch basins & right of ways.
D) RECEIVER OF TAXES REPORT for August 2020 was received for filing.

E) TOWN CLERK’S REPORT for August 2020 was received for filing.

IX. CORRESPONDENCE

A) MEMORANDUM FROM COMPTROLLER RE: BUDGET TRANSFERS

Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson to approve the following Budget Transfer:

From: Police-Miscellaneous B3120.498 $ 8,000.00
To: Maint. & Repair- Auto B3120.415 $ 8,000.00

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

B) MEMORANDUM FROM COMPTROLLER RE: PART TIME

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the part-time appointment of Michael Brown as a Crossing Guard, effective September 16, 2020 at the rate of $17.00 per hour.

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

C) MEMORANDUM FROM COMPTROLLER RE: SEPARATION INCENTIVE

Supervisor Colavita referred to a memo submitted by Comptroller Dawn Donovan in which she requests that a separation incentive for 2020 be offered to 23 Town of Eastchester employees who meet the criteria of being age 55 or older with at least 10 years full time service with the town.

The town offered an incentive in 2019 and had not planned on offering one this year. The current pandemic has made it necessary to offer one this year.

The employees would need to retire by December 31, 2020 and their health insurance would be paid in full for 24 months and they would receive $250.00 for every full-time year they worked. Although we do not anticipate all 23 employees retiring in 2020, even a few retirements would have the potential to save the town substantial funds positively affecting the 2021 budget.

The town would reserve the right to deny a retirement based on department support levels and the continuity of Town services.

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION to offer 23 Town employees a separation incentive of 2 years of paid health insurance and $250.00 for every full-time year they worked.

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

D) MEMORANDUM FROM SUPERINTENDENT OF PARKS AND RECREATION RE: CONTRACT FOR WIN (WELLNESS IN NUTRITION) AND NSIP (NUTRITION SERVICES INCENTIVE PROGRAM) BETWEEN THE TOWN OF EASTCHESTER AND WESTCHESTER COUNTY DEPARTMENT OF SENIOR PROGRAMS AND SERVICES FOR PROGRAM YEAR 2020 – 2021

Per a request from Sally Veltidi, Superintendent of Parks and Recreation, authorization is requested for the Town of Eastchester to approve the WIN & NSIP contract for the period of April 1, 2020 through March 31, 2021. The NY State Office for the Aging grant will be in an aggregate amount not-to exceed $49,137. It is comprised of $37,914 in funding for the WIN program and $11,223 in estimated funding for the NSIP program.

The two programs of the Older Americans Act seek to improve the well-being of elderly persons at high nutritional risk through services such as Home Delivered Meals. Currently over 50 of our residents are enrolled in the Home Delivered Meals services.
Councilman Marcoccia offered a motion that was seconded by Councilwoman Nicholson to approve a RESOLUTION authorizing Supervisor Colavita to sign the Agreement with Westchester County Department of Senior Programs and Services for WIN & NSIP, including Schedule A, and Schedule B and Schedule C.

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

X. 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 October and for the meeting to be scheduled for Tuesday, October 13, 2020 at 8 p.m.

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

XI. COUNCIL MEMBER REPORTS

Councilman Marcoccia welcomed Councilwoman Marcotte back to the Town Board and announced the Lake Isle Annual Advisory Board Meeting will be held on September 16th at 8:00 p.m. at Lake Isle and via ZOOM.

Councilman Dooley congratulated Councilwoman Marcotte on her return to the Town Board and, referencing Councilman Bellitto, stated she has very big shoes to fill.

Mr. Dooley announced the final two weeks of the 2020 Census and reminded residents that Eastchester will benefit the most if all residents are counted. If you haven’t been counted, please visit www.2020census.gov and complete the questionnaire. Currently 73.4% of Eastchester have responded, which is up from our final 2010 participation rate of 71.9%.

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. Mr. Dooley indicated that a Public Hearing on the matter will be scheduled in the coming months.

Councilwoman Nicholson stated she looks forward to working with Councilwoman Marcotte and wished students luck as they returned to school both in-person and remotely.

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 benefits the Town by obtaining the lowest interest rates. The rate on the Bonds for the 2020 Capital Budget projects was a very low 0.8%.

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 on a larger scale than originally estimated.

XII. SECOND OPPORTUNITY TO ADDRESS THE BOARD

Marlo du Boulay stated the past seven years as a resident of Eastchester have been “fantastic” and while never having a problem with the Town or Police; in light of national events, he recommended the Town review and establish guidelines and policies to help combat racism. Specifically, the formation of a citizens committee to develop a Diversity, Inclusion & Anti-Racism Charter, to review policies related to Town hiring, housing, Lake Isle pricing and a Code of Standard for employees to promote a climate of inclusion.

There being no further business, the meeting was adjourned at 8:40 p.m.

Minutes prepared by:

Linda Laird
Town Clerk