



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting Date: October 21, 2019
Room 204
Time: 6:30 pm

MINUTES

Ruthanne Fuller
Mayor

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

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

Tiffany Leung
Planner
Community Development

Members

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

Jason Rosenberg
Chairman Emeritus

Advisor
Sergeant Bob Lee, Jr.
Newton Police Department

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

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Newton, MA 02459
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Commission Members Present:

Rob Caruso, Co-chair
Girard Plante, Co-chair
Jane Brown, Treasurer
Warren Abramson, participating remotely
Lucie Chansky
Lakshmi Kadambi
Rosemary Larking, participating remotely
Sandra Lingley
Eileen Sandberg
Matt Volpi

Commission Members Absent:

Anne Marie Killilea
Barbara Lischinsky

City Staff Present:

Jini Fairley, ADA/Section 504 Coordinator
Tiffany Leung, Planning
Sgt. Bob Lee, Police
Dana Hanson, Mayor's Office
Commissioner James McGonagle, DPW
John Daghlian, DPW

Guests:

Lucia Dolan, TAG
Representatives from TILL, Inc.
Representatives from Austin Street Partners
Representatives from NCDF
Shelby Booth, Carroll Center for the Blind

1. Introductions (6:30-6:35)

At the time of introductions, Matt and Eileen had not arrived and Rosemary was not yet on the phone.

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2. Approval of 9/9/19 Meeting Minutes (6:35-6:40)

Rob asked for members to thoroughly read the minutes and bring any changes to the meeting. He then asked if there were any changes or corrections to the minutes. Hearing none, Jane made a motion to accept the minutes as read and distributed, and Lucie seconded the motion. The motion passed unanimously by a vote of 8-0 (Matt had joined the meeting).

3. CDBG Report (6:40-6:45)

Tiffany gave her report on the status of CDBG funded access projects, see report on page 10. Tiffany also gave a staff update that Rachel Powers has resigned as of the end of September and if you have any questions, you can contact Barney Heath and/or Amanda Berman in Planning.

4. Consolidated Plan Needs Assessment (6:45-7:00)

The Planning department is preparing the FY21-FY25 Consolidated Plan which addresses 3 federal grants, CDBG, HOME, and ESG. They are in the Needs Assessment phase and tonight, Tiffany is focusing on accessibility, as access projects are funded by CDBG. The city allocates 5% of the CDBG funds that the city receives for access projects, and wants to know what needs exist in the city to improve accessibility, particularly removing physical barriers for people with disabilities over the next 5 years. The COD has and will be the key in recommending and determining the access projects. Tiffany gave a breakdown of where the CDBG funds for Access Projects were spent in the past 4 years (plus this year), see page 11. She then shared some ideas that Planning staff received at 3 community meetings held in September and early October, where Jini facilitated the focus on accessibility ideas. From these meetings residents asked for more automatic door openers, RRFBs, signage for accessible parking spaces and building entrances. Rob commented that some signs with a southern exposure fade and you can't make them out. Members were in favor of these ideas and liked the areas where CDBG funds have been spent in the past, in parks, in buildings, and curb cuts and signals.

5. Accessible (HP) Fines Reports (7:00-7:05)

Sgt. Lee gave 2 Accessible (HP) Fines reports, the first for the activity during the month of September and one for the fiscal year so far, 3 months). See the reports on pages 12 and 13.

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6. Operation Access Funding (7:05-7:10)

In cooperation with the Police Department, Operation Access is a targeted enforcement of the violations of parking in an accessible parking space without a valid disability placard/plate or blocking a curb cut. Jini reported that last year's effort broke even, that is, the cost of the overtime paid to the Police officers was about the same amount collected for the tickets issued. The consensus was still to conduct Operation Access during the upcoming holiday season, from November 29 through December 26, 2019. Matt made a motion to continue Operation Access for this holiday shopping season. Eileen seconded the motion. The motion carried by a vote of 8-1 (Girard voted no). After a brief discussion about the amount to request from the accessible (HP) fines account, since there is a balance of \$2102.97 in the Operation Access account, Lucie made a motion to request \$5000 for Operation Access this holiday season. Jane seconded the motion. The motion passed unanimously by a vote of 9-0. Jini will notify the Mayor for her support and ask her to docket the item. It will then go to the Finance Council Committee and then to the entire City Council for a vote.

