

MEMORANDUM

TO: Public Safety Committee

FROM: Mary Costigan
Associate Corporation Counsel

DATE: January 9, 2009

RE: **Minutes of the Public Safety Committee Meeting held on
December 9, 2008**

Councilor Skolnik, Chair of the Public Safety Committee, convened the meeting at 5:10 p.m. with Councilors Waxman and Donoghue present.

The Committee voted unanimously to approve the minutes of the November 5, 2008 meeting. Mary Costigan noted that she had emailed the minutes to the two former committee members, who had no corrections.

The Committee then took action on the following item:

2009 Work Plan

Councilor Skolnik opened the discussion, saying he had an ambitious work plan with an ambitious committee that will get a whole lot done. He explained there were ideas for the work plan presented in advance, and that the purpose of this meeting is to discuss ideas and put others on table. He mentioned that he had just come from a meeting with Acting Police Chief Joe Loughlin and they had discussed some of the items on the proposed work plan and had come away with more ideas. He then asked Councilor Donoghue to explain the issues he had put on the proposed work plan.

Councilor Donoghue said that a Kennedy Park/East Bayside community policing station was his first big priority. He said he wanted to use CDBG funds and work in connection with Mark Adelson at Portland Housing to find a space. He mentioned Kennedy Park and East Bayside was one of the few entitlement neighborhoods without a community policing center, and he felt that with the events of last summer this was an item with some urgency.

Councilor Skolnik said that in his conversation with Joe Loughlin centered on more community policing officers, specifically Kennedy Park. He also said that one way to address the issue was to have an officer dedicated to working with the office of multicultural affairs to coordinate outreach in different neighborhoods. He asked if CDBG funds were available for that, or if they were just for community policing. He mentioned that finances are an issue on this and everything.

Councilor Donoghue mentioned CDBG has its own finance director with its own budget.

Councilor Skolnik said that was part of the finance team. He continued by saying his idea was citywide, rather than specifically Kennedy Park.

Councilor Donoghue said he was open to the discussion of a citywide solution, but he stressed that Kennedy Park really needs a community policing center, and wanted to pursue that.

Councilor Skolnik said that each item would be put on the work plan.

Councilor Waxman asked how the City accesses CDBG money.

Councilor Donoghue answered that the police department writes a grant to themselves for the money.

Councilor Skolnik said that given the availability of CDBG funds for District 1, we can fund both of these projects.

Councilor Donoghue asked why multicultural affairs is involved.

Councilor Skolnik answered that it had to do with outreach, working with community groups to facilitate discussions between the police department and various community groups so the relationship doesn't become adversarial.

Councilor Donoghue said that the translation issue and the outreach issue were real issues as the meeting earlier in the year at Kennedy Park was translated into several languages. He stated he believed that the multicultural office would be helpful for the community policing center to be approachable and accessible.

Councilor Skolnik said he wanted to talk about the workplan, and instead they were talking about Kennedy Park. He summed up by saying there were two items to take up at a later date, a Kennedy Park community policing center and an officer to work with multicultural affairs citywide.

Councilor Donoghue said he agreed with dividing them.

Councilor Waxman asked how quickly the committee would have to act to use CDBG money.

Councilor Donoghue said the application was due the 18th of December, so the Committee would have to voice that request within 24 hours.

Mary Costigan said she knew that the Housing department is looking at 35 Mayo Street as a possible spot for a community policing location. She said she will check to see if they've gone beyond the location as far as funding a person there.

Councilor Donoghue mentioned that PHA is offering indefinite or interim space as well, and has suggested perhaps sharing a space with HeadStart.

Councilor Skolnik asked if CDBG applications were due on December 18th. He then asked if there was an application in yet for this item.

Councilor Donoghue said he didn't know where the application was administratively, would like to make a motion or a resolution to support the effort of creating a police liaison position.

Councilor Skolnik said the committee will take it up later as an unagendaed item.

Councilor Donoghue then addressed the snowplowing ordinance. He stated that while the City is plowing more, there are still issues with enforcement and related processes. He said the City would probably have trouble again this winter. He would like to either take up the issue in the "heat" of the winter or wait until the winter was over to take advantage of the full lessons learned.

