

TAXI COMMISSION MEETING  
Minutes of the May 21, 2012 meeting

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**I. CALL TO ORDER**

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

**II. ATTENDANCE**

Present: Members: Commissioners Peter Bresciano, James Feehley, and Paul Ford, Councilor Brad Lown, Police Lieutenant Mark Newport, and Deputy City Clerk Dianne M. Kirby

**III. ACCEPTANCE OF MINUTES FROM APRIL 16, 2012**

**Commissioner Ford moved to approve and accept the minutes of the April 16, 2012, Taxi Commission meeting. Seconded by Lieutenant Newport and voted.**

**IV. NEW BUSINESS**

There were no new business items to be discussed.

**V. OLD BUSINESS**

1. Taxi Medallions – Ordinance Change

Chair Bresciano stated at the April 16, 2012 meeting, Commissioner Ford made a motion to decrease the maximum number of medallions that are allowed within the City of Portsmouth to 17. He stated this motion was tabled to this meeting in an attempt to get all taxi owners in attendance. He turned the meeting over to Commissioner Ford. Commissioner Ford stated he felt there were too many cabs on the road and no one is making any money. He stated his company is the oldest taxi company in Portsmouth and years ago when there were only 13 cabs everyone made a decent living. He stated his intent with the motion is to decrease the maximum number of medallions allowed within the City of Portsmouth to 17, by taking out of commission any medallions that are turned in. He stated he did not want to pull any medallions that are presently issued.

Chair Bresciano opened the floor to the taxi owners.

Attorney Steve Roberts, Attorney for Portsmouth Taxi stated he understands the purpose is to reduce the amount of medallions, but he doesn't understand the rationale. He asked why the market wouldn't be sufficient to determine whether 25, 35 or 17 medallions are enough. He stated if a business owner wants to make the investment into a fleet of cars, pay for the insurance, the cost of the medallion and inspections and take that business risk, they should be allowed to. If there isn't enough business for the cabs that are out there, the market will determine that. He said if there is enough business it would make no sense to limit the number

to 17. He stated he does not see the need for the City to regulate the number of medallions, as that should be the job of a self regulating market. He further stated if a company holds a medallion on his vehicles and decides to sell the company; his company will be worthless without the ability to purchase the medallions. He stated he was glad to hear Commissioner Ford state he was in favor of a company being able to maintain the medallions along with the sale of the company. He asked if there was a draft ordinance available. Chair Bresciano stated presently there is not. He stated this is the first meeting on this subject and the Commission wanted to get the opinion of the taxi owners and the vote of the Commission before drafting a change to the ordinance. Attorney Roberts stated Mr. Schneider, Portsmouth Taxi is not in favor of a motion to reduce the number of taxi medallions allowed within the City of Portsmouth.

Councilor Lown stated Portsmouth Taxi has 5 medallions. He asked if Mr. Schneider is making sufficient profit with his 5 medallions. Attorney Roberts stated he seems to be doing well. Councilor Lown asked if Portsmouth Taxi was looking to expand his company. Attorney Roberts stated he can't answer that at this time. He said it could be contemplated at some point in time.

Commissioner Ford stated the reason he has brought this up is that it is possible to run a profitable company if there are fewer cabs on the road. He stated he was open to all what ifs, i.e. would the medallions go with the business if a company decides to sell. He stated this would be something all the companies would be interested in. He stated as people choose to go out of business, change their business model, turn medallions in for mechanical reasons, whatever, he feels if we could regulate ourselves down to 17 the bottom lines revenues would go up.

Barbara Dymond, NH Checker Cab stated they want the ability to bring their customers into Portsmouth for dinner and then to an event within Portsmouth and take them back out of Portsmouth. She said presently when her customers want to go into Portsmouth for dinner and then to another location within Portsmouth prior to being picked up and taken home she has to tell them she can not take them within Portsmouth without a medallion. She stated in most cases they end up going back after dinner. She said this is the reason NH Checker Cab wants to get Portsmouth medallions. She stated they will not be in town on a daily basis taking away fares from the Portsmouth cabs, she just wants to be able to shuttle her customers to where they want to go within Portsmouth. Chair Bresciano stated a company has the ability to do that as long as they have a medallion. Attorney Roberts stated it was his understanding the Taxi Commission was appointed to insure the taxi cabs within the City of Portsmouth operate within the rules of the ordinance insuring the safety of the residents and visitors alike and not to increase the revenues of the taxi companies. He said he feels the Commission's role here is not to reduce the number of medallions that would increase the profits of the cab owners, but to allow the cab owner's to compete freely and to give the best services to the citizens. He said the greater the competition, the better the service.

Commissioner Ford stated the Commission is also responsible for keeping a viable taxi system within the City. He said viable means bringing in enough revenue to be able to stay on the streets. He stated in the summer months a company can hold its own and maybe even make some money, but in the winter months it is dead.

Chair Bresciano said the Commission only recommends ordinance changes to the City Council. He said the Council makes the final decisions.

Ed Heath, Anchor Taxi stated he is in favor of leaving everything as it is now. He said it is really up to the citizen's to regulate. He said they are who should be telling us what they want, not other companies.

Larry Bagnall, NH Checker Cab stated as an owner if he is willing to take the risk to add a taxi to his company if it fails, it is all on him.

Chair Bresciano stated Commissioner Ford brought this matter up to get the owner's opinions as to whether they feel there is a need to increase or decrease the number of medallions.

