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**PUBLIC HEARING**

before

**ASSEMBLY CORRECTIONS, HEALTH AND HUMAN SERVICES COMMITTEE**

on

Review of State Rules and Regulations Governing Siting  
of Community-Based Residential Facilities

**VOLUME I**

October 16, 1985  
Room 348  
State House Annex  
Trenton, New Jersey

New Jersey State Library

**MEMBERS OF COMMITTEE PRESENT:**

Assemblyman George J. Otlowski, Chairman  
Assemblyman Richard F. Visotcky, Vice Chairman

**ALSO PRESENT:**

David Price  
Office of Legislative Services  
Aide, Assembly Corrections, Health  
and Human Services Committee

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## TABLE OF CONTENTS

	<u>Page</u>
Geoffrey S. Perselay Acting Commissioner New Jersey Department of Human Services	4
Eddie C. Moore, Director Division of Developmental Disabilities New Jersey Department of Human Services	7
Richard J. Russo Assistant Commissioner Alcohol, Narcotic and Drug Abuse Unit New Jersey Department of Health	19
William H. Fauver Commissioner New Jersey Department of Corrections	30
William M. Connolly, Director Division of Housing and Development New Jersey Department of Community Affairs	36
Mayor Philip M. Cerria Woodbridge Township, New Jersey	45
Councilman Robert Molnar Third Ward Woodbridge Township, New Jersey	59
Clarissa Prioleau Resident of Union County ARC group home Fanwood, New Jersey	63
<b>New Jersey State Library</b>	
Diane Mutchler, Director Middlesex County Office on the Handicapped	66
Robert DeSantis Director of Economic Development Woodbridge Township, New Jersey	70
Gloria Wright Legislative Liaison New Jersey Department of the Public Advocate	77

**TABLE OF CONTENTS (continued)**

	<u>Page</u>
Ube Cardone Resident of Woodbridge Township, New Jersey	79
Joseph Stransky Resident of Woodbridge Township, New Jersey	85
Al Milano Resident of Woodbridge Township, New Jersey	89
Geri Botwinick, Executive Director Mental Health Association in New Jersey	95
Robert Stack, Executive Director United Cerebral Palsy Association of New Jersey	99
David P. Lazarus Director of Litigation Community Mental Health Law Project	103
Janet Grace Legislative Liaison Division on Women New Jersey Department of Community Affairs	106
Fran Petrella, First Vice President Association for Retarded Citizens Somerset County Unit	107
Joan Sapienza, Executive Director Association for Retarded Citizens Somerset County Unit	107
Harry F. Wilkinson, Executive Director Association for Retarded Citizens Morris County Unit	112
Karen Spinner Director of Public Education and Policy New Jersey Association on Correction	117
Walter X. Kalman Regulations and Legislation Chairman New Jersey Association of Community Residential Providers	119

**TABLE OF CONTENTS (continued)**

	<u>Page</u>
Frank X. Caragher, Executive Director Association for Retarded Citizens Hudson County Unit	121
John P. Scagnelli, Executive Director Association for Retarded Citizens/New Jersey	122
Carmela Lunt New Jersey Alliance for the Mentally Ill	125
<b>APPENDIX (Contained in Volume II)</b>	
Statement submitted by Acting Commissioner Geoffrey S. Perselay	1x
List of the Department of Human Services' licensed group home and supervised apartment providers supplied by Acting Commissioner Geoffrey S. Perselay	14x
Statement submitted by Assistant Commissioner Richard J. Russo	26x
Residential Community Release Contract Agencies with Department of Corrections	31x
Statement submitted by Councilman Robert Molnar	37x
Testimony of Alfred A. Slocum Acting New Jersey Public Advocate Delivered by Gloria Wright	42x
Photographs of the existing group home at 444 School Street in Woodbridge Township and the house purchased as a group home at 696 East Woodbridge Avenue in Avenel, presented to the Committee by Mr. Ube Cardone on 1U/16/85	50x
Statement submitted by Robert Stack	51x

TABLE OF CONTENTS (continued)

	<u>Page</u>
Statement submitted by Janet Grace	52x
Statement and newspaper clipping submitted by Joan Sapienza	53x
Photographs of group homes operated by the Association for Retarded Citizens, Somerset County Unit, presented to the Committee by Ms. Joan Sapienza, Executive Director, on 10/16/85	56x
Statement and attached Fact Sheets submitted by Harry F. Wilkinson	57x
Statement submitted by Karen Spinner	74x
Statement submitted by Walter X. Kalman	77x
Statement submitted by Frank X. Caragher	79x
Position statement and attached materials submitted by John P. Scagnelli	81x
Statement submitted by Carmela Lunt	98x
Letter and newspaper articles submitted by Joan Crawford, Executive Director Association for Retarded Citizens of Hunterdon County	103x
Letter to Assemblyman George J. Otlowski from Richard P. Bonelli, Executive Director Association for Retarded Citizens Bergen-Passaic Unit	106x
Statement submitted by Fran Maher of Warren, New Jersey	108x

TABLE OF CONTENTS (continued)

	<u>Page</u>
Letter and attached complaint sent to Assemblyman George J. Otlowski by E. Robert Levy, Esq. at the request of Union Township's Mayor, Michael Bono	110x
Letter to Assemblyman George J. Otlowski from Rosemarie Seippel, President Our House, Inc.,	151x
Certificate of Need Application and Review Process submitted by the New Jersey Department of Health	153x

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**ASSEMBLYMAN GEORGE J. OTLOWSKI (Chairman):** The hearing will come to order now, please. My name is George Otowski. I am the Chairman of the Assembly Corrections, Health and Human Services Committee. Sitting on my right is the Deputy Speaker, Assemblyman Richard F. Visotcky, who is also a member of this Committee; to his right is a staff member. Sitting on my left are other members of the staff.

This hearing is intended to elicit different points of view on the question we are going to be talking about, which is the location of group homes and residential facilities.

First, I want to welcome all of the Commissioners and their representatives here, and to thank all of them for taking time out to be with us. I know they are all prepared to testify.

I just want to point out one of the rules we have to enforce here today if we are going to be able to get to everyone. We expect everyone to submit a written statement. For your information, we should have eight copies, so that they can be made available to the Committee. We are asking people not to read their statements, but merely to submit them. Then in their oral testimony, they can briefly outline the position put forth in their written statements. If, after reviewing the written statement, the Committee members have any questions, they will ask the questions in order to develop the subject.

There will be a record made of this hearing, so the Legislature and this Committee will have the benefit of a transcript.

I want to thank everyone for being here to offer their help to this Committee, because I think we are considering one of the most important social problems of our time: How to bring about community living for people who are ill and the people who would be best served by putting them in a normal community environment. This hearing has that kind of importance. We must find a means by which we can, on one hand, protect and enhance the disabled or infirm, while also finding some new way of giving communities more to say in the siting of group homes within their boundaries.

In a nutshell, that is our mission, as we hear from proponents of both interests. These are interests, by the way, which

do not necessarily conflict. The group home approach became popular in the 1960s. In the 1970s, it was found that more positive results were achieved by treating the disabled in communities in a home setting, instead of in a large, impersonal institution. The objective is to allow people with common problems to live together temporarily or permanently while undergoing treatment, therapy, or rehabilitation, and to remain close to their communities or families.

Let me state that I wholeheartedly favor a continued trend toward deinstitutionalization. However, we must be fair to all concerned when deciding where best to locate a facility. That means providing the residents of a community with adequate notice that a group home is going to be sited in their community, regardless of how many residents this group home will have. We must have a master plan to provide uniformity for the settings of group homes. Such a plan should take into account the welfare of both potential residents of the home and those who live in the neighborhood. By the same token, we want to make sure that the economic circumstances of heavy-handed politics do not result in the over-saturation of group homes in our older urban areas merely because the deteriorating housing stock may provide cheaper rents or purchases.

Experience has taught us that institutional warehousing does little to help people, and the hard feelings which sometimes accompany efforts to establish group homes demonstrate that the system needs another look, and perhaps some refined legislation that would make life easier for all concerned. Present regulations fail to adequately provide for public input in the site selection process, a process which should take into account the welfare of the residents who live in the homes, as well as the welfare of the residents in the neighborhoods in which the homes would be located. We want to prevent the over-saturation of homes in any neighborhood, which would hurt both the residents and the community.

The present statute governing notification is inadequate. For example, the State, by administrative regulation, is required to notify the general public if it proposes to site a residential group home with more than six residents. The regulation requires only that

the State notify local public officials, such as the mayor, when less than six persons are involved, as in the situation in the Avenel section of Woodbridge Township.

I believe this notification procedure is inadequate. The law must be changed to require notification of the general public to include appropriate public hearings prior to the making of any final determination by a State agency. We must have uniformity in our system of regulations governing group homes. Currently, each relevant State agency has a different set of requirements. There are just too many agencies involved in the process. This must be changed.

As many of you know, the United States Supreme Court recently upheld the right of states to site homes in communities. Therefore, it is extremely important to ensure that the residents of the community where the group home is to be located have as much input as possible.

In addition to group homes, we have to talk about the siting of the halfway houses of the Department of Corrections, transitional apartments, boarding homes, residential treatment centers for alcohol and drug addicts, and facilities for juvenile offenders and parolees.

We are going to get into these things in a moment, but just to capsulize this now-- One of the things we are going to be asking the Commissioners and their representatives -- and I just want them to be prepared for this -- is, how do we improve the current system of siting community residences, respecting both the rights of the clients and the neighborhoods? How do we better coordinate the siting of community residences between departments? What are the benefits of our current network of community programs? What have we experienced? What have we learned? Should there be legislation to improve the system? Should all legislation with respect to the siting of community residences be reviewed? Should there be a more comprehensive bill to apply to most, if not all, State departments? Can better coordination between departments be attained through broad regulatory changes, requiring departments to periodically report to the Legislature?

Before we do anything else, I want to point out that Assemblyman Visotcky had some pertinent comments, and I would like to hear from him. As a matter of fact, he has a particular comment about some requirements we are going to--

ASSEMBLYMAN VISOTCKY: No, not right now.

ASSEMBLYMAN OTLOWSKI: Assemblyman Vistocky?

ASSEMBLYMAN VISOTCKY: No, I don't think I have any comment. I am going to wait for the testimony.

ASSEMBLYMAN OTLOWSKI: Okay. First, we are going to hear from the Acting Commissioner of the Department of Human Services, Geoffrey S. Perselay. Commissioner, it is a great delight to see you, and we deeply appreciate your appearance. I just want to point out to you that we have always had a very good relationship with your Department. Whenever you were asked to appear before this Committee and, as a matter of fact, even without an invitation, you have always been a part of our deliberations. We are very happy to have you.

Again, I hope we have copies of your testimony, and now I will ask you to outline that testimony, rather than read it.

**ACTING COMMISSIONER GEOFFREY S. PERSELAY:** Mr. Chairman, I would like to thank you for providing the opportunity for me to be here today and, also, to commend you for taking this opportunity to review the whole issue of locating community facilities and the whole community care program in general.

I think it is significant from the Department of Human Services' point of view to note that over the past three years, we have really begun to move into the community in an expansion mood. We have found that community care is not an alternative. More than likely, it is the answer. For example, in 1978, there were only eight homes serving the mentally retarded throughout the State. In the last three years, we have located approximately 140 more. Today we're serving, in 170 homes, over 1,200 mentally retarded and developmentally disabled people in the community. So, you can see that this whole subject area is very germane and very important to the Department of Human Services.

In addition, we are also serving approximately 78% more mentally ill people in the community than 10 years ago, when institutionalization was considered the only answer. But, as you know, progress has not been easy; it has really been very slow. We have had rather significant opposition, which is what we are here to talk about today.

I think the Department is proud of the accomplishments we have made in this regard. Three years ago, when former Commissioner Albanese first started, the Department of Human Services was criticized for having sneak attacks and midnight raids into neighborhoods in terms of locating group homes. Basically, we were being criticized by every level of government, by the local level, by the county level, and by State Assemblymen and Senators. What we did was come up with the prior notification regulation, which we now have in force and effect.

Basically the way we looked at that was as a good neighbor policy. We wanted to try to provide prior notification to municipalities that we were considering their neighborhoods, to provide opportunities or notification to the individual neighborhoods that we had selected their neighborhoods, and then to put on a complete community awareness project to try to educate the neighbors and the municipal officials as to who we were putting in their communities, and why we were doing it.

We have found, unfortunately, that resentment still remains among local government officials, based on the fact that legally they cannot zone out our facilities from their towns. In my estimation, the officials represent citizens who are afraid; they fear increased crime and decreased property values. However, when given the opportunity, we are able to eliminate those fears. Those are two very significant fears, but we have national studies, and nationally recognized studies, which show that community-based facilities do not have a negative impact on property values, nor do they cause crime to increase. In fact, we have found, quite frankly, that some of our most vocal opponents when locating a group home have, indeed, after the group home has been located, become our most vocal and ardent supporters.

The location of each group home is carefully researched and planned. It is planned in the best interest of our clients, many of whom have been members of the same communities where we are locating the group home. That is very significant. I don't think we can afford to go back and be hampered by what I call the vestiges of dumping. In the 1970s, perhaps deinstitutionalization was not done as well as it could have been. However, I think we have now taken the road of

eliminating the vestiges of dumping. We are doing it properly, and we are doing it with proper support services.

I think one of the key things I would like to focus on today is the need for more education and the need for more understanding, which I feel are very, very critical in terms of successfully locating group homes. We have implemented a prior notification procedure. We feel it is adequate; we feel it gives advance notice and opportunities for municipal officials to respond, to learn, and to talk about the locating of the group home. We feel we provide opportunities for education, and I think education is basically the key to locating group homes.

That is a brief -- a very brief -- summary of my statement.

ASSEMBLYMAN OTLOWSKI: Commissioner, one of the problems I see is the fact that we have separate departments working in this very area, and working separately. Each of them has a separate approach. Is there a better way to coordinate this, in your opinion, without damaging a particular department or interfering with the operation of a department? Is there a better way of coordinating this so that there might be a single more sophisticated approach?

ACTING COMMISSIONER PERSELAY: Internally, what we have done in the Department of Human Services, is-- As you know, I have three major divisions that are focusing on community placements. Internally, we have made a concerted, mandatory effort to have these three divisions deal together and work together to make sure that we know what each division is doing. They are the Division of Mental Health and Hospitals, the Division of Youth and Family Services, and the Division of the Developmentally Disabled. Between departments, I think the same thing can work. I think we can work in a cooperative fashion.

ASSEMBLYMAN OTLOWSKI: In the homes where there are six or less people, what kind of monitoring, what kind of supervision does your Department provide?

ACTING COMMISSIONER PERSELAY: We provide 24-hour supervision in the group homes. That is one of the things I don't think is really understood. A lot of the objections we have had to the locations of group homes have been that there are six mentally retarded or six

developmentally disabled individuals moving into a neighborhood, but there is no knowledge of what programs they are going into or what the staffing patterns are.

For your edification, I would like Eddie Moore, Director of the Division of Developmental Disabilities, to give you the specifics on how a group home operates.

ASSEMBLYMAN OTLOWSKI: Mr. Moore?

EDDIE C. MOORE: Good morning, Mr. Chairman. I appreciate this opportunity. As Commissioner Perselay said--

FROM AUDIENCE: We can't hear. Please, I'm sorry for the interruption, but we can't hear. Please make the microphones a little louder.

ASSEMBLYMAN OTLOWSKI: Excuse me. These microphones are only for recording the testimony. Mr. Moore, would you mind speaking a little louder, please?

MR. MOORE: I have a very loud voice. It will be easy enough for me to be heard in the back without the use of a microphone.

As the Commissioner indicated, most of the opposition we're faced with-- I should add that many communities have welcomed us without any opposition at all. As a matter of fact, we have been encouraged to develop programs in certain communities across the State. It is not an issue of whether the program works once the program is up and running, because I think what we have demonstrated over the past several years is that we do provide the supervision that we tell people we will provide when we provide community education in the communities. No person is placed in a community program without a full day program. No person is placed in a community without a case manager. We have very strict licensure requirements which each program must comply with, and the programs are licensed annually.

As a matter of fact, we conducted a report -- which was done by an independent group -- to review the programs now in existence, and that report was extremely favorable. I should add that through the wisdom of this Committee and other members of the Legislature, several years back you passed a law which mandated a certain level of care for all persons living in a community. So it is not a question of whether

or not we have the option of providing supervision. Under current statute, we must provide supervision; we must provide full day programs; we must provide transportation; and, we must provide case management. Those things are being done.

Just one last point. When we talk about community placement, Mr. Chairman, we are not only talking about people who are leaving our institutions, we are talking about many people who are in the community, living with their families, who, at some point, require out-of-home placement. If you look at the way we have directed our resources for all of our community programs, 60% of our resources are directed toward people leaving institutions, and the other 40% of our resources are directed to families who will require out-of-home placement for their children.

ASSEMBLYMAN OTLOWSKI: Let me ask you this. Assuming, with the kind of supervision, the kind of monitoring, and the kind of care you provide-- Let's assume that in one particular instance there would be a disruptive resident, one who would be disruptive to the home and to the neighbors. What action are you ready to take under those circumstances?

MR. MOORE: There are a number of options available to us. We have what we call "Program Support Units." If we feel we can provide technical assistance to the agency in the form of providing a special program, we do that. We make attempts to sustain the placement once the placement has been made. There are isolated situations where, for whatever reason, the placement is not working out. In such a case, we can remove the person; we can place the person in an institution; or, we can place the person in one of our crisis homes, but there are options. As the Commissioner mentioned earlier, we have some 170-odd group homes, and when you have 170 families, obviously, from time to time, there will be isolated situations where you have problems. But 99.9% of our programs are working. They are working well, and I think the neighbors are showing the kind of support we have always anticipated.

ASSEMBLYMAN OTLOWSKI: What kind of history or what kind of record do you have of disruption, where the neighbors were upset once the program was in effect? What kind of history do you have with that?

MR. MOORE: Well, over the past several years, there have been several problems, and I don't want to mislead this Committee. Again, I'm talking about a handful of problems. When you look at so-called normal families, with children with motorcycles, teen-agers with loud music, I suspect those things are more troublesome to neighbors than some of the isolated situations that mentally retarded or developmentally disabled persons cause.

Again, we are only talking about a handful of problems. The success of the program is a matter of record. You will hear later from executive directors of agencies -- community-based agencies -- which have devoted all of their time and energy to making these programs sound programs. I think the success stories they will share with you will be even more impressive than what I can share with your Committee this morning.

ASSEMBLYMAN VISOTCKY: Where are these homes located?

MR. MOORE: The homes are located across the entire State.

ASSEMBLYMAN VISOTCKY: Yes, I know, but do we have a list?

MR. MOORE: We can make up a list.

ASSEMBLYMAN VISOTCKY: Will you make a list available to us?

MR. MOORE: We certainly will.

ASSEMBLYMAN VISOTCKY: I think some people think that maybe we are pushing them into one particular area, or another area. We would like to see a list.

ACTING COMMISSIONER PERSELAY: We would be more than happy to provide the Committee with a list. I would also like to say that internally, within the Department of Human Services, there is a concern in terms of over-saturation per se. We have had a number of lawsuits where we have successfully defended the regulations. We have successfully defended the statutory authority to locate, based on the saturation argument.

We do not over-saturate. We have not. With only 170 group homes, you know, at this point, we cannot. However, I would be more than happy to provide a list of those group homes to you.

ASSEMBLYMAN VISOTCKY: I would appreciate it. When you locate in a town, when you notify the mayor and the local officials, how much opposition has grown from that to where we are today?

ACTING COMMISSIONER PERSELAY: It's hard to say. Eddie can embellish, but I think what I would like to point out in terms of that is, in the past, prior to three years ago, we had opposition. We had opposition because people woke up and found a group home in their back yard. Now we're saying, "We are going to tell you what we're doing; we are going to tell you where we're going. We want to talk to you up-front." We try to get the opposition squared away.

One of the celebrated cases we had was down in Cape May County, where we had tremendous opposition to locating a group home. The neighborhood was on a cul-de-sac. Within four or five months after the home was located, the neighborhood rallied around and became the most vocal supporters of that home.

I had the pleasure three weeks ago of dedicating two group homes up in Morris County for the Morris County ARC. It was really enlightening. Also, it was very satisfying to see two mayors of two municipalities so open and honest and welcoming in terms of the group homes. One group home was located in the mayor's neighborhood, and he walked to the dedication and back from it. This varies in degree. Eddie, will you embellish on this?

MR. MUORE: Commissioner, I think you covered it, but, yes, it does vary. As I said earlier, when we notify people and they know of the program and they know of the agency that is developing the service, they choose not to call special meetings. They do not feel that is necessary. They feel that the programs have worked, that they have had similar programs in their municipalities, and to call a special meeting is not necessary.

On the other hand, there are meetings that are called and, depending on the degree of opposition, we are successful in answering the questions. Usually, as the Commissioner pointed out, they are concerned about property values. Property values do not depreciate and, certainly, there are enough studies to support that. They are concerned about the amount of supervision. We explain to them that these are programs that are supervised 24 hours a day. We explain to them that people will not remain in the house all day because there are programs developed for them. We leave some of those meetings with an

agreement with the neighbors that they won't pursue it. However, there have been instances where it has been necessary to go beyond that because neighbors are still not satisfied; they are still concerned, and they seem somewhat put-upon even with the best of answers.

The point here is, when we have experienced stiff opposition, and when the programs have opened with stiff opposition, we still reach out. We form advisory boards; we invite the neighbors to participate on advisory boards so they can see what is going on in the homes. I can tell you that I know of no neighborhood now that is vehemently opposed to a home that is in existence. Most of the opposition is in advance of the opening, when the fear is the fear of the unknown.

ASSEMBLYMAN VISOTCKY: How many of the homes have local people as residents in them?

MR. MOORE: Quite a few.

ASSEMBLYMAN VISOTCKY: Do you have any idea?

MR. MOORE: I don't have the exact number.

ASSEMBLYMAN VISOTCKY: Well, just roughly?

MR. MOORE: When we locate in a community, we try to identify people whose families are from that particular community and then, of course, we select individuals who, from a skill level, would be compatible to that group. If the program, for example, is going to be located in Middlesex, we would hope to select mentally retarded people either from that community who live in Middlesex, or persons leaving our institutions whose families live in Middlesex. It is not always that easy to make the match, but when possible, we do. So I would say a substantial number of people are--

ASSEMBLYMAN VISOTCKY: In other words, you wouldn't put someone from Cape May County in a group home up in Middlesex County. You would prefer to keep him or her in the area they came from originally.

MR. MOORE: We prefer it, yes. On the other hand, there are some people without families at all. We may have a program-- For example, a person may be in an institution in the northern part of the State, and we may have an excellent program in the southern part of the State. If a person has no family, and if it is in the best interest of the client, we will make that placement.

ASSEMBLYMAN VISOTCKY: Let's say you go into a community and there is vehement opposition to it, all kinds of opposition. Do you go ahead with the plan regardless, or do you sit down and try to work it out with the local officials and with the community itself?

MR. MOORE: Well, I think--

ASSEMBLYMAN VISOTCKY: I think that has been some of the fear which has been generated.

MR. MOORE: I think we have a responsibility, as the Commissioner pointed out, to educate communities. At the same time, we have a responsibility to discharge our responsibilities, vis-a-vis appropriately placing persons who happen to be developmentally disabled. The reason we have the notification procedure is because we see that as meeting communities halfway. What we're saying is, "You have the right to information, and we are in a position to provide information." The Commissioner set up a number of programs. Through puppets, we teach little kids, early on, what individual differences are all about, so they can feel comfortable as they grow up dealing with disabled people.

We have another program called "Main Street," for high school students, so we can educate them. We have a Speakers' Bureau, where we work with civic organizations and churches. So, we are reaching out. We are trying to provide community education. But, at the same time, we feel very strongly that developmentally disabled people have a right to live in a community. If a convicted rapist was discharged, he wouldn't have to ask for permission, and there would never be any community meeting called. In all probability, the community wouldn't even know. I suspect that person would be more of a concern to neighbors than a developmentally disabled individual.

ASSEMBLYMAN VISOTCKY: But in the regulations you have 15 working days to provide general information and facts. Seriously, do you think 15 working days is enough time for a community?

ACTING COMMISSIONER PERSELAY: That is the first notification.

ASSEMBLYMAN VISOTCKY: I realize that.

ACTING COMMISSIONER PERSELAY: That is a general notification to the community that we are going to be coming in, or that we are considering that community as a location for a group home. I believe 15 working days is adequate. We might be able to take another look at that, but it is not necessarily the days that are involved, because the second notification is, "We have definitely found a site in your municipality." That happens after we have a signed contract for the purchase of a house. That is when the specifics in terms-- The period of time between when we say, "We are going to look at this municipality," and the time we sign a contract, is usually--

ASSEMBLYMAN VISOTCKY: Fifteen days.

ACTING COMMISSIONER PERSELAY: No, it is usually a long time because we call the mayor and say, "Mayor, we're writing you a letter saying we are looking at your municipality to locate a group home. During the next 15 days we will be happy to come to talk to you about what a group home is and what we do," that kind of thing. Then we look for a group home in the municipality. We find it, the agency negotiates an agreement for the purchase of the piece of property, and then signs a contract to buy it.

At that point, the specific notice kicks in. All right? Now, between the general notice and the actual signing of the contract for the purchase of that home and the time between that home being signed for and actually purchased, we're talking about a long period of time, not only in terms of the actual legal process, but in terms of the internal Department review process as to the adequacy of the home, the caliber of the home, whether it is fit, and whether it is a good investment for the Department. We have a very stringent review. That is something that is internal; it has not really been talked about. It takes a long period of time to notify and educate a community.

ASSEMBLYMAN VISOTCKY: Yes, but after the regulations you have 15 days again. "The agency shall offer to meet with local officials within 15 working days and provide specific information about the group home to the immediate neighbors, in addition to inviting local officials and neighbors to visit the home when it is opened." That is after you have already signed it; you have 15 days again. So, it is not more than 15. That is from your regulations.

ACTING COMMISSIONER PERSELAY: If today I sent a notice -- today, October 16 -- to a mayor and said, "Mayor, we're looking at your municipality to locate a group home," chances are -- it is likely that we have not found a specific home to locate, to buy, and we will start looking. From that point, for 15 working days, we will sit down with the mayor, council, and anyone he wants, to inform them about what a group home is. During that 15 days and on, we would continue to look for a home, and we would find a home, which would usually be two to three months down the road. We find a specific home; we then sign a contract, which can only be signed after the Department has reviewed the property, so you are talking about another delay. It takes a significant period of time -- there is a long delay -- to buy a home and, quite frankly, that is one of the problems we have had in terms of moving into a community. Number one is the inherent, bureaucratic, built-in delay. That is one of the biggest criticisms the Department has had from the provider agencies which actually do the purchasing and renovating of the group homes.

So, you know, it is a balancing between too much of a delay-- The 15 days is really a figure that we give to come in and sit down and talk specifics to the neighborhood. If the mayor says, after 15 days, that he wants us to do a community education program, to show up at schools, PTAs, or civic organizations in the municipality, we have all the resources and all the willingness to do that.

ASSEMBLYMAN VISOTCKY: Yes, but the question is, you have 15 days twice. In "B," you say 15 days prior to-- "I am notifying you that I am interested in buying a home in your community."

ACTING COMMISSIONER PERSELAY: Right.

ASSEMBLYMAN VISOTCKY: Then you sign a contract and you buy the home. You sign the contract, the agreement.

