

Village of Massena
BOARD OF TRUSTEES
Meeting Minutes

DATE/TIME: February 21, 2017 (5:30 p.m.)
PLACE: Town Hall Building, 60 Main Street, Massena, New York

PRESENT: **Board of Trustees:**
Mayor Timmy J. Currier
Trustee Timothy Ahlfeld
Trustee Francis Carvel
Trustee Albert (Herb) Deshaies
Trustee Matthew LeBire

Staff:
Monique N. Chatland (Village Clerk)
Julie A. Sharlow (Treasurer)
Hassan A. Fayad (Supt. Of Public Works)
Adam J. Love (Chief of Police)
Aaron Hardy (Interim Fire Foreman/Code Enforcement Officer)

Press: John Michaud III (WNTS Television), Andy Gardner (North Country This Week), Bob Beckstead (Daily Courier Observer), Day Snyder (Massena Chamber)

Residents/Other: Pam Ryan, Dianne Meyer, Pam Barclay, Joel Grigg, Bruce Howie, Tom Seguin, Bruce Green II, Bruce Green, Wanda Green, Kelly Williams, Jonathan Zakarauskas, Tom Miller, Tracey Miller

Following the Pledge of Allegiance, Mayor Currier asked that all electronic devices be silenced, proceeded to call the meeting to order at 5:30 p.m. and conducted a roll call of Board members present.

PUBLIC HEARING: TO CONSIDER AMENDING THE GENERAL CODE TO ADOPT A COMPLETE STREETS POLICY

Trustee Carvel offered a motion, seconded by Trustee Ahlfeld to open the meeting up to a public hearing to consider amending Chapter 246 (Streets & Sidewalks) of the General Code of the Village of Massena to add a new article (Article III: Complete Streets) at 5:30 p.m. **Motion Carried 4:0** (AYE= Ahlfeld/Carvel/ Deshaies/LeBire). **(Clerks Note: See page 1415 for Notice of Public Hearing).** Mayor Currier said the Complete Streets policy is a smart growth strategy and explained that when changes are made in the community regarding infrastructure, this policy will ensure that streets and sidewalks are safe and adequate for all those traversing them.

Trustee LeBire stated that the reason it took so long to develop the policy is because those involved in its development wanted to be certain that it was the correct policy for the Village.

Mayor Currier thanked Karen Bage of the St. Lawrence Health Initiative and the LaBerge Group for their assistance throughout the implementation.

Hearing no public comment, Trustee Carvel made a motion, seconded by Trustee Deshaies to close the public hearing at 5:34 p.m. **Motion Carried 4:0** (AYE=Ahlfeld/Carvel/Deshaies/LeBire)

RESOLUTION #10-2017: ADOPT LOCAL LAW TO AMEND CHAPTER 246 (STREETS & SIDEWALKS) TO INCLUDE ARTICLE III (COMPLETE STREETS)

A motion was offered by Trustee LeBire, seconded by Trustee Deshaies, and carried, to adopt the following resolution to wit:

RESOLUTION #10-2017

Adopt Local Law #01-2017

A local law AMENDING the Code of the Village of Massena, Chapter 246 (Streets & Sidewalks) to add a new article, article III to be entitled "Complete Streets Policy"

Be it enacted by the BOARD OF TRUSTEES of the Village of Massena as follows:

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§ 246-24 Definition

"Complete Streets" are streets designed and operated to provide safe and convenient access for all roadway users, regardless of age, ability or mode of transportation. This includes pedestrians, cyclists, transit users, motorists, emergency responders, and freight users. It considers the needs of children, the elderly and persons with disabilities.

§ 246-25 Policy

The Village supports the development of a complete transportation network for all modes of travel that promotes access, mobility and safety for all users.

- A. *All Village-owned transportation facilities in the public right-of-way including streets, bridges and paths shall be planned, designed, constructed, operated, and maintained so that users of all ages and abilities can travel safely and independently.*
- B. *Privately constructed streets and parking lots shall adhere to this policy.*
- C. *The Village shall foster partnerships with the NYS Department of Transportation (NYS DOT), St. Lawrence County, neighboring communities, businesses, and school districts to develop facilities and accommodations that further the Village's complete streets policy and continue such infrastructure beyond the Village's borders.*
- D. *The Village shall approach every transportation improvement as an opportunity to create safer, more accessible streets for all users. This includes planning, programming, design, right-of-way acquisition, construction, reconstruction, operation, and maintenance.*

§ 246-27 Exceptions

- A. *Any exception to this policy, whether for public or private projects, must be approved by the Village Board with documentation of the reason for the exception. Such documentation shall be recorded and made publicly available.*
- B. *Exceptions may be considered when:*
 - 1) *The project involves a roadway where non-motorized use is prohibited by law, such as interstate freeways. In these cases, efforts shall be made to accommodate pedestrians and bicyclists elsewhere while minimizing detours;*
 - 2) *The Department of Public Works concludes that the cost of accommodation is excessively disproportionate to the need or probable use; and/or*
 - 3) *There is documented absence of current or future need.*

§ 246-28 Design Standards

The Village should follow accepted design standards, whenever possible. These standards include: Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; American Association of State Highway Transportation Officials' (AASHTO) Guide for Planning, Designing and Operating Pedestrian Facilities; AASHTO Guide for the Development of Bicycle Facilities; National Association of City Transportation Officials (NACTO) Street Design Guide; and the Americans with Disabilities Act Accessibility Guidelines.

