

Health & Human Services and Public Safety Committee Minutes

Tuesday, May 14, 2019, 5:30 PM, Room 209, City Hall

Committee Attendance:

Belinda Ray, Chair (District 1), Brian Batson (District 3), Pious Ali (At-Large)

Councilors in Attendance: Spencer Thibodeaux: (District 2)

City Staff: Kristen Dow, Interim Director of Health and Human Services; Andy Downs, Director of Public Assembly Facilities; Verne Malloch, Interim Police Chief; Jessica Hanscombe, Licensing and Registration Coordinator; Dr. Kolawole Bankole, Director of Public Health; Bridget Rauscher, Substance Use Prevention Coordinator; Henry Tarlow, Community Health Promotions Specialist. Kevin Cashman, Police Lieutenant and Sound Oversight Committee; Jen Thompson, Corporation Council; Anne Torregrossa, Corporation Counsel; Zoe Brokos, Community Health Promotions Specialist; Lizzy Garnatz, Community Health Promotions Specialist; Adam Harr, Executive Assistant.

Meeting called to order at 5:30 PM.

AGENDA ITEM 1 – Announcements

- Next Monday the Council will be having a public hearing on the two proposed locations for the Homeless Services Center

AGENDA ITEM 2 – Approval of Minutes

- Councilor Batson moved to approve the minutes; Councilor Ali seconded and the minutes were approved unanimously.

AGENDA ITEM 3 – Sound Ordinance

- Background:
 - Current Entertainment Licenses:
 - With dance license or without dance license
 - Indoor or outdoor
 - Single concert: one off event license
 - Dance Concert Hall License (2 in the City)
 - After-hours 1:00 AM to 3:00 AM (2 in the City)
- Proposed: Indoor and outdoor licenses with new decibel requirements
 - A Weighting upper limit: 85 dBa
 - C weighting upper limit: 95 dBc.
- Concerns from last reading.
 - Definition of entertainment

- Spoken word was removed from the definition
 - Added ability to measure from any outside point of a building
 - Not just a means of egress.
 - Excludes sporting events hosted by the schools.
- Committee questions
 - Is there an example for the full council of what exceeds 85 dBA (to capture the practical impact)?
 - Majority of concerts at Maine State Pier were at 85 dBA
 - There were no bars or restaurants that have exceeded 92 dBA.
 - Usually mid to high 80s.
 - There was one concert that briefly exceeded 92.
 - dBC scale was added as it was the bass sound that the C weighted scale measures that were the cause of the majority of complaints.
 - The sound mitigation plan would be needed for any new applicant and not current indoor up for renewal would not.
 - All outdoor require sound mitigation plans.
- 457 B.1 and page 48 E23 Any means of egress and above 8 feet from the building.
- Char Ray suggested striking music videos from the entertainment definition.
 - Why was it added to the list?
 - To be inclusive/fair for all possible scenarios.
 - Example: a neighboring bar playing live music vs. a bar playing music videos.

A public hearing opened at 4:45 PM.

- Chair Ray explained the rules and procedure for public comment.
- Cait Salzberg, Cofounder of Rad Plaid would like clarification on why the licenses are changing. Did something happen and what are the reason to change the Dance/Without Dance licenses to indoor/outdoor? What constitutes a sound mitigation plan for outdoor? Indoor doesn't allow for opening windows and doors; will that stay in the summer?
- Bret Gabore of Frederic Street – Thanked staff for the effort. He suggests that there be a more casual permit level for places that don't allow bars or concerts: Acoustic bands, etc. 85 dBA is pretty loud. The City's response seemed to be when it wants to, it can be stricter but he is not sure where in the ordinance the council can step in, if that is the intent.
- Bruce Mills, Amigos Mexican Restaurant. Why at 10:00 PM on weekdays and 11:00 PM on weekends. Most entertainers start at 9:00 and the ordinance would harm his business. There should be more flexibility in the overlay zone. What was used to determine similar Cities? Population or entertainment density? Capping entertainment capped 8-11:00 pm would be moot and know 30% of his business off as most people go out in the evenings. When would the ordinance take effect, as he has already contacted entertainers and would be liable? He is surprised stakeholders weren't contacted sooner.

