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# CITY OF NEWTON, MASSACHUSETTS

## Commission On Disability

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Meeting Date: November 14, 2018  
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  
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  
617-796-1253

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**Commission Members Present:**

**Rob Caruso, Co-chair**  
**Girard Plante, Co-chair**  
**Jane Brown, Treasurer**  
**Lucie Chansky**  
**Rosemary Larking, participating remotely**  
**Anne Marie Killilea**  
**Sandra Lingley**  
**Matt Volpi**  
**Lakshmi Kadambi**

**Commission Members Absent:**

**Barbara Lischinsky**

**City Staff Present:**

Jini Fairley, ADA/Section 504 Coordinator  
Tiffany Leung, Planning  
Sgt. Robert Lee, Police  
Dana Hanson, Mayor's Office

**Guests:**

Councilor Alison Leary  
Councilor Vicky Danberg

**Representatives from Northland**

Warren Abramson  
**Nathan Persampieri**

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

**At the time of introductions, Commission members Sandra Lingley, Matt Volpi, Barbara Lischinsky, and Lakshmi Kadambi were not present.**

**2. Plastic Straws Ban (6:35-6:55)**

**Councilor Alison Leary had requested to be on the agenda in her capacity of being on the Solid Waste Commission, which is concerned with recycling. There is consideration by this**

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Commission to ban plastic straws, among other disposable and single use plastics. She wanted to know how a ban of single use plastic straws in Newton would affect people with disabilities, as there are alternative materials for straws. Lucie said that her adult son with profound disabilities, uses a single use plastic straw each time he goes out to a restaurant. Banning single use plastic straws would prevent him from drinking at any outing to an event where liquids are consumed. Alternative materials, like paper, are not acceptable as some people with disabilities have choked on a paper straw. Lucie said that single use plastic straws must be available upon request in all public accommodations, although, they don't need to be in wide use. At this point in the conversation, Councilor Vicky Danberg spoke about other products besides plastic straws being considered for a ban in Newton, including single use polystyrene and plastic stir sticks. Councilor Leary wanted to hear from the disability community as she felt that a ban on plastic straws could have a detrimental impact on some people with disabilities who rely on plastic straws, and the other 2 products being considered for a ban would not affect people with disabilities. Girard said that he personally does not use a single use disposable plastic straw but others he know do and cannot use paper straws for fear of choking. He said that most people with disabilities would not be in favor of an outright ban on single use plastic straws. Lucie said that the ARC of Massachusetts put out a statement in opposition of a ban on single use plastic straws. She will provide to all tomorrow via email. Matt joined the meeting and asked if instead of an all-out prohibition of all single use plastic straws that they be available upon request at all public accommodations where liquids are provided. Councilor Leary is looking for a possible compromise, as Matt suggested. As for the sale of plastic straws, Lucie suggested that they be available for sale at stores behind the counter so that those who need them will be made aware that they are available to buy if requested. Rob summed up the conversation that the consensus of the Commission would not support an all-out prohibition of single use plastic straws, but would support making single use plastic straws available only upon request in public accommodations and for sale (kept behind the counter) only upon request. Councilor Leary emphasize that much of the enforcement would be with education and changing the culture and behavior patterns, where customers ask for a paper straw, or bring their own reusable cup and straw, or bring their own take out containers, so that these plastics don't get into the ocean and that our trash is reduced by

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always going with something reusable and not disposable. Reduce and Reuse is the goal.

**3. Approval of 10/10/18 Meeting Minutes (6:55-7:00)**

Since the introductions, Lakshmi and Sandra joined the meeting. Rob asked if everyone read the minutes that were distributed in advance and if there were any changes needed. Hearing none, Jane made a motion to accept the minutes as distributed, and Matt seconded the motion. The motion passed with a vote of 7-0-1 (Lucie abstained since she was not present last month, and Barbara and Sandra have not joined the meeting)

**4. CDBG Report (7:00-7:10)**

Tiffany gave the following CDBG Access Projects report:

**FY17 Curb Cuts Funding Pool/FY16 Curb Cuts Funding Pool** – (CD17-03A/CD16-03B Budget: 107,228.00; Expended: \$97,405.67; Balance: \$9,822.33; \$1,279.92 was transferred to the Carroll Center project). The FY17/FY16 Curb Cut project was completed in conjunction with the COD and DPW/Engineering based on the recently completed inventory. DPW/Engineering sought to complete 30-40 curb cuts in the Carr School area by spring 2018. **Project is closed out.**

