

TAXI COMMISSION MEETING
Minutes of the September 15, 2014 meeting

I. CALL TO ORDER

Chair Bresciano called the meeting to order at 9:04 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 AUGUST 18, 2014

Commissioner Cataldo moved to approve and accept the minutes of the August 18, 2014 meeting. Seconded by Commissioner Law and voted.

IV. NEW BUSINESS

1. Change Taxi Commission Meetings to Third Wednesday of the month

Chair Bresciano stated it has been requested that the Taxi Commission meetings be changed from the third Monday to the third Wednesday of the month.

Commissioner Cataldo moved to change the Taxi Commission meetings from the third Monday of the month to the third Wednesday of the month. Seconded by Commissioner Law.

Commissioner Cataldo stated he has had difficulty in attending the meetings on a Monday. He stated Wednesday would be a better time for him. Commissioner Law stated Wednesday would be better for him as well. Chair Bresciano asked the Commission if anyone would have a problem if the meetings were changed from Monday to Wednesday. He stated if approved, the change would begin with the October meeting.

Chair Bresciano called the vote.

Motion passed.

2. Taxi Fare Discounting

Commissioner Cataldo moved to open the meeting for discussion. Seconded by Commissioner Dunfey and voted.

Commissioner Cataldo stated he received a coupon for a discounted fare from Fairfield Inn to Downtown for a flat fee of \$6.00. He said he checked and this would have been approximately 1.5 miles or \$8.45. He said Commissioner Dunfey and himself have been interviewing taxi medallion holders and have discovered there are loyalty and other discounts out there. He said the Taxi ordinance states taxis can charge less than the metered fare, but not more. He said he doesn't have a problem with a company handing out discount coupons. He said the only problem he can see is this could cause price wars between the companies which could drive other companies out of business and he doesn't want this to happen. John Palreiro – Great Bay Taxi said when Portsmouth Taxi first put out these coupons, they accepted them. He said they soon found out that while they were accepting the discounted coupons, Portsmouth Taxi was picking up the full fare customers so now they do not accept them. Merle White – Anchor Taxi said if everyone can charge less than the meter, why have meters at all. He said the meters are for leveling the playing field among the companies. He said if you can charge whatever you want with coupons than why spend the money for meters and having them calibrated every year. Lieutenant Cummings stated Portsmouth Taxi coupons should be used for Portsmouth Taxi cabs. He further said what's to stop others companies from undercutting the others. He stated he doesn't have a problem if companies want to issue coupons. Commissioner Law asked if there were a lot of coupons. John Palreiro – Great Bay Taxi stated there were, but he no longer honors them. He stated Portsmouth Taxi has coupons for all the hotels. Chair Bresciano stated that is capitalism. He stated even with the coupons the meter needs to still be used.

Commissioner Cataldo said it is his intent to increase business for the taxi community. He said he sees an opportunity for all these companies to increase their business if they wish to. He said if a company worked directly with the downtown hotels and hired a driver to drive a van back and forth from the hotel to the downtown area and back it could be a steady service especially on weekends and winter months. He agrees with Lieutenant Cummings that if this were to become a price war they would have to find a way to cap it. Lieutenant Cummings asked what was the difference between this coupon and a loyalty discount. He said instead of the discount being toward an individual they would be offering the discount to a business and getting the loyalty of the hotels.

V. OLD BUSINESS

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

Deputy City Clerk stated a memo was sent to Mark Nelson – Parking and Transportation Director to be put on the next Parking and Traffic Safety Committee Agenda. Chair Bresciano asked Deputy City Clerk Kirby to get a copy of the minutes from that Parking and Traffic Safety meeting to add to the October agenda.

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

Chair Bresciano stated letters were sent out to all the taxi owners and commissioners requesting suggestions of where new taxi stands should be placed. Commissioner Dunfey read the list of proposed taxi stands he received.

Commissioner Dunfey moved to send this list of proposed taxi stands to the Parking and Traffic Safety Committee requesting a report back with recommendations. Seconded by Commissioner Cataldo.

Lieutenant Cummings asked where exactly the area identified in item 6 of the list of proposed taxi stands is located. Commissioner Cataldo stated there is a small alleyway/access street off Market Street to the right. Lieutenant Cummings stated he would disagree on using item #6 as a proposed taxi stand as that area is packed with people on Friday and Saturday nights. He said the fewer cars using that street the better. He said he is not worried about the taxis doing something wrong; he is worried about the intoxicated people pouring out of the Gaslight and stepping out in front of the taxis going to and from the taxi stand. He said he doesn't think that is a very safe place to put a taxi stand. Lieutenant Cummings said he would remove item #6 all together as it is a safety hazard. He said item #3 would be fine as long as they do not park by the fire hydrant.

