

MINUTES OF THE TOWN BOARD
April 5, 2016

Minutes of a Meeting of the Town Board of the Town of Eastchester held on April 5, 2016 at 8:00 p.m., at the Town Hall, 40 Mill Road, Eastchester, New York.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE – FLAG

III. ROLL CALL

Present: Supervisor Anthony Colavita
Councilman Glenn Bellitto
Councilman Joseph Dooley
Councilman Luigi Marcoccia
Councilwoman Theresa Nicholson

Town Clerk Linda Laird
Comptroller Dawn Donovan
Town Attorney Louis Reda

IV. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

David Levy noted that the individuals being appointed are in attendance. Supervisor Colavita explained 4 of the 5 candidates have been working for the Town on a part-time/seasonal basis.

V. APPOINTMENTS

A) APPOINTMENTS – HIGHWAY DEPARTMENT

Councilman Dooley offered a motion that was seconded by Councilman Bellitto to approve the probationary appointment of Ralph Zappetti of Bronxville, NY to the full time position of Laborer (Group E, Step 1) at the annual salary of \$44,030 effective April 8, 2016.

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 2016 budget.

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

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve the probationary appointment of Michael Nader of Eastchester, NY to the full time position of Laborer (Group E, Step 1) at the annual salary of \$44,030 effective April 8, 2016.

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 2016 budget.

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

Councilman Bellitto offered a motion that was seconded by Councilman Dooley to approve the probationary appointment of Joseph Forliano of Scarsdale, NY to the full time position of Laborer (Group E, Step 1) at the annual salary of \$44,030 effective April 8, 2016.

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 2016 budget.

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

B) APPOINTMENTS – PARKS AND RECREATION DEPARTMENT

Councilman Marcoccia offered a motion that was seconded by Councilwoman Nicholson to approve the probationary appointment of Anthony Kalaj of Eastchester, NY to the full time position of Laborer (Group E, Step 1) at the annual salary of \$44,030 effective April 8, 2016.

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 2016 budget.

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

Councilman Marcoccia offered a motion that was seconded by Councilman Bellitto to approve the probationary appointment of Ferdinando Arvonio of Eastchester, NY to the full time position of Laborer (Group E, Step 1) at the annual salary of \$44,030 effective April 8, 2016.

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 2016 budget.

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

VI. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS

A) LAW DEPARTMENT REPORT

1. RESOLUTION AUTHORIZING THE SETTLEMENT OF A CERTIORARI PROCEEDING BY PRUDONTIC REALTY CORPORATION

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a **RESOLUTION** authorizing the settlement of a certiorari proceeding instituted by Prudontic Realty Corporation, affecting premises known Section 67, Block 7, Lot 5 – 300 Main Street, Eastchester, as follows:

ASSESSMENT YEAR	TAX YEAR	ASSESSED VALUATION	PROPOSED SETTLEMENT	AMOUNT OF REDUCTION
2009	2010	\$11,750.00	\$10,010.00	\$1,740.00
2010	2011	\$11,750.00	\$10,780.00	\$ 970.00

Eastchester School Board Approved the Settlement
TOTAL TOWN TAX REFUND \$700.55

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

2. RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER A LICENSE AGREEMENT BETWEEN THE TOWN OF EASTCHESTER AND THE COUNTY OF WESTCHESTER FOR SCOUT FIELD

Supervisor Colavita offered a motion that was seconded by Councilman Bellitto to approve a **RESOLUTION** authorizing the Supervisor to execute and deliver a license agreement between the Town of Eastchester and the County of Westchester whereby the said license shall give the Town the ability to operate and maintain the property known as "Scout Field". Supervisor Colavita provided an overview of the following terms and conditions:

1. The County hereby grants to the Town and the Town hereby accepts from the County, a license to enter onto, use, maintain and occupy the premises known as "Scout Field" and described on Sheet 9 of the Bronx River Parkway Maps as Parcels 1 through 8 inclusive; Parcel 10, Parcels 12 through 22 inclusive; Parcel 22A; Parcels 23 through 28 inclusive; Parcels 31, 32, 33; Parcels 49 through 58 inclusive; and Parcels 62, 64 and 65 as more particularly described as Schedule "A", which is attached hereto and made a part hereof (hereinafter the "Licensed Premises"). The Licensed Premises shall be used, operated and maintained by the Town solely and exclusively as and for municipal recreational purposes subject to all the terms, conditions and covenants herein. The Town may enter in a separate agreement for the use and/or maintenance of the Licensed Premises by the Village of Bronxville, and the use of the premises by the Boy Scouts of America ("Boy Scouts") shall continue, with the existing cabin, and parking area presently

being used by the Boy Scouts (hereinafter referred to as the "Boy Scout Cabin") and the immediate surrounding area as detailed in Schedule "A" being expressly excluded from the Licensed Premises and from the provisions of this License.

2. The term of this License shall be for five (5) years commencing upon full execution by the parties and approval of the same by the Office of the County Attorney, unless terminated sooner as hereinafter provided. The Town, at its sole option, may extend this agreement for an additional five (5) year period, on the same terms and conditions as this agreement.

3. For the privilege of operating this License, the Town shall pay to the County an annual license fee of Two Hundred-Dollars (\$200.00), which fee shall be paid to the Commissioner on the commencement date of this License and on each anniversary date thereof at the address provided for the delivery of notices.

4. While the Licensed Premises are presently exempt from real property taxes and other special assessments under the Real Property Tax Law, in the event that such law is changed or in the event that the Licensed Premises become subject to taxation under any federal, state or local law, the provisions of this paragraph "4" shall apply as to all such taxes or assessments. The Town, as an additional License Fee, shall pay and discharge (when due and payable) any and all real estate taxes, assessments, water meter (including any expenses incident to the installation, repair or replacement of any water meter), sewer rents, and all other such charges, taxes, assessments, rents, license fees, levies and sums of every kind, nature and description, which may become due and payable with respect to the Licensed Premises during the license term, however, no additional fees shall be due in relation to the Boy Scout Cabin improvements.

5. The Town shall not assign this License or any part hereof, without the prior written consent of the County. However, no assignment of this License, or any part thereof, shall relieve the Town of any of its obligations hereunder.

6. Intentionally Left Blank.

7. The County, at its sole cost and expense, shall perform the following work at the existing field, located to the west of the River and adjacent to the Scout cabin area: Conduct earthwork and grading; place topsoil; install sub-surface drainage; install irrigation; and conduct other incidental work required to create a turf soccer field. The dimensions shall not exceed 360 feet by 200 feet. This work shall be subject to the receipt of all necessary County approvals by the Board of Legislators and Acquisition and Contract, including but not limited to, any bonding legislation, if necessary.

8. The Town, at its sole cost and expense, shall maintain and operate the Licensed Premises, in accordance with and as more fully described Schedule "B", which is annexed hereto and made a part hereof, as a municipal recreational facility. In addition, the Town, at its sole cost and expense, shall perform the following work: Resurface and reconstruct the entrance road, parking area and create a new parking area to the East of the entrance road. Furnish and install a fence to enclose the soccer field area including pedestrian and vehicle access gates- the maximum fence dimensions shall be 390 feet by 230 feet. All other incidental items, including, but not limited to, goals, signage, scoreboards bleachers and benches, shall be furnished and installed by the Town.

