

**MINUTES OF THE TOWN BOARD  
December 19, 2017**

Minutes of a Meeting of the Town Board of the Town of Eastchester held on December 19, 2017 at 7:00 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 Glenn Bellitto  
Councilman Joseph Dooley  
Councilwoman Theresa Nicholson  
Councilman Luigi Marcoccia

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

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

**V. APPROVAL OF MINUTES**

**A) APPOINTMENTS – POLICE OFFICERS**

Councilman Bellitto offered a motion that was seconded by Councilman Marcoccia to approve a RESOLUTION appointing Matthew S. Stupple of Bronxville, New York to the position of Police Officer in the Police Department. The appointment would be effective on January 8, 2018 to coincide with the start of the Police Academy.

<u>Annual Salary</u>	<u>Holiday Pay</u>
\$37,638.00	\$1,898.00

Candidate Stupple appeared on the Police Officer eligible list #69-547 established in August, 2017 and shall serve a probationary term of not less than twelve weeks and not more than seventy eight weeks. The appointment is contingent on the successful completion of the background investigation, medical exam and completion of Westchester County Civil Service paperwork.

Funds have been provided in the 2018 budget.

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

**NOTE TO READER: the following appointment was withdrawn prior to the start of the Police Academy:**

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION appointing Gabriel Perez of Eastcheser, New York to the position of Police Officer in the Police Department. The appointment would be effective on January 8, 2018 to coincide with the start of the Police Academy.

<u>Annual Salary</u>	<u>Holiday Pay</u>
\$37,638.00	\$1,898.00

Candidate Stupple appeared on the Police Officer eligible list #69-547 established in August, 2017 and shall serve a probationary term of not less than twelve weeks and not more than seventy eight weeks. The appointment is contingent on the successful completion of the background investigation, medical exam and completion of Westchester County Civil Service paperwork.

Funds have been provided in the 2018 budget.

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

**B) APPOINTMENT – HIGHWAY DEPARTMENT - AUTOMOTIVE MECHANIC**

Per a request from the Superintendent of Highway, Hector DiLeo, Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve the probationary appointment of Christopher Morra, of Eastchester, NY to the position of Automotive Mechanic (Group J, Step 3) at the annual salary of \$63,855 effective January 8, 2018.

Christopher previous worked for the Town as a Maintenance Mechanic at Lake Isle from 2000 to 2012, and in private industry as an automotive mechanic since 2012.

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. The appointment is contingent on the successful completion of the background investigation and pre-employment testing. Funds are provided in the 2018 budget.

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

**C) APPOINTMENT – BUILDING PARKS AND RECREATION DEPARTMENTS -**

Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to approve the probationary appointment of Alan Martinez of Scarsdale, NY to the full time position of Laborer (Group E, Step 1) at the annual salary of \$44,250 effective January 2, 2018.

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. The appointment is contingent on the successful completion of the background investigation and pre-employment testing. Funds are provided in the 2018 budget.

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

**VI. APPROVAL OF MINUTES**

Supervisor Colavita offered a motion that was seconded by Councilman Bellitto to approve the Minutes of the December 2, 2017 Special Town Board Meeting and the December 5, 2017 Regular Town Board Meeting as prepared by Town Clerk Linda Laird.

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

**VII. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS**

**A) POLICE DEPARTMENT REPORT**

The Board reviewed and approved for filing the following reports for November 2017 of Parking Summonses, Citation Activity Report, Patrol Activity Report, Statement of Accounts and the Traffic Accident Report. In addition, Chief Bonci reported the Police Locker Room Project has been completed.

**B) LAW DEPARTMENT REPORT**

**1. INTRODUCTION OF A PROPOSED LOCAL LAW 5-2017 PROVIDING FOR THE AMENDMENT TO LOCAL LAW NO. 11-1985 ALL ITS AMENDMENTS THEREAFTER KNOWN AS THE VETERANS EXEMPTION REDUCTION OF MAXIMUM EXEMPTION AND TO SET A DATE FOR A PUBLIC HEARING**

Councilman Marcoccia offered a motion that was seconded by Councilman Bellitto to approve a the INTRODUCTION of a proposed local law providing for the amendment to Local Law No. 11 – 1985, and all its amendments thereafter, known as “The Veterans Exemption Reduction of Maximum Exemption” within the Town of Eastchester and to set a date for a public hearing for January 16, 2018 at 7:00 p.m.

