

MEMORANDUM

TO: Public Safety Committee

FROM: Mary Costigan
Associate Corporation Counsel

DATE: November 4, 2011

RE: **Minutes of the Public Safety Committee Meeting held on November 1, 2011**

Councilor Suslovic opened the meeting with Councilor Coyne in attendance.

1. Approval of Meeting Minutes of Public Safety Committee Meeting

The Committee voted 2-0 to approve the minutes of the meeting held on October 11, 2011.

2. Amendment to Litter Ordinance

Associate Corporation Counsel Mary Costigan explained that the amendment clarifies that tobacco products are not permitted to be discarded on City property.

Public Comment

Mary Ann Mitchell stated that this is an issue on Peaks Island as it is one of the biggest pollutants on the beach. She further stated that the solution to the problem is education regarding the harm it does to the environment. Mary Ann thinks that the amendment is excellent and she thinks there needs to be adequate containers for the cigarette butts.

Robert Haines stated that the objective is laudable and that education is a big piece. Robert believes that people who smoke can't afford to pay the fine.

Steven Scharf state that the Ordinance shouldn't be too finely defined.

Councilor Coyne stated that he is supportive of the amendment and moved to approved it.

Councilor Suslovic stated that he would like to get a sense of the number of littering tickets that are issued; he doesn't see a problem with refining the definition of litter and agrees it should involve a public education piece.

The amendment was approved to go to full Council by a vote of 2-0.

3. Graffiti Update

Trish McAllister, Neighborhood Prosecutor, explained that the Graffiti Ordinance became effective on July 20th and that since that time there has been a lot of activity in terms of awareness (on the website, online reporting, etc). There have been 44 complaints on private property and 35 complaints on public property. Of the 44 complaints on private property, 29 letters have been sent out and there have been 7 responses from property owners and some others have cleared up without responding. Of the 35 complaints on public property, 26 have been closed out. Generally, the comments have been extremely positive and people have seen a decrease in graffiti.

Trish added that Public Services deserves a lot of credit for addressing the graffiti complaints. She further recommends that the penalties for failure to remove graffiti get put back into the Ordinance. She noted that the majority of public property complaints are self-reported.

Mark Rees, City Manager, stated that he would like a consolidated database to track all graffiti activity.

Councilor Suslovic asked if there was any feedback on disorderly houses since the ordinance amendments. Trish answered that since May there have been 25 disorderly houses and 24 landlords have been responsive. She considers this an incredible success.

Robert Haines stated that it is refreshing to hear that the City is helping landlords evict problem tenants.

4. Milestone

Doug Gardner, Health and Human Services Director, stated that two weeks ago Milestone received word that they were defined as an “Institute of Mental Disease” and therefore could not get Medicaid reimbursements. Milestone was required to reduce the number of beds at their facility to 16 in order to be eligible for the reimbursements. The temporary solution for those who are displaced is to use the shelters at Preble Street and Oxford Street.

Doug went on to say that Milestone remains very committed to providing the service and is providing staffing. The impact on the HOME team was to temporarily change hours to make sure that those who need shelter know where to go. This is not a long term solution and there have been some good conversations with the State.

Tom Allan of Milestone is really concerned about the welfare of the displaced individuals. He added that the previous night showed that the numbers were off by 20%. He thinks there might be a spike in use of MEDCU and Police.

Councilor Coyne asked how long Milestone can continue to assist financially. Tom answered that they are working with the State of Maine to get funding and that funding would not be through Medicaid program.

5. SAFER Grant

Fred LaMontagne, Fire Chief, stated that there are 12 grant-funded positions that are in recruitment academy. On January 1st the rescue company will be back in service.

Councilor Suslovic asked what happens when grant funding runs out. Chief LaMontagne answered that discussions have been held with neighboring communities and private sector operations and internally to see how he can fund those positions within the budget; it amounts to approximately \$500,000 per year.

Councilor Suslovic asked for a more detailed financial analysis. Chief LaMontagne replied that he can report back in March or April.

6. Fireboat Use and Communications Policy

Councilor Suslovic began the discussion by explaining that the role of the Council is not investigative and that personnel is not within their jurisdiction. Under State law any investigative materials are confidential. He also acknowledged the value of the Fire Department's Marine Division.

