

**TOWN OF EASTCHESTER
MINUTES OF THE TOWN BOARD
September 6, 2022**

Minutes of a Meeting of the Town Board of the Town of Eastchester held on Tuesday, September 6, 2022 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
Councilwoman Sheila Marcotte

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

IV. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

Note to the reader: During the First Opportunity to Address the Board, residents are asked to limit their comments to Agenda Items. Frequently, a clarification or general question concerning an Agenda Item is requested. To benefit the reader, the clarifications and additional information regarding a given Agenda Item will be included at the point when the Item is considered and discussed by the Town Board. All comments in favor or opposition to an Agenda Item will be included here.

V. APPROVAL OF MINUTES

Councilwoman Marcotte offered a motion that was seconded by Councilman Dooley to approve the Minutes of the August 16, 2022 Town Board Meeting.

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

VI. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

A) LAW DEPARTMENT REPORT

- 1. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER A 911 EMERGENCY INTERMUNICIPAL AGREEMENT (IMA) BETWEEN THE TOWN OF EASTCHESTER, THE VILLAGE OF BRONXVILLE AND THE VILLAGE OF TUCKAHOE PERTAINING TO 911 EMERGENCY ALERTING MANAGEMENT AND CONTACT BY RAVE WIRELESS, INC.**

Councilman Dooley offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION authorizing the Supervisor to execute and deliver a 911 Emergency Intermunicipal Agreement (IMA) between the Town of Eastchester, the Village of Bronxville and the Village of Tuckahoe pertaining to 911 Emergency Alerting Management and Contact, which will be provided for the Town by Rave Wireless, Inc.

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

- 2. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER AN AGREEMENT BETWEEN THE TOWN OF EASTCHESTER AND RAVE WIRELESS, INC. PROVIDING THE TOWN OF EASTCHESTER AND VILLAGES OF TUCKAHOE AND BRONXVILLE WITH 911 EMERGENCY ALERTING MANAGEMENT AND CONTACT**

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION authorizing the Supervisor to execute and deliver an agreement between the Town of Eastchester and Rave Wireless, Inc. pertaining to Rave Wireless, Inc. providing the Town of Eastchester and Villages of Tuckahoe and Bronxville with 911 Emergency

Alerting Management and Contact.

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

3. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER AN AMENDMENT TO A LEASE AGREEMENT BETWEEN THE TOWN OF EASTCHESTER AND EASTCHESTER FIRE DEPARTMENT FOR THE USE OF THE MARBLE SCHOOLHOUSE FROM SEPTEMBER 1, 2022 TO FEBRUARY 28, 2023

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approved a RESOLUTION authorizing the Supervisor to execute and deliver an amendment to a Lease Agreement made between the Town of Eastchester and Eastchester Fire Department for the use of the Marble Schoolhouse from September 1, 2022 to February 28, 2023.

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

4. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER AN AMENDMENT TO AN INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF EASTCHESTER AND THE EASTCHESTER UNION FREE SCHOOL DISTRICT PROVIDING FOR AN ADDITIONAL SCHOOL RESOURCE OFFICER AT THE EASTCHESTER SCHOOL DISTRICTS ELEMENTARY SCHOOLS

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approved a RESOLUTION authorizing the Supervisor to execute and deliver an amendment to an Intermunicipal Agreement between the Town of Eastchester and the Eastchester Union Free School District providing for an additional School Resource Officer for the physical security and safety at the Eastchester School Districts Elementary Schools.

Supervisor Colavita explained the additional SRO will spend time at each of the buildings; Wavery, Anne Hutchinson and Greenvale Schools. The Supervisor commended Chief Rodriguez and Lt. Rosenberg, as well as the Eastchester School Board, for their working relationship and support for the SRO program.

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

5. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CLAIM BY JOE STINEMAN

Councilman Marcoccia offered a motion that was seconded by Supervisor Colavita to approved a RESOLUTION authorizing the settlement of claim by Joe Stineman against the Town of Eastchester in the amount of \$921.80 for damages sustained to Mr. Stineman's vehicle on June 29, 2022.