7. Treasurer's Report (7:10-7:15)

Jane gave the Treasurer's report which you can find on page 14.

8. ADA Coordinator's Report (7:15-7:20)

Jini gave a report of her activities for the month of September. Her report is on page 15. She mentioned speaking at the MOD Disability Summit about the grant for 81 Accessible Pedestrian Signals (APS) the city received from MOD last fiscal year. Besides Jini, Jane, Lakshmi and Dana were in attendance. Jini passed around some materials she picked up from the exhibitors there. Jini made one announcement about an upcoming event that Nathan Persampieri will speak more about next meeting, a screening of the movie, Intelligent Lives, on February 4, in the Druker Auditorium at the Newton Free Library, sponsored by Understanding Our Differences, a Newton non-profit organization which provides disability awareness training to elementary students here in Newton and their curriculum is used in many school systems.

Rob asked Jini to describe her tour of the Armory. She said that she was with many Councilors and city staff on this tour, to see the building and its surrounding area and whether it would be possible to renovate into affordable apartments. The city of Lynn has done something similar. As

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you can imagine, it is not accessible at the moment but would become so if the city purchases and renovates into affordable housing.

9. DPW Commissioner McGonagle on Apex Curb Cuts (7:20-7:45)

DPW Commissioner, Jim McGonagle, spoke to the high number of apex/diagonal curb cuts in the city, due in part to an old city with skewed intersections and sight distances/clear view of pedestrians in crosswalks and for vehicles, but they are the last choice at many intersections. He is aware of the fact that they can be confusing for blind and low vision pedestrians, if they use the detectable warning panels as a directional tool, but these tactile surfaces are not meant to be directional, merely to warn blind and low vision pedestrians that they are about to step into a road or a very busy driveway. He said that the city has undertaken a more robust inventory of all the city's curb cuts and it is about 60% finished. Girard peppered Commissioner McGonagle with many questions, interrupting him several times, and demanding why the Commissioner didn't always return his emails. Commissioner McGonagle said that Jini relates all COD issues connected to DPW and construction to the appropriate staff in DPW, particularly to Terry Crowley. Girard said that that is not answering him or the COD as Jini doesn't work for the COD. The tone of this discussion was very hostile, accusatory, made some of the members uncomfortable and Lucie voiced that. The pilot to install more wayfinding tactile plates for some of the locations where apex curb cuts are necessary, and hopefully a couple of intersections will be identified this fall. Commissioner McGonagle welcomes any and all feedback regarding all access issues under the control of DPW and hopes the channels of communication will stay open.

10. Transportation Advisory Group (TAG) (7:45-8:00)

Lucia Dolan represented the Transportation Advisory Group (TAG) which was begun during Mayor Warren's administration as an outgrowth of the very large Transportation Advisory Committee with many members including Girard, to advise the Mayor and relevant city departments regarding transportation alternatives to driving, which would be using public transit, walking, biking, and car-sharing. The purpose of Lucia's presentation is for the COD members to get to know TAG and to share what they do and find common problems and solutions. With the COD. One of their current projects is safety on the sidewalks when construction is happening. TAG sent a letter to the Mayor and departments describing

