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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON PUBLIC HEALTH AND PUBLIC SERVICES

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Room 401, City Hall
Philadelphia, Pennsylvania
Tuesday, December 8, 1998
4:10 p.m.

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RESOLUTION 980676 - Resolution authorizing the
Committee on Public Health, Human Services and
Recreation to conduct hearings for the purpose of
examining the placement and concentration Community
Living Arrangement houses in the City's residential
neighborhoods.

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15 PRESENT:

COUNCILWOMAN MARIAN TASCO, Chairman
COUNCILMAN RICHARD MARIANO
COUNCILMAN FRANK DI CICCIO
COUNCILWOMAN ANNA VERNA
COUNCILMAN FRANK RIZZO, JR.
COUNCILMAN DAVID COHEN

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2 CHAIRWOMAN MARIAN TASCO: Good

3 afternoon. I'd like to call the Committee on Public
4 Health and Human Services to order. We're here this
5 afternoon to have a hearing on Resolution 980676.

6 We have a quorum in the presence of the Councilman
7 Mariano, Councilman Rizzo, Councilwoman Verna and
8 we'd like the clerk to read the title of the bill.

9 THE CLERK: Resolution 980676
10 authorizing the Committee on Public Health, Human
11 Services and Recreation to conduct hearings for the
12 purpose of examining the placement and concentration
13 of Community Living Arrangement houses in the City's
14 residential neighborhoods.

15 Whereas, the use of community living
16 arrangements groups of three or more mentally
17 handicapped people living together in a single
18 dwelling as skyrocketed in recent years; and

19 Whereas, these facilities are usually
20 placed among other single family homes and their
21 placement cannot be regulated by the City of
22 Philadelphia, and recognizing that although
23 community living arrangements are important tools in
24 the treatment of the mentally ill, the secretive
25 measures that their operators use while establishing

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2 the facilities cause great deal of apprehension in
3 the residential community; and

4 Whereas, recognizing that a open
5 discussion of the placement and operation of these
6 facilities will ease the fears of neighbors and aid
7 treatment of their clients to tighter ties to the
8 residential community.

9 Now, therefore, resolved by the County
10 of the City of Philadelphia hereby authorizing the
11 Council's Committee on Public Health and Human
12 Services to conduct hearings for the purpose of
13 examining placement and concentration of community
14 arrangements in the City's residential area.

15 CHAIRWOMAN TASC0: Thank you. We want
16 to thank all of you waiting so patiently this
17 afternoon. We apologize, but we had a very
18 important and spirited hearing today on charter
19 schools, and unfortunately we only have one hearing
20 room. So we really apologize for the delay and
21 thank you for waiting.

22 The discussion on community living
23 arrangements has been going on since I took office
24 in 1988. Every now and then we have to pause to
25 revisit the issue to see if we are maintaining the

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2 level of communication and respect that we would
3 like these programs to fulfill. Today we have
4 another update.

5 In the past I have always given my
6 support to both the community and to special people
7 who live in group homes. They are our families and
8 our loved ones. Society must assist those who are
9 not able to help themselves have the best life that
10 they can, and living in the community is a
11 worthwhile goal. However, in many instances, we
12 must be sure there will be harmony as we work
13 together for the good of all.

14 We will explore today the ways we can
15 build better safeguards into the plans to develop
16 and operation group homes. Those providers of group
17 homes must work in tandem as partners in this
18 endeavor to provide safe and appropriate living
19 arrangements for those who can benefit from group
20 living. And we won't solve the problem today, but
21 it's important we begin this dialog. And it was
22 through Councilman Mariano that he introduced this
23 resolution and he will now have some comments.
24 Again, thank you for coming.

25 COUNCILMAN MARIANO: Thank you, Madam

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2 Chairwoman. Basically I just have a real quick
3 statement to make and it's pretty much off the cuff.
4 This isn't a witch hunt, so I don't want the
5 Commissioner or anyone else to be nervous. But I've
6 only been here since 1996, not as long as the
7 Councilwoman, but it seems these problems keep
8 coming back up. What we have to do from our point
9 of view is try to make everybody happy and with
10 wisdom Solomon. That's not always available. I'm
11 worried about the rights of the disabled, but I'm
12 also worried about the rights of the people that
13 chose to live in these neighborhoods that we pick
14 to have these homes in. So this isn't tainted one
15 way or the other. Everybody's going to get their
16 chance to speak today and we will have other
17 hearings and the advocacy groups can relax. We're
18 trying to protect fair housing, but again, the
19 people that live in different housing neighborhoods
20 need to know that they have some rights, too. We
21 can get United States Congress down here and talk
22 about the Americans with Disability Act, and we
23 probably all fall asleep in about 25 minutes.

24 MEMBER OF AUDIENCE: (Inaudible.)

25 COUNCILMAN MARIANO: Well, I don't know

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2 if we can.

3 MEMBER OF AUDIENCE: (Inaudible.)

4 COUNCILMAN MARIANO: Well, you know
5 what? You see, I'm talking now. So when I talk,
6 you don't get to talk. It's basically what they
7 teach you in first grade. So if we can't do that,
8 we might as well not have the hearing. And that's
9 probably what you would like. But this is going to
10 be an open discussion despite what you want, okay?
11 That's fair enough.

12 So we're trying to find out here exactly
13 what happens to the rights of the disabled and the
14 rights of the people that live in the neighborhoods.
15 So let's get on with this thing. Thank you.

16 Our first person will be --

17 CHAIRWOMAN TASC0: We will remind the
18 audience that this is a public hearing. Everyone
19 has an opportunity to come forth and present their
20 position on this issue, we do want it to be an
21 effective hearing so that we can listen to what the
22 concerns are and hopefully come up with some
23 resolution on how we're going to all work and live
24 together. So we would appreciate if you would give
25 the respect to the people who are testifying. If

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2 you disagree with something, I hope you will make
3 not of it and when you come forward you can state
4 your position on the issue or why you disagree or
5 agree with someone else. But we want to have a
6 respectful hearing this afternoon.

7 First we'd like to call the health
8 commissioner, that's Commissioner Estelle Richman to
9 come forward and make her presentation.

10 Good afternoon, Commissioner. Would you
11 please state your name for the record?

12 COMMISSIONER ESTELLE RICHMAN: Good
13 afternoon Councilwoman Tasco, Councilman Mariano,
14 Councilwoman Verna. I am Estelle Richman,
15 Commissioner of the Department of Public Health. I
16 have with me Mike Covone, the Deputy Commissioner
17 for Mental Health and Mental Retardation and Mark
18 Vincivengo (ph) the Deputy Commissioner for CODAAP.
19 I am here today to provide information on the array
20 of residential facilities which are provided by the
21 Department of Public Health.

22 The Department of Public Health is
23 responsible to assure that people with special needs
24 have access to housing and services in the community
25 and that these services are provided in accordance

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2 with fair housing legislation Americans with
3 Disabilities legislation.

4 The Department of Public Health funds
5 several different housing types in three divisions.
6 I will describe briefly the housing type, the
7 average number of units, the number of people per
8 unit, the staffing assignment, the primary funding
9 source, and the section of the department that
10 provides oversight and standards. I will also
11 describe the procedure used notify the community and
12 councilpersons. Finally I will present a
13 description of the Good Neighbor program being
14 piloted in West Philadelphia.

15 The Office of Mental Retardation funds
16 services to 1600 individuals living at 600
17 apartments and homes. These residences are called
18 CLAs, Community Living Arrangements. They are for
19 people with mental retardation or developmental
20 disabilities. The typical home includes three
21 people and the residents have 24-hour staffing. The
22 CLA's are located throughout the city. Funding for
23 these residences come from the State Office of
24 Mental Retardation. The Office of Mental
25 Retardation also funds intermediate care facilities

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2 for mental retardation (ICF-MR). These facilities
3 were acquired and renovated by a bond issued in
4 1986. They provide homes for four to eight
5 individuals. There are also located in all parts of
6 the city.

7 The Office of Mental Health funds
8 several types of residential facilities. The first
9 is LTSR, Long-term Structured Residences. There are
10 seven residences of 16 persons each. There are
11 three in Chestnut here, one in Mount Airy, one in
12 West Philadelphia, one in South Philadelphia and the
13 newest in Northeast Philadelphia. There is 24-hour
14 staffing.

15 CRR's, Community Rehabilitation
16 Residences. There are 26 CRR's. They are located
17 throughout the city and provide housing and supports
18 for an average of 14 persons per residence and
19 support over 360 people totally. There's also
20 24-hour staffing support.

21 Independent and Supported Independent
22 Living. In these arrangements the clients live
23 independently with staff proportion to their need.
24 Some people need 20 to 30 hours support per week to
25 start but may require 4 to 6 hours per week after

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2 the first year. In addition, there is independent
3 housing where clients can live without staff
4 supports. These arrangements are developed by our
5 housing development corporation that purchases and
6 renovates small apartment buildings or master lease
7 apartments on behalf of the client. In both cases
8 noted before, the client signs the lease. There are
9 over 600 people supported in these living
10 arrangements. In most cases, individuals live alone
11 or share a residence with one other individual.
12 SRL's are located throughout the City.

13 There is also a mixed category of
14 various residential types which includes residential
15 facilities which are commonly referred to
16 Progressive Demand Residences, Specialized
17 Residences, and Residential Inpatient Non-Hospital
18 Treatment Programs. There are 45 such facilities;
19 15, 28 and 2 respectively, which means there are 15
20 Progressive Demand Residences, 28 Specialized
21 Residences, and 2 Residential Inpatient Non-Hospital
22 Treatment Programs which house 530 persons with an
23 average capacity of 15. They all have on site
24 staffing 24 hours a day, seven days a week.

25 CODAAP contracts with 11 agencies to

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2 provide 14 recovery houses. Currently these
3 agencies provide for a capacity of 219 people. The
4 basic rule in recovery housing is residents must
5 agree to be active in a Pennsylvania Department of
6 Health licensed treatment program. The programs
7 have round the clock daily coverage and provide a
8 variety of social supports for residents. These
9 residences are located throughout the City. Funding
10 for these programs comes from the Philadelphia
11 Department of Health through a grant from the
12 Pennsylvania Department of Health.

13 CODAAP also provides funding for two
14 different types of residential treatment programs
15 which are licensed by the Pennsylvania Department of
16 Health. These are non-hospital detoxification
17 programs and non-hospital rehabilitation programs.
18 With one exception, the State licensed non-hospital
19 detoxification programs occupy space in community
20 hospitals such as St. Joseph's, Parkview, and
21 Kensington. There are 25 non-hospital
22 rehabilitation programs which provide services to
23 653 people. They are located throughout the City.
24 The funding is primarily through CBH or BHSI.

25 Finally, CODAAP provides support through

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2 a State grant to 6 houses which provide residential
3 services and social supports to 112 homeless
4 individuals. These houses also maintain a round the
5 clock coverage.

6 All residential facilities supported by
7 CODAAP, OMH and OMR have been assigned a staff
8 person from these offices who visits the programs
9 routinely and provides monitoring, oversight, and
10 technical assistance.

11 In 1997, the City began structuring the
12 process to approve residential sites before they are
13 purchased. The provider advises the health
14 department that it has found an appropriate site for
15 one of the residential programs described above.

16 Essential information concerning the program
17 includes the address, the purpose of the program,
18 the closest program of similar type, the agency
19 developing the program, and the contact the agency
20 has had with the community.

21 Once the site has received approval to
22 proceed, the agency makes an effort to inform
23 neighbors and the councilperson about the program,
24 its structure, and to respond to any other concerns.
25 Every effort is made to help the community accept

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2 the program realizing on some occasions some
3 residents of the community remain opposed.

4 At the request of a West Philadelphia
5 neighborhood association, the Department of Public
6 Health and Department of Human Services met for
7 several months to discuss how to create new housing
8 in the neighborhood with community support. In June
9 of 1998, the new policy called the Good Neighbor
10 Policy was written and adopted. The agreement is to
11 pilot the initiative for a year, evaluate its effect
12 on the community, and to decide whether to
13 generalize the policy to the entire City. To date,
14 this project has been an overwhelming success with
15 only one reported complaint.

16 On this promising note, I would like to
17 take one moment to point that all Department of
18 Public Health facilities are extensively monitored
19 by my department and often by the State Department
20 of Public Welfare as well. They are licensed as
21 required by the Department of Public Welfare.

22 A 1994 study estimated that there are
23 approximately 950 unlicensed, unregulated, and
24 unmonitored congregate facilities in your City.
25 These facilities are not funded by government and

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2 typically have minimal staffing. The facilities are
3 usually poorly maintained. These facilities are the
4 major cause of complaints from neighborhoods and
5 City Councilpersons to my department. Addressing
6 these concerns which do not fall within our purview
7 will require substantial action on the part of the
8 Commonwealth and the City.

9 I'll be happy to answer any questions.

10 COUNCILMAN MARIANO: Thank you,
11 Commissioner. Looks like everyone baled out, but I
12 assure you everyone's listening in their office on
13 their boxes. There's a couple things you spoke
14 about, I just want to ask you a question.

15 First of all, I just want to define and
16 separate these two things. I mean, you talk about
17 the latter part, the un licensed facilities and
18 probably in the perfect world that's what all the
19 complaints are about. I can speak about one
20 thing -- we've talked about this before. You talked
21 in here on page 6 about maintaining contact with the
22 councilperson. Now, you know what I'm going to ask
23 you about COMAR, I don't want to get into a specific
24 incident, but when do you tell the councilperson or
25 the neighbors? Do you tell them after the house is

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2 bought as in COMAR's incident, or do you tell us
3 before it's bought?

4 COMMISSIONER RICHMAN: The agencies
5 submits to us, submits to the City Administration
6 basic information listed on the top of page 6. At
7 that point it is before the property has been
8 bought. Once we have that approval to proceed, the
9 agency at that point begins to purchase the property
10 and hopefully at that time begins to talk to both
11 the neighbors and to the councilperson.

12 COUNCILMAN MARIANO: So in a case where
13 the agency has bought the house months before they
14 notify anybody like in the case that we're both
15 familiar with, does that fall into -- do you say,
16 "Look, you guys are making it hard for us, you're
17 making it hard for the councilperson, all the other
18 elected officials with the neighbors because if you
19 came to us in advance" -- and I'm not saying this to
20 you, I'm saying this for the record because you and
21 I have had this discussion. I think we both agree
22 what needs to be done in the future, and that's what
23 these hearings are about. So we don't have to go
24 through this whole thing over and over like
25 Councilwoman Tasco said '88, now it's '98 and we're

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2 here again 10 years. And certainly a lot of things
3 have happened in them 10 years.

4 COMMISSIONER RICHMAN: A lot of things
5 have happened over 10 years, and certainly there are
6 many more people living in the community and living
7 very normal lives in the community. Our hope is to
8 work with communities, and that was one of the
9 reasons as we worked with West Philadelphia develop
10 good neighbor policy. But we also need to work with
11 people who have a right to live in the community.
12 And we try to balance those two. In many times in
13 the early years that Councilwoman Tasco talked
14 about, the moment we said we were going to buy a
15 house in the neighborhood, all the opposition came
16 up and it would months if not years to get a basic
17 three person house in the neighborhood. What we've
18 tried to do is trying to find the right combination
19 of discussion, which is, let us begin to look at the
20 house, buy the house, and then work with the
21 community to try to make sure we answer all their
22 questions and to bring them along to be able to --
23 if they want to know how much staffing, the kinds of
24 clients, what are the supports, what is the
25 monitoring, is it under contract, is there a very

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2 firm way to make sure this will not hurt the
3 community. And to be good neighbors is our whole
4 goal.

