

## MEMORANDUM

**TO:** Public Safety Committee

**FROM:** Mary Costigan  
Associate Corporation Counsel

**DATE:** July 3, 2008

**RE:** **Minutes of the Public Safety Committee Meeting held on  
June 10, 2008**

Councilor Marshall, Chair of the Public Safety Committee, convened the meeting at 5:30 p.m. with Councilors Duson and Donoghue present.

The Committee voted unanimously to approve the minutes of the May 13, 2008 meeting.

The Committee then took action on the following items:

### Positive Tickets Project

Ronnie Katz of the public health division introduced the topic, stating that the One Maine One Portland Coalition would like to implement a Positive Tickets Program in Portland. She explained that the program involves distributing positive tickets to kids who are doing the right thing. The tickets would be vouchers for activities, food, etc. The program in Portland would begin as a pilot program in the Parkside neighborhood using the community police. She said she was looking for an endorsement by the committee and ultimately by the full Council. She was going to contact the chamber for potential sponsors of the tickets. She showed a brief excerpt from a DVD explaining the program.

Michelle Lauture of the Parkside Community Policing Center stated that the kids are very excited about the program and the program is a great way to build positive relationships between young kids and the police.

Councilor Donoghue asked whether we currently have any proactive programs. Captain Malloch responded that we have mentor programs and that we have had reward-based initiatives in the past that have worked well.

Councilor Donoghue asked why the program would focus on Parkside. Michelle Lauture responded that there is a high rate of removal in Parkside and there are a lot of kids in the neighborhood.

Councilor Duson stated that she likes the idea and wondered if citizens could give positive tickets when they recognize good behavior.

Councilor Marshall stated that he worked with youth offenders through Portland West and that he likes the idea.

The Committee voted 3-0 to recommend a resolution to the Council to support the program.

Proposed Amendments to Chapter 23 and 28 Requiring Electronic Reporting by Tow Operators and Pawnshop Owners

Mary Costigan noted that notice of this item was sent to all licensed second hand dealers and tow lot operators two weeks in advance of the meeting. Captain Malloch stated that second-hand sales are reported to the PPD to identify stolen property and to solve crimes. He said the current system is antiquated in that it is all done on paper and manually entered into the computer. Electronic entry of the information allows the PPD to perform stolen property searches using serial numbers and they can check criminal records of sellers. He stated that the entry is very labor intensive and the Department is limited in staff who could perform the task. He is recommending a change to the ordinance that would require electronic reporting through PPD's website. The goal is to have a system that everyone could use and that does not require anyone to purchase separate software. Electronic reporting would completely remove the data entry piece.

Councilor Donoghue asked how the businesses get their reports to PPD today. Captain Malloch responded that they either mail the form in, drop it off, or a police officer may pick it up if he or she is at the place of business. Councilor Donoghue asked whether there would be a computer at PPD where business owners could do their reporting. Captain Malloch responded that there would not, but that they could use the library.

Bob Simmons, a second hand dealer, stated that he would now have to hire someone to do his electronic reporting. He said that it means he will have to record the information twice – first on paper, and then electronically and it will cost him more to do it.

Rick LaChapelle of Coastal Trading stated that he is the secretary of the Maine Pawnbrokers Association and that he has an electronic program in his store in Lewiston. He said that he would like to collaborate with the PPD in order to come up with a program and would like to try out a few things before PPD moves forward.

Captain Malloch responded that the PPD wants something that will work for everyone and not particular programs for particular businesses. In regard to Mr. Simmons' statement that it will require duplicate work, he stated that the electronic input will be the only step and he can print it out for his records. He will not have to create a paper record that is then entered electronically. The goal is to enter the electronic information during the sale and print out a record and receipt.

Councilor Marshall inquired as to the security of the website. Captain Malloch replied that the website would be secure.

The Committee voted 3-0 to recommend the proposed amendments to the full Council.

