

TAXI COMMISSION MEETING
Minutes of the May 19, 2014 meeting

I. CALL TO ORDER

Chair Bresciano called the meeting to order at 9:02 a.m.

II. ATTENDANCE

Present: Members: Chair Bresciano, Commissioners Lawrence Cataldo, Stephen Dunfey, Assistant Mayor Jim Splaine, Lieutenant Chris Cummings, City Attorney Robert Sullivan and Deputy City Clerk Dianne Kirby

III. ACCEPTANCE OF MINUTES FROM MARCH 17, 2014

Commissioner Dunfey moved to approve and accept the minutes of the March 17, 2014 meeting. Seconded by Commissioner Cataldo and voted.

IV. NEW BUSINESS

1. Welcome to Commissioners Cataldo and Dunfey

Chair Bresciano extended a welcome to Commissioners Cataldo and Dunfey.

2. Request for Additional Medallion – Great Bay Taxi

Chair Bresciano stated Great Bay Taxi submitted a request for an additional medallion on March 17, 2014. He stated we do have one medallion available. Commissioner Cataldo stated he has heard that there are too many medallions because business is off and he feels they don't have enough information to approve this request.

Assistant Mayor Splaine moved to approve the request and issue an additional medallion to Great Bay Taxi. Seconded by Commissioner Dunfey.

Assistant Mayor Splaine stated he saw in the inspection report that three (3) medallions were revoked and have not been reissued. What is the status of them? Chair Bresciano stated the companies that had medallions pulled during the inspection have until May 27, 2014 to reclaim their medallions or they revert back to the City again and can be reissued to anyone that submits a letter for more medallions.

Commissioner Cataldo stated that since there are two requests on the agenda, would it be feasible to combine the two for discussion. He asked what the criteria was to determine who gets the one medallion available. Chair Bresciano stated whoever submits their completed paperwork first and is approved by the Commission gets the medallion. He said we do not reserve medallions for any specific company.

Assistant Mayor Splaine said he would like to hear more from Commissioner Cataldo about his concerns. He said there maybe some value in not having so many medallions. He stated last year the Council raised the number of medallions from 25 to 28 on the recommendation of the Taxi Commission. He said it is an interesting discussion. Commissioner Dunfey asked why there is a limit of 28 medallions. Chair Bresciano stated it has been discussed over the years with the taxi companies as to how many medallions should be out there. He said at one time there were 30 medallions available for issue. He said since there were never 30 medallions issued the Commission recommended the Council lower the number of medallions available to 25. He said these medallions were all issued and there were requests for more. City Attorney Sullivan stated the number of medallions is set by the City Council based on the recommendation of the Taxi Commission. He said the policy that underlines setting the number is that it is believed that if there were no limitation or no medallions that anyone who wanted to could become a taxi cab. He said it would so dilute the value of the business that in effect there would be no cabs. He said we have a limitation on the number of cabs for the express purpose of making sure there is enough money in the cab business to make it viable for the cab companies within the City. He said the number the Council has set over the years to reach that dynamic balance has varied. He said it can be changed. Chair Bresciano stated the Council usually won't act unless the Commission recommends the increase or decrease. Assistant Mayor Splaine asked if City Attorney Sullivan and Chair Bresciano feel this number of 28 is a good number. City Attorney Sullivan stated he is not personally close enough to know what is going on out on the streets with the cabs. Chair Bresciano stated the best people to ask would be the cab owners. Assist Mayor Splaine suggested he would like to add to the agenda at the next meeting a discussion with the owners and drivers to brainstorm the question of the number of medallions there should be.

