Minutes of a Meeting of the Town Board of the Town of Eastchester held on June 1, 2021 at 8:00 p.m., at the Town Hall, 40 Mill Road, Eastchester, New York.

The following announcement was included on the Meeting Agenda:

PLEASE NOTE THAT THE NEW YORK STATE OFFICE OF COURT ADMINISTRATION (OCA) STILL REQUIRES ALL MUNICIPAL FACILITIES THAT ARE USED FOR COURT TO MAINTAIN SOCIAL DISTANCING AND MASKS FOR THOSE NOT VACCINATED. THE COURT ROOM SEATING HAS BEEN SPACED AND PARTIALLY RESTRICTED PER STATE GUIDELINES. THEREFORE, THE TOWN BOARD MEETINGS WILL CONTINUE TO FOLLOW THE COVID PROTOCOLS ESTABLISHED FOR THE LAST SEVERAL MONTHS (ANTE-ROOM, LIMITED ACCESS, LIMITED SEATING, ETC). UPON DISCONTINUANCE OF THE COVID RESTRICTIONS BY THE NYSOCA, THE TOWN BOARD MEETINGS IN THE COURT ROOM WILL RESUME FULL UNRESTRICTED CAPACITY AND PROCEDURE.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

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

Present: Town Clerk Linda Laird
Comptroller Dawn Donovan
Town Attorney Lou Reda

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

V. APPOINTMENT – GARAGE FOREMAN

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the appointment of Robert Caruso to the position of Garage Foreman. Robert has been employed by the Town since April 10, 2000. The appointment will be effective June 2, 2021 at a salary of $92,425 (Group K, Step 5).

Funds are available in the 2021 budget.

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

VI. APPROVAL OF MINUTES

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve the Minutes of the May 4, 2021 Town Board Meeting and the May 13, 2021 Special Town Board Meeting as prepared by Town Clerk Linda Laird.

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

VII. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

A) LAW DEPARTMENT REPORT

1. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CERTIORARI PROCEEDING BY LAKE AVENUE OWNERS, INC. – 3 & 3A PONDFIELD ROAD WEST, BRONXVILLE, NY

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION authorizing the settlement of a certiorari proceeding instituted by Lake Avenue Owners, Inc., affecting premises known as Section 11, Block 4, Lots 3 & 3A, Pondfield Road West, Bronxville, NY as follows:
<table>
<thead>
<tr>
<th>ASSESSMENT YEAR</th>
<th>TAX YEAR</th>
<th>ASSESSED VALUATION</th>
<th>PROPOSED SETTLEMENT A.V.</th>
<th>AMOUNT OF REDUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>2017</td>
<td>$95,400</td>
<td>$74,200</td>
<td>$21,200</td>
</tr>
<tr>
<td>2017</td>
<td>2018</td>
<td>$95,400</td>
<td>$71,150</td>
<td>$24,250</td>
</tr>
<tr>
<td>2018</td>
<td>2019</td>
<td>$95,400</td>
<td>$68,650</td>
<td>$26,750</td>
</tr>
<tr>
<td>2019</td>
<td>2020</td>
<td>$95,400</td>
<td>$67,450</td>
<td>$27,950</td>
</tr>
<tr>
<td>2020</td>
<td>2021</td>
<td>$95,400</td>
<td>$68,650</td>
<td>$26,750</td>
</tr>
</tbody>
</table>

No School Approval Needed

TOTAL TOWN TAX REFUND………………………………………………..……..….$ 3,601.38

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

2. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CERTIORARI PROCEEDING BY TAVKAU REALTY CORP. – 25 COLUMBUS AVENUE, EASTCHESTER, NY

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION authorizing the settlement of a certiorari proceeding instituted by Tavkaw Realty Corp., affecting premises known as Section 33, Block 2, Lot 20, 25 Columbus Avenue, Eastchester, NY as follows:

<table>
<thead>
<tr>
<th>ASSESSMENT YEAR</th>
<th>TAX YEAR</th>
<th>ASSESSED VALUATION</th>
<th>PROPOSED SETTLEMENT A.V.</th>
<th>AMOUNT OF REDUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>2016</td>
<td>$44,650</td>
<td>$37,910</td>
<td>$ 6,740</td>
</tr>
<tr>
<td>2016</td>
<td>2017</td>
<td>$44,650</td>
<td>$37,210</td>
<td>$ 7,440</td>
</tr>
<tr>
<td>2017</td>
<td>2018</td>
<td>$44,650</td>
<td>$37,090</td>
<td>$ 7,560</td>
</tr>
<tr>
<td>2018</td>
<td>2019</td>
<td>$44,650</td>
<td>$36,620</td>
<td>$ 8,030</td>
</tr>
<tr>
<td>2019</td>
<td>2020</td>
<td>$44,650</td>
<td>$36,630</td>
<td>$ 8,020</td>
</tr>
<tr>
<td>2020</td>
<td>2021</td>
<td>$44,650</td>
<td>$31,075</td>
<td>$13,575</td>
</tr>
</tbody>
</table>

