

City of Keene
New Hampshire

CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD
MEETING MINUTES

Tuesday, September 27, 2022

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Andrew Oram, Chair
Medard Kopczynski, Vice Chair
Alison Welsh
Thomas Savastano

Staff Present:

John Rogers, Building & Health Official
Corinne Marcou, Board Clerk
Don Farquhar, Fire Chief

Members Not Present:

All Present

I. Call to Order – Roll Call

Chair Oram called the meeting to order at 6:00 PM.

II. Minutes of Previous Meeting – February 22, 2022 & June 28, 2022

No changes were proposed to the February 22 and June 28, 2022 minutes as presented.

A motion by Mr. Kopczynski to approve the February 22, 2022 minutes as presented was duly seconded by Mr. Savastano and the motion carried unanimously.

A motion by Mr. Savastano to approve the June 28, 2022 minutes as presented was duly seconded by Mr. Kopczynski and the motion carried unanimously.

III. Unfinished Business:

There was no unfinished business.

IV. Public Hearings:

- A) **Continued LB 22-01: Applicant, Samuel L. Lake, Executive Director, of the Keene Serenity Center, located at 34 Mechanic St., Keene, which is in the Downtown Limited District and owned by DEW Properties, LLC; is requesting a Congregate Living & Social Services License for a Group Resource Center as defined in Chapter 46, Article X of the Keene City Ordinances.**

This hearing was continued again as the Board awaits more information.

- B) LB 22-02: Applicant, Mindy Cambiar, Executive Director of Hundred Nights, Inc., 27 Main St., Keene, which is in the Downtown Core District and owned by Eighty-Eight Lambert Avenue Nominee Trust, is requesting a Congregate Living & Social Services License for a Homeless Shelter, located at 17 Lamson St., as defined in Chapter 46, Article X of the Keene City Ordinances.**

Chair Oram heard the presentations for LB 22-02 and LB 22-03 together, and the Board would vote on each application separately.

Chair Oram welcomed the applicant, Mindy Cambiar, Executive Director of Hundred Nights, Inc., who said she had no presentation beyond what was in the application. She welcomed questions.

Mr. Rogers said that Staff reviewed both applications LB 22-02 and LB 22-03 and determined that both were complete. He pointed out one potential area for the Board's consideration was under "evidence that all required licenses, permits, and other authority documents be obtained," stating that the Board and Staff needed to discuss how to deal with that question. Otherwise, the rest of the material was a part of the complete submission packets. He said that under the inspection portion of the application, the Board would notice that at the time of the agenda, the inspections had not been completed. The inspections had ensued since and on September 14 there were some minor things found but nothing that would constitute issues with this license being approved and Mr. Rogers asked the Fire Chief, Don Farquhar, to speak to anything he found during inspections.

Chief Farquhar said they did the inspection and both buildings did really well. He continued that there were a few minor issues documented that are common. Nothing was found that would prohibit this license being granted. He added that for a building with a high density of individuals, they are very clean, and the Staff does an amazing job and he is grateful for the job they do for the City.

Ms. Welsh did not doubt the truth of the application but noted the resource center did not say anything about sprinklers; she asked if they are required. Chief Farquhar said no, not with how the building is currently constructed.

Vice Chair Kopczynski asked the Fire Chief, whether he was testifying that there was no reason to withhold these licenses and that both buildings were well in compliance in terms of life safety. The Fire Chief replied in the affirmative that he signed off on these applications.

Vice Chair Kopczynski asked Ms. Cambiar whether there is an active communication agreement with the other community agencies and at what frequency those communications occur. Ms. Cambiar said she thinks they have grown a lot over the years toward solid communication,

including with the City's Human Services Department. Vice Chair Kopczynski asked whether there was a reasonably good communication mechanism with providers and the City. Ms. Cambiar replied in the affirmative. She continued that they do not always have solutions—it had been a tough year figuring out what to do with people and no beds open. Vice Chair Kopczynski complimented the applicant for their extremely helpful and complete responses to the application, especially as one of the first to go through this process; he recognized the effort that went into the application. Ms. Cambiar thanked her Board Chair, Charles Mobilia, for his help and research toward this effort. She said they started researching as soon as the Board Clerk issued the paperwork, drawing from shelters across the nation, so they had a solid base to start with. Ms. Welsh and the Chairman agreed with the Vice Chair's compliments, noting how helpful the attention to detail and clear outlay of information was for learning about the organization.