§ 246-29 Performance Measures and Reporting

- A. *The Village shall measure the success of this Complete Streets policy using the following performance measures: (Village to select.)*
 - 1) *Miles of bike lanes/paths striped or built,*
 - 2) *New linear feet of pedestrian accommodation,*
 - 3) *Number of crosswalk and intersection improvements,*
 - 4) *Changes in crash data for all modes,*
- B. *The Village of Massena shall appoint a Complete Streets Advisory Committee to identify strategic opportunities to make streets more complete and oversee the implementation of this policy.*

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- C. *The Complete Streets Advisory Committee shall present an annual report to the Massena Village Board showing progress made in implementing this policy. The report shall detail the annual increase or decrease for each performance measure contained in this ordinance compared to the previous year(s). The report shall be posted online for public review.*

§ 246-30 Implementation

- A. *The Village of Massena shall view Complete Streets as integral to everyday transportation decision-making practices and processes. To this end:*
- 1) *The Department of Public Works, the Massena Planning Commission, and other relevant departments and committees shall incorporate Complete Streets principles into all existing plans, manuals, checklists, decision-trees, rules, regulations, and programs as appropriate.*
 - 2) *The Department of Public Works, the Massena Planning Commission, and other relevant departments and committees shall review current design standards, including subdivision regulations which apply to new roadway construction, to ensure that they reflect the best available design standards and guidelines, and effectively implement Complete Streets, where feasible;*
 - 3) *When available, the Village shall offer workshops and other educational opportunities on Complete Streets and non-motorized modes to transportation professionals, community leaders, and residents; and*
 - 4) *The Village shall actively seek sources of appropriate funding to implement Complete Streets.*

§ 246-31 The Complete Streets Advisory Committee

- A. *There is hereby created a Complete Streets Advisory Committee for the Village of Massena.*
- B. *The Advisory Committee shall consist of five (5) members holding staggered three-year terms appointed by the Mayor. The committee may include members of the Department of Public Works and representatives of various street users and other advocacy organizations, as relevant.*
- C. *The purpose of the Complete Streets Advisory Committee is to promote health through physical activity and active transportation for all users, specifically, the most vulnerable-children, older adults, and those with disabilities within the Village of Massena.*

§ 246-32 Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Question of the adoption of the foregoing resolution resulted as follows:

AYE: Trustee Ahlfeld, Trustee Carvel, Trustee Deshaies, Trustee LeBire

NAY: None

Mayor Currier declared Resolution #10-2017 duly adopted (4:0).

**PUBLIC HEARING: TO CONSIDER AMENDING CHAP. 270 (TAXICABS) OF THE
GENERAL CODE**

Trustee LeBire offered a motion, seconded by Trustee Carvel to open the meeting up to a public hearing to consider amending Chapter 270 (Taxicabs) of the General Code of the Village of Massena at 5:35 p.m. **Motion Carried 4:0** (AYE= Ahlfeld/Carvel/ Deshaies/LeBire). *(Clerks Note: See page 1416 for Notice of Public Hearing).*

Chief of Police Adam J. Love explained that over the last few months he has been working on updating the taxicab code to include various other sorts of vehicles for hire that operate within the Village limits, such as Medicaid transport vehicles and Uber, as well as amend the chapter to maintain the health, public safety and general welfare of those traversing on any street in any vehicle within the Village. He noted he wanted to be certain there were provisions in the Code that stated that any vehicle that is entering the Village to pick up residents is safe and that those operating the vehicles are healthy and able to safely operate a motor vehicle.

Mike Zakarauskas, owner of Massena Transport, explained that he had a couple of issues with the proposed language changes. He explained that he did not support section that states vehicles are to be no more than 10 years old, as he feels that the age of the vehicle is not as important as the condition and maintenance. He said it would also drive costs up for him, as he would be forced to purchase new vehicles and therefore would need to request a rate increase of the Board. Mayor Currier pointed out that while he wasn't against changing the age of the vehicles, that provision has

always been in the Code. Currier stated he wasn't sure how to get to a number that all parties are comfortable with. Zakarauskas suggested requiring more frequent inspections of the vehicles, noting he performs maintenance on his vehicles every 10 days. He stated that if the vehicles were over 10 years old they could be inspected quarterly by an approved NYS Motor Vehicle inspector, taking the burden off the DPW mechanics and Chief of Police. Bruce Green, of Green Cab, agreed that there should be a maximum age for a vehicle to be used for a taxi, but didn't think it should be 10 years. Green also disagreed with increasing NYS inspection, stating NYS law only requires vehicles inspected once a year and if the Village wanted them done more frequently, the Village should complete them.

Zakarauskas suggested that the drivers should be drug tested before they are licensed through the Village of Massena. He stated that those that utilize the cab companies are often vulnerable and he felt it was a disservice to the residents of the Village if drug testing and background checks are not required. Mayor Currier shared his concerns on drug testing, stating he didn't think it was fair to pass that cost on to the employees, as they are typically unemployed and looking for a job. Zakarauskas explained that his payroll company offers various services such as background checks and drug testing, which he utilizes, prior to submitting a drivers' application to the Village. He said these services also decrease the costs of his insurance. Bruce Green also agreed that drug testing should be required.

Zakarauskas inquired about dealing with the "outside" companies, especially since the taxicab's operating within the Village are limited to 10. Police Chief Love clarified that taxis, only, are limited to 10. Love further explained that those outside companies that are running medical transport services are going to be held to the standards set forth in the Village code as well. Zakarauskas and Green both shared concerns about the "volunteer" drivers running within the Village as well. They stated that those volunteers are paid by NYS through the county for mileage and are not required to follow the laws set forth in the Village code. The volunteers don't have taxi plates, livery plates, taxi insurance, no signage, no special driver's license requirements and so forth, he explained. Mayor Currier stated he felt as though they would have to meet the requirements set forth in the Village code, unless they were exempt from NYS transportation law.

