



MEETING MINUTES

September 9, 2013

COMMISSION ON DISABILITY Meeting Minutes September 9, 2013

Members Present

Rob Caruso, Co-Chair
Jane Brown
Rosemary Larking
Barbara Lischinsky
John Lojek

Setti D. Warren
Mayor

Candace Havens
**Director, Planning &
Development**

Alice Walkup
**Senior Planner
Community Development**

Anne Marie Belrose
CD Manager

Members

Rob Caruso, Co-Chair
Girard Plante, Co-Chair
Jane Brown
Lucie Chansky
Jini Fairley
Rosemary Larking
John Lojek
Barbara Lischinsky

Advisor

Sergeant Jay Babcock
Newton Police Department

Staff

Joel Reider
ADA/Sec 504 Coordinator

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Regrets

Girard Plante
Lucie Chansky
Jini Fairley

Staff Present

Joel Reider, ADA Coordinator
Alice Walkup, Senior Planner, Community Development
Sergeant Jay Babcock, Newton Police Department

Guests

Sandra Lingley

Presenting Request for HP3-13

Alderman Ted Hess-Mahan

MEETING:

Rob Caruso called the meeting to order at 6:35 PM

1. Minutes

John Lojek moved to approve the minutes of the previous meeting, July 8, 2013; Rosemary Larking seconded the motion. Motion passes.

2. ADA Coordinator Report

Joel R. gave a summary of his networking and information gathering efforts since the last COD meeting, especially with regard to the requirements of and means of producing the City's ADA Transition Plan.

He mentioned his meeting with the Fair Housing Committee and described their efforts to get an accurate assessment of

accessible housing in the City. As Accessibility Coordinator, he will cooperate with FHA and serve as a liaison with the COD regarding this issue. Rob Muollo, Housing Planner, addressed the COD and discussed some of the common interests between COD and the Fair Housing Committee. He suggested that there would be some cooperation between the two groups as work proceeds towards improving accessibility throughout the City, in both public buildings and housing.

Joel also introduced an RFP from New England ADA Center about their Field Based Training program. He encouraged COD membership to complete a proposal and enter this competition to have NE ADA conduct a two-day training workshop in Newton for 20 participants.

3. CDBG Report

Alice Walkup gave updates on:

- **Education Center – Accessible Building Directory Sign** This project is getting under way soon with a meeting scheduled in September for planning staff and school dept members.

~ **Curb Cuts** two @ Comm Ave/Washington are completed; APS needs to be moved. Pearl/Jackson is nearly done and is expected to be significantly under budget. Newton Center is almost complete; only remaining work to be done is installation of lighting which is not being paid for with CDBG funds. Curb extensions and new curb cuts are a big improvement.

~ **Jackson Homestead** Planning staff met with Adam Gilmore of Public Buildings Dept. and Cindy Stone of Historic Newton to discuss application for additional funds to improve accessibility. Application was approved by CPC and will be heard by the Public Facilities and Finance Committees of the Board of Aldermen.

~ **War Memorial Vertical and Acoustical Access Feasibility and Design** Engineering study underway to learn what is beneath the proposed elevator shaft.

Rob C. mentioned that he and Girard attended a CPC meeting to review this issue at which two new people from the planning dept (?) seemed to have no understanding of the project to date (they suggested the elevator would not go to the basement).

Alice W. apologizes for any misunderstanding and clarifies: the new people are from Public Buildings, not Planning Dept. The architect previously managing the project moved to a new project, so there are new people involved in managing the War Mem project. The plan to have the elevator serve the basement is still being studied for feasibility and it's possible that the

geotechnical team will discover that the conditions below the proposed elevator make this plan unfeasible. They also wanted to recognize that the existing HP accessible elevator does service the basement, so while not particularly convenient, there is an accessible route.

John L. asked if the geotechnical report was finished (no, it is not) and pointed out that new Project Managers on existing projects always try to cut costs. Apparently early estimates for the elevator came in higher than expected and they may be anticipating ways to protect the project budget.

~ **Jackson Homestead Funding Support Letter** Alice W. read out loud the draft letter for review (see packet, p. 28). This letter is from COD to Public Facilities Committee to express support for Public Building Department's application for additional CDBG funding to improve accessibility at the museum.

