



MAYOR'S OFFICE



Mayor Michael T. Foley
2 York Street
Westbrook, Maine 04092
Phone: 207-591-8110
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STATE OF EMERGENCY REPORT 2020-2

Date: April 1, 2020

This is the second State of Emergency Report, intended to provide City Council and the general public with a synopsis of municipal actions taken during this State of Emergency. These reports will continue to be released on a weekly basis during the course of the COVID-19 pandemic.

Actions from March 19, 2020

On this date City Council met via Zoom videoconference and extended the State of Emergency in the City of Westbrook.

Actions from March 20, 2020

On this date I ordered the immediate closure of the following City & School facilities: playgrounds and play structures, athletic courts, athletic fields, Skate Park and outside gathering structures. These closures were made in the interest of public health and safety to slow community spread of the virus.

In addition, we launched Westbrook's Takeout & Delivery Support Effort Contest to help support our local businesses. To enter, participants must upload images of receipts totaling \$100 or more from Westbrook eateries where delivery or takeout has been purchased. One winner will be chosen randomly each week, and the winner will receive one of twelve \$100 gift cards to a Westbrook establishment.

Actions from March 23, 2020

On this date I suspended the towing requirement outlined in the City's Code of Ordinances for downtown parking lots and on City streets, in anticipation of a snow event.

Actions from March 24, 2020

On this date I enacted the following:

- Made effective the Human Resources Policy & Procedure – Families First Coronavirus Response Act, which follows federal laws providing two separate paid leave employment benefits for municipal employees who miss work for reasons related to COVID-19 (Emergency Family & Medical Leave Expansion Act and the Emergency Paid Sick Leave Act).
- Waived all fees and interest on late sewer payments in conjunction with the Portland Water District.
- Urged compliance with Governor Mills' Executive Order issued on March 24, 2020, which closes all non-essential business and operations to the public.

Actions from March 30, 2020

On this date we held our first drawing for Westbrook's Takeout & Delivery Support Effort Contest. Jaclyn Hazlewood was selected as the first winner of a \$100 gift card to Mister Bagel, Westbrook.

Actions from March 31, 2020

On this date I authorized the Public Services Department COVID-19 Emergency Funeral Protocol which is in place until further notice. This emergency protocol is designed to protect the public during funeral services, interments and burials in Westbrook.

Actions from April 1, 2020

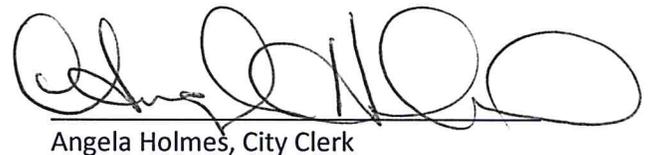
On this date I announced the following:

- There are 11 confirmed cases of COVID-19 among City residents, and unfortunately 1 death.
- There are 3 confirmed cases of COVID-19 among City employees. Appropriate actions within each department have been taken to quarantine exposed employees and to disinfect facilities.
- A new grant program called the Westbrook-Warren Memorial Foundation Emergency Arts Funds is under development and will be launched soon.
- I urged compliance with Governor Mills' Executive Order issued on March 31, 2020 which establishes a Stay at Home directive and issues further restrictions on business and activities.

Signed this 1st day of April, 2020.

Attest:


Michael T. Foley, Mayor


Angela Holmes, City Clerk

Attachments:

March 20, 2020	Mayor's Press Release
March 24, 2020	Mayor's Press Release
	Families First Coronavirus Response Act
March 31, 2020	Public Services Department COVID-19 Emergency Funeral Protocol
April 1, 2020	Mayor's Press Release

March 20, 2020

To the Citizens & Visitors of Westbrook,

Today our Coronavirus Task Force met to discuss the City's plans on moving forward and handling issues that arise due to the coronavirus (COVID-19). As we now know, there are currently 56 confirmed cases in Maine, most of which are from Cumberland County, and now have 2 cases of a City residents being appropriately treated. We still await CDC investigations for further details to become public. We remain in close communication with federal, state and regional officials on developments related to this situation and would like to provide additional updates on the City's response to protect the public health and safety for this current State of Emergency.

