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M I N U T E S
OF THE MEETING
OF THE
PUBLIC HEARING
INCORPORATED VILLAGE OF FLORAL PARK
September 20, 2022
8:00 p.m.

P R E S E N T:

- | | |
|------------------------|----------------------|
| KEVIN M. FITZGERALD, | MAYOR |
| DR. LYNN POMBONYO, | DEPUTY MAYOR/TRUSTEE |
| FRANK J. CHIARA, | TRUSTEE |
| JENNIFER STEWART, | TRUSTEE |
| MICHAEL F. LONGOBARDI, | TRUSTEE |

ALSO PRESENT:

- JOHN RYAN, ESQ. Village Attorney
GERARD M. BAMBRICK, Village Administrator
SUSAN E. WALSH, Village Clerk
RENEE MARCUS, Superintendent of Buildings
STEPHEN MCALLISTER, Police Commissioner
KEVIN GINNANE, Superintendent Public Works

Catherine P. Murphy
Court Reporter

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1 MAYOR FITZGERALD: Good evening and
2 welcome to Village Hall. If I can ask you to
3 stand for the Pledge of Allegiance.

4 (Pledge of Allegiance said.)

5 MAYOR FITZGERALD: So this evening, we
6 have a public hearing and we'll go through our
7 business agenda followed by board report and
8 open it up for public comment and questions and
9 concerns.

10 But before we start any of that, this past
11 week, our own Susan Walsh was attending the
12 NYCOM fall meeting and at the meeting, she was
13 named Village Clerk of the year by The New York
14 State City and Village Clerk Association. I
15 think over 500 villages in this state and I
16 know it is Clerk of the year and in my opinion,
17 it is for a career of service to this village
18 and that she has done a tremendous job. I said
19 it many times that I think it will be hard
20 pressed for any Village of New York State to
21 put forth what this Village went through in the
22 last seven or eight years, whether it was the
23 third track, the arena and other outside
24 influences we had to deal with. Susan accepted
25 the challenge of the way this village ran day

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1 in and day out and was a valued member of
2 everything we did in those efforts.

3 So Susan, well, well deserved and we are
4 very proud of you.

5 MS. WALSH: Thank you.

6 TRUSTEE POMBONYO: Susan, there's an
7 expression that you can't please all the people
8 all the time. There's an exception to that
9 rule. We have a person who pleases all the
10 people all the time. I don't know how she does
11 it does it 24/7. I'm one of the, in addition
12 to being up here, I'm one of about 16,000
13 residents of Floral Park who have all crazy
14 hours and crazy times with crazy questions and
15 things that seem unsurmountable and sometimes
16 you always get to the bottom of it. You not
17 only find the answer to it, but a better way to
18 do it with an extraordinary solution. You
19 bring something so valuable to us. Everyone is
20 irreplaceable, but you are not. I can't think
21 of anyone in New York State who is more
22 deserving of this award.

23 So, congratulations. We love you and are
24 grateful for everything you do.

25 MS. WALSH: Thank you very much. I'm

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1 truly humbled. Thank you.

2 TRUSTEE CHIARA: Susan, we here in Village
3 Hall recognize what a fantastic job you do.
4 The state recognizes it as well for you to have
5 this. We can't thank you enough for all you do
6 for us here, first thing on the Board, and me
7 personally also. Congratulations and thank you
8 for everything you do.

9 MS. WALSH: Thank you. My pleasure.

10 TRUSTEE STEWART: Thank you so much. You
11 made this transition for me so easy. I make
12 mistakes and you correct them with a smile and
13 you are truly very well deserving of this and
14 you're one of these people that make this place
15 such a wonderful place to live. Thank you for
16 all you do.

17 MS. WALSH: Thank you, Trustee Stewart.

18 TRUSTEE LONGOBARDI: As I told you the
19 other day, very well deserved. You have my
20 back and you make this Village run. You're a
21 huge asset. Thank you for all you do. Well,
22 well deserved. Congratulations.

23 MS. WALSH: Thank you, Trustee Longobardi.
24 It is my sincere pleasure to serve you and the
25 Board and co-conspirator of last week, Rosaleen

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1 Shea, I have a lot to thank you for and all
2 those who just leads me down this path that I
3 had no idea what was before me and it was truly
4 an amazing experience to be the recipient of
5 this award and it is because of this Board and
6 the whole, anybody that I worked with, has
7 always been there for each other. So, it's not
8 just me. It is not just us. It is everybody
9 that we work with. We have a great team here
10 with the Village of Floral Park and it is a
11 great place to live. Thank you.