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

6. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AN DELIVER AND AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE TOWN OF EASTCHESTER AND ISLAND TENNIS, L.P. D/B/A SPORTIME FOR OUTDOOR TENNIS AND PICKLEBALL AT LEEWOOD AND IN RETURN SPORTIME SHALL CONTRIBUTE TOWARDS THE RENOVATION AND RECONSTRUCTION OF SUCH COURTS

Councilman Marcoccia offered a motion that was seconded by Councilman Dooley to approved a RESOLUTION authorizing the Supervisor to execute and deliver an amendment to the License Agreement between the Town of Eastchester and Island Tennis, L.P. d/b/a Sportime which would allow Island Tennis, L.P. d/b/a Sportime to use and operate the outdoor tennis and pickleball facilities at Leewood Park and in return Sportime shall contribute one million (\$1,000,000.00) dollars towards the renovation and reconstruction of such courts.

Town Attorney Lou Reda explained the Town wishes to extend the original ten-year license period for both the indoor/outdoor tennis facilities at Lake Isle Park and for those certain operations and facilities at Leewood Park, once reconstructed/constructed, for an additional twenty years.

Councilman Marcoccia reported, in addition to a very successful tennis program, the financial benefit of the relationship with Sportime over the past ten years has totaled over \$3.6 million in licensing fees, with a minimum of \$16 million in fees to be received over the life of the License. Mr. Marcoccia reported the 'tennis community' is very happy with the program and supports the plans for future.

Supervisor Colavita explained that Sportime will not have exclusive use of the Leewood Tennis and Pickleball Courts and reported they will provide staff, at their expense, to open, monitor and close the Leewood Park Courts.

In addition to the renovation of the tennis courts and the installation of pickleball courts, the Supervisor explained a new playground will be built in an area adjacent to an enlarged parking lot. Plans include a new "youth-size" baseball field, installation of a new fence, sidewalk/walkway and lighting. Attention to the basketball courts, as well as improvements to drainage is planned.

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

7. INTRODUCTION OF A LOCAL LAW PROVIDING FOR THE AMENDMENT OF LOCAL LAW NO. 11-1985 AND LOCAL LAW NO. 1 – 2018 OF THE TOWN OF EASTCHESTER KNOWN AS THE TOWN OF EASTCHESTER THE VETERAN'S EXEMPTION REDUCTION OF MAXIMUM EXEMPTION WITHIN THE TOWN OF EASTCHESTER AND TO SET A DATE FOR A PUBLIC HEARING

Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson to approved the **INTRODUCTION** of a Local Law providing for the Amendment of Local Law No. 11 – 1985 and Local Law No. 1 - 2018 of the Town of Eastchester known as "The Town of Eastchester the Veterans Exemption Reduction of Maximum Exemption within The Town of Eastchester" and to set a date for a public hearing for September 20, 2022 at 8:00 p.m.

Supervisor Colavita explained the purpose of the Local Law is to increase the Veterans Exemption.

LOCAL LAW NO. 2– 2022 A LOCAL LAW PROVIDING FOR THE AMENDMENT OF LOCAL LAW NO. 11 – 1985 ADOPTED ON NOVEMBER 20, 1985 AND LOCAL LAW NO 1-2018 ADOPTED ON JANUARY 16, 2018 KNOWN AS THE TOWN OF EASTCHESTER THE VETERANS EXEMPTION REDUCTION OF MAXIMUM EXEMPTION WITHIN THE UNINCORPORATED TOWN OF EASTCHESTER

Be it enacted by the TOWN BOARD of the Town of Eastchester as follows:

Section 1.

The purpose of this law is to amend the maximum Veterans exemption allowable pursuant to Section 458 of the Real Property Tax Law of the State of New York.

Section 2.