Proposed Amendments to Chapter 28 Regarding Vehicle Impoundments

Mary Costigan explained that Section 28-194 of the code states that if a person is caught driving while his or her operator's license or driving privileges are suspended or revoked and that person has a prior conviction for Operating after Suspension in the last five years or the

operator has had his or her license or driving privileges revoked as an habitual offender, their car may be impounded for no less than 30 days. The tow operators are having difficulty with how this requirement interacts with the state statute on abandoned vehicles. That statute defines a vehicle as abandoned if it is not retrieved within 7 days from when the secretary of state sends notice to the owner. It also states that tow operators must notify the Secretary of State no later than 7 days after receipt of a vehicle in order to collect storage fees for more than 7 days of storage. The Secretary of State's Office has not been accepting notifications from tow operators with cars under a 30 days hold, leaving the tow operators unable to collect storage fees for more than 7 days' storage. However, the State appears to be more accepting of a fifteen day hold and is allowing the tow operators to report the vehicles. Therefore, the PPD is recommending that we amend the ordinance to reflect recent practice of holding for only 15 days.

The Committee voted 3-0 to recommend the proposed amendments to the full Council.

#### Enforcement of Parking Bans in the Old Port and the Arts District

This item was discussed at the March 11<sup>th</sup> meeting, at which Mike Bobinsky and Jan Beitzer indicated that they would take the issue to the Nightlife Committee for their input. Mike Bobinsky reported back to the PS Committee that the Nightlife Committee recommends that we continue the practice of not towing in the heart of the Old Port until 1:00 am, and to add certain streets in the Arts District to that practice, namely Oak, Shepley, Casco and Brown Streets.

Mike asked the committee to OK the recommendation and said that it would be handled administratively. The Committee gave its OK.

#### Skateboarding: Proposed Amendment to Chapter 25 and Request by PDD to Ban Skateboarding the in the Pedestrian Activities District

This item was before the Committee at the May 13<sup>th</sup> meeting where the Committee asked for further information and for the item to be brought back.

Captain Malloch submitted a memo to the Committee that sets forth the complaints received and enforcement efforts regarding skateboarding in the Old Port. He stated that the PPD lacks the resources necessary to continue a high level of enforcement and he noted that compliance isn't always reached by just ticketing people. He said that the Old Port is a de facto skate park and that enforcement alone will not address the issue.

Councilor Donoghue asked how enforcement of a ban would be better. Captain Malloch responded that word would get out that it is banned. Councilor Donoghue stated that it is a matter of engineering versus enforcement. Captain Malloch stated that the other solution would be a skate park.

Jan Beitzer of PDD stated that the businesses are frustrated and they are getting a lot of complaints from customers. She suggested that the Committee recommend a temporary ban on exchange street from Fore to Middle Street, while we search for a long term solution.

Dylan Verner, who had previously submitted a petition to allow skateboarding as a form of transportation, stated that he had observed the Old Port over the last month. He stated that he admits that there are some skateboarders that don't abide by the rules, but there are also those

that do. He said that he works at Sunny Breeze and is spreading the word to other skateboarders to obey the rules of the road. He stated that skateboarding is another form of transportation and should not be illegal.

Councilor Donoghue stated that he would not support a ban of a mode of travel without banning all modes. He said that engineering is a superior way to go.

Councilor Duson stated that there is enough data in terms of safety in the congested area to prohibit skateboards, bikes and rollerskates on sidewalks. The Committee discussed whether this had already been done and it was discovered that they did not formally vote on the issue at the last meeting. They then voted 3-0 to amend the order prohibiting skateboards from the sidewalks in the Old Port to include bicycles and rollerskates.

David Marshall stated that he sees it as an engineering problem and would like to see cars prohibited from that portion of Exchange Street. He also said that it is a matter of communication and enforcement.

The Committee voted 2-1 against a motion offered by Councilor Duson to forward an Order to the full Council that would prohibit bicycles, skateboards and rollerskates on Exchange St. from Fore to Middle for the summer.

However, the Committee agreed to send the matter to the full Council for discussion, making it clear that the Committee is not recommending it.

The Committee then had a discussion regarding a proposal to ban all vehicles from that portion of exchange and voted 3-0 to postpone the issue to a later date.

#### Repeal of the Entertainment License Dispersal Requirement

Councilor Marshall stated that the item would be postponed until the July 8<sup>th</sup> meeting. The Councilors had a discussion regarding the information they would want presented at that meeting.

Councilor Donoghue requested information on calls for service for entertainment licensees inside and outside the zone.

Councilor Duson requested that the members of the taskforce be notified. She asked for information regarding our experience since the ordinance has been in place, i.e., how has the dispersal requirement affected the licensing of businesses.

Councilor Donoghue requested information regarding licenses issued in the past five years.

Councilor Marshall requested the study that was part of the original review process.

The meeting was adjourned at 7:30 p.m.