ACTING COMMISSIONER PERSELAY: Right.

ASSEMBLYMAN VISOTCKY: Then you have 15 days for local officials again. Are you discussing the site where you might buy the home with the local officials, or are you going to say, "Okay, I am notifying you now that we are going to have a group home in the area"? You go out and buy it, and you say: "All right, the hell with you,

mayor, I don't care what you are going to say." Now you only give him 15 days to stand up for it. I think this regulation should be changed a little bit. There should be a little more work with the local officials.

ACTING COMMISSIONER PERSELAY: Well, I would be happy to take another look at it. I would be happy to work internally and come up with some suggestions. But--

ASSEMBLYMAN VISOTCKY: You're talking about the 15 days prior to. The second 15 days is what I am interested in, too.

ACTING COMMISSIONER PERSELAY: I will take a look at that, but the other thing I want to stress is, what we are seeing today is no longer-- We are seeing some new legal arguments in terms of the challenges to the State's ability to locate group homes. The challenges are no longer focusing on the type of clients and the number of clients. The challenges are now focusing on "the home rule aspect" of whether a municipality has the right to include or exclude those from the zoning regulations. The power the State has is located in the State statutes. We are living up to those legal obligations and those legal standards.

Regarding the 15 days, we can look at that and perhaps work a little bit more. The bottom line is that we will work with municipal officials for however long it takes.

ASSEMBLYMAN VISOTCKY: Let's say you bought a home, okay? You signed the contract. Then you go back to the local governing body in 15 days and, by law, you can do what you want to do. There is no question about it.

ACTING COMMISSIONER PERSELAY: Right.

ASSEMBLYMAN VISOTCKY: But again, if the local officials say, "Well gee, maybe you can buy this home here; there will be no opposition to it and the community will welcome it with open arms," but you're not doing this. I can appreciate the State statute; don't get me wrong. But again, to have local opposition to something -- that's not worth it either.

ACTING COMMISSIONER PERSELAY: Well, by the same token--

ASSEMBLYMAN VISOTCKY: Working together I think we would be much better off.

ACTING COMMISSIONER PERSELAY: That is basically our goal, to work together. But by the same token, when the alternate location might be the back of an industrial tract, that's not--

ASSEMBLYMAN VISOTCKY: I agree with you on that.

ACTING COMMISSIONER PERSELAY: Quite frankly, in a lot of the cases where we have been challenged, that is where our group homes were located.

ASSEMBLYMAN VISOTCKY: I don't think people want to put these people in a slum area of a community and just overburden them, no. I agree with you; there is no question about that. But maybe a suitable likewise situation in another area.

MR. MOORE: I would like to comment on that because I have worked in a system where that was a requirement. I can honestly say that that arrangement causes more confusion. In essence, what happens as a result of that, is that you put the local official right in the middle, having to explain to what--

ASSEMBLYMAN VISOTCKY: What's wrong with that?

MR. MOORE: The person is in the position of having to explain to one neighborhood why the home is good for their neighborhood and not good for another neighborhood. On the local level, to local officials, it has really caused considerable problems. Rather than our holding the meetings and having to defend the program, it is usually the local official, under that arrangement, having to say, "Why is the program not good for my neighborhood and good for another neighborhood?" So, I wouldn't recommend that.

ACTING COMMISSIONER PERSELAY: I'm trying to figure out what would be a legitimate reason for one neighborhood to be chosen over another in terms of site selection for a home.

ASSEMBLYMAN VISOTCKY: I didn't say necessarily a neighborhood.

ACTING COMMISSIONER PERSELAY: If I go to a municipality and a site is selected for one home, and the mayor says no, another site would be better, which 90% of the time, or probably 99% of the time, is in another neighborhood, what-- I am trying to figure--

ASSEMBLYMAN OTLOWSKI: Commissioner, Assemblyman Visotcky is a former mayor and he is speaking from the point of view of a mayor. I think if a mayor makes that suggestion, he makes that suggestion because of his knowledge of the community and because of his knowledge that people would be more receptive, probably, in another area. He should have that kind of time and that kind of latitude to explore it. I think that is a legitimate thing to consider.

By the same token, I agree that what we are trying to do for these people is put them in a normal environment -- a normal neighborhood environment. I think what Assemblyman Visotcky is trying to point out to you is, if a mayor is worth anything, he usually has a pretty good handle on his community. Of course, if he's not, he won't be in office long anyhow.

In any event, I think that is something to consider.

ACTING COMMISSIONER PERSELY: Within those parameters--

ASSEMBLYMAN VISOTCKY: Let's say you're buying a home and it is on a hill. There is no transportation. By the same token, a compatible neighborhood might be near transportation or where there are stores people can walk to. Yet you put it way out in the boondocks and say, "Gee, why don't you locate right here?" I'm not saying anything against any particular area.

ACTING COMMISSIONER PERSELY: On that basis then, if that slipped through my internal Department review-- Those are all the things we look at.

ASSEMBLYMAN VISOTCKY: Yes, that is why I say there are 15 days here to-- That should be extended a little more to give the local officials an educational program. I think that's great because there are so many of us who don't know-- Many people in this room don't even know about group homes. They don't even know about the homes we have throughout the State. They don't realize the money we're saving, down from \$40,000 to \$20,000 a year per person. We're saving tax dollars too.

By the same token, if we make it convenient for everyone in the community, they will accept it. But to just go in and say, "Hey, Buddy, this is it; take it or leave it because the law is on my side"-- You know, the Wild West days are gone.

FROM AUDIENCE: Very good.

ASSEMBLYMAN OTLOWSKI: We don't need any comments from the audience, please.

ACTING COMMISSIONER PERSELAY: If I may, Assemblyman, I would like to take this opportunity to assure you that we have a very, very strict capital review program in terms of what a group home is, what it looks like, what standards it meets, how much it is going to cost to renovate, what are the good points, and what are the bad points, and we abide by those decisions. Quite frankly, we have turned down homes because they have not met the standards and they would be too costly to renovate, not only in terms of life safety, but just basic homes. We don't want to buy a home that is being dumped, one that has not been taken care of, and we have become very strict, over the same three-year period of time, to protect the State's investment in these homes.

If there is an occasion where a home is isolated, you know, with no transportation, and that slips through my internal review, then--

ASSEMBLYMAN VISOTCKY: It could happen.

ACTING COMMISSIONER PERSELAY: Yes, it could happen, and I would have some real problems internally if that occurred. Under that type of circumstance, I could see sitting down and discussing it. But if it was because neighborhood resentment or neighborhood problems became too intense, I would--

ASSEMBLYMAN OTLOWSKI: Commissioner, I don't want to cut you off, but I think the point that Assemblyman Visotcky made has made an impression upon you. As a matter of fact, you said you would consider it. He is talking about more time in that area so you can have some kind of a deeper opportunity to deal with the community. The other point he is making is the fact that the mayor should have a better opportunity and more time to be able to deal with your Department about the suggestions he makes.

I think all of us are convinced that we have come a long way from dumping. I think if you give that some real thought-- As a matter of fact, we are going to ask our staff people, when they are reviewing this testimony, to determine if legislation is needed in that area. It could very well be done by regulation.

We want to express our deep thanks to you. Thank you very, very much; you have been very helpful and very enlightening.

ACTING COMMISSIONER PERSELAY: Thank you very much.

ASSEMBLYMAN OTLOWSKI: May we hear from Commissioner Russo from the Department of Health, please?

ASSISTANT COMMISSIONER RICHARD J. RUSSO: Thank you, Assemblyman Otlowski. On behalf of Dr. Goldstein, Commissioner of Health, it is a pleasure to present testimony to your Committee this morning.

The Department of Health believes that the community's right to know, or the right to be informed prior to the location of facilities, is paramount. As you probably know, Assemblymen, under the 1971 Health Facilities Planning Act, any facility in New Jersey that is defined as a health facility has to go through the Certificate of Need process. The Certificate of Need process is a very complex process. The cycle is a minimum of four months. It can take six months or longer to go through the Certificate of Need process.

Alcoholism services are defined in the 1971 statute as: Any outpatient services for alcoholism treatment; any residential treatment services; or, any detoxification services. All of those alcohol services have to go through the formalized Certificate of Need process, which involves the health systems agencies, communities, and so forth and so on.

Drug abuse services are also defined in the original 1971 Planning Act statutes. Detoxification services, maintenance services, drug-free residential services, and drug-free outpatient services are also defined in the 1971 Health Facilities Planning Act; ergo, they all must go through the Certificate of Need process which, as I mentioned, has a minimum of a four-month cycle.

Now, under the regulations pursuant to the Health Facilities Planning Act of 1971, the Health Department must notify the health systems agencies, in writing, immediately upon the beginning of this review cycle. If it takes them four months, they are notified immediately, in writing, about the new facility that is being proposed for community acts, or community-wide, with a schedule of how long this review process will probably take. Then, of course, the health systems

agencies in New Jersey must submit written notification to affected individuals within the community. They may hold public hearings; they may do a variety of things. I'm sure you are all familiar with the health systems agencies that have been developed in New Jersey since 1971 and how effective they are in reviewing proposals that come before the Department of Health.

So, essentially, gentlemen, we in the Health Department believe -- I think rightly so -- that the Department of Health does provide adequate notification regarding the siting of alcohol and drug abuse community-based residential facilities that are under our jurisdiction.

ASSEMBLYMAN OTLOWSKI: How different is your notification from the Department of Human Services' notification?

ASST. COMMISSIONER RUSSO: I'm sorry, I am not that familiar with the Department of Human Services. But the Certificate of Need process is a very formalized notification process.

ASSEMBLYMAN OTLOWSKI: With every opportunity for extensive hearings?

ASST. COMMISSIONER RUSSO: Multiple opportunities for hearings. The health systems agency, if requested by the community, must provide public hearings.

ASSEMBLYMAN OTLOWSKI: Must provide public hearings?

ASST. COMMISSIONER RUSSO: If the community requests them; that's true.

ASSEMBLYMAN OTLOWSKI: From the testimony we heard from Commissioner Perselay, the Health Department, based upon this Certificate of Need, has a broader approach and more of an opportunity for public hearings and for public participation.

ASST. COMMISSIONER RUSSO: The Health Facilities Planning movement in this country is very, very systematized, and does provide adequate opportunity for community members to have input prior to the siting of any health care facilities that are defined by statute. Again, alcohol and drug abuse facilities are defined as health care facilities; ergo, they fall into this process.

ASSEMBLYMAN VISOTCKY: Where are your regs?

ASST. COMMISSIONER RUSSO: Pardon me, sir?

ASSEMBLYMAN VISOTCKY: Where are your regulations?

ASST. COMMISSIONER RUSSO: We have a whole series of regulations on Certificate of Need. I will be happy to make copies of them available to you. All I did, Assemblyman, was just copy a couple of sections relevant to what I thought the discussion was. There is a whole document that defines, by regulation-- In fact, here is one right now; I will leave this with you.

ASSEMBLYMAN VISOTCKY: Thank you.

ASST. COMMISSIONER RUSSO: This is N.J.A.C. 8:33, which goes--

ASSEMBLYMAN OTLOWSKI: When you're leaving, will you please make that available to the Assemblyman?

ASST. COMMISSIONER RUSSO: Yes. You may have this, Assemblyman Visotcky.

ASSEMBLYMAN OTLOWSKI: As a matter of fact, will you make a copy available to David Price, so he can incorporate it into the record?

ASST. COMMISSIONER RUSSO: Sure. We will supply you with several copies.

ASSEMBLYMAN OTLOWSKI: In your experience -- in the Department's experience -- what are some of the bad overtones you've had? Have you had problems in the neighborhoods? Have you had problems with the installations? Of course, when you're dealing with drug abuse centers and alcohol centers, you're probably dealing with a more complex problem than the people who are dealing with cerebral palsy clients or retarded persons. What has been your experience with that?

ASST. COMMISSIONER RUSSO: Well, the Certificate of Need process does not eliminate community reaction; it just provides for community reaction. Over the years, we have had numerous negative community reactions to the siting of these facilities. So, the Certificate of Need does not eliminate the reaction. It just provides an opportunity for the community to react. In many cases, communities have reacted negatively about the siting of these facilities, and in some cases we had to go to litigation. We went to court, and so forth and so on.

But the community has adequate opportunity for input. I think that is the critical point.

ASSEMBLYMAN VISOTCKY: How many days?

ASST. COMMISSIONER RUSSO: Pardon me?

ASSEMBLYMAN VISOTCKY: How many days?

ASST. COMMISSIONER RUSSO: How many days what?

ASSEMBLYMAN VISOTCKY: How many days do they have for input?

ASST. COMMISSIONER RUSSO: Well, the Certificate of Need process cycle is about four months, or longer. So they have four months plus for a reaction.

ASSEMBLYMAN VISOTCKY: That is the notifying of local officials -- that four months?

ASST. COMMISSIONER RUSSO: Yes. Immediately upon receipt of a proposal, the Department of Health must notify the health systems agency in writing -- immediately, in the beginning of the four-month cycle. In that notification, they must notify not only the health systems agency where the facility is going to be located, but the contiguous health system agency also. Again, at the beginning of the review cycle. So within the first week of the four-month-plus review cycle, the health system agency is notified of a pending health facility which wants to be, or which will be proposed for a particular community.

So there is at least four months prior notice of the actual siting, Assemblyman. That is formalized in statute and regulation.

ASSEMBLYMAN OTLOWSKI: Within that period, when you run across what you call a negative reaction in a particular community, or a particular neighborhood, what mechanism do you have to try to ameliorate that fear, or that negative reaction?

ASST. COMMISSIONER RUSSO: In many, many cases, we have a public hearing, whether it is mandated by the community or not. We have a public hearing and we meet with the city council and with other appropriate community representatives. We meet with school districts, or any community group that has an interest in this particular process.

ASSEMBLYMAN OTLOWSKI: To try to work out misunderstandings; to try to work out differences?

ASST. COMMISSIONER RUSSO: Oh, yes. The four-month process is a minimum. With many of these facilities where there is community negative reaction, the process goes on for a year or so.

ASSEMBLYMAN VISOTCKY: That is not four months of where it is going to be; that's four months that you are going to put it in the area. It's not where it is going to be.

ASST. COMMISSIONER RUSSO: In the Certificate of Need application, if a proposed agency has a name, an address, and a location, so they have identified where they would like to be in the community--

ASSEMBLYMAN VISOTCKY: How big are these?

ASST. COMMISSIONER RUSSO: How big?

ASSEMBLYMAN VISOTCKY: How big are these homes?

ASST. COMMISSIONER RUSSO: When you are talking about alcohol or drug facilities, the average residential facility is probably in the neighborhood of 25 or 30 residents. Outpatient facilities, of course, can handle 200 or 300 people, but they come in once a week, or once every two weeks or so. They are not large facilities. None of them have multiple beds beyond perhaps 25 or 30.

ASSEMBLYMAN VISOTCKY: What kind of a structure are you talking about for 25 or 30 people?

ASST. COMMISSIONER RUSSO: In many cases it is a renovated community residence. In several cases the homes are on the grounds of State hospitals or county institutions, where there may be a cottage which has been converted for this use. There are a variety of different structures. Some of them are in old renovated YMCAs. A perfect example is the excellent program in Atlantic City, which purchased a YMCA in cooperation with the City, and renovated it. It is right downtown in Atlantic City, and the community really supports it. So, there are a variety of different residential homes.

ASSEMBLYMAN OTLOWSKI: Are you located in hospitals?

ASST. COMMISSIONER RUSSO: Yes, some are in hospitals; some, as I mentioned, are in mental hospitals or on the grounds of mental hospitals, such as Marlboro State Hospital. Some are in county facilities and some are freestanding in communities. There is a whole variety of different places.

ASSEMBLYMAN OTLOWSKI: Commissioner, would you please make a list available to us of where all of these facilities are located?

ASST. COMMISSIONER RUSSO: Sure; certainly.

ASSEMBLYMAN OTLOWSKI: The Committee can then have the benefit of that kind of an overview. Assemblyman Visotcky, do you have anything else?

ASSEMBLYMAN VISOTCKY: Do you dispense methadone in these facilities?

ASST. COMMISSIONER RUSSO: In some drug facilities, they do dispense methadone.

ASSEMBLYMAN VISOTCKY: In residential care facilities?

ASST. COMMISSIONER RUSSO: Not in residential facilities, in outpatient facilities.

ASSEMBLYMAN VISOTCKY: Oh, that's different. Okay.

ASST. COMMISSIONER RUSSO: There are approximately 24 outpatient facilities in New Jersey which do dispense methadone as part of the modality of the treatment service.

ASSEMBLYMAN VISOTCKY: So, we can be sure that anyone we have in an alcohol or drug abuse residential home-- No methadone is given to these people?

ASST. COMMISSIONER RUSSO: In residential facilities, not completely; there may be a case where an individual was on an outpatient methadone program and had to be placed in a residential facility for some immediate care. For an interim period -- you just can't cut that individual off from methadone -- medically that individual may receive methadone for several weeks until he or she is weaned from that drug. But there are no residential facilities in New Jersey specifically designed to handle methadone on a long-term basis.

ASSEMBLYMAN OTLOWSKI: Commissioner, just for the record-- I think I would like the record to show that you're dealing with one of the most difficult problems that plagues this country, that plagues this State, that plagues every community. As a matter of fact, it is one we have to address even more seriously and in greater depth. So the problem you have is a horrendous one. If it is not addressed with intensity, it could really destroy, not only a community, but the country.

You're talking about something entirely different than Human Services has been talking about. You're talking about people who have made themselves sick, who are very, very sick, dangerously sick. So your program is a whole lot different and, of course, your approach is a whole lot different.

ASST. COMMISSIONER RUSSO: You're 100% right. A serious alcohol abuser or drug abuser is a threat to himself and to the community when he or she is not in some form of rehabilitation therapy.

ASSEMBLYMAN OTLOWSKI: I notice -- does this come under your Department? -- that in most of the communities now, particularly with drunken driving cases where they have been sentenced to do community work, that people are being sent into firehouses to wash fire engines, they are being sent into police stations to-- Is that program under the Health Department?

ASST. COMMISSIONER RUSSO: Part of the reeducation process of those convicted under the DWI statutes has been transferred from the Division of Motor Vehicles to the Division of Alcoholism in the Department of Health. This is a very recent transfer.

ASSEMBLYMAN OTLOWSKI: That is just a recent program too, isn't it?

ASST. COMMISSIONER RUSSO: Yes, very recent, sir.

ASSEMBLYMAN OTLOWSKI: So you haven't had a chance to evaluate it?

ASST. COMMISSIONER RUSSO: No. It has just been developed within a matter of several months. That is where if you are picked up under the influence of alcohol, you must go for reeducation for a period of time. For the first offense it is so many hours; for the second offense it is more. But that has just recently been transferred.

ASSEMBLYMAN OTLOWSKI: Are those people allowed to continue on their jobs while they are in this program? For example, say a man is picked up and he is supporting a family of three, four, or five children. Is he permitted to hold his job and be a part of this program?

ASST. COMMISSIONER RUSSO: Yes, he is; for the first-time offender, yes he is. It does not affect his job per se. He may lose his license or his ability to drive. He is required to spend "X" number of hours on weekends learning and, hopefully, being rehabilitated. It doesn't necessarily affect his job, although an employer may take some action against the employee. However, that is not part of the program.

ASSEMBLYMAN VISOTCKY: What assurances can we have from the Department that in a residential care facility -- and I don't care if it's short-term or long-term -- there is no methadone being transmitted in those homes? For some reason, maybe just this one day-- Suppose a person is there for four or five days and something happens? What assurances can we have that methadone is not going to be given out to people in these residential care facilities? I think this is something the public really wants to know.

ASST. COMMISSIONER RUSSO: What assurances?

ASSEMBLYMAN VISOTCKY: Yes. If you say, "We are not going to do it," that is the only assurance I would like to have.

ASST. COMMISSIONER RUSSO: First of all, we are not going to do it in the State Department of Health, and we never have, because it is not cost-effective. It just costs too much to keep someone in residential therapy. You can do much, much better with outpatients. It is much less expensive therapy if someone is on methadone. So, it is just not cost-effective to have a residential methadone facility.

ASSEMBLYMAN VISOTCKY: You just said you could have a person there for a short term. During that short term, something may happen.

ASST. COMMISSIONER RUSSO: I think the issue is, something can happen when a substance abuser is on the street not in therapy, much, much more than if he is--

ASSEMBLYMAN VISOTCKY: Yes, but he is not living next-door to me or to someone else. A person will say, "Now look, you put this drug abuser here; now this guy went berserk and did something." That is what I think the public wants to know. In an outpatient clinic, fine, it's a different situation. I think it is entirely different.

I think if we can get some assurance that you will not dispense methadone in residential care facilities the public will feel better. That is only my opinion.

ASST. COMMISSIONER RUSSO: We never have, and there is no plan to dispense methadone.

ASSEMBLYMAN VISOTCKY: Yes, but you said you could do it for a short term. It could be a month; it could be three months; it could be six months. I don't know what's short-term. Short-term could be two years.

ASST. COMMISSIONER RUSSO: It's the same as what may happen to an outpatient methadone client right now, who is hospitalized for some other condition; for instance, if he breaks his leg or something. When he goes into the hospital, he has to be provided methadone for that hospital stay. Or if he goes into some other institution, that same individual may have to have methadone for a short period of time.

ASSEMBLYMAN VISOTCKY: I can appreciate your answer, but you're going around the bush. The only answer I want is, "Fine. We won't dispense in a residential care facility." That's all.

ASST. COMMISSIONER RUSSO: We won't; we don't; we never have.

ASSEMBLYMAN VISOTCKY: You won't? If we can get assurances of that, fine. I think the public would be grateful for that.

ASST. COMMISSIONER RUSSO: Again, we would never do it on a long-term basis because it is not cost-effective. We don't have to. It is much more--

ASSEMBLYMAN VISOTCKY: So we can rest assured that no person will be given methadone in a residential care facility?

ASST. COMMISSIONER RUSSO: Over a long-term period of time, yes.

ASSEMBLYMAN VISOTCKY: I'm not saying that. What's short? What is a short period of time?

ASST. COMMISSIONER RUSSO: As I mentioned, if--

ASSEMBLYMAN VISOTCKY: I would like to know what short is.

ASST. COMMISSIONER RUSSO: A short period of time-- It would probably take two weeks or so for a medically humane detoxification. So it might be for a period of two weeks or so. It is so infrequent that an individual in a residential treatment facility--

ASSEMBLYMAN VISOTCKY: You are still not answering my question. I just want to get assurance that it won't happen. That's all. I think the public would love this. Send them to a hospital. We have clinics in hospitals; send them to a hospital, but not to a residential care facility.

ASST. COMMISSIONER RUSSO: As I mentioned, we set them up in--

ASSEMBLYMAN OTLOWSKI: Excuse me, Commissioner. What Assemblyman Visotcky is trying to establish is that anyone on methadone should be treated at a center, rather than in a residential setting. Frankly, you're saying that is a matter of general policy, but there may be exceptions. What Assemblyman Vistocky is trying to establish is that as a matter of policy, anyone who is on methadone should not be in a residential setting. This is what he wants to establish as a matter of policy.

Frankly, I think the Department of Health, as a matter of policy, more and more is discouraging methadone wherever possible. That is a matter of policy. Now, Assemblyman Visotcky is insisting that the Department should have that as a matter of policy because if it is not a matter of policy by the Department, then you put us in the position where we will have to do it legislatively. I would sooner see that done by the Department than to do it legislatively.

So, I wish you would give that some real consideration.

ASST. COMMISSIONER RUSSO: I would have to take that back to the Commissioner and discuss it, in terms of developing a policy. It is not something we could not do. We just haven't sat down to develop that.

ASSEMBLYMAN VISOTCKY: But, we could try?

ASST. COMMISSIONER RUSSO: We could do it, sure.

ASSEMBLYMAN OTLOWSKI: I just want to tell you this for when you go back to the Commissioner. It's obvious that this Committee, and certainly the Legislature, would take the precise position that Assemblyman Visotcky has taken. So it is something the Department has to consider very seriously. If it doesn't, then we get into the business of legislation.

ASST. COMMISSIONER RUSSO: The Department is considering the entire issue of the opiate user very, very seriously. The opiate IV user is what we are talking about -- the intravenous drug user -- primarily because of the issue of AIDS. We have a significant, dynamic problem in New Jersey in terms of IV drug-using AIDS patients. We have multiple committees studying ways to deal with that. I think that is part of what you may be referring to. You probably don't know this, but between New Jersey and New York, 80% of all AIDS victims in this country are IV drug users; 80% of them, and they live in New York and New Jersey.

So, there are multiple commissioners' meetings going on every day, believe me, in terms of how to deal with this AIDS problem. We know that when we get an IV drug user in treatment, he is probably going to reduce significantly, or eliminate, the spread of this most serious illness.

ASSEMBLYMAN OTLOWSKI: Commissioner, this Committee will be holding separate hearings on the question of AIDS.

ASST. COMMISSIONER RUSSO: I am not an expert on that.

ASSEMBLYMAN OTLOWSKI: No, but I think what you have just said gives more credence to the question that Assemblyman Visotcky is raising. Treatment with methadone should be under strict control, and should not be permitted to take place in a residential setting. Again, that is something which must be considered, in view of the fact that now we have, as you mentioned, this additional frightening problem, this all-encompassing problem, which could spread very rapidly, namely, AIDS.

Commissioner, you have been very, very helpful. First, we would like a list of the places, and secondly, we would like a copy of the regulations so they can become a part of the record. We hope Assemblyman Visotcky's point will be given serious consideration.

ASST. COMMISSIONER RUSSO: We will address the policy issue with the Commissioner.

ASSEMBLYMAN OTLOWSKI: Would you, please?

ASST. COMMISSIONER RUSSO: Yes, no question about it.

ASSEMBLYMAN OTLOWSKI: Thank you very, very much.

ASST. COMMISSIONER RUSSO: Thank you very much.

ASSEMBLYMAN OTLOWSKI: May we have Commissioner Fauver, please? Commissioner, do we have copies of your statement?

WILLIAM H. FAUVER: The copies you are being handed are not of a statement, but are copies basically of a list of the agencies with which the Department contracts for halfway house type services. Basically, the Department has not had a problem siting halfway houses for the Department in the last, at least five years, because we have not attempted to do it. We have worked through contractual agencies -- Volunteers of America, New Jersey Association on Correction, etc. -- to contract for halfway houses for inmates, as opposed to siting our own.

We operate two halfway houses in Newark, one for males and one for females. They are run by the Department. The female house has been in existence since 1980; the male house goes back to the late 1960s. We also run a house for parolees in Jersey City. It is not a home; it is in a project. There is one floor of the development which is used as a, what we call a "Proof House," and it houses parolees on a short-term basis. That has been in existence for 17 years.

So, the siting of these places by the Department, as I say, in a sense, has not been a problem because we have contracted with other agencies to do this. The contracts -- and I will let the representatives from Community Affairs speak to that-- There is a policy statement put out by Community Affairs as to the licensing of the agencies by Community Affairs. Before we contract with any of those agencies, we require them to have a license from Community Affairs as a rooming house/boarding house situation, or whatever the requirement is. I have samples of those contracts and the certifications to share with the Committee.

ASSEMBLYMAN VISOTICKY: Are they the only halfway houses we have?

COMMISSIONER FAUVER: They are the only ones that are contracted for, yes.

ASSEMBLYMAN VISOTICKY: That's all we have in the whole State?