Steven Gerrato, Rockingham Livery stated the more taxies a company has the more they have to pay out in insurance, drivers, payroll, worker' compensation, gas etc. He said the only time they need more taxies on the road is between the hours of 12 pm to 1:30 am on Friday and Saturday nights. He said the rest of the time it is dead.

Commissioner Ford stated he has operated as a taxi company longer than anyone in Portsmouth and a reduction in the number of medallions the City approves will make more money for the companies. He said there are going to be some companies here today that will go out of business overtime, either by getting older, getting sick of it or whatever. He said he feels the amount of medallions should be lowered to 17 and down the road everyone will be making more money.

Councilor Lown said he doesn't know if 25 is a right number or not, but the Commission's job is to determine what the market will bear. He said to him, the best evidence of what the market will bear is the existing owners that are making sufficient profit to continue and add medallions. He stated he was not at the last meeting, but according to the minutes of the last meeting, Lieutenant Newport stated he felt that there is a need for more cabs during certain times. He said he does not feel we should reduce the number at this time.

Alan Ladd, Sunshine Taxi said there is no business in Portsmouth except Friday and Saturday evenings. He stated he is based in Somersworth and in the last year or so they have only hits Portsmouth during the high point times.

Chair Bresciano said if we do reduce the number to 17 there is nothing to prevent a cab company who fails an inspection and had their medallion pulled to lose that medallion should a company with their papers all completed to come in and request a medallion. He said the company who failed the inspection would then be out that medallion. Commissioner Ford said provisions could be made to prevent that. Chair Bresciano stated we could, but there would probably be a lot of other situations where we are going to have to make a lot of provisions.

Lieutenant Newport stated cab service is seasonal, but is free enterprise. He said from now until October there is more than enough business for all the taxies available, but in November until spring there is very little business. He stated he does not think the number of medallions

should be lowered at this time. He stated the companies just may need to adjust their business like Sunshine Taxi has.

Commissioner Feehley stated he agrees it is a seasonal business and fewer medallions would bring in more profit for the companies.

**Chair Bresciano stated the motion on the floor was to decrease the maximum number of medallions that are allowed within the City of Portsmouth to 17.**

Commissioners Ford and Feehley voted to decrease the maximum number of medallions to 17. Councilor Lown, Lieutenant Newport and Chair Bresciano voted against decreasing the maximum number of medallions to 17.

**Motion failed.**

2. Taxi Inspection

Lieutenant Newport stated the taxi inspection went very well. He stated there were only a few minor corrections to be made and all medallions were reissued. He thanked all the taxi companies for their assistance.

3. Taxi Stand – Market Street (front of Fat Belly's)

Deputy City Clerk Kirby stated she sent a memo to Public Works Director Steve Parkinson as requested by the Commission at the last meeting. She stated she followed up with Director Parkinson and he stated they were looking into it. Lieutenant Newport stated it has been fixed. He stated a new sign has been installed and it is clearly marked.

4. Checker Cab – Update

Deputy City Clerk Kirby stated she had contact Mr. Bagnall as requested by the Commission at the last meeting and he stated he was in the process of getting the meter installed. Mr. Bagnell, NH Checker Cab stated the vehicle he was preparing to register died and he has had to start all over again.

5. Annie's Taxi Address Update

Deputy City Clerk Kirby stated Ms. McGuire stated her address is with her uncle on Stripped Bass in Portsmouth, but due to the noise during the day while she is trying to sleep, she sometimes stays with her friends in Kittery. She stated during the reissue of taxi licenses and medallions it was discovered that her driver's license says she lives at 46 Columbia in Portsmouth. Deputy City Clerk Kirby stated at the last meeting the Commission requested she contact the City Attorney to get his opinion on what we need to do. She said the City Attorney stated her taxi license must match her driver's license with her correct address. She stated City Attorney Sullivan further stated that if her license does not show her real address 30 days after notification to do so, she is in violation of state law and can lose her taxi license for being in violation of a state law. Deputy City Clerk Kirby stated Ms. McGuire has stated that she is

looking for a place in Portsmouth and did not want to change her license twice. Lieutenant Newport stated it doesn't cost anything to do a change of address with the DMV. He said all she had to do is notify the DMV and write the new address on the back of her driver's license. Chair Bresciano requested Deputy City Clerk Kirby draft a letter to Ms. McGuire informing her that she has 30 days in which to have her current address on her driver's license and taxi license match and to add this item to the agenda for the next Taxi Commission meeting.

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

### **1. Police Liaison Report**

Lieutenant Newport stated there have been no taxi related reports this month.

### **2. Compliance with State and Federal Laws (not on the agenda)**

Deputy City Clerk Kirby stated the third and final reading of our ordinance change regarding Compliance with State and Federal Laws is on the City Council agenda for tonight.

Steven Gerrato, Rockingham Taxi asked how long a company has to get a vehicle on the road after getting approval from the Taxi Commission. Chair Bresciano stated there is no time limit.

Ed Heath, Anchor Taxi stated he wanted to thank the Police Department and the Public Works Department for their time and effort during the last vehicle inspection. Chair Bresciano also thanked the Police Department and the Public Works Department. He stated he has been at these inspections in the past and they do a great job insuring the vehicles we have on the roads of Portsmouth are safe for our resident and tourists alike. Lieutenant Newport thanked the companies for making his job easier by insuring their vehicles were ready for inspection.

## **VII. ADJOURNMENT**

**At 9:45 a.m. Councilor Lown moved to adjourn the meeting. Seconded by Commissioner Ford and voted.**

Respectfully submitted by:

*Dianne M. Kirby*

Dianne M. Kirby, Deputy City Clerk