



# Governor's Commission on Disabilities Accessibility Committee Minutes

**Tuesday, August 25<sup>th</sup>, 2015 3:00 - 4:00 PM**

John O. Pastore Center, 41 Cherry Dale Court,  
Cranston, RI 02920-3049

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**Attendees:** Joe Cirillo, Nicholas Capobianco Jr, Jack Ringland, Carmen Boucher

**Guests:** Jonathan DePault (RICAMM)

**Staff:** Christopher DeGrave & Bob Cooper



**3:00 Call to Order, Minutes & New Committee Chairperson Voting----** *Harvey Salvas, Committee Vice-Chairperson*

- Bob Cooper calls the meeting to order at: 3:05pm in the absence of Committee Vice-Chairperson Salvas.
- Introductions of Committee Members & Guests



**MOTION #1: *To accept the minutes of the previous meeting as presented.***

**Motion moved by: Jack Ringland**

**Seconded by: Joe Cirillo**

**Vote Unanimous for Approval**

\*\*\* No Committee Chairperson vote taken\*\*\*

## Action Items:



**3:05 Review of Current Budget & Expenditures: Bob Cooper, Executive Secretary**

**Purpose/Goal: To review the FY 2016-2021 activities, budget and expenditures**

- Current Accessibility Renovations Projects Updated
- Budget Items for FY16 submitted- RICAMM (RI Capital Assets Management & Maintenance) will assist and oversee RIGCD Project management.
- Meets have and will continue to occur with architectural firms & state agencies for the various GCD projects- Examine plans, costs and project feasibility
- FY16 projects are priority to ensure spending of FY funding
- BF Architects - Barry/ Simpson design almost completed- Entrance, Parking, Accessibility under discussion w/ historical preservation

	<p>No Motions Heard by Committee</p>
	<p><i>3:20 DOA Project Priorities      Bob Cooper, Executive Secretary</i></p> <p>Purpose/Goal: To review the potential projects for FY16 &amp; determine priorities for completion.</p>

**The role of the Department of Administration’s Capital Asset Management and Maintenance (DOA/CAMM)**

DOA/CAMM will assist the Commission by managing the accessibility renovation projects, including:

1. Issuing purchase orders outlining the suppliers’ (architects, engineers, contractors, etc.) schedule of “deliverables”;
2. Monitoring progress to ensure suppliers are completing phases on schedule; and
3. Processing payment of invoices, upon receive certification from Chris DeGrave that:
  - a. design plans have been approved;
  - b. project has been completed according to the 2010 ADA Accessibility Guidelines;

Below are the CAMM architect’s memo regarding a meeting with GCD’s Executive Secretary:

Governor’s Commission on Disabilities  
 RI Accessibility Renovations Capital Plan for FY 2016 - 2021  
**IN-HOUSE MEETING NO. 003**

**DATE: July 14, 2015, 1:00 PM, 41 Cherry Dale Court, Cranston, RI 02920-3049**

**A. Attendees:**

Bob Cooper Governor’s Commission on Disabilities (GCD)  
 Jonathan DePault Div. of Capital Asset Management & Maintenance (RIDOA/CAMM)  
 Mikael Powell, recorder Div. of Capital Asset Management & Maintenance (RIDOA/CAMM)

**B. Discussion:**

1. GCD doesn’t see why an ADA expert needs to be employed to review all Work, because Christopher deGrave has studied all the projects. This issue needs to be brought up with the Executive Director of Capital Asset Management & Maintenance.

2. We discussed meeting with all the A/E’s and colleges.

It was subsequently clarified that RID/CAMM is to engage with Christopher deGrave (assistant ADA coordinator) in GCD office to verify the data.

3. We discussed meeting with Nancy McIntyre in Purchasing about a). The lack of response from XXX and ending their relationship, and b). if we are free to distribute XXX’s (and unassigned work) to any of the other three architects under PO. Jonathan DePault prepared a handout in the meeting on this issue (it is attached).

It was subsequently decided that RID/CAMM is to meet with Nancy to find out if we can hire new architects possibly not currently on PO and the ability to move projects around between the architects.

4. We discussed drafting a letter to each A/E to obtain the schedule and amount of compensation (rates) for each project so that we can monitor and track progress.

It was later clarified that this is not required in most instances (see item 12c).

5. We discussed drafting a letter to each Agency. Jonathan DePault prepared a handout in the meeting on this issue (it is attached).

(See item 12c for subsequent clarifications).

6. GCD noted that the actual budget/projects for new Work are reduced to allow completion of FY 15 projects (about \$300,000) in-progress from last year.

