

**DRAFT MINUTES**  
**Town of Brunswick, Maine**  
**Shelter Task Force**  
**Wednesday, May 9, 2018**  
**4:00 – 5:00 PM**  
**85 Union Street – Room 206**

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**Meeting Minutes**

**Task Force:** Councilor James Mason (Chair), Councilor Kathy Wilson, and Councilor Alison Harris

**Staff:** John Eldridge, Town Manager; Jared Woolston, Town Planner; Ryan Leighton, Assistant Town Manager

**Others Present:** Jane Millett, Councilor; Sean Donohue, Jim Bridge, Keith Klein, Clark Labbe, Craig Phillips, Executive Director of Tedford Housing; Andree Appel, Courtney Neff, NorthWest Brunswick Neighborhood Association

**Chair Mason:** Today's meeting will focus solely on proposed definitions from staff in order to define shelter, and is open to public input in order to craft this definition.

**Acknowledgement that the meeting was properly noticed:** Manager Eldridge affirmed that the meeting was properly noticed.

**Adjustments to the agenda:** Chair Mason will take public comments after the proposed definitions have been discussed by the Task Force and staff.

**Approval of meeting minutes from 5/2/18:** The Task Force unanimously approved the minutes from 5/2, and requested that they be posted on their webpage after approval. Manager Eldridge will post them.

**Alison Harris** suggested a sign-up sheet for next meeting.

**Discussion of Proposed Definitions of Shelter and Homeless**

**Chair Mason:** Looked at the section that said "Emergency Shelter Non-Apartment-Style", "Emergency Shelter Apartment-Style". There are similarities in each of the definitions. May make sense to define "Emergency Shelter" first. Manager Eldridge responded that he separated the two uses to align with the format of the use tables. Jared confirmed this was consistent with how other uses were defined.

**Alison Harris:** In terms of the zoning code, in the revision the effort was to have you look at as few places as possible – if you were reading about something that related to standards for an emergency apartment-style shelter, you only had to go to one place for it, not a sub-group. Jared showed Class 1 and Class 2 for industrial uses on the town zoning map, and the fact that they're similar except for a scale difference. Chair Mason stated he was

speaking from a statutory standpoint, but if it was to align with the rest of the zoning code, that was fine.

**Chair Mason:** Gives him pause to have these defined as “emergency shelters”, and thinks of an immediacy that is evident upon entry of the facility. There are plenty of emergencies that lead people to turn to organizations like Tedford or some other shelter to need to come to that facility, but then they don’t want to push anyone out because that would cause the emergency again.

**Manager Eldridge:** It did come from other towns’ definitions. The word “shelter” by itself is used frequently in zoning and building. It needs to be called something to differentiate it from every other time we use the word “shelter” in the ordinance.

**Alison Harris:** That’s where it gets confusing. People enter because an emergency prompts it, but we were told they can often stay for weeks or even months, particularly in the family shelters, until suitable permanent housing is found, and until they are capable of living in permanent housing.

**Chair Mason:** Are there difficulties in the code by using the word “temporary”?

**Jared Woolston:** If you look at some of the ways that the Feds define transitional housing and emergency shelters, there are some distinctions, but as long as we define it in the way you mean it, it shouldn’t be a problem.

**Chair Mason:** “Accommodations are typically provided, or intended to be provided, on an overnight basis”. This is in Emergency Shelter, Non-Apartment-Style. Compare that with Emergency Shelter, Apartment-Style, “accommodations may be provided for lengths of stay exceeding overnight, but are not to be provided on a long-term basis”. I have questions about a lot of terms here.

**Kathy Wilson:** What is the definition of long-term?

**Chair Mason:** The town’s definition may be different than the shelter’s definition.

**Alison Harris:** If we feel that’s appropriate to include in the definition – that it can’t be considered a shelter if they stay there more than \_\_\_ period of time.

**Chair Mason:** What if one resident of the shelter exceeds what we perceive of as long-term, I guess then it becomes a code enforcement issue?