COMMISSIONER FAUVER: No, the Department runs the three I spoke of -- the two in Newark and the one in Jersey City.

ASSEMBLYMAN OTLOWSKI: The Department of Community Affairs makes those arrangements?

COMMISSIONER FAUVER: No, the agency with which we contract, Mr. Chairman-- For example, if it's Volunteers of America, they have to show us that they have met the requirements, both the local zoning requirements and the requirements in this policy statement from Community Affairs. They must have a certification from Community Affairs for occupancy prior to us signing a contract with that particular agency. This goes back to some of the ideas suggested by this Committee quite a few years ago. You suggested that we try to go into contracting, rather than run things ourselves. These are the ones which are listed. The list does not include juvenile institutions, or any juveniles; these are strictly adult, male and female.

ASSEMBLYMAN VISOTCKY: How many teen halfway houses do we have?

COMMISSIONER FAUVER: Excuse me?

ASSEMBLYMAN VISOTCKY: For teens, how many do we have?

COMMISSIONER FAUVER: For juveniles?

ASSEMBLYMAN VISOTCKY: Yes.

COMMISSIONER FAUVER: We probably have about 20 of those around the State. Most of them are either in rural areas, in parks, or in urban centers. Probably the largest of any of those is 10 to 12 residents.

ASSEMBLYMAN OTLOWSKI: On the list you gave us, are these just adult facilities?

COMMISSIONER FAUVER: That is correct.

ASSEMBLYMAN OTLOWSKI: Do you also have facilities for teen-agers?

COMMISSIONER FAUVER: We will submit a list of those to you, Mr. Chairman. I didn't bring that with me. But, yes, we do have those throughout the State.

ASSEMBLYMAN OTLOWSKI: Would you make that list available to us?

COMMISSIONER FAUVER: Sure. As I indicated, I will give you a copy, although I think it is more appropriate for the Community Affairs representatives to speak about the policy statement we comply with. We will also give you a copy of the sample contract and a sample of the certification we receive.

ASSEMBLYMAN VISOTCKY: Commissioner, I can appreciate your report here. You are doing this for the inmates. Where is there anything to do with the community, even with the Department of Community Affairs? There is nothing in here that--

COMMISSIONER FAUVER: No. There is a separate statement on that, Assemblyman Visotcky.

ASSEMBLYMAN VISOTCKY: What is the criteria we use in that respect?

COMMISSIONER FAUVER: The criteria we use in the classification of the inmates is that they have to be--

ASSEMBLYMAN VISOTCKY: No, no, I mean with the community. Locating it in a particular community would be part of Community Affairs.

ASSEMBLYMAN OTLOWSKI: Excuse me. Murph, will you please push that first chair away so the lady in the wheelchair can occupy that space? (person complies with request) Let her maneuver herself into that position. Thank you. I'm sorry, Commissioner.

COMMISSIONER FAUVER: If people contact us as far as wanting to operate a halfway house and contracting with the State, the responsibility is on them, as I indicated, to meet the requirements. They are spelled out to some degree in the policy statement. They have to go through local zoning, and they have to show us that they have done these things before we contract with the particular agency.

ASSEMBLYMAN VISOTCKY: No, right here you say-- For argument's sake, let's say Volunteers of America. If I represent the Volunteers of America and I come to the City of Trenton, you don't know who I am going to put in here. I say, "I want to have a halfway house here." Do I tell the local community who will be going in there? Are there going to be prisoners in there? Are there going to be drug abusers in there? Are there going to be residents who are mentally retarded or something? Do they do that?

COMMISSIONER FAUVER: Yes.

ASSEMBLYMAN VISOTCKY: Do they tell them they are prisoners?

COMMISSIONER FAUVER: Yes, they know these are inmates. They know they are not mentally retarded or do not have any kind of disability. It is strictly an inmate halfway house.

Most of the agencies listed here, unless they are specifically for drug or alcohol abuse, are strictly in business for the housing of inmates or ex-inmates.

ASSEMBLYMAN OTLOWSKI: What has your experience been with this program? Are you satisfied with your experience?

COMMISSIONER FAUVER: Well, we monitor the programs also. I want to point out that it is not just signing a contract, having the people go in, and then we never follow up.

ASSEMBLYMAN OTLOWSKI: Are they closely monitored?

COMMISSIONER FAUVER: They are closely monitored, yes. We have a bureau within the Department where the people go to these to make spot checks, and routine checks as well. You know, we talked previously before this Committee about privatization under certain circumstances. I think this is an area that has worked, and I would support it. There seems to be different--

ASSEMBLYMAN OTLOWSKI: That hearing was conducted by Assemblyman Visotcky; that report is in. This Committee and the Legislature will be taking a look at that to see some of the directions that are indicated in that report.

ASSEMBLYMAN VISOTCKY: What type of prisoner is put in these halfway houses?

COMMISSIONER FAUVER: The prisoner would have to be within the last six months of his or her sentence, have a favorable psychological report, and would basically have to have a good record, obviously. Also, men who have done time in minimum custody, who have been--

ASSEMBLYMAN VISOTCKY: Are they nonviolent, violent, or what? I don't care if a guy committed murder--

COMMISSIONER FAUVER: They could be both, violent and nonviolent. There are some exclusions, such as arsonists. There could be robbers, burglars, you know, those kinds of criminals.

ASSEMBLYMAN VISOTCKY: I can see putting your white-collar or nonviolent criminal in a place like that, but when you put a murderer in a halfway house because it is six months before he or she is going to get out-- Why put that type of person in a halfway house?

COMMISSIONER FAUVER: Well, they may or may not.

ASSEMBLYMAN VISOTCKY: Because in an institution you can give them the walk of the grounds and everything else, and still keep them incarcerated.

COMMISSIONER FAUVER: Well, they would have had to have been in that kind of a status. They would have had to have been minimum before they were put into a halfway house. They would have had to have shown for an "X" amount of time-- Part of the purpose of a halfway house -- not one for a drug treatment or an alcohol treatment program -- is to reintegrate the offender into the community. The idea that this person has been determined by the Parole Board to be capable of going out means that he or she is going to go out at the end of that period of time. In many ways, this can be more helpful to the long-term offenders who have been in jail for a lot of years, in helping them to readjust.

ASSEMBLYMAN VISOTCKY: I can see that point, but by the same token, if I have a rapist living in a halfway house in my community, you know, a convicted rapist -- and you said that could happen -- it would just turn off public sentiment for the good you are doing.

COMMISSIONER FAUVER: We do not have, for example, anyone who was committed to Avenel under the sex offender law. These people would not be in one of these places.

ASSEMBLYMAN VISOTCKY: Oh, you didn't say that.

COMMISSIONER FAUVER: A person who was not committed as a sex offender, but part of the offense involved sex, could be.

ASSEMBLYMAN VISOTCKY: Can we have a breakdown of who you put into a residential care facility so we can have a better knowledge, because I didn't know that until you just told me now. You said anyone, so I figured a rapist could be there too.

COMMISSIONER FAUVER: Okay, sure.

ASSEMBLYMAN VISOTCKY: That must be in the regs.

COMMISSIONER FAUVER: We will be glad to submit that to the Committee.

ASSEMBLYMAN VISOTCKY: If we have to, we can get legislation to assure the public that none of these things will happen.

ASSEMBLYMAN OTLOWSKI: I think what Assemblyman Visotcky is pressing is something that has been of great concern to the Legislature, and that is the fact that the violent criminal is given the benefit of this kind of transition. There is never the assurance that when a person is put into this kind of a transition situation, society will not have problems with him or her. I think that is something we are going to be going into more deeply as we go into your report and, as a matter of fact, when we go into the question of the treatment of the violent criminal. I feel very uncomfortable about putting people like that in the community.

COMMISSIONER FAUVER: Let me point out something, if I may, Mr. Chairman. For example, in the house which we run for males in the City of Newark, there are restrictions on who can go there. They are either city/county residents or they are from neighboring counties. Basically, what we try to do is place the men or women in the area where they are going to be paroled. It is not as if we are taking a parolee who is going to the City of Newark and putting him in Sussex County or Cape May County, or something. He is going back to the area he is going to be in. Part of that philosophy is that then there can be a continuation. If we can get him a job and he can get working, he can continue. He doesn't have to break that cycle when he gets paroled and go back to his own residence.

I want to point that out because it is not like searching for a bed somewhere in the State, and here's this person who has to be placed, and he is placed anywhere.

ASSEMBLYMAN OTLOWSKI: The Department makes all of those decisions based on each individual case. Is that correct?

COMMISSIONER FAUVER: That is correct.

ASSEMBLYMAN OTLOWSKI: That is a departmental decision as a matter of policy.

COMMISSIONER FAUVER: Yes, it is.

ASSEMBLYMAN OTLOWSKI: I just want to echo what Assemblyman Visotcky said. There are many of us who feel very uncomfortable with this. Obviously, we are going to have to take a better look at it. For the moment, I don't think we are going to be developing that here

because there are going to be so many things we are going to be talking about. Different committees will be reporting on the penal system generally.

This very thing has the ripple effect of upsetting a community which wants to provide group homes for cerebral palsied people or which wants to provide homes for retarded children. The misconception grows from the dramatic fact that a prisoner can be released and live in a community setting. So the burden then is carried by these other people, who merely have the misfortune of having an illness.

I don't know; I just think that with what Assemblyman Visotcky developed here, we are probably going to take a deeper and separate look at that.

COMMISSIONER FAUVER: That's fine; we will be happy to come any time.

ASSEMBLYMAN OTLOWSKI: Are you going to make that other list available to us?

COMMISSIONER FAUVER: The list of juvenile centers? Yes, we will.

ASSEMBLYMAN OTLOWSKI: Thank you very, very much. May we have the Commissioner of the Department of Community Affairs, please?

WILLIAM M. CONNOLLY: I am not quite the Commissioner, but I will try to represent him.

Good morning. I'm Bill Connolly. I am the Director of Housing and Development in the Department of Community Affairs.

ASSEMBLYMAN OTLOWSKI: Do you have written testimony?

MR. CONNOLLY: No, I don't.

ASSEMBLYMAN OTLOWSKI: Just to follow up on what Commissioner Fauver said, the homes are approved by your Department -- the Department of Community Affairs. How does that approval come about? How do you go about giving approval? Do they request you to find a home, or do they find a home and then notify you to put the thing in your machinery?

MR. CONNOLLY: There are a number of State-supported group care type homes that are required to be licensed under the Boarding

Home Act. Not all of them are, but these correction halfway houses generally are. In that sort of a situation, when the Department of Corrections has identified a facility, or one of their contractors has identified a facility, they are required to apply for a license to operate that particular boarding home.

ASSEMBLYMAN OTLOWSKI: They do the searching; they do the finding. When they make the find, they then notify you.

MR. CONNOLLY: That's right. We, in turn, notify the local governments, because as a part of our licensing procedure--

ASSEMBLYMAN OTLOWSKI: How do you notify the local governments?

MR. CONNOLLY: We notify them by formal notification in writing to the municipal clerk.

ASSEMBLYMAN OTLOWSKI: You notify the municipal clerk in writing?

MR. CONNOLLY: That's right.

ASSEMBLYMAN OTLOWSKI: Then he would have the obligation to notify the mayor and the council.

MR. CONNOLLY: Right, that a license has been applied for by a particular organization for a facility at a given address. We then require -- in the case of every new facility -- a Certificate of Occupancy from the municipal government, from the local construction official, before we will issue a license for that particular location. The Certificate of Occupancy tells us two things: One, that it meets the building code standards relative to that kind of a facility, and two, because there is a link between Certificates of Occupancy and zoning ordinances, that it also complies with local zoning requirements.

ASSEMBLYMAN OTLOWSKI: So the community has a pretty good handle on it because of the Certificate of Occupancy and the zoning that would be involved.

MR. CONNOLLY: That's right. We will not issue a license until we have those things in our possession.

ASSEMBLYMAN VISOTCKY: Why do you go in there in the first place? Don't you go to Corrections to see whether they need the

facility? Should they have it, or is it just because someone says, "I want to build one" or "I want to buy a residential care facility in this town"?

MR. CONNOLLY: Anyone who wants to operate a facility -- because we are responsible not only for those that are operated under contract to government agencies, but also totally private kinds of facilities as well--

ASSEMBLYMAN VISOTCKY: Let's say the Commissioner of Corrections says, "I don't need one up there." Are you going to do it anyway?

MR. CONNOLLY: No. They wouldn't be coming to us if Corrections were not financing them in the first place.

ASSEMBLYMAN VISOTCKY: Well, you didn't say anything about Corrections telling you-- You know, I would like to know the procedure. Does Corrections get in touch with you to see if an organization wants to build a residential care facility in a particular area? I, as an organization, would not say, "Are you going to do it for me?" without Corrections telling me to do it.

MR. CONNOLLY: We do receive a notification from the Department of Corrections in this case that they are contemplating contracting with a particular organization in a particular location. But the burden is also on that organization to apply for the license.

ASSEMBLYMAN VISOTCKY: Now, that organization is applying for a license to put a facility in a particular area, right? Do they know what type of a criminal they are going to have in it? Don't you think the local officials should know what type of criminal is going to be in there? You don't know; your Department does not know. Suppose the mayor of the town says, "Well gee, I understand some violent criminals are going to be living in this thing. We don't want them in our area." Would you go ahead anyway? Would the Department of Community Affairs just say, "Hey, local officials, you have nothing to say"?

MR. CONNOLLY: No.

ASSEMBLYMAN VISOTCKY: How do you stop that?

MR. CONNOLLY: The local officials, between the building code and the local zoning ordinance, usually have all the tools they need if they desire to stop it.

ASSEMBLYMAN VISOTCKY: I'm talking about the residents basically; I'm not talking about the city itself. They want to know who is going to occupy the residence.

MR. CONNOLLY: That is a legitimate question for the local officials to ask before they issue a zoning permit.

ASSEMBLYMAN VISOTCKY: If they find out there are going to be violent criminals -- for argument's sake let's take a hypothetical case -- and they say, "Oh gee, we don't want them in our area. You know, I don't mind a nonviolent criminal coming in. It's the right thing to do to get him rehabilitated and all that sort of stuff." Then what do you do? Do you stop, or do you say, "We don't care because this organization wants us to do it anyway"? Where is the stopgap in this?

MR. CONNOLLY: We would stop. In any municipality with a decently drafted zoning ordinance, this kind of a facility would not be able to be established as a matter of right. It almost always needs some sort of a variance or at least a special use permit.

ASSEMBLYMAN VISOTCKY: I'm talking about the occupancy; I am not talking about the building. Who is going to occupy the building? See, I didn't realize you have nothing to do with it, but where do you stop if someone comes to you and says, "Hey, wait a minute."

MR. CONNOLLY: We give the municipal government that opportunity by saying, "We will not issue a license until we receive the Certificate of Occupancy from you." When the applicant goes before the municipality to obtain approval for this building, he doesn't have it as a right. The municipality, the zoning board of adjustment, the planning board, or whoever, in the particular case, can ask those kinds of questions. If they are not satisfied with the answers, they do not have to give either the required variance or the special use permit.

ASSEMBLYMAN VISOTCKY: Yes, but there is no protection for the community in that respect, for the simple reason that you're talking about a building constructor. You're talking about a Certificate of Occupancy. You're not saying who is going to be in the residence. That really couldn't affect the zoning board at any particular time, or the planning board.

My question is about the fact that if the local officials don't have assurances that there are going to be nonviolent criminals in this halfway house, they would rather not have it. I don't see how you can say you can stop it. There is no stopgap measure there for local officials at all.

MR. CONNOLLY: I think there is if they are using their local zoning ordinance to its fullest. I would agree that they often don't, and that it is not, by any means, at this point, a fail-safe system. Lots of times things happen that really shouldn't.

ASSEMBLYMAN VISOTCKY: This local official is saying, "What am I standing here for? Why am I a local official? I have nothing to say because the State is saying, 'Hey, big guy, you are going to take this or leave it. That's it.'" Where do they have the right? This particular situation is entirely different than Human Services.

MR. CONNOLLY: In this particular situation, he does, because these facilities are privately owned. They have to conform to municipal government ordinances. If they don't, the municipal government does not have to give a zoning approval, and if there is no zoning approval, there is no Certificate of Occupancy.

ASSEMBLYMAN VISOTCKY: You see, we're talking apples and oranges again. I'm talking about the residents in the facility; I am not talking about the facility. You're talking about the facility, which you have jurisdiction over. I am not questioning that. I'm talking about, if they don't have assurances, what can you do with a zoning board, say, "Well, they are going to have six violent criminals"? They can't do that even hypothetically; it's silly. It has nothing to do with zoning.

The question is, who are going to occupy the facility? How can the local officials have something-- We're talking about prisoners now. We have to have some jurisdiction over these people. In some way, we have to get assurances that they are all nonviolent criminals. I don't see where we have a stopgap measure here to give the local officials any kind of leverage whatsoever, only zoning. It could be in the right zone, but it still does not say who is going to be in the place. Do you follow me?

MR. CONNOLLY: Yes, and I think you're right.

ASSEMBLYMAN VISOTCKY: Do you think we should have legislation to give local officials some type of jurisdiction, something to say who is going to occupy a facility?

ASSEMBLYMAN OTLOWSKI: Right now it appears that local people are totally ignorant of the kind of person who is going to live in that particular setting. Certainly, the Department of Corrections doesn't have an obligation to notify the local people of the kind of people who are going to live in that setting.

ASSEMBLYMAN VISOTCKY: See, Human Services talked about drug and alcohol programs; now we're talking about people like any one of us in this room.

ASSEMBLYMAN OTLOWSKI: Again, what happens here is, this has the ripple effect of frightening people for other residential settings, which, of course, are in a totally different area. I happen to agree with the Assemblyman. I think this must be given some specific thought. Then the question is, will the chairman of the zoning board, or members of the zoning board, be alert enough to ask what kind of people are going to be housed there?

ASSEMBLYMAN VISOTCKY: There is no reason to condemn them, unless there is legislation saying the town should rest assured that only nonviolent criminals will be put in this halfway house. That is what it should be.

ASSEMBLYMAN OTLOWSKI: I happen to agree. I think we are going to have to take a special look at that.

ASSEMBLYMAN VISOTCKY: Now if that was in by regulation or by law, and your Department went in and said, "Wait a minute, you have to assure them that it is going to be this and this," then you're ready. Whatever you are doing is 100% correct, without jeopardizing or saying you're wrong, or anything. The question is, you can do your job with zoning, but it has nothing to do with the residents. That's why, after you have gone through all this, the local officials will say, "No, we don't want a rapist living next-door to our sons or our daughters." You know, everyone gets uptight about this.

ASSEMBLYMAN OTLOWSKI: Your role is really perfunctory in this whole thing. All you want to do is make sure they meet the zoning

requirements, that they meet the building code, and the case. That's your present responsibility under the law. But I think the question goes deeper. It goes to the Department of Corrections. This, of course, is now a question of major policy.

MR. CONNOLLY: I would certainly agree with that.

ASSEMBLYMAN OTLOWSKI: Thank you very, very much. Unless you have something else, Assemblyman Visotcky--

ASSEMBLYMAN VISOTCKY: He has more to say.

MR. CONNOLLY: Yes, just a little bit more, if that is okay.

ASSEMBLYMAN OTLOWSKI: All right. I didn't mean to cut you off.

MR. CONNOLLY: Although focusing on the corrections facilities, I think we have talked a lot about all the facilities we are responsible for. Under the Boarding Home Act, we are responsible for licensing most residential care arrangements, with just a few exceptions. Community residences for the developmentally disabled are one of those exceptions. They are licensed by the Department of Human Services.

Other facilities that are not regulated by our Department are temporary-in-nature shelters. Most of the other kinds of shelters--

ASSEMBLYMAN OTLOWSKI: What department regulates these shelters?

MR. CONNOLLY: No department at the present time. They are regulated by local governments only.

The Department and its local inspectors who work at the municipal level are also responsible for building code compliance for every kind of facility, whether we license it or not. We do license care facilities that are used by the Division of Mental Health; for example, some kinds of drug treatment facilities. All other Corrections facilities are required to be licensed as rooming and boarding houses under the Boarding House law.

ASSEMBLYMAN VISOTCKY: Did we ever get a list of all the boarding houses in the State?

MR. CONNOLLY: Pardon me?

ASSEMBLYMAN VISOTCKY: Did you ever send us that list?

MR. CONNOLLY: I sure did, but I'm ready to send you another one, if you'd like.

ASSEMBLYMAN VISOTCKY: Send me another one, will you?

MR. CONNOLLY: There are 2,400 on the list.

ASSEMBLYMAN VISOTCKY: And they are all inspected every year.

MR. CONNOLLY: They are all computerized now, and it is very easy to provide that. We would be happy to.

ASSEMBLYMAN VISOTCKY: Okay, thank you.

ASSEMBLYMAN OTLOWSKI: In that connection, are you catching up with your inspections now?

MR. CONNOLLY: Yes, that's right.

ASSEMBLYMAN VISOTCKY: We don't want to go into that. That is another hearing in itself.

MR. CONNOLLY: However, we do not have any siting regulations per se. As I mentioned, the Boarding Home Act does not really authorize any kind of siting regulations. The Department, though, very strongly believes that something of that nature is necessary. I believe it was in this room when we had an earlier boarding home hearing that the mayor of Winslow Township was here. He was quite concerned about the number of facilities. I was flabbergasted because there couldn't possibly be 28. We only had seven.

ASSEMBLYMAN VISOTCKY: How many were there?

MR. CONNOLLY: Counting everyone's, there were 28.

ASSEMBLYMAN VISOTCKY: I guess he was right.

MR. CONNOLLY: And that is the point. We are all going about our business doing what we perceive is a good job, and in most cases, we are doing a good job in the siting and locating of these facilities, with a couple of exceptions, which you have highlighted this morning. They are reasonable facilities; however, everyone is going about it separately. The Department believes, very strongly, that some sort of a coordinated mechanism that would pull together the siting of all of these facilities is absolutely necessary. There has to be some sort of a formal interdepartmental mechanism, and that would certainly require legislation. It would set down a couple of things: standards for the locations of the facilities; just where they should be; what different

types and kinds of facilities there should be; how close they should be to one another; how close they should be to schools; and that sort of thing.

Also, we need some sort of saturation control. While most licensing agencies or funding agencies try to exercise care that they are not saturating a particular area with their kind of facility, there is an accumulative effect for a variety of reasons. For example, areas around the City of Newark, and Monmouth County, and some of our more rural areas, just happen to be near State hospitals, where there is a ready supply of people who would like to operate these kinds of facilities. That was Winslow Township's problem, being in the middle of the outback. It was literally overrun with these facilities because there were many people there who worked in the health care system who thought this would be a good business to go into. There is no question in our minds that we need that kind of a coordinating mechanism.

ASSEMBLYMAN VISOTCKY: We would appreciate your sending those recommendations to this Committee in writing.

MR. CONNOLLY: I would be very happy to do that because we have, indeed, given it a lot of thought. As I mentioned, we have a computerized data base of all of the facilities we are involved with now. There are 2,400 on that data base. We have a good working relationship with local governments for the most part. We have worked very closely with local construction officials, local zoning officers, and local planning boards, and we would be happy to furnish the kinds of recommendations that would give us a coordinated siting system that would give adequate consideration to the involvement of the local governments.

ASSEMBLYMAN OTLOWSKI: Will you make sure that we get that in writing? Please get it to David Price so that it becomes part of the record.

MR. CONNOLLY: I would be happy to.

ASSEMBLYMAN OTLOWSKI: Assemblyman Watson, we're glad to have you here. Do you have any questions?

ASSEMBLYMAN WATSON: It is nice to be here, Mr. Chairman. I have no questions at the present time.

ASSEMBLYMAN OTLOWSKI: Thank you very, very much Mr. Connolly.

MR. CONNOLLY: Thank you very much, Mr. Chairman, for the opportunity. Commissioner Renna sends his greetings.

ASSEMBLYMAN VISOTCKY: How come he doesn't want to come here?

MR. CONNOLLY: He's afraid of you. He didn't know you were going to be so pleasant. (laughter)

ASSEMBLYMAN VISOTCKY: Thanks a lot.

ASSEMBLYMAN OTLOWSKI: May we have Mayor Philip Cerria of Woodbridge Township, please?

MAYOR PHILIP M. CERRIA: Thank you, Mr. Chairman. Gentlemen of the Committee: For the record, the way you spell my name is C-e-r-r-i-a. I am the Mayor of Woodbridge Township. I would like to advise the Committee that I do not have any written testimony, but I will submit it subsequently.

First of all, I want to thank you for having this hearing. I believe and hope that part of this hearing applies to Assembly Bill 1205, which I believe you people have in Committee.

ASSEMBLYMAN OTLOWSKI: What is Assembly Bill 1205?

MAYOR CERRIA: Assembly Bill 1205 is sponsored by Assemblymen Weidel and Zimmer; it was introduced February--

ASSEMBLYMAN VISOTCKY: That is all in the regulations.

MAYOR CERRIA: Okay.

ASSEMBLYMAN VISOTCKY: It's in the regulations.

MAYOR CERRIA: I would just like to start off by saying that Woodbridge Township has two homes for the developmentally disabled. As I sat and listened to the Commissioner, the first individual who spoke--

ASSEMBLYMAN OTLOWSKI: Mr. Perselay from the Department of Human Services.

MAYOR CERRIA: Yes, the Department of Human Services. Mr. Perselay indicated, quite clearly, that there are regulations which his Administration has been complying with as far as advising the local mayors when, in fact, a group home is to be established. If I recall, he said that first they advise the mayor, and then they go out to

negotiate for the home and the location, with a 15-day period to advise the mayor.

ASSEMBLYMAN VISOTCKY: They actually get the location and then they go 15 more days.

MAYOR CERRIA: Then they go back for 15 more days. There are two periods of 15 days.

ASSEMBLYMAN VISOTCKY: Yes, sir, 15 days. That is what we asked to have extended.

MAYOR CERRIA: Right. By the way, Assemblyman, I agree with you wholeheartedly on every step you've taken.

ASSEMBLYMAN VISOTCKY: For a change. I'm glad to have someone agreeing with me.

MAYOR CERRIA: Well, I am a firm advocate of home rule. I want to read you a letter I received from the Developmental Resources Corporation, which is the agency operating two of the homes. The letter was dated January 4, 1985, and it reads as follows:

"Mayor Philip Cerria, Woodbridge Municipal Office, 1 Main Street, Woodbridge, New Jersey 07095. Dear Mayor Cerria: Developmental Resources Corporation currently operates a group home for five mentally retarded adults at 444 School Street in Woodbridge. The home is licensed and funded by the New Jersey Division of Mental Retardation, Department of Human Services. It has been in operation since 1980.

"We are planning to relocate the program to 696 Woodbridge Avenue in the Avenel section of Woodbridge, and have recently executed an agreement of sale with the current owners of that property. If all goes according to plan, we will close the sale in late June, 1985, have some renovation work done, and move the School Street residence to Woodbridge Avenue in late summer, 1985.

"We also anticipate that the Woodbridge Avenue house will be licensed for six residents and that a sixth resident of comparable abilities and social skills will be selected to live at the new house. Both I and a representative of the Division of Mental Retardation would be glad to meet with you or your staff within 15 working days if you have any questions about our plans. We are also

willing to meet with the immediate neighbors around 696 Woodbridge Avenue, and you, your staff, and the neighbors are welcome to visit the house when it opens.

