

TAXI COMMISSION MEETING  
Minutes of the September 20, 2010 meeting

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**I. CALL TO ORDER**

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

**II. ATTENDANCE**

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

Absent: Councilor Commissioner Joel Look (excused);

Other Staff Deputy Police Chief Stephen DuBois, Legal Department Intern Jim Noucas

**III. ACCEPTANCE OF MINUTES**

There were no minutes for approval at this meeting.

**IV. NEW BUSINESS**

1. Taxi Commission Liaison

Chair Daggett stated he was contacted by Commissioner James Feehley who stated he has been laid off from Blue Star Taxi and therefore, can no longer serve as Taxi Liaison for the Taxi Commission. He requested the Taxi Owners hold a meeting to elect a new liaison.

Chair Daggett stated the Commission has a vacant position on the Commission and he requested if the Commission would have a problem if Mr. Feehley applied for this position. Deputy City Clerk stated that Mr. Feehley has completed the application and the application is on the City Council agenda tonight for consideration.

2. Request for Taxi Medallions for Portsmouth Taxi

Chair Daggett read the letter from Portsmouth Taxi requesting two additional medallions.

**Councilor Lister moved to approve two additional medallions for Portsmouth Taxi. Seconded by Commissioner Bresciano.**

Councilor Lister asked if Blue Star Taxi is laying off drivers, will there be enough business within the City to warrant adding two more medallions. Chair Daggett asked the owners if business was that bad. The Taxi Owners stated it is. Paul Ford, Blue Star Taxi stated he appreciates Councilor Lister bringing this up. He said he and the other taxi owners have had to lay off drivers as business is so slow. He said he doesn't want any more medallions out because business is shrinking monthly, but as in the past, the Commission is obligated to issue a medallion if there is one available. City Attorney Sullivan stated this is a hard decision as we need to have enough taxi cabs in order to service the people, but we also have to look out that we have a balance to prevent the taxi businesses from losing money and closing and thus having no cabs. Commissioner Bresciano stated he agrees with the City Attorney, but we are in the process of lowering the number from 30 medallions to 25 medallions and he doesn't want to lower it further and then have to raise it again when the economy improves. Councilor Lister stated he agreed with Commissioner Bresciano.

**Motion passed with Captain Schwartz voting opposed.**

2. License Status of an Anchor Taxi Driver

Captain Schwartz stated currently the ordinance gives the Police Department the authority to immediately suspend the taxi operator's license of any individual who performs any act or makes any statement which creates an imminent threat or risk to the safety of any person. He stated on occasion the Police investigate these drivers for property concerns. He said if a taxi company fires a driver, they still retain their license and they are free to go to another company and this is a concern to him. Commissioner Bresciano stated this was put in the ordinance to give the police the authority to make this decision. He said if the driver does not agree, he has the right to appeal the decision with the Commission. Captain Schwartz said he feels this section gives authority to deny for safety issues and that property issues such as theft are not a safety issue. City Attorney Sullivan stated the Commission has the authority to suspend the license of any taxi driver at any time. He stated this section in the ordinance allows the Police to act immediately in cases where public safety is evident and all others should be dealt with at the next Commission meeting or a special meeting could be called if necessary. Captain Schwartz said he is concerned that if a company fires a driver, for say theft, this driver still has his license and can get a job with another company. Chair Daggett stated the taxi owner can inform the Commission of the reason behind the dismissal at the next Taxi Commission meeting. Captain Schwartz said in some cases this could mean the driver would have up to 30 days with his license and could be

working for another company. City Attorney Sullivan stated the Commission and the Police have to be careful as they can not deprive a person their livelihood without good cause. He said that is why the ordinance states "which creates an imminent threat or risk to the safety of any person". Theft does not create an imminent threat or risk to safety, DUI or speeding does. Commissioner Bresciano stated if a company owner feels a driver should not possess his license due to an incident he discovered and wants the other companies to be aware of the situation, a special meeting can be called to deal with this issue. He said he feels the ordinance is well written and a change is not required.