Commissioner Cataldo suggested the Commission combine both requests for additional medallions. He asked which company has already completed their paperwork. Deputy City Clerk Kirby stated the companies need to get the approval of the Commission prior to completing their applications. Chair Bresciano suggested the Commission take up these letters today and make a motion for the next meeting to add to the agenda discussion on the increase or decrease of medallions and involve the taxi owners in this discussion. Commissioner Cataldo said this would identify the need for more or less medallions. Chair Bresciano stated the Commission has already identified the need when the Council raised the number of medallions to 28. Assistant Mayor Splaine stated Chair Bresciano is correct. He said the Council has set the medallions at 28 so we have to go with that now and then add to the agenda at the next meeting a discussion with everybody to really consider if it should remain at 28 or to increase or decrease that number. City Attorney Sullivan stated it is a very difficult situation. He said when the bars let out there are plenty of customers and you could have as many cabs as you could find and there would be business for everybody, then you have the other times when there isn't enough business for a small number of cabs. It is hard to find the correct balance. Commissioner Cataldo stated he feels this needs to be explored a little more. He said there is not enough information right now to make any decisions. He said we need to look at what the cab owners think as well as some restaurant owners. He said the demand is uncertain. He said are there enough patrons out there at 2 a.m. who really need to get home by public transportation as opposed to driving and are there enough cabs out there who can take them without a long wait. He said this deserves more attention.

Motion approved.

Assistant Mayor Splaine moved to set aside 25 minutes at the June 16, 2014 Taxi Commission meeting for discussion on whether the number of medallions should be increased or decreased. Seconded by Commissioner Cataldo and voted.

3. Request for Additional Medallion – Annie’s Taxi

Commissioner Cataldo moved to approve the request and issue an additional medallion to Annie’s Taxi (when one becomes available). Seconded by Commissioner Dunfey and voted.

4. Request to Purchase Sunshine Taxi

Commissioner Cataldo moved to accept the purchase of Sunshine Taxi by Great Bay Taxi. Seconded by Commissioner Dunfey.

Assistant Mayor Splaine asked why the Commission has to approve the purchase. City Attorney Sullivan stated it is to ensure the purchaser complies with all the requirements of the Ordinance and that the cabs in the new business will be safe and provide the right kind of transportation for the citizens. He further said it is the Commission's responsibility to prevent one taxi company from monopolizing the City. Commissioner Cataldo asked if there would be a reason to prevent this sale. City Attorney Sullivan stated the Taxi Commission approves or disapproves the fitness of the proposed transferees as medallion holders. Commissioner Cataldo asked if it is a reputation problem. City Attorney Sullivan said there are a number of reasons such as a criminal conviction. Chair Bresciano stated there could also be accident records. Commissioner Cataldo asked if the Police Department has any negative aspects on this sale. Lieutenant Cummings said no. He said the only question he has is will the medallions stay with Sunshine Taxi or just get transferred over to Great Bay. City Attorney Sullivan said Sunshine Taxi will no longer exist and the medallions will become part of Great Bay. Assistant Mayor Splaine stated Sunshine Taxi's medallions were revoked during the last inspection. Chair Bresciano said the medallions were sold with the company and the new owner can transfer new vehicles to those medallions.

Motion passed.

5. Complaint by Merle White

City Attorney Sullivan read the complaint by Mr. White. He stated his understanding of this complaint is that it's a statement to all owners to let them know not to vote for John Palreiro as the Taxi Representation to the Taxi Commission. Commissioner Cataldo stated Mr. Palreiro is not presently a candidate. Chair Bresciano stated the Commission has sent out numerous letters and memos requesting the taxi owners select a representative to the Commission.

Assistant Mayor Splaine moved to accept Mr. White's complaint and place it on file. Seconded by Commissioner Dunfey and voted.

6. Complaint by Daniel Bigda

Commissioner Cataldo moved to accept and place the complaint on file. Seconded by Commissioner Dunfey.

