

CITY OF PORTLAND, MAINE

HISTORIC PRESERVATION BOARD



Penny Pollard, Chair
Robert O'Brien, Vice Chair
Hilary Bassett
Joy Naifeh
Julia Tate
John Turk
Rob Whitten

AGENDA

HISTORIC PRESERVATION BOARD MEETING

The Historic Preservation Board will hold a remote meeting on Wednesday, July 28, 2021, 5:00 p.m. This meeting will take place using Zoom.

Please note that the placement of items on this agenda are subject to change – please check the Agenda & Minutes Center prior to the meeting for the item approximate start time.

When participating via Zoom, allow your computer to install the free Zoom app to get the best meeting experience. For public comment, you will need to use the “raise your hand” feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the moderator when it is time for public comment.

ZOOM MEETING INSTRUCTIONS

You are invited to a Zoom webinar.

When: Jul 28, 2021 05:00 PM Eastern Time (US and Canada)

Topic: Historic Preservation Public Hearing July 28, 2021

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86098222662>

Or One tap mobile :

US: +13017158592,,86098222662# or +13126266799,,86098222662#

Or Telephone:

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

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 860 9822 2662

International numbers available: <https://us02web.zoom.us/j/86098222662>

For more information on how to use Zoom, please go to: <https://www.portlandmaine.gov/remotePUD>

Public Comments will be taken for each item on the agenda and written comments should be submitted to hp@portlandmaine.gov

1. PUBLIC HEARING - 5:00 PM
2. ROLL CALL AND DECLARATION OF QUORUM
3. REPORTS OF DECISIONS AT THE MEETING HELD ON JULY 21, 2021
 - i. There were no public hearing items to report on.

4. COMMUNICATION AND REPORTS

5. NEW BUSINESS

- i. Discuss and vote on the hybrid policy for the Historic Preservation Board meetings starting August 1, 2021. This item is being continued from the Historic Preservation Board meeting held on July 21, 2021.

6. CONSENT AGENDA

MEMORANDUM
City Council Agenda Item

FROM:

DATE: July 22, 2021

SUBJECT: Discuss and vote on the hybrid policy for the Historic Preservation Board meetings starting August 1, 2021. This item is being continued from the Historic Preservation Board meeting held on July 21, 2021.

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

Can action be taken at a later date: No

PRESENTATION:

I. SUMMARY

II. AGENDA DESCRIPTION

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Remote Mtg. Policy (Att. 1.)
2. Remote Mtg. Policy (Att. 2.)

Prepared by:

Date: 07/22/2021

Remote Board Meetings Now OK'd Permanently

The Legislature has made remote participation in public board meetings permissible on a permanent basis, but only under limited circumstances. PL 2021, c. 290, was enacted as an emergency measure and took effect on June 21, 2021, with the Governor's signature. It adds a new provision (§ 403-B) to Maine's Freedom of Access Act or FOAA (1 M.R.S. §§ 400-414).

Meanwhile, FOAA's temporary provision (§ 403-A) authorizing remote participation in public board meetings during the COVID-19 pandemic remains in effect until July 30, 2021.

Under the new law board members are expected to be physically present for meetings, but may attend board meetings via remote methods of participation in the case of an emergency or urgent issue that requires the board itself to meet remotely, or an illness or temporary absence that causes a board member significant difficulties in traveling to a meeting.

The public must have a meaningful opportunity to attend via remote methods when board members participate via remote methods. If public input is allowed or required at a meeting, an effective means of communication between the board and the public must also be provided. A board must provide a location where members of the public may attend in person. A board may not limit public attendance to remote methods only except in case of an emergency that requires the board itself to meet remotely.

Remote methods include telephonic or video technology allowing simultaneous reception of information and also permits other means necessary to accommodate disabled persons. But remote participation cannot be by text-only means such as e-mail, text messages, or chat functions

To enable remote participation, a board must first, after public notice and hearing, adopt a written policy governing remote participation by board members and the public that contains the limitations noted above.

Notice of all board meetings is required as usual (see § 406). When the public may attend via remote methods, notice must include the means by which the public may access the meeting remotely, and a location for the public to attend in person (except in case of an emergency).

A board must make all documents and materials to be considered by the board available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the board.

All votes during a board meeting using remote methods must be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other board members and the public. A board member who participates remotely is considered present for purposes of a quorum and voting.

Remote participation is not permitted for town meetings or regional school unit budget meetings.

As we noted above, FOAA's temporary provision authorizing remote board meetings, which does not require adoption of a local policy, remains in effect until July 30, 2021 (see § 403-A). After that date, boards are not authorized to permit remote participation without first adopting a written policy in compliance with the new law (see § 403-B). For a sample remote participation policy, see this link: _____ (*By R.P.F.*)

REMOTE PARTICIPATION POLICY

HISTORIC PRESERVATION BOARD CITY OF PORTLAND, MAINE

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the above-named body adopts the following policy to govern the participation, via remote methods, of members of the body and the public in the public proceedings or meetings of the City of Portland Zoning Board of Appeals (hereinafter, "body").

Members of the body are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via remote methods, or an illness or temporary absence of a member that causes significant difficulty traveling to the meeting location. The chair or presiding officer of the body, in consultation with other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair or presiding officer of the body as far in advance as possible.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public, City staff, and applicants will be provided a meaningful opportunity to attend via remote methods when any member of the body participates via remote methods or when remote methods are available at a given body meeting. If public input is allowed or required at the meeting, an effective means of communication between the body and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire body to meet using remote methods.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable charter, ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The body will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the body to meet using remote methods of attendance.

The body will make all documents and materials to be considered by the body available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the body.

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the body and the public. A member of the body who participates remotely will be considered present for purposes of a quorum and voting.

This policy will remain in force indefinitely unless amended or rescinded.

Date: July 21, 2021

Chair

Vice Chair
