



HEALTH AND HUMAN SERVICES DEPARTMENT

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City of Portland, Maine Public Safety / Health & Human Services Committee

July 30, 2013 Meeting Minutes

COMMITTEE ATTENDANCE: Chair Suslovic, Councilor Leeman, Councilor Duson and Councilor Coyne.

CITY ATTENDANCE: Mark Reese, City Manager, Mayor Brennan, Doug Gardner/HHS, Trish McAllister/Corp Counsel, Chief Lamoria/PFD, Kathi Fortin/PHD/HHS, Chief Sauschuck/PPD.

AGENDA ITEM 1 – Meeting Called to Order and Minutes from June Meeting Reviewed:

Meeting was called to order at approximately 6:06 PM by Chair Suslovic. Chair then introduced himself and the Committee members and indicated to the public that Agenda item 2 would be the only item that would accept public comment at tonight's meeting.

Minutes from the previous meeting were reviewed; motion to accept the Minutes, 2nd all in favor. 4-0.

AGENDA ITEM 2 – Healthcare for the Homeless Governance Action:

Doug Gardner gave a brief overview on the Healthcare for the Homeless item which at this time requires approval by the Council committee. Doug introduced Kathi Fortin, Program Manager for Healthcare for the Homeless.

Kathi explained there are currently 2 grant applications that they are seeking a favorable recommendation for.

Seeing no questions from the Committee, the meeting was opened up to Public Comment.

Speaker 1 – Jim Devine; Homeless Voices for Justice:

Jim indicated he knows a lot of people who depend on Healthcare for the Homeless and he supports the Clinics request tonight.

Public Comment section was closed.

Chair Suslovic proposed a Motion, Moved by Councilor Leeman, 2nd by Duson.

It was questioned if there was room for an advisory board for the clinic. Kathi explained that the clinic has a consumer advisory group that is going to be restarting again soon and will transition the 1st of the year.

Committee voted, all in favor 4-0 passed.

Part 2 of the Healthcare for the Homeless is the Quality Assurance and Improvement Policy which require quarterly updates to the Committee.

Kathi explained that they need a Motion for full Council. Moved and 2nd by Coyne.

Meeting was then open to public comment. Seeing no public comment it was closed.

With no further comments from the committee the item was voted on and passed 4-0.

AGENDA ITEM 3 – Discussion of Residential Sprinkler Requirement Contained in Chapter 10 Portland City Ordinance:

Councilor Leeman introduced this agenda item as she has been approached and questioned by her constituents who are confused by the new ordinance standards and is questioning if it could be more workable and affordable. Councilor Leeman asked that Fire Chief LaMoria to bring forward some standards.

Chair Suslovic questioned the Chief if he knew what specific items the committee was looking for and requested he return in September to follow up.

AGENDA ITEM 4 – Information Regarding Protests Outside Planned Parenthood: (Please note; there will be no public comment on this item):

Trish McCallister and Chief Sauschuck addressed the committee and gave an overview of the complaints they were receiving for each Friday morning 8-12. In mid- January they met with the city Manager and Chair Suslovic and decided to draft a letter to all of the patients at the clinic asking how they felt upon arriving or departing the clinic. The response was that 150 of the 161 patients surveyed reported they felt uncomfortable about the protestors' presence outside the clinic and 110 reported they felt harassed and/or intimidated. 158 of those indicated they would support a patient buffer zone.

Chief Sauschuck indicated that the Police Department would like to see a buffer zone. In late 2012 Planned Parenthood hired private security and warnings were given to all protesters about keeping sidewalks clear, no violence and allowing for free access to health care. No complaints however rose to the level of criminal activity. Some of the protesters then started to videotape the patients all the while yelling intimidating and harassing comments and would upload to the internet.

Police has also received many calls from surrounding businesses. Chief Sauschuck indicted they began to witness the protests from afar but conceded they have done all they can do at this stage.

Councilor Duson responded that she would like an overview of the current case law on buffer zones and will remain open to hearing public comment from all parties. Trish McAllister responded that 35' tends to be the norm but it is now being challenged in Massachusetts and is now with the Supreme Court for a decision. The decision isn't expected for at least 12-24 months. In the meantime moving forward locally, Trish will put together a legal overview and formal memo and a map as well.

Councilor Leeman questioned legally where do we stand in terms of the pending Supreme Court ruling? Trish indicated the city could take a stand in the meantime. Councilor Leeman would like to know what an ordinance would look like if we were to move ahead. Trish responded that part of the ordinance would be to include who would be included. Currently Planned Parenthood and hospitals are the only places that perform abortions.

Councilor Coyne asked if there were other municipalities in Maine that have incurred buffer zones. Trish was not sure but would look into it. The Committee requested a clarification of State law

Chair Suslovic questioned if we could expand the recently approved Panhandling Ordinance. No, according to Trish that is considered an abusive solicitation and wouldn't fit the same type of situation. It's a difficult balancing act between what is considered criminal harassment and 'feeling' intimidate and First Amendment Rights have to be considered. Videotaping and taking pictures on a public right-a-way is legal. So far no one has been arrested and no citations have been given in Portland.

The Committee discussed details regarding taking action when a person is being intimidated by another.

Councilor Duson would like to work through a solution to this issue and not wait for the Supreme Court decision. She indicated that she was a former employee of Planned Parenthood as well as a supporter of their work however she also is an advocate of the Constitution and First Amendment rights.

Councilor Coyne is concerned with a balancing act. Our schools protect our children from bullying and feels strongly that no one should be subjected to what has been going on in front of Planned Parenthood. He looks forward to the issue coming forward again.

Councilor Leeman agrees with other committee members and understands the First Amendment rights however she is concerned with people's personal rights as well.

Chair Suslovic thanked the police department and requested that Trish see if there was an alternative way to not enact a buffer zone. He also requested that Trish look into the pros and cons of doing an ordinance like this at the local level versus at the State level and what will happen if we enact a buffer zone and the Supreme Court strikes down the decision. What would our response to that need to be. Chair is also curious how other healthcare facilities would react – could it be a potential labor dispute. Both Chief Sauschuck and Trish acknowledged his requests and will be back for the October 8th meeting.

With no further business to attend to, the meeting was adjourned at 7:15 pm.