

Minutes from Wednesday, May 9, 2012 Commission on Disability  
Meeting  
Worcester Public Library – Banx Room  
4:30PM

**Attendance:**

**Members:** Rachel Shannon Brown, Herbert Cremer, Charles Hiamah, Deborah Malone, Steve Stolberg, Lynne Towler

**Associate:**

Pauline Piso

**Members of the Public:** John Cronin, Vince Lombardi, Jackie Norton, Scott Ricker

**Staff:** Dawn E. Clark, Jayna Turchek

**Guest:** Mayor Joseph Petty

The meeting began with welcome from the chairperson and around the room introductions.

Minutes

Approval of the April minutes: Motion made and seconded to accept the minutes as amended. Motion carried.

Communications and Reports: Chairperson and Staff

A. Correspondence

- a. Correspondence – Recently received letter from the Commissioner of Public Works & Parks, Robert Moylan, was read out loud. The commission members compiled a list of places where HP parking violations are especially problematic. There was some discussion about the differences between public and private parking lots with regards to enforcement of HP parking laws. Motion

carried to have the office confer with the police department regarding enforcement, particularly within private parking lots.

- b. Future meeting space – some discussion about the commission moving the meetings back to City Hall. After discussion it was decided that the Commission will continue to meet at the library for the June meeting.

**B. Director of Human Rights & Disabilities –**

- a. Service Animal/ Companion Animal Ordinance – Members expressed concerns, particularly about the definition of service animal and the requirements to determine if the animal is a service animal.

**Meeting agenda taken out of order for conversation with the Mayor.**

1. Introduction of all people present.
2. Mayor commended the Commission then opened it up for questions.
3. Steve discussed inaccessibility and dangerousness of downtown areas for wheelchair users. Mayor is not sure about the status of repairs to sidewalks and streets in the downtown area. He will have to ask Robert Moylan, DPW&P Commissioner.
4. Debbie expressed concern about the lack of departments bringing to the Commission on Disability projects for input regarding accessibility and feasibility for people with disabilities. Jayna, Steve, and Jackie gave input about the issue as well. The mayor will look into the issue.
5. Scott brought up closed sidewalks due to construction, such as City Square and the WRTA hub at Union Station. The requirements for accessible, alternative path of

travel have not been met. Debbie mentioned the handout that the Massachusetts Commission for the Blind regarding this situation.

6. Herb talked about the city's culture of cruelty toward people with disabilities, especially those with invisible and developmental disabilities.

### **Meeting agenda resumed.**

#### **C.**

- a. Discussion about the service animal ordinance continued. Jayna explained the approval process. Herb expressed concerns about the amount of time spent on this issue. Jayna explained the role and importance of the Commission as an advisory commission. Our expertise is needed. Open vote about the inclusion of companion animal in the ordinance changes. Most Commission members want companion animals included.
- b. DCU Center – Scott described the nature of his complaint. There are concerns about the path of travel from the HP parking spots to the entrance and the accessibility of the drop off location. Currently there is no update.

### **Conversations with the mayor resumed.**

7. Scott discussed the construction around city hall and concerns about accessible path of travel to the upper area. This project never came before the commission for input before being done.
8. Herb discussed issues with Emergency Preparedness; electricity and transportation. The mayor discussed the protocol that National Grid has with the city. Herb talked about past issues with emergencies, including shelter problems as well as the early hot weather in May of 2011 when elderly people had no air conditioning. Rachel spoke of the commission's concern

for emergency preparedness, especially transportation to shelters for those people who could not transport themselves.

9. Scott spoke of the lack of left handed parking meters.

10. Herb spoke of difficulties with people with disabilities in shelters in the October storm. The mayor responded with his perceptions. Jackie mentioned her observations at the shelter.

### **Meeting agenda resumed.**

- c. Temporary Event Accessibility Policy – tabled
- d. Meeting with Commissioner Moylan – will take place on May 10, 2012
  - i. John St. Church – apparently, the inaccessibility has been repaired. Rachel will confirm by visiting the site.
  - ii. Commission’s Construction Project wish list – members were invited to brainstorm items for the wish list to be discussed at a future meeting.
- e. Bullying Proposal before City Council – Jayna couldn’t find anything about a bullying policy presented to city council, only a policy with the school department.
- f. Information about advisory and executive commissions –. Report on the difference between the 2 types of commissions was distributed. Rachel will draft an annual report for the Commission for discussion at the June meeting.
- g. Added – Jayna discovered that the new bookmobile purchased by the city is accessible.
- h. Per response from the city clerk, the commission minutes replace the agenda on the website. The commission suggests submitting the agenda with the minutes and the attachments.

