



# MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES

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## COMMISSION ON PERSONS WITH DISABILITIES

### MEETING MINUTES

**February 12, 2015, 12:30 p.m. to 2:00 p.m.  
Hale Mahaolu Elima Community Room  
11 Mahaolu St., Kahului, HI 96732**

#### **I. CALL TO ORDER**

Chair Laemoa called the meeting to order at 12:30 p.m. in Hale Mahaolu Elima Community Room located at 11 Mahaolu Street, Kahului, Hawaii.

Commissioners present introduced themselves: Chair Kealoha Laemoa, Kevin Souza, Harold Davis, Andrew Valentine and Mikey Tomita and Vivian Lindsey. Chair Laemoa welcomed new Commissioner Lindsey representing Kihei.

Commissioners Gabriel Johnson, Faraz Azizoltani and Paulo Sabado were excused.

Staff present included Linden Joesting, Deputy Corporation Counsel and Nalani Podlewski, Secretary.

County staff present included Darren Konno, Transportation Specialist; Ralph Thomas, EEO Specialist; Tara Sabado, Recreation Specialist.

Guest present included Harry Johnson/Maui Economic Opportunity, Ervin Pigao/State Department of Transportation, Denise Green (sign interpreter), Rob Tarver/DDC, Mae Espina/Workforce Development, Elise Santos, Victor Lesa, Aaron Kemp, and Connie Kolberg.

## **II. APPROVAL OF MINUTES: January 8, 2015**

Chair Laemoa requested any revisions to minutes. Linden Joesting requested that her title, Deputy Corp. Counsel be added after her name. Chair Laemoa entertained a MOTION by Commissioner Souza to approve the minutes, SECONDED by Commissioner Valentine. No further discussion. Chair Laemoa called for vote to accept minutes with correction, all in favor, MOTION CARRIED.

## **III. PUBLIC TESTIMONY ON AGENDA ITEMS AND COMMUNITY CONCERNS AS THEY PERTAIN TO ISSUES AFFECTING PERSONS WITH DISABILITIES**

Rita Whitford identified herself as the wife of Larry Whitford who is disabled due to stroke and now uses paratransit service. She also testified at public council meeting that bus service needs improvement. Her complaint is that wait time and delays are too long. She also shared that the driver could not operate the lift.

Elsie Santos, a former commissioner complained that riders are on bus too long and wait time can be from 45 minutes to an hour. She stated that bus drivers should provide input and that it is important to morale.

Victor Lesa testified that he noticed that on bus rides, the back strap on riders are not secured.

Elsie Santos asked what happens with the presented testimony. Ms. Joesting responded that testimony will be summarized and included in minutes. She also explained that commissioners would consider testimony as it applies to agenda items. Chair Laemoa shared that the role of the commission is to advise the Mayor on certain issues.

No written testimony submitted.

#### **IV. NEW BUSINESS**

- a. Presentation by Ice-Buddy Systems, Inc.: none, no presenter
- b. Presentation by Rob Tarver, Program Specialist for Hawaii State Council on Development Disabilities:

Mr. Tarver shared a variety of information as it concerns federal, state, county and local government. He discussed the handouts which included:

- i. Office of Disability Employment Policy Employment First State Leadership Mentoring Program Executive Summary.

Department of Labor (federal) helps states by developing systems to increase employment outcomes thru Employment First Program, which Hawaii has applied for. State partnership includes Department of Labor, Department of Education, Developmental Disabilities Division, Center for Disability Studies and Hawaii State Council on Developmental Disabilities, who are all working together to better the system to support persons with disabilities.

- ii. Development Disabilities Division Policy Manual Chapter 1, Title: Employment First (draft)

State of Hawaii Department of Health Developmental Disabilities Division has drafted policy on Employment First.

- iii. H.B. No. 343 Relating to Taxation (2015)

House Bill currently in legislature that offers tax credits for hiring an individual with a disability.

iv. City of Seattle Supported Employment Program 2012 Annual Report

A successful initiative in Seattle Personnel Department in which a staff person goes in person to each department to uncover jobs that persons with disabilities could do. This has opened over 100 jobs over the past 7 to 8 years.

v. Employment of People with Disabilities

Data was produced at last legislative forum of Maui Disabilities Alliance which outlines what is happening on Maui; it provides statistics and national perspectives, and notes that between 10 to 20% of population are disabled.

vi. Hawaii State Council on Developmental Disabilities

Every state has a council that is watch dog for services, supports best practices, legislative advocacy and promotes self-advocacy.

