

MANOR BOROUGH
PUBLIC HEARING – January 19, 2022

The Manor Borough Council held a Public Hearing on Wednesday, January 19, 2022 at 6:30 P.M. in the Manor Borough Building for the Proposed Zoning Ordinance Amendment for the former Stone Brook Manor property at 507 Rowe Road to allow a Personal Care Home and Residential Services in a C-1 Commercially Zoned District.

Council Vice-President, Ms. Dawn Lynn, called the Public Hearing to order and lead the Pledge of Allegiance.

Roll Call of Attendance:

(Present) Dawn Lynn, Vice President

Chuck Charrie

Christine Marchand

Brian Woy - Mayor

John Greiner, Solicitor

Mike Radakovich, Tax Collector

Dave Gongaware

Jim Vacha

Ed Antonacci, Engineer

(Absent) Tony Gockel, President

George Valmassoni, Chief of Police

Terry Nemitz

Jason Krainbucher, Zoning Officer

REMARKS

Ms. Lynn had Borough Solicitor Mr. John Greiner swear in the public attendees wishing to speak at the hearing. Ms. Lynn then turned the meeting over to Mr. Greiner for Introductory Remarks. He then explained the hearing will be conducted in an orderly fashion, and everyone who wants to testify will be recognized and be allowed to speak. If asking a question, state the facts and do not state an opinion.

EXHIBITS

Mr. Greiner then entered the following exhibits into the record:

Exhibit 1 is the Proof of Publication from the Penn Trafford News of the Notice and Summary of the Proposed Ordinance Amendment for the hearing scheduled for January 19, 2022.

Exhibit 2 is the Affidavit dated January 14, 2022, a copy of the proposed Amendment Ordinance was sent to the Manor Borough Planning Commission by Borough Manager, Mr. Lapia, via the U.S. Postal Service, notifying them of the Zoning Change request regarding the December 17, 2021 notification from the requestor.

Exhibit 3 is the Affidavit stating a copy of the proposed Amendment Ordinance was emailed on December 17, 2021 to the Westmoreland County Department of Planning and Development by Mr. Lapia.

Exhibit 4 is the Affidavit from former Solicitor John M. Campfield stating a copy of the Proposed Zoning Amendment Ordinance was mailed to the Westmoreland County Law Library on December 17, 2021.

Exhibit 5 is the E-Mailed response, dated December 17, 2021 from the Westmoreland County Department of Planning and Development stating the proposed changes support Manor Borough's Community Development Objectives and supports the proposed changes.

TESTIMONY

Mr. Brian Cavanaugh of Stewart, McArdle, Sorice, Whalen, Farrell, Finoli & Cavanaugh LLC of 229 South Main Street, Greensburg, PA represents the seller of the property, Harry Wright. 507 Rowe Road

was zoned as Agricultural, A-1, but Ordinance 379-84-08 changed the zoning from A-1 to C-1, Commercial, September 5, 1984. Mr. and Mrs. Harry Wright purchased the property October 30, 1984, and turned it into a personal care home. Manor's Zoning Officer, Roy Barkley, in correspondence dated May 2, 1991, stated the zoning change allowed for a personal care home to operate. October 23, 1985, Manor Borough issued the Wrights an Occupancy Permit so they could conduct business as a personal care home. On August 27, 1992 the Commonwealth of Pennsylvania issued approval for a larger personal care home with 9 or more residents and also permitted as a group habitation facility. February 2, 1986 the Commonwealth of Pennsylvania issued a permit for a large personal care home. The Wrights operated the personal care home for 35 years, and the Wright's position is there is no other district in Manor Borough to support a personal care home. The Zoning Ordinance does not list Care Home. Mr. Cavanaugh noted the 507 Rowe Road property is bordered by Agricultural Zoned property, and bordered to the north and south by a Residential District, and caddy cornered by a Light Industrial District, which does permit an adult-oriented business to operate. He then cites that nowhere in the Zoning Ordinance that it prohibits the use of a personal care home. Mr. Cavanaugh feels FamilyLinks is no different from a personal care home and the Borough is doing the right thing by amending the Ordinance.

Mr. Chuck Charrie questioned if the 2 businesses are that much alike. Mr. Cavanaugh confirmed the businesses are similar, and favors what the Borough is doing to make a personal care home an explicit use in that zoning district. Mr. Charrie speculated the difference is the previous permitted use was for senior care and not youths, specifically abused female children.