**Carroll Center Accessibility** – (CD15-035 Budget: \$111,745.92; Expended: \$111,745.92; Balance: \$0). The Carroll Center Accessibility Project was approved by the Planning and Development Board January 11, 2017 and Funding and Owner/Contract Agreements executed on December 14, 2017. **Project is closed out.**

**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. **As of 11/6/2018, Parks & Recs has confirmed that the cracked steps have been repaired and the field is being used. Weston & Sampson have looked at the drainage issues and have made recommendations on how to resolve them. Parks & Recs will be working with the contractor to make these adjustments, but if they do not agree, they will look to hire someone to do them. Official address of the park is 16 Winchester Street.**

**Newton Corner Curb Cuts** – (Project CD15-034 Budget: \$141,940.00; Expended: \$122,249.20; Balance: \$19,690.00). The project included the installation of 11 accessible curb cuts on Washington Street and around the Newton Corner Circle. The Highway Division completed several curb cuts in and around Park Street improvements during the previous fiscal year. A. R. Belli also completed

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improvements through an existing contract with the City. As mentioned at the 10/10/2018 COD meeting, DPW plans on installing large planters to protect pedestrians from falling off the edge of the ramp and to further beautify the corner. DPW is still working to coordinate with Parks & Rec to begin implementation. Staff is also waiting for final payment before proceeding with project close-out.

**FY18 APS** – (CD18-03B Budget: \$17,360.00; Expended: \$16,821.42; Balance: \$538.58) The COD voted to approve the installation of Accessible Pedestrian Signals (APS) at the locations listed below. Follow-up site visit was performed on 11/8/2018 and all issues have been resolved. Staff is proceeding with project close-out.

**FY19 City Hall ADA Accessible Single Use Toilet Room**- (CD19-03A Budget: \$105,000.00; Expended \$0; Balance: \$105,000.00) The COD voted to allocate FY19 architectural access funds to the installation of an ADA accessible toilet room on the first floor of City Hall. The project will be managed by the City of Newton Public Buildings Department. Public Buildings received two bids for construction work and one bid for plumbing work. Winners of the bid are PJ Kennedy & Sons (cost of \$31,850) and Vanguard Construction (cost of \$38,000). With the addition of contingency, total cost of the project will be roughly \$73,350. Staff is finalizing the MOU with the law department. Once finalized, staff will execute the MOU between the two departments.

**Girard commented that the Newton Corner improvements are excellent and much safer to navigate and Rob commented that the Newton Highlands playground/park looks terrific.**

**5. Accessible (HP) Fines Reports (7:10-7:20)**

**Sgt. Lee gave the following 2 Accessible Fines Report, the first one for the month of October and the second one for the year-to-date:**

**NEWTON POLICE DEPARTMENT  
NEWTON COMMISSION ON DISABILITY  
PARKING TICKET AND FINES REPORT OCTOBER 2018**

**TOTAL NUMBER OF TICKETS ISSUED**

**41**

**TOTAL VALUE OF TICKETS ISSUED**

**\$ 8,600.00**

**REDUCTION AMOUNT**

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**\$ 2,800.00**  
**TOTAL AMOUNT PAID**  
**\$ 2,600.00**  
**TOTAL OUTSTANDING**  
**\$ 3,200.00**  
**CODE # 26 ACCESSIBILITY SPOTS**

**NUMBER OF TICKETS ISSUED**  
**27**  
**TOTAL VALUE**  
**(23 @ 200) (4 @ 300)**  
**\$ 5,800.00**  
**REDUCTION AMOUNT**  
**(7 @ 200) (4 @ 300)**  
**\$ 2,600.00**  
**TOTAL AMOUNT PAID**

**\$ 2,000.00**  
**TOTAL DUE**

**\$ 1,200.00**  
**CODE # 27 CURB CUTS**

**NUMBER OF TICKETS ISSUED**  
**14**  
**TOTAL VALUE**  
**(14 @ \$200)**  
**\$ 2,800.00**  
**REDUCTION AMOUNT (1 @ \$200)**  
**\$ 200.00**  
**TOTAL AMOUNT PAID**  
**\$ 600.00**  
**TOTAL DUE**  
**\$ 2,000.00**