### Disability Intake Coordinator

- a. Intakes – Intake summary report submitted.
- b. Red Cab – submitted a summary of accessible cab use since December of 2005.

### Old Business & Updates

- a. AAB Updates – tabled
- b. Emergency Preparedness & Emergency Management – the Commission will ask Coordinator, Dave Clemons to be a guest at a future meeting to ask questions and raise issues that relate to emergency preparedness and people with disabilities.
- c. Bullying Project – Herb discussed lack of support for the bullying project. No goals or objectives for the project were set forth. The commission agreed that this item should be tabled but can return to the agenda in the future if needed or wanted.

### Member Updates and New Business

- a. Recording Commission meetings – Herb expressed his concern about less openness from members and the public when a meeting is recorded. The issue was discussed. Meetings could be videoed if meeting in the City Council chambers. Allocating of personnel to do the videoing could be a problem. Audio recording can be placed on the website as is, with no editing. Motion to make a request to the city manager to have the city audio record meetings and post them on the website. Motion carried.
  - b. Scott mentioned that the skating rink is almost done and will be completely accessible.
  - c. Jayna mentioned that MassHealth Public forum will be on May 11 from 1-3pm.
  - d. Jayna announced that Elder Services is moving.
- Next Meeting date: June 13 @ 4:30.

Motion to adjourn

Respectfully Submitted,  
Debbie Malone, Secretary

# DEPARTMENT OF PUBLIC WORKS AND PARKS

20 East Worcester Street  
Worcester, Massachusetts 01604

**Robert L. Moylan, Jr., P.E.**  
**Commissioner**

508-929-1300  
508-799-1448 Fax



Michael V. O'Brien, City Manager

Assistant Commissioners

Robert C. Antonelli, Jr., Parks  
Daniel Curtis, Administration  
Matthew J. Labovites, Operations  
Paul J. Moosey, P.E., Engineering

March 15, 2012

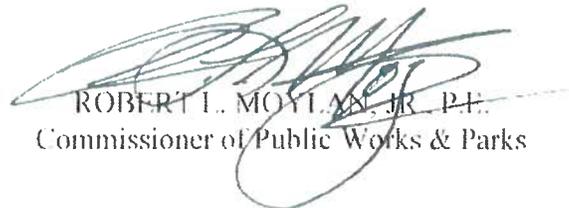
Ms. Deborah Malone  
Worcester Commission on Disability  
City Hall  
455 Main Street  
Worcester, MA 01608

Dear Ms. Malone,

Thank you for your letter of February 8, 2012 requesting increased attention to HP parking issues in the city. I forwarded your request to our Traffic Engineering Department and the Parking Control Officers. It would be helpful if you would let me know where the most problematic locations are so special attention can be paid to these areas. This is an important issue and we will do our best to accommodate your request.

Please contact me if you have any other questions or concerns.

Sincerely,

  
ROBERT L. MOYLAN, JR., P.E.  
Commissioner of Public Works & Parks

RLM/stm  
[malone]

**Clark, Dawn E.**

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**From:** Rushford, David J.  
**Sent:** Tuesday, April 24, 2012 12:01 PM  
**To:** Clark, Dawn E.  
**Subject:** Re: Question from the Commission on Disability

There is no change. The minutes replace the agenda for online viewing.

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**From:** Clark, Dawn E.  
**Sent:** Tuesday, April 24, 2012 09:46 AM  
**To:** Rushford, David J.  
**Cc:** 'Rachel S. Brown' <rbrown@laccm.org>; Turchek, Jayna  
**Subject:** Question from the Commission on Disability

Hi David,

At the April 18, 2012 Commission on Disability meeting, members requested that staff inquire if there had been a change in the way Agendas and Minutes were posted. Members seem to remember that one could view the Agenda once the same month's minutes were posted. Recently the Minutes seemed to have replaced the Agenda.

Has there been a change in posting process? Is there a way to view both documents once minutes are posted?

