

**Pennsylvania Opioid Misuse and Addiction Abatement Trust**  
**Dispute Resolution Committee Public Meeting**  
**October 3, 2024 | 1:00 PM | Virtual**

**MINUTES**

**DRC Member Attendees (7):**

- Chair Tom VanKirk
- Tumar Alexander
- Commissioner Kevin Boozel
- Erin Dalton
- Shea Madden
- Commissioner Robert Postal
- Senator Christine Tartaglione

**Bucks County Representatives:**

- Amy Fitzpatrick, Solicitor
- Shannon Kirby, Opioid Settlement Program Manager
- Margaret McKevitt, COO
- Rachael Neff, Human Services Director
- Laura Riba, Assistant Solicitor
- Diane Rosati, SCA Director

**Philadelphia County Representatives:**

- Claire McKeown, Overdose Response Unit Senior Project Manager
- Keli McLoyd, Overdose Response Unit Director
- Ryan Smith, Deputy City Solicitor
- Eugenia South, Penn Medicine's Center for Health Justice Faculty Director, University of Pennsylvania Health System Associate Vice President of Health Justice, and University of Pennsylvania Perelman School of Medicine Associate Professor of Emergency Medicine
- James Washington, Russell H. Conwell Middle Magnet School Climate Manager

**Other Attendees:**

- Jayson Wolfgang, Buchanan Ingersoll & Rooney
- Jordan Yeagley, Buchanan Ingersoll & Rooney
- Briana Anderson, CCAP
- Amy Yeung, Pennsylvania State University

## **Announcements**

- This meeting of the Pennsylvania Opioid Misuse and Addiction Abatement Trust’s Dispute Resolution Committee (DRC) has been duly advertised as a public meeting in accordance with the Sunshine Act and is therefore open to members of the public as observers.
- Participation in this meeting is limited to Bucks and Philadelphia Counties, as beneficiaries under the Trust Order, and their designated representatives, Trustees on the DRC, and those that the Trustees have invited in advance to take part.
- This meeting is being recorded and the video will be available on the Trust’s website along with minutes from this meeting after they are approved.
- Executive Session was held today immediately prior to this public meeting for the purposes of receiving legal updates and legal advice.
- A quorum of Trustees is present at the meeting.

## **Approval of Prior Meeting Minutes**

Minutes from the public DRC meeting held on September 23, 2024, were circulated to members of the DRC in advance of this meeting. Chair Tom VanKirk indicated that he would entertain a motion to approve the minutes. A motion to approve the minutes was made by Commissioner Kevin Boozel and seconded by Tumar Alexander. There was no further discussion, and the minutes were approved unanimously by the Trustees in attendance.

## **Bucks County Presentation on Appeal of Program No. 13 – Drug Court Probation Officer**

Diane Rosati, Bucks County’s SCA Director, began the presentation by providing an overview of the Opioid Advisory Committee (OAC), established by Bucks County in 2022. Members of the OAC were selected to represent various aspects of opioid remediation including prevention, treatment, recovery, housing, veterans, and families affected by opioid use. The OAC conducts meetings both in-person and virtually, incorporating listening sessions and community input via a dedicated email address. Through these feedback mechanisms, the OAC has developed a community plan, which has received support from the Bucks County Commissioners.

Ms. Rosati proceeded to discuss Bucks County’s Drug Court (aka Recovery Court), an accredited program that adheres to the 10 key components of drug/recovery courts. Participants applying to the Recovery Court who identify opioids as their primary substance of use are assigned to a probation officer specifically trained to work with individuals experiencing opioid use disorder (OUD). This probation officer collaborates with a multidisciplinary team that includes a judge, prosecutor, defense counsel, treatment providers, law enforcement, and a court coordinator to

support and monitor each participant's recovery. The recovery court employs various evidence-based programs including, but not limited to, motivational interviewing and medication assisted treatment. The program emphasizes a non-punitive approach; sanctions for violations may include demotions in phases, essays, fines, curfews, and restrictions, rather than solely incarceration, alongside incentives for positive participation.

Chair Tom VanKirk sought clarification on whether participants had ever been incarcerated for non-compliance with the terms established by the Recovery Court. Ms. Rosati confirmed that while some participants have faced incarceration within the Recovery Court program, it is considered a last resort. Chair Tom VanKirk further inquired if recovery court probation officers operate more like social workers than traditional probation officers. Ms. Rosati clarified that while a probation officer's role remains that of a probation officer, specialized training enables a different, more supportive relationship with participants compared to conventional probation officers.

