

TAXI COMMISSION MEETING
Minutes of the June 18, 2012 meeting

I. CALL TO ORDER

Chair Bresciano called the meeting to order at 9:03 a.m.

II. ATTENDANCE

Present: Members: Commissioners Peter Bresciano, James Feehley, and Paul Ford, Councilor Brad Lown, Police Captain Michael Schwartz, Assistant City Attorney Suzanne Woodland and Deputy City Clerk Dianne M. Kirby

Absent: Lieutenant Mark Newport

III. ACCEPTANCE OF MINUTES FROM MAY21, 2012

Commissioner Feehley moved to approve and accept the minutes of the May 21, 2012, Taxi Commission meeting. Seconded by Councilor Lown and voted.

IV. NEW BUSINESS

1. Taxi Deregulation – Councilor Lown

Councilor Lown stated he was given the article “Do Economists Reach a Conclusion on Taxi Deregulation?” and said it is a summary about deregulating taxi cabs in various cities. He said in the article most of the cities discussed were larger than Portsmouth and it was felt by 2/3 to be a good thing. He stated he felt it would be a mistake to try this in Portsmouth. He asked if anyone thought this would benefit the consumers. Commissioner Ford asked why Councilor Lown thought it was not a good idea. Councilor Lown stated he felt Portsmouth was too small to accommodate this and safety issues could be the result of deregulation. Chair Bresciano stated it was a good article, but felt it was written more towards large cities.

Chair Bresciano asked what could we deregulate – rates? He said a company can charge what they want now as long as they don’t charge over the rate listed in the ordinance. He said as far as the number of cab, he said he felt if we had 31 cabs out there we would have a lot of starving cab companies. Commissioner Ford stated if we have 31 cab companies, there would be a revolving door of companies going in and out of business.

Councilor Lown stated the fee for a medallion in Portsmouth is low. He said the fee set by the ordinance for the meter, is that something all the cabs adhere too? He asked do all the cabs charge the same amount. Commissioner Ford stated Portsmouth companies can not exceed meter amount set by the ordinance. He said every operator, as long as they don’t exceed the meter, can charge whatever they want.

Chair Bresciano asked how far we would deregulate. He stated he did not feel the Police Department would be willing to deregulate drivers. Captain Schwartz stated the Police Department would not support that. He said our residents expect standards and if you deregulate the taxi drivers, you would have no control on who was driving. He said he feels the community expects some standard of safety in operators and vehicles.

Commissioner Feehley stated he believes most Portsmouth Taxi Company's don't charge enough. He stated a trip to Boston is a fixed fare, but by the Taxi Commission you can charge anything because you are going outside Portsmouth. He said it is competition that has lowered fares. He stated he does not agree with deregulation of taxi cabs. Councilor Lown asked if you take someone to Dover can you charge what you want. Commissioner Feehley stated outside of Portsmouth you can charge whatever you want. He said the ordinance rates only apply to fares within Portsmouth.

Councilor Lown asked if consumers call around for price quotes to go to Dover, Somersworth, etc. Commissioner Feehley stated people do shop around and if you give them good service, people are willing to wait for your company rather than get another company.

Commissioner Feehley moved to place this article on file. Seconded by Commissioner Ford and voted.

2. Request to Investigate Legitimate Business Employment – Stephen Gerrato, Rockingham Livery

Chair Bresciano stated Stephen Gerrato, Rockingham Livery has submitted a complaint against Portsmouth Taxi, Anchor Taxi, Annie's Taxi and Checker Taxi for failing to adhere to State laws within their business practices. He stated he would like to inform Mr. Gerrato that Checker Taxi is not a registered taxi within Portsmouth at this time and therefore, the Commission has no control on how they run their business.

Commissioner Feehley moved to send the complaint to the City's Legal Department for review with a report back in August. Seconded by Councilor Lown.

Commissioner Ford asked why the report back would be at the August meeting. Chair Bresciano stated he talked with City Attorney Sullivan and their present work load would not allow them to spend the time necessary should they have to report back any sooner. Councilor Lown asked if the Legal Department would refer this to a detective or investigator. Assistant City Attorney Woodland stated this matter is talking about State and Federal laws, so they would have to look and see what would be the most efficient way to handle the issue.

Motion passed.

3. Request for Four (4) Additional Medallions – Stephen Gerrato, Rockingham Livery

Chair Bresciano stated the Commission has received a request from Stephen Gerrato, Rockingham Livery to license four (4) additional medallions.