"Thank you for your attention to this matter." It was signed, "Sincerely, John L. McCune, Executive Director." Copies were sent to Senator Larry Weiss, Assemblyman George Otlowski, who is the Chairman of this Committee, Assemblyman Alan Karcher, and Anthony Anzivino, New Jersey Division of Mental Retardation.

Now I received that letter January 11 in my office. Before I go further, unless I'm wrong and have misinterpreted what Acting Commissioner Perselay said, this letter has advised me, as the Mayor, that that negotiation had already taken place. They purchased a house on Woodbridge Avenue, which eliminated the initial step that is required in the regulations.

ASSEMBLYMAN VISOTCKY: I think you're right, Mayor, but I think that since it was an existing home, maybe there is something different there. It was an existing home.

MAYOR CERRIA: No, no. The existing home, Assemblyman, they had was on School Street in Woodbridge, a different section of town.

ASSEMBLYMAN VISOTCKY: They were going to relocate.

MAYOR CERRIA: Right, they were relocating and expanding.

ASSEMBLYMAN VISOTCKY: Right. I am just wondering -- again, it is new to me; I want to be honest with you--

MAYOR CERRIA: No, I am not debating this with you.

ASSEMBLYMAN VISOTCKY: Maybe because it was an existing facility, they didn't go through the normal requirement of the 15 days prior to seeking the home. I don't know; I stand to be corrected.

MAYOR CERRIA: Well, no one on record now, or until that point-- I will have my Legal Department review this and, in fact, if a violation of that regulation exists, we will be before the State, or whatever department, to stop everything at this particular location.

I sent a letter dated January 28 to Mr. McCune. It read as follows:

"Dear Mr. McCune: This is to acknowledge receipt of your letter dated January 4, 1985, advising me of the relocation of your Developmental Resources Corporation to 696 Woodbridge Avenue, Avenel.

"I would very much like to meet with you and members of your staff in order to discuss this matter. I will be available on February 5, 1985, after the Municipal Council meeting, at approximately 9:00 p.m. Please contact my office if this date is satisfactory."

The meeting was scheduled for February 5. Mr. McCune attended the Municipal Council meeting. After the Council meeting that evening we had, I believe, the first snowstorm of 1985. On the way out after the meeting was adjourned, I met Mr. McCune for the first time. I told him that since it was hazardous at the time, and the weather conditions were bad, I was familiar with the letter but I had no time for a meeting because I had other things to do due to the snowstorm. That was the only meeting I had with this gentleman. This was never followed up by either staff.

The next we heard about it in Woodbridge was in August, when, in fact, I was asked by the neighbors of the immediate area where they were relocating, "What's happening?" The point I am bringing out, Assemblymen, is the fact that we were never privileged to have a hearing or to sit down and talk with the people prior to, number one, them buying the house--

ASSEMBLYMAN OTLOWSKI: When you say "with the people," who do you mean?

MAYOR CERRIA: With the people from Developmental Resources. Number two, a chance to sit down to listen to what they had, and number three, to sit with the neighbors to give them that privilege. These things were not done. What happened was exactly as the Commissioner said. One gentleman woke up the next morning and saw another house being refurbished, and a lot of work being done. He went over and inquired, and was told, "The State owns it and has taken it over." In my opinion, this has eliminated any sort of home rule whatsoever that we -- myself as Mayor, the Council, and the neighbors -- could be involved in with this home.

First of all, I think I have established the fact that we have two homes in Woodbridge. It is not a question of us saying, "We don't want this home to be relocated; we don't want it to be here."

ASSEMBLYMAN VISOTCKY: This is one of the two, isn't it?

MAYOR CERRIA: Excuse me?

ASSEMBLYMAN VISOTCKY: Isn't this one of the two?

MAYOR CERRIA: This home to be relocated would be one of the two.

ASSEMBLYMAN VISOTCKY: Oh, so there are not three, it is one of the two?

MAYOR CERRIA: Yes, the one on School Street. This will not increase the number of homes; it is just being relocated. But, we were never privileged with the concept of home rule on that.

Now, I am here before you-- By the way, the one home they have on School Street is a home which has been in effect since 1980. All they are doing is expanding it to include one more resident. The money that was spent to buy this other home, and to reconstruct it, I questioned -- and so did everyone else -- when we finally did have a public hearing, which was after the fact. I asked them why the money wasn't spent to just renovate the original home on School Street. They could have put an extension on, if it was required.

The people on School Street were located within walking distance of the shopping center and transportation, points which you, Assemblyman, very appropriately brought out. This is an area that is convenient because of shopping, transportation, and so forth. The area on East Woodbridge Avenue they are going to, is nowhere near shopping. It is not too far off of Route 1, which is a major highway, as we all know. This creates many problems for the residents. In fact, on School Street, I thought they had much more conveniency.

ASSEMBLYMAN VISOTCKY: What are the problems for the residents?

MAYOR CERRIA: Well, now they don't have the shopping area, and they want to be able to go to a shopping area.

ASSEMBLYMAN VISOTCKY: Oh, I didn't know you were talking about the residents in the occupied home; I thought maybe you were talking about--

MAYOR CERRIA: I was talking about the residents who are going in the new home.

ASSEMBLYMAN VISOTCKY: Oh, I see; I'm sorry.

MAYOR CERRIA: I think convenience to the residents who will occupy the home is a major factor that should be considered when considering sites. Also, I think that when they submit criteria for converting single-family homes into group homes, they should include the history of the individual residents, which is more or less along the line you addressed to the gentleman from Corrections. We have to know the kind of individuals we are dealing with.

ASSEMBLYMAN VISOTCKY: But in your situation, there are no criminals involved.

MAYOR CERRIA: That's true; not in this case, right. I also believe that if a municipality such as Woodbridge, which has State facilities -- we have Woodbridge State School, we have the adult correction center for sexual offenders, and we have the Rahway Prison, which they are considering expanding, and which I am opposed to-- I believe when any department in the State is looking to expand any facility, whether it be a single-family home or what, into any type of a home for assistance to the mentally retarded, the mentally ill, halfway houses, or whatever, I think because the community has taken on a sufficient amount of responsibility within its location, that it should be exempt from any of these kinds of homes coming into the municipality simply because we do have our share of State facilities.

ASSEMBLYMAN VISOTCKY: Mayor, may I ask a question?

MAYOR CERRIA: Certainly.

ASSEMBLYMAN VISOTCKY: You testified here that in August you-- Do you mean that your building inspector didn't know they were renovating a building from February to August?

MAYOR CERRIA: Yes, August. I have the letter when they went to them--

ASSEMBLYMAN VISOTCKY: No, no. They didn't get it from them--

MAYOR CERRIA: Until August.

ASSEMBLYMAN VISOTCKY: A permit in August for construction? They didn't get a permit prior to that?

MAYOR CERRIA: When the gentleman-- No, not prior to August. August 23 is when the--

ASSEMBLYMAN VISOTCKY: I thought you said August 23 was when you told--

FROM AUDIENCE: I think it was August 6. That is when the permit was granted to Developmental Resources.

MAYOR CERRIA: That was Mr. Cardone, who is a resident of the area.

ASSEMBLYMAN VISOTCKY: I can appreciate that, too.

MAYOR CERRIA: August 6, so between February and August 6-- The thing is, when Mr. McCune went to the code enforcement officer, he went with the understanding that the Mayor knew about it and had given his approval, which, of course, was completely false. When we had the public hearing not too long ago, Mr. McCune said he assumed, since I met with him after the Council meeting and told him I was familiar with what was in the letter, that I was in favor of the relocation, and that eliminated any hearing with the neighbors, etc., to follow up on it. In my opinion, that was ludicrous; it should have been followed up on.

ASSEMBLYMAN VISOTCKY: I am not taking anyone's side; I think both sides were at fault for not getting together prior to August.

MAYOR CERRIA: Yes, both sides were at fault. There is no question about it. In fact, three sides were at fault.

ASSEMBLYMAN VISOTCKY: It's all after the fact.

MAYOR CERRIA: Assemblyman Otlowski also received the letter.

ASSEMBLYMAN VISOTCKY: Well, let's not get personal.  
(laughter)

MAYOR CERRIA: No, I'm just saying we have Assembly Bill 1205 addressing this problem.

ASSEMBLYMAN VISOTCKY: It doesn't address this problem, sir. Where does A-1205 address this problem?

MAYOR CERRIA: Then I'll tell you what, maybe I am not reading it correctly. Okay?

ASSEMBLYMAN VISOTCKY: I'll read it to you, and I'll read you the regulations. It is word for word with the regulations.

MAYOR CERRIA: Maybe I don't have the right bill.

ASSEMBLYMAN VISOTCKY: That's the bill; that's the bill.

MAYOR CERRIA: I'll give you what I have, and then you can give me what you have. Okay? On Page 3 of A-1205, the statement: "This bill requires, prior to the establishment of a community residence for the developmentally disabled in any municipality, that the municipality, the Department of Human Services, and members of the Legislature in whose district the municipality is located, receive written notification of the selection of any general and specific location therefor. In addition, the bill provides for meetings concerning the establishment of the community residence between the individual or agency seeking the establishment, the local governing body, and any interested person in the Department. Selection of a specific location for a community residence by the individual or agency shall be in conformance with Department standards."

So, the local legislator who has received written notification, I would think, is an interested person to sit down with the people.

ASSEMBLYMAN VISOTCKY: Mayor, you have to be consistent here.

ASSEMBLYMAN OTLOWSKI: Mayor, I am the Mayor of Perth Amboy.

MAYOR CERRIA: Oh, I know that.

ASSEMBLYMAN OTLOWSKI: You be the Mayor of Woodbridge, all right?

MAYOR CERRIA: I'm not coming into Perth Amboy.

ASSEMBLYMAN VISOTCKY: No. I think the question which arises here is-- What is in Assembly Bill 1205 is in the regulations. That is why the bill has not been passed. The sponsors of this bill know about this too. Let's not make this a political issue. That's not necessary.

MAYOR CERRIA: No, I don't believe it is, Assemblyman.

ASSEMBLYMAN VISOTCKY: The point is, two wrongs don't make a right. We should have all gotten together. The Mayor on his part, and the Department of Human Services on its part, should have sat down prior to August 6 -- did you say the sixth? -- and had your discussion prior to the fact, rather than after the fact.

MAYOR CERRIA: I think it should be--

(Comment from audience, but reporter unable to hear it because gentleman was not near a microphone.)

ASSEMBLYMAN OTLOWSKI: Wait a minute; I don't want any side conversations here.

FROM AUDIENCE: I'm sorry.

ASSEMBLYMAN VISOTCKY: I agree, it should have been done in January.

MAYOR CERRIA: What I'm saying, Assemblyman, is, it should be mandated, not discretionary. It should be required -- and that is the point I am trying to raise -- for the agency to advise the local officials, the mayor, and the council, as in a zoning situation.

ASSEMBLYMAN VISOTCKY: What we should do to change that thing is, not only give it to the mayor, but give it to the entire governing body.

MAYOR CERRIA: Exactly.

ASSEMBLYMAN VISOTCKY: Because some mayors may just put it under the table.

MAYOR CERRIA: There is no question about it. Not only that, the governing body should know because that body is the Council from the different sections of town. Also, it must be mandated that they have to have a meeting, a meeting with the people. If you leave it discretionary, you get an individual who is running an agency saying, "Well, I got the impression that the mayor said it was all right." As a former mayor, you know--

ASSEMBLYMAN VISOTCKY: A lot of people make mistakes.

MAYOR CERRIA: That's right. But to say that you assume something like that, I believe, is really out of order.

ASSEMBLYMAN VISOTCKY: You should have inquired, too.

MAYOR CERRIA: You're right. I have taken the blame in my area.

ASSEMBLYMAN OTLOWSKI: Mayor, how do you feel this ought to be corrected? How do you think this should be handled, you know, without getting into extraneous areas?

MAYOR CERRIA: First of all, the bill itself should have a stipulation mandating that the local governing body and the mayor be notified and have a hearing with the neighbors -- with the community -- on the application. It must be mandated.

ASSEMBLYMAN VISOTCKY: It's mandated by regulation; no question about it. It should say the whole governing body; I agree with that.

MAYOR CERRIA: Number two, if, in fact, as I said earlier -- and I was just apprised of it this morning when I listened to Acting Commissioner Perselay -- the regulation states there should have been two shots at the apple with that 15-day period, then in this particular case I say that was not complied with. In that case, I will now have my attorneys in Woodbridge review that administrative policy to see if there is any way we can do something in that area. In my opinion, there was a violation of that policy.

ASSEMBLYMAN VISOTCKY: Oh, it's not a violation.

MAYOR CERRIA: Well, an oversight.

ASSEMBLYMAN VISOTCKY: Right. I could see it if it was a new facility; if someone came along and put in a new facility, fine. I think you would be 1000% correct. This is an existing facility being transferred within your community. So, I think those regulations have to be bent either way. I am not saying right or wrong, but I think that is an entirely different situation than the one we would have with a new facility. I think so; I think you do too.

MAYOR CERRIA: Yes, but again, Assemblyman, we're talking about a situation where the neighbors should be notified.

ASSEMBLYMAN VISOTCKY: I'm not saying that.

MAYOR CERRIA: Again, this should be mandated. That's the thing. Seriously, as I stated, everything has to be reviewed for the residents going into that home. Maybe on School Street, everything was fine. You know, they were well acclimated to the area. To take them now and put them in a whole new area creates problems. I think that is what we are all trying to avoid. We want to help the people.

My last purpose, as I said, is, in the same bill I would like to see an exemption clause for any municipality which has State facilities within its boundaries. They should be exempt. Who is to say they won't come into Woodbridge with a halfway house, or they won't come in with this or that? No matter what it is, you know, Mr. Chairman, we do have one of the top drug abuse programs in Woodbridge. The point is, the saturation point has been reached.

ASSEMBLYMAN VISOTCKY: We can't put anything in Trenton anymore.

MAYOR CERRIA: Excuse me?

ASSEMBLYMAN VISOTCKY: We can't put anything in Trenton anymore then, with all the State facilities we have here.

MAYOR CERRIA: Well, there are other areas in the State; they can go all over. There are sections in this State that haven't even been touched yet.

ASSEMBLYMAN VISOTCKY: Oh, yes, there is a lot of virgin land yet.

MAYOR CERRIA: Gentlemen, that's it.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

ASSEMBLYMAN VISOTCKY: We appreciate it, Mayor. May I ask one question, though?

MAYOR CERRIA: Yes.

ASSEMBLYMAN VISOTCKY: You were talking about 1205, and I'm sure you don't agree with that. What you say you agree with-- It says here: "The legislator in that area should be notified." Do you want the legislator to take away your home rule?

MAYOR CERRIA: No, he doesn't have to take my home rule.

ASSEMBLYMAN VISOTCKY: Yes, but if he knows about it, and he says, "I'm opposed to it," and you're the Mayor, and you say just the opposite-- That could happen. See, I am in favor of saying, "Hey, legislator, mind your own business."

MAYOR CERRIA: That happens every day in the week with the legislators and the mayors. Okay?

ASSEMBLYMAN VISOTCKY: Sure, that is what makes us go around. My point is, he should be notified, but he shouldn't come into the town and say, "Hey, I don't want you to have this." I think the mayor and the council should have that prerogative, not the legislator.

MAYOR CERRIA: Okay. If you are going to give home rule to the mayor and the council, fine; but in this case, it does not. All they are saying is, "Have a hearing."

ASSEMBLYMAN VISOTCKY: You know, the whole concept of home rule is sometimes very deceiving to all of us. I was a mayor and I

served in the same shoes you do. But, by the same token, if you don't have the State helping you with everything else, you're not going to be able to function. None of us can function in this State without State aid, without improvements, and so on and so forth.

So, the concept of home rule, of saying, "It's my four walls," more or less, "my little circle, my community, and I am the supreme ruler," cannot happen, but I think you should have the right to say what may go on in your town. I agree with that.

MAYOR CERRIA: Woodbridge Township, for those of you who might not know, is the sixth largest community in the State of New Jersey. We give a lot of taxes to the State of New Jersey, as everyone else does, but as the sixth largest, we are not considered for Urban Aid. We are not getting the State aid we should, as compared to the six largest cities, Newark, Jersey City, and all that. I am not here to debate that because I could go on all day with that one, too.

ASSEMBLYMAN VISOTCKY: That is another issue.

MAYOR CERRIA: The point is, if you are going to give us home rule, I don't want just a meeting. I want to be able to say, "Yes, we do," or "No, we don't." It's as simple as that. And I still say the legislator should be there.

ASSEMBLYMAN VISOTCKY: Should you have the right to tell me -- I'm using the hypothetical me now, please, I don't want a debate -- when I want to put this residential care facility in a nice moderate-income home, that, "No, I want it to go over there where I have a bad, blighted area. That is where I want those people to go," even though they are people from your community? I'm sure you wouldn't want to do that.

MAYOR CERRIA: Woodbridge doesn't have a bad, blighted area.  
(laughter)

ASSEMBLYMAN VISOTCKY: But you can't speak for the rest of the State. Can you imagine, if you did have a situation like that, saying, "Only put it in a blighted area." These people are human beings too; they have a right to live like all of us. By the same token, we talked about taxes. Keeping them in an institution costs us \$40,000 a year; keeping them in a residential care facility costs

\$20,000 a year. You want this Legislature to save you money. We're trying to save you money. No one wants to hurt anyone, believe me when I tell you this. If anyone gets hurt, it is a gosh darned mistake, and it shouldn't happen. I concur with that. We are here to try to rectify that. We are willing to help you, and this is the right place to come. We should have been notified about this in August, not on October 16.

MAYOR CERRIA: The Assemblyman had a letter in January. We could have had a meeting set up then.

ASSEMBLYMAN VISOTCKY: He thought maybe you were not in favor of it.

MAYOR CERRIA: He could have called me. His is a neighboring town. "I don't want to get into that again," is what you said.

ASSEMBLYMAN OTLOWSKI: Just this, Mayor. The fact of the matter is, there is a big umbrella over this whole question, as you well know, which gives local authorities very little area to function in. Aside from the Legislature, aside from the Executive Branch, the United States Supreme Court has made it very clear that these residential homes can be located in an area, provided, of course, that there are guidelines, and the guidelines are here.

It is unfortunate that the communications were not as keen, were not as acute, as they should have been in this particular case. You know, it's noble of you to admit that it was partially your fault that the communications were bungled. But that is an everyday occurrence in government. You can't be everywhere in a split second.

I think, from a concrete point of view, it would be helpful to this Committee so that we can come up with remedies and solutions -- what you've said, in effect, was that a better system of communications must be devised -- if you would give your suggestions to us in writing so they can become a part of the record. Then I think you will be accomplishing something that will be beneficial to this Committee. It is as simple as that. Would you do that, please?

MAYOR CERRIA: I will be glad to do that. May I just go one more step, and then I will conclude? Acting Commissioner Perseley also mentioned that their locations are being monitored 24 hours a day. He

has a staff of people on site who live in -- some of them live in. He also mentioned about the property values in the area not being devaluated.

Well, let me tell you, gentlemen, the one house on School Street which they are selling and relocating has been a mess. The agency did not do what they were supposed to do about taking care of the house itself, creating, you know, a neighborhood problem as far as aesthetics is concerned, at least with the values of the properties. The hearing we had -- not this one today, but the one down in the Town Hall in Woodbridge-- I instructed everyone that it has to be monitored on a weekly basis to make sure that the property is maintained. This agency has not done that.

ASSEMBLYMAN OTLOWSKI: The one on School Street?

MAYOR CERRIA: Yes, the one on School Street. There is really no penalty clause, other, of course, than the local property maintenance law you can get them on, which gives them days and days to clean up their problem. I think the agency has to be held accountable.

ASSEMBLYMAN VISOTCKY: Let me ask you a question, Mayor. Suppose I own a house on the same street. I am a negligent owner and I let the house go. What do you do with me?

MAYOR CERRIA: We have a property maintenance thing.

ASSEMBLYMAN VISOTCKY: Good. Go after the State the same way.

MAYOR CERRIA: I do.

ASSEMBLYMAN VISOTCKY: And you should. I commend you if you do. If they are doing something wrong, fine. Let the Department know about it.

MAYOR CERRIA: Yes, but they should be taking care of this. As a State agency, they are the model agency, supposedly, and they should not let us take them into court.

ASSEMBLYMAN VISOTCKY: I agree with you.

MAYOR CERRIA: That is what I am saying should be addressed.

ASSEMBLYMAN VISOTCKY: I'm glad you brought that up. I always thought these buildings were really maintained properly, to tell you the truth.

MAYOR CERRIA: What section of the State are you from, Assemblyman Visotcky?

ASSEMBLYMAN VISOTCKY: I'm from Bergen County, sir.

MAYOR CERRIA: Bergen County?

ASSEMBLYMAN VISOTCKY: Yes.

MAYOR CERRIA: You were mayor of what?

ASSEMBLYMAN VISOTCKY: Garfield.

MAYOR CERRIA: It was a pleasure to meet you. Thank you.

ASSEMBLYMAN OTLOWSKI: Mayor, thank you very much. May we have Councilman Molnar, please?

COUNCILMAN ROBERT MOLNAR: Thank you, Mr. Chairman. If I didn't know better about the hearing today, I would have sworn you set this up strictly for me.

I am Councilman Bob Molnar from the Third Ward, Avenel section, of Woodbridge Township. Everything that was discussed by every Commissioner affects my area. It would be nice if Assistant Commissioner Russo is concerned about AIDS, if he would join his staff and join Woodbridge Township in our fight against the City of New York, with all the needles and intravenous bottles coming on our shore. It would be a great help.

Getting back to the initial problem, gentlemen, let's face it. I, as a Councilman, represent the local people. They know Bob Molnar. They don't know George Otlowski that well; they don't know Assemblyman Visotcky that well. But they do know Bobby Molnar. When a situation develops, they call Bobby Molnar, and I have to respond. I feel embarrassed when I have to respond to something and I don't know a damned thing about it. Okay? We are going to set the record straight, and we are going to start right from the beginning.

Number one, when I was first notified of the situation in Avenel, I was asked directly whether or not I knew about the facility coming in. I said, "No, I have absolutely no idea of what is taking place in Avenel." Investigating the situation, I found out that the municipality -- the Administration -- was notified. Because of the lack of communication -- and I am not placing blame on any individual because we all have problems and we all make mistakes -- which is the

basis for what is taking place today, a problem was created for the people in my area, the people I represent, and I had to be here today.

I think, in all good conscience, we all know the Legislature makes the laws, but laws are made to be changed. That is what we are here for, to give input as to why these laws should be changed. Sitting as a Councilman, I detest the fact that one piece of notification could come into the municipality, and the Council, the legislative body of that municipality, did not know one thing about what was taking place in that municipality. That irks me.

ASSEMBLYMAN VISOTCKY: We are going to correct that. That is one thing we are going to correct. Notification will go to the mayors and the governing bodies.

COUNCILMAN MDLNAR: I also want the record set straight that we, as a community, have absolutely no opposition to these types of homes coming in, as long as home rule is abided by, where the affected municipal area -- the people involved -- can have their say.

With that, I would like to give you a couple of recommendations I have. Deciding procedures for all State agencies involved with group homes should be uniform. Right now, they are not. Listening here today to your different agencies, they are all different as far as notification to the communities is concerned. After all, I can understand why. When you are talking about a State prison -- which I have in my area -- with hardened criminals and white-collar criminals, remember one thing: All those individuals had a choice. They had a choice; they knew what they were doing. But on the other hand, we have the State school for the mentally retarded. They had no choice, by nature or by God, however you want to believe; that's what they had. I, as a legislator, have to protect those people just as much as I have to protect the taxpayers.

But the taxpayer, above all, is the one financing the whole program. You cannot make your legislation without affecting the taxpayers in my community, the taxpayers in every community. They are the ones who have to be looked at, number one. Can they afford what you're doing? And number two, they should have the choice as to what is going on in their community.

The community should be notified that a State agency is planning to site a group home, regardless of the number of residents in the house -- regardless, whether it's one, or 21. They should have that choice.

Community input should be obtained before any final decision is made by the State. Input can be received in the form of formal or informal hearings or meetings to be held in the community or the neighborhood affected. That has to be a must within the new legislation.

ASSEMBLYMAN VISOTCKY: It's in the regulations, but it didn't happen; that's right.

COUNCILMAN MOLNAR: It did not happen in Woodbridge Township. It has to happen; there has to be--

ASSEMBLYMAN VISOTCKY: Councilman, we're talking about a relocation, as opposed to a new facility.

COUNCILMAN MOLNAR: This is something else now. Listening here was an education.

ASSEMBLYMAN VISOTCKY: For all of us.

COUNCILMAN MOLNAR: I have to assume right now that the facility was handled under a relocation instead of a new facility.

ASSEMBLYMAN VISOTCKY: Right. That is what I assume, too.

COUNCILMAN MOLNAR: And we have to address that situation. I am here to say this: I want to address any situation as a new facility, even if you are moving it from A to B.

ASSEMBLYMAN VISOTCKY: That's good.

COUNCILMAN MOLNAR: I believe the people in B should have the same input as the people in A had. Okay?

ASSEMBLYMAN VISOTCKY: That makes sense.

COUNCILMAN MOLNAR: A conclusion: If the citizens of Avenel had been given the opportunity to express their concerns and to understand the nature of group homes at an earlier date -- which they did not have, and this is where all of the confusion comes in, the lack of knowledge, the lack of knowing what was going on within their own community -- we would not be here today. The establishment of this group home amongst my neighbors appears to many individuals to be

arbitrary and capricious. When taxpaying citizens feel they no longer have any significant input into the governmental decision-making process in the instant case, we, as officials, must be concerned.

My recommendations, hopefully, rectify the unfortunate failure of the Department of Human Services to regulate for the public discussion of group home sitings. I would strongly urge you to consider these recommendations in your deliberations as to legislative remedies. I would also urge you to recognize that the local homeowner needs to be assured that he has a voice in matters which affect his home, his family, and his area.

I will not take any more of your time. I believe all of the points have been made.

ASSEMBLYMAN OTLOWSKI: Councilman, thank you very, very much. The written testimony you submitted makes your recommendations and, as Assemblyman Visotcky pointed out, some of those things are going to be acted upon. Again, wherever you have legislation, wherever you have regulations, human frailty always enters into it. Unfortunately, in this case, the communications broke down. That, of course, cannot be corrected by legislation. There are many, many holes in this whole thing; our hearing certainly brought that out this morning. Those holes have to be filled in. We have to devise some better approaches.

We are very grateful to you for your testimony. Thank you again.

ASSEMBLYMAN VISOTCKY: May I ask a question?

ASSEMBLYMAN OTLOWSKI: Sure.

ASSEMBLYMAN VISOTCKY: I don't know where the two areas are. I am not familiar with Woodbridge at all, so I do not want to get into a controversy. This Committee can give you assurances that if the home is going to be on-- What is the street it moved to from School Street?

COUNCILMAN MOLNAR: It was moved over to Woodbridge Avenue.

ASSEMBLYMAN VISOTCKY: Okay. We can give you assurances that it will be maintained properly, that it will be kept up adequately. I am sure that is going to be a very strong recommendation to the Department. It should be, and it hasn't been.

COUNCILMAN MOLNAR: There has to be a must with it.

ASSEMBLYMAN VISOTCKY: Okay, and there hasn't been. Again, no one is perfect. I'm not saying we are, and I'm not saying the Department is. This is an education for all of us. The idea is to see that the right thing is done. It's a shame that this thing got all fouled up. Maybe if there were an educational program, if people saw that was going to happen, you might be here praising it. I am not saying this to be smart, but maybe you would be here praising it.

