



CITY OF NORTH ADAMS, MASSACHUSETTS
Office of the City Clerk

Special Meeting of the North Adams City Council
September 12, 2023
6:00 PM

I hereby notify that at twelve noon today, August 14, 2023, the following items of business have been filed with this office and will be acted upon at a Special Meeting of the City Council in the City Council Chambers at City Hall, Tuesday evening **September 12, 2023 at six o'clock** according to Section 8, Rules and Orders of the City Council.

This meeting can be viewed live on the Northern Berkshire Community Television station and will be posted to their website as soon as possible, as well as on Facebook at [https:// www.facebook.com/northadamscityhall](https://www.facebook.com/northadamscityhall).

Tina Leonesio
City Clerk

AGENDA

SPECIAL MEETING OF THE CITY COUNCIL
September 12, 2023

Roll Call

Moment of Silent Remembrance

Pledge of Allegiance

Hearing of Visitors on Agenda – The Public Has Two Minutes to Speak on Agenda Items

Open Public Hearing

12,215-1 A Public Hearing regarding continued violations and potential suspension or revocation of O.T.T. Taxi's operating license.

Close Public Hearing

Adjournment



Office of the City Clerk
City of North Adams, Massachusetts

10 Main Street Room 104
North Adams, Massachusetts 01247
(413) 662-3000 Ext. 1

Tina Marie Leonesio
City Clerk

8/22/23
Handed 1
in person
Tina
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August 22, 2023

Mr. John Lord
O.T.T. TAXI
104 River St.
North Adams, MA 01247

Dear Mr Lord,

Please be advised that there has been a Special Meeting of the City Council scheduled for Tuesday, September 12, 2023 at 6:00 PM. This meeting will be an Open Hearing in regards to continued violations by yourself and O.T.T. Taxi that have been brought to the attention of the City Council. At this meeting the Council will be discussing the violations and the possible revocation of the O.T.T. Taxi Operators License.

Since the previous City Council Meeting on January 31, 2023 where O.T.T. had been placed on a 30-day probationary period, the following offenses have been reported to have occurred:

- On 03/02/23, and again on 03/07/23, a white Honda CRV bearing Massachusetts registration #114CRB was parked in front of OTT Taxi. Officers observed this vehicle parked in front of the building for over the 15-minute allotted time. The owner of this vehicle had been observed by officers prior to issuing these parking tickets for hours every morning parked in front of OTT Taxi while working inside. After receiving these parking tickets, the owner still did not move their vehicle. There were no other vehicles parked on the other side of River Street where people can park freely.
- Monday July 10, 2023, at approximately 0730hrs, Officer Ivan Cardeno witnessed John Lord operating a white OTT Taxi and parked the taxi in front of Dunkin Donuts. Officer Cardeno thought that he observed someone getting out of the taxi and going into Dunkin Donuts. Chief Bailey drove to the area of Dunkin Donuts and observed John Lord in the driver's seat of the white OTT Taxi. I observed a blue OTT Taxi minivan pull into Dunkin Donuts and park next to the white OTT Taxi. I observed John Lord get out of the white OTT Taxi, and I observed Noelle Bostwick get out of the blue OTT Taxi. John Lord got into the blue OTT Taxi and drove away while Bostwick got into the white OTT taxi and drove away.
- On Saturday July 22, 2023, at approximately 1800hrs, Officer Michael Cogswell was stopped at a red light on Center Street at the intersection of Holden Street in North Adams. Officer Cogswell

Office of the City Clerk

observed a gray SUV with OTT Taxi markings being operated by John Lord and there was a passenger in the front seat. Lord traveled north on Holden Street through the intersection in the OTT Taxi with the passenger.

According to the attached document received from Interim Chief Bailey, within the time period of September 20, 2022 through July 22, 2023 there have been:

- A Total of 14 documented Violations
- There have been four (4) Parking Citations issued.
- There have been seven (7) documented incidents where people have been operating O.T.T. Taxi vehicles without having a valid license to operate.

