

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PARKS AND RECREATION
COMMITTEE ON MENTAL HEALTH, MENTAL RETARDATION,
ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES

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November 23, 2009

Start: 1:25 pm

Recess: 3:00 pm

HELD AT: Council Chambers
City Hall

B E F O R E:

HELEN D. FOSTER
Chairperson, Parks and Recreation

G. OLIVER KOPPELL
Chairperson, Mental Health

COUNCIL MEMBERS:

Council Member Gale A. Brewer
Council Member Elizabeth Crowley
Council Member Simcha Felder
Council Member Alan J. Gerson
Council Member Letitia James
Council Member Annabel Palma
Council Member Helen Sears

A P P E A R A N C E S [CONTINUED]

Helen D. Foster
Opening Statement
Chairperson
Committee on Parks and Recreation

G. Oliver Koppell
Opening Statement
Chairperson
Committee on Mental Health, Mental Retardation,
Alcoholism, Drug Abuse and Disability Services

Nancy Barthold
Assistant Commissioner
Recreational Programming
Department of Parks and Recreation

Victor Calisi
Accessibility Coordinator
Department of Parks and Recreation

Charles Rudisill
Landscape Architect
Deputy Director
Landscape Design
ADA Liaison for Capital Projects
Department of Parks and Recreation

Michael Schnall
Director
Government Relations
Department of Parks and Recreation

Robert Piccolo
Deputy Commissioner
Department of Parks and Recreation

Jason Michelle
General Counsel
Mayor's Office of People with Disabilities

A P P E A R A N C E S [CONTINUED]

Margie Rubin
Provided materials for Chairperson Foster

Matthew Carlin
Speaker's Counsel
Committee on Mental Health, Mental Retardation,
Alcoholism, Drug Abuse and Disability Services

Michael Benjamin
Policy Analyst
Committee on Mental Health, Mental Retardation,
Alcoholism, Drug Abuse and Disability Services

Margie Rubin
Parks Accessibility Advocate
Disabled in Action

Cara Massey
Disabled in Action
Member
ADA Parks Committee

Linda Ostriker
Center for Independence for the Disabled of New York

Matthew Shotkin
Youth Adult Institute
Consumer, CAN

Jeffrey Croft
President
New York City Park Advocates

1 COMMITTEE ON PARKS AND RECREATION and 4
COMMITTEE ON MENTAL HEALTH, ET AL.

2 [START 1001.MP3]

3 [Background noise]

4 COMMITTEE RECORDER: Sound check
5 for the Joint Committee of Mental Health,
6 Handicapped, etcetera and Parks and Recreation
7 Committees.

8 [Background noise]

9 [END 1001.MP3]

10 [START 1002.MP3]

11 CHAIRPERSON FOSTER: I thought
12 maybe people got caught up in the line but maybe
13 not. I'm sorry, we're good? Good afternoon. I'm
14 Council Member Helen Foster, Chair of Parks and
15 Recreation Committee. I will let Council Member
16 Koppell introduce himself.

17 And this is our Oversight Hearing,
18 jointly with the Committee on Mental Health over
19 update on the accessibility of parks for the
20 disabled. We have been joined by Council Member
21 Sears who is on the Parks Committee, Council
22 Member Benjamin who is on Mental Health and I will
23 let you jump in. I'll...

24 CHAIRPERSON KOPPELL: Oh well, do
25 you want to make your opening statement?

1 COMMITTEE ON PARKS AND RECREATION and 5
COMMITTEE ON MENTAL HEALTH, ET AL.

2 CHAIRPERSON FOSTER: No.

3 CHAIRPERSON KOPPELL: Oh okay. As
4 you know I'm Oliver Koppell, Chairman of the
5 Committee on Mental Health, Mental Retardation,
6 Alcoholism, Drug Abuse and Disability Services.
7 And we're joined by Gale Brewer who is a member of
8 the Committee--

9 CHAIRPERSON FOSTER: [Interposing]
10 Sorry Gale.

11 CHAIRPERSON KOPPELL: --I expect
12 other members will come as well. I want to thank
13 you, Chairman Foster, err, Chairperson Foster for
14 your being--your holding this hearing 'cause it
15 really was your Committee that initiated it. And
16 I think it frankly is something that we should
17 have been paying more attention to in our
18 Committee because I'm shocked at some of the
19 information that has been unearthed indicating the
20 lack of full compliance by the Parks Department
21 with the ADA and accessibility for the disabled.
22 And even the failure to do a transitional report
23 which has been due for several years now as I
24 understand it.

25 So I think that the hearing is most

1 COMMITTEE ON PARKS AND RECREATION and 6
COMMITTEE ON MENTAL HEALTH, ET AL.

2 timely and as I say I appreciate your doing,
3 holding it. And I can assure you that I, and I am
4 sure the Council, will monitor this more
5 carefully. I look forward to hearing from the
6 Parks Department in response to the information
7 that we got from the State Comptroller's Office.

8 CHAIRPERSON FOSTER: Great. And I
9 look forward to just hearing an update on what has
10 happened since the last time we met. We will have
11 Council Members coming in and out. We, I think,
12 have three other committee meetings all that are
13 being held jointly so it's probably a total of
14 six, so people will be coming and going.

15 With that, the first to testify is
16 Assistant Commissioner Nancy Barthold, welcome.
17 And you can introduce, well for the records,
18 everyone that we know who's with you.

19 MS. NANCY BARTHOLD: Good afternoon
20 Chairwoman Foster and members of the Parks
21 Committee and Chairman Koppell and members of the
22 Mental Health Committee. On behalf of
23 Commissioner Benepe, I'm Nancy Barthold. I'm
24 Assistant Commissioner for Recreation Programming.
25 With me today is Victor Calisi [phonetic],

1 COMMITTEE ON PARKS AND RECREATION and 7
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 Accessibility Coordinator; Charles Rudisill,
4 Deputy Director of Landscape Design and ADA
5 Liaison for Capital Projects; and Michael Schnall,
6 Director of Government Relations. We're also
7 joined by Robert Piccolo, Deputy Commissioner and
8 Jason Michelle, General Counsel with the Mayor's
9 Office of People with Disabilities.

10 Thank you for the opportunity to
11 discuss accessibility in New York City parks.
12 When we met last in October 2006 I explained that
13 making our parks' facilities accessible was an
14 agency priority. Today having accessible
15 facilities has become a cornerstone of our work
16 here at Parks to provide opportunities for people
17 with disabilities to have dynamic experiences at
18 parks throughout the City.

19 Our goal has been wherever
20 reasonably possible to go beyond the requirements
21 in the Americans with Disabilities Act's
22 Accessibility Guidelines and to provide
23 integration and opportunities for recreation and
24 participation for New Yorkers of all abilities.
25 We were recently recognized for our hard work with
the 2009 Title II Public Service Award from the

1 COMMITTEE ON PARKS AND RECREATION and 8
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 New York City Mayor's Office of People with
4 Disabilities which Parks received in partnership
5 with the United States Olympic Committee and City
6 Parks Foundation.

7 We are proud of the work that we
8 have done but continue to strive to do more as
9 there is a lot more to do. As you know the
10 Americans with Disabilities Act is a comprehensive
11 civil rights law that prohibits discrimination
12 against people with a multitude of disabilities
13 including visual, hearing, cognitive and mobility
14 impairments. When Parks designs new facilities we
15 are designing for people with varying ability and
16 many diverse user groups.

17 Long before the Americans with
18 Disabilities Act was signed into law; Parks began
19 exploring ways to bring recreational activities to
20 all New York City children. As part of an
21 initiative begun in the 1970s to create
22 playgrounds for children with disabilities, Parks
23 opened the first playground for all children in
24 Flushing Meadows Corona Park in 1984. This was
25 the first playground constructed in the United
States for both able-bodied children and children

3 with disabilities. It serves as a prototype for
4 similar sites across New York City, the United
5 States and the world. This playground was
6 designed to accommodate children with mobility
7 impairments who use crutches, canes, walkers or
8 wheelchairs and to provide many opportunities for
9 social, cognitive, sensory and motor activity.

10 In 1985 and 1993 Parks conducted
11 self-evaluations in an attempt to publish a
12 transition plan. In these evaluations facilities
13 were identified and surveyed, in-house ADA
14 committees were formed, ADA education training was
15 conducted, outreach to the disabled community was
16 made, and customized events were held. In 2005
17 the New York City Department of Parks and
18 Recreation was the subject of a State audit. The
19 results of the audit published in December 2005
20 indicated that many of Parks' facilities had been
21 upgraded to improve accessibility.

22 Seven areas were noted in which
23 Parks could approve ADA accessibility. In July
24 2007 the State's follow-up audit on Parks
25 acknowledged the progress that Parks made since
the original audit in 2004. The State audit

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COMMITTEE ON PARKS AND RECREATION and 10
COMMITTEE ON MENTAL HEALTH, ET AL.

specifically recognized the challenges inherent in
creating a transition plan for such a large park
system and observed that Parks had taken important
steps toward the goal, goals of compliance with
the ADA.

Since the last Parks Committee
Oversight Hearing in 2006 on this topic we have
continued to develop our transition plan which has
become a roadmap for Parks to identify physical
obstacles that could limit a person with a
disability from participating in a program,
activity or service that is offered by Parks and
that provides a plan for the removal of that
obstacle.

The plan is a result of a thorough
assessment of current facilities, parks,
playgrounds, bathrooms, historic house museums,
beaches, concessions and programs. And it
specifies the steps necessary to achieve
compliance and the official responsibility for
implementation of the plan. Our transition plan
is a working document that guides Parks' efforts
to achieve access for all people with
disabilities.

1 COMMITTEE ON PARKS AND RECREATION and 11
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 It is continually updated upon
4 removal of barriers to ensure that its core goal
5 of access is achieved. Developing the transition
6 plan has been a long and complex process so I
7 wanted to briefly outline how we came to this
8 point and where we currently are.

9 In January 2008 Parks completed a
10 physical assessment of facilities citywide which
11 is now part of our transition plan. In order to
12 complete the assessment our managers and
13 supervisors received instruction about the
14 Americans with Disabilities Act and the Americans
15 with Disabilities Act Accessibility Guidelines.
16 Michael Cresenzo, Director of Training for the New
17 York City Parks Department developed a program and
18 trained 86 employees in 10 classes conducted from
19 February 2006 to July 2007.

20 The training classes lasted a full
21 day and covered the parameters of the inspection
22 program and various accessibility issues. The
23 training also included a site visit that allowed
24 each person to have hands-on practice with the
25 program. The assessment of Parks facilities was
phased due to the large number and variety across

1 COMMITTEE ON PARKS AND RECREATION and 12
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 our 29,000 acres of public parkland.

4 Here is a description of the six
5 phases of analysis from April 2006 through January
6 2008. Phase one of the transition plan included
7 completing a facilities assessment to assess
8 parks, playgrounds and green streets. Park
9 managers were trained and given a facilities
10 assessment form that they used to evaluate
11 accessibility in our parks and facilities.

12 The assessment form included ramps,
13 entrance points, accessible routes, parking areas,
14 benches and many other park features that concern
15 access. Managers surveyed 566 large and small
16 parks, 372 green streets and 949 playgrounds.
17 These assessments were conducted through the five
18 Boroughs. This process started in April 2006 and
19 ended in November 2006.

20 Phase two of the transition plan
21 assessed park bathrooms. Park managers were again
22 trained for two weeks in the ADA codes and
23 standards, 60 people were trained to perform these
24 inspections. Each manager was equipped with the
25 necessary template and an assessment form. The
form measured door clearance, turning radius

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COMMITTEE ON PARKS AND RECREATION and 13
COMMITTEE ON MENTAL HEALTH, ET AL.

inside station and stalls, height of amenities, grab bars, sinks and accessible faucets. In this phase 658 bathrooms were assessed throughout the five Boroughs, a process that started in April 2007 and ended in August of that year.

Phase three of the transition plan included nature and recreation centers.

Recreation center managers and nature center supervisors trained in the ADA codes and standards. 50 recreation managers and 10 nature center supervisors were trained to perform these inspections. The assessment form included path of travel, service desk height, door widths, bathrooms, floor clearance, elevator, signage and gym equipment. In this phase 51 recreation centers and 17 nature centers were assessed throughout New York City. The process started in July 2007 and ended in September of 2007.

Phase four of the transition plan assessed beaches. An intern was trained in path travel, signage and bathroom standards. The intern and our Accessibility Coordinator surveyed 14 miles of beaches in Brooklyn, Queens, Bronx and Staten Island. The assessment forms for this

1 COMMITTEE ON PARKS AND RECREATION and 14
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 process included slopes of ramps, signage,
4 entrances and amenities. This process started in
5 June 2007 and ended in September of 2007.

6 Phase five of the transition plan
7 included assessing our historic houses. Our Parks
8 Architectural Conservator was trained in the
9 standards in the ADA, ABA 2004 accessibility
10 guidelines along with the Technical Preservation
11 Services of the National Park Service. This
12 assessment included parking lots, accessible
13 routes, ramps, bathrooms and program space. The
14 process started in September of 2006 and ended in
15 January of 2008. 16 historic houses were
16 assessed.

17 And Phase six of the transition
18 plan included 116 concessions including golf
19 courses, marinas, restaurants, snack bars,
20 amusement parks, tennis facilities, ice rinks,
21 sports facilities, stables and gas stations. A
22 playground associate was trained using ADA
23 accessibility standards. The Accessibility
24 Coordinator also inspected concessions. In this
25 phase 108 facilities were assessed from October
2007 to January of 2008.