5 COUNCILMAN MARIANO: I hear what you're
6 saying about that, but, again, I don't think you
7 really answered my question. With this incident we
8 talked about, exactly what you said you were going
9 to do, you didn't do. I understand why you don't do
10 that because of the signs. I mean, whatever starts
11 out, everybody's going to be against it, nobody
12 wants that in their neighborhood unless they have
13 some kind of experience. And certainly, everyone
14 has the right do what they need to do as far as the
15 handicapped is concerned. But why do we say one
16 thing and do another? Is it because maybe the
17 agency that we're speaking about was getting into
18 something that they never did before? They were --
19 and correct me if I'm wrong. Weren't they good with
20 the CLA's and then all of a sudden somebody sells
21 them a bill of goods where you go for this other
22 thing with 16 people in a house. Now all of sudden
23 they went from a lot of CLA's to 16 people in house?
24 And everything you say in here is exactly what
25 didn't happen there. And then the biggest fear in

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2 the neighborhood is the unknown. I know they have
3 no right to say, we can't have people from
4 Norristown here, we have sexual offenders, we have
5 drug addicts. But isn't there a way you can notify
6 at least the elected officials and they can say,
7 Look, I can't tell you the names of the people who
8 are going to be there or what their problems are
9 going to be, but you're concerned because -- and you
10 have general concerns. They may turn out this place
11 may be perfect. In two years there may not be a
12 problem and it would be -- hindsight's always 20/20
13 but why don't we just do that? Why don't we go to
14 the State Senator whose office is across the street.
15 Why don't you go to the district councilman and say,
16 Look, we're not going to tell you the names of the
17 people or why they're in here, but these people are
18 going to be from here or they're not from Norristown
19 Mental Hospital or wherever." There has to be
20 something we can give back to our constituents
21 because we're left hanging. That's what this is all
22 about. We're left hanging in the wind with nothing.

23 "I don't know."

24 "Well, why don't you know? You're the
25 councilman."

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2 "Well, they don't tell me."

3 "Well, who don't tell you?"

4 "The Administration."

5 "Why don't the Administration tell you?"

6 "I don't know."

7 Now when I started figuring out why I
8 don't know, they didn't tell us because they never
9 planned on telling us in my opinion because of what
10 would happen or the fear of what would happen with
11 the neighbors being against something. Am I correct
12 there in assuming that, partially or totally off
13 base?

14 COMMISSIONER RICHMAN: We hope that the
15 agencies work with you, and we have asked them to
16 work with the councilpeople and the neighbors in the
17 community.

18 COUNCILMAN MARIANO: But what do we do
19 in that case where they don't? That the group just
20 may be a group. The other groups may be well and
21 they may have done that. Meanwhile they have a big
22 project there and --

23 COMMISSIONER RICHMAN: Some groups do it
24 as a matter of fact have very good relationships and
25 do it ongoing.

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2 COUNCILMAN MARIANO: And that particular
3 group had always done it. But when they got to this
4 particular project that was bigger than they ever
5 did before because it was CLA to this -- what's
6 that?

7 COMMISSIONER RICHMAN: It's a LTSR, a
8 Long Term Structured Residence.

9 COUNCILMAN MARIANO: Which the people
10 don't know what we're talking about, it's a big
11 difference.

12 COMMISSIONER RICHMAN: There is a
13 difference. There's a difference in clientele. A
14 CLA provides residential programming to people who
15 have mental retardation. And a LTSR provides a
16 residential service for people who have mental
17 illness.

18 COUNCILMAN MARIANO: Well, the people in
19 the CLA's, there basically the people that can go to
20 work and function anyhow, right? I mean, there's
21 not a problem? They don't need to be --

22 COMMISSIONER RICHMAN: In reality I
23 actually think it may be the reverse.

24 COUNCILMAN MARIANO: Because it's my
25 understanding like in that particular project that

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2 we're talking about, the reason that was a big sell
3 was because it was in a residential setting. But in
4 my non-professional opinion, we have a residential
5 setting where people are locked in a house that
6 there's time limitations when they open the door to
7 get out. If they're that bad or if they're that bad
8 off, why do they have to be in a residential
9 setting. Can't it be -- I understand why they want
10 it and I understand why the CLA -- it may be great
11 to put them in neighborhoods like Juliana Park or
12 Frankford or another neighborhood where nobody knows
13 any difference and they go to work and nobody knows.
14 I actually know some of those people in a couple of
15 them houses and it works out.

16 COMMISSIONER RICHMAN: I think that the
17 fact that there's time delay lock on it was as much
18 of an assurance on the part of the department that
19 we would know where people are all time. I mean, we
20 ran into -- the neighbors often say, "How do you
21 know when someone's going to be out?" Well, this
22 way we know. It's trying, again, to find that very,
23 very careful balance between what neighbors are
24 concerned about and the personal freedom and ability
25 for people to live in a community. Many of the

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2 people who live in many of our -- whether it's
3 people with mental retardation or people with mental
4 illness have the ability to go out to work. They
5 got to the programs. The day programs that they go
6 to are not within those houses. So almost always
7 there will be people outside the program attending a
8 day program, going to work.

9 COUNCILMAN MARIANO: Most of the people
10 in the project we're speaking about won't be going
11 to work.

12 COMMISSIONER RICHMAN: They will be
13 going to some other kind of program during the day.

14 COUNCILMAN MARIANO: They won't stay in
15 that house all the time?

16 COMMISSIONER RICHMAN: I don't believe
17 they're staying in the house all the time.

18 MR. COVONE: Initially they are working
19 out of the house.

20 COUNCILMAN MARIANO: You see, but here's
21 one of the problems. Here we are today the 8th of
22 December, now we're finding out a year later when
23 this house was bought and it took a City Council
24 hearing to find this information out. Why couldn't
25 they have told the neighbors or at least told the

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2 elected officials this information because then we
3 could have let some of the neighbors' fears lie to
4 rest, yes, no, or I can't tell you. I have no
5 problem saying "Here is why I can't tell you."

6 COMMISSIONER RICHMAN: I was under the
7 impression that there were several meetings within
8 the neighborhood to discuss all aspects of the
9 program.

10 COUNCILMAN MARIANO: Not ones I were at.
11 Most of them were pretty bad meetings because they
12 were ran them wrong. This should be the test case
13 of how not to do it again. There were meetings but
14 after they purchased -- they purchased the house in
15 December. They tell the elected officials in March.
16 They knew in December. And I went down to talk to
17 all the ladies on the board and they're certainly
18 nice ladies, men and ladies. That group's been
19 around int Port Richmond for a long time and they
20 have some great concerns. And they told me off the
21 record they said, "Councilman, we wish we never knew
22 anything about this because this is more publicity
23 than we ever wanted to have." And I said, "All we
24 need here is a healing process." I've yet to see
25 that healing process. I still get complaints from

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2 the people that live in that area. Are they
3 dwindling? Not really. Will some people get used
4 to it? Hopefully. They have some real concerns,
5 and that's what we need to address. And I know
6 that's not on you. Commissioner, I know what you're
7 trying to do and I think you have well intentions,
8 so do I, so do those people, and so do these people.
9 But we got to get all those well intentions and
10 figure out what makes common sense and this doesn't
11 happen again. That's strictly what this is about.

12 COMMISSIONER RICHMAN: Maybe one of the
13 things we can do is share with you the Good Neighbor
14 Policy that we've drawn up with a community in West
15 Philadelphia. Part of the protections, though,
16 afforded both under the Americans with Disabilities
17 and fair housing is that the purchase of the house
18 happens and then the neighborhood information. The
19 reason for doing it in that order is because so we
20 don't delay. We're in an explanation, a beginning
21 to describe to people how the housing works, begin
22 to answer any questions on it. But that the
23 purchase of a house isn't contained in all of those
24 meetings that have to happen.

25 COUNCILMAN MARIANO: I think the person

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2 made the most sense out of anything that I heard was
3 Debbie Russo. Now, Debbie can't be here today
4 because she's about to give birth any minute. In
5 fact, twins we're waiting for. But Debbie actually
6 said at one of the -- I'm hope I'm not misquoting
7 her. But when the zoning board asked her at one of
8 the injunction hearings why they don't tell the
9 neighbors, she pretty much said what you said, she
10 said because the neighbors would always be against
11 it. Imagine how that sounds if you have \$180,000
12 house or a \$25,000 house next to where this is
13 coming in. It's like, we can't handle this, we're
14 all afraid of this federal law and federal judges.
15 Well, the federal laws and federal judges may be
16 right. That's why there are laws and that's there
17 are judges. This is my illegal opinion. But these
18 people that live in these neighborhoods have some
19 rights, too, at lesion to be heard.

20 COMMISSIONER RICHMAN: That's exactly
21 why we really do want and will continue to push all
22 agencies that from the point that there is known
23 that they're going to be in this housing that they
24 have to meet with the neighbors, that they have to
25 become good neighbors which means sharing

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2 information, not confidential information, but
3 because people are in these houses not prisoners,
4 they're in there to begin to be part of the
5 neighborhood and to be part of the community and
6 they can only do that if anybody can share with each
7 other.

8 COUNCILMAN MARIANO: And listen, we're
9 not the only city dealing with this. Read
10 Philadelphia Magazine what the people that live in
11 Norristown are thinking about right now. It's very
12 pertinent to this hearing today.

13 My other question, I just wanted to ask
14 you -- if you know this answer, yes; if you don't,
15 just don't say no. I'm not trying to put you in a
16 spot. Is there a game plan? Like, we start out in
17 West Philadelphia or South Philadelphia, now we have
18 to get up in the Northeast because there's not
19 enough houses? Can you answer that?

20 COMMISSIONER RICHMAN: No, there is not
21 a game plan. Basically for any housing, we issue a
22 request for proposal and we read those proposals and
23 make a decision based on the cost, the ability of
24 the agency to provide housing up to standard and
25 where they are in the process of being able to have

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2 demonstrated that they can manage. And the agency
3 that presents the soundest proposal usually is
4 awarded it. We also have both family members and
5 consumers sit, no one from the agency and no one
6 from a provider, usually sits on the reading
7 committee for RFP so we can make sure we have an
8 impartial panel. The whole process is trying to
9 choose. At this point we're not looking parts of
10 the City, we're looking at the best proposal.

11 MR. COVONE: I think the one other thing
12 I would add to that is the one other area where we
13 do get somewhat restricted is based on the needs of
14 the individuals. Many of the individuals we've been
15 dealing with in the last two or three years have had
16 physical disabilities as well as other disabilities
17 so that handicapped accessible homes and there
18 aren't obviously in all areas of the city that isn't
19 available so we have done more development
20 particularly in the MR side over the last few years
21 in the far northeast and in the Upper Roxborough
22 Andorra area just because of the housing style
23 issue.

24 COUNCILMAN MARIANO: Because the housing
25 isn't handicap accessible.

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2 MR. COVONE: Right. The housing in
3 those areas are probably more handicap accessible.

4 COMMISSIONER RICHMAN: If we need one
5 floor, South Philadelphia doesn't have a lot of
6 one-floor housing. And for many of the people with
7 physical handicaps in wheelchairs, that would be a
8 necessity. Mike is right.

9 COUNCILMAN MARIANO: This is a little
10 off the beaten path here, but right now I have a
11 place in a neighborhood and someone calls me and
12 says, "Councilman, there's eight people in a house
13 and they're not related, they didn't come through
14 zoning for everything and it's a drug -- as best we
15 can find out it just started two days ago, but best
16 we can find out it's probably not licensed, it has
17 some violations for some other stupid stuff like
18 steps and railings and all," but if Councilman
19 DiCicco and I decided get out this business and we
20 wanted to go into this business, is that all you got
21 to do, open up a house, you don't have to go to
22 anybody?

23 COMMISSIONER RICHMAN: To go into
24 business all you have to do find a house, get a
25 business license from L & I, find people who will

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2 want to move in and you're in business.

3 COUNCILMAN MARIANO: So you can get
4 eight people who may have heroin problems and you
5 can put them in a house? I don't have to know
6 anything about heroin, we don't have anybody to
7 counsel? That's how simple it is?

8 COMMISSIONER RICHMAN: There are a couple
9 of personal care boarding homes in the City that
10 have more than 200 people in them. They have a
11 license from L & I and they can -- they charge
12 people who live in them. There are no way receiving
13 any public dollars from the State or from the City
14 and they operate as a business. And many of them,
15 we wish they wouldn't.

16 COUNCILMAN MARIANO: Now, let me ask you
17 this. Now, say Frank and I want to do this same
18 business, but instead of drug addicts, we want to
19 have people who have mental handicaps; can we do the
20 same thing?

21 COMMISSIONER RICHMAN: You can do the
22 same thing.

23 COUNCILMAN MARIANO: Sign up eight
24 people, you may have five people, they have three.
25 We don't have to have any expertise? Frank's a

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2 Chef, I'm an electrician. What do we do, just go in
3 this business?

4 COMMISSIONER RICHMAN: There is nothing
5 within L & I being able to set up your own business
6 that would prevent you from doing this.

7 COUNCILMAN MARIANO: We have people with
8 some real serious problems and us not being able to
9 handle that --

10 COMMISSIONER RICHMAN: If they want City
11 money, then they have to meet a very substantial
12 list of standards. If they want State money, they
13 have to meet a vert substantial list of standards.

14 COUNCILMAN MARIANO: But if we're
15 getting people's private money, we don't have to do
16 anything?

17 COMMISSIONER RICHMAN: That's right.

18 COUNCILMAN MARIANO: That's amazing.

19 Does that happen a lot? Besides the
20 drug stuff. I know that happens.

21 COMMISSIONER RICHMAN: There are 960
22 houses of what you described out there that all hold
23 anywhere from 25 to 200 people.

24 COUNCILMAN MARIANO: What's this other
25 thing that I've been hearing about, there's one up

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2 on the Boulevard below Oxford Circle, it's mainly
3 for senior citizens that can't quite take care of
4 themselves? Is that different? Is that assistant
5 care?

6 COMMISSIONER RICHMAN: It could be
7 assistant care.

8 COUNCILMAN MARIANO: Do we do anything
9 with that from the City or is that State?

10 COMMISSIONER RICHMAN: All State or,
11 again, or private dollars. Many of these people,
12 many folks who have a mental illness or have mental
13 retardation receive SSI. An SSI check often when
14 they move into one of these facilities, the owner of
15 the facility takes over their SSI check and gives
16 them money back.

17 COUNCILMAN MARIANO: Now, say if
18 someone's SSI check, it Irv's SSI check and he's in
19 my facility and it's in Irv's name.

20 COMMISSIONER RICHMAN: It's in Irv's
21 name.

22 COUNCILMAN MARIANO: Irv gives it to me
23 once a month.

24 COMMISSIONER RICHMAN: Right.

25 COUNCILMAN MARIANO: Doesn't anybody

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2 from the Federal Government come around and make
3 sure I'm not taking advantage of Irv or he's getting
4 the care?

5 COMMISSIONER RICHMAN: If he were to go
6 complain --

7 COUNCILMAN MARIANO: I see everybody
8 shaking their head so they know that this happens.
9 Does this happen?

10 COMMISSIONER RICHMAN: Oh, this is not
11 new to any of us.

12 COUNCILMAN MARIANO: Because I got to
13 wonder, when I was young -- I'm going to go on a
14 tangent here. My uncle drove a bus to Ceilings
15 Grove State School and Hospital, and I used go along
16 with him on that bus. I was about 7 or 8 years old.
17 And they had a farm much like Norristown I suppose
18 was in the old days. And there were some very
19 severely handicapped people in there. I was a young
20 man, I mean, really young, and I used to watch and
21 it seems to me what was worse, I mean, I don't know.
22 What was worse there and having to do that work
23 every day the State got out of that or leaving
24 people up to some unscrupulous person that may just
25 be in it for the money?

