

**MINUTES OF THE REGULAR TOWN BOARD  
November 3, 2010**

Minutes of a Meeting of the Town Board of the Town of Eastchester held on November 3, 2010 at 7:00 p.m., at the Town Hall, Eastchester, New York.

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

Present: Supervisor Anthony Colavita  
Councilman Michael Cahalin  
Councilwoman Vicki Ford  
Councilman Luigi Marcoccia  
Councilman Frederick Salanitro

Town Clerk Linda Doherty  
Town Attorney Lou Reda  
Comptroller Patricia Jones

**IV. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS**

Jeff Meyer spoke in support of the Local Law permitting designation of a Hearing Officer to preside over disciplinary hearings and stated it should have been implemented months ago.

**V. APPROVAL OF MINUTES**

**A) APPROVAL OF MINUTES OF THE OCTOBER 19, 2010 TOWN BOARD MEETING**

Councilman Cahalin offered a motion that was seconded by Supervisor Colavita to approve the Minutes of the October 19, 2010 Town Board Meeting as prepared by Town Clerk Linda Doherty.

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

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

**A) LAW DEPARTMENT**

**1. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CERTIORARI PROCEEDING BY THE BUCKINGHAM APARTMENTS, LTD**

Supervisor Colavita offered a motion that was seconded by Councilwoman Ford to approve a RESOLUTION authorizing the settlement of a certiorari proceeding instituted by The Buckingham Apartments, Ltd. affecting premises known as Section 49B, Block 5, Lot 2 – 253 Garth Road as follows:

ASSESSMENT YEAR	TAX YEAR	ASSESSED VALUATION	PROPOSED SETTLEMENT A.V.	AMOUNT OF REDUCTION
2001	2002	\$235,000.00	\$235,000.00	\$-0-
2002	2003	\$235,000.00	\$235,000.00	\$-0-
2003	2004	\$235,000.00	\$235,000.00	\$-0-
2004	2005	\$235,000.00	\$205,000.00	\$30,000.00
2005	2006	\$235,000.00	\$200,000.00	\$35,000.00
2006	2007	\$235,000.00	\$185,000.00	\$50,000.00
2007	2008	\$235,000.00	\$180,000.00	\$55,000.00

2008	2009	\$235,000.00	\$180,000.00	\$55,000.00
2009	2010	\$235,000.00	\$188,000.00	\$47,000.00

Eastchester School Board Approved the Settlement

\*To Be Bonded at a Later Date

SUB-TOTAL ..... \$60,877.81  
 GARTH ROAD PARKING DISTRICT ..... \$ 5,049.62  
 TOTAL TOWN TAX REFUND..... \$65,927.43

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

**2. INTRODUCTION OF A PROPOSED LOCAL LAW KNOWN AS THE LOCAL LAW PERMITTING DESIGNATION OF HEARING OFFICER TO PRESIDE OVER CERTAIN DISCIPLINARY HEARINGS WITHIN THE UNINCORPORATED TOWN OF EASTCHESTER AND TO SET A DATE FOR A PUBLIC HEARING**

Councilman Cahalin offered a motion that was seconded by Councilwoman Ford to approve the INTRODUCTION of a proposed local law known as the "Local Law Permitting Designation of Hearing Officer to Preside Over Certain Disciplinary Hearings," within the unincorporated Town of Eastchester and to set a date for a public hearing for November 16, 2010 at 7:00 p.m.

LOCAL LAW NO. 3 - 2010  
 of the TOWN OF EASTCHESTER  
 A LOCAL LAW KNOWN AS THE  
 "LOCAL LAW PERMITTING THE DESIGNATION OF HEARING OFFICER TO PRESIDE OVER CERTAIN DISCIPLINARY PROCEEDINGS" OF THE UNINCORPORATED TOWN OF EASTCHESTER

BE IT ENACTED by the TOWN BOARD of the TOWN OF EASTCHESTER, as follows:

Section 1. Legislative Intent.