**Year-to-Date:**  
**PARKING TICKET AND FINES REPORT FISCAL YEAR 2019**  
**As of November 1, 2018**

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**FY 2019 Year-to-date Parking Ticket Totals**

**TOTAL NUMBER OF TICKETS ISSUED**

**161**

**TOTAL VALUE OF TICKETS ISSUED**

**\$ 33,000.00**

**REDUCTION AMOUNT**

**\$ 8,400.00**

**TOTAL AMOUNT PAID**

**\$ 10,400.00**

**TOTAL OUTSTANDING**

**\$ 14,600.00**

**CODE # 26 ACCESSIBILITY SPOTS**

**NUMBER OF TICKETS ISSUED**

**110**

**TOTAL VALUE**

**(104 @ 200) (6 @ 300)**

**\$ 22,600.00**

**REDUCTION AMOUNT**

**(34 @ 200) (4 @ 300)**

**\$ 8,000.00**

**TOTAL AMOUNT PAID**

**\$ 6,400.00**

**TOTAL DUE**

**\$ 8,400.00**

**CODE # 27 CURB CUTS**

**NUMBER OF TICKETS ISSUED**

**51**

**TOTAL VALUE**

**(49 @ 200) (2 @ \$300)**

**10,400.00**

**REDUCTION AMOUNT**

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(2 @ \$200)

**\$ 400.00**

**TOTAL AMOUNT PAID**

**\$4,000.00**

**TOTAL DUE**

**\$ 6,200.00**

**6. Treasurer's Report (7:20-7:25)**

**Jane gave the following Treasurer's report:**

As of November 9, 2018, the balances of the COD accounts have not changed since the October COD meeting 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 #14M1146-4710HP Revenue taken in during the year for Fines Collected

Balance: \$0

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: **\$160.97**

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

Type: Special Appropriations

Balance: \$6400.00

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

Type: Revolving Account

Balance: \$940.00

Account# 29B22001 Disability Commission Gift

Type: Gift/Donation Account

Balance: \$0.00

**Again, there were questions about why we report the Gift Account when it has a balance of zero. Jini explained that when the COD became an Commission under the state statute Chapter 40 8J, the Commission was allowed to accept gifts, so an account was opened. In addition, Jason has a check for the COD from a family who had benefitted by efforts by the COD, and the gift is in gratitude for that accessibility improvement. Efforts**

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**on the part of the Co-chairs to reach Jason to arrange for the receipt of this donation have not been successful.**

**7. ADA Coordinator's Report (7:25-7:30)**

**Jini gave the following ADA Coordinator's report:**

Site Visits:

- APS – Grove/Central/Auburn- checking out removal of control unit on same pole
- APS- West Newton Square crossing Washington St.
- Cedar & Mill- Access Issues

Trainings:

- Webinar- Fair Housing Accessibility First- Accessible Public and Common Use Areas
- Webinar-FHA First- Dwelling Unit Requirements

Meeting/Events/Conference Calls:

- Levingston Cove/Crystal Lake Working Group
- Panelist at Carroll Center on Reasonable Accommodations
- Panelist at Somerville's COD program on Employment of People with Disabilities
- Panelist- Forum on Inclusion organized by Nathan
- Snow Routes-Weekly throughout October/November
- Commuter Rail Update by MBTA
- Austin Street Housing - every other week meetings
- Fair Housing Committee- I attend this monthly
- Complete Streets Committee & Road Paving- I attend, every other week
- CODA- monthly meeting

**Rob asked what is going on at Levingston Cove. He commented that the CDBG funds paid for some rubberized surface leading down to the cove. Jini wasn't familiar where that might be. She explained that a design option is being developed to improve the accessibility and the drainage from street runoff and down the slope into the lake, as well as preserving the grass and benches and access to the water..**

**8. Northland Project-Needham/Oak Streets. (7:30-8:00)**

**Representatives from Northland Development gave a PowerPoint presentation overview of the proposed plans for a project to provide office space, commercial space, and 822 apartments for rent. The location is where the current Marshall's Plaza is on Needham St. and also the mill buildings on Oak Street and Needham St, over 22 acres. This project will be built in phases over the next 5-7 years. There will be several access**