Commissioner Robert Postal asked whether Recovery Court probation officers receive specialized training and if they continue to work with participants despite any violations. Ms. Rosati confirmed that they do receive specialized training and are well-versed in community-based treatment centers and recovery support. The relationship between probation officers and participants continues unless a participant is removed from recovery court.

Commissioner Kevin Boozel inquired about funding for the position in the absence of opioid settlement funds (OSF). Shannon Kirby, Bucks County's Opioid Settlement Program Manager, indicated that, while the Recovery Court is partially funded by a grant, the OUD-designated probation officer is covered by OSF. Commissioner Kevin Boozel followed up by asking whether, if grant funding were to cease, this probation officer would be eligible for standard compensation like other probation officers. Margaret McKeivitt, Bucks County's COO, affirmed that they would be eligible if a position were available at that time.

A portion of a Recovery Court video was presented to the DRC to illustrate the participants' experience. Following the video, Amy Fitzpatrick, Bucks County's Solicitor, elaborated on the differences between Recovery Court probation officers and typical probation officers, noting that the former function more like social workers, manage smaller caseloads, and employ evidence-based techniques. Ms. Fitzpatrick stated that Recovery Court probation officers use evidence-based techniques and have a lighter caseload of about 25 participants (versus 50-60 for other probation officers). Ms. Fitzpatrick expressed that the program is included in Exhibit E, Schedule B and aligns with core strategies identified in Schedule A of Exhibit E. Erin Dalton requested specifics on where Bucks County believes the program fits within Exhibit E, to which Ms. Fitzpatrick responded that Bucks County believes it to be specifically referenced in Schedule B, Part 1, Section D, Subsections 3 and 5, as well as Schedule B, Part 2, Section F, Subsection 2.

Chair Tom VanKirk asked when the Recovery Court program began in Bucks County. Ms. Rosati stated that the program started in 2010, but a position for an OUD-designated probation officer

was created in 2022 to monitor participants with OUD. Commissioner Kevin Boozel voiced concerns that regardless of a probation officer's therapeutic approach, they still have the authority to arrest.

Discussion continued regarding the permissible expenditure categories in Exhibit E. The Trust has maintained that law enforcement roles such as police officers, probation officers, and district attorneys, do not align with the intended use of funds to prevent or remediate OUD. Ms. Fitzpatrick emphasized that Bucks County considers the recovery court to be a complete alternative to traditional policing and prosecution.

The Trustees had no further questions, thus concluding Bucks County's presentation of Program No. 13.

### **Bucks County Presentation on Appeal of Program No. 17 – 24/7 Crisis Stabilization Unit**

Bucks County was then asked to present on Program No. 17, now called the Bright Path Center. Ms. Rosati began by thanking the Trust for its “early-on direction” in connection with this program. She then outlined the program, which emerged from a community needs assessment that identified a demand for a centrally located, 24/7 drug and alcohol, and mental health center aimed at reducing barriers to treatment access. The Bright Path Center will be a 24,000 square foot facility offering assessment, triage, withdrawal management beds, peer support, and mental health services. It is estimated that about 12% of individuals seeking care at the center will have OUD, which aligns with the total proposed use of OSF for initial costs amounting to \$1,800,000, or 12.8% of the total program cost. Ms. Rosati presented pie charts and bar graphs showing that half of the 12.8%, or 6.4%, was already spent OSF, whereas the other 6.4% would be committed if this appeal is approved. Ms. Rosati also noted that many individuals seeking treatment may unknowingly be at high risk for overdose and opioid addiction, particularly due to adulterants like Fentanyl and Xylazine.

Chair Tom VanKirk inquired about the center's focus on OUD, and Ms. Rosati indicated that a minimum of 5 out of the 19 beds will be designated for withdrawal management, applicable to withdrawal from any substance, not just opioids. Chair VanKirk also sought clarification on the funding structure. Ms. McKeivitt clarified that no money has been borrowed for the project, which is funded through several governmental sources and partnerships. She noted that Doylestown Hospital requested the program and has donated the land for the center.

Chair VanKirk expressed concern about the mixed use of the facility and that using OSF for upfront costs might misrepresent the number of individuals served for OUD over time. Ms. Fitzpatrick responded that the County's estimate of 12% is conservative and does not account for individuals with co-occurring substance use and mental health disorders.

