

TAXI COMMISSION MEETING  
Minutes of the November 19, 2014 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: Chair Peter Bresciano, Assistant Mayor James Splaine, Commissioners Lawrence Cataldo, Stephen Dunfey, Tristan Law, Lt. Chris Cummings and Deputy City Clerk Dianne Kirby

**III. ACCEPTANCE OF MINUTES FROM OCTOBER 15, 2014**

**Commissioner Cataldo moved to approve and accept the minutes of the October 15, 2014 meeting. Seconded by Commissioner Dunfey.**

Commissioner Cataldo suggested that when a motion is made and voted he would like to suggest it be stated in the minutes that the vote passed or failed and who voted for or against the vote.

**Motion passed.**

**IV. NEW BUSINESS**

**Commissioner Cataldo moved to suspend the rules to take up the issue of Nicole Wolfe's Taxi License. Seconded by Commissioner Dunfey. Motion passed.**

1. Taxi License – Nicole Wolfe (not on the agenda)

Lieutenant Cummings stated he reviewed Ms. Wolfe's records and found she had two suspensions. He said one on registration on April 18, 2014 resulting in her license being suspended and her license was previously suspended on August 13, 2013 and her registrations were also suspended. He said at the last meeting it was agreed to have her come in and explain her side of the incident. Chair Bresciano stated he talked to Lieutenant Newport and he ran a report from the DMV on October 20, 2014 on Ms. Wolfe and the report showed the State of Maine still shows Ms. Wolfe's license as suspended. He said the suspension was issued on September 19, 2013 and will expire on January 29, 2019. He said that is where he stands

Ms. Wolfe stated she has gone through a series of issues. She said when she was pregnant she missed a court date. She stated that she cleared it up with Laconia, but there was a clerical error that went to the DMV. She further stated the DMV then sent this information to

Maine ordering to suspend her license. She said she has gone to Maine and worked things out with them and sent them the rescind notice she received from New Hampshire.

Chair Bresciano suggested Ms. Wolfe get with Maine DMV and get a printout that states her license has been reinstated. Ms. Wolfe stated on November 5<sup>th</sup> she went back to the York District court and resolved this issue. She said she can get a printout from Maine stating her license has been reinstated. Chair Bresciano state the Commission will need proof that her license is no longer suspended. Lieutenant Cummings stated Ms. Wolfe needed to get something from the DMV that states everything is cleared up.

Chair Bresciano asked if the court said the suspension was in error. Ms. Wolfe stated when she went to court they stated everything was due to the missed court date. Commissioner Law stated he feels if Ms. Wolfe brings in something that states her license is reinstated there should not be a problem. Commissioner Cataldo agreed with Commissioner Law.

Chair Bresciano stated as a Commission they have to decide whether to agree with Lieutenant Cummings decision or override and issue Ms. Wolfe her license. He stated if we go strictly by the ordinance which states "The privilege of the individual to operate a motor vehicle has been revoked and/or suspended at any time, in this or any other state, in the three full years prior to the date of the application, for any reason related to the operation of a motor vehicle."

Assistant Mayor Splaine stated Lieutenant Cummings did his job in accordance with the ordinance. He said he feels it would be fair for the Commission to reinstate the license based on the interpretation of the ordinance. He stated the main issue is she able to drive a cab safely. Chair Bresciano stated if we vote to approve Ms. Wolfe's request upon the submission of the documentation to the City Clerk that her license would be issued, her license could be issued upon the City Clerk's receipt of this documentation. Assistant Mayor Splaine asked if this sounds reasonable to Lieutenant Cummings. Lieutenant Cummings said that is up to the Commission. He said he reads the law and the ordinance for his decision. He said the Commission has the authority to override his decision on a case by case basis.

**Commissioner Cataldo moved to allow Ms. Wolfe to receive her taxi license pending the presentation of the proper documents from the State of Maine to the City Clerk's Office. Seconded by Commissioner Law. On a roll call vote of 5 to 1, motion passed with Lieutenant Cummings voting opposed.**

## 2. 12 Passenger Vans

Chair Bresciano stated Great Bay Taxi has transferred one of his vehicles to a 12 passenger van. He said Rockingham Livery is not happy that a 12 passenger van was put in service.

