

April 13, 2020

Planning Commission for the City of New Castle, PA

ACTION on item 2020-03 Conditional use request of DON Recovery Services for a Drug and Alcohol Counseling Center at 101 S. Mercer Street

References:

1. Special Meeting Agenda for Wednesday March 18, 2020 (only agenda page attached).
2. Supplementary material provided via emailed PDF file of a PowerPoint presentation for the 3/18.2020 meeting (attached)
3. Questions to DON Recovery (attached)
4. Responses from Don Recovery to questions above (attached)

Unfortunately, there was no public participation at the 3/18 special meeting or at any other subsequent point in the Planning Commission's review due to mandatory COVID Crisis restrictions and technical streaming problems. All discussion took place in phone calls and email exchanges.

This document was written by Chris Miller, Chairman of the Planning Commission, and will serve as a record for the extended Planning Commission meeting of 3/18/2020.

FINAL VOTE TABULATION

A yes vote was agreeing to grant the Conditional Use. A no vote was a vote against granting the Conditional use. The reader is encouraged to review the individual emails from the Commission members for criteria used in their decisions.

- Chris Miller YES
- Dave Esposito YES
- Frank Ross YES
- Steve Farris NO
- Jeff Fandozzi NO
- Overall: 3 votes for and 2 votes against.

Below are copies of the emails in which the Planning Commission members registered their votes. The opinions expressed below are neither supported nor denied by the writer of this summary. If any reader of this summary wishes to discuss any issues mentioned below, they should attend the next Planning Commission meeting so that such discussion can take place at a public meeting, on the record.

Chris Miller

While I do not support the concept of non-commercial activities in the downtown business area; I feel that there is definitely a need for the proposed services in an area served by public transportation providers. To me, this need takes precedence. [I vote for granting the conditional use.](#)

Dave Esposito

I have given the Don Recovery appeal a lot of thought and have carefully reviewed the Power Point presentation prepared by Don Services as well as their answers to the question posed to them. I would have liked to have had public input but that was unachievable given the City's technological limitations. I am especially interested in comments, if any, from neighboring property owners. I am sad to say that it appears, from the interest in downtown properties, the highest and best use for central business district properties is not for profit, social service uses. I would be delighted to have an appeal to review that was a for profit commercial use but alas that is not what we see before us. I can't help but think as more social service uses are located downtown, the area will continue to be less attractive to other commercial uses.

If this region is to support a vibrant city center there has to be a complete change of mindset for all parties including the townships accepting more responsibility to host regional social services and affordable public housing. Currently, the City bears the responsibility of hosting these very important uses while the townships continue to siphon the remaining commercial uses out of the City.

My vote is to approve Don Recovery's request for conditional use, as other members have said in their statements, the use is not ideal for the central business district but needed to Lawrence County. I just wish the location of Don Recovery would not be in the Central Business District.

David Esposito, Member
New Castle Planning Commission

Frank Ross

I forgot number 8. The presentation last week mentioned they will receive a grant to cover COVID 19 testing. I thought this was another positive factor as testing has been otherwise limited.

[Sent from Yahoo Mail for iPhone](#)

On Friday, April 10, 2020, 2:09 AM, Frank Ross <rcicompany@yahoo.com> wrote:

Hello all, I hope everyone is well.

I have considered the proposal from Don's Services and have the following to offer.

First of all let me say that its no surprise that such a use is unpopular, I can understand why many are not supportive of this use, its not the vision for our downtown, but for a variety of reasons I am for the use. Below is a summary.

- 1) substance abuse is serious problem, prior to COVID 19 it was at the very top of the list of healthcare problems nationwide
- 2) I view treatment centers necessary to combat the problem
- 3) while not the vision we share for our downtown (restaurants, coffee shops, other shops) it is needed and the other uses alluded us before COVID 19, the after will make it even harder for these uses to happen.
- 4) I do not think this facility will draw people with substance abuse for afar, rather will serve people who are already in our community, thus the issue is do we want the same people already here to have treatment.
- 5) drugs not kept on site (script written on site only)
- 6) I personally think counselling very often is related to drugs either as the main problem or the underlying problem thus almost any psychologist's practice deals with a measure of drug counselling, this facility specializes in this use but is similar.
- 7) We received a past presentation which seemed credible, the presenter had past experience on the prosecution side and seemed determined to make a positive difference.

This is an outline of my reasons, I respect anyone's dissenting opinion and wish everyone well, please stay safe until we can meet publicly again.

