

TAXI COMMISSION MEETING  
Minutes of the February 18, 2014 meeting

---

**I. CALL TO ORDER**

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

**II. ATTENDANCE**

Present: Members: Commissioners Peter Bresciano, John Palreiro, Assistant Mayor Jim Splaine, and Detective Mark Newport

**III. ACCEPTANCE OF MINUTES FROM DECEMBER 16, 2013**

**Commissioner Palreiro moved to approve and accept the minutes of the December 16, 2013 meeting. Seconded by Detective Newport and voted.**

**IV. NEW BUSINESS**

1. Complaint by Stephen Gerrato – Rockingham Livery

Chair Bresciano suggested this complaint be forwarded to the Legal Department for review and report back at the March 17, 2014 Taxi Commission Meeting.

Commissioner Palreiro said Mr. Gerrato is complaining that independent contractors are being used. He said NH law employees vs. independent contractors in NH says:

“In order to be an independent contractor they must pass 12 of the following tests.”

He said the independent contractor can not be controlled by the company. He stated any taxi company that follows the rules are entitled to use independent contractors. He further stated it is not a matter for the Taxi Commission, he said this is a matter for Federal or State regulators. He said if someone feels independent contractors are being used illegally, then they need to contact those agencies. Chair Bresciano stated that will be brought up by legal during their review.

**Detective Newport moved to forward the complaint by Stephen Gerrato – Rockingham Livery to City Attorney Sullivan for review and report back at the March 17, 2014 Taxi Commission meeting. Seconded by Commissioner Palreiro and voted.**

## 2. Request for Additional Medallions – Great Bay Taxi

Chair Bresciano stated Great Bay Taxi would like two additional medallions. He said according to Deputy City Clerk Kirby there is one medallion available. Detective Newport asked if there was anyone else that has applied for a medallion. Deputy City Clerk Kirby stated there was not.

### **Detective Newport moved to approve one additional medallion for Great Bay Taxi.**

Chair Bresciano asked about the second medallion requested. Detective Newport said we do not have a second medallion to approve. Commissioner Palreiro request if the medallion could be preapproved. Chair Bresciano stated at the last meeting the Commission preapproved a medallion should one become available. Deputy City Clerk Kirby stated an additional statement was added stating the medallion was preapproved should one become available prior to someone else coming forward for a medallion. Chair Bresciano said if someone else comes forward, we will have to deal with that then. Detective Newport said we have talked in the past about having a lottery to determine who gets the medallion when there are more people than medallions available. Deputy City Clerk Kirby stated that has not gone through the Council yet. Detective Newport said at this time we only have one medallion available. Chair Bresciano stated we will keep his letter on file for the other medallion.

### **Assistant Mayor Splaine seconded the motion.**

Assistant Mayor Splaine stated this is only approving one medallion at this time. Chair Bresciano stated this to be correct. Assistant Mayor Splaine asked how many medallions were available within Portsmouth. Deputy City Clerk Kirby stated there were 28 medallions authorized by the City Council. Assistant Mayor Splaine said there are 28 medallions authorized with 27 medallions being issued presently. Deputy City Clerk Kirby stated 26 medallions have been issued. She stated medallion #7 is held as a handicapped medallion only. Assistant Mayor Splaine said no taxi can operate without a medallion. Deputy City Clerk Kirby stated this to be correct. Assistant Mayor Splaine asked if the enforcement on that would be the Police Department. Detective Newport stated a non-medallion taxi can pick up or drop off passengers within Portsmouth, but can not pickup a passenger and drop them off within Portsmouth.

Commissioner Palreiro asked if the Commission could ask outside taxi cabs to adhere to the same safety and insurance requirements that Portsmouth taxis do. Chair Bresciano said that would take an ordinance change.

### **Motion passed. Commissioner Palreiro abstained.**

## 3. Spot Safety Inspections – Commissioner Palreiro

Commissioner Palreiro stated the Commission presently requires one scheduled inspection per year and are given a two month notice to fix their vehicles, but what about the rest of the year. Chair Bresciano stated although the inspection is scheduled for April each year the

exact date is not known until everything is coordinated between Public Works and the Police Department. He said there is usually two to three days notice. Commissioner Palreiro stated there are taxis running within Portsmouth with top lights that don't work and are in need of repair yet they are still running. He stated isn't the main issue of this Commission for the safety and well being of the people. Chair Bresciano said absolutely. Commissioner Palreiro asked how you can ensure a taxi is safe without spot inspections. Detective Newport stated your personal vehicle is only inspected once a year. Commissioner Palreiro stated an inspection once a year is not safe. Detective Newport said the Police Department sees these cabs on the road and if they see something that doesn't look right they stop the cab and address the issue. Chair Bresciano said passengers have also turned in vehicles for unsafe issues. Commissioner Palreiro said the City Council should supply funding for someone to pull a taxi over when it is unoccupied and do a quick go over. Detective Newport said if we see taxies out there that shouldn't be on the road that may be needed, but he has never seen or received a complaint from anyone that they rode in an unsafe taxi. Commissioner Palreiro stated Portsmouth Taxi's gold van has a door that doesn't open and the passengers have to climb over the seat to get in. Assistant Mayor Splaine asked Commissioner Palreiro what specifically he is suggesting. Commissioner Palreiro stated he would like to see spot inspections every three months. Assistant Mayor Splaine asked what the Police Department does if they receive a complaint. Detective Newport stated if there is a complaint we call the taxi owner in and inspect the vehicle. He stated in the three years he has been on the Commission they have not had any complaints. Chair Bresciano said six - eight years ago no cars passed the yearly inspection. He said that doesn't happen any more. Detective Newport said when he first started every car failed. He said in the last few years the inspections have been much, much better.