COUNCILMAN MOLNAR: I agree.

ASSEMBLYMAN VISOTCKY: Again, you didn't know, and I think you have a right to know.

COUNCILMAN MOLNAR: I agree with you 100%. That is the problem. It is always the lack of knowledge that causes the problem. If we look into it and, as legislators, change some of the holes in there, we can make a more viable community.

ASSEMBLYMAN VISOTCKY: You can go back to your community and rest assured that some of these changes will be made. There is no question in our minds.

COUNCILMAN MOLNAR: You don't have to worry about that, Assemblyman, because I will be right on your backs making sure it is done.

ASSEMBLYMAN VISOTCKY: I like that; no problem.

COUNCILMAN MOLNAR: Thank you very much.

ASSEMBLYMAN VISOTCKY: Thank you.

ASSEMBLYMAN OTLOWSKI: Officer, I would like to take the lady in the wheelchair next. Would you please bring her up here? (officer complies) Officer, thank you very much.

Will you please give us your name and tell us who you represent?

CLARISSA PRIOLEAU: My name is Miss Clarissa Prioleau. I am from the ARC Friendship Club in Fanwood, New Jersey.

ASSEMBLYMAN OTLOWSKI: And you're here to testify in favor of these residential homes?

MS. PRIOLEAU: Yes. I lived in an institution for 16 years. I moved out on December 11, 1984. I live in a group home in Fanwood, and I love it very much.

ASSEMBLYMAN OTLOWSKI: How many people are in your group home, dear?

MS. PRIOLEAU: At the moment, three gentlemen, two young ladies, and myself, which makes six.

ASSEMBLYMAN OTLOWSKI: Do you feel you are making progress there? Are you more content?

MS. PRIOLEAU: I am making much more progress in the group home than I made in the institution because I have more freedom. It is not like a time bomb. If more young ladies and gentlemen could come out into the community, it would be good. Just give them a chance. They need a chance, just as I did.

ASSEMBLYMAN OTLOWSKI: Has there been any change in your life as a result of living in the community home?

MS. PRIOLEAU: Yes. Well, I'll tell you. At first, I was kind of scared to move out of an institution which did everything for me to start doing everything for myself. Now I am really getting to see what life is all about.

ASSEMBLYMAN OTLOWSKI: So you are more self-reliant and more independent?

MS. PRIOLEAU: Yes, I have to be. If I don't take care of myself, nobody will.

ASSEMBLYMAN OTLOWSKI: So that's what it's done. It has helped to--

MS. PRIOLEAU: It has proved to me that I am a young lady and that I am able to go out and tell people what I am.

ASSEMBLYMAN OTLOWSKI: How long have you been in a wheelchair?

MS. PRIOLEAU: I have been in a wheelchair since I was a young girl. Then I used a walker in the house. I used to go to therapy at Overlook Hospital. Now I do my own therapy at home.

ASSEMBLYMAN OTLOWSKI: In the group home you live in, is there a ramp whereby you can get in and out with your wheelchair?

MS. PRIOLEAU: There is a ramp; plus there is an elevator so I can get myself to my bedroom, down to the phone, and everywhere I want to go. I am much happier.

ASSEMBLYMAN OTLOWSKI: And if your boyfriend wants to come over and take you for a ride -- not in your wheelchair, but in a car -- he can come over and take you for a ride. Isn't that so?

MS. PRIOLEAU: Yes, if he notifies me 24 hours ahead.  
(laughter)

ASSEMBLYMAN OTLOWSKI: The home gives you that kind of freedom, sort of a whole new life really.

MS. PRIOLEAU: Yes. I go bowling; I go to bingo; I go to Monday and Tuesday night clubs. Plus, I have my Friendship Club.

ASSEMBLYMAN OTLOWSKI: So you are constantly surrounded by new experiences.

MS. PRIOLEAU: Yes, and surrounded by new people. I don't see people from the institution; I see different people all the time. It's not the same faces or the same things you have to do.

ASSEMBLYMAN OTLOWSKI: And every day is a new day.

MS. PRIOLEAU: Every day is a new day and every day is a different day. I work from nine to four at an ARC Thrift Shop in Avenel, New Jersey. I love the work I do.

ASSEMBLYMAN OTLOWSKI: I just want to say this. From your testimony here, it is obvious that this has done something to your attitude.

MS. PRIOLEAU: Yes, it has done a lot.

ASSEMBLYMAN OTLOWSKI: And it shows. I'm really happy to see it.

MS. PRIOLEAU: I am very happy to be here in my old hometown.

ASSEMBLYMAN OTLOWSKI: Oh, wonderful. As a matter of fact, you may be the best thing that happened to us today. (laughter)

MS. PRIOLEAU: I don't know, but I hope so.

ASSEMBLYMAN OTLOWSKI: You're getting the better side of me, not like the Mayor was getting. He was getting the bad side of me.

MS. PRIOLEAU: No, no. I listened, and when you listen to people you can understand them. You have to listen first, and then talk next.

ASSEMBLYMAN OTLOWSKI: We'll put that on tape and give it to every politician in the State. (laughter) It's such a great pleasure;

as a matter of fact, it is really refreshing. Not only that, it says something for the program.

MS. PRIOLEAU: Yes.

ASSEMBLYMAN OTLOWSKI: You are positive proof.

MS. PRIOLEAU: ARC has good homes. My group home is very good. I like living in a group home very much.

ASSEMBLYMAN VISOTCKY: Now you're giving us commercials.

(laughter)

MS. PRIOLEAU: I like to be as independent as I can. I like doing different things all day. Handicapped people really can be something in their lives if they want to be. If they don't want to be something, let them be a bum. But I want to be something in my life.

ASSEMBLYMAN OTLOWSKI: Wonderful; great. Assemblyman Richard Visotcky just said -- he whispered, but I want you to hear this -- "That's very, very commendable."

MS. PRIOLEAU: Thank you.

ASSEMBLYMAN OTLOWSKI: I think everyone feels the same way. As a matter of fact, do you know what I would like to see happen? I would like to see everyone in this room cheer you up with a real round of applause. (applause from audience) Officer, will you please take this young lady and see that she gets safely to her car? And don't be making any dates with her because her boyfriend is going to give her 24 hours notice, and we don't want you butting in.

MS. PRIOLEAU: Why not? (laughter)

ASSEMBLYMAN OTLOWSKI: Thank you very, very much, Honey. We are going to take a 10-minute break now.

(RECESS)

#### AFTER RECESS

ASSEMBLYMAN OTLOWSKI: Will you be seated, please? Ms. Mutchler has a meeting this afternoon. Diane, if you have your testimony here in writing, we will take it and dismiss you.

DIANE MUTCHLER: No, it is not in writing.

ASSEMBLYMAN OTLOWSKI: What, Honey?

MS. MUTCHLER: It is not in writing.

ASSEMBLYMAN OTLOWSKI: It's not in writing?

MS. MUTCHLER: No.

ASSEMBLYMAN OTLOWSKI: Do you want to come up to the front, Diane?

MS. MUTCHLER: Okay. Thank you for allowing me to speak early.

ASSEMBLYMAN OTLOWSKI: Diane, for the record, will you please give us your name and the organization you represent?

MS. MUTCHLER: Okay. My name is Diane Mutchler. I represent everybody today. I am Director of the Middlesex County Office on the Handicapped, and in relation to that, I am Chairperson of the State Association of County Offices on the Handicapped. So, we represent a statewide constituency.

ASSEMBLYMAN OTLOWSKI: You are the Director of the Middlesex County Office on the Handicapped?

MS. MUTCHLER: Yes.

ASSEMBLYMAN OTLOWSKI: And you're located in New Brunswick?

MS. MUTCHLER: North Brunswick.

ASSEMBLYMAN OTLOWSKI: Oh, North Brunswick.

MS. MUTCHLER: Yes.

ASSEMBLYMAN OTLOWSKI: Do you have an office there?

MS. MUTCHLER: Yes, we do.

ASSEMBLYMAN OTLOWSKI: What is your statement, dear?

MS. MUTCHLER: I want to commend you, first of all. I really appreciate your having this hearing. I don't mean to denigrate the governing body at this public hearing, but from the audience and their appreciation, you can see that we cannot lump people and programs together. I think that is particularly critical when you talk about persons with disabilities. To take one set of rules or regulations to cover the surface and make programs compatible is good for none of the population. I think it would be wrong of all of us to assume that.

So, I want to congratulate you on your understanding of that. I am very appreciative that our efforts are proving to have positive results.

Also, I welcome the fact that the communities want to be informed and want to know about persons with disabilities, as with every constituency which is hoping to utilize the facilities within some of the regulations. I can only speak on behalf of persons with disabilities, since that is where my expertise lies.

I would suggest that perhaps all of us should consider some way by which the community might become knowledgeable, and even associate with people with disabilities, so that when these homes are proposed they will already have a knowledge of such persons. I think people perceive that only persons who are mentally retarded wish to live in homes like group homes, or that only a certain kind of person with mental retardation would wish to live in one of these homes. Again, we are not seen as individuals, as citizens, as participants in the community. We all must participate in the community, and have a responsible role in making that community work. When I hear that a community wants to be involved, I do not shy away from that as you might think some of us do as service providers. I think the lack of knowledge and the lack of sharing experiences create misunderstandings and misinformation and, therefore, create fear. I think it is the fear that has somewhat constituted the reason or part of the reason you felt the need for this public hearing. People are afraid of things that might happen.

May I also comment that I would be more than happy to share in any meeting, consultation, or whatever, to discuss rules and regulations being broadened or tightened. But I think you all know, as we in the profession know, that because one set of rules or regulations doesn't work, it might not mean that we need to increase those rules and regulations. We might need to know why they were enforced in one area, or two, or many, and not enforced in more isolated instances.

We heard much about a situation in my County, but we didn't hear too much about the ones that have worked, the ones which went through the process, those which are already in place and which people utilize to good end. I think we need to be careful that we don't throw out the baby with the bath water, to coin a phrase. I would hate to see the good regulations we have -- and people are human; that has been

stated today a few times-- In a few instances, for whatever reason, these rules were not strictly adhered to or somebody waited for somebody else to call or send a letter. You can be assured that I do not wait for the call to come; I make the call.

I think we need to be aware and be sensitive to the fact that no matter what regulations or what rules we make and mutually agree upon, people are human beings. We need to look at each situation, and when the rules do not work or are not enforced or are not practiced the way stated, we need a backup system to say, "Hey, we have to look at this. You didn't do it in accordance with the State regulation. Now we need to practice the secondary rules to make sure that these things do not happen again."

I do not think, even with the combined wisdom in this room, or with the wisdom yet to come, that we are ever going to have a foolproof system, but I wonder if we really want a foolproof system. I wonder if what we want is to be human beings communicating.

ASSEMBLYMAN VISUTCKY: I think everyone wants to be fair.

MS. MUTCHLER: Absolutely; I agree with you 100%. So I can see where there may be some adjustments to be made. As you well heard from the woman who spoke quite eloquently before we recessed, you must have done something right with the first set of rules because obviously people like her have been helped a great deal.

May I also make one last comment because I know your time is crucial. It is not only the present we must think of; it's the future that we must take into consideration. As you know, the Division of Mental Retardation has just been combined with the DD Council and is now the Division of Developmental Disability. With that occurrence, many more people with different disabilities, different potentials, different abilities, different contributions to be made, will be eligible to utilize the services and the facilities of group homes. Some of these people may see a group home as a transitional step; others may see it as a permanent home.

I would suggest to you that we all go through a transitional step in our lives. When you take away one step, you are probably helping a person to multiply his or her knowledge and to learn

sharing. Many of the potential residents we are looking to in the future will not only be coming out of institutions; they will be becoming 18 and 20 years old, when it is time to leave Mom and Dad -- as we all should because that is the way our society is built. I had the opportunity to go to college and to live there. That was my transitional step. Without doubt, many of you have gone through the same kind of a transitional step. If we didn't do that, we probably would not be what we are today. We probably wouldn't be working in the jobs we are working in today. Therefore, we would not be contributing as much income taxes. We wouldn't be involved in the community as we are.

So, I think we have to see the potential citizens in these group homes not only as residents of the group homes, but as residents of the community who are contributing to that community. If a resident is not able to give as well as take, then I don't think we are doing our job adequately.

Thank you for your time.

ASSEMBLYMAN VISOTCKY: Thank you, Diane.

ASSEMBLYMAN OTLOWSKI: Diane, thank you very, very much. I think as you referred to the other lady and her eloquent remarks, your remarks were equally as eloquent. Thank you.

MS. MUTCHLER: Thank you.

ASSEMBLYMAN OTLOWSKI: May we have Mr. Robert DeSantis, please?

**ROBERT DeSANTIS:** Thank you, Mr. Chairman. I am Robert DeSantis. I reside in Woodbridge Township. I am the Director of Economic Development for Woodbridge Township and, as people in the area know, I am also your opponent in the upcoming election. (laughter)

I think, Mr. Chairman and Mr. Vice Chairman, that this is one of those issues that we must work together on in order to come up with the right solutions. I think the Mayor of Woodbridge and Councilman Molnar expressed the situation in Woodbridge quite well. They asked many of the questions I would have asked, so I will not dwell on or repeat them. But there are a couple of questions and a couple of comments I would like to make which might be helpful in your endeavor.

Obviously, we have a piece of legislation that was created with very good intentions, but it has some problems, which you are trying to address today. There are some people here from Woodbridge who I know you will be hearing from shortly. They are people who reside in the immediate area. There has been a lot of time spent with these people because it has developed as a local problem, so I think you will get a good feel for some of the problems firsthand -- if you haven't already -- that people are experiencing when these situations develop in their neighborhoods.

I think what is extremely important here is the fact that we have a piece of legislation with great intention, which is actually almost defeating its purpose because of the fact that we are trying to merge people into the community, people with the problems that the legislation addresses itself to. Yet, because of the mechanics, or the lack of the mechanics -- and, of course, you went over a number of those points yourselves -- we have almost created a hostile atmosphere in many communities where we are asking to put these people. This must be corrected. I'm sure this hearing, and the wisdom, and the bipartisanship will be used to make this happen.

I have a couple of questions. When a home is initially dedicated for a particular use, for instance, if it is decided that it is going to be for mentally disabled people, can that home then, at some other time, be used for a halfway house under the same law? I mean, is there protection in these regulations for that?

ASSEMBLYMAN VISUTCKY: Different departments are involved -- the Department of Human Services, the Department of Health, and the Department of Corrections. Each department takes care of specific homes.

MR. DeSANTIS: Okay. Now the agencies which run these-- They dedicate agencies to take on these responsibilities.

ASSEMBLYMAN VISUTCKY: They are under contract to a particular department.

MR. DeSANTIS: Do any of these agencies have dual functions, or are they all single-function agencies? If an agency is dealing with mentally disabled people, is that all they do?

ASSEMBLYMAN VISUTCKY: I assume so, sir.

MR. DeSANTIS: I think that should be checked. I think that would relieve a lot of fears and problems.

MR. KOHLER (Assembly Minority Staff): I think the Volunteers of America contracts with all; for example, with mentally retarded, developmentally disabled, mentally ill, and correctional types.

ASSEMBLYMAN VISOTCKY: Yes, but I think when we talk about a home being licensed for a particular State residence, they are not just going to change the complexion of it.

MR. DeSANTIS: I think it would ease a lot of the problems if people knew, and your legislation indicated, that a home could only be used for the original purpose for which it was dedicated. That is my point.

ASSEMBLYMAN VISOTCKY: Okay, a good point.

MR. DeSANTIS: I deal with economics and economic development in Woodbridge. Some comments were made earlier about economic considerations and the costs of housing people in large units versus smaller units, which is probably better economically, as well as for social purposes. I want to talk about Avenel specifically for a minute. I don't know who made the judgments as to what criteria was going to be used to establish that residence in Avenel, but I have to say, gentlemen, that when you get all of the facts on this, I think you are going to find this was probably one of the last places they should have put one of these homes. I will cite the following reasons:

First of all, the home that was initially sited in Woodbridge is located in a section of Woodbridge that is in very close proximity to shopping areas, post offices, and libraries. There are some senior citizen homes in the area. It is a very manageable area for people who have handicaps.

The location in Avenel where they placed the home, or where they are planning to place it -- they are halfway through the construction of it -- is only about a block and a half from Routes 1 and 9, with no barriers or safety factors to restrain or prevent people from inadvertently walking onto a very busy highway. There is a center divider up and down that highway where there are actually inducements on the other side of the road, such as a 7-Eleven and a convenience

store. These might be attractions for people to walk to. God forbid they try to navigate the highway in that area. It would just be impossible. I would say there are no convenient shopping or community facilities -- normal community facilities -- within walking distance of that area, or reasonable walking distance of that area. So I think that is a problem that should be looked at.

Also, in reviewing the original legislation, there are some comments made about deciding where to put these facilities relative to the percentages of these facilities within a population area. Well, my goodness, whoever made this decision put this home within a mile of the home for mentally handicapped in Woodbridge which has several hundred residents. It is within a stone's throw of the sex offender rehabilitation center. It is within a stone's throw of Rahway State Prison, which houses 1,500 inmates. There is a learning center in that immediate area. Very frankly, gentlemen, Avenel, as a community which is participating in the solution of these problems, could certainly be marked as an area that has done more than its share of dealing with our social considerations.

So, when the decision was made, even within Woodbridge Township-- We have many areas in Woodbridge Township; in fact, the area where the home is presently located-- I can't understand why they are moving out of the home, which has all the conveniences, to a location with all the problems that I just indicated to you. It appears that it is only going to house one more person. It just doesn't make sense. It seems to me they could have expanded the home at its present location. You would have had little or no community opposition to it. Economically and feasibility-wise it would have made sense.

So I say in this particular instance, maybe someone should take a look. I realize it is not a legislative situation; it is an operational one. But I feel that coming from this Committee, it might have more force or power to obtain a reconsideration of that circumstance.

I think that is about all I have. I would like to comment on the Weidel bill and some of the comments that were made before.

Woodbridge Township -- the Mayor and the Council -- passed a resolution, probably not with complete knowledge and, of course, that is the purpose of this hearing, and it is very worthwhile-- The comment was made before, Mr. Vice Chairman, that some of the things in this bill are in the regulations.

ASSEMBLYMAN VISOTCKY: They are.

MR. DeSANTIS: Well, that's fine, and the Mayor made the point of mandating the requirement that-- I think that is in this bill and it might have more force and effect, or you might come up with a bill that is a revision or a modification of this.

ASSEMBLYMAN VISOTCKY: It is an entirely different bill.

MR. DeSANTIS: That is up to you folks, but I think it is extremely important to mandate and place responsibility for that public notification upon the agencies that have the job of getting the particular job done. It would avoid the kind of problem we have in Woodbridge. Again, there were good intentions. A couple of people dropped the ball, and those things are going to happen when you notify one person, or maybe notify some people who would not necessarily get involved in the process. I think it is extremely important that a mandatory situation become part of this process.

ASSEMBLYMAN VISOTCKY: It should be changed so that the borough clerk or city clerk and the entire governing body would be notified.

MR. DeSANTIS: And the Council, exactly.

ASSEMBLYMAN VISOTCKY: The Mayor and the Council.

MR. DeSANTIS: If in the process, once they start to move and there seems to be coordination from that standpoint-- Gentlemen, you just can't get away from basic home rule philosophy and have community coordination and a community that is going to be happy about the situation. When the community is by-passed, you are immediately creating suspicion, hostility, and a lot of fears that probably wouldn't otherwise exist. I'm sure this session today has been very informative to many of the residents who had apprehensions. They are going to walk away today with a much better feeling of what they are going to be dealing with.

ASSEMBLYMAN VISOTCKY: When you say home rule -- you know, don't get me wrong; I was a mayor and I appreciate what you're saying -- sometimes you have to think, "Maybe the State, in its wisdom"-- Maybe we have a little more expertise in an area, say, putting a road through your community or putting up a building of some sort, but there is usually vehement opposition to it. Everyone is against it. Then they find out this side of the story, and that side of the story. We don't get riled up and we start talking about it.

In your case, it so happened that the Mayor disregarded the notice. The good Lord said it was going to snow that day, and they didn't talk. That is what happened. You never had a discussion. Probably had you had a discussion -- and I say this to the residents, and I say this to you-- Did you know about this in January?

MR. DeSANTIS: No, I did not.

ASSEMBLYMAN VISOTCKY: See, it's wrong. I say it's wrong that only the Mayor should be notified. No offense, George, but I think the notice should be given to the entire governing body or the borough clerk or the city clerk. Then it could be read at a meeting and people could hear what was going on. Had this happened in January or February or March, we would not be having a hearing, although I think this hearing is great. We are all learning something more about this. But I think, again, that the public should have input. We're not talking about a new home; we're talking about the transfer of a home.

Now, if you built up a case and said, "We have had so many problems at the home on School Street. We had people going to jail; we had people mugging people," I could see your point. But there was nothing there. If it were a good home, and if it is only a transfer-- Now, I am not taking sides in this at all, but just moving it over, again, the governing body should have known about it. Again, the governing body should have discussed it. Again, it may be the State's fault; it may be your fault; it's everyone's fault. It should not have happened that way. It should have happened with everyone working together.

You know what they say, the phone company or Allstate, or whatever it is, "You're in good hands"-- That is the way we should be. I don't think the State government wants to run your town; we don't want to run your town. We want to run the State of New Jersey, but you are part of it. We want you to participate in all of these things. We want you to say, "Okay, maybe we made a mistake. The mistake has been made. What are you going to do?" You can't undo it. We can have hearings; we can bring you back and people can say, "Look, this is not going to happen again. We have to learn by our experiences." No one wants to do this. I'm sure the Legislature didn't do it intentionally. I'm sure the Department of Human Services didn't do it intentionally to hurt someone or to embarrass someone. It is very unfortunate that we have politics entering into it too, and everyone gets uptight.

You know, we are better off facing the problem head-on and saying, "Sure, there was a mistake made, a mistake on both parts, but it is not going to happen again." That is what I think we should be talking about. Let's not let it happen, fine. If you want to review it again, maybe you should review it. But I think everyone should have input in it. You are to be commended if in your heart you think you are sincerely right. Then that is the right way to be.

MR. DeSANTIS: We concur; I think we concur on your thinking. One more point on the economic considerations. A statement was made in the initial testimony of the first two gentlemen that they were looking out for the State's investments. That is why they went out and were very selective about the neighborhoods. They bought the homes and that kind of thing. Take a town like Woodbridge Township. There are many homes in Woodbridge Township. There are many areas of town, very nice areas, but where homes are maybe a little bit rundown, where it would not be a bad situation. But since the State is spending a great deal of money in refurbishing these homes, it would make good economic sense to go into a \$100,000 neighborhood, or a \$125,000 neighborhood, and buy a house that is in an \$80,000 condition. So when you spend \$100,000 to put it in the state it has to be in, you're actually coming up with a very nice home for these people, and you are

also taking care of a problem that that particular neighborhood has. So there are two--

ASSEMBLYMAN VISOTCKY: I understand that in Woodbridge every area is nice.

MR. DeSANTIS: Well, that is what we like to say; we have a lot of pride in our town. But no, there are plenty of areas all over Woodbridge, in all sections-- I don't care how nice one section is supposed to be considered which has this kind of a situation. Rather than establish a criteria that, "Hey, we are only going to be looking for a house in prime condition," I really think some economic consideration should be given-- The neighborhood first should be the established criteria for what they need to take care of the purposes, but then look for that economic situation. That will most likely come from communication with the local municipality when an initial decision is made to try to locate in a municipality.

ASSEMBLYMAN OTLOWSKI: I think it has been well established that there is a need for improvement in the system. There is a need for better communications, wider communications. That is certainly going to result from this hearing. I think that that point has been made clear.

MR. DeSANTIS: Thank you, Mr. Chairman. With your good graces, I would hope you will listen to the people from Woodbridge.

ASSEMBLYMAN OTLOWSKI: Thank you very much. I want to call on Gloria Wright from the New Jersey Department of the Public Advocate.

GLORIA WRIGHT: Thank you, Chairman Otlowski.

ASSEMBLYMAN OTLOWSKI: Are you speaking for the Department?

MS. WRIGHT: Yes, I am representing Acting Commissioner Alfred Slocum.

ASSEMBLYMAN OTLOWSKI: And you're speaking on behalf of the Department?

MS. WRIGHT: Yes, I am. Accompanying me is Penny Boyd. Penny is an attorney with our Division on Mental Health Advocacy. I have copies of our written testimony.

ASSEMBLYMAN OTLOWSKI: Please don't read it. Let me have the copies. As a matter of fact, I am going to start pushing hard now. I

don't mean to cut people off, but I think we have gotten the sense of what we wanted with this hearing. I don't want to cut anyone off, but I am going to have to push a little harder.

MS. WRIGHT: All right. In the interest of expediency, I would just like to point out certain things which are already within the written testimony.

I won't go over what has already been said, but we are interested because the Public Advocate, as you are aware, is the agency to oversee the entire public interest for the State of New Jersey. Specifically, we have certain divisions within the Public Advocate Department dealing with certain disadvantaged groups. We are here on behalf of the proliferation of these residential communities. I would also like to point out the case law in the area. Beginning on Page--

ASSEMBLYMAN OTLOWSKI: Do you mean based upon the Supreme Court decision?

MS. WRIGHT: Yes.

ASSEMBLYMAN OTLOWSKI: I think that is very clear. The Supreme Court preempted the states from acting. The Supreme Court preempted the Legislature from acting. The Supreme Court preempted local authorities from acting. That is the law. But I think what we are looking for here, Gloria, is how to improve the communications within the framework of the law.

MS. WRIGHT: Okay, we address that at the beginning of our statement.

ASSEMBLYMAN OTLOWSKI: I think that speaks for itself. All right?

MS. WRIGHT: All right; that's fine.

ASSEMBLYMAN OTLOWSKI: I think that is very, very clear; the record is clear on that.

MS. WRIGHT: Thank you very much.

ASSEMBLYMAN OTLOWSKI: I don't want to brush you off--

MS. WRIGHT: I understand.

ASSEMBLYMAN OTLOWSKI: --because I may need the Public Advocate. (laughter) In any event, the gist of your testimony is legal, and the legal basis for this operation has been established beyond debate. There is no debate about it.

What we are looking for here today is improving the system, making it more uniform, coordinating some of the things, making the communications better, and hopefully out of the whole thing, you know, getting a better operation so we can eliminate some of the community conflicts that are taking place, which, in many instances, would not be taking place if we had the kind of communications that, in my opinion, and I am sure we are all convinced, can be established. All right?

MS. WRIGHT: Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very, very much for coming. As a matter of fact, we are going to be looking to you for some specific suggestions about what we are talking about, namely, bettering the system and communications. You do not have to be confined to the Supreme Court, you know--

MS. WRIGHT: We're not.

ASSEMBLYMAN OTLOWSKI: --because we would like some practical suggestions from you. Okay?

MS. WRIGHT: Well, we're here.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

MS. WRIGHT: Thank you very much.

ASSEMBLYMAN OTLOWSKI: I would like to take the people who are here from Woodbridge, but before I take them I want to say this. Their case has been pretty thoroughly presented. We do not want to be redundant; we do not want to be repetitive. The record is pretty clear, but I am going to call on you so you will be part of the record. However, I am going to ask you not to be repetitive or redundant. First we are going to call on Mr. Cardone, who is a resident of Woodbridge Township. Mr. Cardone?

