



**WESTBROOK COMMITTEE OF THE WHOLE  
COMMITTEE OF THE WHOLE AGENDA  
MONDAY, SEPTEMBER 11, 2023 AT 6:00 PM  
WESTBROOK HIGH SCHOOL (ROOM 114)  
125 STROUDWATER ST.**



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**MEETING INFORMATION**

**Remote Participation Option Available.** This meeting will be offered as a hybrid meeting, accommodating both in-person and remote attendance, in accordance with City Council's Remote Participation Policy. Visit <https://us02web.zoom.us/j/81700741385> to attend remotely. See attached document for additional information, including how to join by phone.

**I. LAND ACKNOWLEDGEMENT STATEMENT**

The Westbrook City Council understands, honors, and acknowledges that the City of Westbrook is located on the traditional and unceded homelands and waters of the Indigenous people of the Presumpscot River. We recognize that the Wabanaki people have been displaced by the advancement of colonization, yet have belonged to this land for countless generations and thousands of years, and their presence continues in Maine to this day.

**II. ROLL CALL**

**III. OVERNIGHT SHELTERS**

Discussion of the referral on "Amending the Zoning Ordinance to Allow Overnight Shelters in Westbrook"

**IV. ADJOURNMENT**

## REMOTE PARTICIPATION INSTRUCTIONS

This meeting will be offered as a hybrid meeting, accommodating both in-person and remote participation, in accordance with City Council's Remote Participation Policy. The physical meeting location is listed on this meeting's agenda. The remote participation option requires the use of the Zoom platform.

Where public comment and/or public hearings are listed on the agenda, members of the public attending remotely will be provided with the opportunity to provide remote oral testimony. If you wish to speak during a public hearing or public comment portion of the meeting, please use the "Raise Hand" function through Zoom (or dial \*9 on your phone).

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Webinar ID: 817 0074 1385

**To join from a PC, Mac, iPad, iPhone or Android device:**

Please click this URL to join: <https://us02web.zoom.us/j/81700741385>

**Or One tap mobile:**

+13126266799,,81700741385# US (Chicago)  
+16465588656,,81700741385# US (New York)

**Or join by phone:**

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or  
+1 253 215 8782

**International numbers available:** <https://us02web.zoom.us/j/kkBBkV3bg>

# **WESTBROOK CITY COUNCIL REMOTE PARTICIPATION POLICY**

## **Section 1. Purpose.**

This policy is adopted pursuant to 1 M.R.S. §403-B to provide a written policy to govern the use of remote means for public meetings by the Westbrook City Council. The purpose for conducting remote or hybrid meetings is to facilitate the conduct of local government under emergency conditions or where other factors prohibit the attendance of one or more members of the City Council and/or the general public.

## **Section 2. Definitions.**

*City Council* means Westbrook City Council, and meetings of the City Council shall include City Council meetings, workshops, and City Council Committee meetings.

*Hybrid meeting* means a public proceeding, as defined in 1 M.R.S. § 402(2) conducted with some meeting attendees in person/face-to-face at a designated physical location while connecting with other meeting attendees by remote means.

*Public meeting* means a “public proceeding,” as that term is defined in 1 M.R.S. § 402(2), as may be amended.

*Remote* means “remote methods” as defined in 1 M.R.S. § 403-B(1) and includes any form of audio and visual conference technology, or audio conference technology, including teleconference, videoconference, and voice over internet protocol, that facilitates interaction between the public and Councilors. Remote means does not include text-only means such as email, text messages, or chat functions.

*Remote meeting* means a public proceeding, as defined in 1 M.R.S. § 402(2), conducted solely by remote means.

## **Section 3. Use of Remote Means for Public Meetings.**

### **A. Types of Meetings and Participation Allowed.**

1. Remote meetings of the City Council. Members of the City Council are expected to be physically present for public meetings, except when the Mayor and Chair of the City Council meeting determine the existence of an emergency or other urgent issue that requires the City Council to conduct a remote meeting. The determination of such an emergency or urgent issue shall be made as soon as practicable and notice of a meeting being conducted solely by remote means shall be disseminated consistent with 1 M.R.S. § 406, as may be amended, and Subsection B of this Section.
2. Hybrid Meetings with Remote Participation by Individual City Councilors. Except for a remote meeting being conducted consistent with Section 3(A)(1) of this Policy, City Councilors are expected to be physically present for all public meetings except when being physically present is not practicable for one or more Councilors. Circumstances

under which physical presence for one or more Councilors is not practicable are limited to:

- i. Illness or other physical condition, or temporary absence from the City of Westbrook that causes the Councilor to face significant difficulties travelling to and attending the public meeting in person; or
    - ii. To provide a reasonable accommodation to a Councilor with a disability.
  3. Members of the public shall have the opportunity to attend by remote means when one or more members of the City Council participate by remote access. The City shall make reasonable accommodations necessary to provide access to individuals with disabilities. Except in the case of an emergency or urgent issue requiring the City Council to hold a remote meeting, members of the public shall not be required to participate in a meeting by remote methods.
- B. Notice of Remote Meeting or Hybrid Meeting. Notice of a remote meeting or hybrid meeting must be provided in accordance with 1 M.R.S. § 406 and applicable City ordinances, policies, and practices, and shall inform members of the public how to contemporaneously:
  1. Remotely view the video and audio of the meeting through internet streaming or other means;
  2. Provide remote oral testimony in a manner that allows Councilors and other meeting participants to hear the testimony, whether through an internet link, a telephone conference, or other means;
  3. Obtain copies of packet materials; and
  4. If a hybrid meeting, list the specific location of the public meeting site at which members of the public may attend in person and where at least some of the Councilors will be present in person.
- C. Remote Meeting and Hybrid Meeting Requirements. Any remote meeting or hybrid meeting must comply with the following:
  1. The remote means used by the City Council must allow all members of the public participating in the meeting to hear, or see and hear, all City Councilors and any other speaker;
  2. Each member of the City Council participating in the meeting must be able to hear and speak to all other Councilors and must be heard by the members of the public attending and observing the meeting during the meeting;
  3. Any Councilor participating in a meeting by remote means shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the City Council;