Councilor Skolnik asked what changes to the ordinance did Councilor Donoghue want to have made.

Councilor Donoghue answered that he didn't think it was the ordinance, but the enforcement policy that needed attention. He mentioned that there have been three different departments involved in enforcement, down to two after the merger of Parks and Public Works. Inspections is the other department involved in enforcement. He said it was a manpower issue, as well as an administrative responsibility issue.

Mary Costigan said the City is trying to work that out internally and suggested it might make sense to see how it works before addressing the issue in committee.

Councilor Skolnik said he was inclined to agree. He said there had been substantive discussion at the City Council level, with the reluctant and unfortunate conclusion that enforcement is secondary to setting a standard for the community to let them know that people who don't live on the arterials are required to shovel their walks. He said the City doesn't have the resources, and the Council decided safety was more important than enforcement. He suggested the committee wait to see how bad enforcement is and tinker with the issue once spring arrives.

Councilor Waxman suggested it might be a good idea to evaluate halfway through winter. She said she was unsure of what the conversation was among the three, now two, departments, but thought the committee should wait to see how the arrangement is

working. She said she thought it wasn't fair to go through whole winter and ignore people who are dissatisfied, however.

Councilor Skolnik said he wasn't sure what she meant when she said that people were dissatisfied with the work.

Councilor Waxman clarified by saying if the way the City is enforcing the ordinance is not working, it didn't make sense to go through whole winter with a problem for people, especially if we got a lot of snow.

Councilor Skolnik said the City simply doesn't have the resources to do the enforcement. He said he thought the committee shouldn't revisit the fact we can't do it and shouldn't give people opportunity to say the City could be doing more when it can't. He said he believed the volunteer snowshoveling program needs to be a vital program, and he thought the committee should get that program going before worrying about enforcement.

Councilor Waxman said she thought the committee could do both items in tandem. She said if we didn't have the money to do the enforcement, that could be a great encouragement for the volunteer snowshoveling program to rise to the occasion.

Councilor Donoghue said the volunteer snowshoveling program was already a no money no administration operation. He said that Ms. Sheedy already has too many requests and not enough volunteers. Additionally, he said her "volunteers" are people who are obliged to do community service as part of their education or work release prisoners.

Councilor Skolnik said that was the reason that they needed to expand the program to get more volunteers.

Councilor Donoghue reiterated that none of them are volunteers.

Councilor Skolnik said the City is going to seek ways to find people who really are volunteers. He suggested that the committee sort out these issues when they appear on the agenda, and asked instead that it talk about what and when we're dealing with the items on the list. He said he thought the committee should bring in people to talk about how to get volunteers before it reopens talk about city enforcement and how and whether it should be done.

Councilor Donoghue stated he believed that the City will have complaints in the matter of a month regarding unshoveled sidewalks, and that people will see no response from city when they complain. He suggested that it was the role of the committee to either take blame or work to improve the situation, but the committee couldn't wait until the snow melts.

Councilor Skolnik said he believed it will be an issue thrust upon us anyway, and that the City will get complaints no matter what. He said he'd like to set workplan based on that inevitability. He suggested the committee take up both items: in January invite Joan Sheedy and Ellen Sanborn, and perhaps Amy Grommes-Pulaski and T.J. Martzial and to come in and talk about how the committee can find ways to make volunteer snowshoveling more robust, as well as Jeanne Whynot-Vickers; and in March or April take a look at the ordinance piece.

Councilor Waxman asked what the rate of complaint was last year and were there a big number of complaints.

Councilor Skolnik said he didn't know, but that it was big enough that the committee had to look at revising ordinances. The committee went through a year long process of balancing the ideal with the pragmatic in terms of finance. He said he didn't think it was a super-inflated number for a New England city.

