Minutes of a Meeting of the Town Board held on August 20, 2019 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

Absent: Councilman Glenn Bellitto

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

IV. SPECIAL PRESENTATION – POLICE OFFICERS SWEARING IN

Supervisor Colavita presided over a Swearing In Ceremony during which Kevin Krippel and Jeyfer Chacon recited the Oath of Office as Eastchester Police Officers. Mr. Krippel and Mr. Chacon are currently attending the Westchester County Police Academy.

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

VI. APPOINTMENTS

A) APPOINTMENT – RECREATION DEPARTMENT

Per a request from Superintendent of Recreation, Sally Veltidi, Councilman Marcoccia offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION authorizing the probationary appointment of William Camarra of Port Chester, NY to the position of Asst. Superintendent of Recreation at the annual salary of $87,000 effective August 29, 2019.

William has successfully completed the examination for Asst. Superintendent of Recreation and his name appears on the Westchester County Civil Service exam # 66-354.

If approved he will be required to serve a probationary period which will run not less than twelve weeks and not more than fifty-two weeks. Funds are provided in the 2019 budget.

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

VII. APPROVAL OF MINUTES

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the Minutes of the July 16, 2019 Town Board Meeting as prepared by Town Clerk Linda Laird.

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

VIII. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

A) POLICE DEPARTMENT REPORT

The Board reviewed and approved for filing the following reports for July 2019 of Parking Summons, Citation Activity Report, Patrol Activity Report, Statement of Accounts and the Traffic Accident Report.
B) LAW DEPARTMENT REPORT

1. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CLAIM BY GEICO A/S/O JENNIFER KITAY

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION authorizing the settlement of a claim by Geico a/s/o Jennifer Kitay against the Town of Eastchester in the amount of $3,500.00 for damages sustained to Ms. Kitay’s vehicle caused by a Town of Eastchester Police Department vehicle on May 22, 2018.

On the roll call, all voted "AYE," except Councilman Bellitto, who was “ABSENT.” Motion carried.

2. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CLAIM BY GEICO A/S/O MARIA VELOZO

Councilman Marcoccia offered a motion that was seconded by Supervisor Colavita to approve a RESOLUTION authorizing the settlement of a claim by Geico a/s/o Maria Velozo against the Town of Eastchester in the amount of $2,000.00 for damages sustained to Ms. Velozo’s vehicle caused by a Town of Eastchester Highway Department vehicle on November 20, 2017.

On the roll call, all voted "AYE," except Councilman Bellitto, who was “ABSENT.” Motion carried.

3. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER AN INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF EASTCHESTER AND THE TUCKAHOE UNION FREE SCHOOL DISTRICT WHEREBY THE TOWN OF EASTCHESTER WILL PROVIDE THE TUCKAHOE FREE UNION SCHOOL DISTRICT WITH A SCHOOL RESOURCE OFFICER

Councilman Marcoccia offered a motion that was seconded by Councilman Dooley 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.

The Agreement reads in part; “The functions of the School Resource Officer will be to provide services to help maintain a safe campus environment that is conducive to learning, including, but not limited to: enforcing New York State laws, rules and regulations; reporting all violations of law, school rules, regulations or policies to school administration; investigating allegations of criminal incidents per Department policies and procedures; acting swiftly and cooperatively when responding to major disruptions and flagrant criminal offenses at school, such as: disorderly conduct by trespassers, the possession and use of weapons on campus, the illegal sale and/or distribution of controlled substances, and riots; acting as a liaison with police and other emergency personnel; providing intervention between students and/or staff using appropriate techniques to calm and control situations; working to prevent juvenile delinquency through close contact and positive relationships with students; working closely with the School District’s administrators and developing and implementing classes in crime prevention, drug abuse prevention and safety; advising school administration of any circumstance or situations that may create a potential for harm to persons, or damage to, or loss of property; and serving as a good role model for students.”

The School Resource Officer shall not have the authority to discipline, nor be responsible for disciplining, students. The School District and its administration are responsible for disciplining students in accordance with the School District’s Code of Conduct.

The School Resource Officer shall be assigned to the School District on a full time basis of eight hours per day, each day that school is in session. In consideration for services rendered, the School District will pay the Town as follows: For the 2019/2020 School Term, a total amount of $136,920.00, which represents the School Resource Officer’s compensation from the Town, including base salary and fringe benefits, prorated based upon 184 workdays that the School Resource Officer will be assigned to the School District, payable in nine installments $15,213.34.