Captain Schwartz said he feels the operator license should be issued under the title of the company. He said this would alleviate this problem as the company would be able to pull the license upon termination and if the individual wishes to drive for another company they would have to be issued another license. Alan Ladd, Sunshine Taxi stated some cities/towns in the area already operate in this manner. Commissioner Bresciano stated he is unsure if he wants the license tied to the company. Captain Schwartz stated presently a company has to submit a letter, which is required as part of the license application, stating he wants to hire this person. Councilor Lister stated he would like to hear from the taxi companies as to what they think about the issue before a decision is made. He said we are all trying to work together and even though the Commission has the final say, he feels it is important to get some feedback from the companies.

**Commissioner Bresciano moved to schedule a work session between the Taxi Commission and the Taxi Owners prior to the next Taxi Commission meeting on October 18, 2010. Seconded by Councilor Lister and voted.**

## **V. OLD BUSINESS**

### **1. Revised Ordinance**

Chair Daggett stated at the last meeting we had a driver who was disapproved for a taxi license and wished to appeal to the Commission because he felt his suspension was for a non-moving violation. He said this is why we did not vote on the revised ordinance at the last meeting. Captain Schwartz said he feels the situation worked out with the appeal to the Commission and he is comfortable the way it is.

**Commissioner Bresciano moved to bring back the ordinance as rewritten by the Legal Department for approval.**

Captain Schwartz stated we are scheduled to have a work session at the next meeting with the taxi owners and this could cause more changes to the Ordinance. Councilor Lister agreed.

**Commissioner Bresciano move to withdraw his motion.**

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

Mr. Gerrato, Rockingham Livery asked if when a company says they are employing someone is there any verification that they are paying into the Federal Government the employment wage taxes. City Attorney Sullivan said the Commission has enough trouble enforcing an ordinance that protects the things that is their job to protect. Mr. Gerrato, Rockingham Livery state it is not only taxes, he said it is the number of hours that a driver is in that cab. How many hours that person is on the road is a safety issue. City Attorney Sullivan stated we currently don't have any provision in the ordinance that relates to that. He said if the Commission wants to address this concern, it would have to be through an amendment to the ordinance. Commissioner Bresciano stated we have not seen that kind of problem. He said he likes to see government staying out of the capitalist business and the taxi business is a capitalist business. He said the Commission does not run the taxi businesses. He said we are here to regulate the things that need to be regulated and that is it. He further stated he doesn't see any problems in that area and if there is we will have to address it.

Alan Ladd, Sunshine Taxi asked if there was any requirement for electing a Taxi Liaison. City Attorney Sullivan stated there are not.

Mr. Edward Heath, Anchor Taxi stated that on a couple of occasions his driver noticed a taxi traveling at a high rate of speed, the driver smoking in the vehicle and making illegal right turn on red. He stated the vehicle in question belonged to Rockingham Taxi. He further stated that Rockingham Taxi drivers have also pull in beside him while he was parked at the bus stop, blocking him from getting out. Captain Schwartz stated this kind of action should be immediately reported to the police. Commissioner Bresciano stated he agrees with Captain Schwartz. He said if a driver runs into a problem, contact the police and they will make a report, which will be given to the Commission. Captain Schwartz said he will update their system with dispatch and add a category for taxi issues which he can then report to the Commission each month on any calls or complaints reported that involves a taxi. Commissioner Bresciano stated he agrees with Captain Schwartz. He said we are in the computer age and a report each month could be beneficial.

Mr. White, driver for Anchor Taxi, stated that after 7pm all parking becomes free parking except the Police space and taxi stands. He said there are only 5 taxi stands in town and on busy nights most taxi companies have 2-3 taxis in town. He further stated the taxi stand closest to Fat Belly's is often used by cars because the taxi stand sign is so low people don't see it. He said the police officers have said when they write tickets for parking there it generally gets thrown out because you can't see the sign. Chair Daggett suggested one of the taxi companies submit a letter to the Commission concerning this sign problem and the Commission will submit it to Traffic and Safety. Commissioner Bresciano stated when the taxi companies have a problem with something, their best option is to submit a letter to the Commission explaining the problem and we can then get it to the proper agency to get these things fixed.

**VII. ADJOURNMENT**

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

Respectfully submitted by:

Dianne M. Kirby, Deputy City Clerk