TOWN OF EASTCHESTER
MINUTES OF THE TOWN BOARD
August 12, 2025

Minutes of a Meeting of the Town Board of the Town of Eastchester held on Tuesday, August 12, 2025 at 7:30 p.m., at the Town Hall, 40 Mill Road, Eastchester, New York.

I. CALL TO ORDER

Supervisor Colavita called the Meeting to Order and lead the Pledge of Allegiance.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Present:	Supervisor Anthony Colavita Councilman Luigi Marcoccia Councilwoman Sheila Marcotte Councilwoman Theresa Nicholson Councilman Anthony Giacobbe
Also Present:	Town Clerk Joseph Dooley Town Attorney Louis Reda Police Chief Joe Rodriguez Superintendent of Highways Rocco Latella

IV. PUBLIC HEARING –

A) PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW, 2-2025 FOR A TRAFFIC CONTROL PHOTO VIOLATION MONITORING SYSTEM WHICH WILL ENABLE THE TOWN OF EASTCHESTER TO USE PHOTO VIOLATION MONITORING EQUIPMENT ON SCHOOL BUSES

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to Open the Public Hearing. The Public Hearing Notice Affidavit of Publication was received.

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

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

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

Councilwoman Marcotte offered a motion that was seconded by Supervisor Colavita to approve a RESOLUTION to Adopt Local Law 2- 2025.

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

A copy of the Local Law is attached.

V. OPPORTUNITY TO ADDRESS THE BOARD ON SPECIFIC AGENDA ITEMS – None

Supervisor Colavita then introduced Co-President of the Eastchester Historical Society Lissa Halen. Lissa Halen wanted to thank the Town Board, Supervisor Colavita, Sheila Marcotte, and the Town's entire maintenance team for all of their help and support at the Open House that the Eastchester Historical Society held at the Marble School House recently where they dedicated a plaque in honor of Michael Fix. She mentioned that Michael Fix was one of the most philanthropic and giving person in this community

and he will be missed. She went on to say that now, when anyone visits the Historical Society, he will be remembered. She also highlighted the work that Sheila Marcotte and Jack Flannery coordinated with the Boy Scouts on the Eagle Scout Project that completed some necessary maintenance work to the property. She then highlighted that fact that the Town is responsible for ongoing maintenance to the property and that the Historical Society takes care of all of the other expenses. It also relies on volunteers to help out as needed. Lissa Halen also mentioned that they are in the process of planning for their Annual Dinner and mentioned that the Historical Society has and will continue to participate in activities throughout Westchester Country related to the 250th Anniversary to the American Revolution ("RW250"). She suggested that everyone visit Westchester County's web-site (www.rw250.org) for a full list of ongoing activities and events commemorating the American Revolution. She highlighted that at the end of June, they had three Historical Society Board Members participate in several different reenactments of women in the American Revolution. She then mentioned that they will probably do a version of this at their Annual Dinner, which will held be on September 20, 2025. She then asked the Supervisor if he or the Town Board had any thoughts on doing some joint activities together which related to the 250th Anniversary. Supervisor Colavita suggested getting together with the Veterans chapters in Town as they have already started to come up with ideas on what they would like to do. He then referenced a parade that was held in Town back in 1976.

VI. APPOINTMENTS –

- **SIGN REVIEW BOARD**

Councilman Giacobbe offered a motion that was seconded by Supervisor Colavita to approve the reappointment of Adam Beltran, to the Sign Review Board effective August 13, 2025 – August 12, 2027.

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

VII. APPROVAL OF MINUTES -

A) APPROVAL OF MINUTES OF THE JULY 8, 2025 TOWN BOARD MEETING

Councilwoman Marcotte offered a motion that was seconded by Councilman Marcoccia to approve the Minutes of the July 8, 2025 Town Board Meeting as prepared by Town Clerk Joseph Dooley

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

VIII. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS –

A) POLICE DEPARTMENT REPORT the Board received for filing the following report for July of 2025:

- Summary Report of V&T Violations, Parking Summonses, Ordinance Summonses, Arrests, Accidents, Medical Aided Cases and Calls for Service
- The Detectives Report
- Statement of Accounts

Police Chief Joe Rodriguez wanted to thank everyone who participated and showed up for this year's "National Night Out" event that was held on Tuesday August 5th at the Main Street Park in Tuckahoe. This year's event included the Scarsdale Police Department in addition to the Police Departments of Eastchester, Bronxville, and Tuckahoe. The Chief mentioned that this year, there were police canine dogs, a golf simulator, ice cream, etc. He wanted to thank Legislator James Nolan, from Westchester County, who obtained a $4,000 grant for these activities. He also wanted to thank Franco Battista and the Eastchester Parks and Recreation Team for all their help. He concluded that the new venue added to the events success and it will be the site going forward.