(a) Purpose. The purpose of this Article is to grant Veterans and Cold War Veterans who meet the requirements set forth in Section 458-a and b of the New York Real Property Tax Law a real property tax exemption.

(b) Definitions. As used in this Article:

1. Qualified Veterans and "Cold War Veteran" means a person, male or female, who served on active duty in the United States armed forces during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, was discharged or released therefrom under honorable conditions and satisfies any other requirements set forth in 458(a) and Section 458-b(1)(a) of the New York State Real Property Tax Law.
2. "Armed forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard.
3. "Active Duty" means full-time duty in the United States armed forces, other than active duty for training.
4. "Service connected" means with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from disability incurred or aggravated, in line of duty on active military, naval or air service during the period 9/2/45-12/26/91.
5. "Qualified owner" means a Cold War Veteran, the spouse of a Cold War Veteran, or the unremarried surviving spouse of a deceased Cold War Veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a Veteran is also the unremarried surviving spouse of a Veteran, such person may also receive

any exemption to which the deceased spouse was entitled.

6. "Qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to full taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War Veteran, of or the unremarried surviving spouse of a Cold War Veteran; unless the Cold War or unremarried surviving spouse is absent from the property due to medical reasons or institutionalized subject to such time limitations, if any, as are set forth in Section 458-b (1)(f) of the New York State Real Property Tax Law.
7. "Latest state equalization rate" means the latest final equalization rate established by the New York State Board of Real Property Tax Services pursuant to Article twelve (12) of the New York State Real Property Tax Law for use in a special assessing unit as defined in Section 1801 of the New York State Real Property Tax Law.
8. "Latest class ratio" means the latest final class ratio established by the New York State Board of Real Property Tax Services pursuant to Title One of Article XII of the New York State Real Property Tax Law.

Section 3.

Pursuant to the provisions of subdivision 2 (d) of Section 458-a of the Real Property Tax Law of the State of New York, the maximum Veterans exemption from real property taxes allowable pursuant to Section 458-a and Section 458-b of the Real Property Tax Law is established as follows:

- (a) Qualifying residential real property shall be exempt from taxation to the extent of fifteen (15%) percent of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of Seventy-Five Thousand Dollars (\$75,000) or the product of Seventy-Five Thousand Dollars (\$75,000) multiplied by the latest state equalization rate for the Town of Eastchester.
- (b) In addition to the exemption provided by Subsection A of this section, where the Veterans served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, or the armed force expeditionary medal, Navy expeditionary medal, Marine Corps expeditionary medal, or global war on terrorism expeditionary medal, qualifying residential real property, as defined in New York State Real Property Tax Law §458-a, shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed \$50,000 or the product of \$50,000 multiplied by the latest equalization rate for the Town of Eastchester.
- (c) In addition to the exemptions provided by paragraphs (a) and (b) of this subdivision, where the Veteran received a compensation rating from the United States Veteran's Administration because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by fifty (50%) percent of the Veteran's disability rating; provided, however, that such exemption shall not exceed the lesser of Two Hundred and Fifty Thousand Dollars (\$250,000) or the product of Two Hundred and Fifty Thousand Dollars (\$250,000) multiplied by the latest state equalization rate for the Town of Eastchester. For purposes of this subsection, where a person who served in the active military, naval or air service during a period of war, died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.
- (d) If a Cold War Veteran receives either a Veteran's exemption under Article I of this Chapter, authorized by Section 458 of the Real Property Tax Law, or an alternative Veteran's exemption under Article II of this Chapter, authorized by Section 458-a of the Real Property Tax Law, the Cold War Veteran shall not be eligible to receive an exemption under this Article.

Section 4

Application for Exemption. Application for the exemption set forth in this Article shall be prescribed by the New York Board of Real Property Tax Services. The owner or owners shall file the completed form in their local Assessor's

office. The property owner shall be required to refile at such times and under such circumstances as may be set forth in Section 458-b(4) of the New York State Real Property Tax Law. Any applicant convicted of willfully making any false statement in the application for such exemption shall be subject to the penalties prescribed in the New York State Penal Law.

