

City of Portland, Maine
Public Safety/Health & Human Services Committee
May 12, 2015
5:30 PM
Council Chambers, City Hall

1. Review And Accept Minutes From March 10, 2015 Meeting

Documents: [MARCH 10 2015 MEETING MINUTES.PDF](#)

2. Public Hearing On The Fire/Code Task Force: Includes Ordinance Change Proposals And A Committee Vote On Recommendations To The Full Council

Documents: [PSHHS MEMO.PDF](#), [REGISTRATION AMENDMENTS_1.PDF](#), [FIRE CHIEF RESPONSE TO COUNCILORS TASK FORCE STAFFING_1.PDF](#), [PUBLIC SAFETY RESPONSE MEMO.PDF](#)

3. Public Comment On The Overflow Shelter Closure Proposal

4. Committee Discussion Of The Framework For An FY16 Emergency Support Fund; Request For Staff To Propose Options For Program Design, Eligibility, Scope Of Service And Fiscal Management For Next Committee Meeting

5. Adjourn



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.



Executive Department
Julie Sullivan, Acting Chief of Staff

MEMORANDUM

TO: Public Safety, Health and Human Services Committee, City Council
FROM: Julie Sullivan, Acting Chief of Staff
DATE: May 8, 2015
RE: Proposed Housing Safety Office

In response to questions raised by members of the public and councilors at the Finance Committee meeting on April 30, the following information is provided.

Assistant Fire Chief Keith Gautreau is submitting information under separate cover on the costs and impact if the recommendations of the Fire/Code Task Force were implemented by existing staff in the Fire Department or through reductions in Fire staff.

- **Tenant accountability**

- Current City ordinance specifically identifies tenant accountability:
 - Sec 6-109(a) requires occupants to maintain a clean and sanitary dwelling
 - (c) requires occupants to keep all supplied facilities (e.g., refrigerator, stove) clean and sanitary
 - (d) requires occupants to put all garbage/waste material in appropriate containers and not allow accumulation outside of said containers
 - (e)(1) requires occupants to exterminate when an infestation is confined to their unit
- The Inspections Division Director and Deputy Director provided copies of letters taking action against tenants for violations related to these issues
- Biddeford was mentioned as a model for holding tenants accountable
 - The City's deputy director of inspections visited Biddeford's inspections program during the work of the task force
 - A review of their ordinance shows little difference from our own ordinance

- **Collecting information on insurance** from landlords

- It is legal to collect such information

- **Proposed ordinance changes**

- **Attached** please find the draft ordinance changes to implement the recommendations from the Fire/Code Task Force, reflecting the annual fee and setting the due date
 - Budget team has proposed a \$35/unit annual fee
 - Due date would be January 1



Executive Department
Julie Sullivan, Acting Chief of Staff

- **Exemptions** to landlord registration fee
 - The Fire/Code Task Force did not provide a recommendation on this issue
 - The Task Force did feel strongly that the City should have better data on rental housing units and thus all landlords/units should be required to register
 - Perhaps certain types of units that are already inspected by the State or the Federal governments and do not have the ability to pass on the cost of the registration fee through increased rents should be exempt from the fee
 - Options
 - No exemptions
 - Waive registration fee for units subject to annual Federal and/or State inspections under the US Housing & Urban Development (HUD) Uniform Physical Condition Standards (UPCS) protocol
 - About 2,840 units, including approximately 1,000 Portland Housing Authority public housing units
 - These 1,000 PHA units were not included in the estimated denominator of 17,000 rental housing units in the city
 - Require submission of copies of such annual inspection reports
 - Examine where City ordinance may be stricter than UPCS and consider providing this information to the inspectors
 - Discount registration fee for these units
 - Staff recommendation: option 2 above avoids duplicative inspections while still ensuring that data is collected.

ARTICLE VI. DISCLOSURE OF BUILDING OWNERSHIP

Sec. 6-150. Purpose.