Mr. Sean McCarty of 329 Brandywine Drive asked if there was distinguished difference between abused children and delinquent/drug abuse children. Mr. Cavanaugh stated that this question would be better answered by the FamilyLinks representative.

Mr. Dale Hohman of 391 Rowe Road asked if a homeless person can live in a personal care home facility. Mrs. Mary Jo Wright responded that typically a personal care home can support a variety of people. Mr. Hohman continued to ask questions about building and resident safety to which Mr. Cavanaugh objected citing it has no relevance regarding Zoning. Mr. Greiner agreed and feels that FamilyLinks is more appropriate to answer his questions.

FamilyLinks representative Mr. Josh Farber, attorney at Clark Hill PLC, 301 Grant Street, Pittsburgh started with a bit of history regarding the FamilyLinks program. They look for property suitable to their program, such as a safe location. If a Zoning Ordinance is silent, then they look to other uses in a district. The Borough motion to amend the Ordinance is favorable and in the best interest of FamilyLinks and the Borough. The Zoning change would fill a gap and eliminate disputes, and FamilyLinks is hopeful this change will pass. They are willing to present any information necessary to help Council make a decision.

Mr. Ray Herron, CFO of FamilyLinks, 401 North Highland Avenue, Pittsburgh stated FamilyLinks began in 2001 when 2 entities merged: Whale's Tail and the Parent Guidance Center. They provide youth and family services, both residential and homeless, and behavioral health services. The residential services are regulated by the state with approved ratios for counselor to youth. They also provide behavioral services for school districts, services for disabled children, the aging, and also have services for senior centers, as well as rental assistance programs.

Ms. Lauren Devinney of 2022 Stone Bridge Court asked about being regulated by the state. Mr. Herron responded the state makes unannounced inspections to ensure the facilities are well kept and they maintain the right ratios.

Mr. Rocco Manginelli of FamilyLinks, is an investigator and works with Operation TEN (Trafficking Ends Now), the Attorney General's Task Force, is retired law enforcement with 23 years at Sharpsburg Borough Police Department where he served as Sargent. Mr. Manginelli is contracted by CYS agencies in 25 counties in western Pennsylvania to identify children who are sexually assaulted, traumatized and exploited. This

service identifies children who would have normally fallen through the cracks. Mr. Manginelli further explained these are children who may have been through the system but their issues may not have been addressed. They are not runaways, they are not homeless, but are living in a home, with parents, a care giver, or a foster parent. The facility in Manor will be strictly for children who were sexually abused or sexually exploited. The prime age for detecting the abuse and exploitation is 13-15 years of age, and if not caught, then it will likely turn into trafficking. This program seeks to prevent the trafficking from happening. The course of treatment is trauma focused which is a new form of specialized treatment and will be handled by professionals with college degrees. Mr. Manginelli hopes to be the program director at the Manor facility. He is willing to work with the community and do a Question & Answer session with the community if the facility is approved.

Mr. Charrie asked Mr. Manginelli how long he has been with FamilyLinks. Mr. Manginelli is new to the organization, but is familiar with them for 4 years with his work with CYS. Mr. Charrie then asked if he could fully describe the use and consider a special exception for the use rather than having the Borough change the Zoning Ordinance, would that be acceptable. He commented the FamilyLinks website mentioned nothing about child sex trafficking, and wants to know if this will use treatment never used before, is the treatment considered experimental. Mr. Manginelli responded the treatment is not experimental, it has been used before, but not as an individual treatment program. He admitted the web page has not been updated and such a facility is not something they want to advertise to the public. Many organizations were interviewed to manage the facility and FamilyLinks was considered the best provider to handle the project.

Ms. Lynn questioned the staff's education and cited an earlier comment about all of the staff members will be professional and have college degrees. She referenced their web page and the job listing for staffing that only required a minimum of one year of direct care. Mr. Manginelli noted some of those positions have been filled and were for those with survivor experience, who have been through the sexually abused recovery process. Staff will also receive Advance Trauma Treatment training prior to the facility opening. There will never be just one person at the facility.

Mr. Charrie asked if FamilyLinks is state regulated and if they maintain a staff to patient ratio. Mr. Manginelli replied they are in full compliance.

Ms. Joy Clontz of 123 Brandywine Drive, asked about victim rights and the survivors that will be there with the children who understand what the children have gone through. She confirmed the counselors are survivors themselves and can therefore relate to what the children have gone through.