B) LAW DEPARTMENT REPORT –

1. **RESOLUTION AUTHORIZING THE SUPERVISOR OF THE TOWN OF EASTCHESTER TO EXECUTE THE INTERMUNICIPAL AGREEMENT WITH THE VILLAGE OF BRONXVILLE, VILLAGE OF TUCKAHOE, AND THE EASTCHESTER AND TUCKAHOE UNION FREE SCHOOL DISTRICT WITH RESPECT TO THE STREET RESURFACING CONTRACT.**

Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson to approve a RESOLUTION authorizing the Supervisor of the Town of Eastchester to execute the Intermunicipal Agreement with the Village of Bronxville, Village of Tuckahoe, and the Eastchester and Tuckahoe Union Free School District with respect to the Street Resurfacing contract.

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

2. **RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER AN INTERMUNICIPAL AGREEMENT (IMA) BETWEEN THE TOWN OF EASTCHESTER AND THE EASTCHESTER UNION FREE SCHOOL DISTRICT WHEREBY THE TOWN OF EASTCHESTER WILL PROVIDE THE EASTCHESTER UNION FREE SCHOOL DISTRICT WITH SCHOOL RESOURCE OFFICERS FOR THE PHYSICAL SECURITY AND SAFETY AT THE EASTCHESTER MIDDLE SCHOOL/HIGH SCHOOL, ANNE HUTCHINSON ELEMENTARY SCHOOL, GREENVALE ELEMENTARY SCHOOL AND WAVERLY EARLY CHILDHOOD CENTER.**

Councilwoman Nicholson offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION authorizing the Supervisor to execute and deliver an Intermunicipal Agreement (IMA) between the Town of Eastchester and the Eastchester Union Free School District whereby the Town of Eastchester will provide the Eastchester Union Free School District with School Resource Officers for the physical security and safety at The Eastchester Middle School/High School, Anne Hutchinson Elementary School, Greenvale Elementary School and Waverly Early Childhood Center.

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

3. **RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER AN INTERMUNICIPAL AGREEMENT (IMA) BETWEEN THE TOWN OF EASTCHESTER AND THE TUCKAHOE UNION FREE SCHOOL DISTRICT WHEREBY THE TOWN OF EASTCHESTER WILL PROVIDE THE TUCKAHOE UNION FREE SCHOOL DISTRICT WITH A SCHOOL RESOURCE OFFICER FOR THE PHYSICAL SECURITY AND SAFETY AT THE TUCKAHOE MIDDLE SCHOOL/HIGH SCHOOL AND THE COTTLE ELEMENTARY SCHOOL.**

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION authorizing the Supervisor to execute and deliver an Intermunicipal Agreement (IMA) between the Town of Eastchester and the Tuckahoe Union Free School District whereby the Town of Eastchester will provide the Tuckahoe Union Free School District with a School Resource Officer for the physical security and safety at The Tuckahoe Middle School/High School and The Cottle Elementary School.

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

4. **RESOLUTION AUTHORIZING THE SUPERVISOR TO CONTINUE A MUTUAL AID AND RAPID RESPONSE INTER-MUNICIPAL AGREEMENT (IMA) BETWEEN THE TOWN OF EASTCHESTER AND THE WESTCHESTER COUNTY DEPARTMENT OF PUBLIC SAFETY PERTAINING TO THE MUTUAL AID AND RAPID RESPONSE PLAN FOR THE POLICE DEPARTMENTS OF WESTCHESTER COUNTY, NEW YORK**

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION authorizing the Supervisor to continue a Mutual Aid and Rapid Response Inter-Municipal Agreement (IMA) between the Town of Eastchester and the Westchester County Department of Public Safety pertaining to the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York.

