



Portland Police Department

**City of Portland, Maine
Public Safety / Health & Human Services Committee
March 10, 2015**

Meeting Minutes

Committee Attendance:

Chair Councilor Suslovic, Councilor Costa, Councilor Brenerman;
Councilor Duson absent

City Staff Attendance:

Sheila Hill-Christian, Acting City Manager; Michael Sauschuck,
Police Chief; Dawn Stiles, Director of Health and Human
Services; Adam Lee, Associate Corporation Counsel; Danielle
West-Chuhta, Corporation Counsel; Toho Soma, Acting Public
Health Division Director; Julie Sullivan, Acting Chief of Staff;
Brendan O'Connell, Finance Director;

AGENDA ITEM 1 - Meeting Called to Order

Chair Suslovic moved to accept minutes from the February 2015 meeting. The motion was seconded with all in favor.

Chair Suslovic asked the present audience if anyone was here to testify on agenda items 5.1 and 5.11. Seeing none the Chair moved those items next on the agenda in consideration of staff present.

AGENDA ITEM 5.1 – Ordinance Changes re: smoking (action item)

The January meeting of the PSHHS committee asked staff to expand Portland's current smoking ordinance to include e-cigarettes. The ordinance was expanded to include all electric nicotine devices (see back-up material). Bethany Sanborn worked with Corporation Counsel on the proposed changes. Chair Suslovic opened the floor to public comment on these proposed changes. Seeing none, the Chair closed public comment and opened to committee members. Councilor Brenerman asked if electronic cigarettes had 2nd hand smoke. Bethany Sanborn responded that it is currently unknown if second hand smoke is present. Bethany provided the committee with an update on where smoking is currently prohibited in Portland and clarified the proposal at hand. **The Committee voted all in favor of members present and the proposed changes passed unanimously.**

AGENDA ITEM 5.11 – Ordinance Changes re: Food Service (action item)

Toho Soma provided an overview of the proposed changes (see backup material) and introduced Michael Russell, program manager at Public Health to include three main areas of concern: 1) imminent health hazards 2) consumer advisories and 3) certified food protection managers (a state requirement). Chair Suslovic opened this item for public comment and seeing none closed public comment and opened to committee members. Councilor Brenerman asked if the second item is a state law. Mr. Russell said yes.

The Committee voted all in favor of members present and the proposed changes passed unanimously.

Toho also provided an update on fees. The Chair noted the budget folks are present to note that. Councilor Brenerman asked if restaurants know the City is taking this item up. Michael Russell will alert the Maine Restaurant Association.

Mayor Brennan arrived at 5:58pm.

AGENDA ITEM 2 – Staff Response to General Assistance Audit

Sheila Hill-Christian provided an overview of documents provided in back-up materials noting the City has been in compliance with the State for the past 20 years. A 2013 audit appeal by the City yielded no results at the State level. The City's response is a goal to receive reimbursement where possible and even if we do appeal that process may not be fruitful. Sheila went through the list of alleged violations, the City's response and proposed actions (see backup material) and said these proposed suggestions by staff are for the committee's review.

Chair Suslovic clarified as part of the process that this proposal is staff's response to the state's audit. Dawn Stiles said we have 10 days following the audit which puts us at March 16th. The Chair asked if the state has to respond by a deadline – Dawn answered no. The Chair asked what protection the City has if they submit an appeal. Dawn said if we are not opposing the state would have to accept a plan of correction. The committee was reluctant to implement changes while expecting a response from the state. Further discussion was had surrounding State requirements related to General Assistance (both past requirements and the changing landscape of requirements), the City's options in response to the audit, and allegations made by State Officials through media outlets.

Public Comment on this item opened at 6:27pm.

Mark Swann, Executive Director of Preble Street, spoke to his understanding of the difficult position the City is in and noted that mental illness advocacy is still key through this process. He encouraged the City to join Preble Street to think about HomeFunds from Maine Housing available to all Maine shelters. Mark encouraged leaders from the City and State to work together and stop pointing fingers.

Public Comment on this item closed at 6:30pm

Chair Suslovic opened this item to committee discussion to include Councilor Hinck and Mayor Brennan.

The group discussed current reimbursement stats and City response to note we have spent \$7.6 million and are expecting \$2 million in reimbursement leaving a \$5.6 million deficit. Acting City Manager Sheila Hill-Christian updated the committee that the City has a hiring freeze in place along with travel/training suspended and that expenditures are currently in review. Chair Suslovic identified the audit from the state has a serious impact beyond general assistance. The Chair asked Danielle West-Chuhta, Corporation Council, what she could say publicly regarding the current lawsuit. Danielle said Westbrook, Portland and the Maine Municipal Association are questioning whether the current interpretations followed the proper rule making process at the State level. Discrimination claims are also involved but the suit is focusing on rule making processes at this time.

Chair Suslovic questioned if the City can run shelters more efficiently and Sheila Hill-Christian reminded the committee of a feasibility study option to identify those efficiencies. A short conversation was had about other municipalities and circled back around to the state's audit that selected 90 cases at random where zero were found to be at fault and the state elected not to reimburse the City for those cases. Councilor Costa stated the City is in a difficult position and he believes this is a coordinated political effort to support Governor LePage's proposed budget noting that DHHS Commissioner Mahew's op-ed was sent out before the City received the audit findings. The committee learned the State does owe the City reimbursement monies from the last fiscal year but that the state does not intend to fund GA reimbursement moving forward. A longer conversation was had surrounding the proposed options for the City's response to the audit (see back-up material). Chair Suslovic made a strong statement asking Augusta to point out any so-called recklessness as he sees no evidence of mismanagement and suggested the state should commend Portland for keeping people alive this winter instead of attacking Portland. Chair Suslovic supports the proposed recommendations as the Acting City Manager suggested and appreciates the hard work of staff involved.

