



City of Fall River Massachusetts

Fall River Commission on Disability

WILLIAM A. FLANAGAN
Mayor

DENNIS POLSELLI
Chairman

DEBBIE PACHECO
Vice Chairman

Minutes from November 13, 2014

Called to order: 2:06 PM

- 1) Chairman Polselli opened the meeting by reading the "Open Meeting Law" from the Open Meeting Law Guide.
- 2) Public Input: CJ Ferry, 300 Buffington St.
Mr. Ferry stated the state requires the city to publish public notices twenty-four hours a day, seven days a week in a clearly accessible area that is clearly legible. The Posting notice board for the city's meetings is behind the window in the lobby and not visible. The other issue is we have several businesses in Fall River that are not up to code and the Licensing Board is still issuing licenses for businesses that are not meeting code. I would like this Commission to look into these issues.
- 3) Roll Call: Chairman Dennis Polselli, Vice Chair. Debbie Pacheco, Daniel Robillard, Michael Geary, Lisa Atkinson

Excused: Ken Pacheco, Attorney Gary Howayeck, ADA Coordinator

Staff: Claudia Viens, HHS
- 4) Disability Parking Enforcement:
Sgt. William Mace spoke about the Handicap Parking Fines issued year to date and Handicap Parking Tags issued. (see attachment #4). The total figures are only the total issued not collected. The Fall River Police Dept is the enforcement side and the Collection side is Traffic Department.

Laura Ferreira from the Traffic Department spoke about the Collection side of the Handicap Parking Tags. In the month of Aug, there were 93 tags issued and \$5,580 was collected, Sept, there was 137 tags issued and \$7,945 was collected, Oct, there was 173 tags issued and \$1,180 was collected and so far in Nov there was 10 tags issued and \$4,165 collected. The confusion is you see the FRPD report for the amount of tickets issued and the Auditors report for what was deposited in the account is different.

A lot of tickets that are issued have no plaque card. We dismiss about 20 tickets a week. For example, the person will come into the office and states they either dropped the plaque card or forgot to put it up. We ask to see their license, registration and the plaque card. Then it will be dismissed.

Some people also request hearings and that takes awhile also. Then you have people who just do not pay their tickets.

Violation 30 (Handicap parking) starts at \$200 after 21 days it will be \$215, after 52 days it will be \$230. After 60 days it is automatically flagged by Massachusetts Law. You have to have two items for the registry to deny you your license or registration.

By Massachusetts Law any person who has five tickets or more over \$100 we can tow. We do not have the manpower. The Boot is also expensive, you have to purchase the boot, an officer would have to put the boot on, then we would need a towing truck. A police officer would have to be present.

Lisa Atkinson stated twenty dismissed tags on a weekly basis to me that is a high number.

Debbie Pacheco stated the police officer is not waiting there. I think one of the instructions was they are suppose to wait there until the person comes to the vehicle. This way you are not running into this situation, where someone says they forgot the placard.

Chairman Polselli stated this is why we need a contract. That states what each side needs to do.

Daniel Robillard asked when it goes to a formal hearing. What criteria do you use for dismissing a fine completely or reducing the fee.

Laura Ferreira stated as the hearing officer I follow the Massachusetts Law, it all depends on the circumstances. If it is a misuse, I have the officer's report before me. You have to keep in mind the twenty a week dismissed with placards are people that are elderly.

Chairman Polselli stated the Massachusetts Law is from \$100 to \$300. Could you have something instead of a flat number. If you said the minimum is \$100 and the maximum is \$300. You as the hearing officer will have that range. Could you do something like that in an Ordinance?

Motion to allow Councilor Miozza to join in the session.

Motion: Daniel Robillard

Second: Lisa Atkinson

All in favor none opposed abstentions: 0

Councilor Miozza stated he was approached by a former member William Fontaine who provided me with a packet of data. A lot of tickets were issued at \$200 and they were reduced to lower amounts. The ability of the criteria of the Hearing Officer.

Debbie Pacheco stated that Mr. Fontaine has the right like any other citizen to come to public input.

Councilor Miozza stated the Administration approached the Council about any financial concerns that we could address with the internal auditor. I did ask the internal auditor to look into this.

I did look at the City Ordinance and it clearly says the fines are \$200. This clearly says fines are \$100, so we are not in compliance there. I put in a resolution to change the current Ordinance to a \$200 fine. I think it is an opportunity for this Commission to update the Ordinance.

Debbie Pacheco stated we are a Volunteer group and the City does have an ADA Coordinator that needs to be involved in that.

Lisa Atkinson requested if we could have a monthly or quarterly report from the Traffic Department.

5) Acceptance of minutes: from October 9, 2014

Motion: Daniel Robillard

Second: Debbie Pacheco

All in favor none opposed abstentions:0

Correction on the minutes from October 9, 2014 under #5 Awareness
(c) AAB/ADA Work Group Chairman Polselli is also a member of that group.

6) Work Group Updates:

- a. AAB/ADA: Daniel Robillard stated the Committee had a discussion on a proposed Ordinance that he drafted and submitted to Attorney Howayeck. Also, within the next several weeks I would like to schedule a meeting with Mr. Biszko regarding the outstanding issues that we have. When I receive dates from Mr. Biszko I will consult with the members of the work group.
- b. By-Laws and Policy: Debbie Pacheco stated no updates at this time.
- c. Finance: Lisa Atkinson stated no updates at this time.

7. Discussion and vote on Police Detail program.
Motion to table the vote on Police Detail program.
Motion: Daniel Robillard
Second: Debbie Pacheco

Discussion: Chairman Polselli stated after all the information and options we received today. This should be the only item on the Agenda.
Debbie Pacheco suggest to have a special meeting in December dedicated to the Police Detail program.

Motion in the month of December to have our regular meeting and a Special Meeting just for the Parking Enforcement Program.
Motion: Daniel Robillard
Second: Mike Geary
All in favor none opposed abstentions: 0

8. Old Business:

Motion to Reconsideration of ADA Awareness Day from Thursday, October 15 to Thursday, October 22, 2015.
Motion: Daniel Robillard
Second: Lisa Atkinson
All in favor none opposed abstentions:0

9. Agenda for December 11, 2014
 - a. Eric Russo from SRTA
 - b. Julianne Kelly from Mass in Motion
 - c. Work Groups update/recommendations

10. Adjourn: 3:43 pm
Motion: Debbie Pacheco
Second: Daniel Robillard