

## **Meeting with Northwest Human Services**

**November 19, 2012**

A special meeting of the Upland Borough Council was called to order at 10:07 a.m. by President Edward Mitchell. The meeting was held in the Upland Municipal Building.

Present were President Edward Mitchell and Vice President Christine Peterson. Council members Mr. Harold Peden and Mr. Dan Smith were present. Mr. Robert O'Connor, Esq., Mr. Michael Maddren, Esq. and Mrs. Shirley Purcival, Borough Manager/Treasurer/Secretary were also in attendance.

Mr. Ken Stark, consultant for Upland Borough, Ms. Leslie Kravichenko from the Delaware County Times, Joseph Ferguson, Building Inspector, Chief John Easton of the Upland Borough Police Department as well as Detective Jackson and Officer Ocasio were in attendance.

President Edward Mitchell introduced many disciplines from the Borough of Upland were in attendance to speak. There will be many of questions that we hope everyone will leave with a good taste in our mouths and we will work together in the spirit of cooperation; and bring some sanity into the madness of 900 Main Street.

Please keep in mind there are a number of violations that everyone is aware of; the disciplines that have been handed down to the Borough and the tax paying entity of the community. It will be clearly determined that it is an unsafe operation Mr. Mitchell asked if there was anyone present from the State. There was no reply. Is there anyone that represents the State Regulatory division that monitors on behalf of the State?

Ms. Hatch replied that 900 Main is overseen by the State and Tracie Holiday, is a Delaware County Mental Health Coordinator. Mr. Mitchell asked if they were a 501 (3) (c). Ms. Hatch indicated a positive response. Mr. Mitchell asked if they received grant money. Ms. Hatch replied that they have regulations with the State. Mr. Mitchell wanted to turn the meeting over to the Solicitor, as we have two solicitors here today. I will let them proceed with the questioning because I think the time has come we all need to get on the same page. Effective January 2013, we will start inspecting every property. Even though we do that now, for some reason 900 Main Street has fallen between the cracks.

Mr. Mitchell turned the meeting over to our Borough Solicitor, Mr. Robert E. O'Connor, Esq. Mr. O'Connor wanted to thank everyone for attending. It sounds as if there are several concerns that the Borough has. The purpose of today's meeting was to try to bring us together so that we can try addressing some of these issues that we can start to get a dialogue going, in an effort to see if we can work these issues out. the Borough is here today, certainly for the purpose of attempting to want to work out issues, obviously if we didn't want to work out the issues we wouldn't have taken out time or gone to the effort to do this and we would simply use other means to try to get your attention. This is not ruled out, however we hope we do not need to

elevate to that sort of level. At this time, Mr. O'Connor turned the meeting over to Chief John Easton. Mr. O'Connor hopes we can resolve the issues.

Chief Easton began by stating he has researched his records and he came up with well over 1,000 calls from January 2010 to the present. However, the calls in question are 135 calls where the police physically responded to 900 Main Street. As a result of our various calculations, we have spent 78.2 man-hours in three years responding to, what he would deem illegitimate calls, to 900 Main Street. For instance, Cheryl Alexander domestic with a lover; Lucy DiRameglio, fighting once again with Joann Jackson and this is quite often situation. Steven Coleman, threatened by Joann Jackson to stay away from Lucy DiRameglio; Mr. Handle, in the nude and using profanity; Rebecca Tiffany, she comes over to 900 Main street, she had a problem with Steven Green; Rebecca Tiffany again, pregnant thinking she is having a miscarriage. Rebecca Tiffany is assigned one of those outside units, but she is there all the time. She is there with Steven Green and Kevin Moore. Both are males were fighting over Rebecca Tiffany. Charlie McNeal dials 911. Why? Because he wanted to talk to the police as nobody at 900 Main listens to him. Once again, per Chief, more man-hours tied up. Charlie McNeal and Bonnie Burman, his live-in girlfriend, they were fighting over groceries. Mr. Philly, making phone calls from the third floor, because he wanted to. Rebecca Tiffany again, fighting with Amy Peter. Rebecca Tiffany versus Steven Green, fighting because Steven Green would not go to church.

Chief Easton stated he could go on and one and on, as there are well over 135 calls for which he considers illegitimate and a total waste of time. A few more examples; Cheryl Alexander, a possum in her bedroom; Steven Pilling, wanted a ride so he can get married. Chief stated he was not sure if they agreed with him, these calls, in his opinion, are not legitimate and are a waste of man-hours when they could be doing something else. Again, he has counted 4,692 minutes divide that by 60; 78.2 hours out of 135 reports that again, in his opinion, does not make sense for us to respond to. Chief Easton further mentioned Janequa Roberts; she dialed 911 three or four times because she did not like your toasted cheese sandwiches.