Steve Farris

Mr. James Farris and Planning Commission Members,

I have reviewed the response submitted by DON Recovery. These responses to not dissuade me from my original

guidelines for voting against Don Recovery's request be permitted to locate their business within the Downtown

Business District.

As I have stated several times during the course of these discussions, I strongly believe that this type of activity should

not be permitted in the Downtown Business District, especially if we ever have any hope to revitalize the Downtown

Business district.

Again, I make a motion that this request be denied.

[I vote no to this request by Don Recovery Services. This is my formal vote.](#)

I am available for Friday's Planning Commissions Tele-Conference Call. Please advise as to when and how to join in.

Respectfully submitted,

Steve Farris

Jeff Fandozzi

NOTE: The text below was sent as a “text message” to the writer’s phone. This is a transcription and is not necessarily accurate but it does convey the writer’s opinion of Mr. Fandozzi’s feelings.

I was hoping to make a motion that this would be sent to City Council without a recommendation. Since that was not an option, I am a NO vote.

*It was disappointing when asked if they had been to planning before with almost everyone stating no, before the applicant stated yes. It is on record less than a year ago. They knew then what a proper procedure was and chose all the wrong turns and being forced to travel the correct one. Now they want to bully our decision with COVID and closing of borders to bolster there application. I am a true believer in these types of programs, just not these types of people. If they were this dishonest up to this point, ask yourself what they will do once it is in place. I feel they are not for the people in need. **I vote no and recommend denial of this applicant.***

**SPECIAL MEETING AGENDA
PLANNING COMMISSION OF THE CITY OF NEW CASTLE, PA**

**CITY COUNCIL CHAMBERS
230 N. JEFFERSON STREET
NEW CASTLE, PA 16101-2220**

WEDNESDAY, MARCH 18, 2020 - 7:30 P.M.

I. OPENING EXERCISES

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance

II. APPEALS

- A. On the Table - NONE
- B. To Be Removed From Table - NONE
- C. New Appeal:

2020-03 Conditional Use Request of DON Recovery Services, Inc. for Drug and Alcohol Counseling Center (ARTICLE 1322) Ord. 8027 passed 11-29-2012, at 101 S. Mercer Street in the C-2 Central Business District of the Second Ward.

III. ADJOURNMENT



DON Recovery Services

A Multi-disciplinary Approach to Wellness

DON Recovery Services – A multidisciplinary approach

- Treating addiction is not a simple matter. Addiction is multi-faceted. Addiction effects:
 - The user;
 - Their family;
 - Their health;
 - Their mental health; and
 - The community as a whole.
- Thus, the model treatment for the addict requires a multi-faceted methodology, in other words – A multi-disciplinary approach.
- That is what DON Recovery Services is prepared to offer.

Lawrence County's Need:

- July 2017: *The Commonwealth of Pennsylvania Department of Auditor General* published the results of its OPIOID TREATMENT AUDITS. The audit specifically found that Lawrence County was underserving their population in failing to provide access to all possible effective treatments for addiction.
- Lawrence County Human Services Plan for Fiscal Year 2017-2018 found: “The need for drug and alcohol services continues to increase in Lawrence County. Heroin and other opiates continue to be problematic and local hospitals are overcome daily with individuals who have overdosed.
- January 11, 2018: *The Beaver County Times*: “Lawrence County’s overdose death rate is significantly higher than the rate statewide, which is 36.5 deaths per 100,000. According to the data for the CDC, the overdose death per 100,000 residents in the US is estimated at 19.8.”

Lawrence County's Need – continued

- March 2019, *The Community Assessment for Lawrence County*: Lawrence County has the 12th highest rate of overdose deaths per 100,000 people. Our birthing facilities reported 15 births per year where the babies are born exposed to drugs and alcohol per 1,000 newborns.
- March 2019, a study was conducted by the West Chester University of Pennsylvania: which found:
 - For every fatal overdose death, there are an estimated 30 non-fatal overdoses
 - Their research indicated that certain areas of the Commonwealth, specifically: Cambria, Lawrence, Crawford and Clearfield counties were underserving their populations by not providing all possible means of treatment.
 - A key component is the lack of transportation to access treatment and services.
- June 30, 2019, *The Community Health Needs Assessment/Community Health Strategic Plan*, published by UPMC found four (4) significant health needs for Lawrence County:
 - Ranking number 2 of these needs: “Behavior health rated as highly important for the region, with an emphasis on combating opioid and substance use.”