Assistant Mayor Splaine stated the Commission encourages owners and residents to write in complaints, but this bickering between companies is getting to be a problem. He said he understands the value of doing so, but it is getting to be a problem out there. He said he understands the difficulty of the he said/she said conflict, but if you don't try to resolve these issues they will become bigger. Commissioner Cataldo agrees with Assistant Mayor Splaine. He said there is an underlining element the Commission is not aware of. He said we need to find out what the problem is. Chair Bresciano stated the Commissioners are volunteers. He said we don't have an investigative branch that we can ask to take a look at this and find out what happened. He asked if this was reported to the Police Department. He said once a report is made to the Police Department, the police can do an investigation. He said we have to rely on the Police Department and City Attorney's Office to do these things. City Attorney Sullivan stated the complaint really alleges two different problems. First, is a lack of civility between the cab companies. Second, is unlicensed cabs that are performing cab services in the City. He said in both cases, ultimately the responsibility for dealing with issues found by the Taxi Commission is with the Taxi Commission. He said the Ordinance doesn't establish criminal penalties or civil penalties. He said the Ordinance says if these problems occur the Taxi Commission has the authority by means of suspension or revocation of licenses or medallions to handle them. He said the problem lies in that there are not really a lot of facts to work with. He said it is basically a he said/she said situation. He stated the only entity capable of making the factual determination is the Police Department. He said it is appropriate that these complaints come through the Commission but if factual investigation is necessary the only people that can figure that out would be the Police Department. He said if this is happening it might technically satisfy the provisions of the ordinance.

City Attorney Sullivan said this particular provision of the Ordinance was put in to accommodate limousines to the airport and if it is being used to circumvent the requirement in the Ordinance that cabs have insurance, inspections and be safe for the public than the Commission can recommend an amendment to the Ordinance. He said it does begin with the Police Department to inform the Commission if there are violations to the Ordinance. Lieutenant Cummings stated after the inspection many taxi companies used that loophole in order to run their cabs that had their medallions pulled. He said this loophole needs to be closed to prevent unsafe taxies picking up passengers. City Attorney Sullivan stated it would be simple to close that loophole by changing the provision that was intended to apply to limousines to Logan Air Port and not allow its use to cabs with Portsmouth medallions. Chair Bresciano stated when a customer calls one of our taxi owners that are Portsmouth medallion permitted for in or out of town, that owner must use a cab with a medallion. Assistant Mayor Splaine stated he likes the solution on the loophole fix mentioned by City Attorney Sullivan. He said the best approach with these two letters would be to ask for a recommendation by the Police Department or the Police Chief at the next meeting. He said he would like to see if there was a violation here and if there was if they have a solution. He said he does not want to get in a position to question the professionalism of the taxi drivers. He said if someone is

doing something really grievous in public towards another cab, people see it. He suggested setting up a process now to handle these complaints. He said by placing these letters on file he doesn't feel they are encouraging that additional level of professionalism and the newspaper is going to have to do what it does best and report that the taxi business in Portsmouth does have problems. He said by sending these complaints to the Police Department it will first, allow for some staff discussion about the problems and decide if there is a loophole that needs to be fixed. Second, let the cab drivers and owners know that when they write a letter there is going to be some kind of review. Lieutenant Cummings said there is action taken, but this loophole has hindered the Police Department. He said the officers get harassed by the owners because of this loophole. He stated this loophole needs to be closed first. City Attorney Sullivan stated he calls this the limo loophole and it is a very dangerous situation. He said some of the cabs using this loophole are cabs that failed the safety inspection and he is concerned that unsafe cabs and drivers are using this loophole. He stated he suggests the Commission recommend the City Council take some action to close this loophole. Chair Bresciano said after we vote on this point, he suggests the Commission put forth a motion to have the City Attorney's office look into some kind of change for this limo loophole that can be presented to the Council.

Commissioner Cataldo stated he feels a Code of Conduct provision is a good idea if we feel there is a lack of professionalism here. He stated since we are thinking of an Ordinance change we might think about adding a Code of Conduct provision as well. He said it is very important for Portsmouth that we keep a very high standard. City Attorney Sullivan stated there is a very long history to the City's regulation with the taxi business. He said it use to be a rough business. He said there was a lot of hate and discontent. He stated at that time the Taxi Commission stepped in and got control over this and for a good long period of time the Taxi Commission kept the situation civil. He said his concern with these complaints is that it is a step backward to where the business was years ago. He said the ultimate loser if the business goes down that road are the citizens of the City that rely upon the taxi business. He said he takes this very seriously. He stated the Commission needs to stop this conduct before it gets worse. He further said the Commission has the authority to act against a driver who engages in uncivil behavior or owner who allows drivers to engage in uncivil behavior. Lieutenant Cummings asked how they are to investigate when it becomes a he said/she said situation. He said there is no criminal element to it. He said there are going to have to be pretty strict perimeters. He said he likes the idea of a Code of Conduct provision, but we have to be very careful how it is done to prevent a driver who doesn't like another driver from writing letters of complaint in order to get a driver suspended. City Attorney Sullivan stated Lieutenant Cummings is correct. He said the Commission has the ability to suspend an owner/driver's license/medallion. He said these issues need to get to the Commission and if the Commission believes the issue is serious enough the Commission has to take some type of action. He said it is the only governmental response that exists to this type of conduct.