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how many pedestrians and cyclists are impacted when curb ramps or sidewalk panels are removed for improvement, and forced out into the traffic, often on a busy street. The MUTCD recommends, as well as TAG, to provide a channelized lane and temporary curb ramps for pedestrians and cyclists to safely get off the under construction sidewalk and travel in this protected/channelized lane where vehicles cannot cross into. A copy of that letter can be requested. Another project is to monitor the enforcement of the snow ordinance, now that there are consequences for homeowners to clear and keep their sidewalks clear of snow and ice this winter. Another area of concern for TAG, and for the COD, is sight distances at sidewalks and curb ramps where the corners have wide radii and a long distance to cross. TAG is looking carefully at the intersection of Parker Street and Route 9 as there are plans to provide bike lanes on Parker by the city and there are some pedestrian and bicycle issues there right now. More information can be found at their website, www.newtontag.org

11. Accessible Parking Space Request at 91 Church St. (8:00-8:10)

Representatives from Towards Independent Living and Learning (TILL), Ed and Svetlana, gave the reasons they are seeking an accessible parking space out front of 91 Church Street, for their accessible van to transport residents at this home that TILL manages. This is a very busy street and often either their van or accessible vans from several transportation companies cannot find a good place to pick up or drop off the residents who use wheelchairs and live there. There is a driveway, but it is not always available, especially for the other transportation companies. After several questions and discussion about the parking restrictions on the street but not near this address, Lucie made a motion to support the request for an accessible parking space at 91 Church St. or as close to that home as possible. Jane seconded the motion. The motion passed unanimously by a vote of 10-0.

12. AAB Variance- 28 Austin St. (8:10-8:20)

Scott Vlasac, architect for the modular components at 28 Austin apartment complex, explained the need for the variance they are seeking regarding the washer/dryer units installed in the Group 1 apartments (64). Due to a misinterpretation of AAB 's rules and upon inspection of the apartments by Inspectional Services Department, it was found that the stackable washer/dryer (both front loading) in all the apartments had the controls for

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the dryer (which is on top of the washer) out of the zone of reach. To rectify that, for the Group 2A apartments (4), a combo washer/dryer replaced the stackable unit, and the zone of reach falls in according to AAB rules, for controls and operation, etc. As with the other variances, the owners are asking to leave the stackables in the Group 1 apartments, but will gladly, upon request, replace with a combo washer/dryer unit, as in the already installed ones in the Group 2A apartments. The reason the owners cannot just unstack the washer and dryer is due to space limitations, there is no possibility to put them side by side, even though they function as separate units when unstacked. It will be written clearly in the lease agreement that the stackable washer and dryer can be replaced by a combo washer/dryer quickly and at no cost to the tenant. Lucie made a motion to support the variance, asking the owners to research and provide the best combo washer/dryer on the market. Lakshmi seconded the motion. The motion passed unanimously by a vote of 10-0.

13.AAB Variance- Warren House (8:20-8:30)

Jeanne Strickland, executive Director of Newton Community Development Foundation (NCDF), and an architect from KMA explained the reasons for their variances. They are making AAB/504 upgrades to the Warren House which involves railings on stair cases, an interior ramp, and controls on the shower in one of the accessible apartments. The railings variances are similar to the variances sought for the Weeks House, which was on the COD's agenda a few months ago. Basically, the interior railings would be difficult to make compliant, but they are planning to install a fully compliant railing on all the staircases on the outer/wall side of the staircases. The second variance is concerning an interior ramp on the 3rd floor where there is a long ramp run without a landing, it is 40 feet in length, but a landing should be provided for every 30feet run. NCDF will provide compliant railings on this ramp but it would be very costly to reconstruct this ramp to provide the intermediate landing and there would be no accessible way to get to those apartments if the ramp was under construction. The third variance concerns the placement of the controls in the shower of one of the accessible apartments, where there is a conflict with Uniform Federal Accessibility Standards (UFAS) required by building that receives federal funds (under Section 504), and with AAB. The UFAS require the shower controls to be on the long side of the shower and the AAB requires the controls on the shorter side. Girard asked why there

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weren't roll-in showers in these more fully accessible apartments. Jeanne said that they were modified tubs, with a cutout, and that the tenants in those apartments prefer the tub/shower combo. Jeanne did say that they would install roll-in showers whenever those apartments become vacant. Rosemary had sent a letter to the COD in support of these variances. Lucie made a motion to support the variances that NCDF have applied for. Jane seconded the motion. The motion passed by a vote of 9-0-1 (Sandra abstained).