1 COMMITTEE ON PARKS AND RECREATION and 15
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 Since the beginning of this process
4 the transition plan has been through numerous
5 reviews within our agency, from our capital staff,
6 legal department, press office, to our various
7 Commissioners. We now have a draft of the
8 transition plan and it has been presented to our
9 ADA Committee.

10 We will review their comments,
11 edits and criticism for implementation in our
12 final draft. The ADA Committee was established to
13 provide general advisory on accessibility issues
14 within Parks and we have since asked them for
15 counsel and support in conducting our facilities
16 assessments and implementing the ADA transition
17 plan. This Committee which meets every other
18 month enhances communication with the disabled
19 community.

20 The Committee is made up of
21 individuals with disabilities and organizations
22 representing individuals with disabilities, as
23 well as individuals affiliated with academic
24 institutions, the medical community, research
25 agencies and other entities which have a vested
interest in addressing the challenges and

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COMMITTEE ON PARKS AND RECREATION and 16
COMMITTEE ON MENTAL HEALTH, ET AL.

improving access to New York City parks. Victor Calisi is our liaison between the ADA Committee and the agency. And the Committee members serve without compensation.

ADA Committee members are provided with an overview of the agency, the ADA audit and transition plan goals. Committee members are in a position to evaluate the agency's effectiveness in carrying out its transition plan and providing access into City parks and venues; inclusion of individuals with disabilities into current programs; outreach to other disabled groups; and implementation of new initiatives to better serve the disabled.

In addition Committee members will work with the agency to develop guidelines to assist people with disabilities; assist Park staff citywide with issues concerning people with disabilities; and enlist the support of individuals, agencies and entities who are impacted by or have a special interest in Parks; and who will work with Parks to attain our common goals.

Once the final draft of the

1 COMMITTEE ON PARKS AND RECREATION and 17
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 transition plan is issued, we will still need to
4 take steps from the plan to remain current from
5 year to year. The transition plan has been and
6 will continue to be shared with team leaders from
7 our Capital Projects Division, Borough
8 Commissioners and Chiefs of Operations so each
9 leader and chief will have a clear understanding
10 of what barriers were found in their Borough. The
11 barriers that are identified in the plan will be
12 addressed in all new requirements contracts,
13 capital projects, and work performed by our
14 maintenance and operations staff.

15 Victor Calisi will receive monthly
16 final inspection reports from our capital systems
17 and analysis team. The report will be reviewed
18 and if all ADA requirements are met, the Parks
19 facility will be shown as accessible in the
20 transition plan. If the requirements are not met,
21 then the Coordinator will work with the team
22 leader to help resolve the issue.

23 Every six months Victor will meet
24 with the team leaders to discuss capital projects
25 in design and in construction. These projects
will be identified in the transition plan with an

1 COMMITTEE ON PARKS AND RECREATION and 18
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 expected completion date. Transition plan updates
4 will be assessed every calendar year. Updates
5 will be made available each February and all newly
6 constructed facilities will be added to the Parks
7 website under accessible features.

8 We have worked hard to bring the
9 transition plan into action but at the same time
10 we also made significant achievements in other
11 facets of ADA compliance. We are working
12 throughout our agency to meet and surpass ADA
13 guidelines on every level from building and
14 designing parks and facilities, to training
15 members of our staff, to developing and expanding
16 our programming for park users with disabilities.

17 I'd like to share with you some of
18 our practices that will make sure that the
19 recommendations that will be made in the
20 transition plan are met. When Parks undertakes
21 alterations to an existing facility, we ensure
22 that the older portions are accessible. We also
23 must ensure that newly constructed and
24 reconstructed buildings and facilities are free of
25 architectural and communication barriers that
restrict access or use by individuals with

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COMMITTEE ON PARKS AND RECREATION and 19
COMMITTEE ON MENTAL HEALTH, ET AL.

disabilities.

Parks designers use universal design concepts to provide for a variety of different ages and abilities including opportunities for person with mobility, visual, hearing or cognitive impairments. With specialized training Parks in-house designers and consultants are knowledgeable of ADA accessibility standards. These ADA-related changes improve the way Parks approaches each new capital project so that accessibility is incorporated into our projects from the onset.

IN constructing or reconstructing park facilities, Parks commits to meet or exceed New York City and Federal government accessibility standards. For instance, if the law requires that we install one piece of ground-level play equipment of one type for every two to four elevated play components, we encourage our designers to install three to four ground level play components that are of different types.

We provide 36 inch and 42 inch wide entrances instead of the minimum standard 32 inch width. And the capital projects division has

1 COMMITTEE ON PARKS AND RECREATION and 20
2 COMMITTEE ON MENTAL HEALTH, ET AL.
3 reviewed and is in the process of revising park
4 standard details for ADA compliance. The design
5 process involves compliance reviews to ensure that
6 accessible features are incorporated into every
7 design. These features can include accessible
8 routes, ramps, handrails, doorway width and
9 hardware, signage, drinking fountains, picnic
10 tables, benches, toilet rooms with accessories,
11 ground level play components, and spectator
12 seating area.

13 ADA accessibility is a component of
14 every capital project. All of our new projects
15 meet and exceed compliance with ADA including the
16 following: Owen Dolen Recreation Center, the
17 Bronx; Concrete Plant Park; Greenbelt Recreation
18 Center; Bloomingdale Playground; Columbus Park
19 Pavilion; Fort Totten Building 431; Lost Battalion
20 Hall Recreation Center; the New Leaf Café; Gas
21 Tank Park in Queens; The Flushing Meadows Pool and
22 Rink; Grave's End Park; Robert Venable Park, among
23 others.

24 Our Capital Division has collected
25 a library of ADA reference documents that are used
by the Capital Projects staff. In addition Parks

1 COMMITTEE ON PARKS AND RECREATION and 21
2 COMMITTEE ON MENTAL HEALTH, ET AL.
3 regularly issues memoranda and design directives
4 to guide staff on ADA issues including signage,
5 safety surfacing, scope writing to meet
6 accessibility goals, sand play, synthetic turf
7 fields; and accessible swing seats, dog runs and
8 detectable warnings. Capital Projects Interagency
9 Coordination Division handles more than 300
10 projects both active and inactive that affect
11 other agencies that do work on parkland. When
12 another agency does work on parkland we can then
13 request mitigation often including elements that
14 provide accessible ramps or accessible features.

15 Major and capital improvements can
16 be made when funding for the project is provided.
17 Funds can be allocated from several sources,
18 mainly by the City Council, the Mayor, Borough
19 Presidents, State elected officials, and through
20 grants. In addition our Parks Requirements
21 Division also takes on small improvement projects
22 of \$400,000 or less. When building in-house as
23 part of our requirements contracts, we follow
24 specific standards on every one of those projects.

25 For each our contract our
Requirements Division raises the grades around

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COMMITTEE ON PARKS AND RECREATION and 22
COMMITTEE ON MENTAL HEALTH, ET AL.

comfort stations to eliminate the step and provide an accessible entrance, provide safety surface tile ramps and safety surface contract, installs curb ramps with the tactile warnings on street crossings and sidewalk contracts and installs wheelchair accessible drinking fountains.

And when funding for supplies and staff are available, Parks maintenance staff has the capability to handle day to day ADA compliance repairs. This work includes repairing handrails, building entrance ramps, reconfiguring bathrooms, and installing signs.

Since 2006 our in-house maintenance staff has increased the number of accessible bathrooms by modifying existing bathrooms to comply with ADA accessibility guidelines. We have converted 116 bathrooms throughout New York City. Currently we are converting 25 bathrooms citywide with more conversions expected in the upcoming Fiscal Year.

In addition following our transition plan, all Parks recreation centers are submitting work orders to make the centers more accessible. Parks will also install accessible

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COMMITTEE ON PARKS AND RECREATION and 23
COMMITTEE ON MENTAL HEALTH, ET AL.

swings at designated locations when funds for
swings are available and make sure that all in-
house picnic benches are made wheelchair
accessible.

Building parks is just one aspect
of ADA compatibility and Parks. We have also
provided staff training on accessibility issues.
Since 2003 Parks has invited the most
knowledgeable experts in the field of
accessibility to speak to our staff. These
organizations include Cornell University, United
Spinal Association, The US Department of Justice,
New York State Office of Advocates for Persons
with Disabilities, United States Access Board, and
Paralyzed Veterans of America.

Last December Charles Rudisill,
Deputy Director of Landscape Design and ADA
Liaison for Capital Projects gave a presentation
on ADA compliance to Capital Project staff.
Victor Calisi hosted an ADA seminar in July 2009
at the Al Oerter Recreation Center in Queens which
addressed current ADA concerns and innovative
design.

Members of the disabled community

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COMMITTEE ON PARKS AND RECREATION and 24
COMMITTEE ON MENTAL HEALTH, ET AL.

were present to discuss challenges they face in parks. Larry Labiac [phonetic] Disability Policy Officer from the Chicago Parks District came to New York to present the State of Accessibility in the Chicago Park District at the Olmstead Center in August 2009.

In addition Parks is a member in the American Institute of Architects Continuing Education System. Furthermore members of our recreation staff have attended many events related to special needs including workshops on how to include children with disabilities in their programs and a yearly disabled camp fair hosted by Resource for Children with Special Needs to promote programs in Parks. They also plan to include an inclusion training hosted by SUNY Courtland's New York State Inclusive Recreation Center.

With this training our recreation staff has helped us further develop programs that include people with disabilities. The fruits of our labors are made clear during beaches and pool season. We have installed pool lifts in 34 of our outdoor pools so people with disabilities can

1 COMMITTEE ON PARKS AND RECREATION and 25
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 access our pools and enjoy our Bethesda Swim
4 Program that teaches people how to swim for free.

5 At our area beaches we have
6 installed Moby-mats which are mats that go on top
7 of the sand and allow people with mobility
8 limitations to get from the boardwalk onto the
9 sand. So far we've installed 3,060 linear feet of
10 Moby-mats at 8 locations at a cost of \$22,755.

11 There are plans to install more mats on our
12 beaches next season as requested. They will be
13 wider to accommodate more people. Beach
14 wheelchairs are also being considered at some of
15 our beaches including Orchard Beach.

16 In addition we have plenty of year-
17 round programming for athletes with disabilities
18 and amateurs alike to enjoy. Wheelchair
19 basketball programs are operating on a weekly
20 basis in recreation centers in Queens and
21 Manhattan. Installed raised wheelchair accessible
22 planting beds with varying heights at the Moja
23 [phonetic] Community Garden in Brooklyn and the
24 Sensory Garden in the Bronx. We work with
25 adaptive physical education teachers in New York
City schools to involve children with Paralympics

1 COMMITTEE ON PARKS AND RECREATION and 26
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 Sport New York City.

4 Accommodate people with varying
5 abilities at the Ali Pond Park Adventure Course,
6 people with disabilities can participate in
7 activities at the ground level, low ropes level or
8 high ropes level. And lastly we host tournaments
9 for people with disabilities such as the Major
10 League Wheelchair Softball Tournament at Citi
11 Field in Queens.

12 In July of this year the Dwarf
13 Athletic Association of America hosted the 23rd
14 Annual National Games in New York and Icon Stadium
15 was one of their premier venues. Icon Stadium was
16 also host to the Paralympics Sport New York City's
17 Track and Field Program this past August.

18 Since 2006 Parks has actively
19 pursued partnerships with various organizations to
20 assist in programming. Members from some of these
21 organizations also provide us with valuable
22 feedback from their constituents. The
23 organizations that we have partnered with are New
24 York Center for Autism Charter School, Resources
25 for Children with Special Needs, KEEN, a national
nonprofit organization led by volunteers that

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COMMITTEE ON PARKS AND RECREATION and 27
COMMITTEE ON MENTAL HEALTH, ET AL.

provides one on one recreational opportunities for children and young adults with mental and physical disabilities at no cost to their families and caregivers. This program is hosted every other Saturday at Recreation Center Number 54 in Manhattan and once a month at St. James Recreation Center in the Bronx.

The Cross Island Y, the United States Paralympics and Paralympics Sport New York City, the Multiple Sclerosis Society, the Harlem Independent Living Center, Wheelchair Sports Federation, United Spinal Association, Independent Car Systems, Lighthouse International, New York Special Olympics, New York University Hospital and Shriners Hospital for Children are also examples of partnerships we have started in the last few years.

As you heard today our agency has been active in creating opportunities for people with disabilities to enjoy our parks. We've developed a transition plan and continue to work throughout our agency to bring our plans into action. It's a long process. And while I can't say we're there yet, I believe that we are moving

1 COMMITTEE ON PARKS AND RECREATION and 28
COMMITTEE ON MENTAL HEALTH, ET AL.

2 in the right direction.

3 Thank you for the Council's
4 interest and for advocacy for disabled users of
5 our parks. I would welcome any questions.

6 CHAIRPERSON FOSTER: Thank you very
7 much. We've been joined by Council Member
8 Elizabeth Crowley, Council Member Annabel--are you
9 down there--Annabel Palma, Helen Sears and Alan
10 Gerson. I'm just going to ask a few questions and
11 I know my colleagues have some questions.

12 First there shouldn't be many
13 questions left 'cause your testimony covered most
14 of it but thank you. It was very in depth. Let
15 me just flip through notes that I made as you were
16 speaking and then ask specific questions.

17 The phases that you speak of on
18 page 3, the results from each phase is what's
19 being incorporated into this final transition plan
20 that is the work in progress.