- SAMSHA (Substance Abuse and Mental Health Services Administration):

According to the National Survey on Drug Use and Health (NSDUH): 45% of those suffering with addiction have co-occurring mental health disorders (such as anxiety; depression; PTSD; trauma, etc.).”

That of the estimated 8.2 million who suffer co-occurring mental health issues with substance abuse addiction only 6.9% received the mental health and substance abuse treatment needed.

This study also found that a multi-disciplinary approach to treating addiction and the underlying mental health and/or emotional issues has resulted in documented progress in treatment and established the multi-disciplinary treatment model for implementing strategies and achieving success in combating opioid addiction.

Thus, a program that addresses, at a minimum, both addiction and co-occurring mental/emotional health issues truly addresses the needs of those afflicted and ultimately improves the community as a whole.

DON RECOVERY SERVICES IS PREPARED TO MEET THAT STANDARD.

DON Recovery Services

- Who we are:
 - Our purpose and philosophy are simple and direct:
- We are dedicated to ensuring that each person is treated as an individual and receives treatment based on their specific needs.
- Our program is designed to provide each person the opportunity to realize that they possess the ability to live a life that is full and rewarding – free from chemical dependency.

OUR PROGRAM

- DON Recovery Services is an OUTPATIENT multi-disciplinary treatment program designed to treat the individual as a whole – not just the addiction.
- There are three components to our treatment program that are unique which expands the SAMSHA recommended model of treatment and provides an outpatient treatment program – a program unlike those presently offered within the City of New Castle or Lawrence County – We will provide the necessary:
 - **MEDICAL ASSESSMENTS AND TREATMENT**
 - **PSYCHOLOGICAL ASSESSMENT AND COUNSELING** combined with the
 - **DRUG & ALCOHOL COUNSELING**

ALL WITHIN A SINGLE LOCATION

MEDICAL COMPONENT

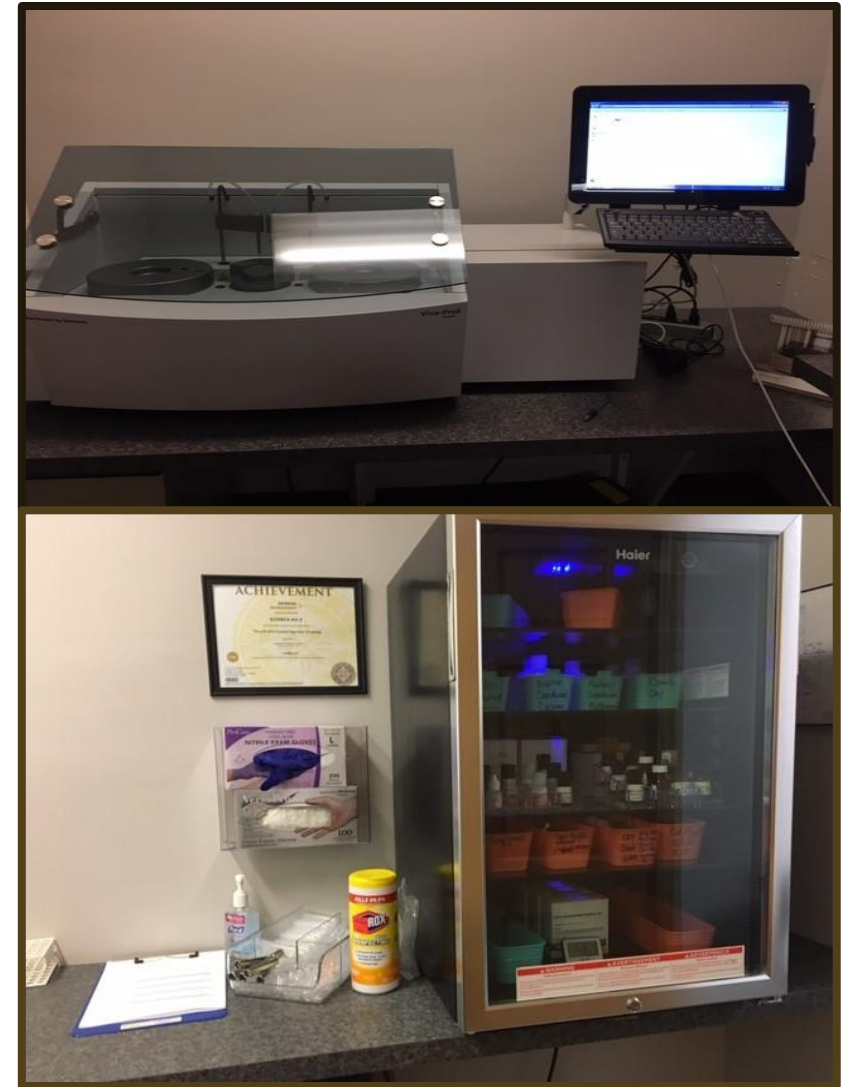
- Medical Director on staff
 - Supervisory over Physician Assistant/Nurse Practitioner
- Initial Medical Assessment for underlying health issues as well as:
 - Preliminary testing for: HIV, Hep-C, STD's and TB – if necessary, treatment referrals
 - Evaluations for Medically Assisted Treatment – Buprenorphine (Suboxone)
 - Monitoring of buprenorphine treatment and tapering
 - Regular follow-up medical assessments during treatment.
- **DRUG FREE FACILITY**
 - No drugs stored, dispensed on site – all prescriptions are e-filed to pharmacies
 - All dosages and quantity of prescribed buprenorphine are monitored for proper usage and to deter diversion.
 - As an individual progresses through treatment, the buprenorphine is tapered until they are drug free.