Chair Bresciano suggested Commissioner Palreiro submit an ordinance change with a budget proposal to the City Council.

Assistant Mayor Splaine said in addition to the State inspection, the City also has an inspection once a year. Detective Newport stated yes. Chair Bresciano said the vehicles are inspected twice a year, once by the State and once by the City.

Assistant Mayor Splaine congratulated Commissioner Palreiro for his concern with the safety of our residents and guests, but he agrees with Chair Bresciano that this would take some funding. He suggested Commissioner Palreiro write a letter to the Council explaining his concerns.

**Assistant Mayor Splaine moved with congratulations to Commissioner Palreiro for bringing his concerns to the Commission and to accept the letter and place on file. Seconded by Detective Newport and voted.**

## **V. OLD BUSINESS**

There was no old business to be discussed.

## VI. MISCELLANEOUS/UNFINISHED BUSINESS

### 1. Police Representative Report

Detective Newport stated there were two complaints of vehicles parked in taxi stands. The vehicles were moved before the police arrived. Chair Bresciano requested that if a police officer sees a car parked in a taxi stand while they are on patrol if they could cite the vehicle. Detective Newport stated they usually wait for a complaint. Chair Bresciano suggested that when the officers are around town if they see a car parked in the taxi stand that they either give them a warning or cite them.

Stephen Gerrato, Rockingham Livery presented some pictures depicting Great Bay taxi cab parked at 100 Ledgewood Road Apartment 6. He stated Great Bay Taxi currently has two taxis parked there all the time; therefore he is operating out of the Ledgewood Drive Apartments. He said if the Commission grants Great Bay Taxi another medallion they will then have three taxis operating out of that address, which is in violation of the Portsmouth Zoning Ordinance.

Stephen Gerrato, Rockingham Livery said when you give a medallion to someone they are going to operate that vehicle as a sole proprietorship. He said when you give them more than one medallion a question of who will be operating those vehicles arises. He said he feels an EIN number should be required of taxi companies that have more than one medallion. He said with this EIN number the Commission can investigate the employment practices of that company. He said a driver for Great Bay has admitted to being paid under the table. He further stated that many drivers are paid by 1099's and therefore, they are not employees. Chair Bresciano asked Mr. Gerrato if he has notified the State of this. Mr. Gerrato stated he has. Chair Bresciano said the Commission will wait for the State's report.

Vicky Wright, Rockingham Livery asked if the Commission could tell Commissioner Palreiro not to say anything to their drivers. She said she has a driver who is almost 70 years old who says Commissioner Palreiro is constantly harassing him while he is working. She said her driver says Commissioner Palreiro is causing him a lot of stress. Commissioner Palreiro said he has made no comments against Rockingham Livery. He said he has no issues with Rockingham Livery. He said he has no issues with any cab company. Chair Bresciano asked her to put the complaint in a letter to be brought before the Commission at the next meeting.

Doug Cormier, Market Square Taxi requested to nominate Commissioner Palreiro as the Taxi Representative to the Commission. Chair Bresciano stated Commissioner Palreiro's resignation will be taken up at the next meeting of the Commission so he is still officially on the Commission.

Nichole Wolf, Annie's Taxi stated she had a letter of harassment against Stephen Gerrato, Rockingham Livery and asked if the Commission would like her to read the letter. Chair Bresciano requested she give the letter to Deputy City Clerk Kirby to be put on the agenda for the next Commission meeting.

Assistant Mayor Splaine stated this was an exciting meeting and he is glad he is only here on a temporary basis. He stated back in the old days when he was on the Taxi Commission, they were having problems with disagreements between the taxi companies. He said what they ended up doing was to have a party for all the taxi owners and drivers. He said this got them together under friendly circumstances. He said the more you work together, the more you make. Commissioner Palreiro stated he has started Portsmouth Independent Taxis. He said they work together to service the industry. He said if his cabs cannot pick up a fare he gives it to another cab company. He said they work together and they all make money.

## **VII. ADJOURNMENT**

The meeting was adjourned at 9:35 a.m.

Respectfully submitted by:

*Dianne M. Kirby*

Dianne M. Kirby, Deputy City Clerk