Mr. Tarver indicated that Ms. Doris Lamb from the Vocational Rehabilitation Division is unable to attend. He introduced Ms. Mae Espina from Workforce Development.

Ms. Espina identified herself as the Disability Resource Coordinator, Workforce Development which is also called Work Source Maui. She described different assistive technology tools and programs available to public at no cost. She also distributed a handout - State of Hawaii Department of Labor and Industrial Relations One-Stop Career Resource Center.

Mr. Tarver shared that on the national level, the Workforce Innovation Opportunity Act which takes effective in July, requires all partners involved to work together.

Workforce Development is initiating an event on Molokai and is inviting employers and providers to participate on February 26<sup>th</sup> from 9:30 a.m. to noon.

c. Discussion on Paratransit Transportation:

Commissioner Valentine shared that he attended the Housing, Human Concerns and Transportation Committee meeting last week and raised concerns about quality and availability of service. He recited the second page of handout that was distributed to commissioners, specifically:

Title 49: Transportation, Part 37 – Transportation Services For Individuals With Disabilities (ADA), §37.131 (f) Capacity constraints:

(3) Any operational pattern or practice that significantly limits the availability of service to ADA paratransit eligible persons.

(i) Such patterns or practices include, but are not limited to, the following:

(A) Substantial numbers of significantly untimely pickups for initial or return trips;

(B) Substantial numbers of trip denials or missed trips;

(C) Substantial numbers of trips with excessive trip lengths.

(ii) Operational problems attributed to causes beyond the control of the entity...

He suggested that a courtesy review of program by Department of Justice is needed. He also mentioned that a number of riders have letters from doctors about the length of rides because it affects their conditions. Commissioner Valentine indicated that improvements are needed and the county has not reached out for the opinions of disabled persons. He also stated that the county does bare minimum as required under ADA.

Commissioner Lindsey advised that she also attended the same council meeting. She shared about an ADA law signed by President Bush on September 26, 1990 which provides for dignity for people with disabilities to ensure basic guarantee of freedom and choice to control of their lives. She also discussed about a DOT form that is signed by paratransit drivers that if a rider complains of being sick they are instructed to call 911; if the ambulance is denied, the rider will be placed on will call for the next available bus; this can be as long as 1 ½ hour wait.

Chair Laemoa suggested that the commission send a letter to support Maui County residents because the issue has been on the commission agenda since she started and it needs to be fixed.

Commissioner Davis expressed that his experience with the County Council is that it makes and passes laws, it does not do management. He stated that it all comes down to the management of the entity that provides services and pressure needs to be placed on the Mayor's Office.

Commissioner Valentine stated that statistics on boardings, no shows and frequency needs to be requested so that if there is a pattern, the commission could help figure this out.

Commissioner Tomita suggested that commission work on action steps before it writes a letter to put pressure on the mayor.

Chair Laemoa reminded commissioners that both DOT and MEO representatives are available to discuss this item. Darren Konno agreed to answer specific topics. Chair Laemoa indicated that there are two repeating topics 1) wait time is too long and 2) on the bus too long. Commissioner Valentine added 3) no shows.

In regards to wait time, Mr. Konno advised that there is no specific law but that there is a guideline set by Federal Transportation Administration that riders should not be on paratransit vehicle for more than 90 minutes. He added that MEO has a reservation based system that books all travel for a bus and a route cannot be longer than 90 minutes; it builds in a measurement of time to load a rider into bus; traffic and weather that may extend trip not taken into account.

Commissioner Lindsey responded that the program is made for metropolitan route not rural route. She noted that there are Upcountry riders that go on bus to Kihei to pick her up then it travels to Central. She does not believe that this should be happening and it needs improvement.

Commissioner Davis questioned if vehicles have GPS. Mr. Konno responded yes. Commissioner Davis repeated that is all comes back to management and that all the tools are at hand therefore it can be more efficient.

