

City of Keene
New Hampshire

CONGREGATE LIVING AND SOCIAL SERVICES LICENSING BOARD
MEETING MINUTES

Tuesday, August 22, 2023

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Medard Kopczynski, Vice Chair
Alison Welsh
Jennifer Seher
Thomas Savastano

Staff Present:

John Rogers, Building & Health Official
Corinne Marcou, Board Clerk

Members Not Present:

Andrew Oram, Chair

I. Call to Order: Roll Call

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

II. Minutes of the Previous Meeting – July 25, 2023

Vice Chair Kopczynski noted that the August 22 meeting’s agenda listed the Hundred Nights application as “continued” but the Board actually approved their application pending a few changes.

A motion by Ms. Welsh to approve the July 25, 2023, minutes was duly seconded by Mr. Savastano and the motion carried unanimously.

III. Unfinished Business: Conditional Approval License Updates

Ms. Welsh noted that she oversees and runs the Treatment Court, and she has several clients living and working at different Live Free Recovery (applicant on this agenda) facilities. She asked if that warranted a conflict of interest. Vice Chair Kopczynski said the City Council’s policy is for fiduciary conflicts. Ms. Welsh confirmed that she has no pecuniary benefit or gain. A motion by Mr. Savastano to find that Ms. Welsh had no conflict of interest was duly seconded by Ms. Seher and the motion carried unanimously. Ms. Welsh abstained.

Mr. Savastano referred to the June 27, 2023, meeting minutes. He asked if Covenant Living, Alpine Healthcare, and Emerald House had all completed the conditions of their license approvals. Mr. Rogers said they had not. Alpine Healthcare and Emerald House were awaiting

Fire Department re-inspections after 45 days, which would occur at the end of August. Staff would reach out to Covenant Living to see if they made the requested changes to their application. Mr. Rogers will provide more updates on these at the September meeting.

IV. Applications:

- A) **Continued LB 23-09: Applicant, Ryan Gagne, Executive Director for Live Free Recovery, is requesting a Congregate Living & Social Services License for a Large Group Home, located at 361 Court St., and is in the Medium Density District and as defined in Chapter 46, Article X of the Keene City Ordinances.**

Mr. Rogers noted that in the 1980s, this property at 361 Court Street received a special exception to be a group home. While the property had changed ownership since, it is still Zoned as a group home.

Vice Chair Kopczynski welcomed Jennifer Houston on behalf of Live Free Recovery. The Vice Chair recalled that this series of applications were continued because the Board requested more, better organized information on the applications.

Ms. Seher asked about the 24-hour staffing mentioned in this application and the longer stay application. She did not see a job description for those. Ms. Houston said there is 24/7 staffing at the Court Street location, and she mentioned in the application that because this is peer recovery, there are no clinical services at this location. The staff person just monitors the house and ensures there are no altercations. It is a paid position. Ms. Seher thought there should be a clearer description of that role and its duties. For example, who could a neighbor contact about an issue? Ms. Houston said that based on the Board's recommendations at the last meeting, she wrote a new "good neighbor policy" to inform the neighbors about how to contact the leadership team 24/7 via phone or email; there is an automatic call center answered by a live person. With rotating staff, it is not the same person every day. Ms. Seher asked if the 24/7 staff were located in Keene and Ms. Houston said no. Ms. Seher wondered how a neighbor would know who contact about issues. Vice Chair Kopczynski noted that some neighbors were in the audience and could respond to this concern. He thought the applicant had responded to the Board's request with the good neighbor policy. Ms. Houston noted that clients at this location stay for 30 days, and in some cases, 45 days. Ms. Seher wondered how the neighbors would know some of this.

Ms. Welsh was absent when this application was presented the first time and she had some concerns in common with Ms. Seher. Ms. Welsh thought it was great that all clients must sign a good community member letter. Ms. Welsh noted that the Board had seen plans from other organizations that have reached out to specific agencies and neighbors, which she thought could be a more elaborate plan to know the neighborhood is involved, onboard, and aware of the grievance procedure. Ms. Houston replied that Mr. Gagne had spoken with neighbors and provided them with his direct contact. Ms. Houston also often gives out her direct number. A Housing Supervisor, who also lives in Keene, stays in contact with neighbors as well. Ms.