- Doug Fuss of Bull Feeney's and former chair of nightlife oversight committee – There was a Portland memo sent by Portland Downtown about eliminating the separation of dance licenses. Is that included? If it is about separation of venues, the concern was safety, not sound to prevent people from spilling out into the streets all at 1:00 AM to help police do their job.

The Public hearing closed at approximately 5:50 PM.

- Chair Ray explained that the ordinance came to committee in 2016 due to the large volume of complaints.
 - o The 92 dBA limit was only in the downtown overlay.
 - o The need has expanded with increased events throughout the City, not just downtown.
 - Example: Thompson's Point
 - o The Council reviews noise complaints when licenses are granted and renewed.
 - o Wanted sound mitigation on the front end.
- What is a sound mitigation plan
 - o Sound mitigation on the front end rather than the back end.
 - o Noted it Includes:
 - Speaker location and direction
 - Sound system details and controls;
 - Stage and site layout and direction;
 - Any noise cancelling or mitigating measures proposed; and
 - Anticipated sound readings at the proposed source of the sound, at a location 8' from the means of egress located nearest to the noise source and/or 8' from any outer wall of the premises (for indoor entertainment), at each property line of the premises (for outdoor entertainment).
 - o Mitigation plan will have to reflect the areas it will be in.
- Windows: If you have indoor entertainment, do you have to close windows
 - o Understands the concern about heat.
 - o The closed windows also address the ban on using speakers to attract business.
- If license is coming before the council, what can the council do to alter it.
 - o Decibel level.
 - o Where is somewhere that would not allow a permit and asked for one.
 - Need to be zoned properly as entertainment and business licenses go hand in hand.
 - o Hour restrictions can be conditioned if needed.
- Why are hours being limited in the Ordinance?
 - o What would happen if the hour restriction was taken out?
 - To limit complaints.
 - Every license will be asked for conditions.
 - What then determines who receives a license and who doesn't?

- Would need to be moved by complaints and ultimately creates a burdensome amount of work to look at each individual license.
- o Goal was consistency but the expanded entertainment addendum can change the curfew.
- o Only the outdoor hours are being changed.
 - Only Brian Boru's and Amigos have later hour licenses
 - Only one complaint in Brian Boru's.
 - Could these businesses approach the city and ask for extended hours as the proposed ordinance is written?
 - o Yes
 - o Likely several establishments would seek extended hours.
 - o Councilor Batson would like to keep the hours and allow businesses to apply for extensions*
 - *Licensing then clarified extensions were then clarified that the extensions are per event and cost \$100.
 - Only the Maine State Pier had its own self-imposed curfew
 - How many establishments would be effected by changing the hours?
 - 34 indoor/outdoor licenses.
 - 1 outdoor license only at Thompsons Point.
 - o Limited under zoning to 11:00 PM.
 - If enacted as is, businesses could approach the City to get council approval for extended hours.
- When does to go into effect?
 - o Late July (Would be taken up in June and then go into effect 30 days later.)
 - o Could parts of the ordinance go into effect staggered or change the enactment date to adjust for the next year.
 - o Councilor Batson is interesting in honoring current licenses hours and use the new hours for new licenses and renewals as the businesses in the room explained they already have many events booked already.
- Similar Sized Cities.
 - o Austin, Burlington, Hartford, etc.
 - o Acetic helped search and had their own expert criteria.
- Dance/Without Dance.
 - o Understand the safety origin and disbursal.
 - Dispersal is mitigated with the 100-foot rule.
 - o Will modernize to allow dance.