Chair Bresciano said in the past one of the solutions to getting the vehicles back on track was the no notice inspections. He said it puts a burden on the Police Department and Public Works, but that is the only way to nip this in the bud. He said under this Ordinance we can pull any cabs in for a no notice inspection. City Attorney Sullivan feels the recent inspection that was conducted is, in his opinion, an important public service very well performed. He said

there were cabs on the street that needed to be taken off the streets and the Police Department should be complimented for that. He said in answer to Chair Bresciano's question, the Police Department can, on a more individualized basis or cab by cab basis, conduct no notice inspections. Assistant Mayor Splaine asked how we do that. Chair Bresciano stated after receiving a complaint from a customer or other driver about an unsafe cab, the complaint should be sent to the Police Department for them to pull them in for an inspection. Lieutenant Cummings stated he has no problem with this, but he doesn't want the Police Department to look like they are singling out one company. He said if he does spot inspections, it would be done on every company. Assistant Mayor Splaine stated the Commission has guaranteed the public they will be safe when using our taxies and spot inspections are good for ensuring the safety of these vehicles. Lieutenant Cummings said it takes quite a bit to get these inspections up and running. He said he has to coordinate the inspectors and the City yard, but he doesn't have any problem with it. Commissioner Cataldo stated he would work with City Attorney Sullivan on finding a way to close this loophole.

Motion passed.

Commissioner Cataldo moved to work with City Attorney Sullivan to close the Limo Loophole. Seconded by Commissioner Dunfey and voted.

7. Request for Appeal – Brian Cronkite – Great Bay Taxi

Lieutenant Cummings stated he received the application for a taxi driver's license and upon reviewing Mr. Cronkite's criminal record it showed that Mr. Cronkite was charged with numerous complaints and was indicted, but statements by the victim were recanted and the case dismissed. He stated he disapproved the license based upon Section 7.211(c)(3)(d) which states:

"The individual has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the fifteen full years prior to the date of the application."

He stated he contacted the Oxford County, Maine District Attorney and asked if the statements were not recanted did they feel there was a case.

Lieutenant Cummings stated because of the nature of the incident and the lack of a final decision City Attorney Sullivan was asked for his opinion. He stated City Attorney Sullivan felt it should be denied. City Attorney Sullivan stated the background was done and the license is not being recommended by the Police Department. He said it is now up to the Commission to either approve or disapprove the appeal.

Brian Cronkite testified he was falsely accused and all the charges were dismissed. He said he was never convicted. He said he has worked in the hospitality field for 15 years and has a two year Associates degree.

Commissioner Cataldo asked if the victim received any medical attention. Mr. Cronkite stated he didn't know. Lieutenant Cummings stated that once the victim recanted her statements, no further action or investigation was pursued. Commissioner Cataldo stated it now comes down to he said/she said. Assistant Mayor Splaine asked if there was a conviction. Lieutenant Cummings stated there was not. Assistant Mayor Splaine said no conviction occurred – so there is no felony record. Lieutenant Cummings stated in his opinion it was not that there was not enough evidence to convict, but that the victim pulled out. He said given the facts of the case from what he learned, there is no way to know if he would have received a guilty or not guilty verdict. Chair Bresciano stated because we don't have both sides he doesn't know if the charges are true or not. Assistant Mayor Splaine asked criminal justice being what it is, if a trial was held and he was declared innocent would that always be part of his life. He said he thinks he supports a motion to grant the appeal. City Attorney Sullivan asked if it would be the position of the Police Department that issuing a taxi driver's license to Mr. Cronkite might potentially place a passenger in potential danger. Lieutenant Cummings stated if the circumstances were correct, there is the possibility this could happen again and that is the reason he denied the application. He said he feels it is his job to ensure the passengers in the City's cabs are safe. Commissioner Dunfey asked if his license is approved today, how long is the license valid. Deputy City Clerk Kirby stated all taxi licenses are renewed every year by April 1st. Commissioner Cataldo asked if Mr. Cronkite had anything else to say.

