



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting Date: November 9, 2020
Room Zoom
Time: 6:00PM * New Start Time

MINUTES

Ruthanne Fuller
Mayor

Barney Heath,
**Director, Planning &
Development**

Amanda Berman
**Director, Housing &
Community Development**

Tiffany Leung
**Planner
Community Development**

Members

Lakshmi Kadambi, Co-Chair
Anne Marie Killilea, Co-Chair
Jane Brown, Treasurer
Warren Abramson
Rob Caruso
Lucie Chansky
Rosemary Larking
Sandra Lingley
Barbara Lischinsky
Girard Plante
Eileen Sandberg
Matt Volpi

Jason Rosenberg
Chairman Emeritus

Advisor

Sergeant Dan Devine
Newton Police Department

Staff

Jini Fairley
ADA/Sec 504 Coordinator
617-796-1253

1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1240
F 617-796-1254

This meeting will be a virtual meeting on Zoom, by phone or by computer/iPad:

Join Zoom Meeting

<https://zoom.us/j/415115921>

Meeting ID: 415 115 921

One tap mobile

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Dial by your location

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Meeting ID: 415 115 921

Commission Members Present:

Anne Marie Killilea, Co-chair, remotely on Zoom
Lakshmi Kadambi, Co-chair, remotely on Zoom (joined late)
Jane Brown, Treasurer, remotely on Zoom
Rob Caruso, remotely on Zoom
Lucie Chansky, remotely on Zoom
Rosemary Larking, remotely on Zoom
Sandra Lingley, remotely on Zoom
Girard Plante, remotely on Zoom
Eileen Sandberg, remotely on Zoom
Matt Volpi, remotely on Zoom

Commission Members Absent:

Warren Abramson
Barbara Lischinsky

City Staff and Advisors Present:

Jini Fairley, ADA/Section 504 Coordinator
Tiffany Leung, Planning
Shaylyn Davis, Planning
Sgt. Dan Devine, Police
Captain Jeff Boudreau, Police
Dana Hanson, Mayor's Office
Shelby Booth, The Carroll Center



CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

Nevena Pilipovic-Wengler
Shane Mark, DPW

Guests:

Councilor Danberg

Councilor Bowman

Councilor Downs

Lucia Dolan

Mr. Dominic Marinelli, United Spinal Association

1. Introductions (6:00-6:05)

At the start of the meeting two members were absent for the meeting (Warren and Barbara) and three members had not arrived yet (Rosemary, Lucie, and Girard).

2. Approval of 10/19/20 Meeting Minutes (6:05-6:10)

Lakshmi asked if there were any changes to be made to the October 19, 2020 minutes. Hearing none, Rob made a motion to accept the minutes as distributed. Eileen seconded the motion. The motion passed unanimously by a vote of 7-0.

3. Snow Ordinances (6:10-6:40)

Shane Mark, Director of the DPW Streets Division and Councilor Danberg were invited to provide information on the snow ordinances and how the new resident piece of the snow ordinance was enforced last snow season. Shane reported that there were 716 complaints received (through the 311 system) but 274 were dismissed for the first storm. For the remaining complaints, 66 did not qualify (duplicates, cancelled, filed too early), and 376 was the total of the qualified complaints. DPW enforces the residential violations, and issues a warning for the first offense. These warnings are tracked so if another complaint comes into 311 for the same address, a ticket will be sent to the homeowner. For residents in violation of the snow ordinance, the ticket is \$50.00. Of those 376 complaints, 132 were dismissed because the resident had already cleared the snow from the sidewalk, 232 were issued a warning, and 6 tickets were issued, and another 6 were miscellaneous but not ticketed. This breakdown can be viewed on page 9.

There is an application for a waiver from the sidewalk clearing ordinance that the Senior Center receives, for a resident who is elderly/disabled with a

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

financial hardship or for religious reasons. 18 applications were received, 17 were granted the waiver (1 was over income), and an additional 10 requested the application but did not submit. The waiver prevented the resident/homeowner from getting a ticket but DPW does not clear the sidewalk of snow/ice.