Chief Easton stated that with respect the security of the building, and he could document this, John Armsley has walked out of your secured building 10, 15, 20 times. Now the building is supposed to be secured. Each time that that man walks out of your building, you call us. We need to put that individual in NCIC, as that is our job, where all the police department in the free world looking for this guy until he returns. Then we have to cancel that BOLO, which means Be On The Lookout or GRM , which stands for General Routine Message. However, he can document that each time that Armsley returned and left again, we went to re-enter this guy back into NCIC, all the police officers in the free world were still looking for him. Chief Easton stated that the administrators at 900 Main never called us back. So when we go to file another report, there is a report from the last time. Now, it's amazing that in a secure building, these people can actually escape or leave the premises. Chief Easton stated he believes that the individuals need to have counselors or some type of guidance counselor, someone to watch over them, but yet they get out of a secured building "...Officer Norcini went up to the first floor of the main building, started wrestling with one of the clients. He called for another car, Sergeant Paul from Parkside arrived. Ironically, your clients can escape from this building but the police cannot get in. We were actually locked out. He had an officer up stairs and we had no idea what was going on, other than who called for help, and our back-up unit can't get into your building

because your key pad is not working. In his opinion, this is not acceptable. As he stated before, he can go on and on and on with regard to responding to 900 Main illegitimately and wasting man-power.”

Mr. Mitchell had a question for Chief Easton. We have a major 500-bed hospital trauma center in our community. Compare to the calls that go there and to 900 Main Street, what percentage would Crozer have versus what we have here. Chief Easton, stated that on various occasions, there are more people in Crozer in a day then there are more people in Upland. There are very few calls. Mr. Mitchell stated that for the record, we need to establish that there are 3,000 residents in Upland at 5:00 at night, and during the day, there is anywhere from five to seven thousand people in this town, going to Crozer. And our calls are way-less than they are then what goes on at 900 Main Street.

Chief Easton wanted to mention another incident which was borderline criminal and he is still thinking about criminal charges. Detective Jackson stated that on October 30th, he was contacted by Carly Roth. She is the mother of resident, Lee Roth of 900 Main. she stated that her son was assaulted at 900 Main on October 29th at approximately at 1930. Her son was at Crozer Hospital receiving care for the wounds he received during the assault. Through the course of his investigation, Detective Jackson spoke with Christine Hatch and asked her why Upland Police or 911 was not contacted for this assault victim. Verbatim, the excuse she gave him was “We were short on staff...there was a hurricane going on and because the offender only had hit him once”. He advised Ms. Hatch that none of these were actual excuses as why not to call 911. Furthermore, she stated that they use on of their remaining staff members to drive the victim to Crozer Hospital. So it was too short a notice to contact 911, but you had enough staff members to physically drive the patient to the hospital. This made no sense. The mother also advised Detective Jackson, that this is not the first time her son was assaulted by the same offender; Darryl Hamilton. Darryl Hamilton has numerous police contacts and fights inside the residence. Detective Jackson explained to Ms. Hatch as she told him that she knew that there was a problem between the two. They had been separated but it was not working. Whatever standards or protocols that were going on at 900 Main Street, it wasn't enough to protect them. We need to make a change down there.

Mr. Mitchell asked “If Ms. Hatch has dispatched someone to take this gentleman to the ER, if she called the radio room and asked for an ambulance, is that a recordable incident?” Detective Jackson replied “Yes, it would be on record.” Mr. Mitchell continued “You're basing your records on what you've seen from the mother?” Detective. Jackson replied “From what he heard from the mother...We would have never known about the incident had the mother not contacted us.” Chief Easton stated that Ms. Hatch is still pending with criminal charges. He has had a conversation with Ms. Roth, the victim's mother, but she is not happy and she's considering civil suit against Northwest Human Services.