The proliferation of real estate proprietorships, partnerships, and trusts having undisclosed, anonymous or otherwise unidentifiable principals, owning large numbers of multiunit residential properties, sometimes managed through unresponsive property management companies, has impeded the proper enforcement of this chapter, chapter 12 and other ordinances of the city. This article is intended to require the disclosure of the ownership of such property and to make owners and persons responsible for the maintenance of property more accessible and accountable with respect to the premises.
(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89)

Sec. 6-151. Registration required.

- (a) ~~(a)~~ *Registration of ownership.* The owner or owners of all buildings containing one (1) or more dwelling or rooming units ~~three (3) or more dwelling units, rooming units, or any combination thereof within the city~~ shall register their ownership interest, address, ~~and~~ telephone number, e-mail address, name of insurance provider, and the as well as the name, address and telephone number of the person or entity responsible for managing the property, ~~or cause such interest to be registered,~~ with the building authority as provided in section 6-152 by October 1, 2015 ~~by January 1, 2016~~ within ninety (90) days of the effective date of this article or within thirty (30) days of purchase of the property and/or building, whichever occurs later.
- (b) *Fee for registration.* The owner or owners shall pay to the building authority a fee of \$35 per dwelling or rooming unit at the time of registration. Failure to pay this fee by October 1, 2015 ~~January 1, 2016~~ shall constitute a violation pursuant to section 6-153.
- (c) *Annual Renewal and Fee.* The owner or owners shall renew their registration annually by updating the information provided in their initial registration and by payment to the building authority of a fee of \$35 per dwelling or rooming unit. Failure to update information or pay the annual renewal fee by

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~~October~~January 1 shall constitute a violation pursuant to section 6-153.

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~~The registration required hereunder shall be updated or withdrawn within thirty (30) days of transfer of ownership, change in management or change in registered agent as provided in section 6-152. Each and every owner of the property shall be responsible for the filing of the registration and for updating prior filings as required.~~

(~~db~~) Registration of management companies. Any individual, firm, corporation or purchaser under a land installment contract pursuant to Title 13 M.R.S.A. § 481 et seq. as may be amended from time to time, managing property subject to the registration requirements of subsection (a) shall register with the building authority its management responsibility ~~within thirty (30) days of the effective date of this article~~by ~~October~~January 1, 20156 or within thirty (30) days of assuming management responsibility. Any filing shall be updated, at least annually, if there are any changes whatsoever with regard to the information supplied. Failure to register management responsibility or update the information supplied regarding such management responsibility shall constitute a violation pursuant to section 6-153.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. No. 246-97, 4-9-97)

Sec. 6-152. Registration form; information.

The building authority shall provide forms to be completed by the owners and managers of properties subject to registration under this article and shall maintain a file containing all registrations made under this article.

(a) The registration form for owners shall include, at a minimum, the following:

1. The street address of the building;
2. The assessor's chart, block and lot of the property on which the building is located;
3. The names, addresses, ~~and~~ telephone numbers, and e-mail addresses, of all individual persons having any ownership interest in the property including, without limitation, all partners, all officers or trustees of any real estate trusts;

and including the residential street address and home phone number of at least one (1) such individual person;

4. The name, address and telephone number of the manager of the property or the person or persons responsible for its regular maintenance or repair;
5. The name and address of a person designated as the agent of the owner for the service of notices and civil process by the city. Service of notice and process upon the person so designated shall be deemed conclusive service upon the owner or owners designating that person in any litigation pertaining to the premises.

6. The name and address of all companies with whom the owner has an insurance policy with respect to the property.

(b) The registration form for managers of property shall include, at a minimum, the following:

1. The name, address, e-mail address and local telephone number of the management company and of at least one (1) such individual, including the residential street address, e-mail address and home telephone number of that individual; and
2. A list of all buildings for which the person or firm is responsible, including the street address and chart, block and lot description of the property and the name of the owner of that building.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89)

Sec. 6-153. Violations.

(a) Any person failing to timely file the required registration or failing to timely pay, in full, the registration fee or annual renewal fee, or failing to timely file any required update to the registration or filing a false statement on any registration shall be guilty of an offense shall be in violation of this Article for which a fine of \$100 per day each day the

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violation continues shall be assessed.

(b) Any person providing false information with respect to registration shall be in violation of this article for which a fine of \$1000 shall be assessed.

