



City of Fall River Massachusetts

Commission on Disability

WILLIAM A. FLANAGAN
Mayor

WILLIAM FONTAINE
Chairman

DENNIS POLSELLI
Vice Chairman

Minutes from November 14, 2013

Called to Order: 2:09 PM

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

Excused: Ken Pacheco

Staff: Claudia Viens HHS

Guest: Dan Robillard

- 2) Public Input: Dan Robillard of 145 Old Second Street stated that an ADA Coordinator is an Ad hoc member and should attend every meeting. He would also like to know what type of training an Ad hoc member needs. He also said that an ADA Coordinator should be someone that has ADA knowledge and experience. The last thing is he would like to see a part time position and the person solely be hired as an ADA Coordinator.

Chair Fontaine stated the only requirements for an ADA Coordinator is any city or town who employ 50 people have to appoint an ADA Coordinator. There are no requirements, restrictions, or training in the law that they have to have. As an ADA Coordinator they should be aware of what's going on with the Commission on Disability and the City of Fall River in compliance with the Americans with Disabilities Act and the Architectural Access Board. As a Commission we will address this issue.

- 3) Acceptance of minutes: from October 10, 2013

Motion: Mike Geary

Second: Debbie Pacheco

- 4) Bills and Communications:

- a) Variance Request: Received a letter from MASS DOT regarding RT 79/195 Connector St between Anawan and Pocasset St cross walk. Chair Fontaine contacted MOD and they have no jurisdiction over cross walks.

- b) Variance request for Nite Owl Dinner – denied by AAB – Appeal is for December.
- c) Chair Fontaine received an e-mail from MASS DOT regarding Handicap Parking Abuse Program in the state of Massachusetts. They are trying to compile information on this state program. If there is not a Program in place in your community they are asking for you to contact the MOD. He would like permission to contact Lt. Bernier or Sgt. Furtado to send them a copy of the e-mail.

Deb Pacheco stated if she could have a copy electronically. Chair Fontaine will check his e-mail and send it out to the Commission.

5) Awareness:

- a) WSAR radio program report – Dennis Polselli, Mike Geary and Chair. Fontaine appeared on the In and Out talk show hosted by Mr. Perry Long. They gave an overview of the Commission’s HP abuse program. Chair Fontaine asked the Commission for permission for Dennis Polselli to set up another radio program.
- b) Inclusion Playground update – Lisa Atkinson stated as of yesterday the installers have made the holes for the equipment and the crates were brought to the site. The installers stated it was one of the biggest playgrounds they ever installed.

6) Old Business:

- a) Commission Brochure – Deb Pacheco stated she updated the changes and it needs to go back to the ADA Coordinator to review and then to the Mayor Flanagan’s Office for approval. Deb Pacheco sent it to Christy M. DiOrio, Esq. because she was unaware that our ADA Coordinator had changed. Deb asked Chair Fontaine if we received notification from the Mayor’s Office? Chair Fontaine stated he received e-mail from Christy DiOrrio, Esq.. It stated that she no longer was our ADA Coordinator and Gary Howayeck, Esq. would be the new ADA Coordinator. Dennis Polselli made a motion that if the ADA Coordinator is not at the next month’s meeting, then we shall request a meeting with the Mayor Flanagan
Second: Mike Geary

Deb Pacheco stated she needs Atty. Howayeck’s e-mail address so she could forward the brochure to review.

Chair Fontaine asked Deb Pacheco about the changes on the Commission Brochure. Deb Pacheco stated Atty. DiOrrio wanted us to add in a section. Chair Fontaine stated with a handicap placard you cannot park where there is a no parking sign, you cannot park where there is a sign dedicating that a space to someone or some business and 15 minute parking area is a 15-minute parking

area. Just because you have a placard does not exempt you from tow away zones or cross hatch areas curb cut; or restricted areas These are things people need to know and can be discussed on our next WSAR radio show.

Deb Pacheco stated the Commission Brochure should be done in December.

Chair Fontaine thanked Deb Pacheco for doing a good job with the brochure.

- b) ADA/AAB committee request for a meeting with city officials: Chair Fontaine stated, after our October 10th meeting, he hand delivered the letters to the Law Dept. and Mr. Pacheco's office to request a meeting date for the Committee to meet with them. Chair. Fontaine reported that he has not received a response. Deb Pacheco asked why the Committee was going to meet?

Dennis Polselli stated the reason to meet was to get a baseline idea of policies/procedures Every Municipality is required to have protocol, policies and procedures in place for compliance with the Americans with Disabilities Act.

Lisa Atkinson asked who was on this Committee? Chair Fontaine stated Mr. Polselli, Mr. Geary and Chairman Fontaine.

MOD was requested by the city to do a survey of Government Center and they did recommendations. Chair Fontaine asked Mr. Polselli when he heard of these problems. Mr. Polselli stated he brought it up in November 2011. Chair Fontaine stated the Chamber has a major accessibility problem because it is open to the public.

Deb Pacheco stated the City is working on the elevators, Braille and the TV's are in progress.

Dennis Polselli stated he didn't want the disability community to be placed on the backburner.

