



City of Fall River Massachusetts

Fall River Commission on Disability

C. SAMUEL SUTTER
Mayor

DENNIS POLSELLI
Chairman

DEBBIE PACHECO
Vice Chairman

Minutes from April 9, 2015

Called to order: 2:13 P.M.

- 1) Chairman Polselli opened the meeting by reading the “Open Meeting Law” from the Open Meeting Law Guide.
- 2) Roll Call: Chairman Dennis Polselli, Daniel Robillard, Ken Pacheco, Lisa Atkinson, Attorney Gary Howayeck, ADA Coordinator

Excused: Debbie Pacheco, Mike Geary

Excused Staff: Claudia Viens, HHS
- 3) Public Input: None
- 4) Guest: Laura Ferreira, Fall River Traffic Department
Mrs. Ferreira stated there has been a lot of discussion on Violation 30 regarding Handicap Parking, one main topic has been the dismissal process. Here are three examples: (1) Forgetting to display the placard at the time of issue of the parking ticket (2) Displaying of the placard (3) Using there expired placard.

The reasons for dismissal (1) the person comes to the counter with there Parking ticket and placard. We ask for their driver’s license and explanation of What happened? They will tell us they forgot to put it up. They have a valid Placard and license and will be dismissed. (2) A few people display the placard face down on the dashboard and the officer is unable to see the expiration date. The officer issued the ticket because they have no idea who the placard belongs too. The person comes to the counter; we explain the do’s and don’ts on how

to hang the placard and will be dismissed. (3) The person comes to the counter with the valid placard and we ask for the expired placard and will be dismissed.

If the Commission would like to put a fine to them. The first two are for forgetting \$20, expiration date hidden \$20 and using an expired placard if you have a valid placard \$50. This is something the Commission should talk about. By doing this we would not be dismissing the ticket it would be revenue we are collecting.

If you are a disabled individual and you are given a placard. It is your responsibility to make sure no one uses it. It is your responsibility to make sure it is displayed correctly.

Mr. Robillard stated if the fine falls under the State Law, the fines range from \$100 to \$300.

Chair. Polselli stated he has never heard of a Municipality having the right to reduce the fines. I was always trained the fines were \$100 to \$300 and nothing in between. Are we saying Mrs. Ferreira can reduce fines from the state law?

Atty. Gary Howayeck stated you need a legal opinion on whether the Hearing Officer has the authority to reduce the ticket below \$100 minimum threshold stated in Section 22A.

Chair. Polselli asked Atty. Howayeck if he could consult with Jeffrey Dugan at the Massachusetts Office on Disability.

Motion to table pending a legal opinion to what extent does a traffic officer have the ability to reduce a Chapter 30 fine.

Motion: Daniel Robillard

Second: Ken Pacheco

All in favor none opposed abstentions: 0

Atty. Gary Howayeck stated he would make sure all the Commissioners, receive a copy of my opinion before the next meeting.

Mrs. Ferreira stated she would like clarification from the Commission on which report this Commission would like to have. There is a chart that each month would state how many tickets issued and which officer issued the tickets, or a report which states how many tickets issued and how many were paid.

Mr. Robillard stated the Commission needs to know how many tickets are being dismissed per month and we also need to see exactly what has been collected.

5) Acceptance of minutes: from March 12, 2015

Motion: Daniel Robillard

Second: Lisa Atkinson

All in favor none opposed abstentions: 0

6) Communication and Updates:

Motion to table the quarterly invoice for the Fall River Police Department salaries of the Handicap Parking Officers for time period (Jan 1, 2015 – Mar. 31, 2015) to request transfer \$32,032 to the Fall River Police Department salary.

Motion: Daniel Robillard

Second: Ken Pacheco

All in favor none opposed abstentions: 0

7) Work Group Updates:

a. AAB/ADA: No updates at this time.

b. By-Laws and Policy: No updates at this time.

c. Finance: Lisa Atkinson stated they will be having a meeting to discuss what Mrs. Ferreira presented today for consideration as well as the recommendations voted on by this Commission. I will report back to the Commission at the May meeting.

d. Outreach: No updates at this time.

8. Old Business: Commissioner's business cards will be available at the meeting on May 14.

9. New Business: None

10. Adjourn:

Motion: Lisa Atkinson

Second: Daniel Robillard