7. We discussed that all agencies will need to pre-pay and present invoices in accordance with the A/E & GC schedules submitted, however it was later clarified that we will not be monitoring A/E and GC work from agencies that confirm that they can handle their projects independently.

8. We reviewed all selected projects for FY 16 & 17 and agreed that they seem likely to spend the required monies, as several multi-year projects starting in FY 16 left the opportunity to proceed faster to spend more.

9. RID/CAMM requested a list of the FY15 work carried over from last year that is included in the money to be spent in FY 16.

10. GCD said that we need to talk to Tom Nagle about work to be done in Simpson Hall.

It was later determined that this is not crucial because confirmation to take responsibility for completing the Work occurs at the Agency level.

11. GCD distributed a new (updated) CD of work containing 25 Excel files and a RICAP Project: FR1 Accessibility – Facility Renovations document.

12. We discussed a tentative schedule/direction for FY 16 projects:

a. Immediately meet with Nancy in Purchasing (RIDOA/CAMM will make contact).

b. We will meet with A/E's to finalize their work, verify what documents have been completed so far, and get a schedule for the time and compensation for them to complete the construction documents.

It was later determined that this is not applicable for all the Work and that we will progress in the manner of Item 12c below.

c. We discussed that RIDOA/CAMM will send a confirmation and agreement letter to URI, RIC to verify the work items to be completed under these monies, require time schedule for A/E services and construction, and require quarterly billing plus additional billing on May 15<sup>th</sup>.

RIDOA/CAMM will contact A/E's to arrange for their work (schedules/rates) to complete the remaining projects in one or two GC packages.

It was subsequently clarified that the project will actually proceed as follows:

RIDOA/CAMM will send a letter to all Agencies involved (with the lump sum amount only) and require them to confirm they can spend the money through their own initiative (securing A/E's,

Contractors, RFP). We will require them to keep us posted on their schedule for spending the money and say that we can reappportion the money if it doesn't seem like it will be spent. If an Agency says that they cannot be responsible for the project on their own, then we will determine how we can assist.

-end

I attest, to the best of my knowledge, the above depicts all that has transpired at this project meeting and includes subsequent decisions. All attendees and decision-makers are required to address any omissions or errors to this writer within (5) days of receipt of such minutes.

Respectfully Submitted,

Mikael Powell

### **Discuss architect design phases and determine priorities/ timelines**

RIDOA/CAMM set up meetings with the agencies responsible for capital projects, the architect hired by

GCD, and GCD's Executive Secretary to review the status of their projects and expectations for the FY 2016 construction season. Below are the architect's memo regarding the 1<sup>st</sup> meeting.

Meeting Date: August 21, 2015

To: Mikael Powell

Project: Governor's Commission on Disabilities Alterations to Barry Hall and Simpson Hall

By: Barbara Feibelman AIA Lamborghini/Feibelman Ltd.

Attending: Bob Cooper(BC), Jonathan Depault JD), Thomas Nangle(TN),

Mikael Powell (MP), Barbara Feibelman (BF)

1. We reviewed several GCoD projects at the Pastore Campus and focused the discussion on the proposed project at Barry/ Simpson.
2. Lamborghini/ Feibelman Ltd. is in design development phase for this project and reviewed a set of progress prints, copy attached. Work scopes were discussed. Variances were noted between the 2011 needs' list and the project pursued by L/F, and the project currently envisioned by DOA. Items #3-6 describe our best understanding of the project that the group agreed to pursue:
3. Exterior Path of Travel
  - a. Barry Hall – add signage and restripe parking as needed to direct disabled to rear entrance and to the elevators.
  - b. Simpson Hall – create new rear entrance to serve as an accessible entrance. Add canopy to mark new entrance. Restripe and add signage to direct disabled to South entrance and to the elevators. Once wood ramp is removed by others, add railings to existing (underlying) stairs at the front.
4. Interior Path of Travel
  - a. Barry Hall – Remove existing non-compliant interior ramp at first floor and provide new compliant ramp and railings.
  - b. Simpson Hall – At existing ramp at first floor, replace railings and flooring.
  - c. Barry and Simpson Halls – At conference rooms open to the public, improve entrances to insure accessibility.
5. Toilet Rooms - Barry and Simpson Halls
  - a. On floors 1-3, at two rooms per floor, abandoned shower rooms (adjacent to rest rooms) have been claimed for file space or copier rooms. On each wing, alter that space and carve out new single person accessible toilet and renovate balance of space to serve as office, copier room, or storage room. This will involve the provision of two new corridor doors in each of the six work areas. Provide related signage.
6. Areas of Rescue Assistance
  - a. LF noted that, at Simpson Hall, areas of rescue assistance were created and eventually the communication systems were removed as they do not fall within the exit enclosure. The Fire Marshal visited the site and explained that these areas of rescue assistance are not required in existing buildings. However, if installed, they must comply with Fire Code and be in exit areas.
  - b. Current thought is to provide one area of rescue assistance for floors 1-3 at both Barry and Simpson Halls. At Barry, space will have to be claimed for that usage. At Simpson, existing area will be reconfigured to be compliant.
7. Next Steps – All agreed that the following must take place:
  - a. Meeting with BHDDH to confirm scope and effect on existing space utilization
  - b. Scope Approval by GCoD and DOA
  - c. With approved scope
    - i. Conceptual Cost Estimate by L/F
    - ii. Expansion of design team to include engineers
    - iii. Schedule for completion of Construction Documents

