

MARCH 22, 2010

Regular Meeting of the Board of Trustees

Called to Order at 8:00 PM

The meeting opened with Salute to the Flag and Pledge of Allegiance

Upon roll call present were:

**TRUSTEE ECKLOND
TRUSTEE MARCOCCIA
TRUSTEE GORMAN
TRUSTEE QUIGLEY
MAYOR FITZPATRICK**

APPOINTMENTS –

1. Mayor Fitzpatrick called for the appointment of Donald Wauchope as a member of the Tuckahoe Housing Authority for a term to expire 7/5/2010. Trustee Quigley motioned to appoint Donald Wauchope; motion was seconded by Trustee Gorman and upon roll was carried by a vote of 5-0.

PUBLIC HEARINGS

PUBLIC HEARING I. - NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Board of Trustees of the Village of Tuckahoe on March 22, 2010 at 8 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York regarding the adoption of a Local Law of the Village of Tuckahoe for the year 2010, which would amend the following sections of the Zoning Ordinance of the Village of Tuckahoe:

Section 4-5.4 to require at least 1.5 parking spaces for the parking or garaging of passenger vehicles to be provided and maintained for each dwelling unit;

Section 5-1.2(a) to provide that “except as set forth in Section 4-5.4, at least two parking spaces for the parking or garaging of passenger vehicles shall be provided and maintained;”

Section 5-1.2.1.3 to provide that the number of parking spaces per unit in the Business/Residence District shall be 1.5;

30 Attachment 3:1 to provide that the number of parking spaces shall be amended from 1 to 1.5;

Section 4-5.4 to amend Zoning Board of Appeals to Planning Board as the approval authority with respect to the joint use of parking spaces;

Section 5-1.2.1.4 to amend two or more establishments on the same lot to two or more uses or establishments on the same lot; to amend the phrase maximum use by patrons or employees among such establishments to maximum use by patrons, employees or residents among such uses or establishments; to amend the phrase terminated upon the termination of the operation of any such establishments to terminated upon the termination of any such use or the operation of any such establishment; to amend the approval authority from the Zoning Board of Appeals to the Planning Board.

Section 5-1.2(d) to add the phrase including any municipal lot in which the owner has obtained and maintains Village permits for parking spaces reserved for the occupants or users of the building and to amend the approval authority from the Zoning Board of Appeals to the Planning Board;

Section 11-2.4 to provide that the Planning Board, in its discretion, may waive or vary such area, bulk and off-street parking requirements as may be necessary in order to afford the developer with the additional incentive market rate units;

Section 4-5.3.1 to eliminate the requirement of a special permit for residences combined with business uses in the Business/Residence Zoning District; and

An amendment to the Official Zoning Map of the Village of Tuckahoe rezoning and redesignating the premises commonly known as 300-308 Columbus Avenue, Tuckahoe, New York from a Residence B Zoning District to a Business/Residence Zoning District, under the Zoning Ordinance of the Village of Tuckahoe, subject to all regulations created and established relative to said Business/Residence Zoning District. The subject premises is also known as

Section 42, Block 8; Lots 5 and 10 on the Tax Map of the Village of Tuckahoe and is owned by Crestwood Station Plaza, LLC; and

Corresponding amendments to the Zoning Ordinance's Schedule of Area and Bulk Requirements and/or Schedule of Permitted Uses, if any;

All persons shall be entitled to be heard upon said proposed Local Law at such public hearing.

By order of the Board of Trustees.

Dated: March 5, 2010

Susan Ciamarra, Village Clerk

Mayor Fitzpatrick noted an error in the public hearing notice stating that the notice needs to reflect that the rezoning redesignation is from Business Zoning District and not Residence B Zoning District. The change was duly noted with a new notice to be posted reflecting the correction.

Trustee Ecklund motioned to open the public hearing; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

Mr. Davis, attorney for Crestwood Plaza, LLC, was accompanied by Jim Ryan of John Meyer Consultants-engineering and planning consultants, design consultant Rebecca Rivera, Anthony Nestor, and Lou Tantillo one of the clients' principals, addressed the board stating that in January a petition was submitted to the Village for consideration to rezone the property in question. He felt that the proposed project, if rezoning is approved, will add to the vitality of the district.

Mayor Fitzpatrick said the board takes rezoning very seriously and is concerned with the impact the rezoning would have on the abutting residential areas. James Ryan said that in putting their proposal together they tried to keep with the Master Plan requirements and also consulted with Village consultant, Frank Fish. He then went on to speak about design, architectural features of the project, proposed number of residences, square footage of commercial area and access to and from the site being from Fisher Avenue only.

Trustee Gorman questioned the impact on the Eastchester Schools. Mayor Fitzpatrick said that this question is for planning.

Trustee Marcoccia asked if there will be an entrance on Lincoln Ave to which Mr. Ryan answered that the only entrance would be on Fisher Avenue. As far as parking, the Village would lose 3 parking spaces on Fisher but would gain 9 spaces on Columbus Avenue.

