

Cambridge Commission for Persons with Disabilities (CCPD)

Minutes for Thursday, August 12, 2010

Present:

Members: Laura Brelsford, Elizabeth Dean-Clower, Sandy Durmaskin, Alissa Land, Don Summerfield, Rachel Tanenhaus, Kathy Watkins, and Dave Wood.

Alternates: Bet MacArthur

Staff: Michael Muehe and Kate Thurman

Absent: JoAnn Haas, Eileen Keegan Bongiorno, Kate Patton Regal, and Gordon Slater.

Guests: Alan Kerzin, Disability Law Center; Peter Montalto, Cambridge Family and Children's Services; and Owen O'Riordan, Cambridge Department of Public Works.

Minutes:

A motion to approve the June 10, 2010 minutes was passed by the Commission.

Announcements: Don Summerfield announced that Jason Crigler, a musician who had massive stroke in 2004, will be performing at Atwood Café on September 17. He said that a documentary film called *Life. Support. Music.* was made about his story.

Sandy Durmaskin passed out information that she reported picking up at the 20th Anniversary Celebration of the Americans with Disabilities Act regarding a new iPhone app called CitiRoller: Navigating Cities on Wheels. Once launched, the app will include information on wheelchair accessible venues, restrooms, and public transportation, in addition to wheelchair repair locations. She said that they are looking for input from people with disabilities. Their website is <www.citiroller.com>.

Ms. Durmaskin also reported that Somerville-Cambridge Elderly Services is hosting an event called "Staying Put in Somerville, Making Your Home for the Long Run" on September 29 from 5:30pm to 7:30pm at 167 Holland Street in Somerville. There will be panelists there discussing universal design approaches.

Elizabeth Dean-Clower reported that she attended the "It Takes More Than Ramps" conference in Shrewsbury, MA and that one of the issues that was addressed was

the lack of sitting scales or other means of weighing patients who are unable to stand on a conventional scale.

Ms. Dean-Clover also reported that she participated in a focus group at a medical facility in Boston, which does not have such equipment and is otherwise a very modern building. She said that she made this concern known.

Rachel Tanenhaus announced that there the Transcending Boundaries Conference will be held in Worcester the weekend of November 19-21. She said that the theme of this conference is intersexuality and is intended for people who do not fit into a binary system in terms of gender identity, relationship status, etc. It will include discussions, workshops and academic presentations. She reported that the organizers are very interested in addressing disability issues and that proposals are due by Sunday, August 15. Ms. Tanenhaus said that she and Bet MacArthur are putting one together about disability and trans issues.

Michael Muehe announced that on Tuesday, September 14 at 6PM, there will be a public meeting at the West Cambridge Youth Center on the topic of shared use of the Fresh Pond Reservation. He said that the CCPD has been advocating for many years for improved accessibility to open spaces in Cambridge and that it would be a good opportunity for CCPD members to speak up about disability issues.

Chair's Report: Rachel Tanenhaus informed members that the September and November CCPD meetings have been moved to the third Thursday of the month due to holidays. These meetings will be held on Thursday, September 16 and Thursday, November 18.

Ms. Tanenhaus introduced and welcomed the Commission's new members, Elizabeth Dean-Clover, Sandy Durmaskin, and Alissa Land. She thanked the sub-committee for their time in interviewing the candidates and Kate Thurman for her help with the process.

Ms. Tanenhaus reported that the CCPD holds an event each October, which is the National Disability Employment Awareness Month, and asked for volunteers to be on the planning sub-committee. She presented three themes as possibilities for the event, noting that there are a lot of new materials and regulations that coincided with the 20th Anniversary of the Americans with Disabilities Act (ADA):

1. A presentation on healthcare reform and how it impacts people with disabilities, including a new document from the Department of Justice (DOJ) regarding access to healthcare and new legal standards for medical equipment.
2. A presentation on the ADA Amendments Act (ADAAA), consisting of both new and proposed regulations which will affect employment.

3. Inviting Jonathon O'Dell from the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) to do a presentation on communicating with Deaf and hard of hearing employees in the work place.

Don Summerfield said that he would like to learn more about Deaf Culture.

Elizabeth Dean-Clower suggested that the event include data on the status of unemployment for persons with disabilities (PWD).

Alissa Land added that Massachusetts just passed a law requiring equal treatment under healthcare plans for people with Autism Spectrum Disorders.

Elizabeth Dean-Clower, Michael Muehe, Don Summerfield and Kate Thurman volunteered to be on the planning sub-committee. Rachel Tanenhaus also offered to help with the planning, but said that she may not be able to attend the event.

Michael Muehe reported that between the ADAAA and the new ADA regulations, there is a lot of new material, not all of which could be covered in a single event. He also said that the healthcare reform will have many implications for PWD who are currently working or not working and are worried about losing their benefits.

A few members suggested holding a separate event focusing on Deaf issues rather than limit the scope of the October one. Michael Muehe said that the Commission has, in the past, held hour-long brown bag lunches during which speakers present about certain topics and that one could be done on Deaf Culture awareness.