Chair Bresciano asked if on the three metered parking spots proposed they are suggesting that signs be posted that state after 7 p.m. these spaces become taxi stands. Commissioner Cataldo said he was. Chair Bresciano said that even when we post signs there will always be people parking there. Chair Bresciano asked if there is a fine for parking in a taxi stand. Lieutenant Cummings stated yes - it is parking in a no parking area. He said he thinks the fine is \$25.00. Chair Bresciano said for \$25.00 people going into the Gaslight would park there and take the \$25.00 fine. Commissioner Cataldo stated these locations are next to popular bars and the cabs would be seen more readily which would make it more likely that people would take the cabs rather than drive impaired especially in the later hours. Chair Bresciano stated Parking and Traffic Safety has a problem giving up metered spaces. He said commercial spaces may be another story.

Assistant Mayor Splaine said he likes the idea of finding more spaces for the cabs to park. He said he agrees with Lieutenant Cummings on item #6. He said he would like to hear what Parking and Traffic Safety has to say and he agrees they should send it on to them. He asked when they should expect to hear back from them. Chair Bresciano said he would think they would know something at the next meeting concerning the moped issue and we will send them a letter with these proposed new taxi stands with a report back and recommendations from them in November.

Commissioner Dunfey moved to amend the above motion and strike item #6 from the list. Seconded by Commissioner Cataldo and voted.

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

Deputy City Clerk Kirby said this item was scheduled to be under City Manager Bohenko's name to bring back for first reading at the October 6th City Council meeting for the September 22, 2014 agenda, but was pulled from the agenda. Commissioner Cataldo stated he checked with City Attorney Sullivan and there is a problem with the wording of suspend vs. revoked.

Chair Bresciano request a memo be sent to the Taxi Commissioners when this item is placed back on the agenda.

4. Chapter 7, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners

Chair Bresciano stated there would be a second reading/public hearing at the September 22, 2014 City Council meeting with regard to our request for a change to Chapter 1, Article II, Section 7.230 – Prohibited Conduct by Medallion Holders or Owners. He read the proposed ordinance change. Commissioner Cataldo stated since he will not be able to attend the public hearing on September 22, 2014, he has written a letter of explanation to be read into the record.

5. Code of Conduct

Commissioner Law moved to adopt the Code of Conduct to be used as a standard of behavior for the taxi drivers. Seconded by Commissioner Cataldo.

Commissioner Dunfey said this Code of Conduct would act as a guide for behavioral issues that might arise. Commissioner Cataldo stated they spoke to a number of taxi owners and they spoke favorably about the Code of Conduct. He said several owners commented on Item #2 and suggested a slightly longer holding time of 10 minutes, which is something that was mentioned at the last meeting. He said they have also added a statement that this could be extended depending on the season and adverse weather conditions. He said he feels this deals with Item #2 effectively.

Chair Bresciano stated he had some discussion concerning some of the codes presented.

Item #1. *Operators should always drive in a safe manner at all times.*

- *They should avoid cutting off other taxicabs, speeding or other unsafe practices to gain a fare or an advantageous location.*

Chair Bresciano said he feels this sentence structure is redundant. He suggested taking out the word always and changing it to read "*Operators should drive in a safe manner at all times*".

Item #2 *While waiting at a taxi stand, operators should not cause or permit the engine of his taxicab to idle for longer than 10 minutes. This will depend on the season and adverse weather conditions.*

Chair Bresciano said he had the same concerns as the owners with the idle time, especially in the winter. He asked what the purpose of not having an idling vehicle was. Commissioner Law said it was to keep emissions down. Chair Bresciano said this item is talking about parking in taxi stands – what about idling in places other than taxi stands.

Item #3 *An operator shall not operate a taxicab without continuing personal inspection and reasonable determination that all equipment, including brakes, tires, lights, signals and passenger seatbelts and shoulder belts are in good working order.*

Chair Bresciano said this item says an operator shall not operate. He said he is not sure about the words shall, should and will.

Item #4 *Operators should always charge the prescribed rates for taxicab services and be scrupulous about handing back the proper change.*

- *They should always provide a receipt upon request.*
- *They should never charge a markup for the use of a credit card.*

Chair Bresciano said this is covered in the ordinance in Chapter 7.219 and 7.229. He asked if they want to also put it in the Code of Conduct as well. Commissioner Cataldo said the Code of Conduct is simply reinforcing this behavior. Assistant Mayor Splaine said we just had a discussion about loyalty rates and discounts so he doesn't know if we want to get into saying prescribed rates. He said he does see the value of repeating this again in the Code of Conduct as he sees this being read more by the operators than the ordinance itself would. Chair Bresciano agreed with Assistant Mayor Splaine. Assistant Mayor Splaine said he agrees with Chair Bresciano concerning the words shall and should – there is a big difference between those two words.

Item #5 *It should be easy for any passenger to see the prescribed rates and a pictured license of the taxicab operator.*

Chair Bresciano said the same applies with Item 4. He said it is already in the ordinance, but again if they want it in the Code of Contact it is fine with him.

Item #6 *An operator shall not ask a passenger for a tip nor indicate that a tip is expected or required.*

Chair Bresciano said he has no problem with this item.

Item #7 *An operator is obligated to inform the passenger of the rate of fare for all trips out of town.*

Chair Bresciano said his thoughts are would anyone take a cab out of town without knowing what they are being charged.

Item #8 *Operators shall maintain his/her taxicab in a clean and sanitary condition at all times.*

Chair Bresciano said he has no problem with this item.

