Minutes of a Meeting of the Town Board of the Town of Eastchester held on Wednesday, November 16, 2021 at 7:00 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
Councilwoman Theresa Nicholson
Councilman Luigi Marcoccia
Councilwoman Sheila Marcotte

Absent: Councilman Joseph Dooley

Present: Town Clerk Linda Laird
Town Attorney Louis J. Reda

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

V. APPROVAL OF MINUTES

Councilwoman Marcotte offered a motion that was seconded by Councilman Marcoccia to approve the Minutes of the November 3, 2021 Special Town Board Meeting and the November 3, 2021 Regular Town Board Meeting as prepared by Town Clerk Linda Laird.

On the roll call, all voted “AYE.” Motion carried. Councilman Dooley was ABSENT.

VI. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

A) POLICE DEPARTMENT REPORT

The Board reviewed and approved for filing the following reports for October 2021; Parking Summons, Citation Activity Report, Patrol Activity Report, Statement of Accounts and the Traffic Accident Report.

Chief Bonci reported Police Officer candidates would be presented to the Town Board for the purpose of interviews in the coming weeks.

B) LAW DEPARTMENT REPORT

1. RESOLUTION AUTHORIZING THE SUPERVISOR AND THE TOWN BOARD TO RENDER A DETERMINATION AS THE EMPLOYMENT STATUS OF A TOWN EMPLOYEE

Supervisor Colavita reported the Town Board had received and reviewed the Report of Findings and Final Determination in the Matter of the Disciplinary Charges preferred by Chief Timothy Bonci (Charging Party) against Police Officer Anthony Barberan (Respondent). The Supervisor explained the facts describe a “tough matter” with prior issues dating back to 2014. From Page 18 of the Finding Supervisor read; “perhaps the most troubling of all the allegations of misconduct..."
and incompetence lodged against Respondent are that he reported in an official police blotter lies and told untruths to his supervisors. It hardly needs stating that the criminal justice system relies not just on the hard work of its sworn officers but upon their honesty and integrity as well. Here, the Town has proved that Respondent showed neither of those qualities regarding the incident on January 9, 2021.”

Additionally, Supervisor Colavita read from Page 20 of the Findings; “Based upon the foregoing, while I find that the Respondent has been found guilty of all the specifications in Charges I, II, and II that were preferred against him, one charge merits special mention. A police officer who lies in his reports and who lies to his supervisors evinces behavior that is beyond rehabilitation. Furthermore, his lies were manufactured to cover up his incompetence, unprofessionalism, and most importantly his unconstitutional actions. He was previously warned and attempts to retrain him were unsuccessful. A police department cannot train “truth telling” and it should not have to. This Officer’s conduct in telling lies and writing his lies in police reports that find their way to the District Attorney’s Office, defense attorneys and Courts alone merits termination. “Petitioner has engaged in conduct which could tend to destroy the public’s confidence in his integrity and honesty as a police officer. Therefore, his conduct must be viewed in the context not only of the failure or turpitude of the individual but also of the harm or risk of harm to the agency or institution or to the public generally.”

That Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve the following RESOLUTION:

**RESOLUTION:**

Whereas, on or about February 25, 2021, disciplinary charges were preferred by Chief of Police Timothy Bonci against Police Office Anthony Barberan (“Barberan”); and

Whereas, on or about February 28, 2021, Barberan submitted his answer to the disciplinary charges and requested a hearing to contest the charges; and

Whereas, in accordance with the Town of Eastchester's Local Law No. 3 – 2010, a Local Law known as the Local Law Permitting the Designation of Hearing Officer To Preside Over Certain Disciplinary Proceedings,” the Town appointed Robert Ponzini as the presiding hearing officer; and

Whereas, a disciplinary hearing was held before Hearing Officer Ponzini on June 17, 2021, June 18, 2021, June 25, 2021, July 12, 2021 and July 13, 2021; and

Whereas, Hearing Officer Ponzini prepared a Report of Findings and Final Determination (“Report”), dated October 18, 2021, which has been presented to the Town Board; and

Whereas, the Town Board has reviewed and considered the record of the disciplinary proceedings and the Hearing Officer’s Report; and now, therefore, be it

Resolved, that the Town Board hereby adopts the findings and recommendations set forth in the Report of Hearing Officer Ponzini, dated October 18, 2021, and in accordance therewith, terminates the employment of Anthony Barberan effective immediately.