12 MR. BAMBRICK: 20 years ago, I was on the
13 Village Board and made you Court Clerk and then
14 we quickly promoted you to Deputy Village
15 Clerk. I remember 10 years ago, Tom Tweedy
16 asking me about becoming the Village
17 Administrator and you staying on as Village
18 Clerk and you said I will take on the job. I
19 know how the place is run with you here and
20 it's been a pleasure all these years.

21 MS. WALSH: I'm so glad they made you too.
22 It was a very good appointment. As I said
23 before, it's a great team that we all work very
24 well together and make it hum like a bee or
25 sing like a bee. I don't know.

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1 MAYOR FITZGERALD: Thank you. Once again,
2 Susan, well, well deserved and we're very
3 proud.

4 MS. WALSH: Thank you. Now you can start
5 the public hearing.

6 MAYOR FITZGERALD: Your kids are on too,
7 Megan, Allison Robbie and Eddie.

8 MS. WALSH: Hello children. That's nice.
9 Thank you.

10 So, I will read the Legal Notice. Notice
11 Is Hereby Given that pursuant to Chapter 85 of
12 the Code of the Incorporated Village of Floral
13 Park, the Board of Trustees of the Incorporated
14 Village of Floral Par, New York will hold a
15 public hearing at the Village Hall, One Floral
16 Boulevard, Floral Park, New York on Tuesday,
17 September 20, 2022 at 8:00 p.m. in relation to
18 extending the existing Franchise Agreement with
19 AAA Taxi Service, Inc, for a term of three
20 years and its related entity, Victory Leasing
21 Corp, for the solicitation of commercial
22 business for the transportation of passengers
23 for taxi service in Floral Park, New York.

24 A copy of the existing Franchise Agreement
25 is on file in the Office of the Village Clerk,

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1 One Floral Boulevard, Floral Park, New York
2 11001 and may be examined by any persons
3 interested therein during business hours Monday
4 through Friday, inclusive, except legal
5 holidays from 8:30 a.m. to 4:30 p.m.

6 Now Take Notice that all parties in
7 interest and citizens will be given the
8 opportunity to be heard at the aforesaid time
9 and place.

10 By Order of the Board of Trustees Village
11 of Floral Park New York, Susan E. Walsh,
12 Village Clerk. Dated September 9, 2022.

13 This Legal Notice has been published in
14 the official paper of the Incorporated Village
15 of Floral Park, New York and posted according
16 to law.

17 MAYOR FITZGERALD: Thank you, Miss Walsh.

18 MS. WALSH: Thank you.

19 MAYOR FITZGERALD: I would like to place
20 on the record that the applicant had previously
21 filed an affidavit of service indicating that
22 all neighbors within a 200 foot radius of the
23 dwelling had been served with notice.

24 I see that the applicant is here. I'd
25 like for them to come up and present. You may

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1 have changes then in the past.

2 MS. SWENSON: Yes. Good evening,
3 Honorable Mayor, Honorable Deputy Mayor
4 Honorable, Trustees, Administrators. My name
5 is Karen Swenson, the attorney for AAA Taxi.

6 Before I even knew about Miss Walsh's
7 award this evening, I was going to mention to
8 the Board what a wonderful liaison you have
9 with the public and the Board. I have been
10 doing this for 30 years and dealing a lot of
11 times with the different municipalities and
12 counties and states. You feel sometimes that
13 people are trying to get you to fail and trying
14 to get you to find mistakes that you make so
15 they can somehow disrupt your progress. It is
16 exactly the opposite with Miss Walsh. She's
17 always there to answer your calls, answer
18 questions and if you call her and say, hey, is
19 this the way I should be doing this, she is
20 more than happy to help so that things can flow
21 smoothly. I was going to say that anyway.
22 What a great opportunity to also recognize
23 Miss Walsh. Thank you Susan.

