



COMMISSION OF DISABILITY Wilbraham, Massachusetts

Meeting Minutes of Thursday, April 21, 2016
Wilbraham Town Hall
240 Springfield Street

Members in Attendance: Steve Fratoni, Diane DiSilva, Earl Way, Edward White,
Mary Lou Fabbo, Beverly Litchfield

Members Absent: Barbara Harrington, Jean Courtney, Maggie Wurm

Staff Present: Lance Trevalion

Chairman Steve Fratoni called the meeting to order at 4:35 p.m.

Approval of Minutes.

Beverly Litchfield made a motion to accept the minutes of Thursday, March 31, 2016 as written. Mary Lou Fabbo seconded the motion. All in favor.

Old Business.

Report on status of FY 2016 Construction Bids for Spec Pond fishing dock:

- Lance has received bid from two landscape contractors for the path and platform section of the project. Another potential bidder dropped out citing they were too busy at this time of year. Local contractors will be asked to submit bids for landscaping portion for project. The prefabricated dock sections will be purchased separately.

Discussion of Town's Transition Plan:

- Steve Fratoni would like to see a Notice & Grievance Procedure as required by ADA Title II placed on town's website. He distributed copies of these items as written in the US Department of Justice publication, "Toolkit for Small Towns". These are concise, one page documents compared to the five page Grievance Procedure adopted by the Town in the Transition plan dated 1993. Town Council will need to be notified of any changes or requests.
- Motion was made by Ed White to pursue the completion of this after review by Town Administrator. Seconded by Earl Way. Passed unanimously.
- Text of the DOJ documents will be included in the Minutes.

Discussion of COD Articles to be voted on at upcoming Town Meeting:

- COD grant request for CPA funding of the renovations at the Children's Museum is in the Warrant.
- Bylaw Study Committee has put forth the Article to raise the parking fine from \$100 to \$200.
- Official distribution of the Warrant is scheduled for April 28 and will be mailed to every registered voter in the Town.

Discussion of possible future grant projects and sources:

- Steve Fratoni has made contact and received favorable response from the Athenaeum Society about accessibility to the Meeting House located on Main Street.
- Lance mentioned that the Town is making adjustments to the improvements at Bruuer Pond and several of the Town Hall Transition Plan details.
- Steve mentioned that if the Bylaw change is approved the COD should pursue our offer to distribute "\$200 Fine" signs. Mechanism for this will be discussed after the change goes into effect.
- Earl Way mentioned that the accessible garden boxes at the Community Gardens will not survive the growing season. Lance mentioned that he had been contacted by an Eagle Scout and will direct them to examine the design used at Bluebird Senior Housing in East Longmeadow.

New Business:

- Mary Lou Fabbo mentioned that she had made favorable contact with the Wilbraham Rotary Club for her to Wilbraham Business owners. Date has yet to be determined. An outline of her program "ADA 101 from Employer Perspective" was distributed and includes the following:
 - "The COD is available not only to assist individuals with issues they may have, but is also a resource for business owners.
 - **While the ADA applies to employers of 15 or more employees, many don't realize that its Massachusetts counterpart (Chapter 151B) applies to employers of only 6 or more employees.**
 - **Disabled employees have a right to be free from discrimination and retaliation, and they are entitled to a reasonable accommodation that will allow them to perform their essential job functions.**
 - **Employers tend to think of a "disability" in terms of a visible, physical limitation.** Under state and federal employment law, "disability" is broadly interpreted. Someone with chronic migraines, depression, asthma, diabetes, irritable bowel syndrome are likely considered "disabled," and entitled to the protections of the law.
 - **People who are not disabled but are perceived to be disabled are also protected under anti-discrimination laws.**
 - **Employers have the duty to reasonably accommodate qualified individuals with disabilities.** That means they must provide reasonable accommodations that will allow them to perform their essential job functions. An accommodation can be anything from an ergonomic work station, extra breaks, or even time off from work. An employer is required to engage in an interactive process with an employee, but the employer does not have to necessarily provide what the employee wants as long as whatever accommodation is made works. The

employer does not have to provide a reasonable accommodation that would cause an "undue hardship," however, it is very difficult to demonstrate that a "undue hardship" exists and courts take a very narrow view of that issue.

- Disabled employees bring value to the workplace. “
- Chairperson Steve Fratoni asked about the addition of an elected position of “Vice Chairperson”. Motion was made by Earl Way and seconded by Beverly Litchfield; passed unanimously. The vote will be differed to the next meeting.

Next Meeting:

Chairperson Steve Fratoni mentioned that we have completed our required six meetings for the fiscal year. Several members mentioned increasingly complex personal schedules as the summer approached. One more meeting was scheduled and additional will be considered at that meeting.

- Thursday May 26th 2016, 4:30 p.m. at Wilbraham Town Hall.
- Additional to be determined.

Adjournment

Beverly Litchfield made a motion to adjourn the meeting at 5:40 p.m. with Earl Way second. All in favor.

Attachment #1:



NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the [name of public entity] will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: [name of public entity] does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: [Name of public entity] will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in [name of public entity's] programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: [Name of public entity] will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in [name of public entity] offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of [name of public entity], should contact the office of [name and contact information for ADA Coordinator] as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the [name of public entity] to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of [name of public entity] is not accessible to persons with disabilities should be directed to [name and contact information for ADA Coordinator].

[Name of public entity] will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Attachment #2:

[Name of public entity] Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **[name of public entity]**. The **[e.g. State, City, County, Town]**'s Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**[Insert ADA Coordinator's name]
ADA Coordinator [and other title if appropriate]
[Insert ADA Coordinator's mailing address]**

Within 15 calendar days after receipt of the complaint, *[ADA Coordinator's name]* or *[his/her]* designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, *[ADA Coordinator's name]* or *[his/her]* designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **[name of public entity]** and offer options for substantive resolution of the complaint.

If the response by *[ADA Coordinator's name]* or *[his/her]* designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the **[City Manager/County Commissioner/ other appropriate high-level official]** or *[his/her]* designee.

Within 15 calendar days after receipt of the appeal, the **[City Manager/County Commissioner/ other appropriate high-level official]** or *[his/her]* designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the **[City Manager/County Commissioner/ other appropriate high-level official]** or *[his/her]* designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by *[name of ADA Coordinator]* or *[his/her]* designee, appeals to the **[City Manager/County Commissioner/ other appropriate high-level official]** or *[his/her]* designee, and responses from these two offices will be retained by the **[public entity]** for at least three years.

Respectfully Submitted
Steve Fratoni, Chairperson