Ms. Ashley Heslop of 210 Woodcrest Court, is concerned about the safety of the community and had several questions: Is the facility undisclosed? Mr. Manginelli responded with a Yes. Would the children have access to telephones? Mr. Manginelli responded with a No. Could the facility be repurposed by FamilyLinks? Mr. Manginelli does not anticipate that happening. Does FamilyLinks plan to expand the current facility? Mr. Manginelli does not anticipate that happening. They want to remain nondescript with a smaller facility and maintain a small ratio of residents. Ms. Heslop then asked about the security for the people leaving the facility. Mr. Manginelli replied the residents would not be allowed to be outside unsupervised. As for education, Mr. Manginelli said the children would attend school where they are at, and it could be done virtually. Education is handled by CYS.

Ms. Susan Forney of 500 Saddle Ridge Court, wanted to know if the facility would be working with local CYS agencies. Mr. Manginelli replied with a Yes.

Mr. Nick Iera of 331 Brandywine Drive, asked if any of the residents could be an actor of sexual assault. Mr. Manginelli replied no. These are victims that have already been identified as such. These are not runaways, as they are being taken out of a sexually exploitive home. Some may be court committed. Mr. Iera asked if any of the children would be going to school in the Penn Trafford School District. Mr. Manginelli replied if they do, then it would be virtual only.

Mr. Sean McCarty of 329 Brandywine Drive, has experience with drug and alcohol abused children and wanted to know how secure the facility will be as based on his experience children will escape from the facility. Mr. Manginelli stated the children selected for this facility have been vetted so that they are unlikely to run away.

Ms. Bonnie Dawson of 341 Rowe Road, asked about their security plan. Mr. Manginelli answered they do not disclose security details, but went on to say the facilities are heavily cameraed and other precautions are taken to ensure the facility is secure. As for security officers, none will be on staff. When asked how the children will be protected from outsiders, Mr. Manginelli responded the facility will be staffed 24/7. Ms. Dawson asked if the facility will be run like a domestic abuse shelter/haven, which Mr. Manginelli refutes as there are enough shelters in the area. Ms. Dawson asked the average stay for a child. Mr. Manginelli responded the length of stay depends upon the individual. He's seen children stay as short as 4 months and as long as 12 months.

Mr. Steve Ira of 1018 Sunset Blvd, asked what is FamilyLinks definition of a child. Mr. Manginelli responded in the state system a child can be up to 23 years old. Mr. Ira asked about specifics of gender, age limit, statistics of victims pursued by actors, and security. Mr. Manginelli responded residents are female only, with a 21 year old age limit. Actors are dealt with on a federal level and are arrested once found. Security is taken seriously and Mr. Manginelli is willing to work with Chief Valmassoni.

Ms. Lauren Devinney of 2022 Stone Bridge Court, referring to FamilyLinks working with local law enforcement, asked if it is intended to be Manor Borough's law enforcement? Mr. Manginelli answered no, that Childline is notified of the actors and then the local law enforcement is notified. When asked if they intend to hire a security service, the response was not at this time. Mr. Manginelli acknowledged the resident's concerns about safety and security are valid, but feels confident they will have an adequate security system in place. Ms. Devinney then asked for clarification of whether the facility will be a shelter or a living facility. Mr. Manginelli explained it is a living facility for long term residents.

Mr. Mario Cafaro of 349 Brandywine Drive, asked what prevents FamilyLinks from changing its use once the Zoning Ordinance is changed. Mr. Manginelli responded this is a model facility and there is no intention of changing its use as there is a need for such a facility. Mr. Cafaro then asked how the Manor community benefits from having this facility. Mr. Manginelli responded it helps children, families, and helps educate the communities.

Mr. Joseph Lapia, Borough Manager, noted several residents have contacted him and asked what would prevent FamilyLinks from changing the use of the facility should the County contract be lost. Mr. Herron answered in which case the facility would be sold. However, based on the zoning classification, the facility could house another class of youth.

Ms. Becky Haberstroh, Director of Business Development of FamilyLinks, 401 North Highland Avenue, Pittsburgh explained more about the facility demographics and ratios asked previously by concerned residents. Ms. Haberstroh confirmed they are going to be licensed through the Department of Human Services 3800 Regulations to work with young people and have applied for specialized certification which is a level higher than necessary. The age group will be 9 years old up to 21 years old, primarily all female, but there could be a young male who is sexually traumatized. The facility would be set up so that the females would be separated from the male. In regards to staffing, there is a minimum of 2 staff per state regulations per 10-12 youths, 24 hours a day. Ms. Haberstroh referenced training and the staff is required to have minimum training per year which includes crisis management, CPR, and specialized training. Different staff jobs will require different degrees of training from high school diploma to advanced college degrees.

