

TAXI COMMISSION MEETING  
Minutes of the August 19, 2015 meeting

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**I. CALL TO ORDER**

Chair Bresciano called the meeting to order at 9:04 a.m.

**II. ATTENDANCE**

Present: Members: Chair Peter Bresciano, Assistant Mayor James Splaine  
Commissioner Lawrence Cataldo, Captain Mark Newport, and Deputy City  
Clerk Dianne Kirby

Absent: Commissioners Stephen Dunfey and Tristan Law and Lieutenant Chris  
Cummings

**III. ACCEPTANCE OF MINUTES FROM JUNE 17, 2015 AND JULY 15, 2015**

**Commissioner Cataldo moved to approve and accept the minutes of the June 17, 2015 and July 15, 2015 Taxi Commission meetings. Seconded by Captain Newport. Motion passed.**

**IV. NEW BUSINESS**

1. Memo from Councilor Thorsen – Transportation Ordinance

Chair Bresciano stated this memo was addressed to the Council and since the draft ordinance was approved at the August 3, 2015 City Council meeting this memo is moot.

**Commissioner Cataldo moved to accept and place on file the memo from Councilor Thorsen. Seconded by Assistant Mayor Splaine.**

Councilor Splaine stated the City Council did receive the memo and all the Councilors were very impressed with the analysis and point of view within Councilor Thorsen's memo.

**Motion passed.**

Commissioner Cataldo requested to take up item three of this agenda as it goes with this item.

**Assistant Mayor Splaine moved to suspend the rules and take up item 3. Seconded by Commissioner Cataldo and voted.**

3. Memo from Commissioner Cataldo – Exempting Ride-Share Operations

Chair Bresciano stated Item 3 is Commissioner Cataldo's reply to Councilor Thorsen's memo. Assistant Mayor Splaine said the Council was very appreciative of the analysis by Commissioner Cataldo. He said Commissioner Cataldo has done tremendous work on this entire issue. Commissioner Cataldo stated he did receive a reply to his letter from Councilor

Thorsen. He read parts of Councilor Thorsen's letter to the Commission. He said he challenged the concept that UBER is a limousine. He said he had brought up several of the points that the Commission had brought up in public and private meetings that stated Limousines can schedule appointments and trips and as far as we know UBER can not schedule trips in advance. He stated Councilor Thorsen and UBER Representative Jim Merrill were talking about making a distinction on the ordinance between different classes of for hire transportation. He said as we move along with this ordinance, looking down stream and we see how things develop over the next 6 months he might recommend some changes that would tighten up the ordinance itself.

**Commissioner Cataldo moved to accept and place on file the reply from Commissioner Cataldo to Councilor Thorsen's memo. Seconded by Assistant Mayor Splaine.**

**Motion passed.**

2. Memo from Jim Merrill, Attorney for UBER – Proposed Edits to Draft Transportation Services Ordinance

Chair Bresciano stated this was also addressed to the Council and forwarded to the Commission for informational purposes.

**Assistant Mayor Splaine moved to accept and place on file the memo from Jim Merrill, Attorney for UBER. Seconded by Commissioner Cataldo.**

Commissioner Cataldo stated most of Mr. Merrill's memo dealt with wording, definition and/or procedures. He said the three procedures that are the most important here are:

1. Registration process which will be discussed next week by Legal, Police and City Clerk.
2. The Police background procedure on background checks which has not yet been released by the Police Chief.
3. The City Attorney and what he plans to do to review insurance policies and so forth.

He said after we get through these first few months, we may need to relook at some of the remarks as they do deal with the issues and they would tighten up the ordinance in some cases. He said he feels the Commission should look at this ordinance in 4-6 months after we have had a chance to see how the ordinance is working and then use Mr. Merrill's letter along with Councilor Thorsen's remarks as guidance to help us along.

**Motion passed.**

4. Police Incident Report

Captain Newport said he doesn't have the policed report with him because he is just filling in, but to his knowledge there haven't been any complaints in the last month.

