

TAXI COMMISSION MEETING
Minutes of the May 16, 2011 meeting

I. CALL TO ORDER

Chair Frank Daggett called the meeting to order at 9:00 a.m.

II. ATTENDANCE

Present: Members: Chair Frank Daggett; Commissioners James Feehley, Peter Bresciano, Paul Ford, Councilor Robert Lister, Captain Michael Schwartz, City Attorney Robert Sullivan and City Clerk Kelli L. Barnaby

Absent: Lieutenant Newport (excused)

III. ACCEPTANCE OF MINUTES FROM APRIL 18, 2011

Councilor Lister moved to approve and accept the minutes of the April 18, 2011, Taxi Commission meeting. Seconded by Commissioner Feehley and voted.

IV. NEW BUSINESS

1. Split Metering

Commissioner Bresciano asked if we have taxi companies allowing split metering. He said that there is nothing in the Taxi Ordinance that addresses splitting the meters or that it is prohibited. He further stated if this is occurring, there is a law in the State which requires the company to pay worker's compensation.

City Attorney Sullivan said that there are State and Federal laws that address split metering and it is governed by the State Department of Labor. He stated that the City Ordinance ensures there is safe travel by the taxi companies and allow that the businesses stay viable. He also indicated that he does not feel that this is an issue that the City would have a concern with. City Attorney Sullivan reported if the Taxi Commission would like to make a recommended amendment; it should be forwarded to the City Council. He further stated that it is not for the Taxi Commission or the City Council to solve every problem in the businesses when it is not addressed via an Ordinance.

Commissioner Bresciano said he agrees with City Attorney Sullivan that the Commission should not be dealing with this matter and how the businesses operate in regards to the splitting of meters.

2. Leasing of Taxi Cabs – Councilor Lister (Ordinance Change)

Councilor Lister said the leasing of taxi cabs could cause liability issues for the City. He said if a person is leasing a taxi cab they must follow the requirement of the Ordinance as being an owner of the business. Commissioner Ford also expressed his concerns regarding the leasing of taxi cabs and the liability issues that would occur. Commissioner Bresciano said it is important that the Commission protect the City against any liability issue.

City Attorney Sullivan reported if someone is leasing a taxi cab, they must become an owner and follow the requirements of an owner and apply to the Taxi Commission for a medallion.

Stephen Gerrato, Rockingham Livery, Inc., said if someone is violating the Federal laws, they should have their license revoked to operate as a taxi owner.

Alan Ladd, Sunshine Taxi, said all drivers and employees of his company are in compliance with State and Federal laws.

Brian Schneider, Portsmouth Taxi, said that he came in late to the meeting and is unaware of the discussion that is occurring currently.

Edward Heath, Anchor Taxi, reported that he does not lease any of his taxi cabs.

Councilor Lister said it was indicated at the last meeting that there may be some taxi companies that are leasing and that it may need to be addressed within the Taxi Ordinance in respect to liability issues for the City.

City Attorney Sullivan said if someone leases a taxi cab they must hold a medallion and if that is occurring now without a medallion, they would be in violation of the Ordinance. He further indicated a review of the Ordinance states that the leasing of taxi cabs is not permitted now and therefore, no amendment would be needed to the Ordinance.

Brian Schneider, Portsmouth Taxi, advised the Commission that his employees complete W-2 forms and are insured.

Councilor Lister said that it is an issue if NH Checker Cab is leasing and we need to make sure everyone is protected.

Chair Daggett said he would like to table this matter and notify Jose Nunez of NH Checker Cab to attend the next meeting to address the issue of leasing. **Chair Daggett indicated that he would contact Mr. Nunez regarding attending the next meeting.**

Captain Schwartz said to hold things off because it will come out eventually and the Ordinance is clear that you cannot lease taxi cabs in the City.

City Attorney Sullivan said at this point it is just a rumor and would not recommend pursuing the matter further.

Commissioner Ford informed the Commission that NH Checker Cab is leasing taxi cabs and that the employees get 50% of the rates. He knows this information by Mr. Bob Brown who was a former employee of NH Checker Cab and came to him looking for a job with Blue Star. City Attorney Sullivan said Commissioner Ford is a reliable source.

Commissioner Bresciano moved to table the Leasing of Taxi cabs until the June 20, 2011 meeting and that Mr. Nunez of NH Checker Cab be contacted to attend the next meeting. Seconded by Commissioner Feehley and voted.

Commissioner Ford further stated that Mr. Brown is now employed by Sunshine Taxi.

3. New Taxi Business Request

Chair Daggett said the Commission has before them a request from Melissa Mcguire requesting to operate as a new Taxi Business in the City of Portsmouth and be issued one medallion.

Commissioner Bresciano voted to approve the request of Ms. Mcguire for one medallion to operate as a new taxi business in the City of Portsmouth with the condition that all documentation is filed with the City Clerk and, further, all requirements are met as outlined in the Taxi Ordinance. Seconded by Commissioner Ford and voted.

V. OLD BUSINESS

1. Appeal of Suspension of Taxi Operators License – Brian Schneider

Chair Daggett read a letter from Attorney Jeffco representing Mr. Schneider. Attorney Jeffco is requesting a continuance in the Appeal Hearing regarding Mr. Schneider's Taxi Operator License.

Captain Schwartz moved to grant the Request for Continuance in the Appeal Hearing of Mr. Brian Schneider's Taxi Operator's License. Further, the Taxi Commission will hear Mr. Schneider's appeal at their June 20, 2011 meeting at 9:00 a.m. in Conference Room A at the Municipal Complex and there will be no further postponements on the matter. Seconded by Commissioner Bresciano and voted.

Commissioner Bresciano said he seconded the motion under distress with Attorney Jeffco's remarks that he was not notified until May 13, 2011 of the hearing. He further stated that when this was discussed with Mr. Schneider at the last Taxi Commission meeting he was advised the hearing would be held at the May 16, 2011 meeting. Commissioner Ford said he agrees with the comments made by Commissioner Bresciano.

2. Taxi Inspections

Captain Schwartz provided a brief report regarding recent taxi inspections. He advised the Commission that one of NH Checker Cab taxi cabs did not pass inspection due to rust issues. Commissioner Daggett expressed his disappointment as the companies were provided with a 3 week notice of the inspection.

VI. MISCELLANEOUS/UNFINISHED BUSINESS

1. Police Liaison Report

Captain Schwartz reviewed the calls received regarding taxis as follows:

- Report of someone being over charged by NH Checker Cab
- Report of a vehicle parked in a taxi zone
- Report that a Rockingham Livery Inc., taxi threw something at a Portsmouth Taxi driver

Melissa Mcguire advised the Commission that she was the driver from Portsmouth Taxi that had something thrown at her by Rockingham Livery Inc. She indicated that she was parked in front of the Press Room when the incident occurred. Chair Daggett said that it is a form of harassment what Rockingham Livery Inc., is doing. Captain Schwartz said the driver was questioned and he stated he did not throw anything at Portsmouth Taxi.

City Attorney Sullivan stated that this sounds like the old days of taxi drivers and feels that the Taxi Commission needs to crack down on this type of incident. He further stated it gives him reason to revoke the medallion of Rockingham Livery, Inc.

Commissioner Bresciano, Captain Schwartz and City Attorney Sullivan said that these matters need to come before the Commission so that action can be taken. Councilor Lister said that the Commission has taken a strong stance in the past on this type of behavior and will continue to do so.

VII. ADJOURNMENT

At 10:10 a.m., Chair Daggett closed the meeting.

Respectfully submitted by:



Kelli L. Barnaby, CMC/CNHMC
City Clerk