In addition, it appears that you are no longer operating the business out of 104 River Street, but vehicles are still transporting passengers. The Taxi Operator's license was issued specifically for operations at 104 River Street, and changing business locations without the approval of the City Council is a violation of said license and Section 23-8 of the North Adams Revised Ordinances.

Due to the continued issues, the City Council has determined they will need to reconvene to discuss them and determine its course of action. Enclosed you will find a copy of the Agenda and the document received from Interim Chief Bailey.

Sincerely,



Tina Leonesio
City Clerk

TML/tml

Enclosures: City Council Special Meeting Agenda 2023.09.12
Document of Prior and Current Incidents from Interim Chief Bailey

cc: Lisa Blackmer, President City Council
Jennifer A. Macksey, Mayor

Prior Offenses

On Friday September 30, 2022, Chief Jason Wood and Mayor Jennifer Macksey had a meeting with John Lord regarding several concerns about the operation of OTT Taxi. On October 19, 2022, Chief Jason Wood sent a letter to John Lord reminding him about their meeting and that the issues they discussed were still unresolved. Some of the issues they discussed in the meeting were the following:

- A 2021 Honda CRV (white) bearing Massachusetts registration #3NEK44 was being operated with passenger plates. Lord was told that the vehicle had to have taxi plates and inspected by the North Adams Police department.
- All of the vehicles associated with OTT taxi were being operated with Livery Plates. Lord was asked to provide written service agreements from organizations which would qualify OTT as a Livery Service. Since this did not happen, Lord was asked to have the vehicles registered as Taxi's and carry taxi insurance.
- Lord was instructed not to operate any of the OTT vehicles in the capacity of picking up fares. Lord was reminded that he cannot do this because he does not have a taxi license. Lord was reminded that he does not have a taxi drivers' license because he did not have a valid driver's license for a period of 12 months.

On Thursday December 1, 2022, Chief Jason Wood sent an email to the members of the police department regarding OTT Taxi operating in violation of city regulations. Chief Wood noted the following violations between December 3, 2022, and December 4, 2022:

- 12/3/2022: John Lord, OTT Taxi owner, observed picking fares up outside the North Adams Skating Rink. Lord was denied his right to operate a taxi. Reported by Detective Zustra to the Chief's Office.
- 12/3/2022: Joseph Pini Jr was observed operating a OTT Taxi in the City of North Adams. This information was provided by Officer Barrett, then relayed to Sgt. Kelly to the Chief's Office.
- 12/3/2022: Joseph Pini Jr was observed picking up fares outside of the North Adams Armory. This information was reported by Detective Sergeant Vivori to the Chief Office.
- 12/4/2022: Joseph Pini Jr. was observed in the Town of Adams on Lime St. with a fare in a OTT Taxi. Information was reported by Officer Wisniowski to the Chief's Office.

- 12/4/2022: Joseph Pini Jr. was stopped on Ashland St by Officer Barrett for having a SUSPENDED Motor Vehicle License. Pini Jr was again operating an OTT Taxi. The following is an excerpt from Officer Barrett's Criminal Summons report.

This information was presented during a public hearing before the City Council on January 24, 2023, at 7:30PM in the Council Chambers by Chief Wood. The purpose of the meeting was to discuss the continuous violations that OTT Taxi was continuing to commit. During a special meeting of the North Adams Council on January 31, 2023, they decided to issue OTT Taxi a 30-day probation period on the business with any violation of North Adams City Ordinances during this time period resulting in another City Council meeting to discuss possible suspension. This probation period was to begin on February 1, 2023.

Continued Offenses

On Sunday, July 9, 2023, at approximately 9:00PM, I spoke with Mayor Macksey over the phone who provided me with information regarding John Lord and OTT Taxi. Mayor Macksey had received information that John Lord was operating a white OTT Taxi cab and that he will usually park the taxi cab at his mother's residence at 54 Elmwood Avenue. She told me that she had received information that Lord will park the taxi cab at the residence all night and leave in it around 4:30AM every morning.