21 MS. BARTHOLD: That's correct.
22 It's divided into the types of properties that we-

23 -

24 CHAIRPERSON FOSTER: [Interposing]
25 Um-hum.

1 COMMITTEE ON PARKS AND RECREATION and 29
COMMITTEE ON MENTAL HEALTH, ET AL.

2 MS. BARTHOLD: --have in our
3 inventory.

4 CHAIRPERSON FOSTER: What, when do
5 you expect to have a finalized transition plan?

6 MS. BARTHOLD: I suspect in--very
7 shortly. It's been vetted throughout our agency.
8 And I would think we could release it shortly. A
9 huge part of this document is an inventory. And
10 that has been the--what has taken us so long to
11 put into writing.

12 CHAIRPERSON FOSTER: With this
13 inventory, I would assume that it's, as in any
14 inventory, it's always changing. So that if
15 you've gone through phase, you know, one with say
16 your playgrounds or your pools or your beaches, by
17 the time you get to finalizing this document the
18 inventory should or would in fact change.

19 MS. BARTHOLD: Yeah. And that's, I
20 went through that in the testimony. That it's
21 going to be an understanding that it is always a
22 working document and it's something that we've
23 tried to outline a way that we will update it
24 regularly. And we're trying to match that with
25 keeping our properties up to date on our website--

1 COMMITTEE ON PARKS AND RECREATION and 30
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 CHAIRPERSON FOSTER: [Interposing)

4 Well--

5 MS. BARTHOLD: --so yes.

6 CHAIRPERSON FOSTER: And the reason
7 I'm saying that is because it is in fact a working
8 document and a work in progress, then we'd be
9 happy not to have a finalized version but to have
10 something so that it is continuously updated and
11 at least we know where we stand. Probably outside
12 of your testimony, none of us have had, have been
13 given such a great outline of where we are. And I
14 think that we don't have to look to say aha this
15 is the final document but we need something.

16 MS. BARTHOLD: And I think we're
17 close to giving that to you.

18 CHAIRPERSON FOSTER: Okay. When
19 you are rehabbing existing parks or doing scope
20 and design for new parks, are ADA accessible
21 standards always, guidelines, always used to make
22 sure that whatever we do in terms of new parks are
23 accessible? For example, you know, years ago we
24 didn't, we had no problems with putting steps, to
25 step down into an area or a garden or a fountain.
Now we know steps provide a problem. Are we

1 COMMITTEE ON PARKS AND RECREATION and 31
COMMITTEE ON MENTAL HEALTH, ET AL.

2 getting rid of steps or, you know, and that's just
3 an example.

4 MS. BARTHOLD: I don't think I can
5 make the statement that we're getting rid of
6 steps. But I can say that we are following ADA
7 guidelines.

8 CHAIRPERSON FOSTER: Okay. So that
9 was just an example and I'm--clearly, we're not
10 getting rid of steps. My question is, is when
11 Council Members or Borough Presidents or whomever
12 allocate funds to rehab or to create a new park,
13 are guidelines used, ADA guidelines, used at all
14 times so that we make sure that we are creating a
15 new park that is ADA accessible.

16 MS. BARTHOLD: Yes.

17 CHAIRPERSON FOSTER: Of the 34 pool
18 lifts in your outdoor pools, how many more outdoor
19 pools are there that need pool lifts?

20 [Of mic]

21 CHAIRPERSON FOSTER: So all of the-

22 -

23 MR. VICTOR CALISI: [Interposing]

24 All of our Olympic sized outdoor pools have--

25 CHAIRPERSON FOSTER: [Interposing]

1 COMMITTEE ON PARKS AND RECREATION and 32
COMMITTEE ON MENTAL HEALTH, ET AL.

2 Can you talk in the mic and just introduce
3 yourself for the record? It moves.

4 MR. CALISI: I'm Victor Calisi,
5 Accessibility Coordinator for Parks and we
6 installed in all of our Olympic sized outdoor
7 pools have lifts.

8 CHAIRPERSON FOSTER: Okay. And is
9 that the current plan to just keep them in Olympic
10 sized pools?

11 MR. CALISI: Well there are some
12 intermediate pools that we're looking and at we're
13 seeing if we can ramp them or put lifts into them.

14 CHAIRPERSON FOSTER: Okay. And
15 with the Moby-mats at the eight beach locations,
16 how many more are we looking to install?

17 MR. CALISI: Well right now I know
18 we have another two sets of mats coming and we're
19 looking to install them in other areas throughout
20 the City.

21 CHAIRPERSON FOSTER: And are beach
22 wheelchairs something like, you know, if you go to
23 a mall or they have the motorized ones for, if
24 you're trying--like are they something you rent or
25 how--what is a beach wheelchair and how would

1 COMMITTEE ON PARKS AND RECREATION and 33
COMMITTEE ON MENTAL HEALTH, ET AL.

2 someone who is coming with their own wheelchair
3 then transition into a beach wheelchair? How does
4 that work?

5 MR. CALISI: Well someone would
6 come to the park or venues throughout the country,
7 they do different things, and people borrow a
8 chair from that City entity and they just transfer
9 from their wheelchair onto another--

10 CHAIRPERSON FOSTER: [Interposing)
11 So it's like when you're at a shopping mall and
12 they--

13 MR. CALISI: [Interposing) Yeah.
14 Like if you go to Target or something--

15 CHAIRPERSON FOSTER: --give you a
16 baby carriage or something--

17 MR. CALISI: --they have, yeah.
18 Similar to that yes.

19 CHAIRPERSON FOSTER: --like that.
20 Okay. Now I just have a couple of questions about
21 the transition plan and then I will turn it over
22 to Council Member Koppell who I'm sure has some
23 questions. First let me thank Marge Rubin, did I
24 say your name right Marge? Who brought a lot of
25 these ADA issues to my attention. I think that

1 COMMITTEE ON PARKS AND RECREATION and 34
COMMITTEE ON MENTAL HEALTH, ET AL.

2 for those that have, don't need ADA compliant
3 parks we don't think about it. So thank you for
4 putting that in my thinking.

5 Whatever you have available in
6 terms of the five phases that you talked about, I
7 think it was five or six phases, can you provide
8 that to the Committee, six phases, whatever's in
9 writing?

10 MS. BARTHOLD: Of the inventory?

11 CHAIRPERSON FOSTER: Of the
12 inventory, the, you know, second to last draft,
13 whatever is available as of today with the
14 transition plan if it's in writing, is it
15 something that this Committee can get?

16 MS. BARTHOLD: I would imagine so,
17 yes.

18 CHAIRPERSON FOSTER: And how often
19 does the ADA Committee meet with Commissioner
20 Benepe or do you, Victor, just meet with him
21 without the whole Committee?

22 MS. BARTHOLD: We brief him on
23 accessibility issues but he does not meet with the
24 Committee.

25 CHAIRPERSON FOSTER: So he's

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COMMITTEE ON PARKS AND RECREATION and 35
COMMITTEE ON MENTAL HEALTH, ET AL.

briefed on the issues but the Committee itself is put together of members of the community as you outlined, and that is separate and apart in that they don't meet with Benepe.

MS. BARTHOLD: They haven't, no.

CHAIRPERSON FOSTER: And who is the go-to person at the Parks Department if there are ADA compliant issues that are coming up? For example if Marge comes to me and says, you know, there's this new park and it's being rehabbed but it's not ADA complaint. Who is the go-to person that Marge would speak to at the Parks Department?

MS. BARTHOLD: Well she could speak to, first to Victor, and if, I mean to me. We have an online complaint procedure she could follow but if she writes to Commissioner Benepe, he will speak to Victor and I and we'll address the concerns so.

CHAIRPERSON FOSTER: Does the ADA Coordinator work with a project throughout its scope and design, throughout its development? No.

MS. BARTHOLD: No. That's Charles Rudisill's job.

CHAIRPERSON FOSTER: Okay--

1 COMMITTEE ON PARKS AND RECREATION and 36
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 MS. BARTHOLD: [Interposing) He
4 oversees--Charles oversees ADA for Capital. And
5 because we have 300 jobs at a time in Capital,
6 designers are trained to know the ADA regulations.
7 So they would include the ADA regulations in their
8 design. And Charlie has a review role.

9 Victor does get involved from time
10 to time. He will--but he's not an architect or a
11 landscape architect. So he will visit certain
12 projects, attend certain final inspections. He
13 does, he'll go to look at something in response to
14 a complaint. And also because he has hands-on
15 experience whether something's compliant, he'll go
16 and do a self-inspection to see if it, you know,
17 if the project's working.

18 CHAIRPERSON FOSTER: I'm sorry
19 Charles; I missed your last name?

20 MR. CHARLES RUDISILL: Rudisill.

21 CHAIRPERSON FOSTER: Rudisill. Can
22 you scoot over? I just have a few questions.
23 What... and you can just introduce yourself for the
24 record.

25 MR. RUDISILL: I'm Charles
Rudisill, a landscape architect and ADA Liaison

1 COMMITTEE ON PARKS AND RECREATION and 37
COMMITTEE ON MENTAL HEALTH, ET AL.

2 with the New York City Parks Department.

3 CHAIRPERSON FOSTER: What type of
4 additional training or is there additional
5 training that makes you the ADA person to know
6 what is needed above and beyond just plain
7 landscape architecture. Does that make sense?

8 MR. RUDISILL: Years ago, I was
9 asked by our Chief of Design to focus in this
10 area.

11 CHAIRPERSON FOSTER: Okay. And is
12 there anything above and beyond in terms of your
13 own training that requires you...?

14 MR. RUDISILL: I participated in
15 meeting with the Mayor's Office for People with
16 Disabilities. I've become very familiar with the
17 Americans with Disabilities Act Accessibility
18 Guidelines. I work individually with designers.
19 I write agency policy.

20 I write design directives. I've
21 collected a library of accessibility documents.
22 I've organized guest speakers to come and speak to
23 our staff. I've distributed copies of the ADA/ABA
24 Guidelines to the staff, hard copies. And I've
25 also put documents on our computer, shared drive,

1 COMMITTEE ON PARKS AND RECREATION and 38
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 so everyone can see the documents online.

4 CHAIRPERSON FOSTER: So it's safe
5 to say that you've made yourself aware of what ADA
6 Guidelines are. And the reason that I'm asking
7 this is because what sometimes is written on paper
8 is in terms of guidelines and what is actually
9 functional and feasible when designing a park are
10 two different things, so that we can, as a Council
11 or a Council Member we can allocate capital
12 dollars to renovate a park and I'm assuming that
13 the bathroom door can open wide enough.

14 But I've been in situations where
15 what may work for one person a wheelchair in terms
16 of a door being wide enough or being able to open,
17 doesn't work for another. And that is why I'm
18 asking the question in terms of your experience in
19 being able to oversee this, since you are that
20 person.

21 MR. RUDISILL: There are situations
22 where it is technically infeasible to fully meet
23 the guidelines. But in every situation we try to
24 make our facilities meet the guidelines to the
25 maximum extent possible.

CHAIRPERSON FOSTER: Thank you.

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COMMITTEE ON PARKS AND RECREATION and 39
COMMITTEE ON MENTAL HEALTH, ET AL.

Council Member Koppell. I'm sure you have
questions.

CHAIRPERSON KOPPELL: I do have
some things. Is this on now?

[Off mic]

CHAIRPERSON KOPPELL: Is it on?
Yes? It doesn't work--okay, well.

[Off mic]

CHAIRPERSON KOPPELL: All right.
Okay. First of all let me, to my left is Matthew
Carlin, he's Counsel, Speaker's Counsel to the
Committee on Mental Health, and Michael Benjamin
is over there in the corner. I don't know why
you're over there. Okay. Fine. Let me ask you
Ms. Barthold what is your understanding of what it
means to have a plan?

MS. BARTHOLD: What it means to
have a plan?

CHAIRPERSON KOPPELL: Yeah.

MS. BARTHOLD: To be prepared for
something.

CHAIRPERSON KOPPELL: I mean the
fact is that a plan was required as I read the
memorandum prepared for me in 1992, a transition

1 COMMITTEE ON PARKS AND RECREATION and 40
2 COMMITTEE ON MENTAL HEALTH, ET AL.
3 plan, in 1992. 17 years ago. And we still don't
4 have a plan today. Now I thought in reading your
5 statement it sort of sounded like you envisioned a
6 plan as being completing the facilities because
7 you talked about all the facilities you've
8 completed. But that's not what--the plan doesn't
9 mean you have to complete--you could have a plan
10 without a single facility being complete, right?

11 MS. BARTHOLD: Correct.

12 CHAIRPERSON KOPPELL: So what's
13 been the obstacle for 17 years of finalizing this
14 transition plan?

15 MS. BARTHOLD: Well it would be
16 unfair for me to speak, you know, although I have
17 more than 17 years with the agency, I've only had
18 this responsibility for 3. So I'll speak for the
19 3.

20 CHAIRPERSON KOPPELL: Fine.

21 MS. BARTHOLD: In that--for
22 whatever neglect we may have had that was pointed
23 out in the audit, we've been working to do a
24 thorough inventory of our property. And the
25 publishing of this document which I realize is
very important to you is, you know, sort of a

1 COMMITTEE ON PARKS AND RECREATION and 41
COMMITTEE ON MENTAL HEALTH, ET AL.

2 finale in a lot of work on our part that has
3 opened our eyes to a lot of things.

4 So yes, you're correct. It's a
5 documentation of what needs to be done. And it's
6 taken us a lot of work. And like many documents
7 I'm sure you publish, it's had to go through a lot
8 of peoples' hands. And now we're ready to hand it
9 out.

10 CHAIRPERSON KOPPELL: Let me just
11 interrupt momentarily to welcome Simcha Felder who
12 is a member of the Committee.

13 Well I don't think that a plan
14 necessarily required the identification of every
15 single facility that needed to be upgraded. The
16 plan could simply have said that we will upgrade
17 these facilities within a certain timeframe. So
18 I'm really still puzzles as to what prevented a
19 plan from being published, agreed upon and
20 published. Is it that you didn't know which
21 facilities had to be upgraded? Was that the
22 delay?