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

5. **RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER AN AGREEMENT OF LEASE BETWEEN GARTH WOODS OWNERS CORP. AND THE TOWN OF EASTCHESTER FOR THE USE BY THE TOWN'S SENIOR PROGRAMS & SERVICES OF THE COMMUNITY ROOM LOCATED AT GARTH WOODS, 235 GARTH ROAD, FOR A PERIOD OF ONE YEAR COMMENCING SEPTEMBER 1, 2025 THROUGH JUNE 30, 2026.**

Supervisor Colavita offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION authorizing the Supervisor to execute and deliver an agreement of Lease between Garth Woods Owners Corp. and the Town of Eastchester for the use by the Town's Senior Programs & Services of the Community Room located at Garth Woods, 235 Garth Road, for a period of one year commencing September 1, 2025 through June 30, 2026.

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

6. **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 WITH 911 EMERGENCY ALERTING MANAGEMENT AND CONTACT.**

Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson 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 with 911 Emergency Alerting Management and Contact.

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

7. **RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER A CONTRACT MADE BETWEEN THE TOWN OF EASTCHESTER AND ABSOLUTE AUCTIONS & REALTY, INC. FOR THE SALE OF GOVERNMENT ASSETS BY ONLINE AUCTION.**

Supervisor Colavita offered a motion that was seconded by Councilman Giacobbe to approve a RESOLUTION authorizing the Supervisor to execute and deliver a contract made between the Town of Eastchester and Absolute Auctions & Realty, Inc. for the sale of government assets by online auction.

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

8. **RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER A CONTRACT AND AGREEMENT MADE BETWEEN TOWN OF EASTCHESTER AND STEWART AMUSEMENT COMPANY, INC. TO FURNISH AMUSEMENT RIDES AND CONCESSIONS FOR THE EASTCHESTER COLUMBUS DAY CELEBRATION AT LAKE ISLE COUNTRY CLUB FROM OCTOBER 10, 2025 TO OCTOBER 13, 2025.**

Councilman Marcoccia offered a motion that was seconded by Councilwoman Marcotte to approve a RESOLUTION authorizing the Supervisor to execute and deliver a contract and agreement made between Town of Eastchester and Stewart Amusement Company, Inc. to furnish amusement rides and concessions for the Eastchester Columbus Day Celebration at Lake Isle Country Club from October 10, 2025 to October 13, 2025.

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

C) **RECEIVER OF TAXES REPORT** for July of 2025 was received for filing.

D) **HIGHWAY DEPARTMENT REPORT**

Superintendent of Highways Rocco Latella mentioned that crews have been assigned to trim and prune trees within the Town's parklet areas and various Town right of ways. He also mentioned that crews have been assigned to weed and prune shrubs in our parklets and parking areas. Street maintenance is critical in maintaining proper growth and the shape of trees on our streets. He also mentioned that due to the extreme heat, extra manpower was assigned to water our seasonal flowers. He concluded by highlighting that the Department has installed 4 new "Welcome to Eastchester" signs at the main entrances of the Town and he anticipates all new signs to be installed before our fall season. Supervisor Colavita complimented the Superintendent on the new signs and the areas surrounding the signs.

E) **TOWN CLERK'S REPORT** for June of 2025 was received for filing.

IX. CORRESPONDENCE –

A) MEMORANDUM FROM THE COMPTROLLER RE: PERSONNEL APPOINTMENT

Supervisor Colavita offered a motion that was seconded by Councilman Giacobbe to approve a RESOLUTION approving the following seasonal employees:

LAST NAME	FIRST NAME	JOB TITLE	APPOINTMENT TYPE	RATE	EFFECTIVE DATE	***RATE CHG N - NEW R - RATE TITLE CHG	TOWN DEPT.
Battista	Matthew	Recreation Attendant	Seasonal	$14.00	6/27/2025	Rate Change	Recreation
Joyce	Lilly	Recreation Attendant	Seasonal	$14.00	7/14/2025	New	Recreation
Eichen	Ariana	Recreation Attendant	Seasonal	$15.00	6/27/2025	Rate Change	Recreation
Marcoccia	Marco	Recreation Attendant	Seasonal	$16.50	7/7/2025	New	Recreation