**On the roll call, all voted “AYE.” Motion carried. Councilman Dooley was ABSENT.**

2. **RESOLUTION AUTHORIZING THE SETTLEMENT OF A PROPERTY DAMAGE CLAIM BY EASTCHESTER FIRE DEPARTMENT V. TOWN OF EASTCHESTER**

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION authorizing the settlement of a property damage claim by Eastchester Fire Department v. Town of Eastchester in the amount of $4,000 for damages to a firetruck, by a Town vehicle, on February 20, 2021.

**On the roll call, all voted “AYE.” Motion carried. Councilman Dooley was ABSENT.**

3. **RESOLUTION AUTHORIZING A SETTLEMENT OF A CERTIORARI PROCEEDING INSTITUTED BY EASTCHESTER ASSOCIATES LP – 693 WHITE PLAINS ROAD**

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION authorizing the settlement of a certiorari proceeding instituted by Eastchester Associates LP, affecting premises known as Section 63.J, Block 1, Lot 1; 693 White Plains Road, Eastchester, NY as follows:
### ASSESSMENT YEAR TAX YEAR ASSESSED VALUATION PROPOSED SETTLEMENT A.V. AMOUNT OF REDUCTION

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<td>$338,800</td>
<td>$315,000</td>
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Eastchester School Approved
To be Bonded at a later date

TOTAL TOWN TAX REFUND………………………………………………..$ 32,841.15

On the roll call, all voted "AYE." Motion carried. Councilman Dooley was ABSENT.

**B) HIGHWAY DEPARTMENT REPORT** for October 2021 was received for filing.

**C) RECEIVER OF TAXES REPORT** for October 2021 was received for filing.

### VII. CORRESPONDENCE

**A) MEMORANDUM FROM COMPTROLLER RE: SEASONAL EMPLOYEES**

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the Seasonal Appointments as Recreation Assistant in the Recreation Department at a rate of $10.00 per hour; Ravi Bhatt, effective 12/4/21; Jenna LaBarca, effective 11/19/21; and Thomas Guarino, effective 12/4/21.

On the roll call, all voted "AYE." Motion carried. Councilman Dooley was ABSENT.

**B) MEMORANDUM FROM COMPTROLLER RE: POLICE OFFICERS UNION – MEMORANDUM OF AGREEMENTS**

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION to approve the PBA Memorandum of Agreement for the years 2020-2022.

The highlights of the agreements are as follows:
- Effective January 1, 2020 salary increase of 3%
- Effective January 1, 2021 salary increase of 3%
- Effective January 1, 2022 salary increase of 3%
- Approve the experimental work schedule effective January 1, 2022

Further, effective January 1, 2022, the parties will establish an experimental work schedule.

On the roll call, all voted "AYE." Motion carried. Councilman Dooley was ABSENT.

**C) MEMORANDUM FROM COMPTROLLER RE: POLICE LIEUTENANTS & CAPTAIN ASSOCIATION INC – MEMORANDUM OF AGREEMENTS**

Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson to approve a RESOLUTION to approve the Eastchester Lieutenants and Captains Association, Inc. Memorandum of Agreement for the years 2020-2023.