Committee Discussion

- Chair Ray made a motion to strike music videos; Councilor Ali seconded. The Motion passed 2 – 1 with Chair Ray and Councilor Ali in the affirmative and Councilor Batson opposing.
- Hours Change

- o Why would Sunday through Thursday be changed when there were no complaints.
 - o When outdoor DJs play, do they go to 1:00 or end earlier.
 - o What are the current hours (previous language): 1:00 AM every Day
 - Moving to 11:00 PM on the weeknights and 10:00 PM on the weeknights; why?
 - There were complaints from neighbors around establishments and from hotels.
 - The PD is still getting calls even though it appears complaints aren't making it to the council.
 - About 10-20 for newer licenses and mostly stopped after speaking with police.
 - The outdoor speaker change helped.
 - o Wants an ordinance for the whole city but the hours seem to be appropriate for neighborhoods with establishments like breweries and tasting rooms but not Downtown.
 - Should hours be struck to not need two ordinances?
- When can a license come before the Council when there is a problem prior to renewal?
 - o It doesn't have to wait for sound oversight.
 - o Only ability to bring it back to Council without violations is by renewal.
 - If a business is a problem it must go before sound oversight.
 - If you want a business to come back to council mid license, the ordinance needs clarification.
 - Could add some protections in the ordinance.
 - Any mid license issues can also go through the normal enforcement process.
 - In the past there were many complaints but no violations.
- If a hotel is located between three establishments and complaints are made, how does PD determine which establishment is causing the nuisance?
 - o PD will take a reading at each place's means of egress.
 - o If an establishment A is getting blamed, PD can explain establishment B and C's ratings and that it is not just establishment A.
 - o Decibels get exponentially louder.
- Chair made a motion to change 457 B1 to eliminate B1 and change b2 to read outdoor entertainment 8:00 AM to Midnight. Councilor Batson seconded.
 - o Councilor Batson is more concerned about weekdays not weekends and is inclined to support it but is entertaining 11:00 PM for weekdays and Midnight for weekends.
 - o Councilor Ali acknowledged that people go out at night and that is when establishments make their money; He suggested weekends should remain until 1:00 AM and amend weeknights to Midnight.
 - o Amendments
 - Sunday Through Thursday 8:00 AM to Midnight.

- Friday and Saturday. 8:00 AM to 1:00 AM.
 - “The following day” is used to cover date change in the span of hours.
- Councilor Batson made a motion to forward on to Council for approval, Councilor Ali seconded. The motion passed unanimously.
 - It will likely get a first read June 3rd and second read likely on June 17th (public comment and vote)

AGENDA ITEM 4– Overdose Prevention Sites

- Public Health has done a lot of research available in the backup materials.
- Terminology: medically supervised spaces supervised by medical staff where individuals can use illicit substance, usually intravenously.
 - Safe injection Space/site: SIS
 - Safe Injection Facility: SIF
 - Overdose Prevention Site: OPS
 - Comprehensive User Engagement Site: CUES
- Community Impact
 - Harm reduction
 - Public Safety
 - Reduction in public disorder and public injection
 - Increased public safety.
 - Reducing HIC and Hep C risk behavior.
 - Increasing the delivery of Social Services
 - Increased uptake in Substance Use Disorder (SUD) treatment.
- Insite: Vancouver facility resulted in less use, less outdoor injecting and less unsafe syringe disposal.
 - Outcomes
 - Touted for harm reduction
 - Managing overdoses
 - Public safety
 - Reduced new HIV infection and HEP C Risk
 - Prevents 35 HIV infections per year.
 - Linking to treatment
 - Did not result in an increase in crime or substance use.
 - Received a federal exemption from the Canadian government
 - Studies are limited and not strongly demonstrating an increase nor decrease.
 - The study making a claim was retracted due to lack of evidence due to small sample size.
- Cost
 - Cost approximately \$3 million dollars a year with a societal benefit of \$6 million
 - A single site would generate about \$7million in healthcare savings.
 - Sources describe how many individuals are served with each of these cost conclusions.
- Seattle passed and estimated it to \$2.5 million/year.