Thanks for you help with this,

Dawn

Dawn E. Clark  
Office on Disabilities  
Disability Intake Coordinator  
Executive Office of the City Manager  
25 Meade Street  
Worcester, MA 01608

508-799-8483

clarkde@worcesterma.gov



**CITY OF WORCESTER, MASSACHUSETTS**  
Law Department

David M. Moore  
City Solicitor

To: Michael V. O'Brien, City Manager  
From: David M. Moore, City Solicitor  
Date: March 21, 2012  
Re: Dog Licenses - Service Dog Fee Exemption

You forwarded a request from the Commission on Disability regarding §10(h) of the Revised Ordinances on dog licenses and amending the current section to expand the definition of a “service dog.” The current definition should be expanded to be more complacent with recent changes in the Americans with Disabilities Act (ADA) definition. The proposed definition would include service dogs of all types, not just those who aid the deaf and blind, however it would not include “companion dogs.” Furthermore, the revised section would waive the license fee for all service dogs. The ordinance would apply to all owners of a service dog. Attached is such an ordinance.

Under the ADA, a service dog is one that is individually trained to do work or perform tasks that are for the benefit of an individual with a disability. Animals that do not perform a task or work are precluded from this definition. Both the state and the ADA do not include dogs whose sole function is to provide comfort or emotional support in the service dog definition (commonly referred to as “companion dogs”). “Companion dogs” generally are not individually trained to provide or perform a specific task and providing comfort or emotional support, even to a person with a disability, is not considered “work”.

Service animals may include animals that assist people with psychiatric, cognitive and mental disabilities, but do not include animals “whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being.” Some of the tasks service animals provide to individuals with psychiatric disabilities include alleviating symptoms of post traumatic stress disorder, anxiety disorders and panic disorders by calming the handler and reducing physical and mental effects such as anxiety, fear, muscle tensions and trembling. “Companion dogs” do not provide any of these benefits to persons with disabilities, rather they provide

“therapeutic benefits,” and are therefore excluded from the ADA and state definition of service dogs.

In particular, the revised section of the ordinance would:

1. expand the definition of a service dog to include any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability;
2. examples of such work tasks include,
  - a. pulling a wheelchair, assisting an individual during a seizure...helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors;
3. exempt all service dogs from licensing fees, and;
4. require service dogs to be displaying some identification and carrying papers verifying it is an official service dog.

With regard to legal authority, the revised ordinance provides as its justification the ADA and its current definition of a “service dog.”<sup>1</sup> The state follows the ADA in this matter. Federal law does not require the city to waive the fee for a license for a service dog and neither does the definition in the ADA. However, per Mass General Laws c.140 § 139, the office on disability regulates the licensing of service dogs and has mandated that no fee shall be charged for a license for a recognized service dog.

Adoption of this revised ordinance requires a simple majority (six votes) of the city council.

Sincerely,



David M. Moore  
City Solicitor

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<sup>1</sup> Americans with Disabilities Act, <http://www.ada.gov/>;  
[http://www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm)

**AN ORDINANCE AMENDING CHAPTER EIGHT OF THE REVISED ORDINANCES  
SO AS TO MAKE THE DEFINITION OF "SERVICE DOG" CONSISTENT WITH THE  
AMERICANS WITH DISABILITIES ACT**

Be it ordained by the City Council of the City of Worcester, as follows:

Section 1. Chapter Eight of the Revised Ordinances of 2008 is hereby amended by deleting § 10 paragraph (h) in its entirety, and inserting in lieu thereof the new paragraph (h) as follows:

**§10. Dog Licenses**

(h) No fee shall be charged for a license for a service dog. A service dog is any dog that is individually and specifically trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other recognized mental disability. This definition applies to the phrase "service dog" used anywhere in these Revised Ordinances. A service dog must be displaying identification and carrying papers verifying that it is an official service dog. Any license issued to a service dog shall bear a special designation indicating that such a dog is a "registered service dog". No fee shall be charged for a license for a dog professionally trained to serve a blind person; provided, that the Massachusetts commission for the blind certifies that such a dog is so trained and is actually in the service of a blind person. No fee shall be charged for a license for a dog professionally trained in the hearing dog business to serve a deaf or audibly impaired person; provided, that the director of the office of deafness certifies that such a dog is so trained and is actually in the service of a deaf or audibly impaired person. For purposes of this section an "audibly impaired person" shall be any individual unable to hear air conduction thresholds at an average of forty decibels. No fee shall be charged for a dog that is otherwise professionally trained or certified to perform tasks for the benefit of an individual with a disability, or is a recognized service dog; examples of such work tasks include, but are not limited to, pulling a wheelchair, assisting an individual during a seizure, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

