



Portland Police Department

**City of Portland, Maine
Public Safety / Health & Human Services Committee
May 12, 2015**

Meeting Minutes

Committee Attendance:

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

City Staff Attendance:

Michael Sauschuck, Acting City Manager; Anita LaChance,
Acting Deputy City Manager, Dawn Stiles, Director of Health and
Human Services; Adam Lee, Associate Corporation Counsel;
Julie Sullivan, Acting Chief of Staff; Brendan O'Connell, Finance
Director; Keith Gautreau, Acting Assistant Fire Chief; Mayor
Michael Brennan; Councilor Jon Hinck

AGENDA ITEM 1 - Meeting Called to Order at 5:33pm

Chair Suslovic moved to accept minutes from the March 10, 2015 meeting. The motion was seconded with all in favor.

AGENDA ITEM 2 – Public Hearing on the Fire/Code Task Force: Includes Ordinance Change Proposals and a committee vote on recommendations to the full council.

Julie Sullivan provided an overview of her memo (see back-up material) with regard to landlord registration process and fees. Julie introduced Acting Assistant Fire Chief, Keith Gautreau to illustrate impacts on the fire department (see back-up material) should the City elect to fund the task force's recommendation from the fire department budget or utilize current fire department staff to perform the suggested work by the task force. Adam Lee spoke regarding the recommended ordinance changes (see back-up material) noting the fee for registration is higher than the task force recommended and the newer number came from the finance committee. Adam also said that chapters 6 and 10 would need changes should the task force recommendations fall to an existing city department or if a new department was created.

Julie commented on the registration portion of her memo saying there are suggested exemptions of 2,840 units due to current federal inspection requirements for those properties. Adam is working on additional language for those exemptions.

Councilor Suslovic asked for the points of the ordinance changes. Adam responded that the ordinance changes apply to any rental unit to be registered at \$35 per unit annually. Violation fines were priced high at \$100 per day and a failure to pay fine was imposed as well. A false information fine was proposed at \$1000.

Public Comment on this item opened at 5:51pm:

- 1) Mark Adelson, Executive Director of the Portland Housing Authority agrees with the task force recommendation of the housing office being established and supports the exemption from fees for those properties already inspected by the feds and HUD.
- 2) Saiid Neelan (?) of 29 Emerson Street has a 3 family unit and suggests suspending \$300k on the shelter instead
- 3) Dana Totman of 32 Kenwood Street and representing Avesta Housing echoed Mark Adelson's comments. Avesta has 600 affordable housing options already heavily inspected. Additional inspections would cause a hardship for residents to include translation services and pet arrangements. He suggested the MSHA HUD inspection be equal to Portland's proposed inspection.
- 4) Cullen Ryan, Executive Director of Community Housing of Maine, said they have 277 units in Portland and echoes both Mark and Dana's comments. They have quarterly inspections and the fees proposed are cumbersome for small non-profits.
- 5) Robert Haines, a home advocate, does not support any exemptions unless that group meets the City's expectations for inspections and suggested a re-organization of the current building code office to support multi unit inspections. *[This item has been requested by Stephen Scharf at the June 9 meeting of the PSHHS committee to note that Mr. Haines supports the proposed closure of the overflow shelter. The change was approved by the committee at the June 9th meeting.]*
- 6) Carlton Winslow, an Auburn Street landlord, supports the program but not the fees or exemptions.
- 7) Jim Harmon, a Portland landlord has subsidized units and is subject to the same inspections as Avesta, etc and would like the same exemptions to apply to his units. He also said this should be a function of the existing code department.
- 8) Carol Schiller of 7 Longfellow street witnessed the Noyes street fire and urged the committee to support the recommendations of the task force to include registration fees and supports fully staffing the fire and police departments to respond to tragedies such as these.
- 9) Mr. Vitalias of the southern Maine landlord association expressed disappointment with the increase in the proposed fee and reminded folks that this fee is paying for the highest risk properties in Portland. He also suggested that the proposed ordinance changes read, "...knowingly provide false information..." when imposing fines on false information provided.
- 10) Stephen Sharp from High Street supports the concept but thinks the code enforcement office should be incorporated to handle these code issues. He does not support the exemption and thinks condos should be added.