14.MBTA at Riverside (8:30-8:35)

This report was tabled for next month's COD meeting by Girard.

15.Newton-Wellesley Hospital Committee Meeting (8:35-8:40)

Girard reported that the NWH COD subcommittee, all were present, met with Newton-Wellesley Hospital staff, Dr. Larson, Cathy Block, and a facilities manager (on the phone), in late September. It was a very positive meeting with several accessible and safety issues brought to NWH's attention, including a request for NWH to install an accessible pedestrian activated RRFB at the entrance/exit of the West entrance driveway, more accessible parking spaces both in the garage, especially on the 3rd floor, and side parking lots, accessible equipment and machines, such as mammograms and x-rays, and staff training to work more effectively with patients with hearing loss, along with 2 site visits to a very small elevator in the blue building and a curb ramp in disrepair not far from entrances to the blue and white buildings. The subcommittee discussed meeting with NWH again this fall, in November or early December for an update and progress report on many of these items. Jini will contact NWH to arrange this second meeting.

16.Candidate for COD Membership-Tyrone Hooks (8:40-8:50)

Tyrone was not at the meeting so this agenda item was tabled until Tyrone can make it, which hopefully will be in November at the next COD meeting.

17.Old/New Business (8:50-9:00)

Rosemary said that she would like to see the reactivation of the Education Committee of the COD, which existed quite a few years ago, to educate the public at large, especially disability awareness. Jane mentioned that is what Nathan Persampieri has been doing in the high schools. Jini said that now that

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Nathan's is in college, he has more ideas to have events that brings attention to the COD, such as the movie showing in February, the 30th anniversary of the signing of the ADA, October is Disability in Employment month, etc. An education committee or an event committee can help with all of these ideas and even create educational materials such as a brochure about the COD and maybe the accessible parking violations,. Rob asked for volunteers for this Education Committee of the COD. Rosemary, Lakshmi, and Eileen expressed being on this committee. Jane mentioned that perhaps Nathan would be interested, too, and perhaps he would like to be an advisor to the COD and be part of this committee.

Speaking of advisors, Jini introduced Shelby Booth, who is an Orientation and Mobility Instructor at the Carroll Center for the Blind, who attended tonight's meeting and would like to become an advisor to the COD, just as Heather Platt used to be, but no longer works for The Carroll Center. Rob welcomed Shelby and, is she decides to join as an advisor, he welcomed her in that role as the COD can always use her advice.

Eileen asked if her agenda items that she wrote to the Co-chairs could be on the November agenda, and Rob agreed.

Lakshmi brought up the possibility of an organization to fund with the Fines money, called Access SportsAmerica, and she would like to have them come and tell the COD about their programs. Rob also would like some time on a future agenda to focus on how to spend the Fines funds, too.

Matt asked for clarification regarding the Nominating Committee, as to how many positions are open. At the moment, the COD has 3 officer positions, 2 Co-chairs and 1 Treasurer, so any number of members can be nominated for these 3 positions, as there are elections every January. There was also discussion if the election has to be a public/open election or if it can be a private vote by members. Rob said that it is always a public vote, according to the Open Meeting Law, and Jini said she could double check with Marie Lawlor. There was also discussion about the current COD organizational structure/information which serve as "by-laws". There seemed to be a lot of interest to look at what it says, on the COD's webpage at:

www.newtonma.gov/cod

and review and possibly make some changes. MOD offers some sample by-laws the 'By-Law' Committee could look at.

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18.Adjournment (9:00)

The meeting adjourned at 9:40PM.