Mr. Mitchell asked how Lee Roth is doing. Detective Jackson stated he is out and cleared from Crozer Hospital. He did have significant facial injuries as a result of the assault. Furthermore, per Detective Jackson, he wanted to add that he did explain to Ms. Hatch that her residents may not know when to call 911 or even how to call 911, but they have a duty to look after their resident's, to take care of them. Detective Jackson stated “I am appalled that no one even

contacted us.” Mr. Mitchell stated that he was upset to find out that we have somebody here from the County and wonders if the County knew about this incident. The representative for the County spoke and stated no they were not. Michael Maddren, Esq. confirmed that it would be atypical for us to hear it from the County. Chief Easton stated, with respect to Lee Roth, after the investigation started Detective Jackson had begun to formulate a probable cause of this individual, for Darryl Hamilton, for assault on Lee Roth. While that was being done, a few hours later, we arrested Darryl Hamilton for doing the same thing to another individual at 900 Main Street and he believes he is still in jail. Mr. Mitchell asked “If Lee Roth’s mother file suit against 900 Main Street, would we all be part of the suit also?” Chief Easton stated that any competent lawyer would subpoena our records and testimony and he is sure that is going to happen. Mr. Mitchell replied “Another unnecessary bill.” Chief Easton replied “Might well, we’re going to have to be there.”

Mr. O’Connor directed a question to Mr. Maddren “Would it be atypical for us to hear from anyone from the County on issues such as this?” Mr. Maddren replied “This is really a Provider’s issue. I mean the County is sort of a liaison between the Commonwealth and the Provider, in a sense. But they would not act as a liaison between the Commonwealth and the Borough.”

Chief Easton stated that with regards to Mr. Roth’s bed, there was an occasion where the mother demanded...Ms. Hatch interrupted but Mr. Mitchell told her that he wanted to hear what the mother demanded...One of the rooms housing Mr. Roth, was infested with bedbugs and roaches; for which is unacceptable. Mr. Mitchell stated that this is fact finding for us.

Ms. Hatch approached the podium. “First of all, we had been here for 12 years and it seems like a lot of the things, more or less, it sounds like a few years then, just to come talk about this. We all know what goes on in a State Hospital, per say, things happen there. I knew that Mr. Roth was also hit in the nose, because his mother told me, way back, by someone I don’t know. Darryl and Lee both know each other, Mr. Hamilton and Mr. Roth, they were friendly at one time, apparently. Once in a while, it’s not like this. People hit each other before, and it has never got to this level. Which Chief Easton may know; we’ve never had it like this before. But the first time that somebody hits someone, we don’t take them away. We try to address it and help and see what needs to be done. He was hit, I talked to the mother. ...I asked Lee, if he wanted to press charges. He said no, as it was the first time. We moved their rooms; we separated them. Ms. Roth and I had been getting along well; she never said anything about the bugs...for which we do not have; but she never said that to me. Darryl had seen to be having normal problems, and again, that evening that Officer Jackson spoke about, I didn’t say it a verbatim, it was not quite verbatim. The shift supervisor who was there called me, apparently again, Lee did not want to press charges, he was okay enough for staff to take him there and we did not need to call 911. They took him, then I talked to Ms. Roth the next day, and he said she wanted to press charges and I said fine; she called here. Darryl, again, hit someone else and he was removed. He was taken to prison and that is what had to be done. We came to court and Ms. Sutter was there on the day he was supposed to be arraigned, whatever you call it. Lee still came, but Lee is still refusing to press charges. He is stating he is not pressing charges but his parents will. His Mother and I have gotten along very well, I don’t know what she is saying to you. But she has seemed to me, that she felt I was addressing it appropriately. But on that day, the other lawyer

for Darryl, stated they needed to have a Competency Hearing and he will have to go back. So that's basically the story I know. That at that evening, Lee was not a problem taking Lee to the hospital, Lee did not want to press charges and at that time, his supervisor felt the situation was handled. I guess, at that moment, I didn't say you better call the police. Because it is true, we're trying not to call the police unnecessarily..."

Councilman and Fire Chief Dan Smith asked if Lee was a patient there, at 900 Main. Ms. Hatch replied "Yes." Mr. Smith asked if he was classified by the County as mental handicapped. Ms. Hatched replied "Yes." Mr. Smith continued and asked "and you're allowing him to make the decision of whether or not he has been assaulted and wants to press charges?" Ms. Hatch replied "No. We have encouraged him and that is when his mother said that she wanted to press charges, and I said fine." Mr. Smith stated "What, and maybe I am wrong, what right does anybody have on a mental health, should that be the police decision to determine that and not a supervisor at 900 Main on a mental health handicap?" Ms. Hatch stated "Again, we were not making the decisions. We tried to encourage Lee and finally, when he was hit the second time that is when his mother stepped in." Mr. Smith asked "Who determines the capacity of his thinking?" Ms. Hatch replied "well, it depends on what it is about. Normally, we help him but...his mother is still his guardian. He has been deemed a legal guardian." Chief Easton stated "That particular person, Mr. Lee Roth, does not have to press charges. We press charges; it's all on us. I think it is unacceptable, again. I have seen Mr. Roth's photographs from when he was in Crozer. Detective Jackson's took some pretty good photographs. The way that guy was beaten, and you did not call 911, that is deplorable..." Mr. Smith stated he does not understand the thinking of all that...allowing that patient making that decision. I think it should have been the supervisor calling 911."