23 MS. BARTHOLD: We--yes, absolutely.
24 We are a huge real estate holder. And we needed
25 to inventory--it's not as if we are the owner of

1 COMMITTEE ON PARKS AND RECREATION and 42
COMMITTEE ON MENTAL HEALTH, ET AL.

2 ten homes on Chamber Street. We have hundreds of
3 parks.

4 And for--unless we have
5 reconstructed them in the last, since 17 years,
6 since 1992, that is when we were required by law
7 to make them ADA compliant. So in many cases we
8 managed the other parks as is. But here we were
9 in a situation where we hadn't produced a
10 transition plan and we were now given, you know,
11 reminded of the task of inventorying. So yes, we
12 wanted to do a thorough inventory of our
13 properties. So yes we didn't know what we had to
14 upgrade.

15 CHAIRPERSON KOPPELL: So that's why
16 you haven't done the plan?

17 MS. BARTHOLD: The plan is done.

18 CHAIRPERSON KOPPELL: So when is
19 the plan going to be issued?

20 MS. BARTHOLD: I told you that I
21 would release to the City Council as soon as we
22 can, a copy of the draft.

23 CHAIRPERSON KOPPELL: When will the
24 final plan be adopted--

25 MS. BARTHOLD: [Interposing) It's

1 COMMITTEE ON PARKS AND RECREATION and 43
COMMITTEE ON MENTAL HEALTH, ET AL.

2 never going to be final. It's always going to be
3 a working document.

4 CHAIRPERSON KOPPELL: So you're
5 never going to have a plan?

6 MS. BARTHOLD: We're going to have
7 a plan but it's never going to be final. It's
8 always going to be a working document--

9 CHAIRPERSON KOPPELL: [Interposing)
10 When are you going to have a plan that's a plan?
11 Rather than a draft plan?

12 MS. BARTHOLD: This is City
13 government. I--draft is what we're going to
14 release and then we can decide--

15 CHAIRPERSON KOPPELL: [Interposing)
16 So you're never going to adopt a final plan? Is
17 that what I understand?

18 MR. MICHAEL SCHNALL: Hi, it's Mike
19 Schnall, Government Relations. The plan is
20 constantly changing and I think that it's been
21 asked and answered.

22 CHAIRPERSON KOPPELL: Well I don't
23 agree with your Sir. With all due respect, we
24 have a 5-year plan for the creation of schools.
25 The plan can be amended. We adopt a plan. We

1 COMMITTEE ON PARKS AND RECREATION and 44
COMMITTEE ON MENTAL HEALTH, ET AL.

2 actually legislatively adopt a plan for the
3 creation of schools. And there are over 1,000
4 schools. The MTA has a 5-year capital plan. It
5 can be amended.

6 I fully disagree with the statement
7 that you can't adopt a plan. You certainly can
8 adopt a plan and that doesn't mean that it doesn't
9 have to be amended. And since the Comptroller's
10 been calling for a plan for years now, and I think
11 we have, I think it's fair for us to ask that you
12 give us a date. That you say you'll have a plan.
13 So that the Department will adopt a plan if that's
14 what has to be done.

15 I don't know what steps it is,
16 whether there's any Committee that needs to be
17 involved. But there should be a plan. That
18 doesn't mean that a plan can't be amended. So
19 that the Comptroller can no longer say we don't
20 have a plan after 17 or maybe it'll be 18 years.
21 I think if you say it's almost done and you say to
22 me all right it'll be done by June 30th of 2010,
23 that's an answer. But to say we're never going to
24 have a plan is not in my opinion a satisfactory
25 answer--

1 COMMITTEE ON PARKS AND RECREATION and 45
COMMITTEE ON MENTAL HEALTH, ET AL.

2 MS. BARTHOLD: [Interposing) No
3 we're giving you a plan in draft form. I said--

4 CHAIRPERSON KOPPELL: [Interposing)
5 I don't want a draft plan. I want to know when
6 there's going to be a final plan. Not to say I
7 don't want a draft plan, let me amend that. We'll
8 be happy to look at a draft plan. But we should
9 have a date to have a final plan.

10 MS. BARTHOLD: Okay I understand
11 you'd like--

12 CHAIRPERSON KOPPELL: [Interposing)
13 And I will ask Counsel--

14 MS. BARTHOLD: --that.

15 CHAIRPERSON KOPPELL: --to draft a
16 letter to the Commissioner--

17 MS. BARTHOLD: [Interposing) Okay.

18 CHAIRPERSON KOPPELL: --asking that
19 a final plan be drawn. 'Cause I don't think that
20 anybody is going to be satisfied with something
21 that says draft.

22 Now let me ask you a couple of
23 specific questions with respect to the
24 Comptroller's '97 letter. I'm sorry, 2007 letter.
25 It says here that--are you familiar with this

1 COMMITTEE ON PARKS AND RECREATION and 46
COMMITTEE ON MENTAL HEALTH, ET AL.

2 letter? From June - -

3 MS. BARTHOLD: Yes--well I don't
4 know what you're specifically looking at--

5 CHAIRPERSON KOPPELL: --2007?

6 MS. BARTHOLD: I probably saw it.
7 I--

8 CHAIRPERSON KOPPELL: [Interposing)
9 From the State Comptroller? No?

10 MS. BARTHOLD: I've seen many
11 letters from the State Comptroller--

12 CHAIRPERSON KOPPELL: [Interposing)
13 Yes, well--

14 MS. BARTHOLD: --I'd be happy to be
15 refreshed--

16 CHAIRPERSON KOPPELL: --let me read
17 you want the Comptroller says. It says that
18 certain recommendations, he talks about the
19 recommendations. And he says here these are
20 recommendations, there were seven audit
21 recommendations that were made in the prior audit,
22 2004 audit.

23 The Department agreed with all of
24 them. And then this, which was done in 2005, was
25 to look at what had been done. Now it says here,

1 COMMITTEE ON PARKS AND RECREATION and 47
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 just to give an example, ensure that ADA
4 accessibility is incorporated in all new and major
5 alteration projects.

6 Now that's pretty fundamental.
7 Assure that ADA accessibility is incorporated in
8 all new and major alteration projects. That's
9 pretty fundamental and obviously that's usually
10 the way we implement things like standards for
11 architecture and buildings and so on.

12 Scope documents should always
13 specify the elements that must be ADA accessible.
14 And then his, the audit's response is partially
15 implemented. And if I read then a little bit
16 without reading everything, it says we found that
17 the scope documents for two of the five projects
18 included ADA accessible elements such as dropped
19 curbs and accessible routes however the scope
20 documents for the other three, Tuscan Garden,
21 Brookville Boulevard Playground and Bailey Pond
22 Park projects did not specify such elements.

23 The Park's ADA Coordinator
24 explained that all five projects were required to
25 include ADA elements. So then why didn't the
scope documents include them? Do you know the

1 COMMITTEE ON PARKS AND RECREATION and 48
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 answer to that?

4 MR. SCHNALL: We, Commissioner
5 Benepe had written a letter to our Capital staff
6 informing them that they need to be required into
7 the scope writing so all elements are required to
8 be put in the scope now. And Charlie Rudisill has
9 worked on that as well.

10 CHAIRPERSON KOPPELL: Then it says
11 establish written guide--I'm glad to hear that.
12 And then it says establish written guidelines for
13 major alteration work based on a dollar threshold
14 or scope of work that specify the projects that
15 must include ADA accessibility components. Parks
16 official provided us with agency scope written
17 guidelines however we found that the document was
18 in the form of a memo from an individual to a
19 department therefore we could not conclude it was
20 adopted policy.

21 Furthermore no set dollar
22 thresholds or work scopes that required
23 consideration of ADA accessibility components.
24 Parks officials indicated they are considering a
25 threshold of \$35,000 and that they would have the
Commissioner formally adopt the memo as policy.

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COMMITTEE ON PARKS AND RECREATION and 49
COMMITTEE ON MENTAL HEALTH, ET AL.

MR. SCHNALL: Every one of our designs have ADA included in there so the dollar threshold is irrelevant in that fact because it's in every project.

CHAIRPERSON KOPPELL: So every project where you have a dollar sum in it includes those elements in the dollar--

MR. SCHNALL: [Interposing) That-- with the scope writing and all that, it all comes together.

CHAIRPERSON KOPPELL: Okay. Well I, again, one other very specific question. For some time now because I had proposed possible other uses but I have no objection to a special playground in Van Courtland Park at the south end for people with disabilities. And when I proposed other uses not knowing that, I was told that that's the plan. But nothing has happened. Do we know and do you know what the plan is there? What the?

MS. BARTHOLD: Specifically to Van Courtland? No but we can find out for you.

CHAIRPERSON KOPPELL: Yeah. I would ask you to get back to me--

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COMMITTEE ON PARKS AND RECREATION and 50
COMMITTEE ON MENTAL HEALTH, ET AL.

MS. BARTHOLD: [Interposing) Sure.

CHAIRPERSON KOPPELL: --in writing-

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MS. BARTHOLD: [Interposing) With a
plan.

CHAIRPERSON KOPPELL: --about the
plan, hum?

MS. BARTHOLD: Yes, with a plan.

CHAIRPERSON KOPPELL: Yeah, well
with a--yeah. Not with a plan, to know, well yeah
with a plan--

MS. BARTHOLD: [Interposing) Well
you asked for a plan so I want--

CHAIRPERSON KOPPELL: [Interposing)
I asked you for--

MS. BARTHOLD: --to make sure I get
you a plan.

CHAIRPERSON KOPPELL: --a specific-
-I'm asking for a specific statement of what is
proposed and when.

MS. BARTHOLD: We will get that for
you.

CHAIRPERSON KOPPELL: At the
southern end of Van Courtland Park. And

1 COMMITTEE ON PARKS AND RECREATION and 51
COMMITTEE ON MENTAL HEALTH, ET AL.

2 understand that I have no problem; in fact I
3 support the idea of a disabled person playground
4 there. But if it's not going to be built then
5 there are other things that could be there. I
6 think it should be there, don't misunderstand.
7 Okay that's it. And I don't know; you want to ask
8 if anybody else has questions?

9 CHAIRPERSON FOSTER: Yeah, I've got
10 this. Council Member Gerson.

11 COUNCIL MEMBER GERSON: Thank you
12 very much Madam Chair, Mr. Chair. Good afternoon.
13 Just to follow up with one point on the questions
14 of timeframe raised by Chair Koppell. In the
15 phases you set forth, the final phase, phase six
16 was completed, I believe in January of 2008.

17 And then you say that we now have a
18 draft and it has been presented to our ADA
19 Committee. Could you just elaborate on the
20 process that took place within that year-plus
21 timeframe between January '08 and now, what was
22 going on? What were you doing--

23 MS. BARTHOLD: [Interposing) It's
24 not a year-plus but anyway--

25 COUNCIL MEMBER GERSON:

1 COMMITTEE ON PARKS AND RECREATION and 52
COMMITTEE ON MENTAL HEALTH, ET AL.

2 [Interposing) January '08 and we're in

3 MS. BARTHOLD: [Interposing)

4 November of 2009.

5 COUNCIL MEMBER GERSON: '09, so.

6 MS. BARTHOLD: You're right, never

7 mind. I was thinking January 2009, never mind,

8 sorry.

9 COUNCIL MEMBER GERSON: That's

10 okay. No I thought I was--

11 MS. BARTHOLD: [Interposing) It's--

12 [Off mic]

13 [Crosstalk]

14 COUNCIL MEMBER GERSON: I have

15 problems with months--

16 MS. BARTHOLD: [Interposing) Sorry.

17 COUNCIL MEMBER GERSON: --so. So I

18 got it right for a change--

19 MS. BARTHOLD: [Interposing) I'm

20 sorry.

21 COUNCIL MEMBER GERSON: --it's

22 unusual that I get it--

23 MS. BARTHOLD: [Interposing) I

24 apologize.

25 COUNCIL MEMBER GERSON: --at any

1 COMMITTEE ON PARKS AND RECREATION and 53
COMMITTEE ON MENTAL HEALTH, ET AL.

2 rate. Go ahead. No problem.

3 [Off mic]

4 COUNCIL MEMBER GERSON: Thank you--
5 well what was the process that was going on in
6 that time period?

7 MS. BARTHOLD: It was putting the
8 data into a format that we could put into a
9 document and it was--there's a front end of this
10 transition plan that is all sorts of descriptive
11 material about what we've done. And that has gone
12 through a lot of editing.

13 COUNCIL MEMBER GERSON: And this
14 was done, staff level? I mean who was doing--who
15 was doing what--

16 MS. BARTHOLD: [Interposing) It
17 started at staff level. It went up the chain. It
18 went though our legal office. It had in-house
19 reviews. It...

20 COUNCIL MEMBER GERSON: And the ADA
21 Committee review, that's the final step. After
22 that, you're ready with what you call the draft,
23 is that correct? Just so I understand--

24 MS. BARTHOLD: [Interposing) Yes.

25 COUNCIL MEMBER GERSON: --the

1 COMMITTEE ON PARKS AND RECREATION and 54
COMMITTEE ON MENTAL HEALTH, ET AL.

2 process. Okay.

3 MS. BARTHOLD: And we're going to
4 give it to you. We'd welcome your comments.

5 COUNCIL MEMBER GERSON: Great.
6 Thank you. So. Aside from the ADA Committee,
7 were there like a staff group within Parks that
8 was assigned to this project? Was there a full-
9 time group that worked with Victor?