Hearing no further public comment Trustee Ahlfeld made a motion, seconded by Trustee LeBire to close the public hearing at 6:09 p.m. **Motion Carried 4:0** (AYE=Ahlfeld/Carvel/Deshales/LeBire)

PROPOSED RESOLUTION: ADOPT LOCAL LAW TO AMEND CHAPTER 270 TAXICABS

Trustee Ahlfeld shared his opinion, and Trustee LeBire agreed, that the Board take no action on the proposed local law at this time, but rather look into the age of the vehicles and inspection requirements a little further. Mayor Currier proposed, and the Board agreed, that they then establish a public hearing date at the next (March 7, 2017) meeting in order to allow time for further review.

NO BOARD ACTION TAKEN

PROPOSED RESOLUTION

Adopt Local Law

A local law AMENDING the General Code of the Village of Massena, Chapter 270 (Taxicabs) to include vehicles for hire and medical transportation vehicle definitions and regulations.

Be it enacted by the BOARD OF TRUSTEES of the Village of Massena as follows:

§ 270-1 Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them by this section:

APPLICANT

Includes any person or entity who files an application for a vehicle for hire license as an owner, driver, or both

MEDICAL TRANSPORTATION VEHICLE

Includes any motor vehicle engaged in the business of carrying persons for hire, or otherwise operated for hire, except vehicles subject to the provisions of the Transportation Corporation Law

OPERATOR

Includes any person owning or having control of the use of one or more vehicle for hire used for hire upon the streets of the Village of Massena, or engaged in the business of operating a vehicle for hire.

PERSON

Includes one or more persons of either sex, natural person, corporations, partnerships, associations, joint-stock companies, societies and all other entities of any kind capable of being sued.

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STREET

Includes any street, alley, avenue, court, bridge, lane or public place in the Village of Massena.

PASSENGER

A member of the public who engages the use of a vehicle for hire.

TAXICAB

Includes any motor vehicle engaged in the business of carrying persons for hire, or otherwise operated for hire, except vehicles subject to the provisions of the Transportation Corporation Law, or used by undertakers in carrying on their business.

TAXICAB or MEDICAL TRANSPORT VEHICLE OWNER

Shall mean either:

- A. A person in whose name a taxicab or medical transport vehicle is lawfully registered under NYS Vehicle and Traffic Law, or
- B. A person who, by contract, lease, or other lawful agreement, has possession and control of a taxicab or vehicle for hire lawfully registered under NYS Vehicle and Traffic Law to another person

TAXICAB DRIVER

Any person who drives a taxicab, whether such person be the owner of such taxicab or employed by a taxicab owner or operator.

VEHICLE FOR HIRE DRIVER'S LICENSE

Includes permission granted by the Village of Massena to any person to drive upon the streets of such Village any licensed vehicle for hire.

VEHICLE FOR HIRE REGISTRATION LICENSE

Includes permission granted by the Village of Massena to any person to operate or keep for hire any vehicle for hire in such Village.

VEHICLE FOR HIRE

Includes any motor vehicle used in the transporting of a passenger or passengers, for hire or for compensation of any kind, upon the public streets, roads and highways within the Village of Massena.

§270-2 General Requirements

The operation or running of taxis, liveries, public cabs, carriages, hacks, automobiles or other vehicles for the transportation of persons for hire over and upon the streets of the Village of Massena, New York, or the use of such vehicles for soliciting fares within or upon the public streets or public places in the Village of Massena, the operation thereof for or on behalf of any hotel, lodging house or garage, either on private or public highways within said Village, and regardless of whether such operation extends beyond the boundaries of the Village of Massena, is hereby prohibited unless carried on pursuant to Village license as hereinafter provided.

§270-3 Vehicle for Hire Driver's License Required

It shall be unlawful for any operator, driver or owner of any vehicle required to be licensed hereunder to operate or drive such vehicle or any sort for transportation of persons for hire within the Village of Massena without obtaining a license therefor.

§270-4 Application for Vehicle for Hire Driver's License

Each applicant for a vehicle for hire driver's license must comply with the following to the satisfaction of the Chief of Police:

- A. *Must first have obtained a New York state chauffeur's license.*
- B. *Be of the age of 21 years or over. [Amended 10-2-2007 by L.L. No. 2-2007]*
- C. *Be of sound physique with good eyesight and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind, which might render him/her unfit for the safe operation of a vehicle for hire.*
- D. *Be able to read and write the English language.*
- E. *Be clean in dress and person and not addicted to the use of intoxicating liquors or drugs.*
- F. *Fill out, upon a blank form to be provided by the Village Clerk, a statement giving his/her full name, residence, age, height, color of eyes and hair, whether a citizen of the United States, places of previous employment, whether (s)he has ever been arrested or convicted of a felony or misdemeanor, whether (s)he has been previously licensed as a driver or chauffeur, and if so, whether his/her license has ever been revoked, and for what cause, and the number of the chauffeur's license issued by the state, which statement shall be signed and sworn to by the applicant and filed with the Village Clerk as a permanent record. The Chief of Police is hereby authorized and empowered to require such additional information as he may deem necessary. [Amended 9-4-2001 by L.L. No. 2-2001]*

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- G. *Presents to the Chief of Police a statement of any physical conditions or impairments or any regularly prescribed medication. For any such condition, impairment or medication, the applicant shall submit a physician's certification that such conditions, impairments or medication does not impair the applicant's ability to drive a vehicle for hire. [Added 10-2-2007 by L.L. No. 2-2007]*
- H. *Is not disqualified pursuant to the provisions of § 270-7 of this chapter. [Added 10-2-2007 by L.L. No. 2-2007]*
- I. *Has tendered with his or her application the license fee prescribed pursuant to § 270-8 of this chapter. [Added 10-2-2007 by L.L. No. 2-2007]*

§270-5 Granting of Vehicle for Hire license.

