



**Commission on People with Disabilities
Meeting Minutes
January 12, 2022**

****MEETING WAS HELD VIA ZOOM ****

Welcome and Approval of December 2021 Meeting Minutes

Seth Morgan, Chair, convened the meeting. A motion was made to approve the December 2021 Meeting Minutes. The motion was seconded. A vote was taken and the December 2021 Meeting Minutes were unanimously approved as written. Approved minutes are available online at www.montgomerycountymd.gov/cpwd.

Discussion on Your Concerns and Priorities – The Honorable Gabe Albornoz, President, Montgomery County Council

Councilmember Albornoz gave an update on the current COVID-19 situation. Just prior to and through the holidays it became very difficult to obtain a COVID-19 test. The County worked diligently to identify a company and was able to engage in a contract with them to order at-home rapid test kits. Over 93,000 rapid test kits were disseminated through various libraries throughout the County as part of the first phase of rolling out these test kits to the community. There was overwhelming interest with long lines and wait times. Councilmember Albornoz acknowledged that many persons with disabilities are not in a position to be able to wait in line. For the second phase of the test kit rollout the County will work to make sure these rapid test kits are given to especially vulnerable populations.

Montgomery County has a high rate of vaccination and booster shots. Despite the wide spread of omicron, the hospitalization rate among those fully booster is not high. Individuals who are being hospitalized with more severe cases are unvaccinated individuals. Currently there is a catastrophic push on public health personnel because so many people are contracting COVID-19 or having to quarantine because someone in their immediate family has contracted the virus. Councilmember Albornoz attended a meeting with hospital CEOs several weeks ago. That meeting led to the request of the National Guard assisting hospital support because the demand is overwhelming.

Councilmember Tom Hucker hosted an emergency virtual townhall regarding Montgomery County Public Schools (MCPS) on Sunday January 9 that 5,000 people participated in via zoom.. There was a wide range in opinions and perspectives. The overall agreement that it is best to keep children in schools, but teachers and administrators spoke about being afraid to go to work and questioning the level of learning that is occurring right now due to the low levels of faculty and staff. There is also the issue bus routes being cancelled due to the lack of bus drivers. The Council has received correspondence from constituents who said school is the only lifeline for their child and if they cannot attend it will take a toll on their social and emotional well-being. While the Council does not have direct authority over MCPS, the school system is a part of the larger public health ecosystem and the Council does play a general role in public health safety.

The Council is currently looking at several policy issues related to the pandemic. County Executive Marc Elrich's administration has finalized a vaccine passport proposal for certain businesses countywide — contingent on a vote by the County Council. The proposal states that those 12 and older — and eventually, 5 and older — would need to show proof of vaccination at the following establishments, as well as other similar businesses:

- Restaurants, bars and nightclubs.

- Indoor entertainment venues, including bowling alleys, billiard and pool halls, museums, movie theaters, performing arts theaters, arcades and others.
- Indoor gyms and similar establishments.
- Hotels, conference centers and similar venues.
- Other establishments designated by the county's health officer.

New York City enacted similar legislation in September 2021. Beginning January 15, 2022 many DC public businesses will require all patrons aged 12 or older to show proof that they have received at least one dose of the COVID-19 vaccine before they are allowed entry (two doses will be required starting February 15).

The Council has many questions as to how the vaccine passport would work in practice. They are waiting to hear from stakeholders in the community on their perspectives and opinions. Councilmember Alborno would like to hear the perspective of this Commission as well. While most people agree that vaccinations are the best way to end the pandemic, some question the practicality of a vaccine passport and how much control public health has over one's civil liberties. Councilmember Alborno added that the level of vitriol and threats on social media and via phone calls has dramatically increased. He understands that the level of frustration and anger that people are feeling is growing by the day and the Council is trying to be respectful of that.

Councilmember Alborno reported on issues the County Council is addressing. In the upcoming quarter the Council will be reviewing County Executive Elrich's proposed FY23 – FY28 Capital Improvement Program and FY23 Operating Budget. The County has more resources now than at the beginning of the pandemic. Funding received from federal partners has helped bridge the gap but the County must be judicious as the funding has an expiration date.

The Council's Health & Human Services (HH&S) Committee and the Transportation & Engineering (T&E) Committee will be holding a joint session on the Transportation Services Improvement Fund (TSIF) on February 14 at 9:30am. The Council has had ongoing conversations with the Executive Branch on how TSIF has been managed. The Committees want to address the issues that were brought to them by this Commission.

