

**MINUTES OF THE REGULAR TOWN BOARD MEETING
October 17, 2023**

Minutes of a Meeting of the Town Board of the Town of Eastchester held on Tuesday, October 17, 2023 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
Deputy Town Attorney Robert Tudisco
Comptroller Dawn Donovan

IV. PUBLIC HEARING

A) PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW 5-2023 TO AMEND LOCAL LAW 3-2000 OF THE VEHICLE AND TRAFFIC CODE FOR THE TOWN OF EASTCHESTER – A NEW SECTION 2-12 WILL BE ADDED TO ARTICLE II TO PROHIBIT UNLAWFUL SPEED CONTEST WITHIN THE TOWN OF EASTCHESTER

The text of LOCAL LAW NO. 5- 2023 is as follows:

Be it enacted by the Town Board of the Town of Eastchester as follows:

Section 1: Title.

A Local Law amending Local Law 3-2000 (filed with the NYSDOS August 23, 2000) as it has subsequently been amended the –Vehicles and Traffic Code of the Town of Eastchester, New York (hereinafter the “Town V&T Law”)-- to prohibit Unlawful Speed Contest.

Section 2. Amendment to add a new Section 2-12 to Article II (Traffic Regulations) of the Town V&T Law.

A new Section 2-12 is hereby added to Article II (Traffic Regulations) of the Town V&T Law to provide in its entirety as follows:

“2-12 “Unlawful Speed Contest.” (a) No person shall participate in an Unlawful Speed Contest in or upon any public street, highway, or place within the Town of Eastchester. An “Unlawful Speed Contest” is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course from the same point to the same point wherein timing is made of the participating vehicles involving competitive accelerations or speeds. The operation of two or more vehicles side by side, either at speeds in excess of permitted speeds on any public street, highway, or place within the Town or rapidly accelerating from a common starting point to a speed in excess of such permitted speeds, shall be prima facie evidence of an Unlawful Speed Contest.

(b) Notwithstanding anything to the contrary in the Town V&T Law, a violation of any of the provisions of this section shall be punishable by a fine of not less than one thousand dollars nor more than five thousand dollars.

Section 3. Severability.

If any word, clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be limited in its application to the word, clause, sentence, paragraph, subdivision or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Superseding Other Laws.

All ordinances or parts of ordinances or local laws or parts of local laws which conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect, pursuant to Article 2, Section 10 of the New York State Municipal Home Rule Law.

Section 5. Authority.

This Local Law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, New York Vehicle and Traffic Law §1660(a)(6)(i) the relevant provisions of the New York Town Law, the laws of the Town of Eastchester and the general police power vested with the Town of Eastchester to promote the health, safety and welfare of all residents and property owners in the Town.

Section 6. When Effective.

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

Councilwoman Marcotte offered a motion that was seconded by Councilman Dooley to Open the Public Hearing.

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

County Legislator James Nolan spoke in support of the Local Law and stated that it will reduce the number of 'drag races' on the streets in town. Mr. Nolan explained he lost a brother to drag racing and has worked with other communities to pass similar laws over the years.

There being no further public comment, Councilman Marcocchia offered a motion that was seconded by Supervisor Colavita to Close the Public Hearing.

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

Councilman Dooley offered a motion that was seconded by Councilwoman Marcotte to Adopt Local Law 5-2023.

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

B) PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW 6-2023 TO AMEND LOCAL LAW 3-2000 OF THE VEHICLE AND TRAFFIC CODE FOR THE TOWN OF EASTCHESTER – A NEW ARTICLE IX TO BE TITLED FORFEITURE OF VEHICLES IN CONNECTION WITH UNLAWFUL SPEED CONTESTS LAW WITHIN THE TOWN OF EASTCHESTER

The text of LOCAL LAW NO. 6-2023 is as follows:

Be it enacted by the Town Board of the Town of Eastchester as follows:

Section 1: Title.

A Local Law amending Local Law 3-2000 (filed with the NYSDOS August 23, 2000) as it has subsequently been amended the –Vehicles and Traffic Code of the Town of Eastchester, New York (hereinafter the "Town V&T Law")-- to prohibit Unlawful Speed Contest.

Section 2. Amendment to add a new Section 2-12 to Article II (Traffic Regulations) of the Town V&T Law.

