

MEMORANDUM

TO: Public Safety Committee

FROM: Mary Costigan
Associate Corporation Counsel

DATE: March 7, 2008

RE: **Minutes of the Public Safety Committee Meeting held on February 11, 2008**

Councilor Marshall, Chair of the Public Safety Committee, convened the meeting at 5:40 p.m. with Councilors Duson and Donoghue present.

The Committee voted unanimously to approve the minutes of the January 8, 2008 meeting.

The Committee then took action on the following items:

Illegal Gambling

Chief Burton explained enforcement of illegal gambling. He stated that the State Police Gaming Unit traditionally enforces gambling laws as an independent entity and the Portland PD does not coordinate with them. PPD relies on the State Police for the in depth gambling investigations. Over the years, PPD gaming enforcement has ebbed and flowed with PPD acting on both cases of significant gambling and lesser violations. He explained that, except for some machines that are illegal on their face, the legality of the activity depends upon the proceeds.

Councilor Donoghue asked if underage drinking and illegal gambling enforcement can be done together. Chief Burton responded that PPD could benefit from training to recognize which machines are illegal on their face. He said that gambling and underage drinking diverge after that, in that gambling requires more investigation.

Jones Landing

Harbor Commission Chairman Jon Kachmar explained that with the Commission's limited staff and resources, the problems created by Reggae Sunday at Jones Landing are difficult to manage. He provided a list to the Committee of a sample of the offense that have been witnessed by the Harbor Master and Deputy Harbor Masters. He explained that they do not have the power to arrest, which makes management even more problematic. He stated that luckily, one of the Deputies is a South Portland police officer, so he is able to arrest in his capacity as an officer.

Chief Burton stated that the concerns are legitimate, but it is difficult for PPD to take any action because they do not have a presence on the water. He stated that somewhere along the line, we need to marry authority with a presence on the water to allow for coordinated enforcement efforts.

Councilor Donoghue asked whether there were any landside impacts from Jones Landing. Captain Vern Malloch stated that there are minimal landside impacts from Jones Landing. He explained that Casco Bay Lines pays for two officers to ride the ferry back to Portland with the patrons on Reggae Sundays.

Councilor Duson asked whether there has been a conversation with the establishment regarding how to police themselves. Captain Malloch stated that it is a unique set of circumstances because Jones Landing doesn't know how their patrons are traveling and if they remove people from the premises and there is no boat, they have nowhere to go. Councilor Duson suggested that the owners of Jones Landing connect with other bar owners to gain some knowledge.

Councilor Donoghue inquired about the officers on the CBITD ferry. Captain Malloch explained that PPD suggested 2 officers as opposed to one because it is difficult to have effective enforcement with only one officer.

Councilor Donoghue asked what it would take to get PPD out on the water. Chief Burton stated that they need to join forces for transportation because PPD doesn't have a boat. He also said it would require additional training. Jon Kachmar stated that even with two boats on the water with lights and the Harbor Master and Deputies in uniform, they are unarmed and the patrons are unruly and do not listen. He said it would be a great help if they could have a PPD officer on board on Reggae Sundays.

Chief Burton said he would work with the Harbor Commission to come up with a solution.

The Council will visit the issue when the Jones Landing entertainment license comes up for renewal.

Request to Allow Residents to Raise Chickens in Backyards

Great Diamond Island resident Tammy Robinson spoke about her son's letter to Councilor Donoghue in which he asked for a change to the city's code in order to allow residents to have chickens as pets. She said that chickens make great pets and she feels it's a reasonable request.

Mary Costigan explained that the City Code currently only permits domestic animals in the R-1 and IR-1 zones if the property is a minimum of 3 acres. Therefore, any change to the code to allow for chickens would have to go the planning board as a zoning change. She stated that South Portland recently amended their ordinances to allow for the raising of chickens. The committee had received a copy of the ordinance as back-up material for the meeting. Tammy Robinson stated that the new South Portland ordinance is reasonable.

Councilor Marshall stated that he liked the South Portland approach and recommended that the committee refer the matter to the planning board. The committee voted 3-0 to refer the matter to the planning board with the understanding that the request is city-wide and not limited to Great Diamond Island.

The meeting was adjourned at 7:00 p.m.