The Chair posed three questions: (1) Was this a valuable process that the applicants learned from? (2) How much time was invested? (3) Is there anything the City could have done in the process to make it work better for the applicants? Mr. Mobilia replied that they did learn a lot from the process because they were forced to look at all items, like life safety, and to think about what they would do and put that on paper. The Board Clerk was very helpful in the process, and he never felt like he was bothering her for information. He was surprised how easy it was to get it done besides the research required that was laid out well. Mr. Mobilia thinks it was worthwhile and he learned a lot about what they do and how to communicate better with stakeholders. Ms. Cambiar said they learned clear definitions, such as the difference between a life safety plan and a health and safety plan. Mr. Mobilia said there were many helpful websites with clear definitions to help.

Vice Chair Kopczynski said that when the City crafted this Ordinance, they did a lot of research to find the correct aspects of licensing procedures based on best practices, so the applicants' feedback was important and indicated that some things were drafted correctly and that it was not a terrible process to endure. Mr. Mobilia agreed it was not terrible though it initially appeared daunting.

Mr. Savastano agreed that it was a well-done application, which he appreciated. He posed some questions. He noted that occasionally they house families. Ms. Cambiar said they have not had families in the building since November 2021. Since they received the CARES Act funding that was for November 1, 2021–April 30, 2022, they chose to put all families in hotel rooms. But, come April there was no housing and they were grateful to Southwestern Community Services for stepping up with their NH Rental Assistance money for some of those families. She said everything would change in the new building, where families would be on a separate floor. Mr. Savastano asked if they are not intending to have families in the building during the next season. Ms. Cambiar said they would take-in a family if there was an opening but there are usually not four beds available most nights, it is usually only two beds available and it is usually because they are holding a bed for someone who cannot arrive until the next day. Ms. Cambiar said that when families were in the building, they typically had two families per room with a room divider

and doors on each side of the room would lock from the inside. They expect the new building to be complete by the end of March 2023 and to start moving people in in May 2023.

Mr. Savastano referred to the neighbor relations plan, in which the applicant tied the peoples to that in terms of rules and expecting them to be aware and respectful of neighbors, but he did not see much reference to that in the rules, except for smoking and such. When it comes to the new building, he thought it might be good to connect the two in their next plan. Ms. Cambiar thought that in the new building, everything has the possibility of changing for the good. They have already reached out to their Cityside neighbors and will have pre-open house to meet with all neighbors to hear their concerns about the facility, which is the start of a new neighborhood plan; people will be invited to tour the building before people move in. They are trying to address concerns before they are actual problems. Right now, they do not control space outside of the buildings and can only control what is inside the walls.

Ms. Welsh commended the applicant on addressing a controversial topic in their application, which is advocating for providing shelter for sex offenders, and she said the applicants added it well. She said there are few safe places, and this was really well done. She appreciated the applicants' efforts to ensure everyone has somewhere to go. Ms. Cambiar said it had not always been easy.

Chair Oram opened the public hearing and heard no comments. As such, the Board proceeded to deliberation of the criteria for approving this application.

The licensing board shall consider the following criteria when evaluating whether to approve, renew, or deny a congregational living and social services license application.

Criteria 1: *The use is found to be in compliance with the submitted operations and management plan, including but not limited to compliance with all applicable building, fire, and life safety codes.*

Hearing no Board comments, Chair Oram entertained a motion by Vice Chair Kopczynski, which was duly seconded by Ms. Welsh.

On a vote of 4-0, application LB 22-02 was found to be in compliance with Criteria 1.

Criteria 2: *The use is of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.*

Vice Chair Kopczynski stated that there was no testimony by Staff or the public alleging any problem with noise, odor, glare, or vibration effecting the surrounding area.

Chair Oram entertained a motion by Vice Chair Kopczynski, which was duly seconded by Mr. Savastano.

On a vote of 4–0, application LB 22-02 was found to be in compliance with Criteria 2.

Criteria 3: *The use does not produce public safety or health concerns in connection with traffic, pedestrians, public infrastructure, and police or fire department actions.*

Mr. Rogers stated that the Police were also a part of the inspection process, and they had no issues with either location.

Mr. Kopczynski said the Board heard no testimony from the public or Public Service Officials expressing any concern with traffic, pedestrians, public infrastructure, and police or fire actions.

Chair Oram entertained a motion by Vice Chair Kopczynski, which was duly seconded by Ms. Welsh.