I spoke with Officer Matthew Meranti and asked him to check the area of 54 Elmwood Avenue for the white OTT Taxi cab parked in the area of 54 Elmwood Avenue. Officer Meranti observed the white OTT taxi parked at 54 Elmwood Avenue behind a Yukon.

- *I know that John Lord is the registered owner of a gray GMC Yukon bearing Massachusetts registration #9RK923. This shows that Lord has other means of transportation other than the OTT Taxi.*
- *I know that John Lord is part owner of OTT Taxi Services located on River Street. I know that John Lord does not have a taxi license and is not able to operate a taxi cab in the City of North Adams.*
- *John Lord was denied the right to operate a taxi in the City of North Adams, and was observed picking up fares on 12/03/2022 by Detective Zustra. This incident was documented by Chief Jason Wood.*

On Monday July 10, 2023, at approximately 0730hrs, I received a call from Officer Ivan Cardeno that he witnessed John Lord operating a white OTT Taxi and parked the taxi in front of Dunkin Donuts. Officer Cardeno thought that he observed someone getting out of the taxi and going into Dunkin Donuts. This was the morning after Officer Mirante observed the white OTT Taxi parked at 54 Elmwood Avenue which is John Lord's residence. This was the day of a massive rain storm where many roads were closed due to flooding.

I drove to the area of Dunkin Donuts and observed John Lord in the driver's seat of the white OTT Taxi. I observed a blue OTT Taxi minivan pull into Dunkin Donuts and park next to

the white OTT Taxi. I observed John Lord get out of the white OTT Taxi, and I observed Noelle Bostwick get out of the blue OTT Taxi. John Lord got into the blue OTT Taxi and drove away while Bostwick got into the white OTT taxi and drove away. This shows that John Lord is operating multiple OTT Taxi cabs without a valid taxi license.

On Saturday July 22, 2023, at approximately 1800hrs, Officer Michael Cogswell was stopped at a red light on Center Street at the intersection of Holden Street in North Adams. Officer Cogswell observed a gray SUV with OTT Taxi markings being operated by John Lord and there was a passenger in the front seat. Lord traveled north on Holden Street through the intersection in the OTT Taxi with the passenger.

Traffic Citations

On 12/09/22, and again on 01/06/23, a Dodge SUV bearing Massachusetts registration #3BSV93 was parked in the St. Anthony's parking lot overnight. This parking area is prohibited parking unless the owner purchases a parking permit. The owner was working at OTT Taxi and thought that they could use the parking permit for a taxi while working. John Lord was explained in an email that permits purchased for OTT Taxi vehicles cannot be used on other vehicles.

On 12/14/22, a Dodge SUV bearing Massachusetts registration #3BSV93 was parked on River Street in front of OTT Taxi. This vehicle was issued a parking ticket for being over the 15-minute parking limit. The owner of the vehicle was working for OTT Taxi and parked this vehicle in front of OTT Taxi while working their shift.

On 03/02/23, and again on 03/07/23, a white Honda CRV bearing Massachusetts registration #114CRB was parked in front of OTT Taxi. Officers observed this vehicle parked in front of the building for over the 15-minute allotted time. The owner of this vehicle had been observed by officers prior to issuing these parking tickets for hours every morning parked in front of OTT Taxi while working inside. After receiving these parking tickets, the owner still did not move their vehicle. There were no other vehicles parked on the other side of River Street where people can park freely.

Based on the foregoing, probable cause exists that:

- John Lord is an owner of the OTT Taxi business and his business has shown habitual violations of City ordinances over the course of 1 calendar year.
- Between September 30, 2022, and October 19, 2022, there were three (3) violations against OTT Taxi.
 - A 2021 Honda CRV (white) bearing Massachusetts registration #3NEK44 was being operated with passenger plates. Lord was told that the vehicle had to have taxi plates and inspected by the North Adams Police department.
 - All of the vehicles associated with OTT taxi were being operated with Livery Plates. Lord was asked to provide written service agreements from organizations

which would qualify OTT as a Livery Service. Since this did not happen, Lord was asked to have the vehicles registered as Taxi's and carry taxi insurance.

