

Herrick Hearing on Stone Bridge Inn

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"Is there a category for a treatment center?" O'Brien asked. Horn said, "Not directly, no." O'Brien said, "No. Is there a category for a resort?" Horn said, "There are categories that can be used for it." O'Brien said, "The answer is no." Horn said, "ITE lets you use your judgment and pick a category that fits." O'Brien said, "Have you ever visited the subject property?" Horn said yes. O'Brien continued, "And you saw the resort, made the calculations and it wouldn't require traffic signals?" Horn said yes. O'Brien asked how. Horn said, "Based on PennDOT recommendations for the permit." O'Brien said, "The PennDOT permit is from 1980."

Horn said, "PennDOT doesn't require you to rerun numbers if the driveway is permitted." O'Brien remarked, "But it doesn't take the resort into consideration." Horn said, "You don't have to." O'Brien said, "So, you could use another 100 buildings and still do it?" Horn said, "At that point, you may need another highway occupancy permit. Things would need to be changed." Neyhart asked Horn, "Your conclusion is there will be less traffic at the proposed site?" Horn said yes. Neyhart said, "You used a category for timeshares, small office building, etc.?" Horn said yes. Neyhart said, "Also for a single-family detached house?" Horn said yes. Neyhart said the category used for the treatment center was a nursing home. Horn said yes.

Neyhart said, "The PennDOT highway occupancy permit is from 1980. Does the permit become invalid?" Horn said, "As long as the driveway is maintained, it is still valid." Neyhart asked Horn if it is valid to which Horn replied yes. Kurt Schultz asked Horn if his calculations account for any additional units or buildings. Horn said no.

COMPLIANCE MANAGER

The next to testify was Richard Mroccka, Compliance Manager, Just Believe Recovery Center, Carbondale. Cynthia Bellino, Owner & Operator of Just Believe, is looking to purchase Stone Bridge and turn it into a drug and alcohol treatment center. Mroccka has a master's degree in rehabilitation counseling and is a certified drug and alcohol counselor.

Neyhart asks what his job responsibilities at Just Believe are. Mroccka said he makes sure regulations, policies and procedures are followed and maintains state accreditation and insurances and oversees the safety of the facility, including safety for clients, staff and visitors. He gave an example like taking care of ice in the parking lot. He also helps develop and manages programs, oversees any unusual incidents at the facility, and helps establish training for staff. He previously worked from 1988-2015 in administration at the Carbon/Monroe/Pike Drug & Alcohol Commission. He maintained contracts with providers and the state. The prime funder was DDAP (Department of Drug & Alcohol Programs). He said he had the final say in hiring and provided training for staff. He was also a part-time instructor at the University of Scranton and Penn State Worthington and worked at other drug treatment centers.

Neyhart asked if Mroccka has been involved in the planning for the Herrick Township

site. Mroccka said yes. He said there will be therapeutic counseling on a one-to-one basis, group therapy, art therapy and music therapy. It will be a PHP or Partial Hospitalization facility with housing. It will be more intense treatment than outpatient treatment. Patients are not hospitalized. There is 30 hours of therapy a week. He said he has been involved with PHP before and individuals that will be coming there will have private insurance or private pay. No one will be on medical assistance or have a criminal record. Patients will be mainly white-collar individuals like doctors, lawyers, etc. The facility will need a DDAP license and will have to submit to the state and adhere to all policies and procedures. There will be a site visit by the state each year.

Mroccka said an inspection was just completed at Just Believe and it went well. He said they will also seek JCAHO (Joint Commission on Accreditation of Healthcare Organizations) and meet with the clinical director and staff each week and make sure all regulations are followed. The visitation policy will allow family members visitation on Sundays for one to two hours and they can also visit via Skype (seeing each other face to face on a computer). Services will include: treatment services, food services, housekeeping, safety and maintenance. He said Just Believe had one ambulance call for PHP care in the past two years. There will be three counselors on staff during the day and kitchen staff and techs and housekeeping at night. There will be a visit from a doctor once a week.

