**City of Fall River**

#### Massachusetts

**COMMISSION ON DISABILITY**



**Paul e. Coogan**

***Mayor***

 **Dennis Polselli**

Chairman

**Debbie Pacheco**

Vice-Chairwoman

**Minutes of the Fall River Commission on Disability**

**Conference Call Meeting**

**Wednesday, February 12th, 2025**

**3:00 PM**

 **Chairman Dennis Polselli called the meeting to order at 3:02 P.M**

1. Chairman Dennis Polselli opened the meeting by reading the Open Meeting Law statement.
2. **Members Present:** Chairman Dennis Polselli; Vice-Chairwoman Debbie Pacheco; Commissioner Lisa Silva; Commissioner Dan Robillard; Commissioner Ann O’Neil-Souza & Commissioner Katie Driscoll.

**Others Present:** Sandy Berube Health Department Clerk & Attorney Gary Howayeck ESQ, ADA Coordinator

**Members Absent:** None

1. **Public Input:** No public input.
2. **Approval of the minutes for the meeting of Wednesday, January 8th, 2025**

Motion made by Commissioner Dan Robillard to accept the minutes from the Commission on Disability meeting from Wednesday, January 8th, 2025.

Second: Commissioner Ann O’Neil-Souza.

All in favor; none opposed; Abstentions; 0

1. **Work Group Updates:**
2. **ADA Updates:** No updates at this time
3. **Policies:** **Vice-Chairwoman Debbie Pacheco:** Discussion and vote on revising the Policy on Personal Request for Funding Policy. (Please see proposed policy attached).

Vice-Chairwoman Debbie Pacheco explains that it was brought to her attention as chair of the Policy Working Group that there was a policy that was potentially voted on in 2021but it was never captured in a manner explaining what the requirements where and what would be the next steps taken. Ms. Pacheco explains that her and Chairman Dennis Polselli are looking to tie up loose ends and that all the fine details on policies in writing so that everyone is on the same page.

The Policy reads …

“*The Fall River Commission on Disability will consider proposals on an individual basis to residents of Fall River on a case-by-case basis. Examples and such proposals may include ramps or the renovation of property for purposes of accessibility such as the installation of a ramp.*

*Once funding has been approved by the Commission, the allocation will be sent*

*directly to the service provider and not the individual requesting services. In*

*the case of renovation for purposes of accessibility, the funds will not be*

*released until an inspection by the building inspector has determined*

*that the rules and regulations of the Massachusetts Architectural Access*

*Board has been compiled with**.*

*All proposals considered by the Commission will not exceed $10,000.00 and must be a direct benefit to the residents of Fall River with disabilities.”*

Chairman Dennis Polselli states that this policy only applies for individuals requesting funding. He then discusses how there have been some questions raised about whether this is appropriate use of Commission funds or not. Mr. Polselli was asked to check with the Massachusetts Office on Disability with Jeff Dugan. Although the Massachusetts Office on Disability advises commissions, they are municipal bodies not state bodies. The Massachusetts Office on Disability does exercise and advise but this is a municipal body appointed by the mayor and then confirmed by the City Council.

Mr. Polselli did speak to Jeff Dugan, and he states that it was his opinion that he considers Commissions to be public bodies with public funds and therefore public funds cannot be used for private purposes. When it comes to issues like properties, and such there are landlord and insurance issues along with a number of things that Mr. Dugan feels that Municipal Commissions shouldn’t be getting into. That was the advice that I was given.

Mr. Polselli then explains that under 22G it specifically says that the funds are to be used by people with disabilities. There isn’t anything that was made clear that you shouldn’t rule out or shouldn’t do.

Commissioner Dan Robillard explains that he absolutely respects Jeff Dugan and the role he serves and that he has worked with him in Unison on a number of trainings such as access monitoring and others but being part of a municipal body we operate under two statues of ordinance. Chapter 40 section 8J of the Massachusetts General Law which allows disability commissions to exist in the state of Massachusetts and Chapter 40 section 22G that allows Commissions on Disability to control all funding attained and associated with handicap parking revenue. Mr. Robillard advises his friends and colleagues that we have already passed this policy in 2021 and are just looking to amend it. This Policy has existed since 2021 and now in 2025 is the first time that a private citizen has come to the Commission looking for funding.

As of right now, any private citizen can submit a proposal in any amount of money, and we are trying to cap private proposals to a maximum request of $10,000. He explains that this policy is already in effect and that the commission is merely just trying to cap off the amount at $10,000.

Vice-Chairwoman Debbie Pacheco states that she needs to get some guidance from either Attorney Gary Howayeck or the commission on whether this Policy is something that we should be doing going forward because she does not believe that the Commission should not have a policy for a personal request for funding. She does not believe that this is our role as a Commission. Our role is to benefit all people with disabilities so it’s really about making the city and its public places more accessible. Ms. Pacheco is looking for guidance regarding this Policy in her role as being Vice-Chairwomen of the Policy Committee.

Commissioner Dan Robillard answers Vice-Chairwoman Debbie Pacheco stating that there can be another vote to rescind the policy if that is the will of the body but that current vote for todays Agenda is only to vote the cap of the policy. We all have every right to introduce something in attempt to rescind the policy, but he personally will not be supporting it.