Commissioner Feehley stated with everyone struggling in the business the worst thing you can do is give out more medallions.

Chair Bresciano stated we presently have Checker Cab who has also requested a medallion. He said that medallion has not been issued yet. He said they have been approved to get a medallion, but until they turn in all the paperwork, undergo all the vehicle inspections and meter inspections and pay the fees they do not receive the medallion. He said these medallions are not set aside for a particular company when they are approved by the Commission. He said if there is only one medallion available and two companies put in a request and are approved for another medallion, the company that turns in all the completed paperwork and inspections to the City Clerk's office first gets the medallion.

Councilor Lown requested if we should hear from Rockingham Taxi. Commissioner Ford stated Mr. Gerrato has been in compliance with Portsmouth ordinance since he first received his medallions and it is in the ordinance that the Commission can grant medallions if they are available. Stephen Gerrato, Rockingham Livery stated according to the ordinance, in order to get a medallion a company must first get approval from the Commission. He stated once a company gets permission to purchase a medallion they complete the required forms and inspections, turn it in to the City Clerk's office and received their medallion. Chair Bresciano stated this is correct. Mr. Gerrato stated there is no time limit as to how long a company has to actually purchase the medallion once they have been approved for a medallion by the Commission. Commissioner Ford said the ordinance states you have 30 days to put the vehicle on the road. Deputy City Clerk Kirby stated you have 30 days once you turn in all the paperwork and are issued the medallion not from the date of approval. Commissioner Ford asked what if a company sits on the approval for a year. Chair Bresciano said he can sit on it for as long as he wants. Councilor Lown stated the ordinance implies that the medallions are going to be used. He said if it were otherwise, someone could get as many medallions as they want, use one of them and hold the other back and create a monopoly. Chair Bresciano stated a company can only own 1/3 of the medallions authorized for the City. Councilor Lown stated a company could be approved for 8 medallions, use 1 and hold 7.

Assistant City Attorney Woodland stated section 7.217 states

"EXPIRATION OF MEDALLION No person or business entity holding a medallion to operate a taxicab hereunder, which said taxicab is not in actual operation as such for a period of 30 consecutive days, shall continue to hold the medallion for such taxicab and shall deliver up the same medallion to the City Clerk of said City and such medallion shall forthwith terminate and expire."

She said she was having the same concern as Councilor Lown concerning the medallions that were held. Captain Schwartz asked Mr. Gerrato if it is his understanding that once approved these 4 medallions are saved for him. Mr. Gerrato, Rockingham Livery stated yes. He said this came up because Checker Cab was approved for a medallion months ago and has not turned in and received their medallions yet. Chair Bresciano said they were approved to apply for a medallion. Mr. Gerrato said at any time they can show up at the City Clerk's desk and get a medallion since they have approval. Chair Bresciano stated that was correct. Mr. Gerrato stated that is what he would like to do. He stated if business picks up he wants to be able to

put on another vehicle without having to wait weeks for the next Commission meeting for approval.

Councilor Lown asked if the medallion owners are making a profit. He said the Commission doesn't want to issue more medallions than the market can bare. He said he has heard the owners say the market is thin. He asked if this is an accurate statement. Commissioner Ford stated he would concur. Councilor Lown asked what they mean by a thin market. Commissioner Ford stated break even. He said at Blue Star it is break even most hours of the day. He said it is beautiful Friday and Saturdays from 11pm. to 2 a.m. He said other than that there are too many cabs in the City. Alan Ladd, Sunshine taxi agreed with Commissioner Ford that there are too many cabs in Portsmouth. He said you have to staff for the golden periods.

Councilor Lown ask Mr. Gerrato if he intends to add these new medallions to his fleet and put them in operation in the near future. Mr. Gerrato, Rockingham Taxi stated as soon as he has people to staff and vehicles available he will. Mr. Gerrato asked Commissioner Ford if Blue Star wanted to add another vehicle would he just go to the City Clerk's office with the documents and be issued a medallion because he has had medallions in the past. Commissioner Ford stated no he would have to go through the process. He stated when you turn in a medallion, that's that. He said if you want a new medallion you have to go before the Commission for approval. Mr. Gerrato asked Commissioner Ford if he would have to be granted approval from the Commission. Commissioner Ford stated that he would.