The Town Board of the Town of Eastchester recognizes that the Constitution of the State of New York and the Municipal Home Rule Law of the State of New York afford towns the ability to structure their local governments as needed to promote the efficiency of town operations. The Municipal Home Rule Law specifically authorizes a town to adopt and amend local laws, not inconsistent with the Constitution or any general laws, relating to their property, affairs or government, and specify the powers, duties, qualifications and other terms and conditions of employment of its officers and employees. The Town Board accordingly intends to exercise those powers by enacting a local law authorizing the Town Board of the Town of Eastchester to appoint a hearing officer to conduct hearings in disciplinary proceedings and to establish the rules of procedure to be followed in such proceedings.

Section 2. Appointment of Hearing Officer.

In the event that disciplinary charges are presented to the Town Board of the Town of Eastchester against any municipal employee, including police officers, the Board may adopt a resolution appointing a hearing officer to conduct the hearing on such charges.

Section 3. Powers and Duties of Hearing Officer.

If a hearing officer is so appointed by the Board, the Board shall keep or cause to be kept a record of such hearing. After the conclusion of the hearing, the hearing officer shall make specific findings of fact which shall then be transmitted to the Town Board, together with his/her conclusions regarding each of the Charges and Specifications, his/her recommendations for a penalty and the record of the hearing. The Board shall then review the record, factual findings, conclusions and recommendations of the hearing officer and render a final determination in writing.

Section 4. Procedure.

The procedure to be followed in any disciplinary proceeding whether it is heard by the Board or a hearing officer, shall be the procedure as set forth in the New York State Administrative Procedure Act, as it may be amended from time to time, for adjudicatory proceedings, except to the extent that said procedure conflicts with this chapter, or any other state or local law more specifically directed at such disciplinary proceedings. The Town Board reserves the right to hereinafter adopt Rules of Procedure for Administrative Hearings.

Section 5. Authority

This Local Law is enacted pursuant to Article 9, §2(c) of the New York State Constitution and §§10(1)(i) and 10(1)(ii)(2)(1) of the Municipal Home Rule Law.

Section 6. 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 7. 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 8. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.

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

**3. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CLAIM BY JEAN M. HAGGERTY**

Councilman Cahalin offered a motion that was seconded by Councilman Salanitro to approve a RESOLUTION authorizing the settlement of a claim by Jean M. Haggerty against the Town of Eastchester in the sum of \$1,367.07 for damages sustained to Ms. Haggerty's vehicle when a Town of Eastchester Highway Department vehicle accidentally struck it on March 16, 2010.

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

**VII. CORRESPONDENCE**

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

Councilwoman Ford offered a motion that was seconded by Councilman Salanitro to approve the following Budget Transfers:

**Emergency Control**

From: Gifts & Donations	T97	\$ 570.00
To: Maintenance & Repairs	A3640.414	\$ 570.00

**Lake Isle**

From: Locker Room- Contractual Service	E3150.450	\$ 500.00
Building & Maint. – Equipment	E3250.201	\$ 1,180.00

	Building & Maint. – Small Equipment	E3250.203	\$ 1,833.00
	Building & Maint – Materials & Supplies	E3250.401	\$ 7,000.00
	Pool- Materials & Supplies	E3300.401	\$13,800.00
	Gold Maintenance – P/T/ Seasonal	E3520.102	\$15,500.00
To:	Building & Maint. – Overtime	E3250.103	\$ 1,500.00
	Building & Maint.- Contractual Services	E3250.450	\$ 2,000.00
	Pools- P/T/ Seasonal	E3300.102	\$25,000.00
	Administration- P/T/Seasonal	E3600.102	\$10,000.00
	Administration- Judgments & Claims	E3600.301	\$ 1,313.00

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

#### **B) MEMORANDUM FROM COMPTROLLER RE: SEASONAL APPOINTMENTS**

Supervisor Colavita offered a motion that was seconded by Councilman Cahalin to approve the following Seasonal Appointments in the Recreation Department:

NAME		CIVIL SERV.	APPOINTMENT	RATE	EFFECTIVE	TOWN
Last	First	TITLE	TYPE		DATE	DEPT.
Jaime	Maldonado	Rec. Attendant	Seasonal	7.25	12/4/2010	Recreation
Francesca	Rella	Rec. Attendant	Seasonal	11.50	11/4/2010	Recreation

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

#### **C) MEMORANDUM FROM COMPTROLLER RE: SEPARATION INCENTIVE**

Supervisor Colavita reviewed a memo submitted by Comptroller Patricia Jones requesting the approval of a Separation Incentive to be offered to 26 Town of Eastchester employees who meet the criteria of being age 55 or over with at least 10 years full time service with the Town.