Mr. Mitchell asked Ms. Hatch what was her title? Ms. Hatch stated she was the Program Director of that, the Main Building. Mr. Mitchell asked how many residents are there? Ms. Hatch stated there are sixteen residents. Mr. Mitchell asked how many apartments? Ms. Hatch interrupted Mr. Mitchell by stating "I already called about what happened; it was one kid." Mr. Mitchell then stated she had a turn at the mic and he needed to know this. He asked "How many rooms are there?" Ms. Hatch stated 10 bedrooms. Mr. Mitchell continued with the questions. He asked if they self-inspect? Do you have your own maintenance department? Ms. Hatch replied yes to both questions. Is that a full-time person that lies there? Ms. Hatch replied there is a full-time person but does not live on site.

Mr. O'Connor asked Detective. Jackson if it looked like one hit to him. Detective. Jackson stated that it could have been one hit or it could have been more than one hit...if it was one hit, then it was a pretty good hit. Mr. Connor asked Chief Easton if there was anything more he wanted to say. Chief Easton stated that he is complete at this point. Mr. O'Connor stated he believed that Upland Fire Chief Smith had further questions. Chief Smith stated "My concerns have been mainly voiced to Carol and to Mr. Williams on July 10th during a building inspection. Since 2010, we ran 39 calls to the 900 Main property. And I want to list it as properties, as you have 2 different sections on that property. You have Northwestern Service which is your Main Building, and you have Upland Woods that are units in the back that he believed to be leased to Horizon House. Am I correct in saying that?" After some confusion, someone replied that NHS owns the entire property. "The Main house is the long-term structured residence; that is a

treatment facility that is secure. The back apartments are again owned by NHS they are rented to individuals that have mental health issues they are supported by a program through the county office and it is staffed by Horizon House. So, we are the landlords of the individuals that live in those apartments.”

Chief Smith continued that out of the 39 calls they had there, only 1 had been an actual fire since 2010 and that was the one from Charles Dale. He was a problem child of us. He would pull the alarm on numerous occasions, for malicious pulls. One of the things that they found out there, a lot of the residents, when they wanted a smoke break, or when they wanted a cigarette, they would pull the alarm. Because they knew they could go outside at that point. When we would respond, the alarm would be reset. So that was a question, why was the alarm reset. When the alarm gets reset before we pull up on location, I have to walk that whole building to determine where the problem was. It was brought to our attention by one of the supervisors at the time, that there was a 3-ring binder of procedure that they followed at the main desk. And in there, there was a procedure drawn up by Ms. Hatch, stating how to reset the alarm. If you reset the alarm, you cancelled the fire company. Ms. Hatch replied “After you and I talked, in 2010, I changed one part of it as Carolyn and I just discussed. The procedure is for fire drills that we have every month and then they have to reset it. You and I talked and you said that whenever it goes off, by accident or whenever, don’t reset it. I typed that very large in that book.” Chief Smith stated that they are still following your procedure to reset the alarm. Ms. Hatch stated that it’s being done when there is a fire drill. Chief Smith explained “Ms. Hatch, I am telling you since you are not there, on-site, but you have supervisors resetting the alarm before we get there.” Ms. Hatch stated “when there is a fire drill.” Chief Smith replied “No, when there is a fire alarm. There is a procedure in place on how to reset the alarm. Number one, when you are going to have a fire drill, there is notification to the alarm company that is supposed to happen. You guys should never have to reset your own alarm and then call and cancel the fire company. Fire alarms go through your alarm system company. OK? The Main Building is only one thing, we have not gotten a call in that Main Building in some time now. I don’t know what the procedures are in the front building. The problem the fire company was having, the malicious pulls were for smoke breaks and we know that. We discussed that numerous times for smoke breaks. Charles Dale was another issue. After he lit that apartment on fire, he stated to me that he did it because God told him to and he wanted to see his girlfriend over at Crozer. He was incarcerated for a time period and then at night, we had a fire alarm and as I go to knock on the backdoor, Charles Dale is behind me. So, that there is a safety infraction on me, because I did not know he was back there and I was told by you, at the time, that he would not be back at 900 Main Street.” Ms. Hatch replied that she does not remember saying that. Chief Smith stated he remembered her saying that he would not be back, and when he came back, I asked you a question about it and he was moved.