Houston said this revision of the application was based on the Board's previous advice and she was waiting to publicize the good neighbor plan or hold an open house until hearing the Board's feedback at this meeting. Ms. Houston works with all the local agencies and she and her staff respond promptly to neighbor phone calls/emails. Ms. Houston was willing to edit the application to address Ms. Seher's concerns, but Ms. Houston was hesitant to share her whole staff's contact information.

Vice Chair Kopczynski asked the Board if they felt Ms. Houston's replies to Ms. Seher's concerns were adequate. Mr. Savastano thought the explanation was adequate. He thought that she wrote a good neighborhood relations plan that seemed satisfactory. Ms. Welsh also felt comfortable with the details Ms. Houston provided. Ms. Seher trusted that the neighborhood partnerships would evolve and be clear.

Ms. Welsh noted that she had difficulty reading the maps included in the meeting packet for each Live Free Recovery location on this meeting's agenda. Vice Chair Kopczynski said it had become commonplace to include maps in applications like these but noted that they might not always be useful or important. Mr. Savastano found the maps acceptable. Mr. Rogers thought those might be GIS maps provided by City Staff. Ms. Houston said those were printed from the link on the application. Mr. Rogers said Staff could try to provide clearer maps in the future.

Vice Chair Kopczynski recalled talking at the last meeting about the life safety plan. Many applications just included an evacuation map and provided a narrative life safety plan. He asked if the Board found the life safety plan in this application to be adequate. Ms. Houston said she could provide the evacuation maps, which are posted on every floor of the building. The Vice Chair thought the written narrative was useful. Ms. Houston said she had to do a licensing process with the Department of Health and Human Services, and they require a life safety plan, which Ms. Houston used for this application as well. Vice Chair Kopczynski said he also did not see a clear plan for staff training. Ms. Houston said that employees shadow others, receive support, and review policies and procedures. They typically train at the clinical building. Ms. Houston agreed that it is more so on-the-job training and there is no specific training program.

Ms. Seher thought the life safety plan was detailed. She suggested inserting a narrative in the application acknowledging that there are evacuation plans posted throughout the building. She also wondered about staff training and things beyond health and safety (e.g., do the staff know about disability services or cultural awareness?). Ms. Houston said housing and clinical services are different, so this might have been her misunderstanding. She could add more details.

Ms. Welsh had the same question about staff training. For example, she imagined most staff had Narcan training, which only takes 15 minutes. Still, Ms. Welsh said it would be helpful to have things like this more clearly outlined in the application. She suggested erring on the side of submitting more information than less; this Board commonly receives very long applications. While she appreciated all the effort outlined in the neighborhood relations plan, Ms. Welsh requested creating plans specific to each Live Free Recovery location when re-applying next

year. Ms. Houston asked for an example of how it could be different for each location. Ms. Welsh replied that it could mean naming specific neighbors or nearby services/facilities. Vice Chair Kopczynski agreed it would be good to list any relationships with specific neighbors. Examples could include specific commercial entities, neighborhood groups, or regular open houses with specific neighbors.

Vice Chair Kopczynski opened the floor to public comments. There were no comments in opposition and the Board proceeded to hear comments in support.

Ann Knight of 26 Prospect Street—a direct abutter—supported this application. She spoke with Mr. Gagne, who provided the direct phone number and email for staff. Ms. Knight has never had to call in the middle of the night; sometimes she emails first thing in the morning. Mr. Gagne has always responded immediately and has been extremely helpful with these minor issues, like a resident being too loud, which the employee addressed immediately. Ms. Knight has been pleased with the overall program at this location and she enjoys talking with the residents when she walks by. She wants them to know the neighborhood supports them as they receive the help they need. She also appreciated all the upgrades to the facility.

James Knight of 26 Prospect Street said he had no negative experiences with this facility. He thought the neighborhood was fortunate to have these life services there. The property is maintained well. Mr. Knight said he has a very good relationship with an employee named Josh. Both Josh and some residents have offered to help Mr. Knight with his yard work. He enjoys talking with them. He thinks this facility is great because residents are there trying to change their lives versus being forced to be there. Mr. Knight supported this neighborhood asset.

With no further comments, Vice Chair Kopczynski closed the public hearing.

The Commissioners agreed that they supported this well-completed application. Vice Chair Kopczynski thought the neighborhood relations plan was very important to the success of the program. Integrating into the neighborhood is essential for many reasons; if problems arise, the City would hear about it.

