

TAXI COMMISSION MEETING
Minutes of the August 18, 2014 meeting

I. CALL TO ORDER

Chair Bresciano called the meeting to order at 9:12 a.m.

II. ATTENDANCE

Present: Members: Chair Peter Bresciano, Commissioners Lawrence Cataldo, Stephen Dunfey, Tristan Law, Assistant Mayor Jim Splaine, Lt. Chris Cummings and Deputy City Clerk Dianne Kirby

III. ACCEPTANCE OF MINUTES FROM JUNE 16, 2014 AND JULY 21, 2014

Commissioner Cataldo moved to approve and accept the minutes of the June 16, 2014 and July 21, 2014 meetings. Seconded by Commissioner Dunfey and voted.

Chair Bresciano stated the Commission is still looking for a Taxi Commissioner that will represent the taxi owners to serve on the board.

Chair Bresciano explained the process stating the taxi owners needed to get together and select someone who works in the taxi community (dispatcher, driver, owners). He said once the individual is nominated by the taxi owners, they complete the appointment application and it gets sent to the Mayor for review. The Mayor reviews the application and if he approves the nomination he will place the individual on the next agenda for consideration by the Council with approval at the following meeting.

IV. NEW BUSINESS

1. Company Specific Taxi Licenses (Stephen Gerrato – Rockingham Livery)

Commissioner Dunfey moved to accept the letter from Stephen Gerrato – Rockingham Livery and open the meeting for discussion. Seconded by Assistant Mayor Splaine and voted.

Chair Bresciano stated this request is to make taxi licenses company specific. Commissioner Cataldo stated he heard at the last meeting that drivers move from company to company and do not notify the City Clerk's office. He said that could be one issue. He stated if a driver leaves a company the owner should notify the City Clerk. Chair Bresciano said when a driver applies for a license they must come in with a letter of intent from the company they are going to work for. He stated once their application is approved that driver has a license for one year. He said there is nothing in the ordinance that states the individual has to notify the City Clerk or the Commission that they have changed companies. He said if an individual is fired or his company goes out of business why should the driver be penalized when he can just drive for

another company. He said he doesn't want to put any more burden on licensees than there already is.

Lieutenant Cummings explained the process of approving a taxi license. He said it isn't a big problem now, but if he had to do these checks every time someone switched companies it could become cumbersome. Chair Bresciano read ordinance section 7.211 (c) (2) which states:

Provide written notification from the owner of a medallion-bearing taxi that the potential licensee has been offered employment as a taxi operator.

Chair Bresciano said we emphasize every year in February that the owners need to get their renewal packets in ahead of time so they are approved and back by the first of April. He said if you look at 7.213 A it says:

All medallions and licenses granted under this chapter shall continue and remain in full force and effect for a period from the first day of April each year until midnight on the 31st of March of the following year.

Chair Bresciano said the ordinance specifically says one year. He said it doesn't say anything about if they change companies.

Stephen Gerrato, Rockingham Livery said it is frustrating when a company hires an individual to drive for them, does a letter of intent and they get their license and go work for some other company. He stated if a driver wants to move on to another company you should issue an additional license that just states the different company that they moved to, therefore notifying everybody that needs to be notified. He further stated these drivers are not being hired as employees. He said that is the big issue. He said the fact that these drivers are not being employed – they are 1099 sub contractors. He said using 1099 individuals there is no record of income or no way to accurately adjust for worker's compensation. Chair Bresciano said if he has a specific complaint about a company not filing the proper paperwork with the State then he should submit that complaint to the Taxi Commission and we will submit it to the specific State or Federal Agency and let them handle it.

John Palreiro, Great Bay Taxi stated we have been over the 1099 vs. Workers Compensation issue many times. He said Great Bay, Market Square and Annie's Taxi have started a driver's pool. He said with this driver's pool if a company needs a driver they can get one from the pool or if a company has a vehicle down their driver can work with another company with an available cab. Commissioner Cataldo asked if Mr. Palreiro agrees that the license should be available for one year and a driver can drive inter-company. Mr. Palreiro said it will put a burden on a driver and company to have to wait 10 days for approval when they decide to work for another company. He said it would also be a hardship on the driver to have to go to Concord and pay for new criminal and driver records. Chair Bresciano said he agrees. Merle White, Anchor Taxi said when a company fires a driver he should notify the City Clerk that that driver no longer works for his company and the new company notify by letter that they have hired him. He stated that is all that needs to be done. Chair Bresciano said the simplest

solution would be to change the ordinance to read that if the licensee no longer works for a company, the company that hires that employee should then submit a letter stating this driver now works for his company. Commissioner Cataldo stated he doesn't feel an ordinance change is needed. He said if the driver acts in a way that is criminal or violated an ordinance and is dismissed for that – it would be up to the medallion holder to notify the Commission for that reason. He said if they don't speak up then maybe the charge is not so severe. He said we should recommend the owners notify the City Clerk that the driver no longer works for their company and if there is a problem of misconduct of any sort which is the reason for the dismissal they should make that known. Chair Bresciano stated if the company that terminated a licensee just notify the City Clerk it could just be recorded on the cab drivers report the City Clerk gives the commission monthly. Lieutenant Cummings asked can a driver work for multiple companies. Chair Bresciano said there is no City Ordinance that says they can't. Lieutenant Cummings asked why we really need to know what company they work for. Chair Bresciano said it really doesn't except when they first apply for a license.

Motion passed.

2. Moped Parking in Front of Taxi Stands (John Palreiro – Great Bay Taxi)

Commissioner Cataldo moved to send a letter to the Police Department and Traffic Safety. Seconded by Commissioner Dunfey.