All such contemplated improvements must receive all necessary environmental approvals required by law, including but not limited to those required under the New York State Environmental Quality Review Act ("SEQRA"), and shall be subject to the prior written consent of the Commissioner, at his or her sole discretion. Should the County exercise its right to terminate this License upon sixty (60) days prior written notice to the Town, when it deems such termination to be in the County's best interests pursuant to Paragraph "25" below, the County shall reimburse the Town for any unamortized costs of any Town renovations and improvements contemplated herein, subject to appropriations as set forth in paragraph "34" below. In the event the County exercises its right to the aforesaid sixty (60) day termination, the County shall reimburse the Town for its construction costs up to 100% for a termination occurring during the first year of this agreement, up to 90% during the second year, up to 80% during the third year, up to 70% during the fourth year and up to 60% during the fifth year, 50% during the first year of the renewal term, 40% during the second year of the renewal term, 30% during the third year of the renewal term, 20% during the fourth year of the renewal term, and 10% during fifth year of the renewal term. However, in the event that the Town terminates the agreement for any reason or does not exercise its option to renew this Agreement for the five year option period, no reimbursement shall be due and owing to the Town.

All maintenance and other improvements undertaken by the Town shall be carried out in accordance with all applicable federal, state and local laws, rules, regulations, ordinances and codes (including, without limitation, the State and County Health and Sanitary Codes, laws, etc. concerning prevention and abatement of nuisance and other grievances in or upon or connected with the Licensed Premises) for the benefit of all County residents without regard to race, color, creed, sex, age, physical disability, national origin, genetic disposition or carrier status.

9. The Town accepts responsibility for and shall coordinate the permit and use of the Licensed Premises through its Recreation Department, noting that the Licensed Premises shall be open and available to all County residents, subject to availability.

10. The Town shall not sell, offer for sale nor permit the sale of any food, commodity, ware or merchandise of any kind, nature or description on the Licensed Premises or charge a fee for parking without the prior written consent of the Commissioner.

11. The Town shall not charge, impose or collect any fees for entrance into or for use of the Licensed Premises without the prior written consent of the Commissioner.

12. The Town accepts the Licensed Premises "as is" in its present existing condition. The Town shall, at its sole cost and expense, maintain the Licensed Premises and make any and all repairs or improvements to the Licensed Premises necessary to utilize and keep the Licensed Premises safe for the use of the public to the satisfaction of the Commissioner. Any repairs, improvements or construction undertaken on the Licensed Premises must receive all necessary environmental approvals required by law, including but not limited to those required under SEQRA and shall be undertaken only with the prior written consent of the Commissioner. The Town shall not erect nor allow the erection of any advertising signs in or on the Licensed Premises without obtaining the prior written approval of the Commissioner, such consent shall not be unreasonably withheld.

13. The County shall, continuously throughout the license term, cause the area of the Licensed Premises to be policed, including police patrols and investigation of all offenses or crimes committed or attempted within the Licensed Premises.

14. The Town, at its sole cost and expense, shall maintain and properly supervise the Licensed Premises. The cost of such maintenance and supervision shall be the sole responsibility of the Town, it being understood and agreed that such maintenance and supervision shall be performed by the Town to the complete satisfaction of, and as directed by the Commissioner. Notwithstanding anything contained herein to the contrary, the Town may delegate all or a portion of the maintenance of the Licensed Premises to the Village of Bronxville, however no such delegation shall relieve this Town of any of its obligations herein.

15. The County, its officers, employees or agents, shall be entitled to enter the Licensed Premises, or any part thereof at any time for the purpose of inspecting, observing and monitoring the operation of the Park.

16. In the event that the County desires to enter onto the Licensed Premises for the purpose of construction or park purposes, or in the event that said premises are conveyed to the People of the State of New York, or sold to a bona fide purchaser, this License shall be terminated and become null and void upon sixty (60) days prior written notice, in writing, to the Town who shall forthwith vacate said premises and, in the event of such termination, the County shall have no liability to the Town whatsoever.

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

3. RESOLUTION AUTHORIZING THE SUPERVISOR TO RATIFY THE TRAFFIC AND CRIMINAL SOFTWARE USE AND DISSEMINATION AGREEMENT BETWEEN THE NEW YORK STATE POLICE AND THE TOWN OF EASTCHESTER POLICE DEPARTMENT FOR THE ELECTRONIC CAPTURE OF TICKET AND ACCIDENT REPORT DATA IN A POLICE VEHICLE ENVIRONMENT AND THE ELECTRONIC TRANSFER OF DATA FROM LAW ENFORCEMENT AGENCIES TO DMV AND COURTS

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION authorizing the Supervisor to ratify the TraCS (Traffic and Criminal Software) Use and Dissemination Agreement between the New York State Police and the Town of Eastchester Police Department for the electronic capture of ticket and accident report data in a police vehicle environment and the electronic transfer of that data from law enforcement agencies to DMV and courts.