Commissioner Robert Postal inquired about transportation to the center, given Bucks County's size. Ms. Rosati explained that the County plans to leverage a remediation program approved by the Trust, called Danny's Ride, to assist with transportation. Ms. McKeivitt added that there would

be a secure port for handoffs. Commissioner Postal also asked whether minors would be served at the center, to which Ms. Rosati replied that both adults and minors would be accommodated, but they would be separated.

Commissioner Kevin Boozel asked about licensing for the center and further details on the funding. Ms. Kirby stated she would provide that information in future reports if the program were approved, as the County plans to apply for an additional \$900,000. Ms. Fitzpatrick shared that data to identify the population served at the center came from local emergency departments, Magellan Behavioral Health, and the only other 24/7 facility in Bucks County. The County plans to monitor the population served in anticipation of applying for operational funds at a later time.

Commissioner Boozel also asked if the land donation from Doylestown Hospital was a permanent donation or a lease. Ms. McKevitt confirmed it is a 99-year lease with the building owned by the Lenape Valley Foundation. Erin Dalton sought clarification on how this project specifically fits within Exhibit E and whether it would be considered an investment in infrastructure. Ms. Fitzpatrick responded that this is likely the strongest argument, but they believe the project also aligns with other areas within Exhibit E identified in their written appeal submissions.

The Trustees had no further questions, thus concluding Bucks County's presentation of Program No. 17.

### **Philadelphia County Presentation on Appeal of Program Nos. 9(a-e) – Kensington Resident Support**

Philadelphia County was then asked to present its appeal on Program No. 9, which includes five initiatives: 9(a) – Kensington Resident Support; 9(b) – Targeted Kensington Residents Rent/Mortgage Relief; 9(c) – Parks Improvements; 9(d) – Support for Schools; and 9(e) – Small Business Support – Capacity Building. Ryan Smith, Philadelphia's Deputy City Solicitor, initiated the presentation by detailing where Philadelphia County believes the program fits within Exhibit E, specifically citing its classification as an evidence-informed program under Schedule B, Section G. Although the Trust attempted to review these sub-grants as individual programs and encouraged Philadelphia County to do the same, Philadelphia County presented its appeal as a single initiative.

Mr. Smith elaborated on the conditions in Kensington and how it is considered to be the epicenter of the opioid crisis in Philadelphia. He reported that 60% of children in Kensington live in poverty and noted the neighborhood's dire health outcomes, with it ranking last in health factors in a recent study. Kensington has a drug overdose death rate three times the citywide average, a crime rate more than double that of the rest of Philadelphia, a homicide rate seven times higher, and an eightfold increase in housing code violations. The presence of open intravenous drug use, discarded needles, and litter further exacerbates the community's challenges. Mr. Smith emphasized that these factors contribute to the increased risk of opioid misuse and overdose, underscoring the need for targeted interventions to keep children and families safe.

Chair Tom VanKirk questioned the specific evidence supporting these claims. In response, Mr. Smith indicated that subject matter experts would review the evidence later in Philadelphia's presentation, summarizing that the built environment and social determinants of health elevate the risk of OUD and overdose. Following this, Keli McLoyd, Philadelphia's Overdose Response Unit Director, continued the presentation.

Ms. McLoyd clarified that Philadelphia's approach may differ from other counties due to Kensington's unique circumstances and that interventions are based on the latest addiction science and medical research related to urban substance use. She reviewed the prevention continuum, identifying the initiatives within Program No. 9 as selective prevention interventions tailored to groups with specific biological, psychological, or social risk factors. According to Ms. McLoyd, Kensington residents inherently face high social risk factors, including adverse childhood experiences (ACEs). ACEs refer to potentially traumatic events in childhood, such as witnessing violence or having a parent with a substance use disorder. Research shows that exposure to ACEs is strongly linked to future substance misuse, with 45% of Kensington residents reporting four or more ACEs compared to 16% of the general American population. Ms. McLoyd explained how Program No. 9 targets areas in Kensington with high levels of violence and drug-related crime, primarily linked to the illicit drug trade.

Ms. McLoyd also discussed the benefits of park improvements, noting that they enhance community safety by reducing drug paraphernalia and creating safe spaces for children and families. Supporting schools is equally important, as secure learning environments are vital in areas affected by drug-related issues. Lastly, she highlighted the significance of small business support in combating urban blight and creating economic opportunities. Through these interconnected initiatives, Ms. McLoyd illustrated how stable housing, community safety, education, and economic support work together to address the challenges faced by Kensington residents.