- SPOT program
 - Safe drop in facility for people under the use of drugs
 - A nurse is there for a gateway to treatment
 - Injection is not allowed on site and it is not a needle exchange (a needle exchange is located nearby)
 - Emergency services reduction
- Legality
 - Federal government has asserted that these sites violate federal law.
 - Areas of concerns from other municipalities
 - State/federal law
 - Grant stipulations and clauses
 - 340 B status could be jeopardize
 - Police department has already lost funding due other programs when corporation council did not recommend signing certain funding contracts.
 - Disbarment
 - Vermont said safe injection sites were counterproductive.
 - SAFEHOUSE was called illegal.
 - April Boston despite support said it cannot open a facility unless there is a change at the federal level.
 - August of 2018 Dept. of Justice said it would not tolerate safe injection sites.
 - April 1st in Maine urged it ought not to pass
 - Against federal
 - Sanctioned use not right for Maine
 - Subsection 856
- Summary
 - Benefits
 - Access to clean syringes
 - Access to naloxone
 - Medical supervision of overdoses
 - Public health benefits for users and the community at large.
 - Reduction in infectious disease transmission
 - Testing and referral to treatment.
 - Healthcare cost savings.
 - Safe place to inject illicit substances (not in public)
 - Negatives
 - Federal government has asserted that these sites violate federal law Could jeopardize other programs and services due to funding constraints.
 - Cost prohibitive
 - Portland
 - Already has many of the services and benefits without risking federal funding and complying with federal law.

Committee Questions and Discussion

- Bill
 - HHS has not been advised to follow the bill.
 - It was voted out of committee ought not to pass.
 - It would likely get vetoed by the governor due to violating federal law.
- Slide 5:
 - CA to US
 - How much is Portland currently spending on overdoes?
 - Emergency services responses
 - Staff are already working on, but it will be difficult to track and create an accurate number.
 - Accidents of prescribed medications skew the data.
 - The Canadian projections include medical savings and are not just the emergency response costs.
- Slide 6
 - Seattle is so much bigger: what are the numbers in context
 - Size of building
 - Mobile site suggested before legal issues stopped planning.
 - Number of people
 - Number of staff
 - How to make it sustainable?
- Slide 8: Efficacy
 - What studies are supporting?
 - Located in source list.
 - The retraction was made after the document was started.
- SAFEHOUSE
 - Countersuit made and there hasn't yet been a judgement/ruling.
 - Challenged the federal government's interpretation of the controlled substances act.
 - Religious freedom defense based on their non-profit status.
 - Philadelphia supports safe injection sites but would not operate one.
 - What can be done at the municipal level do to support the opening of a site that the City does not operate?
 - Possibly similar to marijuana as it is illegal at the federal level but unenforced then legalized in Portland and Maine.
Suspected marijuana only did not initiate enforcement
 - Distinction at the time of marijuana the federal government had messaging that it would not seek enforcement versus the very active and litigious enforcement of the current administration.
 - Portland murder rate is 2 deaths per year.
 - There were 44 overdose deaths in 2018.
 - 34 were opioids.

- Was SPOT publically funded?
 - Another specific revenue stream?
 - Secured third party reimbursement
 - Sounds like Milestone without the emergency shelter.
- Scientific evaluation of supervised injection results:
 - Increased treatment
 - Reduction of public disorder
 - Reduction of public injection
 - Reduction in HIV/HEP C risk behavior
 - Reduced Drug OD death rates
 - Asked clients where they would have injected and most said a public restroom or out in the public/park.
- Section 885 of federal controlled substances act
 - Provides exemption from federal controlled substances for municipal/state employees to carry out state law.
 - Likely immunity for enforcement not for a facility.
 - Requested a deeper read but a memo isn't needed.
- Needle exchange program data does not violate HIPPA
 - Some outcomes are more impressive than the safe injection sites.