Mary Costigan explained the timing was that the ordinance was changed prior to last winter in a manner that allowed enforcement to occur by sticking a post-it on the door with a warning about clearing sidewalks within 24 hours. The City was more reactive in clearing sidewalks if they didn't comply, and billing them. There were approximately 70 properties sidewalks cleared and billed. She said she didn't know how many complaints there were, but she thought there were less last year than year before. She said a lot of the complaints come from the same people who have this topic on their radar, and who send lists with uncleared sidewalks. She said the City only used the post-its on peninsula and sent letters off-peninsula.

Councilor Waxman asked if the City billed them.

Mary Costigan answered yes, and that was the administrative nightmare. She said the City contracts out and sends someone out to clear the sidewalk, they send us the bill. The City pays for it and then sends the property owner the bill. She said that there were only ten left that hadn't paid, the City is in process of liening their property, and the average was \$100 owed to the City. She said there had been a good rate of people either paying or disputing the bill. She explained that those who disputed their bill through some inability to clear a sidewalk went through a hearing in the City Manager's office, and some people were let off.

Councilor Skolnik said the information was helpful. He said that members can be working with Mary Costigan and other department heads about how the City is doing on enforcement as we go along.

Councilor Waxman suggested if the committee gets to a point in February where the situation seems to be getting worse it could revisit the issue and address any problems.

Councilor Skolnik said he thought there would be value in letting the bulk of the winter go by before readdressing the issue.

Mary Costigan said that the other complicating factor was that Public Services went through their budget for sidewalk clearance and thought they would be responsible for clearing instead of enforcement. She said they were led to believe that, but last year's committee requested the same level of enforcement, so the department is in a worse position. She said that there may be additional complaints, but there also may not be since the department is clearing more. She reminded the committee that the new system may just take a little while to work itself out.

Councilor Skolnik suggested the committee plow forward and look at volunteer snowshoveling in January, and the ordinance provisions and enforcement in March.

Councilor Donoghue added that he agreed, so long as there is flexibility in the schedule. He also mentioned he'd like to look at the possibility of paying the volunteer snowshovelers.

Councilor Skolnik said he thought that was a very good point but that it also underscores the fact the committee is going to need to coordinate much of what it does with finance.

Mary Costigan asked for clarification of January's general discussion of how to increase the snowshoveling program.

Councilor Skolnik answered that the committee will start the discussion in January and continue for numerous meetings. He stated the next item was a comprehensive lighting system for City streets.

Councilor Donoghue said that where street lights are inadequate, crime increases. He said the issue of addressing that problem was circular: he receives a complaint, then passes it on to Mike Bobinsky, who passes it on to CMP, which has no accountability to the public and nothing happens. He suggested having citywide standards as to the frequency of lights strewn about the streets. He suggested the City find a more fruitful way to address the dark grievance, if only to make it a less labor intensive constituent service.

Mary Costigan said she'd look into it.

Councilor Donoghue noted that the corner of Cumberland Avenue and Sheridan Street has been a hot spot of crime this year, it's one area that he'd like to address.

Councilor Skolnik asked if this was an issue Councilor Donoghue wanted to address soon, or if it was for later in the year.

Councilor Donoghue responded that it was not time sensitive. He said he'd like to talk to Public Services about what they can do about it and how much time they'd need to work on it. He said he'd like Legal to look into the matter as well.

Councilor Skolnik asked if Councilor Donoghue had a way to implement a system or did he want to do a study and make recommendations.

Councilor Donoghue said he would like Mike Bobinsky's counsel about what is possible, and he would also like Mary's help too.

Councilor Skolnik made a note of it, and asked for information about the licensing of bartenders item.

Councilor Donoghue said it was just an idea. He stated he was in favor of repealing the entertainment dispersal ordinance, but not until there was an alternative program. He said he thought one idea to maintain safety would be to license bartenders. He noted that, like taxidivers, bartenders are guardians of public safety, and he would like to see bartenders held more accountable and responsible for serving underage patrons and over drunk patrons. He said he was seeking a way to bring accountability to the bartender rather than create the expectation of the proprietor to be a watchdog. He'd like to learn about the precedents for a licensing program and whether the committee is interested in supporting the idea..

