



City of Fall River Massachusetts

Commission on Disability

WILLIAM A. FLANAGAN
Mayor

WILLIAM FONTAINE
Chairman

DENNIS POLSELLI
Vice Chairman

Minutes from October 10, 2013

Called to Order: 2:09 PM

- 1) Roll Call: Chairman William Fontaine, Vice-Chair. Dennis Polselli,
Ken Pacheco, Debbie Pacheco, Michael Geary

Excused : Lisa Atkinson
Staff : Claudia Viens HHS

Guest: Joe Biszko, Inspector of Buildings

- 2) Public Input: None

- 3) Acceptance of minutes: from September 12, 2013
Motion: Mike Geary
Second: Debbie Pacheco

- 4) Bills and Communications:

- a) City of Fall River's website - Chair Fontaine stated there needed to be a correction to the date established from Aug 19, 2004 to Aug 19, 2005. Minutes will now be posted on line. Commissioners gave permission to put the board members names on the website.

Chair Fontaine would like to add the following helpful links on the website: Mass Rehabilitation Commission, Fall River Council on Aging, Dept. of Developmental Services, Massachusetts Office on Disability and South Coast Independent Living to the website.

Motion: Mike Geary
Second: Dennis Polselli

- b) Chair Fontaine stated proper displaying of the handicap placard: "Do Not " hang/display your HP placard from the rear view mirror while driving. This will obstruct your view.

Mr. Geary added you could be issued a ticket for \$50.00 if you drive with the placard hanging from the mirror.

Note:

Mike Geary asked the Chairman to take the Agenda out of order to accommodate Mr. Biszko.

There were no objections.

6) Old Business:

- a) Mr. Biszko – Chair Fontaine asked if someone re-stripes a parking lot do they need a permit.

Mr. Biszko stated we do not get involved with private lots and no permits required. Chair Fontaine would like to follow up with the Law Department to see if there is a city ordinance on permits required. Commissioners have no objections.

Deb Pacheco asked how someone knows the dimensions and how many handicap spots they will need. Also, does anyone go and check the business to see if they have enough handicap parking spaces? Mr. Biszko stated a new business will have the site layout when submitted, and he goes to check new businesses.

Ken Pacheco stated that when certain buildings were built under certain criteria, they were conformed when they were built.

Mr. Biszko stated that the process for compliance is that he will go and look at the site, then if they are non-compliant, he writes a letter to them. If they don't comply he will call Boston and they will fine them. He enforces the AAB guidelines.

Mr. Biszko will go by Burlington and also go by Jerry Remy's to see if there are enough handicap parking spaces. Chair Fontaine asked Mr. Biszko if he would let this Commission know when he sends them a letter.

Mr. Polselli asked Mr. Biszko if he looks at a new business to see if there are sufficient handicap parking spaces. Mr. Biszko stated yes, but if we miss something we will rectify it.

Mr. Geary asked as a Commission what we could do if we see something. For example: The Melcor Building on Bedford St. has 2 handicap parking spots on the ground and nothing in the air to tell if it is a handicap space. Mr. Biszko stated painting the HP symbol on the ground does not meet regulations, you need a HP sign affixed to a pole or building. Mr. Geary also asked if people are aware of this when they submit their layout. Mr. Biszko stated they were aware of the regulations.

Chair Fontaine stated painting the ground is not required by law, just the HP sign and must be 5' to 8' feet to the top. Chair Fontaine also needs to see the specifications for the signs. Mr. Biszko replied the 521CMR explains the specifications needed for the signs.

Mike Geary stated that the Elks Club ramps have nothing to protect you from falling off the sides of the platform or ramp when you exit the building.

Chairman Fontaine stated that they need to install railings around the sides of the platform at the entrance and the wheelchair ramp. All the HP signs need to be replaced and displayed at the proper height.

Mr. Biszko will do a walk around to see if it is up to code. Chair Fontaine asked if he could let the Commission know what was resolved.

Chair Fontaine stated we have an ADA/AAB committee on this Commission that will meet periodically with concerns regarding ADA and AAB. He further stated he would like to contact Mr. Biszko's office with our concerns. Anytime the Commission has a question he will forward it to Mr. Biszko .

Mr. Biszko stated he checks his e-mail daily.

Mr. Polselli asked which is stricter, the AAB or the ADA? Some cases if you are not going with the Americans with Disabilities Act and just going with Architectural Access Board rules and regulations, you are still denying equal access or sometimes denying access to a building or disability parking.

Mr. Biszko stated the ADA is federal regulations not the law. The 521CMR is part of the general law. That's why we enforce the AAB. AAB may be in some cases not as strict, but it is more stringent then the ADA he stated.

