



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting Date: June 10, 2019
Room 204
Time: 6:30 pm

MINUTES

Ruthanne Fuller
Mayor

Barney Heath,
Director, Planning &
Development

Rachel Powers
Manager
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
Matt Volpi

Jason Rosenberg
Chairman Emeritus

Advisor

Sergeant Bob Lee, Jr.
Newton Police Department

Staff

Jini Fairley
ADA/Sec 504 Coordinator
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Commission Members Present:

Rob Caruso, Co-chair
Girard Plante, Co-chair, participating remotely
Jane Brown, Treasurer
Barbara Lischinsky
Rosemary Larking, participating remotely
Sandra Lingley
Matt Volpi
Lakshmi Kadambi
Warren Abramson, participating remotely

Commission Members Absent:

Lucie Chansky
Anne Marie Killilea
Eileen Sandberg

City Staff Present:

Jini Fairley, ADA/Section 504 Coordinator
Tiffany Leung, Planning
Dana Hanson, Mayor's Office, participating remotely

Guests:

Jessica Chaikof
Pedro Fontes
Tyrone Hooks
Representatives from NCDF
Representatives from Austin Street Partners

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

Seven members were present at the meeting, 2 members on the phone, and 3 absent. Also there were 3 applicants for the one vacancy on the Commission, Jessica, Pedro, and Tyrone.

2. Approval of 5/13/19 Meeting Minutes (6:35-6:40)

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Rob asked if everyone read the minutes and if there were any changes needed. Hearing none, Jane made a motion to accept the minutes as read and distributed and Matt seconded the motion. The motion passed unanimously by a vote of 9-0.

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

Tiffany gave the following CDBG-funded Access Projects:

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Highlands Playground Access – (CD15-032 Budget: \$123,750.00; Expended: \$117,562.50; Balance: \$6,187.50). Accessible pathways component began in spring 2017 with contractor David White & Son. **No update.**

FY19 City Hall Wheelchair Accessible Single Use Toilet Room- (CD19-03A Budget: \$114,822.33; Expended \$46,272.50; Balance: \$68,549.83) 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. **Toilet Room project is complete, and open for use. Staff will proceed with project close-out.**

Ribbon Cutting will be held on Monday, June 10, 2019 from 6:00-6:30pm. Mayor Ruthanne Fuller will be joining the ceremony.

Tiffany let everyone know that the ribbon-cutting ceremony was postponed, due to the Mayor's unavailability, to the next COD meeting on Monday, July 8, at 6PM at the accessible toilet room on the first floor of City Hall. Sandra asked if the Oak/Christina/Needham Street intersection is finally being constructed. Tiffany said it is. Sandra questioned whether an RRFB is necessary at the midblock crossing on Christina if the intersection is being improved. Tiffany said that even with the intersection improvements, there are still many persons with disabilities who attend the Price Center daily crossing there, to reach businesses closer to this crosswalk than from the intersection. The RRFB voted upon back in February for this midblock crossing will not be installed until the intersection is completed, and DPW Transportation will evaluate if the need still exists at this crossing.

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4. Accessible (HP) Fines Reports (6:45-6:50)

In Sgt. Lee's absence, Matt read the Accessible Fines report for the month of May. There was no Year-to-date report submitted due to inaccuracies from the vendor:

PARKING TICKET AND FINES REPORT

MAY 2019

TOTAL NUMBER OF TICKETS ISSUED	40
TOTAL VALUE OF TICKETS ISSUED	\$ 8,200.00
REDUCTION AMOUNT	\$ 2,000.00
TOTAL AMOUNT PAID	\$ 2,000.00
TOTAL OUTSTANDING	\$ 4,200.00

CODE # 26 ACCESSIBILITY SPOTS

NUMBER OF TICKETS ISSUED	29
TOTAL VALUE	\$ 6,000.00
REDUCTION AMOUNT	\$ 1,800.00
TOTAL AMOUNT PAID	\$ 1,000.00
TOTAL DUE	\$ 3,200.00

CODE # 27 CURB CUTS

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

5. Treasurer's Report (6:50-6:55)

Jane gave the following Treasurer's Report:

As of June 7, 2019, the balances of the COD accounts have not changed and 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**

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

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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**

6. ADA Coordinator's Report (6:55-7:00)

Jini gave the following report on her activities for May:

Site Visits:

- Several planned but were postponed

Small Grant Idea for Accessible Parking Fines Funds:

- Conversation with school parent looking for funding assistance for accessible playground equipment, e.g. adjustable basketball pole

Meeting/Events/Conference Calls:

- Newton Highlands Playground Opening
- Traffic Council-Approved a trial of accessible parking space at 1199 Centre St.
- Parks & Recreation Commission Public Hearing- Levingston Cove Plan approved
- Mayor's Community Breakfast- Nathan gave a great speech
- Council on Aging Building Domain Action Team (B-DAT) monthly meetings
- NewCAL- every other week meeting
- Walnut Street Enhancements- I attend this every other week
- 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)- as needed

Jini mentioned that she was in contact with a parent of the 5th grade graduating class at Mason Rice who was inquiring if the COD had funds that could be used for an adjustable basketball pole for their outdoor half court. They are raising money to resurface the court that has fallen in

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disrepair, as a graduating class gift, and was hoping they might replace one of the poles with an adjustable pole so that the rim height would be set lower or adjustable. I said that the COD would need to vote on such an expenditure and would take longer than June, however, it gave me the idea that the COD might want to establish min-grants for accessible outdoor equipment for schools, using the more than \$59,000 funds from the Accessible Fines account. Many thought it a good idea and some wanted to expand this idea to fund programs in the schools, such as renting an accessible bus for high school field trips. Due to a time constraint, it was decided to continue this conversation about what projects the COD want to fund at the next meeting.

7. AAB Variance-Weeks House/NCDF (7:00-7:15)

Executive Director of Newton Community Development Foundation (NCDF), Jeanne Strickland, and a consultant from Kessler, McGuinness & Associates presented the reasons for the AAB variances sought at Weeks House, an apartment complex, mixed income, for seniors and low income families. The variances are focused on the handrails in the 4 stair cases in the building that serve 3 floors. One of the stair cases has a stair lift and the building is served by an elevator. The handrails in these 4 staircases either have non-compliant handrails or no handrails on the exterior/wall side of the staircases.

This is an historic building and it would be costly to add or replace handrails, especially the interior ones. They are proposing only adding continuous, compliant handrails to the exterior/wall side of each staircase and leave the interior handrails as is, which do exist, but are historic in nature, with newel posts, etc. not fully compliant. The staircases are very wide as this building used to be Weeks Junior High. Jane made a motion to support the variances for the handrails, allowing adding continuous handrails on the exterior in all 4 stairwells and leaving the interior handrails as they exist today. Rosemary seconded the motion. The motion passed by a vote of 7-0-2 (Sandra and Barbara abstaining).

8. AAB Variance- 28 Austin St. Apartments (7:15-7:45)

Scott Vlasik, architect, presented the reasons for the AAB variances at the 68 modular rental apartments that are under construction currently at 28 Austin Street in Newtonville. He began with the variance requested for the kitchen sink depth being installed in the Group 1 apartments, are 8.5

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inches, but the AAB requires the sink depth to be 6.5 inches. Most tenants are preferring the deeper sink. However in order to mitigate this, the owners are proposing to include in every lease the accommodation to replace the deeper sink for one that is no more than 6.5 inches deep, and there will always be 2 of these 6.5 inch sinks on hand and will take less than a week to install and replace the deeper sink.

The second variance involves the refrigerator in the Group 2A apartments (more fully accessible), where the freezer will be on the bottom of the refrigerator and side by side doors above the freezer. The AAB requires the freezer on the top with a specific reach range. Again, if a person with a disability wishes to have a refrigerator model with the freezer on the top, a compliant refrigerator will be installed, upon request, within one week.