Ensuring the safety of our employees and the general public, while also continuing to provide the critical services necessary to run the City, is of paramount importance to us. **In order to minimize the rise of exposure to employees, volunteers and the general public, I have done the following:**

- **Previously declared a State of Emergency in the City of Westbrook on March 15th and renewed by the City Council during an emergency meeting on March 19th. All previous actions were reported to them on that date and will be reported on a weekly basis. This information can be reviewed on the City's website: www.westbrookmaine.com/639/Coronavirus**
- **Established Remote Access Public Meetings and Adoption of City Council Rules of Procedure. More details to follow for future meetings.**
- **Ordered for the immediate closure of the following City & School facilities: Playgrounds and play structures, athletic courts, athletic fields, Skate Park and outside gathering structures. These closures are made in the interest of public health and safety to slow community spread. The City encourages the use of open green spaces and public trail systems, with the use of social distancing. We strongly encourage compliance with Governor Janet Mill's ban on social gatherings of 10 or more people. We are blessed in our community to have trail systems in the City, please visit the Presumpscot Regional Land Trust's website: www.prlt.org**
- **Follow Governor Mills' closure of all dine-in facilities and encourage take-out, delivery, and drive-thru service. We encourage all businesses offering takeout to implement social distancing practices by limiting the amount of customers inside of establishments and encourage other customers to wait outside.**
- **Launching Westbrook's Takeout & Delivery Support Effort & Contest to support our local businesses. More details will be available on our website and social media.**
- **Encourage other remaining business to explore telecommuting and where not possible, follow all CDC guidelines to keep employees and visitors safe.**
- **Superintendent Dr. Lancia also announced the Westbrook School Department is closed until April 27th, 2020 and they also have details on their website regarding their response.**
- **The Greater Portland Transit District (METRO) is offering FREE rides and announced all Mon-Fri service will now operate on a Sat schedule effective today.**

Police, Fire & Rescue and Public Services continue to remain fully operational. Given these closures, we strongly encourage the use of telephone, email and online services wherever possible for conducting business with the City. We thank those employees who continue to serve during this crisis.

During this time period, we will monitor this public health situation and modify all directives as appropriate. Under the continued advisement, we are seeking to minimize our public contact in order to reduce the spread of this highly contagious virus. Please continue to practice "social distancing" to protect themselves and others.

Remember these preventative actions are being taken out of an abundance of caution and concern for everyone and not panic. We apologize for any inconveniences you may experience as a result of these measures.

We continue to recognize that the spread of this virus is a fluid and rapidly evolving situation that requires close monitoring and the need to adapt quickly. We will continue to monitor and respond accordingly and provide additional updates to everyone should recommendations change. We encourage everyone to check in with their neighbors and help each other out if/when possible. Our thoughts and prayers continue to be with all affected by this crisis. Our community is strong and we will come out stronger.

For more information on the City's response and the status of the pandemic, please visit www.westbrookmaine.com/639/Coronavirus with links to the CDC and Westbrook School Department.

Thank you and stay safe.



Mayor Michael T. Foley



MAYOR'S OFFICE



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March 24, 2020

To the Citizens & Visitors of Westbrook,

Today, Governor Mills provided some new orders and recommendations that our staff is meeting regularly to discuss the City's plans and handling issues that arise due to the coronavirus (COVID-19). As we now know, there are currently 118 confirmed cases in Maine, most of which are from Cumberland County, and we now have 4 cases of City residents being appropriately treated. We remain in close communication with federal, state and regional officials on developments related to this situation and would like to provide additional updates on the City's response to protect the public health and safety for this current State of Emergency.

Ensuring the safety of our employees and the general public, while also continuing to provide the critical services necessary to run the City, is of paramount importance to us. **In order to minimize the rise of exposure to employees, volunteers and the general public, I have done the following:**

- **Previously declared a State of Emergency in the City of Westbrook on March 15th and renewed by the City Council during an emergency meeting on March 19th. All previous actions were reported to them on that date and will be reported on a weekly basis. This information can be reviewed on the City's website: www.westbrookmaine.com/639/Coronavirus**
- **Suspended towing and ticketing of vehicles as part of our snow emergency ordinances.**
- **Enacted a Human Resources Policy and Procedure Families First Coronavirus Response Act**
- **Waive all fees and interest on late sewer payments in conjunction with the Portland Water District.**
- **Follow Governor Mills' Executive Order as of March 24th as follows:**
 - **All non-essential businesses and operations close their physical locations that are public facing, meaning those that allow customer, vendor or other in-person contact. The Order also closes non-essential business sites that require more than ten workers to convene in a space where physical distancing is not possible. Non-essential businesses and operations may continue activities that do not involve these types of in-person contact and convening, and should facilitate the maximum number of employees working remotely. The Order is effective tomorrow, March 25th at 12:01 a.m. and extends for a period of 14 days through April 8th at 12:00 a.m. From a City perspective, we have already been making changes to support these orders while also keeping essential functions of our government working.**
- **We previously launched, Westbrook's Takeout & Delivery Support Effort & Contest to support our local businesses with details available on our website and social media. We encourage businesses to better protect both customers and employees.**
- **Superintendent Dr. Lancia also previously announced the Westbrook School Department is closed until April 27th and they also have details on their website regarding their response.**

Police, Fire & Rescue and Public Services continue to remain fully operational and we thank those dedicated employees who continue to serve during this crisis. Given these closures, we strongly encourage the use of telephone, email and online services wherever possible for conducting business with the City.

