

MEMORANDUM

TO: Public Safety Committee

FROM: Mary Costigan
Associate Corporation Counsel

DATE: March 6, 2009

RE: **Minutes of the Public Safety Committee Meeting held on February 25, 2009**

Councilor Skolnik, Chair of the Public Safety Committee, convened the meeting at 6:20 p.m. with Councilors Waxman and Donoghue present.

1. Approval of Minutes of January 13, 2009 Public Safety Meeting

The Committee voted unanimously to approve the minutes of the January 13th, 2009.

The Committee then took action on the following items:

2. Moment of silence for Sgt. Robert Johnsey, Mary McClaren and Sgt. Rick Betters

Councilor Skolnik spoke about the tragic losses of Sgt. Robert Johnsey, Mary McClaren and Sgt. Rick Betters and noted that moments of recognition like this aren't given at the Council level. He then asked all present for a moment of silence in memory of the members of the Police Department lost over the past year.

3. Proposed amendments to Chapter 10, Fire Prevention and Protection

Councilor Skolnik explained that the committee will be asked to review Chapter 10 and asked Chief Fred LaMontagne and Deputy Chief Terry Walsh to give an update on the review, and explain some of the new elements of the Fire Code.

Chief LaMontagne said the Fire Department is preparing a more formal presentation for the committee in the future. He explained the national fire and life safety codes and said that the City's fire inspection and enforcement policy is based on them. He said the National Fire Protection Association (NFPA) Code is the industry standard, and applies to buildings ranging in size from single dwellings to public assembly places like the Civic Center. The City is currently using the version published in 2000, but he would like to adopt the 2009 code. He noted that neighboring towns and the state fire marshal's office use the 2009 version as well, and he thought it was important that everyone in the area and the state were on the

same page. He said that the NFPA supplements Chapter 10 and Chapter 14 of the City Code, and both Inspections and Planning also reference it regularly. He said he thought the requirement of sprinklers in new 2 and 3 unit homes will be the most discussed and the most important issue. Currently the 2000 version of the code requires sprinkling of more than 40 units or more than 4 floors. He said the fire department is planning on an educational component to go along with the formal presentation to the committee. He reiterated that Portland is the only town in the area that's not using the 2009 NFPA.

Councilor Skolnik asked if anyone had determined how much more it would cost developers to build according to the 2009 NFPA.

Chief Lamontagne said that cost analyses had been done. He said that with new innovations in sprinkler systems, for example, there were more options than the fire code allowed to sprinkle a building, and the City has the ability to amend the code to allow for new technology and local laws such as the street opening moratorium. The new code has a more clearly defined renovation aspect that will be useful in Portland to improve life safety in apartment buildings.

Councilor Skolnik asked if there was an opt-out possibility.

Chief Lamontagne said there was, and the fire department is working on amending or redacting portions of the code that don't pertain to the City. He noted that the state fire marshal's office hasn't adopted the full code. He said that as the building trend in Portland continues skyward, sprinkling becomes more and more of a necessity.

Councilor Skolnik asked if the Council should adopt the NFPA.

Chief Lamontagne suggested that the Council adopt the code and amend it depending on circumstances and costs built into the current City code.

Councilor Donoghue asked for information of incidences of fires in buildings that might have been covered if the new code was in effect when the fire department made its formal presentation.

Councilor Skolnik asked about other highlights of the 2009 NFPA.

Chief Lamontagne said that the new code talks about common sense fire prevention. He said the fire department will bring forward a reworked Chapter 10, with special emphasis on technical codes for fire panels. He noted that some sections of the code address issues that are no longer pertinent in the City. He also wanted to address the open burning requirement because of the advent of portable fire pits, specifically the danger of using them on decks and possible breathing issues in summer. The department has started working with legal on this project.

Councilor Donoghue asked what the body is that sets the national fire codes.

Chief Lamontagne said it was the National Fire Protection Association, which is made up of industry groups as well as fire prevention professionals and lobbyists from different organisations. He noted that the association formed after the 19th century fires in Chicago and Portland to try to regulate life safety and prevent fires.

Councilor Skolnik asked why their code was so widely used.

Chief Lamontagne said there was no mandate by Congress to use that specific code. There is a state mandate that says we have to adopt some fire code.

Councilor Skolnik asked if the City could adopt another life safety code put out by a different group, or perhaps adopt no life safety code.

Mary Costigan said that if the City doesn't adopt a life safety code, the state has adopted the 2009 NFPA, so the City would have to use it anyway and additionally would lose the authority to regulate and amend the code.