10 Just who, this obviously went
11 through the lawyers, legal division, it went to
12 the Commissioner. But who was responsible or what
13 group of people were responsible for doing that
14 work you described in terms of fleshing it out?

15 MS. BARTHOLD: I mean it's gone;
16 Victor and I are the accessibility staff. It's
17 gone over to the Capital Projects Division through
18 several people there. And then it went to
19 Commissioner Benepe very early on and he
20 recommended a series of people, our EEO Officer,
21 our Press Agent, several people on our legal
22 staff. He asked all the Deputy Commissioners to
23 look at it.

24 COUNCIL MEMBER GERSON: I'm
25 resisting saying that thank goodness we included

1 COMMITTEE ON PARKS AND RECREATION and 55
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 the Press Agent but--

4 [Laughter]

5 COUNCIL MEMBER GERSON: --but I
6 guess I couldn't resist. But no, I understand,
7 no. Let me, you said in your testimony that when
8 Parks undertakes alterations to existing
9 facilities that you described the process of
10 upgrading with respect to access. Will there be
11 in this plan or draft plan any types of situations
12 that you will identify which won't wait for an
13 otherwise plan alteration or upgrade or for a
14 rehab that is happening for other reasons?

15 But are there certain areas which
16 are so far out of compliance or according to some
17 criteria in a situation where they cannot wait
18 until, you know, the park as a whole is being
19 upgraded, you know, as part of the normal process
20 but we're going to go ahead and proactively, you
21 know, upgrade part of the park or all of the park
22 or the specific facility to make it accessible?

23 Without there having to be, you
24 know, at the Department's own initiative shall we
25 say independent of any more broader and general
rehab or change to the park.

1 COMMITTEE ON PARKS AND RECREATION and 56
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 MS. BARTHOLD: Yes.

4 COUNCIL MEMBER GERSON: And what is
5 the criteria then for identifying those situations
6 which will happen, I guess, right away or soon or
7 without waiting for, you know, a more general
8 upgrade?

9 MS. BARTHOLD: Well they vary.
10 When we started, after our audit, we started
11 renovating bathrooms on our own because we knew
12 that only a certain amount of bathrooms get funded
13 every year, capitally. So I mean there's various
14 ways it could happen. Someone could bring it to
15 our attention. It could be an easy fix, you know,
16 it could be the only thing in a rec center holding
17 us back from being accessible is taking out a
18 partition in a bathroom. So we do it.

19 In our in-house, you know, forces
20 can do certain things. I mean there's places
21 where we've been able to ramp a rec center
22 temporarily to get people in or the pool lifts was
23 an in-house initiative. So if someone were to
24 bring it to our attention or we were actually able
25 to discover it in our phased evaluation of
property, we would absolutely do it if it was

1 COMMITTEE ON PARKS AND RECREATION and 57
COMMITTEE ON MENTAL HEALTH, ET AL.

2 within our resources to do or the requirements
3 contracts which I mentioned which are under
4 \$400,000 can do a small job and that might be
5 geared toward making something accessible if
6 that's what, you know, that District needs.

7 COUNCIL MEMBER GERSON: Well will
8 this plan that you're producing identify the
9 criteria for those types of fixes that will go
10 forward, you know, immediately without having to
11 wait for a broader upgrade?

12 MS. BARTHOLD: Yes.

13 COUNCIL MEMBER GERSON: It will--

14 MS. BARTHOLD: [Interposing) Yes.

15 COUNCIL MEMBER GERSON: --so
16 that'll be set forth in the plan.

17 MS. BARTHOLD: Yes.

18 COUNCIL MEMBER GERSON: And those
19 types of fixes, will they be limited to the lesser
20 expensive, I guess, maintenance upgrades that you
21 do or will they include certain, you know, more
22 capital-intensive projects?

23 MS. BARTHOLD: Either--

24 COUNCIL MEMBER GERSON:
25 [Interposing) Or could they include--

1 COMMITTEE ON PARKS AND RECREATION and 58
COMMITTEE ON MENTAL HEALTH, ET AL.

2 MS. BARTHOLD: --both. They could.

3 COUNCIL MEMBER GERSON: Okay. And
4 that'll be set forth in the plan.

5 MS. BARTHOLD: Yes.

6 COUNCIL MEMBER GERSON: Okay.

7 Design, the design process. I'm wondering if you
8 could elaborate at what phase in the design
9 process and let's talk about playgrounds as an
10 example but also because I think playgrounds for
11 obvious reasons are, you know, among the most
12 imperative aspects maybe after bathrooms or along
13 side of bathrooms for, you know, making--I mean
14 everything should be accessible but playgrounds
15 with children obviously have a level of
16 imperative.

17 So let's talk about playgrounds.

18 And what sense of the design process for a new or
19 a totally overhauled playground do we bring in the
20 folks with the expertise and with the perspective
21 on disability access? And let me just provide a
22 little bit of context to the question so I'm clear
23 as to what I have in mind. It seems to me there
24 are two ways to assure compliance.

25 One is, you know, you have a design

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COMMITTEE ON PARKS AND RECREATION and 59
COMMITTEE ON MENTAL HEALTH, ET AL.

and then after the design is done, you show it to the access experts and they review it. And they say you have to make this change and that change, you know, to comply with the letter of the law.

The other is you start from the very beginning with the commitment to not only comply with the letter of the law but to comply with the spirit, to make it possible for all kids of all conditions to play together. And so therefore the accessibility is built into the design as a goal from the very start. And then obviously subject to final review. So what better, which approach best describes the process now going forward?

MS. BARTHOLD: Every designer is trained in ADA law and has to include it in their design. So it shouldn't require an ADA expert. It helps us out to have another level of review and to have someone who's checking but unless you guys want to jump in, you know, when they're spec'ing a piece of play equipment, they can't spec something that's not accessible and a designer who goes through school now, that's part of their schooling.

1 COMMITTEE ON PARKS AND RECREATION and 60
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 COUNCIL MEMBER GERSON: So let me
4 clarify my question. I appreciate that. So
5 beyond being trained in the legal requirements, is
6 it Parks Department doctrine, if you will, that
7 playgrounds beyond technical legal compliance
8 should be designed with a goal, with a priority,
9 for, you know, maximum accessibility and
10 integration of children so, you know, we don't
11 just comply with the letter but we're from the
12 start we aim to be creative in our playgrounds and
13 to allow all kids to play together, you know,
14 beyond the letter of the law?

15 Is that something that you would
16 say is part of the Parks Department doctrine? And
17 I think I see some nods yes, so how is that
18 doctrine transmitted and communicated to your
19 folks who design these structures?

20 MS. BARTHOLD: Well yes it is. But
21 I mean I'm going to--you know, it's certainly over
22 the last few years is transmitted through an
23 increased attention to accessibility. You know,
24 as much as since 1992, we've made our best effort
25 at complying with the ADA regulations; it
certainly has become more of a priority in the

1 COMMITTEE ON PARKS AND RECREATION and 61
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 last four years, since this audit.

4 So certainly through other reviews,
5 you know, through Victor and Charles', you know,
6 presence in the review process, through landscape
7 architects and architects are required to go for a
8 certain amount of credits every year to keep their
9 licensing. We try to integrate accessibility
10 courses into that so it's very much in their, you
11 know, sight, and so, you know, they get increased
12 training.

13 COUNCIL MEMBER GERSON: Okay. Well
14 this is all good and I appreciate that. I guess,
15 you know, let me just--this is my concern. It may
16 be a concern that you're dealing with already but
17 I'm hearing a lot of talk about compliance with
18 the law. And obviously, you know, that's good and
19 we all have to comply with the law.

20 I'm not hearing as much talk as I
21 would like, and again maybe it's just 'cause of
22 the focus of the hearing or of the testimony, but
23 I'm not hearing as much talk as I would like
24 about, you know, this is one of our, you know,
25 this is one of the goals of the Parks Department
of the City of New York.

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COMMITTEE ON PARKS AND RECREATION and 62
COMMITTEE ON MENTAL HEALTH, ET AL.

We want to make it--we want to go beyond the letter of the law. We want to make it possible for all children to play together, for all people to use our parks. And so we're going to get creative and at the very beginning when we design a park we tell our people listen, this is one of your, you know, you have several goals.

You want it to be safe. You want it to be imaginative. You want it to be such that, you know, we have, you know, we're barrier free and beyond that. You know, we do it in a way that brings people together. Is that--

MS. BARTHOLD: [Interposing)

That's--that is the case.

COUNCIL MEMBER GERSON: Okay. Then let me ask you about benches. From time to time, you know, I heard, I'm sure my colleagues in their District offices hear, you know, benches and the way they're designed or set up, they're not the most comfortable. And they're not only not the most comfortable but they inhibit people who have, you know, different physical challenges from sitting comfortable or from transferring into the benches, you know, especially older folks,

1 COMMITTEE ON PARKS AND RECREATION and 63
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 especially older folks who might have an arthritic
4 condition, other types of conditions.

5 To what extent when you design and
6 you select your park bench designs do you consult
7 with, you know, experts in that field. People
8 with groups like the Arthritis Association to make
9 sure that we either have a range of different
10 bench designs which could accommodate people with,
11 you know, different physical needs when it comes
12 to sitting, you know. Some people need something
13 that is a little taller, a little shorter,
14 different angles in the back.

15 And to what extent rather than, you
16 know, cookie cutter bench design and to also make
17 sure that the dominant bench design is the most
18 accessible and comfortable for all park users?
19 Because, you know, benches are one of the staples
20 of our parks, of course.

21 MR. RUDISILL: All of our park
22 designers are very familiar with--

23 COUNCIL MEMBER GERSON:
24 [Interposing) Could you pull the microphone a
25 little closer?

MR. RUDISILL: All of our capital

1 COMMITTEE ON PARKS AND RECREATION and 64
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 projects designers are very familiar with the
4 standard park benches. And we try to provide a
5 variety of benches. And we try to provide some
6 benches with backs and armrests because that is--

7 COUNCIL MEMBER GERSON:

8 [Interposing) Right.

9 MR. RUDISILL: --extremely helpful
10 for older people, especially people that have
11 trouble bending or getting up and getting down.

12 COUNCIL MEMBER GERSON: Has there
13 been, you know, because standards evolve, medical
14 information evolves, fairly rapidly these days,
15 thank goodness, do you on a regular basis check in
16 with the medical experts, the physiacists
17 [phonetic], the physical therapists, you know, the
18 people who do this exclusively, focus on seating
19 needs? You know, as their profession, do you from
20 time to time have an annual check-in with them to
21 review your designs? And to go, maybe, you know,
22 the City should go beyond and pioneer models to
23 keep us in the most advanced state?

24 MR. RUDISILL: A couple of years
25 ago we did provide a higher bench than the ADA
accessibility standards for a hospital that needed

1 COMMITTEE ON PARKS AND RECREATION and 65
COMMITTEE ON MENTAL HEALTH, ET AL.

2 a higher bench for some of their patients.

3 COUNCIL MEMBER GERSON: For a
4 hospital, that's interesting. Well I would just
5 urge you, I'm sorry, go ahead.

6 MS. BARTHOLD: Let me jump in. I'm
7 in recreation now but I've spent years in capital.
8 We actually have a division that does research and
9 development. And they do, they keep the
10 specifications for benches and elements like that.
11 And they do work to update what they are putting
12 in on our specs. Based on public comment, based
13 on research, so yes, but it can never hurt to do
14 more.

15 COUNCIL MEMBER GERSON: Are they
16 charged, this research and development division,
17 and how many people are in that division?

18 MS. BARTHOLD: Specs and
19 estimating? I don't know maybe five of six.

20 COUNCIL MEMBER GERSON: Are they
21 charged as part of their mission with, I mean
22 clearly, explicitly as part of their mission,
23 with, you know, keeping up and consulting with, if
24 you will, accessible bench experts?

25 MS. BARTHOLD: I don't know if they

1 COMMITTEE ON PARKS AND RECREATION and 66
COMMITTEE ON MENTAL HEALTH, ET AL.

2 specifically are but they are charged with keeping
3 the elements that we have in our parks up to date.

4 COUNCIL MEMBER GERSON: I suspect
5 it couldn't do any harm to, on all of these
6 issues, reinforce the directive and the mission
7 and the sensitivity in a greater, expansive degree
8 of consultation with, you know, experts in and out
9 of the Department. I mean I would just put that
10 out there as a request and recommendation because--
11 -

12 MR. RUDISILL: [Interposing) I
13 think, you know--

14 COUNCIL MEMBER GERSON: --even in
15 some of the most recent parks we still get some of
16 this feedback and, you know, to some extent, we
17 might have done everything but we should always
18 make sure we're doing everything we possibly can.

19 MR. SCHNALL: Council Member as you
20 know, we've testified before the Committee on a
21 number of issues over the years. And one of the
22 specs and estimating leaders, Celia Peterson, came
23 to testify--

24 COUNCIL MEMBER GERSON:
25 [Interposing) I'm sorry, in estimating who?

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COMMITTEE ON PARKS AND RECREATION and 67
COMMITTEE ON MENTAL HEALTH, ET AL.

MR. SCHNALL: She's our, one of
Chief of Estimating, I believe, Celia Peterson.
She--

COUNCIL MEMBER GERSON:
[Interposing) Oh.

MR. SCHNALL: --came to testify on
synthetic turf a number of times before the
Committee. And she's one of the individuals at
Parks that deals with various different elements
of parks. And she's one of the types of people
that gets invited all across the country and the
world to talk about emerging technologies, whether
it is synthetic turf or other features and
components of parks. So we'd be happy to have, if
you'd like to speak to them and talk to them about
their credentials or their--what type of research
they do or how they keep current. Then--

COUNCIL MEMBER GERSON:
[Interposing) Well let me leave it with a request
for myself and I'm sure the, you know, the
Committee would be interested. I'd like some
feedback from her on her department, specifically
about benches.