On a vote of 4–0, application LB 22-02 was found to be in compliance with Criteria 3.

Chair Oram entertained a motion on the whole of application LB 22-02 from Mr. Savastano, which was duly seconded by Ms. Welsh.

On a vote of 4–0, the Congregate Living and Social Services Licensing Board accepted application LB 22-02 as presented.

- C) **LB 22-03: Applicant, Mindy Cambiar, Executive Director of Hundred Nights, Inc., 27 Main St., Keene, which is in the Downtown Core District and owned by Eighty-Eight Lambert Avenue Nominee Trust, is requesting a Congregate Living & Social Services License for a Resource Center, located at 25 Lamson St. as defined in Chapter 46, Article X of the Keene City Ordinances.**

The discussion of application LB 22-03 is presented under agenda item IV.B. The Board proceeded to deliberation of the criteria for approving this application.

The licensing board shall consider the following criteria when evaluating whether to approve, renew, or deny a congregat living and social services license application.

Criteria 1: *The use is found to be in compliance with the submitted operations and management plan, including but not limited to compliance with all applicable building, fire, and life safety codes.*

Chair Oram entertained a motion by Vice Chair Kopczynski, which was duly seconded by Ms. Welsh.

On a vote of 4–0, application LB 22-03 was found to be in compliance with Criteria 1.

Criteria 2: *The use is of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.*

Chair Oram entertained a motion by Vice Chair Kopczynski, which was duly seconded by Ms. Welsh.

On a vote of 4–0, application LB 22-03 was found to be in compliance with Criteria 2.

Criteria 3: *The use does not produce public safety or health concerns in connection with traffic, pedestrians, public infrastructure, and police or fire department actions.*

#3.

Mr. Rogers stated that like the last application, the Police were involved in the inspection.

Chair Oram entertained a motion by Vice Chair Kopczynski, which was duly seconded by Ms. Welsh.

On a vote of 4–0, application LB 22-03 was found to be in compliance with Criteria 3.

Chair Oram entertained a motion on the whole of application LB 22-03 from Mr. Savastano, which was duly seconded by Ms. Welsh.

On a vote of 4–0, the Congregate Living and Social Services Licensing Board accepted application LB 22-03 as presented.

- D) LB 22-04: Applicant, Beth Daniels, Chief Executive Officer of Southwestern Community Services, 63 Community Way, which is in the High Density District is requesting a Congregate Living & Social Services License for a Homeless Shelter, located at 32 Water St. as defined in Chapter 46, Article X of the Keene City Ordinances.**

Chair Oram heard the presentations for LB 22-04 and LB 22-05 together, and the Board would vote on each application separately.

Chair Oram welcomed a representative of the applicant, Craig Henderson, Director of Housing Stabilization Services, which runs the local Southwestern Community Services (SCS) shelters in Keene. He had no formal presentation. Mr. Henderson stated that they have operated shelters in Keene for more than 30 years and this was new to them. He said he has collaborative meetings with the other shelters like Hundred Nights every two weeks, they work with the City of Keene, and they have a coordinated entry system. He thinks they are surpassing everything he could have imagined five years ago. They are a part of the Cheshire County Emergency Housing Collaborative and they get funding through Monadnock United Way. He said all these agencies work together.

Mr. Rogers said the inspections of both these facilities were completed and both facilities were approved by Police, Code, and Fire. There were some minor issues that would not prevent approving this application.

Fire Chief, Don Farquhar, said that both buildings are in great shape, with good sprinkler and alarm systems. There were some minor issues, but nothing that would alter the impression of well-kept buildings and staff doing great work there. Procedurally, they do the inspection, and then sit down with the owner explaining what action needs to be taken, which is an opportunity to talk more about fire and life safety procedures, leading to better interactions and partnerships. The Fire Department fully supported both licenses without any issue.

Vice Chair Kopczynski said this is to understand how things work and are run so in the future, application questions are solicited better. He said that the property on Water Street surprisingly has a maximum capacity of 23, because throughout the years, he has rarely seen more than just a few people there. He asked the mechanism to manage the people, which could be useful to others offering similar services. He knew SCS recently made a lot of updates to that building. Mr. Henderson agreed that there was new siding, a roof, heating, and more. He said they typically provide housing for fewer people per square foot. A spirit of their philosophy over time has been that 95% of the population would not realize they are driving past a shelter building and that is how they interact with their clients. Confidentiality of location is key. For the most part, the operation had run rather problem free. He thought there was the belief that you must have management over people, but with fewer people per room, there are fewer issues overall. Vice Chair Kopczynski asked whether the goal is to move people from homelessness to sheltered to their own housing. The Vice Chair knew there was a housing shortage in Keene and that the Community Development Department was working to create more opportunities; he asked if that was a positive action from the SCS perspective. Mr. Henderson replied in the affirmative, stating that during the first six months of 2022, they served as many people as the whole of 2021, so he said they are in a sad trajectory of being woefully ill prepared for the homeless population.