A new Section 2-12 is hereby added to Article II (Traffic Regulations) of the Town V&T Law to provide in its entirety as follows:

"2-12 "Unlawful Speed Contest." (a) No person shall participate in an Unlawful Speed Contest in or upon any public street, highway, or place within the Town of Eastchester. An "Unlawful Speed Contest" is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course from the same point to the same point wherein timing is made of the participating vehicles involving competitive accelerations or speeds. The operation of two or more vehicles side by side, either at speeds in excess of permitted speeds on any public street, highway, or place within the Town or rapidly accelerating from a common starting point to a speed in excess of such permitted speeds, shall be prima facie evidence of an Unlawful Speed Contest.

(b) Notwithstanding anything to the contrary in the Town V&T Law, a violation of any of the provisions of this section shall be punishable by a fine of not less than one thousand dollars nor more than five thousand dollars.

Section 3. Severability.

If any word, clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be limited in its application to the word, clause, sentence, paragraph, subdivision or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Superseding Other Laws.

All ordinances or parts of ordinances or local laws or parts of local laws which conflict with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect, pursuant to Article 2, Section 10 of the New York State Municipal Home Rule Law.

Section 5. Authority.

This Local Law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, New York Vehicle and Traffic Law §1660(a)(6)(i) the relevant provisions of the New York Town Law, the laws of the Town of Eastchester and the general police power vested with the Town of Eastchester to promote the health, safety and welfare of all residents and property owners in the Town.

Section 6. When Effective.

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

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to Open the Public Hearing.

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

There being no public comment, Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson to Close the Public Hearing.

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

Councilwoman Marcotte offered a motion that was seconded by Councilman Dooley to Adopt Local Law 6-2023.

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

V. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS -none

VI. APPOINTMENTS

A) HIGHWAY DEPARTMENT – MOTOR EQUIPMENT OPERATORS

Councilman Dooley offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION appointing Vincent Petruccelli to the full-time position of Motor Equipment Operator Group F, Step 4 (\$71,715) effective October 27, 2023.

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

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION appointing Daniel DiLeo to the full-time position of Motor Equipment Operator Group F, Step 6 Sch. 2 (\$71,715) effective October 27, 2023.

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

B) HIGHWAY DEPARTMENT – LABORERS

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION appointing

Michael Pizzuti to the full-time position of Laborer - Group E, Step 2-Sch. 3 (\$52,560) effective October 27, 2023.

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

Councilman Dooley offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION appointing Eric Maiello to the full-time position of Laborer - Group E, Step 2-Sch. 3 (\$52,560) effective October 27, 2023.

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

Councilman Dooley offered a motion that was seconded by Councilwoman Nicholson to approve a RESOLUTION appointing Michael Shahin to the full-time position of Laborer - Group E, Step 2-Sch. 3 (\$52,560) effective October 27, 2023.

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

Councilwoman Marcotte offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION appointing Joseph Mercorella to the full-time position of Laborer - Group E, Step 2-Sch. 3 (\$52,560) effective October 27, 2023.

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

VII. APPROVAL OF MINUTES

Councilman Marcoccia offered a motion that was seconded by Councilman Dooley to approve the Minutes of the October 3, 2023 Town Board Meeting as prepared by Town Clerk Linda Laird.

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

VIII. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

A) POLICE DEPARTMENT REPORT

The Board reviewed and approved for filing the following reports for September 2023; Parking Summonses, Citation Activity Report, Statement of Accounts and the Traffic Report.

Police Chief Rodriguez reported on training within the Police Department and warned residents of several "scams" that were recently reported including phone scams, door-to-door scams and pick pocketing in our supermarkets.

B) LAW DEPARTMENT REPORT

1. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER A CONTRACT BETWEEN THE TOWN OF EASTCHESTER AND SPORT TECH CONSTRUCTION CORP. FOR THE RENOVATION AND CONSTRUCTION OF THE TENNIS COURTS AT LEEWOOD PARK

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION authorizing the Supervisor to execute and deliver a contract made between the Town of Eastchester and Sport Tech Construction Corp. for the renovation and construction of the Tennis Courts at Leewood Park.

The Supervisor explained that this, the first component of the Leewood Park Renovation Project, would include the resurfacing of the tennis courts and replacement of the fence. The bid process was not required as the work will be completed 'off the State Contract.'