The employee would need to retire by December 31, 2010 and their health insurance would be paid in full for 24 months. Although we do not anticipate all 26 employees retiring in 2010, even a few retirements would have the potential to save the Town substantial funds affecting the 2011 budget.

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

Supervisor Colavita offered a motion that was seconded by Councilman Salanitro to approve a Resolution to offer 26 Town employees a separation incentive of 24 months of paid health insurance if they retire by December 31, 2010.

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

#### **VIII. MISCELLANEOUS BUSINESS - none**

#### **IX. COUNCIL MEMBER REPORTS**

Councilwoman Ford thanked Country Bank for establishing a networking opportunity to business owners in Eastchester and Tuckahoe. The group will meet regularly to discuss matters of common interest and concern. The recent meeting provided insights and suggestions regarding identity theft.

Councilman Cahalin announced the Leewood Tunnel will be closed during the weekend of November 5<sup>th</sup> - 7<sup>th</sup> and November 12<sup>th</sup>-14<sup>th</sup> for repairs from Friday evening after 7:00 p.m. until Sunday evening.

Mr. Cahalin reported the Leewood Park Fall Festival, held on October 30<sup>th</sup>, was well attended and a great success.

Councilman Salanitro stated a draft of the proposed amendments to the Noise Ordinance had been distributed. Input and comments are being incorporated. The Local Law will be ready for introduction in the near future.

Councilman Marcoccia encouraged residents to commemorate Veterans Day on November 11<sup>th</sup>. The day will start at Church of St. James the Less off Crane Road in Scarsdale at 8:00 a.m. St. James will hold a special service for veterans followed by coffee and refreshments. There will be a ceremony at Parkway Oval in Tuckahoe at 11:00 a.m.

Mr. Marcoccia announced the flu shot clinic to be held at the Tuckahoe Community Center on November 9<sup>th</sup> from 9am to noon.

In closing, Councilman Cahalin thanked the voters for their confidence in electing him to fill the unexpired term on the Town Board and promised to work to make Eastchester a better place to live and work.

Supervisor Colavita discussed the 2011 Tentative Budget. The overall goal for the fiscal year 2011 is to maintain services to the residents of the town and where possible enhance services and reduce costs.

The budget for 2011 continues to require some very difficult decisions in order to balance a budget that represents significant drops in non property revenues and increased costs across the board.

- There continues to be a hiring freeze in effect for all departments except when necessary to maintain safety and essential services that the Town provides its residents.
- The 2011 budget reflects a 0% increase for CSEA members. Elected Officials and Managerial staff, who have not had an increase in the past 2 years, are budgeted 2%.
- There will continue to be restrictions on purchases of materials and supplies. This directive has been in place since the fall of 2008 and will continue throughout 2011.
- The 2011 budget continues to not include funding for vacant Highway/Refuse workers. An additional position in Parks & Building has not been funded.
- We continue to reduce staff and combine positions to accomplish this goal of overall staff reduction. Departments affected by the reductions include Receiver of Taxes, Justice Court, and Comptroller.
- Part-time summer staff in Highway/Parks/Recreation/Library (non program) will be reduced in the 2011 budget.
- The Town will offer a Separation Incentive at the end of 2010 to targeted employees meeting the necessary criteria for retirement.
- Retiring employees will not be replaced when possible.

The total budget for 2011 is \$33,605,771 which represents a 3.17% or \$1,032,159 increase over the 2010 budget.