Trustee Ecklund said that residents have questioned why rezoning is necessary to which Mr. Ryan responded that rezoning is necessary because of the height of their building. Further, keeping the zone the same could produce large commercial buildings which would produce more traffic. Trustee Ecklund then questioned the old tanks in the ground from the gas stations. Mr. Davis said that one tank has been deactivated and the second tank would be addressed under the regulations of the NYS Department of Environmental Conservation.

Mayor Fitzpatrick questioned the impact the rezoning would have on schools. Frank Fish said back in 2005 rezoning had been considered for the Crestwood area and at that time worst case, depending on 1 or 2 bedrooms, showed that possibly 10 to 15 more children would be added to the Eastchester School District I. As far as traffic, residential produces less traffic where retail requires more parking producing more traffic.

Mayor Fitzpatrick asked if rezoning would have an impact on the value of the homes on that portion of Oakland Avenue as well as that portion of Lincoln Avenue. Mr. Fish said that special permit revisions could be considered to allow the zoning or planning boards to make sure that residences face residences thereby eliminating the possibility of store entrances facing these two areas. If the current zoning was to remain which allows offices and retail, the residential are could be facing this type of use.

Mayor Fitzpatrick requested that Frank Fish review the paperwork and have a memorandum sent to the Village Board with recommendations. Trustee Ecklund suggested incorporating, in the rezoning proposal, the rest of the parcels in the Crestwood area.

Trustee Marcoccia motioned to keep open the public hearing; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

RESOLUTIONS -

1. Mayor Fitzpatrick offered a resolution to adopted Local Law No. 4 of 2010. Trustee Marcoccia motioned to adopt Local Law No. 4 of 2010; motion was seconded by Trustee Gorman and upon roll call, the vote was 4-1 as follows: Trustees Ecklund, Marcoccia, Gorman, Quigley voting in favor and Mayor Fitzpatrick voted against.

A LOCAL LAW AMENDING CHAPTER 22, ARTICLE II, SECTIONS 22-16 THROUGH 22-35 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED “VEHICLES FOR HIRE,” “PUBLIC CARRIAGES AND HACKS”

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on March 1, 2010.

WHEREAS, the Mayor has requested legislation amending Chapter 22, Article II, Sections 22-16 through 22-35 of the Village Code of the Village of Tuckahoe, entitled "Vehicles for Hire," "Public Carriages and Hacks;" and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on December 1, 2009, December 12, 2009, January 16, 2010; and

WHEREAS, said public hearing was duly held on the 7th day of December, 2009, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

NOW, THEREFORE, be it enacted by the Village Board of the Village of Tuckahoe, as follows:

Section 1. Chapter 22, Article II, Sections 22-16 through 22-35 of the Village Code of the Village of Tuckahoe are hereby amended as follows:

Chapter 22, VEHICLES FOR HIRE

ARTICLE I. IN GENERAL

§§ 22-1 - 22-15. Reserved.

ARTICLE II. PUBLIC CARRIAGES AND [HACKS] TAXIS

§ 22-16. Definition.

The word ["*hack*,"] taxi as used in this Article, shall include all vehicles used in the business of transporting persons for hire, other than vehicles operated under a special franchise.

§ 22-17. Licenses required.

- (a) *[Hack] Taxi owner's license.* No person shall engage in the business of operating a [hack] taxi or [hacks] taxis within the village without first obtaining a [hack] taxi owner's license and a [hack] taxi license issued by the village for each vehicle employed in said business.
- (b) *Taxi driver's license.* For all licensees that have obtained a taxi driver's license on or before March 1, 2010, no person shall operate a [hack] taxi within the village unless a taxi driver's license has been duly issued to him by the Village, as provided in this Article, and has not expired or been revoked or suspended. For all licensees that have obtained or are to obtain a taxi driver's license after March 1, 2010, no person shall operate a taxicab and no owner or registrant or dispatcher shall permit anyone to operate a taxicab within the Village without such operator having first obtained and paid for and having in force and effect a taxi operator's license issued by the Westchester County Taxi and Limousine Commission. Evidence of said license shall be conspicuously worn at all times that the licensee is in charge of the taxicab.
- (c) *[Hack] Taxi license.* No person shall operate a vehicle as a [hack] taxi within the

village unless a [hack] taxi license has been duly issued for said vehicle by the Village and said [hack] taxi license has neither expired nor been revoked nor suspended.

§ 22-18. Issuance and expiration of licenses.

(a) For all licenses issued by the Village, each such license shall be issued by the Mayor [and countersigned by the Village Clerk] on application made to the Village Clerk showing, in the case of a license for a vehicle, as to the condition and type of such vehicle, and in the case of license for a driver, as to the qualifications and character of such driver, and in the case of an owner's license, as to the qualifications and financial responsibility of such owner.

(b) *License terms.*

(1) Each taxicab license and each taxicab owner's license issued by the Village shall be effective at the semiannual rates set forth in § 22-24 for the six-month periods of January 1 through June 30 and July 1 through December 31 of each year. Applicants applying at any time during the year will pay the full semiannual rate for the portion of the six-month period remaining, and all licenses will expire on June 30 and December 31.