Marcoccia	Giancarlo	Recreation Attendant	Seasonal	$17.00	7/7/2025	Rehire	Recreation
Rotenberg	Samuel	Recreation Attendant	Seasonal	$18.00	7/7/2025	Rate Change	Recreation
Shearon	Maxim	Recreation Attendant	PTA	$14.00	8/14/2025	New	Recreation
Ungaro	Marisa	Recreation Attendant	Seasonal	$23.00	7/7/2025	Rate Change	Recreation
Commisso	Cosimo	Laborer	Seasonal	$20.00	7/22/2025	New	Highway
Lotto	Romeo	Pkg Enforcement Officer	PTA	$25.00	7/4/2025	Rate Change	Police
Spadaro	Angelo	Pkg Enforcement Officer	PTA	$25.00	7/4/2025	Rate Change	Police
Sanchez	Alexis	Pkg. Enforcement Officer	PTA	$25.00	7/4/2025	Rate Change	Police
Nardone	Richard	Pkg. Enforcement Officer	PTA	$25.00	7/4/2025	Rate Change	Police
Koloumbis	Michael	Pkg. Enforcement Officer	PTA	$25.00	7/4/2025	Rate Change	Police

LAST NAME	FIRST NAME	JOB TITLE	APPOINTMENT TYPE	RATE	EFFECTIVE DATE	***RATE CHG N - NEW R - RATE TITLE CHG	TOWN DEPT.
Canale	Pasquale	Head Lifeguard	Seasonal	17.00	8/13/2025	Rate	Lake Isle
Boggi	Alex	Lifeguard	Seasonal	15.00	8/13/2025	New	Lake Isle
Eforo	Edward	Lifeguard	Seasonal	15.00	8/13/2025	Rehire	Lake Isle
Feehan	Brian	Lifeguard	Seasonal	15.00	8/13/2025	New	Lake Isle
Ranft	Jacob	Lifeguard	Seasonal	15.00	8/13/2025	New	Lake Isle
Shillue	Louise	Lifeguard	Seasonal	15.00	8/13/2025	New	Lake Isle
Davis	Jennie	Office Assistant	Seasonal	15.00	8/13/2025	New	Lake Isle
Gentile-Mikos	Sarina	Office Assistant	Seasonal	15.00	8/13/2025	New	Lake Isle
Seacord	Joseph	Recreation Attendant	Seasonal	13.00	8/13/2025	Rate	Lake Isle

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

B) MEMORANDUM FROM THE COMPTROLLER RE: UPDATE INVESTMENT POLICY

Supervisor Colavita reviewed a memo from Comptroller Dawn Donovan requesting approval of the revised Investment Policy. General Municipal Law requires review of Towns' officially adopted Investment Policy. The amendment is to add a new investment option with Metropolitan Commercial Bank to a maximum amount of $10,000,000.

Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson to approve a RESOLUTION to amend the Investment Policy of the Town of Eastchester.

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

C) MEMORANDUM FROM THE POLICE CHIEF RE: PRISONER TRANSPORTATION CONTRACT

Supervisor Colavita reviewed a memo from Police Chief Joseph Rodriguez advising that the Town Attorney has received the Prisoner Transportation Agreement between the Town of Eastchester and the

Westchester County Jail and is requesting the Town Board pass a resolution authorizing the Town Board and the Supervisor to execute the contract.

The term commences January 1, 2025 and terminates on December 31, 2026. The contract gives the town a higher rate of reimbursement and it addresses reimbursement for extended delays as well as the need for a matron when there are female prisoners.

Councilman Marcoccia offered a motion that was seconded by Councilwoman Nicholson to approve a RESOLUTION authorizing Supervisor Colavita and Town Board members to approve and enter into a prisoner transportation contract with the Westchester County jail.

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

D) MEMORANDUM FROM LIBRARY DIRECTOR RE: WESTCHESTER COUNTY – TOWN OF EASTCHESTER CONTRACT

Supervisor Colavita reviewed a memo from Director-Eastchester Public Library Tracy Wright requesting that Supervisor Colavita sign, on behalf of the Eastchester Public Library, the contract between Westchester County and the Town of Eastchester. The contract amount of $6,850 was awarded to the Library for art programming during the year 2025.

Councilwoman Marcotte offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION authorizing payment by Westchester County to the Town of Eastchester in the amount of $6,850 awarded to the Eastchester Public Library.