Why Buprenorphine?

- Highly effective in reducing cravings and withdrawal symptoms so focus can be on treatment
- Less side effects
- Does not cause respiratory depression as with methadone
- Less cognitive dysfunction
- Safer for individuals who suffer other medical issues
- Milder withdrawal symptoms

LABORATORY – IN HOUSE DRUG SCREENING

- A major component in the treatment of addiction is monitoring through drug screening.
- DON Recovery Services has a full-time, in-house laboratory with Certified Lab Technicians supervised by a Medically Licensed Laboratory Director and COLA licensing and certifications.
- The equipment will provide drug screen results within hours at a 99.9% accuracy.
- Thus providing immediate results to ensure treatment program is being followed and continued usage of other drugs and/or diversion is not present. Thus, any issues can be immediately addressed.



PSYCHOLOGICAL

- Licensed Psychologist on Staff
 - Conducts mental health and emotional health assessments during intake
 - Identifies any co-occurring mental/emotional health issue and makes appropriate treatment/counseling recommendations
 - Provides in-house counseling/treatment/and group sessions
 - Re-assesses throughout the course of treatment
 - Studies show that often during treatment, underlying mental or emotional issues do not surface until an individual is drug free. With re-assessment surfacing issues such as: depression, anxiety, trauma, etc. the necessary treatment for these issues can be instituted.

ADDICTION COUNSELING

- All Drug & Alcohol Counselors on staff are state certified and maintain 25 hours of continuing education hours per year.
- Conduct the state mandated ASAM (Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions required by the Pennsylvania DDAP) incorporating addiction criteria, medical assessments and psychological assessments into an individually created treatment plan.
- Counseling will be conducted individually, in group sessions and will range from Intensive Out-Patient Counseling (5 to 10 hours per week) or Out-Patient Counseling (1 to 5 hours per week) depending on the progress of the individual within the treatment program.
- Additionally, those individuals who are receiving buprenorphine treatment receive an additional hour in counseling specific to medically assisted treatment.
- It is this third component that ties all medical, psychological and addiction treatment recommendations into one individually tailored treatment program.

DON Recovery Services doesn't stop here..

- Through its association with DON (the Disability Options Network), DON Recovery Services can address the ancillary needs of those in treatment:
 - Employment opportunities
 - Housing options
 - Credit and Financial Counseling
 - And with working in close associations with other Community Services:
 - GED classes
 - Working to prepare for college and/or technical school admission testing
 - English as a second language
 - Parenting classes
 - Family support services
 - And so on.

FACILITY SECURITY

- Security is always an issue for the staff, individuals in treatment and for the public in general
- Our facility security includes, but is not limited to:
 - Secured entrance door where individuals must be identified and “buzzed” through the electrically locked door
 - Inner office door from waiting area is secured with a coded lock, and individuals are admitted from the waiting area at their scheduled time of appointment
 - Waiting area windows are specially tinted to protect the confidentiality of those seeking treatment from public view
 - Parking areas, sidewalks, entrances and all common areas are monitored through security cameras
 - Designated smoking area is monitored
 - Congregating and/or loitering around the premises is monitored and will not be tolerated.

Our Program Director

- Diane Shaffer, Esquire
 - Retired from the position of First Assistant District Attorney from the Lawrence County District Attorney's office after 27 years of service
 - Instrumental in the development, institution and advancement of the Lawrence County Treatment Court which has been recognized by the Pennsylvania Association of Treatment Court Providers as highly rated and maintaining an 85% success rate in treating addiction
 - Took the knowledge, experience and training of those years of service and developed the treatment program for DON Recovery Services, by drawing upon the strengths and eliminating the weaknesses or gaps in treatment experienced by those within the Treatment Court and providing those services to the general public

Thank you for your time and attention.