**Jared Woolston:** Yes.

**Manager Eldridge:** We should talk about this. It was left sort of vague in that way because of the fact that it’s an enforcement decision. The idea when the shelter was set up was to be temporary, not to be “long-term”. Some would say that 4 months is long-term.

**Chair Mason:** I don’t want the town or our codes forcing this on an organization like Tedford to kick people out.

**Manager Eldridge:** Ultimately it is your recommendation, but it was written so that interpretation could be left up to the Code Enforcement Officer.

**Alison Harris:** I have a problem with that – it puts the onus on the Code Enforcement Officer and it becomes subjective. The purpose of rewriting the code was to make these standards clear and straightforward so that everybody understood what it meant, and to put an amorphous term in like long-term, which for some people could mean a week and for others 6 months, I think it goes against the whole purpose of rewriting the code.

**Manager Eldridge:** No, I'm suggesting it's no different than when we use the term long-term congregate care. We don't define long-term there. I think it would be nice if you could specify the length, and if this group can get to that level of specificity I'm fine with that, but I do think that we'll have instances where the language has to be interpreted.

**Kathy Wilson:** I would be somewhat alright with defining long-term.

**Manager Eldridge:** Said we would need to be mindful of other instances where we use the term and how it might impact there.

**Alison Harris:** An alternative to that is to say something like “for stays up to \_\_\_\_\_ period of time, to be extended... I'm struggling with this.

**Chair Mason:** Emergency Shelter Non-Apartment-Style “Accommodations are typically provided, or intended to be provided, on an overnight basis”, compared with “accommodations may be provided for lengths of stay exceeding overnight, but are not to be provided on a long-term basis”. “Are typically provided” and “may be provided” are guidance sentences.

**Jared Woolston:** They are quite different than “shall”.

**Alison Harris:** The problem for me is the Non-Apartment-Style, typically provided on an overnight basis – suggests that the residency is reviewed daily, and I'm not sure that, at least in the case of the existing shelter, that's the case. Councilor Harris asked if people often stayed only one night, and Craig Phillips replied that it's rare – the model is once you enter the facility and the program, you're there until your next destination is achieved, whether it's permanent housing or going to the hospital. Their residency is not reassessed daily. Councilor Harris said that she believes that is implied in the draft.

**Jane Millett, Councilor,** objected. The Task Force has an audience of interested and knowledgeable people. If there is no public comment at this time, questions should not be asked of Craig Phillips.

**Manager Eldridge:** As I understand it, everyone is told to leave every day. If I'm a resident of someplace, I don't typically think that I'm asked to leave my residence. In this particular model, people are being told to leave. That's what I was trying to include.

**Alison Harris:** They leave their belongings so they expect to sleep there another night, and my understanding was that was for fiscal reasons, not because it was desirable that they be asked to leave – they just didn't have the staff to supervise the facility during the day. I don't believe that's their intended goal.

**Manager Eldridge:** We're struggling to put a time on something that's not defined.

**Chair Mason:** We're struggling with the idea of the definition dictating the use of the shelter, whichever style it is, and we may want to start talking about operational standards as part of this Task Force. I like the idea of saying what it is, and the distinction between non-apartment style and apartment-style. What if they have both?

**Jared Woolston:** You can have two uses if they're both allowed in that zone.

Jared left the meeting.

**Manager Eldridge:** When you combine the uses, other factors like density and size of building conditions have to be met. The reason that the separate definitions were proposed was because of the idea that there might be places where apartment-style might be appropriate, but not non-apartment style, and vice versa.

**Chair Mason:** I don't have any problem with them being split out. How is one to define dormitory-style, barracks-style and per-bed arrangement? Are those different?

**Manager Eldridge:** Yes. He explained the different styles to the Task Force. Typically it would be dormitory-style with 3 or 4 in a room, or barracks-style where you have a large room with cots or mats. Per bed could be redundant.

**Chair Mason:** I would take out per-bed if it's redundant, and I would want to think about "in a dormitory-style, barracks-style". Those are different.

**Kathy Wilson:** My understanding is that we are trying to figure out where such facilities can be located, more than how they're run. It's not our job to define how they're run except if part of how they're run is going to be important to where they're put. I don't want to dictate how to run a shelter, however, how it runs does dictate, to some extent, where it should be.