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2 COMMISSIONER RICHMAN: Well, this is one
3 of the reasons why we monitor and set standards for
4 the programs we fund very carefully, to make sure
5 staff are qualified. You wouldn't -- I don't know
6 all of your background, but probably you and the
7 Councilman may not be qualified to run a house. You
8 need to have both the administrative skill, there
9 needs to be some clinical skill and you need to hire
10 people with those skills to be able to bring support
11 to folks. It's not a free-for-all. But many times
12 when people have these disabilities, if there's no
13 support, then they become fair game for the
14 entrepreneurs who are going to set up any kind of
15 residential program, take their money, and not often
16 provide them with the level of service they need.

17 One of the most frequent kinds of
18 housing that we are most concerned about, and I
19 think that Mark can talk to at the same time is some
20 of the drug and recovery houses that are not funded
21 through CODAAP or the State and therefore have no
22 restraints about how they run or who runs them.

23 COUNCILMAN MARIANO: So basically as a
24 district councilman, the only way to stop this from
25 happening from what you just spoke about, the

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2 recovery house or make life tough with them at L & I
3 or make sure all their buildings are up to code, you
4 know, fire and electrical.

5 COMMISSIONER RICHMAN: Well, Councilman
6 Kenney has for several years been trying to look at
7 a way --

8 COUNCILMAN MARIANO: What's his name?
9 Councilman who?

10 COMMISSIONER RICHMAN: Kenney.

11 COUNCILMAN MARIANO: Oh, okay, I know
12 him.

13 COMMISSIONER RICHMAN: Has been looking
14 at ways particularly around recovery housing on how
15 we can make sure that the folks providing those
16 houses are providing a clear service.

17 COUNCILMAN MARIANO: I was
18 administrative assistant for Councilman Kenney for
19 two years. And he was on that in Kensington. There
20 was some good places, but there were some, they were
21 getting money from everybody. They taking the guys
22 tokens off of him actually.

23 COMMISSIONER RICHMAN: If you have a
24 house that you're concerned about, if you let us
25 have the address, we will let you know whether or

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2 not it's anywhere within our program.

3 COUNCILMAN MARIANO: Do we have any kind
4 of list, anybody at that table where we might know
5 what ones are out there that you may have gotten
6 reports on broken down by council districts?

7 COMMISSIONER RICHMAN: Yes, we do.

8 COUNCILMAN MARIANO: Is that something
9 that we could possibly get?

10 COMMISSIONER RICHMAN: Sure. We can
11 send it to you.

12 COUNCILMAN MARIANO: Will you send it
13 Councilwoman Tasco?

14 COMMISSIONER RICHMAN: Yes, we will.

15 COUNCILMAN MARIANO: I have no other
16 questions for these three witnesses.

17 Councilman DiCicco?

18 Seeing none, that's it. Thanks for
19 hanging around.

20 The next witnesses will be the SPIN
21 representatives. State your name and organization
22 for the record.

23 MR. DAVID A. LOSINNO: David A. Losinno,
24 President and Chief Executive Officer of Special
25 People in Northeast, Incorporated. I'm pleased to

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2 be here today to provide testimony on behalf of the
3 initiatives taken by the Philadelphia County Office
4 of Mental Health and Mental Retardation to provide
5 residences in the community for individuals who have
6 mental retardation. I am joined here today by
7 Kathleen Brown-McHale, Corporate Officer for Adult
8 Services at SPIN.

9 SPIN is a private non-profit corporation
10 Commonwealth of Pennsylvania, which was founded by
11 parents of children with mental retardation in 1970.
12 At that time, the parents were seeking summer
13 programs for their youngsters. From this small
14 beginning, the agency has grown in size so that it
15 is multi-dimensional, multi-service habilitation
16 agency serving over 1,200 individuals with mental
17 retardation. Appended to this testimony is printed
18 material from the agency, which will provide greater
19 detail.

20 One service that the agency provides is
21 its Adult Services Program. This is a comprehensive
22 program for 95 Philadelphians, most of them 24-hour,
23 7 day a week support to be able to successfully live
24 in an inclusive environment as a vibrant part of our
25 City of Philadelphia. Fifty-five of these

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2 individuals spent a large portion of their childhood
3 and young adult years in the Pennhurst State School.
4 As a result of litigation, the Commonwealth of
5 Pennsylvania chose to close that institution and
6 return 554 individuals to their home community of
7 Philadelphia. The City's Department of Health
8 through the County Office for Mental Health and
9 Mental Retardation accepted responsibility for this
10 task. SPIN actually began providing residential
11 care in 1981, but it wasn't until the close
12 Pennhurst State School that SPIN became a major
13 provider of residential care in 1987.

14 Currently, the agency's Adult Services
15 Program supports 45 homes located in the Northeast
16 community. Four individuals reside in family
17 support programs. Some 250 staff members provide
18 support for the individuals who participate in this
19 program. If more information on this matter is
20 required, we will be glad to provide it to your
21 committee.

22 We apologize for the compilation nature
23 of this testimony and related materials, but we only
24 received invitation to testify before the Committee
25 on Monday, December 7, 1998.

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2 If there is anything that I can bring to
3 the committee, it is my commitment and the
4 commitment of our agency that people with mental
5 retardation are human beings deserving of every
6 opportunity to live lives with all the freedoms that
7 we enjoy as Americans in a manner consistent with
8 the mainstream of society. In 1994, the City of
9 Philadelphia and the County Office of Mental Health
10 and Mental Retardation adopted a values-based
11 approach to the provision of these services. Again,
12 a copy of this document is appended to this
13 testimony. In these values, the City states a
14 fundamental belief that individuals should be free
15 to choose with whom they live, where they live, and
16 how they live. These beliefs are consistent with
17 the values of our Commonwealth expressed through the
18 document entitled "Everyday Lives." This document
19 likewise expresses the needs of services to be
20 community-based and inclusive within the community
21 it serves to the fullest extent possible.

22 I think at this point it makes sense to
23 provide two examples that represent true success for
24 people SPIN has had the opportunity and honor to
25 support.

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2 After having spent most of her childhood
3 and all of her early adult years in the segregated
4 restricted environment of institutions, Ruby came to
5 SPIN in 1985 to live in a large home with four other
6 residents and with one-to-one staff supervision 24
7 hours a day. Initially, we believed, due to the
8 behavioral challenges Ruby presented, that she
9 continued to require a restricted life in the
10 community. As we got to come to know Ruby, we came
11 to understand that she simply wanted to live life on
12 her own terms. Ruby now lives in her own apartment
13 where our staff looks in on her from time to time.
14 She goes to work every day and enjoys shopping,
15 banking, going to restaurants, and a beauty salon in
16 her neighborhood.

17 SPIN recently supported three
18 Philadelphia men who chose to move out of the
19 institution located in the Scranton area. The men
20 have adjusted beautifully to community life and to
21 their home in Castor Gardens. All three of the men
22 now have competitive jobs and are in a position to
23 make a contribution to society. This all occurred
24 within a six-month time frame which is truly
25 remarkable, considering that combined, they spent

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2 over 80 years of their lives in an institution.

3 SPIN believes all citizens with mental
4 retardation should be guaranteed their right to live
5 in the community of their choice. These guarantees,
6 in the form of Federal legislation such as the Fair
7 Housing Act and the Americans With Disability Act,
8 provide only a legal basis. What is needed at the
9 local level is a full understanding of the need for
10 an inclusion life in the community as key element of
11 the habilitation process. Individuals clearly
12 benefit and thrive within vibrant, intact
13 communities with resources to share. But for
14 individuals to benefit fully from their experience,
15 they must have the opportunity to give back to
16 society, to contribute in their own right. It
17 cannot be known how much of each of these
18 individuals can contribute until they are fully
19 accepted as citizens of this City and expected to
20 participate in community life.

21 We ask that you begin the act of
22 accepting today by establishing a resolution that
23 all individuals residing in Community Living
24 Arrangements have the same access to living in the
25 neighborhood of their choice as all citizens. SPIN,

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2 as its responsibility, promises to continue to
3 partnership with the City of Philadelphia to assure
4 that all homes reflect the values of neighborhoods
5 in which they are located. Further, SPIN assures
6 that staff members who support individuals with
7 mental retardation to be fully included do so in a
8 manner respectful of all people which comprise the
9 fabric of neighborhood life.

10 Thank you. If you have any questions,
11 we will be glad to try and answer them for you.

12 COUNCILMAN MARIANO: The only question I
13 might have is SPIN pretty much does the CLA's,
14 right? Do you have any bigger than CLA?

15 MR. LOSINNO: Family Support Living, you
16 know, where individuals live with families in their
17 homes. We do not serve people with mental illness
18 as adults.

19 COUNCILMAN MARIANO: State your name for
20 the record.

21 MS. BROWN-MC HALE: Kathleen
22 Brown-McHale. We have one home that provides
23 services for five individuals. It's an ICFMR.
24 That's the largest that we have.

25 COUNCILMAN MARIANO: Now, let me -- I'm

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2 trying to think of questions that some of my
3 colleagues would ask you, and I know a couple of
4 them asked me some questions to ask you. They just
5 couldn't be here.

6 Say you have a place somewhere in the
7 Northeast, because that's where you're from, right?

8 MR. LOSINNO: Right.

9 COUNCILMAN MARIANO: And you have a
10 problem -- well, not a problem, but the neighbors
11 are complaining about things that may or may not
12 happen. So basically if it's a CLA, there's
13 somebody living with them, right?

14 MR. LOSINNO: Yes, they're staffed with
15 them all the time.

16 COUNCILMAN MARIANO: And the people that
17 live in this house probably go out every day mostly
18 to work hopefully?

19 MR. LOSINNO: Yes. Most of them go to a
20 day service for work or more increasingly they have
21 been programing for individuals with severe mental
22 incapacity from their home. But they do go out
23 every day, yes.

24 COUNCILMAN MARIANO: So if you get calls
25 from neighbors, eventually they're going get to you,

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2 they'll get to the local officials and they get to
3 you and say, "Look, when the people leave, the
4 people in that house are playing basketball out
5 front, making noises, smoking marijuana," whatever,
6 horror stories which probably don't exist but they
7 my exist. How do you handle that? Would you
8 possibly get rid of the people?

9 MR. LOSINNO: Absolutely.

10 COUNCILMAN MARIANO: Or do you just
11 figure, you know, the neighbors are all nuts because
12 they don't want us here or --

13 MR. LOSINNO: I think a couple things,
14 Councilman --

15 COUNCILMAN MARIANO: You really look at
16 that, right?

17 MR. LOSINNO: We absolutely look at
18 that. And we are a unionized agency and we have
19 rules and union is in supportive disciplining and we
20 have progressive disciplining. The example by your
21 own admission is a far-out situation. When our
22 people leave the home, generally staff are assigned
23 to go with them so there is usually no one left back
24 in the house with the exception of maybe a
25 housekeeper on something like that. Staff are

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2 assigned.

3 I think the monitoring and the
4 infrastructure of the agency with its supervisors,
5 its managers, its associate, its cooperate officers
6 maintain or absolutely control the behavior of
7 staff. We have found that many communities do not
8 oppose so much the people with mental retardation
9 living in the community, but it is the behavior of
10 staff that is disrespectful, it is not consistent
11 with the values of the neighborhood, they may be
12 loud when they get picked up from a shift they blow
13 their horn at midnight, these are the kinds of
14 things that the agency responds to and responds to
15 very quickly. And I think since 1981 with 45 homes,
16 almost every one of those homes living rather nicely
17 and certain times in environments where neighbors
18 would just barely be giving us a chance. So I think
19 we do respond to that.

20 And one of the major situations that
21 occurred when we brought people back from
22 institutions into vibrant communities is the
23 community could see how society was caring for
24 people with mental retardation. When we had them in
25 nice settings far away from the Cities and their

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2 family, we didn't really know what was happening
3 there. We like to believe that the community is
4 eyes-on with us and they are additional help for us
5 at monitoring whether the house is working or not.
6 And that's something that we have to admit, and
7 sometimes it's not difficult, it is extremely
8 difficult within the agency to uphold those values
9 that -- if we destroy a community, if we destroy a
10 neighborhood we destroyed what we were searching
11 for. So the belief has to be it's a two-way street
12 here. And we're not perfect; believe me. We have
13 250 staff in this particular unit. Most of them are
14 supervised between 30 and 40 percent of time on the
15 job, but they can't be supervised a hundred percent
16 of the time.

17 COUNCILMAN MARIANO: So the perfect
18 scenario would be where the neighbors basically
19 nothing happens and they wouldn't even know you're
20 perfect.

21 MR. LOSINNO: No, the perfect scenario
22 would be a neighborhood supports the home and we
23 support the neighbors and things like that, and
24 we're helpful in that regard. And we have those
25 neighborhoods.

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2 COUNCILMAN MARIANO: Where possibly we
3 know this is a different kind of family, it's a
4 family like us, it's different. I think some of the
5 problem is people get so offended because they see
6 it as a business in the residential community.

7 MR. LOSINNO: When we talk about
8 home-life and life in that community, we really work
9 very much to just have that house function with a
10 minimum of activity related to the family finances,
11 such as any family would have to cope with in its
12 community. It is not a business. These are the
13 people's homes. Our staff are visitors to those
14 homes providing those individuals living there with
15 the support they need to live individually. And I
16 think the value and the culture of our agency
17 constantly is going at that. For an agency that
18 grew out of its Northeast community, and I've been
19 here since Day One, I think the situation clearly
20 shows a respect for that community. That community
21 is the most important resource that we can give an
22 individual who has these needs. So we're not out to
23 destroy them.

24 COUNCILMAN MARIANO: Thank you.

25 Do you have anything to say?

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2 MS. BROWN-MC HALE: No.

3 COUNCILMAN MARIANO: Nobody else has any
4 questions.

5 MR. LOSINNO: Thank you.

6 COUNCILMAN MARIANO: Beverly Berfield.

7 Would you say your name for the record.

8 MS. BEVERLY BERFIELD: Hello. My name
9 is Beverly Berfield. It's spelled B-E-R-F-I-E-L-D.
10 I want to thank you for inviting me to testify here
11 today. I was not provided enough time to prepare a
12 written letter to explain my family's experiences
13 with the group house next door to us.

14 COUNCILMAN MARIANO: Beverly, give us
15 address of that house.

16 MS. BERFIELD: 1237 Glenview Street is
17 my address. And the group house is located at 1235
18 Glenview Street.

19 COUNCILMAN MARIANO: Beverly, for the
20 people who don't know the City that well, explain
21 where Glenview Street is. It's in the Northeast?

22 MS. BERFIELD: It's in the Castor
23 Gardens area in Northeast Philadelphia.

24 Before I begin, I want to say I know
25 signs will probably go up in a few minutes because I

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2 oppose to this in Northeast Philadelphia. I think
3 it's unfair when community members and neighbors of
4 group houses try to speak they're slapped on the
5 wrist or told shut up or you could be slapped with a
6 lawsuit for discrimination. I think it's very
7 unfair to families with children. I'm not trying to
8 ramble on, but I'm simply a mother trying to protect
9 my children and our home. I don't understand how
10 the organizations can justify five group homes or
11 houses, I should say, within a four block radius.

12 COUNCILMAN MARIANO: Are they all the
13 same organization?

14 MS. BERFIELD: No, they're different
15 organizations but SPIN currently operates two group
16 houses within two blocks.

17 COUNCILMAN MARIANO: Does SPIN have the
18 one next to you?

19 MS. BERFIELD: Next door to me, yes. I
20 don't know if you want me to touch on my personal
21 experience.

22 COUNCILMAN MARIANO: Listen, you're
23 going to be able to say whatever needs to be said
24 here because we have to hear both sides, and if
25 anybody's going to sue us, sue us. I mean, you

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2 can't get blood from a stone, you know.

