



City of Fall River Massachusetts

Commission on Disability

WILLIAM A. FLANAGAN
Mayor

WILLIAM FONTAINE
Chairman

DENNIS POLSELLI
Vice Chairman

Minutes from December 12, 2013

Called to Order: 2:16 PM

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

Staff: Claudia Viens HHS
Guest: Dan Robillard

- 2) Public Input: Dan Robillard of 145 Old Second Street stated he would like to know where the Commission Library is located and will the public have access to the library? He would like clarification on this issue.

Under the Commissions web site I would like to see more minutes, agenda's and important documents updated on the web site.

The by-laws Section 40-8J under Mass General law calls for an end of year Commission report to be submitted to the Mayor and City Council. In six years and four months I've never seen one filed.

Dan also request within the first quarter of 2014 he would like the Chairman of this Commission to invite Mr. Eric Russo, Administrator of SRTA to come to a Commission meeting with updates regarding the changes with SRTA.

Dan also stated we still have no ADA Coordinator at this meeting. I think its time for this matter to be addressed formally.

Chair William Fontaine stated the Commission would discuss the ADA Coordinator later on in the meeting.

Also, minutes are being posted on the web site. The Chairman will work on the Agenda ahead of time so that can also be posted before the meetings.

Chair William Fontaine stated the Commission Library we are just starting to work on it. It will basically be the laws covered by ADA. It will be for the Commissioners and the public to look at. Seeing we don't have an office to work out of, it can be accessed by contacting Claidia Viens-HHS through e-mail or Mr. Pacheco the Secretary of the Commission.

3) Acceptance of minutes: from November 14, 2013

Motion: Mike Geary

Second: Debbie Pacheco

Chairman Fontaine stated he mistakenly asked for permission for the purchase of items from the State bookstore concerning the ADA and AAB rules and regulations

The Chairman clarified the policy accepted by the Commission: Funds must be requested at a scheduled meeting and held over until the next meeting to give Commissioners time to study the issues and proper use of Commission funds.

Chair Fontaine asked for a ratification of the vote taken last month to appropriate \$100 for the purchase of books, especially AAB rules and regulations and Roberts Rules of Order

This will be carried by the Chairperson of the Commission at all meetings

Motion: Dennis Polselli

Second: Mike Geary

Lisa Atkinson states she still has not received correspondence from MASS DOT regarding the handicap abuse program. Chair Fontaine stated the letter was sent to John Niewola to be scanned.

Lisa also asked about the variance for the Night Owl Dinner. Could the Chair clarify why it was denied? Chair Fontaine stated it was denied by the AAB. If the AAB denies a variance request, it is because the request does not meet the requirements for ADA compliance.

4) Bills and Communications:

- a) Brenda Ritz received a complaint from Ms. Christine Devlin about her service dog.

She tried to enter two markets on Robeson Street and she was denied entrance because she had her service dog with her.

Chairman Fontaine invited her to come to the meeting so she could tell the Commission exactly what had happened.

The Chairman had with him a copy of the rules and laws concerning service Animals.

Two sets of laws- Dept. of Justice and Attorney General Martha Cloakly Ms. Devlin did not attend the meeting.

Debbie Pacheco asked what Ms. Devlin expected from the Commission.

Chair Fontaine stated as Chairman, he was going to bring the laws to both establishments and give them to the owners. This way they will know they cannot refuse her admittance into their establishment by law. Some of her other options would be to file a suit against them with Mass Office of Disability

or Dept. of Justice. Anyone can file a suit if they feel they were unfairly denied assess.

The Chair. stated that's the best he could do for now, unless we hear more from her. The Chair. asked for a motion to table this issue until we hear from Ms. Devlin again.

Motion: Mike Geary

Second: Ken Pacheco

5) Awareness:

- a) Letter of appreciation to Dr. Vaillancourt – past ADA Coordinator
- b) Fall River Public Library presentation – postponed until March 13, 2014
- c) Vice. Chairman Polselli – Document conversion to Braille – Chair Polselli stated he would like to handle things professionally. He would like to inform this Commission that he has not received a document electronically from the city for about a year. I never asked the city to provide the information in Braille. It is less expensive for the city to do this electronically.