Ms. Dawn Lynn asked if they were non-profit, which means they would be exempt from Real Estate Tax. Mr. Herron confirmed they are tax exempt and would not pay property taxes once they apply through the County to be exempt.

Mr. Chuck Charrie commented the general consensus is people feel sorry for what the children have gone through. Regarding a Zoning Special Exception, and stating an exact use for the facility, he finds it confusing to understand what FamilyLinks is doing for the children. He wants to confirm they will not have an issue stating the precise use of the property, and commented their web page is vague regarding what they do. Ms. Haberstroh admitted they provide a lot of services and this one in particular is a bit vague due to it being new. Mr. Charrie admitted he does not like to change Zoning Ordinances

Ms. Jamie Hunter of 325 Brandywine Drive asked if the children are in the facility because they want to be there, because some may not want to be there, especially those 18-21 who Ms. Hunter feels is an adult. Ms. Haberstroh admitted there may be some children like that, but the goal of the facility is treatment. After treatment, they hope the older children will return home, or be placed into a housing program. Ms. Hunter voiced concerns about 1 staff member controlling 6 18-21 year olds should the situation arise, and the possibility of a patient running away. Mr. Manginelli added, from his experience, it is rare they have children over the age of 17.

Mr. Chuck Charrie wanted to know if the facility is set up with secure doors and if they have alarms. Ms. Haberstroh said all of the doors are alarmed and they comply with fire safety regulations.

Mr. Sean McCarty of 329 Brandywine Drive, asked about overnight staffing and if the staff would be sleeping. Ms. Haberstroh answered the staff will be working in shifts, with 2 staff members there at all times. Per Mr. Manginelli, should something come up and 2 staff members can't be there, then a staff member should call and a replacement will be found. In regards to Mr. McCarty's question about funding, Ms. Haberstroh responded the facility is program funded and not funded per child.

Mr. Adam Kmetz of 321 Brandywine Drive, questioned education and the children attending school virtually. Ms. Haberstroh responded they would be using the child's home school district. There would be no teacher or tutor on the premises, and it would not be in a school setting, therefore they are not subject to inspection by the Department of Education.

Ms. Susan Forney of 500 Saddle Ridge Court, noticed children from Allegheny County were mentioned and wanted to know if any children from Westmoreland County would be onsite. At this time all of the children would be from Allegheny County. Allegheny County is who FamilyLinks has a contract with to provide these services. There may be children from other counties if those counties contract FamilyLink services.

Mr. Nick Iera of 331 Brandywine Drive, asked how do you handle the IEP for students if they are schooled virtually? Doesn't the IEP require in person instruction. Would the Penn Trafford School District be required to provide the IEP. Ms. Haberstroh's response could not be heard on the audio recording.

Mr. Steve Ira of 1018 Sunset Blvd, commented the Allegheny County funding is open ended, and could only be one year. Mr. Herron stated they are committed to the program and it will likely be longer than one year.

Mr. Nick Iera of 331 Brandywine Drive, asked, in addition to sex assault victims, could any of the children be drug abusers or addicts? Ms. Haberstroh responded the children are screened so it's not likely they will be addicts but the facility can house an addict. Mr. Iera also wanted to clarify if any of these children would be considered delinquents. Mr. Lapia noted at the December Council Meeting, a FamilyLinks representative described the facility as "Delinquent or Dependent children, residential." Mr. Herron noted in CYS terms a dependent child is someone who requires care. Mr. Lapia clarified that these sexually exploited children

could be addicted to narcotics from the exploiters. Are these children being tested and if so, are they also being treated at this facility. Ms. Haberstroh replies the children would be treated for the addiction first, and then be treated for sexual abuse.

Mr. Sean McCarty of 329 Brandywine Drive, asked if any of the children could have an addiction problem. Mr. Lapia and Mr. Charrie both clarified the child would be treated for an addiction problem before being allowed into the FamilyLinks facility for sexual abuse treatment. Mr. Manginelli stated he's been working with these children throughout the state and none of them have an addiction problem.