(2) Each taxicab driver's license issued by the Village shall be effective at the yearly rates set forth in § 22-24 for the period January 1 through December 31 of each year. Applicants applying at any time during the year will pay the full yearly rate for the portion of the year remaining, and all yearly licenses will expire on December 31.

(3) Each taxicab driver's license issued by the Westchester County Taxi and Limousine Commission shall be effective pursuant to the rules and regulations issued by the Westchester County Taxi and Limousine Commission.

(c) Prior to the issuance or renewal of a [hack] taxi license for a vehicle, the owner of the vehicle shall provide evidence that bodily injury liability insurance and property damage liability insurance in at least the amounts of coverage required

pursuant to the Vehicle and Traffic Law of the State of New York is in effect for such vehicle. Such insurance shall be maintained and be effective during the term of such [hack] taxi license. Each such insurance policy shall provide that the Village of Tuckahoe shall receive at least ten (10) days' notice prior to the termination or cancellation of such policy. In the event that such policy is terminated or cancelled, the [hack] taxi license of such vehicle shall be revoked.

§ 22-19. Application for licenses.

(a) *[Hack] Taxi licenses.* Upon original application for a [hack] taxi license and upon each renewal thereof, the Chief of Police shall require a satisfactory showing that the [hack] taxi to be licensed is in safe working condition. The application for a [hack] taxi license shall contain a description of the vehicle to be licensed, including name of the manufacturer, style of the vehicle, number of passengers it will seat and the automobile license number of such vehicle, the name of the owner, his age, place of residence and information as to whether the applicant has ever been convicted of any crime and, if so, the date of such conviction, the nature of the crime and whether applicant's license as owner or taxi driver has ever been revoked or suspended and the date and reason of each such occurrence. The applicant's fingerprints shall be taken by the Police Department and placed upon each original application, but need not be so taken or placed upon renewal applications. No [hack] taxi license shall be issued except to the possessor of a valid, unexpired, unrevoked and unsuspended owner's license.

(b) *Taxi driver's licenses – [Information, fingerprints to be provided.]* The application for a taxi driver's license shall contain such information as required by the Westchester County Taxi and Limousine Commission application forms. [: Applicant's name, age, place of residence for the past ten (10) years, length of time applicant has been operating a motor vehicle in the State of New York or elsewhere; length of time applicant has been operating a taxicab and place or places of such operation; whether applicant has ever been convicted of any crime and if so, the date of such conviction and the nature of the crime; and whether applicant's license as a taxi driver has ever been revoked or suspended and the date and place and reason for each such revocation or suspension. The applicant's fingerprints shall be taken by the Police Department and placed upon an original application but need not be so taken or placed upon renewal applications.]

[(c) *Photographs to be provided.* At the time of applying for a taxi driver's license, each applicant shall exhibit to the Village Clerk three (3) photographs of himself at least three by three (3 x 3) inches with a sufficient space therein so that the name of the

holder of the license may be written therein, together with a number which shall correspond with the number of said taxi driver's license, one (1) such photograph to be placed on file with the Police Department.]

[(d)] (c) *[Hack] Taxi owner's license.* An applicant for a [hack] taxi owner's license shall make application thereof upon blanks prepared under the authority of the Chief of Police, and an applicant shall furnish such proof of his fitness as the Chief of Police shall require, [including but not limited to the matters specified in Subsection (b) hereof,] and the applicant's fingerprints shall be taken by the Police Department and placed upon the original application, but need not be so taken for or placed upon renewal applications.

[(e)] (d) *Fingerprints of applicants for taxi[driver's license and hack] owner's license to be provided, investigated and report made; temporary licenses pending investigation.* Each applicant for a taxi [cab driver's license or hack] owner's license shall file with his application impressions of the fingers of his right and left hand. Such impressions shall be placed on certain forms furnished by the Police Department, at such place or places and under the supervision of such police officer as may be designated for such purpose. Applications, with photograph and fingerprint impressions attached, shall forthwith be sent to the Chief of Police and no taxi owner's license shall be issued under the provisions of this Article until the receipt in writing by the Chief of Police of a report showing the results of the investigation and examination of the fingerprint impressions by the Division of Criminal Justice Services of the State of New York; provided, however, that pending such investigation, a temporary license may be issued for a period not to exceed twenty (20) days. No license shall be issued to a person convicted of a felony.

[(f)] (e) *Substitute vehicle for licensed vehicle.* If a [hack] taxi owner desires to substitute a vehicle for the one that has been licensed, he shall make application on a form provided therefor by the village and upon the payment of an inspection fee of twenty-five dollars (\$25.), payable by cash, check or money order made to the order of the village, at the time of the making of the application. The vehicle may be substituted, provided that there is furnished proof that the said vehicle has, within the thirty (30) days last past, been inspected with respect to its equipment according to the standards of the Vehicle and Traffic Law, without regard to the time within which the state would ordinarily require the inspection of said vehicle, and that the said vehicle has been duly certified by the authorized inspection station to have the required equipment and be in the required condition for the issuance of the state motor vehicle registration for such vehicle.

