

City of Worcester
Accessibility Advisory Commission
Tuesday, January 18, 2022, 4:30 PM Minutes

Virtual meeting with WebEx platform
<http://www.worcesterma.gov/video-on-demand>
ASL interpreters provided

Attendance:

Members Present: Robert Bureau, James Delage, Philip Economou, John Finn, Jr., Darya Karuna, Linda Larrivee, Joseph Prochilo, Stephen Stolberg

Members Absent: Fitzroy Hall, Elizabeth Myska, Christina Parissi

Staff: Jayna Turcek, Dawn E. Clark

Guests: Jay Fink, Commissioner of Worcester Dept. of Public Works
Mark Elbag, Worcester Director of Engineering
Sarah Nechamen, Outreach and Training Specialist,
MA Disabled Persons Protection Commission

Call to order, instructions for virtual meeting, introductions

Chairperson Bureau called the meeting to order at 4:30pm and requested Director Turcek to provide the technology instructions for public access to the meeting. Commissioners then introduced themselves on roll call. Assistant Commissioners Economou and Stolberg were raised to full Commissioners for the purpose of establishing a quorum and voting at this meeting.

Approval of December 21, 2021 minutes*

Commissioner Larrivee moved to approve the December 21, 2021 minutes as written. Commissioner Karuna seconded the motion. All approved by unanimous roll call.

Request for DPW to provide ongoing Apex curb cut reporting to the Commission prior to installation (Director Turchek and Mark Elbag, Worcester Director of Engineering)

References:

521 CMR 21.00: CURB CUT

21.1 GENERAL Whenever sidewalks, walkways, or curbs on streets and ways are constructed, reconstructed, or repaired, curb cuts are required. All curb cuts shall comply with the following:

21.2 LOCATION Curb cuts shall occur wherever an accessible route crosses a curb and at the following locations:

21.2.1 Curb cuts are required at each corner of each intersection, located within the crosswalk and/or the pedestrian path of travel. Curb cuts shall be perpendicular to the curb at street crossings and each shall have a level landing at the top. At marked crossings, the bottom of the ramp run, exclusive of flared sides, shall be wholly contained within the marked crossing. The crosswalk/pedestrian path of travel must also be perpendicular to the curb.

Exception: Where pedestrian right-of-way established width will not accommodate a perpendicular curb cut and landing, a parallel public sidewalk curb cut with a level landing at its bottom shall be provided instead of a perpendicular curb cut.

21.2.1.1 Apex curb cuts: Where site constraints prevent the installation of a perpendicular curb cut or a parallel curb cut with a level landing, an apex curb cut is allowed. Site constraints include the following:

- a. Driver or pedestrian line of sight to or from the front of the level landing on the ramp is impaired, preventing safe observation of crosswalks or approaching traffic at the intersection by a significant immovable or unalterable streetscape feature such as a building, structure or historic element, etc.*

b. Stop line is beyond the allowed limit as stated in the Manual on Uniform Traffic Control Devices.

c. Vaults containing electrical, telecommunications, etc. that are under or on the existing sidewalk.

d. Large radius intersections which are 30 feet or greater

<https://www.mass.gov/files/documents/2018/04/11/521cmr21.pdf>

See also MA Dept. of Transportation Construction Standard Details
(See Drawings E 107.1.0-107.9.0)

<https://www.mass.gov/doc/construction-standard-details/download>

The Commission is concerned that Apex curb cuts are dangerous because they can lead blind people into an intersection when traffic is moving rather than directly across the street when traffic is stopped for pedestrians. The Commission wants to be notified in advance of when an apex curb cut is to be installed and would like to know what AAB exception applies.

DPW Commissioner Jay Fink has been with the city a little over a year. His understanding of the city's philosophy when reconstructing streets was to follow what is already there. He acknowledged the Commission's concern that apex curb cuts were dangerous for people who are blind and others. The challenges of an older city like Worcester such as grade, existing lot lines and buildings and existing infrastructure makes it difficult to provide parallel curb cuts. He is open to the Commission's request.