Councilor Skolnik said he would like to get educated about what role the City plays in licensing bartenders and how that might be strengthened.

Councilor Donoghue said he thought the City might need either state legislation or enabling legislation

Mary Costigan stated that as of right now the City has no role in licensing bartenders.

Councilor Donoghue said he knew right now anyone could be a bartender and the City could only hope the proprietor would be accountable for them.

Councilor Skolnik said that there was a law stating a bartender needed to take the "T.I.P.S." course, but he wasn't sure if it was a state law.

Mary Costigan said it was not law in this state.

Councilor Waxman said that there was a time you were personally responsible as a bartender, not the establishment. She said she thought it had been a state law that was changed.

Mary Costigan said that most of time bartender licensing had to be implemented on the state level.

Councilor Skolnik said that again it comes to enforcement. The City can pass ordinances to set standards, but the money for enforcement has to be there. It's the City's policemen and women that see the violations, enforcement potential is there if we have the money to back it up.

Councilor Waxman said that she had had a lengthy discussion with Captain Ross on this issue about the days when bartenders didn't serve people visibly drunk who came into a bar. She noted that the underage component was a little harder, but she believed this was a good direction to go in.

Councilor Donoghue said that there was need of some urgency of research on staff's part, with a sensitivity to what might be necessary from a legislation standpoint. He added that another positive point to this approach would be professionalizing an industry that stands a notch or two above taxi driver, which does require licensing.

Councilor Waxman said someone in town was doing a bartender course, there's a great avenue and it's free.

Mary Costigan said that the committee talked about training at the last meeting.

Councilor Skolnik said based on the fact the committee would need to get something in front of the legislature, he'd like to put this item on the front burner. He then asked if the committee could hold the entertainment dispersal issue.

Councilor Donoghue said yes, then moved on to the bike registry item. He explained it was an administrative issue. He said he had worked with the police department. He said there is a site on the City's website where citizens can put in information about their bicycle, but they don't receive any receipt or decal proving that it's registered or whom to call if found. He'd like to ask for support from the City's spokesperson to publicise the program because it will only work if there's a critical mass of bicycles registered and a system of tracing those bicycles.

Councilor Skolnik said that the more people know about the program, the more momentum there will be with the Police Department to gin it up and get stickers onto bicycles.

Councilor Donoghue agreed that publicity and labeling of bicycles matter.

Councilor Skolnik stated he wanted to talk to Nicole Clegg about the publicity piece. He asked if there were others the committee should get involved.

Councilor Donoghue suggested Lt. Preis. He also said that Judy Harris had expressed interest, but she was currently overextended.

Councilor Skolnik said he'd like to bring together Lt. Preis, Nicole Clegg and Judy Harris to talk about bike registry and how the City could take it forward.

Councilor Skolnik then noted that the City's noise ordinance was one of his first civil cases, when the Regency Hotel sued the Ale House. He said he learned that the noise ordinance's maximum allowed decibels is laughable. He stated the law was 60 decibels after 9 p.m., 65 decibels before 9 p.m. He said 65 decibels is about the volume of a truck passing, which he thought was ridiculous.

Councilor Donoghue likened the ordinance to the sound of one hand clapping.

Councilor Skolnik suggested the ordinance was designed to be enforced when it serves authorities to enforce it, to be ignored other times. He asked for ideas to raise the allowable decibel level.

Councilor Donoghue suggested the committee raise the decibel level to a reasonable level and respond to complaints with the idea that it's not frivolous. He said if citizens had faith in the decibel standard and the City had the commitment to enforce it, the ordinance would be more effective.

Councilor Skolnik said that idea sounded good and asked if it was something to start on right away.

Councilor Donoghue said he didn't think it was time sensitive, but it was a recurring problem that should be addressed.

Mary Costigan suggested this item will require research.

Councilor Skolnik agreed and said this item would be addressed later in the year.

Councilor Waxman asked when the noise ordinance went into effect.

Mary Costigan noted that there wasn't a single "noise ordinance." She said in different zones, there were different acceptable levels of noise. She also said she thought the ordinance probably goes back pretty far.