Tuckahoe School Approved

TOTAL TOWN TAX REFUND………………………………………………..……..….$ 1,343.15

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

3. INTRODUCTION OF A PROPOSED LOCAL LAW WHICH WOULD ALLOW THE TOWN OF EASTCHESTER TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CANNABIS CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4 WITHIN THE UNINCORPORATED TOWN OF EASTCHESTER AND TO SET A DATE FOR A PUBLIC HEARING

Supervisor Colavita explained all municipalities in New York State are required to adopt Cannabis Legislation prior to the end of 2021 to either opt out or regulate the sale of marijuana products. Proposed Local Law 3-2021, a copy of which is below, provides for opting out of allowing cannabis retail dispensaries and on-site cannabis consumption sites within the unincorporated parts of the Town of Eastchester. Having adopted a Local Law prohibiting the sale or distribution of Electronic Nicotine Delivery Products in 2019, the Supervisor stated opting out of allowing retail sales of cannabis is an appropriate next step in promoting the health and safety of our residents.

Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson to approve the INTRODUCTION of Proposed Local Law 3-2021, which would allow the Town of Eastchester to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites as authorized under Cannabis Law Article 4, within the unincorporated Town of Eastchester and to set a date for a public hearing for June 14, 2021 at 8:00 p.m. at 40 Mill Road, Eastchester, NY 10709.

TOWN OF EASTCHESTER LOCAL LAW 3- 2021
KNOWNS AS THE
“OPT-OUT OF ADULT USE CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES”

A Local Law for the Town of Eastchester to opt-out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under NYS Cannabis Law Article 4.

Be it enacted by the Town Board of the Town of Eastchester as follows:
Section 1 - Legislative Intent

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Eastchester that would otherwise be allowed under NYS Cannabis Law Article 4.

Section 2 - Authority

This local law is adopted pursuant to NYS Cannabis Law §131 which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law §24.

Section 3 - Local Opt-Out

The Town Board of the Town of Eastchester hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated with the town’s jurisdiction.

Section 4 - Permissive Referendum/Referendum on Petition

This local law is subject to a referendum on petition in accordance with NYS Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24.

Section 5 - Severability

If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any count of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6 - Effective date

This local law shall take effect immediately upon filing with Secretary of State.

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

B) TOWN CLERK’S REPORT

VIII. CORRESPONDENCE

Councilwoman Marcotte offered a motion that was seconded by Councilman Dooley to approve the following Seasonal Appointments effective June 2, 2021:

<table>
<thead>
<tr>
<th>LAST NAME</th>
<th>FIRST NAME</th>
<th>JOB TITLE</th>
<th>RATE</th>
<th>TYPE</th>
<th>TOWN DEPT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rivera</td>
<td>Evan</td>
<td>Lifeguard</td>
<td>12.00</td>
<td>Rehire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Stoll</td>
<td>Johann</td>
<td>Lifeguard</td>
<td>12.00</td>
<td>Rehire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Nefesh</td>
<td>Rachel</td>
<td>Lifeguard</td>
<td>12.00</td>
<td>New Hire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Forbes</td>
<td>Christopher</td>
<td>Lifeguard</td>
<td>12.00</td>
<td>New Hire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Murray</td>
<td>Cecilia</td>
<td>Lifeguard</td>
<td>12.00</td>
<td>New Hire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Genet</td>
<td>Catherine</td>
<td>Lifeguard</td>
<td>12.00</td>
<td>New Hire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Buckley</td>
<td>Parker</td>
<td>Lifeguard</td>
<td>12.00</td>
<td>New Hire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Yi</td>
<td>Lucas</td>
<td>Lifeguard</td>
<td>12.00</td>
<td>New Hire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Lopez-Agustin</td>
<td>Nidia</td>
<td>Recreation Attendant</td>
<td>13.00</td>
<td>New Hire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Chicas</td>
<td>Dina</td>
<td>Recreation Attendant</td>
<td>13.00</td>
<td>New Hire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Escobedo</td>
<td>Elvira</td>
<td>Recreation Attendant</td>
<td>13.00</td>
<td>New Hire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Esposito</td>
<td>Cathreena</td>
<td>Recreation Attendant</td>
<td>10.00</td>
<td>New Hire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Ferreira</td>
<td>Marcus</td>
<td>Recreation Attendant</td>
<td>10.00</td>
<td>New Hire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>McMahon</td>
<td>Nicholas</td>
<td>Recreation Attendant</td>
<td>10.00</td>
<td>New Hire</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Drohan</td>
<td>Catherine</td>
<td>Recreation Attendant</td>
<td>10.00</td>
<td>New Hire</td>
<td>Lake Isle</td>
</tr>
</tbody>
</table>
Garcia Sebastian Recreation Attendant 10.00 New Hire Lake Isle
Recine Joseph Recreation Attendant 10.00 New Hire Lake Isle
Carullo Robert Recreation Attendant 10.00 New Hire Lake Isle
Moreno Johann Recreation Attendant 12.00 Rehire Lake Isle
Romano Jordan Recreation Attendant 10.00 Rehire Lake Isle
Kasi Akira Recreation Attendant 13.00 Rehire Lake Isle
Mikos Scott EMT 14.00 Rehire Lake Isle
Doherty John Laborer 12.00 New Hire Hwy.