**Assistant Mayor Splaine moved to place the Police incident report on file. Seconded by Commissioner Cataldo.**

**Motion passed.**

5. Letter from John Palreiro – Great Bay Taxi

Chair Bresciano stated this letter deals with the breakup of his partnership with his brother. He said the only part the Commission is concerned about at this time is the medallions that belong to the City that were issued to Great Bay Taxi. Assistant Mayor Splaine stated he would like to learn more and would like to allow Mr. Palreiro to speak and offer his thoughts and concerns. Chair Bresciano said that would be fine. He stated that on September 17<sup>th</sup> these medallions won't matter. He said if they haven't been returned to the City Clerk's Office then we can send a report over to the Police Department and have them get involved. Assistant Mayor Splaine asked what happens in the next 29 days. Chair Bresciano said the medallions can not be on the road. He said they need to be turned in and since they have no insurance can't be on the road. Deputy City Clerk Kirby stated she contacted David Palreiro and explained that the medallions belonged to Great Bay Taxi and that he needed to return the plates. He stated he would bring them in the next day. When he came in he stated the medallions had been removed from his vehicles, but that he could not find them. He said he would mail them to me when he found them. After he left, she stated she sent an email to Lieutenant Cummings explaining what happened and to remove the medallions should he or his officers see them on a vehicle.

John Palreiro – Great Bay Taxi stated he has acquired the medallions and will be putting them back on the vehicles as he has bought back the vehicles from his brother.

**Commissioner Cataldo moved to accept and place on file the letter from John Palreirao – Great Bay Taxi. Seconded by Assistant Mayor Splaine.**

**Motion passed.**

**OLD BUSINESS**

1. Report Back from Legal on Complaint against UBER Driver (John Palreiro – Great Bay Taxi)

Chair Bresciano stated City Attorney Sullivan was unavailable for this meeting. He requested this item be placed on the September 16, 2015 Taxi Commission meeting.

**Commissioner Cataldo moved to table this item until the next meeting. Seconded by Assistant Mayor Splaine. Motion passed.**

2. Complaint against Portsmouth Taxi reference Taxi Vehicles off the Road over 30 days

**Commissioner Cataldo moved to table this item until the next Taxi Commission meeting. Seconded by Captain Newport. Motion passed.**

3. Code of Conduct Review

Commissioner Cataldo stated according to the new Transportation Services ordinance the owners/drivers are going to be required to sign an agreement that they will abide by the contents of the ordinance. He recommended adding the updated Code of Conduct to the agreement that will be signed.

**Commissioner Cataldo moved to adopt the Code of Conduct and add it to the agreement developed by Legal and City Clerk's offices. Seconded by Assistant Mayor Splaine**

Assistant Mayor Splaine stated that three of the new commissioners have put a lot of work into this Code of Conduct and we should recognize this. He said the idea is to have taxi drivers that are courteous and kind and present a positive message to our visitors and residents.

**Motion passed.**

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

1. Police Representative Report

Captain Newport stated he received a message yesterday from Deputy City Clerk Kirby requesting he get with the Chief of Police and find out how he planned to run the background checks under this new ordinance. He stated the Chief is out of the office and he was unable to get any information on that. He stated he had nothing else to report for this month.

**Assistant Mayor Splaine moved to accept and place the Police Report on file. Seconded by Commissioner Cataldo. Motion passed.**

2. Transportation Services Ordinance

Chair Bresciano stated the new Transportation Services ordinance was passed by the City Council on August 3, 2015 with a 45 day delay to allow the administrative procedures to be finalized. He stated he reviewed the ordinance and he has a few areas to point out:

a. *Section 7.201: TRANSPORTATION SERVICES (effective September 17, 2015)*  
*"This ordinance serves to regulate transportation services within the City of Portsmouth...."*  
He stated this ordinance is dealing only with services within the City. He stated the Commission will not deal with taxis from other cities and towns from outside of Portsmouth.

b. *Section 7.203 A: OBLIGATIONS OF TRANSPORTATION SERVICE PROVIDERS*

He stated the City Clerk will have to prepare an application and agreement to give to the provider and transporter.