- A. *Present licenses. All licenses of, vehicles for hire pursuant to the provisions of this article, which are in operation at the time of the passage of this chapter shall be renewed annually as a matter of right upon compliance with the other provisions of this chapter.*
- B. *Licenses of, vehicle for hire, for which the owner has no vehicle for hire in operation at the time of the enactment of this chapter shall be deemed abandoned for nonuser, and shall not be renewed.*
- C. *All licenses shall pertain not only to the vehicle for hire, which are in operation at the time of the passage of this chapter but shall also pertain to any replacement of such vehicle for hire, provided that such replacement complies with the provisions of this chapter and the regulation of the Police Department, and further provided that, prior to the granting of a license for any such replacement, the owner thereof shall file an application for such replacement on forms to be provided by the Village Clerk for such purpose.*

§ 270-6 Form and Terms of Vehicle for Hire Driver's License.

- A. *Upon satisfactory compliance with the foregoing requirements, there shall be issued to the applicant a license stamped by the Seal of the Village of Massena, which shall be in such form as to contain the signature of the licensee, a copy of his/her most recent NYS Driver License photograph, and blank spaces upon which a record may be made of any arrests of or serious complaints against him. Such card shall be conspicuously posted in any vehicle for hire, while the licensed driver is operating the same so that such card is visible to any passenger in said vehicle. [Amended 9-4-2001 by L.L. No. 2-2001]*
- B. *All licenses shall be numbered in the order in which they are issued and shall contain the name and place of residence of the licensee and the dates of issuance and expiration of the license.*
- C. *Any licensee who defaces, removes or obliterates any official entry made upon his license shall be punished by the revocation of his license.*
- D. *Vehicle for hire driver's licenses shall be issued as of May 1, in each and every year and shall be valid to and including the last day of April next succeeding, unless previously suspended or revoked.*
- E. *No temporary permit shall be issued except when an extraordinary public emergency arises affecting transportation of the public upon the streets within the Village. Such temporary permits, when issued, shall be upon such terms and conditions as the Chief of Police shall provide, but such temporary permits shall in no event be granted for a longer period than 20 days, and may be renewable for a similar period, from time to time as may be necessary, only upon the written recommendation of the Chief of Police made to the Board of Trustees and approved by it. The fee for such temporary permits shall be \$1.*
- F. *Such license or permit shall be carried by the licensee at all time when operating or in charge of any vehicle for hire.*

§ 270-7 Renewal of Vehicle for Hire Driver's License.

[Amended 9-4-2001 by L.L. No. 2-2001]

- A. *The Village Clerk may renew a driver's license from year to year upon review and approval by the Chief of Police.*
- B. *A driver will be disqualified to operate a vehicle for hire, in the Village of Massena if (this list is not inclusive of all the determining factors to be considered by the Chief of Police for disqualifying an applicant):*
 - (1) *He or she has been convicted of, pleaded guilty to, or forfeited bond or collateral for any felony offense by New York State Statute or for any offense committed in another state, which would constitute a felony in the State of New York.*
 - (2) *He or she has accumulated, within the past 24 months, eight or more points on his or her driver's license (points as determined by the Department of Motor Vehicles of the State of New York, or the state in which the offense was committed).*
 - (3) *He or she, within the past two years, had his or her license to operate a vehicle for hire, in the Village of Massena revoked, pursuant to the provisions outlined in this chapter.*
 - (4) *He or she fails to maintain the insurance required by Section 270-11(A)(7) below*

§ 270-8 Fees for Vehicle for Hire Driver's License.

[Amended 9-21-1993 by L.L. No. 3-1993]

The following license fee shall be paid for a driver's license or renewal thereof: \$20.

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§ 270-9 Suspension or Revocation of Vehicle for Hire Driver's License or Permit.

A vehicle for hire driver's license or permit may at any time be suspended for a period not to exceed three months, or revoked for cause after a hearing by the Chief of Police. Any such suspension shall be noted on the license, together with a statement of the reasons therefor, and the driver shall be deprived of his license by the official suspending or revoking such license. When the license or permit is suspended or revoked, a note of the revocation or suspension shall be forthwith sent to the Village Clerk, the license to be returned at the expiration of the period for which the license was suspended. A second suspension for the same reason or, in any case, a third suspension of a driver's license shall revoke the license. No driver whose license or permit has been revoked shall be again licensed as a vehicle for hire driver in the Village of Massena unless upon the presentation of reasons satisfactory to the Board of Trustees. The Police Department shall notify the Village Clerk whenever such a license or permit is suspended or revoked.

§ 270-10 Record of Vehicle for Hire Driver's Licenses and Permits.

There shall be kept, in the office of the Village Clerk, a complete record of each license or permit issued to a driver, and of all renewals, suspensions and revocations thereof, which record shall be kept on file with the original application of the driver for a license.

§ 270-11 Vehicle for Hire Registration License: Application.

[Amended 9-4-2001 by L.L. No. 2-2001]

- A. It shall be unlawful for any person to operate or permit to be operated a vehicle for hire upon the streets of the Village of Massena without first having obtained therefor a vehicle for hire registration license under the provisions of this chapter from the Village Clerk. Such license shall be issued as of May 1, and shall expire on the last day of April next succeeding unless sooner suspended or revoked. Application for a vehicle for hire registration license shall be made by the owner upon blank forms furnished by the Village Clerk. Such application shall contain:
- (1) The name and age and residence of the person applying for the license, and what, if any, previous experience (s)he has had in such business.
 - (2) The name, age and residence of the person to be in immediate charge of any such vehicle for hire.
 - (3) The type of motor car to be used, the horsepower, the factory number, the state license number, the number of years the vehicle has been driven, and the seating capacity according to its trade rating.
 - (4) Whether previously licensed to operate a vehicle for hire and, if so, where.
 - (5) Whether license to operate a vehicle for hire has even been revoked and, if so, what cause.
 - (6) Such other information as the Chief of Police may deem necessary.
 - (7) Acceptable certificate of automobile insurance issued by a carrier and with such liability limits as are acceptable to the Village of Massena; NYS Statutory Worker's Compensation, Unemployment Registration Number and Disability Insurance for each driver employed by the applicant; and Commercial Automobile Livery and Taxi Insurance in the amount mandated by New York State Law. A valid copy of all documents must be forwarded to the Village Clerk and approved by the Village Attorney.
- B. It shall be the duty of the owner and/or the registrant to immediately report to the Clerk any cancellation or revocation of insurance, or any change in the availability of the licensed vehicle to operate as a vehicle for hire, or any change in the company dispatching said vehicle.
- C. A licensed vehicle owner may replace the licensed vehicle for hire with another vehicle if the vehicle for hire shall become disabled, disqualified for service, or the like, provided that the license holder makes prior application to the Clerk and that said replacement vehicle complied with the requirements of this chapter, and makes payment of a fee in the amount as set forth from time to time by resolution of the Board of Trustees.