3 What I need you to do is just say what
4 the problems are to you and why you came down here
5 to testify for something that's probably not
6 popular.

7 MS. BERFIELD: Well, I would like to
8 describe an incident that occurred October 21st next
9 door to my home where one of the residents had
10 freaked out. We were bringing groceries into our
11 home. My son saw the whole thing. The police were
12 called. The police came. It took five officers on
13 the scene, two cars, and a van. There were three
14 trained staff in the home at the time, two direct
15 staff and one driver.

16 COUNCILMAN MARIANO: Beverly, not to
17 interrupt you, but explain what freaked out means
18 for the record.

19 MS. BERFIELD: One of the residents was
20 in the foyer. We screeching cries. We didn't know
21 what it was. My husband said something's going on
22 over there. It got louder and louder. They kept
23 bringing this groceries. I called my son in the
24 house. We heard punching and banging and thumping.
25 It sounded like being thrown against the wall.

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2 COUNCILMAN MARIANO: Did it ever get
3 outside?

4 MS. BERFIELD: You could hear this
5 outside in our common path because our houses are
6 situated where all of our entrances face each other.
7 We're right across the path. There's nothing
8 dividing homes. We have to share the walkway.

9 COUNCILMAN MARIANO: But did they come
10 outside? Was anything happening outside or was this
11 stuff you heard inside?

12 MS. BERFIELD: This was inside. But
13 through the door, my husband saw what had happened
14 inside the home. I was very upset at the time. The
15 police officers were very nice. The resident was
16 not taken out of the facility. The police somehow
17 calmed down the situation and it did escalate until
18 they got there, until the police arrived. To this
19 day I've questioned what happened in that house next
20 door since my son seen and heard it. I would like
21 to know what happened in that home. If this is a
22 typical family home, I mean three staffs could not
23 control one resident. What is wrong here? These
24 are facilities are placed among children. I know
25 they don't freak out all the time. I know they can

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2 refuse their medication. But when they do, who's
3 there for the children?

4 I heard Estelle Richman say that, you
5 know, Public Health Department represents the
6 communities for mental retardation mental health. I
7 believe the Public Health Department represents the
8 children of Philadelphia, too. Who's standing here
9 for the kids who are seeing this?

10 COUNCILMAN MARIANO: I'd like to think
11 that's what we're here for, for everyone.

12 MS. BERFIELD: I want to present two
13 letters to hand out to City Council. One is to the
14 Northeast Times explaining the incident. The other
15 one is to Capt. Charles Brown of the 2nd Police
16 District. I requested additional information from
17 them as well, and I have not received anything yet.
18 This apparent meltdown is gone, vanished, erased
19 from everyone's minds except for my family's. I
20 want to know what happened there that day.

21 COUNCILMAN MARIANO: Beverly, let me
22 just ask you a question. And correct me -- I'm not
23 trying to put words in your mouth. You don't really
24 know what happened there that day?

25 MS. BERFIELD: I know someone was out of

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2 control in there. I know which one was out of
3 control because we saw which resident it was through
4 the door.

5 COUNCILMAN MARIANO: How many residents
6 are in this house?

7 MS. BERFIELD: Three.

8 COUNCILMAN MARIANO: Are they male or
9 female?

10 MS. BERFIELD: Three males.

11 COUNCILMAN MARIANO: Do you see these
12 residents most of the time outside or is there ever
13 a problem?

14 MS. BERFIELD: They're usually with
15 staff, but a few days after the incident occurred it
16 was very strange because the residents don't usually
17 put out the trash, the staff does. A few days after
18 this incident occurred, the resident that freaked
19 out was now being taught to put out the trash. It
20 was like a slap in face that, see, nothing is wrong
21 with him.

22 Now, I'm not trying to discriminate
23 because if it was my child that was mentally
24 disabled, I would need support, too. I wouldn't
25 want my child to --

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2 COUNCILMAN MARIANO: These are adults,
3 though, right?

4 MS. BERFIELD: Yes, young men.

5 COUNCILMAN MARIANO: And by adults, 30
6 years old, 20 years old?

7 MS. BERFIELD: I believe twenties.

8 COUNCILMAN MARIANO: If I hear what
9 you're saying, it's like the fear of the unknown
10 what's happening in there?

11 MS. BERFIELD: It's the fear of the
12 known now; it's just when.

13 COUNCILMAN MARIANO: So you think if the
14 police could tell you exactly what happened that
15 day, that would make you feel better? Or you think
16 there will always be something like that? I'm not
17 trying placate you, I'm just trying to see what it
18 is we can do. Did you ever talk to SPIN?

19 MS. BERFIELD: Yes, I did. I talked to
20 Ann Durante on the night of the incident
21 approximately 45 minutes after it happened. I was
22 very, very upset. I told her what happened, that it
23 happened around 6:30. Nothing. I returned phone
24 calls and I did not get one.

25 And to make matters worse when you do

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2 oppose a group house, you see the staff isn't really
3 your neighbor; the three mentally disabled men are.
4 But, you see, I can't prove who did this, but this
5 just happened. I get writing on my car, "Don't
6 push." So if you oppose this, you will be crushed.

7 COUNCILMAN MARIANO: Did you report this
8 to the police?

9 MS. BERFIELD: Yes, I did. Officer
10 Star, he didn't write a report. He was on his
11 bicycle the day I found this, and I told him about
12 it and he said to me, "You're in a bad situation. I
13 suggest you get security alarm for house."

14 COUNCILMAN MARIANO: Listen, nobody
15 loves cops as much as I do, but they're not lawyers
16 so when somebody does something to you or your
17 property, you have to call 911 so there's an
18 incident and there's a follow-up by a police officer
19 and a detective because just grabbing a cop running
20 down the street doesn't work.

21 MS. BERFIELD: I did for the incident,
22 the melt down.

23 COUNCILMAN MARIANO: You didn't do that
24 for the graffiti?

25 MS. BERFIELD: No. He said you don't

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2 have any proof who has done that.

3 COUNCILMAN MARIANO: I just want to say
4 for the record that Councilman David Cohen is at the
5 table now.

6 MS. BERFIELD: For the incident that
7 occurred that evening, the cops were there. I
8 called. The next day I went to look at the incident
9 report. It said, "Minor disturbance between above
10 and below. Adjusted by the police".

11 My family has to pay \$15 to receive a
12 copy of this, but it's useless. There is no where
13 on there, no documentation that says group house.
14 How many incidents have occurred? I want to ask
15 some questions for the record. Why is this incident
16 not acknowledged and covered up? How many on other
17 incidents have been covered up? I want to know how
18 many other incidents have occurred, and how many
19 other children have been exposed to these minor
20 disturbances, and who makes the decisions? The
21 community doesn't, City Council isn't aware of these
22 homes, you are not aware of the home going next door
23 to me, Councilman Mariano. You were not aware
24 because at the meeting --

25 COUNCILMAN MARIANO: Not until after.

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2 MS. BERFIELD: That's right. I want to
3 know why hasn't anyone considered all the segments
4 of the community? You cannot only look at one
5 segment of the community's needs, which is the
6 CLA's. They're only looking at that group houses
7 needs, not the entire community. And how do you
8 justify five CLA's within a four-block area?
9 They're my questions. How is five justified within
10 four blocks?

11 COUNCILMAN MARIANO: I think that your
12 questions are certainly justified. I can't answer
13 them, I don't know if other councilpeople here,
14 Councilwoman Tasco's here now again. I don't think
15 they can answer them. Does anyone from SPIN want to
16 come back up and answer, or would you rather do that
17 in private afterward?

18 MS. BERFIELD: I may be able to try to
19 answer it.

20 COUNCILMAN MARIANO: From now on,
21 though, when an incident happens, don't stop a
22 policeman going down the street, call 911. Then
23 there's a record.

24 MR. FRED BERFIELD: Excuse me. My name
25 is Fred Berfield and this is my wife Beverly. And

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2 this is kinds of attitudes that we've been dealing
3 with for the last six months where everything is
4 just somehow lost or we don't know, we forgot.
5 There's just nothing.

6 COUNCILMAN MARIANO: Fred, not to
7 interrupt you, but we've got the guy that runs SPIN.
8 Let him come back to the table and answer that
9 question. And believe me, we understand your
10 frustrations and maybe if that's one thing that
11 comes out of these hearings we can figure out is at
12 least get information to you and vice versa.

13 MS. BERFIELD: It's for the whole
14 community, not just me.

15 MR. LOSINNO: In reference to the
16 incident that occurred, there are certain things
17 that we can share and certain things we cannot share
18 because of confidentiality and things like that. I
19 knew of the incident, we're aware of that. I
20 believe the police were called not by SPIN
21 personnel.

22 The individuals that we support are
23 there for a reason; they need that support. This
24 occurred within three or four months of them moving
25 down. They do have incidents where this will

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2 happen. Often times the incident, rather the than
3 restrain the individual, is just to have the
4 individual have it run its course, make sure they're
5 not doing harm to themselves for sure, make sure
6 there's not extensive property damage that can hurt
7 them or hurting any staff or hurting, certainly,
8 anyone out in the community.

9 COUNCILMAN MARIANO: Mr. Losinno, after
10 something like this happens, would you ever call the
11 Berfields and say, "Look, I can't tell you what
12 happened because of attorney/client privileges or
13 whatever, but I just want you to know that we know
14 you're there and we know it's a problem and we're
15 trying the best that we can to do."

16 MR. LOSINNO: In this particular case, I
17 believe Ms. Berfield did talk to Ann Durante, our
18 staff member at the time, and I don't know the
19 content of that conversation. But certainly if that
20 content of that conversation was inadequate, she
21 certainly knew that Ann Durante has a supervisor.
22 She certainly knows Kathy Brown-McHale. And that is
23 the only way we can go back and monitor the quality
24 of interactions between staff and family.

25 I don't think I can bring myself to say

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2 every time we have an incident, we should go out and
3 tell the neighbors. Sometimes the neighbors say "we
4 understand." Sometimes they say, "Yeah, kept me up
5 all night." Sometimes they're not pleased with
6 that. But I think the situation really warrants
7 that if there is dissatisfaction in that regard,
8 there is whole series of ways that people can say,
9 "That's not good enough. I need to know more." And
10 we will give as much information as we possibly
11 being in fairness to everyone.

12 COUNCILMAN MARIANO: So what would you
13 tell this committee and the Berfields? Whatever
14 happened, happened. We all learn by that. But say
15 something happens again. Should she call you
16 directly?

17 MR. LOSINNO: She a call Kathy Brown,
18 she could call me directly. Unfortunately, if she
19 calls me, I'm going to say I have to talk to Kathy
20 Brown-McHale to get the information. Why don't we
21 start there or start with the director of that
22 region. There should be a relationship.

23 I don't understand the graffiti. I
24 can't imagine one of our staff would go do that, but
25 listen, I have a lot of staff. And a lot of times

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2 people do goofy things. It would have been nice
3 that we were notified that that had occurred and
4 told could we investigate that. There are things we
5 could do immediately that could have been
6 responsible for that. Calling the police often
7 times will not involve them contacting us for
8 handling something like this. But a call to us
9 saying this happened would be something of very
10 serious nature. We would know who was on the shift,
11 who was there, what happened, how this came to be,
12 did anybody see anything and those kinds of things.

13 We're not here really, as I said before,
14 to upset apple carts. We're in the perfect. We're
15 trying our very best to do things. The individuals
16 that we serve, they're there for a reason, and we
17 are there to try and assist that those outbursts
18 become less.

19 I can assure that to the best of our
20 extent no one ever will be hurt, but we can't
21 guarantee that. This is something that I have to
22 face in my own family with my own kids growing up
23 being part of this agency. It is a risk that I
24 think we need to take but we have to be assured that
25 we're doing everything possible. I don't know what

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2 else I can say.

3 COUNCILMAN MARIANO: Mr. Losinno, you're
4 sitting next the Berfields now. This is the first
5 time I've ever met you today. This is the first
6 time I've met Mr. Berfield. I've met Mrs. Berfield
7 before. And they're really pissed. I'll bet you
8 Mr. Berfield's a blue collar worker, he's probably
9 got all his money tied up into this house and for
10 some reason, real or in his mind, something's going
11 on next door and he can't probably function -- I
12 don't want him out there on the streets, whatever he
13 does for a living, not being able to function so
14 something happens and he can't raise his family. We
15 need to have some kind of community interaction with
16 neighbors. Is it just the Berfields, are there
17 other neighbors, is there other things going on
18 there?

19 MR. LOSINNO: I think there was adequate
20 dialog. I think one of the concerns why your office
21 was not notified why the processes that SPIN has
22 used since 1981 that was developed by Councilman
23 O'Neill was not worked was because a staff member
24 sold that house to the agency and the information
25 came out in the neighborhood --

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2 COUNCILMAN MARIANO: One of your staff
3 members?

4 MR. LOSINNO: One of our staff members,
5 was relocating to Ohio --

6 COUNCILMAN MARIANO: A staff member of
7 SPIN owned that house?

8 MR. LOSINNO: That's correct.

9 COUNCILMAN MARIANO: So they were
10 looking for a quick out and they let you guys have
11 it?

12 MR. LOSINNO: I don't think it was a
13 quick out. It was a house that met our needs, it
14 was a house that was necessary at that time.

15 COUNCILMAN MARIANO: If that was just a
16 regular house, would you have been on that street or
17 was it just because it was available and it met your
18 needs?

19 MR. LOSINNO: No, I don't think it was
20 just because it was available. It was a house that
21 was brought to our attention. A lot of houses are
22 brought to our attention. People know we purchase
23 houses. At the time that we did this, we didn't
24 think there was anything out of the ordinary. The
25 person got a fair market appraisal, we got a fair

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2 market appraisal, the house has been financed by the
3 bank, the house didn't sell for lots of dollars,
4 they didn't save tons of money. None of that kind
5 of stuff happened.

6 The unfortunate thing happened was that
7 it's at the point where the agreement of sale is
8 signed that, you know, we notified the next door
9 neighbors. The whole thing came out long before
10 that happened because the person was a neighbor in
11 the community. I think that's probably part of the
12 problem.

13 And we're willing to sit down and work
14 with people and do things and acknowledge perhaps
15 errors that we made in that regard. But I don't
16 thing SPIN ever shied away from meeting with anybody
17 or talking with anybody.

18 COUNCILMAN MARIANO: I just want to ask
19 you a question before other councilpeople do, and I
20 hope you don't think I'm being fresh, but I guess
21 Councilpeople can be fresh sometimes. Where do you
22 live at?

23 MR. LOSINNO: Down the street from you.

24 COUNCILMAN MARIANO: You do?

25 MR. LOSINNO: Yes.

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2 COUNCILMAN MARIANO: You live in

3 Northwood?

4 MR. LOSINNO: 1001 Harrison Street.

5 COUNCILMAN MARIANO: You do?

6 MR. LOSINNO: Yes.

7 COUNCILMAN MARIANO: I'll ask you later

8 how you're registered and all -- but no, seriously,

9 would you live on that street? Would you feel

10 comfortable living in the Berfields' house?

11 MR. LOSINNO: Yes.

12 COUNCILMAN MARIANO: You would?

13 MR. LOSINNO: Yes. And I was well

14 aware --

15 COUNCILMAN MARIANO: I'm not trying to

16 be smart, I'm just --

17 MR. LOSINNO: No, and I'm telling you

18 the truth. When people would move in, when homes

19 would move next to me, my first questions would be

20 not about who are the clients, what's their

21 problems, what's their dangers. My questions would

22 be who is agency, what do they do, are they

23 responsible.