Councilor Lown asked if he was going to put on one vehicle now and add three more later. Mr. Gerrato stated he would add one as soon as possible. Councilor Lown asked about the other three medallions he is asking for. Mr. Gerrato stated staffing is an issue. He said it has been hard to get drivers. Assistant City Attorney Woodland stated she thinks what Councilor Lown is asking is if this is approved, how long does this period of time last, where a person would be an applicant who is eligible to come in with the additional paperwork to get their medallions. She stated she was trying to look through the ordinance to find the expiration of that eligibility for the medallions, but she has not seen anything. Mr. Gerrato stated that question needs to be answered. He stated at the last meeting he asked that questions and it was his understanding that the approval was good indefinitely. Chair Bresciano said he has gone over the ordinance and he has not seen anything that says once you have obtained approval, that approval is null and void after a period of time. Councilor Smith asked if the Commission could put a stipulation on approval that the four medallions are approved with an expiration date of 120 days or whatever time frame the Commission decides. Chair Bresciano stated he did not think it could without a change to the ordinance. Councilor Smith said it would be a tedious task for the City Clerk's office to always have to know how many approvals, when were they approved, how far out his it been etc. He said there should be some type of expiration date on the approval so the City Clerk's office is not going back years to be able to say what was approved and what was not. Captain Schwartz and Assistant City Attorney Woodland agreed. Chair Bresciano suggested the Commission look into a possible ordinance change. He suggested further discussion be tabled to allow legal to look into how this should be worded.

Councilor Lown moved to approve one medallion at this time. Seconded by Commissioner Feehley.

Chair Bresciano stated he disagrees. He stated if someone comes in with approval and the completed application, they would get the medallion. He stated he would approve the original request for four medallions, but look into an ordinance change.

Commissioner Ford asked if any companies are found not in compliance with State and Federal Laws, would those companies lose their medallions. Assistant City Attorney Woodland stated they would.

Councilor Lown stated Mr. Gerrato said he was going to put one cab on now and "sit" on the other three. He suggested the Commission approve one medallion. He said he didn't feel company should get approval to sit on medallions for six months or longer. Stephen Gerrato, Rockingham Livery stated Checker Cab is doing it now. He stated they have had their approval for months and still have not gotten their medallion. He stated he wants the ability to put a vehicle on the road when he is ready without having to wait until the next Commission meeting to get approval. Councilor Lown stated what Mr. Gerrato wants is to be able to put a vehicle on the road at a moments notice to respond to a change to his situation or the market without having to wait for the monthly Commission meeting. Mr. Gerrato stated 30 days is a long time to wait and then if there is no meeting that month it could be 60 days or more. Commissioner Ford said what about approving two medallions. Mr. Gerrato stated two is fine. Commissioner Ford stated he feels we should approve all four as there isn't anything in the ordinance and it is the rules we play by. Chair Bresciano agreed. Councilor Lown agreed with Chair Bresciano and Commissioner Feehley.

Councilor Lown withdrew his motion and Commissioner Feehley his second.

Chair Bresciano moved to approved four additional medallions for Rockingham Livery. Seconded by Commissioner Ford and voted.

V. OLD BUSINESS

1. Annie's Taxi Address Update

Deputy City Clerk Kirby stated she talked to Ms. McGuire about changing the address on her driver's license to match her taxi license. Ms. McGuire understood it to cost money to make the change and that is why she didn't want to change it until she found a place in Portsmouth. She stated she would get it changed. She also stated she was going into the hospital for major surgery and would try to get the license changed before she went in. I explained she needed to bring in her updated license so I could make a copy of it for her file. She stated she would. Deputy City Clerk Kirby stated that as of this date of this meeting Ms. McGuire has not produced her new license, but has called to say she did have the surgery and was at home recovering. Chair Bresciano requested Deputy City Clerk Kirby e-mail the Commissioners when Ms. McGuire has produced the evidence of her updated license. Deputy City Clerk Kirby stated she would.

VI. MISCELLANEOUS/UNFINISHED BUSINESS

1. Police Liaison Report

Captain Schwartz stated on June 3, 2012 there was a report of a vehicle parked in the taxi stand by Fat Belly's. He said police were dispatched, but when they pulled up the vehicle was leaving.

VII. ADJOURNMENT

At 10:00 a.m. Councilor Lown moved to adjourn the meeting. Seconded by Commissioner Ford and voted.

Respectfully submitted by:

Dianne M. Kirby

Dianne M. Kirby, Deputy City Clerk