Supervisor Colavita reported a similar Intermunicipal Agreement between the Town and the Eastchester School District will be considered at the next Town Board Meeting. Three members of the Eastchester Police Department have received training as School Resource Officer and are ready for the assignment to the districts.

On the roll call, all voted "AYE," except Councilman Bellitto, who was “ABSENT.” Motion carried.

4. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER AN INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF EASTCHESTER AND THE TUCKAHOE
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 granting the Eastchester Police Department live access to the School District’s security system in emergency situations.

On the roll call, all voted "AYE," except Councilman Bellitto, who was “ABSENT.” Motion carried.

5. RESOLUTION AUTHORIZING A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW WHICH WOULD PREVENT THE SALE OF ELECTRONIC NICOTINE DELIVERY PRODUCTS WITHIN THE TOWN OF EASTCHESTER

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve the INTRODUCTION of a proposed local law, which would prevent the sale of electronic nicotine delivery products, known as the “Electronic Nicotine Delivery Product Law” within the unincorporated Town of Eastchester and to set a date for a public hearing for September 3, 2019 at 8:00 p.m.

Town of Eastchester
Local Law No. ____ of the Year 2019

Known as the “Electronic Nicotine Delivery Product Law"

A LOCAL LAW prohibiting the sale of Electronic Nicotine Delivery Products in the Town of Eastchester.

BE IT ENACTED by the Town Board of the Town of Eastchester as follows:

Section 1: Legislative Findings and Declarations.

The Town Board finds that the Town has a substantial interest in responding to the increased use of electronic cigarettes and nicotine delivery products among adolescents. E-cigarettes are now among the most commonly used tobacco product among youth. Public health authorities and agencies, including the Centers for Disease Control and Prevention and U.S. Surgeon General, have advised that the use of e-cigarettes and nicotine delivery products poses significant and avoidable health risks to young people and that the scope of such ill effects have not yet been fully identified or ascertained. The purpose of this Local Law is to prevent the sale of Electronic Nicotine Delivery Products (defined herein) in the Town to prevent the unrestricted proliferation of the sale of such products in the Town and to protect the health, safety and welfare of the community.

Section 2: Definitions.

As used in this Local Law, the following words and terms are defined as follows:

Electronic Nicotine Delivery Products- Any article or product, not including cigarettes, cigars, pipe tobacco, or chewing tobacco, made wholly or in part of a tobacco substitute or otherwise containing nicotine that is expected or intended for human consumption, but not including a tobacco substitute prescribed by a licensed physician or a product that has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Electronic Nicotine Delivery Products include, but are not limited to, e-cigarettes, vapes, vaporizers, vape pens, lozenges or other candy, drinks, liquid nicotine or other e-liquids or inhalers.

Person- Any individual, group of individuals, corporation, partnership, limited liability company, unincorporated association, joint venture, association or any other entity of any kind.

Section 3: Sale of Electronic Nicotine Delivery Products Prohibited.

The sale, offer for sale, or distribution of Electronic Nicotine Delivery Products is prohibited within the Town of Eastchester.

Section 4: Existing Sales of Electronic Nicotine Delivery Products.
Any Person selling or distributing Electronic Nicotine Delivery Products in the Town of Eastchester on the Effective Date of this Local Law shall cease all sales of such products within the Town of Eastchester within six (6) months of the Effective Date of this Local Law.

Section 5: Enforcement.

The provisions of this Local Law shall be enforced by the Police Department of the Town of Eastchester and any other qualified agent of the Town of Eastchester appointed by the Town Board.

Section 6: Penalties for Violation.

Any Person who violates the provision of this Local Law shall be guilty of a violation punishable by a fine not exceeding $1,000.00 for each offense. Each day a violation exists shall constitute a separate offense.

Section 7: 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 8: Superseding Other Laws.

All ordinances or parts of ordinances or local laws or parts of local laws, or State laws which conflict with the provisions of this local law are hereby superseded and rendered temporarily null and void 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 9: Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the New York State Secretary of State.