To: Commission on Disability  
From: Jayna Turchek, Director of Human Rights & Disabilities  
Date: May 3, 2012  
Re: Response to request for clarification of role of Commission

## **City of Worcester Boards and Commissions**

I

### Overview:

There are three types of boards and commissions – regulatory, executive and advisory. The 13 executive boards, such as Human Rights Commission, establish policy. The seven advisory boards, such as the Commission on Disability, provide advice to the city council and the city manager. The five regulatory boards, such as the Planning Board, apply and enforce the laws.

### Differences between Advisory & Executive Boards & Commissions

**Advisory committees** provide advice and information to the City Council, the School Committee, and the City Manager. Such advice is not binding upon these agencies. Nominees to advisory committees must be confirmed by a majority vote of the City Council. The City Charter requires district representation for all boards classified as Advisory or Regulatory.

**Executive boards and commissions** establish policy for City departments, and supervise departmental operations through an executive officer who is the administrative head of a City agency. The City Manager appoints all members without need for City Council confirmation.

Source: Worcester Home Rule Charter, Article 1, Section 3-3(b) Boards and Commissions

## **Worcester City Ordinance Creating the Commission on Disability**

### **ARTICLE 14. COMMISSION ON DISABILITY**

§ 1. Establishment

§ 2. Function

§ 3. Membership

§ 4. Duties & Responsibilities

§ 5. Administration

§ 6. Acceptance of Grants

#### **§ 1. Establishment**

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an agency of the city to be known as the "Worcester Commission on Disability" (hereinafter "commission").

#### **§ 2. Function**

It shall be the function of the commission to bring about full and equal participation in all aspects of life in the city of Worcester for all people with disabilities.

#### **§ 3. Membership**

(a) The commission shall consist of seven members appointed by the city manager for three-year terms. The terms shall be staggered such that no fewer than two terms shall expire on May thirty-first of each year. A majority of said commission members shall consist of people with disabilities, one member may be a member of the immediate family of a person with a disability. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term.

(b) The city manager may appoint up to five associates of the commission, a majority of whom shall be persons with disabilities. The terms of associates shall expire on May thirty-first of each year and shall be staggered such that no more than two terms shall expire in any given year.

Associates shall not be deemed members of the commission; however, whenever any member of the commission is absent from any meeting of the commission, associates shall, upon designation by the chairperson and by order of their appointment, fill such vacancies and shall have authority to participate and vote during such meeting. In making any such designation, the chairperson shall identify the member of the commission in whose stead the associate shall act. Should any absent member arrive at a meeting after an associate has been designated to act in his or her stead, the authority of the associate to act shall cease and the member shall take his or her place with the commission.

#### **§ 4. Duties & Responsibilities**

(a) The commission shall have the following powers, duties and responsibilities:

1. choose annually from among its regular members a chairperson, vicechairperson and secretary;
2. research local problems of people with disabilities;
3. coordinate the activities of other local groups or individuals organized or committed to meet the needs of people with disabilities;
4. carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability;
5. review and make recommendations about policies, procedures, services and activities of city departments and agencies as they affect people with disabilities;
6. work in cooperation with city departments and agencies to bring about full and equal participation by people with disabilities;
7. advise and assist city officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities;
8. influence city policies and coordinate with programs of the Massachusetts Office on Disability;
9. encourage public awareness of disability issues;

10. provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability;
11. recruit and recommend prospective commission members to the city manager; and,
12. submit an annual report to the city manager stating the undertakings of the committee, its accomplishments, conclusions and recommendations concerning the status of persons with disabilities in Worcester.

(b) All actions of the commission shall be taken by majority vote of the commission members present and shall be recorded in the minutes of its meetings. No member of the commission shall claim or assert any regulatory or enforcement authority by virtue of membership on the commission. In no event shall any member of the commission claim to be acting on behalf of the commission unless such action was authorized in advance by vote of the commission.

(c) any member who fails to attend any three consecutive meetings of the commission shall be deemed to have abandoned his or her membership on the commission. The commission may then recommend to the city manager that such position be declared vacant and request that a replacement be appointed and, if the city manager concurs with that recommendation, he shall then notify the member of his or her removal and proceed to fill the vacancy.

