

TAXI COMMISSION MEETING  
Minutes of the December 16, 2013 meeting

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**I. CALL TO ORDER**

Chair Bresciano called the meeting to order at 9:07 a.m.

**II. ATTENDANCE**

Present: Members: Commissioners Peter Bresciano, John Palreiro, Councilor Brad Lown, and Lieutenant Mark Newport

**III. ACCEPTANCE OF MINUTES FROM OCTOBER 21, 2013**

**Councilor Lown moved to approve and accept the minutes of the October 21, 2013 meeting. Seconded by Commissioner Palreiro and voted.**

**IV. NEW BUSINESS**

1. Request to Purchase Anchor Taxi

Councilor Lown stated the request is from Merle White to purchase Anchor Taxi from Ed Heath. He said we just need to determine Mr. White's fitness.

Mr. White stated he has been in the taxi business for three and a half years. Chair Bresciano asked if all the paperwork is being taken care of. Mr. White stated it was. Chair Bresciano asked Mr. White if he was planning on taking over the business effective December 31, 2013. Mr. White stated on paper he takes over January 1, 2014.

Councilor Lown stated he saw that Mr. Heath's insurance company has been notified of this sale. He asked Mr. White if he was going to take over all three cabs. Mr. White stated this is correct. Brad asked if the insurance will cover that effective January 1, 2014. Mr. White stated the insurances will overlap each other. Chair Bresciano asked if Mr. White was turning in any medallions. Mr. White stated there was a possibility he might turn in one medallion of the three. Chair Bresciano asked when the City Clerk will know if this medallion will be turned in. Mr. White said she will know by the 2<sup>nd</sup> or 3<sup>rd</sup> of January. Chair Bresciano asked if all three vehicles would be insured. Mr. White stated all three vehicles would be insured through January 2, 2014.

**Councilor Lown moved to approve the sale of Anchor Taxi to Merle White. Seconded by Commissioner Palreiro and voted.**

2. Application for Taxi Medallion – Annie's Taxi

Chair Bresciano asked if anyone was present to represent Annie's Taxi. Alan Ladd, Sunshine Taxi stated she called him and she is running late as she as a fare, but will be in as soon as the fare is dropped off. Chair Bresciano said we will move on with the agenda and come back

to this item when Ms. Wolfe gets here. Councilor Lown asked if this item needed to be voted on. Chair Bresciano stated the Commission could approve the application now to take effect as soon as the medallion from Anchor Taxi is turned in. He said this way the applicant doesn't have to wait until January 21, 2014 to get approved.

Lieutenant Newport said this would be approved if a medallion comes in before January 21<sup>st</sup>. He asked what would happen if someone else puts in for a medallion. Chair Bresciano said Ms. Wolfe has already applied and submitted her letter to the Commission. He said if someone else applies for the medallion, they would have to go through the process of getting approval from the Commission at the next Commission meeting on January 21, 2014.

**Commissioner Palreiro moved to pre-approve Annie's Taxi's application for a taxi medallion when one becomes available with the stipulation that all the paperwork be completed and the vehicle on the road prior to the next meeting on January 21<sup>st</sup>. Seconded by Councilor Lown and voted.**

### 3. 2014 Meeting Schedule

Chair Bresciano reviewed the 2014 meeting schedule and asked if anyone saw any problems. There were no problems stated.

Chair Bresciano stated that Lieutenant Newport has been promoted and that Lieutenant Chris Cummings will be the new Police Representative to the Taxi Commission. Lieutenant Newport stated he will attend the next meeting.

**Councilor Lown moved to approve the 2014 Taxi Commission meeting schedule. Seconded by Commissioner Palreiro and voted.**

### 4. New Years Eve

Commissioner Palreiro stated New Year's Eve would be the best night to see how many medallions are being used. Lieutenant Newport stated he feels everyone will have their vehicles out New Year's Eve. Commissioner Palreiro stated he has only seen one Sunshine Taxi cabs in town in over a year. Chair Bresciano stated he believes in capitalism – if a guy wants to pay \$100.00 per vehicle and pay for insurance on those vehicles every year and not run them, that is his business. Commissioner Palreiro stated we have an ordinance that says if a vehicle is down for more than 30 days and not used, you have to turn in the medallion. He said it's the same thing as two taxis not coming into the City. Chair Bresciano stated that is not true. Lieutenant Newport stated just because the vehicles are not in town doesn't mean they are not in working order. Councilor Lown stated the ordinance reads in actual operation for a period of 30 days. Chair Bresciano stated if the ordinance said in operation within the City of Portsmouth that would be another story. Commissioner Palreiro said this is another way of preventing people who want medallions from getting them. Chair Bresciano said we have been able to satisfy that by adding more medallions.

Chair Bresciano asked all the taxi companies if they were going to be out on New Year's Eve. He stated he would like to see as many taxi's out as possible on New Year's Eve.

