

**MINUTES OF PUBLIC HEARING ON AN ORDINANCE FURTHER
REGULATING ADULT DAY CARE FACILITIES**

OCTOBER 24, 2006 LEGISLATIVE CHAMBERS 1197

President Scott Slifka called the hearing to order at 7:05 p.m.

Present were Councilors Shari Cantor, Barbara Carpenter, Chuck Coursey, Maureen Kelly McClay, Mark Sinatro, Scott Slifka, Art Spada, Carolyn Thornberry and Joseph Verrengia.

President Slifka: Mr. Spada could you please read the subject matter?

Vice President Spada: I can Mr. Mayor, ordinance further regulating adult day care facilities.

President Slifka: Well done. Is there a presentation from the administration, Mr. Alair I see you are there.

Mr. Alair: This ordinance consists of two components. The first of those is a regulatory piece – We have licensing regulations in place for adult day care facilities and this ordinance would change those in a couple of ways.

The first item is a change to the requirement that the Fire Marshal inspect all adult day care facilities. Since some types of these facilities do not fall within the scope of the Fire Code, the Fire Marshal has no criteria to use when inspecting those. Thus, the ordinance is amended to state that he will inspect where the fire code applies.

The second item is a requirement that they have AED devices and the third requirement is a requirement that the plan for quality assurance be transmitted to the Director of Human and Leisure Services for review as to its adequacy and completeness, simply a procedural requirement.

The primary component of this ordinance is the zoning piece which quite simply, as you will recall from the adoption of your original zoning ordinance on this, there are three categories of adult day care facilities ranked by size, zero to six, six to twelve and thirteen and up. At the first go round on this ordinance the Council adopted a provision, an ordinance allowing for those larger facilities, namely the adult day care centers to be

located in BG zones. The current ordinance allows for the location of the two smaller classes of facilities in a broader array of zones. Specifically, it allows the location of an adult group day care facility which is that six to twelve component in the BN, BND, BS, BC, CBDH, and BG zones so there is for that smaller middle component there is a wider array of locations that they might be located in.

Adult day care homes which is the smallest group, the zero to six, are only permitted as accessory uses to a single family residence and therefore are permitted in all of the zones where those are permitted, single family residences are permitted, but only as an accessory use by special use permit.

The remaining two categories, namely adult day care centers and adult day care facilities are permitted as accessory uses in all of the same zones as accessory uses to really any facility where they would be considered to be a traditional accessory use so we went back and looked at the zoning ordinances and said well what will these be accessory to and it is likely that they will be accessory to such things as churches, synagogues, convalescent homes, group care homes, that kind of use all of which are permitted in virtually every zone except the industrial zones. Therefore, again, they are permitted by special use permit uses as accessory to one of those types of use and will have to go through a TP&Z review process before they can be approved. That's it.

President Slifka: Thank you Mr. Alair. Are there any questions from the Council? Dr. Thornberry.

Councilor Thornberry: Good evening. Mr. Alair could you answer maybe just a couple of questions, through you Mr. Mayor? One of the things that I know that you mentioned and we saw this ordinance in the Human Services Committee, briefly looked at it, and then really felt that it was to go to Community Planning which it did but you mentioned the requirement that these have AED devices and I just wanted to indicate to people that these are heart defibrillators...

Mr. Alair: Correct.

Councilor Thornberry: Which is not required by State law but we are working here in West Hartford to put heart defibrillators in all public buildings and whereas this isn't really a public building to the extent that we

have some power over what they do then we specified that, when you talk about the use for at the lower end in residential areas, do these have to be attached to the residential facility?

Mr. Alair: As a practical matter, yes. The ordinance does not specifically state that but you have to recall that they are accessory to a single family residence or a residence on a single family lot and given the size and configuration of those lots it would be a rare case, indeed, where somebody would have room to build an accessory structure that would otherwise meet our ordinances and would be able to house a facility like that.

Councilor Thornberry: Right, I just wanted to make that clear rather than people imagining a lot of different buildings on one lot which it is not and that is not what we are allowing to do. Thank you very much.

Mr. Alair: And again just to finish the thought, because they also require a special use permit certainly any such arrangement would have to have been approved by the TP&Z.

President Slifka: Thank you Dr. Thornberry, any other questions? Mrs. Carpenter.

Councilor Carpenter: Yes, thank you. During our committee meeting we actually made a comparison between these adult day care centers in neighborhoods and child care so that we could kind of get a sense as to what the impact on the neighborhoods would be and it may be worthwhile just to kind of, for all of us, really got a very good understanding, again size, number of transitions in a community and a neighborhood is quite comparable to what now you may have in your neighborhood with early care centers.

Mr. Alair: The size categories are exactly the same as the categories we use for licensing child day care facilities. It is the zero to six, six to twelve, thirteen and up are the three categories. Unlike child day care, the State does not currently have comprehensive regulations in place for adult day care facilities so you have a somewhat different situation, hence, as Dr. Thornberry pointed out, the regulations requiring licensing by the Town because we felt it was necessary to step in and make sure that these facilities met some criteria in terms of the licensing side as opposed to the zoning side.

Councilor Carpenter: Thank you.

President Slifka: Thank you Mrs. Carpenter, anything further? Okay, seeing none, thank you Mr. Alair. Mr. O'Brien has anybody signed up to speak?

Mr. O'Brien: No one has signed up.

President Slifka: Okay, one last shot for the Council, seeing none we will now close the public hearing.

The hearing adjourned at 7:15 p.m.

Norma W. Cronin
Town Clerk/Council Clerk