Public Comment closed at 6:17pm

Chair Suslovic was inclined to provide staff with questions (from each councilor) and postpone any action to the June meeting.

Councilor Brennerman asked if there was any law about tenants disabling smoke alarms. Adam said the current ordinances gives the City room on this but there is always a challenge to proving who disabled a smoke alarm. Councilor Suslovic asked what ever happened to the form previously discussed with regard

to a checklist that a landlord and tenant would go over together. Julie said a form is in the works and Adam pointed out that this item may be better suited for a landlord and tenant to work out instead of the City requiring it.

Councilor Brenerman questioned whether or not a single family home was subject to fees and if condos were included in the proposal. Adam clarified the terminology in the ordinance proposal does intent to include condos. Julie clarified that owner occupied units were not included in the registration requirements. Councilor Brenerman asked why the fee was set at \$35/unit. Julie responded a 70% collection rate was assumed and the city would need \$420k to implement the task force's recommendations.

Councilor Brenerman supported the change to "...Knowingly providing false information..." and Adam understood that enforceability was the goal in drafting the ordinance changes so he doesn't support adding the word knowingly.

Councilor Brenerman questioned the current level of training and the fire department. Acting Assistant Chief Keith Gautreau said all firefighters are trained in the NFPA life safety code which is different from the code enforcement officer training. In addition all Captains and Lieutenants were trained in chapter 31 codes in April 2015. The fire department currently inspects units that are 3 units or more.

AGENDA ITEM 3 – Public Comment on the Overflow Shelter Closure Proposal

Acting City Manager Sauschuck gave a brief update to provide context for the discussion noting the state's partnership has changed and forced the City to re-consider its funding commitments and address the potential significant loss of funding from the state. In the FY15 budget, then Acting City Manager Sheila Hill-Christian put measures in place to lessen the impact by imposing a hiring freeze, a spending freeze and did not stop providing services. 22.7 positions, 13 of which were actual people were proposed to offset projected loss in funding. We are laying off people to deal with this reality. The City's finance director, Brendan O'Connell is available to outline decisions made publicly and Dawn Stiles, Director of Health and Human Services is available as subject matter expert.

Dawn Stiles described the January 2015 state audit that reviewed 91 files and found zero errors and noted the City's 2014 audit appeal has been met with no response to date. At the shelter there were 5 findings in the audit regarding the use of assumptive eligibility and subsequent eligibility not done correctly. The City has filed a plan of compliance but the state has not paid the City since June of 2014. Three shelter staff have been eliminated and the overflow shelter is proposed to close. The City plans to comply with the findings.

Brendan O'Connell Described two standing charts in the committee room showing the geographic distribution of shelter users: 32% Portland residents, 28% Maine residents, 20% from this nation and 20% from the entire world. The second chart illustrated shelter costs and Brendan described the projected \$6.6 million dollar shortfall. Brendan also went over a handout provided at the meeting.

Dawn described efforts to place long term stayers and had asked area agencies to help, mentioning that there were some vouchers available for long term stayers.

Councilor Suslovic wanted to clarify the \$6.6 million dollar shortfall and impacts on the City. Brendan said the fund balance is 12.5% of operating expenses, which would drop to 9% with the projected shortfall. Anything below 8% equates to a bad credit rating. Any general downgrade increases the City's cost of doing business. The City is prepared to absorb the \$6.6 million this year, but needs a plan to replenish the fund balance moving forward. Brendan said a plan to do that was in place.

Public Comment opened on this item at 7:15pm.