Councilor Skolnik said no other Public Safety Committee thought to bring this topic up to modern standards.

Mary Costigan said she suspected that the standards were probably arbitrary, and that the ordinance was crafted from those in other places.

Councilor Skolnik then brought up the topic of limiting the hours for trash hauling. He said he thought the item would take a lot of time, and asked for comments from the committee.

Councilor Donoghue said he was responding to a complaint on Munjoy Hill in an R-6 zone which abuts a B-1 zone, the citizen complained about late night trash hauling.

Councilor Skolnik asked if it was late night or early morning?

Councilor Donoghue said he was not sure.

Councilor Skolnik asked if it was one person?

Councilor Donoghue answered that there was only one in his district. He noted that Councilor Marshall has had complaints too, and it was taken care of by talking with the owner of the business whose trash was being delivered. He thought the issue might be worth looking into.

Councilor Waxman said she has heard similar complaints on peninsula. She agreed the topic was worthy of investigation. She said she didn't know how many complaints there had been, but she'd like to prevent it from getting worse.

Councilor Skolnik asked if the City had code provisions on this topic.

Mary Costigan answered she didn't know, but would check.

Councilor Donoghue suggested that it might be worth looking at mixed use zones in an effort to curb complaints.

Councilor Skolnik began to explain his three items on the proposed work plan. His first was the volunteer snowshoveling item, which was covered earlier in the meeting. He said he would like to discuss two different elements of the Police Citizen Review subcommittee, specifically loosening the eligibility requirements and ways to make the committee a little bit stronger and more credible in the eyes of the public.

Councilor Donoghue said he thought that dealing with problem two would solve problem one. He said he didn't think it was necessary to widen eligibility requirements, but adding meaningfulness to the committee's work would encourage people to volunteer. He said he questions whether a review board which looks at complaints after they've gone through an internal review process works. He said he understood that similar committees in other cities have a more monitoring role in initial complaints.

Councilor Skolnik said he agreed with Councilor Donoghue's comments, He said he thought the committee should have a series of discussions on the Police Citizen Review. He stated that any discussions would have to include an extended diplomatic effort with the Police Department, and that the committee would need to be realistic in regards to what it can achieve and when it could achieve it. He said he wanted to create a Police Citizen Review Committee that does more, but he wanted to take small steps toward that goal.

Councilor Donoghue said he had thought about this issue, but wasn't sure if the timing is right for the committee to address it. He commented that the Portland Police Department has a better reputation than it has in long time, and he didn't think it makes sense to bring this up.

Councilor Skolnik said he thought it was the perfect time since no one is on the defensive and things are quiet. He said that with a new police chief, he thought it makes sense with the renewal of the police department that now is the time to make suggestions.

Councilor Waxman said she understood both Councilor Skolnik's and Councilor Donoghue's position. She said she thought that somewhere in between the committee can figure the issue out. She said she remembered when this committee was formed, the City was dealing with divisive issues and lots of community concern. She said the police department has changed over past ten years. She suggested that the committee draw up a list of little steps. She said she didn't want the issue to be on the new chief, and instead suggested the committee ask for input from Joe Loughlin and Captain Ross. She said that there's a good relationship now, she didn't want to harm it.

Councilor Skolnik said he thought that's why its a good time to raise the issue. He mentioned that in his time with the Police Citizen Review Committee, he learned that the City police do a very very good job, also they do a good job with internal review. He came away wondering about the defensive posture of the police department. He said he thought the Public Safety Committee could work within the space articulated by Councilor Waxman, since there is a good relationship between the citizens, the police department and City Hall.

Councilor Donoghue reiterated that he thought now was not the time to open this issue. He said he doesn't support moving on the Police Citizen Review Committee.

Councilor Skolnik asked if Councilor Donoghue was supportive of any steps in this issue.

Councilor Donoghue said he was not open to any steps on police oversight. He said that scrutinizing oversight while the police department is behaving professionally gives the appearance of disrespect.

Councilor Skolnik said he thought Councilor Donoghue felt otherwise.