4. At the start of the meeting, the Chair of the meeting shall announce the names of any Councilors participating by remote means and state the reason therefor, which reason must be consistent with Section 3(A)(2) of this Policy;
  5. For audio-only teleconferencing, each speaker should repeat his/her/their name before making remarks;
  6. All Councilors shall refrain from electronic communications regarding subjects considered at the meeting during the meeting, except that Councilors may receive electronic copies of materials otherwise made available at the meeting;
  7. There should be a means for the remote means facilitator to be able to unmute and identify each speaker, to organize and summarize chat/Q&A messages from the public, and/or to read public comment into the record at the appropriate time during the meeting;
  8. All votes during the meeting shall be conducted by roll call (with each Councilor present stating “yes” or “no” as each name is called) so that it is clear how each Councilor voted;
  9. All remote and hybrid meetings shall be recorded by audio or video recording technology, and the City Council shall make the recording of the meeting electronically available for public access as soon as practicable after the meeting.
- D. Disruptions and adjournment. If during the conduct of a remote or hybrid meeting, the meeting is interrupted through disruptions or glitches in the technology, the meeting shall be automatically recessed to restore communication. If the interruption cannot be resolved within a reasonable period of time, the Chair of the meeting may adjourn the meeting.
- E. Executive Sessions. To preserve the executive session privilege of any portion of a meeting closed to the public, the Chair of the meeting should confirm with each attendee that no unauthorized person is present or has access to any executive session being conducted via remote means. There shall be no audio or visual recording of an executive session.
- F. Remote means account. City of Westbrook accounts must be used for purposes of all remote meetings and hybrid meetings conducted by the City Council. The use of private accounts to host a remote or hybrid meeting is prohibited.

#### **Section 4. Other City Boards and Committees.**

Any City of Westbrook board, commission, or committee may adopt this Policy to comply with 1 M.R.S. § 403-B, with the name of the board being substituted for that of City Council. Any board adopting such a remote and hybrid meeting policy under this section must, after hearing on the same, file written notice of the vote with the City Clerk upon adoption.

#### **Section 5. Compliance with Policy.**

This Policy is intended to be self-enforcing and is an expression of the standards of conduct expected by the City for City Councilors and members of boards, commissions, and committees. The City Council does not waive the right to address any violations in the manner it deems appropriate under the specific circumstances.

Adopted: September 13, 2021



## Planning & Code Enforcement

2 York Street  
Westbrook, Maine 04092  
Phone: 207-854-0638  
Fax: 866-559-0642

### PLANNING & CODE ENFORCEMENT

#### MEMO

DATE: September 7, 2023  
TO: Mayor, City Council  
FROM: Jennie P. Franceschi, City Planner & Rebecca Spitella, Senior Planner  
Cc: City Administrator, City Clerk, City Solicitor

RE: Committee of the Whole – Discussion on Overnight Shelters and Land Use Connections

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As requested by the Administration, Staff is providing the Committee of the Whole a brief memo on Land Use considerations related to Homeless/Overnight Shelters which we hope will serve as a conversation starter for the meeting.

As a little bit of background, the Land Use Ordinance does not have a definition for Overnight shelters currently. We have a definition of Boarding Home for Sheltered Care (i.e., Women's shelter) allowed in the City Center District. Group Homes are defined as Community Living Arrangements and are permitted in all zones where single-family homes are permitted, for 8 or fewer individuals who meet the Federal definition of disability.

If the Committee of the Whole were looking to place a new use in a specific district, there would be several questions that Staff would be seeking guidance from the Committee of the Whole to determine the path forward.

1. Locations - What would be examples of where you would see this use?
  - a. Residential or Commercial based Districts?
  - b. District wide or within a district meeting certain parameters?
    - i. Transit line with 5–10-minute walk
    - ii. Sewer & Water
    - iii. On a major collector or minor arterial street
2. Would you want to start with use of existing structures with civic space – i.e., churches?
3. Are these Uses Public or Privately managed?
4. If you were to allow New structure built for such use, we would suggest considering:
  - a. Parameters on how a use is permitted.
  - b. Standards on how a use is to be maintained.

There is another Land Use tool that the City could use and potentially achieve a better final outcome, which would be Contract Zoning. When an applicant comes forward to the City for a specific location, we have a more concrete location and can better determine the needs of the project and the location.

A contract zone affords the City the greatest flexibility in delivery of a new use into a district without having to ponder hypothetical situations like when you are talking about placement of a use district wide. Instead, the City can be focused on a specific use in a specific location and can make the best decisions based on factual information and not conjecture of what a use might create throughout an entire district.

We use contract zones sparingly as they should not be the go to tool in Land Use, but for uses that are special or unique, it does afford the ability of the City Council to be a part of the process and ensure that the use provides those components that make a successful project but also an added value for the City.

Staff look forward to a discussion and feedback on this topic on Monday.