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

6. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CERTIORARI PROCEEDING BY SANTOS & GLADYS REALTY – 185 MARBLEDALE ROAD

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION authorizing the settlement of a certiorari proceeding instituted by Santos & Gladys Realty affecting premises known as Section 39, Block 4, Lot 6.A – 185 Marbledale Road as follows:

<table>
<thead>
<tr>
<th>ASSESSMENT YEAR</th>
<th>TAX YEAR</th>
<th>ASSESSED VALUATION</th>
<th>PROPOSED SETTLEMENT A.V.</th>
<th>AMOUNT OF REDUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>2016</td>
<td>$ 8,200.00</td>
<td>$ 7,200.00</td>
<td>$ 1,000.00</td>
</tr>
<tr>
<td>2016</td>
<td>2017</td>
<td>$ 8,200.00</td>
<td>$ 7,100.00</td>
<td>$ 1,100.00</td>
</tr>
<tr>
<td>2017</td>
<td>2018</td>
<td>$ 8,200.00</td>
<td>$ 7,050.00</td>
<td>$ 1,150.00</td>
</tr>
<tr>
<td>2018</td>
<td>2019</td>
<td>$ 7,000.00</td>
<td>$ 7,000.00</td>
<td>$ 0 -</td>
</tr>
</tbody>
</table>

*Eastchester School approved

TOTAL TOWN TAX REFUND………………..………………………………………………..$ 113.25

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

B) HIGHWAY DEPARTMENT REPORT

Rocco Latella, Deputy Town Superintendent of Highways, reported the 2019 Street Resurfacing Project has been completed while the Sidewalk and Curb Replacement Project is nearly complete. Crews preformed shim coating to help preserve the roadway asphalt, filled potholes and repairs to the roads and catch basins.

Manpower was assigned to water seasonal flowers and to weed, mulch, prune shrubs and perform tree trimming.

D) RECEIVER OF TAXES REPORT for July 2019 was received for filing.
IX. CORRESPONDENCE

A) MEMORANDUM FROM COMPTROLLER RE: BUDGET TRANSFERS

Councilman Marcoccia offered a motion that was seconded by Councilman Dooley to approve the following Budget Transfers:

<table>
<thead>
<tr>
<th>From:</th>
<th>To:</th>
<th>From:</th>
<th>To:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation Services</td>
<td>Materials &amp; Supplies</td>
<td>Materials &amp; Supplies</td>
<td>Materials &amp; Supplies</td>
</tr>
<tr>
<td>A6872.466</td>
<td>$1,000.00</td>
<td>B8010.401</td>
<td>$185.00</td>
</tr>
<tr>
<td>B8010.401</td>
<td>$185.00</td>
<td>B3620.100</td>
<td>$65,000.00</td>
</tr>
<tr>
<td>B3620.401</td>
<td>$65,000.00</td>
<td>B3620.458</td>
<td>$65,000.00</td>
</tr>
</tbody>
</table>

On the roll call, all voted "AYE," except Councilman Bellitto, who was “ABSENT.” Motion carried.

C) MEMORANDUM FROM COMPTROLLER RE: PART TIME/SEASONAL EMPLOYEES

 Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the following Appointments:

<table>
<thead>
<tr>
<th>NAME</th>
<th>JOB TITLE</th>
<th>APPOINTMENT</th>
<th>RATE</th>
<th>DEPT.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caiazzo, Stephanie</td>
<td>Rec Attendant</td>
<td>Rate Change</td>
<td>$9.00</td>
<td>Rec</td>
</tr>
<tr>
<td>Froenlich, Catherine</td>
<td>Rec Attendant</td>
<td>Rate Change</td>
<td>$10.50</td>
<td>Rec</td>
</tr>
<tr>
<td>Gordon, Katherine</td>
<td>Rec Attendant</td>
<td>Rate Change</td>
<td>$8.50</td>
<td>Rec</td>
</tr>
<tr>
<td>Graham, Ashley</td>
<td>Rec Attendant</td>
<td>Rate Change</td>
<td>$9.00</td>
<td>Rec</td>
</tr>
<tr>
<td>Lombardo, Nick</td>
<td>Rec Attendant</td>
<td>Rate Change</td>
<td>$9.50</td>
<td>Rec</td>
</tr>
<tr>
<td>Michilli, Isabella</td>
<td>Rec Attendant</td>
<td>Rate Change</td>
<td>$9.00</td>
<td>Rec</td>
</tr>
<tr>
<td>Pisacretta, Joseph</td>
<td>Rec Attendant</td>
<td>Rate Change</td>
<td>$8.50</td>
<td>Rec</td>
</tr>
<tr>
<td>Policicchio, Adriano</td>
<td>Rec Attendant</td>
<td>Rate Change</td>
<td>$9.50</td>
<td>Rec</td>
</tr>
<tr>
<td>Rabin, Stuart</td>
<td>Rec Attendant</td>
<td>Rehire</td>
<td>$3,050</td>
<td>Rec</td>
</tr>
<tr>
<td>Santucci, Melissa</td>
<td>Rec Attendant</td>
<td>Rate Change</td>
<td>$10.50</td>
<td>Rec</td>
</tr>
<tr>
<td>Stevko, Alex</td>
<td>Rec Attendant</td>
<td>Rate Change</td>
<td>$8.50</td>
<td>Rec</td>
</tr>
<tr>
<td>Gonzalez, Brandon</td>
<td>Rec Attendant</td>
<td>Rate Change</td>
<td>$10.00</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Richman, Sage</td>
<td>Lifeguard</td>
<td>Rate Change</td>
<td>$13.00</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Rosado, Alex</td>
<td>Lifeguard</td>
<td>New Hire</td>
<td>$11.00</td>
<td>Lake Isle</td>
</tr>
<tr>
<td>Rooney, Jake</td>
<td>Rec Attendant</td>
<td>Rehire</td>
<td>$8.00</td>
<td>Lake Isle</td>
</tr>
</tbody>
</table>