Councilor Donoghue replied he was interested academically, but was not in favor of action at this time.

Councilor Skolnik said that underlines why he believes this issue would be an exercise in diplomacy.

Mary Costigan asked if Councilor Skolnik had talked about the issue with Joe Loughlin.

Councilor Skolnik answered yes.

Mary Costigan said she understands the fear of the police department's reaction, but not if they're in the conversation and are okay with it.

Councilor Donoghue said he would feel much more comfortable if there was more leadership from the police department on the issue.

Councilor Skolnik said he appreciates that and he was wary of it too. He reiterated that it was always his objective to proceed carefully and deliberately. He said that having a Police Citizen Review Committee that the citizens have confidence in was something he was interested in pursuing.

Councilor Waxman asked why Councilor Skolnik didn't think people had confidence in Police Citizen Review Committee?

Councilor Skolnik responded that the scope of the Police Citizen Review committee is viewed as very narrow in what it is empowered to look at, and because the vast majority of people who have served on the committee have the feeling they didn't accomplish much during their time.

Councilor Waxman said she thought the conversation Councilor Donoghue was asking for was a good one. She noted he had spoken with Chief Loughlin and asked how many other people Councilor Skolnik had spoken with.

Councilor Skolnik said he had also talked with Joe Gray and Kelly McDonald, the new chair of the Police Citizen Review committee, Dr. Bob McAfee, the outgoing chair of the Police Citizen Review committee.

Councilor Donoghue noted that the group missing from the list were the police officers. He also noted that they can make more money with less danger in the suburbs, and he was thankful they chose to work in Portland.

Councilor Waxman stated she felt that any professional that's doing their job well doesn't have a problem with people doing input.

Councilor Donoghue stated that those under the increased scrutiny need a voice in the process, too.

Councilor Skolnik said he thought that was a given in the idea for the workplan. He reminded the committee that they were coming up with recommendations to work with the police department on this topic.

Councilor Waxman asked why there was no union representative or police officer on the committee.

Councilor Skolnik answered that the Deputy Chief routinely attends the meetings, as well as internal affairs personnel. He added that Chief Loughlin attends quite often too. He noted that there was no police union representative.

Councilor Donoghue said he was still uncomfortable with the idea of expanding the Police Citizen Review committee.

Councilor Skolnik stated that he was looking for ideas to vent further with this. He said he felt this was one of the biggest agenda items. He said there were several different issues to explore, a lot of people to involve and a lot of research to do. He stated that he didn't think there was that much disagreement between himself and Councilor Donoghue in that he didn't want to give the wrong idea to the frontline police officers, but he wanted to focus on improving the community perception of the Police Citizen Review subcommittee.

Councilor Waxman agreed that it was important that the tone the Public Safety Committee projects is a healthy tone. She said the focus is not against the police department, but rather on making the Police Citizen Review committee a more effective tool, a kind of evaluation from the people who live here.

Councilor Skolnik added that he wanted to make the public and the police more confident in the Police Citizen Review committee. He set the discussion on the Police Citizen Review committee for February. He then moved on to email alerts for City announcements. He commented that it was a technology issue. He wanted to use the parking ban system to remind citizens about topics like trash removal when the schedule is changed for holidays, notices for neighborhood meetings, planning board meetings, and the like. He said he understood that the City has the software system, but it has not been implemented yet. He said he'd like to get educated on that program.

Mary Costigan noted that it may just be they're going to do it but haven't yet.

Councilor Skolnik said he'd like to know what functions they have in mind to use it for. He asked who the committee should talk to.

Mary Costigan said that Nicole Clegg and Dan Boutillier were the ones to talk to about the item.

Councilor Skolnik said he also wanted to talk about the homeless outreach van. He said the Health and Recreation Committee as well as the Finance Committee had rejected it. Joe Loughlin said it would be beneficial to the police department in that it will free their resources.

Councilor Donoghue stated that the van was funded for six additional months of operation, thanks to Maine Medical Center and Mercy Hospital, mostly Mercy.

Councilor Skolnik asked the committee to get it funded for another six months after that.