Mr. Steve Ira of 1018 Sunset Blvd, asked if any of the children could have a criminal past. Ms. Haberstroh admitted it could be a possibility, but this program is based on the children's needs, which is sexual exploitation and abuse. Mr. Ira then went on to confirm the Rowe Road property is not currently in a C1 Zoned area. He fully supports the goals, but feels there needs to be greater transparency. At this time there are insufficient details to know if the Borough can support this. He is concerned for the safety of all people involved. He asks to know about an operational plan, the expertise involved in running such a facility, what is the security. If FamilyLinks is allowed to operate based on a Zoning Amendment, what other facility will be able to open up. Mr. Ira urges Council to vote No towards the Zoning Amendment at this time until all facts have been disclosed on how the facility will operate within Manor Borough.

Mr. Sean McCarty of 329 Brandywine Drive, stated he worked in the field dealing with outpatient addiction to drugs and alcohol, and he feels conflicted. He feels for the children who need a place to go and be helped, but he feels the representatives of FamilyLinks aren't being totally honest. His experience with Allegheny County is patients outside of the realm of treatment were accepted because the program did not want to lose their funding. He does not feel FamilyLinks is being honest when they claim they are going to cherry pick the children for their program, and asserts sexually exploited children have PTSD and will act out.

Mr. Chuck Charrie reiterated that the Borough deserves to know exactly what FamilyLinks is doing and the Borough needs to come up with a mechanism to keep FamilyLinks to their intention of only helping sexually abused children. Mr. McCarty added there is more that comes with sexually abused children and they can still be a problem. Mr. Charrie asked Mr. McCarty what could be done to make the facility more secure, to which Mr. McCarty replied the compound could be secured with 16-foot high fencing. Based on his experience with troubled youths, he appreciates the need, but he's not sure if he wants this facility in his backyard.

Mr. Adam Kmetz of 321 Brandywine Drive, wanted to know what support there is in case of an emergency at the facility. Will this affect the response time from 911? Is there a crisis plan? He feels the nearby ponds could result in a tragedy and feels FamilyLinks is a trojan house. Mr. Kmetz has experience with sexually assaulted children and feels the facility security has not been addressed and may be insufficient. Mr. Kmetz does not want the Zoning Amendment to pass. Someone in the audience (unknown) responded rhetorically on how are these children able to be treated, yet no one wants such a facility near their homes.

Ms. Susan Forney of 500 Saddle Ridge Court, suggested the language in the Zoning Ordinance be scrapped and look for new language that serves both FamilyLinks and the community. She was at the previous council meeting and the language came about with good intentions, but not enough thought. She encouraged Council to come up wording that would satisfy both FamilyLinks and Borough Residents, while preserving the safety of the Borough Residents. However, she noted this will not house children from Westmoreland County. The funding is from Allegheny County.

Ms. Ashley Heslop of 210 Woodcrest Court, summarized the facility is tax exempt, a possible danger to the community, and not supporting children from Westmoreland County. She does not support this facility, or the Zoning change as she feels it does not benefit the community.

Ms. Bonnie Dawson of 341 Rowe Road, thanked everyone for having the Public Hearing. Many of her questions have been addressed. Everyone is empathetic until it's in their backyard. There are a lot of what ifs. With the information given there should be more security put in place. She would like a 24 hour guard. Video surveillance does not work for her. She acknowledges these children need help and quiet Manor is a good place for this. If FamilyLinks is not allowed then what will happen to the property, will it be vacate and deteriorate? She feels Zoning does not have to be changed, but does support a Special Exception, with contingencies in place.

Ms. Andrea Lawson of 382 Rowe Road, stated her eldest daughter, a middle school student, is concerned. They are sympathetic but they are afraid someone will run away and fears they may run to her house as she lives nearby. She fears the facility will house a different type of care.

Mr. Nick Iera of 321 Brandywine Drive, based on his experience, kids always run away, especially if they are placed someplace against their will. When they do run away, they do commit crimes. He feels it is a detriment to the Borough. He referenced Mr. Charrie's suggestion of setting different parameters for the facility and Mr. Iera asked how can that be done especially since this is a business and feels the Borough would be telling them how to run their business. Mr. Charrie explained the Borough could grant a special exception with tight parameters. Once those parameters are violated, then legal action could be taken. Mr. Iera was concerned about the law enforcement manpower should it be needed. Mr. Greiner explained to Mr. Iera that he has valid questions, but this hearing was primarily for the Zoning issue.

Mr. Greiner announced testimony is done and the hearing is closed.

Ms. Marchand motioned to adjourn the Public Hearing. Seconded by Mr. Vacha, the motion carried unanimously. The meeting concluded at 9:00 P.M.

Joseph N. Lapia
Borough Manager