Commissioner Ann O’Neil-Souza asks where she can find policies pertaining to the Commission on Disability. Chairman Dennis Polselli explains that this original policy can be found in the Minutes of May 12th, 2021. Mr. Polselli then discusses how he has been going through previous meeting minutes, picking out the policies and then sending them to Ms. Pacheco where she then converts them into actual Policies. He also states that if this vote does go through that there will be a record in the Health and Human Services Department. Ms. O’Neil-Souza stated that she has done some research and her findings show that our Community Development Agency currently does have a funding mechanism in place to be able to assist a property owner or a tenant to be able to get payment for renovations and specifically addressed in those are handicap accessible renovations to property where they reside which is called the Home Program Funding. Mr. Polselli asks if that is the program that starts as a loan and then becomes a grant in five years. Ms. O’Neil-Souza states that it is similar, but this program can be forgiven. The program is called Homeowners Rehabilitation Home Fund.

Commissioner Dan Robillard explains that the Policy itself gives any individual the opportunity and ability to request funding for anything. Mr. Robillard states that this Policy keeps the ability open on the floor as an existing Commission policy to allow individuals to come in front of the commission with proposals and that each of those proposals be decided solely based on the merits like we do with any other proposal. If it’s something that we want to support, we should and if the majority doesn’t then we don’t do it. Mr. Robillard wants to look at each individual proposal on its merits and within the situation of the proposal before us.

Chairman Dennis Polselli asks Commissioner Ann O’Neil-Souza if there is an income eligibility for people to get Rehabilitation Services. Ms. O’Neil Souza states that there is and that determines for the Home Program if they qualify for the adjusted income limit, rental limit but that also depends on household size and the income in the household. Whether it be an adjusted income or any rent involved. It can loan up to $15,000 of money that can either be deferred or forgiven.

Chairman Dennis Polselli asks Attorney Gary Howayeck what the City’s legal position is in this matter because the thing that’s in writing from the state is 22G has no exemptions or exceptions. The language just states for people with disabilities and that is what the funds can be used for.

Attorney Gary Howayeck answers by stating that if he was the commission the first thing that he would consider doing would be asking the Law Department for a legal opinion to be sure that your comfortable knowing that you can allocate these funds that are technically public funds for the purpose of individuals on private property who will be benefitting. Secondly Attorney Gary Howayeck would deem it inadequate and that he thinks that we need a better policy detailing the criteria and need. The current policy is so vague as written and gives the board extreme discretion but with extreme discretion comes discrimination, he thinks it should be more narrowly tailored to exactly what fits the criteria and what doesn’t. He continues to explain that the Law Department can hypothetically say that they deem the disbursement of public funds to individuals as inconsistent with Chapter 40 section 22G. He isn’t saying that it will but does think that they need a legal opinion first in order to make that determination.

Commissioner Dan Robillard asks Attorney Gary Howayeck if State Law would supersede Municipal Law and the ordinances of the City of Fall River. Attorney Gary Howayeck states that it would. Mr. Robillard then states that if Chapter 40 Section 22G is State Law it would supersede anything that any legal opinion may deem if it is different than State Law. Mr. Robillard states our current general funding policy for the Fall River Commission on Disability exists under State Law that was adopted by the City of Fall River when Ed Lambert was the Mayor and put this Commission forth under Chapter 40 Section 8J for the original Commission and then Chapter 40 Section 22G to allow the Commission to control the revenue obtained from handicapped parking. Mr. Robillard would also like to make clear that when someone uses this request that it is not just for housing issues like home renovations but personal ones as well and that it would be up to the Commission to decide whether or not they would support the request or not.

Chairman Dennis Polselli explains that even though the policy may need to be reworked that he does still like the current policy’s reasoning behind it. With this policy there are no income eligibility guidelines in place because there are enough of that. Just because someone with a disability may be making more money, they have disability related expenses as well. Mr. Polselli does not want a policy with income eligibility guidelines.

Attorney Gary Howayeck responds to Commissioner Dan Robillard regarding his last statement and states that his comment presupposes as Chairmans that Chapter 40 Section 22G authorizes the disbursement of those public funds for private use. He reads Chapter 40 Section 22G which states that the funds should be used solely for the benefit of people with disabilities but then for you to take the leap and then interpret that broadly to include the private sector/residents which is not included in State Law. It may be the correct interpretation but without researching this further Attorney Gary Howayeck as the ADA Coordinator and Assistant Corporation Council can’t make that bold presentment that’s in 22G that authorizes this Commission to authorize these funds for private use. Incidentally 22G also says that you also need the approval of the mayor and he’s not sure maybe Ann may know, but he’s not sure if the mayor would simply sign off on something like this without knowing for sure if public funds can be used for said purpose.

Motion made by Commissioner Ann O’Neil-Souza that revising the Policy on Personal Request for Funding Policy is referred to the Legal Department for a legal opinion.

 Second: Commissioner Dan Robillard

 All in favor; none opposed; Abstentions; 0

1. **Finance: (See Budget Report for January 2025)**
2. **Outreach:** No updates at this time
3. **Old Business:** No updates at this time.
4. **New Business:**

**Possible New Commissioners.**

**Funding for a proposed ramp for a resident of Fall River. (Please see ramp proposal attached).**

Motion made by Commissioner Dan Robillard to table funding for a proposed ramp for a resident of Fall River.

Second: Commissioner Ann O’Neil-Souza.

All in favor; none opposed; Abstentions; 0

 Next meeting will be Wednesday, March 12th, 2025, at 3:00 P.M.

1. **Adjournment at 3:51 P.M**

Motion made by Commissioner Dan Robillard to adjourn

Second: Commissioner Ann O’Neil-Souza

All in favor; none opposed; Abstentions; 0

 **Documents Distributed**

 Agenda

 Minutes from the meeting of January 8th, 2025

 Budget Report for January 2025

Proposal for Personal Request for Funding Policy

Proposal for Resident of Fall River to Receive a Ramp