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points for vehicles and pedestrians. Within the new complex the sidewalks, curb ramps with detectable warning panels and crosswalks will be AAB and ADA compliant. Most of the project is new construction, except for the renovation of the mill building. The apartments will be located over commercial/retail space on the first floor, spread over 10 buildings. There will also be 6 townhouses. According to AAB regulations for new construction, most of the apartments will follow Group 1 accessibility regulations and 52 apartments will follow Group 2A accessibility regulations, which provides more accessible bathrooms, kitchens, and bedrooms. There will be 123 affordable apartments of the total 822 apartments, distributed throughout the buildings containing housing, by type, size, and cost. At the moment only 5% of the affordable apartments will have the accessible features of a Group 2A apartment. This large proposed development will be presenting at Land Use Committee over the next few months with more details by topic, such as affordability, traffic circulation, transportation, etc. The complex will provide an accessible shuttle service to various transportation nodes within Newton, Needham, and into Boston and Cambridge. Also, there will be a pick up/drop off area at the mobility hub for rideshare vehicles such as UBER and LYFT. There were questions about whether these rideshare vehicles can pick up or drop off directly in front of a particular building/apartment. Yes, that is always possible, but the designated location is mostly for the retail customers. There are several parks on the site, including the village green, which will have all accessible paths, an accessible playground, and accessible amenities, such as park benches. There are some topography issues on the site which will necessitate a series of walkways, some ramps and, in one case, entering one of the buildings to take an elevator in order to provide an accessible route from the village green to the Mill Park, and this elevator will be available 24/7. There will be accessible parking both outside near commercial and office space as well as below grade serving the residential spaces. The 6 townhouses will not have an elevator within them, but will have a comparable size apartment if accessibility is needed. It is unclear if these townhouses will be visitable. Girard asked if there will be an accessibility consultant on the project, both for the plans and for the construction. The development will have Kessler, McGuinness & Associates as their consultant. One consideration many developers miss is situating the Group 2A apartments closest to the elevator, rather than a distance down the corridor. Northland does not anticipate any variances at this time, but

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they are evaluating the mill building which will be renovated, as there are some historical elements to preserve and may require a variance. Rob offered the expertise of the COD and the ADA Coordinator if they have any questions along the way in design or construction.

**9. Operation Access (8:00-8:10)**

Jini mentioned that if the COD wants to conduct Operation Access this holiday season, then we need a vote to appropriate HP funds for this purpose. Last year the amount approved was \$7000, which was more than adequate for the holiday season, with funds also used during this past spring on some holiday weekends. Jane Made a motion to appropriate \$7000 of the accessible HP funds to pay for the overtime of the Police and Parking Control Officers for Operation Access, a targeted enforcement of the accessible parking regulations. Lucie seconded the motion. The motion passed unanimously by a vote of 9-0, with Sandra joining the meeting during the Northland presentation, and Barbara absent.

**10.2019 COD Meeting Dates (8:10-8:15)**

The following 2019 COD meeting dates were distributed to the members in advance and in the packets at the meeting:

2019 Newton Commission On Disability Meeting Dates

Below are the Commission On Disability meeting dates for the 2019 calendar year:

Monday, January 14, 2019  
Monday, February 11, 2019  
Monday, March 11, 2019  
Monday, April 8, 2019  
Monday, May 13, 2019  
Monday, June 10, 2019  
Monday, July 8, 2019  
Monday, August 12, 2019  
Monday, September 9, 2019  
\*Monday, October 21, 2019  
\*Monday, November 18, 2019  
Monday, December 9, 2019

\*The Commission usually meets on the second Monday of the month and starts at 6:30PM, held in Conference Room 204 in the Newton City Hall. The \* dates are the exception this year due to 2 national holidays. In those months, October and November, the COD meeting will be held on the third Monday of the month, when the Conference Room 204 is available.

