

The Extra Costs of (not) Closing Fernald: Your Tax Dollars at Work

As this issue of the COFAR Voice looks at the exaggerated, the estimated, and the in fact imaginary savings to be gained by closing the Fernald Center, let's not forget the very real and measurable costs of trying to close it illegally.

To get ready for the "planned exodus" from Fernald, DMR had constructed four new state-operated group homes, which sat empty for much of 2007. (To her credit, Commissioner Elin Howe began moving people into some of these much-needed beds late in the year.) The construction contracts for these group homes have been kept secret, however one case examined by the Voice in public records, involved use of the state bonding power. These homes were reportedly built with 20-year, \$100,000 leases. When the COFAR Voice was able to visit one of the new homes on the Glavin campus, it was very well equipped and ADA-compliant. To be clear, COFAR is in favor of more state-operated group homes; but not in favor of keeping them empty, nor of making bad deals with private contractors to build them, nor of lease deals where after spending \$2 million the state has no ownership.

A second hidden cost of the state's war on Fernald residents has been the continued inefficient operation of the Fernald Center itself. Instead of negotiating a smaller and more efficient Fernald, freeing much of the acreage for sale or other state uses – DMR allows the facility to run inefficiently, heating empty buildings and mowing underutilized lawns. Either the state is afraid of undermining their case for closure by cutting waste and making more productive use while the residents continue to live there, or they actually want to use unnecessary costs to pad their false comparisons!

This issue emerged in public with reports in late 2007 that four of the buildings at Fernald are being used as a shelter for about 265 homeless mothers and children. State government insists Fernald must be closed, and won't look at the "postage stamp" plan, but real-world practicality keeps knocking at the door.

It's hard to calculate how much the state has already wasted by allowing much of Fernald to sit around. If they had admitted the long-established rights of Fernald residents in, say, 2004, and negotiated some version of the "postage stamp" plan, by now tens of millions of dollars might be pouring into the state treasury. Then there is the mandatory overtime expense (See, "[DMR's Millions for Mandatory Overtime](#),"), especially at Fernald where there are informal hiring freezes.

Lastly, the appeal of the case is expensive. Although it doesn't have a line item in the state budget, and the legislature doesn't vote on it, the expense of the appeal comes both directly and indirectly from taxpayer dollars. DMR's appeal will be prepared and argued by state-employed attorneys. The decision is also under appeal by the ARC of Massachusetts. Although the ARC is a private non-profit, part of its funding comes from a state government contract, and almost the entire \$170 million budget of its 20 chapters (combined) comes from state and federal tax moneys.

The ARC's court filings are prepared by the almost entirely federally funded Disability Law Center, and by the Center for Public Representation, which in turn is supported mainly by fees from other tax-supported institutions, about one-quarter being a \$300,000 grant from Mass. Legal Assistance Corporation, itself almost half funded by... our state income tax.

DLC and CPR are also handling the ARC's appeal. The Center for Public Representation was chartered to spend your tax dollars to provide "legal assistance, counsel, and representation to institutionalized and low-income handicapped persons at no charge." The mission statement includes, "to promote change in the quality of lives of individuals with disabilities in Massachusetts." There has been some mission creep, since its website now states that "We seldom provide representation in individual cases." In addition, although we in COFAR do not like the word "institutionalized," it is increasingly debatable that CPR is providing assistance to persons living in state facilities by trying to kick them out of their homes.

An Amicus brief in favor of closing Fernald was submitted in 2007 by, among others, the federally-funded National Disability Rights Network. Other signers included the Association of Developmental Disabilities Providers (AADP), the Mass. Council of Human Service Providers, and several service providers – all ultimately tax-funded to provide services to

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people with disabilities, not more grief for the residents of Fernald. When these same organizations file an amicus brief in the appeal, we all get to pay again.

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