The highlights of the Agreement for the Police Union are as follows:
- Effective January 1, 2020 salary increase of 3%
- Effective January 1, 2021 salary increase of 3%
- Effective January 1, 2022 salary increase of 3%
- Effective January 1, 2023 salary increase of 3%
- Change health insurance waiver to twenty eight percent (28%) of monthly premium
- Eliminate Article X section 4, that pensions shall be paid on final year’s salary to the extent the Retirement and Social Security law
- Effective January 1, 2022, the base salary for all bargaining unit members shall be increased by $4,000.00. This increase shall be in recognition of the performance of additional duties and responsibilities of bargaining unit
members, including supervision of the Town’s Emergency Services Unit, oversight of Town Police Department information technology services, detective responsibilities, leading the patrol division, providing staff support services, training responsibilities and executive duties, and other duties and responsibilities as determined by the Chief of Police or the Town Supervisor.

On the roll call, all voted "AYE." Motion carried. Councilman Dooley was ABSENT.

**D) MEMORANDUM FROM COMPTROLLER RE: BUDGET TRANSFERS/REVIZIONS**

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve the following Budget Transfers and Budget Revisions:

**Transfers**

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<th>Amount</th>
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<td>Service Contracts</td>
<td>Building &amp; Maint. Materials &amp; Supplies</td>
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<td>Pools- P/T- Seasonal</td>
<td>Golf Maint.- Contractual Services</td>
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**Revisions**

Increase: Recreation Fees- General | $264,681.00
Increase: Rec. Misc, Events        | $252,252.00
Increase: Overtime-Carnival         | $12,429.00

On the roll call, all voted "AYE." Motion carried. Councilman Dooley was ABSENT.

**E) MEMORANDUM FROM LAKE ISLE GENERAL MANAGER RE: GOLF COURSE IRRIGATION RENOVATION – ARCHITECTURAL PLAN**

Supervisor Colavita reviewed a memo submitted by George Papademetriou, Lake Isle General Manager, in which he reviews the recommendation of Golf Course Consultant Steve Renzetti regarding the importance of renovating our already antiquated, inefficient and in disrepair irrigation system. Although we are all aware of the basic deficiencies in our existing system, we learned that we must strongly consider extensive improvements. These improvements are for the purpose of preventing potentially large breakdowns that can seriously impact turf conditions during hot and dry periods, tremendously improve watering times, offer the necessary and efficient watering coverage that is vital for turf health and to give optimal chemical results.
It is imperative for a golf course to have a quality irrigation system. With all of the wonderful improvements we have already made to the golf course, the time for this is now. In order for contractors to bid on this work, we must first have detailed plans drawn out along with specifications put together. Mr. Renzetti has recommended an engineering/surveying firm for a topographical map and property line tie-in and an architectural firm for a plan layout. Both of them are very well known, local in the tri-state area and very familiar with this field of work.

A preliminary timeline from Mr. Renzetti is as follows:
- Fall/Winter 2021- topographical map and property line tie-in
- Early Spring 2022- architectural design and bid specs
- Summer 2022- seek bids from contractors
- 2023- irrigation installation

Following this timeline is critical for the following reasons: the topographical map is best achieved with no leaves on trees and no snow on the ground. The design work in 2022 followed by the bidding process requires more than 6 months lead time, and at this time irrigation installation contractors are more than a year out from availability. Installation would be expected in 2023 for planning that would start now.

The preliminary financial commitment at this time is as follows:

1. Topographical map and property line tie-in
   Estimated Cost $20,000
   Insite Engineering, Surveying & Landscape Architecture, P.C.
   3 Garrett Place, Carmel, NY 10512

2. Architectural design and specifications
   Estimated Cost $38,000
   James Barrett Associates LLC
   Golf Course Irrigation Design and Consulting
   P.O. Box 155
   Roseland, NJ  07068

Once we would get into 2023 and work by an irrigation contractor is to commence, additional work by the architect in the amount of $21,000 would be for record drawing (actual installation mapping) and programming and $20,000 for staking and periodic field visits. Then an estimated amount of $25,000 would be for third party monitoring (Golf Course Consultant Steve Renzetti).

