

TAXI COMMISSION MEETING
Minutes of the October 17, 2011 meeting

I. CALL TO ORDER

Chair Frank Daggett called the meeting to order at 9:17 a.m.

II. ATTENDANCE

Present: Members: Chair Frank Daggett; Commissioners James Feehley, Peter Bresciano, Paul Ford, Councilor Robert Lister, Lieutenant Mark Newport, City Attorney Robert Sullivan and Deputy City Clerk Dianne M. Kirby

III. ACCEPTANCE OF MINUTES FROM JULY 18, 2011

Commissioner Feehley moved to approve and accept the minutes of the July 18, 2011, Taxi Commission meeting. Seconded by Commissioner Ford and voted.

IV. NEW BUSINESS

1. New Year's Eve

Chair Daggett requested to know which taxi companies and the number of vehicles each company would have on the road New Years Eve. Blue Star Taxi and Rockingham Livery stated they would have all their vehicles on the road. Chair Daggett said the police will be up in force.

Commissioner Bresciano stated if a company wants to make money they will be out there on New Year's Eve. Chair Daggett stated years ago the Commission started requesting how many cabs would be on the road. Commissioner Bresciano stated how many vehicles are out there is interesting to know, but the time frame and how late they are going to be out there is more important.

Stephen Gerrato, Rockingham Livery stated the problem they have is that everyone wants a ride at the same time. Chair Daggett said this is an on-going problem. Mr. Gerrato suggested the clubs be allowed to stagger closing, which would move and thin the crowd. Chair Daggett stated the clubs are licensed through the State of New Hampshire for their liquor licenses. The State says last call will be at 12:30 am with everyone out by 1:00 am. Mr. Gerrato stated he meant for the clubs to stay open late, not serve alcohol, maybe soda or coffee. He said this would help the customers wind down and give them a warm place to wait. Chair Daggett state that would be more than the Commission would care to get into. Commissioner Bresciano suggested the Taxi Companies get together and send a letter to the Liquor Commission and suggest something like that or contact their State Representative. He said the Taxi Commission has no authority over this. Mr. Gerrato suggested the City put up heated tents for

people to wait. Commissioner Bresciano stated that would have to go through the City Council for approval. Councilor Lister stated the Council would be wary of the liability with something like this. Lieutenant Newport suggested they contact Pro Portsmouth.

2. Commission Re-appointment Letters

Chair Daggett stated he was requested by the City Clerk's Office to remind anyone that has received notice that their term on the Commission is expiring and would like to continue on the Commission should get their letter of application into them by November 14, 2011.

Commissioner Ford stated he represents the interest of the taxi industry at these meetings. He stated if for any reason any other owner would like to nominate themselves, they can contact him.

3. Taxi Operator Licenses

Deputy City Clerk Kirby stated a taxi owner dropped off a new driver's license application with his letter of intent to hire. She said the driver called her office on a Friday to see if the license had been approved and the clerk stated it had not. Deputy City Clerk Kirby stated upon checking their interoffice mail, she discovered the approved license. She processed the license and contacted the driver. She said it was late Friday afternoon when the driver picked up the license and therefore, she did not contact the owner to tell him the driver had picked up his license. She stated on Monday the owner came into her office to state that the driver never notified him that he had his license and had worked all weekend for another company and he felt that was not right. Chair Daggett stated if he went through all the paperwork, the driver was responsible to him and not someone else. Attorney Sullivan stated in order to get a license to drive a taxi in Portsmouth a driver has to have a license; in order to get a license, a driver has to show they have an offer of employment, but it does not indicate they have to drive for the company that made the offer. He said this is not a violation of the City Ordinance. Commissioner Bresciano asked if the driver had a taxi license to drive for the other company or did he drive without a taxi license. Deputy City Clerk Kirby stated he did have a taxi license which he had picked up that Friday afternoon and drove for the other company on Saturday and Sunday.