**Respectfully prepared and submitted by
Jini Fairley, ADA/504 Coordinator**

***NEXT MEETING DATE: November 18, 2019**

*Note that the November meeting is on the 3rd Monday since the Veteran's Day holiday falls on the usual second Monday meeting day/time.

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:

**Newton Commission on Disability
CDBG Access Projects Report
October 21, 2019**

FY19 City Hall Wheelchair Accessible Single Use Toilet Room -(CD19-03A; Budget: \$89,658.78; Expended: \$89,658.78; Balance: \$0) The COD voted to allocate FY19 architectural access funds to the installation of a wheelchair accessible toilet room on the first floor of City Hall. The project will be managed by the City of Newton Public Buildings Department. Contractors are Vanguard Construction and P.J. Kennedy. **Project is closed.**

FY20 Rectangular Rapid Flashing Beacons (RRFBs) – (CD20-03A; Budget: \$60,000; Expended: \$0; Balance: \$60,000) The COD voted to allocate FY20 architectural access funds to the installation of three sets of RRFBs at the following intersections: Centre Street/Pleasant Street; Christina Street; and Lincoln Street at Chester Street. **Bid was released on October 10th, and the bid opening will take place on October 24th.**

FY20 Park Pathway Installations – (CD20-03B; Budget: \$30,500; Expended: \$0; Balance: \$30,500) The COD voted to allocate FY20 architectural access funds to the installation of park pathways across the City. 7 parks were identified, including Auburndale Playground, Cabot Park, Countryside School, Franklin School, Upper Falls Playground, Weeks Park, and West Newton Common. **Staff continues to work with Parks and Rec and DPW to prioritize the 7 parks for pathway installation and to finalize cost estimates. Because Countryside School is located in a floodplain, staff attended the Conservation Commission meeting on October 3rd to obtain approval (Order of Conditions).**

FY20 Curb Cut Pool – (CD20-03C; Budget: 31,882.33; Expended: \$0; Balance: \$31,882.33) The COD voted to allocate FY20 architectural access funds to the installation of curb cuts. **Staff is working with DPW to identify the location of curb cuts.**

Snapshot of Architectural Access Program

Total Allocation Across Accessibility Projects from FY2016-2020

FY16-20 Funding Allocation

(approximately \$506,000)

- 54%: Street Infrastructure
- 40%: Building Access
- 6%: Accessible Pathways to Park Elements

Example of Projects:

Street Infrastructure

- Installation of curb cuts
- Installation of Rectangular Rapid Flashing Beacons (RRFB's)
- Installation of Accessible Pedestrian Signals (APS's)
 - e.g. Beacon Street/Washington Street

Building Access

- Modernization and accessibility improvements made to the main elevator at the Carroll Center for the Blind
- Installation of the City Hall Wheelchair-Accessible, Single-Use Toilet Room

Accessible Pathways to Park Elements

- Newton Highlands Playground
- West Newton Commons
- Franklin School

FY16-20 Architectural Access Funding Allocations

Project Types	Funds Allocated	Percent of Total Funds	Number of Installations*
Street Infrastructure	\$273,728.48	54%	96
Building Access	\$201,404.70	40%	2
Accessible Pathways to Park Elements	\$30,500.00	6%	7
Total	\$505,633.18	100%	105

NEWTON POLICE DEPARTMENT

NEWTON COMMISSION ON DISABILITY

PARKING TICKET AND FINES REPORT

SEPTEMBER 2019

TOTAL NUMBER OF TICKETS ISSUED	25
TOTAL VALUE OF TICKETS ISSUED	\$ 5,000.00
REDUCTION AMOUNT	\$ 1,000.00
TOTAL AMOUNT PAID	\$ 2,200.00
TOTAL OUTSTANDING	\$ 1,800.00

CODE # 26 ACCESSIBILITY SPOTS

NUMBER OF TICKETS ISSUED	14
TOTAL VALUE	\$ 2,800.00
REDUCTION AMOUNT	\$ 600.00
TOTAL AMOUNT PAID	\$ 1,400.00
TOTAL DUE	\$ 800.00