Brian Cronkite stated the allegations are false. He stated the victim stated she lied. He said the victim was an ex-girl friend who didn't like that he broke up with her and made up all these allegations to get back at him.

Assistant Mayor Splaine suspended the rules to allow Mr. Palreiro to speak on behalf of Mr. Cronkite. Seconded by Commissioner Dunfey and voted.

Mr. Palreiro stated he has seen Mr. Cronkite work and he is a good guy. He stated he would not have offered him the position if he felt he was a risk to his company.

Assistant Mayor Splaine moved to approve the appeal and allow the license to be issued. Seconded by Commissioner Cataldo. On a vote of 4-1, Chair Bresciano, Commissioners Cataldo, Dunfey and Assistant Mayor Splaine voted to approve and Lieutenant Cummings voted to deny the appeal.

V. OLD BUSINESS

1. Taxi Inspections

Lieutenant Cummings stated he felt the inspection was well run. He stated the State officers and inspectors were very thorough. He stated minor issues were corrected and medallions returned. He stated when the medallions were removed they were definite safety issues. He said there were 16 medallions removed. He said some were turned in at the end of the inspection to the City Clerk's office. He said there were many of the pulled medallions that were reissued and he has another one that he will re-inspect after this meeting. He said all in all the inspection was successful for what it was meant to do. Chair Bresciano stated this was

the first time in a couple of years the State has been involved. He said with the State no one can come back and say the City Police Department had a beef against their company or they were too picky with their cab because the State and Local Police Departments were involved. Lieutenant Cummings stated that was the reason he asked the State to come down. He said he did not want any thought of improprieties on the part of the City. He said he wanted a third party that knows what they are looking at to do the inspection. He said they developed a good working relationship with the State and the State Inspectors and next April if these same State Inspectors are unable to be here, there will be 3-4 other State Inspectors that will. He stated he feels using the State Inspectors will become the norm. He said he wants that independent set of eyes. He said they are the experts – they do this on a daily basis and have no interest if these cabs are on the road or not – they are just doing their job.

Commissioner Cataldo said each of these vehicles are under State inspection prior to this inspection, which makes this inspection the second State inspection each vehicle has had within a year or less. He said if we wanted to ensure this doesn't happen next year would you agree that we need to step up the no notice inspections by random inspections? Chair Bresciano said he would like the news media to notify the public that any passenger that sees an unsafe practice or vehicle they also have the ability and responsibility to turn in a complaint to either the Police Department or the Commission.

Commissioner Cataldo moved to conduct random inspections on a monthly basis.

Lieutenant Cummings stated due to the time it takes to coordinate the scheduling that will probably not happen. He said he has no problem with having no notice inspections. He said he will not limit these inspections to only one or two companies. He said if the Commission wants no notice spot inspections he will set up the inspections for all companies, calling in a few companies each for spot inspection. Assistant Mayor Splaine said he is comfortable that Lieutenant Cummings will follow through with spot inspections and feels no motion is necessary. Chair Bresciano stated after a couple of no notice inspections the companies will ensure their vehicles stay in compliance.

2. Answer to Pending Complaints – City Attorney Sullivan

City Attorney Sullivan stated in April 2014 he was asked to look into three written complaints. He stated he has completed his report.

Complaint 1 – Request for removal of Commissioner John Palreiro from the Commission filed by Steven S. Gerrato of Rockingham Livery Inc., undated.

