

Boston Commission for Persons with Disabilities

Minutes for Wednesday, August 25, 2010

Present: Arnold Berry, John Kelly, Suzanne Leveille, Carl Richardson, Janice Ward, and Heather Watkins. Jay Walsh represented the City. Eileen Brewster was absent. The meeting started at 5:08 PM.

Minutes from the July meeting are not yet available due to technical issues.

Announcements: The Architectural Access Board will be holding a hearing regarding the city of Boston's variance request for Mass Ave cross slopes on Monday Sept 13th at 2pm, at 1 Ashburton Place on the 21st floor. John wrote a letter of opposition to the variance request because of high cross slopes near the curb line. (He said that Jay had reminded him that his letters should not have mentioned his role as chair of the commission, but should have been sent as an individual.) The city made the request because it did not want to raise the curb line above 6" (car door issues) or drop the property back line because of Landmark Commission requirements. An accessible path was created close to the buildings, but that entailed a steep cross slope near the curb. John felt that the slopes would pose dangers for wheelchair users and people with visual impairments. John said that it still looked like a traversable surface and that there is no way to tell where the cross slope begins. Slopes are as high as 15%. Slippery conditions could shoot people off the curb. Jay said that the only area of the sidewalk that doesn't meet requirements is the "utility strip" near the curb, and that there is a 4 ft-wide accessible route. Jay said that there had been preliminary discussions with the AAB about the project, including apex curb cuts (mentioned by John in his letter). Activist John Winske, Jay said, found the ramping okay. John said he was concerned about the ramp at St Botolph St which he felt pushed him right out into traffic. Carl said it was also an issue for people with visual impairments.

Commission membership. Jay Walsh reported that commission appointments expired in August, not in October as he previously said. Reappointing the three members whose terms expired would not be a problem. An announcement about the two openings on the commission was placed on the city website the same day. The term for one of these positions will expire in 2011, the other in 2012. People were encouraged to spread the announcement. There is a city of Boston residency requirement. Jay said he would not consult BCIL or DPC regarding candidates as he did before the commission was formed. He said there would not be any role for the commission in nominations because of "possible conflict of interest."

Accessible pathway: John reported that Chuck Worcester of Capital Construction told him that the access route now has a project manager, Leo Murphy. That other routes were being reexamined, along with some “suboptions”. Everything is back on the table. Not much has been done so far. John suggested possible design charette.

City self-evaluation: City does not have in house capabilities, so it will be contracted out. He will meet with Budget and Capital Construction. Will know more by 9/13. A lot of city upgrades have already been done as part of the capital budget that included access improvements, it's just that they have not been identified as access improvements. City Hall recently replaced doors. No full review under way now, or scheduled, but will be done at some point. The SE will apply to departments and facilities.

ADA coordinator: Jay would not discuss "personnel issues." Jay said Globe report inaccurate, that the expected retirement date of the present coordinator did not come from him. He would not speculate on the future, but "fully recognizes feelings of disability community." “We don’t see the Disability commission playing a role in the selection of a new commissioner.” Members expressed disappointment. Jay offered to speak off the record but John declined to turn off the recorder.

Reception for the Disability Commission: Jay said that applications are due 9/30, that new members could be sworn in the 1st Wednesday of Oct., and a date of Oct 13th for the reception would pose no problems. Date agreed as Oct 13th, from 5pm – 7pm, probably on 8th floor with its accessible bathroom. Need tentative head count. The commission can introduce the 2 new members, invite suggestions from community and invite the community to serve on committees. John and Arnold to work on small presentation, any speakers, and will develop a one page single fold brochure. Member should submit a paragraph bio. Jay will provide food out of his funds. Will invite the mayor (who himself confirmed upon encountering him outside the front door).

AC in apt buildings: Janice and Suzanne reported state law requires that heat be available in all apartment buildings from 9/15 – 6/15. Management uses that date to avoid putting on AC before 6/15 or after 9/15, some say that they are prevented from turning on AC. The situation is causing suffering for people like Janice with MS, and other conditions. State law gives local public health commissions the option to set local requirements. Jay said that the city opens cooling centers during heat waves. City has received complaints about cold temperatures and followed up by compelling landlords to put heat on, but the issue has not come up with air conditioning. Janice cited the Boston Public Health Commission's website's focus on those who are most vulnerable -- perhaps members could attend a regularly scheduled public hearing. Jay will talk to the public health department head, Barbara Ferrer, ID appropriate staff person to meet with. John will get data on warming climate, by decade. He said that asking for a window air conditioner is an appropriate reasonable accommodation that could help people.

HP parking: John will send out ticket writing data that Jay previously provided him. Agreement to invite head of transportation Tom Tinlin. Idea for a map of HP spots, good for both visitors and residents. Placard abuse—photos are blocked, they get used by family or friends. Reserve HP spot for disabled persons, what to do after death or relocation with the spot? Inaccessible bus stops are a problem. MBTA controls location, but city can make recommendations. No requirements for sidewalk abutters to clear stops of snow. T does not clear snow. Public education issue. Arnold suggested hiring young people with HP fine money, but Jay didn't support paying people for what was already required. WALL manages its own bus stops -- Jay agreed to get contract requirements for WALL and snow. Unrealistic 3hr requirement for snow clearance – a lot of discretion allowed

Old business: Need for stationary and cards. Suzanne to send out suggestions.

John floated idea of appealing for US DOJ mediation on ADA coordinator impasse. Jay stressed again that the message had been heard loud and clear by the city about the performance of ADA coordinator. Commission members feel they cannot do job without a new one. Jay said any discussion could lead to litigation.

Mayor mentioned the commission 4-5 times at the ADA celebration.

John also announced the meeting of the state Elevator Board on September 7 regarding the required use of keys in vertical wheelchair lifts.

Meeting was adjourned at 6:30 PM p.m.

Minutes recorded by Carl Richardson and written up by John Kelly