**LOCAL LAW NO. 5 – 2017**

A LOCAL LAW PROVIDING FOR THE AMENDMENT OF  
LOCAL LAW NO. 11 – 1985 ADOPTED ON NOVEMBER 20, 1985 KNOWN AS THE TOWN OF EASTCHESTER THE  
VETERANS EXEMPTION REDUCTION OF MAXIMUM EXEMPTION

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

Section 1.

The purpose of this law is to reduce the maximum veterans exemption allowable pursuant to Section 458-b of the Real Property Tax Law of the State of New York.

Section 2.

- (a) Purpose. The purpose of this Article is to grant Cold War veterans who meet the requirements set forth in Section 458-b of the New York Real Property Tax Law a real property tax exemption.
- (b) Definitions. As used in this Article:
1. "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 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, or of 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 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 nine thousand dollars or the product of nine thousand dollars multiplied by the latest state equalization rate for the Town of Eastchester.

- (b) In addition to the exemption provided by paragraph (a) of this subdivision, where the veteran served in a combat theatre or combat zone of operations, as documented by the award of the United States campaign ribbon or service medal, qualifying residential real property also shall be exempt from taxation to the extent of ten (10%) percent of the assessed value of such property; provided, however, that such exemption shall not exceed the lesser of six thousand dollars or the product of six thousand dollars multiplied by the latest state equalization rate of 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 thirty thousand dollars or the product of thirty thousand dollars multiplied by the latest state equalization rate for the Town of Eastchester.
- (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.

Duration of Exemption. The exemption provided by Subdivision "1" of Section 2 of this Article shall be granted for a period of ten years. The commencement of such ten-year period shall be governed pursuant to this Section. Where a qualified owner owns qualifying residential real property on the effective date of this Article, or such other date as may be set forth in Section 458-b(2)c of the New York State Real Property Tax Law, such ten-year period shall be measured from the Assessment Roll prepared pursuant to the first taxable status date occurring on or after the effective date of this Article, "or effective with 2017 Roll with it showing up in 2018 Taxes on in Taxes after 6/1/18", or such other date as may be set forth in Section 458-b(2)c of the New York State Real Property Tax Law. Where a qualified owner does not own qualifying residential real property on the effective date of this Article, or such other date as may be set forth in Section 458-b(2)c of the New York State Real Property Tax Law, such ten-year period shall be measured from the Assessment Roll prepared pursuant to the first taxable status date occurring at least sixty (60) days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the Assessment Roll prepared pursuant to a taxable status date occurring within sixty (60) days after the date of purchase of residential real property, such ten-year period shall be measured from the first Assessment Roll in which the exemption occurs. If, before the expiration of such ten-year period, such exempt property is sold and replaced with other residential real property and is the principal residence of the veteran or spouse, etc., such exemption may be granted on the new property pursuant to this Section for the unexpired portion of the ten-year exemption period.

#### Section 5.

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 6.

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

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

## **2. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CERTIORARI PROCEEDING BY 138 – 140 COLUMBUS AVENUE**

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a **RESOLUTION** authorizing the settlement of a certiorari proceeding instituted by 138 – 140 Columbus Avenue, LLC affecting premises known as Section 34, Block 6, Lot 2 – Pleasant Avenue, Section 38, Block 9, Lot 9 – 113 Pleasant Avenue, Section 38, Block 9, Lot 17 – 140 Columbus Avenue and Section 38, Block 9, Lot 20 – 138 Columbus Avenue, Tuckahoe, as follows:

**Section 34, Block 6, Lot 2 – Pleasant Avenue**

ASSESSMENT YEAR	TAX YEAR	ASSESSED VALUATION	PROPOSED SETTLEMENT A.V.	AMOUNT OF REDUCTION
2010	2011	\$3,650.00	\$3,400.00	\$250.00
2011	2012	\$3,650.00	\$3,250.00	\$400.00
2012	2013	\$3,650.00	\$3,250.00	\$400.00
2013	2014	\$3,650.00	\$3,300.00	\$350.00
2014	2015	\$3,650.00	\$3,250.00	\$400.00
2015	2016	\$3,650.00	\$3,100.00	\$550.00
2016	2017	\$3,650.00	\$3,100.00	\$550.00

**Section 38, Block 9, Lot 9 – 113 Pleasant Avenue**

ASSESSMENT YEAR	TAX YEAR	ASSESSED VALUATION	PROPOSED SETTLEMENT A.V.	AMOUNT OF REDUCTION
2010	2011	\$4,500.00	\$4,200.00	\$300.00
2011	2012	\$4,500.00	\$4,000.00	\$500.00
2012	2013	\$4,500.00	\$4,000.00	\$500.00
2013	2014	\$4,500.00	\$4,050.00	\$450.00
2014	2015	\$4,500.00	\$4,000.00	\$500.00
2015	2016	\$4,500.00	\$3,800.00	\$700.00
2016	2017	\$4,500.00	\$3,850.00	\$650.00

**Section 38, Block 9, Lot 17 – 140 Columbus Avenue**

ASSESSMENT YEAR	TAX YEAR	ASSESSED VALUATION	PROPOSED SETTLEMENT A.V.	AMOUNT OF REDUCTION
2010	2011	\$11,100.00	\$10,300.00	\$800.00
2011	2012	\$11,100.00	\$9,950.00	\$1,150.00
2012	2013	\$11,100.00	\$9,950.00	\$1,150.00
2013	2014	\$11,100.00	\$9,950.00	\$1,150.00
2014	2015	\$11,100.00	\$9,850.00	\$1,250.00
2015	2016	\$11,100.00	\$9,350.00	\$1,750.00
2016	2017	\$11,100.00	\$9,450.00	\$1,650.00

**Section 38, Block 9, Lot 20 – 138 Columbus Avenue**

ASSESSMENT YEAR	TAX YEAR	ASSESSED VALUATION	PROPOSED SETTLEMENT A.V.	AMOUNT OF REDUCTION
2010	2011	\$7,700.00	\$7,150.00	\$550.00
2011	2012	\$7,700.00	\$6,850.00	\$850.00
2012	2013	\$7,700.00	\$6,850.00	\$850.00
2013	2014	\$7,700.00	\$6,900.00	\$800.00
2014	2015	\$7,700.00	\$6,850.00	\$850.00
2015	2016	\$7,700.00	\$6,500.00	\$1,200.00
2016	2017	\$7,700.00	\$6,550.00	\$1,150.00

Eastchester School District approved the settlement  
 TOTAL TOWN TAX REFUND \$729.50

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

C) **HIGHWAY DEPARTMENT REPORT** for November 2017 was received for filing.

D) **RECEIVER OF TAXES REPORT** for November 2017 was received for filing.

**VIII. CORRESPONDENCE**

A) **MEMORANDUM FROM COMPTROLLER RE: BUDGET TRANSFERS/REVISIONS**

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

**Transfers**

From:	Gas & Diesel	D5110.408	\$ 4,000.00
To:	Tree Purchase & Removal	D5140.433	\$ 4,000.00
From:	Gas & Diesel	R8160.408	\$ 15,000.00
To:	Hauling & Dumping Fees	R8160.410	\$ 15,000.00
From:	Materials & Supplies	B8010.401	\$ 244.00
To:	Assoc. Dues & Meeting	B8010.402	\$ 244.00
From:	Programming Materials	L7410.422	\$ 1,900.00
To:	Materials & Supplies	L7410.401	\$ 1,900.00
From:	Audio/Visual Materials	L7410.419	\$ 2,100.00
To:	Building Maint. Supplies	L7410.404	\$ 2,000.00
	Material & Supplies	L7410.401	\$ 100.00

**Revisions**

Increase:	Materials & Supplies	D5110.401	\$ 2,300.00
Increase:	Gain on Sale of Assets	DB02675	\$ 2,300.00
Increase:	Contractual Services	A7140.450	\$ 27,885.00
Increase:	Recreation Fees- General	A02001	\$ 27,885.00