CODE # 27 CURB CUTS

NUMBER OF TICKETS ISSUED	11
TOTAL VALUE	\$ 2,200.00
REDUCTION AMOUNT	\$ 400.00
TOTAL AMOUNT PAID	\$ 800.00
TOTAL DUE	\$ 1,000.00

NEWTON POLICE DEPARTMENT

NEWTON COMMISSION ON DISABILITY

PARKING TICKET AND FINES REPORT

FISCAL YEAR 2020

As of September 30th, 2019

FY 2020 Year-to-date Parking Ticket Totals

TOTAL NUMBER OF TICKETS ISSUED	76
TOTAL VALUE OF TICKETS ISSUED	\$ 15,300.00
REDUCTION AMOUNT	\$ 5,400.00
TOTAL AMOUNT PAID	\$ 6,400.00
TOTAL OUTSTANDING	\$ 3,500.00

CODE # 26 ACCESSIBILITY SPOTS

NUMBER OF TICKETS ISSUED	50
TOTAL VALUE	\$ 10,100.00
REDUCTION AMOUNT	\$ 4,400.00
TOTAL AMOUNT PAID	\$ 3,800.00
TOTAL DUE	\$ 1,900.00

CODE # 27 CURB CUTS

NUMBER OF TICKETS ISSUED	26
TOTAL VALUE	\$ 5,200.00
REDUCTION AMOUNT	\$ 1,000.00
TOTAL AMOUNT PAID	\$ 2,600.00
TOTAL DUE	\$ 1,600.00

Treasurer's Report

Given by Jane Brown, Treasurer of the Commission On Disability
Presented at the October 21, 2019 COD Meeting
As of October 18, 2019, the balances of the COD accounts are as follows:

Account #14-3314M3 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: \$59,883 (will be updated in November)

Account # C108006-513001 Operation Access – Disability Commission

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

Type: Special Appropriations

Balance: \$2102.97

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: **\$940.00**

ADA COORDINATOR'S REPORT

Given by Jini Fairley, ADA/Section 504 Coordinator, and presented at the October 21, 2019 COD meeting.

Site Visits:

- Park pathways to play structures with Tiffany and new Open Space Coordinator from Parks & Rec, Luis- Cabot Park
 - MOD Grant- Visited 4 intersections where new APS were installed with MOD's Grants Manager, Karl Bryan
 - Waban Library- Checked out place for some new exterior signs and first floor restroom
 - Waban Common with Parks & Rec- reviewed plans for additional benches and game table- current benches will be made more accessible by adding wider cement pad at each end this Fall
 - Armory Tour- with city staff & Councilors viewed the existing Armory 28 Austin St. Apartments- joined city staff for a tour
 - Christina St. & Walker St.- with Terry, checked out steep slope on Christina St. sidewalk & sidewalk near NHA apartments

Trainings:

- 3Play Media- lawsuits regarding web accessibility
- US Access Webinar- on toilet rooms

Meeting/Events/Conference Calls:

- MOD Disability Summit- attended with Lakshmi, Jane, & Dana and spoke about the APS grant that the city received from MOD
- Snow Routes- attend weekly into October
- Consolidated Plan Community Meetings- facilitated architectural access discussion for FY21-25 at Weeks, Family Access, & Library
- COD Subcommittee meeting with Newton-Wellesley Hospital
- Meeting with IHCD about commuter rail stations in Newton with COD members
- CIP departmental meetings
- Conservation Commission for pathway at Countryside
- Urban Design Commission- to support a resident in a fence appeal
- NewCAL- every other week meeting
- Fair Housing Committee- I attend this monthly
- Complete Streets Committee & Road Paving- I attend, every other week
- CODA- monthly meeting- on phone with other CODs and ADA Coordinators
- Austin St.- I attend this once a month meeting

- Development Review Team (DRTs) -