AGENDA ITEM 3 – Needle Exchange Program

- Longest operating needle exchange in the state and the southernmost.
 - Many people from York County, Lewiston and along the coast.
- Number of needles almost always on the rise.
 - Increase in the number collected and distributed
 - It operates as a one for one needle
 - People bring in used syringes and get the same number of new needles back.
- Sharps boxes in public areas: parks, trails, community gardens and new boxes installed where need arises.
- Program is anonymous and given a card with an ID number.
- Low barrier and free of judgment
- Intakes collect housing information and HIV/HEP C status and when they were last tested.
- Some access the exchange daily or multiple times a week; especially those who identify as homeless.
- Distributes naloxone.
- Increase in pharmaceutical opioid use
 - Increase crystal meth use.
- Many people don't call 911
- Oliver Bradeen
- Overdose reversals is hard to capture as some folks aren't reporting.

- 109 is lower than the actual number of reversals.
- Harm reduction
 - Referrals to treatment, case management and primary care.
 - It can take multiple referrals (as much as 10 to 25 tries)
 - It can be a starting point.
 - Works with providers
 - Referrals
 - Harm reduction training.
 - Tracking is hard as services are anonymous.
- Some clients fall off and it is unknown if it is a good or a bad indication.
 - Usually in recovery houses.
- Outreach for HEP C treatment.
- On site STI testing: usually during clinic hours on Tuesday and Thursday but the partnering Doctors will come in for emergency calls.
- Over 150 overdose prevention trainings
 - At OSS, Maine behavioral health, fisherman's forum, rotary club, UNE, etc.
 - These lead to solicitations from people and organizations that learned about the program from people who attended trainings.
 - A local clothing shop requested after an overdose happened in their store.
 - A lot of businesses want to do their part.
 - Upcoming training in long island for the fishing community and Sacred Heart Church in Spanish.
- Other Collaborations
 - Maine Family Planning reproductive empowerment project last year to connect opioid users or people who have had opioid use disorder who are at risk of unplanned pregnancy.
 - At India Street twice a month.
 - Medics come to India street on Mondays for wound care and infection prevention.
- Increase in healthcare workers wanting to learn about harm reduction.
 - Correlates to increase in substance use related services and costs.
 - UNE trainings including a cohort focusing on this field.
 - Insures the next generation of nurses and doctors are comfortable with the population they will be serving.
- Minority Health Program
 - Working on getting materials translated.
 - Translated materials currently available in:
 - French
 - French Language presentation TBD.
 - Spanish
 - Spanish language presentation in June.
 - Arabic

- Presented at Maine Public Health Conference
- Coordinated 1st Southern Maine Harm Reduction Conference
 - More well attended than expected
 - Happening again in October.
- Outreach on needle collection and sharps box locations.
- Easier to connect people to HEP C treatment.
 - Helping people access free care.
 - Easier as folks get enrolled in Maine Care
 - Leading to primary care and access to medically assisted treatment.

Committee questions and discussion

- The committee thanked the program staff and praised their outreach.
 - The rotary club as made the opioid crisis their issue.
 - SMCC was on board immediately and then requested a specific harm reduction training.
- How does staff interpret the increase in accessing the program? Unknown but:
 - Could be an increase in use;
 - An increase of people choosing to use a clean needle every time
 - More people learning about the program.
 - New people sign up all the time.
- Medics head to India Street every Monday.
 - One medic each day.
 - An extension of the mobile medical outreach clinic from a SAMHSA grant.
 - Medical coverage every day at India street between the different programs.
- How would the needle exchange program work with an overdose prevention site?
 - Too difficult to say at this stage in the process.
 - There are best practices.
 - The committee appreciates the difficulty of the conversation.
- Budget
 - Will be given in future back up.
 - Grants, state funding and private foundation grants.

AGENDA ITEM 3 – Next Steps

- Next meeting May 28, 2019
 - Safe Injection Sites
 - Corporation Council to look at Section 85
 - What is happening at the State level?
 - Any local cost estimates, possibly from hospitals.
 - Data from Police, Fire, EMS
 - Needle Exchange Program Budget information.
 - Sober Houses and Recover Houses.

Meeting adjourned at approximately 7:55 PM.