Councilor Skolnik asked how the new codes might address events similar to what occurred recently at 10 Exchange Street.

Chief Lamontagne said that notification and enforcement procedures are the responsibility of state and local government, and the code does not address them. He said that he has met with Director of Planning Penny Littell and Danielle West-Chuhta, Esq. of legal to work on a new flow chart that would provide unilateral notification and communication, both within the city and among landlords, tenants and the city. He reminded the committee that sometimes it's the landlord, and sometimes it's the tenants, that create the issues. He said part of the project included weighing many small violations that together add up to a much greater risk of fire than one or two major violations.

Councilor Skolnik thanked him for his efforts, and noted that he felt that proper and timely communication was key.

Chief Lamontagne said that 10 Exchange was only the third building since 2001 that has required such drastic enforcement. He reasserted that interdepartmental communication is a large component of his recrafting of the ordinance and the code.

Councilor Skolnik then opened the floor for public comment.

Nancy Akers stated she was concerned that Old Port will become a derelict neighborhood if the economy gets worse. She suggested perhaps there could be a temporary property tax reduction for landlords who can't fix things to keep up with

firecodes, to be used solely for building repair and maintenance. She further suggested that proof of losing tenants could be one criterion in her proposal.

Councilor Skolnik asked for any further comments. There were none.

4. Emergency response to Peaks Island

Councilor Skolnik invited Peaks Island Councilors Mike Langella and Bob Hurley to sit with the Public Safety Committee. He introduced the issue, commenting that it had two horns, the public safety issue and the costs issue.

PI Councilor Hurley wanted to make the point that emergency response issues weren't a recent concern. He said that the issue had been raised in 2000 and 2004, and therefore wasn't reactive to recent emergency events.

PI Councilors Hurley and Langella gave the committee a virtual tour of the island. Councilor Langella noted specifically that the public water system lines didn't reach around the entire island.

Councilor Waxman asked if there was a tank truck on Peaks Island.

Chief Lamontagne said there was a four wheel drive ambulance, an aerial ladder truck and a tank truck.

Councilor Waxman asked if there was a full time firefighter on duty or a firefighting shift filled on Peaks Island.

Chief Lamontagne said there was neither. He stated there are a number of firefighters who live or vacation on Peaks but they often are on the same shift on the mainland. He said the only persons trained as firefighters were the two police officers who were trained in basic firefighting and suppression.

PI Councilor Langella commented that there are many parts of the island that are difficult to access in winter, even with a four wheel drive ambulance.

Councilor Waxman asked if all the roads on the island are plowed.

PI Councilor Langella answered that most of them were. He said the quality of emergency coverage is very good, but the critical need is for an increased level of care. He noted the sparse locations of accessible water on the oceanside of the island as well as the density of some neighborhoods on the island.

Councilor Skolnik asked Capt. Malloch to describe the police presence and the coverage level the police gave on the island.

Capt. Malloch explained that there were eight officers assigned to Peaks. He stated that they all are EMTs, they are all trained in basic firefighting, and they work 24 hour shifts. During the peak season, two officers are on all the time. During the off season, staffing often drops as low as 1, but at night there are always 2 officers on duty. Staffing is based on call volume, response time, and other issues. He said that in regards to the police department budget \$90,000 was spent in overtime for the island in FY08, and the current budget allows \$70,000 in overtime, but the department will go over that amount. He stated that the amount was so high because eight is exactly enough island coverage, so when someone takes a day off, someone else gets overtime.

Chief Lamontagne mentioned that the eight Peaks officers were specially trained in emergency medical response and fire suppression as well, so one couldn't take an officer from North Deering to fill in on Peaks.

Councilor Donoghue asked if those eight police officers are the only eight trained for Peaks Island duty.

Capt. Malloch said generally yes, and explained further that some officers voluntarily cycle out of the Peaks shift, which makes them available to cover a shift while their certification is still valid. The staffing level on the mainland doesn't allow the addition of more Peaks-trained officers.

PI Councilor Hurley asked about the fire suppression training that Peaks Island police officers are given.

Chief Lamontagne gave an overview of the fire training given to the police officers, which mostly is everything one can do to fight a fire without entering a burning building. He said the law requires five firefighters trained in breathing apparatus and protective clothing in order to enter a building, no matter where the fire is.

PI Councilor Langella noted that he understood the budget issues, and underscored that they were there to address what they thought was a critical need. He applauded the quality of the police officers stationed there, but he said he felt that Peaks Island required more quantities of coverage, and he was trying to avert a tragedy which might be caused by concurrent fires.