24 MS. WALSH: Thank you.

25 MS. SWENSON: I wanted to point out to the

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1 Members of the board that the Vitello family
2 has been serving the Village of Floral Park
3 community for 51 years and AAA, Victory Taxi
4 are members of the community and care about the
5 members of the community. As you know, they've
6 served the senior citizens by driving them to
7 Sunday services free of charge, otherwise
8 giving them reduced rates, otherwise helping
9 everyone in the community to travel and in this
10 age of Uber and Lyft and other personalized
11 service, it is nice for the community and
12 Village to have someone they recognize and know
13 they are going to give them reliable and safe
14 service to and from places within the Village.

15 That being said, with the influx of
16 competition, the prices, the cost of vehicles
17 going up, the competition with Uber drivers
18 that don't need to get licensed, don't need in
19 any municipality, don't need to comply with the
20 same workers compensation requirements or
21 requirements regular formal companies have to
22 comply with, it becomes harder and harder to
23 keep pace with these growing entities and to
24 keep costs down.

25 So, we're respectfully requesting, not

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1 looking to try to increase the prices. We know
2 it may affect some of the senior citizens and
3 other members of the community that are less
4 fortunate. We are trying to think of ways that
5 can be cost cutting, but not safety effecting
6 or in any way, effecting any of the underserved
7 communities in Floral Park.

8 That being said, there are some changes to
9 the Franchise Agreement. I sent a letter to
10 the Board regarding the old Franchise Agreement
11 dated October 2, 2019 and a few items that we'd
12 like the Board to possibly consider to revise.

13 The first and main objective is for us to
14 be able to maintain and service vehicles for
15 the community that maybe more than eight years
16 old. Paragraph 5 of the old Franchise
17 Agreement clearly states that the Board, in
18 their sole discretion if the vehicles meet the
19 standard in the aforesaid agreement, which are
20 the inspection and safety requirements of the
21 vehicle themselves, that they could waiver on
22 the application of the requirements that in the
23 old agreement was 2018 or newer model vehicles
24 be used. The last sentence says that in no
25 event can any car older than eight years old be

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1 utilized in cab service. The taxicab code does
2 allow for the Board of Trustees to modify that
3 if they found it in their discretion it wasn't
4 required and we request the Board consider
5 that.

6 My client maintains his vehicles
7 impeccably, always concerned with their
8 maintenance, their servicing, the inspections
9 that are being done to make sure they're clean,
10 safe, sanitized for the community. However, in
11 the age of the growing cost of buying new
12 vehicles and in the age of improper service and
13 maintenance of vehicles, that they're coming up
14 with ways to keep cars longer on the road, they
15 have several vehicles that are in tip top
16 shape, will pass any inspection, not only New
17 York State and police inspection, but any
18 inspection that the Board would like to have,
19 are older then the eight year old technically.

20 We request that the Board modify their
21 requirement in the old Franchise Agreement. In
22 paragraph 5, that says in no event shall any
23 car, the last sentence that says, no car should
24 be older then eight years old. We would like
25 that to be stricken and that if they in fact

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1 pass all inspections, all safety inspections
2 and clear, well maintained and safe, that the
3 inspector have the ability to say that even if
4 the car is older then eight years old, that it
5 is still safe and very well suited to provide
6 transportation within the community. That will
7 be a big cost saver to my client and would
8 enable him to focus on keeping the prices low
9 for the people that need it at this time in the
10 time of inflation, the way gas is costing so
11 much and everything for everyone is actually
12 going up.

13 So respectfully, we request that that be
14 something we can modify in the current existing
15 draft of the agreement.

16 MR. RYAN: Can I ask you a question,
17 Counsel? John Ryan, Village Attorney. I
18 understand the ask is to eliminate the last
19 sentence. Do you have a year to replace it
20 with?

21 MS. SWENSON: Well, my client indicated he
22 has several vehicles that are approximately ten
23 years old; is that correct, that are -- so, if
24 it was ten, he feels that will be acceptable.
25 If they were more than ten, that some of his

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1 cars are ten years old right now and great
2 vehicles.

3 MR. RYAN: I understand. I'm trying to
4 get to a point, to a year, that I would be
5 remiss to say no year at all. I would like to
6 put a year.