We understand other communities have issued more restrictive orders though our Coronavirus Task Force does not feel those are necessary at this time and will rely upon the current orders of the Governor. We will continue monitoring this public health situation and modify all directives as appropriate. Under the continued

advisement, we should minimize our public contact in order to reduce the spread of this highly contagious virus. Please continue to practice the recommended "physical distancing" to protect us all.

Remember these preventative actions are being taken out of an abundance of caution and concern for everyone and not panic. We apologize for any inconveniences you may experience as a result of these measures.

We continue to recognize that the spread of this virus is a fluid and rapidly evolving situation that requires close monitoring and the need to adapt quickly. We continue to monitor and respond accordingly as well as provide additional updates to everyone should recommendations change. We encourage everyone to check in with their neighbors and help each other out if/when possible. Our thoughts and prayers continue to be with all affected by this crisis. Our community is strong, and we will come out stronger.

For more information on the City's response and the status of the pandemic, please visit www.westbrookmaine.com/639/Coronavirus with links to the CDC and Westbrook School Department.

Thank you and stay safe.

A handwritten signature in black ink, appearing to read "Michael T. Foley".

Mayor Michael T. Foley

City of Westbrook
Human Resources Policy and Procedure
Families First Coronavirus Response Act

The City of Westbrook will follow the Families First Coronavirus Response Act, which was signed into Federal law on March 18, 2020. The Act provides two separate paid leave employment benefits for employees who miss work for reasons related to COVID-19: The **Emergency Family and Medical Leave Expansion Act**, which expands FMLA guidelines to allow leave for certain reasons related to the COVID-19 emergency; and the **Emergency Paid Sick Leave Act**, which provides paid sick leave for employees impacted by COVID-19 and those serving as caregivers for individuals with COVID-19. Each becomes effective no later than April 2, 2020 (15 days after the March 18, 2020 enactment date) and expires December 31, 2020. Details and criteria for each of these benefit expansions are below.

Emergency Family and Medical Leave Expansion Act

Public Health Emergency Leave

- This section of the law expands FMLA for a qualifying need related to a public health emergency.
 - Applies to employees who are unable to work (or telework) “due to a need for leave to care for a son or daughter under 18 years of age, if the school or place of care has been closed, or the childcare provider of such son or daughter is unavailable, due to a public health emergency.”
 - Public health emergency means an emergency related to COVID-19 declared by a federal, state or local authority.
- The first 10 days of leave can be unpaid. An employee can opt to substitute accrued vacation, personal or sick leave during this time, but an employer may not require an employee to do so.
- The employer must provide paid leave for the remaining 10 weeks for FMLA leave.
 - The paid leave must be an amount that is not less than two-thirds of an employee’s regular rate of pay and the number of hours the employee would normally be scheduled to work. However, pay need not exceed \$200 per day and \$10,000 in the aggregate.
- For employees with variable hours each week, paid leave would be equal to the average number of hours worked per day over the previous six months.

Employers Covered

- Applies only to employers with fewer than 500 employees.
- The Department of Labor has authority to create regulations that can exempt small business with fewer than 50 employees when the imposition of such requirements would jeopardize the viability of the business.

Employee Eligibility

- Any employee who has been employed for at least 30 days as of the date leave is requested is eligible for leave.
- Employers of health care providers or emergency responders may elect to exclude such employees from application of the FMLA leave for a public health emergency. The Department of Labor may also exclude them from the definition of employee under the Act.

Job Restoration

- Employers with 25 or more employees will have the same job restoration obligation as exist under the traditional FMLA.
- Job restoration is not required for employers with fewer than 25 employees if:
 - The position held by employee when leave commenced is eliminated because of economic conditions or other changes in operating conditions of employer caused by the public health emergency during period of leave; and
 - The employer makes reasonable efforts to restore the employee to a position equivalent to the position the employee held at commencement of leave with equivalent benefits, pay, and other terms and conditions of employment; and
 - If such efforts fail, the employer makes reasonable efforts to contact the employee for a one-year period beginning on earlier of the date on which the public emergency need concludes, or a date 12 weeks after the date leave commences.

