Zoom-COD Minutes June 11, 2025

**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, June 11th, 2025**

**3:00 PM**

 **Chairman Dennis Polselli called the meeting to order at 3:03 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

**Members Absent:** None

**Chairman Dennis Polselli starts by apologizing for forgetting to include Katie Driscoll in the email when he had sent out the previous month’s agenda and that is why she was not present in May’s meeting, otherwise she would have been present.**

1. **Public Input:** No public input.

**3:05 P.M. Commissioner Lisa Silva Joins Meeting**

1. **Approval of the minutes for the meeting of Wednesday, May 14th, 2025**

Motion made by Commissioner Dan Robillard to table the minutes from the Commission on Disability meeting of Wednesday, May 14th, 2025.

Second: Commissioner Ann O’Neil-Souza

All in favor; none opposed; Abstentions; 0

1. **Work Group Updates:**
2. **ADA Updates:**

Chairman Dennis Polselli states that he is going to try to find out if the city ended up applying for the ADA Improvement Grant because the deadline is Friday, June 13th. Mr. Polselli feels as though this is a very short period of time and that maybe he can get an explanation from the Office on Disability between now and our August meeting. He has not heard of any ADA Improvement Grants that the city has received this month but will find out.

1. **Policies:** **Vice-Chairwoman Debbie Pacheco:**

Vice-Chairwoman Debbie Pacheco explains that at one of our meetings we had requested a legal opinion from our Corporation Council on the policy regarding donations for personal use. We have received a legal opinion regarding the use of funds of 22G funds for private accessibility modifications. The conclusion of that legal opinion was that the Commission on Disability may not lawfully spend public funds under MGL 4022G for the purpose of constructing a wheelchair accessible ramp at a private residency even when the recipient is a person with a disability. Such an expenditure would constitute impermissible use of public funds for private benefit and would be inconsistent with both the anti-aid amendment and administrative guidelines from the Massachusetts Office on Disability. She states that she will make sure to forward the whole document to the commission. Based on this legal opinion it is recommended that we do not move forward with a policy utilizing funds for private accessibility modifications at this time.

Commissioner Dan Robillard states that he understands what the Vice-Chairwoman had said but to him that only excludes one category so called private use funding. He explains that to him that this doesn’t exclude the commission from maintaining the policy that was adopted because it is not a given fact that every request would be around accessibility modification. He thinks that we should maintain the policy. He quotes that he himself states two or three meetings ago that we should look at each request on a case-by-case basis. This is the first request we’ve had of any type since the policy was adopted. Mr. Robillard will ask Chairman Dennis Polselli if he remembers exactly when the policy was adopted because they both are who put the policy together. He explains that this is only one opinion about one category of excess use of these funds. In his mind, this policy does not prevent or exclude this commission from maintaining a policy in general for people to request funding. He would like to also state that this has never been tested, and he doesn’t see anything wrong with doing this but if that is the opinion then that is the opinion. Mr. Robillard does not want the policy to go away. The request was never formally put before us but was based on modification. He believes that this is one category of an infinite number of possibilities for private use funding. The policy is a general ability for people to come and request funding it was never solely based or ever intended to be specifically or exclusively designed or used for modification purposes.

Vice-Chairwoman Debbie Pacheco states that from the policy working group that this was one of the updates that she wanted to provide to the group. The second update is that she would like to also request a legal opinion on the Scholarship program. She also believes that it is in our best interest to also obtain a legal opinion on the use of funds for scholarships.

Chairman Dennis Polselli believes that the way this opinion was written that it is very broad and that you can interpret the Scholarship Program as being under this particular municipal opinion and that is why he agrees with the Vice-Chairwoman that we need to seek an opinion on the Scholarship Program as well. In all fairness to the city, they are basing their interpretation on the Massachusetts Office on Disability. He would like everyone to read the opinion, and he would then like to put this matter on the agenda again under policy for our August meeting.

He also explains that he did show this opinion to Jeff Dugan and that Mr. Dugan pretty much agreed with the Vice- Chairwoman and himself that we need to get clarification on this policy because he felt like it was a very broad interpretation. He called it the “City’s interpretation” which is Mr. Polselli’s problem with 22G. Mr. Polselli agrees with a current past statement that Mr. Robillard had made about how if you get a bunch of lawyers in a room and you’re going to come out with 25 different opinions, and this is an example of that. He would like to get a little more clarification from Corporation Council before moving forward.

For the record Mr. Polselli states that Fall River is not the only municipal disability commission that has a scholarship program. It would be regrettable if we had to do away with this program, it’s an outreach program, we don’t give the money to individuals we go through Institutions and the Institutions deposit the money in the students accounts after the schools determine which students are selected based on being a disabled Fall River resident. Under expenditures it does say that we can use our money for public facilities, equipment and other things in public facilities such as the public library, public schools, etc.

Mr. Robillard states that if it comes back that the scholarship program be eliminated that he would hope it would come to a formal vote and hopes that before that formal vote is taken that we get some other opinions from the state level. Possibly a consultation with the state representatives of Fall River, Michael Rodrigues the chairman of Ways and Means who represents Fall River in the Senate and State legal counsel.

Mr. Polselli would like to follow the protocol of firstly to make a motion to contact Corporation Counsel before bringing in Legislators to get their opinion, the next step would be to work with the Massachusetts Office on Disability, which exercises oversight responsibilities. They also have their own legal counsel which would cost us nothing.

Motion made by Vice-Chairwoman Debbie Pacheco to submit a request to our ADA Coordinator Attorney Gary Howayeck to obtain a legal opinion on the Scholarship Program.

Second: Commissioner Dan Robillard

All in favor; none opposed; Abstentions; 0

1. **Finance: (See Budget Report for May 2025)**
2. **Outreach: Final Report on the 2025 Scholarship Program.**

Chairman Dennis Polselli states that everything is done and has been submitted to Rachelle. He also indicates that with this year being the fifth annual year having the scholarship program that we have allocated a total of $126,000 in that time frame.

On Tuesday, June 24th at the Council meeting Counselor Andrew Raposo and the Fall River City Council will be awarding citations from the City Council for the scholarship recipients.

1. **Old Business:** No updates at this time.
2. **New Business:** Next meeting will be Wednesday, August 13th, 2025, at 3:00 P.M.
3. **Adjournment at 3:23 P.M**

Motion made by Commissioner Ann O’Neil-Souza to adjourn

Second: Commissioner Dan Robillard

All in favor; none opposed; Abstentions; 0

 **Documents Distributed**

 Agenda

 Budget Report for May 2025