Mark Rees, City Manager, added that the Fire Department has highly trained and dedicated staff. The fireboat incident has shown that even the best programs could use improvement. He took responsibility for the lack of communication to the City Council.

Mary Costigan, Associate Corporation Counsel, explained that the Fire Chief's comments regarding the Fireboat incident are limited by State law which prohibits the release of information that is part of a disciplinary action regarding City personnel.

Chief LaMontagne stated that regarding policies going forward, the Fire Department has changed operations around Marine Division, including ceasing civilian transport on fireboats. He drafted a standard operating guideline regarding civilian transport in the Marine Division. The Fireboat will be used primarily for public safety. Secondarily, the boat will be used to transport City staff for essential services to the islands upon approval by the City Manager.

City Manager Rees added that they are also looking at licensure of Fireboat pilots.

Chief LaMontagne added this in regards to current training and certification; he stated that there is no regulatory authority governing the operation of the Fireboat. Internally there is a program that brings an individual to the designation of pilot. Training can take anywhere from 3-9 months depending upon the individual.

Councilor Suslovic asked if it is policy that only pilots can operate the Fireboat. Chief LaMontagne answered "yes" unless they are training with a pilot. Engineers and deck hands are also on board in addition to pilots. He also added that the Fire Department has 8 pilots that are full time and 3 substitutes that are also pilots.

Councilor Suslovic asked if there are policies in place regarding operation of the Fireboat, i.e. saying in the navigational channel. Chief LaMontagne answered that he expects pilots to be trained and knowledgeable in all aspects of the harbor. They need to know all

aspects to be able to respond to emergencies that occur outside the channel. He added that the Fireboat regularly operates out of the channel and where the vessel goes is at the discretion of the boat operator. Over the next several months, Chief LaMontagne and Deputy Chief Pendleton will be reviewing all policies regarding Marine Division and retrain if necessary.

Councilor Suslovic asked if there was a communication policy on when accidents are reported/released. According to Mark Rees there are no hard and fast guidelines; it's a common sense decision.

Councilor Suslovic suggested establishing guidelines regarding reporting information to Council and the public; erring on the side of disclosure. He then asked about the financial impact of the October 15th Fireboat incident. Chief LaMontagne answered that the estimate to repair the Fireboat is \$38,000 and there will be some staff costs for oversight of repairs and transporting boat for an approximate total of \$39,980.

Ellen Sanborn, Finance Director, added that the deductible on the City's insurance policy is \$25,000 and that we will file a claim with the City's insurance carrier. She is unsure if it will change the City's premium. When we filed a claim for an incident last year that was a larger claim it resulted in a \$3,000 per year cost increase in our premium.

Chief LaMontagne added that while the Fireboat is out for repair, regular back up has been employed. All tugboats have pumping capacity and we can utilize Long Island's Fireboat.

Councilor Coyne stated that he looks at this as a point of growth and sees good work going on to close loopholes. Perhaps the City Manager should look at other departments to close other loopholes.

City Manager Rees answered that that process has already begun.

Councilor Coyne asked about the policy going forward regarding civilians on board. City Manager Rees reiterated that public safety is primary and that he must approve non-emergency civilian transport.

Public Comment

Steven Scharf asked about the public's access to the Standard Operating Guidelines. He is concerned that the City ever allowed rides on the Fireboat to be auctioned off.

Robert Haines wanted to know what underground structure the Fireboat struck.

Mr. Usinger stated that he never takes his work boat out for joy rides and the Fireboat shouldn't be used for joy rides or have rides auctioned off. He then wanted information regarding the mission of the Fireboat.

City Manager Rees answered that the public can come in and view the Standard Operation Guidelines and he will be reviewing the auctioning of City assets.

Chief LaMontagne added that assignments to the Fireboat are made in accordance with seniority. The mission of the Fireboat is primarily for public safety and secondly for providing non-emergency services to the islands. In regards to the cost of fuel for the Fireboat, he has budget for fuel but it is not broken down by vessel.

Councilor Suslovic requested that the City Manager bring this issue back for review if new policies are implemented and report back costs and make available the status of the appeals process.

The meeting adjourned at 7:30 P.M.