Thursday, April 2, 2020

Chris Miller questions for DON Recovery regarding their request for a conditional use at 101 South Mercer Street.

1. Will there be any other tenants in the building?
 - a. If yes, who are they and what do they do?
 - b. If no, is this request pertinent to a particular part of the building?
 - i. If yes, define the applicable part.
 - ii. Is it clearly understood that the PC decision pertains only to the area defined above?
2. Will there be a direct exit to the outside from the space?
3. Will the space be made compliant with the requirements of the 2015 International Existing Building Code?
4. Have other tenants/agencies been resident in the building during the past year?
 - a. If yes, who were they and what did they do?
5. Statements were made to the effect that no drugs would be stored in the space. Does that apply to buprenorphine? Will clients bring their own prescriptions to the facility?
6. Is there a "street market" for buprenorphine?
7. What will be the hours of operation for the facility?
8. Will clients entering or leaving the facility be visibly impaired?
 - a. If yes, will DON Recovery see that they are safely returned to their place of residence?
9. How many clients will be physically in the facility at one time?
10. How many cars will be parked at the facility?
 - a. Will staff parking be secured to limit vandalism?
11. Has the proposed facility been discussed with other nearby residents or property owners?
12. Has there been any interaction with UPMC or Human Services Center to discuss inter-agency support and referrals?

James Farris

From: Phil Berezniak <pberezniak@doninc.org>
Sent: Wednesday, April 08, 2020 10:45 AM
To: James Farris
Subject: RE: answers
Attachments: WRITTEN RESPONSE TO PLANNING COMMISSION QUESTIONS.docx

-----Original Message-----

From: James Farris <Zoning@newcastlepa.org>
Sent: Wednesday, April 8, 2020 10:33 AM
To: Phil Berezniak <pberezniak@doninc.org>
Subject:

-----Original Message-----

From: James Farris
Sent: Monday, April 06, 2020 1:45 PM
To: pberezniak@doninc.org
Subject:

-----Original Message-----

From: donotreply@amcxerox.com [<mailto:donotreply@amcxerox.com>]
Sent: Monday, April 06, 2020 1:30 PM
To: James Farris
Subject:

Please open the scanned attachment

Number of Images: 1
Attachment File Type: PDF

Device Name: VersaLink C7020
Device Location:

Monday, April 6, 2020

Response to Mr. Miller's questions:

1. Yes, there are other tenants within the building presently and others in the process of remodeling their spaces to open.
 - a) DON Insurance (Suite 104); Career Link (Suite 101); Learning Center (Suite 201)
 - b) Each tenant has separate access to their businesses
 1. It is understood that the Conditional Use request is only applicable to DON Recovery Services, which will be located in Suite 105.
2. DON Recovery Services has its own direct access from the street, none of the consumers will be within the common areas of the other tenants; additionally the designated smoking area is located at the side entrance from the parking lot, and this area is separated from the other tenants. Again, the main entrance is secured and only those consumers with an appointment or business with DON Recovery Services are permitted into the waiting area. This area is protected by buzzer and video link. Consumer's identities are verified before entry is permitted and they are buzzed into the waiting area.
3. DON Recovery Services possesses an occupancy permit from the state and is compliant with the 2015 building code.
 - a) Additionally, DON Recovery Services, pursuant to State Licensing requirements, is inspected yearly by the Commonwealth, thereby ensuring all safety and security procedures are compliant. For example: all fire extinguishers are inspected yearly; fire and medical emergency drills are conducted monthly and results are logged; emergency exit routes are posted in each office; and so on.
 - b) All staff members are trained and take part in the monthly emergency drills.
4. DON Insurance (Suite 104) has been in the building for over a year; Career Link (Suite 101) is in the process of remodeling their space and the Learning Center (Suite 201) is in the process of remodeling their space for occupancy.
 - a) As an aside, Ms. Shaffer and Mr. Hower met with the Board of Directors of the Learning Center and a cooperative and working relationship between the agencies has been established. Moreover, Career Link's officers are likewise aware of the impending opening of DON Recovery Services and have expressed no reservations.
5. Yes, DON Recovery does not store, dispense nor administer buprenorphine (Suboxone) on the premises.
 - a) The consumer choosing the MAT (buprenorphine) program may on occasion be required to bring their unused prescription and strip wrappers (they are required to retain all of the used wrappers of the Suboxone strips) for random medication counts and to ensure they are using the prescription as prescribed and ensuring

no diversion. This random check is done in addition to random checks conducted at their home by our peer support staff members. Requiring a consumer to bring in their unused prescriptions is done only where there is strong suspicion of diversion or misuse.