Outreach: Mayor's newsletter email, TAB article, on the DPW webpage, facebook and twitter. Last year there was information about the snow ordinance in the water/sewer bill, not sure about this year's plan. Prior to last year's snow clearing ordinance for residents, there was anywhere from 30-50% compliance, so attaching a fine seems to be improving the compliance overall from residents/homeowners. The businesses, including golf clubs, non-profits, churches, and housing with 4 or more dwellings, have had a fine for many years and it is \$100 per violation, enforced by the Traffic Bureau of the Police Department and the commercial/businesses must clear their sidewalk of snow and ice within 12 hours of the end of the storm but the residents/homeowners must clear the snow/ice within 24 hours from the end of the storm. The city plows the sidewalks abutting all city properties and routes to schools and village centers, about 82 miles of sidewalk!

Councilor Danberg, Councilor-at-large from Ward 6, has been leading the charge to get sidewalks cleared of snow and ice since she became a Councilor in 2004. One major issue that remains is the buildup of snow on the corners by street snowplows, usually by the contractors, not the city plows. If anyone sees a pile of snow on a corner, it is not supposed to be there and report it (311). The contractor is fined and called back to do it correctly, and usually they won't make the same mistake the next storm. Councilor Danberg and Shane encouraged all at the meeting and whoever reads these minutes to report snow/ice blocking sidewalks through the 311 system (not an email), whether it is a business or a residence, as everyone, especially residents and visitors with mobility disabilities need the sidewalks cleared year round. Councilor Danberg praised the terrific job Shane and his DPW crews are doing these past 6 years removing snow and ice from the streets and sidewalks, we are in such a better universe for his efforts and expertise, than in years past. Councilor Danberg gave a shout out to Councilors Bowman and Downs and Lucia Dolan for their efforts getting this residential snow ordinance passed with a fine, they were her right - hand women! And remember, if you see something, say something, by reporting to 311.

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

Councilor Bowman and others discussed how best to get the sidewalks cleared for those who were granted the exemption/waiver. Perhaps through neighborhood Area Councils, or the schools, especially since during Covid time, middle and high school students are home more. Shane mentioned that in years past a list was maintained of volunteers who would shovel, for a fee or not, but has not been updated in a while.

4. Community Engagement Planner (6:40-6:50)

Nevena Pilipovic-Wengler is the city's new Community Engagement Planner, in the Planning Department. She gave an excellent overview presentation on Zoning Redesign and it can be viewed on page 10. The Zoning and Planning Council Committee, chaired by Councilor Crossley, along with the Planning Department, are reviewing the existing zoning ordinance, Article by Article. The Zoning ordinance affects sustainability, housing, commercial activities, and how the city of Newton feels. So far, ZAP has reviewed Article 3, Residences. In order to re-engage the community in this effort, and hear new voices, there will be 2 Zoom meetings presenting the same information, one on December 2, at 7PM and the other on December 3, at noon. These meetings will be recorded and posted online for anyone who was not able to join. Stakeholders are encouraged to discuss Zoning Redesign at their upcoming December meetings. There will also be a public survey out in December. Girard asked if Nevena is familiar with universal design and his interest that the principles of universal design and accessibility are incorporated in housing and other buildings. He added that the COD is the 'go to' governing body and stakeholder regarding accessibility and disability. Nevena hopes that everyone will fill out the survey that will be available in December. Jini asked Nevena to let the Commission know when a particular aspect of the Zoning Redesign has implications with regard to accessibility, so that we can invite her back or a Councilor to discuss with the members. For example, Jini said, that often townhouses are often inaccessible, where the living space is on the first floor but the bedrooms and bathrooms are on upper floors. She also mentioned sharing a joint statement from DOJ and HUD regarding land use and zoning and how these practices and laws, inadvertently, can discriminate against people with disabilities.