UBE CARDONE: My name is Ube Cardone; I am from Woodbridge, New Jersey. I would like to thank the Committee for holding this meeting and for hearing our case.

First of all, the Mayor hit a lot of the points we wanted to make. I would like to set the record straight about the fact that my neighbors and I are not against retarded people. The people we are against are the people who more or less run these agencies. I would like to show some pictures I have taken of the district I belong to.

ASSEMBLYMAN OTLOWSKI: Are you going to leave the pictures with us?

MR. CARDONE: I can, if you want me to, yes. The pictures are of the area we live in. They were taken on September 14, 1985, so they are recent. I would like to show you the pictures, gentlemen, of the home on Woodbridge Avenue -- our section of Woodbridge Avenue. I'll show you the big pictures first. This is our area here, and this is the School Street house.

ASSEMBLYMAN OTLOWSKI: What do the pictures you have in your hand show?

MR. CARDONE: These are small pictures of the same thing I am showing right there, plus pictures of our area, plus pictures of the house which has been purchased for \$107,000.

What I'm saying is, we are against the people who run these agencies due to the fact that after they open up a home like this, they never take care of it. The one on School Street, if I had to make a judgment as to the appearance of the house on the outside and what the appearance of the house might be on the inside-- I think my judgment would be very, very poor. Again, if I had to judge the pictures from the outside of the house to guess about the inside of the house, my judgment would be very, very bad.

What we are afraid of is another dilemma like we have on School Street in our area. We are afraid that the agency -- the Developmental Resources Corporation -- might do the same thing to the house on Woodbridge Avenue as they did on School Street by not taking care of it. Mrs. Ellis has told me, and also Mr. McCune, in a conversation over the phone, that they found the house on School Street so deplorable that they could not fix it. This is the reason--

ASSEMBLYMAN OTLOWSKI: The exterior and the interior?

MR. CARDONE: I don't know about the interior because I am not an inspector. I do not have the power to go inside the house to inspect it. All I can go by is what the pictures of the outside show. The outside pictures show you definitely that the roof is in very, very bad condition. That roof must be leaking like a sieve.

Number two, the paint on the outside of the house, as well as the woodwork, is rotting, actually rotting, which means that the house has never been taken care of.

ASSEMBLYMAN OTLOWSKI: Excuse me, Mr. Cardone.

ASSEMBLYMAN VISOTCKY: Isn't that aluminum siding?

ASSEMBLYMAN OTLOWSKI: Are you talking about the roof here?

MR. CARDONE: Yes, that is the condition of the roof.

ASSEMBLYMAN OTLOWSKI: What kind of siding is that where there is peeling?

MR. CARDONE: That is not siding; that's paint.

ASSEMBLYMAN OTLOWSKI: The paint is peeling?

MR. CARDONE: Yes. The wood is rotting away. The porch is rotting away; the frame around the roof is rotting away. It seems as if someone did a really bad job of inspecting. We are not afraid of the retarded people coming into our community. We are afraid of what the other people might do to our area.

ASSEMBLYMAN OTLOWSKI: Let me say something. You know, you are so right. This is inexcusable. You are so right. A thing like this just makes me boil. We have more inspectors on city payrolls, more inspectors on county payrolls, more inspectors on State payrolls, and a thing like this happens.

MR. CARDONE: This is what we are afraid of, Mr. Chairman; this is what we are afraid of. We are not afraid about the people with developmental disabilities. God knows, I spend many, many hours -- my wife and I both -- visiting the geriatric hospital, which is at Bloomfield Avenue and Franklin Street. I spend much time there talking to the people, bringing them cookies, bringing them this, and bringing them that. I don't want to give myself a pat on the back, but--

ASSEMBLYMAN OTLOWSKI: Mr. Cardone, hold it a minute. I just want to mark these pictures. David, will you please mark these pictures for the record? These are the pictures that Mr. Cardone submitted to this Committee today dealing with the house in Avenel, and showing the deplorable condition of the paint on the siding and the obvious deterioration of the roof. We'll call that Picture #1 for the purposes of the record. Picture #2 is an enlargement of the sides, and shows the paint peeling. What do you call these things here?

MR. CARDONE: Shingles.

ASSEMBLYMAN OTLOWSKI: No, not the shingles. What do you call these things, here? (indicating what he means in the picture)

MR. CARDONE: The fascia board.

ASSEMBLYMAN OTLOWSKI: The deterioration of the fascia board, which undoubtedly produces leaks in the side.

ASSEMBLYMAN VISOTCKY: Are you a building inspector now?  
(laughter)

ASSEMBLYMAN OTLOWSKI: I haven't been there, but it's obvious that that should--

MR. CARDONE: The funniest part of it is that no one knows where these houses are--

ASSEMBLYMAN OTLOWSKI: Picture #2 is an enlargement of the view in Picture #1. This was also submitted by Mr. Cardone.

ASSEMBLYMAN VISOTCKY: May I ask a question, Mr. Cardone?

MR. CARDONE: Yes.

ASSEMBLYMAN VISOTCKY: Isn't it strange -- I'm playing the devil's advocate here -- that now, all of a sudden, we're finding out that the home on School Street was not maintained and that neither city officials nor anyone else did anything about it for the last -- how many years?

MR. CARDONE: This is the same question I asked Mrs. Ellis and Mr. McCune. I specifically asked Mrs. Ellis, "When was the last time you visited the home on School Street?" She didn't even know that a house existed on School Street. She didn't even know where the house was. I asked Mr. McCune, "When was the last time you went down to School Street to take a look at that house?" He said, "I went once in one year."

ASSEMBLYMAN VISOTCKY: How long has the house been maintained as a group home?

MR. CARDONE: Four years, from what I understand from Mrs. Ellis. The Developmental Resources Corporation has had this house here for the past four years. Prior to that, the house was being managed by a company called "REACH, Inc." I think Mrs. Ellis can fill you in on that better than I can. But this is what she told me over the phone.

Mr. McCune, at that particular meeting, before he came down, swore to me that he would give me a letter. He specified that a letter had been sent to Mayor Cerria, yourself, Mr. Weiss, and Mr. Otlowski. Yet I, personally, called back in May trying to find out who bought this home. No one could tell me. The City Council didn't know anything; the Building Department didn't know; the Fees Registration Department didn't know. I finally called Mr. Weiss, who I know personally, and although Mr. Weiss had this letter sitting on his desk since January 4, he, also, did not know what was going on in the Department or who bought the home. It is very, very strange.

ASSEMBLYMAN VISOTCKY: It has to be recorded.

MR. CARDONE: Well, he didn't know. That is the God's honest truth. I'll take an oath right here. He didn't know. No one could find out. I actually found out about what was happening to our neighborhood the second week of August. I was just back from vacation, and when I came home from work, I saw a lot of people in the back yard digging and doing this, that, and the other thing. I went over and asked about it. The minute I started asking questions, no one spoke English. I said, "Well, where is the foreman?" "He went home." I said, "Where is your building permit?" They finally told me it was on the garage door, and this is how I found out who bought the home and when the building permit was issued.

I immediately started to check up. I found out that Developmental Resources of Somerset bought the home, and I talked to the Director, Mr. McCune. He told me it was a private nonprofit organization. The minute I asked, "Where are you getting the money?" the conversation ceased.

Now, since then, I have made many phone calls and, as I said before, everyone looks at us as though we are vampires who don't like retarded people. That is not so. We have nothing against retarded people. What we are against is the company which owns these homes and what they do to them. You know yourselves that sometimes the State puts up a beautiful building, no one ever goes in to check up on it, and six years later the darned thing is nothing but a shambles. We don't want this to happen in our neighborhood.

ASSEMBLYMAN VISOTCKY: We can assure you that there is going to be legislation that a home must be inspected, outside and inside, but your local governing body must participate in this too.

MR. CARDONE: You know, this is why I believe that home rule should be brought back.

ASSEMBLYMAN OTLOWSKI: Excuse me. Just as Assemblyman Visotcky said, there is no excuse for any inspector to let this go by -- any inspector, city, county, or State. There is no excuse.

MR. CARDONE: By the same token, Mrs. Ellis is sitting right behind me. Why wasn't she aware, or why didn't her inspectors inspect this home and find out just how bad it was? They're spending--

ASSEMBLYMAN OTLOWSKI: She is equally at fault.

MR. CARDONE: --\$107,000 for a home in our area. As far as I am concerned, they could just as well have taken the home on School Street, torn it down, and built a whole brand-new one for probably less money than what it is costing them to renovate the home in our area.

By the same token, this is a profitable business; it has to be because Mr. McCune specified at our hearing that he gets \$65.00 per person per day. He has five people. If you multiply \$65.00 by seven -- this is seven days a week -- it comes out to over \$2,000.00 a week. As a matter of fact, for seven days, it comes out to \$455.00 per week, per person. If you multiply that by five people, it comes out to \$2,227.00 for five people per week. If you multiply that by 52 weeks, it comes out to \$118,300.00. This is a profitable business, and it has to be addressed as such.

ASSEMBLYMAN VISOTCKY: By the same token, the same people who are in institutions cost us \$40,000 a year as opposed to \$20,000 a year, sir.

MR. CARDONE: Well, I still think this is an exorbitant amount. With these people here--

ASSEMBLYMAN VISOTCKY: Again, I concur.

MR. CARDONE: These people, with this type of money, should be living in a gold-plated house, receiving caviar and steak twice a day, and should be getting the best professional help possible.

ASSEMBLYMAN OTLOWSKI: I think in your testimony you highlighted something that we are going to take special cognizance of in any legislation.

MR. CARDONE: As I said, I would like to go on record as saying that we, the people of Avenel and Woodbridge, do not have anything against retarded people. As a matter of fact, we sympathize with them. We sympathize with the families which have them. God forbid it should happen in my family, all right? Every time I see one of these persons I get choked up and I get tears in my eyes because, as a father, I know what it would be like if one of my kids were like that.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

ASSEMBLYMAN VISOTCKY: You are to be commended, Mr. Cardone, for coming out and bringing this to our attention.

ASSEMBLYMAN OTLOWSKI: You have made an important contribution. Thank you very much.

MR. CARDONE: Thank you, sir. Thank you very much for your help. As I said before, I think that home rule should be brought back.

ASSEMBLYMAN OTLOWSKI: You have made a very, very important contribution, and we appreciate it.

MR. CARDONE: Thank you, gentlemen.

ASSEMBLYMAN OTLOWSKI: Mr. Joseph Stransky, please?

**JOSEPH STRANSKY:** Mr. Chairman, my name is Joseph Stransky. I live next-door to the house which was purchased. I want to be brief. I am an immigrant from a Communist country into the United States. I have lived at my present address for 12 years. The law brought the house into the neighborhood without asking the residents about anything. I am a self-employed man, making a living, and feeding my family. Okay?

I am a very practical man. So, the best way is if you, Mr. Visotcky, and you, Mr. Otlowksi, go and make an inspection of that house. Then at least you will know, by seeing it with your own eyes, what is going on, and how these houses are treated with taxpayers' money.

I'm telling you, the house in my neighborhood is a B-level house. The house on School Street is much bigger. If you put six

people in that B-level house on one-quarter acre, you're spending about a quarter of a million dollars. I can't understand that because I am very practical. If you put up \$250,000 for a bright new home, with a garden-- It's flatland because you have people who hardly move. As the lady in the wheelchair said, you should listen to everybody and then talk. I listened to all of you here. You are professional politicians; I am a private citizen. I am not paid to sit here, okay?

So, the best way is to go there and look at it. Make a change in that law with the Supreme Court. I come from a Communist country where it is a dictatorship. They don't ask you to do things. They just say, "That will be," and it is done.

I never get involved in anything. You know, I mind my business and keep going. But this affects me because I see the same thing happening here in a democratic country. I am a citizen of this country and I want to say my rights. That is why I came here.

ASSEMBLYMAN VISOTCKY: You know, what you're saying is exactly correct, but let's look at it a different way. Johnny Jones came and bought the house next-door to you. Johnny Smith, the guy up the street -- another guy who came from a Communist-held country, let's say, all right? -- was bad; he was into dope. What do you do about that? Here you know what type of residents are going to be in the house. I am not taking either side now, but you know what type of resident is going to be in the house. You know you are not going to have drug addicts. You know you are not going to have prisoners. You know you are going to have people who are mentally retarded.

Now, you can't judge-- If I want to buy the house next-door to you, I don't have to give you my credentials. I can buy it. This is a situation here where we made a mistake. Someone made the mistake here of not sitting down with the community and saying, "Here is what we are going to do." That is the mistake that was made. But you can't tell me that I can't buy a house next-door to you, and I can put what I want in that house until your local law enforcement officials tell me I am doing something wrong. I could be a murderer there; I could be a rapist there. You don't know.

MR. STRANSKY: Mr. Visotcky, you are a smart man. I agree with you because you said that the law is not perfectly right.

ASSEMBLYMAN VISOTCKY: Of course.

MR. STRANSKY: I'll tell you one thing. That is a residential neighborhood. That home was meant for a single-family residence. What is coming in is an institution. It's busting the local zoning. There is no question about it. You just get the priority law from the government and then you can do it. But the organization does not do the job right. You see, you are in a democratic State where you should ask the local residents. They pay for these kinds of systems. You should go, personally, and look at these houses, not talk here at a table. Just go there and look at them.

My mother worked with retarded people. She was mugged and was put in the hospital for four months. She still has problems. I don't want this thing to happen to someone else. That's my point. Government is big and powerful, right? We all elect officials like you and him, but we want to have the job done right under the Constitution here. That is what I am talking about.

ASSEMBLYMAN VISOTCKY: I'm not saying you're right, and I'm not saying you're wrong. I'm saying--

MR. STRANSKY: I'm right; I know that.

ASSEMBLYMAN VISOTCKY: The thing is, the home is a residential facility; it is not an institution. That's the rule; that's the law.

MR. STRANSKY: Mr. Visotcky, you better go there and look at it. They put up a steel fire escape. They are starting to get traffic there. You know, the people are sick in some way, and then you have ambulances and stuff like that. They are trying to make it residential, and it is on a little property. This nonprofit organization wanted one more person in. They want more money and less price. See, if they can afford to remodel this for a quarter of a million dollars, why don't they build on three acres where there could be a golf course and everything?

ASSEMBLYMAN VISOTCKY: You know, what you're saying is, even if you are talking about that kind of money-- If we build a prison cell for \$250,000, 10 by 10--

MR. STRANSKY: We want to help the retarded people because they are not guilty of anything; they are just retarded.

ASSEMBLYMAN VISOTCKY: That's right.

MR. STRANSKY: So the whole community wants to help them, but help them in the right way. Don't ride over the rights of the other citizens.

ASSEMBLYMAN OTLOWSKI: Mr. Stransky, I think you made your point; you made it very clearly, and I'm sure convincingly. I think the record is established. I am now going to ask your neighbor to come up and take up where you left off. Thank you very much.

MR. STRANSKY: Mr. Chairman, a last word.

ASSEMBLYMAN OTLOWSKI: Yes, the last word.

MR. STRANSKY: I would like you and Mr. Visotcky to go to see that house on my street, and the rest of the houses. I personally will watch for it. I want to hear on the television or see in print what you find out.

ASSEMBLYMAN OTLOWSKI: You can be assured that I am going to visit the house.

MR. STRANSKY: I was never in politics, Mr. Otowski, but I will watch this.

ASSEMBLYMAN OTLOWSKI: I am going to visit it. May we have Mr. Al Milano, please? Wait a minute, I want the address of that house.

MR. CARDONE: The relocated house is at 696 E. Woodbridge Avenue, and the house on School Street is 444.

ASSEMBLYMAN OTLOWSKI: I want to know about the one we are talking about, the one that is occupied. The criticism is about the one that is occupied.

MR. CARDONE: Oh, that is the one on School Street, 444 School Street.

ASSEMBLYMAN OTLOWSKI: Did you say 44 School Street?

MR. CARDONE: No, 444 School Street.

ASSEMBLYMAN OTLOWSKI: Is that in Avenel too?

MR. CARDONE: That is in Woodbridge, right off of Main Street.

ASSEMBLYMAN OTLOWSKI: Off of Main Street?

MR. CARDONE: Yes.

ASSEMBLYMAN OTLOWSKI: Oh, yes.

MR. CARDONE: Right by the firehouse.

ASSEMBLYMAN OTLOWSKI: Yes, yes, all right. Okay. You may go ahead, Mr. Milano.

AL MILANO: My name is Al Milano. I am a resident of the area that has become so popular in the last couple of months. It wasn't popular before that. It became popular because of what is being done there and how it is being done.

Now, I understand there are laws here governing why this is done and how it is done. First of all, let me just say this: You're here to clear up the records of-- You want input into the legislation so that this doesn't happen again, as I understand it. The first thing that I think is very, very important -- not to belabor any other points which have been made so strongly and emphatically, and truthfully, by the way-- The first thing I would like to say is, the State is in a very powerful position. It has total jurisdiction over townships. I am told we have nothing to say at the local level because the State is more powerful and holds jurisdiction over the township. Is that correct?

ASSEMBLYMAN OTLOWSKI: That is correct, in this particular case.

MR. MILANO: You're probably right, but I would like to know one thing. How can the State -- being so right and so powerful, with its officials being elected by all the people throughout the State, primarily -- take this position? I can see it when it comes to a sign, to a one-way street, to making a divider on the highway, but not when it comes to something like this, which involves all the people in a neighborhood. The State takes the strength it has and the power it has and hands them to another organization, and that organization, under the guise and under the supervision -- if you want to call it supervision -- of the State says, "We can do it because the State supersedes the township." Somehow that is not fair to me.

Second, let me also point out that the way the procedure is -- the way I understand it today -- they have 15 days to locate a site

and notify the local authorities or local mayor, and then they have 15 more days to purchase the site. To me, that is putting the cart before the horse. If they already purchased it and they already intend to do it, where is there room for discussion?

ASSEMBLYMAN VISOTCKY: Fifteen days prior to them purchasing it, they discuss it with the local governing body. Then when they get the site, they have 15 more days to say whether the site is going to be the one they are going to select.

MR. MILANO: Okay.

ASSEMBLYMAN VISOTCKY: Do you follow me?

MR. MILANO: All right, fine. That is all a matter of numbers as far as I am concerned. The thing is, can the city -- and the way I understand it, it can't -- do anything about it? What is the purpose of discussing it with these people? They already picked a spot and there is no iota of anything saying they should discuss it and rehab it to make it feasible for both parties. There is nothing like that in there. All it says is that they will discuss it.

Also, I would like to say, on the same point, all they are doing-- Now, I can understand, and I hope you gentlemen can, being in the positions you are in, a site being selected by this powerful State we live in, and I think this fair State we live in, if the facility fits what is necessary for everyone in the State, or the masters of the State, or because it is financially beneficial for the State. I can understand that. But can anyone sit here and say to me that this company, again under the guise of representing the State, pick out a one-family house in a one-family zone and in no way or condition pick what they need? I asked Mr. McCune, "What made you pick this house?" He said, "I picked the house as if I were picking a house for myself." Fine. I thought he was picking out a house to accommodate six people who needed help, but apparently not. He picked it as if he were picking it for himself. It would have been more fitting for him, but this house does not have any of the necessary facilities for six people. Under these conditions, they need a bathroom for every two people. I don't know all of the laws, but I am sure there are people here who do know them. They just went ahead. This is a one-family

house without enough room; they had to put an addition on. It was without a back stairway; they had to put in a back stairway. It was without a fire escape; they had to put that on. This house, in no way at all, conforms to what is necessary for what they want, yet they chose this house.

Whether there is another ulterior motive in there, I don't know, and I don't want to get into that because I can't prove it. I just don't know. But if there were a house in that area-- Let's say they were riding around looking for a facility and they said, "Well gee, this house fits. It is just the right size. All we have to do is modify this, fix that, and we can live there." I could understand that. Location-wise, it is right, but this house does not fit anything or any part of what they need for what they are buying it for, except one thing; that is, it brings in more revenue for them. That is the only thing.

Now, if they could tell me they bought this house because it had the room, because it had the fire escape, because it had the bathrooms-- But they had to change this house from top to bottom. It had no advantages as far as what was necessary.

Also -- something which you touched on -- they neglected to take care of the house that accommodates five. They are going to go to the trouble of buying this house, getting \$50,000, or whatever is necessary, to renovate this house. Do you mean to tell me that this house couldn't be used-- Instead of taking this house that they are purchasing off the tax rolls of New Jersey-- That could continue if it were still a one-family house and under private ownership -- it could continue to be on the tax rolls of New Jersey, instead of two houses being off. If they had renovated the first house, it would have been more conducive to what they need.

I don't know what else I can say to you, but if you have any questions I can help you with, I will be glad to answer them. Do you understand? Do I make my point?

ASSEMBLYMAN OTLOWSKI: I think you made your point, and I think you made it clearly and emphatically. It is part of the testimony. Obviously, what has been said here, particularly by the

people of that area, is going to have a tremendous impact on the decisions of this Committee. Thank you.

MR. MILANO: There is one other thing I would like to say. Is this house not going to be--

ASSEMBLYMAN OTLOWSKI: I can't answer that; that is beyond us.

MR. MILANO: May I just say this? If for some reason your investigation of this facility, of this whole-- Is it possible that this could be changed?

ASSEMBLYMAN OTLOWSKI: Let me just tell you this: We are a legislative body.

MR. MILANO: For everybody? For all of the people?

ASSEMBLYMAN OTLOWSKI: Right. We are just a legislative body. We do not have the power or the authority to administer or to use executive functions. Our function is truly legislative. The only justification for this hearing is to determine, not what the situation is in Avenel, but if legislation is needed and what kind of legislation is needed. That is the only function we have because ours is a legislative function.

We are not sitting here as an investigative body. We are just sitting here to get a complete picture of what kind of legislation, if any, is needed to bring about a better situation or to eliminate some of the things you are talking about.

MR. MILANO: Well, I hope so. I hope that in the future these questions will not come up. As I said before, if something is available that is suitable for the needs of everyone concerned, I could understand. One of you brought up the point that a cell costs \$40,000 and this--

ASSEMBLYMAN VISOTCKY: I said \$250,000.

MR. MILANO: Oh, \$250,000, but this supposedly costs \$25,000 a head or something a year.

ASSEMBLYMAN VISOTCKY: It costs \$20,000.

MR. MILANO: Oh, \$20,000 a year.

ASSEMBLYMAN VISOTCKY: The prison costs \$25,000 a year.

MR. MILANO: But the thing is, I don't know if we are here to cut down on the dollar figure or if we are here to do what is best for everybody.

ASSEMBLYMAN OTLOWSKI: Mr. Milano, I think one of the things that was prevalent throughout the hearing today was the question, how do you deal with a situation such as this, and yet make it compatible with a neighborhood, yet make it acceptable to the neighborhood, yet make it a part of the neighborhood? That is what this hearing is all about. As a matter of fact, if we can come up with answers as a result of this hearing, we are going to come up with the answers.

MR. MILANO: But wouldn't you say, Assemblyman Otlowski, that you have to start somewhere rather than in the middle? You have to start by saying, "Okay, if a facility needs a location, it has to have something in its favor in order to pick it over another location."

ASSEMBLYMAN OTLOWSKI: I just want to say this: We're dealing with a relatively new idea here. Group homes are relatively new. I have a lot of criticisms about the State and some of the problems, probably even more than you do. But I think we have to keep this in perspective. I think this hearing was good. I think the Avenel thing just triggered many, many things we are going to look into as a result of the hearing and as a result of the record we are going to compile. The truth of the matter is, there may be more hearings on this.

MR. MILANO: I think that is necessary. I would like to say one more thing and then I am going to leave. I know you are busy. I never got involved with anything like this; it is not that close to my house and maybe I shouldn't have gotten involved. But that isn't the point. The whole point is the way they went about it, the fact that we can't do anything about it, the fact that it is accepted, and the fact that these people -- whatever they call themselves; I don't even want to hear what it is -- under the guise of the State of New Jersey say, "We can do that." It isn't right.

ASSEMBLYMAN OTLOWSKI: Mr. Milano, no one is faulting you. You have a right to be here; you have a right to voice your opinion. I hope your testimony is going to make a contribution.

MR. MILANO: I hope so.

ASSEMBLYMAN VISOTCKY: Mr. Milano?

MR. MILANO: Yes.

ASSEMBLYMAN VISOTCKY: Let's say hypothetically we can't do anything about this, okay? Let's just look at it the worst way we possibly can. Today, that is where the home is going to be built. Would you and the other residents like to be the seven persons who oversee this thing? Seven people have to be appointed in the area to oversee this group home and to see that it is properly maintained.

MR. MILANO: Seven?

ASSEMBLYMAN VISOTCKY: Seven people, yes, sir.

MR. MILANO: Seven -- where do they come from?

ASSEMBLYMAN OTLOWSKY: From the neighborhood.

MR. MILANO: Sure, we can get seven.

ASSEMBLYMAN VISOTCKY: The Department would say, "Hey look, you watch what is in your back yard." That way you could say, "It is not going to happen on Woodbridge Avenue." I don't know what happened to the seven people who were working over on School Street. No one said anything. That is what I am trying to say. No one did anything about it. The town did nothing about it; no one did anything about it.

MR. MILANO: I'm sorry, but I'm afraid that two wrongs don't make a right.

ASSEMBLYMAN VISOTCKY: There is no question about that.

MR. MILANO: You say the local politicians should have known. Everything wasn't done. But because everything wasn't done all down the line, do we have to swallow it now?

ASSEMBLYMAN OTLOWSKI: No, no, nobody is saying that.

MR. MILANO: I'm saying, is it possible that something can be done about this particular house?

ASSEMBLYMAN VISOTCKY: We can't promise you that.

MR. MILANO: Well, will you look into it? We would like you to look into it; that's all. We would appreciate it very, very much. After you look into it and investigate it, you will see there is no way that this house can be converted into six units, with a monitor there every eight hours.

ASSEMBLYMAN OTLOWSKI: Mr. Milano, there is something else.

MR. MILANO: They have a minimum amount to pay out, so they have more money in their pockets.

ASSEMBLYMAN OTLOWSKI: There is something else about this hearing. You can be assured that as a result of this hearing, the Department has now been alerted. They know they are on the spot now and they know we are going to be asking a lot of questions. So the hearing also serves that purpose. Thank you very much.

MR. MILANO: Good; I'm glad to hear that. The original guy who spoke at the start of the hearing mentioned the percentages and everything, but as soon as you asked him a couple of questions, he went out of bounds a couple of times with the ball. He started to say, "We are licensed." Well, licenses are revoked every year, if I am not mistaken, aren't they?

ASSEMBLYMAN VISOTCKY: Sure.

MR. MILANO: Okay. Thank you very much, gentlemen.

ASSEMBLYMAN OTLOWSKI: Thank you. May we have Geri Botwinick? Where are you, Geri?

GERI BOTWINICK: Right here.

ASSEMBLYMAN OTLOWSKI: Geri, I hate to do this to you. Do you have written testimony, Honey?

MS. BOTWINICK: No.

ASSEMBLYMAN OTLOWSKI: Please sit down. Geri, would you please try to be brief because people have come here from all over the State and I want to get to all of them.

MS. BOTWINICK: Okay, I will try to be brief. I am the Executive Director of the Mental Health Association in New Jersey. We are a private, nonprofit, voluntary citizens' organization concerned with educating the community about mental illness and improving services for the mentally ill. We have chapters and offices in 12 counties in the State of New Jersey.