Ms. McLoyd then introduced her colleague, Dr. Gina South, a physician and scientist at Penn Medicine, who aimed to provide further evidence linking neighborhood context to opioid misuse and overdose outcomes. Dr. South shared her background as an emergency room doctor in Philadelphia and expressed concern about the limitations of emergency care, particularly regarding chronic conditions like OUD. She explained how neighborhood conditions significantly impact health outcomes, noting that research demonstrates how one's environment can influence physiological responses and stress hormone levels.

Continuing her presentation, Dr. South discussed the correlation between neighborhood conditions and opioid overdose rates, noting that deteriorating environments often have higher levels of drug use.

Ms. McLoyd then returned to the presentation to discuss the challenging environment children face in Kensington. She highlighted the dangers that children encounter daily, such as the risk of falling on needles while playing outside and witnessing drug use and overdose responses.

James Washington, Climate Manager at Conwell Middle School, followed with insights into the experiences of his students. A video was presented, showcasing a student's journey from the train station at Kensington and Allegheny to Conwell Middle School, illustrating the challenges and sights children encounter on their way to school.

Chair Tom VanKirk acknowledged the dire situation in Kensington but noted that many issues have existed in this geographic area for decades. He expressed satisfaction that Philadelphia is finally allocating funds to address the problem but emphasized the need for accountability to ensure alignment with Exhibit E. He referenced Section G of Exhibit E, outlining specific criteria for programs aimed at preventing opioid misuse, such as media campaigns and community coalitions, and argued that the proposed initiatives do not seem to fit within these categories.

Mr. Smith asserted that the proposed community-based intervention services directly address the needs of families and youth at risk for OUD and co-occurring mental health issues. He emphasized that these interventions are effective in reducing fatal overdoses, which he identified as central to harm reduction and overdose prevention efforts. Chair Tom VanKirk further questioned whether lending money to small businesses constituted a valid use of funds, to which Mr. Smith responded that such initiatives help lower the risk of OUD by reducing vacant and blighted properties, positively impacting the community.

Commissioner Robert Postal expressed concern that OSF were being used to support anti-poverty or community development programs. In response, Mr. Smith clarified that the interventions labeled as Program No. 9 are selective and targeted at groups at a higher risk for OUD, as opposed to being universal initiatives.

Tumar Alexander posed a question regarding the average number of individuals engaged in opioid use within the community. Tumar Alexander questioned the timeline for intervention effectiveness, to which Dr. South responded that while substantial changes take time, preliminary evidence already demonstrates promising outcomes from the current initiatives.

The Trustees had no further questions, thus concluding Philadelphia County's presentation of Program No. 9. At 2:03 PM, the members of the DRC went into Executive Session to seek the advice of legal counsel.

### **Outcome of the Appeals**

The public meeting of the DRC was reconvened at 2:25 PM.

Chair Tom VanKirk shared that during the Executive Session, legal counsel was sought on the voting process for Philadelphia Program Number 9, which was filed as one appeal but is divided into various sub-programs. He proposed voting on each initiative separately and confirmed there were no objections from Philadelphia.

The first appeal for deliberation and a vote was Bucks County Program Number 13. Chair Tom VanKirk then presented the following resolution:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby affirms the decision of the Board of Trustees that Bucks County Program No. 13 Drug Court Probation Officer is not compliant with Exhibit E. A “yes” vote would maintain the current denial by the Trust, whereas a “no” vote would reverse the decision by the Trust that the program is not compliant with Exhibit E.

Erin Dalton made the motion as presented. Commissioner Robert Postal seconded the motion. Erin Dalton stated her belief that Exhibit E does not expressly prohibit using OSF for law enforcement. Shea Madden stated that despite the program’s intent, a probation officer is law enforcement, not opioid prevention or remediation, and suggested that a case manager or social worker would be more appropriate. Commissioner Robert Postal noted the specialized training of the probation officer and the reduced caseload and emphasized that the proposal aimed for a non-punitive approach. Commissioner Boozel acknowledged that drug courts, as an entire system, are beneficial, but supported Shea Madden’s position that a probation officer is law enforcement at the end of the day. With no further discussion, the Trustees then voted as follows:

Yeses (3):

- Commissioner Kevin Boozel
- Shea Madden
- Senator Christine Tartaglione

Nos (3):

- Tumar Alexander
- Erin Dalton
- Commissioner Robert Postal

As the vote resulted in a tie, Chair Tom VanKirk cast a vote and voted yes, the result of which was to affirm the decision of the Board of Trustees that Bucks County Program No. 13 Drug Court Probation Officer is not compliant with Exhibit E.