Mark Elbag, Worcester Director of Engineering, understands the issue. Most of the apex curb cuts are in the residential areas with narrow sidewalks right up against property lines. At larger intersections changes to Apex curb cuts can be made where they exist. Staff is working to find alternatives to the current way of doing Apex curb cuts. One option is to

lower the curbs all around the corner and wrap in a truncated dome. One con to parallel curb cuts is they sit further back on the roadway and drivers are less likely to see person crossing. The options for reducing Apex curb cuts are limited based on the previous challenges mentioned.

Commissioner Prochilo stated that blind and low vision people are using curb cuts as wayfinding and the apex curbs cuts direct them into the line of traffic. This has been a long time issue as noted in our wheelchair stroll and White Cane Day walk findings. Apex curb cuts are also being put in as default where resurfacing has been done in residential areas where no curb cuts were originally.

Chairperson Bureau stated the Commission wants to know the exception for why Apex curb cuts are installed and/or seek an AAB variance. Mr. Elbag understood and would have to determine the staff capacity of the request. Possibly would mean bringing in a vendor for a period on time. Designs are often done on larger intersections with public hearings but, not likely done on smaller streets.

He explained the process for street resurfacing etc.

1. Street repaving requests are received from City Council.
2. January/February, staff is determining measurements and contract needs,
3. March, bids are received from contractors (city has worked with four or five contractors.
4. Contractors are selected
5. Work begins shortly thereafter.

Contractors receive the City's book of specifications. Mr. Elbag said once a decision is made on redoing sidewalks this information will be added to this book.

Director Turchek and the Commission appreciated the conversation and the mutual understanding of the request and constraints. Both look forward to working together in the future.

**Review of first six month report of Yellow Cab Wheelchair
Accessible Van rides***

Director Turcek presented the following information:
Mr. William Clark, owner of Yellow Cab sent his regrets for not being able to be present. He reported the riders were positive about the service and service was what he expected hoping ridership will increase over time. He is using the vehicles when no accessible trips are requested. He looks forward to working with Commission. The statistical report follows:

Month	Rides completed	Trips denied	Reason for denial
Jul-21	20	1	Denial was on 4th day of service: should not have been denied
Aug-21	23		
Sep-21	15	1	Scheduling error causing no accessible vehicles to be working
Oct-21	56		
Nov-21	40		
Dec-21	26		
Total	180	2	

The public wanted to know the comparison of the number of rides and those provided by the former company. Ridership compared to these stats about the same without some of the consistent issues that effected service. One Commission member indicated the service was much quick, better quality, better maintenance and financially stable.

Conversation with Sarah Nechamen (she/her), Outreach and Specialist, of Disabled Persons Protection Commission*

Ms. Nechamen outlined her PowerPoint agenda as follows:

1. DPPC as an agency
 - Prevalence of violence and abuse
 - Reporting to DPPC
 - Indicators of Abuse
2. Independent state agency responsible for investigating abuse
 - a. Against adults with disabilities
 - b. Perpetrated by caregivers
3. Reporting Agencies for Abuse Against Persons with Disabilities
 - a. Dept. of Children & Families – Birth to 18 years – 1-800-792-5200
 - b. DPPC – 18 – 59 years – 1-426-9009
 - c. Executive Office of Elder Affairs – 60 years plus – 1-800-922-2257
4. Protection Services
 - a. To protect the victim\
 - a. Counseling
 - b. Health Care\
 - c. Peer Support
 - d. Transportation
 - e. Additional and necessary services and support
 - b. To prevent future abuse
 - a. Respite services
 - b. Staff training
 - c. Policy changes
 - d. Staff ratios
 - e. Agency action
5. Abuser Registry
 - a. Care providers who have committed registrable abuse are added to the abuser registry
 - Who is a care provider? Anyone who is helping the person who is developmentally disabled or has mental illness.

What is registrable abuse? When an investigation has found abuse occurred and placed on registry

- b. Employers connected to DDS must check the registry before hiring new staff. If on the registry the person should not be hired.