6. Yes, unfortunately there is a street market for buprenorphine, just as with any other controlled substances. That is why tight regulations and monitoring provisions will be instituted, including the random prescription counts as set forth above; requiring the release/consents signed with the consumer's pharmacy to notify DON Recovery Services of the date and quantity their prescriptions are filled; and in-house laboratory drug screening of consumers is conducted, to name a few of the regulations and monitoring provisions being utilized. Any suspicion or proof of diversion is a basis for at a minimum modification of their treatment program up to the expulsion from the treatment program for serious or continued misuse or diversion of their prescriptions. DON Recovery Services is designed to treat addiction and those who are not serious about addressing their addiction will not be tolerated. We understand that set-backs may and will occur during a consumer's treatment program, however, the diversion of medication will not be tolerated under any circumstance.
7. The hours of intended operation are Monday, Tuesday and Thursday 8:30 a.m. to 4:30 p.m.; Wednesday 8:30 a.m. to 6:30 p.m. and Friday 8:30 a.m. to 2:30 p.m.
8. Any consumer arriving for an appointment visibly impaired will not be treated. Depending upon the severity of their impairment a family member or emergency contact will be notified to pick them up and transport them home; if they are seriously impaired and their health is in jeopardy an ambulance or EMT will be notified based upon the advice of the medical staff. If medical intervention is not needed and if staff cannot contact their family member or emergency contact, DON Recovery Services will ensure that consumer's safety by utilizing a peer support staff member. Their appointment will be re-scheduled and a team meeting will be scheduled to discuss and modify their treatment program or to recommend admission to (and successful completion of) an in-patient program before continuation of their outpatient treatment.
9. The number of consumers present at the facility will be based on the number of appointments scheduled for that day. No person will be permitted except those with an appointment or those present to schedule an appointment. As previously indicated, only those individuals having business or an appointment are admitted to the premises. Loitering or congregating will not be tolerated. However, several consumers may be scheduled during the same time period based upon their appointment, for example: a consumer may be scheduled for a medical follow-up; counseling with the psychologist; an appointment with a drug and alcohol counselor or a group session. However, all persons present will be there for at a specific time and for a specific time period, and generally by appointment only.

10. The parking area for DON Recovery Services is specific for the office and is located directly next to the entrance and is adequate to allow parking for those attending sessions. DON Recovery's parking area is located on the south side of the building, between the building and the bridge. The parking lot can allow for the parking of 25 cars and is monitored with security cameras and is well lighted.
 - a) All staff have access to the parking garage for parking and security. All automatic garage openers are issued and recorded by the building supervisor and as with all DON Recovery Services property, a signed record of the issuance and/or return of the property is maintained.

11. As indicated, both Career Link and the Learning Center are aware of the services offered, and are complimentary and supportive of the concept and mission of DON Recovery Services in that all are geared to improving the life of the individual whether in preparing for and establishing a career; preparing for higher education or technical schools; GED preparation and testing; and even adding English as a Second Language, all services are a part of treating the consumer as an individual and obtaining the specialized services to improve their standing in the community and overcoming addiction and being a part of the recovery community. Moreover, several meetings have been held with several adjacent business owners to appraise them of the program.

12. Yes.
 - a) Our Peer Specialist has reached out and met with UPMC and the emergency department explaining our program and, once operational, an emergency contact will be established to work with those presenting at the Emergency Room.
 - b) Our Peer Specialist has also reached out and met with other service providers within the community such as Children & Youth Services; the Child Advocacy Center; the Crisis Center and others whose services will be incorporated into consumer's treatment program as necessary.
 - c) A meeting has been held with the Human Services Center and with the key mental health services providers within the Community and a working relationship and cooperation of services has been established.
 - d) Additionally, a meeting was held with the new addiction treatment providers with the Lawrence County Jail and with the Lawrence County Commissioners establishing a cooperative working relationship to ensure a continuity of treatment to those exiting the criminal justice system.

Thank you for your time and consideration. Should you have any other questions or concerns please do not hesitate to contact Mr. Berezniak or myself.

Diane Shaffer, Program Director
DON Recovery Services, LLC.