The following individuals spoke in opposition of the proposed closure:

- 1) Kevin Andrew McGuire, self-identified transient
- 2) Bob Bergeron of Deering Oaks Park
- 3) Dr. Tom McLaughlin (UNE social work) of Oakwood Avenue
- 4) Jason Blanchard of Maple Street
- 5) Jim Devine of Homeless voices for Justice
- 6) Charles Lang, homeless for 5 years
- 7) Chris Muse, currently homeless
- 8) Tyler (no last name given)
- 9) Reverend Don from HopeGateway at 185 High Street
- 10) Matthew Coffee of 5 Portland Street
- 11) Megan Connolly of Montreal Street
- 12) Bob Fowler, Exec Director of Milestone
- 13) Evan Prosper, homeless
- 14) Andrew Rice, OOB Milestone client
- 15) Mike Tarpinian, Opportunity Alliance
- 16) Melanie McGinnis, former client of services
- 17) Dana Totman, Avesta representative
- 18) Micky Kline, oxford shelter resident
- 19) Kelly (no last name) of oxford shelter
- 20) Liz Cotter Shlax, President and CEO, United Way of Greater Portland
- 21) Norman Mays of the Shalom House
- 22) Cullen Ryan, Community housing of Maine
- 23) Donald Drake, service member
- 24) Renea (last name unavailable), Medical professional
- 25) Jenny Stasio, Residential Services Director at Family Crisis in Portland
- 26) Steve Hirschon of Hanover Street
- 27) Kelly from Family Crisis
- 28) Bill Higgins, currently homeless
- 29) Lewellin Ingerton, teen shelter
- 30) Renea Walberg, President, Preble Street Board (along with 7 board members) and they announced they would forego collecting rent from the City for a period of time in order to keep the overflow shelter open
- 31) Lucky Hollander of Ludlow Street
- 32) Robert Densmore, shelter occupant
- 33) Mark Swann, Exec Dir, Preble street
- 34) Elizabeth Marshall, Opportunity Alliance
- 35) Don Harden, Douglas Street
- 36) Sumner Sweatt, Oxford Shelter
- 37) Shawn Kirwin, Paris Street
- 38) Raymond Dalberts, shelter resident
- 39) Jess McBrewer, high school student
- 40) James Fletcher, Pastor at Woodfords representing area clergy
- 41) Sheryl Holmberg, shelter resident
- 42) Hannan Hanhouser, Preble street caseworker

- 43) Mr. Hanes, no location given
- 44) Lou Savado of Cumberland Ave

The following individual spoke in favor of the proposal:

- 1) Steven S of high street

Public Comment ended at 8:59pm.

The committee and staff discussed options to keep the shelter open for the immediate future and identified the possibility of a \$350k funding option and reviewed timing and availability of funding, then deferred to staff to put a proposal in motion. Chair Suslovic requested an update on section 8 housing vouchers and a progress report for the homeless task force at the June meeting. A short discussion was had about how much of this change is being driven by the state's audit vs. the pending lawsuit or budget processes. Councilor Brenerman asked if the committee was going to make a recommendation to the full council on this item. Chair Suslovic recognized the majority of council members were present (4 committee members and two councilors sat in on the meeting: Councilor Hinck and Mayor Brennan) so the committee didn't need to make a recommendation. Mayor Brennan went over the options to fund the overflow shelter and showed support to use some funding from the City to cover the cost and maintained optimism that the council would support that notion as well. The Chair asked finance staff why the budget is crafted to recommend closure of the overflow shelter. Brendan O'Connell replied that the 2016 budget was crafted in response to the GA audit and reimbursement status noting it was a risk based budget. Councilor Costa agreed it makes more sense to budget in accordance with the statute and suggested this item be taken up with the full council on Monday citing minimal consensus on issues at this level concerning whether or not the City intends to fund this item and if so, for how long.

AGENDA ITEM 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 the next committee meeting in June

Councilor Duson presented the idea that staff come back with a framework for an emergency support fund for this purpose noting that the potential closure of the overflow shelter is in fact an emergency. Councilor Duson and Chair Suslovic were not ready to say they supported using an available \$350k allotment for this purpose while understanding future fiscal challenges the City faces. The committee generally agreed to review what an emergency fund looked like.

With no further business to attend to the meeting adjourned at 9:55pm