§ 270-12 Inspection of Vehicles.

[Amended 9-4-2001 by L.L. No. 2-2001]

No vehicle shall be licensed until it has been thoroughly and carefully inspected and examined and found to be in a thoroughly safe condition for the transportation of passengers, clean, fit, and of good appearance.

- A. Mechanical inspection. The Chief of Police or his designee shall refuse a license to, or if already issued, revoke or suspend a license of any vehicle found to be unfit or unsuited for public patronage. A vehicle shall not pass inspection unless it is in a thoroughly safe condition for the transportation of passengers and in good repair. Inspection of vehicles shall be annually. The inspection shall be performed by a mechanic at the Village Garage, the cost of which is to be borne by the applicant. The fee for such inspection shall be as set forth from time to time by resolution of the Board of Trustees. A mechanical inspection shall include, but not be limited to, a review of the following items:

- (1) Brakes.
- (2) Tires.
- (3) Steering.
- (4) Shock absorbers and springs.
- (5) Lights.
- (6) Windshield.
- (7) Mirrors.

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- (8) Windshield wipers.
- (9) Horn.
- (10) Fuel inlet restrictor.
- (11) Speedometer.

B. *Physical inspection. The Chief of Police or his designee shall maintain constant vigilance over all vehicle for hire to see that they are kept in a condition of continued fitness for public use, and to this end, he shall inspect or cause to be inspected all vehicles for hire from time to time, as hereinbefore provided for, or on the complaint of any citizen as often as may be necessary. Reports in writing of all inspections shall be promptly filed in the office of the Village Clerk. A vehicle shall not pass a physical inspection unless it is free from excessive auto body and paint damage, clean, fit, uniform in color, or good appearance and in a thoroughly safe condition. A physical inspection shall include but not be limited to a review of the following items:*

- (1) Interior upholstery.
- (2) Floorboards.
- (3) Door handles.
- (4) Windows.
- (5) Locks.
- (6) Lights.
- (7) Tires.
- (8) Body damage and rust.
- (9) Paint.
- (10) Spare tire, jack, lugs and lug wrench.
- (11) Directional signals.
- (12) Safety flares.

C. *General condition of vehicles.*

- (1) *Every vehicle shall be well painted and in good appearance, interior and exterior.*
- (2) *Any vehicle damaged in any way must be reported to the Clerk within 24 hours of the accident at which time a form will be provided to the owner of said vehicle which must remain in the vehicle until such time as repairs are made. The vehicle must be repaired no later than 30 days from the date of the accident. When repairs are made the vehicle must be inspected to the satisfaction of the Chief of Police or his/her designee.*
- (3) *The baggage compartment of every vehicle shall be clean and capable of holding passengers' baggage.*
- (4) *Maximum age of the vehicle shall be no more than 10 years of the present year of manufacture.*
- (5) *Vehicles for hire shall be kept clean. Every vehicle for hire operated in the Village of Massena shall be kept in a sanitary condition and shall be swept and dusted at least once a day. The interior dash, glass and floor shall be cleaned thoroughly with suitable antiseptic solution.*
- (6) *Vehicles shall be kept in repair. Every vehicle for hire shall be kept in such condition of repair as may be reasonably necessary to provide for the safety of the public and for continuous and satisfactory operation.*
- (7) *All taxicabs and medical transport vehicles shall have printed lettering on both the left and right front doors at least three inches high in a color contrasting to that of the cab, setting forth the name of the company or person owning or dispatching said taxicab or medical transport vehicle. [Added 10-2-2007 by L.L. No. 2-2007]*
- (8) *All taxicabs shall be equipped with a roof light of a minimum size of 12 inches in length and three inches in height which shall contain the word "taxi" and/or the name of the applicable livery company. [Added 10-2-2007 by L.L. No. 2-2007]*

§ 270-13 Vehicle for Hire Registration License Card.

If, upon inspection, a vehicle for hire is found to be of lawful construction and in proper condition, in accordance with the provisions of this chapter, and upon the approval of the application and the payment of the license fee hereinafter set forth, and the same shall be licensed by delivering to the owner a card of such size and form as may be prescribed by the Village Clerk. The card shall contain the official license number of the vehicle for hire, and the name and address of the licensed owner thereof, together with the date of inspection of the vehicle and a statement to the effect that in case of any complaints, the Village Clerk shall be notified giving the license number of the vehicle. Such card shall be signed by the licensing official and shall contain blank spaces upon which an entry shall be made of the date of every inspection of the vehicle by the Village Mechanic or his representative. Such license card shall be conspicuously posted in the cab so that the same is visible to any passengers in said cab.

§ 270-14 License Fees for Vehicles for Hire.
[Amended 5-25-1970]

The following license fee shall be charged: \$25 for each car licensed. No license fee shall be prorated for a period of less than six months.

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§ 270-15 Suspension or Revocation of Vehicles for Hire Registration License.