Rosemary L. moves to support the letter. John L. seconds. Motion passes unanimously.

4. Vote on Alternate COD Meeting Dates

Rob C. explains the need to agree on alternate meeting dates for October and November because of holiday conflicts. Consensus is to meet on the Mondays following each of the regularly scheduled meetings:

October 21

November 18

5. HP3-13

Alderman Ted Hess-Mahan presenting application for HP Space in West Newton on Washington St. (eastbound) near the entrance to the West Newton Cinema and the West Newton Hearing Center. He explains a meeting he attended at which Rhonda Ruby of the Hearing Center expressed the need for more HP Spaces in this area, particularly with easy access to the Hearing Center, which has a considerable number of patients with mobility impairments. He recognizes there have been unsuccessful petitions in the past, but feels this is a reasonable request. He stated that the Hearing Center recognizes that an HP Space would not be reserved for their patients but would be available to anyone; the general emphasis is that although there is an existing HP Space in front of the courthouse across the street, there isn't adequate parking for persons with disabilities in this area.

The alderman met with Bill Paille, City Traffic Engineer, to select the proposed space: the last space before the crosswalk. Bill P. feels that when unoccupied, this will improve pedestrian visibility and safety. This is currently a lead+ space and so creating an HP Space here will not reduce the number of metered spaces.

Sgt. Babcock stresses that the crosswalk safety depends partly on visibility afforded by the current %dead+space. Making that into an HP Space might obstruct sightlines, particularly if a large vehicle (van) is parked there. This would make the intersection less safe for pedestrians. He suggested that maybe the first spot after the crosswalk would be a better location. Whatever location is finally proposed, the Traffic Council will ultimately have to review it for safety.

Rob C. mentions the high curb at this area as another concern when selecting the location.

John L. suggests that David Koses (Chair, Traffic Council) and Sgt. Babcock study the situation and consider all possible options (alley next to Sovereign Bank?). Moves that the COD support the *idea* of providing an HP Space on this block but not necessarily in the specific location indicated on the application. Traffic Council should recommend the best location. Jane B. seconds. Motion passes.

6. Hull Street HP Spaces Update

Joel R. summarizes David Koses' effort to have MAAB re-open the proposal to provide three HP Spaces on Hull Street as part of the application for variance regarding the location of an access ramp near the stairs to the High School. Even with the support of the COD and with several months of data showing daily use of these spaces (they are hardly ever used by HP placard holders), Tom Hopkins of MAAB responded that the Board refused to re-open the case. Asked if there is another way to approach the MAAB about this issue (i.e. new application to remove existing HP spaces) Tom H. said there is none. Furthermore, MAAB requests photographic proof that the 3 HP spaces and related signage were provided as agreed, as none was ever submitted by the City.

John L. reminds the COD that these spaces are part of that agreement to relocate the access ramp, and so are not just like any other HP Spaces the City might want to remove: though it's regrettable that the City volunteered to provide these spaces in the first place, it's now too late to amend the agreement. The Board has made its decision, and it's unrealistic to expect them to reverse their decision. John L. moves to shelve the issue and see what happens over the next few years. If it becomes a serious problem, perhaps the school will file a complaint. Motion passes.

7. HP Violations Report

Sgt Babcock reports summer months were not as busy as expected. There were 47 issues in a two-month period; mostly in municipal lots. Trying to get approval for overtime so his officers can do more %at+ings,+especially before the

winter weather arrives. Confiscated 7 HP Placards; suspended one license with a \$500 fine for using someone else's HP Placard.

Rob C. asks Joel to send a message to Maureen Lemieux and to the Building Dept. to request a list of accessibility improvement projects funded by HP fines. He reviewed the history of asking the Mayor's office for records of these projects w/o satisfactory reply.

8. 35 Webster St. Nathaniel Allen House MAAB Application for Variance (update)

Joel explains: Donald Lang is out of town and unable to address the COD regarding his application for variances for the Nathaniel Allen House. He has offered to come to our next meeting to review this project, and in the meantime he reminds us that Phase II, which involves all of the access-relevant variances, will not begin for a while and that the application will not be heard by MAAB until after the new year. COD has plenty of time to review this application and make its recommendations to MAAB.