24 You talked about agencies that open for

25 business, don't have any qualifications. I would

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2 not tolerate that. I would not tolerate that. We
3 have a group home down the street from us. It works
4 very nicely by COMAR. It operates nicely.
5 Initially, I had grave concern about the home on
6 Oxford Avenue. I understand the details about that
7 now. Again, if I would have to say, gee, have a
8 home with 16 people next to me, I probably would say
9 no. But at this point in time having spoken with
10 Matthew Alabongle (ph), spoken with Mike Covone,
11 spoken with Kathy Seichs (ph), I think the reality
12 is that we all have to shoulder some of this
13 responsibility. It's not perfect, it's not great;
14 but I think the agency is responsibly meeting what
15 it needs to do so that those people have a chance in
16 a continuum so that they can be returned to full
17 functioning in the community. As a professional, I
18 have to say that that's what we do.

19 COUNCILMAN MARIANO: Would you be
20 willing to interact with the Berfields if that's
21 possible?

22 MR. LOSINNO: Anytime, anytime.

23 MS. BERFIELD: I would like to speak to
24 that. I would just like to quote one thing. At the
25 end of one of our meetings, I believe it was in

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2 Northeast Times Newspaper. Kathy had said, "There's
3 fears until they have their cultural experience.
4 I've been dealing with these meetings for ten
5 years."

6 COUNCILMAN MARIANO: And she may have,
7 probably.

8 MS. BERFIELD: Well, why hasn't anyone
9 done anything about this in ten years? Come on.
10 You got kids here. I have an 8-year-old son that is
11 exposed to things that he don't understand, and I
12 want his innocence to remain innocent. You cannot
13 just dump these people in the communities on top of
14 children. You cannot do it. Children, they don't
15 understand.

16 MR. LOSINNO: Mrs. Berfield, again, that
17 is opinion, but you're looking at a man who made a
18 very different decision. I've raised five children.
19 I don't shelter my kids from problems legitimate
20 problems that people have, and as they aged and
21 asked the questions, I tried to respond to it. But
22 again, that situation is something that each of us
23 individually has to respond to in our own
24 conscience. I can't tell you what's right for you
25 or your family. I can only say what I have done.

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2 And I have to say that the way we do
3 things, the way we operate, we take every
4 consideration that child will never be hurt, child
5 will never wonder into the home. The people in that
6 home are not naturally aggressive. They will act
7 out, but that doesn't mean it's a directed
8 aggression. And all I can go on is what I've done
9 over 30 years professionally. And I believe that
10 that home is safe, the staff are competent. And if
11 the individual does have an outburst, it will be
12 contained so no one can be hurt.

13 MS. BERFIELD: I know there's NO
14 guarantees. If a child hurt, for the record, who is
15 responsible, the non-profit agency, the City, the
16 State? Who's responsible? Who's responsible for
17 \$50,000 of psychiatric counseling for the child that
18 don't understand this? I want to know who is
19 responsible. These are the answers that the
20 community wants.

21 COUNCILMAN MARIANO: Beverly, I hear
22 your questions, and I can't answer them.

23 MS. BERFIELD: I know. That's why I
24 want them on the record so we know. I've asked many
25 people. No one knows these answers.

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2 COUNCILMAN MARIANO: That's we have
3 hearings. And the two council people who have been
4 here long before I did probably want to say
5 something, but this all gets out now and maybe we'll
6 hear other things. I appreciate everybody coming
7 here today. We've got a lot more people to, so are
8 there any questions for any of these witness from my
9 colleagues?

10 MS. BERFIELD: I have one more question
11 for the record. I am officially requesting the 990
12 from SPIN today, so it's on record. Because it's my
13 understanding --

14 COUNCILMAN MARIANO: Could you explain
15 what 990 is?

16 MS. BERFIELD: The 990 is the tax return
17 that is required by non-profit agencies to file with
18 the government.

19 COUNCILMAN MARIANO: Mr. Losinno, is
20 there a problem with getting that to her?

21 MR. LOSINNO: First of all, you're not
22 allowed to refuse. Have we ever had a request for a
23 990 from her?

24 COUNCILMAN MARIANO: Does she have to do
25 it in writing or anything?

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2 MR. LOSINNO: No, she doesn't have to do
3 it in writing. She just presents herself, we'll
4 give her the 990. If she doesn't even want to come
5 into SPIN, she doesn't even have to do that. All
6 you have to do is go to the IRS office, they'll
7 produce it for you. There's a question on the 990
8 that says have you ever refused to give your 990.
9 Matter of fact, I distribute it to the task force
10 our annual report that has all the audited numbers
11 from the 990.

12 COUNCILMAN MARIANO: So you will get
13 back to her, right?

14 MR. LOSINNO: Yes, it will be my
15 pleasure. But again, it shouldn't have been an
16 issue. You should have just requested it and we
17 would have given it to you.

18 COUNCILMAN MARIANO: We're not all very
19 sophisticated, and not that the Berfields aren't.
20 A lot of people are busy raising their kids and
21 going to work and being police, firemen,
22 construction workers. They're not all as educated
23 as you are. A lot of people in this room -- this is
24 your field, your specialty. I'd like to talk to you
25 about putting in a hundred amp service in; you may

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2 not know anything about that. There's probably
3 something Mr. Berfield can do that you and I
4 couldn't do. I mean, that's the beauty of this
5 place.

6 Mr. Berfield.

7 MR. BERFIELD: This is what you do for a
8 living. You get paid to do what you do. My
9 question to you is you've raised your family and you
10 think it would be okay to raise it next to group a
11 home. Have you? Have you raised family --

12 MR. LOSINNO: My family is involved with
13 the agency.

14 MR. BERFIELD: No, I'm asking you have
15 you --

16 MR. LOSINNO: I've never had the
17 opportunity to have my neighbor sell their house for
18 a group home.

19 MR. BERFIELD: Why not?

20 COUNCILMAN MARIANO: Mr. Berfield, that
21 may just be schematics where he happens to live.

22 MR. BERFIELD: I'm just saying, my
23 neighbor worked for SPIN. And why is it that that's
24 okay? You understand what I'm trying to say here?

25 MR. LOSINNO: I believe I understand.

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2 The house was offered for sale and she asked us if
3 we would be interested. We looked at the house, it
4 met the needs. We opened four houses that year.
5 It's very typical of the communities that we open
6 houses in. There was nothing extraordinary about
7 this house.

8 In answer to your question, no, I've
9 never had to live next door to a group home. Would
10 I? Yes, I would, provided the questions that I had
11 asked about whose group, whose management, and what
12 it is that's happening there and is the agency
13 responsible.

14 MR. BERFIELD: Why is it that all these
15 people who tell us we're wrong about the way we
16 feel, none of them live next to it?

17 MR. LOSINNO: Mr. Berfield, I tried not
18 to say that you were wrong. I tried to say that
19 it's your judgment.

20 MR. BERFIELD: What I'm trying to say is
21 everybody judges us as bigots. And I'm not saying
22 that you called us a bigot, but in the papers and in
23 the past we have been considered bigots. And I know
24 just standing here today opposing this in some small
25 way people walk away thinking that we are bigots.

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2 But this is the mentality of the people that we
3 speak to. It insures if you make over a certain
4 amount of money and you live within at the City --
5 and what I'm trying to say is if you're part of the
6 agency, it insures the fact that you'll never have
7 to raise your family next to one. You can go to
8 them and say, "No, don't buy that house."

9 MR. LOSINNO: No, that's not true. We
10 have members who have --

11 COUNCILMAN MARIANO: Mr. Losinno, we
12 have a lot more witnesses. You guys definitely have
13 different philosophies on this subject so we could
14 be like the Jerry Springer Show if we keep going on.

15 Councilman, do you have something you
16 want to say?

17 COUNCILMAN COHEN: I was just going to
18 say as an attorney I would just like to briefly put
19 on the record what I understand about the questions
20 raised by the person testifying as who is
21 responsible. The law is clear. First, anybody has
22 a right to buy a house anywhere in the City. When
23 there are less than four people in the house, there
24 is no zoning restriction whatever in any part of the
25 residential area. As to who is responsible if

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2 something happens, for anybody to make somebody else
3 responsible under the law you have to prove somebody
4 did you wrong in the sense of being negligent. If
5 the agency was negligent and not taking care of the
6 situation, they would be subject to suit. If they
7 took every legal protection that a court or jury
8 would say was reasonable under all the
9 circumstances, then your lawsuit would fail. Nobody
10 can be responsible for anything unless somehow they
11 are at fault. That's just the law.

12 Now when we live in a society, whether
13 we live in the City or outside the City, whether we
14 live in poor areas, rich areas, things happen.
15 That's a part of the people living together. It's
16 unfortunate. I've raised four children. I live
17 right in the heart of the community that has many of
18 these much larger homes, not three people but
19 minimum of 20 or more than 20. Fortunately, we've
20 never had a tragedy. The community accepts a
21 portion of the responsibility, but what we ask is
22 that agencies like the one that Mr. Losinno works
23 for try to distribute things equally over the area
24 and not take advantage of lower income areas where
25 real estate prices are lowest. What we try to do is

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2 to say there ought to be some mechanism so that --
3 because we know that price is always a consideration
4 for non-profit organizations, we are trying to find
5 some mechanism that will result in fairly
6 distributing homes like these that society needs
7 over everywhere. It is one of the problems of
8 civilization. We all have a responsibility, but the
9 burden has to be shared freely.

10 Now, it may not be a satisfactory
11 answer, but nobody under the law would have the
12 right, a democracy would never permit a government
13 to say that people who need care must be eliminated
14 from the community or must not be allowed to live
15 near anybody else. That's the nature of a
16 democratic institution. But people are protected in
17 the neighborhood that reasonable precautions must be
18 taken. If the people need care, the people that may
19 later inflicted damage, if they need care, the
20 non-profit organization has to show that it took the
21 necessary steps.

22 Now, I don't know if that helps you or
23 not, but it's a difficult situation throughout every
24 area. In my own community we have complaints. We
25 just hope day by day that there are no problems.

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2 And if there are, I think advice given by the Chair
3 to replace immediately. And if anybody ever gets
4 information about a home that you don't know in
5 advance, we would like to be told by you so we can
6 get into the situation as quickly as possible and
7 offer every assistance.

8 MS. BERFIELD: Councilman Cohen, you
9 mentioned that you can't keep them out of the
10 community; I'm not here for that. I'm here for the
11 agencies to be a little more selective in the
12 locations they choose. I have been told that our
13 area is now considered saturated. Where does that
14 leave our area?

15 COUNCILMAN COHEN: We're opposed to
16 that. But I can tell you there are many areas in
17 different parts the City that feel their area is
18 saturated. Where I live in West Oak Lane, the
19 neighbors feel strongly they're saturated. We have
20 all kinds of homes, as I indicated not just three
21 people units, but much larger homes where people
22 walk around. Just by looking at them you know
23 they're in the in full possession of all their
24 faculties. We have homes for the people substance
25 abusers, who are trying to find a way maybe to

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2 return to normal living. But that's part of
3 society's problems today. All of us have to accept
4 the burden. But what we've got to demand from these
5 non-profit groups and these others minister to
6 people who need help is that they accept their
7 responsibility.

8 I think you've seen from Mr. Losinno
9 who, as far as I know, I've never met before. He
10 seems to be responsible, and I think he has an open
11 attitude. And if you inform us in City Council of
12 any situation, you're going to have our full
13 cooperation. We're going to be working to get all
14 the non-profits to distribute these kind of
15 facilities equitably throughout the City, find some
16 financial mechanism so that the upper income areas
17 of the city have the same kind of population, you
18 know, distribution as lower income. Because I think
19 it's very unfair to have these places selected here
20 and there and have whole other areas with nobody of
21 that nature living there because the prices are too
22 high and the agencies can't buy houses.

23 We will all work with you. It's a very
24 difficult problem. City Council, you know, we learn
25 often, we can't solve all problems, but we try to

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2 work out adjustments. And we are very appreciative
3 of your problems and wish you didn't have them and
4 we want to work in every way if we can to avoid
5 them.

6 COUNCILMAN MARIANO: Thank you,
7 Councilman.

8 MS. BERFIELD: Thank you.

9 COUNCILMAN MARIANO: Mr. and Mrs. Coley.
10 State your name for the record.

11 MS. JOAN COLEY: My name is Joan Coley,
12 C-O-L-E-Y.

13 MR. ARNOLD COLEY: My name is Arnold
14 Coley.

15 COUNCILMAN MARIANO: You have a
16 statement for the record?

17 MS. COLEY: Yes. What we would like to
18 bring to your attention, we had already brought the
19 attention of Councilperson Marian Tasco. When they
20 first moved in, we were also not aware in the
21 neighborhood that --

22 COUNCILMAN MARIANO: Ma'am, could you
23 tell us your address and address of the facility
24 you're talking about?

25 MS. COLEY: The facility IS 6508 North

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2 Tenth Street. That's in East Oak Lane.

3 COUNCILMAN MARIANO: And what's your
4 address?

5 MS. COLEY: I live 6510, right next
6 door.

7 COUNCILMAN MARIANO: How long has it
8 been there?

9 MS. COLEY: I think three years this
10 month.

11 COUNCILMAN MARIANO: What's the name of
12 this facility?

13 MS. COLEY: This is property purchased
14 by United Cerebral Palsy.

15 COUNCILMAN MARIANO: How many people are
16 in that home?

17 MS. COLEY: Three. There are problems
18 there with the handicapped. Most of the problems we
19 have is from the staff. Since we have been there --
20 well, prior to them moving there, they came in and
21 renovated the house. Nobody in the neighborhood
22 knew that they were coming in. What happened is
23 they renovated the house. We had several problems
24 with them renovating the house leaving rugs, old
25 rugs that they had pulled out of the house sprawled

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2 all over. We take pride in the neighborhood,
3 everybody there does. And we had to constantly call
4 and ask could whoever you're getting to do the work
5 would you please have them remove -- if you have
6 rugs taken out of the house and you put something
7 else in, you certainly should remove the old ones,
8 you don't leave them laying out. We finally got
9 that taken care of.

10 I can read you what I have prepared
11 here. United Cerebral Palsy Association purchased
12 the property at 6508 North Tenth Street in the East
13 Oak Lane section of the City, did extensive
14 renovations, and moved in three male handicapped
15 persons in wheelchairs on or about December 15,
16 1995. Since then, there have been constant
17 problems. They're still ongoing.

18 COUNCILWOMAN Verna: What are some of
19 problems, please?

20 MS. COLEY: Okay, if you would let me
21 read what I have, I will cover just about everything
22 you would need to know.

23 COUNCILWOMAN Verna: That's fine.

24 MS. COLEY: When they first moved in,
25 one resident out of the three constantly screamed

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2 day and night, day and night. Nobody else would go
3 over. My husband and I, that's all we did was go
4 over to see what was happening over there. We were
5 told that -- we asked, "Well, what were you told to
6 do," the caregivers, "What were you told to do when
7 the person seems to have this problem with screaming
8 day and night?" And they were told that nobody told
9 them to do anything. In fact, we had one day the
10 resident, the same resident screamed from
11 approximately 8:31 in the morning until nearly 4
12 o'clock in the afternoon. And the person that was
13 the caretaker, she didn't know what to do with him.
14 We kept running over, we kept running over. She
15 said kept asking him if something was wrong with
16 him. I mean, it appeared that UCP put people in and
17 didn't train them, did not train them or tell them
18 what to do whenever they had problems. There was no
19 reason for anybody to scream. I mean, this is
20 constant, constant screaming. If there was a
21 five-minute interval between the screaming from 8:30
22 in the morning until 4 o'clock in the afternoon,
23 that's ridiculous. She sat him in the back, in the
24 rear of the house. She opened the door and set him
25 in the rear of the home. And of course, the

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2 neighbors on the back with complaining.