**Manager Eldridge:** You do, to some extent, have the ability to regulate how it runs, such as hours of operation.

**Chair Mason:** I think this committee was given the task of, if it chose, to go into operational standards.

**Alison Harris:** I would say, in terms of a way out of this long-term, is maybe to attack it, and I don't have any language for it, with the concept being the intent is to relieve the homelessness temporarily, while seeking a more permanent solution – without defining what the solution is, whether it's permanent housing or a hospital, or whatever it is. Clarify that the purpose is to relieve the homelessness until another alternative solution can be found.

### **Public Comment:**

**Jane Millett, Councilor:** Believes the Task Force is being hasty and precluding the public. The definition is a basis, but when they have worked through the decisions that have to be

made on uses, times, etc., they should come back to the definition issue and change it accordingly. If you use the word Shelter, Temporary, does that mean you're including inns and hotels? Chair Mason responded that "no charge or nominal charge by a not-for-profit or public agency" answers that. Manager Eldridge also noted that if they have administrative offices, those would also need to be permitted in the zone.

**Sean Donohue:** In the first definition, for Emergency Shelter, Non-Apartment-Style, overnight to me sounds exclusive – it is only for overnight. Maybe the degree of specificity you're going for is too high – I'd just like to suggest, "accommodations are typically provided, or need to be provided, on a temporary basis to alleviate an interim homeless condition, while permanent residence is sought elsewhere". It doesn't speak to overnight or multi-night weeks or months. Under Apartment-Style, I think you could make a similar approach, "accommodations may be provided on a temporary basis to fill an interim need". I do think it should be clear that it is intended to be temporary. About including the word emergency, the first thing that struck me is why not just call it Homeless Shelter, Apartment-Style or Homeless Shelter, Non-Apartment-Style. There are some terms I've come across - low barrier shelters, wet shelters, dry shelters, there is no distinction for those in here, and maybe they don't belong here. If they're not going to be here, I feel they should be defined elsewhere, perhaps under operational standards.

**Alison Harris:** Responded that once they've set up some definitions, that they might have operational standards, and the only question is whether those operational standards appear in the zoning code or if they appear in a separate ordinance. We have operational standards for restaurants, which are not incorporated into the zoning code, but they are strict laws about how a restaurant operates.

**Chair Mason:** Stated that he thought that level of specificity is appropriate in operational standards.

**Clark Labbe:** It does impact the neighborhood, but leaving it subjectively up to the Code Enforcement Officer as to how that impacts, whether someone is using drugs or not, I think it may fit into operational standards but circle back to definitions. There are likely neighborhoods that would welcome apartments for the homeless, but not for homeless drug abusers.

**Jim Bridge:** I think it's critical to define temporary and long-term, and where it's defined I don't think is important. May want to use Emergency Shelter, transitional and long-term. The transitional shelter is occurs after the emergency; working to get them into the community. Long-term being whatever long-term is defined as. He wonders if the Emergency Shelter, Apartment-Style is intended only for families? It needs to be defined. Agrees with Mr. Donohue that definitions are needed for low barrier, wet and dry shelters.

**Chair Mason:** stated what other towns use in their ordinances to describe shelter, which includes an array of terms.

**Manager Eldridge:** Doesn't believe there's a problem using the word "homeless", in a response to Kathy Wilson's question. The advice we were given was not to use that definition, so that's why that was pulled out. He expressed concern that it not be limited to shelter, because we use that term is used in many ways throughout the ordinance.

**Keith Klein:** Agrees with everything brought up.

**Andree Appel:** Wondered why the language couldn't be the same for both types of shelters and just be "accommodations may be provided for lengths of stay exceeding overnight, but are not intended to be provided on a permanent basis". Thinks any attempt to define in terms of days, weeks or months what "temporary" means would become difficult to enforce and create problems for the agency and the town.

**Chair Mason:** I tend to agree –just because one is an apartment-style versus non-apartment-style, it doesn't mean the non-apartment-style is not going to have somebody in for a week, two weeks.