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

2. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CERTIORARI PROCEEDING BY 231 MAIN PROPERTIES, LLC – 231 MAIN STREET, EASTCHESTER, 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 231 Main Properties, LLC, affecting premises known as Section 69, Block 5, Lot 12; 231 Main Street, Eastchester, NY as follows:

ASSESSMENT YEAR	TAX YEAR	ASSESSED VALUATION	PROPOSED SETTLEMENT A.V.	AMOUNT OF REDUCTION
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2018	2019	\$ 17,250	\$ 15,255	\$ 1,995
2019	2020	\$ 17,250	\$ 14,985	\$ 2,265
2020	2021	\$ 17,250	\$ 12,460	\$ 4,790
2021	2022	\$ 17,250	\$ 12,750	\$ 4,500
2022	2023	\$ 17,250	\$ 14,955	\$ 2,295

Eastchester School Approved
TOTAL TOWN TAX REFUND.....\$ 5,603.49

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

- C) HIGHWAY DEPARTMENT REPORT** for September 2023 was received for filing.
- D) RECEIVER OF TAXES REPORT** for October 2023 was received for filing.
- E) TOWN CLERK'S REPORT** for September 2023 was received for filing.

IX. CORRESPONDENCE

A) MEMORANDUM FROM COMPTROLLER RE: PART TIME EMPLOYEE

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve the Part-Time Appointment of Laura Farrell as Recreation Attendant in the Recreation Department at the hourly rate of \$28, effective 10/11/2023.

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

B) MEMORANDUM FROM LIBRARY DIRECTOR RE: ACCEPTANCE OF BID FOR ELEVATOR REPLACEMENT PROJECT AT THE EASTCHESTER PUBLIC LIBRARY

Supervisor Colavita reviewed a memo submitted by Tracy Wright, Director of the Eastchester Library, in which she states three bids for the Elevator Replacement Project at the Eastchester Library were received and opened Tuesday, September 7, 2023 in the Town's Clerk's Office. Two of the three bids were incomplete and therefore disqualified. The remaining bid, in the amount of \$526,620, was received by Suburban Construction Company.

The Eastchester Public Library Board of Trustees voted on Tuesday, October 11, 2023 to approve the use of \$489,239 from the Library Fund Balance to finance the project. The remainder of the project cost will be funded by a New York State Construction Grant.

Per a request from Tracy Wright, Director of the Eastchester Library, Councilwoman Nicholson offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION awarding the Eastchester Public Library Elevator Replacement Contract to Suburban Construction for the total bid amount of \$526,620.

X. MISCELLANEOUS BUSINESS

Due to the fact that Election Day falls on Tuesday, November 7, 2023, Councilwoman Marcotte offered a motion that was seconded by Supervisor Colavita to approve a change in the date of the November 7, 2023 Town Board Meeting to Wednesday, November 8, 2023.

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

XI. COUNCIL MEMBER REPORTS

Councilman Marcoccia announced the Eastchester Environmental Committee will sponsor a EV Car Show on October 21st at the Library from 10 am to noon.

Councilman Dooley has no report.

Councilwoman Nicholson announced upcoming events at the Eastchester Library.

Councilwoman Marcotte congratulated the Columbus Day Carnival organizers for creating the community event and thanked Law Enforcement for their participation in ensuring the safety of thousands of participants.

Supervisor Colavita had no report.

XII. SECOND OPPORTUNITY TO ADDRESS THE BOARD

County Legislator James Nolan reported he has requested funds be budgeted for the installation of defibrillators at County Parks and for the purchase of pumps to assist with flood mitigation of the Bronx and Hutchinson Rivers.

Councilwoman Marcotte suggested the County purchase dredging equipment to maintain the waterways as well as to provide to municipalities via shared service agreements.

Michael Mclaughlin thanked the town for the recent response to the flooding issues being experienced by residents in the "Crawford Drainage Basin." During the past week member of the Town Board and Highway Department have been on site. The sewer lines on Crawford Road have been flushed and cleaned. Further, the Village of Bronxville Department of Public Works uncovered an abandoned catch basin in the wooded area and have been working to support the drainage issues. In addition, Supervisor Colavita reported town officials have walked Siwanoy Golf Course to determine opportunities for redirected stormwater. Mr. Mclaughlin expressed concern that the Village of Tuckahoe is not participating in efforts to find a solution to the flooding, stating the route to the Tuckahoe Schools runs through the area that floods.

Keith Owen thanked the Highway Department for cleaning the catch basins in the area of Lispenard Avenue and Hewitt Avenue and discussed the need to regrade the street. Supervisor Colavita indicated he would review with Rocco Latella, Superintendent of Highways, and coordinate relative to ongoing work being done in the area by Con-Edison.

There being no further public business, the meeting was adjourned at 8:45 p.m.

Minutes prepared by:

Linda Laird
Town Clerk