7 MS. SWENSON: Older than 11 years.

8 MR. RYAN: I'm asking you.

9 MS. SWENSON: That's what I am stating.

10 MR. RYAN: Thank you.

11 MS. SWENSON: Yes, 11 years.

12 MAYOR FITZGERALD: That will take some of
13 the cars out of service within a year because
14 there's a three year --

15 MS. SWENSON: Right. Exactly. If it was
16 more, if we left it as is, some of the cars and
17 of course he has less cars in service now than
18 he did three years ago because of the fact
19 they're not the business it used to be, every
20 year, the for hire vehicles are in place. The
21 younger generation is all about the app and
22 getting quick service and taxi cabs have
23 become, for younger generations, a thing of the
24 past. So, to hold them to the eight years will
25 take two or three of any of the 12 cars on the

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1 road at this point off and have to purchase
2 more vehicles, which will increase the cost to
3 the neighbors and members of the community.
4 Since they are well maintained, I don't think
5 it will have detriment to the community. That
6 will be the first change that we are requesting
7 respectfully of the Board.

8 There's also been a change since the last
9 agreement that my client has moved from under
10 the railroad to 7 Verbena and has now an office
11 that does provide a waiting room and I think it
12 is a good thing in the rain and inclement
13 weather that they have a place for cold and dry
14 waiting room areas for the passengers. And the
15 older agreement says in paragraph 18 that they
16 would not have any passenger waiting area in
17 the agreement. It says there shall be, this is
18 the last sentence of page 5 which states, that
19 there shall be no passenger seating or waiting
20 area at this office. That sentence we would
21 like to have removed since now there is a
22 waiting area and there hasn't been any
23 disruption.

24 There's a change of location when this was
25 originally signed in 2019. They were

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1 underneath the railroad track and there was
2 concern with the debris or whatever the reason
3 was that they didn't want to have any waiting
4 room in the area. It has served the community
5 to have a warm, dry place to wait for the ride
6 when there's reduced volume of cabs that are
7 available to service the community. If they
8 had to wait a few minutes longer, it is nice to
9 have them in a place that is dry and safe. So
10 my client requests that.

11 The last thing is in paragraph 8. It does
12 require that the last sentence there, that all
13 taxi cabs used by franchisee shall be painted
14 uniformly in a white color. Unfortunately, the
15 cars that he has, that is okay. When he's
16 buying new or used vehicles, mostly lightly
17 used vehicles, sometimes there's availability
18 of cars that may not be white, but a different
19 color that he can put the logo AAA Taxi and
20 phone number. But in order to for him to buy
21 the vehicle and paint it, the cost of painting
22 the vehicle's gone up to \$6,000 just to paint
23 the vehicle white.

24 Once again, if it is a good, sturdy, safe
25 vehicle, maybe even of a lesser year then he

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1 would have the money to purchase it. If it was
2 white or had to paint it for \$6,000, he could
3 buy a safer, newer vehicle for the community
4 that maybe just a little bit of a different
5 color, gray, whatever else. As long as his
6 logo and emblem was pronounced on there as
7 required by the code and phone number, we
8 request respectfully that perhaps the
9 requirement that the last sentence where it
10 says all vehicles could be, should be painted
11 white, we request that that be stricken from
12 the current Franchise Agreement.

13 MR. RYAN: Again, if you just, I
14 understand your request.

15 MS. SWENSON: Yes, sir.

16 MR. RYAN: Would you give us a group of
17 colors that would work? I just don't want to
18 have no color at all so we can get some really
19 wild color.

20 RICHARD VITELLO: Silver, light gray,
21 light colors.

22 MR. RYAN: Can you provide us with a list
23 of alternative colors?

24 MS. SWENSON: Yes, sir. If you can give
25 us the flexibility to change from white or tan

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1 or light silver would actually save my client
2 substantial money in trying to paint the
3 vehicle to comply with the code.

4 Other than that, we would like to request
5 that AAA Taxi Franchise Agreement be renewed
6 and to maintain the tradition of the Vitello
7 family serving the community and maintain the
8 relationship the family has in the community
9 for 51 years. The respect and the familiarity
10 that he has with all the members of the
11 community will be maintained if he can renew
12 the Franchise Agreement and I thank you very
13 much for your time.

14 MR. RYAN: Thank you.

15 MAYOR FITZGERALD: I have a couple of
16 questions. I was remiss. Thank you for
17 everything you have done for the community. I
18 guess the past five decades have been wonderful
19 and we're glad having you here.