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

4. RESOLUTION AUTHORIZING THE SUPERVISOR AND THE TOWN BOARD TO APPROVE THE 2015/2016 STORMWATER MANAGEMENT ANNUAL REPORT FOR YEAR 13

Supervisor Colavita offered a motion that was seconded by Councilman Bellitto to approve a RESOLUTION authorizing the Supervisor and the Town Board of the Town of Eastchester to approve the 2015/2016 Stormwater Management Annual Report for Year 13.

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

5. **RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER AN ADDENDUM TO THE LICENSE AGREEMENT BETWEEN THE TOWN OF EASTCHESTER AND EASTCHESTER EVENTS, INC. TO AMEND THE LAKE ISLE COUNTRY CLUB CATERER AGREEMENT**

THIS ITEM WAS TABLED

6. **RESOLUTION AUTHORIZING THE SUPERVISOR TO EXECUTE AND DELIVER AN INTERMUNICIPAL AGREEMENT BETWEEN THE TOWN OF EASTCHESTER AND THE WESTCHESTER COUNTY DEPARTMENT OF PUBLIC SAFETY FOR THE USE OF THE COUNTY'S FIRING RANGE FACILITY BY THE EASTCHESTER POLICE DEPARTMENT**

Supervisor Colavita offered a motion that was seconded by Councilman Dooley to approve a RESOLUTION authorizing the Supervisor to execute and deliver an IMA agreement between the Town of Eastchester and the Westchester County Department of Public Safety for use of the County's Firing Range Facility by members of the Eastchester Police Department.

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

B) TOWN CLERK'S REPORT for February 2016 was received for filing.

VII. 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:

		<u>Transfers</u>	
From:	Personal Services	B3120.100	\$ 125,000.00
To:	Overtime- Straight	B3120.103S	\$ 125,000.00
From:	Equipment	B3120.201	\$ 4,000.00
To:	Maint. & Repair	B3120.415	\$ 4,000.00
From:	Unemployment	A9000.805	\$ 15,000.00
To:	Contractual	A1900.450	\$ 11,000.00
To:	Materials	A1420.401	\$ 4,000.00
From:	Contractual	A1315.450	\$ 550.00
To:	Auditor	A1315.480	\$ 550.00
From:	Personal Services	A7150.100	\$ 7,000.00
To:	Maint. & Repairs	A7150.414	\$ 7,000.00
From:	Utilities	A7150.435	\$ 5,000.00
From:	Signs	A3310.460	\$ 500.00
To:	Small Equipment	A7150.203	\$ 5,500.00
		<u>Revisions</u>	
Increase:	Maint. & Repairs	R8160.414	\$ 25,000.00
Increase:	Appropriated Fund Balance	SR 00599	\$ 25,000.00
Increase:	Misc. Income	E 02770	\$ 70,000.00
Increase:	Contractual	E3600.450	\$ 70,000.00

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

B) MEMORANDUM FROM COMPTROLLER RE:SEASONAL EMPLOYEES

Councilman Bellitto offered a motion that was seconded by Supervisor Colavita to approve the appointment of Elder Alarcon (Recreation Assistant) and the reappointment of Christina Yotides (Office Assistant) at Lake Isle at the hourly rate of \$10., effective April 6, 2016.

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

C) MEMORANDUM FROM COMPTROLLER RE: UNIFORM JUSTICE COURT ACT

Supervisor Colavita offered a motion that was seconded by Councilwoman Nicholson to approve a RESOLUTION to acknowledge the review of the 2015 financial audit of the Town of Eastchester's Justice Court.