3 I'm going to continue give you what I
4 have here. Part of the other problems are leaves
5 and debris never cleaned up. We have to beg, call
6 all the time asking them to clean up. It is a
7 neighborhood where we have a lot of trees. You know
8 that when you move there that if you have trees, you
9 have a responsibility. That's part the beauty of
10 the neighborhood is the trees. So along with the
11 trees comes responsibility of cleaning up. That's
12 just common sense. You have to beg, beg, beg. When
13 you call UCP, what they tell you we only clean up
14 once a year. So I told the director Mr. Steve
15 Sheridan that I would hate to live next to him if
16 that's what he does at his home.

17 We also have problems -- what had
18 happened when we complained to UCP about the leaves
19 and debris that's never cleaned up, they sent
20 personnel to clean up, and the two people that they
21 sent, they cleaned the leaves up and stored them in
22 the garage. That's a fire hazard.

23 CHAIRWOMAN TASC0: Where is this
24 location?

25 MS. COLEY: 6508 North Tenth.

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2 CHAIRWOMAN TASCO: Do you know who
3 operates the home?

4 MS. COLEY: UCP, United Cerebral Palsy,
5 Mr. Steve Sheridan. This is since 1995. I'm just
6 bringing you up to date. I believe, Councilperson
7 Tasco, I wrote you a letter, a detailed letter with
8 everything that had happened. It's on file in your
9 office.

10 This is when they told us that they only
11 clean up once a year. Garbage and other trash was
12 being stored in plastic bags and only one plastic
13 trash container was provided at the time. We were
14 constantly calling asked the caregivers to clean up
15 garbage and trash that had been pulled out by birds
16 and squirrels and scattered over people's front
17 lawns. I have picked up from bones from food,
18 everything, from my lawn.

19 Still today additionally trash can are
20 left sitting after emptied as long as sometimes
21 until Sunday morning. Our trash day is Friday.
22 Pickup day is Friday. Snow is not removed from the
23 front payment or side of the house. Also, there's
24 ramp that is required, I'm sure, probably a
25 regulation because they are handicapped people,

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2 never cleaned. Never cleaned of snow and never
3 cleaned of leaves.

4 CHAIRWOMAN TASC0: Is there a caregiver
5 on site there?

6 MS. COLEY: They come in shifts. Let me
7 see, there's person there all night. One person is
8 there all night, probably comes on between 9:00 and
9 10:00 at night, stays there all night.

10 Washer and driver runs. They wash
11 clothes all night long here the hear the dryer
12 running.

13 CHAIRWOMAN TASC0: Let me say this to
14 you. We have a number of people who have to
15 testify. Could you sum this up, and what we will
16 do --

17 MS. COLEY: Well, can I just continue?
18 I'll just continue reading instead of trying to
19 explain it. I have it in here. You will get
20 everything that you need. I will do it quickly.

21 CHAIRWOMAN TASC0: Do you have a copy?
22 If you leave a copy with us, then that's all we need
23 is a copy because we get the gist of what your
24 concerns are, but we do want other people --

25 MS. COLEY: You really haven't gotten

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2 the gist of all the concerns, really.

3 The biggest concern we have is the
4 caretakers. Language, the handicapped persons are
5 sometimes when the weather is good in spring and the
6 fall, they sit them out to wait for the bus to come
7 in the morning. They take them over to, I guess
8 they have some type of a classes or something that
9 they do during the day. What they do is they sit
10 them out in the morning. We have residents that
11 have teenage children, teenage girls. And they make
12 derogatory and foul remarks.

13 COUNCILMAN MARIANO: This is the staff?

14 MS. COLEY: These are handicap. We we
15 complained, we were told that they repeat what they
16 hear. So that means that your staff, of course we
17 have heard it all the time. The driver, the bus
18 company that they use right today language is very,
19 very foul, very foul. That language is used in
20 front of the handicapped. And of course, they're
21 repeating what they hear.

22 The house has been occasionally a key
23 was either misplaced or a person came, didn't have a
24 key, they broke into the house. They literally
25 broke and entered the house, the driver plus the

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2 caregiver to get into the house.

3 You also have one of your caregivers,
4 she brings her child. He's running all around, he's
5 skating and if you're on your job working, how can
6 you care for -- I guess he looks to be about 8 to 10
7 years old. How can you do your job that you're
8 getting paid for and see to your child. We had
9 asked, "Well, are they allowed to bring their
10 children?" Mr. Sheridan said he really didn't care.

11 She also brings her personal laundry.
12 Her personal laundry is done in that home. We see
13 this all the time. She takes her personal laundry.
14 You get paid, but you have to use the washer and
15 dryer facilities in the house where you work. They
16 came in December of 1995, and in the spring of this
17 year, they had to replace that washer and dryer. So
18 you have your personnel using the facilities there
19 that are meant to be used for the handicapped. And
20 windows are up, air conditioning is run. In
21 December, January it's nothing to have windows up
22 and air conditioning running. The house should be
23 operated as an economically, especially since it's
24 taxpayers money that's being used. It should be
25 operated as economically as anybody else would run

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2 their home, but it's not. You have to beg them to
3 take the trash cans in. I mean, it's so numerous
4 until --

5 This is the problem we're having at this
6 time. We were told by PUC that the buses are not
7 to back up onto private property. That has just
8 started this year. I've complaining ever since
9 March of this year. We have complained to the bus
10 company. We have complained to PUC. They have two
11 people that are constantly calling them telling them
12 about the drivers are not supposed to be doing it.
13 My home gets filled with fumes from the bus.
14 There's a lot of social talking between the driver
15 and one of the caregivers, the female caregiver.
16 The bus could be sitting there 35 to 40 minutes.
17 When they first moved, when they would come to pick
18 the handicapped up, they would sit out there for two
19 hours and 35 minutes because they're not ready and
20 the drivers hang out. It's a hangout. They come
21 with their coffee and their newspapers. It's a
22 hangout. So how is it the caregiver going to do his
23 job if you have people hanging in the house. It's a
24 hangout. We've complained to SEPTA Paratransit
25 about the problem with the bus. We've had four

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2 buses lined up to pick up three people. It's
3 ridiculous. My driveway has been blocked. We have
4 just had problems, which of we just got a letter
5 from PUC telling us that they are not supposed to do
6 it. They are backing up into the driveway. They're
7 not supposed to be on private property and that it
8 is the City's and License and Inspections and the
9 Police Department, that is their problem and that
10 they should be enforcing that.

11 COUNCILMAN MARIANO: Ms. Coley, we have
12 all this for the record. I thank you. I don't want
13 to cut you short, but we have all these witness, but
14 thank you.

15 Any other questions? No questions.

16 Neighbors from West Oak Lane, is that
17 group still here? Fresh start?

18 State your name and your organization if
19 you have one for the record.

20 Before we start, you got a big thing
21 here. Try to make it as brief as possible. And
22 this will get put in the record.

23 It is only three pages. The rest of
24 them are letters of reference from local and state
25 politicians community groups.

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2 MR. BILL CORNELLY: My name is Bill
3 Cornelly, Vice President of Fresh Start. It's a
4 group of recovery houses in the Kensington area.

5 Fresh Start is a community-based,
6 value-focused organization serving the needs of the
7 disadvantaged addict and the Philadelphia community
8 for the past 11 years. Fresh Start understands that
9 issues related to drug and alcohol addiction extend
10 well beyond the boundaries of any individual,
11 neighborhood or social system. Addiction and its
12 myriad of related problems require cooperation in
13 order to achieve positive, measurable, sustainable
14 change for the addict and the community.

15 Our mission is to assist the chronic
16 disadvantaged addict in gaining the treatment
17 support necessary for leading a healthy and
18 productive life. Fresh Start seeks access to health
19 care, social services and employment opportunities
20 that can lead to a return to individual dignity and
21 self-sufficiency.

22 Fresh Start understands the concerns of
23 communities regarding the influx of unsupervised and
24 irreparable so-called recovery houses. We do not
25 either condone their behavior nor associate

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2 ourselves with them. Fresh Start has worked closely
3 with local community groups such as KAN KARP and, as
4 a result, have received their support as well as the
5 support of our neighbors. We work hard at being a
6 good neighbor. You'll see on the attachment,
7 Councilman, letters of reference from several
8 politicians and community groups and also from the
9 neighbors themselves.

10 It is our commitment to be a good
11 neighbor, Fresh Start has purchased properties in
12 distressed areas and has upgraded all of our
13 properties to a level not seen in years. Fresh
14 Start has invested over \$750,000 in the purchase,
15 upkeep and renovation of all of our properties and,
16 as a result, has improved the neighborhoods. Fresh
17 Start is committed to and uses local businesses for
18 the purchase of products and services. You'll see
19 some of those in there also.

20 In addition, over the past 11 years
21 Fresh Start has served over 10,000 Philadelphia
22 residents. Many of these residents are now
23 successfully clean and sober and gainfully employed.
24 Fresh Start has helped many of its residents find
25 employment over the years and remained committed to

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2 helping coordinate vocational training, education
3 and job placement. We recently met with Joe Farrell
4 of the Private Industry Council to discuss a more
5 active roll for Fresh Start in the Welfare to Work
6 initiative.

7 Fresh Start understands that recovery
8 houses have been painted and characterized with a
9 broad brush, and, as a whole, are viewed as less
10 than desirable. This is unfortunate for the few
11 better recovery houses. Fresh Start supports
12 standardization and regulation of recovery houses.
13 We participated with CODAAP with the design of
14 initial recovery house minimal standards and we have
15 recently suggested and provided more stringent
16 standards for recovery houses.

17 Fresh Start's corporate structure
18 characterizes their commitment to excellence of
19 service. Fresh Start has a full time master
20 prepared clinical director as well as a clinical
21 supervisor who is a certified addiction counselor.
22 The CEO and COO have been at the helm of Fresh Start
23 for the past 11 years and have developed the vision
24 and values of Fresh Start. The executive vice
25 president has extensive behavioral and physical

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2 health managed care experience. Fresh Start has an
3 ongoing mandatory weekly staff development program
4 and encourages all of its employees to further their
5 education and attain certification.

6 Fresh Start serves clients from the
7 justice system, Medicaid, Philadelphia County Office
8 of Drug and Alcohol Programs and commercial managed
9 care organizations. In addition, Fresh Start has a
10 contract with Penn Friends, a commercial MCO to
11 provide recovery housing for Aetna/US HealthCare
12 subscribers in the Philadelphia area.

13 Fresh Start welcomes this opportunity to
14 testify and we thank City Council for taking time to
15 address this important issue. We support the
16 redevelopment and implementation of standards and
17 regulations for recovery houses. We want the good
18 recovery houses to flourish and help the addict and
19 the community and the poorly run houses to cease to
20 exist so they can no longer harm the addict and the
21 community.

22 COUNCILMAN MARIANO: Thank you. Bill,
23 let me ask you this question real quick. If I
24 believe everything you say, and I have no doubt
25 because I see the letters from John Taylor, Frank

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2 Salvator and everybody, you're one of the good ones,
3 right?

4 MR. CORNELLY: We'd like to think so.

5 COUNCILMAN MARIANO: What's the
6 difference between you and your group one of the bad
7 ones. Would you say you don't take any nonsense
8 from the people because the people that are in your
9 houses are pretty much the same people with
10 addiction problems, right, people that work for you?

11 MR. CORNELLY: They're basically people.

12 COUNCILMAN MARIANO: You heard that lady
13 talking about a handicapped place, but if those
14 people worked for you, what would happen if any of
15 that stuff is true? Would that go on at Fresh
16 Start?

17 MR. CORNELLY: No, we would not allow
18 it. We don't allow our clients to mill around
19 outside the houses. They often participate in
20 community clean-ups. If there's a problem with an a
21 neighbor or such, that's immediately addressed. We
22 often hand out food to the neighbors, we take
23 neighbors on community trips. Some of the basic
24 differences are our commitment to structure and to
25 have treating the person with respect and dignity

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2 and commitment to staff development, commitment to
3 clean, safe, renovated houses that are furnished
4 well that meet all L & I licensure requirements.
5 And we get discouraged when you hear we're painted
6 with a broad brush. There are some good recovery
7 houses. Unfortunately, we all get painted with the
8 same brush. There's very few that we associate
9 with. There's few here we do; but others, we don't
10 associate with.

11 COUNCILMAN MARIANO: Now most of your
12 houses are Kensington?

13 MR. CORNELLY: Yes.

14 COUNCILMAN MARIANO: Do you have any in
15 Juniata Park yet?

16 MR. CORNELLY: No.

17 COUNCILMAN MARIANO: I'm a little bit
18 familiar with your group. You are familiar with the
19 group whose name we won't mention who have been
20 gone that started this stuff four or five years ago?

21 MR. CORNELLY: Yes.

22 COUNCILMAN MARIANO: When they found out
23 that the pressure was put on from politicians or
24 from the newspapers and from groups like yours, they
25 just went of the business, they went into some

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2 business, correct?

3 MR. CORNELLY: Yes.

4 COUNCILMAN MARIANO: You're still
5 around.

6 MR. CORNELLY: We've been around for 11
7 years.

8 COUNCILMAN MARIANO: How did you get
9 into this, if I can ask? Did you have an addiction
10 problem?

11 MR. CORNELLY: Well, the owner, John
12 Wells and his wife, I don't think John would -- it's
13 in our brochure, actually. John suffered from
14 addiction, went into recovery for six months, came
15 out and then started to bring people home to his
16 house had nowhere to leave. His wife put up with
17 that for a while, and then they bought their first
18 house. And there is the genesis of Fresh Start.

19 COUNCILMAN MARIANO: Bill, thank you.
20 Thanks for your testimony.

21 MR. CORNELLY: Thank you for the
22 opportunity.

23 COUNCILMAN MARIANO: Joseph Rogers,
24 Mental Health Association of Southeastern, PA, are
25 they still here?

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2 State your name for the record.

3 MR. JOSEPH ROGERS: The name is Joseph
4 Rogers, and I'm the Executive Director of the Mental
5 Health Association of Southeastern Pennsylvania.
6 Basically I'm just here today to talk a little bit
7 about some of the things that we've been supporting
8 to try and look at the situation.

9 First place, the Mental Health
10 Association is a rights organization. We're made up
11 of present and former mental patients and their
12 supporters, family members, citizen advocates, and
13 we've been in this area since 1952 advocating for
14 the rights of people with mental illness. We are
15 very concerned that there be community placements
16 for people, that they be adequate, that they be well
17 run, and that there be opportunities for people
18 particularly come out of the institutional settings.
19 We were very active in the closing of Byberry State
20 Hospital and Haverford State Hospital, and we're not
21 working around trying to get people out of
22 Norristown State Hospital. So we're real strong
23 advocates for helping people get into the community.
24 We like to see a range of housing
25 available. We want to make sure that people have

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1
2 the kind of housing that they need. Generally, we
3 like to see smaller housing or even give a person
4 their own apartment. A lot of these problems that
5 you've been hearing about come from what's called
6 congregate living situations where people are, you
7 know, living unrelated individuals living in a home
8 and having staff there 24 hours a day and stuff like
9 that. And we're pushing a model which we'd like to
10 see the City of Philadelphia move towards where we
11 have less congregate homes, in fact, not add to the
12 inventory of congregate living for people with
13 mental illness, really move away from that more into
14 a model where people would have their own apartment,
15 maybe have a roommate. There wouldn't be any staff
16 living in the apartment. There might be staff down
17 the street that are available if there's a crisis or
18 a staff could come on temporary basis to be there
19 to help stabilize the person in the apartment.