Item #9 *Operators (and passengers) should never smoke in any taxicab.*

Chair Bresciano stated this is already in the ordinance.

Item #10 *Operators are always to act in a civil manner to passengers and others, avoiding rude and vulgar gestures, aggressive behavior or profanity.*

Chair Bresciano agrees with this item.

Item #11 *Each operator shall be clean and neat in dress and person.*

- *Inappropriate dress for outer clothing includes: underwear, tank tops, tube tops, body shirts, swimwear, bathing trunks, or cut-off shorts.*

Chair Bresciano said he is hesitant about dictating what people should or shouldn't wear as taxicab drivers. He feels the taxi owner should have the responsibility of this issue. He asked if we are going too far or not far enough with the specifics. Commissioner Cataldo said he doesn't think so. He said these are suggestions for the Taxi Commission. He said this is their governance and not anyone else's. He said this is what he would expect and he feels the owners would agree that these are reasonable. He said we are not dictating how each driver should dress, but we want them to be what we consider to be professionally dressed. Commissioner Law suggested they strike the specifics and leave it as "*each operator shall be clean and neat in dress and person*".

Item #12 *An operator shall not allow another person to operate the taxicab or occupy the driver's seat during the work shift, except in the event of an emergency.*

Chair Bresciano stated he feels this should be a company policy and not one of our Code of Conduct items. He said it should be up to the owner as to who is in the driver's seat. He said if the owner wants to replace that driver in the middle of the night that's his prerogative. He said he doesn't understand what this item is getting at. Assistant Mayor Splaine said he can see a number of situations where other people might need to drive that cab. He said it does say work shift, but that is open to discussion. Chair Bresciano said what happens if that driver gets sick. He feels it should be up to the owner who drives that cab as long as they are a licensed driver. Commissioner Cataldo stated that would be covered under except in the event of an emergency. Chair Bresciano said he would add "or at the discretion of the owner". Commissioner Cataldo said they can't have some unidentified person driving the cab. Assistant Mayor Splaine said he feels Item #12 is an issue that they don't need to deal with. He said it takes away from the emphasis on the other items. Commissioner Cataldo agreed.

Item #13 *An operator should not operate any cell phone or other electronic devices while driving unless the devices are hands-free.*

Chair Bresciano asked Lieutenant Cummings when the law on this is going to go into effect. Lieutenant Cummings said texting and driving is already in effect, but talking and driving is not

a law in New Hampshire. Chair Bresciano asked if it was going to become a law. Lieutenant Cummings said he knows it was proposed, but doesn't know the outcome. Chair Bresciano said he heard it was suppose to go into effect sometime next year. Assistant Mayor Splaine said it will be coming up in the legislature soon and the way the legislature is looking, it is not going to pass. Commissioner Cataldo said it is a safety issue. Chair Bresciano said if it becomes law it would then be against the law and not just part of the Code. Assistant Mayor Splaine asked about the radios/phones used by the drivers. John Palreiro – Great Bay Taxi said they use walkie/talkies. Assistant Mayor Splaine said that is still hand held. John Palreiro – Great Bay Taxi said they are handheld and you have to push a button to speak. He said even if you use the ear piece you still have to push the button to speak. Assistant Mayor Splaine said we might not want to say unless the device is hands-free since they have to use the walkie/talkies.

Item #14 *Operators should never drive while under the influence of alcohol or drugs (even if medically prescribed) that would impair his/her driving ability.*

Chair Bresciano said the part that falls back on medically prescribed drugs is the wording that states "that would impair his/her driving ability". He asked if anyone knows what medicines they are taking that will impair their driving ability. Assistant Mayor Splaine stated aspirin can impair some peoples driving ability. He said it is a question of should and it is not codified and he feels it does bring awareness so there is value in that. He said there is also the statement "that would", he said some people are not effected by sleeping pills. He said a lot of these are about awareness. Chair Bresciano said on Item #14 if they could just try to clarify that if you are taking medication you should make it a point to know if your driving is going to be impaired or not. Commissioner Cataldo said Assistant Mayor Splaine stated if it is not hard and fast you would recommend using the word should and if it falls under an ordinance that we already have we should use the word shall.

Lieutenant Cummings said it is his understanding that violators will have to come before the Commission. Commissioner Cataldo stated that is correct. He said this will be used as a standard. Lieutenant Cummings said if we see the same person over and over is there any punishment. Commissioner Cataldo said they would probably take some sort of action for repeat offenders. Lieutenant Cummings asked if a copy of this will be supplied with every initial packet. Commissioner Law stated he will make the changes and submit the update at the next meeting.

6. Status of Pending Complaint

Lieutenant Cummings stated this item has not been adjudicated.

VI. MISCELLANEOUS/UNFINISHED BUSINESS

1. Police Representative Report

Lieutenant Cummings stated there have only been two parking complaints. He said taxis are parking across from Fat Belley's and this must stop. He said this is a no parking area.

2. Public Comment

There were no public comments to be heard.

VII. ADJOURNMENT

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

Respectfully submitted by:

Dianne M. Kirby

Dianne M. Kirby, Deputy City Clerk