(d) The chairperson of the commission shall have the following powers, duties and responsibilities:

- (1) establish the time, place and agenda for commission meetings in coordination with other commission members;
- (2) preside over meetings of the commission;
- (3) establish sub-committees of the commission and appoint members of the commission thereto;

(e) The vice chairperson of the commission shall exercise the powers, duties and responsibilities of the chairperson in the event of the absence of the chairperson at any commission meeting or function or in the event of a vacancy in that position.

(f) The secretary of the commission, either personally or through the

assistance of the administrative personnel assigned to the commission, shall: prepare and maintain minutes of all meetings of the commission and any of its sub-committees, which minutes shall include the date, time, place, members present or absent and the actions taken; ensure that notice of all meetings is posted with the city clerk at least forty-eight hours before each meeting of the commission or any of its subcommittees; maintain a file including all the correspondence and other papers received or generated by the commission or any of its sub-committees; issue certified copies of any commission records or papers as required by law.

### **§ 5. Administration**

The Office of Human Resources, or such other department or officer as the city manager may from time to time designate, shall administer the affairs of the commission.

### **§ 6. Acceptance of Grants**

The commission, with the approval of the city manager and a vote of the city council as provided in G.L. c. 44 § 53A, may accept in the name of the city of Worcester grants or gifts of funds from the federal government, a charitable foundation, a private corporation, an individual, or from the commonwealth or any city, town or county thereof. All grants or gifts shall be deposited in the city treasury and may be expended without further appropriation by the commission though contracts signed by the chairperson of the commission and the city manager as required by article 5-7 of the city charter or, if the amount is less than two thousand dollars, in accordance with the regulations issued or adopted by the city manager.

For full text see:

<http://www.worcesterma.gov/uploads/24/8e/248e68568c42de1961066c8d0b3a4a87/revised-ordinances-1996.pdf>

## Disability Case Report 3-14-12 to 5-7-12

11 Intakes

1 email

10 phone calls

Sidewalks – 2 (1 requested chirper)

MassHealth or SSDI – 3

Transportation – 2

Handicapped Parking – 2

Free dog license request – 1

Lawn Care – 1

**YEARLY WHEELCHAIR RECORD**

RED CABS 109 / 110

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
2005												9	9
2006	34	40	101	102	52	68	107	75	65	143	142	149	1078
2007	131	117	114	104	126	84	130	142	129	150	165	90	1482
2008	98	131	185	201	170	173	139	157	100	170	59	73	1656
2009	96	92	88	196	103	110	110	137	185	202	170	165	1654
2010	96	153	185	152	154	152	147	132	146	208	244	138	1907
2011	95	122	142	154	121	139	164	165	157	161	177	183	1780
2012	142	157											299
2013													0
2014													0
2015													0
													9865
													TOTAL

Wheelchair Taxi Stats

**CONFIDENTIAL**

Rev. 5/2/2012

**COMMISSION ON DISABILITY**  
**Wednesday, May 9, 2012**  
**4:30 PM – 6:30 PM**  
**Worcester Public Library, Banx Room**

**DRAFT MEETING AGENDA**

**1. Call to Order, Welcome and Introductions**

**2. Conversation with the Mayor**

**3. Acceptance of April Minutes**

**4. Communications and Reports: Chairperson and Staff**

a. Chairperson

- i. Correspondence
- ii. Future meeting space

b. Director of Human Rights and Disabilities

- i. Service Animal/Companion Animal Ordinance
- ii. DCU Center
- iii. Temporary Event Accessibility Policy
- iv. Report on Meeting with Commissioner Moylan
  - 1. John Street Church
  - 2. Commission's Construction Project Wish List
- v. Bullying Proposal Before City Council
- vi. Information about Advisory and Executive Commissions

c. Disability Intake Coordinator

- i. Intakes
- ii. Red Cab

## **5. Old Business and Updates**

- a. AAB Updates
- b. Emergency Preparedness and Emergency Management
- c. Bullying Project

## **6. Member Update and New Business**

- a. Recording Commission Meetings

## **7. Announcements and Adjournment**

## **8. Items for Future Discussion:**

- a. Library Accessibility
- b. Goals for Fiscal Year 2013/Construction Project Wish List
- c. Friends of the Commission
- d. Transportation and TPAG
- e. Transition Plan Update