

TAXI COMMISSION MEETING  
Minutes of the June 16, 2014 meeting

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**I. CALL TO ORDER**

Chair Bresciano called the meeting to order at 9:05 a.m.

**II. ATTENDANCE**

Present: Members: Chair Bresciano, Commissioners Lawrence Cataldo, Stephen Dunfey, Tristan Law, Assistant Mayor Jim Splaine, City Attorney Robert Sullivan and Deputy City Clerk Dianne Kirby

Absent: Lt Chris Cummings

**III. ACCEPTANCE OF MINUTES FROM MAY 19, 2014**

**Commissioner Dunfey moved to approve and accept the minutes of the May 19, 2014 meeting. Seconded by Commissioner Cataldo and voted.**

**IV. NEW BUSINESS**

1. Welcome to Commissioner Tristan Law

Chair Bresciano extended a welcome to Commissioner Tristan Law.

**V. OLD BUSINESS**

1. Ordinance Addition – Section 7.230 – Prohibited Conduct by Medallion Holders or Owners

Chair Bresciano turned the meeting over to Commissioner Cataldo.

Commissioner Cataldo stated at the June 2014 meeting there were a number of complaints on different abuses of non-licensed vehicles picking up people within Portsmouth and transporting them within Portsmouth. He stated Lt. Cummings has also remarked that after certain vehicles failed the annual inspection and their medallions were pulled there were companies that were picking up passengers and taking them outside of Portsmouth. He stated he was asked by the Commission to sit down with City Attorney Sullivan and come up with a proposed ordinance which would close the loop hole within the present ordinance. He stated the following is what he and City Attorney Sullivan have proposed:

*Section 7.230: PROHIBITED CONDUCT BY MEDALLION HOLDERS OR OWNERS*

*No holder of a taxi medallion or owner of a taxi to which a medallion has been issued shall, either individually or in conjunction with any other person, transport passengers for hire within the City except by the use of vehicles which has been issued a taxi medallion by the City.*

**Commissioner Cataldo moved to forward this proposed ordinance to the City Council for adoption. Seconded by Commissioner Dunfey.**

Commissioner Cataldo further stated a medallion holding owner may not operate a non-licensed vehicle within Portsmouth to pick up passengers. He said this does not prevent any owner from receiving a phone call from a fare and transporting that fare to the airports. He said what it does prohibit is having someone sitting over the bridge that is called in to handle the overflow. He said if an owner transports a fare from Portsmouth to outside Portsmouth by taxi or other non-medallion business vehicle the liability is on them and not the City. He further said even if the cab has a suspension or revoked medallion, due to an inspection or some other reason, it can not act as a un-medallion vehicle and make an appointment to pick up. He said only a cab with a medallion can do so in Portsmouth. He said in short, if you are a medallion owner you can not hire an unlicensed driver to pick up passengers in Portsmouth in a un-medallion vehicle for hire. He said this is to protect the business within Portsmouth.

Assistant Mayor Splaine said once the ordinance change goes to the City Council there will be two meetings and a public hearing prior to a vote. He asked if this change was worked out with the City Attorney. Commissioner Cataldo stated it was. Chair Bresciano said it is difficult to cover all the bases. He said if we find another loop hole, we will close it then.

Chair Bresciano said a word to the wise, if an owner is going to engage in something that is illegal or not according to the spirit of the Taxi Ordinance, then they are taking the liability on themselves. He said if something happens and a passenger sues and the City gets involved, the City will find out where this individual got his taxi from and if it is found that an owner engaged in something that is not outlined within the Ordinance, then the City will not be liable. Assistant Mayor Splaine stated the medallion will also be taken away. Chair Bresciano stated that is absolutely true. He said it is hard to cover every situation.

**Commissioner Cataldo moved to open the meeting to public comment. Seconded by Commissioner Dunfey and voted.**

Steve Gerrato, Rockingham Livery asked if this provision will prevent any taxi medallion holder from operating as a limousine within the City of Portsmouth. Commissioner Cataldo stated a medallion holder is legally able to act as a taxi. He said it is only if the medallion has been pulled due to an inspection or other reason, then that vehicle can not operate within Portsmouth. Steve Gerrato stated if a medallion owner can't operate as a limousine in Portsmouth, this will adversely affect Blue Star Taxi which also operates as Regal Limousine. He said that still leaves a gray area.