6. Peer Support

Peer Support Leaders work with survivors directly. They also:

- a. Promote inclusiveness through advocacy and networking
- b. Reach out to community stakeholders
- c. Challenge professionals to view survivors through a trauma-informed lens

7. Why is reporting important?

Prevalence of Violence against Persons with Disabilities

- a. Victimization rate is 2.5 times higher for persons with disabilities than for persons without disabilities.
- b. 9 out of 10 people with developmental disabilities will be physically or sexually abused

8. Risk Factors for Abuse and Violence

- a. Social Isolation
- b. Caregiver privilege
- c. Culture of compliance
- d. Level of dependency on caregivers
- e. Difficulty identifying abuse
- f. Communication and/or intellectual barriers
- g. May not be believed

9. Reporting Abuse and Neglect to DPPC

What Is Reportable?

Hypothetical Scenario:

Brian is a member of the Worcester Accessibility Commission. His next-door neighbor is a man named Arthur, who has an intellectual disability and attends a Day Program outside of town. Twice recently, Arthur has returned from the Day Program with injuries, and he has been more withdrawn than usual. Brian suspects some sort of abuse is happening at

the program—but he has no proof. He hasn't seen anyone abuse Arthur and Arthur hasn't told him anything.

Do these circumstances warrant a report to DPPC?

10. The standard for reporting in Massachusetts is *reasonable cause to believe* that abuse or neglect exists
11. Determining Reasonable Cause
 - a. You witness to neglect or abuse
 - b. Someone disclosed it to you
 - c. You notice injury
 - d. Changes in mood or behavior
12. When disclosures do occur:
 - a. Stay Calm
 - b. Be supportive
 - c. Ensure the individual's safety
 - d. Call 911 or local police
 - e. *Explain the requirement* to immediately report
 - f. If possible, *collect reporting information*.
 - What happened?
 - Where and when it happened?
 - Who is the alleged abuser?
13. What type of abuse can be reported?
 - a. Physical
 - b. Emotional
 - c. Sexual
 - d. Omission – Neglect
 - e. Deaths
14. How to file an abuse report?

Call the DPPC 24-Hour Hotline at 1-800-426-9009

*Deaf and hard of hearing callers, please use VRS or MARElay (711) to contact the DPPC hotline.

In case of an emergency call 011 and then the hotline.
15. Indicators of abuse:

- a. Bruises
 - b. Human bite marks
 - c. Unexplained internal injuries
 - d. Fractures, sprains, dislocations
 - e. Burns shaped like an object
 - f. Injuries to mouth
 - g. Extreme changes in behavior
16. Examples of emotional abuse
- a. Screaming, shouting, yelling, cursing
 - b. Threatening violence
 - c. Making discriminatory remarks, degrading
 - d. Mimicking, cruel teasing
 - e. Sexual harassment
 - f. Threatening-withdrawal of food, shelter, care, clothes possessions or necessary equipment
 - g. Using demeaning labels
 - h. Silent treatment
 - i. Intimidating gestures
17. Emotional Abuse behavior Indicators:
- a. Obsess, worry, anxious, cry easily and frequently
 - b. Low self-esteem
 - c. Sudden loss or gain of appetite/weight
 - d. Fear of caregiver
 - e. Self-injurious behavior
 - f. Emotionally withdrawn or anger
 - g. Distrust of others
 - h. Difficulty getting out of bed/sleeping
18. Indicators of sexual abuse:
- a. Genital or rectal bleeding
 - b. Bruising to inner thighs
 - c. Difficulty walking or sitting
 - d. Torn/stained clothing/bedding
 - e. Exposure to sexually explicit material
 - f. Unexplained gifts from caregiver