9. 321 Chestnut St. All Newton Music School MAAB Amended Decision

Joel explains: MAAB has granted a deadline extension to comply with the Board's decision.

12. ADA Transition Plan

Joel R. summarizes his research and meetings with various individuals and organizations in support of his efforts to advance the development of Newton's ADA Transition Plan. Though he is currently on schedule as outlined in his previously submitted Draft timeline for developing ADA Transition Plan (July 31, 2013), he is certain that target dates from this time forward will have to be moved back. His immediate goal is to deliver an interim report that will outline the components and process of developing a Transition Plan, and what is needed to complete it, including possibly hiring outside consultants to support the City's efforts.

Joel R. has met with other ADA Coordinators (Betsy Allen in Somerville and Lloyd Gelineau in Brookline), Massachusetts office on Disability staff Jeff Dougan and Allan Motenko, and accessibility expert consultant Katie McGuinness of KMA, and will meet (tomorrow) with staff at the Institute for Human Centered Design/New England ADA Center.

Joel R. has gathered models of good Transition Plans, and emphasizes that the first step in drafting a plan for Newton is to have an accurate assessment of accessibility barriers to City programs or services. This is generally known as a self-evaluation, and is a comprehensive study typically conducted by an expert consulting firm such as KMA or IHCD. Joel has discovered that KMA completed a partial assessment of Newton City buildings in 2011 as a sub-contractor to Kleinfelder SEA in that firm's Facilities Conditions Report, which

was the basis of the current Capital Improvement Plan. That study includes detailed audits of 31 of the City's 80+ buildings. Joel needs to meet with the Buildings Dept. to understand which buildings were omitted from the study (presumably staff-only) and determine if any of those should now be audited. Schools were last audited for accessibility around 1997-99; Parks and Recreation dept. has provided a summary of known barriers in parks and playgrounds; existing information on conditions of City rights of way (sidewalks, roads, paths) is incomplete and inconsistent.

Additionally, addressing the issue of accessibility in housing will require a similar level of information regarding the status of accessibility at all developments where section 504 of the Fair Housing Act applies, which will require the cooperation of the Newton Housing Authority.

The process of collecting all of this important information is ongoing, and an accurate assessment of what evaluation work still needs to be done depends on reviewing all existing documentation. Eventually, Joel will produce an interim report that outlines the current status of our self-evaluation and makes recommendations for how to complete it. From there, we will be able to more accurately estimate a timeline for completing an actual Transition Plan.

John L. recognizes that Joel R. has done a good job of gathering info and connecting with other ADA Coordinators, and we appreciate the amount of work he's done. We should create an interim report to the Mayor, and we may end up contracting KMA or a similar firm to do evaluations of remaining buildings/schools, etc. It's clear there's a need for more time than 19 hrs/week on the job; we may also need a commitment to allocate funding for hiring a consultant.

Rob C. mentions that while Ramping Up does not address hardware, it provides a useful evaluation of the City's procedures and policies regarding accessibility and that some of this report can be incorporated into the final Plan.

A discussion developed about the issue of reporting accessibility complaints: in particular Barbara L. mentioned the many overhanging bushes on Beacon Street between Washington Street and the Angeir School in Waban. She complained that the City's 311 system is flawed and ineffective. Joel R. noted that revising the City's grievance procedure is an example of the kinds of details that need to be addressed in a comprehensive Transition Plan. He offered to look into the 311 system and see if any immediate improvements could be made.

John L. leaves the meeting at 8:05 (he has to attend another meeting).

13. New/Old Business:

Rob C. notes lack of access from parking area to business entrances at the group of storefronts on the northwest corner of Woodward and Boylston. Barbara again mentions the same stretch of Beacon Street, but this time with regard to curb cuts in need of maintenance or w/o crosswalks (Sgt. Babcock offered to investigate).

Joel R. mentioned the revisions to the MAAB variance application for 40 Chase Street. He received these from Paul Martell late on Friday and decided not to distribute them to the COD members until after this meeting (he will do so tomorrow). He summarizes the changes: all accessible amenities will be moved to the first floor on the accessible route; Instead of the exterior ramp, a lift provides access from grade to the first floor.

Rosemary L. moves to adjourn the meeting. Rob C. seconds.

Meeting Adjourned at 8:15 PM