Before I get into the substance of what I want to say, I just want to publicly acknowledge the role that you, Assemblyman Otlowski, and this Committee have played by being very interested in housing issues related to vulnerable people, whether it is your boarding home hearings, your family care proposed bills, or this hearing. We appreciate it.

Our Association is seriously concerned about two major things that this hearing has opened up: One is that the momentum to serve mentally ill people close to home in their own communities, rather than in custodial institutions, not be slowed down. The second concern we have is the issue of community residences for the mentally ill does not only concern the 600 people who are now in State hospitals, discharge pending placement, who lose their freedom every day because there are no community facilities for them. When they are discharged, they are no longer dangerous to self, but there is nowhere in the community for them to live.

As a friend of mine put it, "The State hospitals are not factories. They do not manufacture mental illness." There are also people in your communities who are going to need help some day, either because they are going to be in crises or because they are going to be recuperating from emotional breakdowns. The Mental Health Association has fought long and hard in New Jersey to establish a public policy in favor of community care for the mentally ill. We urge you not to move backward on this.

Last spring, Assemblymen, we invited you to join a Meet the Press session at a very large conference we held on community care for the mentally ill. There were 400 family members, consumers, professionals, legislators, and the media present. There were three findings from that forum which I would like to briefly summarize. Our full report is at the printer's now, and I will be able to get that to you by the end of October.

ASSEMBLYMAN OTLOWSKI: Will you get that for us so that it can be made a part of the record?

MS. BOTWINICK: I will. It is all on housing for the mentally ill.

The first recommendation, or finding, was that nearly all of the participants, unlike many people who have spoken here today, felt that the Department of Human Services' prior notification policy discriminated against the handicapped. They felt it was unfair because it did not afford them the same kind of privacy that you or I would have if we were moving into a community. But the participants realized

that the Department did it as a necessary compromise to balance the rights that have been discussed here, the rights of municipalities which demand to be notified and to have approval, but also realizing -- and we ask the Committee to realize -- that there are many people who feel that the mentally ill should be able to move into communities without being approved, without having their histories sent to neighbors, or without being subjected to having a large town meeting approve whether they move in or not.

So, our Association feels that although the policy is not perfect -- and you have opened up some of the weaknesses; maybe 15 days is too short a notice period -- in many cases, it has greatly increased municipal involvement. The homes have opened and the neighbors' fears dissipated after the homes opened. They saw that what they feared really did not happen. We see it as a necessary compromise. We support its continuation in its current form, except for maybe the extension of the 15 days.

Our second finding, very quickly, is that there is an obvious shortage of affordable, decent housing in the State of New Jersey. What happens as a result is that the poor and the disabled, whether they be retarded or mentally ill, are competing with each other for what little housing is available. The available housing is usually in the kind of community that you mentioned before, one that is suffering from blight and a lot of problems with Human Services. So, more housing is needed.

Also, there is no unified State housing policy for the disadvantaged and the handicapped, which causes a lot of serious problems. Jack Fay, Dave Lazarus, and I met with you on that last spring. Certain communities are saturated and they do have a right to complain. Other communities reject any discussion of a fair share, or what one mayor referred to as "an affirmative obligation" -- I think that is what he called it -- to house their own handicapped and to take their fair share of them. Those communities are often left alone when they oppose it, and we think that is very unfair also.

The third recommendation I would like to bring to your attention could help some of those problems. That recommendation is,

either through the Legislature or the Governor's office, to institute a State housing plan for the handicapped. We feel this: 1) would help to develop more affordable housing; 2) would help to plan for the financing of that housing; and 3), would also create a forum where you could identify county and municipal "fair share percentages," like how many people should the town -- I would use Woodbrige but -- of Maplewood, where I live, have? How many housing units for the handicapped should that municipality have? Then we should involve the municipality in the planning and the location of that fair share number of units.

We feel that this plan must be initiated at the highest levels of government to accomplish some of the coordination that has been talked about today, again, either monitored through the Legislature or the Governor's office.

Finally, and I am going to close here, if you remember only one thing I have said to you today on behalf of the Mental Health Association, please let it be this: We all have to stop referring to the mentally ill as "those people." Those people could easily be people we personally know or love. Those people end up being a neighbor, a friend, a friend of a friend, or a distant relative. Almost everyone knows someone who has been afflicted by mental illness at some time. We cannot afford to reject them and ban them from our communities. We have a responsibility to the handicapped and we also have a responsibility to ourselves. The mentally ill deserve equal protection under the law. They deserve a decent and safe place to live in the community.

The Mental Health Association urges this Committee to stand behind the rights of the mentally ill and the emotionally handicapped, and to continue to provide the kind of courageous leadership that the Legislature started to provide when it passed S-210 six years ago. We must not go back on our promises -- your promises and ours -- for a better life for the mentally ill in the community.

ASSEMBLYMAN OTLOWSKI: Geri, thank you very, very much. May we have Robert Stack, please? (Mr. Stack hands out copies of his statement.) You are not going to read this, are you?

**ROBERT STACK:** No; I promise you I won't read it. I know how long you have been in session. I just want to make a couple of very, very brief statements.

The only thing I want to say, first of all, is that I am happy to be before this Committee, Mr. Chairman, because the last time I appeared before this Committee was during the developmentally disabled legislation, which all of you supported. It has really begun to make a difference in the lives of people who are non-mentally retarded, who are developmentally disabled, people who are as normal as you and I, and who need options.

**ASSEMBLYMAN OTLOWSKI:** Speak for yourself; it has never been determined whether or not I am normal. (laughter)

**MR. STACK:** Anyway, the only point I really thought it was important to make is the fact that historically, the developmentally disabled and the mentally retarded have been relegated to live in institutions. Now that we have individuals who have been able to be placed in group homes, it has been working out very well. You saw the progress of the individuals who testified earlier.

This is piggybacking on what Geri Botwinick said, but as I move into a community, and as you move into a community, we do not have to ask permission. We do not have to ask someone, "May we come here?" We have a right to do that. I would also like to say that when you look at what we are talking about, we are talking about individuals who have never violated any laws; we are talking about individuals who have never done anything against society. These are individuals who happen to have a condition called "developmentally disabled." We all feel that they should not have to ask permission.

As Executive Director of the United Cerebral Palsy Association of New Jersey, I represent five affiliated agencies. One agency we are very well acquainted with is one that is located in Middlesex County. We have lovely group homes. The anomaly you have seen before is something-- One of the executive directors has brought pictures of other group homes, and you might be able to look at those also.

One thing I would like to point out is--

**ASSEMBLYMAN OTLOWSKI:** Do you have pictures here?

MR. STACK: Yes.

ASSEMBLYMAN OTLOWSKI: Can we get them into the record?

MR. STACK: Yes, we can. But one final point I would like to make to this body, especially when you are considering the legislation, is that I had the unfortunate experience of working in New York State. In New York State there was a law that was cited as 41.34 of the Mental Hygiene law. That law said that prior to a group home being opened, the legislative body would be notified and would have 40 days in which they could recommend alternative sites. During the time that they were able to recommend alternative sites, they would recommend, and I, being the actual individual who investigated the sites--

While we have very, very good mayors and very, very good legislators throughout the State, there are also individuals who may not have the best interests of the developmentally disabled in mind, and would recommend, as Acting Commissioner Perselay said, sites such as a tract on an industrialized piece of land.

A woman named Dr. Seltzer did a study in Boston. What she did in the study was look at what prior notification does in terms of the community. What she has proven -- and I would be more than happy to give a copy of that study to this group -- is that whenever you do prior notify a given community, you actually exacerbate the situation because you give that community the false expectation that they can stop that group home from coming into their township. This results in--

ASSEMBLYMAN OTLOWSKI: I think we made that clear, but since that time the United States Supreme Court has spoken very emphatically that constitutionally you cannot keep a group home from a particular area, notwithstanding anything the Legislature might do. The law is very clear on that. But what we are talking about here today is, we want to find out how to comply with the law and how to do it compatibly.

MR. STACK: The reason I bring up this point is because they knew they could not zone out the individuals who wanted to live there -- the people who were developmentally disabled -- as the Supreme Court upheld, Mr. Chairman. The only point I am bringing up is, the group

home is treated like a toxic waste dump, where people say, "Not in my neighborhood. Put it over there. Put it on the main street; don't put it here." They develop an awful lot of different reasons and justifications, but the bottom line is that there is fear. Granted, there must be more education. The Department of Human Services should further educate the public at large.

The last point I want to make is, to give you an ostensible truth, as an individual who was stuck in the State of New York with this law, I witnessed three burnings to the ground of group homes; I witnessed one bombing to the ground of a group home. These happened prior to the individuals moving in, but it was because the neighborhood was given the false hope that they could stop that home. Because it became exacerbated during that process--

ASSEMBLYMAN OTLOWSKI: How long ago was that?

MR. STACK: Five years ago.

ASSEMBLYMAN OTLOWSKI: The picture has completely changed. The Court has spoken very emphatically.

MR. STACK: Yes, I am aware of the fact that it cannot be stopped, but I'm saying that even though it cannot be, the fact is--

ASSEMBLYMAN OTLOWSKI: Not only that, this Legislature has no such power. We have no such power.

MR. STACK: No, all I'm asking this group to consider is the fact that whenever prior notification is given, and you request permission to move into a given neighborhood, at times it is an abrogation of the civil rights of the developmentally disabled.

ASSEMBLYMAN OTLOWSKI: I have no argument with that, with the exception that there is such a thing as realism. You have to deal with a situation as it is realistically if you are going to get it accepted.

Your point is well taken. As a matter of fact, if I may have the pictures of your group homes in Edison--

FROM AUDIENCE: No, these are from Somerset County.

ASSEMBLYMAN OTLOWSKI: May we have them? Do you want to submit them for the record?

FROM AUDIENCE: Yes, I would like to. I am on the list to speak, and I have a few short remarks I would like to make to you and your Committee on the present law and on the future, if I may.

ASSEMBLYMAN VISOTCKY: That means that you do not agree with us about extending the time to notify the community?

MR. STACK: Sir, I think it is important to get the people involved.

ASSEMBLYMAN VISOTCKY: Isn't it better if they go along in unison and have an understanding, than just ramming something down my throat or anyone else's throat?

MR. STACK: Sir, I don't think that anything should be rammed down anyone's throat.

SECOND PERSON FROM AUDIENCE: That's what you're saying, sir.

ASSEMBLYMAN OTLOWSKI: Please don't speak from the audience.

MR. STACK: What I'm saying generally, Mr. Vice Chairman, is, when an individual wants to move into a neighborhood-- For instance, I live in a condominium in Middlesex County, and I didn't have to go around and ask for my neighbors' permission; I didn't have to go to the mayor and ask him for permission to move in. I just said, "I want to move into this place."

Because of the progressive legislation that has taken place, and because of what this body has done in the past--

ASSEMBLYMAN VISOTCKY: I agree with you, but you are putting in six people. You are going to have to have more plumbing, more fire escapes, and everything else. You are really going before the local zoning board to have a change made in the home. So people say, "Fine. If you are going to have six people here, I would like to know what kind of people are going to be here." I think they have that right.

ASSEMBLYMAN OTLOWSKI: Excuse me. I think the Assemblyman is absolutely right. You're dealing with a whole different situation than an individual's rights. I don't know if anyone wants you to move out of your condominium, but in any event-- The truth of the matter is, this is a whole different situation. I would like a couple of people to move out of my neighborhood, and they do not live in group homes, but do you think they are going to pay any attention to me? (laughter)

But, in any event, we're dealing, as Assemblyman Visotcky pointed out, with group homes, six people taking over in a neighborhood where there are one-family homes. It is a whole different thing. Not only that, we are dealing, also, with a whole new concept of treatment. You know, it wasn't long ago that mentally ill people were thrown into dungeons and kept there. As a matter of fact, Patrick Henry, the great voice of freedom, kept his wife locked up in a cellar because she was mentally ill, and that is no reflection on Patrick Henry, whom I love.

But we've changed, and change has to be done with a certain amount of patience, a certain amount of education, a certain amount of compassion and, as a matter of fact, with a certain amount of understanding. So, you're dealing with a whole different thing here. I think this hearing has been very helpful, at least to everyone in this room. I don't know how we are going to do on the outside, but in this room, I think we are getting a better picture. I think the record is going to be a better record for us, and I think we are going to come up with some better legislation.

MR. STACK: The last thing I want to say--

ASSEMBLYMAN OTLOWSKI: I thought you said your last was a moment ago.

MR. STACK: The only thing I want to say is, when you look at the licensure issue, please take a critical look at the way the Department is doing it. I think they are doing an adequate job. I know there has been legislation introduced by Senator Lynch, and I would request that you take a look at that also. All of that is delineated very clearly in my written testimony.

I appreciate the opportunity. Thank you very much.

ASSEMBLYMAN OTLOWSKI: Thank you very, very much. Let's hear from David Lazarus, Director of Litigation, Community Mental Health Law Project. David, please, no long legal dissertation.

DAVID P. LAZARUS: I gave up practicing law.

ASSEMBLYMAN OTLOWSKI: All right.

MR. LAZARUS: I will be short. As you recall in the meeting we had several months ago in your office, we talked about several

issues regarding community residences for disabled individuals. Some of the issues which are coming out today just represent the tip of the laundry list that we are talking about. My personal feelings from what I have seen going on in the State, are that we could have a more comprehensive plan to deal with some of this laundry list of issues, which interrelate and impact upon one another. The small group homes are separate in the sense that they are small group community residences, but they impact upon other community residential facilities as well.

Just to highlight a couple of reasons why I feel this kind of second look, perhaps by the Legislature, perhaps by the Governor, is necessary, and just to pose a couple of questions and a couple of instances around the State-- For example, in Asbury Park, we have a situation in which there are 200 mentally disabled individuals living in one square block. That City is currently undergoing redevelopment. It has been declared a blighted area. What is going to happen to those individuals when they are disbursed, when those properties are sold or condemned?

We have a residential health care facility for 250 residents which has been approved. It is going to be constructed in Dover. Does this residential health care facility -- despite the fact that the State long-term housing plan recommends a maximum of 100 -- have the potential also to cause over-saturation in a particular community? We're talking about the fact that these individuals, some of whom are the same individuals who have been slated to go into group homes, are living in boarding homes. We're talking about a living allotment of \$360.00 per month for everything. What kind of housing facilities are they going to be able to procure for themselves with that minimal amount of money?

I am not saying that the State can solve all of these problems, that it can finance away all of these problems, but I do feel the State has a prime responsibility, at least, to start to take a look at them and try to plan what kind of development and what the issues will be in the future from a planning function. I am not saying the State can afford to do this. The State can do what the Legislature

says it can afford to do, and there are limits to that. But in terms of an overall planning function, the problems go beyond just the governmental entity in the sense that we are looking and coordinating with private development and other things of that nature.

I think it is very important for, hopefully, the Legislature, and perhaps the Governor, to start to set up some kind of a process by which a lot of these issues can be looked at, so we can come up with some kind of a rational plan about how we can get from here to there, so that this one particular problem, in terms of citing prior notification, which is a very important problem in and of itself, is not lost, in a sense, to a broader problem, or vice versa.

That is all I am going to say.

ASSEMBLYMAN OTLOWSKI: David, thank you very, very much. One of the things I talked about with one of the Assistant Commissioners as a result of the meeting we had was this comprehensive approach, this comprehensive planning. I hope something is going to result in that direction out of this hearing.

MR. LAZARUS: If the Committee decides to go that route in terms of perhaps setting up more hearings or deciding to get together and trying to write some plan, I would be more than happy to volunteer my services.

ASSEMBLYMAN OTLOWSKI: We may go into another hearing about a comprehensive approach, comprehensive planning, and how it would be structured at some later date. The Legislature may adopt an enabling resolution setting up such a commission or, as you said, the Governor may do it, or the Department of Human Services may do it. You can be sure that something is going to be done.

Frankly, if I sense Assemblyman Visotcky's thinking and my own thinking, I think we will be pushing for a resolution, maybe a joint resolution to form a commission for some very comprehensive planning in this whole area.

Thank you very much.

MR. LAZARUS: Thank you, sir.

ASSEMBLYMAN OTLOWSKI: May be have Janet Grace? Janet, are you representing the Department of Community Affairs?

**JANET GRACE:** No, I am not. I am the Legislative Liaison for the Division on Women, which is within the Department of Community Affairs.

**ASSEMBLYMAN OTLOWSKI:** I'm terribly frightened. Come on up here. My God, I don't want to offend the women.

**MS. GRACE:** I have only one statement to make.

**ASSEMBLYMAN OTLOWSKI:** I thought you were going to represent the Department of Community Affairs. How did I get that information?

**MS. GRACE:** I think there was a mistake about that.

**ASSEMBLYMAN OTLOWSKI:** For the record, please tell us who you represent.

**MS. GRACE:** My name is Janet Grace; I am the Legislative Liaison for the Division on Women. I am bringing up the issue of battered women's shelters. I have testimony here, so I will only make--

**ASSEMBLYMAN OTLOWSKI:** May we have the copies, Honey? I can only say that because of my age. (laughter) Otherwise I would be pushed around.

**MS. GRACE:** Basically, the only thing I want to say, other than what is in my written testimony, is that we hope when you are considering legislation about community-based residences, you consider the fact that battered women's shelters need a confidentiality about them. While we understand that communities need the right to decide whether these residences should be within their boundaries, we hope that caution is put into legislation that will either exempt community shelters for battered women, or deal with them in a special way.

The reason battered women's shelters are kept secret or confidential is so that women who have been battered will have a shelter from their abusers. We would ask you to consider this.

**ASSEMBLYMAN OTLOWSKI:** Thank you very much.

**ASSEMBLYMAN VISOTCKY:** When we talked about knowing who was there, that was in reference to corrections.

**MS. GRACE:** Pardon?

**ASSEMBLYMAN VISOTCKY:** That was not in reference to battered women; it was in reference to corrections.

**MS. GRACE:** Yes, I thought that was what you meant.

ASSEMBLYMAN OTLOWSKI: As a matter of fact, they are looking for refuge and shelter.

MS. GRACE: That's right.

ASSEMBLYMAN OTLOWSKI: That is a whole different problem. Thank you very, very much.

MS. GRACE: Thank you.

ASSEMBLYMAN OTLOWSKI: May we have Fran Petrella, please?

**FRAN PETRELLA:** I am Fran Petrella, and I am First Vice President of the Association for Retarded Citizens, Somerset County Unit. I am also the parent of a retarded young man 23 years old, who is a resident of a group home in Franklin Township.

For a long time, parents were not pleased with institutionalization. This was long before the State, also, became displeased with institutional treatment. Many parents sacrificed profoundly to keep their retarded sons and daughters in their own communities and in a family setting. Now we have group homes as an alternative. I do not need to speak about the benefits of group homes because no one could have done that more eloquently than Clarissa earlier this afternoon.

My son was a good neighbor in our neighborhood. He helped to carry in groceries for a lady with a bad back. He was the only friend of the neighborhood grouch. I think he is a good neighbor in his new home.

The group home concept is only as viable as the mechanisms that enable group homes to be set up, and that protective regulation mechanism is in your hands. I look to you to protect that.

ASSEMBLYMAN OTLOWSKI: Fran, we are very conscious of that; we are very conscious of the responsibility. Thank you very, very much.

MS. PETRELLA: Thank you.

ASSEMBLYMAN OTLOWSKI: May we have the lady from Somerset County with the pictures, please?

**JOAN SAPIENZA:** Here I am. These are copies of my testimony and pictures of the group homes we are presently operating. I will be very brief.

ASSEMBLYMAN OTLOWSKI: Will you give us your name, please, and the organization you represent?

MS. SAPIENZA: Sure. I am Joan Sapienza. I happen to live in Woodbridge Township, but I am the--

ASSEMBLYMAN OTLOWSKI: You live in Woodbridge?

MS. SAPIENZA: Yes, but I am the Executive Director of the Association for Retarded Citizens, Somerset County.

ASSEMBLYMAN OTLOWSKI: Somerset County?

MS. SAPIENZA: Right.

ASSEMBLYMAN OTLOWSKI: Joan, the pictures you have here -- just for the purpose of identification -- what do they show?

MS. SAPIENZA: We have been operating group homes for the past seven years. These are pictures of the six group homes we now have in operation. Actually, we are operating six group homes and we are working on our tenth. We are quite busy.

ASSEMBLYMAN OTLOWSKI: Joan, can we get these pictures identified? Where are these group homes located?

MS. SAPIENZA: Hillsborough, Branchburg, Bridgewater, and Franklin.

ASSEMBLYMAN OTLOWSKI: Well, they are not marked.

MS. SAPIENZA: Okay, I will give them to David.

ASSEMBLYMAN OTLOWSKI: Will you please mark them for David, so that for the purpose of the record they will be identified?

MS. SAPIENZA: Yes, I will. I think the main statement I want to make this afternoon is that we have been following the law and the procedures the Department has set up, and it has worked extremely well. We have no problems in the neighborhoods. On the back of my testimony, I attached a news clipping from the Mayor of Hillsborough about what good neighbors we are. We are always welcome there. We have continued with community education so people will be aware of the needs of retarded people and will know what group homes are all about.

I would like you to ask me some questions. It's tough -- it's really tough -- to open a group home. Opening a group home is no quick process. If you are lucky, the minimum amount of time it will take to open a group home is six months. Last year when we wanted to

open a new group home in Franklin, it took me from February until at least June or July to locate the home. What is happening now is, houses are coming on the market and they are going off the market almost immediately. When I notify the towns, I notify the mayor of every town that I am looking for a group home.

With regard to the idea that came up here today that instead of notifying the mayor-- I think it might be a better idea to notify the town clerk, who would have to read the letter at a town meeting.

ASSEMBLYMAN OTLOWSKI: Assemblyman Visotcky made that suggestion.

MS. SAPIENZA: On two occasions, the mayors did not acknowledge receipt of my letter of notification, but I had the receipt, so we were okay.

ASSEMBLYMAN VISOTCKY: May I ask you a question?

MS. SAPIENZA: Sure.

ASSEMBLYMAN VISOTCKY: Let's say you have a group home with the ARC, right?

MS. SAPIENZA: Right.

ASSEMBLYMAN VISOTCKY: And two years from now you decide to sell. The local boarding home regulations do not affect the group home, and someone buys it who is going to run a boarding home. What right does that town have -- I'm serious now; it's a hypothetical question-- Suppose someone buys the home and decides to make a boarding home out of it, totally not under the auspices of the Department of Human Services again. What right then would the governing bodies, at any particular time, have to say anything about this? That is a violation of their local zoning code.

MS. SAPIENZA: Number one, we're buying the group home from capital grants funding from the Division, okay? If we sell that house, it has to revert-- The house always has to be used for mentally retarded people. That is part of our contractual situation.

ASSEMBLYMAN VISOTCKY: Let's say no one wants it for the mentally retarded. Let's go hypothetical. It's in my neighborhood, you decide to sell it, and you say, "We are going to buy a bigger home someplace else," like this Woodbridge situation. Let's take the other

one now. Suppose someone buys that and decides to put a rooming house there, and the ordinance says you cannot put a rooming house there. What protection does a municipality have to say, "You cannot convert this premises to a boarding home"? There has to be something there to protect the town.

MS. SAPIENZA: The law we have now only says: "Group homes for the mentally retarded and shelters for battered women."

ASSEMBLYMAN VISOTCKY: But you sell it.

MS. SAPIENZA: I can't sell it.

MR. KOHLER: Assemblyman, once you sell it, I don't think it is any longer a permitted use under the definition of S-210, which is presently law. Therefore, the town could then prohibit that facility from being used as a boarding house. It is only residential now, and--

ASSEMBLYMAN VISOTCKY: That's fine, but do you see what happened from January to August in a town where no one knew who owned a piece of property? See what could happen if you sold this home and someone bought it and, all of a sudden, there was a rooming house there? There is no protection for the local community. I agree it should only be for mentally retarded people, but it is not. There is nothing written in concrete.

MR. KOHLER: I think the protection would be that once she sold the house, there would be a bill of sale with the town clerk. I would imagine that the town clerk would notify the building inspectors.

MS. SAPIENZA: As an agency, we do not own the house; I work for the agency. Okay? The money has come to my agency from the State of New Jersey. There are also protective clauses in that contract. I could not sell the house; my agency could not take off and do something else with the money. That property would have to remain the way it stands now for mentally retarded money or, I would assume, the money would revert to the State of New Jersey.

ASSEMBLYMAN VISOTCKY: That's written in the contract?

MS. SAPIENZA: Yes.

ASSEMBLYMAN VISOTCKY: I would like to see it.

(At this point there are some comments from the audience.)

ASSEMBLYMAN UTLOWSKI: Excuse me. We are not going to get into a round robin here. Joan, do you have a copy of the contract?

MS. SAPIENZA: Not with me. I have it back at the office.

ASSEMBLYMAN OTLOWSKI: Will you make a copy of the contract and submit it to us as part of the record?

MS. SAPIENZA: Yes, I will.

ASSEMBLYMAN OTLOWSKI: Please make sure that David gets it so we can take a look at it.

MS. SAPIENZA: I think the one thing that concerns me about the purchase of a home is the amount of time--

ASSEMBLYMAN OTLOWSKI: Excuse me, when David gets that, John (speaking to John Kohler), I suggest that the staff people look at it to answer some of the questions raised by Assemblyman Visotcky. Some of those questions are probably spelled out in the contract; the others would be spelled out in the law. I think we ought to clear that up because that question is going to be coming up repeatedly. Okay? (affirmative response)

MS. SAPIENZA: Have I made myself clear on how the law and how the procedure are working well? I think the Woodbridge/Avenel situation, hopefully, is unique and is not typical of what is happening in developing group homes in the communities.

ASSEMBLYMAN OTLOWSKI: I don't think the Woodbridge situation is typical, but it was a kind of a dramatic situation.

MS. SAPIENZA: Yes.

ASSEMBLYMAN OTLOWSKI: It brought this whole thing into focus again because of the way it was handled. It's a sad thing; it got completely out of hand.

MS. SAPIENZA: And it was on both sides.

ASSEMBLYMAN OTLOWSKI: Yes.

MS. SAPIENZA: I really don't want to rehash Woodbridge/Avenel again.

ASSEMBLYMAN OTLOWSKI: As a matter of fact, as Assemblyman Visotcky said, "We are not here to find blame, but just to observe." I think this hearing will prevent that from happening again.

MS. SAPIENZA: We need group homes for the mentally retarded desperately. Two weeks ago, my agency had a meeting for parents in trying to secure a viable waiting list, so we can plan for

the next five years. I expected maybe 25 parents to come out; 115 parents showed up, which means that our agency now has 100 people on the waiting list to come into group homes, just from Somerset County, never mind the folks from the institutions. We need to do it in a timely fashion; this cannot go on.

ASSEMBLYMAN OTLOWSKI: Joan, you made your point. Thank you. I don't want to cut you off, but I owe courtesy to some of the other people here.

MS. SAPIENZA: Fine. I invite you to come to visit.

ASSEMBLYMAN OTLOWSKI: You have been very helpful. Please help David later on to identify the pictures, all right?

MS. SAPIENZA: I will take them right now and identify them on the backs.

ASSEMBLYMAN OTLOWSKI: Thank you.

FROM AUDIENCE: Mr. Chairman?

ASSEMBLYMAN OTLOWSKI: Yes.

FROM AUDIENCE: May I just ask the young lady--

ASSEMBLYMAN OTLOWSKI: No, no, we are not going to get into that. May we have Harry Wilkinson, please? Harry, for the record, will you please identify yourself?