Mr. Savastano was surprised at the density and asked if all 23 beds were often full. Mr. Henderson said it ebbs, flows, and wanes because there could be a bed out for maintenance, for example. He said they had lower capacity in 2021 because they could not find bunkbeds or mattresses, which had been resolved this year, allowing 95–98% capacity at all times. In terms of emergency exits, Mr. Savastano asked whether the building could handle that number of people. Mr. Henderson said yes, the Fire Department confirmed that for both units. Mr. Henderson's biggest concern was that when you operate for 30 years, things change like this application, while the building has not changed in that time. He was concerned with rules that had changed over time that they perhaps did not comply with, despite Fire Department inspection over the year. The Fire Department had inspected the building over the years, but he wondered if this would open a can of worms having never done this before. Chief Farquhar said Mr. Henderson was correct. He said people are always concerned that they would be shut down when the Fire Department comes in, which is rare. He clarified that the Fire Code is never grandfathered, the building is new or existing. In the case of these applications, the buildings did well. Fire Code is

broken down by how many beds there are and sometimes when there are code issues it is because beds were added, which moves into a different part of the Fire Code. So, when doing new work, consult with the Fire Department and other Departments to ensure the project starts out in compliance.

Ms. Welsh asked, hypothetically, what happens when granting this annual license and there could be structural changes in that time. Mr. Rogers said many of those would require building and fire permits addressed at that time through the permitting process. They check things like sprinklers and exits. Any of those concerns during the period between licenses would require a permit for any new work and the building, fire, and life safety codes would be reviewed at that time.

Mr. Savastano noted an error in the wording on the agenda. For LB 22-04, it identifies in the high-density district, and he asked which application that applied too. Ms. Marcou said Water Street was in the high-density district. Mr. Savastano believed the Water Street location was actually in the downtown transition district. Ms. Marcou acknowledged that error. Mr. Rogers did not believe it would require a substantial change that would mean continuing this meeting. Mr. Savastano imagined it would be grandfathered in. Mr. Rogers said that was absolutely right, all applications are existing for decades, and this is not a new use, which is why it did not require a Planning Board Conditional Use Permit, just this licensing process.

Ms. Welsh appreciated the applicant's honesty in the narrative and said that it is a work in progress for all of us. She said the feedback is helpful and gives the Board a sense of where we are all going.

Chair Oram asked the Fire Chief whether under the current Fire Code requirements, that both locations meet the current standards. Chair Farquhar said that was 100% correct.

Hearing no public comments, the Board proceeded with deliberation and vote on the three criteria for approving application LB 22-04.

The licensing board shall consider the following criteria when evaluating whether to approve, renew, or deny a congregate living and social services license application.

Criteria 1: *The use is found to be in compliance with the submitted operations and management plan, including but not limited to compliance with all applicable building, fire, and life safety codes.*

Vice Chair Kopczynski made the following motion, which Ms. Welsh duly seconded.

On a vote of 4-0, application LB 22-04 was found to be in compliance with Criteria 1.

Criteria 2: *The use is of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.*

Vice Chair Kopczynski said there was no testimony to any issues with the matters listed in the criteria. The Vice Chair made the following motion, which Mr. Savastano duly seconded.

On a vote of 4-0, application LB 22-04 was found to be in compliance with Criteria 2.

Criteria 3: *The use does not produce public safety or health concerns in connection with traffic, pedestrians, public infrastructure, and police or fire department actions.*

Mr. Kopczynski said they Board heard no testimony from the public or Public Service Officials expressing any concern with traffic, pedestrians, public infrastructure, and police or fire actions.

Mr. Savastano asked whether the Police were consulted on this application. Mr. Rogers said that both locations were inspected by the Police.

Vice Chair Kopczynski made the following motion, which Ms. Savastano duly seconded.

On a vote of 4-0, application LB 22-04 was found to be in compliance with Criteria 3.