He stated between the date of the complaint and his report Commissioner Palreiro tendered his registration rendering this complaint moot. He stated in his report it was his opinion that if the allegations made by Mr. Gerrato were accurate, particularly the allegation related to worker's compensation and liability insurance, then a factual basis would have existed to remove Mr. Palreiro from the Taxi Commission. He further stated the taxi ordinance, contains no provision authorizing removal of a Commissioner from the Commission. He feels the Commission should consider making the recommendation to the City Council that the

ordinance be amended to include a provision by which a Taxi Commission member could be removed from office by the City Council for cause after a public hearing by the Council.

Complaint 2 – Dated February 18, 2014 from Nicole Wolfe of Annie’s Taxi

City Attorney Sullivan stated this complaint alleges that Mr. Gerrato has been abusive and harassing to Ms. Wolfe and Annie’s Taxi by “his slanderous behavior” by making untrue statements concerning Annie’s Taxi at the C & J Terminal and the Portsmouth Naval Shipyard. He stated that after careful review of the taxi ordinance he has determined that even if the facts are accurate and true, the conduct of Mr. Gerrato does not represent a violation of the Taxi Ordinance. City Attorney Sullivan further stated he would recommend the Commission advise all taxi owners and operators that civility towards both customers and other persons engaged in the taxi business is expected by the Commission. He said the Commission might state that if civility is not shown by any owner or operator the Commission may request the City Council authorize the adoption of a Code of Conduct by the Commission so that future acts of incivility could be punished by the Commission. He stated Ms. Wolfe may have a private cause of action against Mr. Gerrato which would not involve the City or the Commission.

Complaint 3 – Dated March 10, 2014 from Daniel Bigda, driver of Portsmouth Taxi

City Attorney Sullivan stated Mr. Bigda alleges that, between February 22nd and the weekend prior to March 10th, a vehicle for which the City had not issued any taxi medallion and bearing the license plate GB3 operated by John Palreiro has been operating as a taxi within the City. He stated this matter has been discussed in detail earlier as the Limo Loophole. He stated the projected Ordinance change will eliminate this issue.

VI. MISCELLANEOUS/UNFINISHED BUSINESS

1. Police Representative Report

Lieutenant Cummings stated there were 38 complaints reported between March 1, 2014 and May 18, 2014. He stated the main reason there are so many complaints is he requested his officers call in and report any issues involving taxi cabs. He stated these issues involved;

- Car parked in the taxi stand (6)
- Cabs illegally parked (23)
- Cabs with equipment failure (6)
- Accident (1)
- Non-medallion vehicles picking up (2)

He stated there were also two road rage incidents in which both parties were cited.

He stated none of these parking violations were ticketed. He said now that the taxi companies know where he is coming from on parking issues, citations will be issued.

Chair Bresciano asked if Deputy City Clerk Kirby would send a copy of the police report with a letter informing all owners that citations will now be issued for parking violations. Deputy City Clerk Kirby stated she would.

2. Public Comment

Mr. Gerrato – Rockingham Livery stated when a customer flags a taxi down in the downtown area there is no place to park and you have to double park. Lieutenant Cummings stated the ordinance says taxi operators shall not stand or park on any street except in designated taxi stands or bus stops, except while actually engaging in taking on or discharging passengers. He said taking on or discharging passengers does not mean sitting there for 10 minutes waiting for the passenger to come out of a bar.

Mr. Gerrato – Rockingham Livery stated City Attorney Sullivan did not get into his request to investigate if Mr. Palreiro was properly providing worker's compensation coverage for the employees of Great Bay Taxi and liability insurance to protect the members of the public who utilize the services of Great Bay Taxi. City Attorney Sullivan stated there is a provision in our Ordinance that requires taxi medallion holders to operate in compliance with all applicable State and Federal laws. He stated the City doesn't have the capability to determine whether or not a cab company is making its required filing with the State of New Hampshire Department of Labor, as an example, that is a State issue. He said with regard to insurance, this is a local matter and we can deal with that if the City Clerk is advised that they do not have the required insurance. Chair Bresciano said in dealing with insurance, the Deputy City Clerk has sent out the listing of medallions to every owner and that shows when each company's insurance is to expire. He said if an owner has any problems with some other company's insurance expiring they only need to get with the Deputy City Clerk and the Deputy City Clerk will inform them as to if it is expired. City Attorney Sullivan said Mr. Gerrato has raised a fair point. He said he should have addressed that in more detail in the memorandum.