## **V. OLD BUSINESS**

There was no old business to be discussed.

## **VI. MISCELLANEOUS/UNFINISHED BUSINESS**

### **1. Police Representative Report**

Lieutenant Newport stated there were no complaints.

Merle White stated there were two incidents in the Police blotter in the newspaper. He said one was a taxi company reported his tires slashed and the other was a female called complaining of a cab driver that picked her up in Manchester and was giving her harassing phone calls. Chair Bresciano asked what newspaper this was in. Mr. White stated it was in the Portsmouth Herald. Commissioner Palreiro stated he has the paper at home and he feels the Commission should do something about this. Chair Bresciano said he reads the paper every morning and he never saw it. Mr. White stated it was in the Police blotter section. Lieutenant Newport stated there are issues that are unrelated to the taxi company. He said it is under investigation and is not a taxi issue. Chair Bresciano said the Police Department knows of the situation and is handling it. Lieutenant Newport stated that is correct. He said he was aware of that incident, but not the incident with the taxi tires being slashed. Commissioner Palreiro stated he believes excessive phone calls to a taxi cab passenger should be addressed as far as the licensing of that driver. Lieutenant Newport said that would be the responsibility of the taxi owner.

Steven Gerrato, Rockingham Livery said he feels the Commission should discuss employment issues with all these new taxi companies. He said the Commission should at least verify that they have legitimate employment of people operating a taxi in Portsmouth. He said if the driver is being paid as a 1099 employee, the employer is not paying into Worker's Compensation. He said if there is no Worker's Compensation on someone operating a taxi cab and he has an accident, that driver has no coverage – they don't get paid while they are unable to work and their medical bills don't get paid. He said that is why the whole Worker's Compensation insurance policy is issued – it's to protect the people who work. He said by allowing companies to not have Worker's Compensation their employees have no insurance. Chair Bresciano said the employment issue is a State agency issue and he would think if someone was driving without coverage and they were hurt on the job and couldn't pay their hospital bills – the hospital would have something to do with that. He said the Commission can't get involved with the hospital suing an individual who comes in with an injury.

Steven Gerrato, Rockingham Livery asked what the Taxi Commission's policy is on hiring employees to drive taxi cabs. He asked if drivers can be sub-contractors – can they be 1099 employees (which is a sub-contractor). Chair Bresciano said they are supposed to be employees of the company. Mr. Gerrato said the State of New Hampshire states you have to be an employee. Chair Bresciano asked if Mr. Gerrato knows of anyone that isn't covered with Worker's Compensation. Mr. Gerrato stated he did. Chair Bresciano suggested Mr. Gerrato Report them to the State of New Hampshire.

Commissioner Palreiro stated he has talked to an attorney who is drawing up a sub-contractor agreement for him. He said as long as the sub-contractor is not directed to do, but asked to do – it is legal and binding in the State of New Hampshire.

Steven Gerrato, Rockingham Livery asked if all the taxi medallions have been issued. Chair Bresciano stated they were. Mr. Gerrato asked if the Exeter Cab Company got a medallion. Commissioner Palreiro stated he certified their meter the other day.

Douglas Cormier, Market Square Taxi stated he doesn't know what to do about an individual he is having a situation with. He said cab companies put their business cards around town. He said there is an individual who is stealing his business cards and replacing with their business cards. He said he has glued his business card onto a business card holder and left the holder and cards at various businesses. He stated when he goes back to these businesses, his cards are gone and this other individual's cards are in this card holder. He said he has tried to talk to this individual, but has gotten no where. Chair Bresciano suggested he file an official complaint with the Police Department.

Chair Bresciano asked Lieutenant Newport if his officer's ever randomly check cab drivers to see if they are properly licensed. Lieutenant Newport stated they do not stop them to check, but if they are stopped for a reason they ask for it. Chair Bresciano said it might be a good idea to start periodically checking for driver's licenses since we have so many cabs out there and so many new drivers.

Merle White, Anchor Taxi stated that all these new companies and all these new medallions have produced exactly what the Commission did not want to happen. He said companies are in a pricing war. He said taxis are not running their meters and undercutting each other. He said there is not enough business for everyone, so everyone is cutting each others throat. He stated when companies are not making money, they cut the fees and the first thing to go is maintenance.

Chair Bresciano said that every cab company knows that when a fare gets into the vehicle in Portsmouth – the meter must be turned on. He said if Lieutenant Newport gets into a taxi and says don't run the meter and I'll give you \$10.00 to take me to destination X, he can then cite the driver for not turning on the meter and/or charging more than the price on the vehicle. He said this undercover practice may already be being done.

## **VII. ADJOURNMENT**

The meeting was adjourned at 9:42 a.m.

Respectfully submitted by:

*Dianne M. Kirby*

Dianne M. Kirby, Deputy City Clerk