A motion to have the sub-committee choose the topic for the October event was made, seconded and approved.

Bet MacArthur suggested adding a series of articles to the *AccessLetter* about the new ADA regulations. It was suggested that a sub-committee be formed to work on the content of articles.

Presentation from the Disability Law Center: Michael Muehe introduced guest speaker Alan Kerzin, who is the new Executive Director of the Disability Law Center (DLC) in Boston. He reported that Mr. Kerzin was the Director of the Developmental Disabilities Council in California prior to joining DLC.

Alan Kerzin spoke about the current activities at DLC. He informed those present that DLC is the Protection and Advocacy Agency for the State of Massachusetts, and is the only statewide organization that deals with cross-disability related legal issues.

Mr. Kerzin said that he himself is not an attorney, but that DLC has a great group of attorneys and are currently working on two large lawsuits:

They have a suit against the MA Department of Corrections (DOC) alleging that they house many inmates with psychiatric disabilities in segregation units in prisons 24 hours a day. He said that there was an article about it in Boston Globe that morning.

They are also working on a lawsuit against a school district for doing a poor job on transition services for students with disabilities who are aging out of school. Mr. Kerzin said that, if successful, this suit will help thousands of students. He reported transition for these students is akin to employment because the expectations of PWD are low, so many of these students are not getting the services they need to go on to higher education or employment.

Mr. Kerzin said that he has done a lot of public policy and advocacy work in a systemic way. He said that there are a lot of people requesting DLC services, but that they have very limited capacity and or therefore looking for ways to make the biggest impact on the most people.

He reported that the Governor just signed an Augmented Communication Bill, which will allow people more opportunity to get communication devices. He said that another bill, which has also been signed by the Governor, will remove the word "retarded" from state laws.

Speaking more about his experience in the disability field, Mr. Kerzin said that the budget deficit in California is twenty billion dollars, which is the same amount as the entire budget for the Commonwealth of Massachusetts.

Mr. Kerzin said that DLC is in process of determining priority areas in housing, healthcare, employment, education, etc. He said they are looking for feedback from people on what they think their priorities should be. He also handed out copies of DLC's new brochure.

Rachel Tanenhaus reported reading about DLC being involved in an amicus brief for a woman whose case went to the Supreme Judicial Court about her ability to communicate while testifying as a witness. She said that people now have rights in terms of their ability to testify in court cases.

Mr. Kerzin said that, while most of the work on this case was completed by the time he started his position, this is a great example of how DLC is involved in helping PWD.

Mr. Kerzin said that DLC has also done some work with the Deaf Community, most of which is around school children who are Deaf. He said that he has been meeting with the Commissioners of the Massachusetts Commission for the Deaf and Hard of Hearing, the Massachusetts Commission for the Blind and with the Department of

Developmental Services, and that the power of working with a cross-disability philosophy in policy matters is very strong.

Alissa Land asked Mr. Kerzin what the new employment bill in California accomplished and also if DLC reaches out to private firms for *pro bono* services.

Mr. Kerzin said that the Employment First Policy in CA says that the presumed option for students with disabilities was going on to employment or higher education after leaving high school. He said that it is tied to the Individuals with Disabilities Education Act in terms of requiring that students be placed in the least restrictive environment as possible. The bill also addresses transition planning and outcomes. It set up a commission that will draft a comprehensive five-year policy.

He added that DDS just passed an internal Employment First Policy, of which he will give a copy to Michael Muehe.

He also reported that a private law firm is working with DLC on the transition case and that there are a few other private law firms helping with the prison case, although he would like to be partnering with more firms.

He also said that DLC has a newsletter and that the most recent one included an article about the ADA Celebration.

Bet MacArthur asked Mr. Kerzin if he knows of any civil rights laws specifically regarding hate crimes targeting PWD, stating that there have been several such cases in the media recently. Mr. Kerzin said that President Obama just signed a new hate crime law, and that it includes PWD.

Mr. Kerzin also reported that DLC has been trying to stop aversive therapy at the Judge Rotenberg Center (JRC) for a very long time. He explained that JRC is a residential facility for people with disabilities that uses aversive therapy in the form of electric shocks. He said that he is scheduled to visit JRC in a few weeks and that he will be shocked with one of the electrodes in order to see what it feels like.

Michael Muehe explained that JRC is a residential school and that some students wear electrodes 24 hours a day. The staff is trained to apply electric shocks to students for any deviations from acceptable behavior.

Mr. Kerzin said that an international report regarding this has been published by the Geneva Convention, which is calling it torture. He said that DLC has been working legislatively for many years to stop the aversive therapy at JRC, but that many parents see it as a school of last resort. Mr. Kerzin also said that he is promoting more positive behavior supports in the community so that parents have other places to turn.

Mr. Kerzin reported that there are 220 students at JRC, including 80 from Massachusetts, and that two-thirds of them are minors. He said that some school districts that are unable to accommodate certain students pay \$200,000 per year per placement.