20 So we feel that would address some of
21 the problem because if you don't have a sign that
22 says program of so and so, a lot of the feelings
23 that the neighbors have just wouldn't been there.
24 The person would sort of be blended into the
25 scenery. And having their own apartment, you don't

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2 know the person next door who has their own
3 apartment or their own house whether they have a
4 mental health problem or not.

5 COUNCILMAN MARIANO: If it was a single
6 apartment somewhere, no one would know the
7 difference, right?

8 MR. ROGERS: Right. SO that's one thing
9 that we're looking at as a way to solve this
10 problem.

11 Another thing that we participated in
12 has been an effort by the Office of Mental Health
13 is a Good Neighbor Program that they've developed in
14 West Philadelphia. I do hope they do begin to
15 spread. In that have -- that's mostly addressing a
16 lot of these problems we've heard people testify,
17 that who do you go to. There's a situation that,
18 you know, garbage isn't being taken in, the grass
19 isn't being cut. And I think in West Philadelphia,
20 you're going pretty good results of that effort
21 because what we've seen is that through meetings
22 with the agencies kind of forming together and being
23 really basically required to reach out to the
24 community, go to community meetings so that some of
25 these individuals who come here today and have

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2 concerns, they go to their neighborhood association
3 and they're expressing these concerns. There's
4 representatives of these agencies at those meetings
5 and so they can be held accountable and have the
6 dialog and discussion to try and move toward the
7 situation where it won't happen, it won't be
8 chronic, and it won't just not be addressed.

9 So I really encourage the Council to
10 look at the effort of Estelle Richman's program to
11 create this Good Neighbor Program. The problem is,
12 as Estelle pointed out, it only addresses people who
13 contract with OMH. And there's a huge number of
14 folks out there who are running sort of unlicensed
15 or non-contract agencies.

16 COUNCILMAN MARIANO: Joe, what can we do
17 about that? Is there anything you can recommend we
18 can do about people like that?

19 MR. ROGERS: I wish there was some way
20 we could close down a lot of these unlicensed --

21 COUNCILMAN MARIANO: Because when this
22 thing first started, you and I had a little
23 interchange about federal judges and all and I think
24 we felt each other out. We had different ways of
25 going about the same thing. But if we did that and

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2 we say, look, all of a sudden if you're not licensed
3 in the City of Philadelphia, would the advocacy
4 groups be concerned?

5 MR. ROGERS: Well, I think with
6 unlicensed boarding homes you probably wouldn't get
7 any big debate from the advocacy groups.
8 Unfortunately, the unlicensed boarding homes are
9 protected under some of the commerce clauses of the
10 Constitution. You know, it's interesting as a civil
11 rights activist, we get accused of vigorously
12 enforcing the rights of individuals and sometimes to
13 the detriment to community. If you look at
14 litigation under the Constitution, the most
15 successful litigation is protecting commerce, and
16 these non-licensed boarding homes are protected
17 under a lot of these commerce provisions. So it's
18 hard to put somebody out of a business or put a set
19 of businesses out of business. But I don't think
20 you'd get a lot of flack because we've seen as
21 monitors of these homes where we have gone in and
22 get complaints from the patients and we go into the
23 private-owned boarding home, board and care
24 facility. Sometimes the conditions are just really
25 horrendous. So we'd been very happy to see vigorous

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2 enforcement, but it's an expensive proposition
3 because you're talking about 900 facilities.

4 COUNCILMAN MARIANO: Joe, why would
5 someone go into an unlicensed boarding home as
6 opposed to a licensed one? There must be a reason.

7 MR. ROGERS: Well, in Pennsylvania I
8 think we've moved more and more away from the fact
9 that -- in the old days, what happened was when the
10 State had a person in the state hospital or a
11 facility, a lot of times that was the only place the
12 person could go to live. It would be time for them
13 to be discharged, and literally the social worker of
14 the state hospital would have a list of boarding
15 home operators, maybe even know some of them, maybe
16 even getting a kickback from one of them, and would
17 place a person in the boarding home.

18 That's not happening now. The recent
19 closing of Haverford State Hospital, one of the
20 things we did was we went into federal court and we
21 established a class under federal court to monitor
22 and protect the rights of all the patients being
23 discharged from Haverford as we did in the Byberry
24 situation. And through that process, we're able to
25 assure that those individuals are not being placed

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2 into those kinds of facilities.

3 Can't speak about other systems where I
4 think what's happening, I think sometimes we see
5 some of the big homes, they recruit from the whole
6 region. And not to say that another state is doing
7 something, but I think New Jersey does a lot of --

8 COUNCILMAN MARIANO: I think they have
9 gotten caught.

10 MR. ROGERS: So I think that's kind of a
11 regional state-wide problem that we need to look at.

12 Just recently on the whole boarding home
13 issue, I don't know if you saw in the newspaper, but
14 a home up in Mount Airy has been in the paper. We
15 sent in investigators and we're looking at ways that
16 there might be some sort of legal action that can be
17 taken. Again, it's real tough in terms of the
18 regulations that are available.

19 COUNCILMAN MARIANO: Joe, let me ask you
20 this since the civil rights piece is very important
21 to you. And not being a lawyer I keep saying that.
22 I start try to understand things that --

23 MR. ROGERS: I'm not a lawyer either.

24 COUNCILMAN MARIANO: The Congress right
25 now was told by the councilpeople who is pretty big

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2 nationally that Congress is looking the American
3 Disability Act, and what they will say, and I don't
4 know if it's on the record or off, but they'll say,
5 look, when that written, it was written for people
6 with physical and mental handicaps. We'll give you
7 people with drug addiction but not for bad kids or
8 things like that. What would you say about that?
9 Do you think that has a chance of changing?

10 MR. ROGERS: I don't think the ADA is
11 going to change anytime soon because it has a lot of
12 support. I think there's a lot of people that are
13 going to complain about the ADA. But I think that
14 whenever there's any efforts to modify or change it,
15 there's a pretty good coalition which we're part of.
16 I helped write the ADA. So we're not too --

17 COUNCILMAN MARIANO: So that means you
18 must understand it so we can call you when we need
19 it interpreted.

20 MR. ROGERS: Yes, I have a pretty good
21 understanding of it. But I think that the ADA is
22 not going to change. In fact, if anything, I think
23 we're seeing some real good applications of the ADA
24 when it comes to protecting the rights of people
25 right to live in the community.

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2 Recently, there was a case brought in in
3 federal court in this community and it's now been
4 appealed at a district court. We're waiting to see
5 if the district court supports our position. But if
6 it does, it's going to firm up the right the fact
7 that the ADA among other laws protects the rights of
8 people who live in the community.

9 COUNCILMAN MARIANO: Joe, you sat here
10 during the whole interchange with the Berfields and
11 SPIN. Put yourself in the Berfields' shoes or SPIN
12 shoes. What would you say to them?

13 MR. ROGERS: Well, as a person who's
14 lived in many Philadelphia communities, I bounced
15 around, I think, you know -- I kind of think I was
16 saying to my friends that it's interesting, they at
17 least have somebody to call up and complain about
18 their lousy neighbors. I've had a lot of lousy
19 neighbors and there's been no one to call when they
20 didn't take their garbage in and when they didn't
21 cut their lawn.

22 COUNCILMAN MARIANO: You're supposed to
23 call your City Councilman because that's what
24 everybody else does.

25 MR. ROGERS: Well, you know, I figure my

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2 poor City Councilperson John Street's busy, he's not
3 going be able to come cut the guy's lawn.

4 COUNCILMAN MARIANO: I have gotten lawns
5 cut. I've done that. I haven't done it myself, but
6 I've paid people to do it.

7 MR. ROGERS: I think, though, it's not
8 something that should get to City Council.

9 COUNCILMAN MARIANO: Right.

10 MR. ROGERS: AND I think the program
11 that Estelle has put together and Tom O'Hare who
12 works for Estelle Richman --

13 COUNCILMAN MARIANO: Tom was here. I
14 was dying to get him up here, but he took off.

15 MR. ROGERS: Tom's done a really good
16 job of putting this kind of model program together
17 where agencies are really required and they really
18 keep on the agencies to show up at regular meetings
19 to -- I mean, at a certain point you're going to get
20 action because it's embarrassing to show up at the
21 meeting and have the neighbors like came here and
22 come to the meeting and say, "We talked to you at
23 the last meeting and still nothing's happening." So
24 I think you begin to see these agencies taking a lot
25 more responsibility and action. So I hope that the

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2 Council looks at what Estelle has done to date on
3 this.

4 I think the problem in terms of what
5 I've been listening, main issue is the council's
6 desire to be informed before the purchase. And that
7 does get into the Fair Housing Act and that does get
8 into an area where it would be very difficult for
9 the Department of Health to do that. We would
10 probably sue them in federal court.

11 COUNCILMAN MARIANO: But couldn't there
12 be like -- this whole thing started with this one up
13 on Oxford Avenue with COMAR. COMAR is a great
14 organization, by the way, and they try and I spoke
15 with them and I say that the record. But if someone
16 would have called me in December and said, "Look, by
17 the way be ready for these can calls and do not tell
18 anybody," I could have prepared a little better.
19 And I see it happening in different parts of the
20 City.

21 MR. ROGERS: The one thing I could
22 suggest is and I know this is just sort of sneaky
23 way of doing it if this is a constant problem. I
24 would say get somebody on their board of directors.
25 Then you would be informed immediately because it's

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2 a discussion at board level when they're looking at
3 purchasing a house.

4 COUNCILMAN MARIANO: At the case with
5 COMAR, like I said, COMAR was small and there were
6 people probably a bunch of ladies from Port Richmond
7 who are in their sixties now that had sons my age
8 and they found themselves one day, they said, look,
9 we don't have mentally handicapped children. Where
10 do we go? Well, it became that. It got to the
11 point where somebody sold them a bill of goods and
12 said, We can get you out of these CLA's to this next
13 step and they have a house they bought and they
14 don't want this publicity. It was never about that.
15 They signed a contract with the City and they're
16 trying to do something.

17 MR. ROGERS: You know, it's interesting
18 just in terms of that particular program. And I
19 understand neighbors not wanting a 16 persons
20 residence next door. But from my viewpoint from a
21 person who's been hospitalized for mental illness,
22 it's kind of a unique and interesting program, and
23 Philadelphia is sort of a national leader by having
24 created those kinds of programs because what we're
25 looking at is -- and it's actually in response to

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2 many of the complaints of this community to the fact
3 that people were being discharged from state
4 hospitals who weren't really community ready and
5 there wasn't a type of program that provided the
6 intensive care that the 16-person intensive care
7 residences provides. So it's kind of an interesting
8 irony in that our solution to the fact that there
9 are people that are homeless and in jail and stuff
10 because their mental illness wasn't properly
11 supported and monitored, we created this kind of
12 programming. So the attempt is, the hope is by that
13 kind of programming, we'll see less people living on
14 the street corner carrying on and being mentally.

15 COUNCILMAN MARIANO: These intensive
16 care houses like that one I'm speaking about, I
17 mean, theoretically if there was an enough people to
18 assist these people we could have them in apartments
19 by themselves and there would any difference. It's
20 for economics, right, so they could have one person
21 with 16 people or --

22 MR. ROGERS: I think we could create a
23 model where we don't need 16 care residences. I
24 mean, it's not going to happen today.

25 COUNCILMAN MARIANO: Or this week.

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2 MR. ROGERS: Or this week. And I think
3 that residences there in some ways, and I'm not
4 going to be unsupportive of that residence, but I
5 think that the reality is that we could create a
6 system of care in this City where people don't have
7 to live in congregate living. I think if the
8 Council wants to make a progressive supportive
9 statement of people with mental illness, that would
10 be an interesting statement to make, that not that
11 we don't want people in the community, we want and
12 support, in fact, we resolve that people should live
13 in the community but they should live in the
14 community in real integrated settings with the
15 maximum of integration possible. Quite frankly,
16 16-person residences, even 8-person residences -- 3
17 persons is, I mean, that's kind of pretty
18 integrated. And I've heard the complaints about the
19 three persons residences so that's interesting. But
20 I think the idea that we move away from long
21 congregate facilities would be a wonderful statement
22 for Council to make that the advocates would be
23 supportive of. I think it's going to have to be
24 something's that's going to take some time and it
25 takes cooperation of the State, they're going to

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2 have to fund programs and reimburse at a rate that
3 allows for that.

4 COUNCILMAN MARIANO: Joe, thanks for you
5 help and thanks for your expertise on the subject.

6 Next witness would be Audrey, Visions
7 for equality. Is Audrey still here?

8 State your name for the record and your
9 group.

10 MS. AUDREY COCCIA: My name is Audrey
11 Coccia, and I'm from Vision for Equality. I
12 apologize for not having formal written testimony,
13 but I only heard about this hearing this afternoon
14 and I kind of quickly put together some of my
15 thoughts and I must tell you that my testimony comes
16 first as testimony of experience but also as
17 testimony from the heart.

18 My name is Audrey Coccia, and I'm the
19 wife of a retired Philadelphia fire fighter. I'm
20 the mother of a lovely young woman with significant
21 disabilities and a Philadelphia resident for over 58
22 years. I'm also one of the co-founders and board
23 members of the Philadelphia Police and Fire
24 Association for Handicapped Children. I'm also the
25 executive director of an agency called Vision for

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2 Equality.

3 Our agency serves people with
4 developmental disability living in the City of
5 Philadelphia. Our staff are comprised of people
6 with disabilities and family members. We offer
7 services in advocacy and customer satisfaction for
8 people with developmental disabilities and their
9 families.

10 We have embodied in our mission the role
11 of assisting and empower individuals and their
12 families to seek quality in their lives as well as
13 equal access to supports and services in the
14 community. We believe and uphold the people have
15 the right to happy and meaningful lives in
16 neighborhoods where they can participate as valued
17 members of their community. We believe in support
18 the right for them to live in neighborhoods like
19 yours and mine.

20 Over the last seven years it has been my
21 personal privilege to assist and support over 300
22 people with disabilities and their families in their
23 transition to community living arrangements, CLA's,
24 as they have either left institutions or moved from
25 their family homes to be their own often due to

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2 failing health or the death of thier parents or due
3 to the desire to be more independent. These folks
4 are now living in every neighborhood in Philadelphia
5 building meaningful and rich lives for themselves
6 with dignity, gaining the respect of their many
7 neighbors as they develop relationships and
8 friendships with people who give them the
9 opportunity and the chance.

10 In doing this, I believe I have learned
11 a lot about the human condition, ugly side of it and
12 the loving one. I've witnessed meetings where
13 people have hurled insults and disparaging remarks,
14 more caught up in their fears than dealing with
15 reason or rights. I've also found neighbors who
16 were embracing and open to new folks on their block.
17 I have seen agencies try to uphold the right to
18 freedom and confidentiality while trying to struggle
19 with the fears of hostile unyielding neighbors.

20 In spite of all of that, I believe we
21 are on the crest of evolution of a new day when
22 people have begun to realize that people with
23 disabilities have the same rights to them to a home,
24 to a life with the right of liberty and the pursuit
25 of happiness living next door to them.

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2 I believe that the resolution proposed
3 here today raises many questions of concern. First,
4 around the basic issues of discrimination and
5 possible violations of the Federal Fair Housing Act,
6 as you heard earlier, and the Americans for
7 Disabilities Act, which guarantees people with
8 disabilities the same rights that you and I take for
9 granted every day. Resolution 980676 could put in
10 clear jeopardy the protections under these federal
11 acts and would call into question the
12 Constitutionality of such a statute. Any changes
13 requiring notification to neighbors violates the
14 right to privacy and confidentiality. I believe
15 this resolution is clearly discriminatory and
16 threatens the City with possible resultant
17 litigation should it pass.