(c) It shall ~~also~~ be a violation of this article for which a fine of \$100 per day each day the violation continues shall be assessed, for any owner or manager to rent any apartment or other portion of any building subject to registration, not registered under this article, or to permit the occupancy of such premises.

(d) ~~No certificate of occupancy shall be issued for property subject to the registration requirements which is not registered in accordance with this article. Each day's continuing failure to file such a registration, to update such registration or permitting the continued occupancy of such premises shall be a separate offense.~~

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89)

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Sec. 6-154. Reserved.

Sec. 6-155. Reserved.

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Sec. 6-162. Reserved.

Sec. 6-163. Reserved.

Sec. 6-164. Reserved.



Portland Fire Department Headquarters Office of the Fire Chief

To: City Council Members
From: Chief Jerome F. LaMoria
Date: May 8, 2015
Re: Response to Councilors

The purpose of this correspondence is to provide you with information on the impacts of utilizing existing staffing in the Portland Fire Department to meet the recommendations presented by the Fire/Code Task Force. This suggestion has been discussed at the Council level as a way to fulfill an identified priority need with existing human resources.

The current staffing configuration and deployment of resources for the Fire Department results in an average response time of three-and-a-half minutes to emergencies. A reduction in that staffing configuration will result in an increase of that response time.

In 2013, the City of Portland invested in a study of the performance and management of the Portland Fire Department. This study reviewed all aspects of the Portland Fire Department and provided 169 recommendations for improvement. All of the recommended staffing reallocation was completed within 6 months of the report's release. This reallocation included the reduction of an engine company, the addition of an EMS transport unit, providing advanced life support capabilities on Peaks Island, and maintaining 3 personnel at the Marine Unit.

The study went on to recommend adding staff including 2 additional inspectors in the Fire Prevention office and additional supervisors for scene safety. In the two years since the report's release no additional staff has been added to the Fire Department. The study does not recommend nor support reductions in on-duty staff providing emergency response.

In the aftermath of the Noyes Street tragedy, the city again relied upon experts and city staff to examine the needs related to ensuring safety for the residents of this city. Those recommendations have been developed and provided to you along with a method to fund those same recommendations.

I fully support the recommendations developed and the work of the task force. It is my recommendation that if council has concerns on the staffing level of the fire department it be discussed directly and not as part of the Housing Safety Office deliberations. Reallocating existing Fire Department staff will result in increased emergency response times as well as create a delay of at least a year for the Task Force's recommendations while job classifications are changed, union approval is sought, and certified code officer training is delivered. None of those impacts are in the interest of public safety.

I am available to answer any questions, provide further information, or any help I can provide as

the Council finalizes the budget.



Portland Fire Department Headquarters Office of the Fire Chief

To: Public Safety Health & Human Services Committee

From: Acting Asst. Chief Keith Gautreau

Date: May 12, 2015

Re: Response to Fire Department implementing Fire/Code Task Force recommendations

Question: If the City opts to fund the Fire/Code Task Force recommendations using the fire department current budget, what would the impact be on public safety and emergency services in Portland?

Immediate impacts:

- The reduction of a Fire Company in a neighborhood
 - o This will necessitate taking an entire company out of service
 - o It will increase emergency response times City wide
 - o This will put Firefighter safety at risk and impact Strategy & Tactics
 - o May affect our ISO (Insurance Rating) with the City
 - o This will impact Portland's ability to effectively and efficiently respond to multiple emergency events

Question: What would the impact be if the City utilized existing firefighters as building Code/Fire Inspectors?

- o A change in job description and work schedule would be required to go through the collective bargaining process
- o Approximately 1 year of training for Code Officers
 - Legal Issues
 - Residential Building Code
 - Commercial Building Code
 - Residential Energy Code
 - Commercial Energy Code
 - Indoor Residential Ventilation Code
 - Residential Radon Code
 - Licensed Plumbing Inspector
- o May require more compensation
 - Comparison of current City positions
 - Certified Code Enforcement Officer

- o Grade 16 CEBA Pay Plan \$19.19 hr / \$37,226 yr
- Firefighter
 - o 0-6 Months Union Pay Plan \$14.83 hr / \$32,397 yr