Mr. Gerrato said he has an issue with the vehicle that should have been towed during the Inspection, but wasn't because it had a Maine state plate on it. He said there has to be some coordination between operating a business in one State and owning a vehicle registered in another State. Lt Cummings stated Mr. Gerrato is absolutely correct unfortunately, one State can not write up an inspection violation against a vehicle that is registered in another State. He said each State has its own inspection requirements. He said we have no authority in the State of New Hampshire to take the plate of a vehicle registered in another State.

Mr. Gerrato said spot inspections for a specific company are unfair. He said if you are going to have spot inspections, you need to bring everyone in. He said this eliminates a company from feeling like they are being singled out and maybe taken off the road on a busy weekend. He said having an inspection on a Friday is also really tough in order to get your medallion back within 24 hours when there is no one available on the weekends. Lieutenant Cummings said the taxi's busy weekends are his busy weekends. He said he is very in tuned with what the busy weekends are. He said he will do his best to make sure that doesn't happen. He said one of the complaints from the last inspection was that it was done on a Friday and anyone that lost a medallion lost it for the whole weekend.

Mr. Gerrato stated Mr. Palreiro admitted he employs sub-contractors and not employees which is not proper practice. City Attorney Sullivan said the Department of Labor is the State agency that enforces these issues. He said the City ordinance requires that the operators stay in compliance with State and Federal regulations. He said if an individual is calling someone an independent contractor and that person is not truly an independent contractor that is a State issue. He said if the State were to make a determination that a company has violated their requirements than it becomes a Commission issue because there is now evidence that a State law has been violated and the ordinance requires the operator stay in compliance with State laws.

Mr. Palreiro – Great Bay Taxi produced letters of recommendation from Sunshine Taxi, Annie's Taxi, Blue Star Taxi, Market Square Taxi and Great Bay Taxi to elect him as the taxi representative to the Taxi Commission. Chair Bresciano asked him to submit the letters to Deputy City Clerk Kirby after the meeting.

Mr. Palreiro said parking is an issue. He suggested turning commercial zones into taxi stands between the hours of 7 p.m. and 6 a.m. He said by doing this it will get the cabs off the road and parked where people can see them. Chair Bresciano stated someone from the taxi community should submit a letter to the Parking and Traffic Safety Committee with this request, signed by all the taxi companies.

Mrs. Bigda stated she is very offended with the Commission's decision to allow Mr. Cronkite to drive a taxi. She stated she googled the newspaper and the article on this incident is very specific and she for one would not want to be alone in a taxi with this man. She stated the Commission is really going to feel bad if something happens to a passenger in his cab.

Mrs. Bigda also asked where, in the Ordinance, it states there is a \$100.00 reinstatement fee to get their medallions back after 24 hours. She said she has spent a lot of time reading the ordinance and can not find it. Mrs. Bigda further stated that the Commission needs to understand that not all 28 medallion cabs are on the road at the same time. She said not all taxi companies operated on a 24 hours a day, 7 days a week schedule. Chair Bresciano stated the section that covers the \$100.00 reinstatement fee is listed in Section 7.213 (D)

Mr. White – Anchor Taxi stated his vehicle was repaired by 11:00 p.m. on Friday night, but no one was available to re-inspect his vehicle and give him back his medallion until Monday. He stated if an inspection is going to be on a Friday then the 24 hours should be 24 business hours before the fee goes into effect. Chair Bresciano stated that would take an amendment to the Ordinance. He requested Deputy City Clerk Kirby put this item on the next agenda for discussion.

Mr. White – Anchor Taxi stated vehicles are still not being towed out of the taxi stands. He said if taxis are going to be restricted as to where they can park, then enforce this for the general public.

VII. ADJOURNMENT

The meeting was adjourned at 12:07 p.m.

Respectfully submitted by:

Dianne M. Kirby

Dianne M. Kirby, Deputy City Clerk