Vehicles for hire registration licenses may be revoked or suspended at any time for cause after a hearing by the Chief of Police if the vehicles shall be used for immoral or illegal business or purpose, for a violation of any ordinance or state law governing the operation of motor vehicles, for a lapse in the insurance requirements set forth in Section 270-11(A)(7) above, or for other good cause. When the license is suspended or revoked, the same shall be retained by the Village Clerk and shall be returned only after the expiration of the suspension period.

§ 270-16 Register of Licensed Vehicles for Hire.
[Amended 9-4-2001 by L.L. No. 2-2001]

The Village Clerk shall keep a register or card index of the name of each person owning or operating a vehicle for hire licensed under this chapter, together with the license number and the description and make of such vehicle, with the date and complete record of inspection made of it. Such record shall be open to the inspection of the public at all reasonable times.

The number of taxicabs for which licenses may be issued under this chapter of the Village of Massena shall be limited to 10 in number.

§ 270-17 Charges for the Transportation of Passengers in a Taxicab.

Charges for taxicab transportation of passengers within the limits of the Village of Massena shall be at the following rates:

- A. A maximum of \$5.25 for one to five passengers, and a maximum of \$4.50 for disabled and senior citizens for one to five passengers. [Amended 5-25-1970; 12-19-1972; 5-16-1974; 5-1-1979 by L.L. No. 3-1979; 2-5-1980 by L.L. No. 1-1980; 4-6-1981 by L.L. No. 2-1981; 9-18-1990 by L.L. No. 10-1990; 9-21-1993 by L.L. No. 3-1993; 3-20-2001 by L.L. No. 1-2001; 4-6-2004 by L.L. No. 2-2004; 8-17-2004 by L.L. No. 3-2004]
- B. Waiting time may be charged after five minutes at the rate of \$0.25 per minute. [Amended 12-19-1972; 3-20-2001 by L.L. No. 1-2001]
- C. No person shall be allowed to ride in a vehicle for hire with a person or persons who have previously engaged such vehicle for hire without the consent of such person or persons.

§ 270-18 Articles found in Vehicles for Hire.

Every driver of a vehicle for hire immediately after the termination of any hiring or employment, must carefully search such vehicle for any property lost or left therein, and any such property, unless sooner claimed or delivered to the owner, must be taken to the police station and deposited with the officer in charge within 24 hours after the finding thereof.

§ 270-19 License and Permit: Not Assignable.

- A. Every person to whom a license has been issued under the provisions of this chapter shall, upon discontinuing or abandoning the operation or driving of a vehicle for hire return such license or permit to the Village Clerk unless such license or permit has been lost or for other reasons cannot be restored. Such license and permit shall not be assigned or transferred to any other person, or be applicable to any other motor vehicle than the one specified therein except as hereinafter set forth: Assignable if approved by the Village Board of Trustees, provided that all herein licenses held by the owner are surrendered by the assignee and later meet the approval of this chapter. Transfer shall cost \$1 per cab. Any licensee who unlawfully permits his license or permit to be used by any other person, and any person who unlawfully uses such license or permit, granted or given to any other person, shall each be guilty of a violation of this chapter. Whenever a license or permit shall be lost, stolen or destroyed, without fault on the part of the holder, his agent or employee, a duplicate in lieu thereof under the original application may be issued by the Village Clerk upon the filing of a sworn statement containing the facts of such loss or theft.
- B. Vehicle for hire registration licenses may be transferred and assigned to any person who does not hold any vehicle for hire registration license, provided application shall be made to the Board of Trustees and the said Board consents to such transfer and assignment, and provided further that the assignor shall surrender to the assignee all of the vehicle for hire registration licenses issued to him. There shall be charged a transfer fee of \$1 for each license so transferred.

§ 270-20 General Regulations.

- A. Every holder of a vehicle for hire license shall always keep the inside of the cab operated by him/her in a clean and sanitary condition and shall at least once a day thoroughly clean the inside of such vehicle.
- B. No vehicle for hire shall be used to convey any person affected with a contagious disease. Should it be found by the owner or driver that a vehicle for hire has been so used, (s)he shall immediately report to the health authorities and such vehicle shall not again be used until it has been thoroughly cleaned and fumigated under the direction of the health authorities.

Continued on Next Page

- C. Every owner of a vehicle for hire shall provide windows in the tonneau of each vehicle sufficient in number and of such size and dimensions that always persons may be readily seen through such window with sufficient distinctness to identify such person.
- D. No owner or driver of a vehicle for hire, shall at any time so fasten or lock the doors on a vehicle that it is impossible for a passenger to open the same from the inside. Every owner shall provide means for unfastening doors on such vehicle so that such doors may be readily opened on the inside by a passenger.

§ 270-21 Cab Stands.

- A. The Board of Trustees shall designate the location of a cab stand or cab stands at their discretion in the Village of Massena.
- B. Each cab stand shall be appropriately marked by signs erected under the supervision of the Chief of Police. It shall be unlawful to park any vehicle, other than a licensed taxicab, in any cab stand.
- C. A licensed taxicab may be parked in any cab stand while such taxicab is in charge of its driver on duty awaiting a fare.

§ 270-22 Penalties for Offenses.

[Amended 9-4-2001 by L.L. No. 2-2001]

- A. Any owner or driver of a vehicle for hire not licensed or equipped in accordance with the provisions of this chapter, or of a vehicle for hire license of which has been suspended or revoked, who engages in the business of a vehicle for hire as defined herein, or attempts to engage in such business, or solicits passengers for hire; or any person, not having been duly licensed as a vehicle for hire driver, or any person whose license as such driver has been revoked, or any person whose license has been suspended, and who, during the term of suspension, drives for hire a vehicle for hire upon the streets shall, upon conviction, be liable to a penalty of not more than \$250 for each offense, or by imprisonment for not more than 15 days, or both.
- B. Suspension and revocation of license. In addition to the fine and imprisonment, or both, authorized by this chapter, any licensee shall be subject to the suspension or revocation of his/her license upon conviction for any violation of this chapter. The Chief of Police may, in his discretion, suspend or revoke a license granted under any provisions of this chapter, pending or in advance of the criminal prosecution of the license.