- c) Status of work completed by BETA – Tabled to January
- d) Eastern Ave. fire station compliance – Joanne Bentley – Tabled to January
- e) Finance Sub-Committee – information request for Traffic Dept – Tabled to January
- f) Braille machine/service – Tabled to January

Chair Fontaine would like to have any information we request from the city department head or person in charge, if they cannot attend a meeting that they send us the information and we will look it over. Send us the answers as a Commission we can see what our options are.

There were no objections.

7) New Business:

- a) Off Site Commission Meetings: Mike Geary stated he has not heard from anyone. Deb Pacheco stated she just thinks it's going to be complicated. Right now everyone knows the meetings are in the Council Chambers. Chair Fontaine stated these meeting will not replace our regular COD meetings. They will only be once or twice a year. We will ask MassRehab, SCIL and Mass.

Office on Disability, among other agencies to put on a presentation that last an hour. Just so we get to the people who cannot get to the Government Center.

Lisa Atkinson stated on behalf of the Mass Rehab if we go to the elderly high-rises in the city. I would recommend perhaps talking to area directors at the elderly services in the homemaker division.

Chair Fontaine stated to send all recommendations to Mike Geary. This meeting will be an Informational meeting.

Deb Pacheco asked how to determine which high-rise we go to.

Chair Fontaine stated these are the things we need to discuss.

Lisa Atkinson stated maybe the Neighborhood Association; we would get a lot more feedback in a forum vs. an elderly high-rise.

Mr. Geary stated elderly high-rise the people live there they can just go downstairs. They don't have to go out to their car.

Lisa Atkinson stated that's targeting one set of population.

Chair Fontaine stated we are not going after the elderly. They have handicap population more so then the Neighborhood Association.

Lisa Atkinson stated the Neighborhood Association would be aware of their ADA issues in and around the neighborhood.

Chair Fontaine stated we could invite a representative from the Neighborhood Association to come to a meeting.

Deb Pacheco stated if we could put a deadline on this. Do we want to do this by a certain date?

Mike Geary stated April 15, 2014.

Chair Fontaine stated he would send Claudia Viens a copy of ADA Coordinator notice and procedures document from Dept. of Justice. She will send it to all the Commissions including the ADA Coordinator.

Chair Fontaine stated we have several variance requests, which came through the Commission for example Rt 79 and I195 is one of them.

Deb Pacheco and Lisa Atkinson stated they have not seen them.

Lisa Atkinson stated it doesn't help when we get today's material at the meeting. We don't get it prior to the meeting so we can prepare for the meeting.

Dennis Polselli suggests we get it electronically.

Chair Fontaine stated in this case we have nothing to do with it. This is out of our jurisdiction and out of the AAB. The AAB and Commission on Disability have no jurisdiction over crosswalks.

- 8.) Agenda: December 12, 2013
 - a) Fall River Public Library
 - b) Update from Mr. Biszko
 - c) ADA/AAB Committee report
 - d) Year in review – 2013

Lisa Atkinson stated we would carry unfinished business in FY14 as Deb Pacheco mentioned before we did have a year in review in October and highlighted all our accomplishments. We need to focus on the things that are still pending. More of a priority to put a closure to these things.

Deb Pacheco stated we could start the calendar year with what needs to be done. If we have a master list so it doesn't fall on the Chairman.

f) Chair Fontaine stated we need to sit down as a Commission to discuss the handicap-parking program before next year. If we start in December with ideas from other Commissioners in problem areas. If you think there is a more efficient way the program can be run.

Dennis Polselli stated the renewal recommendation is on the January Agenda. The Police Department put their budget together by April.

Deb Pacheco asked if it is possible to get the contract agreement from the Police Dept. in an e-mail?

Chair Fontaine stated he would make sure everyone gets a copy of the old policy and procedure from the handicap abuse program. This will be discussed in Executive Session.

Dennis Polselli stated this is not going to be resolved in January, it's a negotiation. That's why we have to start early.

Deb Pacheco stated this needs to go to Executive Session for our final recommendation. So, we need a deadline before February 13 meeting.

Chair Fontaine stated February 13 meeting we should invite Lt. Bernier and Sgt. Furtado so they are aware of what is going on.

Dennis Polselli stated the Contract agreement should be in their hands when they come to February meeting it might be in a draft.

Deb Pacheco stated old business be held until January 2014, so we don't make the agenda long.

Chair Fontaine will send an e-mail to Mr. Pacheco with the questions we need to continue with the Financial Sub-Committee, Mr. Pacheco does not need to be at the meeting as long as we have the answers to continue. That will be done the early part of next week.

Chair Fontaine requested permission for Claudia Viens to purchase the updated Rules and Regulations from the AAB. It's available at the Massachusetts State Book Store. He would like to appropriate \$100 for anything that we need to buy from the Massachusetts State Book Store.

Motion: Mike Geary

Second: Lisa Atkinson

Chair Fontaine stated this will be a part of the Commissions library.

He also stated the Commission should have a copy Roberts Rules of Order.

Our By-Laws are what governs this Commission. If there is a question of proper procedures, it is easy enough to look up. He will buy it at the Barnes and Noble Book Store.

9) Adjourn: 3:26 p.m.

Motion: Debbie Pacheco

Second: Mike Geary