5. CDBG Access Projects Report (6:50-6:55)

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

Tiffany gave the CDBG report, which can be viewed on page 11. She is waiting to hear the decision from the MAAB on the variance application for the curb cut project at Watertown & Edinboro Streets. A site visit is planned to walk the section of the Marty Sender path on Monday with Girard and PRC's Open Space Coordinator, Luis Perez.

6. New CD Planner (6:55-7:00)

Tiffany introduced the new CD Planner, Shaylyn Davis, who just joined the Planning Department in October and is in training to be overseeing CDBG architectural access projects. She is looking forward to getting to know the COD members and the projects underway and in the future.

7. Access Project Ideas for FY 2022 CDBG Funds (7:00-7:20)

Tiffany gave some updates on some of the proposed ideas for projects. A perimeter path around McGrath park/fields was estimated to be about \$50,000, but there was a suggestion to keep the perimeter path within the park and not to include the Washington St. sidewalk. Staff revisited McGrath and determined it could be feasible, although a bit tight in width near field edges, and that complete perimeter loop would cost approximately \$75,000. The curb cut project at Beacon/Langley/Sumner Streets in Newton Center, suggested by Rob and Girard- staff and Girard made a site visit there and she received a rough estimate from Engineering that at least 12 curb cuts should be reconstructed and would cost minimally \$160,000. Jini followed up with the Transportation Division of DPW to remedy the low or no volume of the locator and walk tones of the APS at Walnut & Lincoln, Homer & Walnut, and Beacon & Walnut. APS were installed at these intersections but 4 APS units needed to be replaced and some volumes needed to be adjusted. Those same intersections need to be totally reconstructed but would not be completed only by the CDBG allocation. Rosemary requested some benches be placed along the perimeter path within the McGrath Park, Tiffany will find out about that possibility and placement and get back to the COD in December. Girard asked Shaylyn about her familiarity with state and federal accessibility laws. In her Master's program in Public Administration, she studied them but plans to receive more in her training with the city. There was a discussion about intersection and accessibility projects currently in the CIP and how to get them in the CIP if not currently there. Jini said some of the intersections

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

are or have been considered for the CIP, such as Beacon and Walnut, and she will discuss with Commissioner McGonagle for those ones the COD has identified but not currently in the CIP. Sandra brought up the crosswalks across Beacon Street, for a curb cut project. Tiffany asked the members to think of their preferences of these projects for the next meeting, to see if there some consensus as the allocation for FY22 will not cover all these ideas.

8. Accessible Fines Reports (7:20-7:25)

Sgt. Devine gave the Fines reports, which can be viewed on pages 12 and 13. Also we welcomed Captain Jeff Boudreau of the Traffic Bureau and he introduced himself to the members. Captain Anastasia retired and Captain Boudreau just took over his position a couple of weeks ago.

9. Treasurer's Report (7:25-7:30)

There were no changes to the Treasurer's Report since the October meeting. This report can be viewed on page 14.

10. ADA Coordinator's Report (7:30-7:40)

Jini gave her ADA activities report, which can be viewed on page 15. She highlighted an item on the Traffic Council agenda for November 12, which is to either remove or reposition an existing accessible parking space about 90 feet further north, on the east side of Walnut St. north of Washington St, in order to provide a protected bike lane. There was much discussion, as this space is directly out front of the Brahms building, and several members have used this space when doing business in that commercial area of Newtonville. Lucie suggested that the COD object to moving the space, to leave it where it is. Lucie made a motion to that effect. Rosemary seconded the motion. The motion passed by a vote of 7-0-3 (abstained, Anne Marie, Eileen, and Matt). Jini suggested that the Co-chairs should relay this action to the Traffic Council tomorrow, rather than from her. However, she will attend the meeting on Thursday and encouraged other members to do the same.