c. *Section 7.203 B:*

He stated the provider shall pay an annual fee to the City Clerk in the amount of twenty-five dollars (\$25.00) for the operation of one (1) vehicle or one hundred dollars (\$100.00) for the operation of multiple vehicles.

d. *Section 7.204: BACKGROUND CHECK*

He said these will be provided to the City Clerk with a certification by the Chief of Police. He stated the format will be worked out at the staff meeting on August 25, 2015.

e. *Section 7.205: INSURANCE*

He stated this will also be worked out at the staff meeting on August 25, 2015. He further stated this is for commercial insurance.

f. *Section 7.206: TRANSPORTATION SERVICE LOCATIONS*

He stated effective September 17, 2015 anyone who presently carries a medallion only can use the posted taxi stands until September 17, 2016. He said thereafter, only vehicles bearing valid Transportation Service placards and actually soliciting Transportation Services may park in designated Transportation Service locations.

g. *Section 7.211: SIGNAGE*

He said signage will be worked out at the meeting on August 25, 2015.

Chair Bresciano stated at the September 16, 2015 Transportation Services Commission meeting everything should be set up for the ordinance to go into effect on the 17<sup>th</sup>.

Assistant Mayor Splaine stated the Council wanted a level playing field for all transportation service vehicles and so everyone will be protected and that the current cab businesses would be able to compete equally and that the needs of all visitors and residents would be met. He said there is a growing need in Portsmouth for hotel, restaurants and at the same time we need to make sure the standards for insurance liability coverage and background checks were not compromised from what we've had in past years. He said it has now become the administrative duty of the Police Chief to make sure that he believes that the background checks that are done by the companies meet the standards and the City Attorney's office will have to ensure proper liability coverage and if not that company will not do business in Portsmouth. He said this will ensure that our residents and visitors are protected and safe. He stated Portsmouth has created a model for other cities and towns to follow. He stated this won't be a smooth transition, but with the professional staff we have and the fact that the City Council can always revisit the issue if need be he feels it will work out.

Commissioner Cataldo said we need to set up a meeting to discuss penalties in the next couple of months.

### 3. Public Comment

Merle White – Anchor Taxi stated he has watched this go on for over a year. He said he doesn't know how the Police are going to enforce the ordinance on UBER when they don't even know who they are. He stated he has been told by the Police to stop calling in complaints about cars parked in taxi stands. He said UBER is a plague – they are not a great asset. He stated UBER drivers are not here for the people, they are here for the money. He said they only work during peak hours when the money is plentiful – not when the average citizen needs them during the week.

John Palreiro – Great Bay Taxi said Merle is partially right. He said we don't know who they are. He stated they are overcharging customers and taking the money they need to be able to sustain their companies during the weekdays. He stated the Commission needs to regulate the Transportation Services for hire in this City. He said he believes Portsmouth taxis should have valid New Hampshire registration and driver's license not be Massachusetts and other state drivers who come in to Portsmouth during peak time for the money. He said the Taxi Commission needs to label these vehicles so they are known. He further stated there should be a Police officer dedicated to ensure all drivers are licensed with proper insurance and background checks.

Paul O'Loughlin Kennedy, Founder and CEO of Wini Technologies stated his company will go live in Portsmouth in the next few weeks. He said his company gives the same technology to taxis that Ride-Sharing companies do. He stated one thing has occurred to him, he said there are now UBER type operators in the City without the training to properly compete. He said within the next week his company will be up and running in Portsmouth. He said he welcomes the opportunity to meet with any taxi company that would like to discuss how they can compete with the technology companies.

Commissioner Cataldo stated he would like to talk to Merle White about the complaint he called into the Police Department. He stated the taxi stands should be kept clear.

Commissioner Cataldo stated he has been thinking about how to monitor ride-sharing, and it is doable. He said he needs to confirm with the City Attorney to make sure his ideas will work for the Police Department before he goes into more detail.

Captain Newport said if anyone has an issue with a particular police office they should contact the Police Department Shift Commander.

**VII. ADJOURNMENT**

The meeting was adjourned at 9:55 a.m.

Respectfully submitted by:

*Dianne M. Kirby*

Dianne M. Kirby, Deputy City Clerk