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

E) MEMORANDUM FROM THE SUPERINTENDENT OF RECREATION RE: APPROVAL OF GRANT FOR SENIOR PROGRAMS & SERVICES FROM THE COMMUNITY FUND

Supervisor Colavita reviewed a memo from Superintendent of Parks and Recreation Sally Veltidi regarding a grant from The Community Fund for $50,000 for Senior Programs and Services. In traditional years, this grant has funded the following programs for the Senior Programs and Services Department:

- Shopping & Errands Transportation
- Light Housecleaning
- Nutrition Center Bus Escort
- Medical Transportation Escort
- Programs at the Lake Isle Nutrition Center
- Programs at the Garth Road Center
- Programs at 46 Jackson for Thursday Morning Group
- Food Shopping for Seniors
- Sunday’s Alive Program

Without this grant from the Community Fund, we would not be able to offer the programs mentioned. The Community Fund’s fundraising efforts came up short this year, but they were still able to grant us this wonderful amount of money that will benefit our Seniors a great deal.

Per a request from Superintendent of Parks and Recreation Sally Veltidi, Councilman Giacobbe offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION authorizing Supervisor Colavita to sign the agreement between the Community Fund and Eastchester Senior Programs and Services.

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

F) MEMORANDUM FROM THE SUPERINTENDENT OF RECREATION RE: APPROVAL OF GRANT FOR TEEN ZONE FROM THE COMMUNITY FUND

Supervisor Colavita reviewed a memo from Superintendent of Parks and Recreation Sally Veltidi regarding a grant from The Community Fund for $5,000 for Teen Zone. In traditional years, this grant has funded the following programs for the Teen Zone Program:

- Transportation for Trips
- Various Special Holiday Trips and Events
- Game Nights for South East Consortium Teen Night

We are looking forward to starting a new Season of Teen Scene in the Fall and appreciate the grant from The Community Fund.

Per a request from Superintendent of Parks and Recreation Sally Veltidi, Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson to approve a RESOLUTION authoring Supervisor Colavita to sign agreement with the Community Fund and Teen Zone.

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

X. MISCELLANEOUS BUSINESS – None

XI. COUNCIL MEMBER REPORTS –

Councilman Marcoccia wanted to mention that Lake Isle is providing the frozen rate offer for 2025 Members starting on Monday August 18th through August 31st. Registrations will receive the 2025 rates in 2026. Stop by the Membership Office to register or call (914) 961-3454 for more information. Again, 2025 Members have until August 31st to take advantage of this offer. Councilman Marcoccia concluded by mentioning that the next Lake Isle Advisory Board Meeting will be held on August 25, 2025 at 7:00 p.m. at the Community Center at Lake Isle.

Councilwoman Nicholson had no report.

Councilwoman Marcotte wanted to mention that NewYork-Presbyterian Westchester and The Community Fund are sponsoring free flu shots for people 18+ years old. There are three dates/locations. The first one will be on October 3, 2025 at Bronxville Village Hall from 9:00 a.m. to 2:00 p.m., then on October 23, 2025 at the Eastchester Public Library from 9:00 a.m. to 2:00 p.m. and then on October 29, 2025 at the Tuckahoe Community Center from 10:00 a.m. to 1:00 p.m.

Councilman Giacobbe wanted to remind everyone that there are still 5 Summer Concerts remaining. The next one will be on Garth Road on August 13th at 7:30 featuring the First-Class Band, then on August 21st at Chester Heights at 6:30 p.m. featuring Seeing the Red Band, then on August 26th at Lake Isle at 6:30 p.m. featuring the Bookends Band, then on August 27th at Lake Isle at 6:00 p.m. featuring Tangled Vine. The final concert of the season will be on September 5th in the Lake Isle parking lot at 6:30 p.m. featuring the Zac Brown Tribute Band. Councilman Giacobbe concluded by mentioning that the Eastchester 5K will be held on September 28th and there will be three races. There will be a 5K, a 1K for the kids and a 200-yard dash for the younger kids.

Supervisor Colavita wanted to mention that on September 28th there will be a Gold Star Mother's Day Ceremony, probably at around 11:00 a.m., at the Gold Star Mothers Memorial in Eastchester.

XII. SECOND OPPORTUNITY TO ADDRESS THE BOARD –

Vincent Amato of 115 Lawrence Avenue in Eastchester mentioned that he had addressed the Board in June regarding the hazards of leaf blowers in his neighborhood and wanted to get a status update. Supervisor Colavita mentioned that he did speak to an influential landscaper, Mike Iorio, and that he was receptive to the idea of muffler controls. The Supervisor also mentioned a conversation with Peter Telesco, Eastchester Environmental Committee member, about the positives and negatives of electric Leaf blowers. He then mentioned that the Town is also working on updating our noise ordinance.

