

Newstead Town Board Special Meeting- February 19, 2014

A special meeting was called to order by the Newstead Town Board on Wednesday, February 19, 2014 at 7:00pm at the Newstead Cultural Center, 33 Main St, Akron, NY.

Present: David Cummings- Supervisor
Justin Rooney- Councilman
James Mayrose- Councilman
Donald York- Councilman
Marybeth Whiting- Councilwoman
Nathan Neill- Town Attorney
Dawn Izydorczak- Town Clerk
Jennifer Heberling- Deputy Clerk

Councilman Rooney called the special meeting to order and Councilman Don York led the pledge to the flag.

Councilwoman Whiting welcomed everyone present and gave a background on how we have gotten to this point. She explained that the Town had no say in the location or citing of these facilities nor the clientele that is housed in them. As soon as the town found out that a sex offender was being housed in the Rapids Rd location they formed a committee of Board members and citizens to sit down and address all the concerns with People Inc. and the NYS Office of People with Developmental Disabilities (OPWDD). Marybeth introduced the members of the committee as well as Kirk Mauer, Regional Director of OPWDD serving the 17 Counties of Western New York and Rhonda Frederick, Chief Operating Officer of People Inc. She explained that the committee met with representatives from these agencies last week to go over some of the concerns with these homes and proceeded to hand out a Q & A sheet regarding the outcome of that meeting.

Committee members Joe Dugan & Mike Adymy went over the Q&A sheet information and asked Mr. Mauer to address some of the concerns presented. Particularly addressed was the sex offender placed in the Rapids Rd home.

Kirk Mauer of OPWDD discussed that People Inc. is a “compass” agency, which means it is classified under standards as in the top 1% of all agencies across the state. This is a top flight agency. When the Monroe facility was closed, those deemed not appropriate to return to communities were moved to other secured facilities throughout the state. Only those deemed able to transition back into community level living were moved to group homes. His agency looked at the safety of all involved when making placement decisions and assured everyone that safe guards are in place at every level. Any breeches in procedure are reported to the Justice Center and HIPPA laws and Federal privacy laws prohibit the release of patient information. The patients in these group homes come from all walks of life and all levels of ability. Kirk encouraged everyone to use the sex offender page on the NYS Criminal Justice website to track offenders living in their area.

Rhonda Frederick of People Inc. expressed that no one in either home is violent or a danger to the public. They do not put communities or individuals in harm’s way. The residents in these homes were placed in this area because they have family within this region of the WNY area and it makes it more convenient for family visits. A lot of consideration was put into the residents placements and there is an adjustment period for all of the patients because they had been located at the Monroe site for so long. This has put a strain on the patients as well. Both homes have key pad access and windows have limited access. Staff is there 24/7 in 3 shifts. Parking at both locations will be addressed as soon as weather permits and shift changes have been altered so as not to conflict with the school bus routes and pick-up/drop-off times. There is come and go traffic throughout the day from staff and outside medical personnel. As far as property values in areas of the group homes, many studies have been done showing there is no adverse effect. Regulatory statutes require properties owned by group homes to be well maintained and are subject to inspections.

Mr. Dugan asked Rhonda about the number of sex offenders in the People Inc. homes. She responded that this is a first for People Inc.

He asked Kirk about notifications and the lack of them to neighboring residents and the town. He responded that under the law no notice is required on group homes. Clients are matched with available vacancies. He stands by his statement that this was a wise decision and all safety concerns

have been addressed. There are many mistaken assumptions here about the sex offender and everyone needs to bear in mind this is a developmentally disabled individual.

Mr. Dugan questioned that if a neighbor of the group home requests that a resident in the group home be relocated based on a family members past history with a sexual predator would that request be considered? Kirk responded that only if it was determined to be in the best interest of the patient.