Mroccka went on to say there will be three to six staff on at all times for 21-30 patients. If there are 20 or less patients, they could have less staff on duty. O'Brien asked how many beds will be at the facility. Mroccka said 21. O'Brien said, "You just said 21-30. Are they going share beds?" Mroccka said no but it could handle up to 30. O'Brien asked, "Would you say the scope of treatment will never change or change in capacity?" Mroccka replied, "I can't say it will never change."

O'Brien asked, "Will you swear under oath it will never become a detox facility?" Mroccka said, "Yes, I will." O'Brien replied, "Previous staff wouldn't. Have you ever had an overdose in Carbondale?" Mroccka said, "Not sure. Not ever sure there was one." O'Brien said, "Ever had a fight at the facility?" Mroccka said, "Maybe a disagreement." O'Brien asked if there were ever drugs found hidden on a patient. Mroccka said yes.

O'Brien said, "With overdoses, do staff call 911?" Mroccka said, "Nurses are certified and they can use Narcan." O'Brien asked if police are called. Mroccka said they have two security guards. Mroccka said three clinicians are needed from 8:30am to 4:30pm for 21 or more patients and 2 clinicians for 20 or less.

O'Brien asked, "Did you ever have to call police where a client refused to listen to staff?" Mroccka said, "Not at the PHP level." O'Brien asked, "Did you ever hear of a Right to Know request?" Mroccka said no. O'Brien said that between 2015-2018 there were more than 85 emergency calls for Just Believe and properties surrounding the facility that were also owned by

Bellino to Carbondale Police. He asked Mroccka if he was aware of the calls. Mroccka said again, "Not at the PHP level." O'Brien replied, "I'm not asking you that. Would it surprise you there are 85 calls?" Mroccka said, "It doesn't surprise me. Would it surprise you?" O'Brien said, "Calls reference clients refusing instructions from staff." Mroccka said, "I can't see that happening. Our techs handle a lot. We deescalate a lot so we don't call the authorities." O'Brien countered, "So there are more problems than the 85 calls?" Mroccka replied, "They were probably just disagreements." He also stressed that the calls were not at the PHP level.

O'Brien asked again if drugs were ever found on patients and Mroccka said yes. O'Brien asked what they do with the drugs. Mroccka said, "It is taken off of the patient and handed to the nurses." O'Brien asked, "You don't call authorities?" Mroccka said, "We don't have to. We only have to call authorities if they are sharing drugs." O'Brien asks who makes the determination to call authorities. Mroccka said the supervisor on duty.

O'Brien said, "You said the facility would have doctors, lawyers and private insurance. No one with a criminal conviction?" Mroccka said yes. O'Brien said, "You think someone with a criminal conviction wouldn't have private insurance or private pay?" Mroccka said, "I should have said on parole or probation." O'Brien said, "So you couldn't accept a court ordered person?" Mroccka said, "Yes, we would have to look at each case individually."

PUBLIC QUESTIONS

It was opened up to the public for questions. Joseph Walsh from Jessup was beginning to ask a question but Neyhart said, "If he doesn't have property in the township he shouldn't testify." O'Brien said, "It's a free country. Free for the public to comment." Neyhart said the hearing wasn't for public comment. Township solicitor Marissa Cino McAndrew said the township never passed an ordinance blocking non-residents or property owners from speaking. A brief recess was held. Walsh withdrew the question but would later testify in a different capacity.

A man in the audience asked Mroccka what qualifications the techs have. Mroccka said they possibly have a degree from a college but at least a high school diploma and drug and alcohol training. The man asked if they could have a past drug history. Mroccka said yes. The man asked about safety and asked if security was safety related. Mroccka said he was only in charge of safety and not security. The man stated that if they handle most incidents in-house, wouldn't information from the Right-to-Know be 'grossly understated.' Mroccka said, "I would say no." The man said 85 incidents were called out and asked if Mroccka was familiar with Act 64 (Controlled Substances, Drugs, Device and Cosmetic Act). Mroccka said yes. The man said when a client gave drugs to another it is drug delivery and it does not involve selling. Hearing Officer, Attorney Jack Zelinka, said he wasn't sure the witness is certified or familiar with the description.