11. MAAB Variance-Trio/Washington Place (7:40-8:10)

Mr. Dominic Marinelli, accessibility consultant discussed the reasons for the variances sought by Mark Development for the apartment complex, Trio, at the corner of Washington and Walnut Streets. Although the MAAB

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

already granted the relief from the regulations, it is a practice of the COD to hear every variance request and vote as to whether to support or not and to relay the COD's decision to the MAAB. Mr. Marinelli described the variances, one to do with the depth of the kitchen sinks and one to do with the measurements of the showers. A third variance was requested for the shower doors, but the MAAB said it was not necessary since these doors are removable. Mr. Marinelli works for the United Spinal Association, a national disability advocacy organization, improving and developing accessibility building codes and accessibility consulting is one of the services this organization provides. Lucie asked if a tour could be arranged to check out the accessibility features in this housing complex, but Mr. Marinelli didn't think so, due to Covid. The variances were only for the Group 1 apartments. Sandra asked about the number of Group 2A apartments, and she also asked about the position of a 2BR fully accessible apartment is, not near the elevator. Mr. Marinelli said that he will get back to us, but he doesn't have the plans as to where the Group 2A units are located. A motion was made by Anne Marie to support the variances and Jane seconded the motion. The motion passed by a vote of 8-0-2 (abstained Lucie and Sandra).

12.NWH Committee Update (8:10-8:20)

Sandra reported that there is a meeting set up with several staff from NWH this Thursday, November 12, an open and public meeting. Many of the agenda items were on last year's agenda, for a status report, and several new items. This agenda can be viewed on page 16. The meeting is for an hour and starts at 2PM. The agenda with Zoom information was emailed to members and posted on the city's website.

13.Nominating Committee Update (8:20-8:30)

Matt, Chair of the Nominating Committee, stated the purpose of this committee is to collect nominations for the three officer positions, 2 Co-chairs and Treasurer, and to present them in January when officers are voted upon. By sending in nominations in advance to the Nominating Committee, those who are nominated can consider if they would serve if elected. In addition, nominations can be heard at the January meeting. Matt will send out an email asking for nominations and will most likely plan an open, public, committee meeting before the COD's December 14

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

meeting. Jini asked for a heads up when they plan that meeting so she can post an agenda 2 business days in advance.

14.Adjournment (8:30)

The meeting was adjourned at 8:26PM.

The meeting was recorded and these minutes were prepared and respectfully submitted by Jini Fairley, ADA/504 Coordinator.

NEXT MEETING DATE: December 14, 2020

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities requiring assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec.504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. For Telecommunications Relay Service, please dial 711 or call City Hall's TTY/TDD line at 617-796-1089.

Reports/Materials:

Residential Snow Clearing:

Total Residential Sidewalks Reported Not Shoveled in 2019-2020 Snow Season	716
Forgiven by Mayor for process glitch (1st storm)	-274

New Total	442
Not Qualified	-66

Adjusted Total	376
RESULTS	
No Problem Found	132
Warning Issued	232
Ticket Issued	6
Misc./Other - reassigned; no description; processing error; etc.	6

Zoning Redesign Stakeholder Presentation to the Newton Commission on Disability 11.09.20

Slide One

- Title listed: Shape the Future of Newton: Learn about Zoning Redesign and help us create a community engagement plan for 2021
- Image description: a collage of drawings of the Masonic Building in Newtonville, homes in Nonantum, and a Newton lake view

Slides Two

What is Zoning?: Zoning law regulates how land is used across the city and shapes buildings, blocks, and neighborhoods. It can be structured to help advance City goals such as sustainability, housing or economic development.

Slide Three

What Is Zoning Redesign?: Zoning Redesign is the City of Newton's multi-year effort to update and rewrite Newton's Zoning Ordinance. Learn more at www.newtonma.gov/zoningredesign

Slide Four

Why is this important?: Zoning matters for sustainability, housing, and how the city of Newton feels. We want to share with you where we are, where we're headed, and hear from you on how we can engage communities on the proposed ordinance in 2021.