Councilor Donoghue noted that there were no funds for it.

Councilor Skolnik stated that the committee has endorsement authority and the police department is behind the program. He suggested the committee do a resolution.

Councilor Waxman noted that the issue is front and center now in the Health and Recreation Committee.

Councilor Skolnik said the item doesn't need to be on work plan but he wanted the Public Safety Committee to endorse it. He asked how this committee could support the item going through another committee.

Mary Costigan suggested they let the other committee handle it, and when the item comes to the City Council the committee can endorse it then.

Councilor Skolnik agreed not to put the homeless van in the work plan. He then moved on to fire department cost savings.

Councilor Waxman asked why this item was on the work plan.

Councilor Skolnik stated he had taken a look at some places in the fire department budget that could be trimmed, but some ideas weren't pursued. He said he had no special insight, but would like the committee to talk about equipment costs, fire house consolidation and so forth.

Councilor Waxman asked if that was an item that the finance would deal with. She suggested the committee could do some preliminary work to recommend to Finance.

Councilor Donoghue stated that in last year's finance committee there was discussion about fire house consolidation. He said the Finance Committee doesn't have to be the only committee to talk about it, but because it's primarily a cost savings item, he thought the item should come from there.

Councilor Skolnik suggested this committee should give ideas to the finance committee.

Councilor Donoghue stated that had been tried and it had complicated things.

Mary Costigan said it was a matter of being forced to come up with cost savings. This happens in the finance committee because they say you must cut costs and come back with a plan.

Councilor Skolnik said he realized having this item on the work plan puts the cart before the horse, and he would leave it to the Finance Committee.

Councilor Waxman stated that if there's a problem with residents about cuts at the fire department, they can come to the Public Safety Committee with concerns about them.

Mary Costigan noted that it depends on the cut. If the Finance Committee is talking about consolidation and making a neighborhood up in arms, the Public Safety Committee should bring it here for a different venue.

Councilor Donoghue noted that if the Public Safety Committee had one opinion on a matter and two councilors were of another mind, that would create a stalemate in the Council, and he didn't think the committee wanted to go down that road.

Councilor Skolnik said that item would not be on the workplan. He then brought up the moratorium on skateboarding on Exchange Street. He said it was about to expire and would like to make a resolution to take it up as unagendaed item to extend it for six months.

Councilor Waxman asked for an explanation of the moratorium.

Councilor Skolnik explained that the committee took up the resolution, but wasn't sure if it was contingent on the time of day.

Mary Costigan said it depended on the location.

Councilor Skolnik continued, saying the City had not been enforcing the normal skateboarding laws there because the skate park had been taken away. The skateboarding problem on Exchange Street became so great that the Council passed an item, but he wasn't sure if it was called a moratorium.

Councilor Donoghue said it was a ban with a sunset provision.

Councilor Skolnik suggested putting an extension of the moratorium in terms of geography onto the workplan, and further suggested taking it up as an unagendaed item to get it on the December 15th Council agenda.

Mary Costigan said it was too late for December 15th, but added there was not a lot of skateboarding going on during the winter.

Councilor Skolnik said he still sees them, but maybe it's not so much of a problem.

Councilor Donoghue stated he was not in favour of ban then, and he's not in favour of ban now.

Councilor Waxman said it has been an historical problem for many many years.

Councilor Skolnik said he would put it on the work plan to explore the moratorium of skateboarding with the idea of expanding geography. He said they might need to include more areas of the City.

Councilor Waxman asked if the committee would also explore what the problem is.

Councilor Skolnik asked about when the Council passed the item, did they also look at expanding the area.

Councilor Donoghue answered that they started with a broader area.

Mary Costigan added that they had started with yellow zone at the suggestion of Portland's Downtown District.

Councilor Skolnik asked if the full Council had been presented with the broader area.

Councilor Donoghue answered that the Public Safety Committee had narrowed the area. Jan Beitzer of the Portland Downtown District came back with the pedestrian activities district, and when the committee had rejected that idea she came back with Exchange Street, which was rejected 2-1 by the committee but passed on the Council level.