The man asked Mroccka if he ever took or witnessed illicit handling of narcotics. Mroccka said no. The man asked if drugs were found, wouldn't they call authorities. Mroccka said they would destroy them. The man said to Mroccka that he stated clients won't have a propensity to violent activity. Mroccka said, "We aren't planning on bringing anyone on pending parole or on probation." The man asked when Mroccka worked. Mroccka said 8:30 am-4:30 pm. The man asked if all the incidents happened after 4:30.

He then asked Mroccka if he knew who Michelle Shepard or Shelly Sheppard was. He said she was a tech at Just Believe. Zelinka said Mroccka said he didn't know.

Roseann Swegel asked Mroccka if all the laundry, including bedding, would be done on site. Mroccka said he didn't know. Ed Sandy asked what the facility's success rate was. Mroccka said for detox it is 70-75% for residential, 50% and PHP has a 'higher rate of recovery.' Sandy asked if they will have AA (Alcoholics Anonymous) and NA (Narcotics Anonymous) meetings. Mroccka said yes. Sandy asked if he knew of any long-term success stories. Mroccka said, "I know of several."

James Oreschek asked if cli-

ents have recreational therapy. Mroccka said, "Yes, they will have discretionary time, reading, etc., when they aren't in therapy." Oreschek asked if clients are permitted to leave the area. Mroccka said no. Oreschek asked if security guards are armed. Mroccka said no, no weapons are allowed on the property.

Ralph May said, "There are families that live next door. How will you make sure your clients won't be a danger to them?" Mroccka said, "Clients will be secured. They want to be there. Our clients are motivated to get better. It's a whole different type of clientele." May said, "The intent will always be there. If people pass your screening and they aren't who they say who they are." Mroccka said there is no way to stop that.

PLANNING COMMISSION QUESTIONS

Atty. McAndrew said that she had questions she was asking on behalf of the planning commission. She asked Mroccka if he had been working on the plan for the facility. He said he had some input. McAndrew asked who is involved. Mroccka said administration and clinical workers. McAndrew said, "We incorporated previous testimony. You are saying 21 beds now but the number previously was 30." Mroccka said, "We are saying anywhere between 21-30." McAndrew asked, "Is there any time a client can become a staff member?" Mroccka said yes. McAndrew asked if someone could have a criminal background. Mroccka said yes.

Schultz asked Mroccka, "Are you aware of testimony by Bellino this summer of the activities that will take place on the property?" Mroccka said he was aware of some of it. Schultz said, "They may be on the grounds supervised or can even go on a field trip to Elk Mountain skiing." Mroccka said, "It could be a possibility."

Mark Reading asked, "Do you see every incident report?" Mroccka said, "I may not see everyone. Another manager also looks at it." Reading asked for a clarification for the description. He asked if it was residential PHP. Mroccka said, "No, it is PHP with housing."

Jennifer Burman, as a planning commission member, asked about the requirements for techs. Mroccka said, "There has to be at least one tech on staff. We prefer two. That is an internal policy." Burman asked, "Is anyone licensed on staff that will be on duty on days without therapy?" Mroccka replied, "Not sure. The medical director will be there. Therapy is Monday-Friday with 30 maximum hours." Burman asked who administers drugs. Mroccka said the nurses do. Burman asked if patients will have a dual diagnosis. Mroccka said they won't be licensed for it. Burman said, "What if a doctor (who is a patient) has a DUI and is bipolar?" Mroccka said, "We would have to review the case."

Neyhart asked about the difference between services offered in Carbondale versus Herrick. Mroccka said, "It's entirely different. Detox takes 28-35 days, intense therapy is 5-7 days Individuals live there, outpatient PHP and intensive outpatient. It is totally different that what will be here." Herrick will be PHP with housing. Zelinka asked for the length of stay at the Herrick facility. Mroccka said 30-60 days.