Mr. Konno advised that there are about 200 no shows listed; no shows are defined as people who do not show up for ride and also added that if a trip is not cancelled within 2 hours, it is still considered a no show because the bus may already be in route.

Commissioner Valentine remarked that the service is not comparable to the fixed route. He explained a situation where the bus passes his house and come back.

Mr. Konno responded that this occurs because it's a reservation based system, it depends on how a trip is booked, pick up time vs. drop off time.

d. Response to inquiry on photos of missing sidewalks fronting the Kahului Fire Stations:

Chair Laemoa reported that she received a letter from Alexander & Baldwin Properties (A&B) and based on letter they are putting responsibility back on the county.

Ms. Joesting shared that a letter was sent to A&B as discussed at last meeting. A&B's response is that the practice has been whoever develops the property is responsible for putting in the sidewalk. A&B shared that A&B put in sidewalks fronting Maui Marketplace. The fire station property was given to the county in the 1990s.

Commissioner Valentine expressed that the same basic letter was received several years on the same issue and no one wants to take responsibility.

Ms. Joesting discussed the issue of enforcement. She noted that American with Disabilities Act (ADA) does not require

sidewalks, but that it requires the county to provide public access to building and services.

Commissioner Valentine responded that there is no access and safety is an issue should disabled persons need to route back onto the street.

Ms. Joesting shared the photos that were originally distributed to commission that shows a shoulder on the side of the street that could be used for access. She also discussed a 2015 agreement that is called Project Civic Access between the Department of Justice and the County of Maui that also addresses sidewalks. The agreement is still in place and may affect this situation. This may be a process that commission could bring up the issue and she suggested that the commission approach the county first as there is a grievance process.

Tara Sabado shared that there is a resource within ADA rule that does address access to facilities that are public. She also mentioned that the Disability and Communication Access Board (DCAB) is a good resource that could discuss this with the commission. She suggested that the fire station drawings be sent to DCAB for their recommendations.

Ms. Joesting added that there are two questions involved - Does the ADA apply based on the time frame of when the fire station was built? How does this relate to the DOJ agreement? She added that there is a question if the county would voluntarily make changes.

Ms. Sabado shared that the 2010 standards are in place yet she is not sure when the fire station was built.

Ms. Joesting shared that there are two courses of action available to commission.

Commissioner Davis questioned if fire station has a "use and occupancy permit" for building or if it is exempt.



Commissioner Tomita expressed concern about liability for Maui County.

Chair Laemoa suggested that a motion be presented to write a letter to DCAB to assist commission with this issue. Commissioner Valentine presented a MOTION to send a letter to Disability and Communication Access Board on this issue requesting participation at a meeting to discuss. **SECONDED** by Commissioner Tomita. During discussion, Commissioner Tomita requested that a copy of the letter from A&B be attached to any communication, all in agreement. Chair Laemoa called for the vote, all in favor, no opposition, **MOTION PASSED.**

Chair Laemoa recognized Mr. Ervin Pigao of State Department of Transportation Highways who was present in response to Chair Laemoa's letter to A&B. He indicated that the state recognized that the shoulder is ADA compliant as it is considered a multi-mode path that can be used for bikes and pedestrians.

Commissioner Davis requested if Public Works representative would come to speak to commission regarding work done at fire station. Chair Laemoa responded that a letter could be sent requesting their presence to answer questions regarding this issue and to bring construction plans and history information.

- e. Makawao Town Merchants Association letter of invitation: no discussion
- f. Lack of access fronting Lanai Post Office: deferred
- g. Enforcement process for Americans with Disabilities Act:

Ms. Joesting previously shared information about the County of Maui/Department of Justice Agreement. She has requested additional information about the grievance process within the agreement.

- h. Funding sources for accessible improvements: no discussion.