18 Additionally, I am stunned with the idea
19 that we should consider the idea measuring the
20 concentration of any person by label or type. This
21 City is built on neighborhoods, often with large
22 numbers of peoples of likeness. Should we count how
23 many people there are? Should count how man
24 Italians live in South Philadelphia or how many
25 Protestants live on one block? Should we tell them

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2 that there are too many and no more are allowed? I
3 would certainly hope not.

4 Our agency would like to remind members
5 of the committee, unfortunately most of them are not
6 here --

7 COUNCILMAN MARIANO: They are all
8 listening on their car radios.

9 MS. COCCIA: I hope so. That we live
10 supposedly in the City of Brotherly Love where
11 everyone is welcome where we embrace difference.

12 As someone who has a good deal of
13 experience in the development of group homes, and
14 more importantly, as a mother of someone with a
15 disability, I urge you not to consider this
16 resolution. I want to know that some day when my
17 daughter moves on to living in a home of her own
18 that we can expect she can do so and that we will
19 remember that she, too, is a citizen with rights,
20 that she has a right to live in a neighborhood, to
21 choose where that neighborhood is, to buy the
22 services she chooses from someone, if it be an
23 agency, so be it; and that these are her inalienable
24 rights.

25 In response to a number of things that

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2 were said here today, I want to kind of like respond
3 to them. I want you, Councilman Mariano, to
4 remember that my daughter is a citizens and lives in
5 this City and has lived here all of her life just
6 you and me. I want you to know that I live in the
7 far Northeast and that I opened group homes in that
8 area before I bought my home there. I want you to
9 know that I, too, am a mother and a grandmother and
10 I can tell you that my grandchildren live around the
11 corner from that same group home and I don't think
12 that it harms them in any way. I want you to know
13 that there is a game plan and that is by families
14 and people with disabilities themselves. And that
15 is they want the right for their sons and daughters
16 to live where they were raised often and grown and
17 now want them to live there after no longer to care
18 for them themselves. I expect that my daughter can
19 live in Somerton just like she does now when I am
20 either sick or gone, and I think she has that right.

21 I think that it's important for us to
22 remember that, yes, some times people require
23 support and those people who do should of it for
24 them. I think we're all interested in quality for
25 people with disabilities in their lives and that

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2 agencies will give them that quality, and I think
3 it's unfortunate that we're not open to understand
4 often as I saw this young woman for her children to
5 know that when my daughter comes into church or
6 moves in a house next door to her that that's okay.
7 I also want you to know that my husband was a blue
8 collar worker and still is.

9 COUNCILMAN MARIANO: I have a couple
10 things I want to tell you because of your statement.
11 All these hearings are -- the resolution already
12 passed. The resolution is to have the hearings, and
13 the hearings resolved by the Council of the City of
14 Philadelphia that it hereby authorizes this, this
15 Council Committee on Health and Human Services
16 conduct hearings for the purposes of examining the
17 placement and concentration CLA in the City. Nobody
18 is going to stop doing this. We just need some kind
19 of healing process and to make sure this brings to
20 light. Now, this is a public record and I'll recess
21 this when everyone's done we'll have it again when
22 Debbie Russo has her twins and she can tell us the
23 legal aspect of it. But a lot of people need to
24 know exactly what's going on. I try not to do
25 anything that would hurt your daughter or anyone

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2 like her or anybody. I did this because I want them
3 to understand. By you coming and doing the
4 statement you just did, that's good because people
5 need to understanding that the people in these homes
6 are perfectly normal. If they knew and your
7 daughter, I never met your daughter, I'm sure there
8 wouldn't be a problem. That person that was there
9 before had a problem, her fears compounded by the
10 stuff that goes on that may never really happen,
11 it's just perception, and perception is reality to
12 those people. That's why we need these hearings.
13 So do not have any fear that anything's going
14 change. It's just the guy that before you explained
15 that we need to examine some things where we help
16 both sides. It's not going to change the Americans
17 with Disability Act, and that's why I asked him that
18 question because he knew. But we need so everybody
19 understands that they have a right, too, but we need
20 to let the other people know what's going on, just a
21 little dialog between people and that's the way
22 things usually work out.

23 MS. COCCIA: I do think that it's
24 important that this City do more in terms of
25 education around people with disabilities so that

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2 people are more understanding, that they do have a
3 better knowledge of what people are capable of
4 rather than some of the things -- I mean, the
5 interesting thing to me with this young woman is,
6 like Joe, I've lived in many neighborhoods and I can
7 tell you there's plenty of neighbors I would have
8 liked to have gotten rid of. And I didn't have
9 right to do that, not any more than anybody has the
10 right to get rid of any these folks. And you know
11 what, we all have a bad day. And I'm sure there
12 have been occasions when maybe someone heard her
13 screaming in the house, too, maybe with a couple
14 kids, you know.

15 COUNCILMAN MARIANO: People fight, too,
16 husbands and wives.

17 MS. COCCIA: Perceptions are often blown
18 out of proportion. We need to do more in terms
19 educating the general public to the issues of
20 disabilities and also the capabilities of people
21 with disabilities. That's where we should be
22 focusing our attention, not thinking about whether
23 or not, you know, there's saturation. I mean, what
24 is saturation? I mean, like we can say any
25 neighborhood in any nationality is saturating

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2 neighborhood. That's insulting to me as a mom. If
3 my daughter's going to live in the Northeast, she
4 has a right to do that whether there's another house
5 on that block or not. We don't measure how many
6 people live on a block whether they're the same
7 color or they're the same religion, or they all have
8 blond hair.

9 COUNCILMAN MARIANO: I think when the
10 saturation thing started out, a lot of the poorer
11 neighborhoods it seems like they were going there
12 first, and obviously for the reason that the houses
13 were cheaper. And you don't see them in some
14 neighborhoods because the houses -- it's strictly
15 economics.

16 MS. COCCIA: But that's not quite true.
17 Because in the 300 people that I moved, I can tell
18 you that probably 150 of them moved into the
19 Northeast because that's where their were families
20 and that's where and that's where they wanted them.
21 And I think that's where they should be, they should
22 be in close proximity so that their families can
23 stop in and see how things are going, seeing whether
24 the agency is doing a good job. And I think that
25 that presents the opportunity. I have met families

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2 who are 60, 70, and 80 years old whose sons and
3 daughters have left institutions to return to the
4 community. They'd like to visit them once in a
5 while. Now if we're going to put them halfway
6 across the City or create a ghetto of people of
7 disabilities, I think that that's wrong. They
8 deserve to live in every community in this City.
9 And, yes, some of us actually do buy houses in
10 communities where we open group homes.

11 COUNCILMAN MARIANO: I appreciate that.
12 Thank you for your good comments.

13 (Applause.)

14 COUNCILMAN MARIANO: One Day at a Time,
15 I'm familiar with this group. This is a great
16 group. Say your name and the group and what you do.

17 MR. RAY POUNCE: My name is Ray
18 Pounce (ph) I'm the Deputy Director for One Day at a
19 Time. I'm also here supported by the founder and
20 president of One Day at a Time, Rev. Henry Wells and
21 some various staff members of ODAAT.

22 I apologize for not having written
23 testimony also. When this came to our attention
24 this afternoon we realized we needed to come and
25 make a statement on the record.

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2 COUNCILMAN MARIANO: And I thank you for
3 that.

4 MR. POUNCE: CLA's, as far as we're
5 concerned could mean any residence of people with
6 disabilities or common problems, and that means that
7 we're concerned. We're concerned because it could
8 mean recovery houses, it could mean mental health
9 facilities, et cetera, et cetera. You can transpose
10 CLA to make it say a number of things. So we want
11 to go on record as to our concerns. And I think
12 some of the problems is with the respect and dignity
13 of the people with the problems and residents or the
14 next door neighbors of the facilities.

15 And One Day at a Time has been fortunate
16 and through Rev. Wells' foresight envisioned --
17 we've always had a good relationship with our
18 communities because we've done some intimate things
19 with them. We've done things for them. We've
20 always had a quid pro quo relationship with the
21 residents. If that meant going to the store for our
22 senior citizens, painting, going on errands, being
23 supportive, being mentors to the children, various
24 things, we came as helpers and healers because some
25 of our clients have been destroyers of our

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1
2 neighborhoods. That's part of our therapy process,
3 that's part of the giving back process, and most of
4 the elderly people in our neighborhoods, when they
5 see five to six to seven people in a group on their
6 way back and forth to group therapy and they're
7 smiling and they have shining faces and they're not
8 carrying 40's or smoking joints, they know that
9 that's One Day at a Time, we're going through their
10 neighborhood and we become the hope for our
11 communities. And we will be glad to share that
12 wisdom and that expertise with the City. And as far
13 as helping them devise some type of strategy with
14 the CLA's, all the other acronyms for the mental
15 health institutions, to devise some type of strategy
16 where the communities can be included, they can feel
17 some respect and they can feel some dignity. If
18 this is truly the land of opportunity, then the
19 disabled and the abled adds up to an integrated
20 community. You can't have a community without both.
21 And thank you for your time.

22 COUNCILMAN MARIANO: Thank you very
23 much. Ruth Frank and Edith.

24 MS. FRANK: I'm Ruth Frank, and I live
25 at 9223 Alton Street in the Northeast.

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2 COUNCILMAN MARIANO: Explain to me where
3 that is in the Northeast.

4 MS. FRANK: That's around Krewstown Road
5 and Grant Avenue. I do live next to a group home.
6 There's a group home, I think it's six people about
7 four doors from me. I never see them, I never hear
8 them, there's no complaints. My good neighbors live
9 next door, they just say the good people that live
10 there. If I see them on the street, I'll say hello
11 to them and I'll tell them that I have a son that
12 lives in a group home.

13 I wrote down two things about living
14 next to a group home, trash cans, because somebody
15 mentioned trash cans. My son has mental
16 retardation, just moved to an apartment. He moved a
17 row of houses that have duplexes. When there's
18 trash day and they take the trash, he goes up and
19 down the street and puts everybody's trash can where
20 it belongs. So I saw him do a couple, but they tell
21 me he goes up and down the block. He likes to do
22 that.

23 I just want to tell you a little bit
24 about my son. He's 46 years old he and he was born
25 in the Jewish Hospital which is now Einstein

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2 Northern. So he was born in Philadelphia just like
3 his brother was born in Philadelphia. We lived at
4 Sixth and Brown, we had a grocery store there. We
5 lived in Kensington. Now I live in the Northeast.
6 My son is a voter. My son has a job. He pays
7 taxes, and he needs assistance. He has 24-hour
8 staff, but I think my son is a contributing member
9 to the community and he is a citizen and he's just
10 the same as my other son and the same as me. When
11 my other son wants to move in a neighborhood, he
12 doesn't to go to the councilpeople and he doesn't
13 have to go to next door neighbors.

14 There's just one more thing I want to
15 talk about. About 27 years ago, my husband and I
16 and a group of neighborhood people started an agency
17 that provided group homes. We were community
18 people, there were a few parents. When we started
19 them, we started in Kensington because that's where
20 I lived. We did have to go up and down the
21 neighbors to tell them we were going to open a group
22 home. But one time I told a friend of mine who was
23 committee woman that we were thinking about opening
24 a group home in her street, and before I knew it,
25 there was a community meeting and they voted us

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2 down, they wouldn't let us go into the neighborhood.
3 So there's very strong reason why you can't tell the
4 people because if you do tell the people you're
5 never going to get your foot in.

6 But I do agree with everybody that's
7 saying that you should tell the committee people and
8 the Councilpeople and I do agree with that. And
9 I've gone up and down neighborhoods for other
10 agencies and just told them who was coming in when
11 they with afraid, and I don't think that's so bad.

12 I think that's all I have to say. But I
13 just want to stress that I liked what Dee had to
14 say.

15 COUNCILMAN MARIANO: She was good.

16 MS. FRANK: People with retardation are
17 people. They are human beings. They're not
18 different than anybody else, and there's plenty of
19 neighbors that fight. I used to hear my next door
20 neighbors, they used to have terrible fights on
21 Saturday night and my son used to holler, too. But
22 what can you do? You can't protect a person. Like
23 that other woman said, her son will be damaged; you
24 can't protect a person from seeing the world and you
25 don't want to protect them. They have to see what

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2 life is.

3 COUNCILMAN MARIANO: One lighthearted
4 moment. I heard a Catholic priest tell this story.
5 He said, my parents were married 40 years. They
6 only had one fight, it lasted 40 years. So
7 everybody fights. I appreciate it.

8 And the lady in the back, Audrey, there
9 is a list of Italians, and I do have that.

10 (Laughter.)

11 COUNCILMAN MARIANO: Just kidding, just
12 kidding.

13 Ma'am, say your name for the record.

14 MS. EDITH KOSMIN: I'm Edith Kosmin,
15 that's K-O-S-M-I-N. And I live in the 8500 block of
16 Somerdale Avenue in Northeast Philadelphia.

17 COUNCILMAN MARIANO: Am I your
18 Councilman or is Councilman O'Neill?.

19 MS. KOSMIN: Yes, you are.

20 I'm a parent of a fellow who's 49 years
21 old who lives in a community arrangement with two
22 other men.

23 COUNCILMAN MARIANO: He lives near you
24 somewhere so you can go and see him?

25 MS. KOSMIN: He lives near us on Algon

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2 Avenue. He was home until 18 because we had a
3 younger daughter who needed a lot of concern and
4 care, too. We sent him to private school which
5 didn't work out, and he was in an institution for
6 nine years and we were able to bring him back to the
7 community, which is what we worked for. My husband
8 and I were on the board of directors for many years,
9 started one of the centers in the Northeast, as a
10 matter of fact.

11 COUNCILMAN MARIANO: Can you tell me the
12 name of that?

13 MS. KOSMIN: Path. He he's not with
14 Path now, but he was at that time. And we always
15 worked for community services even though we did not
16 know that our son would ever come back to
17 Philadelphia. But we did everything we could to
18 bring him back here. And he's been living in
19 community living arrangements for almost 20 years.
20 Because of his special needs, because there are some
21 medical needs as well as developmental disabilities,
22 we sought another program for him. He's in the same
23 program that Ruth's son is in now.

24 And because there are things that can be
25 done to improve programs as they are delivered, a

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2 group of parents got together, these are parents and
3 families of people who have family members living in
4 CLA's and we formed a group called Fail Safe two
5 years ago and we have been working closely with the
6 County Office to develop procedures to help agencies
7 if they ask for our assistance to improve how
8 they're training staff, how they relate to families.
9 And we have just recently come out with one of the
10 things County Office has sent out a memo to all
11 agencies asking them to consider what we have
12 proposed very carefully and we will be coming out
13 with our own procedures as to how we would assist if
14 we're called in to assist agencies in developing
15 training. And as a parent I tried to be helpful in
16 enlightening our agency and staff in how to develop
17 supports for people so that they can function a
18 better, so that they can reach their potential, so
19 that if they're screaming we have to find out why
20 and help that to stop. So we feel that we are doing
21 something that could have been negative and turned
22 it into a very positive way of wanting to be of
23 help. And all of our family members are very now
24 conversing with all the regulations and all the acts
25 and so forth and so on, so we feel that we have a

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2 good base for helping other families.

3 COUNCILMAN MARIANO: Thank you. Thank
4 you very much. That's last person to testify. We
5 will reconvene this to the call of the Chair.

6 Thank you very much. Thank you for
7 coming.

8 (Hearing adjourned at 6:45 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of December 8, 1998, were reported
fully and accurately by me, and that this is a
correct transcript of the same.

RE: COMMITTEE ON PUBLIC HEALTH AND HUMAN SERVICES

Lisa C. Bradley, RPR
and Notary Public