iv. Schedule for approvals, bidding, award and construction

8. During the discussion of schedule, it became unclear as to the anticipated timing of the construction of the project. Some thought the project would be built out and complete by June 2016. Others anticipated a multi-year construction phase.

9. BF alerted the group to her plans to downsize and eventually wind down her firm. She intends to have no employees and work part time starting in December of 2015. Depending on the scheduling of the project, it may be prudent to have L/F prepare a cost estimate and then reassign this project to another design team. If the project can proceed at once, with docs complete in the fall, then LF can provide Construction Administration services in the summer of 2016. However, if the project is anticipated to be phased over several years, then it is not in the State's interest to have L/F complete the documents. L/F will cooperate in selected direction.

Another meeting on Friday included CAMM project managers and the Commission's architect from TECTON to discuss accessibility renovations at the State House, Cannon Building (Department of Health), and the Powers' Building (Departments of Administration & Revenue).

Meetings with CCRI, RIC, URI, and the Met School's Crowley Center (Newport) are being set up.

### **Revise current access project/ funding timelines to match DOA project schedule**

**See attached list of accessibility renovation projects FY 2016 - post 2021.**

- Bob Cooper & J. DePault spoke of the role of RICAMM and efforts for projects management/ coordination.
  - Discussion with committee to determine continuously changing priorities as funding, maintenance, repairs, shovel-ready projects come up.
- Committee discussed RIGCD Transition Plan/ 504- FY16 priorities by category **(See attached spreadsheet)**



**MOTION #1: To approve the revised FY2016-2012 Accessibility Renovation Capital Projects & 504/ADA Transition Plan (See Spreadsheet\*\*\*)**

**Motion moved by: Joe Cirillo**

**Seconded by: Jack Ringland**

**Vote Results: Unanimous Vote of Approval**

**MOTION #2: To allow the RIGCD staff (in consultation with RICAMM) to revise the transition plan in accordance with other priorities brought forth by agencies not previously determined. These reasonable potential revisions will be presented at the next meeting.**

**Motion moved by: Harvey Salvat**

**Seconded by: Nicholas Capobianco Jr.**

**Vote Results: Unanimous Vote of Approval**



***3:45 Accessibility Committee Staff Update, Christopher DeGrave, RIGCD Staff***

**Purpose/Goal: To update committee on recent complaints, investigations, projects and plan reviews**

- Accessibility Renovations Projects- Status/ Update
- Current Complaints- Multiple Parking, Accessibility & Housing Complaints
- RIDOT ADA Committee- Currently conducting a FHWA/ RIDOT ADA Training (4 Days)
- RI Dept. of Education Plan Reviews- Multiple School Plan Reviews per week after school project moratorium lifted in 2015.
- RIGCD Office (41 Cherrydale Ct) Project Update- Renovation completed- Minor repairs & fixes underway.
- FY 16-17 Strategic Plan ( See FY16 Plan Attached)
- Discussion concerning the merger of the Election Assistance Committee into the Accessibility Committee- thoughts that it would streamline staff-time, increase committee numbers and help the goals of both committees.

**MOTION #1: To approve the revised FY2016-2017 RIGCD Strategic Plan \*\*\* See attached \*\*\***

**Motion moved by: Joe Cirillo**

**Seconded by: Jack Ringland**

**Vote Results: Unanimous Vote of Approval**

**MOTION #2: To consider the merger of the RIGCD Election Assistance Committee and the RIGCD Accessibility Committee in Fall 2016 post-election. Move to bring to RIGCD Executive Board.**