Merle White, Anchor Taxi stated that at the last inspection when a Maine taxi lost their medallion on one taxi, they were showing up at C&J and picking up people and taking them into the Navy Yard. He said that vehicle was basically banned by the City to be on the road, but they said they were transporting outside the City. Chair Bresciano stated they shouldn't be picking up people off the streets. He said C&J is not prearranged. He suggested anyone who sees an unauthorized vehicle picking up at C&J call the Police Department dispatcher and they will send someone out.

John Palreiro, Great Bay Taxi stated if a vehicle fails an inspection their insurance sticker should be pulled. Chair Bresciano stated the State can do that – the City inspectors can not. Merle White, Anchor Taxi said during the last inspection the inspectors pulled plates from NH vehicles, but said they could not pull the plates from the vehicle with Maine plates. He said if the vehicle is from Maine all the State had to do was call the Maine police and let them know the situation. Chair Bresciano stated not all states will do that.

John Palreiro, Great Bay Taxi stated you should have a New Hampshire license and registration to have a Portsmouth medallion. Chair Bresciano stated that is not true. He said there is nothing in the ordinance that says that. John Palreiro, Great Bay Taxi stated there should be. Commissioner Cataldo stated that would make sense. Assistant Mayor Splaine agreed with Commissioner Cataldo. Chair Bresciano asked that this item be placed on the agenda for the next meeting.

John Palreiro, Great Bay Taxi said Section 7.223 states “*Taxicabs which are duly licensed in other municipalities may deliver passengers from outside the City to destinations within the City or pick up passengers by prior arrangement in the City for delivery to destinations outside the City.*” He said not all cities have licenses and he plans to run a non-medallion taxi in his Dover Company and use this section. Chair Bresciano said he would like more discussion at the July meeting concerning licensed cabs coming into the City.

Chair Bresciano asked if this ordinance change needs to go back to legal. Commissioner Cataldo stated it did not.

### **Motion passed.**

#### 2. Discussion with Taxi Owners on Number of Medallions

**Commissioner Cataldo moved to open discussion on the number of medallion the City should maintain. Seconded by Assistant Mayor Splaine.**

Commissioner Cataldo said for some years he has been looking at the number of medallions within the City. He said we need to look at how many medallions are needed to keep the health of the taxi business intact. He said he would like to hear what the owners have to say.

Assistant Mayor Splaine stated there are people that feel there should not be medallions at all. He said years ago the Taxi Commission thought there was a value to having limited medallions so that those in the business could make a living, but it is a good question. He said the City

Council did increase the number from 25 to 28 last year. He asked how much is enough? Commissioner Cataldo said it is really up to the demand and he is very interested in finding out what the demand for taxi ridership is in Portsmouth. Chair Bresciano said he has been on the Commission for a number of years and this subject comes up a lot. He said we have gone from 13 medallions to 30 medallions and last year we lowered that number. He said whether it is we need more medallions because we have more ridership or less because there are too many companies out there and not enough business he wondered how the Commission can determine this number. He said there are businesses out there such as the Wild Cat bus service or the Trolley service and what will happen if the trolley puts on more trolleys. He said we sent letters out to the hotels and requested they extend the hours of their courtesy vans – if one does, others will follow. He said that will again cut into the ridership of the taxis. He said it is a fine line we are walking on with the Commission and we should hear what the taxi community has to say, but it is going to fall back on the Commission and the City Council to determine what the right number of cabs should be and that will be a very difficult decision.

Merle White, Anchor Taxi said there are enough medallions during the day. He said Friday and Saturday nights by 1:30 a.m. you can go home. He said more hotels have extended their hours and put on more vans. He said all people care about is the drunks on Friday and Saturday night.

John Palreiro, Great Bay Taxi said 28 medallions is a lot for Portsmouth. He further stated all 28 medallions are not running even on Fridays and Saturday nights. He said at the most there are about 18 taxis running due to not enough drivers, vehicles down or whatever.

Chair Bresciano said Section 7.217: Expiration of Medallion was intended to keep a cab from being used for parts while still maintaining the medallion. He said there is no way we can say a particular cab has not been used for 30 days unless we take down vehicle mileage. John Palreiro, Great Bay Taxi said they are being used to squash competition. He said if a company is not using a medallion it should be turned in and given to people that will actually use them.