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

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

Supervisor Colavita offered a motion that was seconded by Councilman Bellitto to approve the Seasonal Employees in the Recreation Department:

<b>NAME</b>	<b>JOB TITLE</b>	<b>APPOINTMENT TYPE</b>	<b>RATE</b>	<b>EFFECTIVE DATE</b>
Pelham, Andrew	Rec Attendant	Rehire	\$9.00	12/2/2017
Calby, Dean	Rec Attendant	New	\$9.00	12/2/2017
Anello, Nicolette	Rec Attendant	Rehire	\$9.00	12/2/2017
Anello, Ashley	Rec Attendant	Rehire	\$9.00	12/2/2017
Speropolous, Nicholas	Rec Attendant	Rehire	\$9.00	12/2/2017
Foglioano, Guiliana	Rec Attendant	Rehire	\$9.00	12/2/2017
LoParrino, Nicholas	Rec Attendant	Rehire	\$9.00	12/2/2017
LoParrino, Marc	Rec Attendant	Rehire	\$9.00	12/2/2017
Calabro, Joseph	Rec Attendant	Rehire	\$9.00	12/2/2017
Calabro, Frank	Rec Attendant	Rehire	\$11.00	12/2/2017
Portante, Juliana	Rec Attendant	Rehire	\$9.00	12/2/2017

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

**C) MEMORANDUM FROM COMPTROLLER RE: COMPUTER SERVICES AGREEMENT**

Per a request from Comptroller Donovan, Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION to accept agreement with Sullivan Data for IT services for 2018 for \$52,800.

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

**D) MEMORANDUM FROM POLICE – TRAFFIC DIVISION RE: CHRISTMAS METER EXEMPTION**

Councilman Marcoccia offered a motion that was seconded by Councilwoman Nicholson to approve a request from the Chamber of Commerce to provide free short term parking for holiday shoppers in the business districts of town by 'bagging' the meters on Saturday, December 23<sup>th</sup> and Sunday, December 24<sup>th</sup>.

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

**LATE FLYING ITEM:**

**REQUEST FOR EXTENDED SICK LEAVE**

Supervisor Colavita explained that Town Comptroller Dawn Donovan received a letter from employee #3548 requesting extended sick leave as per Article 11.2 of the CSEA agreement. Supervisor Colavita offered a motion that was seconded by Councilman Bellitto to deny the request from employee #3548 for extended sick leave.

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

**IX. MISCELLANEOUS BUSINESS – none**

**X. COUNCIL MEMBER REPORTS**

Councilman Marcoccia reported he had met with members of the Tuckahoe Village Board to review the Townwide Budget.

Councilman Bellitto had no report but extended holiday greetings to the listening audience.

Councilman Dooley announced a 'save the date' of March 11<sup>th</sup> for 2018 St. Patrick's Day Parade which will be led by Grand Marshall Sheila Marcotte.

Councilwoman Nicholson announced registration has begun for both the winter break and spring break camps and stated additional information regarding the camps is available on the Recreation Department page of the website.

Supervisor Colavita welcomed members of Boy Scout Bronxville Troop 2 in attendance. The Town Board acknowledged the accomplishment of Gene Cerniglia in achieving the Rank of Eagle – at the age of 96. Mr. Cerniglia completed all requirements of becoming an Eagle Scout between 1932 and 1940, prior to World War II. In 2016 he began attending meetings of Troop 2, submitted the Eagle Scout application and received approval by the National Boy Scouts of America Board. The Town Board was invited to attend to Gene's Eagle Court of Honor ceremony to be held on January 20<sup>th</sup>.

**XI. SECOND OPPORTUNITY TO ADDRESS THE BOARD**

David Levy questioned the qualifications of the Town's Code Enforcement Officer.

Peter DeFelice reiterated his opposition to the amendments to the Lake Isle Catering Contract.

There being no further public business, the meeting was adjourned at 8:15 p.m.

Minutes prepared by;

Linda Laird  
Town Clerk