

**TOWN OF EASTCHESTER
MINUTES OF THE TOWN BOARD
September 4, 2018**

Minutes of a Meeting of the Town Board of the Town of Eastchester held on September 4, 2018 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: Councilman Glenn Bellitto
Councilman Joseph Dooley
Councilman Luigi Marcoccia
Councilwoman Theresa Nicholson

Absent: Supervisor Anthony Colavita

Present: Deputy Town Clerk Mary Swikata
Comptroller Dawn Donovan
Town Attorney Louis Reda

IV. PUBLIC HEARINGS

A) PUBLIC HEARING TO CONSIDER THE ADOPTION OF A RESOLUTION IN SUPPORT OF CHAPTER 433 OF THE LAWS OF NEW YORK, 2013, AUTHORIZING THE PUBLIC SERVICE COMMISSION UPON THE APPLICATION BY THE TOWN OF EASTCHESTER

Councilman Dooley offered a motion that was seconded by Councilman Bellitto to Open the Public Hearing. An Affidavit of Publication of the Meeting Notice was received.

On the roll call, all voted "AYE," except Supervisor Colavita who was "ABSENT." Motion carried.

Councilman Marcoccia explained that in 2013 the NYS Legislature adopted Legislation that authorized municipalities to transfer the payment of Fire Protection, in the form of hydrant maintenance, from the municipality to the rate payer. At that time both the Village of Tuckahoe and the Village of Bronxville elected to do so and as a result, the Fire District halted submitting their portion of the maintenance costs to the town. At this time, the Town is considering an application to the Public Service Commission to order the cost for infrastructure maintenance and access to be charged to all customer classes located within the Town of Eastchester.

David Levy spoke in opposition to the Resolution suggesting co-op residents would not pay a fair share of hydrant maintenance.

Michael Denning expressed concern regarding the rate increases imposed by Suez (formerly United Water of New Rochelle).

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

On the roll call, all voted "AYE," except Supervisor Colavita who was "ABSENT." Motion carried.

Councilman Marcoccia offered a motion that was seconded by Councilman Bellitto to approve a Resolution in support of Chapter 433 of the Laws of New York, 2013, authorizing the Public Service Commission upon application by The Town of Eastchester, to order cost for infrastructure maintenance and access to be charged to all customer classes located within the Town of Eastchester.

On the roll call, all voted "AYE," except Supervisor Colavita who was "ABSENT." Motion carried.

V. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

David Levy presented a book for donation to the Eastchester Public Library that was penned by ironworkers regarding their experiences in the aftermath of September 11, 2001.

Michael Denning inquired as to the name of the Hearing Officer that will be appointed as part of the Law Agenda as well as the rate at which he/she will be paid.

Town Attorney Lou Reda responded by explained the Investigator being considered is Robert Ponzini at the rate of \$250 per hour. Mr. Reda provided an overview of Mr. Ponzini's experience as a Village Attorney, Village Prosecutor, Town Attorney, Town Prosecutor, Special Counsel and Hearing Officer for various municipalities in Westchester and Putnam Counties. The following are among his clients: the Villages of Ardsley, Hastings-on-Hudson, Elmsford, Rye Brook, Tarrytown, Sleepy Hollow as Village Attorney, the Town of Somers as Town Attorney, and the Town of Eastchester and the Village of Tuckahoe and the Archville Fire Department as Special Counsel additionally, he has served as special counsel for the County of Westchester, Hearing Officer for the County of Westchester, the Westchester County Department of Health, the Westchester County Taxi and Limousine Commission, City of Yonkers, City of New Rochelle and the City of White Plains, and Hearing Officer for the Town of Kent.

Councilman Marcoccia explained the Town Board will ask Mr. Ponzini to investigate a matter involving a gun that was stolen from Police Chief Timothy Bonci's home by his adult son. Mr. Ponzini is being hired to review the internal investigation that has occurred, conduct an independent investigation and to advise the Town Board accordingly.

Mr. Denning spoke in opposition to hiring Mr. Ponzini and suggested the investigation be conducted by the State or County Police.

Peter DeFelice asked Mr. Reda to provide information on the laws that govern gun storage. Mr. Reda responded that he will not discuss hypothetical scenarios and suggested the investigation be allowed to commence.

Francine Barbaro questioned the impartiality of an investigator who has worked for the Town in the past.

Janet Harrison stated the severity of the matter requires Chief Bonci to be suspended while the investigation is conducted.

Lou Reda responded the law does not require suspension and that the matter is being dealt with in the same manner as other incidences that have occurred over the past 14 years.

VI. APPROVAL OF MINUTES

Councilman Dooley offered a motion that was seconded by Councilwoman Nicholson to approve the Minutes of the August 21, 2018 Town Board Meeting as prepared by Town Clerk Linda Laird.

On the roll call, all voted "AYE," except Supervisor Colavita who was "ABSENT." Motion carried.

VI. LAW DEPARTMENT REPORT

1. RESOLUTION AUTHORIZING THE TOWN BOARD TO DELEGATE THE INVESTIGATION OF THE MATTER CONCERNING THE POLICE CHIEF TO AN INVESTIGATOR

Councilman Marcoccia offered a motion that was seconded by Councilman Bellitto to approve a RESOLUTION authorizing the Town Board to delegate the investigation of the matter concerning Police Chief Timothy Bonci to Robert Ponzini, Esq., and be it further resolved that Robert Ponzini shall be compensated at the rate of \$250.00 per hour.

On the roll call, all voted "AYE," except Supervisor Colavita who was "ABSENT." Motion carried.