§ 22-20. Refusal to issue licenses.

For all licenses issued by the Village, the Mayor shall issue licenses only to such persons as he shall deem fit and proper, but any applicant who shall have been refused such license by the Mayor may apply to the Board of Trustees therefor at a meeting thereof; and the same may be granted or refused by the Board.

§ 22-21. Display of licenses, photographs, plates and badges.

(a) Every [hack] taxi license shall be issued only upon the condition that the owner of said vehicle shall keep conspicuously posted [and fastened to the back of the front seat of the car a receptacle so arranged that the photograph of] the Village of Tuckahoe or the Westchester County Taxi and Limousine Taxi drivers identification [of said car] so that it may be [easily inserted therein in such a manner as to expose the photographic features of said driver] visible to the passengers in said vehicle.

[(b) With each taxi driver's license issued, the Village Clerk shall issue to the licensee a numbered metal badge for the owner or driver covered by such license, which said badge shall be worn by said owner or driver so conspicuously attached to his outer garment so that the same shall be in plain view at all times when the license is employed in the operation of said hack.]

[(c) Such badges shall be the property of the village and shall be returned to the Village Clerk by the licensee upon the expiration or forfeiture of the license.]

[(d) The driver's photograph shall be placed in the receptacle furnished for that purpose on the rear of the front seat at all times when such driver is operating said car, and shall be so placed that the features thereof shall be in plain view of the passengers in said hack.]

[(e) It shall be unlawful to operate or to permit the operation of a hack unless all licenses, photographs and badges are displayed as provided in this section.]

[(f)] (b) Taxi user's bill of rights. Each[hack] taxi owner shall display at his or her taxi stand and in each taxicab, where it can be readily seen by the riding public, and in a format approved by the Board of Trustees, a copy of the following taxi user's bill of rights:

Taxi User's Bill of Rights

(1) A passenger can have the exclusive use of any taxicab, except that when a trip begins at a railroad station in the village, group riding is authorized and permitted.

(2) For a group starting from one location and going to the same destination within the village, one (1) passenger pays full fare, the others pay ninety cents (\$0.90) each.

(3) It is illegal for taxi drivers to refuse an orderly fare.

(4) A driver must produce identification on request.

(5) Report violations to the Village of Tuckahoe Police Department: (914) 961-4800.

§ 22-22. Rates and fares.

(a) Every person, firm or corporation engaged in such business shall charge a rate of fare not to exceed the rates designated and approved by the Board of Trustees by resolution adopted at a regularly scheduled meeting of the Board of Trustees. A list of such approved rates shall be maintained by the Village Clerk and Police Department and sent by first-class mail to all licensed taxicab owners.

(b) No fare shall be charged for children under five years of age when accompanied by a person paying full fare.

(c) A rate schedule listing the rates specified in this § 22-22 and all rates charged by the taxi company to carry passengers to locations outside of the village boundaries shall be posted in all taxis and copies thereof shall be provided to passengers upon request. Such rate schedule shall also list rates applicable to the senior citizen Dial-a-Ride program. The form of such rate schedule shall be as approved by the Board of Trustees and shall not be changed or modified without the prior approval of the Board of Trustees. The Board of Trustees shall be provided with prior notice of all changes in rates charged by the taxi company to carry passengers to locations outside of the village boundaries.

§ 22-23. Transfer of licenses.

(a) No [hack] taxi license [or taxi driver's license] shall be transferable. A [hack] taxi owner's license shall be transferable, subject to the approval of the Mayor and on proof of fitness of the transferee. The proposed transferor and proposed transferee shall file an application for such transfer with the Chief of Police upon blanks prepared by the Chief of Police, and the transferee shall comply with all of the requirements for an original applicant for such license.

(b) Notwithstanding any other provision of this article, such license shall not be transferable if it has been revoked or is suspended under this article.

(c) In the event of the death of the possessor of a [hack] taxi owner's license, the executor or administrator of the decedent owner shall be deemed the owner for all

purposes, including the transfer of said license for a period of six months from the date of such death. The owner of a hack owner's license may bequeath the same, subject to approval of the transferee as hereinabove provided in this section.

§ 22-24. License fees.

The following fees shall be collected by the Village Clerk for each license issued, whether original or renewal:

- (a) For each taxicab license issued, the sum of \$175 for each six-month period.
- (b) For each taxi driver's license renewal, the sum of \$50 each year.
- (c) For each taxicab owner's license, the sum of \$100 for each six-month period.

§ 22-25. Regulations.

Every holder of a [hack] taxi license and taxi driver's license shall observe the following regulations:

- (1) No taxicab shall occupy any taxicab stand unless the driver thereof is in attendance thereon, ready to accept and transport passengers.
- (2) No taxicab shall occupy any taxicab stand nor shall any passengers be accepted for transport in any taxicab unless such taxicab is clean and in safe working

condition and unless the driver thereof is in good health and sober.