**V. AGENDA SETTING** - Topics suggested:

- a. Emergency Communication 911 system – Commission Tomita expressed that TTY is outdated technology and that text messages could be option for deaf and hard of hearing persons to access 911. He asked if representative from Police Department could be asked to discuss at next meeting.
- b. Discussion on Paratransit Transportation ridership, reservations and process
- c. Emergency Preparedness: Shelters

**VI. ANNOUNCEMENTS**

- a. Next meeting on March 12, 2015, 12:30 p.m. to 2:00 pm at Hale Mahaolu Elima Community Room

**VII. ADJOURNMENT**

- a. Chair Laemoa entertained a MOTION to adjourn the meeting. MOVED by Commissioner Souza, SECONDED by Commissioner Valentine. ALL IN FAVOR, meeting adjourned at 2:00 p.m.



# MAUI COUNTY COMMISSION ON PERSONS WITH DISABILITIES

2200 MAIN STREET, SUITE 546 • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX 270-7165

January 29, 2015

Grant Chun, Vice President  
A&B Properties, Inc.  
11 Puunene Avenue  
Kahului, HI 96732

Dear Mr. Chun:

During its meeting of January 12, 2015, the Commission on Persons with Disabilities discussed the lack of sidewalks fronting the Kahului Fire Station located at 200 Dairy Road in Kahului. It is our understanding that A&B Properties may continue to retain ownership of this area along Dairy Road. The Commission would like to discuss why this area is not ADA compliant.

The Commission respectfully requests that a representative attend our next meeting scheduled on February 12, 2015 at 12:30pm at Hale Mahaolu Elima Community Room located at 11 Mahaolu Street in Kahului. The Commission would like to discuss this issue with your organization or any involved party that has information to share on any future improvements.

Thank you for your consideration of the Commission's request. Should you have any questions, please contact the Commission's support staff, Nalani Podlewski, Department of Housing and Human Concerns at (808) 270-7805.

Sincerely,

Kealoha Laemoa, Chair  
Commission on Persons with Disabilities

#### Enclosures

cc: Jo-Ann Ridao, Director of Housing and Human Concerns  
David Goode, Director of Public Works  
Ford Fuchigami, Interim Director, State Department of Transportation



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February 9, 2015

Hon. Kealoha Laemoa, Chair  
Maui County Commission on Persons with Disabilities  
2200 Main Street, Suite 546  
Wailuku, HI 96793

RE: Kahului Fire Station; Dairy Road, Kahului, Maui

Dear Chair Laemoa:

Thank you for your correspondence of January 29, 2015, which we received on Friday, February 6, 2015. We understand that your Commission's next meeting is scheduled for February 12, 2015. Being that I am unable to attend your meeting in person, I spoke with your staff person Nalani Podlewski about providing this written response to the question posed in your January 29 correspondence.

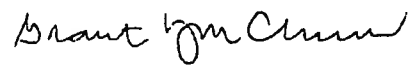
Dairy Road is owned by Alexander & Baldwin, LLC. However, this right-of-way has been under the control and jurisdiction of the State of Hawaii Department of Transportation since the early 1970's. The State's practice is to exercise control over roadways that serve to connect their various State highways. Being that Dairy Road is strategically located between Hana Highway, Mokulele Highway, and Kuihelani Highway, the State has exercised this jurisdiction for many years.

As construction has occurred along the Dairy Road corridor, various developers/builders have accommodated for improvements within the right-of-way with the construction of curbs, gutters, and sidewalks. For instance, the improvements fronting Harley Davidson were done by the developer of that property. Similarly, being that A&B Properties, Inc. developed Kahului Industrial Park, Phase 1-A, we constructed the improvements along Dairy Road fronting Maui Market Place to McDonald's.

The fire station parcel was donated to the County of Maui by A&B in early 1990's, long before the development of Kahului Industrial Park, Phase 1-A and that parcel was developed by the County of Maui for the purpose of providing for that facility. Normally, for other sorts of builders, the County of Maui would have required construction of sidewalks, curbs, and gutters concurrently with the development of the facility. The County did construct curbs and gutters fronting the fire station site but, for whatever reason, did not construct sidewalks along with these other improvements. We are not aware of the reason this was not a requirement placed upon the County in the development of the Kahului Fire Station.

We hope that this addresses the question you present. Mahalo for all you and your fellow commissioners do in service to our community.

Sincerely yours,

A handwritten signature in cursive script that reads "Grant Y. M. Chun".

GRANT Y. M. CHUN  
Vice President