Councilman Rooney stated that the state may have no legal obligation to notify neighbors or the town but what about a moral obligation. He is very frustrated with this whole situation and understands the "life plan" program for the group home residents but asked what about the life plans of town residents? He needs assurances the sex offender will not pose any threat to town residents. Kirk responded that his department can only follow the law and direct people to the proper information sources.

Committee members Holly Schrock and Cheryl Esposito expressed concern over the type of facility these patients were in at Monroe and asked them to outline the type of patient that would need to be housed in such a heavily secured facility and why they now feel these patients are ready to live in a community setting.

Kirk responded that the facility at Monroe was over 40 years old and built at the time like a fortress. It was in need of major costly repairs and then the Governor decided to close the facility instead of repair it. They found over the years that level of security was not necessary for many of the clients living there. Those that did need that level of security were moved to similar facilities throughout the state and those that did not were moved into group homes.

Rhonda addressed staffing at the homes and the level of training required for staff. They are always training and each home is staffed with 3 to 6 staff on average per day. Some days are more than that. The 3 emergency calls at Rapids Rd in the past couple months have been for patient medical emergencies, a fire call for smoke from the kitchen and calls from local residents complaining about the roadside parking. As for the smoking by patients/staff in front of the homes, it is against state regulations for anyone to smoke inside the homes, therefore all smoking at the Rapids location has already been moved to the back yard and once spring arrives and modifications can be made it will be moved to the back yard on Buckwheat Rd as well. Rhonda explained that residents at the homes have been very shaken up and scared due to the move and all the media attention. They are trying to settle into their new home. She stated that they would over time eventually like to introduce the neighboring residents that are interested, to the patient residents.

Mr. Dugan stated he did contact Rhonda and the manager about doing this and was happy to report that just this morning he met with 2 of the residents and some of the staff from Rapids Rd at Tim Horton's as an initial contact. He was very impressed and wants to continue to meet the rest of the residents as they become comfortable with that.

Councilwoman Whiting stated that at this point the route to changing the notification requirements is through contacting our local state representatives to change the laws. A sheet with all of our local state representatives contact information was handed out. She then opened the floor to questions from those present for the meeting.

Privilege of the Floor/Question Period:

Leonard Coffta questioned how many more of these homes are planned for the future in Newstead. Rhonda responded none for the foreseeable future.

Carol Hill questioned the Supervision at the group homes and employee training. What is the staff to resident ratio?

Rhonda explained training requirements and that it does specifically address physical interventions. The staff is mixed male and female.

Mark Outten questioned the parking issues and how that part of planning fell thru the cracks?

Rhonda explained that under the state zoning code a single family residence can house up to 14 individuals and that no zoning codes were circumvented. The parking issue had to be addressed when weather breaks.

Allen Kidder explained he has lived by the Bloomingdale Ave group home before it was there and at the time that one was planned many people were against it. They have over the years been very

good neighbors and that home is located 3 doors from the Akron School. He expressed concern over the possibility that a sex offender might be placed there some day.

Rhonda assured him it is not their intention to place a sex offender in that location. Kirk concurred based on the laws of proximity to schools.

Kristen Cummings expressed concern for fireman and EMS safety when responding to calls at the 2 homes due to the key pad entry and concern the patients might get aggressive with anyone on a call. Rhonda stated she will look into possible training for the fire company members and promised to keep an open dialog with the fire company regarding concerns.

Pat Regan questioned safety concerns in the summer months when residents are outside. She is concerned with the sex offender potentially getting out or escaping. What guarantees do they have? Rhonda explained that both homes have keypad security stockade fences surrounding the back yards. Kirk stated they followed all ADA standards with the homes and in putting the applicable patients in these community settings.

Jim Richards questioned whether these will be established residents or is there a "revolving door"? How long will they stay in these specific homes?

Rhonda replied these are long term established residents. As with the Bloomingdale Ave group home, with many of its residents having been there since it was established in the mid 1980's.