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

IX. MISCELLANEOUS BUSINESS - none

X. COUNCIL MEMBER REPORTS

Councilman Marcoccia reported outside tennis and the pool season are open and underway at Lake Isle. On-line membership is available and the membership office is open for those wishing to join the club.

Mr. Marcoccia thanked our local Veterans for providing wonderful tributes over Memorial Day weekend at our World War I, World War II, Korean War and Vietnam War monuments. A ceremony during which flags will be retired will be held on Flag Day, June 14th, at the LeRoy Gregory Post.

In closing, Councilman Marcoccia announced the Library Board will meet, in person, on June 2nd on the Library Patio.

Councilman Dooley reported the CARE Coalition held its 3rd Annual Candlelight Vigil on May 27th in Gazebo Park that included a tribute to Councilman Glenn Bellitto. The Bellitto family was on-hand to support the organizations efforts to fight drug addiction and depression.

Councilwoman Nicholson announced information regarding the Summer Concert Schedule is available on the town’s website. The Schedule is as follows:

- June 30th Dr. Rick Garvey and the Scrubs 8pm
- July 7th Celtic Cross 8pm
- July 14th Epic Soul 8pm
- July 16th Tramps Like Us 7:30pm
- July 21st House Arrest 8pm
- July 28th FDR Drive 8pm
- August 4th The Barn Band 8pm
- August 12th Bookends Band at Garth Road Park 7:30 pm

Mrs. Nicholson also reported early voting for the June 22nd Primary Election will be held at the Eastchester Library between June 12th and 20th:

- Saturday, June 12, 2021 from noon until 5 p.m.
- Sunday, June 13, 2021 from noon until 5 p.m.
- Monday, June 14, 2021 from 8 a.m. until 4 p.m.
- Tuesday, June 15, 2021 from noon until 8 p.m.
- Wednesday, June 16, 2021 from 8 a.m. until 4 p.m.
- Thursday, June 17, 2021 from noon until 8 p.m.
- Friday, June 18, 2021 from 8 a.m. until 4 p.m.
- Saturday, June 19, 2021 from noon until 5 p.m.
- Sunday, June 20, 2021 from noon until 5 p.m.

Councilwoman Marcotte announced the Bronxville Sidewalk Sale will be held June 4th – 6th as well as the Village of Bronxville Take Back Day will be held on June 5th. Activities of the Take Back day include:

- Electronics for safe dismantling and recycling by Westchester County, including desktops, laptops, and tablets; TVs; FAX machines, VCRs, printers, and related cords. By New York State law, all electronics must be kept out of the regular waste stream.
- Cell phones: Bronxville High School student initiative iTRAID collects used cell phones for repurposing.
- Gently used clothes, bed linens, and shoes: Collected by Big Brothers Big Sisters of Family Services of Westchester; proceeds support youth mentoring programs.
- Plastic tube coat hangers: Collected by GradBag, which will distribute them to college students in need of dorm room supplies.
- Gently used towels and blankets (no sheets), to be distributed to local animal shelters.

In closing, Mrs. Marcotte congratulated Bronxville Mayor Marvin on being honored by Gramatan Village as person of the year.

Supervisor Colavita reminded residents that Town Hall remains open for business and Town Board Meetings will continue to be held in-person.

**XI. SECOND OPPORTUNITY TO ADDRESS THE BOARD**

David Levy spoke of the benefits of cannabis as providing relief for pain and anxiety as well as the financial benefit of sales tax receipts.

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

Minutes prepared by;

Linda Laird  
Town Clerk