(3) No fares shall be solicited for any taxicab except from taxi stands designated by the Board of Trustees or the Police Department under the authority of the Board of Trustees.

(4) Every taxi driver is required to be polite and courteous in his dealings with the public and to accept passengers in the order they seek to engage him without discrimination.

(5) No fares shall be solicited or accepted for any taxicab in excess of the number of passenger seats in said cab.

(6) No taxicab shall be operated at any time by a person in an intoxicated condition.

§ 22-26. Licenses not to be issued to persons convicted of felonies, etc.

No license shall be issued to any person who has been convicted of a felony, in any state, or of any of the misdemeanors or offenses specified in § 552 of the Code of Criminal Procedure within 10 years prior to making application therefor.

§ 22-27. Availability of taxicabs.

(a) All taxicabs licensed under this Article are required to be available for public use on the arrival of afternoon and evening trains from New York and especially in bad weather. Licensees must render reasonable service in this respect.

(b) All taxicabs licensed under this Article are required to participate in the Tuckahoe Senior Citizens' Dial-a-Ride Program, accept dial-a-ride tickets as payment for taxi fares and comply with such procedures and guidelines as may be established by the Village for the Dial-a-Ride program.

(c) Failure to comply with the provisions of Subsections (a) and (b) of this section shall be cause for the revocation, suspension or refusal to renew any [hack] taxi owner's license or taxi driver's license.

§ 22-28. Revocation or suspension of licenses.

(a) *Revocation.* If the holder of any license shall be convicted of violating any of the provisions of this Article, or shall be convicted of a felony, it shall be mandatory upon the Board of Trustees of the village to revoke any license held pursuant to this Article, and said licensee may never be eligible for a subsequent issue of any license granted pursuant to this Article.

(b) The Board of Trustees may suspend any license issued under this Article pending a hearing as hereinafter provided.

(c) The Board of Trustees may revoke any license issued under this Article in the event that said license shall not have been used for a continuous period of ninety (90) days, or for any violation of any provisions of this Article, or for any violation of any state or federal law or for the making of a false statement knowing the same to be false, in any application for a license under this Article, upon notice to the licensee and an opportunity to him to be heard, either by the Board of Trustees or by any individual Trustees designated by the Board.

(d) For any cause which would be grounds for the revocation of a license, the Mayor or the Chief of Police may suspend such license until the next meeting of the Board of Trustees following such suspension.

§ 22-29. Use of suspended or cancelled licenses.

No person shall display or attempt to use any license which has been suspended or cancelled or to wear or display any driver badge which has been suspended or cancelled or for which he does not lawfully hold a license.

§ 22-30. Renewal of licenses.

In the absence of a determination by the Board reducing the number of licenses, a licensee whose license has not been suspended or revoked and has been in continuous service shall be entitled to a renewal thereof upon payment of the proper fees, unless he shall be found not to be fit and proper for such, and in the case of a [hack] taxi license, unless the Chief of Police finds the [hack] taxi not to be in safe working condition.

§ 22-31. Number of licenses.

The number of licenses to be issued and the location of [hack] taxi stands shall be determined by the Board of Trustees by resolution, but no reduction of the number of licenses shall serve to deny a renewal of a license to any existing licensee so long as he is otherwise eligible under § 22-30 hereof.

§ 22-32. Penalties for offenses.

Any person violating any of the provisions of this Article shall forfeit his license and shall, in addition, be liable to a penalty as prescribed in § 1-7 for each of said violations, and in addition thereto such violation shall constitute disorderly conduct and every person violating the same shall be a disorderly person.

§ 22-33. Color schemes, emblems and identification.

(a) All vehicles belonging to the same [hack] taxi owner shall have the same distinctive color scheme or combination of colors and striping.

(b) The name and telephone number of the [hack] taxi owner shall be printed on both the front doors of each taxicab in such a manner as shall be prescribed by the Board of Trustees as part of the approved emblem. The taxicab identification number issued for each taxicab by the Police Department or the Board of Trustees shall be painted on the front doors and the rear and front of each taxicab licensed hereunder. The size and color of the name, telephone number and identification number shall be between three (3) and four (4) inches in height and three (3) and four (4) inches in width with a quarter-inch stroke in a color contrasting with the portion of the taxicab upon which the number is painted, so as to provide visible figures considering operating conditions when the taxicabs are likely to be used.

(c) The Board of Trustees shall grant to any [hack] taxi owner, upon proper application therefor, the exclusive right to use one distinctive color scheme and/or emblem as follows:

(1) All vehicles belonging to the same [hack] taxi owner shall have the same distinctive color scheme or combination of colors and striping.

(2) One (1) or more distinctive emblems or other identifying designs to be displayed on all or part of the vehicles of such [hack] taxi owner. Applications for approval must include color sketches of the proposed color schemes and/or emblems or designs together with such other and further information as the Board of Trustees may require.