O'Brien asked if Mroccka was present at the last hearing. Mroccka said yes. O'Brien asked if he remembered William R. Lane's testimony. Mroccka said he doesn't remember the name. O'Brien said he testified about water and sewage. "He testified that the facility is only capable to handle 21 beds." Neyhart disputed that, "That isn't what he testified to." O'Brien disagreed, "Respectfully, it is. Did you run it by your water expert?" Mroccka said, "I don't know. We plan on starting at 21 beds."

O'Brien said, "You said you don't get called for all calls." O'Brien then referenced Mroccka's resume, "You discuss concerns, conflicts or unusual circumstances with administration. So you are familiar with all situations?" Mroccka said, "Any, not all. There is also a compliance coordinator." O'Brien said, "But you do work with the coordinator?" Mroccka said, "But I don't review all the cases."

O'Brien said, "You are the director of compliance. You take possession of substances?" Mroccka said, "I don't. The nurses take possession." O'Brien asked, "What law

lets your nurses take possession of Schedule 1 Narcotics?" Mroccka said, "I don't know." O'Brien said, "What rule or statute of the Pennsylvania General Assembly allows you to take and destroy narcotics?" Mroccka said, "I don't know."

O'Brien asked if Mroccka was familiar with Fentanyl. Mroccka said yes. O'Brien said, "How do your employees take possession of it and destroy it?" Mroccka said, "I don't know if they have." O'Brien said, "You can't tell me any of the policies or procedures? Is there anyone above you that can?" Mroccka said, "There isn't anyone at the facility."

O'Brien said, "You testified earlier you hope someone had experience with security. Do you know if they would?" Mroccka said, "I don't know." O'Brien said, "You said you don't anticipate any violence issues at the facility. Shouldn't there be a policy?" Mroccka said, "De-escalation is the policy." O'Brien said, "Is there any required training for security guards?" Mroccka said for CPR, first aid, HIV and confidentiality. O'Brien said, "Is this the general policy for security or all staff?" Mroccka said, "All staff." O'Brien said, "You said techs and security guards can overlap. So a tech could be a security guard?" Mroccka said, "Yes." O'Brien asked, "Is there a policy at the Carbondale facility?" Mroccka said yes. O'Brien said, "Is it in the manual about destroying Schedule 1 Narcotics?" Mroccka replied, "I will have to check it out." O'Brien said, "You are the director of compliance." Mroccka said, "I don't know everything." O'Brien said, "You are testifying about the proposed use and you are the compliance director and don't know."

QUESTIONS ON EMS

O'Brien called Joseph Walsh to testify. He is currently the chief of police in Jessup. O'Brien called him to testify as an expert in emergency services including police, fire and ambulance. He has over 45 years of fire and ambulance experience and 25 years as a trooper. He was stationed at the Gibson Barracks for seven years and also at State Police Barracks in Towanda, Tunkhannock and retired from White Haven.

O'Brien asked Walsh if he was familiar with the area, fire and ambulance services that service the area and reviewed the conditional use permit. Walsh said yes to all. O'Brien asked if the plan for the facility was adequate. Walsh said no. "There is only one police car for Susquehanna County. The county is 838 square miles and has over 40,000 in population. The ambulance is from Pleasant Mount and covers Pleasant Mount, Herrick, Union Dale and Ararat." O'Brien asked if Walsh's knowledge was substantive or speculation on his part. Walsh said it was substantive and that he had a good knowledge.

Neyhart asked Walsh if he handled any calls from Lackawanna County. Walsh said he wasn't stationed at Dunmore. Neyhart asked Walsh if he handled any calls from Just Believe. Walsh said no. Neyhart asked if he handled any at Marworth Treatment Center. Walsh said he handled a few while stationed at Tunkhannock. Neyhart asked Walsh how familiar he was with the proposed facility. Walsh said he had a fair amount. Neyhart asked if he had any experience with a PHP facility. Walsh said no. Neyhart asked if he had familiarity outside of testimony with PHP. Walsh said no. Neyhart asked, "Were you aware that there were two other hearings this past summer?" Walsh said no.

