

TAXI COMMISSION MEETING
Minutes of the August 16, 2010 meeting

I. CALL TO ORDER

Chair Frank Daggett called the meeting to order at 9:00 a.m.

II. ATTENDANCE

Present: Members: Chair Frank Daggett; Commissioner Peter Bresciano, Councilor Robert Lister, City Attorney Robert Sullivan, Captain Schwartz and Deputy City Clerk Dianne M. Kirby

Absent: Councilor Commissioner Joel Look (excused);

III. ACCEPTANCE OF MINUTES FROM JULY 19, 2010

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

IV. NEW BUSINESS

1. No Notice Inspections

Chair Daggett stated Commissioner Bresciano contacted him about the inspections and said it looked like some of the cabs were not inspected because they got their new medallions after the inspection. He said Commissioner Bresciano feels these cabs should be inspected and he agrees.

Commissioner Bresciano said looking at the 2009 medallion list that was used for the inspection and comparing it with the 2010 medallion list he has a few questions. He stated Rockingham Livery medallion 13 and 14 shows on the inspection sheet NH Plate numbers that are not on the 2010 medallion list. He said the new sheet shows a different license plate and the vehicle identification numbers are different. Mr. Gerrato, Rockingham Livery stated before inspection these vehicles were registered at this Hampton location under the Company. He said after the inspection and for licensing them for 2010 he registered the vehicles and they were given new plates. Deputy City Clerk Kirby said the problem is that both the 2009.2010 medallion sheets were given to Lieutenant McQuate to use for the inspection. She said Lieutenant McQuate used the 2009 sheet to mark the inspections on. She said she has designed an inspection form for each vehicle to be inspection. She said the form will show which vehicle is on file for each medallion and if that is not the vehicle being inspected the inspector can make the changes so we will know what vehicle is being inspected. She said this should make it

easier for the Commission to know exactly what vehicles are being inspected and what deficiencies the inspector found.

Commissioner Bresciano said he is concerned that vehicles are not going through the yearly inspection. He said his concern is that someone can turn in his medallion on June 1st and not get that vehicle inspected, then on July 1st request a new medallion.

Chair Daggett stated that at the time of the inspection Checker Cab had one cab that didn't pass. He said after the inspection their cabs were back on the road. He asked Captain Schwartz if Checker Cab's taxis were ever inspected by our inspectors. Captain Schwartz stated they were inspected prior to receiving their medallions.

Commissioner Bresciano said with the Vehicle Identification Numbers on this new inspection form it will be much easier to track these vehicles. He said under the medallion and inspection requirements under Section 7.210 B Medallions and Inspections Required states "each taxi issued a medallion in the City shall be inspected annually in the month of June for compliance with all State & Motor Vehicle Safety requirements and requirements in this Ordinance. No vehicle shall operate at any time unless it has successfully passed this inspection." He said if someone has a medallion and we have the Vehicle Identification Number and they try to turn it in on June 1st and then try to get a new one on July 1st, they are going to have to get it inspected.

Captain Schwartz said June is the worse month to have the inspections. He said June is a tough month with the issue/renewal of the medallions for the New Year as well as regular City events such as graduation etc. Commissioner Bresciano asked if we should move the issue/renewal date to another month. Chair Daggett said the reason the inspection month was moved from January to June was so the cars would be safe for the season. Captain Schwartz stated he feels the Commission would still accomplish that if the dates were moved to March or April. He said his main concern is that June is a busy month for both the Police Department and Public Works. Chair Daggett asked what month would be better. Captain Schwartz stated April would be a better month. Paul Ford, Blue Star Taxi said in the number of years he has been coming to the Commission meetings, a lot a time has been spent on inspections. He said for the most part it takes a lot of effort to try and circumvent this. He said the companies we have here will go whenever the Commission says.

Commissioner Bresciano stated we need to look into changing the inspection date to make it more accommodating for the Police Department and Public Works. He said we could have the inspections in May and keep license reissuing in July or move it to the 1st of June.

Commissioner Bresciano moved to look at this matter further at the next meeting. Seconded by Councilor Lister.

Councilor Lister said for the most part we are all on the same page. He said these inspections are a win-win situation for the owners and the Police Department, so we should change to whatever time is best for them. He said he would like to see the Commission decide on this so we can make all the changes to the ordinance at one time.

Chair Daggett stated that what he understands what we would be doing would be to change the inspections to May and the new medallions will go on the cabs on June 1st instead of July 1st.