On the overall approval of application LB 22-04, Chair Oram heard a motion from Vice Chair Kopczynski, which was duly seconded by Ms. Welsh.

On a vote of 4-0, the Congregate Living and Social Services Licensing Board approved application LB 22-04 for a homeless shelter as defined in Chapter 46, Article 10.

- E) LB 22-05: Applicant, Beth Daniels, Chief Executive Officer of Southwestern Community Services, 63 Community Way, which is in the High Density District is requesting a Congregate Living & Social Services License for a Homeless Shelter, located at 139 Roxbury St. as defined in Chapter 46, Article X of the Keene City Ordinances.**

The discussion of application LB 22-05 is presented under agenda item IV.D. The Board proceeded to deliberation of the criteria for approving this application.

The licensing board shall consider the following criteria when evaluating whether to approve, renew, or deny a congregat living and social services license application.

Criteria 1: *The use is found to be in compliance with the submitted operations and management plan, including but not limited to compliance with all applicable building, fire, and life safety codes.*

Chair Oram entertained a motion by Vice Chair Kopczynski, which was duly seconded by Ms. Welsh.

On a vote of 4–0, application LB 22-05 was found to be in compliance with Criteria 1.

Criteria 2: The use is of a character that does not produce noise, odors, glare, and/or vibration that adversely affects the surrounding area.

Chair Oram entertained a motion by Vice Chair Kopczynski, which was duly seconded by Ms. Welsh.

Vice Chair Kopczynski said there was no testimony from public or Staff stating any issues with the matters listed in the criteria.

On a vote of 4–0, application LB 22-05 was found to be in compliance with Criteria 2.

Criteria 3: The use does not produce public safety or health concerns in connection with traffic, pedestrians, public infrastructure, and police or fire department actions.

#3.

A motion by Vice Chair Kopczynski to find the application in compliance with Criteria 3 was duly seconded by Ms. Welsh.

Vice Chair Kopczynski said there was no testimony from the public or Staff that there were issues with any of these items.

On a vote of 4–0, application LB 22-05 was found to be in compliance with Criteria 3.

On the overall application, Vice Chair Kopczynski made the following motion, which was duly seconded by Mr. Savastano.

On a vote of 4-0, the Congregate Living and Social Services Licensing Board approved application LB 22-05.

V. New Business

This is a placeholder on the agenda for the Board members to bring any new issues forward for Staff attention before the next meeting.

Ms. Welsh requested that the Committee be allowed to see the inspection reports before the application is heard at the next meeting. Mr. Rogers said absolutely, and the Chief could speak to the fire aspect. Mr. Rogers continued that an insubstantial report is generated for health and code unless a violation is found, but Staff could do their best to get something.

Mr. Savastano wondered if the Board was on track with the anticipated schedule for the various months and categories of agencies. Ms. Marcou said they were attempting to stay on schedule and the next round is lodging houses. She admitted that it had been challenging reaching all of the houses in the area and she was unsure if all would be onboard for November. There is still the continued application for the Serenity Center. Mr. Savastano asked if lodging houses, for example, are not ready for November, if they just bleed into next months and are not pushed until next year. Ms. Marcou said yes. Mr. Rogers added that it is taking Staff and applicants more time and effort for this first time through; it is more time consuming than initially thought due to applicants needing more help, which he anticipates for lodging houses as well.

Ms. Welsh asked if approved plans are open to the public so other applicants can see examples. Ms. Marcou said yes, all agenda packets are posted on the Board's webpage with the applications therein. Mr. Rogers thought the Board would notice the difference between this evening's applications and earlier ones received. With all applications available to the public, he thought there would be a better template moving forward. He said they were moving in the right direction toward a more complete application process.

Chair Oram said that the SCS applications had a substantial amount of effort to keep the addresses unknown and asked whether the addresses should be redacted when posted, if they consider that a security issue. Mr. Rogers said at this time, it is a public record, and he understood the desire to keep it private. During the initial set-up of this Ordinance, he said Staff looked at this issue for a domestic violence shelter, which is not required to appear before this Board for this reason. Still, these are public records and they are not typically redacted in this way in a commercial setting. Mr. Rogers would talk with the City Attorney about whether it is possible.

- VI. **Non-Public Session (if required):**
- VII. **Adjournment**

There being no further business, Chair Oram adjourned the meeting at 6:57 PM.

Respectfully submitted by,
Katelyna Kibler, Minute Taker
October 4, 2022

Reviewed and edited by,
Corinne Marcou, Board Clerk