(3) The Board of Trustees may conduct a hearing for the purpose of resolving any dispute as to the use of a color scheme where the use of such color scheme tends to confuse the public as to the identity of the vehicle being used or of the identity of the [hack] taxi owner or where the use of such color scheme creates an unfair competition or business practice.

(d) *Advertising limitations (external)*. Advertising material shall not be displayed on the exterior of taxicabs, except that advertising shall be permitted if the advertising is limited to a standard unlighted plaque in back of the taxicab without any projections beyond the width and the height of the body of the taxi and without any projection beyond the rear bumper of the taxi and provided that there is no obstruction of the driver's view or vehicular lights. The dimensions, placement and construction of such advertising plaque must be approved by the Board of Trustees. No advertising for political purposes is permitted.

(e) *Advertising limitations (internal)*. Internal advertising will be permitted on the back of a driver's seat or on the inside of the doors of the taxicab. No advertising for political purposes is permitted.

§ 22-34. Operating rules and regulations for drivers.

Every holder of a [hack] taxi license while operating a taxicab shall:

- (a) Not refuse or neglect to convey any orderly person upon request in the village unless previously engaged or unable or forbidden by the provisions of this Chapter 22.
- (b) Not carry any person other than the person first employing the taxicab unless the person first employing the taxicab consents to the acceptance of an additional passenger; provided, however, that when a trip commences at a railroad station in the village, group riding is permitted without such consent.
- (c) Keep a written record in ink of all trips on a form approved by the Board of Trustees. Entries on such forms shall be made as each trip is completed; such records shall be retained by the owner for at least three (3) years.
- [(d) Not smoke while the taxi is carrying passengers unless smoking is permitted by the passenger.]

[(e) Not operate a taxicab without being in actual possession of both his identification card and badge and, in the event of loss of either such item, shall immediately notify the Police Department. The badge issued to a licensed taxi driver must be worn by the taxi driver when on duty, on the outermost garment, centered two (2) inches from the left arm and about ten (10) inches below the collarbone. At all times while on duty, every license holder shall have displayed in the interior of the vehicle which he is operating his taxicab driver's license displayed in a place visible to any passenger in such taxicab. He shall not permit his badge or his license to be used by any other person than himself.]

[(f)] (d) Be required to be neat and clean in dress and appearance, at all times, when on duty and comply with any dress code that may be promulgated by the Board of Trustees, [which it is hereby authorized to promulgate, and will maintain his appearance substantially as in the photograph filed with his license application. In the event that a driver changes substantially his appearance, such as the removal or growth of a beard, he shall thereupon furnish to the Police Department a new photograph showing the changed appearance and shall accompany such photograph with an application fee of five dollars (\$5.) for the replacement of his then current license so that a new license with new photograph may be issued to him at such time.]

[(g)] (e) Upon request of a passenger, issue a receipt for fares paid by the passenger; and, if the Board of Trustees has prescribed a particular form of receipt, he shall use that particular form, identifying the taxicab owner, taxicab identification number, date of trip and amount paid, and be signed by the driver.

[(h) Not solicit or recommend patronage for restaurants, bars, nightclubs, dance halls, cabarets, hotels or like places or advise anyone that he is employed by any such place, nor shall he solicit or recommend any place maintained in violation of law.]

[(i)] (f) Not permit any passenger in a taxicab, except a paying fare passenger, during such time as the taxi is being used for business purposes or is being made available for the carrying of paying passengers.

[(j)] (g) [State his name, badge number and] Identify himself/herself and employer while on duty, to any passenger or police officer on request.

§ 22-35. Taxicab stands.

(a) Only taxis in service and which display valid taxicab licenses shall be permitted to park, stand or stop in areas that have been designated by the village as taxicab stands.

(b) The Police Department or the Board of Trustees shall assign identifying [numbers] signs to the taxicab stands and shall designate which taxicabs may operate from such stands. Only the taxicab designated for a [numbered] taxicab stand may operate from such stand. The failure of a taxi owner to maintain service by a designated taxi at a designated taxi stand shall be cause for the revocation of a taxi license.

Section 2. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law, the provisions of this Local Law shall be controlling.

Section 3. This Local Law shall take effect immediately.

Section 4. The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

2. Mayor Fitzpatrick offered a resolution to adopt schedule of fees for Commercial Refuse and Rubbish Disposal Fees.

The following schedule lists the class of commercial properties and how they will be billed for monthly Refuse and Rubbish disposal.

<u>CLASS</u>	<u>MONTHLY FEE</u>	<u>TYPE</u>
A	\$25.00	Barber shop, beauty or nail salon, small professional offices (not in class B), travel agency, real estate, Insurance Agency
B	\$30.00	Stationary store, drug store, office supply, radiology, doctor, dentist, lawyer office, medical or psychological institution, small retail store, laundromat & cleaners
C	\$50.00	Liquor store, banks, day care, car wash,

coffee shops (no lunch or dinner served),
ice cream parlor, occupied vacant lot
(vehicle storage etc.)medium retail stores,
gyms & courts.