APPROVE MINUTES:

A motion was made by Trustee LeBire, seconded by Trustee Deshaies, to approve the minutes of the November 15, 2016 Village Board Meeting. **Motion Carried 4:0** (AYE=Ahlfeld/Carvel/Deshaies/LeBire)

TREASURER'S REPORT

Village Treasurer Sharlow presented the following:

**Village of Massena
Treasurer's Report
February 21, 2017**

INFORMATION

1. You have been provided with the Balance Sheet and Revenue/Expense Actual to Budget comparison reports for January and the January summary follows:

	<u>Revenue</u>		<u>Expense</u>	
General Fund	6,971,925	79%	5,492,184	59%
Refuse Fund	753,249	64%	718,365	55%
Water Fund	1,001,587	52%	962,962	48%
Sewer Fund	1,011,368	55%	1,147,388	57%
Joint Rec	628,124	67%	585,941	58%

2. Year-end projections for the above funds have been updated through January 31, 2017. Projection spreadsheets have been distributed to the Mayor and Board as well as Department Managers.
3. Departmental and Agency budget requests have been turned in to the Mayor as of February 1st (board members have each received copies of the requests in their budget binders). I have entered the submitted data into various budget spreadsheets and have been working on revenue estimates as well as various employee benefit estimates (health insurance, retirement, workers' comp, life insurance, unemployment insurance).
4. Sales tax received from the County this month was \$415,012.47 (down \$24,147.03 from the same period last year). This brings our total for the year to \$873,682.71, or 53%, of our budgeted amount of \$1,644,450. Projecting this over the final two quarters would have us receiving approximately \$1,688,169 for the year, around a 1.76% decrease from last year's actual total, and approximately 2.7% over our 2016-17 budgeted total.

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5. On February 10, we received our first draw on the Note with the NYS Environmental Facilities Corporation for the CWSRF Wastewater Plant Improvement and Sewer Line Replacement Project. This initial draw was in the amount of \$188,754.36.
6. Outstanding Refuse/Water/Sewer bill balance notices have been sent out on 1010 accounts. Amounts that are not paid by March 31st will be re-levied on the June Village tax bill.

ACTION

7. Due to the unanticipated expense of replacing a desktop computer for the Records Management Clerk, we need to process a budget amendment in the amount of \$625 for line 100.1460.200 (Records Management – Equipment). I recommend these monies be taken from the general fund contingent account 100.1990.400. LeBire/Ahlfeld/Carried

COMMITTEE REPORTS:

Committee reports were presented for informational purposes with no Village Board action taken at this time

INITIAL PUBLIC COMMENT PERIOD:

No public comment was heard at this time.

DISCUSSION: PUBLIC WORKS FACILITY

Mayor Currier explained he fielded a couple of inquiries and provided a history of discussions regarding the expansion of the public works facility. Due to these discussions, he said it prompted him to think about the future of Massena, he offered his thoughts and opinions regarding merging highway departments, shared services, consolidating and coterminous government. Trustee LeBire favored exploring any option to save money. Trustee Ahlfeld said he supported the consolidation but his immediate concern is where to store materials now that the S. Main Street site has been sold and suggested looking into further, expedited discussions with the Town of Massena. Mayor Currier said he would follow up with the Town Council.

APPOINTMENT: CHAD FISH, MOTOR EQUIPMENT OPERATOR

A motion was offered by Trustee LeBire, seconded by Trustee Ahlfeld, to appoint Chad Fish as a Motor Equipment Operator as recommended by DPW Supt. Fayad. **Motion Carried 3:1** (AYE= Ahlfeld/Deshajes/LeBire NAY= Carvel). Fish will fill the vacancy created by the retirement of Terry Mossow.

RESOLUTION #11-2017: AUTHORIZE & ENDORSE AN URBAN & COMMUNITY FORESTRY GRANT APPLICATION THROUGH NYS DEC

A motion was offered by Trustee LeBire, seconded by Trustee Ahlfeld, and carried, to adopt the following resolution to wit:

RESOLUTION #11-2017

Authorize Submission of and Endorse an Application for Funding from NYS Department of Environmental Conservation for the Urban and Community Forestry Grant Program

WHEREAS, the Village of Massena Arbor Committee is applying to the New York State Department of Environmental Conservation for a project grant under the Urban and Community Forestry Grant Program to be located throughout the Village to include all property including Rights of Way within the territorial jurisdiction of this Village Board; and

WHEREAS, as a requirement of these programs, the Arbor Committee must obtain the approval and endorsement of the Village of Massena in which the project will be located; and

NOW, THEREFORE BE IT RESOLVED, that the Village Board of Trustees of the Village of Massena hereby does approve and endorse the application of the Village of Massena's Arbor Committee for a grant under the Urban and Community Forestry program to undertake obtaining an inventory of trees by a certified Arborist and to have said Arborist develop a Strategic Plan to provide a roadmap for the Arbor Committee to continue to positively impact the health of our urban forest, with all of its incumbent benefits including beautification of our community and improvement to energy efficiency within this community; and

BE IT FURTHER RESOLVED, that Mayor Timmy J. Currier is hereby authorized to sign and submit an application for consideration, to sign all agreements, certifications and other documents required to complete the application, to accept the grant and administer the program that is proposed for this funding.

Question of the adoption of the foregoing resolution resulted as follows:

AYE: Trustee Ahlfeld, Trustee Carvel, Trustee Deshaies, Trustee LeBire

NAY: None

Mayor Currier declared Resolution #11-2017 duly adopted (4:0).