**Andree Appel:** In terms of "emergency", I do think that the emergency on the first night of homelessness is just as dire as on the second or fourth or thirtieth night of homelessness, because if your shelter is in any way threatened, it's an emergency again. We don't want these definitions to exclude a combined shelter. I understand the desire to protect neighborhoods where these shelters might be in terms of who might have access to the shelters, but I would ask that people also consider the thirty year history of Tedford running tight organizations and shelters without these kinds of definitions being overly restrictive.

**Kathy Wilson:** Tedford has; however, we are trying to set up something that is going to be for anybody and anything. The ordinance is not specific to Tedford so I do think it's important to consider that.

**Alison Harris:** If "homeless" carries a stigma with it, I think we need to figure out appropriate language to use that is clear that it seems you don't have an alternative place to stay.

**Kathy Wilson:** "homelessness" is perceived to have a stigma, and I'm sure in some places and in some situations does, but a lot of things do. I still think that being as clear as possible – it is for the homeless – there's no other thing it's for. It makes it clear.

**Craig Phillips, Executive Director of Tedford Housing:** My guess is that the term "emergency" probably goes back 30 or 40 years, and the typical model of today is beds with programs or beds with services, and that zoning definition is why you see more like counseling. A definition might not only talk about beds, but the services that are associated with it. It's not sheltering a person – you're really helping that person move along. The term of an overnight basis – that does have significance. The term in the Emergency Shelter, Apartment-Style would allow a shelter to provide programming during the day, versus automatically being asked to leave during the day. "On an overnight basis" suggests they are overnight and then leave, and their preference would be to have the flexibility rather than having a hard and fast statement. Low barrier, dry, wet, homeless youth and domestic violence are also terms that can show up. All shelters in this area are classified by Maine Housing into one of those four categories – low barrier, which Tedford is; wet/dry, which would be substance abuse; teens; and domestic violence. I'm not sure they have definitions for those – it's more how we perform. In our performance standards, there are objectives to meet.

**Kathy Wilson:** You don't deal with kids. Is that because of Maine State Housing rules or your rules? Certainly they would be allowed in the family, but not in the overnight? Is that because of Maine Housing direction or is that your direction?

**Craig Phillips, Executive Director of Tedford Housing:** Homeless youth has a whole different funding, bureaucratic licensing, regulatory structure, plus I think youth with adults probably doesn't make sense. There are only two homeless youth shelters in the state.

**Jane Millett, Councilor:** The meetings that were held in Topsham on homeless teens – were those recorded?

**Craig Phillips, Executive Director of Tedford Housing:** I don't think so.

**Jane Millett, Councilor:** When you were talking about activities going on, I was going to suggest the Bowdoin off-campus housing, and I think you should look at our Disorderly House ordinance, to see if there's any language there you can use.

**Clark Labbe:** Be careful with the words "Emergency Shelter", because the town has opened shelters during States of Emergency, most typically in churches. That may be a truer "emergency shelter".

**Manager Eldridge:** That is not its intended use. There's still a little bit of judgment used. My suggestion is to not get so hung on the term because what is intended for primary use is what zoning regulates.

**Jim Bridge:** The necessity of wordsmithing the details is because twenty years from now, none of us will be here to remember what we did.

**Chair Mason:** We have been given some input. There are two areas that came out of this having to do with "emergency shelter" or "homeless shelter", and eventually the sentence of "accommodations are typically provided, or intended to be provided, on an overnight basis", or from the apartment-style are "lengths of stay exceeding overnight, but are not to be provided on a long-term basis" – I know there are issues with long-term. Should we have that type of sentence?

**Kathy Wilson:** We've had a lot of food for thought, and I would hate to make a decision in the next 5-10 minutes.

**Chair Mason:** I think we will give John, and Kristin (Town Attorney) as well, some guidance on where we're going, so they can take another crack at this. I don't feel we're at the point where we can make a decision.