D	\$100.00	Auto body, bakery, delis, bars, small restaurant, gas station, large retail, small warehouse, manufacturing or auto repair shop, medium office,
E	\$200.00	Medium restaurant, warehouse, manufacturing, auto repair shop, large offices
F	\$250.00	Large restaurants, auto repair shops
G	\$300.00	Large warehouse & manufacturing
H	\$500.00	Small assisted or senior living facility & hotels & nursing homes
I	\$750.00	Medium assisted or senior living facility, hotel & nursing home
J	\$1,000.00	Large assisted living or senior living facility, hotel or nursing home

Thursday pick up is not included in this fee schedule. An additional Thursday pick up will be charged

Class rate plus half per month. (Ex. Assisted living that has additional Thursday pick up will be charged

\$500.00+\$250.00=\$750.00 per month).

A combination or multiple classes at one single establishment will be added accordingly.

(Ex. Drug store Class B with retail Class C= \$30.00+\$50.00=\$80.00)

Definition of Class Size of Establishment (August 28, 2009)

	<u>RETAIL</u>	<u>RESTAURANTS</u>	<u>OFFICE</u> <u>WAREHOUSE</u> <u>MANUFACTURING</u> <u>REPAIR FACILITY</u>	<u>HOTELS</u> <u>ASSISTED & SENIOR</u> <u>LIVING</u> <u>NURSING HOME</u>
SMALL	UP TO 1000 SF	1-4 TABLES	UP TO 1000 SF	1-50 Residence
MEDIUM	1000-2000 SF	5-15 TABLES	1000-2000 SF	50-100 Residence
LARGE	2000 SF ON UP	16 TABLES ON UP	2000 SF ON UP	100-150 Residence

Trustee Ecklund motioned to adopt resolution #2; motion was seconded by Trustee Marcoccia and upon roll call was carried by a vote of 5-0.

3. Mayor Fitzpatrick offered a resolution approving a \$2,500 Village contribution to the Westchester Italian Cultural Center to help fund a series of four outdoor film screening in Depot Square in September.

Trustee Marcoccia motioned to adopt resolution #3; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5-0.

4. Mayor Fitzpatrick offered a resolution authorizing the Mayor to execute an agreement for the purchase of The Ti Training - The Training Lab Simulator for the Department of Police at a cost not to exceed \$59,870.”

Trustee Ecklund motioned to adopt resolution #4; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5-0.

5. Mayor Fitzpatrick offered a resolution approving payment of vouchers in the amount of \$187,124.62 consisting of abstract #41 for \$82,438.97, abstract #42 for \$85,733.20 and abstract #43 for \$18,952.45. The three largest invoices paid were for: (1) \$80,473.01 for a bond principal and interest payment, (2) \$20,414.27 for the purchase of rock salt for the DPW and (3) \$15,864.92 for Tuckahoe Public Library’s WESTLYNX data-line access and maintenance to the Westchester Library System for the period January 1 through June 30, 2010.

Trustee Quigley motioned to adopt resolution #5; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5-0.

Trustee Marcoccia questioned the bond principal and interest payment. John Pintos asked him to look at the budget.

6. Mayor Fitzpatrick offered a resolution amending the Fiscal 2009/2010 budget as follows:

<u>Account #</u>	<u>Department</u>	<u>Account Name</u>	<u>Amount</u>	<u>Action</u>
010-0010-5720	Revenues	Statutory Bonds	\$1,284,757	Increase
010-9730-0610	Debt Service	BAN Principal	430,000	Increase
010-9903-0908	Interfund Transfers	Transfer to Capital	205,000	Increase
010-1964-0422	Tax Certiorari	Tax Refunds	649,757	Increase

This resolution is to amend the budget to reflect the Village’s issuance of statutory serial bonds in November 2009.

Trustee Ecklund motioned to adopt resolution #6; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5-0.

7. Mayor Fitzpatrick offered a resolution modifying the Fiscal 2009/2010 budget as follows:

<u>Account #</u>	<u>Department</u>	<u>Account Name</u>	<u>Amount</u>	<u>Action</u>
010-0010-4795	Fund Balance	App. Fund Balance	\$7,908	Increase
010-3120-0404	Police Department	Materials & Supplies	7,043	Increase
010-3120-0423	Police Department	Contractual/Uniforms	549	Increase
010-3640-0489	Civil Defense	Civil Defense	316	Increase

This resolution is to modify budget to reflect the rollover of encumbrances existing on May 31, 2009.

Trustee Quigley motioned to adopt resolution #7; motion was seconded by Trustee Ecklund and upon roll call was carried by a vote of 5-0.