**Motion moved by: Harvey Salvas**

**Seconded by: Joe Cirillo**

**Vote Results: Unanimous Vote of Approval**

	<p><b>3:55 Agenda for the Next Meeting: Harvey Salvas, Committee Vice-Chair</b></p>
	<p><b>Purpose/Goal: To set the agenda for the next meeting.</b></p>
	<p>Discussion: The next Accessibility Committee meeting will be on: <b><u>Monday, October 26<sup>th</sup>, 2015 @ 3pm.</u></b></p>
	<p>The agenda shall include the following items:</p> <ul style="list-style-type: none"> <li>➤ EAC/ Accessibility Committee Merger</li> <li>➤ RICAMM Project Updates</li> <li>➤ RIGCD 504 Transition Plan- Revisions since approval</li> <li>➤ EAC Committee Invite</li> </ul>
	<p><b>4:00 Adjournment: Harvey Salvas, Committee Vice-Chairperson</b></p> <p><b>MOTION: To adjourn the meeting @ 4:10pm</b>  <b>Motion moved by: Jack Ringland</b>  <b>Seconded by: Nicholas Capobianco Jr.</b>  <b>Vote Results: Unanimous Vote of Approval</b></p>



# Promoting and Protecting the Rights of People with Disabilities

## §42-51-6 Governor's Commission on Disabilities - Duties.

- “(3)Coordinating compliance with federal and state laws protecting the rights of individuals with disabilities by state agencies;
- (4)Providing technical assistance to public and private agencies, businesses, and citizens in complying with federal and state laws protecting the rights of individuals with disabilities;”

## §42-87-5 Civil Rights of People with Disabilities - Enforcement of anti-discrimination provisions

- “(b)(1) The [commission] is empowered and directed to investigate and hear all complaints relating to alleged violations of this chapter relating to the physical inaccessibility of buildings and structures.”

## §42-46-5 Open Meetings – Use of electronic communications

- “(ii)Grant a waiver that allows a member [of a public body] to participate by electronic communication or telephone communication only if the member's disability would prevent him / her from being physically present at the meeting location, and the use of such communication is the only reasonable accommodation”;

## §37-8-15.1 Accessibility of leased or rented facilities for people with disabilities

- “(4)The [commission] shall certify that the lessee agency's program accessibility plan ensures access to, and use of the facility to be leased or rented for people with disabilities.”

## USPL 107-252 §261 Protecting Access to Voting by Individuals with Disabilities



## “Coordinating compliance with federal and state laws protecting the rights of individuals with disabilities by state agencies;” Action Plan

### The Accessibility Committee shall:

- “Develop, make periodic revisions to, and oversee the implementation of a[504/ADA] transition plan for the removal of environmental and communication barriers in state-owned facilities;” {RIGL 42-51-9(4)(iv)}

### The Staff shall:

- Review and approve design plans for construction, renovation or alteration of all state owned facilities and state funded projects;
- Manage the accessibility renovation projects at state owned facilities;
- Investigate disability discrimination complaints filed against state agencies and state funded programs and activities.

### The Hearing Board shall:

- “[C]ertify that the [state] lessee agency's program accessibility plan ensures access to, and use of the facility to be leased or rented for people with disabilities” {RIGL 37-8-15.1(4)  
Accessibility of leased or rented facilities for people with disabilities}



**“Providing technical assistance to public and private agencies, businesses, and citizens in complying with federal and state laws protecting the rights of individuals with disabilities;” Action Plan**

**The Staff shall:**

- Review design plans and make recommendations to improve functional access, to public and private entities, designers, developers, and others;
- Offer training designed to encourage the voluntary compliance with laws protecting the rights of individuals with disabilities;
- Reach out to and disseminate information on the rights of people with disabilities to: emergency management personnel, youth (college students under age 30), older workers, veterans and people with disabilities from multi-cultural communities;
- Conduct disability accessibility surveys and provide advice on how to overcome any barriers identified
- Offer mediation to assist parties who voluntarily choose to utilize that service to resolve allegations of discrimination on the basis of disability



# Enforcement of Disability Discrimination Laws: Action Plan

## The Staff shall:

- Investigate disability discrimination complaints

## The Staff and/or the Mediation Teams shall:

- “Attempt by informal methods of conference, persuasion, and conciliation, to induce compliance” {RIGL 42-51-6.2(b)(4)}.

## The Hearing Board is empowered to:

- “Receive, investigate, and act upon charges of unlawful practices” {RIGL 42-51-6.1(c)}
- “...issue and cause to be served upon the respondent an order requiring the respondent to cease and desist from such practices” {42-87-5(b)(2)(iii)}
- “Grant a waiver that allows a member [of a public body] to participate by electronic communication or telephone communication only if the member's disability would prevent him / her from being physically present at the meeting location, and the use of such communication is the only reasonable accommodation” {RIGL 42-46-5(ii) Open Meetings – Use of electronic communications}