**Kathy Wilson:** I definitely think we need to define it to some degree. There's definitely a difference.

**Alison Harris:** It's only a working definition, so whatever we come back with next week we can still change as we discuss it more. I would like to see, for now, the word emergency replaced by the word homeless, because that's what we're dealing with. I would like to pick up something from what Sean proposed, which is a purpose which is intended to alleviate interim homelessness until alternative housing can be found, and that can be true whether

it's a family living in an apartment or an individual living in a dorm. That moves away from temporary or long-term because there's a goal to move toward a solution which is not homelessness. We don't know what that solution is, and it's not necessarily up to the zoning code to know what that solution is – that is the purpose of these facilities. If we want to have a definition of the difference between dorm and apartment, I don't mind if we build that into these definitions, and I think that “more than one night” instead of “overnight” for both of them makes sense.

**Chair Mason:** I would think having that sort of statement be the same for both – because it is the same for both, and to have it be that – rather than it is long-term within 180 days. I like your idea of “until alleviating the issue that lacks regular and adequate residence”

**Jane Millett, Councilor:** The word “interim” would cover everything.

**Kathy Wilson:** Another concern is whether or not both types should be under the same roof – family with kids are living under the same roof as another part of the building has low barrier, wet or dry, whatever the situation may be. I do have concerns about that, but my decision is not made. As we go along, I do think that should be part of what we decide – how much of it is together.

**Alison Harris:** I don't feel I'm qualified to make that decision. I have toured the facilities in town, but I would also be interested in touring the facility in Waterville, where they do have them together in one facility.

**Chair Mason:** Let's think about the instructions we were given. John, do you feel like you have enough feedback from the Task Force and the public?

**Manager Eldridge:** There was a discussion about whether or not the Apartment-Style, I thought, should be limited to families? Is that what you do now, Craig? We're going to have the issue of how you define a family.

**Craig Phillips, Executive Director of Tedford Housing:** It's strictly for families.

**Chair Mason:** I believe you said it requires a head of household and child. Could it be a household comprised of adults only, or does it have to include children?

**Craig Phillips, Executive Director of Tedford Housing:** There are definitions out there that define the household. It could be a couple, but we would house them on Federal Street if we had a unit.

**Manager Eldridge:** What I'm hearing is family or some definition that relates to family is not going to disrupt your operation. When we've talked about households before, in other issues related to zoning, and we get into who is in the household – are they related, do they have to be related – it goes on and on. I'm okay with pushing it towards what appears to be the consensus, which is some kind of definition of “family” or “household” for these apartments. We'll just have to be careful with those terms.

**Chair Mason:** I'm fine going down that road as part of a working definition.

**Alison Harris:** What is the definition of a “family” or a “household”. We have to clarify that. What happens if there’s some miraculous time when no families require shelter, but we have an abundance of single adults – are we going to prevent them from staying at the facility just because they aren’t part of a family unit? We don’t want to constrain the providers. I would be happy to put the word “family” in the working definition, with “family” or “household” to be defined.

**Manager Eldridge:** Do you want to revisit the definition of homeless? If someone’s escaping domestic abuse and comes to Tedford, I would say they’re homeless. Someone could argue that they have a home, they just don’t want to go back there. We are trying to balance the desire to be specific with being less specific so that we can be more accommodating.

**Alison Harris:** We should look at that definition of “homeless” again.

**Chair Mason:** Why don’t we work with what we have to come up with a working definition, and we can address it – have it ready for us to review – and we’ll get it out there, put it up on the website as the working definition.

**Chair Mason - next week’s meeting:** Once we have the definition, we can start going on to the zoning first – where it should go – and then maybe a presentation by Jared about the zones and what they are. Do we have enough so we’re ready to go to that?

**Alison Harris:** Transportation is a big part of siting facilities like these anywhere in town, because the services are spread out. Unless there’s a mechanism for getting the residents where they need to go, there’s no good place in town. I think we might stick with zoning. If it’s a low barrier facility with no restrictions, it clearly is inappropriate for certain areas.

**Chair Mason:** At next week’s meeting, we’ll revisit and finalize the working definition, then start talking about zoning.

**Manager Eldridge:** Of the ones that he’s found so far, the most thorough analysis is the City of Portland’s (Portland Planning Board Report).

**Adjourn:** The meeting adjourned at 5:24 pm.