Mr. Gerrato stated he felt the license should not be company specific but EIN specific. He said this would identify that driver as being actually employed. He stated the letter of intent should tie in with the Federal Employee Number (EIN) so employment can be verified. Mr. Gerrato said his proposal is that the intent to employ be tied to the companies EIN number. He said the driver can go to work for anyone else, but this would leave a paper trail for someone to follow and see their income for the year. Commissioner Bresciano asked who is asking those questions – not the Commission. Mr. Gerrato stated the Commission should. Commissioner Bresciano asked why. Mr. Gerrato stated because the Commission licenses drivers to be employed by the taxi companies and they are not in accordance with State and Federal laws. Commissioner Bresciano asked City Attorney Sullivan if it is the City's responsibility to make sure all employees of taxi companies are filing necessary paperwork for IRS purposes under State and Federal Laws. City Attorney Sullivan stated the Taxi Commission's job is to supply adequate and safe taxi transportation at an affordable rate. He stated we limit the number of

medallions we issued in order to protect our taxi companies and allow them to be able to make a decent income. He said the Commission regulates standards for equipment and standards for insurance to insure adequate safe taxi transportation at an affordable cost. He stated the Taxi Commission has to view its duties in that light. He said guaranteeing IRS, State and Federal Agencies get their money does not go to the purpose of providing adequate and safe taxi service; those battles are for other people to fight.

Commissioner Bresicano stated if there is anyone, taxi owner or resident of Portsmouth that feel laws are being broken, the first place they should address it to is the Police Department and let them investigate it. Steven Gerrato said because there is no records of income, no record of employment these drivers are out there to make as much money as they can and they will over charge the customers whenever possible.

Commissioner Ford stated he is familiar with all these forms and there are many gray areas. He further stated it is more expensive to run by the letter of the law. He stated he feels the only thing the Commission should be concerned with is the independent contractor not being under the umbrella of workers compensation coverage. He said in the event of a catastrophic accident, everyone will be pointing in a circle. He stated the employer is going to say he is a independent contractor and the independent contractor will say he works for the company. He stated there will be no tax records and no insurance coverage and the injured party will attack the City, the company and the driver.

Commissioner Ford stated one thing the Commission could do to provide a service for the citizens and taxpayers of the City is to have all medallion holders state that they have employees and not independent contractors and/or the independent contractors have to show proper coverage.

Commissioner Ford stated Mr. Gerrato has brought up a lot of valid points, but this board has limitations on what they should get involved in. He said that if Mr. Gerrato feels there are companies operating against the rules, as a business owner and citizen of the State he can file a complaint with the New Hampshire Department of Employment and Security.

Councilor Lister stated we have to stay with the purpose of the Commission. He said if there are issues that we need to talk about in the future we can, but we can't take on everything discussed here today. Steven Gerrato, Rockingham Livery request he be able to put this issue on the next agenda.

V. OLD BUSINESS

1. Statement of Understanding for all Licensed Taxi Operators

Deputy City Clerk Kirby stated she has sent out Letters of Intent for all Taxi Drivers and she still has a few companies that have not returned them. She asked the owners if they could contact these individuals and have them sign and return these documents.

VI. MISCELLANEOUS/UNFINISHED BUSINESS

1. Police Liaison Report

Lieutenant Mark Newport stated there were no incidents requiring Commission action this period.

He stated on July 9, 2011, a driver from Rockingham Livery reported he was called a vulgar name by a driver of Annie's Taxi. Rockingham Livery wanted to have it logged for this meeting.

He stated on August 17, 2011, Anchor Taxi reported Checker Cab was operating a cab with a missing medallion. Police were dispatched and the driver was stopped. The driver was not aware of the missing plate and stated he would notify the owner. Commissioner Bresciano asked if a follow up was done to see if the owner replaced the medallion. Deputy City Clerk Kirby stated she has had two medallion replacements and one was for a lost plate by Checker Cab.

He stated on August 21, 2011 an unauthorized taxi came into town and picked up people at the Gas Light. The taxi was marked Beach Taxi. Police were dispatched but could not locate the vehicle.

He stated on September 10, 2011, Anchor Taxi reported they were call to pick up a fare at C&J. When his taxi got there the fare was gone and Checker Cab was seen leaving the area.

VII. ADJOURNMENT

At 9:56 a.m., Chair Daggett closed the meeting.

Respectfully submitted by:

Dianne M. Kirby, Deputy City Clerk