Kristyn Durick stated she is a past developmentally disabled home worker in the New York City area. She asked the classification of the 2 homes here and if any of the residents are allowed to leave unsupervised? She asked if the kitchen is locked and if there is a protocol in place for absconders?

Kirk responded they are both classified as higher function homes.

Rhonda replied they are not allowed out unsupervised other than in some cases for employment purposes. As for the kitchen there are restrictions in place and yes there is a protocol for absconders. Rhonda again promised to work continually with the EMS and fire personnel.

Carol Hill asked if a plan is put in place would it be made public.

Supervisor Cummings responded yes.

He also thanked everyone for being there and the productive dialog. He thanked several of the state representatives for having staff present and thanked the committee members for all the time they have put into this over the past few weeks.

Mrs. Dugan talked about her past abuse as a child and how this whole thing has brought all the memories and feelings back. She stated she moved to New York after diligently making sure there were no offenders in this area because her abuser lives in Rhode Island. Now the state has put a sex offender right next door to her without any notice. She asked where are her rights?

Kirk expressed his sympathy for her situation and explained that they used the tools available to do their job within the law.

John Schrock stated he feels the way this was done was sneaky and that the community has to work together and do a better job in the future.

Joe Alba cited the Lockport incident a couple years ago where a group home worker was killed by 2 patients. He stated the evaluation process needs to be improved for these individuals when placing them in group homes.

Dale Cheavacci stated he is the grandfather of a developmentally disabled child who may one day end up having to be placed in a group home. He is concerned about the safety of the other patients in these homes with a sex offender being placed there. This issue could one day affect his grandchild and family. How do you request someone to be placed in these homes?

Rhonda stated there is currently a list of approximately 1,000 people waiting for placement in a home in western New York. She stated when they started out they had a total of 5 homes and now they have 105.

Judy Meyer questioned how a sex offender who is technically a criminal could be placed in this home.

Rhonda reminded everyone again these people are developmentally disabled and it is not the norm for them to commit crimes.

Kirk added that when someone developmentally disabled breaks the law they are prosecuted under the same criminal justice system as everyone. When they lack the ability to understand what they did they serve their sentence and then can be placed in confinement in a facility both voluntarily and involuntarily.

Nancy Wittman questioned all the money put into these 2 homes on the inside but not the outside. Rhonda stated the interior modifications were made to make the space better and more accommodating for the residents.

Tony Gabalski questioned if a client can be denied service at one of their homes. Rhonda replied yes but it would be based on the inadequate staffing and resources of the home for a person of their disability.

Jim Richards asked about security cameras onsite.

Kelly Gates questioned if local residents with qualifying needs are given preference to placement in homes in their area.

Rhonda replied you have to go through the application process and there are no guarantees but they try to place as close to home.

Steven & Carol Hill questioned computer access for the patients as well as the access to video games and the supervision over these resources.

Rhonda replied that would be per each specific patients plan.

Lori Baehr questioned the costs to local fire companies for numerous EMS responses.

Rhonda replied that in all municipalities where they have group homes they make generous donations to the local fire companies.

Phil Wittman questioned the cost of operating these homes annually.

Kirk responded \$1 million in operating costs and capital.

Rhonda stated they receive \$70,000/person in the home plus other ancillary expenses.

Pat Regan questioned how they will know about future residents that may be placed in these homes.

Dave Wakeman asked about the classifying level of the sex offenders.

Councilwoman Whiting and Supervisor Cummings announced there will continue to be meetings of the committee regarding this topic and they will be reaching out to our local County and State representatives for their help as well.

A sheet was handed out with the website addresses of the state Justice Court and the Erie County Sheriff.

Councilman Rooney reminded everyone to contact their state representatives about this issue.

There being no further business to come before the board a motion was made by Councilman Rooney, seconded by Councilman Mayrose to adjourn the special meeting at 9:05pm.

Carried Unanimously

Respectfully Submitted,
Dawn D. Izydorzak, Town Clerk