Councilor Skolnik asked about the capacity to raise and train more volunteer firefighters on the island.

Chief Lamontagne said it depended on the demographics of the residents. He noted that there are fewer year round residents, and they tend to be older. He noted that firefighting is a physically demanding job, and added that it was possible, but it was going to take a lot of commitment on the part of the residents. He stated that the fire department had offered EMT courses on the island and received two inquiries,

one of whom was only on the island in July and August, and one of whom was looking for a job.

Councilor Skolnik asked about the cost of training volunteers.

Chief Lamontagne said it would cost with regard to the payroll of firefighters to train them, but the cost wasn't prohibitive. He said the department could combine the monthly training of the police officers with volunteer training, and has the ability to start some sort of program.

Councilor Donoghue asked what impact maintaining two officers on duty on the island at all times would have on the mainland staffing as well as on the budget.

Capt. Malloch said from a call volume standpoint, there's less than one police call every 24 hours on Peaks, making it the quietest sector of the City by far. It's staffed that way because of response time from the mainland.

Councilor Donoghue asked if Peaks Island had the lowest number of calls in every category as well as the lowest number of calls overall.

Chief Lamontagne said that generally, emergency medicine is the most frequent call, and the predominant fire call is wires down. He said the third is the automated alarm at the Peaks Island Inn, the fourth is chimney fires. He noted that his information was anecdotal, but he could get solid numbers for the committee.

Councilor Donoghue asked about the cost of maintaining two officers on the island.

Capt. Malloch said there is an average of 1½ day shifts per week on Peaks that aren't covered. It depends on what officers ask for time off. He stated that \$20,000 to \$25,000 in additional coverage would complete the coverage, based on last year's budget. He noted again that the police officers on Peaks have overtime forced on them to try to get all shifts covered, as they are the only ones with the fire suppression training.

Chief Lamontagne added that a basic firefighting academy would cost \$5,000 to \$6,000. He said he thought that equipment could be spared, and EMT training would add \$10,000.

Councilor Skolnik asked how often volunteers would have to be recertified.

Chief Lamontagne said it's based on continuing education hours. He said the department has been trying to work on a different set of state standards with the Island Institute for island firefighters, without much luck.

Councilor Waxman asked if there was homeland security money available for volunteer training.

Chief Lamontagne said no, unless the department could make a case under the hazardous materials aspect. He said he thought the hardest part was going to be finding qualified residents.

Councilor Skolnik asked if volunteers on the island have been found.

PI Councilor Langella said it's something the Peaks Island Council is starting to work on.

Councilor Skolnik said if the city is going to commit funds to train volunteers, he'd like the Peaks Island Council to find the volunteers.

PI Councilor Langella said he didn't think that island volunteers would alleviate the critical need for professional assistance in emergencies in the short term.

Councilor Skolnik talked about short-term and long-term objectives. He said he was interested in having pertinent data for the island as one of the more long-term goals.

PI Councilor Langella referred to the map and explained that houses are often set back from the road, with several mailboxes at the head of the lane. He suggested having a master file of residents and their places of residence, often updated, that the Peaks Island Council could share with the first responders on the island.

Councilor Donoghue asked about E-911 addresses.

Chief Lamontagne said these issues are problems on all islands and on the mainland as well. Mike Murray has been working on a letter communicating this issue to residents. If you call from a Verizon landline the E-911 data is transferred to Portland dispatch, but often dispatch doesn't get the island address information until September, when the line is already turned off. He noted that if you call from a cellphone, or a different company's landline, often the E-911 data is sent to the Maine State Police. He made another pitch for sprinklers in new single family homes. He went on to explain about risk management and coverage of stations, and said that the day of the Welch Street fire 16 firefighters were in attendance out of the 36 available in the entire city, and at two different points during the fire he had three firefighters covering the city and three out of town ambulances covering the medical dispatch. He said that while the gaps are scary, they're endemic to the entire city.

Councilor Donoghue asked if the Long Island fire department had been called to assist during the recent Welch Street fire.

Chief Lamontagne said the Long Islanders were halfway to Peaks Island and the Portland fire department called them off, since the fire was almost out.

Councilor Donoghue asked about the proportion of mainland police staffing to the island police staffing.

Capt. Malloch said it varies, he has had as few as 10 officers on mainland patrol and 2 on Peaks Island, but on Friday or Saturday, due to anticipated call volume, they have 30 in the Old Port. In relation to E-911 calls from cell phones, he mentioned that the Portland police department has an open line from the state police that can never be busy, and he's found that the system works well.