**Commissioner Cataldo moved to put this item on file. Seconded by Commissioner Dunfey. Motion passed**

Commissioner Cataldo stated as long as the van is properly inspected he doesn't care how many passengers they carry. Assistant Mayor Splaine said he doesn't see a problem. Chair

Bresciano state he has reviewed the ordinance and he doesn't see anything that states a number of passengers except for the handicapped vehicle which must have seats for not more than 9 passengers. He stated he has been on the Commission since the 1990's and he doesn't remember there ever being an issue with the number of passengers a cab could carry.

**Assistant Mayor Splaine moved to open the meeting up to the public for discussion. Seconded by Commissioner Cataldo. Motion passed.**

John Palreiro, Great Bay Taxi stated he put on a 12 passenger van in order to pick up large groups. He stated Limousines are coming in and picking up these large groups in Portsmouth and dropping them in Portsmouth, which is against the City ordinance. He said he has added an extra service. His company can accommodate large groups, instead of tying up multiple cabs. He said he can accommodate groups for weddings, bachelor/bachelorette parties etc. within the City of Portsmouth. He said he charges \$3.50 for a drop and \$ .45 for each additional mile with \$1.00 for each additional person over one.

Steve Gerrato, Rockingham Livery stated Section 7.222 states "...may be a vehicle designed to carry up to nine (9) passengers. Chair Bresciano said he was talking about the handicapped vehicle. Steve Gerrato said he is talking about Section 7.222. Chair Bresciano said this section 7.222 states the handicapped accessibility, may be a vehicle designated to carry up to nine (9) passengers. Steve Gerrato said this is stating that because it is a special vehicle and the ordinance is allowing it to carry more passengers because you are accommodating the handicapped.

## **V. OLD BUSINESS**

### **1. Moped Parking in Front of Taxi Stands**

Chair Bresciano stated the Parking Committee's meeting was on November 13, 2014. Deputy City Clerk requested an update from the Committee, but has not received any information at this time.

### **2. More Taxi Stands**

Chair Bresciano stated the Parking Committee's meeting was on November 13, 2014. Deputy City Clerk requested an update from the Committee, but has not received any information at this time.

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

Chair Bresciano stated this item passed third and final reading at the November 17, 2014 City Council meeting.

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

Chair Bresciano stated this item passed third and final reading as presented at the October 6, 2014 City Council meeting.

5. Status of Pending Complaint

Lieutenant Cummings stated this item has not been adjudicated.

6. Code of Conduct

Commissioner Cataldo stated the Code of Conduct has been revised with Chair Bresciano's excellent recommendations.

**Commissioner Cataldo moved to pass the Code of Conduct as written and adopt it as a standard of behavior and strongly urges taxi owners to adopt it as well. Seconded by Commissioner Dunfey.**

Assistant Mayor Splaine stated he has mentioned this to the Chamber of Commerce and they like this idea because it encourages a higher standard. Lieutenant Cummings suggested that a signature line and date be added and it be added to the annual renewal packet.

**Motion passed.**

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

1. Police Representative Report

Lieutenant Cummings stated there was no action concerning taxis on the report this month.

2. Public Comment

Scott Gerrato - Rockingham Taxi stated when he first became a taxi owner; Chair Daggett stated that drivers had to be employees of the Company. He said the Commission just passed all these Codes of Conduct that they want to implement, but there is no Code of Conduct for the Commission itself. He said you don't investigate into the business workings of the people your dealing with. He said for example ensuring the vehicles these medallions are placed on are registered to companies and not private individual. He stated in January 2014 he requested an investigation into the operation of how Great Bay Taxi is getting around not paying workers comp. He said that has never been done.

Commissioner Cataldo stated that John Palreiro – Great Bay Taxi raised the issue of Uber. He stated he would like to place the issue of "Uber" on the agenda for the December meeting.

**Commissioner Cataldo moved to do a notice that Uber transportation will be discussed at the December Taxi Commission meeting to all the owners. Seconded by Commissioner Dunfey and voted.**

Assistant Mayor Splaine stated Uber was mentioned at the last City Council meeting in connection with Airbnb. He stated the Commission should ask City Attorney Sullivan to take a look at what kind of regulatory controls might fly in this situation. He further felt the Commission should request City Attorney Sullivan attend the December 2014 meeting.

## **VII. ADJOURNMENT**

The meeting was adjourned at 10:05 a.m.

Respectfully submitted by:

*Dianne M. Kirby*

Dianne M. Kirby, Deputy City Clerk