Rachel Tanenhaus asked if DLC has any data on violence against people with disabilities, stating that disability status is a better indicator of who experiences violence than gender is. She said that rates are especially high among people with intellectual disabilities. Mr. Kerzin said that he will look into it and get back her.

Mr. Kerzin also said that he will send a copy of DLC's priority areas to Michael Muehe.

Executive Director's Report: Michael Muehe reported that he and Kate Thurman worked with intern Nate Finch in identifying Inman Square businesses that have readily achievable barrier removals and that letters were sent to 20 businesses on the 20th Anniversary of the Americans with Disabilities Act (ADA).

Mr. Muehe also reported that the City Manager signed the City's new ADA Policy on that day.

Mr. Muehe welcomed new members, Elizabeth Dean-Clower, Sandy Durmaskin, and Alissa Land. He said that a CCPD board orientation manual was created, an internal document which he passed out to CCPD members.

He said that he was contacted by the Personal Care Attendant (PCA) Quality Home Care Workforce Council, and that they are seeking a member to serve on their State Board.

He also said that the Greater Boston Employment Collaborative is seeking members for their Consumer Committee.

Mr. Muehe also announced that the Fresh Pond Shared Use Committee will be holding a public meeting at 6:00pm on Tuesday, September 14 in the West Cambridge Youth Center.

Public Works Update: Kathy Watkins and Owen O'Riordan of the Cambridge Department of Public Works (DPW) presented DPW's updated Five Year Sidewalk and Street Reconstruction Plan. Ms. Watkins said they are focusing this year on prioritizing construction of missing curb ramps. She said that she is coordinating with Michael Muehe to identify priority areas, and added that it is be very helpful to get requests from persons with disabilities in determining these areas.

Ms. Watkins and Mr. O’Riordan also discussed the City’s Miscellaneous Sidewalk Program. They reported that the Cambridge Historical Commission has approved the use of wire-cut brick rather than molded brick for sidewalks. This will allow for more accessible sidewalks.

They reported that property owners can request that trees be planted in their front yards, which DPW will do at no cost when their street is under construction.

There were some concerns regarding the accessibility of the temporary bollards that are used to block off construction areas, which are not always cane-detectible. Mr. O’Riordan said that DPW advises private contractors of the rules and guidance standards, but that it can be difficult to get contractors to enforce them. He said that DPW will work with their private contractor on this issue.

[please refer to DPW’s Five Year Sidewalk and Street Reconstruction Plan for details, which can be found online at <
<http://www.cambridgema.gov/TheWorks/news/5YearPlan.pdf>> or by calling 617-349-4800].

Disability Reframed Film Series: Bet MacArthur reported that the screening of “Roxanne” on July 31, with Carolyn Thompson as the guest speaker, went very well, but that there was a low turnout. She said that the sub-committee needs to work on publicity in order to reach more people.

Ms. MacArthur reported that the next film, “My Left Foot” will be shown on September 11. She requested more support for the film series from Commission members.

Project Coordinator’s Report: Kate Thurman thanked Elizabeth Dean-Clower and Sandy Durmaskin for helping with the mailing of the August/September issue of the *AccessLetter*. She reminded those in attendance to email her with information about upcoming October or November events that may be of interest to the disability community, as she is always looking for things to include in the Calendar of Events.

She also reminded members that the copy deadline of the October/November *AccessLetter* is September 15.

Ms. Thurman reported that CCPD’s recycling exemption program, which exempts residents from the recycling ordinance who have a disability that makes it difficult to separate and sort their recycling from trash, will be changing when the City moves to single stream recycling on October 25th. The Department of Public Works (DPW) will be distributing large, wheeled toters to all households contain 1-5 units, in which residents will place ALL recycling, without having to do any sorting. Also, they will no longer be required to break down boxes or cut cardboard into 3ftx3ft

squares. DPW has mailed a card to residents explaining the program, including a list of accepted items.

Ms. Thurman said that the ease of single stream recycling will likely reduce or eliminate the need for recycling exemptions. She reported that CCPD has mailed letters to the 32 residents who are currently on the exemption list, explaining how single stream recycling will make it much easier.

Ms. Thurman noted that the CCPD will still be offering the 6pm exemption, which allows residents to place their trash and recycling out before 6pm the night before collection if they have a disability that make it difficult for them to take it out after 6:00, or have a caretaker or relative who can take it out when visiting earlier in the day.

Public Input: Alan Kerzin reported that DLC is holding a forum on Monday, August 30 with guest speaker Richard Devylder, who has been appointed by President Obama as the Department of Transportation's new Senior Advisor for Accessible Transportation, will to deal with transportation issue.

New Business: Don Summerfield reported that the Cambridge Housing Authority has hired the National Housing and Law Institute to train their new ADA Coordinator. He said that he will be among the residents who will be interviewed on their experiences.

Meeting adjourned at 7:39pm.

Respectfully Submitted,
Kate Thurman, Disability Project Coordinator