

City of Keene
New Hampshire

CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD
MEETING MINUTES

Tuesday, February 22, 2022

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Andrew Oram, Chair
Medard Kopczynski, Vice Chair
Alison Welsh
Martha Curtis
Tom Savastano

Staff Present:

John Roger, Acting Community Development
Director/Building & Health Official
Corinne Marcou, Board Clerk

Members Not Present:

All Present

I. Introduction of Board Members – Staff Liaison

Mr. Rogers called the meeting to order at 6:00 PM and the Board members introduced themselves. Mr. Oram is a retired salesman who now does financial consulting, Mr. Kopczynski is the Economic Development Director for the City of Keene and represents the City on the Board, Ms. Welsh oversees the Cheshire County Drug Court and Behavioral Health Court programs that are comprised of the Alternative Sentencing and Mental Health Court programs, Ms. Curtis is a retired banker, Mr. Savastano is an ordained minister and runs a non-profit organization.

II. Voting Chair and Vice Chair for 2022

Mr. Kopczynski & Mr. Rogers provided a brief overview of the Chair and Vice Chair's duties. The Chair simply runs the meeting, keeps them moving, and entertains motions for different actions; the Vice Chair fills-in in their absence. Staff are always available to help guide the Board on any procedural issues and will help to manage meetings. Mr. Oram volunteered to act as Chair and Mr. Kopczynski said he would act as Vice Chair if no one else was interested.

A motion by Ms. Welsh to nominate Mr. Oram as Chair for the 2022 calendar year was duly seconded by Ms. Curtis and the motion carried unanimously.

A motion by Chair Oram to nominate Mr. Kopczynski as Vice Chair for the 2022 calendar year was duly seconded by Ms. Welsh and the motion carried unanimously.

III. Unfinished Business:

- A) Minutes of Previous Meeting**
- B) Hearings**

Mr. Rogers discussed the types of hearings this Board will encounter and the various meeting procedures.

To begin a hearing, the Chair would recognize the first application, with specific talking points to follow covering the proposed address and the type of license (multiple will come before this Board). The Chair would recognize the application and then Staff would be recognized to give any needed background. At this point, this Board would see two types of licenses: applications that have already been through the Planning Board Conditional Use Permit (CUP) process if they are a new use (like a recent one on Washington Street), and applications that are uses already and previously were not required to have licenses, but are required now as a part of the new Land Development Code.

After Staff has given a report, the Chair would recognize the applicant to address the Board. Some people will read their applications and others might say little and let the application stand on its own. Mr. Rogers encouraged the Board to interact with the applicants and ask questions to better understand their proposals. The Chair would recognize the members of the Board for discussion. All communications should be through the Chair so there is no side conversation that cannot be captured cleanly in the public record.

Once the Board is done questioning the applicant, the Chair would open the hearing to public comment, first requesting comments in favor and then those in opposition. All members of the public who speak must provide their name and address for the record. It is at the Chair's discretion whether to allow the applicant to speak to any opposition, after which public comments in favor and opposed would need to be heard again. When there are no more questions or public input, the public hearing portion of the meeting would close.

Following the public hearing, the Board would begin deliberating. In the Board's book provided to them, there are criteria for what the Board will review. Section 46-565 outlines the Licensing Board's three review criteria. It is at the Chair's discretion how the Board reviews the criteria. Mr. Rogers recommended discussing each criterion individually and then moving to the next. The Board would then be voting on a finding of fact, which would require motions first in the positive for example, a motion to approve the application for a large group home, which would require a second. Then, the Chair would hear a vote on criterion one, which would not require another motion and the Board would have discussed it already; then the Board would vote on criterion two, followed by criterion three. The Board is voting to say whether the applicant met those criteria. After voting on the three criteria, the Board would vote on the motion on the table to approve the application for that license. If the Board voted indicating that they believe the applicant met all three criteria, then the vote for the overall motion should be in the positive. If

the Board votes no on one criterion, then they must vote no on the overall motion, because the applicant is required to meet all three criteria to receive the license.