VII. CORRESPONDENCE

A) MEMORANDUM FROM COMPTROLLER RE: BUDGET TRANSFERS/REVISIONS

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

Transfers

| | | | |
|-------|-------------------------|-----------|-------------|
| From: | Assoc. Dues & Meeting | B3120.402 | \$ 2,500.00 |
| From: | Training | B3120.430 | \$ 3,500.00 |
| To: | Small Equipment | B3120.203 | \$ 6,000.00 |
| From: | Contractual Services | A7310.450 | \$ 3,050.00 |
| To: | Salaries –P/T- Seasonal | A7310.102 | \$ 3,050.00 |
| From: | Maint. & Repairs | A3320.414 | \$ 300.00 |
| To: | Material & Supplies | A3320.401 | \$ 300.00 |
| From: | Contingencies | E3600.499 | \$ 1,000.00 |
| To: | Contractual Services | E3300.450 | \$ 1,000.00 |

Revisions

| | | | |
|-----------|--------------------------|-----------|-------------|
| Increase: | Equipment | A6770.201 | \$25,505.00 |
| Increase: | Recreation Fees- Seniors | A02000 | \$25,505.00 |

On the roll call, all voted "AYE," except Supervisor Colavita who was "ABSENT." Motion carried.

VIII. MISCELLANEOUS BUSINESS - none

IX. COUNCIL MEMBER REPORTS

Councilman Marcoccia stated the pools at Lake Isle would be open this weekend with abbreviated hours. During the week, the pool is open from 4-6pm and 12-6 pm on the weekend.

Council Marcoccia reported on the progress of the Community Senior Center at Lake Isle, and stated permits have been given for Phase I of the project.

Councilman Bellitto reported that the Board of Elections has changed some town polling locations for the September 13th Primary Election as well as for the General Election on Tuesday, November 6th. Those voters in election Districts 18,19 and 21 will now vote at the Bronxville Firehouse, and those voters that live in election districts 31-35 will vote at the Cottle School.

Councilman Bellitto stated that beginner's tennis lessons are available for 3 to 14 year olds to be held at the Leewood Tennis Courts, Also there is a sports squirts program for children ages 2-5 years old for soccer and multiple sports. For more information, please visit www.eastchester.org.

Councilman Dooley stated that the Eastchester's 10th Annual Green Festival will be held on Saturday, September 29th from 11am – 2pm at Anne Hutchinson School. He also reminded all that the Eastchester Irish American Social Club and the Eastchester Italian America Citizens Club are having their Annual Golf Outing on Monday Oct 1st at Lake Isle. For more information, please email the eastchestercup@gmail.com.

Councilman Dooley reminded the residents that school is open, and asks that everyone drives safely.

Councilwoman Nicholson stated that the Eastchester Historical Society Fall event is "Dinner with Edgar Allan Poe" on September 28th from 6-10pm. Admission is \$100 which includes a catered dinner and show. For more information please contact smmarcotte5@gmail.com or visit the website at www.eastchesterhistoricalsociety.org.

Councilwoman Nicholson stated the 5th Annual Eastchester 5K will be held on, Sunday September 30th at 9:am starting at Eastchester Town Hall. To register, please visit www.eastchester5K.org.

X. SECOND OPPORTUNITY TO ADDRESS THE BOARD

Jeff Meyer explained that during 21 years as a Eastchester Police Officer and 11 years as PBA President he is unaware of a single instance when an unsecure fire arm or loss of a weapon did not result in a disciplinary action. Mr. Meyer expressed concern that a “breakdown of management” in the Eastchester Police Department has resulted in the transfer of several Officers. In closing, Mr. Meyer discussed the reduction in manpower to the Anti-Drug Task Force.

Councilman Marcoccia stated 3 Officers have transferred to other Departments and there have been 8 retirements. In response many new Police Officers have been hired, including 6 since the start of summer.

Councilman Bellitto spoke in support of the neighboring Police Departments joining force and redoubling efforts for a “robust” effort that focuses on opioid and substance.

Councilman Dooley stated the Town Board takes its role seriously and is focused on hiring and promoting within the Police Department.

Councilman Marcoccia agreed that BESTADE has been dormant and should be reactivated.

Janet Harrison spoke in opposition to the Town’s defense in the ‘fair justice lawsuit.’

Ray Rosado suggested Chief Bonci is receiving preferential treatment and that anyone else, who lost control of a weapon, would have been suspended without pay.

Michael Denning suggested all of Chief Bonci’s weapons, including those used for hunting should be confiscated and that the continuation of the investigation should be conducted by either the State or County Police.

Police Lt. Jeff Hunter reported on the Bronxville, Eastchester, Scarsdale, Tuckahoe Alcohol and Drug Enforcement Task Force (BESTADE). The multi-jurisdictional Task Force works to battle illegal drugs and combats underage drinking. BESTADE is a program designed to serve the specific community in which we live and to best utilize the collective efforts of the four separate local police departments. Lt. Hunter reported that between 2014 and 2017 the task force, on average annually, made 35 arrests for the sale or possession of marijuana and 12 arrests for controlled substance.

Councilman Bellitto responded to Lt. Hunter’s report of 12 arrests a year involving a control substance stating; “that isn’t enough.”

Anthony Cerasi reported that from 2005 to 2008, when the Drug and Alcohol Task Force was staffed with Officers on a full time basis, there had been ‘30 arrests per month.’

Ralph Ferraioli stated he feels safe in town and commended the Eastchester Police Department on their efforts

There being no further business, the meeting was adjourned at 9:33 p.m.

Minutes prepared by;

Mary T. Swikata
Deputy Town Clerk