Mr. Amato mentioned that the decibel levels of lawn mowers, leaf blowers, etc. is somewhere between 85 and 115 and also mentioned the various health issues caused when multiple machines are going for several minutes at the same time. He referenced that White Plains has banned gas leaf blowers and put other general restrictions in place. He then showed a hand out that was given to landscapers several years ago which contained the rules of the road. These were advisory rules which included items such as what hours to use leaf blowers and the velocity levels of the machines. He wanted to know if there would be rules that can be enforced and is there a time frame on when things get put into place.

The Supervisor mentioned that maybe within a few months we would have something put together regarding the noise ordinance and mentioned that he would be having futher conversations with the local landscapers.

XIII. ADJOURNMENT

There being no further public business, Supervisor Colavita adjourned the meeting with all present in agreement.

The meeting was adjourned at 8:08 p.m.

Minutes prepared by:
Joseph D. Dooley
Town Clerk

TOWN OF EASTCHESTER

LOCAL LAW NO. 2-2025

TRAFFIC AND STREET REGULATION

TRAFFIC CONTROL PHOTO VIOLATION MONITORING SYSTEM

Sec. 1-1. Purpose.

Pursuant to § 1174-a of the New York State Vehicle and Traffic Law (the "VTL"), the Town of Eastchester (hereinafter "Town") hereby establishes a demonstration program imposing monetary liability on the owner of a vehicle for failure to comply with § 1174 of the VTL, which requires vehicle operators to stop for school buses that have halted to receive or discharge passengers. Through the implementation of this chapter, the Town, in collaboration with the Eastchester School District (hereinafter "District"), is empowered to install and use photo violation monitoring equipment on school buses to effect the purposes of this chapter.

Sec. 1-2. Definitions.

The terms used in this Chapter shall have the meanings ascribed to them below:

(a) DATA: Any photographs, microphotographs, videotapes, or other recorded images and data produced by the school bus photo violation monitoring system;

(b) DEMONSTRATION PROGRAM: The use of photo violation monitoring equipment placed on school buses throughout the Town of Eastchester to impose monetary liability on the owner of a vehicle for failure to comply with § 1174 of the VTL.

(c) MUTCD: The manual and specifications for a uniform system of traffic control devices maintained by the Commissioner of Transportation pursuant to § 1680 of the VTL.

(d) OWNER: Any person, corporation, partnership, firm, agency, association, lessor, or organization who at the time of the issuance of a notice of violation in which a vehicle is operated:

(1) Is the beneficial or equitable owner of such vehicle; or

(2) Has title to such vehicle; or

(3) Is the registrant or co-registrant of such vehicle which is registered with the Department of Motor Vehicles of the State of New York or any other state, territory, District, province, nation or other jurisdiction; or

(4) Uses such vehicle in its vehicle-renting and/or leasing business; or

(5) As defined by § 128 or § 2101 of the VTL.

(e) SCHOOL BUS: A passenger vehicle having a seating capacity of more than seven passengers, used primarily to transport pupils, teachers, and other persons acting in a supervisory capacity to and from school or school activities, as provided in subdivisions 20 and 21-c of § 375 of the VTL.

(f) SCHOOL BUS COMPANY: The Eastchester School District, or an entity contracted by the Eastchester School District to provide school buses to the Eastchester School District.

(g) SCHOOL BUS PHOTO VIOLATION MONITORING SYSTEM (or SYSTEM): A device or system of devices that is capable of operating independently of an enforcement officer, which is installed to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of § 1174(a) of the VTL.

(h) STATE: The State of New York.

Sec. 1-3. Agreements and authorizations.

(a) Prior to commencing a demonstration program pursuant to this Local Law, the Town shall be required to enter into an agreement with the District for the maintenance, installation and use of the system on school buses and for the proper handling and custody of data produced by such monitoring system. The agreement shall also include the forwarding of such data produced by the system to the Town.