- g. Frequent bathing
 - h. Urinary tract infections/STDs
 - i. Extreme changes in behavior
19. Indicators of Neglect/Omission:
- a. Dehydration or malnutrition
 - b. Outdated/unmarked medications
 - c. Bedsores, skin rashes
 - d. Evidence of poor hygiene
 - e. Individual to individual abuse
 - f. Lacks needed equipment
20. Who does CPPC Cover?
- Jurisdiction:
- a. Person with a disability
 - b. Dependent on others for daily living needs
 - c. 18-59 years of age
 - d. Abused by a caregiver
 - e. Residing in state care or private setting, including DOC settings

Exception: long-term care facilities/nursing homes (DPH)

Scenario 1:

Arianna lives in a group home for individuals with intellectual and developmental disabilities. Staff at the group home help Arianna eat, shower, and get dressed in the mornings.

Scenario 2:

Brielle has depression and PTSD. Brielle lives on her own in an apartment, has a job, and is able to meet her own daily living needs without assistance.

21. What happens when a call is made to Hotline? The call will be forwarded to one of the following agencies:
- a. Civil Investigator (DPPC, DDs, DMH, MRC)
 - Other Agencies (DFC, EOA, DMH)
 - Sexual Assault Response
 - State Police Detective Unit

22. Reporters are crucial to this process
23. Contact:
Sarah Nechamen
Outreach and Training Specialist at DPPC
Abuse Reporting Hotline (800) 426-9009
Sarah.Nechamen@mass.gov

Question was asked: Is there a registry beyond Massachusetts?
Probably not because this registry is connected Mass. Agencies. This registry is not federally related.

DPPC will not release the name of the reported.

FY21 HP parking violation report as received from the Parking Administrator*

Two documents were provided to the Commission by the Parking Administrator, Elvira Guardiola who was could not be here. She provided a summary of the violations etc. and a listing of streets where violations occurred. There were 350 handicapped violations and 350 tickets as a result with a total of \$67,995.00 in fines in FY'21, 67 % have been paid. 18% were voided because placard that had been forgotten were presented later through an appeal process.

In the past there has been a question about if the Commission should receive these funds for its work. Has there been any different thinking about this in the City. The response is that these fines pay for a staff to enforce this issue. Commissions in smaller towns which do not have staff or resources do rely on this funding. It is hard to compare with a city like Worcester which has dedicated staff, programs, budget and a Commission which can call on all departments for information, requests etc.

Worcester Tercentennial Discussion:

Worcester was founded on June 14, 1722. 2022 will include a series of observances to commemorate this anniversary.

<https://www.wbjournal.com/article/worcester-tercentennial-invites-businesses-to-celebrate-300th-anniversary>.

How can the Commission contribute to the planning and participation? Perhaps look at the progress of meeting the needs of people with disabilities. There will be a festival in the Common. We might present a history of disability in Worcester. Commissioner Karuna and Associate Commissioner Finn expressed an interest in working on this project for the Tercentennial.

Notice: MA COVID-19 vaccine:

- **Vaccine clinics and vaccine information:**

<https://www.mass.gov/covid-19-vaccine>

Need an ASL Interpreter? To request interpreter/ accommodation call Michelle at 774-303-6976 or email

mortizocasio.socialwork@gmail.com

Review of AAB notices and applications: (No City owned properties)

Notice of Action and Hearing Feb 7 at 1pm:

- Lutheran Rehabilitation and Skilled Care Center, 26 Harvard St, (V21-208)

No action taken

Suggestions for upcoming agenda items:

Number and Percentage of Accessible Housing units at Worcester Housing Authority. This was raised at the REED group at its last meeting. The Commission has already asked for this information and will share publicly once received.

Snow removal information will be email to Commission and sent via Constant Contact list.

Announcements:

- **Next Accessibility Advisory Commission virtual meeting:
February 15, 2022 - 4:30pm**
- **WRTA Transportation Advisory Planning Group – February
16, 2022 – 1:00 – 3:30pm**

Adjournment:

Assistant Commissioner Delage moved to adjourn and Commissioner Larrivee seconded. All approved by roll call at 6:36 pm.

*Material can be viewed at the Human Rights & Accessibility Office upon request.