The total Townwide Tax levy for the 2011 budget is \$3,683,121. Property taxes count for 45.55% of the Townwide revenue budget, 12.98% or \$1,050,000 from fund balance with the remaining 41.47% mainly consisting of department revenue, and mortgage taxes. The 2011 Townwide budget will generate a 22.51% property tax rate increase, which amounts to an additional \$6.1840 per thousand dollars of

assessed valuation. What this means is that: an average house in the Village of Bronxville with an assessment of \$15,000 will pay an additional \$92.76 per year; an average house in the Village of Tuckahoe with an assessment of \$8,000 will pay an additional \$49.47 per year.

The total Town Outside Tax levy for the 2011 budget is \$18,317,108. Property taxes account for 63.09% of the Town Outside revenue budget, 19.79% or \$3,625,000 from fund balance and the remaining 17.12% mainly consisting of department revenue and sales taxes. The 2011 Town Outside budget will generate an 8.37% property tax rate increase, which amounts to an additional \$21.0239 per thousand dollars of assessed valuation. What this means is that an average house in the Town Outside portion of Eastchester with an assessment of \$12,000 will pay an additional \$252.29 per year.

The change in assessments from 2009 to 2010 caused an estimated 2.11% increase in the tax rate before the commencement of the budget process. The Villages and Town Outside all saw reductions in the assessments. The assessed value used for the 2010 budget was 111,811,572. The current assessed value used for the 2011 budget is 109,450,230. This is a decrease of 2,361,342.

### **Assumptions for the 2011 Tentative Budget**

- There is a noticeable reduction in Town revenues. The 2011 budget includes a reduction in the Mortgage Tax revenue estimate. The Town is expecting to receive \$600,000 in 2011. This is a drop of \$200,000 from the 2010 estimate of \$800,000.
- Expenditures have been reduced for essential purchases only. The 2011 budget includes one purchased Police vehicle, as well as a software upgrade for the Tax Department.
- The purchase of equipment and capital outlay or property improvement projects continue to follow our long-range plan and will not be put in the operating budget.
- There is only a very modest amount for computer replacement and necessary upgrades.
- This budget utilizes \$3,625,000 in fund balance. This is an increase of \$251,700 over 2010. To maintain our bond rating and municipal stability, it is crucial that we do not significantly impair our fund balances.
- The Townwide budget anticipates receiving \$286,639 Federal funding (Senior Programs & Services and Section 8 Housing funding). This is a meager increase of \$2,315 from the 2010 Federal Funding.
- Health Insurance premiums will increase 15% in 2011.
- The 2011 pension contribution is estimated to be \$2,750,000. This is an increase of almost 40% or \$730,000 from the 2010 budget amount. The chart below reflects the actual 10 year increases the Town has had to pay.
- NY State Aide will decline in 2011 and is estimated to be \$150,000; this is a decrease of \$25,000 from the 2010 budgeted amount of \$175,000.
- The Town continues to be mandated by law to pay the MTA Taxes. The 2011 budgeted amount is 57,700.
- The 2011 budget for Water continues to increase due to United Water rate hikes on the hydrants. The November 2009 rate per hydrant is \$543.40. The November 2010 rate is \$739.86 or a 36.15% increase. The impact is a \$50,000 increase in the 2011 budget.

- Tough decisions need to be made with regards to Lake Isle Country Club concerning adjustments to revenues and expenditures. The Town will meet with the Lake Isle CC advisory board to review the issues concerning the 2011 season.

## **X. SECOND OPPORTUNITY TO ADDRESS THE BOARD**

David Levy referenced the United Water fire hydrant fee increase and questioned their ability to actually maintain the hydrants. Mr. Levy stated the hydrants had failed during two different fires.

Mr. Levy thanked the Highway Department for installing a trash can on Fisher Avenue.

Mr. Levy questioned why the Police contract remains in negotiations and complained that a call to Chief Bonci had not been returned.

In closing, Mr. Levy complained about the 'dirt for fields' matter and the prior Town and Eastchester School District administrations.

Jeff Meyer questioned disciplinary procedures within the Police Department and alleged the Chief holds Police Officers within the department to different standards.

Mr. Meyer exited the meeting after a heated exchange. After a 5 minute recess, Supervisor Colavita called the meeting to order.

Chief Bonci responded by stating Mr. Meyer's statements are his opinion and not fact.

