

TAXI COMMISSION MEETING
Minutes of the December 19, 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, Paul Ford, Peter Bresciano, Councilor Robert Lister, Police Lieutenant Mark Newport and Deputy City Clerk Dianne M. Kirby

III. ACCEPTANCE OF MINUTES FROM NOVEMBER 21, 2011

Commissioner Bresciano asked about item V. 2. - where Stephen Gerrato, Rockingham Taxi stated that Melissa McGuire, Annie's Taxi had moved to Maine. He asked if Ms. McGuire had notified Deputy City Clerk Kirby that she was moving. Deputy City Clerk Kirby stated she did. Deputy City Clerk Kirby also stated the Ordinance does not state that a valid New Hampshire Driver's License was required to own and operate a taxi company in Portsmouth and that only a valid driver's license is required.

Commissioner Feehley moved to approve and accept the minutes of the November 21, 2011 Taxi Commission meeting. Seconded by Commissioner Ford and voted.

IV. NEW BUSINESS

1. Anonymous Letter dated November 20, 2011

Chair Daggett stated he received an anonymous letter the morning of the last meeting. He stated usually the Commission does not take any action on unsigned complaints, but he talked with City Attorney Sullivan and it was suggested the Commission discuss the issues brought up in this letter.

Commissioner Bresciano asked what Chair Daggett wished to discuss. Chair Daggett said City Attorney Sullivan suggested the information in the letter is something the Commission should be made aware of. Commissioner Bresciano said it is important if someone is turning off the meters early so the drivers can get a better tip. Lieutenant Newport said he feels that this is an internal matter. Commissioner Bresciano said that could be considered theft to the company. Chair Daggett stated that was why, at the last meeting, he asked if the meters could be shut off while the car is in motion. Lieutenant Newport stated the Commission can not regulate that. He said it is up to the owners to control. Chair Daggett said he just wanted to bring it to the owner's attention. Commissioner Bresciano suggested the owners might want to look into it.

Commissioner Bresciano said in the second paragraph of the letter, where they say people are stealing fares at the Portsmouth Naval Shipyard. He said the Commission has nothing to do with the Shipyard. Lieutenant Newport said he has been getting calls about companies stealing fares. He said he doesn't know how they can be stealing fares unless they are driving by and someone that had called a cab gets in their cab. Commissioner Bresciano said anyone who called a cab and is standing on the sidewalk when a cab comes by is not going to say "sorry I called x-cab and I will wait 20 minutes for them. He said they are going to take the cab that is there. He said he does not feel that is stealing a fare.

Commissioner Bresciano said concerning smoking in a cab – when he sees a driver smoking in a cab, he picks up his phone and calls the company. He said if anyone sees a driver smoking in a cab, report it to the company.

Councilor Lister stated it is fair to say the Commission's stand is if we see letters like this (unsigned) we will approach the company. Chair Daggett said normally we do not do anything with unsigned letters. Commissioner Bresciano said when we get an unsigned letter like this, he said he doesn't want to make accusations against a company, but bring it up to the owners that this is what is happening. Councilor Lister stated he feels it needs to be brought to the owner's attention so they know what is going on. Commissioner Bresciano stated we might not take action on unsigned letters, except to notify the owners that this is going on and if the letter is signed, we can get that person in to confront who the complaint is against. He stated all the companies know Taxi Commission meetings are held the third Monday each month and all companies are invited. He said it is not the Commission's responsibility to make them come to the meeting, but it would be to their benefit to come and see what is going on.

Chair Daggett requested Deputy City Clerk Kirby send a copy of the anonymous letter to all the taxi owners. Deputy City Clerk Kirby stated she would. She stated the minutes are published on the City's web page after they are approved by the Commission.

Commissioner Bresciano moved to accept and place on file. Seconded by Commissioner Feehley and voted.

2. Letters sent to Commissioners reference Expired/About to Expire Insurance (not on agenda)

Commissioner Bresciano asked if the two letters the Commission received concerning the expired or about to expire insurances had been updated. Deputy City Clerk Kirby stated they have not as yet. Lieutenant Newport stated they had until January 4, 2012 to get them current. Commissioner Bresciano stated the expired license should have a shorter turnaround as their license is expired. Deputy City Clerk Kirby stated in most cases the insurance was renewed, but the proof was not updated with her, but that she would insure a shorter suspense for the proof was issued in the future.