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

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**Rob brought up an accessible issue with the Men's toilet room in the basement of City Hall, that the stall is not adequate, preventing the stall door from closing. Although accessible features in other toilet rooms in City Hall are not part of the CDBG funded project that is creating the new unisex accessible toilet room on the first floor of City Hall, Rob asked if Rafik could assess this men's room and figure out a solution to make it more accessible, as the stall is not long enough or the toilet itself is not mounted against and closer to the opposite wall from the door. Jini will look into that with Rafik.**

**Rosemary asked if the COD could have some committees as in the past, for example, one on Emergency Preparedness or one on Public Education. Regarding Emergency Preparedness, Rosemary suggested that it would be good to know how the city is planning to assist the elderly and people with disabilities who reside in Newton. Rob mentioned that he is called at least annually by the Police Department to check in if his status needing assistance in an emergency has or has not changed. He believes it is because he filled out the E-911 Disability Indicator Form. Rob said that if anyone is interested in forming a subcommittee of the COD on Emergency Preparedness, to let Jini know. Some of the members have attended the MOD community outreach for people with disabilities to learn more about MEMA, FEMA, receive Go-Packs and a personal emergency plan information. It's been a while since that happened in Newton.**

**Rob mentioned that the COD December meeting is traditionally a holiday celebration for a small part of the meeting. Discussion ensued as to whether there is time for one, was there enough interest from members to come early at 6PM and share some goodies. There was a motion from Lucie to determine who wanted a party, Sandra seconded it. The yes votes meant you were in favor of a party and a no vote was you were not in favor. The Nays won, by a vote of 3-6. However, if anyone wants to come early and bring something to share, they are welcome.**

**Sandra brought up an issue that when she and Barbara went to sign up for the City Council's newsletter (mentioned in the Mayor's email), they encountered a Capture for security purposes, before they could actually sign up. Most captures are not very accessible, even when there is an audible version, and she wondered what the need for this security check/capture, just to sign up for a newsletter. Either Dana or Jini will follow up.**

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Dana mentioned that a committee of citizens and organizations are planning a lifetime achievement celebration of Rev. Howard Haywood for December 16, and several of the Mayor's commissions and committees are signing on as Co-Celebrants. The invitation is just about to go out so the COD was asked if they would like to join in, no cost, to co-celebrate. A motion was made by Lucie to have the COD sign on as a Co-Celebrant to honor Rev. Haywood on Sunday, December 16, from 4-6PM at Temple Shalom on Temple St. Jane seconded the motion. The motion passed unanimously by a vote of 9-0.

Lucie brought up the issue of the Lime Bikes blocking sidewalks everywhere. Just the other day she saw a pack of 4 Lime bikes parked on the curb ramp at 4 Corners. Guest and potential COD member, Warren, mentioned that he saw them in 3 different places blocking the sidewalk/curb ramps. Lucie saw a DPW sign, right on the sidewalk on Parker St. which said that the paving had been cancelled. Jini mentioned that everyone needs to call the locations of these blocking Lime bikes to Customer Service, 617-796-1000, or online or with the app, 311, and they will call the Lime Bike company and will come out and move them from blocking either the sidewalk or the curb ramp. If you don't, it is all anecdotal and only calls that turn into statistics count, for us to continue to complain about the Lime bikes.

Lucie mentioned that some window washing machines were in all the accessible parking spaces out front of Weeks House on voting day, so it was impossible to park close enough to vote. This happens everywhere, Rob said, but it is particular egregious at a polling place.

Matt said that he is now officially a Community Access Monitor, having taken the 2-day training in Natick in October. Jini mentioned that Tiffany, and Alfredo in Engineering, also took the course and became CAMs.

Lakshmi wanted to but it was already overbooked.

Lakshmi mentioned that she followed the half day Global Perspective program on Disability and Citizenship, and found that much of the conversation is moving from "inclusion" to "Empowerment" of people with disabilities, especially youth with disabilities. She also mentioned that Nathan had organized an excellent panel on the topic of Inclusion and Disability, with himself, Jini, and Charles from the UP program. It would have been nice if there were more in attendance, and she would like to work on something similar and hold at the Library, maybe on different topics, like Sports and Disability, etc. Members wanted to talk about this again at

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**next COD meeting, if possible, to form a small committee to put on an event in the spring.**

**Jane mentioned that Nathan has been nominated for one of the Youth Awards from the Human Rights Commission and that program will be held on Tuesday, December 4, at 6:30PM at the Druker Auditorium in the Library. Jini will email everyone when she hears if he is getting the award.**

**12.Adjournment (8:30)**

**The meeting adjourned at 8:50PM.**

**Respectfully submitted,  
Jini Fairley**

**NEXT MEETING DATE: December 10, 2018**

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons 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](mailto: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.