MR. SCHNALL: Sure.

1 COMMITTEE ON PARKS AND RECREATION and 68
COMMITTEE ON MENTAL HEALTH, ET AL.

2 COUNCIL MEMBER GERSON: And--

3 MR. SCHNALL: [Interposing) Sure
4 well we can--

5 COUNCIL MEMBER GERSON: --what they
6 have done, what their thoughts are and who, you
7 know, the whole range that I covered in my
8 question.

9 MR. SCHNALL: Sure, we can do that.

10 COUNCIL MEMBER GERSON: Okay. All
11 right, well thank you very much Madam Chair.

12 CHAIRPERSON FOSTER: Thank you very
13 much--

14 COUNCIL MEMBER GERSON:
15 [Interposing) And Mr. Chair.

16 CHAIRPERSON FOSTER: Thank you very
17 much. And there are just some follow-up
18 questions, Mike, that we'll put in writing--

19 MR. SCHNALL: [Interposing) Sure.

20 CHAIRPERSON FOSTER: --and send
21 over. So thank you very much for testifying
22 today.

23 MR. SCHNALL: Thank you.

24 CHAIRPERSON FOSTER: Our next panel
25 is... you're going where or something?

1 COMMITTEE ON PARKS AND RECREATION and 69
COMMITTEE ON MENTAL HEALTH, ET AL.

2 [Off mic]

3 CHAIRPERSON FOSTER: I know, thank
4 you.

5 COUNCIL MEMBER FELDER: I don't
6 want to know about the benches at all.

7 [Laughter]

8 COUNCIL MEMBER GERSON: I'll...

9 COUNCIL MEMBER FELDER: Al, you
10 know... I'm sorry, I've got so much going on right
11 now I'm kind of - - .

12 COUNCIL MEMBER GERSON: It's since
13 you have so much benches.

14 COUNCIL MEMBER FELDER: Oh.

15 CHAIRPERSON FOSTER: Thank you.
16 Our next panel will be Linda Ostricher [phonetic],
17 did I say that? No? No tell me how to say it.
18 Ostriker [phonetic].

19 [Crosstalk]

20 CHAIRPERSON FOSTER: Okay I'm
21 sorry.

22 [Off mic]

23 COUNCIL MEMBER GERSON: Simcha--oh.

24 CHAIRPERSON FOSTER: --I try not to
25 murder names. Margie Rubin. And it looks like

1 COMMITTEE ON PARKS AND RECREATION and 70
COMMITTEE ON MENTAL HEALTH, ET AL.

2 Cara Massy, did I say that right? Oh okay. Two
3 out of the three, thank you.

4 [Pause]

5 [Witnesses getting settled]

6 CHAIRPERSON FOSTER: You can start
7 in whatever order you'd like.

8 MS. MARGIE RUBIN: Okay. good
9 afternoon. My name is Margie Rubin. I'm a Parks
10 Accessibility Advocate for Disabled in Action.
11 And before I start--

12 CHAIRPERSON FOSTER: [Interposing]
13 Margie can you pull the mic a little closer to you
14 please? Thanks.

15 MS. RUBIN: Okay. Before I start
16 my prepared testimony, I'd like to say that we
17 never know who is in charge at Parks Department.
18 Nancy gave no less than four different people to
19 address. So we do not feel that there's anybody
20 that takes responsibility at the Parks Department.
21 It, you know, the buck stops here.

22 Also I have not mentioned these
23 four playgrounds in my testimony but Washington
24 Market Playground was designed in 2004 and it was
25 designed inaccessibly and has just added a new

1 COMMITTEE ON PARKS AND RECREATION and 71
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 piece of inaccessible play equipment.

4 St. Barton's, where they just
5 finished the bathroom, there's not one piece of
6 play equipment that is accessible. And they have
7 failed to put in handrails to the ramped area.

8 At the McNair Playground which is a
9 wonderful playground, they created a lawn, called
10 Saturn, and it's raised above ground. If there
11 ever was a time that you could use a ramp to match
12 the rings of Saturn, this would be the place.

13 And at Washington Square Park there
14 are several things that are wrong there that have
15 not been corrected. They have used a gate that is
16 a chain with a lock that cannot be unlocked by a
17 disabled person. We have met with Parks. We have
18 met with Victor. We've met with Bob Redmond.
19 We've met with the manager of that park and we
20 can't get that straightened. And they also have
21 put a curb halfway out into the--

22 CHAIRPERSON FOSTER: [Interposing]
23 I'm sorry. Explain. I'm a little confused. It's
24 a fence with a chain and a lock?

25 MS. RUBIN: Okay. This is a post
and chain fence. And so where they have the

1 COMMITTEE ON PARKS AND RECREATION and 72
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 opening for people with disabilities--

4 CHAIRPERSON FOSTER: [Interposing)

5 Okay.

6 MS. RUBIN: --they have another
7 chain with a lock that cannot be unlocked. And
8 the distance is say probably five feet but
9 sometimes into that area there is a two-foot curb
10 coming out so there is a trip and fall. They have
11 not corrected this and they did this first in 2004
12 at Abington Square. So there are a lot of small
13 things that are not getting done that they seem to
14 think that they are.

15 So I'll continue with my testimony.
16 We are here to ask that your Committees present on
17 behalf of the people with disabilities community a
18 bill requiring that any time public money from the
19 City Council or City agency is given for any parks
20 project that the City require the greatest
21 integrated accommodations for people of all
22 disabilities be included from the beginning light
23 bulb idea to the Community Board, to Planning, to
24 approvals, to construction and completion.
25 Failure to do so would mean Parks would have to
return the money at 200%.

1 COMMITTEE ON PARKS AND RECREATION and 73
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 A wheelchair should never be
4 considered as a decoration nor an accessory that
5 can be discarded at will in order to participate
6 in New York City's parks and/or recreational
7 facilities. The Access Board states departures
8 from particular technical and scoping requirements
9 of the ADAG by the use of other designs and
10 technologies are permitted where the alternative
11 designs and technologies used will provide
12 substantially equivalent or greater access to and
13 usability of the facility.

14 For Parks, in a letter, 8/13/09, to
15 develop its own R-codes, so as to declare, and I
16 quote "areas area designed for ground level play
17 thus eliminating the need for long ramped to above
18 ground features". At Thompson Square Park it is
19 appalling and violates the above statement by
20 segregating children with disabilities from equal
21 interactive play on above ground equipment used by
22 the majority of the currently non-disabled.

23 As if this is not blatantly
24 discriminatory enough, a second letter from Parks,
25 9/1/09, concerning Union Square Playground states
in lieu of ramping a transfer system has been

1 COMMITTEE ON PARKS AND RECREATION and 74
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 substituted providing a place to transfer in and
4 out of wheelchairs or other assistive devices and
5 allowing the child or adult to move freely
6 throughout the elevated and ground level areas.

7 This is bigotry at its best. When
8 Parks asked people who have medical diagnosis that
9 cause the lack of ability, strength and/or
10 coordination to lift themselves out of their
11 wheelchairs, let alone the ability to drag, to
12 crawl and drag their bodies up and down stairs, it
13 continues to show an unrealistic understanding of
14 the disabled.

15 No child or adult who needs a
16 wheelchair for proper support to navigate elevated
17 play equipment should be banned from using it
18 because of Parks' poor R-codes design choices.
19 Instead of making reasonable accommodations as it
20 has shown it can do in small places such as
21 Vesuvio and Asher Levy Playgrounds.

22 Inclusionary free play is such an
23 essential element for optimal growth, social
24 interaction and physical development of children
25 that the Office of the United Nations High
Commissioner for Human Rights has recognized play

1 COMMITTEE ON PARKS AND RECREATION and 75
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 as a human right of every child. When will New
4 York City do the same?

5 Please support a bill for equal
6 accessibility in New York City parks. Thank you.

7 CHAIRPERSON FOSTER: Thank you.

8 MS. CARA MASSEY: I have a pretty
9 loud voice. Okay. I'm Cara Massey, and I'm here
10 on behalf of Disabled in Action but I'm also a
11 member of the ADA Parks Committee.

12 I surveyed Thompson Square Park and
13 much to my disappointment, the above ground
14 equipment is not accessible to any children that
15 use wheelchairs. Now I was told that the
16 guidelines were followed. Well whether you call
17 them guidelines, codes, regulations, they're
18 inadequate. And they have to be revised or they
19 have to be changed, whatever. And the Parks
20 Department has to go a step further.

21 Now my next mission was I went down
22 to this Vesuvio?

23 MS. RUBIN: Vesuvio.

24 MS. MASSEY: Vesuvio Park. It was
25 so wonderful to see this piece of equipment which
was good looking. And I saw all these kids

1 COMMITTEE ON PARKS AND RECREATION and 76
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 running around on the different platforms. And I
4 says oh my god that's a fun run for our kids
5 because they would be integrated with the non-
6 disabled children.

7 Now my other questions are--oh so
8 the pool at the Vesuvio is okay and the restroom.
9 So there's all plusses. So my questions are who
10 are the designers? If they've been trained, what
11 has happened? It can work in one area and it
12 can't work in the other area. Who approves the
13 final plans? Okay? If they're being scored and
14 all this kind of business. Another thing is, you
15 know, we're spending millions of dollars for these
16 parks so let's do them right because they're going
17 to be there for another million years.

18 And I really feel--oh I have to
19 quote a mother who has a disabled little boy. She
20 said when I take my child to the park, I want him
21 to chase and be chased like the other kids. And I
22 think that's really terrific. And it's really
23 pathetic if we take our kids to a park and they
24 have to sit on the sidelines and watch all their
25 other children having a good time. So I think we
really have to do something about this. Thank

1 COMMITTEE ON PARKS AND RECREATION and 77
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 you.

4 CHAIRPERSON FOSTER: Thank you.

5 MS. LINDA OSTRIKER [phonetic]:

6 Thank you for holding this hearing. I'm from the
7 Center for Independence for the Disabled of New
8 York. And our mission is to help people with
9 disabilities live as independently as possible and
10 participate in the community to the maximum extent
11 possible.

12 And the way this plays out with
13 Parks is that many of our consumers who come to us
14 for help are very poor and live in really horrible
15 places, crowded, SROs, unpleasant neighbors, you
16 know, all kinds of terrible conditions. And we
17 would love to be able to advise them to go to the
18 parks, to get out and get some fresh air and enjoy
19 themselves in some place beautiful.

20 But we can't be sure that they can
21 enjoy the parks because of a number of things that
22 I will explain. These are my six recommendations
23 which I'm going to give out of order.

24 One is that we think that when the
25 Parks Department allows another entity to hold an
event in a park, they should require that event to

1 COMMITTEE ON PARKS AND RECREATION and 78
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 be accessible. We did some surveys in 2008, in
4 the summer of 2008, we brought some consumers and
5 staff went to public events by the City Parks
6 Foundation in four parks. And we found that it
7 would have been so easy to make them accessible
8 and this wasn't done.

9 What they needed to be accessible
10 were temporary signs from the accessible entrance
11 to the place where the event was. They also
12 needed accessible bathrooms in almost every case.
13 And in two of the parks they had rented portable
14 toilets. Well you can rent an accessible toilet
15 but they didn't bother. We think that should be a
16 requirement for any event.

17 And then the last thing was that at
18 that time, and I have not checked since, but at
19 that time they weren't putting any accessibility
20 information on their publicity material. So if
21 you need an accommodation you couldn't call and
22 find out if it was available. And that's very
23 important to people with disabilities.

24 If you need a sign language
25 interpreter, you should be able to call and say
that you need it or if you want to find out which

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COMMITTEE ON PARKS AND RECREATION and 79
COMMITTEE ON MENTAL HEALTH, ET AL.

is the accessible entrance to the park. So that's
our first recommendation.

Our second has got to be to make
bathrooms at capital planning a priority. It
sounds like they are but it doesn't seem to be
helping much. And we think that until the
bathrooms are renovated and accessible then there
should be a well-maintained portable toilet next
to each bathroom that's accessible. That would be
a quick way, a quick fix while you're waiting for
the capital renovation.

The third recommendation I would
make is that the Parks Department be more
welcoming of advice from the public on what things
don't work for people with disabilities because
the guidelines are made by human beings who don't
know everything. And they tend to be heavily
weighted, for instance, towards people in
wheelchairs.

We had one staff member who's blind
who tried to use one of the recreation centers and
found the staff weren't trained. They tried to
make her leave her guide dog outside of the gym
room. They refused to go into the room with her

3 and show her how to turn on the cardio machines,
4 like the treadmill and stuff, which has no
5 tangible controls anymore. They're all these
6 screens.

7 And she worked with Victor Calisi
8 who was very positive and helpful about it. And
9 she provided these little dots that you can stick
10 on the machines that she can use to identify them.
11 But this should have been done already. This
12 should have been done by the Parks Department in
13 every recreation center.

14 It shouldn't have to wait for
15 somebody to do it. And every staff member in the
16 recreation center should know the most basic thing
17 is you let a person's guide dog go wherever they
18 go. And I think the Parks Department could get a
19 lot of valuable advice by being more open to
20 comments from people.

21 Another issue that we've had is
22 that a lot of the recreational activities are
23 segregated. And it's understandable there are
24 certain sports, so if you're going to have
25 wheelchair sports everybody needs to be in a
wheelchair. But most people, you know, whether

1 COMMITTEE ON PARKS AND RECREATION and 81
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 they're in a wheelchair or not are not team
4 athletes. And they might want some exercise and
5 recreation that's much more low key.