8. Mayor Fitzpatrick offered a resolution to accept a donation of \$1,800 from the Generoso Pope Foundation to fund the 2010 Easter Egg Hunt Event. **Trustee Marcoccia motioned to adopt resolution #8; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5-0.**

9. Mayor Fitzpatrick offered a resolution approving Joe's Quarry Pub LLC and Accie Jeffress Post request for the 30 day prior notice waiver to the Village of Tuckahoe for their liquor license application process. Joe's Quarry Pub LLC is applying for a new Liquor license and Accie Jeffress Post is applying for renewal. This waiver does not allow the establishment to sell liquor or have liquor brought into the establishment without the license; the 30 day waiver allows the Liquor Authority to act on their application without the waiting period. **Trustee Ecklund motioned to adopt resolution #9; motion was seconded by Trustee Marcoccia and upon roll call was carried by a vote of 5-0.**

10. Mayor Fitzpatrick offered a resolution designating April 30th as Arbor Day in the Village of Tuckahoe with the planting of a tree on (ICS) Immaculate conception Church property and a tree at the Main Street Park. In observance of this day, the following proclamation is hereby issued:

Whereas, Arbor Day was first observed 1972 and is now observed throughout the nation and the world; and

Whereas, trees reduce the erosion of the topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, provide wood for homes, fuel for fires and countless other wood products; and

Whereas, safely managing our environment remains the key to a strong and prosperous future for our community; and

Whereas, caring for and preserving our natural environment is the responsibility of every citizen.

Now, therefore, I, John Fitzpatrick, Mayor of the Village of Tuckahoe, urge all citizens to plant trees, to care for our trees and to promote the well-being of this and future generations."

Trustee Ecklund motioned to adopt resolution #10; motion was seconded by Trustee Marcoccia and upon roll call was carried by a vote of 5-0.

Trustee Ecklund motioned to approve the minutes of the regular meeting of March 1, 2010/February 8, 2010; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5 – 0.

MISCELLANEOUS BUSINESS –

Reorganization meeting – April 5th – 8:00PM

Next Village Board meeting/budget hearing is April 12th - 8PM.

Village offices and DPW closed on Friday, April 2nd in observance of Good Friday. Garbage will be picked up day before, Thursday.

BOARD OF TRUSTEES MEMBER REPORTS:

- **TRUSTEE MARCOCCIA-** Discussion on outstanding bonds and 2010-11 tentative budget with the Treasurer noting that the tentative budget shows a proposed tax increase of 7.5%. Trustee Marcoccia reported on the annual Library Poetry Contest and upcoming activities.
- **TRUSTEE ECKLOND-** said the DPW building is under construction. The Nextel cell tower lease is being reviewed and the Village Attorney is waiting to hear back. Individuals walking their dogs are asked to pick up after their dog. Army Corp wall project is being analyzed, the design is nearly complete, and they are studying whether this would change the hydrology of the river. Mayor Fitzpatrick received complaints from the public regarding the levies and assured the public that the matter is being addressed. Trustee Ecklund attended the Westchester Delegation and asked for CHIPS funding support for CDBG, the Aid Program, a 4 Year moratorium and the repeal of the WICKS Law were other topic addressed. Mayor Fitzpatrick said he does not favor the repeal of the WICKS law and thanked Trustee Ecklund for attending.
- **TRUSTEE GORMAN** announced upcoming Board meetings. It's spring cleaning time and Westchester County has Household Recycling dates at Playland on April 9th& 10th. Trustee Gorman addressed the Census address mistake where they sent the questionnaire to the residents addressed to Yonkers, NY as opposed Tuckahoe commenting that being undercounted is serious problem. Susan Ciamarra said the Village has been assured that this will not create a problem in that the Census Bureau utilizes the tract and block information; the zip code is not utilized in the count. Easter Egg Hunt is April 3.

- **TRUSTEE QUIGLEY** spoke about the Eastchester Water Main Breaks on California Road creating a water problem for the residents. The St. Patrick's Parade is rescheduled to March 27.
- **MAYOR FITZPATRICK** said that all the residents have power since the severe storm. Some trees came down and since the County declared an emergency the Village may get funding. He thanked the DPW crew. He noted the April 5th meeting and the April 12th meeting is a regular meeting and budget hearing. Mayor Fitzpatrick made reference to a letter that had been received pertaining to the DPW yard which will be responded to. Tuckahoe Beautification received a note regarding the bedraggled tree in the Lincoln & Marbledale island and another resident wants a sweeping & cleaning committee. He thanked residents that support Tuckahoe Beautification.

SECOND OPPORTUNITY TO ADDRESS THE BOARD

Linda Cohen announced Senator Klein's Easter Breakfast on Sunday April 11. Also, the extension of the resident parking permit bill that Tuckahoe submitted to the Senate has been approved by the Senate. Mayor Fitzpatrick thanked the Senator for his work on this issue saying it will alleviate commuter parking in residential areas by Crestwood Station. Susan Ciamarra said she had attended two of Senator Klein's sessions at Botanical Gardens; the lector hall was jammed packed. They were very informative. The first session was about organic gardening and herbs and the second dealt with trees and shrubs.

There being no further business, the Board unanimously voted to adjourn the meeting at 10:00 P.M.

Susan Ciamarra, Village Clerk