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

C) MEMORANDUM FROM COMPTROLLER RE: SEPERATION INCENTIVE

Per a request from Comptroller Dawn Donovan, Councilman Marcoccia offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION to offer 23 Town Employees a Separation Incentive of 2 years of paid health insurance. The criteria of being age 55 or older with at least 10 years full time service with the town.

The employees would need to retire by December 31, 2019 and their health insurance would be paid in full for 24 months. Although we do not anticipate all 23 employees retiring in 2019, even a few retirements would have the potential to save the town substantial funds positively affecting the 2020 budget.

The town reserves the right to deny a retirement based on department support levels and the continuity of Town services.

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

X. MISCELLANEOUS BUSINESS - none
XI. COUNCIL MEMBER REPORTS

Councilman Marcoccia announced a 2020 Membership Season Incentive that will “freeze” 2019 membership rates for next year. The offer will remain in effect until September 2, 2019.

Councilman Dooley announced the Green Festival will be held at Anne Hutchinson School on September 14 from 11am – 2 and announced a Save the Date for the October 5th Eastchester Italian American Citizens Club vs. Eastchester Irish American Social Club Golf Outing.

Councilwoman Nicholson congratulated all those who performed in the End of Camp Show presented on the last days of summer camp. In addition, Mrs. Nicholson announced the 6th Annual Eastchester 5K will be held on September 29th at 9 am and the Eastchester Historical Society “An Evening with General George Paton” to be held on September 21st.

Supervisor Colavita congratulated the Eastchester Little League District 20 Championship Teams:

**Junior League Girls (14 year old)**
Adriana Mazzella, Adriana Rocco, Angelica Cosgrove, Angelina Letizia, Julia Vesey, Scarlett Odin, Danielle Stern, Ava Hunn, Katie O’Hare, Emma McCormack and Jessica Mazzella

**Kevin Cosgrove – Manager, Robert O’Hare -Coach, Chris Letizia-Coach and Silvio Mazzella - Coach**

**Boys Baseball (12 year old)**
Michael Bernadi, Jayden Cassese, Joseph Deljevic, Kaishi Hayakawa, Tyler Lugo, Christopher Mancuso, Kieran McCloskey, Chase Palumbo, Sal Petrone, Matthew Porcello, Matt Preuss, Gianluca Rizzo, Jackson Shepelsky, Joshua Travaglino and Ben Wien

**Rob Rizzo – Manager, Dylan Baldassare – Coach and Rus Baldassare - Coach**

**Girls Softball (10 year old)**
Sarah Mascia, Mariabella Petrie, Elena Ferrara, Taylor Naclerio, Lucy Skipper, Madison Erdman, Angelina Recine, Grace Comizio, Faith Comizio, Sophia Gutierrez, Kate Atwood, Ava Rogliano, Kylie Reardon, Olivia Caporaso, Eliana Maksoud and Liana Jeannotte

**Carolyn Comizio – Manager, John Mascia – Coach, Glenn Erdman – Coach, Ed Reardon - Coach**

XII. SECOND OPPORTUNITY TO ADDRESS THE BOARD

Mike Denning inquired about the progress of the Community Center Project to which Supervisor Colavita explained the Design Phase is nearly complete and the floor is ready to be poured. Once that has been completed the rest of the project should be completed in 5 weeks.

There being no further public business, the meeting was adjourned at 8:40 p.m.

Minutes prepared by:

Linda Laird
Town Clerk