Slide Five: Zoning Redesign Process

- Zoning and Planning Committee
 - Chair Councilor Crossley, Vice-Chair Councilor Danberg, Councilor Leary, President Albright, Councilor Wright, Councilor Krintzman, Councilor Baker, Councilor Ryan
- Department of Planning & Development
- Working through a draft of the Zoning Ordinance on an Article by Article basis

Slide Six: Zoning Redesign: Where We Are Now

- 2 Virtual Zoom Events:
 - Wednesday, December 2, 7-9pm
 - Thursday, December 3, 12-2pm
- Public Video of Staff Presentation on 'Zoning Redesign: Where We Are Now'
 - Available in December
 - Can screen at your next meeting
- Public Survey
 - Available in December
 - Provide input on how we can engage Newton community members in 2021

Slide Seven: Questions For You

- What questions do you have about Zoning Redesign?
- How can we best engage your insights on Zoning Redesign?
 - Presentations by experts
 - Surveys
 - Smaller vs. Larger Public Meetings
 - Map sessions
 - Educational videos
 - Social media
 - Zoning Redesign stewards
- www.newtonma.gov/zoningredesign
- Nevena Pilipovic-Wengler, at npilipovicwengler@newtonma.gov

**Newton Commission on Disability
CDBG Access Projects Report
November 9, 2020**

FY21 Curb Cut – (CD21-03C; Budget: \$84,043.00; Expended: \$0; Balance: \$84,043.00) Installation of curb cuts at the following intersections: Watertown Street/West Street and Watertown Street/Edinboro Street. **At the 10/19/2020 COD meeting, DPW presented an Application for Variance for the Watertown Street/Edinboro Street intersection, in which COD voted in support of the variance request. DPW is waiting for MAAB’s approval. In addition, DPW is coordinating with D’Ambrosia – the contractor was awarded the sidewalks contract – who will also be the contractor for this curb cut project through a change order. Dagle Electrical Construction Corp. will be the contractor for the signal work.**

Phase I Marty Sender Pathway Installation – (CD21-03A; Budget: \$52,000; Expended: \$0; Balance: \$52,000) Reconstruction of the Marty Sender Path with an accessible route, covering approximately ¼ mile of the route. **Staff will be conducting another site visit at Marty Sender on 11/16/2020 to prepare bid documents.**

NEWTON POLICE DEPARTMENT

NEWTON COMMISSION ON DISABILITY

PARKING TICKET AND FINES REPORT

FISCAL YEAR 2021

As of October 31st, 2020

FY 2020 Year-to-date Parking Ticket Totals

TOTAL NUMBER OF TICKETS ISSUED	12
TOTAL VALUE OF TICKETS ISSUED	\$ 2,400.00
REDUCTION AMOUNT	\$ 1,000.00
TOTAL AMOUNT PAID	\$ 400.00
TOTAL OUTSTANDING	\$ 1,000.00

CODE # 26 ACCESSIBILITY SPOTS

NUMBER OF TICKETS ISSUED	8
TOTAL VALUE	\$ 1,600.00
REDUCTION AMOUNT	\$ 400.00
TOTAL AMOUNT PAID	\$ 400.00
TOTAL DUE	\$ 800.00

CODE # 27 CURB CUTS

NUMBER OF TICKETS ISSUED	4
TOTAL VALUE	\$ 800.00
REDUCTION AMOUNT	\$ 200.00
TOTAL AMOUNT PAID	\$ 000.00
TOTAL DUE	\$ 600.00

NEWTON POLICE DEPARTMENT

NEWTON COMMISSION ON DISABILITY

PARKING TICKET AND FINES REPORT

October 2020

As of October 31st, 2020

TOTAL NUMBER OF TICKETS ISSUED	5
TOTAL VALUE OF TICKETS ISSUED	\$ 1,000.00
REDUCTION AMOUNT	\$ 200.00
TOTAL AMOUNT PAID	\$ 400.00
TOTAL OUTSTANDING	\$ 400.00