Aside from these costs, an amount of approximately $1,500,000 is estimated for this new irrigation system. Approval of contractors and contractual amounts in the 2023 installation phase would take place under separate request and only if a decision was made to proceed after receiving bids in the latter part of 2022.

Per a request from George Papademetriou, Lake Isle General Manager Councilman Marcoccia offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION authorizing the hiring of two firms as part of the Lake Isle Golf Course Irrigation Renovation Project; Insite Engineering, Surveying & Landscape Architecture, P.C. to prepare a topographical map and property line tie-in at the estimated cost of $20,000 and James Barrett Associates LLC for architectural design and specifications at an estimated cost of $38,000.

Funding for this project will have its own designation and appropriation as part of the 2022 Golf Course Irrigation Renovation Project.

On the roll call, all voted "AYE." Motion carried. Councilman Dooley was ABSENT.

F) MEMORANDUM FROM SUPERINTENDENT OF PARKS AND RECREATION RE: EISEP INFORMATION AND ASSISTANCE SERVICES CONTRACT

Per a request from Sally Veltidi, Superintendent of Parks and Recreation, Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson to approve a RESOLUTION for authorization of the EISEP Information and Assistance Services contract for the period from April 1, 2021 through December 31, 2021. The contract consists of an Agreement and Schedules “A”, “B”, “C”, “D” and “E”. Funding for the program will be in an aggregate amount not to exceed $36,981, comprised of $28,014 in EISEP State funds and $8,976 in County matching funds.

The contract is for Expanded In-Home Services for the Elderly Program. EISEP services include non-medical in-home services such as housekeeping, personal care, respite, case management, and related services (such as emergency
response systems). This service allows for our residents to stay in their homes and continue to live independently. This particular grant, the monies will be used to cover some of our Nutrition Center and Nutrition Clients Information and Assistance from 2020 (during COVID) through the end of this calendar year.

On the roll call, all voted "AYE." Motion carried. Councilman Dooley was ABSENT.

G) MEMORANDUM FROM THE POLICE CHIEF RE: STOP DWI CONTRACTS

Per a request from Police Chief Tim Bonci, Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION authorizing Supervisor Colavita to sign an inter-municipal contract with Westchester County STOP DWI Patrol Program.

The Agreement will enable the Police Department to participate in the STOP DWI Patrol/Datamaster Project from 1/1/2021 through 12/31/2025 and will provide reimbursement for project expenditures.

On the roll call, all voted "AYE." Motion carried. Councilman Dooley was ABSENT.

H) MEMORANDUM FROM THE SUPERVISOR RE: PUBLIC HEARING FOR THE 2022 BUDGET

Councilwoman Marcotte offered a motion that was seconded by Councilman Marcoccia to set a Public Hearing for the 2022 Budget for Tuesday, December 7, 2021 at 7:00 p.m.

On the roll call, all voted "AYE." Motion carried. Councilman Dooley was ABSENT.

VIII. MISCELLANEOUS BUSINESS - none

IX. COUNCIL MEMBER REPORTS

The Town Board each wished the public a Happy and Healthy Thanksgiving and added the following:

Councilman Marcoccia acknowledged the Veterans Day Ceremonies at Parkway Oval and Memorial Park and thanked our Veterans for their service.

Councilwoman Nicholson encouraged residents to visit the Recreation page of www.eastchester.org for the schedule of holiday events.

Councilwoman Marcotte reminded residents to shop local on Small Business Saturday on November 27th.

The Supervisor reported on a meeting with the owners of the Lord & Taylor property at which initial long-range plans were discussed. Currently the space is temporarily being used as general office space.

X. SECOND OPPORTUNITY TO ADDRESS THE BOARD

Kenneth Simonides expressed concern to the Town Board with regard to a FOI request that was submitted to the Eastchester Fire Department by Chief Bonci.

There being no further public business, the meeting was adjourned at 7:40 p.m.

Minutes prepared by:

Linda Laird
Town Clerk