6 And there are a few things that the
7 Parks Department is doing that are integrated that
8 way but we'd like to see much more of it. We
9 would like to see activities, public events,
10 graded as to the amount of physical challenge they
11 have. I've seen other places that do this where
12 you can say this is a very challenging activity.
13 This is a really easy slow walk kind of thing
14 because people with disabilities would like to go
15 on the hikes and explorations of the parks with
16 the urban park rangers for instance. But those
17 groups move very fast and they should have slower
18 ones that welcome people at all speeds and should
19 be advertised as such.

20 There should also be exercise
21 programs that are not segregated only for people
22 with disabilities but are just easy, like chair
23 exercises or something so there's no stigma of
24 disability and anyone who is not feeling up for a
25 big, you know, aerobics class could do chair
exercises.

1 COMMITTEE ON PARKS AND RECREATION and 82
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 And then our last point is that,
4 well there's two things that go together. It
5 doesn't help to have accessible entrances and
6 accessible paths and accessible facilities if we
7 can't find them. A lot of good work has been done
8 on the website but people with disabilities are
9 disproportionately without computers. So that's
10 never going to be enough.

11 So what we need are a lot of signs.
12 And they really need to be--there needs to be a
13 program of putting up signs. It's really cheap
14 and easy but it's required already and it was
15 actually in the Comptroller's report that the
16 accessible entrances have to have a sign saying
17 they're accessible and I find they usually do.
18 But they also, the inaccessible entrances have to
19 tell you where to do to the nearest accessible
20 entrance.

21 And then nothing is being done
22 about pathways. So I know a lot of people in
23 wheelchairs who, for instance, won't go into
24 Central Park 'cause they have no idea what's going
25 to happen once they get there. And they don't
want to go down a path and then not be able to get

1 COMMITTEE ON PARKS AND RECREATION and 83
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 back up 'cause it's too steep and it goes into a
4 wall. It's really very unpleasant.

5 I know some work is being done by
6 the Central Park Conservancy to come up with an
7 accessibility map but there are a lot of smaller
8 parks that could be--the ones where you can't see
9 your way to every part of it, it would be very
10 helpful to have the accessible paths, at least the
11 ones to nature facilities that people want to get
12 to, to have those pathways marked.

13 And then my last point is very
14 small. But on the website where they show the
15 accessible entrances on maps, they use a red
16 wheelchair symbol for an inaccessible entrance and
17 a blue wheelchair symbol for an accessible
18 entrance. And I found it very confusing because
19 you see a wheelchair and you think that means
20 accessible. You don't look at what color it is.
21 So I think a different symbol would be much more
22 helpful. Thank you.

23 CHAIRPERSON FOSTER: Thank you very
24 much. Everyone's testimony was very helpful and
25 many of the recommendations we're going to work
into our letter because it just it seems simple

1 COMMITTEE ON PARKS AND RECREATION and 84
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 and you jumped in right away because I was going
4 to ask if they have accessible port-a-potties.

5 And that's great to know.

6 And thank you for just bringing the
7 level of awareness, at least for myself, up.
8 Because, you know, I had a graduation where I had
9 to bring a great-aunt who is in a wheelchair and
10 that is literally the only time that it ever
11 crossed my mind.

12 And thank god it was a whole bunch
13 of us young people. We were at Fordham University
14 so we took turns just pushing because we couldn't
15 figure out where we were going. So we made a game
16 of it for her 'cause we were just pushing until we
17 found an exit and an entrance that we could use.
18 So thank you very much--

19 MS. RUBIN: [Interposing) And for
20 people in manual chairs or using walkers, it's
21 kind of a nightmare to keep--

22 CHAIRPERSON FOSTER: [Interposing)
23 Absolutely.

24 MS. RUBIN: --going the wrong way.

25 CHAIRPERSON FOSTER: No,
absolutely. So thank you very much. Council

1 COMMITTEE ON PARKS AND RECREATION and 85
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 Member?

4 CHAIRPERSON KOPPELL: [Off mic] Yes

5 I want to thank you also. First of all I sort of
6 looked through the rest of your statement; you
7 have a long statement, a lot of interesting
8 information. And you didn't read the whole thing
9 which I appreciate. I find it very distressing
10 that witnesses read a whole written statement that
11 we can read, rather than summarize it. So I
12 really appreciate you doing that.

13 Also very valuable suggestions. I
14 think more of them are well taken. One thing
15 though I noticed and I looked back at the
16 testimony of the Parks Department. And they
17 apparently have an ADA Committee. Now that--does
18 that Committee include disabled people?

19 MS. MASSEY: I'm on it.

20 MS. RUBIN: But I'm forbidden to be
21 on it.

22 CHAIRPERSON KOPPELL: You're
23 forbidden?

24 MS. RUBIN: Yes. And Jeffrey Croft
25 will be speaking--

CHAIRPERSON KOPPELL: [Off mic]

1 COMMITTEE ON PARKS AND RECREATION and 86
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 [Interposing) Why are you forbidden?

4 MS. RUBIN: I don't know. You'd
5 have to ask them.

6 CHAIRPERSON KOPPELL: [Off mic] Do
7 you know that as a fact?

8 MS. RUBIN: Yes. I've been told
9 I'm not allowed on it.

10 CHAIRPERSON FOSTER: Can you,
11 you've got to speak in the mics so we get you in
12 the transcript.

13 MS. RUBIN: I'm sorry. I am
14 forbidden to be on the Parks Committee.

15 CHAIRPERSON KOPPELL: [Off mic]
16 Because you were critical of them--

17 MS. RUBIN: [Interposing) Probably.
18 And Jeffrey Croft also--we are the two people that
19 are out in the field and looking and trying to
20 bring these things to the attention of the Parks
21 Department. I've been doing it for ten years and
22 I think Jeffrey's been doing it longer. He also
23 brings up the idea that in poor neighborhoods the
24 parks are not brought up to code.

25 CHAIRPERSON KOPPELL: [Off mic]
Have you ever been--have you asked to be on the

1 COMMITTEE ON PARKS AND RECREATION and 87
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 Committee--

4 MS. MASSEY: [Interposing) I have--

5 MS. RUBIN: I did--I did ask why I
6 was not. And I was told, I was told that I'm not
7 an agency.

8 CHAIRPERSON KOPPELL: [Off mic] I'm
9 sorry what's your name again?

10 MS. RUBIN: Cara Massey.

11 CHAIRPERSON KOPPELL: [Off mic] No,
12 no the lady--

13 MS. OSTRIKER: [Interposing) Yes
14 that's Cara--

15 MS. MASSEY: [Interposing) Yeah,
16 Cara.

17 CHAIRPERSON KOPPELL: [Off mic] Are
18 you an agency?

19 MS. MASSEY: No, no. I represent
20 Disabled in Action. And I have brought up
21 Margie's name more than once. 'Cause she, as far
22 as we are concerned in the disabled community, the
23 expert on the parks--

24 CHAIRPERSON KOPPELL: [Off mic]
25 Isn't she part of Disabled in Action?

MS. MASSEY: Yes, she's a member,

1 COMMITTEE ON PARKS AND RECREATION and 88
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 sure.

4 [Crosstalk]

5 CHAIRPERSON KOPPELL: [Off mic]

6 Wait, may I ask--

7 MS. MASSEY: [Interposing) Because
8 I--because I was the President at that time.

9 CHAIRPERSON KOPPELL: [Off mic] Is
10 it Marge?

11 MS. RUBIN: Margie.

12 MS. MASSEY: Yes this is Margie.

13 CHAIRPERSON KOPPELL: [Off mic] - -
14 ask you a question?

15 MS. RUBIN: Yes.

16 CHAIRPERSON KOPPELL: [Off mic] You
17 said that you were told you couldn't be on this
18 Committee because you're not an agency person--

19 MS. RUBIN: [Interposing) Right.

20 CHAIRPERSON KOPPELL: [Off mic] What
21 does it mean when you say--

22 MS. RUBIN: [Interposing) Well they
23 have like people from Multiple Sclerosis and--

24 CHAIRPERSON KOPPELL: [Off mc]
25 [Interposing) But Disabled in Action is an agency.

MS. RUBIN: No we're not an agency.

1 COMMITTEE ON PARKS AND RECREATION and 89
COMMITTEE ON MENTAL HEALTH, ET AL.

2 CHAIRPERSON KOPPELL: [Off mic] No?

3 MS. RUBIN: We are--

4 [Crosstalk]

5 MS. MASSEY: [Interposing) We're an
6 activist group.

7 CHAIRPERSON KOPPELL: [Off mic]

8 MS. RUBIN: Well yes it is. The--

9 CHAIRPERSON KOPPELL: [Off mic]
10 [Interposing) Multiple Sclerosis is an agency?

11 MS. RUBIN: There is an agency.
12 There's a person from that agency. Isn't it?
13 Yeah?

14 MS. MASSEY: I think so yeah.

15 CHAIRPERSON KOPPELL: [Off mic] So
16 I don't understand what you're saying--

17 MS. RUBIN: [Interposing) Well.

18 MS. MASSEY: Well what--

19 [Crosstalk]

20 MS. RUBIN: Here.

21 CHAIRPERSON KOPPELL: [Off mic]
22 Well hold on, hold on.

23 MS. RUBIN: Let Linda do it.

24 CHAIRPERSON KOPPELL: [Off mic] On
25 the ABA Committee, I assume that ordinary

1 COMMITTEE ON PARKS AND RECREATION and 90
COMMITTEE ON MENTAL HEALTH, ET AL.

2 citizens, no?

3 MS. RUBIN: No they have to be
4 representing a certain disability.

5 CHAIRPERSON KOPPELL: [Off mic]
6 You, you have a disability.

7 MS. RUBIN: I do but I'm not
8 allowed on it.

9 CHAIRPERSON KOPPELL: [Off mic]
10 you're not allowed?

11 MS. RUBIN: I'm not the head of a
12 group.

13 CHAIRPERSON KOPPELL: [Off mic] You
14 have to be a head of a group to be on the
15 Committee?

16 MS. RUBIN: Or somebody from the
17 group, Linda--

18 [Crosstalk]

19 CHAIRPERSON KOPPELL: [Off mic] I'd
20 say, I think that's completely... I don't know. An
21 un-understandable requirement let me put it that
22 way. And we'll follow up on that. It sounds to
23 be like you'd be a valuable member of the
24 Committee. And it doesn't sound to me like you
25 are one of these people that has bizarre ideas of

1 COMMITTEE ON PARKS AND RECREATION and 91
COMMITTEE ON MENTAL HEALTH, ET AL.

2 anything like that.

3 MS. RUBIN: Thank you. Although I
4 do.

5 [Laughter]

6 CHAIRPERSON KOPPELL: I was going
7 to say--

8 [Crosstalk]

9 CHAIRPERSON FOSTER: You haven't
10 heard all of her yet. Are you done Council
11 Member?

12 CHAIRPERSON KOPPELL: Yes.

13 CHAIRPERSON FOSTER: Well we will
14 follow up--

15 CHAIRPERSON KOPPELL: [Interposing)
16 Council Member--

17 CHAIRPERSON FOSTER: --oh, Council
18 Member Gerson.

19 COUNCIL MEMBER GERSON: You know, I
20 don't want to disappoint my dear friend Chair
21 Foster by not at all by letting the hearing close
22 without raising the issue of Washington Square
23 Park.

24 CHAIRPERSON FOSTER: Thank you.

25 COUNCIL MEMBER GERSON: So since

1 COMMITTEE ON PARKS AND RECREATION and 92
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 she gave me the opening, let me just say that
4 could you, Ms. Rubin, follow up on Monday with
5 Rita Lee who I know in my office? I believe the
6 point you raised about Washington Square Park was
7 raised a while ago at one of our Citizen Community
8 Meetings and I had thought that was scheduled for
9 adjustment or correction. So I certainly, you
10 know within the next several weeks want to make
11 sure that that's taken care of. And I will follow
12 up. But if you would also follow up on Monday by
13 speaking with Rita Lee, we'll then follow up with
14 Parks and get that done.

15 MS. RUBIN: Okay thank you.

16 COUNCIL MEMBER GERSON: And I just
17 want to say it's been a--I've worked with you all
18 for all these years on Washington Square Park,
19 intensely, but on other issues and it's been a
20 pleasure. And--

21 MS. RUBIN: [Interposing) Thank you
22 very much. The same back at you.

23 COUNCIL MEMBER GERSON: All right.
24 Thank you.

25 CHAIRPERSON FOSTER: Thank you.
And we will follow up in writing some of the

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COMMITTEE ON PARKS AND RECREATION and 93
COMMITTEE ON MENTAL HEALTH, ET AL.

questions and issues you brought up. Thank you
very much. Our last panel, Jeffrey Croft and Matt
Shokin,

MR. MATT SHOTKIN: Shotkin
[phonetic], close enough.

CHAIRPERSON FOSTER: Okay.
[Pause]

[Witnesses getting settled]

MR. SHOTKIN: Good afternoon. My
name is Matt Shotkin and I'm here representing the
YAI, the Young Adult Institute and I'm also a
consumer at CAN [phonetic]. And first I want to
bring to the attention of Committee Council Frank
the fact that Comishoal [phonetic] Plaza, even
though there's room for it, does not have any
wheelchair cuts, ramps, anything. And also the
Ms. Ostriker's testimony, I don't know whether she
made it clear that those surveys that we did in
those public venues were both indoors and out, not
just indoors. We went to like concerts and other
public events, in stadiums and stuff like that.
Thank you very much.

MR. JEFFREY CROFT: Good afternoon,
my name is Jeffrey Croft. I'm the President of

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COMMITTEE ON PARKS AND RECREATION and 94
COMMITTEE ON MENTAL HEALTH, ET AL.

