

TAXI COMMISSION MEETING
Minutes of the October 18, 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; Commissioner Peter Bresciano, Councilor Robert Lister, Captain Michael Schwartz, City Attorney Robert Sullivan, Deputy City Clerk Dianne M. Kirby and Legal Department Intern Jim Noucas

Absent: Commissioners Joel Look (excused) and James Feehley (excused)

III. ACCEPTANCE OF MINUTES

Commissioner Bresciano moved to approve and accept the minutes of the August 16, 2010, Taxi Commission meeting. Seconded by Councilor Lister and voted.

Councilor Lister moved to approve and accept the minutes of the September 20, 2010, Taxi Commission meeting. Seconded by Commissioner Bresciano and voted.

IV. NEW BUSINESS

1. Letter of Resignation – James Feehley

Chair Daggett stated he received the Letter of Resignation from James Feehley. He said Mr. Feehley is no longer employed by Blue Star and therefore, can not serve as the taxi liaison. He stated he has completed an application to serve as a board member and was approved at the last City Council meeting. He will be taking the unfilled position created when Commissioner Kirkpatrick resigned.

2. Letter of Appointment – Paul Ford

Chair Daggett stated he received the Letter of Appointment from Paul Ford stating he was nominated by the Taxi Company owners as their representative to the Commission. He stated his application to serve as a board member was on the agenda for tonight's City Council meeting.

Commissioner Bresciano moved to suspend the rules to move into a work session with the taxi owners to discuss the ordinance changes. Seconded by Councilor Lister and voted.

Chair Daggett invited the Taxi owners to move up to the table for discussion.

Commissioner Bresciano asked where we stand on the proposed ordinance. City Attorney Sullivan stated he feels they are ready to submit for a vote. Captain Schwartz stated he thought there was some discussion at the last meeting concerning licenses being specific to a taxi company. Commissioner Bresciano asked if the licenses should be specific to a taxi company. Stephen Gerrato, Rockingham Livery, Inc. asked if this would stop a driver from driving for multiple companies. Commissioner Bresciano stated it would. Stephen Gerrato, Rockingham Livery, Inc. asked about insurance for these drivers. City Attorney Sullivan stated that is the responsibility of the companies. He said the Commission is not here to micro manage and we only require liability insurance that covers the passengers in the vehicle and not the driver. He said it is up to the company to ensure their driver's are insured. Paul Ford, Blue Star Taxi said it is tough getting employees and being able to work for two or more companies is a plus for the driver's. He said he doesn't know how other towns/cities do this. Alan Ladd, Sunshine Taxi said all other towns/cities are restricted to one company. Captain Schwartz said he brought this up due to a theft case where a driver stole from the company and then when fired, went to another company to work. Councilor Lister asked if the owners can talk to each other. Paul Ford, Blue Star Taxi said they have to be careful what they say to each other because of the privacy act. City Attorney Sullivan said there are two reasons we have the Taxi Commission and the Taxi Ordinance and that is (1) to insure the taxi service provided is safe for the passengers and (2) to put limits on the business to insure the welfare of the companies.

Chair Daggett resumed the meeting.

V. OLD BUSINESS

1. Change to Ordinance – Inspection and/or Reissue Dates

Deputy City Clerk Kirby stated that in August there was some discussion as to moving the date the annual inspections are held. She asked if this was decided on yet. Captain Schwartz stated March or April is better for both the Police Department and Public Works and both months are enough through the winter to judge how the cabs made it through the winter months. Commissioner Bresciano stated he would like to see the inspection date moved to April and leave the reissue date in July. He said with the new inspection form designed by Deputy City Clerk Kirby with the vin numbers listed for each vehicle it will be easy for the City Clerk's office to identify whether a vehicle was inspected or not prior to issuing a new medallion. Paul Ford, Blue Star Taxi asked if only the inspection was going to be moved. Commissioner Bresciano stated just the annual City inspection would be moved everything else will stay the same.

Commissioner Bresciano moved to change the annual city inspection to the month of April. Seconded by Councilor Lister and voted.

2. Revised Ordinance

City Attorney Sullivan stated in June the Legal Office brought before the Commission a proposed revised ordinance. He asked if there were any other changes, other than the change discussed today. Commissioner Bresciano stated there were not. City Attorney Sullivan stated there are two ways the Commission can do this. He said he can produce a final draft to be approved by the Commission at their next meeting and then send to the Council or they can approve the proposed revised ordinance today and he will make the one change and have it added to the next City Council agenda. Commissioner Bresciano stated he would prefer to wait until the next meeting and have Deputy City Clerk Kirby forward copies of the proposed revised ordinance to the Commission members to review prior to the meeting and then vote. He asked if it would be ready in January. City Attorney Sullivan stated that on November 15th the ordinance will be voted on by the Taxi Commission. He further stated that on November 22nd Councilor Lister will bring it before the Council to be brought back to the Council as a first reading on December 6th, second reading and public hearing on December 20 and third and final reading at the first meeting in January 2011.

VI. MISCELLANEOUS/UNFINISHED BUSINESS

City Attorney Sullivan asked the taxi companies if the economy is really hurting them. Paul Ford, Blue Star Taxi stated they are about 50% down from last year. City Attorney Sullivan stated the bad economy has finally hit Portsmouth.

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