Councilmember Sidney Katz and Councilmember Alborno introduced legislation that would enact regulations to improve the safety of e-scooters in the County. E-scooters disproportionately impact persons with disabilities. They are often left in path of travel and are heavy to move. They also impose a safety hazard in intersections. Restrictions have already been put in place within urban settings including Silver Spring and Bethesda. [Bill 36-21](#) would permit a person to register an electric low speed scooter (e-scooter) owned by a County resident for personal use. The owner of 2 or more e-scooters would be required to register and pay a fee for an e-scooter fleet offered for rent in the County. The Bill would also establish operating and parking requirements for e-scooter use in the County.

Councilmember Alborno recognized the work of adult day medical providers and how helpful those services are to families. The Council will be making adult day medical services a priority going into the upcoming year. Providers have recently received additional funding from the State of Maryland.

Councilmember Alborno shared personal agenda objectives and goals as Council President for the upcoming year. Public health is the most important objective especially for our most vulnerable populations. The infrastructure these past few years was not sufficient. The County has started to look ahead to address the issues that lead to disparities in public health and make some investments in policy perspectives. Transportation continues to be an issue for individuals trying to access medical appointments. While there has been innovation shown with telehealth and telemedicine nothing will ever replace in person care, but it can help alleviate some of the pressure that our medical practitioners are feeling right now. Councilmember Alborno would like to work with this Commission. He understands there are not enough recreational options and he would like to expand programs and services and make facilities more accessible. He also wants to look further in the concept of an Autism-friendly or sensory-friendly community. Councilmember Alborno was exploring this concept prior to the pandemic. He will also be focusing on early intervention for infants and toddlers with developmental disabilities.

Another of Councilmember Albornoz's priorities this year is food security. He reported the [Montgomery County Food Council](#) nonprofit organization that serves as the primary connection point for businesses, nonprofits, government agencies, and residents around food system issues in our County. Their work cultivates a more resilient, sustainable, and equitable local food system by enhancing food access for the over 100,000 at risk for hunger, expanding food education opportunities for all residents, supporting our County's farms and food and beverage businesses, and addressing the impact of local food production, distribution, consumption and recycling on our natural resources. Councilmember Albornoz said with the right coordination we can effectively end childhood hunger in Montgomery County. It will come down to better data sharing, more investments in infrastructure and administrative, and help from federal partners to enact a universal lunch program that will level the playing field for everyone.

The floor was opened to questions.

Seth asked how the vaccine passport would take into consideration people who have received vaccinations in different states and jurisdictions. Councilmember Albornoz said they are still in the fact finding stage. It is his understanding that an individual would be able to show either their physical vaccination card or a picture of their vaccination card. There are also mobile apps available where a person could upload their vaccination card. He noted that the Capital One arena is requiring attendees to download a certain vaccination app in order to gain access to the stadium and to help streamline the process. The issue is this assumes everyone has a smartphone. The Council wants to review how the vaccine passport is working in New York City. Councilmember Albornoz added that the order as currently written requires two dosages of Moderna or Pfizer or one dose of J&J but to be better immune to the current strain individuals should also have received the booster. He learned today that there are more people exempt from receiving the booster for a variety of medical reasons than the vaccination itself. At this point only 39% of the population has received their booster. The 5 to 11 age category is also woefully behind vaccinations.

Marissa Ditekowsky, Commissioner, asked about the indoor mask mandate scheduled to expire January 31. Masks are very important for protecting persons with disabilities who cannot be vaccinated or for whom vaccination is not as effective. Councilmember Albornoz said the County will be reviewing this issue on January 25 to decide if the indoor mask mandate needs to be extended further. There was a feeling by the majority of the Council for the indoor mask mandate to be open ended. (**NOTE:** On January 25 the Council approved extending the indoor mask mandate to February 21.)

Jeneva Stone, Commissioner, asked to connect with Councilmember Albornoz offline to discuss the drawbacks of Adult Medical Day Services for younger adults with disabilities. His office will follow up with Jeneva.

Eric Cole, Commissioner, said he would like pedestrian safety to be a priority for the upcoming year. There are a number of neighborhoods and areas where there are no sidewalks or incomplete sidewalk designs leaving our most vulnerable residents including children, persons with disabilities, older adults walking in the path of vehicular traffic. Councilmember Albornoz agreed and said pedestrian safety is definitely a priority. It is also included in the [Thrive Montgomery 2050](#) plan which is a long-range policy framework for guiding future land use and growth for the next 30 years.