Emergency Paid Sick Leave Act

Paid Sick Time Requirement

- Full-time employees are entitled to 80 hours of paid sick leave (10 work days).
- Part-time employees are entitled to a number of hours equal to the number of hours that such employee works, on average, over a 2-week period.
- **Compensation for paid sick time will be calculated at the employee's regular pay rate up to a maximum of \$511 per day and \$5,110 in the aggregate for employees using paid sick leave for the following:**
 - The employee is subject to a quarantine or isolation order related to COVID-19.
 - The employee has been advised by a health care provider to self-quarantine due to COVID-19.
 - The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
- **Compensation for paid sick time will be calculated at two thirds of the employee's regular pay rate up to a maximum of \$200 per day and \$2,000 in the aggregate for employees using paid sick leave for the following:**
 - The employee is caring for an individual who is subject to quarantine order or has been advised to self-quarantine.
 - The employee is caring for their son or daughter if the school or childcare of that son or daughter has been closed, or the childcare provider of such son or daughter is

- unavailable due to COVID-19 precautions.
- The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and Secretary of Labor.
- The paid sick leave under this law is leave in addition to other paid leave an employer provides. **Employers cannot require employees to use other paid leave first.**

Covered Employer

- A private entity or individual employing fewer than 500 employees.
- A public agency or any other entity that is not a private entity that employs one or more employees.
- The Department of Labor may create regulations to:
 - Exempt small business with fewer than 50 employees from certain provisions when the imposition of such requirements would jeopardize the viability of the business as a going concern; and
 - Exclude certain health care providers and emergency responders, including by allowing the employer of such employees to opt out.

Employee Eligibility

- The act applies to an individual who is an employee under the FLSA regardless of how long that individual was employed with the employers.
- An employer of an employee who is a health care provider or emergency responder by elect to exclude such employee.

No Termination Pay-Out or Carry Over Required

- Paid sick time not used at the time of termination, resignation or retirement does not need to be paid out to the employee.
- Unused time does not carry over to the following year.

Posting and Enforcement

- Employers must post a notice to be prepared by the Department of Labor
- Violation of the paid sick leave requirements is viewed as a violation of the minimum wage requirements of the FLSA.

Effective: March 24, 2020, Mayor Michael T. Foley



ENGINEERING & PUBLIC SERVICES



Arty Ledoux

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Public Services Department COVID-19 Emergency Funeral Protocol

Until further notice

In response to the current COVID-19 the City of Westbrook has put the following guidelines in place until further notice. These have been communicated to the funeral homes.

The following rules will apply to both full size burials and cremations.

- No more than 10 people graveside which includes the family, clergy, and funeral director/staff.
- Currently there are no military funerals being performed.
- Anyone exhibiting symptoms of COVID-19, positive test cases, presumed positive cases, awaiting test results, or under quarantine will not be allowed to attend. Funeral Directors will be required to screen all attendees and communicate to Public Services.
- No walk-ups will be allowed at the cemetery once the 10 person max has been reached. Funeral Directors will enforce this policy.
- Attendees will practice social distancing. Funeral Directors will enforce this policy.
- All caskets/urns will be sanitized by the Funeral Director prior to arrival and while on site.
- Public Services employees will not serve as pall bearers under any circumstances.
- Funeral Directors will be required to place the urn either on the greens or in the vault while wearing gloves.
- Funeral Directors will be responsible to place the casket on the lowering device and lowering. Anyone handling or touching the casket/urn will be required to wear gloves. Funeral Directors should be prepared for this with extra gloves on-site.
- No flowers will be allowed on site. Funeral Directors will ensure this.
- Funeral Director will coordinate with Swann's for placing the lid on the vault.
 - Public Services employees may have to assist with placing of the lid.
- During "no service" cremation interments, family members will be required to distance themselves from Public Services employees or leave the cemetery prior to employees burying the cremains.
- Public Services staff will be on-site during funerals but parked away from the service in separate vehicles.

- Once the funeral is complete and everyone has departed Public Services will inter the body and the funeral director and staff will remain on-site but away from the burial until the lid is on the vault.
- Paperwork will be scanned and emailed to Public Services, and signed paperwork will be scanned and emailed back to the funeral home.
- Checks will be mailed in to Public Services by the funeral homes. No exchange of checks or signatures will take place graveside.