VOUCHER WARRANT:

A motion was made by Trustee Deshaies and seconded by Trustee Carvel to approve Voucher Warrant #374.

Motion Carried 4:0 (AYE= Ahlfeld/Carvel/Deshaies/LeBire)

WARRANT#374 (Board Meeting 02/21/17)

217385-217395			Voided
217396-217406	02/08/17	8,666.64	Prepaid Payroll
217407	02/10/17	0.00	Voided-Check Example sent for new software
217408	02/13/17	60.42	The Home Depot Credit Svcs.
217409	02/14/17	1,094.72	U.S. Postal Service
217410-217419	02/15/17	6,514.38	Prepaid Payroll
		16,336.16	Total Prepaid
217420-217491	02/21/17	<u>474,188.34</u>	Total Unpaid
		490,524.50	Total Warrant #374 Including Prepaid Payroll

MONTHLY REPORTS:

There were no monthly reports were presented or reviewed.

COMMUNICATIONS/CORRESPONDENCE:

None

CLOSING PUBLIC COMMENT PERIOD:

During the closing public comment period the Board fielded various questions from the audience and media relevant to the topic(s) above.

EXECUTIVE SESSION:

A motion was offered by Trustee Ahlfeld, seconded by Trustee LeBire to enter an Executive Session to discuss personnel issues at 6:56 p.m. **Motion Carried 4:0** (AYE= Ahlfeld/Carvel/Deshaies/LeBire).

A short Executive Session was held and no action was taken.

At 7:12 p.m. a motion was made by Trustee Ahlfeld and seconded by Trustee Carvel to close executive session and return to the open meeting. **Motion Carried 4:0** (AYE= Ahlfeld/Carvel/Deshaies/LeBire).

ADJOURNMENT:

With no further business, a motion to adjourn the Village Board meeting was made by Trustee Carvel at 7:13 p.m. and seconded by Trustee Carvel. **Motion Carried 4:0** (AYE= Ahlfeld/Carvel/Deshaies/LeBire).

MINUTES PREPARED BY:


Monique N. Chatland, Village Clerk

NOTICE OF PUBLIC HEARING (COMPLETE STREETS)

Johnson Newspaper Corporation

Client:	191160	VILLAGE OF MASSENA	Phone:	(315) 769-8625
Class.:	60 MAIN ST			
	TOWN HALL			MASSENA, NY 13662-1975
Ad #	20376223	Requested By: MONIQUE	Fax:	(315) 769-0257
Sales Rep.:	SL20	Winter Stephens	Phone:	(315) 769-2451 Ext: 100
		massenaclass@ogd.com	Fax:	(315) 764-0337
Class.:	0110	Public Notices		
Start Date:	02/15/2017	End Date:	02/15/2017	Nb. of Inserts: 1
PO #:		Entered By:	JMITCH	
Publications:	Daily Courier Observer			
Paid Amount:	\$0.00	Balance:	\$29.25	
Total Price:	\$29.25		Page 1 of 1	

Village of Massena
Town Hall Building
Massena, New York 13662

Notice of Public Hearing on
Proposed Local Law
Establish Complete Streets
Policy

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Massena, New York, will conduct a public hearing on the 21st day of February 2017, at 5:30 p.m. in the Town Hall Building, Massena, New York, to consider enacting a proposed local law amending the Code of the Village of Massena by adding Article III, Chapter 246 (Complete Streets Policy) for the purpose of developing of a "complete" transportation network for all modes of travel that promotes access, mobility and safety for all users. At such time and place all persons interested in the subject matter thereof will be heard concerning the same.

Copies of the proposed local law in its entirety are available in the Office of the Village Clerk located in the Town Hall Building, 60 Main Street, Massena, New York, during regular business hours, for the purpose of inspection or procurement by interested parties.

By Order of the Village Board of Trustees
Dated: February 13, 2017.

Monique N. Chatland, Village Clerk.

NOTICE OF PUBLIC HEARING (TAXICABS)

Johnson Newspaper Corporation

Client:	191160	VILLAGE OF MASSENA	Phone:	(315) 769-8625
Class.:	60 MAIN ST			
	TOWN HALL			
			MASSENA, NY	13662-1975
Ad #	20376227	Requested By:	MONIQUE	Fax: (315) 769-0257
Sales Rep.:	SL20	Winter Stephens	Phone:	(315) 769-2451 Ext: 100
		massenaclass@ogd.com	Fax:	(315) 764-0337
Class.:	0110	Public Notices		
Start Date:	02/15/2017	End Date:	02/15/2017	Nb. of Inserts: 1
PO #:		Entered By:	JMITCH	
Publications:	Daily Courier Observer			
Paid Amount:	\$0.00	Balance:	\$26.94	
Total Price:	<input type="text" value="\$26.94"/>			Page 1 of 1

Village of Massena
Town Hall Building
Massena, New York 13662

Notice of Public Hearing on
Proposed Local Law
Amendment to Chapter 270
Taxicabs

NOTICE IS HEREBY GIVEN
that the Board of Trustees of
the Village of Massena, New
York, will conduct a public
hearing on the 21st day of
February 2017, at 5:35 p.m.
in Room #50 of the Town
Hall Building, Massena, New
York, concerning a proposed
Local Law which provides for
amending the Code of the
Village of Massena; Chapter
270 (Taxicabs). At such time
and place all persons inter-
ested in the subject matter
thereof will be heard con-
cerning the same.

Copies of the proposed local
law in its entirety are
available in the Office of the
Village Clerk located in the
Town Hall Building, 60 Main
Street, Massena, New York,
during regular business
hours, for the purpose of in-
spection or procurement by
interested parties.

By Order of the Village Board
of Trustees
Dated: February 13, 2017

MONIQUE N. CHATLAND
Village Clerk