Tom Liniak, Commissioner, highlighted two Maryland Developmental Disability Administration (DDA) issues that are greatly affecting providers. Due to a network security incident that occurred at the Maryland Department of Health (MDH) on December 4, DDA has not been able to access several of their systems. MDH's Eligibility Determination Division (EDD), which is responsible for reviewing and determining Medicaid Waiver applications, has also been affected by this incident and has not been processing applications for over six weeks. Individuals trying to get approved cannot move forward with DDA services and the system remaining offline is creating a backlog of applications. John Whittle, Commissioner, added that EDD does effect eligibility for admission of new people into service as well as access to Medicaid health insurance enrollment and Medicaid status needed to maintain Medicaid benefits. Tom also said that DDA is transitioning to its new LTSS Maryland payment system. Service definitions will be changing for meaningful day and employment. The rates that were proposed three years ago for employment were so low that legislation was passed requiring a fiscal impact analysis to ensure

providers would not go out of business when the transition occurred. Jewish Social Service Agency (JSSA) turned in their fiscal impact analysis today which showed if the rates for employment providers stay where they are those providers would lose 20% to 50% of their revenue. Councilmember Alborno spoke with Senator Craig Zucker this morning and he will include these concerns during his follow-up conversation with him tomorrow. The Maryland Delegation is focused on DDA issues and is aware of other challenges.

Karen Morgret, Commissioner, agreed with Tom's remarks and said there is potential for a significant loss for employment providers in Montgomery County. In regard to the vaccination passport, some individuals with developmental disabilities do not have smartphones and families may not necessarily want them to take their vaccination card with them. We want these individuals who go out into the community to be safe but also respect their privacy rights. She asked that this be taken into consideration when discussing the vaccine passport.

Marcus Bolston, Commissioner, said regarding testing of direct support professional staff and frontline workers many are testing negative with an at-home kit but are testing positive with a PCR test. Easterseals has been working with the Montgomery County Rapid Response Team to identify the best way to get people PCR testing. The return to school after the holiday break increased demand for PCR tests creating long wait times. Easterseals asked the County to provide a mobile PCR testing clinic that Easterseals could use for their staff and clients as well as for the surrounding community. Councilmember Alborno said that is a great idea. The rapid at-home test kits provide a 62% to 63% efficacy rate. There can be a lot of human error in its administration.

Jametta Hope Anderson, Commissioner, asked about alternate methods for County residents to obtain at-home test kits. Many individuals with disabilities may not be able to access these testing sites. She suggested that persons with disabilities be included in the initial response and not as a follow-up. Councilmember Alborno agreed and noted her concerns.

Trish Gallalee, Commissioner, said the Commission has sent numerous letters to the Council and to the Montgomery County Department of Transportation (MCDOT) regarding the lack of attention as to how bike lanes are being designed and installed. It is not just a disability issue; it is a pedestrian safety issue. This Commission also has concerns about floating bus stops. Trish suggested Councilmember Alborno review those letters. Councilmember Alborno agreed that the Commission's concerns have not been addressed in the right way. While he certainly understands the need to enhance options for getting around, it should not be done at the expense of keeping everyone safe. The Silver Spring Master Plan will be coming before the Council which will be an opportunity for this Commission to work collaboratively with Maryland-National Capital Park and Planning Commission (MNCPPC) and to make sure the Commission's concerns are addressed.

Councilmember Alborno thanked the Commission for their work and said he would present again before the end of the year.

Montgomery Parks Community Engagement for Park Projects – Darren Flusche, Acting Division Chief, Park, Planning & Stewardship Division; Hyojung Garland, Supervisor, Park, Planning and Stewardship Division; and Chuck Kines, Planner Coordinator, Park, Planning & Stewardship Division

2022 Wheaton Regional Park Master Plan Presentation: https://montgomerycountymd.gov/HHS-Program/Resources/Files/A%26D%20Docs/CPWD/WRP_MP_COPWD1_12_22.pdf

Wheaton Regional Park Master Plan Executive Summary of Draft Staff Recommendations - <https://montgomeryparks.org/wp-content/uploads/2020/12/WRP-MP-draft-recommendations-executive-summary-october-2021-final.pdf>

MNCPPC operates and maintains over 36,000 acres of park land in the County. Montgomery Parks (MP) incorporates universal design elements into all projects. Darren noted that when the pandemic first began MP started an initiative to close parkways to vehicular traffic and open them up to pedestrians to offer more places for people to walk during social distancing. The gates that close the roads to vehicles did not provide enough space

for a person with a wheelchair to enter. MP retrofitted those gates to allow a person with a wheelchair to get through.