Lieutenant Cummings stated this issue has not been addressed right now. He stated they don't want a bunch of moped taking up all the premium parking spots. He agrees that Mr. Palreiro has a point with his pictures. He said is it blocking patrons from getting into his cab – most certainly. He said is there a better place for these mopeds to park – sure there is, but it would be premature for him to say he knows what should be done. He said it should go to the Police Department and to Parking and Traffic Safety for review and it is not something the Taxi Commission can rule on. Assistant Mayor Splaine stated he agrees with Lieutenant Cummings. He said we do have to find a place for mopeds to park. Lieutenant Cummings stated he completely agrees, but the Police Department isn't the department to make that determination. Commissioner Cataldo stated this is a parking enforcement issue and should be dealt with. Chair Bresciano said we really need to look at these mopeds parking in front of taxi stands so the patrons can get to and from the cabs. Assistant Mayor Splaine said it is a catch 22. He said we want to encourage people to use mopeds as it is good for the environment, but we want to ensure the safety of our taxi patrons and pedestrians. He asked what a police officer would do if they noticed something like this. Lieutenant Cummings said there is a high theft rate with these mopeds and that is why most people want to park in front of their building so they can keep an eye on them. He said the police have not done anything at this time. He said he does see this as a problem without a doubt, but it is not for him to address. Chair Bresciano said sending it to the police and Parking and Traffic Safety will probably shed some light on it. He said it is an issue that has to be addressed. Commissioner Cataldo suggested a follow-up on this within the next couple of meetings to find out what the recommendation of the Parking and Traffic Safety and the Police Department is. Chair Bresciano amended the motion to add "with a report back at the October 20, 2014 Taxi Commission meeting from Parking and Traffic Safety and the Police Department.

Motion passed.

3. More Taxi Stands (John Palreiro – Great Bay Taxi)

Chair Bresciano stated we can send a letter to Parking and Traffic Safety requiring more taxi stands. He suggested the owners come in with recommendations as to where these stands should be and then the Commission can send this list on to Parking and Traffic Safety. He said Parking and Traffic Safety is the one who will have to make the determination on more and their locations. Commissioner Cataldo said he checked that there are 3 taxi stands on Market and Pleasant Streets available plus a limo space by the Sheridan Hotel. He said with what Great Bay is recommending that should add more. He said there is a larger issue here. He said the issue has to do with taxi spaces. He said it has been brought up by the owners to open the commercial spaces to be made available in the evening/weekend. He said this may require a little more study.

Commissioner Cataldo moved to have the Taxi Commission look into 3 more additional stands would be needed, plus other spaces especially on weekend evenings be made available to the Taxi Companies. Seconded by Commissioner Dunfey

Lieutenant Cummings said we have to be careful on where we put them and who is making that determination. Chair Bresciano stated the companies can let us know where these taxi stands are best needed and which loading zone/commercial spots to add and what times would be good. He said we would then send out recommendations to the Parking and Traffic Safety Committee. Chair Bresciano requested Deputy City Clerk Kirby send a letter to all owners requesting what spots they would like to see as additional taxi stands. Merle White said there are 4 taxi stands, but only 2 during the day. He stated the food pick-up deliver truck is using the taxi stands to pick up their deliveries.

Motion passed.

V. OLD BUSINESS

1. Ordinance Change Section 7.213: Fees and Terms for Medallions/Licenses

Commissioner Cataldo moved to forward Ordinance Change Section 7.213 to the City Council for adoption. Seconded by Commissioner Dunfey and voted.

2. Status of Pending Complaint

Chair Bresciano asked if the Complaint against the two taxi drivers had been adjudicated yet. Lieutenant Cummings stated it has not gone to court yet. Chair Bresciano requested this item be place on every agenda for update.

MISCELLANEOUS/UNFINISHED BUSINESS

1. Police Representative Report

Lieutenant Cummings stated there has only been one parking complaint since July 1, 2014. He stated he is not really easing up on taxis parking in traveling lanes. He said the Food Delivery Service is new in town. He said he will send them a letter explaining where they can and can not park.

2. Code of Conduct (not on the agenda)

Commissioner Cataldo moved to send the Code of Conduct draft, to each Commissioner and medallion holder to review for further discussion at the September 15, 2014 Taxi Commission meeting. Seconded by Commissioner Dunfey.

Lieutenant Cummings asked if this is a document that the owner's use to say this is how our operators need to behave. He further asked what happens if any of these things are violated. Commissioner Cataldo said behavior has been unacceptable as evidenced by the letters of complain we have gotten. He said this Code of Conduct will allow the Commission to bring in both parties to explain themselves in public. He said we want the behavior of the drivers to reflect favorably on the City of Portsmouth and to respect the passengers and others they come in contact with. Chair Bresciano stated no punishment will be handed out per say, just a way to get both sides of the story and eliminate the issues.

3. Public Comment

Stephen Gerrato stated there should be a measured mile to be used to calibrate the meters. He requested Public Works put sticks in the ground for a measured mile. He said this is for everyone's benefit and the best place would be on Pease. John Palreiro stated he has asked Public Works for this and offered to pay for the signage. He said he has not heard back from them. Commissioner Cataldo asked what type of action would be needed to erect a measured mile. Chair Bresciano stated he would contact Public Works to see what needs to be done.

VII. ADJOURNMENT

The meeting was adjourned at 10:35 a.m.

Respectfully submitted by:

Dianne M. Kirby

Dianne M. Kirby, Deputy City Clerk