Mr. Rogers recommended that any motion be conditional upon the Fire Department re-inspection scheduled for the end of August. He also wanted to ensure it was on the record that this facility is limited to 16 residents, both by the definition of a large group home as well as the 1980s special exception.

Ms. Welsh 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 23-09 conditional upon successful completion of the Fire Department inspection at the end of August.

The Board reviewed the criteria for approving the application.

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.*

Mr. Savastano made the following motion, which was duly seconded by Ms. Welsh. On a vote of 4–0, the Congregate Living and Social Services Licensing Board found application LB 23-09 in compliance with the first criterion.

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

Ms. Welsh 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 found application LB 23-09 in compliance with the second criterion.

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.*

Ms. Seher 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 found application LB 23-09 in compliance with the third criterion.

- B) Continued LB 23-10: Applicant, Ryan Gagne, Executive Director for Live Free Recovery, is requesting a Congregate Living & Social Services License for a Residential Drug/Alcohol Treatment Facility, located at 106 Roxbury St., and is in the Downtown Edge District and as defined in Chapter 46, Article X of the Keene City Ordinances.**

Vice Chair Kopczynski noted that this application listed 28 residents when the number presently allowed is 16. He understood that this applicant would be applying to modify that special exception. Mr. Rogers said that was correct. This applicant would appear before the Zoning Board of Adjustment (ZBA) requesting to enlarge that use, which is non-conforming in this District. Vice Chair Kopczynski said that any motion to approve this application would be conditional upon the ZBA approval; he did not think it was necessary to continue the hearing pending the ZBA meeting.

Vice Chair Kopczynski requested Staff comments. Mr. Rogers reported that this property at 106 Roxbury Street is in the Downtown Edge District. This has been an operational drug and alcohol treatment facility for decades. Due to some Zoning changes, this had become a non-conforming use. Historic licenses for this property showed it as a 16-bed facility. Thus, approval of this

license should be conditional upon ZBA approval to expand to 28 residents and that all inspections are conducted. The Housing Inspector found a few minor issues and the Fire Department had some issues and was scheduled to re-inspect at the end of August.

Vice Chair Kopczynski welcomed Jennifer Houston again, who requested approval of this license for this Live Free Recovery treatment facility at 106 Roxbury Street.

Ms. Welsh asked whether the employees distributing medications at this location are certified. Ms. Houston said yes. When re-applying in the future, Ms. Welsh suggested including a list of when the employees received their certification. She could also provide copies of the certificates for the file.

Like for the last application, Ms. Seher suggested including more details about staff training when re-applying in the future. She assumed the staff are well trained, especially because this is a clinical facility. Ms. Houston would try to incorporate more next year.

Mr. Savastano noticed that in his meeting packet, pages 71 and 73 were the same security plan. He said the staff training plan was missing, which was not the case in Ms. Houston's other applications. He asked Ms. Houston to resubmit the staff training plan.

Vice Chair Kopczynski had questions about the life safety plan (which he thought the petitioner understood already) and staff training. He imagined that some of these services require more training or certifications than others (e.g., house manager vs. medication manager). He thought some of this staff training information would be helpful in the future.

Ms. Welsh noticed a comment in the application indicating that this facility does not accept "violent offenders" in its programs. She asked if Live Free Recovery runs background checks on clients. Ms. Houston said typically, no. There are several questions on the guest pre-screen that ask for details about current charges (arson, violent crime, and sexual crime) because these locations are in residential neighborhoods. This information is used as exclusionary criteria, with consideration of context, such as a violent offense 30 years ago and no charges since.

Vice Chair Kopczynski opened the public hearing and there were no comments in opposition or support, so he closed the hearing.

Ms. Welsh 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 23-10, conditional upon Zoning Board of Adjustment approval to expand from 16 to 28 residents and successful completion of the Fire Department inspection.

The Board reviewed the criteria for approval.

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.*

Mr. Savastano made the following motion, which was duly seconded by Ms. Welsh. On a vote of 4–0, the Congregate Living and Social Services Licensing Board found application LB 23-10 in compliance with the first criterion, subject to the Fire Department inspection and ZBA approval of expanding from 16 to 28 residents.

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

Mr. Savastano made the following motion, which was duly seconded by Ms. Welsh. On a vote of 4–0, the Congregate Living and Social Services Licensing Board found application LB 23-10 in compliance with the second criterion.