CODE # 26 ACCESSIBILITY SPOTS

NUMBER OF TICKETS ISSUED	3
TOTAL VALUE	\$ 600.00
REDUCTION AMOUNT	\$ 200.00
TOTAL AMOUNT PAID	\$ 400.00
TOTAL DUE	\$ 000.00

CODE # 27 CURB CUTS

NUMBER OF TICKETS ISSUED	2
TOTAL VALUE	\$ 400.00
REDUCTION AMOUNT	\$ 000.00
TOTAL AMOUNT PAID	\$ 000.00
TOTAL DUE	\$ 400.00

Treasurer's Report

Given by Jane Brown, Treasurer of the Commission On Disability

Presented at the October 19, 2020 COD Meeting

As of November 6, 2020, the balances of the COD accounts have not changed since the October meeting and are as follows:

Account # 5500-335518 H-P. Fines-Disability Commission

Type: Receipts Reserved for Appropriation (These funds have to go before the City Council to be appropriated before being used)

Balance: \$61,939

Account # 01C10802-513010 Operation Access – Disability Commission

Set up to pay for targeted enforcement of accessible HP Fines violations by the Police

Type: Special Appropriations

Balance: \$1880.89

Account#C401083-586005 Set up to purchase and install Accessible Pedestrian Signals (APS) units at the Waverly/Tremont intersection

Type: Special Appropriations

Balance: \$**50.50** (8 APS units installed in December 2018)

Account #13D10901 Set up in Fall 2015 to receive Community Access Monitor Program fees and pay expenses)

Type: Revolving Account

Balance: \$29**0.00**

ADA COORDINATOR'S REPORT

Given by Jini Fairley, ADA/Section 504 Coordinator, and presented at the November 9, 2020 COD meeting.

Site Visits:

- **McGrath Park- to view perimeter path all within the park, with Luis & Tiffany**
- **Pigeon Hill Trail- with Luis & Ted Chapman**
- **Auburndale Park- Orienteering Project with PRC staff**

Trainings:

- Webinar: Service & Emotional Assistance Animals
- Webinar: Accommodations for Hiring & Work

Meeting/Events/Conference Calls:

- Police Reform Task Force- attend weekly, one of several city staff resources to task force
- Overdue: Implicit Bias webinar
- Public Comment mtg to Police Reform Task Force
- Parker Street Bike Lanes Public meeting
- Comm Ave Carriage Way from Ash to Charles River - bi-weekly with city staff & consultants
- Sidewalk Snowplow -Meeting weekly- reviewing 6 routes with DPW
- NewCAL- every other week meeting
- Newtonville Area Council mtg- on NewCAL
- Fair Housing Committee- I attend this monthly
- Complete Streets Committee & Road Paving- I attend every other week
- CODA- monthly meeting- with other CODs' members and ADA Coordinators
- West Newton & Newtonville Streetscapes Working Group- every other week updates

Meeting of COD Members with Newton Wellesley Hospital Staff Date: Thursday, November 12, 2020 Time: 2-3PM Location: Virtual

AGENDA

Introductions- First Meeting COD Discussion Points:

-

Status of Ramp from Washington St. sidewalk to Blue Building

-

Installation of Pedestrian Activated Flashing Beacon ‘Pedestrian in Crosswalk’ sign on NWH Property just before vehicles exiting the West Entrance Driveway

at crosswalk

-

Curb Cut in front of White Building

-

Availability of Accessible Medical Equipment, such as adjustable exam table & Slide Board for Transfer from Wheelchair, accessible Mammogram Machine

-

Elevator in Green Building

-

Accommodations for patients with hearing loss undergoing testing (X-rays, MRI’s, CT scans, etc.)

-

Accommodations for patients with vision loss (language-“go there”, touching - pulling patients, etc.) at hospital entrance COVID check in and any tests,

procedures, etc.

Access Updates from NWH

Next Meeting/Regular Monthly Meeting Date & Time