Chief Easton had commented on Charles Dale and his past run-ins with the police. He also made comment to an investigation by the FBI about Mr. Dale. Chief Smith continued regarding Upland Woods, and how it has been a headache for the fire company. Chief Smith referred to situations regarding Apartment A and proper entrance into that property. The wire for the security was severed; at that time period, he was told that there was a new system that was to be installed. He received information that it was to be installed November 19th. The rest of the situations that Chief Smith and Mrs. Schlemmer talked about, have been modified. Also, another

problem Chief Smith addressed was that there is a lack of employees/staff during the night. They fire extinguishers were not inspected since 2007; warped wood outside someone's door, steps deteriorating; a huge maintenance issue in this building safety-wise, that was not being handled.

Issues with stoves and kitchen grease also have caused problems with certain apartments.

Mr. Mitchell asked who monitors calls from 900 Main Street. The reply was Stanley Security. Chief Smith mentioned about night staff and lack of someone in charge to handle any emergency call(s). There seemed to be a miscommunication as to who should be aware of these issues. Chief Smith stated that apparently they seem to rely on the fire company to assure them all is okay on their property, whereas it should be an appointed person, e.g., maintenance man, to handle responses of this nature. Mrs. Peterson questioned as she was confused. She asked if a mentally challenged person was deemed capable to call in defects with the stove or other apartment issues. A NHS representative stated that the individuals living at 900 Main were deemed capable to live on their own with support. NHS has a Property Manager. This person handles all the maintenance calls; addresses all repair issues.

Mr. Mitchell stated that he was slightly confused as we have a Property Manager that handles 156 units. Emergency numbers are provided after hours. Mrs. Purcival was able to clarify with NHS representative that their main house is inspected by the State on an annual basis. However, the apartments are not inspected. Mrs. Purcival then stated that Upland Borough has never done use and occupancy inspection on the apartments, when they changed hands.

Mr. Peden wanted to explain that Upland Borough has a compliance and enforcement process. This ensures that safety is main priority. We do have Borough Codes that help individuals understand our procedures. Maybe we can try to initiate something after the new year to try to bring these apartments in compliance. Mr. Peden summarized that our inspectors will inspect and denote what may need to be done; repairs needed; to ensure that the apartments are safe, individuals safe and try to minimize cost. He did ask, in forming this relationship, that NHS supply the Borough with a functional organizational chart regarding NHS. This will help us deal with them more competently. Mr. Peden did explain that Upland Borough believes these inspections provide a much higher level of safety for people using the building. He continued to explain the process of a use and occupancy inspection versus a fire inspection.

Mrs. Purcival explained the process in detail; why and when to have a use and occupancy versus a fire safety inspection. Mr. Maddren stated it is technically illegal to have a tenant in there without a current use and occupancy inspection. Mrs. Purcival concurred with his explanation.

Mr. O'Connor asked about the turnover in tenants. Ms. Hatch stated that there is not a lot of turnover. Mr. Williams, spoke but it was inaudible. Mrs. Purcival reiterated about the inspections on a yearly basis. Mr. Mitchell asked if both of these buildings are sprinkled. Chief Smith stated the main house was. Mr. Williams spoke again, but inaudible. Mr. Maddren asked if the apartments were county-subsidize. The answer was yes.

Mr. Mitchell asked about the certification on the new panel for the alarm. Ms. Hatch stated that they will receive confirmation of when it will be installed. They will notify the Borough

Manager when it is installed. He stated that he does not like seeing a phonebook-sized file down there with all non-essential calls but at the same time we need to have a better working relationship with 900 Main. We don't want you leaving here thinking that we are picking on you. The purpose of this meeting was to end this on friendly terms.

Mr. Williams stated that they will monitor the outgoing calls from their tenants and cooperate with the Borough of Upland.

Mr. Mitchell adjourned the meeting at 11:36 a.m.

Respectfully submitted,

Shirley Purcival  
Borough Manager/Treasurer/Secretary

Shannon Strigle  
Recording Secretary