Ken Pacheco stated the overall document is more stringent. That's how the AAB supersedes the ADA as a document. It is more thorough and more stringent then the ADA. That's why they look at it as a whole and not the individual portions. Mr. Pacheco said since the AAB is a more stringent document, as a whole is why he thinks it was chosen.

Mr. Geary made a motion to return to the agenda.

5) Awareness:

- a) ADA Celebration review – Commissioners stated the celebration went well and the format was great. Chair Fontaine was disappointed that the invited city officials did not attend the celebration. Next year ADA celebration will be on October 2, 2014 from 10 am – 2pm.
Motion: Dennis Polselli
Second: Ken Pacheco
- b) Commission Brochure – Deb Pacheco stated she received an e-mail from the ADA Coordinator with a minor change to the Commission Brochure. Deb Pacheco will make the changes and she will send it back to her.
- c) Offsite meetings –Chair Fontaine stated we need to think about offsite meetings starting in January. We could invite DDS/SCIL/MASS REHAB to come with us to do a half hour presentation at the elderly high rise apartments.

Chair Fontaine asked Mr. Pacheco to supply him with contact information. Mr. Pacheco stated we have to decide if it is high-rises we need to talk to the Housing Authority. He said the agenda will need to be an open discussion/informational and the entire meeting would be public input. Chair Fontaine asked if everyone could come up with ideas for the next meeting. He also stated Mike Geary will be the contact person.

6) Old Business:

b) Braille converter/service – Ken Pacheco stated that the equipment price range is from \$2,100 to \$29,000. After looking at the equipment there are a lot of possibilities to provide this service on a regular basis as opposed to an auxiliary basis. He stated that if this Commission is going to make an investment that we should invest in the equipment, not the service. A lot of the equipment has the ability to do both. Print and convert to Braille and at the same time. That piece of equipment is \$6,000 to \$7,000 doing multiple copies and is very quick.

Dennis Polselli asked if they could do their package in Braille then we could then test the quality. Ken Pacheco will put a package together for the next meeting and also ask for Mr. Polselli's recommendation to send it in Braille.

- c) Financial Sub-Committee – Chair Fontaine requested that Ken Pacheco ask the Traffic Dept. to supply the monthly totals, from 2009 to 2012 of tickets issued for Handicap Parking violations by anyone other than the HP abuse program officers. Ken Pacheco stated only PCO's and Police are issuing tickets. Environmental Police have not turned in any tickets also Auxiliary Police and BCC do not issue tickets.
- d) Eastern Ave. Fire Station – Chair Fontaine stated the path Mr. Geary needed to access for the Fire Station to vote, was not accessible by wheelchair

The recommendation from Secretary of the Commonwealth:

For the city to put in two (2) temporary handicap spaces on the ramp.

Ken Pacheco stated the fire station does not issue anything to the public other than a random request. Getting the front of that building accessible is extremely expensive. Around \$40,000 - \$50,000 range for a ramp system to the main entrance. The rear entrance concept would be \$10,000 which would need a door, push pad, sidewalk work and add 2 Handicap spots in the back. All this work would be permanent.

Joanne Bentley will go to that building for a cost analysis for the front entrance and rear entrance to give us an idea to what that will cost the city to make the building accessible.

Chairman Fontaine stated that fire stations are perceived by the general public to be places of help, in case of an emergency or general information/directions. Accessibility is not optional. It is mandatory by State and Federal law.

7) New Business:

- a) AAB committee – The Committee shall request permission from the Commission to meet with City Officials Ken Pacheco and Christy M. DiOrio, Esq. to discuss the policies and procedures used in the city of Fall River for compliance to the ADA. The Committee discussed a lack of oversight and concerns. Any AAB informational questions will be addressed to Mr. Biszko.
- b) Mr. Polselli requested permission to advocate the Commission on a local talk show WSAR.
Permission granted by the Commissioners
- c) Chair Fontaine stated the disappointment of the Commission that the current ADA coordinator has not attended a meeting. The ADA coordinator is a big part of this Commission and serves as an appointed official of the City of Fall River
- d) Deb Pacheco stated this Commission would request a meeting with Mayor Flanagan if this situation continues. It is in the bylaws that the ADA Coordinator is an Ad hoc member of the Commission.
Dennis Polselli asked if we could give the ADA Coordinator one more month to let her know when we meet.
Chairman Fontaine was instructed to contact the ADA coordinator.

8) Agenda: November 14, 2013

- a) Fall River Library
- b) Year in review-Commission accomplishments and unfinished business
- c) Status of MOD recommendation-Government Center
- d) Fall River Boards/Committees/Commissions-Meeting accessibility
- e) Commission Brochure
- f) Braille converter/service

9) Adjourn: 3:25 p.m.

Motion: Debbie Pacheco

Second: Ken Pacheco