The ADA compliance survey of Government Center. Vice. Chair Polselli stated he has not received it. I asked for it several times over the past several months. I was hoping we had an ADA Coordinator here today to assist us. The accommodation I'm asking for are reasonable. It doesn't add additional expense on the part of the City and should not be a problem of me getting documents needed for participation in Commission meetings.

Chair Fontaine asked Mr. Pacheco, as being the representative of the city on this Commission would he speak to the department head of Information Services and find out why there is such a problem getting documents to Mr. Polselli.

Mr. Pacheco stated on behalf of the city he apologizes to Mr. Polselli for not receiving documents or any correspondence in that matter, that's not acceptable. In my temporary role as City Administrator I will make sure the IT Dept. has the documents for Mr. Polselli and we get them to him as soon as possible.

Chair. Fontaine stated the ADA Coordinator has not shown up for the last four meetings. Would the Commission like to set a date to discuss this or a special meeting or discuss it now? Vice. Chair Polselli stated he believes we approved something last month.

Chair Fontaine stated that at our November meeting we agreed that we would give the ADA Coordinator one more month to contact the Commission.

Lisa Atkinson asked to clarify that the ADA Coordinator was Gary Howayeck, Esq.. Chair Fontaine stated it was.

Vice. Chair Polselli stated if nothing happened then the next step would be to get an official appointment with Mayor Flanagan

Chair. Fontaine asked Claudia Viens if she received anything from

Gary Howayeck, Esq. concerning his appearance at our meetings. Either a reason for being excused or confirmation of attendance, as required by all Commission members. Claudia Viens stated she had not heard anything.

Chair Fontaine stated the ADA Coordinator, as being an AD hoc member of this Commission is bound by the same rules as the Commissioners. If you cannot make it to the meeting you must notify Claudia Viens from Health Human Services. So we can arrange not to discuss business coming in front of us, which pertains to you.

Chair Fontaine asked Mr. Pacheco if he had any suggestions only as a representative of this Commission. Ken Pacheco stated we need an answer for the situation. I don't think we will get it in correspondence. I think the meeting should be set up with Gary Howayeck, Esq. to find out. It doesn't need to be the entire board. If we are having an issue about someone coming to the meeting then I don't think having a meeting about the issue is the answer. I think it will be more productive to have a meeting as a Commission.

Chair Fontaine asked what the Commission would like to do.

Vice. Chair Polselli stated this is the second ADA Coordinator this has happened with. I think we need to rectify this situation. Chair Fontaine stated we would set up a meeting with the Chair. And Vice Chair. and any other Commissioner that wished to attend. Debbie Pacheco stated she would like to attend this meeting with the ADA Coordinator

The Chairman will contact ADA Coordinator Howayeck today, right after our meeting .

Chair. Fontaine stated he would request a time and a day for the meeting.

Deb Pacheco stated she hoped we would have the meeting before the next Commission meeting.

6) New Business:

- a) Chair Fontaine stated the correspondences that were asked to be sent out and no one received them. One was Architectural Access Board last month; we talked about the connector street between Anawan St and Pocassett -- crosswalk. AAB sent back notification that they do not have jurisdiction over crosswalks

Disability Policy Consortium no one received that letter. They are putting together a one care insurance option Committee and they are posting two job openings and qualification requirements.

Debbie Pacheco requested the letter to review.

Char. Fontaine stated if no objections we would go into Executive Session for the purpose of HP abuse program discussion.

Motion: Deb Pacheco
Second: Mike Geary

Reconvene Time to regular meeting at 3:50.

7) Old Business:

- a) Chair Fontaine stated all unfinished issues would be referred to Jan 9, 2014. They will include AAB compliance with Mr. Biszko. Also any information we need to receive from Mr. Pacheco concerning ADA issues still pending.

8) Adjourn: 3:50 p.m.
Motion: Ken Pacheco
Second: Mike Geary