

# COMMISSION ON PERSONS WITH DISABILITIES

## MEETING MINUTES

1:30 – 3:30 p.m., Thursday, August 11, 2011

Hale Mahaolu Elima Community Room

11 Mahaolu Street, Kahului, HI 96732

### I. QUORUM

#### a. COMMISSIONERS PRESENT

Joseph Crugnale, Chair; Ramoda Anand, Cesar Gaxiola, Charlotte Smith, Mikey Tomita

#### b. COMMISSIONERS EXCUSED

Linda Liddell, Vice Chair; Karen Hue Sing, Yolanda Mau

#### c. COMMISSIONERS UNEXCUSED

Feliciana Sales

c. **STAFF PRESENT:** ADA Coordinator DJ Schwind; Deputy Corporation Counsel Gary Murai; Office on Aging Program Specialist James Mariano; Parks Inclusion Specialist Tara Sabado; Parks CIP Coordinator April Shiotani; Commission Staff Jan Roberson.

#### e. OTHERS PRESENT:

Sign language Interpreter Kate Eifler; State Council on Developmental Disabilities Specialist Mary Matsukawa; MEO Transportation Specialist George Reioux; MEO Transportation Specialist Janelle Curnan; Roberts Hawaii Manager Harry Johnson; Kevin Souza, Tiffany James, Raje Anand, Andrew Valentine.

II. **CALL TO ORDER** – Chair Crugnale called the meeting to order at 1:35 p.m.

### III. APPROVAL OF MINUTES: July 14, 2011

a. Commissioner Smith MOVED to approve minutes no corrections. Commissioner Tomita SECONDED. MOTION CARRIED.

### IV. PUBLIC TESTIMONY

a. Commissioner Anand testified that the Kepaniwai Park in Iao Valley was not accessible, including accessible parking. Also that the Bank of Hawaii in Pukalani has signage that excludes all animals from the premises. ADA Coordinator Schwind clarified that the signage was legal if all employees understood that service animals are allowed. Also Papalaua State Wayside Park has no water. Camping permits are managed by county and it has accessible portable restroom.

- V. **PRESENTATION** – Parks and Recreation CIP Coordinator April Shiotani gave a brief overview of the progress on improvements to parks facilities as mandated by the Skaff Vs County of Maui lawsuit
- i. See attached report.
  - ii. Most projects are complete or nearly complete
  - iii. Ms. Shiotani's goal is go through the list and get everything done.
  - iv. ADA Coordinator Schwind stated that Department of Justice representative Bill Hecker had spoken via phone to Parks Official Robert Halvorson, stating that the DOJ was surprised at how quickly the work was done based on the cost and amount of work that had to be done.
  - v. Commissioner Tomita stated he understands that Parks Department had not included the Commission in the review. He suggested one or two commissioners be taken on a tour to inspect the improvements so that the Commission could see for itself that all areas are now accessible.
  - vi. Parks Inclusion Specialist Tara Sabado stated Okimoto Architectural Design surveyed all parks and most frequently used parks were prioritized. Public can request other parks be added to the priority list. But funding will always be an issue.
  - vii. Commissioner Anand requested that Kepaniwai Park be placed on the September agenda.

**VI. REPORTS**

- a. Project Civic Access – DJ Schwind
  - i. Project Civic Access resulted from Dept. of Justice lawsuit that mandated improvements to public facilities other than parks facilities. All improvements are done or nearly done. The county had five years to comply with the mandates. Dep. Corp. Counsel Murai stated that the matter was discharged by the court, and logically, if the plaintiffs were dissatisfied, the case would not have been closed.
  - ii. In 2005, a DOJ team spent 3-4 days touring most heavily used public buildings in Maui County to assess what improvements were needed to make these facilities accessible. The resultant Project Civic Access agreement included training for county employees, placement of non-discrimination posters, as well as improvements to facilities.
  - iii. According to the agreement, the deadline was September 2010. A one-year extension was granted to September 2011.

- iv. Not many tasks remain outstanding. All Project Civic Access agreements are online at [www.ADA.gov](http://www.ADA.gov). Scroll to Maui.
  - v. Commissioner Gaxiola stated new buildings are inspected for fire and safety, but not for compliance with Americans with Disabilities law. He asked why.
  - vi. ADA Coordinator Schwind explained that state law mandates that public-funded building plans must be approved by the Disabilities Communications Access Board before receiving a building permit. Plans are stamped that construction must comply with all laws. However, once construction begins, there is no inspection for ADA compliance. ADA law is not part of the building code. Courts and the Department of Justice enforce ADA laws. Complaint form on the DOJ website. Also individuals may sue.
  - vii. Commissioner Smith stated that years ago the Commission had tried to change the county building code to no avail.
  - viii. Commissioner Anand MOVED to draft a letter to the mayor requesting the county change the building code to incorporate ADA for commercial construction. Commissioner Smith SECONDED. MOTION CARRIED.
- b. State Council on Developmental Disabilities – Mary Matsukawa
- i. The 16<sup>th</sup> Annual Disability Legislative Forum is scheduled for Thursday, October 20, 2011 at the Velma McWayne Santos Community Center in Wailuku. James Mariano will Co-Chair. A planning meeting is set for 1-2:30 p.m., Wed., Aug. 17, 2011.
  - ii. A new pediatric dental unit at Maui Memorial Medical Center has opened for children to receive treatment under anesthesia without having to leave Maui. Maui Memorial Medical Center Chief of Staff, Dr. Inouye, at was key in establishing the unit. Dentist Dr. Sonia Gupta was recruited to join the program while anesthesiologist at the hospital also signed. Lutheran Medical Center, NY offered to rotate dentists through Maui Memorial as part of its residency program. A great resource for children with special needs unable to access dental treatment at regular dentist offices. Application forms are available.
  - iii. There is a “Feeling Safe Being Safe” training for persons with disabilities set for 9 a.m. to 2 p.m., Friday, September 16 in the 3<sup>rd</sup> Floor Conference Room of the Hawaii State Building.
  - iv. Medicaid will cover dentistry for special needs children
- c. Parks and Recreation – Tara Sabado

- i. Programs include wheel chair tennis, children's art program
- ii. Parks and Recreation will sponsor a professional inclusion conference with Beth Arnault as the Key Note Speaker.
- iii. Beach Access Mat Program at Kamaole Beach Park is a pilot program from which a long term plan will be developed.
- iv. Adaptive Kayaking Program is set for October 27.

**III. UNFINISHED BUSINESS**

- a. **August 3, 2011** letter to Mayor Arakawa regarding accessibility of Makawao sidewalks. The letter was sent. No response received yet.

**IV. NEW BUSINESS**

- a. Review and discuss on the Emergency Preparedness Document Annex N – Staff reported that the report had been requested from Civil Defense but there was no response.

**V. AGENDA SETTING**

- i. Review of Emergency Preparedness Document Annex N
- ii. Letter to mayor regarding accessibility of Kepaniwai Park
- iii. Letter to mayor to incorporate of ADA into building code
- iv. Transportation subcommittee
- v. Roster with term limits and contact information for members

**VI. ANNOUNCEMENTS**

- a. Next meeting is 1:30 p.m., Thursday, September 8, 2011 at Hale Mahaolu Elima Community Room at 11 Mahaolu St., Kahului, HI.

**VII. ADJOURNMENT**

The meeting adjourned at 3:30 p.m.