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April 1, 2020

To the Citizens & Visitors of Westbrook,

We hope everyone is healthy and well. As we go into our third week of this State of Emergency, some may be experiencing frustration and impatience in complying with the various rules & recommendations. We encourage everyone to hang in there as best they can. Weather soon will improve and we can enjoy the outdoors more. Westbrook residents have been doing a great job complying with all current and previous rules & recommendations. We have had some reports of individuals accessing closed facilities and kids gathering in different places. While we fully understand the desire to remain active, it is critically important that we do so according to current rules & recommendations.

Yesterday, Governor Mills provided some new orders and recommendations that our staff is meeting regularly to discuss the City's plans and handling issues that arise due to the coronavirus (COVID-19). As we now know, there are currently over 300 confirmed cases & 5 deaths in Maine, with most of the cases from Cumberland County. We now have 11 cases of City residents being appropriately treated and unfortunately 1 death. Our thoughts and prayers are with those families who are being treated and those who have lost loved ones. We also have 3 City employees that are confirmed cases and we have taken appropriate actions within each department to quarantine exposed employees and disinfect the facilities. We remain in close communication with federal, state and regional officials on developments related to this situation and would like to provide additional updates on the City's response to protect the public health and safety for this current State of Emergency.

Ensuring the safety of our employees and the general public, while also continuing to provide the critical services necessary to run the City, is of paramount importance to us. **In order to minimize the rise of exposure to employees, volunteers and the general public, I have done the following:**

- Declared a State of Emergency remains in effect until further notice. All actions are reported to the City Council on a weekly basis and previous actions can be reviewed on the City's website: www.westbrookmaine.com/639/Coronavirus
- Enacted Public Services Department COVID-19 Emergency Funeral Protocol
- Through a major donation, we will be launching the Westbrook-Warren Memorial Foundation Emergency Arts Fund. This grant program is under development and more details will be released soon.
- Enacted schedule changes for all City staff including potential schedule changes for our Public Safety personnel to better protect those employees.
- Follow Governor Mills' Executive Order as of March 31st mandating a series of new restrictions effective April 2nd, including:
 - Stay Healthy at Home directive that requires people living in Maine to stay at home at all times unless for an essential job or an essential personal reason, such as obtaining food, medicine, health care, or other necessary purposes.
 - For essential businesses and operations that remain open, limiting the number of customers in their buildings at any one time, implementing curb-side pickup and delivery options as much as possible, and enforcing U.S. CDC-recommended physical distancing requirements for their customers and employees in and around their facilities.
 - Prohibiting the use of public transportation unless for an essential reason or job that cannot be done from home and limiting the number of people traveling in private vehicles to persons within the immediate household unless transporting for essential activities.

- Mandating the continued termination of classroom or in-person instruction until at least May 1st.
- Mandating that, when out of the home or when at work at an essential business, individuals shall maintain a minimum distance of six feet from other persons.
- We previously launched, Westbrook's Takeout & Delivery Support Effort & Contest to support our local businesses with details available on our website and social media. We gave away our first \$100 gift certificate Monday and congratulations to Jaclyn Hazlewood our first winner. We thank her and the other submissions for supporting local businesses. Get your entries in! We encourage businesses to better protect both customers and employees.
- Superintendent Dr. Lancia also has many announcements for the Westbrook School Department and details are on their website regarding their response.

Police, Fire & Rescue and Public Services continue to remain fully operational and we thank those dedicated employees who continue to serve during this crisis. Given these closures, we strongly encourage the use of telephone, email and online services wherever possible for conducting business with the City.

We continue to rely upon the Governor, Maine CDC, and our Coronavirus Task Force for guidance as we continue monitoring this public health situation. We modify all directives as appropriate and under the continued advisement, we should minimize our public contact in order to reduce the spread of this highly contagious virus. Please continue to practice the recommended "physical distancing" to protect us all.

Remember these preventative actions are being taken out of an abundance of caution and concern for everyone and not panic. We apologize for any inconveniences you may experience as a result of these measures.

We continue to recognize that the spread of this virus is a fluid and rapidly evolving situation that requires close monitoring and the need to adapt quickly. We continue to monitor and respond accordingly as well as provide additional updates to everyone should recommendations change. We encourage everyone to check in with their neighbors, especially seniors, and help each other out if/when possible. Our thoughts and prayers continue to be with all affected by this crisis.

Looking ahead, it seems likely that things will get worse before they get better. Let's remain strong right now to flatten the curve, keep each other and ourselves healthy, and protect our first responders and health care providers. Our community is strong, and we will come out stronger. As Governor Mills said yesterday, "Do your part and stay apart!"

For more information on the City's response and the status of the pandemic, please visit www.westbrookmaine.com/639/Coronavirus with links to the CDC and Westbrook School Department.

Thank you and stay safe.



Mayor Michael T. Foley