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.*

Ms. Seher made the following motion, which was duly seconded by Ms. Welsh. On a vote of 4–0, the Congregate Living and Social Services Licensing Board found application LB 23-10 in compliance with the third criterion, subject to the Fire Department inspection and ZBA approval of expanding from 16 to 28 residents.

- C) Continued LB 23-11: Applicant, Ryan Gagne, Executive Director for Live Free Recovery, is requesting a Congregate Living & Social Services License for a Large Group Home, located at 26 Water St., and is in the Downtown Transition District and as defined in Chapter 46, Article X of the Keene City Ordinances.**

Vice Chair Kopczynski requested Staff comments. Mr. Rogers reported that this application was for a large group home at 26 Water Street that is limited to 16 residents. The building is due for Fire Department re-inspection at the end of August and approval of this application should be conditional upon passing that re-inspection. The Housing Inspector had no concerns.

Jennifer Houston of Live Free Recovery also presented on this application.

Ms. Welsh reiterated her comment from the last application about listing the employees' certifications for distributing medications. Vice Chair Kopczynski noted that these guests could stay up to 1 years at this location after treatment as they re-integrate into the community. He did

not think guests received medications. Ms. Welsh said there are residents who receive medication assisted treatment during their stays. Ms. Seher said that was outlined more in the staff training and procedures for this application. Ms. Houston agreed, noting that medications are kept locked and away from residents, who are not allowed to handle medication.

Ms. Seher thought this application was an example of how individualized neighborhood relations plans would be helpful. She said this location is in a very different neighborhood and has different types of community partners. Vice Chair Kopczynski agreed that this location is next to a commercial building on one side, a shelter on the other side, rental housing across the street, and a restaurant nearby. The neighborhood is mixed. He agreed that custom neighborhood relations plans for each location would be beneficial. Ms. Houston agreed that the different locations are in unique neighborhoods.

Ms. Welsh appreciated having a sober living facility in Keene because more are needed. She was glad that Live Free Recovery took over this location. She wished there was a facility for women as well.

Vice Chair Kopczynski said his comments were similar to the prior two applications. Vice Chair Kopczynski opened the public hearing and there were no comments in opposition or support, so he closed the hearing.

Mr. Savastano made the following motion, which was duly seconded by Ms. Welsh. On a vote of 4–0, the Congregate Living and Social Services Licensing Board approved application LB 23-11, conditional upon successful completion of the Fire Department inspection.

The Board reviewed the criteria for approval.

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.*

Ms. Welsh 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 found application LB 23-11 in compliance with the first criterion, subject to completion of the Fire Department inspection.

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

Ms. Welsh 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 found application LB 23-11 in compliance with the second criterion.

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.

Ms. Seher made the following motion, which was duly seconded by Ms. Welsh. On a vote of 4–0, the Congregate Living and Social Services Licensing Board found application LB 23-11 in compliance with the third criterion, subject to the Fire Department inspection.

D) Continued LB 23-12: Applicant, Ryan Gagne, Executive Director for Live Free Recovery, is requesting a Congregate Living & Social Services License for a Residential Drug/Alcohol Treatment Facility, located at 881 Marlboro Rd., and is in the Rural District and as defined in Chapter 46, Article X of the Keene City Ordinances.

Vice Chair Kopczynski requested Staff comments. Mr. Rogers said this application was for a residential drug and alcohol treatment facility at 881 Marlboro Street, which is in the Rural District. All inspections occurred and like the previous three applications, approving this should be conditional upon successful completion of the Fire Department re-inspection at the end of August. The Housing Inspector had no concerns.

Jennifer Houston of Live Free Recovery also presented on this application.

Vice Chair Kopczynski opened the floor to public comment and heard none in opposition or support.

Ms. Welsh said it was clear that because this is a detox facility, there must be clinically trained staff, and she appreciated that training was thoroughly outlined in this application. She would like to see the same level of detail about staff training for all the Live Free Recovery locations in the future. Ms. Seher echoed this request. Mr. Savastano had no comments or questions.

Vice Chair Kopczynski closed the public hearing. Mr. Rogers noted a discrepancy about the number of residents possible at this location. This property is capable of, licensed for, and has a Certificate of Occupancy for 24 residents. Discussion ensued about this issue. The Board agreed that a clear statement in the public record would suffice: this property is restricted to 24 residents based on the Certificate of Occupancy.

