

TAXI COMMISSION MEETING  
Minutes of the July 19, 2010 meeting

---

**I. CALL TO ORDER**

Chair Frank Daggett called the meeting to order at 8:59 a.m.

**II. ATTENDANCE**

Present: Members: Chair Frank Daggett; Commissioners James Feehley and Peter Bresciano and Deputy City Clerk Dianne M. Kirby

Absent: Councilor Robert Lister (out of town – excused) Commissioner Joel Look (wife in hospital - excused); Captain Michael Schwartz (out of town – excused)

Other Staff Deputy Police Chief Stephen DuBois, Police Training Officer Peter Sheldon,

**III. ACCEPTANCE OF MINUTES FROM JUNE 21, 2010**

Commissioner Feehley moved to approve and accept the minutes of the June 21, 2010, Taxi Commission meeting. Seconded by Commissioner Bresciano and voted.

Commissioner Bresciano asked if the minutes could reflect the reason for the absence of a member of the Commission as well as if the member was excused or not. Deputy City Clerk Kirby stated she would.

**IV. NEW BUSINESS**

1. Sale of Anchor Taxi

Chair Daggett stated the Commission had received a letter from Edward A. Heath stating he was purchasing Anchor Taxi and requesting permission to operate within the City of Portsmouth. Commissioner Bresciano requested if the company would remain Anchor Taxi. Mr. Heath stated it would.

**Commissioner Feehley moved to accept the transfer of Anchor Taxi and allow Mr. Heath to operate within the City of Portsmouth. Seconded by Commissioner Bresciano and voted.**

## V. OLD BUSINESS

### 1. June Vehicle Inspections

Police Training Officer Peter Sheldon stated the inspections were completed and although there were vehicles that failed and their medallions pulled, all but one returned within an hour or two with the discrepancy repaired and were reissued their medallions. Chair Daggett asked if the taxi companies were really maintaining their vehicles. Police Training Officer Sheldon stated that on the whole the inspection went very well and most of the infractions were minor.

Commissioner Bresciano asked if any of the medallions pulled were not returned. Police Training Officer Sheldon stated there was one medallion issued to NH Checker that was not returned.

Stephen Gerrato, Rockingham Taxi asked if a taxi company goes before the Commission to request additional medallions, do they have to place these vehicles on the road within 30 days or start the process over again with petitioning the Commission for permission. Chair Daggett stated this to be true. Stephen Gerrato, Rockingham Taxi asked how Portsmouth Taxi was allowed to put on a new van after the 30 day approval without repetition of the Commission for permission to add another vehicle. He said this vehicle was not inspected by the Police Department and can now operate for a full year without having to be inspected to insure safety. Brian Schnieder, Portsmouth Taxi stated he would gladly schedule an inspection with the Police Department if they so desired.

Commissioner Bresciano stated in Section 7.210 A. 2. "Medallions and Inspections required", it states that "written notification from the Director of Public Works (or designee) that the taxi issued a medallion meets all criteria contained in this Ordinance." Deputy City Clerk Kirby stated when she issues a medallion to a company one of the requirements is a Taxicab Inspection Form signed by Public Works. Deputy Police Chief DuBois stated Public Works performs a minimal inspection not a vehicle inspection. Chair Daggett stated the Public Works inspection is looking at the outside of the vehicle for decal placement etc. He said they do not perform a mechanical inspection. Deputy Police Chief DuBois stated there should not be two different inspections. Commissioner Bresciano said making a change of this type would be a procedural change and not an ordinance change. Police Training Officer Sheldon stated if someone wants a medallion after the annual vehicle inspection they should have a recent State Inspection done to prove mechanical safety. Commissioner Bresciano stated this was done in the past and it did not work. He said some inspection stations just signed the papers without performing a complete inspection. City Attorney Sullivan said we could specify certain inspection stations for them to go to. Commissioner Feehley stated the Inspection Stations not selected would complain. Commissioner Bresciano stated he would like to have our Police Department doing the

inspections. Police Training Officer Sheldon stated the only problem with this is that the police inspectors are not always available to drop what they are doing to perform an inspection nor can they always get a bay at the yard. He said there could be a hold up of up to two weeks before the inspection could be scheduled. He said this would keep the vehicle out of commission until an appointment could be made unless we issue a temporary medallion using a State Inspection with a Police inspection within a certain time frame. City Attorney Sullivan stated that no taxi should be on the road without a police inspection. Commissioner Bresciano stated the City could be responsible if we approved a medallion for a taxi without a proper inspection and a terrible accident occurred. Chair Daggett stated the State Inspections are more comprehensive now. Deputy Police Chief DuBois stated as Commissioner Bresciano said, you can get anyone to put on a sticker. City Attorney Sullivan stated his office will rework this section.

Stephen Gerrato, Rockingham Livery stated if a company requests a medallion and does not use it within 30 days, what happens. Chair Daggett said they lose it. He further stated this was originally to prevent taxis from having medallions on vehicles that were sitting in someone's driveway. Commissioner Bresciano said this is if the vehicle is inoperable for more than 30 days the company is responsible for turning in the medallion. He stated he and Portsmouth Taxi requested additional vehicles in March. He wanted to know how Portsmouth Taxi was allowed to get a medallion for a new van since it is definitely over the 30 days. Deputy City Clerk Kirby stated she would look into it and report back at the next meeting.

Alan Ladd, Sunshine Taxi stated he felt the annual inspection should be changed to July because if a vehicle fails the inspection and the medallion is pulled what is to keep them from putting on the new medallions if they have already picked them up. Training Officer Sheldon suggested the Police issue the new medallions when the vehicles pass the inspection. Chair Daggett stated the issuance of the taxi medallions is the responsibility of the City Clerk's office and therefore, would need to be discussed with them. Deputy City Clerk Kirby stated she did not see a problem with the police issuing the medallions upon completion of the inspection, but would check with City Clerk Barnaby.

## 2. Revised Ordinance

Chair Daggett stated due to the discussions earlier, a motion to table this issue would be appropriate. Commissioner Bresciano asked if all the approved, adopted, added etc. dates should be removed from the new ordinance. City Attorney Sullivan stated they should be removed since this will virtually be a new ordinance.

City Attorney Sullivan stated that based on earlier discussion, he and his staff will rewrite Section 7.210 and bring back to the next meeting a clean copy draft as well as a red line copy to be reviewed and voted upon. He said upon the Commission's approval of the ordinance, Councilor Lister will submit it to the Council for review. The Council will set it for three readings, the second reading to be a public hearing and the third reading the vote. He said he projects this ordinance to be approved in October 2010. Commissioner Bresciano asked if a copy of the draft ordinance could be e-mail to the Commission as soon as City Attorney Sullivan has it available. City Attorney Sullivan said it could. Commissioner Bresciano said he would like to thank the Legal Department for all the hard work they have put into the reorganizing of this ordinance.

**Commissioner Bresciano moved to table this issue until the next meeting of the Taxi Commission presently scheduled for August 16, 2010. Seconded by Commissioner Feehley and voted.**

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

#### **VII. ADJOURNMENT**

**At 10:40 a.m. Commissioner Bresciano moved to adjourn. Seconded by Commissioner Feehley and voted.**

Respectfully submitted by:

Dianne M. Kirby, Deputy City Clerk