

TAXI COMMISSION MEETING
Minutes of the February 16, 2010 meeting

I. CALL TO ORDER

Chair Frank Daggett called the meeting to order at 9:05 a.m.

II. ATTENDANCE

Present: Members: Chair Frank Daggett; Commissioners, James Feehley, Peter Bresciano and Joel Look (9:30), Councilor Robert Lister, Captain Michael Schwartz, City Attorney Robert Sullivan and Deputy City Clerk Dianne M. Kirby

III. ACCEPTANCE OF MINUTES FROM DECEMBER 21, 2009

Commissioner Feehley moved to approve and accept the minutes of the January 19, 2010, Taxi Commission meeting. Seconded by Commissioner Bresciano and voted.

IV. NEW BUSINESS

Chair Daggett asked if anyone had any new business for discussion. There being none, he moved to old business.

V. OLD BUSINESS

1. Report Back – City Attorney Sullivan

Chair Daggett introduced Jason Page, Zoning Officer. Jason Page stated that following the January 19, 2010 Taxi Commission meeting, City Attorney Sullivan tasked him to conduct a fact-finding investigation into the events of December 31, 2009 to determine, if possible, whether or not NH Checker Cab Company, LLC violated City ordinance Chapter 7, Article II – Taxicabs.

Jason Page, Zoning Officer briefed the Commission on his findings (see report attached).

Chair Daggett asked if there were any comments. Commissioner Bresciano stated he was not happy with the situation. Commissioner Feehley agreed. Chair Daggett stated he felt NH Checker Cab took advantage of the Commission. He said we gave them the opportunity to do business and they took advantage of it. He said something has to be done, we can't just let it go.

Commissioner Bresciano requested Deputy City Clerk Kirby read Section 7.201: TAXI OR TAXICABS. Deputy City Clerk Kirby read the following excerpt from Chapter 7, Section 7.201

“The term “taxi” or “taxicabs” shall mean any motor vehicle used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passenger; except that this Ordinance shall not apply to the following:

A. Limousine services, which provide designated luxury or specialty vehicles by prior appointment for discrete functions;

B. Limousine services whose operator is limited to the transport of passengers by prior appointment from locations within the City of Portsmouth to destinations located outside of the City or the reverse.”

Chair Daggett said he believes, because of this incident, we have to suspend their operating privileges and take their medallions for at least 60 days. He said they will then have to reapply and pay the fees again.

Commissioner Look moved that NH Checker Cab’s medallions be immediately suspended for March, April and May 2010. Seconded by Commissioner Bresciano.

Lieutenant Rodney McQuate stated while he was reviewing the report from Jason Page, Zoning Officer he discovered that Mr. Goumas had a suspension on his driving record at the time of issue which was not older than the three years required by the ordinance. He said this being the case, Mr. Goumas should never have been issued this license and the license should be immediately revoked. He stated Mr. Goumas would be eligible for a taxi license on July 21, 2011.

Commissioner Bresciano stated he was concerned that the City had two vehicles operating on Portsmouth roads, New Years Eve that were not properly inspected through our Police Department. Chair Daggett stated they also did not have meters. Commissioner Bresciano stated not having a meter does not constitute a safety issue with the residents of Portsmouth, but the vehicle not being inspected does. He stated even though the vehicles were from Enterprise and had state inspections, they did not receive an inspection from our police department which qualifies that vehicle to be operating in Portsmouth. He further stated we still do not know who the drivers of these vans were and that these drivers were not licensed with the City. He said we not only had residents, but visitors that were riding in these vehicles and we have no knowledge of who the drivers were, what their criminal record is, or what their driving record is. He stated if we had some kind of incident with those drivers it would have come right back to the City and the Taxi Commission, because we should have known all this stuff and we didn’t. He said this put our residents and visitors in a very precarious situation. He said our residents, if they were regular cab users, know that everyone of our cab drivers have been thoroughly licensed and investigated. He said these two drivers were putting our residents in a position where we don’t know what is going to happen to them. Chair Daggett said that is exactly why we have to do something. Commissioner Bresciano said those are the

two big things that bother him, the safety issue and why we got the run around with the investigation. He said he doesn't like it at all.