- Lord was instructed not to operate any of the OTT vehicles in the capacity of picking up fares. Lord was reminded that he cannot do this because he does not have a taxi license. Lord was reminded that he does not have a taxi drivers' license because he did not have a valid driver's license for a period of 12 months.
- These violations were given to the City Council for review and they decided to issue OTT Taxi a 30 day probation period on the business with any violation of North Adams City Ordinances during this time period resulting in another City Council meeting to discuss possible suspension. This probation period was to begin on February 1, 2023.
- There have been at least four (4) parking citations issued to vehicles illegally parked while the owners were working at OTT Taxi. One of the offenders being John Lord who would park his vehicle directly in front of OTT Taxi for hours while working.
- There have been seven (7) documented incidents where people have been operating OTT Taxi vehicles without having a valid taxi license to operate from the City. One of the people who has been observed operating the OTT Taxi without a taxi license is John Lord.
- These incidents put the OTT Taxi business at 14 violations in one (1) calendar year spanning from September 30, 2022, through July 22, 2023. Although there are reports of further violations occurring, these are the ones that have been documented by the North Adams Police Department.

Sec. 23-13

Required; approval of application; temporary license.

[Ord. of 6-8-1999; Ord. of 4-10-2007; Ord. of 4-8-2014]

No person shall drive a taxicab, and no owner or person having the care or management of a taxicab shall employ or suffer any person to drive the same, other than a person licensed by the City Council. Such applications shall be approved by the Commissioner of Public Safety or his designee; provided, however, that the City Clerk may issue a temporary license to drive a taxicab to any person whose application has been approved by the Commissioner of Public Safety or his designee, if such approval is more than five days prior to any scheduled action on the person's application by the City Council; provided, further, however, that said temporary license shall only be in effect until the person's application is acted on by the City Council. On January 1 and

July 1 of each year, taxi operators shall provide the City Clerk with a list of current drivers. Failure to provide the list will incur a penalty of \$5 per day of noncompliance

Sec. 23-14

Qualifications.

[1-27-1970; Ord. of 11-12-1980; Ord of 3-25-1997; Ord. of 9-27-2005; Ord. of 4-10-2007; Ord. of 2-10-2009]

No taxicab driver's license shall be granted to any person unless he or she holds a valid license to operate a motor vehicle in Massachusetts, nor to any person under 18 years of age, nor to any person who has not held a valid license to operate a motor vehicle in the United States for a minimum of 12 months. All taxicab driver's license applications are subject to review of the North Adams Public Safety Department, which shall determine whether such applicant is a suitable such license. In no event shall a license be issued to anyone who has had a conviction for operating under the influence, or a like offense in another state, within the past 60 months, or who has had two such convictions in a lifetime, nor to anyone who has had his or her license to operate a motor vehicle revoked by Massachusetts or another state for a moving vehicle violation within 60 months, nor to anyone who has an outstanding arrest warrant, nor to anyone who has a violent felony conviction that may deem unsuitable, nor to anyone who has an active "no contact" restraining order against them, nor to any person known to be taking medications that would hinder his or her driving ability. A license may be revoked or suspended if the North Adams Public Safety Department determines that a licensee is no longer a suitable person or is otherwise disqualified by this section.

Sec. 23-3.1. Penalties for Taxi Cab Business Operators

Any taxi cab business operator who has incurred three or more violations within a 30-day period may suffer suspension of their operator's license. Chronic violations (more than 12 violations in 12 months) may result in the revocation of the operator's license. Such revocation or suspension shall be the decision of the City Council upon review of the relevant facts.