AGENDA ITEM #3 – Staff Recommendations re: Feasibility Study of Consolidation of Services

This item began at 7:30pm. Dawn Stiles described the process and illustrated the proposal (see back-up material).

Public Comment opened at 7:35pm. The following individuals spoke:

Tom Blackburn of Bayside doesn't support proposals as they are.

Steve Hirschon is in support of the feasibility study.

Laura Cannon noted an error in the budget math and provided a correct spelling of her name for the record moving forward.

Bob Fowler, ED of the Milestone Foundation would like his group involved in the process.

Ron Spinella, a bayside resident, concurs with his neighbors.

Mark Swann, ED of Preble Street, followed up on Laura's budget questions and said the version before the committee and public should reflect options of both 5 or 6 locations and will send an update.

Ryan Cullen from community housing of Maine supports a feasibility study but does not support a large consolidated shelter.

Public comment closed at 7:55pm

Chair Suslovic heard members of the public say a handful of groups should be part of the process in a feasibility study. Councilors Costa and Brenerman added their thoughts and suggestions on who should participate and be represented in the process as well. In all groups are as follows: opportunity alliance, UNE representative, Milestone Foundation, community housing of Maine/avesta housing reps, chamber of commerce, a community facilitator, neighborhood associations, Preble Street, city staff, off peninsula representation in districts 3, 4 or 5.

Chair Suslovic said the question before the committee was if they will pass a recommendation to council to establish a task force to perform a feasibility study. The Chair said staff would prepare an order to the full council to establish a task force.

Sheila did ask if the council needs to approve the establishment of such a task force, or if she could simply create one like she did the fire/code task force. General agreement from the committee was that the City Manager didn't necessarily need their permission to create a task force. But the committee did

then vote unanimously at 8:04pm all in favor of members present to recommend to the council that a task force be established to conduct a feasibility study.

AGENDA ITEM #4 – Fire/Code Task Force Update and Recommendation

Julie Sullivan, Acting Chief of Staff, provided an overview of back-up materials and discussed budgets and fees in the proposal. Adam Lee, Associate Corporation Counsel, discussed licensing and fees. Rich Bianculli, Neighborhood Prosecutor, said the fire department is allowed to access properties such as a duplex or single family home in certain cases but that section of the City Code does not require the fire department to inspect such properties.

Public Comment on this item opened at 8:27 pm.

Ian, a representative from the West End Neighborhood Association asked how the City is contacting building owners with derelict properties.

Carol Schiller of the university neighborhood association supports the recommendation and would like to add neighborhood leaders to the task force if it continues work in an advisory capacity and requested a meeting with the City Manager for that.

William Harper of the tenants union supported the recommendation

Wendy Harmon, landlord, does not support some details of the proposal that puts landlords at risk with registration.

Rhonda Schneider is a landlord and does not support “good” landlords being penalized with fees b/c of “bad” landlords.

Ashley Sommers is present on behalf of the victims of the Noyes Street fire and thanked everyone for their work. She is happy to pay a small fee as a tenant to live in a safe building.

Jim Harmon is a landlord and wanted to know how the city would track which landlords aren't paying fees, let alone keep buildings up to code.

Anne Pringle at 44 Neal Street said one registration should cover all units

Public Comment closed at 8:48pm and the Chair opened discussion to councilors who questioned a few points in the recommendation and task force members replied to clarify that they worked diligently in a relatively short window of time to provide a comprehensive suggestion and solutions to many rental properties in Portland that are not up to the City's standard life safety codes. Katie McGovern from the Pine Tree Legal Association clarified the topic of tenant accountability being an existing rule and law in Maine, not just Portland that does give landlords a lot of room to work with tenants.

The Committee Chair thanked the task force for their work and asked them to come back with recommendations for ordinance changes based on what the community is looking for. Corporation Counsel will work on that. Chair Suslovic would like to remove planning review from the fire department's task list and add that to the planning department to better reflect other communities. He did recognize a conflict in having fire prevention staff be a bid position at the fire department. Chair Suslovic also would like to know if the task force is asking the committee to authorize a city mandated document and if so he thinks that should be a form available with annual registrations. He also asked how risk is developed per property. The Chair sees a need for self sufficient funding and is supportive of significant fines for non-compliance, suggesting registration due on July 1st and violations issued at the end of September. A short conversation was had surrounding unit types and city responsibility.

Chair Suslovic asked staff if they have what they need to propose ordinance changes. Acting City Manager, Sheila Hill-Christian thanked the task force and said their establishment was to develop a big picture structure and the plan was to hire a professional to detail next steps and answer many detailed questions and move through the budget process with these recommendations. Chair Suslovic said ordinance changes would be up for review at the next meeting in April, a vote would be held in May for the ordinance changes and budget items would take place on July 1. Sheila noted this item in in the finance committee's scheduling and she assumed the finance committee would look to the PSHHS

committee for a yes or no in support of this plan to move forward. Chair Suslovic hopes this wraps up by the time the budget passes.

AGENDA ITEM #6 – Barron Center Update (Communication only)

Dawn Stiles gave a brief verbal update on this item. Chair Suslovic would like to have a committee meeting at the Barron Center in the future and noted we need to do a strategic plan for the center at some point.

With no further questions or comments this meeting adjourned at 10:00pm.