20 RICHARD VITELLO: Yes, sir.

21 MAYOR FITZGERALD: The waiting room, would
22 it also be used, be allowed to be used by
23 patrons also?

24 RICHARD VITELLO: Yes.

25 MAYOR FITZGERALD: Can we get him on the

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1 record?

2 MS. SWENSON: Yes.

3 (Whereupon, Richard Vitello was sworn in.)

4 RICHARD VITELLO: Richard Vitello,
5 V-I-T-E-L-L-O. I reside at 19 Allendale Court,
6 East Northport New York 11731.

7 MAYOR FITZGERALD: You're not looking to
8 increase the fee from six dollars to --

9 RICHARD VITELLO: No, not at all.

10 MAYOR FITZGERALD: Okay. Are you still
11 operating 24/7, 365?

12 RICHARD VITELLO: No, we're not. We close
13 at 11 being there's nothing going on after that
14 hour.

15 MAYOR FITZGERALD: But for the agreement
16 plan, do you want 24/7, 365 or change it?

17 MS. SWENSON: The only reason -- if I can
18 speak. The only reason, Mr. Mayor, I didn't
19 request it, I requested of my client if he
20 wanted to change it, he is often available
21 24/7. If anyone calls and preschedules, say we
22 need you at 3:00 a.m. to pick us up at the
23 airport, he does every time that it is
24 requested of him. He has just found staying
25 open and having the dispatch office open 24/7

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1 is a waste of resources for the company.

2 However, they will absolutely be available for
3 dispatch on a pre-arranged trip 24/7.

4 So, if that will be clarified in the
5 agreement, if that will make it easier or more
6 clear for the Board of Trustees, I think it
7 will probably be more accurate that the
8 dispatch office will not be just open 24/7, but
9 in the event there's any need in the community
10 that is resource to him prior to the night of,
11 within 24 hours notice, he will be happy to
12 service 24/7 to anyone that needed it.

13 MAYOR FITZGERALD: Okay. And if I could
14 ask our Police Commissioner McAllister, is
15 there any complaints about service?

16 POLICE COMMISSIONER MCALLISTER: None
17 whatsoever.

18 MAYOR FITZGERALD: Thank you. Also we
19 have a letter from one of the Sergeants. We'll
20 make it part of the record.

21 MS. WALSH: Yes.

22 MAYOR FITZGERALD: With that, I will turn
23 to Deputy Mayor Pombonyo.

24 TRUSTEE POMBONYO: Thank you. Good
25 evening. Thank you for your service to our

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1 Village.

2 RICHARD VITELLO: Yes, ma'am.

3 TRUSTEE POMBONYO: You have been
4 extraordinary on a number of occasions.

5 RICHARD VITELLO: Thank you.

6 TRUSTEE POMBONYO: I have one question
7 with the eight years to ten years. Is there a
8 reasonable mileage limitation you might want
9 to --

10 RICHARD VITELLO: As far as we go or --

11 TRUSTEE POMBONYO: No, in terms of the
12 vehicles.

13 RICHARD VITELLO: Yes in terms of -- ten
14 years, ten years. Sometimes we don't go by
15 mileage being the cars are maintained every
16 3000 miles. They're clean. I can look at a
17 car with 3000 miles and it looks like it has
18 50. So, I don't really consider that an issue
19 with us, with me. Maintenance-wise, we're on
20 top of it.

21 TRUSTEE POMBONYO: The only other question
22 I had, residents I know have been very
23 complimentary about the service, about your
24 staff and how helpful they always are, pleasant
25 drivers and the staff in the office. What I

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1 have heard and experience sometimes especially
2 on vehicles later in the evening is cigarette
3 smoke smell. How do you deal with that
4 frequently?

5 RICHARD VITELLO: I really haven't come
6 across it. It is not allowed in the cars. It
7 is the law. If there is, they're fined. They
8 get out of the car if they do smoke. So, if
9 they smoke out of the car and get back in the
10 car, they are going to smell, which I don't
11 agree with and we are trying our best to cut
12 that out completely. It is just isn't allowed
13 in my cars.