Section 5

If any section or subdivision, paragraph, clause or phrase of this Law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgement made thereby shall not affect the validity of this Law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 6

This local law shall take effect immediately upon its filing with the Secretary of State and shall apply to Assessment Rolls based on taxable status dates occurring on or after such date.

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

8. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CERTIORARI PROCEEDING BY 127 GARTH ROAD TENANTS CORP. – 127 GARTH ROAD, EASTCHESTER, NY

Councilman Marcoccia offered a motion that was seconded by Supervisor Colavita to approved a RESOLUTION authorizing the settlement of a certiorari proceeding instituted by 127 Garth Road Tenants Corp, affecting premises known as Section 49.A, Block 2, Lot 2; 127 Garth Road, Eastchester, NY as follows:

ASSESSMENT YEAR	TAX YEAR	ASSESSED VALUATION	PROPOSED SETTLEMENT A.V.	AMOUNT OF REDUCTION
2017	2018	\$ 95,000	\$ 95,000	0
2018	2019	\$ 95,000	\$ 92,625	\$ 2,375
2019	2020	\$ 95,000	\$ 92,625	\$ 2,375
2020	2021	\$ 95,000	\$ 82,650	\$ 12,350
2021	2022	\$ 95,000	\$ 80,750	\$ 14,250

Eastchester School Approved
 To Be Bonded at a Later Date
 TOTAL TOWN TAX REFUND INCLUDING GARTH ROAD PARKING DISTRICT.....\$ 12,447.75

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

9. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CERTIORARI PROCEEDING BY 142 GARTH ROAD – 142 GARTH ROAD, EASTCHESTER, NY

Councilman Marcoccia offered a motion that was seconded by Supervisor Colavita to approved a RESOLUTION authorizing the settlement of a certiorari proceeding instituted by 142 Garth Road, affecting premises known as Section 49.A, Block 1, Lot 1; 142 Garth Road, Eastchester, NY as follows:

ASSESSMENT YEAR	TAX YEAR	ASSESSED VALUATION	PROPOSED SETTLEMENT A.V.	AMOUNT OF REDUCTION
2016	2017	\$ 303,400	\$ 285,000	\$ 18,400
2017	2018	\$ 303,400	\$ 285,400	\$ 18,000
2018	2019	\$ 303,400	\$ 285,200	\$ 18,200
2019	2020	\$ 303,400	\$ 286,050	\$ 17,350
2020	2021	\$ 303,400	\$ 261,150	\$ 42,250
2021	2022	\$ 303,400	\$ 257,900	\$ 45,500

Eastchester School Approved
 To Be Bonded at a Later Date
 TOTAL TOWN TAX REFUND INCLUDING GARTH ROAD PARKING DISTRICT.....\$ 62,594.48

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

VII. CORRESPONDENCE

A) MEMORANDUM FROM COMPTROLLER RE: SEASONAL EMPLOYEE

Per a request from Comptroller Dawn Donovan, Supervisor Colavita offered a motion that was seconded by Councilman

Marcoccia to approved the Seasonal Appointment of Adem Ozkurt as a Recreation Attendant, effective 8/16/22, at \$11.00 per hour at Lake Isle.

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

B) MEMORANDUM FROM COMPTROLLER RE: DESIGNATED DEPOSITORIES/AUTHORIZED SIGNATURES

Per a request from Comptroller Donovan, Supervisor Colavita offered a motion that was seconded by Councilman Dooley to authorize the Town Supervisor, Town Comptroller and Junior Accountant as Authorized Signatures and to approve the following banks to be authorized financial institutions for the Town of Eastchester for 2022:

JP Morgan Chase	360 White Plains Road, Eastchester, NY 10709 676 White Plains Road, Scarsdale, NY 10583
NY CLASS	777 Westchester Ave. White Plains, NY 10604
M & T	111 Kraft Avenue, Bronxville, NY 10708
TD Bank	3020 Westchester Ave., Purchase, NY 10577
Signature Bank	360 Hamilton Ave, White Plains, NY 10601

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

C) MEMORANDUM FROM COMPTROLLER RE: UPDATE INVESTMENT POLICY

Per a request from Comptroller Donovan, Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION to amend the Investment Policy of the Town of Eastchester to include the updated list of authorized banks.