Chair Tom VanKirk then presented the following resolution for approval:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby affirms the decision of the Board of Trustees that Bucks County Program No. 17 24/7 Crisis Stabilization Center is not compliant with Exhibit E. A “yes” vote would maintain the current denial by the Trust, whereas a “no” vote would reverse the decision by the Trust that the program is not compliant with Exhibit E.

Commissioner Robert Postal made the motion as presented. Senator Christine Tartaglione seconded the motion. Chair Tom VanKirk confirmed that this vote pertains solely to the initial \$900,000 committed to the project. Commissioner Robert Postal expressed that similar requests are likely to arise in the future, highlighting the issues faced in jails and the need to divert traffic



from these facilities. He noted his awareness of emergency room challenges and juvenile detox issues, stating that such initiatives are essential. While he raised questions regarding funding percentages, he indicated that he would prefer to structure funding through loans to amortize costs over time. Despite this, he believes the project has merit if the necessary funding can be secured. With no further discussion, the Trustees then voted as follows:

Yeses (0)

Nos (6):

- Tumar Alexander
- Commissioner Kevin Boozel
- Erin Dalton
- Shea Madden
- Commissioner Robert Postal
- Senator Christine Tartaglione

The result of this voting was to reverse the decision of the Board of Trustees that Bucks County Program No. 17 Crisis Stabilization Center is not compliant with Exhibit E; this program was, therefore, approved as compliant with Exhibit E.

Chair Tom VanKirk then presented the following resolution for approval:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby affirms the decision of the Board of Trustees that Philadelphia County Program No. 9(a) Home Repairs Program is not compliant with Exhibit E. A “yes” vote would maintain the current denial by the Trust, whereas a “no” vote would reverse the decision by the Trust that the program is not compliant with Exhibit E.

Commissioner Kevin Boozel made the motion as presented. Shea Madden seconded the motion. Commissioner Robert Postal expressed difficulty in connecting the initiative to Exhibit E. Erin Dalton noted that the County has made a case for the risks faced by Kensington residents but acknowledged her struggle to directly link OUD to ACEs. She also pointed out that while Kensington is a unique situation, approving such initiatives could potentially broaden the scope of services funded by OSF. Tumar Alexander emphasized that the unique challenges in Kensington require unique solutions and expressed his belief that the initiative is compliant with Exhibit E. Commissioner Boozel acknowledged the County’s efforts but expressed his belief that there are limitations imposed by Exhibit E. He stressed the need for evidence-based and census tracking to ensure compliance and justify funding allocations. With no further discussion, the Trustees then voted as follows:

Yeses (4):

- Commissioner Kevin Boozel

- Erin Dalton
- Shea Madden
- Commissioner Robert Postal

Nos (2):

- Tumar Alexander
- Senator Christine Tartaglione

The result of this voting was to affirm the decision of the Board of Trustees that Philadelphia County Program No. 9(a) Home Repairs Program is not compliant with Exhibit E.

Chair Tom VanKirk then presented the following resolution for approval:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby affirms the decision of the Board of Trustees that Philadelphia County Program No. 9(b) Kensington Residents' Rent/Mortgage Relief is not compliant with Exhibit E. A "yes" vote would maintain the current denial by the Trust, whereas a "no" vote would reverse the decision by the Trust that the program is not compliant with Exhibit E.

Commissioner Robert Postal made the motion as presented. Erin Dalton seconded the motion. Chair Tom VanKirk stated that he assumes the comments made regarding the first initiative also apply to the second one, as both were presented as part of a single overall program. He noted that there may not be a need to discuss each initiative separately but encouraged anyone with differing views on Program No. 9(b) compared to Program No. 9(a) to share their thoughts. Commissioner Robert Postal pointed out that Program No. 9(b) is specifically targeted toward certain residents, as opposed to Program No. 9(a) which he felt was too broad in comparison. While he did not wish to revisit the previous discussion, he emphasized that this targeted approach is the main difference he perceives between the two initiatives. With no further discussion, the Trustees then voted as follows:

Yeses (2):

- Commissioner Kevin Boozel
- Erin Dalton

Nos (4):

- Tumar Alexander
- Shea Madden
- Commissioner Robert Postal
- Senator Christine Tartaglione

The result of this voting was to reverse the decision of the Board of Trustees that Philadelphia Program No. 9(b) Kensington Residents' Rent/Mortgage Relief is not compliant with Exhibit E; this program was, therefore, approved as compliant with Exhibit E.