Mary Costigan said Councilor Marshall had suggested banning all vehicles on that stretch of Exchange Street.

Councilor Donoghue said he was not supportive of that. He said another approach was making skateboarding less attractive by way of paving material. He said that cobbling or a capital improvement program on Exchange Street were suggestions made by last year's committee.

Councilor Skolnik said he liked that approach too. He said he'd put the item on the work plan to take a look a potential solutions to dealing with the problem and intermediate solutions of having more area than there is now, but less than the full yellow zone.

Councilor Donoghue asked if Councilor Skolnik meant banning skateboarding in a larger area.

Councilor Skolnik answered no because he liked the idea of making it unattractive to skateboard as well.

Councilor Donoghue said the snow was preventing skateboarders at present, and suggested considering materials changes down the road.

Councilor Skolnik agreed.

Councilor Waxman said she'd like to see reports on how dangerous this was before the ban.

Mary Costigan said part of the issue was the noise of the wheels.

Councilor Donoghue said he had received several noise complaints from residents.

Mary Costigan mentioned the noise again, and also damage to cars.

Councilor Skolnik said the skateboarding creates an atmosphere that's not conducive to business.

Councilor Waxman said she could see an accident waiting to happen, and asked if the skateboarders went other places in the Old Port.

Councilor Skolnik answered that they didn't go to other places they hadn't already been skateboarding, they just stopped skateboarding there.

Councilor Donoghue said the police patrolled it for a little while until it was forgotten, but he hasn't heard complaints recently.

Mary Costigan observed that there was definite difference this summer due to the ban.

Councilor Skolnik said he thought the ban should expand to places he saw as a problem as well, including Middle Street with its median and the federal courthouse.

Councilor Donoghue recommended if it was such a big issue, the solution for Middle Street would be to get rid of the median rather than banning the activity.

Councilor Skolnik agreed and suggested putting it on the work plan to find a practical solution.

Councilor Donoghue mentioned that in Portland, Oregon they have designated skateboard routes.

Councilor Skolnik said the skateboarding item could be saved for June or September. He said his last item was a working group on problems on lower Congress Street.

Councilor Donoghue asked for a definition of lower Congress Street.

Councilor Skolnik answered it was on the peninsula. He said he was concerned with homeless issues, crime issues and quality of life issues that are impacting businesses along Congress Street. He said Jan Beitzer of the PDD was playing major role in the group, and the Museum of Art and Nelle Hanig were also involved. He mentioned he was also involved until he became the chairman of this committee.

Councilor Waxman asked where on Congress were they concentrating.

Councilor Skolnik answered from Monument Square to Bingas Wingas on Bramhall Square. He said the group was taking a humanistic approach to the issue by asking how can we make life better for everyone. He said they're coming forward with recommendations, many of which will come through this committee. He added that they're six months away from completing their work.

Councilor Waxman asked if that work concerned safety.

Councilor Skolnik said it was safety and human services issues. He then asked if there were any other thoughts for the work plan.

Councilor Waxman asked if the members of the committee would be to bring more items to the table as issues arise.

Councilor Skolnik said the best way to do that would be to email other members of the committee and attorney Costigan. The item would be put on the agenda for the next meeting. He added the committee was not painting itself into a corner.

Councilor Donoghue asked how some cities deal with overserving by convenience stores? He mentioned that many problems start with convenience stores serving people who drink all day.

Councilor Waxman noted there were some of the same issues with bartenders.

Councilor Donoghue said it's bringing accountability to the bartender and the Big Apple cashier. He said he's asked the police department and they didn't have any answers.

Councilor Skolnik suggested including that with the licensing of bartenders. He then asked if there was anything the committee has overlooked.

Mary Costigan said there was none that she knew of.

Councilor Skolnik asked for a motion to take up an unagendaed item regarding Kennedy Park.

Councilor Donoghue moved that the committee resolve to support the police department applying for a community policing officer for Kennedy Park in the 2009 cdbg budget. Councilor Skolnik seconded the motion. The motion passes 3-0.

The meeting was adjourned at 6:35 p.m.