V. OLD BUSINESS

1. Compliance with State and Federal Laws

Chair Daggett stated the Commission has received a memorandum from City Attorney Sullivan wherein he has recommended the Taxi Commission recommend to the City Council an ordinance amendment to Section 7.229 – GENERAL PROVISIONS of the Taxi Ordinance to be amended by the addition of a new Subsection 7.299 E which would read as follows:

E. COMPLIANCE WITH STATE AND FEDERAL LAW

Every owner and holder of a taxi medallion shall operate at all times in compliance with all applicable state and federal law, including but not limited to provisions relating to the proper designation of employees as compared to independent contractors, worker's compensation, federal income tax withholding, and social security. The business records of each owner or medallion holder demonstrating compliance with this provision shall be made available on demand for review by City officials engaged in the enforcement of this ordinance.

Commissioner Bresciano moved to recommend the ordinance amendment to Section 7.229 – GENERAL PROVISIONS be drafted and forwarded to the City Council for adoption. Seconded by Commissioner Ford.

Commissioner Bresciano asked what the ramification of non-compliance with this change is. Commissioner Ford stated as the representative to the taxi companies, he feels City Attorney Sullivan should be available to explain this change to the owner's and answer any questions they may have. Councilor Lister agreed.

Commissioner Bresciano moved to amend his motion to table until such time as City Attorney Sullivan is available to explain to the Commission and Taxi Owners any ramifications this ordinance change might have. Seconded by Lieutenant Newport and voted.

2. New Year's Eve (not on the agenda)

Chair Daggett stated he would like to be assured that the cabs would be out in full force on New Year's Eve. All Taxi Companies present stated they would be out in force until all patrons were delivered home safe and sound.

VI. MISCELLANEOUS/UNFINISHED BUSINESS

1. Police Liaison Report

Lieutenant Newport stated most of the report was calls on cars parked in taxi stands. He stated they were either ticketed or moved along. He stated they received a call that a taxi cab had broken down on Lafayette Road and people were pushing it. He stated police were dispatched and the driver was instructed to get a tow truck to remove the vehicle.

Lieutenant Newport said there was a complaint about a bearded driver for Sunshine Taxi that was speeding. Commissioner Bresciano stated with regard to the broken down taxi, the Police Department would advise the driver to get a tow truck to remove the vehicle if it were a normal citizen and that this was not said because it was a taxi cab. Lieutenant Newport stated that is correct.

2. Taxi Stand Parking (not on the agenda)

Stephen Gerrato, Rockingham Livery, stated he is still seeing unoccupied cabs parked in the taxi zones for long periods of time. He said the ordinance states there is a five minute limit. Commissioner Bresciano stated when a driver sees this happening they should contact the Police Department. He further stated he doesn't want to promote in fighting between companies.

Mr. White, Anchor Taxi, asked where a taxi driver parks if they need to eat or use the restroom facilities. Commissioner Bresciano stated the taxi stand is not there for a driver to go eat. He said the taxi stand is there as a safe place for a taxi to pull over in order to pick up passengers. He said if a taxi driver wants to eat or otherwise stop for an extended time; there are the parking garages, metered spaces, etc. Stephen Gerrato, Rockingham Livery, stated a taxi can park anywhere they want as long as they pay the meter. Commissioner Bresciano stated that is correct. Councilor Lister stated the taxi stand is for an active taxi. He said there is nothing more frustrating to a taxi patron then to see an unoccupied taxi parked in a taxi stand when they need one.

3. Meter Rates (not on the agenda)

Robert Gaskill, Portsmouth Taxi, stated it is embarrassing when he gets passengers who state other taxi's shut off their meters and charge low rates. He said it makes the companies that abide by the rules look shady when they charge the correct fare. Commissioner Bresciano suggested the taxi owners set up a meeting to iron out these problems/differences. Commissioner Ford stated it is within the rules to change lower than the meter rate, should a company wish to, but they can not charge higher than the meter rate. Chair Daggett stated that is correct.

Councilor Lister announced, as a reminder, the Commission meeting on January 17, 2012, will be to elect a new Chair and everyone needs to think about their nominations. He further thanked Chair Daggett for all his years of service on the Taxi Commission and stated he will be missed.

VII. ADJOURNMENT

At 9:35 a.m., Chair Daggett closed the meeting.

Respectfully submitted by:

Dianne M. Kirby, Deputy City Clerk