The third variance is in regard to the size of the shower in 33 Group 1 units in the captive bathroom (off of a bedroom) in a 2 bedroom and 2 bath apartment, is narrower than the AAB requires by 6 inches. . The COD has heard previous variance requests for both the kitchen sink depth and the refrigerator style and have supported these variances. There was more discussion regarding the shower stall that is 30 inches by 60 inches, but the AAB requires a minimum of 36 inches by 36 inches. The main focus of the discussion was where the controls are located, if these controls or the handheld shower head are not close enough for someone to use, especially using a fold down seat on the adjacent wall from the opening. These showers are not roll-in showers and are not required to be roll-in. Scott said that the controls, if not convenient for a person with a disability , as the controls are on the 30 inch wall, and are not within reach, the controls could be moved closer, centered on the long side of the stall (60 inch side. Girard asked if the mixing valves for the shower are set so that the water cannot be any hotter than 120 degrees. Scott said they would double check that, both at the hot water tank and with the mixing valve, which have compliant hardware. Again, if requested by a person with a disability that these controls and/or a handheld shower head with a diverter be moved to the center of the long wall, that accommodation will be made and completed within one week. Scott mentioned that their variance application regarding these 3 variances was reviewed by the AAB last week and they received approval for the variances connected to the sink and the refrigerator, and the AAB continued the shower variance, asking for more detailed drawings as to how they would accomplish moving the controls from the 30 inch wall to the center of the 60 inch wall if requested. Sandra

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suggested that these three variances and options are listed on a separate sheet of the lease and that rental agents are trained to explain each one before the potential tenant and lease agent sign or initial this sheet. In addition, at any time during a person with a disability's tenancy, one or more of these requests can be made and provided, at no cost to the tenant and within one week's time.

Barbara made a motion to support all 3 variances with the stipulation that all 3 variances and options are clearly explained, all on one page, which must be signed or initialed by tenant and lease agent. The motion was seconded by Rosemary. The motion passed unanimously by a vote of 9-0.

9. Co-Chairs Quarterly Mayor's Meeting/Other COD Business (7:45-8:15)

Rob asked if everyone received the agreement reached with the Mayor as to the formula for distributing the accessible fines collected to the COD, which he sent out today. This was discussed and voted upon at a previous COD meeting but the stipulation to review this agreement in 3 years was added. Another item at this meeting in April with the Mayor was to encourage new leadership among the members of the COD, and to begin that transition process in advance of the annual January elections. Rob said that this is something he and Girard have thought about for many years and the Mayor agrees. The process that Rob and Girard are proposing is to have a standing committee, called the Nominating Committee, which existed in the past but not recently, to poll all members to consider an officer position, be it Chair, Co-Chair, Treasurer, or maybe others, and bring forward candidates in November and December for a vote in the upcoming January election. Some CODs also have a Secretary officer position. Rob mentioned the document he and Girard put together listing many accomplishments in their tenure of the past 12 years as COD Co-chairs. Girard encouraged everyone to look it over and understand that not only has accessibility improved within the city, they and the COD have changed the culture within city government to be more positive and raise the importance of accessibility and disability concerns throughout the city. It hasn't been easy to make these necessary changes, including the hiring of the first full-time ADA Coordinator.

One suggestion for a smooth transition would be to have one of the Co-chairs remain for the following year/be re-elected, and a new Co-chair be elected, so that either Rob or Girard could guide them, show them the ropes, throughout the year, and both Rob and Girard would be resources

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for any new officers. Rob and Girard assured the members that they are not leaving the COD, their terms have been renewed, but they would like to see a transition take place in January.

One other committee Rob suggested for the COD is an ad hoc committee to work with Newton-Wellesley Hospital. The forming of these committees will be taken up in future COD meetings this summer and fall.

10.Old/New Business (8:15-8:30)

Rosemary mentioned that the stone dust used for the pathway between the gates at the dog park at McGrath park isn't accessible enough. Jini said that she knew about this from Rosemary and is planning a site visit there to see what can be done there, after one leaves the asphalt accessible path. Jini will get back to her after the site visit. Others at the meeting discourage visiting a dog park as it might not be that safe for her.

11.Adjournment (8:30)

The meeting adjourned just before 9PM.

Respectfully submitted by
Jini Fairley

NEXT MEETING DATE: July 8, 2019

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.