Chair Tom VanKirk then presented the following resolution for approval:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby affirms the decision of the Board of Trustees that Philadelphia County Program No. 9(c) Parks Improvements is not compliant with Exhibit E. A "yes" vote would maintain the current denial by the Trust, whereas a "no" vote would reverse the decision by the Trust that the program is not compliant with Exhibit E.

Commissioner Kevin Boozel made the motion as presented. Commissioner Robert Postal seconded the motion. Commissioner Robert Postal raised concerns about the initiative's title, arguing that it fails to accurately reflect the programming involved, such as park events, capital improvements, and administrative costs. Erin Dalton expressed her belief that the County presented the strongest evidence for the initiative, highlighting causal evidence that demonstrates its potential to restore parks to their originally intended, more pro-social uses. With no further discussion, the Trustees then voted as follows:

Yeses (0)

Nos (6):

- Tumar Alexander
- Commissioner Kevin Boozel
- Erin Dalton
- Shea Madden
- Commissioner Robert Postal
- Senator Christine Tartaglione

The result of this voting was to reverse the decision of the Board of Trustees that Philadelphia Program No. 9(c) Parks Improvements is not compliant with Exhibit E; this program was, therefore, approved as compliant with Exhibit E.

Chair Tom VanKirk then presented the following resolution for approval:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby affirms the decision of the Board of Trustees that Philadelphia County Program No. 9(d) Support for Schools is not compliant with Exhibit E. A "yes" vote would maintain the current denial by the Trust, whereas a "no" vote would reverse the decision by the Trust that the program is not compliant with Exhibit E.

Commissioner Robert Postal made the motion as presented. Erin Dalton seconded the motion. Commissioner Robert Postal reiterated the same concerns that the title and description of the

initiative do not accurately reflect the work being undertaken. He emphasized that, contrary to his initial interpretation suggesting the presence of school resource officers patrolling the halls, the actual focus is on reinforcing security measures, such as fencing, to enhance the safety of schools. With no further discussion, the Trustees then voted as follows:

Yeses (1):

- Commissioner Kevin Boozel

Nos (5):

- Tumar Alexander
- Erin Dalton
- Shea Madden
- Commissioner Robert Postal
- Senator Christine Tartaglione

The result of this voting was to reverse the decision of the Board of Trustees that Philadelphia Program No. 9(d) Support for Schools is not compliant with Exhibit E; this program was, therefore, approved as compliant with Exhibit E.

Chair Tom VanKirk then presented the following resolution for approval:

RESOLVED, that, the Dispute Resolution Committee of the Pennsylvania Opioid Misuse and Addiction Abatement Trust hereby affirms the decision of the Board of Trustees that Philadelphia County Program No. 9(e) Small Business Support – Capacity Building is not compliant with Exhibit E. A “yes” vote would maintain the current denial by the Trust, whereas a “no” vote would reverse the decision by the Trust that the program is not compliant with Exhibit E.

Commissioner Kevin Boozel made the motion as presented. Commissioner Robert Postal seconded the motion. Commissioner Robert Postal expressed his inability to see the connection between the initiative and Exhibit E. Tumar Alexander shared that the initiative aims to support revitalizing a vacant business corridor, linking it to broader community improvements involving schools, parks, and housing. He emphasized the need for the initiative, suggesting it would invigorate the area and improve the built environment. Commissioner Robert Postal expressed his skepticism about the link between OUD and business development, noting that businesses frequently open and close. With no further discussion, the Trustees then voted as follows:

Yeses (4):

- Commissioner Kevin Boozel
- Erin Dalton
- Shea Madden
- Commissioner Robert Postal

Nos (2):

- Tumar Alexander
- Senator Christine Tartaglione

The result of this voting was to affirm the decision of the Board of Trustees that Philadelphia County Program No. 9(e) Small Business Support – Capacity Building is not compliant with Exhibit E.

Chair Tom VanKirk announced another DRC meeting would take place. The final date for public hearings related to these appeals will be scheduled once the appeal period closes.

As a final note, Chair Tom VanKirk sought to clarify the role of the Commonwealth Court regarding the Trust's decision-making process. He explained that while the Trust is mandated by the court to assess compliance with Exhibit E, the court itself is not bound by those same constraints when hearing an appeal. This means the Commonwealth Court could choose to evaluate the program beyond the parameters of Exhibit E and potentially approve it based on its merits, regardless of compliance. Chair Tom VanKirk emphasized the importance of understanding this distinction in the appeal process moving forward.

With no new business to address, Chair Tom VanKirk adjourned the meeting at 3:02 PM.