Rob DeBenedictis reflected on the recent history of the Eastchester Police Department and stated the current situation (regarding Police Officer Rosado) is a 'disrespect' to the Town. He suggested all 'sides take a step back' and resolve the matter.

Francine Rosado reiterated her request for the re-instatement of Officer Rosado to the job while waiting for the completion of the hearing process.

Carmine Greco spoke in support of reinstating Officer Rosado during the hearing process.

Robert Everly spoke in support of Officer Rosado and stated he had tried to contact the Town Board via e-mail and had not received a reply. Supervisor Colavita responded that he had replied to the e-mail.

Brendan Murray spoke in support of Officer Rosado and voiced dissatisfaction with the Town Board. Mr. Murray said Officer Rosado was following orders in making an arrest and rather than being praised, he is facing charges.

Mr. Murray suggested the Town Board Members have phone extensions at Town Hall on which residents could leave a message. He suggested the Town Board may not 'know all the facts.'

Supervisor Colavita stated he appreciates the comments; however, public sentiment will not be weighed in any decision made on the matter.

Peter DeFelice referred to a newspaper article regarding Officer Rosado and suggested 'he was just doing his job.'

Robin Dogus asked specific questions about the hearing process; will it be open to the public, how long will it take and where it will be held? Supervisor Colavita responded the protocol would be set by the Hearing Officer, but stated he assumed it would be held in Town Hall and would be open to the public. He stated it would be inappropriate for members of the Town Board to attend the Hearing.

Ms. Dogus asked, as a taxpayer, if Officers working in place of Officer Rosado were being paid overtime. Supervisor Colavita explained that several openings have been left unfilled to help provide coverage of the shifts. He responded the coverage is likely a combination of straight time and overtime. In closing, Ms. Dogus asserted comments made by the Supervisor regarding anyone being fearful of retaliation by Officer Rosado as being 'out-of-line.'

Fred Moses asked why the matter involving Officer Rosado is not being heard by the State Supreme Court. Supervisor Colavita responded the matter could not be transferred to the Supreme Court as the law assigns the Town Board as arbiter of police matters. Within the next few weeks a Hearing Officer will be named and the schedule will be set. Once the hearing is concluded; the findings and determinations will be provided to the Town Board. The process is nearly concluded.

Mr. Moses asked about the budget process. Supervisor Colavita explained there will be Budget Workshops and a Public Hearing scheduled held over the next seven weeks. The budget must be adopted by December 20<sup>th</sup>.

Mr. Moses discussed his plan for a 'library green.' Supervisor Colavita explained Superintendent DiLeo is working closely with engineer Rudy Petrucelli, Town Planner Margaret Uhle, the Library Board and the Beautification Committee in developing a plan to renovate the parking area and provide green space as an extension of the Town Center project. A grant in the amount of \$200,000 has been obtained for the project. Supervisor Colavita asked Mr. Moses to submit all ideas and suggestions to his office for distribution to the group.

Grisel Ortiz-Howell introduced herself as a 'latin woman' and stated she moved to Eastchester to 'provide a better life to my children.' She expressed concern that she has moved to a community where 'people think I am the nanny.' As a daughter of a Police Officer, she spoke of supporting those who serve and is 'shocked at the way Officer Rosado has been treated.'

Lou Reda reminded the public the Town Board as been advised that they must remain quiet on the matter.

Councilman Cahalin expressed frustration at the implications that the Town Board is racist.

Mark Visconti found it offensive that it has been implied that former Officers are speaking out as a vendetta against Chief Bonci. Mr. Visconti reiterated his complaint that the Police Department has 'turned into a business' with too great an emphasis on issuing tickets.

William Lindin stated the charge against Officer Rosado 'doesn't make sense' as there is no criminal charge. He suggested the Town Board consider the character of his accuser when making its decision.

Linda Cavorti introduced herself as a 22 year veteran Police Officer and stated she has physical proof and an eye witness that Officer Rosado falsified an arrest and a police report. She stated she would share the information with the Hearing Officer and/or anyone else.

There being no further public business, the meeting was adjourned at 9:30 p.m.

Minutes prepared by;

Linda Doherty  
Town Clerk