Ms. Welsh made the following motion, which Mr. Savastano duly seconded. On a vote of 4–0, the Congregate Living and Social Services Licensing Board approved application LB 23-12, conditional upon successful completion of the Fire Department inspection.

The Board reviewed the criteria for approval.

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.*

Mr. Savastano made the following motion, which was duly seconded by Ms. Welsh. On a vote of 4-0, the Congregate Living and Social Services Licensing Board found application LB 23-12 in compliance with the first criterion, subject to completion of the Fire Department inspection.

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

Ms. Welsh 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 found application LB 23-12 in compliance with the second criterion.

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. Savastano made the following motion, which was duly seconded by Ms. Welsh. On a vote of 4-0, the Congregate Living and Social Services Licensing Board found application LB 23-12 in compliance with the third criterion, subject to the Fire Department inspection.

Ms. Welsh noted that the Fire Chief had not appeared before the Board in a long time. Mr. Rogers would do his best to have a Fire Department representative at these meetings.

- E) Continued LB 23-13: Applicant, Mindy Cambiar, Executive Director for Hundred Nights, Inc., is requesting a Congregate Living & Social Services License for a Homeless Shelter and a Group Resource Center, located at 122 Water St. and is in the Downtown Growth District and as defined in Chapter 46, Article X of the Keene City Ordinances.**

Vice Chair Kopczynski explained that this was on the agenda to update the Board on how the applicant responded to the conditions of approval for their application for this property at 122 Water Street. Those details were highlighted in the meeting agenda packet. The Vice Chair thought the responses were concise and diligent. This location has diverse neighbors from a condominium association to Southwestern Community Services, so the neighborhood relations plan is essential. He thought it was clear in the record that exercising this neighborhood relations plan and actually working to resolve conflicts would be paramount to the success of the facility.

Mr. Rogers noted that it had been the Board's custom to vote to confirm the conditions were met so the license could be re-issued without conditions.

Ms. Seher recalled that one of the conditions regarded sex offenders and she was unclear on how the applicant had addressed that. She said the applicant referred to a two page document, which she said was a wonderful explanation of why it is important to allow sex offenders in the shelter. Still, to her, it did not seem to address what was requested as outlined in the minutes.

Mr. Savastano said he had a similar sense about it. The applicant mentioned in the neighborhood relations plan that they are a low barrier shelter and could have sex offenders in residence, including the specific tiers of offenders. Still, Mr. Savastano questioned how this would be communicated to the public. While the applicant listed the intention for semi-annual neighborhood meetings, he wondered how the neighborhood relations plan would be distributed to the neighbors, so they do not have to go searching for the information on Hundred Nights' website. Mr. Savastano recalled that he requested open knowledge communicated clearly; this was now open knowledge, but he wanted to know how it would be communicated to the neighbors. Vice Chair Kopczynski's understanding was that Hundred Nights intended to communicate this to their neighbors, but he did not know further details about how or when. Mr. Savastano referred to a list of guest guidelines and expectations on page 240 of the application that says, "promoting the good neighborhood experience include, but are not limited to, following the City of Keene Ordinance concerning noise." Still, he did not see the connection.

Ms. Welsh noted that the neighborhood relations plan was included on Hundred Nights' website and states their commitment to the community, a good neighborhood agreement, and the neighborhood relations plan. Mr. Savastano appreciated that information. Still, it was unclear to him in the resubmission of the guest expectations list whether it had been edited based on the Board's feedback.

As an advocate for and supporter of Hundred Nights, Ms. Seher thought the clearer that Hundred Nights could be now, the better off the residents would be in the long term. She recalled Mr. Savastano's comments at the previous meeting about how residents act when outside the facility. Vice Chair Kopczynski agreed that this is key based on their location next to an apartment building, the bike path, basketball courts, houses, and a commercial business.

Mr. Savastano said he wanted to see the guest guidelines amended to refer to the City Ordinance that was not previously listed. The Board agreed to hold off on a vote until this information is submitted. Mr. Rogers said the applicant would continue operating under the conditional license until then.

V. New Business:

No new business was presented.

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

There being no further business, Vice Chair Kopczynski adjourned the meeting at 7:08 PM.

Respectfully submitted by,
Katryna Kibler, Minute Taker
August 29, 2023

Reviewed and edited by,
Corinne Marcou, Board Clerk