Commissioner Cataldo stated from what he is hearing 28 medallions is enough. Merle White, Anchor Taxi said 28 are more than enough. Steve Gerrato, Rockingham Livery stated 28 is too many. Vicky Wright, Rockingham Livery, said she has only been with the company for a little over a year and she has noticed that business has been slower and if you go to C&J at anytime of the day almost every taxi company is there because there is no business anywhere else.

Chair Bresciano stated C&J is a drop off area and like Boston and other Cities taxis migrate to drop off areas. Merle White, Anchor Taxi stated when he started 4 years ago he was basically the only taxi that sat at C&J. He said a taxi has to congregate somewhere. He said there are 4 taxi stands in Portsmouth for 27 medallion taxis and on Market Square day, 3 taxi stands are wiped out by residents parked in the taxi stands. He said any City function wipes out the taxi stands as residents will park there if they can't find another parking place. He said it is illegal for a taxi to park in a metered spot, but nothing is done when a resident parks in a taxi stand.

Commissioner Cataldo said it looks like 28 is the number. He said he will be out in the next few months talking with taxi owners. He said we need to identify the key issues and if we can resolve these with an ordinance change we will.

Chair Bresciano called the vote.

**Motion passed.**

3. Ordinance Change – Section 7.213 (D) – Fees and Terms for Medallions/Licenses

**Commissioner Cataldo moved to request the City Attorney revise Section 7.213 (D) – Fees and Terms for Medallions/Licenses to change “*The fee for restoration of any medallion that has been revoked shall be one hundred dollars (\$100.00), except that when the revocation is due to failure to meet vehicle inspection requirements, no fee shall be due if the vehicle is repaired to the satisfaction of the taxi inspector within 24 hours of the revocation.*” to “*The fee for restoration of any medallion that has been suspended shall be one hundred dollars (\$100.00), except that when the suspension is due to failure to meet vehicle inspection requirements, no fee shall be due if the vehicle is repaired to the satisfaction of the taxi inspector within 1 business day after suspension.” with a report back in July. Seconded by Commissioner Dunfey and voted.***

4. Change to Chapter 7 – Code of Conduct

Commissioner Cataldo said he wished Lt Cummings was at the meeting as he would like to know the names of the individuals involve in the two citations/violations that were captured on video for improper driving behavior. He said he would like to wait until he has that information as he would like to bring both drivers in and have them explain their driving behavior. He said he thinks it is important that we maintain a very high standard in Portsmouth and any type of bad behavior/bad driving should be explained.

**Commissioner Cataldo moved to table this issue until the Commission has had the chance to talk to Lt. Cummings on this matter. Seconded by Commissioner Dunfey and voted.**

**VI. MISCELLANEOUS/UNFINISHED BUSINESS**

1. Police Representative Report

There was no Police Report due to the absence of Lt. Cummings.

2. Public Comment

Chair Bresciano stated the Commission is going to follow the same rules that apply to the City Council and allow 3 minutes per person during public comment.

John Palreiro, Great Bay Taxi stated with the number of medallion and the limited number of taxi stands there are a bunch of commercial parking zones in town and he feels those should become taxi stands after 6 or 7 p.m. especially on weekends.

Commissioner Dunfey asked if it is possible to have someone come in to discuss code of conduct. Chair Bresciano stated it was. Commissioner Cataldo stated every time someone files a complaint, we should have them come in and we should hear both sides of the complaint. Chair Bresciano stated all complaints should be filed with the City Clerk to be put on the agenda. He said after the Commission hears the complaint, all parties of the complaint should be brought into the Commission to explain their position. John Palreiro, Great Bay Taxi stated there has been a lot of complaints and accusations some that stated they have pictures and videos, but these pictures and videos have never been turned in. He said this goes before the board and it get into the newspaper. He said it is an accusation that is unfounded, no proof and labels a company. Chair Bresciano said we have already voted to put this on the agenda for July so it will be discussed then.

## **VII. ADJOURNMENT**

The meeting was adjourned at 10:10 a.m.

Respectfully submitted by:

*Dianne M. Kirby*

Dianne M. Kirby, Deputy City Clerk