(b) The Town shall bear the total cost of the installation, maintenance, and use of the system. The agreement shall state that the Town may contract with a provider for the installation and maintenance of the system and the administration of the demonstration program such that the demonstration program is substantially without cost to the District. The agreement may provide for the terms and conditions of payment to the District for costs incurred by the District in participating in the demonstration program, and the method of such payment, subject to the provisions of § 1174-a(a)(1-b) of the VTL. The Agreement shall require the District to provide any report required of the District by § 1174-a of the VTL to the state or any official thereof;

(c) Pursuant to § 1174-a(a)(3)(i) of the VTL, the District shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images and data from the system but shall provide, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by the system, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the Town, the Town's contracted provider or the court for the purpose of determining whether a motor vehicle was operated in violation § 1174(a) of the VTL and imposing monetary liability on the owner of such motor vehicle therefor.

(c) Any agreement entered into for the demonstration program between the Town and the District under this Local Law must be approved by a majority vote of the Town Board and by resolution of the District. Both the Town and District shall have the ability to withdraw from such agreement on thirty (30) days' written notice to the other signatories of the agreement. The agreement between the Town and the District shall provide that any image or images captured by the system shall be inadmissible in any disciplinary proceeding convened by the District or any school bus contractor thereof, and any proceeding initiated by the New York State Department of Transportation involving licensure privileges of school bus operators.

Sec. 1-4. Privacy and notification.

(a) The system shall be mounted on a school bus, and shall be directed outwardly from such school bus to capture images of vehicles operated in violation of § 1174 of the VTL; images produced by such devices shall not be used for any other purpose.

(b) The Town, District, and any school bus company shall enforce measures to protect the privacy of information captured by the system, including the identity of the passengers and the contents of the vehicle. The Town shall establish regulations in accordance with § 1174-a(a)(4) of the VTL to ensure privacy protections for drivers, passengers, pedestrians, and cyclists. Such measures shall include:

(i) Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school bus photo violation monitoring systems shall not include images that identify the driver, the passengers, the contents of the vehicle, pedestrians and cyclists; provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or

photographs allow for the identification of the contents of a vehicle, provided that the Town, has made a reasonable effort to comply with the provisions of this subsection;

(ii) Prohibition on the use or dissemination of vehicles' license plate information and other information and images captured by school bus photo violation monitoring systems except (1) as required to establish liability under this section or collect payment of penalties; (2) as required by court order; or (3) as otherwise required by law;

(iii) The installation of signage in conformance with standards established in the MUTCD at each roadway entrance of the jurisdictional boundaries of the Town giving notice that school bus photo violation monitoring systems are used to enforce restrictions on vehicles violating § 1174 of the VTL; and

(iv) Oversight procedures to ensure compliance with the aforementioned privacy protection measures.

(c) Data produced by the system shall be destroyed:

(i) Ninety days after the date of the alleged imposition of liability if a notice of liability is not issued for such alleged imposition of liability pursuant to § 1174-a of the VTL; or

(ii) Upon the final disposition of a notice of liability issued pursuant to § 1174- a of the VTL.

Sec. 1-5. Liability.

(a) The owner of a vehicle shall be liable for a penalty imposed pursuant to this chapter if such vehicle was used or operated with the permission of the owner, express or implied, in violation of § 1174(a) of the VTL and such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided, however, that no owner of a vehicle shall be liable for a penalty imposed pursuant to this chapter where the operator of such vehicle has been convicted of the underlying violation of § 1174(a) of the VTL. For purposes of this chapter, there shall be a presumption that such vehicle was used and operated with the consent of the owner at the time it was used and operated in violation of § 1174(a) of the VTL.

(b) A certificate, sworn to or affirmed by a technician employed by the Town, or a facsimile thereof, based upon the inspection of the photographs, microphotographs, videotape or other recorded images produced by a school bus photo violation monitoring system, and other documents or declarations pertaining to inspections by the department of transportation, shall be prima facie evidence of the facts contained therein. Such certificate, or a facsimile thereof, shall provide the identification number of the system which recorded the violation, a statement confirming that at the time such violation was recorded by such system, such system was installed on a school bus marked and equipped as provided in Subdivisions (20) and (21-c) of § 375 of the VTL as evidenced by a valid certificate of inspection issued to such school bus by the State Department of Transportation pursuant to § 140 of the Transportation Law and the safety rules and regulations promulgated thereunder, and the registration number of the school bus to which such system was attached. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall include a recorded image of the outside of the motor vehicle involved in such violation, the registration number of such vehicle, at least one activated school bus stop-arm, and an electronic indicator or indicators showing the activation of the flashing red signal lamps of the school bus to which the school bus photo violation monitoring system producing such photographs, microphotographs, videotape or other recorded images was installed at the time such violation occurred, and shall be available for inspection in any proceeding to adjudicate the liability for such violation.