MP is currently working on the Elm Street Park and the Capital Crescent Trail. While designing the Elm Street Park plaza it was determined that the Trail would need to cross through the plaza. Pedestrians, especially those with visual or hearing impairments, may not hear bicyclists oncoming. As there are no national design guidelines MP reached out to this Commission and solicited input from persons with visual impairments as well as ADA experts and national consultants. MP is still in the process of working on a safe design that will narrow conflict zones, alert pedestrians to this potential conflict area, and slow bicycling speeds. MP has learned from the conversations this Commission has had with MCDOT on the floating bus stop designs and is committed to working with this Commission moving forward.

MP is also committed to finding an opportunity to build an accessible sensory trail in the County. Bob Turnbull, Trail Construction, has been reviewing various sites to determine ways to make sure the sounds and smells of nature are available and accessible to everyone as well as ensuring our parks are accessible.

Hyojung Garland and Chuck Kines reviewed the 2022 Wheaton Regional Master Park Plan Draft Recommendations PowerPoint.

The floor was opened to questions.

Seth said this Commission has concerns that the equestrian center would be demolished and the land would be given to a different vendor. The equestrian center currently offers therapeutic and inclusive horseback riding. At this juncture within the draft recommendations the equestrian center will be updated to keep the facility safe and comfortable for park patrons and the current tenant will continue operations. Seth asked if there were any plans to control the use of electronic and motorized mobility devices such as e-scooters and bicycles that can reach speeds above 30 mph. Darren reported that Chuck led a pilot program that reviewed the impact of motorized electric assists vehicles such as e-scooters and bicycles on the paved trails. The pilot program only allowed such vehicles that could reach a maximum speed of 20 mph. During the pilot period MP conducted a number of surveys and held a town hall meeting for public input. No major incidents occurred during the pilot period. MP changed regulations to allow electric assists, bicycles and e-scooters on the paved trail network. MP does reserve the right to restrict use of these vehicles on trails where there are high incidents of user conflict and safety issues. MP will continue to monitor the situation.

Trish suggested that Wheaton Regional Park have flat areas and benches incorporated into the design so that individuals who use wheelchairs can take a break, especially when traversing up the large hill to the play area. She also suggested that the play areas be accessible for persons who use wheelchairs so they can assist their children that are on the playground.

Tonya Gilchrist, Commissioner, agreed with Trish and said as a parent who uses a power scooter it is important that she can access the playground as well as all areas where her children can play. She asked how Brookside Gardens, Wheaton Regional Park and the Brookside Nature Center would be connected and wanted to advocate for those paths to be accessible. Chuck said MP will make recommendations that are outside of the park boundaries. The Commission has full control over what is inside the park boundary but they do recognize many issues that the community has raised including bicycle-pedestrian transit and ADA access requires coordination with County partners such as MCDOT as well as the State Highway Administration.

Mario Damiani, agreed with Trish and Tonya regarding playgrounds being accessible to persons who use wheelchairs. He noted that the train at Cabin John has an accessible car that allows a person who uses a wheelchair to ride. The train at Wheaton Regional Park also has an accessible car but it is not large enough to accommodate someone who uses a power wheelchair. Darren thanked Mario for making him aware of this design detail.

2022 Legislative Session

Neal Carter, Commissioner, reported the Maryland General Assembly 2022 legislative session started today. The Legislative Workgroup will be tracking bills related to the disability community. Commissioners interested in joining the Legislative Workgroup can contact Neal or Betsy Luecking, Staff.

Chair and Vice-Chair Report

The Steering Committee will meet next Wednesday January 19 from 5pm to 6pm. Betsy will send out an agenda with the Zoom link.

Ex-Officio Member Reports

Tabled due to time.

Announcements

Tabled due to time.

Meeting adjourned – 7:30pm

Montgomery County Commission on People with Disabilities February 2022 Meeting and Events Calendar

Full Commission Meeting – Wednesday, February 9

6pm to 7:30pm to be held via Zoom – link to be announced

Developmental Disability Advisory Committee – Monday, February 14

4pm to 5:30pm to be held via Zoom – link to be announced

New Member Orientation/Steering Committee Meeting – Wednesday, February 16

5pm to 6:30 pm to be held via Zoom – link to be announced

Submitted by: Carly Clem, Administrative Specialist I
Betsy Tolbert Luecking, Community Outreach Manager