14 TRUSTEE POMBONYO: There's a way during
15 winter, cold months, if you can develop a
16 system in honoring that.

17 RICHARD VITELLO: Yes, ma'am.

18 TRUSTEE POMBONYO: Thank you.

19 MS. SWENSON: The other thing that might
20 be helpful, to clarify, my client doesn't allow
21 any of the drivers or any people in the cab, at
22 any time he knows of, to be vaping with vape
23 pens, anything. So perhaps, you know, I don't
24 know whether or not that is something you wish
25 to write into the code where it says no

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1 cigarette smoking. We will be happy to add
2 that because that has become such a trend that
3 I see that, you know, with other companies, but
4 I know my client does not permit that in any
5 way, shape or form with either the drivers or
6 passengers and will be happy to add the
7 language that prohibits any kind of cigarette
8 smoking. That's paragraph 9 where it says
9 smoking or carrying any cigarette, pipe or
10 cigar, if the Board feels comfortable to add
11 vaping pen or material, that will give you
12 comfort. No one is trying to skirt around the
13 law and do things that cause allergies and
14 disruption to passengers. That is something
15 not even contemplated years ago.

16 TRUSTEE POMBONYO: Thank you.

17 TRUSTEE CHIARA: I want to thank you for
18 your service to the community. I have no
19 questions.

20 MS. SWENSON: Thank you.

21 MAYOR FITZGERALD: Trustee Stewart?

22 TRUSTEE STEWART: I have a question. What
23 time do you start running in the morning?

24 RICHARD VITELLO: 6:00 a.m.

25 TRUSTEE STEWART: And I was wondering if

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1 we can talk about adding advertising or no
2 advertising on your cars. Did you ever look
3 into that?

4 RICHARD VITELLO: We don't like.

5 TRUSTEE STEWART: I don't know what
6 they're called, like a traveling billboard on
7 top of the car.

8 RICHARD VITELLO: No, I don't have that.
9 I don't want them and I don't.

10 TRUSTEE STEWART: Okay. Thank you for
11 your time.

12 MS. SWENSON: We will be happy to add that
13 to the agreement if it is important to the
14 Trustees to say we will not have the
15 advertising on the roof, advertising that is in
16 the -- a problem for AAA.

17 TRUSTEE STEWART: Thank you.

18 TRUSTEE LONGOBARDI: Just two things.
19 Thank you for the great service you've
20 provided. We have been neighbors on Verbena.
21 It is a pleasure over there. I ask that, I
22 know it was in the last transcript as well
23 before I was on the Board. It is an ongoing
24 problem, but most of the businesses over there
25 just ask you, the drivers, to be conscious of

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1 the no parking areas over there. They're there
2 for a reason because of congestion problems and
3 traffic problems.

4 RICHARD VITELLO: I know.

5 TRUSTEE LONGOBARDI: As a frequent driver
6 of the fire trucks, it makes it harder to get
7 through. Please be conscious of that. Try not
8 to park in the areas. We appreciate that.

9 RICHARD VITELLO: Yes, sir, absolutely.

10 TRUSTEE LONGOBARDI: Thank you.

11 MS. SWENSON: Anything else?

12 MS. SWENSON: If you take a seat, I will
13 ask if there's anyone in the audience.

14 MS. SWENSON: Yes, sir. Thank you.

15 MAYOR FITZGERALD: Anyone like to come on
16 this application? Anyone in Village Hall?
17 Seeing none, anyone on Zoom that would like to
18 comment?

19 Thank you for coming in. I will now ask
20 for a motion to reserve decision and close the
21 public hearing.

22 TRUSTEE POMBONYO: So moved.

23 TRUSTEE CHIARA: Second.

24 MAYOR FITZGERALD: Can you poll the Board?

25 MS. WALSH: Trustee Pombonyo?

- 9/20/2022 - TRUSTEES - AAA TAXI SERVICE, INC. -

1 TRUSTEE POMBONYO: Aye.

2 MS. WALSH: Trustee Chiara?

3 TRUSTEE CHIARA: Aye.

4 MS. WALSH: Trustee Stewart?

5 TRUSTEE STEWART: Aye.

6 MS. WALSH: Trustee Longobardi?

7 TRUSTEE LONGOBARDI: Aye.

8 MS. WALSH: Mayor Fitzgerald?

9 MAYOR FITZGERALD: Aye. Thank you very
10 much.

11 RICHARD VITELLO: Thank you.

12 MS. SWENSON: Thank you.

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14 Certified to be a true and
15 accurate transcript of the proceedings.

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CATHERINE P. MURPHY
Court Reporter

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