New York City Park Advocates. A few years ago we provided extensive testimony on all of the issues. As you know I have inspected, fortunately or unfortunately, every single City park in New York City. And although we didn't do every single one dealing with ADA we certainly found large trends.

One of the first things I just want to address what Councilman Koppell said when Nancy was asked about the 17-year lag. Obviously Nancy cannot, you know, speak to and it's unfair for her to speak for, you know, multiple administrations that have really just ignored this issue. But it is a huge issue and we have to, have to, have to reverse this culture of isolation.

It is really, really, really horrific to go out into these parks and see the lack of awareness that the City and, again, the City is spending our money, and although most of us are not, do not have physical challenges like some of the people who have testified here, that should not be an excuse.

And as a society we have to start dealing with these issues. So yes, 17 years is way too long and there should be, of course, a

1 COMMITTEE ON PARKS AND RECREATION and 95
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 requirement that every dollar that goes into a
4 capital project, you know, gets, huh, more than
5 the once-over.

6 I just want to go through a couple
7 of notes that I made during this testimony. The
8 fact of the matter is that we have one full-time
9 person dealing with this issue. And that's
10 completely unacceptable. So we have, we are the
11 largest, the City is the largest real estate
12 holder in New York City, 14%.

13 Now we're not even dealing with the
14 Federal lands and the State lands which account
15 for 26%. So we're talking about just the City's
16 Parks Department, 14% of the City's land and we
17 have one human being full-time dedicated. That is
18 ridiculous. I mean even if he was Superman which
19 he is in a lot of ways. But that's not
20 acceptable. So we have to, we have to expand
21 this.

22 And getting to that, you know,
23 currently we do not have a system in place that
24 deals with these issues beforehand. Yes, we've
25 heard testimony that some of these people or all
of them are trained in some ways. The fact of the

3 matter is that because there is this culture of
4 not working coherently and sometimes at all, you
5 know, community-based planning and consultation as
6 we found throughout the rest of the Parks system,
7 certainly applies to the people that have
8 testified. And working with these beautiful
9 people these last many years, it is heartbreaking
10 to hear the stories and to see, you know, little
11 action in a lot of ways.

12 I will say that the Parks
13 Department, since the audit, has made strides.
14 And they should be, you know, commended for that.
15 So but we are way, way, way behind. We have to
16 create a system that deals with before these
17 things go out to bid, they need to be going into--
18 we need to look at these things in the design
19 process.

20 As Nancy testified--

21 CHAIRPERSON FOSTER: [Interposing]
22 Can I interrupt you just for a quick question?

23 MR. CROFT: Sure.

24 CHAIRPERSON FOSTER: Is there any
25 jurisdiction that's gotten it right in terms of
making parks or dealing with these ADA issues?

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COMMITTEE ON PARKS AND RECREATION and 97
COMMITTEE ON MENTAL HEALTH, ET AL.

MR. CROFT: It's a very hodge--it is a hodgepodge. The State park system, for instance you were asking about the chairs. The all terrain chairs have been available for at least a decade, I think a couple of decades. I've gone out to San Francisco to photograph them. Over this summer I was in Jones Beach.

CHAIRPERSON FOSTER: Um-hum.

MR. CROFT: And I was very pleasantly and happily surprised that they had an all-terrain chair there. The fact that our City has 14 miles of beach which basically, it's--

CHAIRPERSON FOSTER: [Interposing)
It's a lot.

MR. CROFT: --yeah. It is a lot. Now while we say here which is, you know, nice testimony, we say that we have Moby-mats now at nine locations. We have nine locations. They are approximately five feet wide. We have 14 miles of beaches and we have--these are five feet wide. So again that's an issue.

CHAIRPERSON FOSTER: How about Chicago? Do you know how we're always looking at Chicago--

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COMMITTEE ON PARKS AND RECREATION and 98
COMMITTEE ON MENTAL HEALTH, ET AL.

MR. CROFT: [Interposing) Sure.

CHAIRPERSON FOSTER: --as a--

MR. CROFT: [Interposing) Yeah.

CHAIRPERSON FOSTER: --parks city?

MR. CROFT: I actually haven't dealt with the ADA stuff. They are sending me some stuff. I know you know, again, progressive cities like Chicago, San Francisco--

CHAIRPERSON FOSTER: [Interposing)
San Francisco, yeah--

MR. CROFT: --all, you know, all of our West Coast friends. But again it has to be a mandate from up above.

CHAIRPERSON FOSTER: Um-hum.

MR. CROFT: And unfortunately that hasn't happened. So that's an issue.

CHAIRPERSON FOSTER: Sorry for the interruption--

MR. CROFT: [Interposing) No, it's a good--

CHAIRPERSON FOSTER: --that just came to me.

MR. CROFT: --I think it's a good question. So the ADA Committee which, I forget

1 COMMITTEE ON PARKS AND RECREATION and 99
COMMITTEE ON MENTAL HEALTH, ET AL.

2 who was just asking about that. I think Koppell
3 was. Huh. It's, first of all, unfortunately we
4 have very few people on that Committee who have
5 park experience. And although CARD [phonetic] is
6 one of the people that I consider to have park
7 experience, a person like Margie who is a
8 tremendous advocate, tremendous. And, you know,
9 the so-called reason that she was given she's not
10 on it, obviously that's a made-up reason.
11 Because, you know, she is sometimes critical. And
12 she speaks up.

13 So obviously that should be, not be
14 a reason and especially a person who's so
15 passionate. That person should be embraced. And
16 I have attended two of the meetings. The last
17 time, you know, not--I wouldn't say exactly I was
18 welcome but, you know, the meetings are
19 informative. One thing I would like to say about
20 that is that none of this information as far as I
21 know from the ADA Committee is online.

22 So unless I FOIL which I just love
23 FOILING the Parks Department, this information
24 should be readily available because you guys are
25 doing good, good work. And it shouldn't have to

1 COMMITTEE ON PARKS AND RECREATION and 100
COMMITTEE ON MENTAL HEALTH, ET AL.

2 come out every two and a half or three years--

3 CHAIRPERSON FOSTER: [Interposing)

4 Hey Jeffrey?

5 MR. CROFT: Sure. Oh--

6 CHAIRPERSON FOSTER: [Interposing)

7 You're talking to us.

8 MR. CROFT: --yeah, I'm sorry,
9 sorry.

10 CHAIRPERSON FOSTER: They're the
11 guests.

12 MR. CROFT: No I see, right. So
13 that information shouldn't have to come out in
14 these types of hearings. This ADA Committee--we
15 need to see the minutes on the stuff. It would be
16 online, very simple. Because again we need to
17 have this information out.

18 One of the things that drives me
19 crazy is in our playgrounds. We're looking at
20 transfer stations, okay? Transfer--95% of the--
21 when you go into a playground and most of our
22 playgrounds have transfer stations instead of
23 ramps. 95% of children do not use transfer
24 stations.

25 So one of the things that is so

1 COMMITTEE ON PARKS AND RECREATION and 101
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 appalling to me is, Margie wrote a letter for
4 instance in Union Square, so we are making these
5 accessible meaning we can gain access to our parks
6 and playgrounds. But the equipment itself is not
7 usable. So what the Parks Department wants a
8 child to do is to magically get out of your
9 wheelchair, go down on the ground and drag
10 yourself across the playground and then magically
11 drag yourself up above a transfer station. Now
12 the thought, I mean you know, if you want to do an
13 exercise.

14 And we have Victor do this, who is
15 the, you know, the Coordinator, we would never
16 have Victor do that for many reasons. But it is
17 so outrageous to say that we are compliant
18 because it is the spirit, as you said, it's the
19 spirit of this that we need to deal with this
20 stuff. And yes, our ADA laws are lax. And they
21 are being currently updated but we as advocates
22 and as a City Council we have to go after this.

23 I had a great conversation with, in
24 your District this summer, with two girls, one was
25 15, one was 18-years old. And we are sitting in a
playground and there's not a single thing. Not a

2 single thing in that playground, even putting in a
3 Jenny [phonetic] swing which is the most basic,
4 simple concept, no Jenny swing. So here they are,
5 off into the sidelines.

6 So that's not good. A couple more
7 things. Let's see here. New parks, again, I mean
8 your--brand new, these are brand new parks,
9 synthetic turf which is very amusing to me that
10 that was brought up I believe twice during this.
11 Synthetic turf itself is not compliant. You can't
12 get a wheelchair in a syn--you would get stuck.
13 So again, we have synthetic turf. We have created
14 hundreds of acres of parkland where people with
15 disabilities cannot even access that. So that's a
16 fallacy, programs, as Linda said.

17 Again we are rushing through this
18 stuff because this ADA is not a priority. We,
19 every year, we have hundreds of events, not just
20 from the Parks Department from our increasing
21 number of public-private partnerships. So again
22 where is, you know, we need compliance. The
23 beaches I already covered.

24 Just a couple more things. And I
25 think clearly sometimes we do have a different

1 definition of a reasonable, huh, accommodation,
2 because some of this stuff is very reasonable.

3 One thing, a story over two summers ago, I saw a
4 young lady eating cotton candy in a playground in
5 Central Park. And she was just sitting in a
6 wheelchair eating cotton candy. And I went over.
7 I was playing with my god-kids and I went over to
8 her mom and I said can I ask you a question.
9

10 I said why is she sitting here?

11 And I said 'cause I knew why she had cotton candy.
12 And I said is it because her brothers are playing?
13 And she said she had to buy her daughter cotton
14 candy because there was nothing in this
15 playground, which was just recently renovated,
16 millions and millions of dollars, there was
17 nothing for her daughter to play with. So she
18 bribed her to keep her mind off that while her
19 brothers played. And it's just--it really is
20 unfortunate.

21 We must do everything we possibly
22 can to eliminate the culture of isolation. For
23 far too long the City has acted like dealing with
24 these things is an option. It's not an option.
25 Besides the law, it's also our moral

1 COMMITTEE ON PARKS AND RECREATION and 104
2 COMMITTEE ON MENTAL HEALTH, ET AL.
3 responsibility.

3 And I ask the City Council not only
4 to support things, bills like Margie brought up,
5 but also we have to, you know, all too often and I
6 get this from Council Members, the Parks
7 Department is telling us we're okay. We're
8 compliant. Everything is great.

9 The fact of the matter is it's not.
10 We have to do a much better job of interacting and
11 creating real Committees within the Parks
12 Department that's not afraid to hear criticism.
13 These are our tax dollars.

14 CHAIRPERSON FOSTER: Thank you.
15 Thank you both very much. This was very
16 informative. There being no more testimony,
17 Council Member Koppell, do you have anything to
18 say?

19 CHAIRPERSON KOPPELL: [Off mic] No
20 - - I think there is some work yet to be done [on
21 mic] first I'm going to say, I asked the Parks
22 Department--well first of all let me compliment
23 members of the Parks Department staff for staying
24 'cause it's very rare that staff of the--

25 CHAIRPERSON FOSTER: [Interposing]

1 COMMITTEE ON PARKS AND RECREATION and 105
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 Parks Department always stays.

4 CHAIRPERSON KOPPELL: [Interposing)

5 Not for the Parks Department but for other
6 Departments--

7 MR. CROFT: [Interposing) You
8 stayed Mike.

9 CHAIRPERSON KOPPELL: --don't,
10 unless I yell and then they leave a junior. So I
11 appreciate your staying. But I would make the
12 recommendation that you have a target date which
13 you publish your plan. You don't need to respond
14 to this. But a target date like June 30th, the
15 plan will be published.

16 It can always be amended so that
17 there's some specific commitments there that we
18 can follow up on. And I know that nothing--
19 everything can't be done immediately. It's
20 expensive. But I think some of the comments made
21 today are very helpful.

22 And clearly I think something that
23 Council Member Gerson said was so important.
24 There has to be a mindset that we're going to do
25 it. And if there's a mindset that we're really
going to do it, it can get done. Maybe it can't

1 COMMITTEE ON PARKS AND RECREATION and 106
2 COMMITTEE ON MENTAL HEALTH, ET AL.

3 get done in one year but it can get done. So.

4 [Off mic]

5 COUNCIL MEMBER GERSON: Thank you
6 Madam Chair. Just one thing that Jeffrey brought
7 up and in conjunction with previous testimony on
8 the special events, kind of just clicked. Maybe
9 one thing we could do right away, whenever--'cause
10 I represent a District where the parks have a
11 disproportionate number of, I think, special
12 events.

13 And maybe what we could do is when
14 we give the permit, you could give a one sheet,
15 which lists the different steps which the sponsors
16 of the events, you know, the handicapped port-a-
17 toilets, maybe hearing enhancement or sign
18 language or receiving, you know, certain, you
19 know, if it's going to be an event watching a
20 movie on the lawn, whatever it is, your Committee,
21 and just the one-pager checklist of compliance to
22 make sure that the special event is accessible.
23 That might be something, you know, I just want to
24 put on the table for you to begin right away.

25 CHAIRPERSON FOSTER: Thank you very
much. And have a happy Thanksgiving.

1

COMMITTEE ON PARKS AND RECREATION and 107
COMMITTEE ON MENTAL HEALTH, ET AL.

2

MR. SHOTKIN: Thank you Madam

3

Chair.

4

[Off mic background conversations]

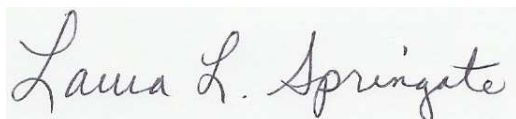
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C E R T I F I C A T E

I, Laura L. Springate certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____December 1, 2009_____