**HARRY F. WILKINSON:** My name is Harry Wilkinson, and I am the Executive Director of the Association for Retarded Citizens of Morris County. I am speaking on behalf of Barry Levine, our President, and our Board of Directors.

My testimony is enclosed in the packet I gave you. The reason we are presenting the packet is, we were probably one of the later agencies to develop group homes after the prior notification procedure was in place, so I thought it might be helpful to you to have some of the materials we developed in Morris County to help you to interpret the procedure. In there we have Fact Sheets #1 and #2. Fact Sheet #1 is the actual verbatim copy from the regulations, and Fact Sheet #2 is really the way in which we were trying to implement this, being very supersensitive to the local community.

ASSEMBLYMAN OTLOWSKI: How many operations do you have in Morris County?

MR. WILKINSON: We opened five group homes in the last three years.

ASSEMBLYMAN OTLOWSKI: Five?

MR. WILKINSON: Yes.

ASSEMBLYMAN OTLOWSKI: How long ago were they opened?

MR. WILKINSON: Within the last three years.

ASSEMBLYMAN OTLOWSKI: What kind of a reception-- What kind of a history do you have?

MR. WILKINSON: As Acting Commissioner Perselay said, he was able to attend our last two dedications. In some cases, we had no opposition; in other cases, we did have some. The interesting thing -- and I know we are under a great pressure of time -- is, in every single case -- and we have followed the guidelines super-carefully -- after people knew the group home was for the mentally retarded and developmentally disabled, the pressure really went off. They were so afraid it was going to be a drug detox or a mental health center.

One of the points I would like to make here is, I know there is a genuine effort to synthesize, to coordinate community residences in a community -- saturation, and all that sort of thing -- but I would strongly urge as a recommendation that we do not put these all together because of the uniqueness of the homes. I think there needs to be general guidelines for all community residences, but the biggest problem we have in opening homes is that people start to associate our kinds of homes with the homes they are fearful about. That is not to say we do not recognize the tremendous need for the other types of facilities. But I think there are sufficient regulations and functions within the Division to do coordination. I would like to say that we in Morris County feel that we have had superior success because of the teamwork between the State, the State Regional Office, and our own private agency in developing this. Let me tell you, the State is super-careful about how it proceeds with us to even find a property.

I concur with Joan. In Morris County, where AT&T and the divestiture has taken place, you can't even touch a residence. By the time I get a deposit down, someone else has taken it. By the time you get all of the inspections, you can't even buy the darned thing. Many times we risk our own money just to put a hold on a property.

So, I would just urge that you solve this problem, not by legislation -- this is just a personal suggestion -- but by continuing to sharpen up the regs. I happen to--

ASSEMBLYMAN OTLOWSKI: Excuse me. Could you give us a memorandum on how we can sharpen them up?

MR. WILKINSON: I have five recommendations in my conclusion. I would like to say, Mr. Chairman, that I came to Morris County from the staff of the National Association. During that period of time, I had the experience of being responsible for the 10 Northeastern states. We might think we have some problems in New Jersey, but we are a model State. I can tell you -- and I, too, share with Bob Stack, who is from New York where they have the saturation bill-- That bill gives them all kinds of problems when you get into the whole business of shifting around. I don't want to get into that unless you want to. But throughout the country, every state deals with this problem. When you get into a legislative solution to this type of a problem, you open up a hornet's nest of other kinds of problems, which, as we know, over the last 10 years have moved themselves all the way up to the Supreme Court.

I strongly recommend -- and our Board has adopted a policy -- that we have a good option here in New Jersey to do what is required in the regs, but to sharpen them. For example, at nine o'clock tonight, Lord willing, I will be standing before a council committee in Jefferson Township. Now, we notified them two months ago. We don't care if there are 14 days; we tell them, "Look, we will come any time."

I am meeting with the whole council tonight. We sent our notification out. We developed these materials to help us to communicate. One of my recommendations is that we, as a State, take our regs, and then PR them, develop a brochure, and explain them. In the kit there, we have developed our own brochure. The whole center panel explains to the local community just what the steps are. We have shown this. Again, it is a matter of clarification and education.

Another recommendation we're making is--

ASSEMBLYMAN OTLOWSKI: Excuse me. Why do you like regulations and not legislation?

MR. WILKINSON: Well, because the regs give the Division the flexibility to deal sensitively with the uniqueness of the issues.

ASSEMBLYMAN VISOTCKY: How fast can they change regulations, as opposed to a State statute?

MR. WILKINSON: I don't know the process. All I know is that when we work in a particular community, we have our Assemblymen there. We have Senator Leanna Brown; we have Dean Gallo. These people are involved. They go back and bring these questions up. They never get to the committee. For example, this 15 days. It doesn't matter to us from a practical standpoint. It could go to 30 days, or 40 days.

ASSEMBLYMAN VISOTCKY: Yes, but it is in the regulations. If a person says, "In the 15-day period, you didn't notify me" -- boom, boom, boom, they go to the next--

MR. WILKINSON: Sure, sure.

ASSEMBLYMAN VISOTCKY: That's why I say put it into a statute.

MR. WILKINSON: If that is an issue, I think that between the Commissioners and the political powers, you should sharpen up those things. This hearing presents a great opportunity to do that.

For example, we have had the same experience as Joan. You write a letter to the mayor, and the mayor wants to keep it in his pocket. He doesn't want to show it to his councilmen. I even had the experience where one whole council didn't want to tell the public. So you use a grapevine and it works. There are many ways. You can improve it by saying what you are going to do, not just to the mayor, but to other people, by broadening it, and by having a piece of material whereby you can communicate.

When we are ready to open up a home, we invite every neighbor. We get a van and we drive them up to look at the home. As soon as they see our clients, they are relieved. When we have a public hearing, we show slides, we invite them to come, and we immediately dissipate the way they feel. Our neighbors come in and wash the windows and cut the grass. In Parsippany, I had the most violent community member shouting and literally throwing things at me. I said, "Mike, you know what, there is something here that is making you a

little bit afraid. Come on, let's go." Today that man is on our Citizens' Advisory Committee in that neighborhood. I found out that he likes to work with electronics. Now he runs the microphones for every one of our group home dedications.

We had a neighbor next-door to one of our homes who was really upset, and his house was not as nice as our house. But you don't let a guy go so far out on a limb that he can't get back. We were sensitive to his fears. I am a paid professional; I was too slick; he didn't want me. I'm telling you, we have a lady living next-door, and every time there is an opportunity, she takes flowers over to him. Finally she said to him-- At Eastertime, she took a little Easter flower to him which she had bought at the shopping center. We didn't even know she was going to buy it. She took the flower up and handed it to him and he said, "I guess I really do have to come to have coffee with you." In other words, the retarded, when you let them alone, really prove that they can be good neighbors.

We do all the professional stuff, the materials and all, but I'm telling you, our regs aren't bad. Compare ours with other states which have really had troubles. Sharpen them up; keep them under control.

ASSEMBLYMAN OTLOWSKI: Are you going to give us the memo about how to sharpen them up?

MR. WILKINSON: Sure. Let me see if I gave you all of my points. Coordinate within the State; don't mix it up with other divisions; develop a State PR piece.

ASSEMBLYMAN OTLOWSKI: You say, "Don't mix it up with other divisions"? Are you emphatic about that?

MR. WILKINSON: Yes, because you have enough trouble within the divisions to keep it straight. Every time you add another layer, you add that much more supervision. Keep it within the agency that has the responsibility. Let there be some monitoring between the Commissioners to get it together. I think we have a wonderful example in Human Services -- how they work together.

ASSEMBLYMAN VISOTCKY: Where?

MR. WILKINSON: Between Rehab, between Health, and between DD.

ASSEMBLYMAN VISOTCKY: How about boarding houses, nursing homes, and everything else? Aren't they working together?

MR. WILKINSON: I can't speak--

ASSEMBLYMAN VISOTCKY: Oh, then don't say they are working together.

MR. WILKINSON: I'm talking about our developmentally disabled.

ASSEMBLYMAN VISOTCKY: Don't give me that.

MR. WILKINSON: No, no, I'm talking about within our own facility, to control some degree of cooperation so you won't get the over-saturation.

Thank you very much.

ASSEMBLYMAN VISOTCKY: That's the whole trouble. We have too many Commissioners involved in this thing. It should be one group.

MR. WILKINSON: Well, yes, except just make sure that in our effort to simplify, we don't make it even more complicated. That is the point I'm making. New York is a terrible example of that.

ASSEMBLYMAN VISOTCKY: I think we will do our job.

ASSEMBLYMAN OTLOWSKI: Harry, thank you very much.

MR. WILKINSON: Thank you very much.

ASSEMBLYMAN OTLOWSKI: May we have Karen Spinner, please? Karen, you have three pages here in your written statement.

KAREN SPINNER: Yes, but I do not intend to read them.

ASSEMBLYMAN OTLOWSKI: For the record, please tell us who you are and who you represent.

MS. SPINNER: I am Karen Spinner; I am with the New Jersey Association on Correction. We are involved in advocacy and change for criminal justice, and we operate two halfway houses.

ASSEMBLYMAN OTLOWSKI: Please be brief, since we have your written testimony here.

MS. SPINNER: There are a couple of recommendations I would like to make, and I would also be willing to answer questions about some of the concerns you raised with the Commissioner this morning, since we do contract with the Department of Corrections to house inmates.

Basically, what I would like to bring up are some of the ideas we think should be incorporated. Currently, there are no standards; there is no procedure for setting up a correctional facility -- a halfway house for inmates, the pre-releases. We really believe we are hampered by the lack of a clear definition of what a community residence is. When we go into a community there are apprehensions as to what kind of a facility we are. We are classified as a boarding home, and that is our stance. When we go into a community, we go in and buy a licensed boarding home. We have had significant problems in doing that.

ASSEMBLYMAN VISOTCKY: Didn't you testify before us on boarding homes, if I remember correctly?

MS. SPINNER: Yes, I have been here a number of times. What we would like to see-- The City of New Brunswick has had a task force study this issue in the past year or so. They have come up with some good recommendations, which we agree with -- that is, some of them, of course. One is for a clear definition of a community residence; the other one is, we need one State agency to set up standards for licensing. Currently we deal with the Department of Community Affairs, but there are conflicting regulations with the Department of Human Services and the Department of Health. We think there needs to be one central facility for licensing and setting up standards and codes.

We agree that the community should be informed and brought into the decision. However, everyone must deal in good faith. It is unfair to the operators of the facilities to have their programs described to the communities with half-truths and innuendos. Let us come and tell our story without politicizing the issue first so that people are all up in arms. I realize our clients are not sympathetic characters and that they have brought their problems on themselves. However, the problem now is partly the community. They are a problem to the community.

What we hope to accomplish through our halfway houses is to help these people to become a viable part of the community; again, a part which does not offend the rest of our neighbors.

ASSEMBLYMAN OTLOWSKI: Excuse me. Karen, I don't want to go into that in too great a depth at this moment because we are probably going to treat that separately. All right?

MS. SPINNER: Fine. The other thing I would like to share with you is, we recognize there is a problem with saturation. We, ourselves, do not want to be put in an area with lots of other community residences. It is not fair to our clients or to the other clients. They shouldn't all be, in a sense, ghettoized. We should not have six institutions on one street. That would really not help the clients of any disability population. That is basically what we are concerned about.

Regarding the issue of discrimination against all disadvantaged people, the offender population is disadvantaged in its own special sense. So we want to avoid the stigma and help these people to reintegrate themselves, for the community's sake, as well as for the individuals' sake.

Thank you for the opportunity to be here. I would be glad to answer any questions.

ASSEMBLYMAN OTLOWSKI: Thank you. As I said, we will probably call on you at a subsequent time. All right?

MS. SPINNER: I would be delighted to come.

ASSEMBLYMAN OTLOWSKI: May we have Walter Kalman, please?

WALTER X. KALMAN: Everyone promised to be brief, and they haven't been. I promise that I will.

ASSEMBLYMAN OTLOWSKI: Walter, for the record, please tell us who you are and where you come from.

MR. KALMAN: My name is Walter Kalman. I am the Regulations and Legislation Chairman of the New Jersey Association of Community Residential Providers, and the Associate Executive Director of the Sussex County Association for Retarded Citizens. Our Association -- the Providers Association as it is often known -- represents 41 agencies throughout the State of New Jersey, providing residential services to developmentally disabled clients. We represent over three-quarters of the agencies which are contracting with the Division of Developmental Disabilities. I just wanted to give you a little

perspective of the wide range of agencies that our organization represents.

There are several key points I want to emphasize because--

ASSEMBLYMAN OTLOWSKI: Walter, you represent Residential Providers. Are these people group home providers?

MR. KALMAN: Group homes, supervised apartments, and supportive living programs.

ASSEMBLYMAN OTLOWSKI: What is the nature of the disability of the people they deal with?

MR. KALMAN: These are all clients who are developmentally disabled -- epilepsy, mental retardation, cerebral palsy.

ASSEMBLYMAN OTLOWSKI: Okay.

MR. KALMAN: The key I want to emphasize -- as you and several others have noted thus far -- is that these community programs need to be considered individually, although there may be some coordination in order to avoid saturation in communities. It is very important that we consider each of these disabilities and each of these types of programs separately. There is clearly a very distinct difference between homes for the developmentally disabled and correctional facilities, or facilities for drug abusers.

ASSEMBLYMAN OTLOWSKI: That is why I want to keep those things separate. You have to deal with them separately, in my opinion. As a matter of fact, we may have a hearing just devoted to that separate and distinct phase.

MR. KALMAN: I think it is very important to do that.

As Harry Wilkinson indicated, many agencies practiced the notification process before it was an official requirement and, in fact, go beyond the boundaries of the notification process. I think some of what we heard about the situation in Woodbridge might have been avoided had some of those rules been followed, or had they been even extended beyond the boundaries which are written into the official requirements.

In 1982, when Commissioner Albanese instituted the regulations, and since that time, it has been evident that the process does work. We have seen that the exception is the situation in

Woodbridge. The rule has been programs like those mentioned in Somerset and Morris, which have been quite successful. By incorporating community involvement, it has been possible to turn an often hostile environment into a welcoming one.

The last point I would like to emphasize is, we should keep in mind the situation which has occurred in New York with the law there. It is a far cry between prior notification and community involvement to the other end of the spectrum, which would be permitting alternate site selection by the municipalities. Certainly, we want community involvement, but it is questionable whether persons who are not involved with a particular type of client are in a position to make appropriate selections of sites within the municipality, or propose alternate sites, in many cases.

Those are the major points I wanted to emphasize. As I said, our group consists of 41 agencies. If there is any way we can be of assistance in future considerations you will be making on this issue, I would like to offer the auspices of the group in any way that we can be helpful.

ASSEMBLYMAN OTLOWSKI: Thank you very, very much. May we have Frank Caragher, please?

FRANK X. CARAGHER: I have just two comments. The passage of Public Law 1978, Chapter 159--

ASSEMBLYMAN OTLOWSKI: Frank, for the record, would you please give us your name and the organization you represent?

MR. CARAGHER: My name is Frank Caragher. I am the Executive Director for the Hudson County Unit of the Association for Retarded Citizens. I am here representing my Board and the families we serve.

Public Law 1978, Chapter 159, represents a commitment by this State to the developmentally disabled individuals living in New Jersey. I hope you understand that that is a very important commitment and that you will take it into consideration when you review the process.

I can attest to Harry Wilkinson's process with regard to prior notification and the manner in which he addresses towns. It is a very sound practice and one which Hudson County follows in some ways.

During the last two years, we have opened five sites in Hudson County. We have received public support from Mayor Cucci of Jersey City. We have received financial support -- an offer for financial support -- from Mayor Collins of Bayonne, to help to develop a program. Mayor Hill, of Kearny, has been very receptive to us, and we worked very hard to put that project together. Not all the situations are bad. I hope you do not view the Woodbridge situation as the norm. It may be the exception.

When you are reviewing the process, I want you to understand, from my point of view, that this system works when it is done properly. Okay? When you have responsible parties on both sides, performing the acts, this works. If you were to change the time lines or make a change in any fashion prior to a commitment from the city, it would be very difficult for us in Hudson County to get people interested in selling their houses to us. As other people have indicated, they have had to put their own money up-front to tie these houses up. It is a very long and difficult process as it is. When you review it, please take that into consideration. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very, very much. May we hear from John P. Scagnelli? Is John here?

JOHN P. SCAGNELLI: I'm right here.

ASSEMBLYMAN OTLOWSKI: Oh, John, I thought you may have left by this time.

MR. SCAGNELLI: No. I am not going to read my written testimony, but I would like to make a few comments.

ASSEMBLYMAN OTLOWSKI: John, you had the benefit of listening to everyone.

MR. SCAGNELLI: They stole all my stuff, so I don't have anything else to say.

ASSEMBLYMAN OTLOWSKI: You have been around for awhile, and a lot of us respect your opinions. Off the cuff -- you've been sitting here listening -- what do you see, what do you think?

MR. SCAGNELLI: First of all, I would say, Mr. Chairman, that the rules and regulations are working. I think the testimony which has been provided, certainly by the Association for Retarded Citizens,

points out very succinctly that once these regulations are followed, they do work.

Our Association now operates over 60 group homes throughout the State.

ASSEMBLYMAN OTLOWSKI: How many, John?

MR. SCAGNELLI: Sixty group homes throughout the State, in every county of New Jersey. This indicates, certainly, that the system does work, and is working.

The other thing I would like to indicate is, I think it is terribly important for us to be able to respond to the concerns and fears of the neighbors. Perhaps in your deliberations-- Maybe there should be some evidence presented that there has been contact with the neighbors, and that the neighbors have had a chance to talk about their fears, their concerns, and whatever else is on their minds, and, also, to get to understand what these homes are going to accomplish. I think that is very important in relating it to the rules and regs.

Secondly -- I think this has been mentioned -- the notification should not only be given to the mayor, but also to either the town councilmen--

ASSEMBLYMAN OTLOWSKI: I think the right guy is the town clerk -- and the council and the mayor. But the clerk should get it because then he would have the responsibility.

MR. SCAGNELLI: I agree wholeheartedly with that. As as been mentioned before, the supervision has to be let to one single agency, the agency for which the services are being provided. I think you made the point, Mr. Chairman, that there are too many people involved, and too many agencies cutting across departmental lines. I think that is where the confusion comes in.

ASSEMBLYMAN VISOTCKY: See, one of the confusions we have here today is that we talked about prisoners going into group homes, and we talked about mentally retarded going into group homes. We have marketed it all into one area.

MR. SCAGNELLI: That is exactly right.

ASSEMBLYMAN VISOTCKY: We do not have it broken down into three areas. That is the major problem here.

MR. SCAGNELLI: I think that is the greatest fear people have. The minute they hear people are coming into the community, they believe they must be criminals, they must be addicts, or they must be something else. Subsequently, unnecessarily, people's fears are aroused for no good reason.

ASSEMBLYMAN VISOTCKY: Maybe there should be different names; I'm serious. You know, for the mental people, for the drug people, and for our prisoners, maybe we should call the homes by different names, not group homes. That would probably eliminate a lot of confusion within the communities.

MR. SCAGNELLI: Maybe so.

ASSEMBLYMAN VISOTCKY: Maybe that would do it; I don't know.

MR. SCAGNELLI: I think as far as property values and all of those other things are concerned, it has been substantiated that there is no drop in property values.

ASSEMBLYMAN OTLOWSKI: There is only one thing about property values -- they go up. (laughter)

MR. SCAGNELLI: If I may, I would just like to read an article that appeared on October 2 in Hunterdon about a group home. The home was celebrating its fifth year in the community. One of the people identified was Robert Pierce, who said that he was living across the street from the home when it was first proposed. "I was one of the neighbors who spoke out in opposition at council meetings. I was the one with the biggest mouth. I didn't want them. I thought I had a beef." His attitude has changed. "I was as scared as anyone when they first came, but they are the best damned neighbors we have."

The change of attitude -- and I think we have seen this incident repeated over and over again -- comes along when neighbors recognize that the people are keeping their properties up; they are civil; they are working. People respect them and pretty much become their mentors, rather than fighting against them.

I think there is a lesson to be learned in that. People need time, and I think the method we have found successful over the last seven or eight years has been to be honest with people. Give them a chance, and they will respond in the humane way that people are noted for. I think that is the point I wanted to make.

ASSEMBLYMAN OTLOWSKI: John, frankly, just sitting back here, I think we have learned a lot today. I think this hearing served many, many purposes. When we have time to reflect on this issue, and the staff does some work, we are going to get a better perspective on this whole thing.

ASSEMBLYMAN VISOTCKY: One of the bills is Assembly Bill 4070, sponsored by Assemblyman Genova. He has made reference to prisons and to drug treatment centers. This, in itself, has everyone thinking they are group homes also.

MR. SCAGNELLI: They're not. We're throwing out the baby with the bath water.

ASSEMBLYMAN VISOTCKY: I realize that. That's what I say. If you look at this legislation-- It would have people uptight all the time.

MR. KOHLER: I think what Mr. Genova had in mind would not affect group homes.

ASSEMBLYMAN VISOTCKY: I know what he is saying. There is no question about it.

MR. KOHLER: It was the developmentally disabled. He wanted the municipalities to have the right for input with regard to inmates and drug addicts, not the mentally retarded.

ASSEMBLYMAN VISOTCKY: I said that.

MR. SCAGNELLI: It's education all the way around, continuous education on everyone's part.

ASSEMBLYMAN OTLOWSKI: John, thank you very much.

MR. SCAGNELLI: Thank you.

ASSEMBLYMAN OTLOWSKI: Carmela, I hope you are getting the hint. (laughter) All right?

CARMELA LUNT: I will make this very brief. I have just two points I would like to raise with you. The first is, I would like to confirm what some of the other speakers have said; that is, we need some kind of coordination among the various divisions in the Department on this. I also agree with the person who said, "I would not like to see any more structure added to what is already there." I think you have an excellent bill in your Committee right now -- Assembly Bill 3632.

ASSEMBLYMAN OTLOWSKI: Whose bill is that?

MS. LUNT: It is sponsored by Mr. Frelinghuysen. It gives the--

ASSEMBLYMAN OTLOWSKI: We haven't even looked at it yet.

MS. LUNT: --Department of Human Services the responsibility for--

ASSEMBLYMAN OTLOWSKI: As a matter of fact, I just turned it over to our staff people today. What does it do?

MS. LUNT: It gives the Division of Mental Health and Hospitals the responsibility for the development and overall regulation of community residences for the mentally ill. The Division of Developmental Disabilities already has that.

ASSEMBLYMAN OTLOWSKI: But do you know something-- Excuse me, I don't want to downgrade anyone's bill. We're probably going to divide this into two or three areas, as we have talked about, to come up with some sort of a comprehensive thing in each area, and yet not build some kind of a superstructure that is going to be a Tower of Babel and collapse on us. Everyone seems to think that we have a pretty good thing going here, except that it needs a little fixing here and a little fixing there, and that a special identification and separation should be made.

I think if we stay on that track, and if the Committee can come up with something in that area, we will have something. As a matter of fact, Frelinghuysen may be one of the guys-- We may preempt his bill if it is good. You know, I'm just talking off the top of my head.

MS. LUNT: I didn't give you my affiliation. I am speaking on behalf of the New Jersey Alliance for the Mentally Ill. The Alliance is composed of 20 family support and advocacy groups in the State.

ASSEMBLYMAN OTLOWSKI: Excuse me. Please repeat that.

MS. LUNT: I am speaking on behalf of the New Jersey Alliance for the Mentally Ill. There are 20 family support groups; that is, the families get together to support one another, but then they also do advocacy. They are self-support groups, self-help groups. They represent about 1,000 families in New Jersey. I am a member of that

organization. I have a family member who is mentally ill -- who has recovered from mental illness.

I am also President of Project Hope, which has recently gone through the notification process. Project Hope is a private, nonprofit corporation, which is in the process of opening its first community residence in Morris County.

The second point I wanted to bring up with you -- I know it is not a popular subject, and I am going to be in the minority -- is that the Alliance for the Mentally Ill would like to register its position against prior notification.

ASSEMBLYMAN OTLOWSKI: That is not an unpopular position; that is your position.

MS. LUNT: Well, no, it is the position of the Alliance. They voted on this at their meeting last Saturday.

ASSEMBLYMAN OTLOWSKI: We can understand that.

MS. LUNT: The goal of the Department of Human Services in creating community residences is to create a normalized living environment for their clients, but to require a notification process that puts the whole community on notice that "The mentally ill are coming," violates human dignity, violates civil rights, and violates human rights. Also, it delays the normalization process.

ASSEMBLYMAN OTLOWSKI: We have no argument with that, but I think we made it clear, too, that we are going to have to deal with realities if we are going to get some kind of a bill through. We have no argument with that. As a matter of fact, your position is just as good as anyone else's. What it comes down to is, we have to deal with realities. What can we get through the Assembly? What can we get through the Senate? What can we get the Governor to sign? What is workable? This is what it comes down to.

MS. LUNT: There are other ways of notifying the communities besides a registered letter. If it were mandated in the legislation or in the regs that the various divisions cooperate and plan where the sitings would be, they could take the local officials into the planning process. In other words, the local officials could be involved in the total--

ASSEMBLYMAN OTLOWSKI: Do you have that in your written testimony?

MS. LUNT: Yes, I do.

ASSEMBLYMAN OTLOWSKI: All right; let's take a look at that.

MS. LUNT: I think what I am trying to do here is speak for the mentally ill. None of them are represented here today. We had several disabled people here, but there were none from the mentally ill community. What I am trying to do is speak for them. I think what prior notification does is close the minds of the communities, rather than opening them. Starting in a hostile environment is no way to begin a dialogue. I think that if this could be done between the Department and the community officials -- if the planning could be done between those two groups -- some of this hostility from the community would subside.

ASSEMBLYMAN VISOTCKY: I understand the situation in Woodbridge is the first time we have had a problem. Every other home has gone up by the regs which are presently there. The communities must be notified. I don't see why that is a major problem.

MS. LUNT: Well, I think they should be notified, but we are objecting to the manner in which it is done. I think the communities need the information and there should be community education done, but I don't think the notification process is the way to do it. You don't educate the community that way. All you do is raise their anger. I think it has to be a slower and a more subtle process.

ASSEMBLYMAN OTLOWSKI: Carmela, believe me, people get madder when something comes in as a secret. Then you have a real problem.

Frankly, Carmela, I can understand your position. Just this: You are not alone. A great new look has been taken on mental health in the past 12 years. So, you are not alone in your views. The truth of the matter is, from a practical point of view, and a political point of view-- You know, our society is a political society. We have to strive for what is possible and what is attainable. You saw what happened in Woodbridge. The notification was not there, and the whole town became aroused. Everyone was out with a Kentucky rifle. They wanted to shoot the Mayor; no, no, worse than that, they wanted to

shoot the Assemblyman in the district. (laughter) So, we got into that position.

Advocate your position; push your position. Some day the great light may come down and everyone may take your side. Okay?

MS. LUNT: Thank you for listening.

ASSEMBLYMAN OTLOWSKI: Thank you very, very much. With that we will adjourn this hearing.

(HEARING CONCLUDED)

and the Assembly... (b) we get into  
that position.  
As regards your position, I am sure  
that it will come down to a vote on the  
MS. LINT: Thank you for that.  
ASSEMBLY: Thank you very much.  
we will adjourn this meeting.

(CLOSING REMARKS)