(c) An owner that is found to be liable for a violation of § 1174(a) of the VTL through § 1174-a of the VTL, shall be liable for the following:

(i) First offense within an eighteen-month period: $250.

(ii) Second offense within an eighteen-month period: $275.

(iii) Third or subsequent offense within an eighteen-month period: $300.

(iv) An additional penalty of $25 for each violation for the failure to respond to a notice of liability within the prescribed time period.

(d) An imposition of liability under this Local Law shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom liability is imposed, nor shall it be used for insurance purposes.

(e) A notice of liability shall:

(i) Be prepared and mailed by the Town or by any other entity authorized by the Town to prepare and mail such notification of liability, and be sent by first class mail to each person alleged to be liable as an owner for a violation of § 1174(a) of the VTL. Personal delivery shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein;

(ii) Contain the name and address of the person alleged to be liable as an owner for a violation of § 1174(a). It shall also have the registration number of the vehicle involved in such violation, the location of the violation, the date and time of the violation, the identification number of the system that recorded the violation and the registration number of the school bus on which the system that recorded the video was installed; and

(iii) Contain information advising the person accused of liability of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning advising persons accused of said liability that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered against them.

(f) The Town may, during the first thirty-day period in which the system is in operation pursuant to state law and this Local Law, issue a written warning in lieu of a notice of liability for failure of operators to comply with § 1174 of the VTL when meeting a school bus marked and equipped as provided in Subdivisions 20 and 21- c of § 375 of the VTL.

Sec. 1-6. Adjudication of liability.

(a) The Town Court of Eastchester shall have the authority to adjudicate violations of § 1174(a) of the VTL pursuant to § 1174-a(h) of the VTL;

(b) If an owner charged with a violation of § 1174(a) of the VTL and contests such allegation of liability, the Town or the Town's contracted provider shall advise such person by first class mail of the date and time of a hearing at which they must appear. Such notice shall contain a warning to advise the person to appear on the date designated; adjourn the date if needed; and that failure to do one or the other shall be deemed an admission of liability, and default judgment may be entered thereon;

(c) Penalties paid pursuant to this chapter shall be general revenues of the Town and shall be paid to, and recorded by, the Town accordingly.

Sec. 1-7. Defenses from liability.

(a) If an owner receives a notice of liability for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of § 1174(a) of the VTL, during the time that the vehicle had been reported to the police as stolen through the time it had been recovered. For purposes of asserting the aforementioned defense, it shall be sufficient to show a certified copy of the police report on the stolen vehicle sent by first class mail to the Town.

(b) It shall also be a defense to any prosecution for a violation of § 1174(a) of the VTL that such school bus stop-arms were malfunctioning at the time of the alleged violation.

(c) An owner who is a lessor of a vehicle to which notice of liability was issued pursuant to § 1174-a of the VTL shall not be liable for the violation of § 1174(a) of the VTL, provided that he or she sends to the Town a copy of the rental, lease, or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within 37 days after receiving notice from the Town of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send the information listed above within the thirty-seven-day period shall render the owner liable for the penalty prescribed in this Local Law. Where the lessor complies with this section, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for the purpose of this Local Law, the lessee shall be subject to liability pursuant to § 1174-a of the VTL, and the lessee shall be sent a notice of liability pursuant to § 1174-a of the VTL.

(d) There shall be a presumption of an owner's authorization of an operator's use of such vehicle at the time the operator failed to comply with § 1174 of the VTL. However, if the owner that is liable for a violation of § 1174(a) of the VTL was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator. Notwithstanding any contrary provision, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this Local Law if the operator of such vehicle was operating such vehicle without the consent of the owner.

Sec. 1-8. City reporting requirements.

The Town shall prepare and submit an annual report on the results of the use of the system to the Governor, the Temporary President of the Senate, and the Speaker of the Assembly on or before June 1 of each year in which the demonstration program is operable. A copy of such report shall be provided to the Chief of Eastchester Police Department as well. Such report shall contain the information described in, and shall be created and sent in conformance with, § 1174- a(m) of the VTL;

DATED: _____

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ANTHONY S. COLAVITA
SUPERVISOR, TOWN OF EASTCHESTER