Commissioner Bresciano said he agreed with Councilor Lister that we should get the changes to the Council as soon as possible, but we have been living with this ordinance for a long time and if it takes us another two months to get it right then we should get it right. Chair Daggett suggested this item be set on the agenda for the next meeting. Commissioner Bresciano suggested we check with the Police Department and Public Works to see what would be the best month for this. Captain Schwartz stated he has check on this and May is better than June, but March or April would be better.

Councilor Lister asked if changing this would cause a problem for the taxi owners. A canvas of the owners/drivers in attendance revealed this to be acceptable. Paul Ford, Blue Star Taxi suggested the Commission decide on the number of inspection they will require each year. Commissioner Bresciano stated he feels once a year is sufficient. Chair Daggett stated a scheduled inspection is held once a year, but owners should be aware that the Police Department has the authority to pull a no notice inspection at any time. Councilor Lister stated he feels a noticed inspection once a year is good.

Motion passed.

V. OLD BUSINESS

1. Revised Ordinance

Chair Daggett stated that due to the previous motion to discuss changing the inspection and reissue of medallion dates, he requested a motion to table discussion on the revised ordinance until next month.

Commissioner Feehley moved to table discussion on the revised ordinance until next month. Seconded by Commissioner Bresciano and voted.

Commissioner Bresciano stated the City Attorney's office did a great job on revising the Ordinance.

VI. MISCELLANEOUS/UNFINISHED BUSINESS

Edward Heath, Anchor Taxi requested the board discuss his applicant's situation for a taxi license. Captain Schwartz stated in the application process of the ordinance reads:

"A taxi operator's license shall not be authorized for any individual who is shown to have any of the following disqualifications:

- b. The privilege of the individual to operate a motor vehicle has been revoked and/or suspended at any time, in this or any other state, in the three full years prior to the date of the application, for any reason related to the operation of a motor vehicle."

He said that sometimes what happens is somebody has a motor vehicle violation in another State that results in a suspension and they don't take care of the fine and that State then suspend their operating privileges. He said the ordinance says "for any reason relating to the operation of a motor vehicle. He said if someone was operating a motor vehicle and runs a stop sign in Maine and ignored that violation and their license is suspended because of that, by his reasoning a suspension relating to the operation of a motor vehicle. He stated he discussed this with three or four attorneys and some other police administrators and there was a lot of disagreement. He said some stated this suspension was for not paying a court fee and not the operation of a vehicle. He requested to know what the Commission, as a body, thought the intent of the ordinance was. He went on to state that he recently had an application submitted who's license was suspended for non payment of alimony or back child support. He stated there are a lot of reasons a State can suspend a drivers' license. He asked if the Commission feels failure to pay a court fee relates to operation of a motor vehicle or not. Chair Daggett said at the time this ordinance was written the Commission was having a lot of trouble with cab drivers driving with bad records. He said at that time, the Commission had to do something, but he feels the wording could be changed now. Commissioner Bresciano stated the way the ordinance is written, the Police Department has the final approval of an application for a taxi driver's license. If the individual is unsatisfied with the decision of the Police Officer, they can appeal it to the Commission. Captain Schwartz said that is the logic he applied in this case. Chair Daggett stated the normal procedure would be for the Taxi driver to appeal the decision to the Taxi Commission, but seeing that we are already on the subject and the gentlemen is here, he feels the Commission should let him speak. Captain Schwartz stated he agrees.

Mr. White, Anchor Taxi, stated in his case, his suspension was for a log book violation, which is a non-moving violation. He said there were no points assessed and he mailed the fine into the Court. He said the Court stated they never got the check. He said he was on the road for five months at the time and when he got back and got his mail, he found out his license was suspended. He said he went to the Court and paid the fine in cash. Commissioner Bresciano asked what the log book violation was for. Mr. White stated he was a truck driver and was hauling a tractor for a friend and didn't log the run

in his log book as he wasn't getting paid and when he was pulled over he was cited for not having his log entry entered for the trip. Captain Schwartz stated everything he said checked out accurately.

Commissioner Bresciano moved to approve the taxi license application for Mr. Merle D. White, Anchor Taxi. Seconded by Captain Schwartz and voted.

VII. ADJOURNMENT

At 9:50 a.m. Commissioner Bresciano moved to adjourn. Seconded by Commissioner Feehley and voted.

Respectfully submitted by:

Dianne M. Kirby, Deputy City Clerk