All votes require a quorum. Because this is a Board of five members, there must be at least three members present to hear any business and there must be three yes votes on any motion to approve a license. If there were a two in favor vs. three opposed (2–3) vote to approve the application, the Board would need to make a motion to deny the application and vote again; this does not require voting on each criterion once more.

Vice Chair Kopczynski and Mr. Rogers agreed that this mirrors the Zoning Board of Adjustment's variance process. Mr. Rogers said there are appeal processes available to applicants and the Board should be prepared for re-hearings or something moving into the court system. This is why the Board votes on finding of facts and why there must be accurate minutes of the public record. The Board cannot vote to approve or deny something without good reason, which is why the criteria exist. Mr. Rogers is available for questions and he and Ms. Marcou will be at each meeting to help. They both Staff the Zoning Board of Adjustment as well.

Ms. Welsh asked whether facilities that are previously grandfathered in would have to begin the application process annually. Mr. Rogers said no, but they would need the annual license. He said that this first year it would be essential to ensure they have a complete application with all necessary inspections (Fire Department/Housing and Health Standards). He said there might not be much to see this first year but next year after some tracking, if an issue arises (e.g., FD visits three times a week all year), something would likely be triggered under this Board's review.

Vice Chair Kopczynski added that projects that go through the CUP process are backtracked. The CUP anticipates that the applicant will receive a license and the license looks backward. Therefore, if an applicant ran into a situation where they could not maintain their license, it would potentially dissolve their CUP also. The theory was that some of these facilities would move or add new buildings that would go through the CUP process.

The Board can also issue conditional licenses, which is outlined under the criteria (e.g., a small group home allowed in a more residential neighborhood with a condition for no visitors after a certain hour). Next, Mr. Rogers discussed the provisional licenses (suspension and revocation) in Section 46-567. This would cover situations where, for example, the Board does not feel a renewal meets the criteria for approval and they could issue a provisional license to improve behavior. This allows the Board some flexibility. Mr. Rogers encouraged the Board to read the Rules of Procedure to be familiar with these processes.

Mr. Savastano asked what was considered proper use of email to communicate about attendance, etc., knowing that business must occur at the meeting. Mr. Rogers said that Ms. Marcou would send things via email, and it is essential to not reply all, which could initiate a conversation of the quorum outside a noticed public meeting. If there is anything dealing with the applications, members can email Staff, but he encouraged saving any conversation until the meetings.

Ms. Welsh asked whether the Board would meet monthly regardless of applications. Mr. Rogers replied no, unless there is ongoing business that needs the Board's attention. Unless there is an application, the Board would likely not meet that month. He said that this first year, the Board would have to spend time determining the existing uses and where they are.

IV. New Business:
A) Rules of Procedure

A motion by Chair Oram to adopt Rules of Procedure as provided was duly seconded by Ms. Curtis and the motion carried unanimously.

The Board schedule for the year that was presented included the deadlines, inspection dates for new licenses, and the meeting dates. Vice Chair Kopczynski said Staff created those dates on a basis to keep everything open should applications arise; not everything is a renewal. However, there are specific renewal dates in the Code for different classifications. Although a lot of dates are reserved, it is unlikely that the Board would meet that often.

A motion by Vice Chair Kopczynski to approve the 2022 Board schedule was duly seconded by Mr. Savastano and the motion carried unanimously.

V. Communications and Miscellaneous:
VI. Not Public Session: (if required)
VII. Adjournment

A motion by Vice Chair Kopczynski to adjourn the meeting at 6:28 PM was duly seconded by Ms. Welsh and the motion carried unanimously.

Respectfully submitted by,
Katie Kibler, Minute Taker
March 1, 2022

Reviewed and edited by,
Corinne Marcou, Board Clerk
March 1, 2022