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

D) MEMORANDUM FROM LIBRARY DIRECTOR RE: PERMISSION TO REJECT AND RE-BID WATER REMEDIATION PROJECT - EASTCHESTER PUBLIC LIBRARY

Supervisor Colavita reviewed a memo submitted by Library Director, Tracy Wright, in which she reports on June 13, 2022 the Eastchester Public Library sent out bids for the Water Remediation Project. One bid was received and opened on July 6, 2022 from Suburban Contracting; however, they did not possess the necessary insurance as stated in the bond package.

Per the recommendation and request of Tracy Wright, Library Director, Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson to approve a RESOLUTION authorizing the Eastchester Public Library to reject the bid for the Water Remediation Project at the Eastchester Public Library and further to authorize the Eastchester Public Library to go out to re-bid for the Water Remediation Project at the Eastchester Public Library.

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

VIII. MISCELLANEOUS BUSINESS

IX. COUNCIL MEMBER REPORTS

Councilman Marcoccia's report on the Tennis Program and extension of the Sportime Agreement is included with the Law Department Agenda Item 6 above. Further, Mr. Marcoccia reminded residents to drive cautiously now that "School is Open."

Councilman Dooley announced the Eastchester Cup Scholarship Golf Outing between the Eastchester Italian American Club and the Eastchester-Irish American Social Club will be held on October 3, 2022.

In closing, Mr. Dooley commended the Recreation Department Staff and the Lake Isle Staff for a successful summer season of programs and events.

Councilwoman Nicholson reported Library staff is providing 'curb side pick-up' while the elevator remains out of order. Patrons can call 793-5055 to make a pick-up arrangement. The Library remains a hub of activity and events. Mrs. Nicholson announced the Friends of the Library are seeking members and volunteers.

Councilwoman Marcotte made two 'save the date' announcements for the Eastchester Historical Society; on September 24th *'An Evening with Mark Twain'* will be held at the Leroy Gregory Post and the Annual Yard Sale will be held on Sunday, September 25th from 10 a.m. to 4 p.m. An 'appraiser' will be on site from 10-3 providing verbal appraisals of household items (no coins or stamps) for a suggested donation of \$10.

Additionally, Mrs. Marcotte announced the Recreation Department is currently updating their webpage with programming for fall and winter; including, Toddler Programs, Teen Scene EIBL and the Columbus Day Carnival.

Supervisor Colavita announced Moody's Investors Services reaffirmed the Town of Eastchester bond rating of Aaa. This rating applies to the new bond issue and any outstanding debt the Town currently has. Moody's has concurrently assigned a stable outlook. The Aaa rating reflects the town's strong financial position benefiting from conservative budgeting and strong operational oversight and the stable outlook reflects expectations of continued strong operations given the Town of Eastchester's prudent management.

In closing, the Supervisor invited the public to attend the annual September 11th Memorial Ceremony on the grounds of Town Hall on Sunday, September 11th at 8:30 a.m. Beams of light, representing the Twin Towers, will emanate from Town Hall on the nights of September 9th – 11th.

XI. SECOND OPPORTUNITY TO ADDRESS THE BOARD

David Levy congratulated the Town Board on their efforts to maintain the Aaa bond rating. Further, Mr. Levy advocated for additional sewer maintenance and expressed privacy concerns in light of the installation of traffic cameras by the Westchester County Police.

There being no further public business, the meeting was adjourned at 9:10 p.m.

Minutes prepared by;

Linda Laird
Town Clerk