Lieutenant McQuate asked Mr. Page if he did the investigation. Jason Page, Zoning Officer stated he did. Lieutenant McQuate asked Mr. Page who he talked to from Checker Cab. Jason Page, Zoning Officer said he called Mr. Nunez concerning the lease agreement. Lieutenant McQuate asked Mr. Page if Checker Cab told him who the drivers of the vans were. Jason Page, Zoning Officer said he did not. He said when he talked to Mr. Goumas he was told he would call him back and he still hasn't received anything. He said he told Mr. Goumas he has called the number they gave City Attorney Sullivan for the other company and all he gets is an answering machine and nobody ever calls back. He stated Mr. Goumas told him it was not really his problem if they don't call him back.

Lieutenant McQuate stated that NH Checker Cab's failure to cooperate with the investigation is another reason to suspend their license. He stated he totally agrees with suspending their taxi operation all together. City Clerk Barnaby stated not only was there issues of them not being licensed and properly inspected, but the City of Portsmouth could have faced major problems because they were not insured properly under the requirements of the taxi ordinance. She said this should also be taken into consideration. She said perhaps a three month suspension is not long enough. She said this is like a slap on the wrist in lieu of what they have done, their lack of cooperation in the investigation and the way they have not communicated correctly or been properly upfront with everybody, but that is a decision for the Taxi Commission to make.

Commissioner Bresciano moved to amend the motion to include that at the June 2010 Taxi Commission meeting the Commission readdress the suspension and at that time, decide whether to permanently suspend the Taxi License or not. Seconded by Councilor Lister.

Councilor Lister stated he agreed with all that has been said and if the purpose of the Taxi Commission is to support the livelihood of the people who are trying to make a living in the City, then this is another reason why we should do something about this. He said it is his understanding that a letter would go out from the City Attorney outlining all these different points so if anyone from Checker Cab were to contact anybody, they would go directly to the City Attorney and not to the Commission. City Clerk Barnaby stated this is correct.

City Clerk Barnaby stated the Medallions must be turned into the City Clerk's office, but the information will come directly from the City Attorney's office.

Chair Daggett called the vote on Commissioner Look's motion to immediately suspend the medallions of NH Checker Cab until June 2010. Motion passed.

Chair Daggett called the vote on Commissioner Bresciano's motion to amend Commissioner Look's motion to immediately suspend the medallions of NH Checker Cab until June 2010 and to readdress the suspension at our regular June 2010 meeting. Motion passed.

2. Report Back – Commissioner Feehley

Commissioner Feehley stated he contacted the taxi companies concerning specific areas they would like to see a taxi stand. He stated Sunshine Taxi stated he would like to see a stand on Daniel Street across from Breaking New Grounds. He said Anchor Taxi requested a stand on Daniel Street by Alie Jewelers. Blue Star Taxi suggested stands on Daniel Street by Alie Jewelers, a space by the Gas Light and on Maplewood by the 100 Club. He stated Rockingham Livery would like to see a stand by the Gas Light and on Daniel Street by T.J.'s. He stated NH Checker Cab said they would like to see a stand by the Dolphin Striker and the Gas Light.

Chair Daggett stated we now have to go to the Traffic & Safety Committee. City Clerk Barnaby said the Traffic & Safety Committee will review it and pass it to the Parking Committee. She strongly suggested a representative from the Taxi Commission attend this meeting in case the Committee has any questions. Chair Daggett asked Commissioner Feehley if he would be able to attend the meeting. Commissioner Feehley stated he would.

Captain Schwartz moved to have Deputy City Clerk Kirby submit a memo to Jon Frederick, Parking Manager requesting this item be placed on the agenda for their next Traffic & Safety meeting. Seconded by Commissioner Bresciano and voted.

VI. MISCELLANEOUS/UNFINISHED BUSINESS

Jason Page, Zoning Officer stated that prior to him coming to this meeting, he was talking to Police Chief Ferland concerning St. Patrick's Day. He said Police Chief Ferland asked him how to go about getting additional taxi stands for that one day. City Clerk Barnaby stated Police Chief Ferland would have to contact Jon Frederick, Parking Manager directly.

City Clerk Barnaby asked if the medallions would be turned into her office by the end of this meeting. Chair Daggett said they would be turned in by the end of the day. City Clerk Barnaby stated she did not think Checker Cab should operate throughout the day. Captain Schwartz stated he would contact Checker Cab after the meeting and get them to turn them into him immediately.

VII. ADJOURNMENT

At 9:35 a.m. Councilor Lister moved to adjourn. Seconded by Commissioner Bresciano and voted.

Respectfully submitted by:

Dianne M. Kirby, Deputy City Clerk