Neyhart asked isn't a person better off in treatment than not. Walsh said he wasn't qualified to say. Neyhart said, "Outside of the 3-4 calls at Marworth, you have had no other experience with detox?" Walsh replied, "I have experience with Clearbrook. I have taken people to these types of facilities." Neyhart asked specifics about Marworth to which Walsh couldn't answer, including how much detox goes on. Walsh also said he has never responded to calls

to treatment facilities. Neyhart asked, "Has Jessup ambulance ever responded to calls at Just Believe or transported people there?" Walsh said he didn't know. Walsh also said, "I only assisted at Marworth if I was in the area (as a trooper at Tunkhannock). Neyhart said, "So you don't know about the number of calls to Marworth?" Walsh said no.

Walsh went on to say, "State police have a formula for all data. Every four years, the headquarters in Harrisburg evaluates data. If there is a spike in calls, it could take years for reassignment." Zelinka asked Walsh if he was familiar with the location of the proposed treatment center. Walsh said yes. He said, in good weather, it would take a trooper from Gibson 20 minutes to get here and about 15 minutes for the ambulance from Pleasant Mount during the same weather conditions.

O'Brien asked, "Did you view the City of Carbondale calls to Just Believe?" Walsh said, "Yes, there were many." O'Brien said, "Does that influence your opinion that the Gibson Barracks being 20 minutes away not being adequate for the facility?" Walsh said, "Yes and the furthest point from Stone Bridge is Little Meadows, over an hour drive if the trooper isn't tied up." He also said no other police force had jurisdiction in the township.

Roseann Swegel asked when Walsh said no other police force can respond to Herrick Township, she asked why. Walsh said, "Other municipalities have strict guidelines unless it is life or death."

The previous man in the audience asked Walsh if he heard Mroccka's testimony about his security protocols. Walsh said yes. The man asked Walsh if he witnessed anyone on a controlled substance get angry and verbal commands failed. Walsh said yes. The man asked if the protocol Just Believe follows is adequate. Walsh replied, "No, someone on drugs can have superhuman strength." He also addressed response time for people with medical issues if an ambulance is responding to the facility, "People with mental health issues are more likely to need ambulance services and if someone is having a medical emergency, they may have to wait longer for treatment."

Reading asked Walsh, "Do you know of any requirements for security officers?" Walsh said, "There is but if they won't be armed, they don't need certification." O'Brien said, "You heard testimony from the manager of compliance how they take Schedule 1 Narcotics and destroy them on site. Is it a lawful procedure?" Walsh replied, "No, it isn't a lawful procedure or consistent with any laws. There are problems with pharmaceuticals ending up in the water system and heading downstream."

Neyhart said, "You indicated you reviewed the Carbondale Police Department's call?" Walsh said, "Yes and the Lackawanna Comm Center." Neyhart asked, "How many were there for PHP and detox care?" Walsh said, "I don't know. All I know is the address of the calls." Neyhart asked, "How many calls were for the properties owned by Bellino but not related to Just Believe?" Walsh said he didn't know. Neyhart said, "So, you didn't do a detailed report?" Walsh said no. Neyhart said, "As a trooper in Susquehanna County, did you respond to calls at Elk Mountain?" Walsh said yes. Neyhart asked, "If Elk wasn't there, would calls go down?" Walsh said yes. Neyhart asked, "Do you know if the proposed facility would generate any more calls than Elk?" Walsh said he didn't know.

The hearing was continued on Tuesday, February 5 at 6pm at the Speakeasy Saloon & Resort.

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| Signs and Symptoms | Influenza | Cold |
|-------------------------|---------------|------------------|
| Symptom onset | Abrupt | Gradual |
| Fever | Usual | Rare |
| Aches | Usual | Slight |
| Chills | Fairly Common | Uncommon |
| Fatigue, weakness | Usual | Sometimes |
| Sneezing | Sometimes | Common |
| Stuffy nose | Sometimes | Common |
| Sore Throat | Sometimes | Common |
| Chest discomfort, cough | Common | Mild to Moderate |

*Information from the Center for Disease Control and Prevention

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-  Cover your cough
-  Stay home if you are sick

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