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

D) MEMORANDUM FROM SUPERINTENDENT OF HIGHWAYS RE: PROCLAMATION OF ARBOR DAY

Councilman Marcoccia offered a motion that was seconded by Councilman Dooley to declare Friday, April 29, 2016 as Arbor Day within the Town of Eastchester.

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

VIII. MISCELLANEOUS BUSINESS

Upon consultation with the Town Board, due to the New York Presidential Primary being held on Tuesday, April 19, 2016, Supervisor Colavita offered a motion that was seconded by Councilman Marcoccia to determine that there will not be a second Town Board Meeting held in the month of April.

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

IX. COUNCIL MEMBER REPORTS

Councilman Marcoccia reflected on the transformation of the Parkway Oval and stressed the significance of Supervisor Colavita throwing the first pitch at the March 31st Tuckahoe High School baseball game. The extensive renovations, all done 'in-house' include new clay, fencing, bleachers, walkway, dug-outs, batting cages and stonework make the facility more accessible.

Mr. Marcoccia invited residents to the Lake Isle Open House to be held on April 16th from noon – 4:00pm.

Councilman Bellitto announced the TPAC meetings will be held in the Town Hall Community Room, beginning March 26th at 7pm.

Mr. Bellitto commended Archbishop Stepinac High School for their nomination of Michel Frey (class of 1984) as one of five graduates who will be inducted into the school's hall of fame at a May 5 ceremony.

Councilman Dooley encouraged residents to participate in the "Pitch in for Parks" effort on April 17th. During the hours of 10am – 3 pm, teams of volunteers help with such tasks as trail clearing and pruning, flower bed preparation, debris removal, sweeping and cleaning.

In closing, Mr. Dooley announced the Pelham Historian Blake Bell will speak at the April 17th Annual Meeting of the Eastchester Historical Society beginning at 2 pm.

Councilwoman Nicholson announced a drawing for the Douglas Fir trees planted at the Magic Treetures® Forest Nursery on Highland Ave by Tuckahoe/Eastchester Girl Scouts in 2014 will be held on Arbor Day, Friday, April 29th. The trees will be accompanied by a small 350 Eastchester Anniversary Tree Brass Tag identifying it as having been planted as part of the celebration.

Supervisor Colavita announced the Tax Office will offer extended hours on Saturday, April 30th from 9am – noon and Monday, May 2nd from 8am – 7 pm to provide residents with additional opportunities to submit Town & County tax payments.

Supervisor Colavita emphasized the significance of the organization 'Building for America's Bravest' (BFAB) and encouraged the public to support the group by attending a Sports Day on Saturday, April 30th. Eastchester Athletic Director Jason Karol and Stephen Huvane have scheduled four games (baseball, softball and both boys and girls lacrosse) between Eastchester and Harrison. Funds raised during the day via a 50/50 raffle and raffle chances will support BFAB in building custom designed homes for our most catastrophically injured service members.

The Supervisor highlighted the accomplishments of local residents by congratulating the 8th grade boys' basketball team on their championship win at the County Center Tournament and commending Sgt. Paul Santomauro on attending the graduation of his final DARE class and Sally Veltidi, Superintendent of Recreation, on being named to the Westchester County Camp Advisory Board. In closing, The Supervisor acknowledged Priska Diaz, the founder of Bittylab, for being honored by Westchester County Executive Rob Astorino as part of his initiative to spotlight local women and minority-owned-businesses.

X. SECOND OPPORTUNITY TO ADDRESS THE BOARD

David Levy discussed the success of the 8th annual St. Baldrick's Foundation event held at Mickey Spillane's Restaurant and announced over \$300,000 has been raised locally for childhood cancer research.

Mr. DeFelice stated he had requested the records of the fees collected at Lake Isle. Town Attorney Lou Reda responded by explaining the records have already been provided to Mr. DeFelice.

There being no further public business, the Meeting was adjourned at 8:55 p.m.

Minutes prepared by;

Linda Laird
Town Clerk