Councilor Donoghue asked if E-911 addresses should be posted in seasonal residences.

Mike Murray, Islands and Neighborhoods Liaison, said he went to the state's E-911 manual and USPS mailbox lettering requirements, and they don't match. He said he's been working on a public service announcement explaining the state E-911 requirements and asking residents to obey them.

Councilor Waxman asked about response times with the fireboat and whether the new boat would be faster.

Chief Lamontagne said the response time would be better with the new fireboat. He said the island is split in half between areas covered by hydrants and areas with no hydrants, and depending on which district the call originates from determines which boat they take. He noted that from the time a call came in to the time the subject gets to the hospital averages 43 minutes.

Councilor Donoghue noted that proportionality of island to mainland coverage made it difficult to justify additional staffing. He asked the Peaks Island Councilors if they would be willing to use part of the \$50,000 allotted to them from the City Manager's discretionary account to help defray the costs.

PI Councilor Langella said additional emergency coverage was a critical need, probably far more than saving on a week's worth of ferry tickets.

PI Councilor Hurley said there were other ideas on the Peaks Island Council on what to do with the money.

Councilor Skolnik asked what services the City provided to the island that could be reduced in order to use the cost savings to add additional coverage.

PI Councilor Hurley asked if reducing services was temporary until the volunteers were trained.

Councilor Skolnik said he was putting that option out as a completely different idea, as opposed to having the volunteer firefighting force.

PI Councilor Langella said he thought perhaps trash pickup could be reduced in winter to every two weeks. He'd rather have emergency coverage than weekly trash pickup. He reiterated his concerns about a possible tragedy occurring on the island.

Councilor Skolnik said he's still concerned about funding.

Councilor Donoghue said he didn't think the ferry subsidy needed to be separated out. He suggested the ferry subsidy was the least essential service provided by the City. He noted that he didn't think that cutting other essential services like trash pickup was a good solution.

PI Councilor Hurley said it sounds like the Public Safety Committee is putting the question to the Peaks Island Council of "now that the issue has been raised how are you going to pay for it."

Councilor Skolnik suggested the word "we" instead of "you."

Councilor Waxman said she was happy the conversation has begun. She said that as the City is going into budget time it was brought up at the right time. She suggested having the Peaks Island Councilors meet with the Public Safety Committee again after the Peaks Island Council has met and revisited this issue.

Councilor Skolnik said he heard three action items: 1. the house numbering project; 2. the idea of bi-weekly pickup of garbage; and 3. finding EMT/fire volunteer recruitment. He asked Mike Murray if he could look into the cost savings generated by bi-weekly garbage pickup.

Councilor Donoghue restated that he was uncomfortable with a trade-off of services, and would like to look at using the ferry subsidy instead.

Chief Lamontagne said he thought the best solution was to check out volunteer recruitment, especially around EMT training, and he would like to come back after 60 days and present the fire department's findings.

PI Councilor Langella said he appreciated this type of conversation, especially the problem solving aspect of it. He said there was a fourth possibility, of requesting the additional funds for professional coverage. He said he thought he could get other islanders to go to the Finance Committee in support of the critical need of additional emergency coverage.

Councilor Donoghue said he thought PI Councilor Langella's path of going to where the money is was a good idea, but he didn't think the Peaks Island Council was going to get very far.

Capt. Malloch said he supported the Chief with his statement about risk management, and additionally stated that no neighborhood in the City has the level of coverage that Peaks Island has.

Councilor Skolnik asked if that still left the island vulnerable.

Capt. Malloch said it was a response time issue. He noted that there were also several times when three or more officers were on Peaks island in the past year, based on the risk assessment the police department does every day. He also said PI Councilor Hurley had a great idea in assessing the resources during the day when the island has one officer on duty.

Councilor Waxman said it was all about working together, and figuring it all out. She stated her support for trying to organize the volunteer firefighters.

PI Councilor Hurley suggested an alternative staffing concept was a having a firefighter and a policeman on duty all the time.

Capt. Malloch noted that based on what Chief Lamontagne had said about the five firefighter rule earlier in the evening, even though there was one trained firefighter, he or she still couldn't go into a house.

Councilor Skolnik said two policemen trained in fire suppression was the best way to maximize coverage. He thanked the Peaks Island Councilors for coming, and invited them back either in the 60 day window, or sooner if needed.

PI Councilor Langella noted that the ferry subsidy had been partially used already to maintain young families on the island.

The meeting was adjourned at 8:08 p.m.