



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting Date: February 12, 2018
Room 204
Time: 6:30 pm

MINUTES

Ruthanne Fuller
Mayor

Barney Heath,
Director, Planning &
Development

Rachel Powers
Manager
Community Development

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, participating remotely

Commission Members Absent:

Barbara Lischinsky

Members

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

City Staff Present:

Jini Fairley, ADA/Section 504 Coordinator
Sgt. John J. Babcock, Police
Rachel Powers, Planning
Amanda Lipson, Planning

Guests:

Matt Volpi
Patricia Rockwood
Susan Migliaccio
Lucia Dolan

Jason Rosenberg
Chairman Emeritus

Advisor

Sergeant Jay Babcock
Newton Police Department

Staff

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

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

At the start of the meeting, there were 2 members on the phone, Rosemary and Sandra, Barbara is sick, and Girard is on his way to the meeting.

2. Approval of December 11, 2017 Meeting Minutes (6:35-6:40)

Rob asked if there were any changes to be made to the minutes for the December 11, 2017 COD meeting (the January COD meeting was cancelled due to predicted bad weather). Hearing

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none, a motion was made by Rosemary to accept the minutes as read and distributed. Lucie seconded the motion. The motion was passed unanimously by a vote of 6-0.

3. CDBG Report (6:40-6:50)

Amanda gave the CDBG Access Projects report. There was an update to the APS project. Due to the cost of the APS, there will only be 3 intersections that will receive new APS. During the past month, the COD's advisor, Heather Platt, asked if the third intersection (the first one is Beacon & Washington Streets, and the second one is Newtonville and Harvard Avenues) could be Grove/Central/Auburn intersection instead of Tremont and Waverley, since there are many blind and visually impaired students being trained by The Carroll Center and living at a Lasell dorm who need to cross this intersection daily in the summer. This required a vote from the COD to select this intersection instead of Tremont and Waverley. A motion was made by Lucie to choose Grove/Central/Auburn intersection as the third intersection to receive APS using 2018 funds, instead of the Tremont and Waverley intersection. Rosemary seconded the motion. The motion passed unanimously by a vote of 6-0.

4. CDBG 2019 Funding Ideas (6:50-7:00)

Rachel led a discussion of ideas for access projects to be funded by 2019 CDBG funds. She would like projects identified by the March COD meeting as she will be including them in the CDBG Annual Action Plan which will be submitted to the Planning and Development board in early April. Two ideas surfaced during the discussion. Rob asked if CDBG funds could be used to create a single-use toilet room on the first floor of City Hall, since the grant that Jini applied for from MOD, the ADA Improvement Grant, was not accepted for funding. The total estimate was over \$127,000, which is more than the CDBG funds available. Some exploration needs to happen to find funds to supplement in order to completely fund such a project. A second idea was mentioned by Jini, to use the 2019 CDBG funds to create pathways in 9 parks/Playgrounds in order to access the play areas in these parks. The Parks & Recreation Department provided accost estimate for all these pathways of over \$85,000. Sandra mentioned another idea from last year's possibilities was to create a perimeter path around one park, or add paths to a park to access the park's facilities, like Weeks Park, although there is no cost estimate for this idea. Jini and Rachel will explore the

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feasibility of the first 2 projects and possible funding by the city from CIP to contribute the balance of the funds needed for the City Hall toilet room. Rob also had some suggestions for curb cut installation, such as in front of the Newtonville Post Office, which could also use an accessible parking space. Right now, if you get to park in front, there is no way to get up on the sidewalk except through a driveway. In Nonantum at the Post Office, there is an designated accessible parking space but there is no curb cut to get up on the sidewalk, one needs to use a driveway again. During this discussion, Girard arrived. If there are any additional ideas, please email Jini so that we can vote in March for access projects for FFY19 CDBG funds.

5. Accessible (HP) Fines Reports (7:00-7:10)

Sargent Babcock gave the following reports of tickets issues during the month of January and year-to-date:

FINES

CODE #26 & CODE #27

JANUARY 2018

CODE #26 (TOTAL PAID) ACCESSIBILITY SPOTS	
.....	\$600.00
3 TICKETS @ \$200.00	
CODE #26 (OUTSTANDING)	
.....	\$4,200.00
21 TICKETS @ \$200.00	
TOTAL FINES	
.....	\$4,800.00
CODE #27 (TOTAL PAID) BLOCKING CURB CUTS	
.....	\$ 600.00
3 TICKETS @ \$200.00	
CODE #27 (OUTSTANDING)	
.....	\$1,600.00
8 TICKETS @ \$200.00	
TOTAL FINES	
.....	\$2,200.00

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COMBINED TOTALS

TOTAL PAID {COLLECTED}.....\$1,200.00

TOTAL OUTSTANDING.....\$5,800.00

TOTAL FINES ISSUED.....\$7,000.00

TOTAL DISMISSED ON APPEAL.....(\$600.00)
{3 TICKETS @ \$200.00}

FINES

CODE #26 & CODE #27

JULY 1, 2017 - JANUARY 31, 2018

(7 MONTHS)

CODE #26 (TOTAL PAID) ACCESSIBILITY SPOTS

.....\$16,100.00

CODE #26 (OUTSTANDING)

.....\$ 7,300.00

TOTAL

.....\$23,400.00

CODE #27 (TOTAL PAID) BLOCKING CURB CUTS

.....\$10,200.00

CODE #27 (OUTSTANDING)

.....\$ 4,300.00

TOTAL

.....\$14,500.00

COMBINED TOTALS

TOTAL PAID {COLLECTED}.....\$26,300.00

TOTAL OUTSTANDING {NOT COLLECTED}.....\$11,600.00

TOTAL DISMISSED ON APPEAL.....(\$15,700.00)

TOTAL FINES ISSUED.....\$37,900.00

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Sargent Babcock also mentioned that the cab stands in the city will be going away, since the cab companies did not renew the fee to keep them and we might want to look at the locations of these cab stands for the possibility of adding an accessible parking space. Either Sargent Babcock or Jini will find out those locations and discuss at the next meeting. Some of the locations will not be good for a permanent parking space, accessible or not, but there might be a few that will.

6. Operation Access Update (7:10-7:15)

Sargent Babcock reported on the Holiday Operation Access which took place between November 24 and December 27. There were 92 tickets issued with a fine of \$200 for each ticket to violators of the accessible parking regulations . The cost of the overtime for the police officers performing this targeted enforcement of the accessible parking regulations totaled \$5835.68. Next month, Sergeant Babcock will report on how many of these tickets were dismissed on appeal, paid and still outstanding. There was some discussion regarding the striping of accessible parking spaces and their placement in parking lots of relatively new and future developments where the parking plan should not be approved by Planning until the developers consult with either the COD or the ADA Coordinator. Another check would be through Inspectional Services when either a building permit is issued or a Certificate of Occupancy. There needs to be more education of the general public regarding the accessible parking regulations, especially not to block curb cuts or park in an access aisle, the hash marked area next to an accessible parking space.

7. Treasurer's Report (7:15-7:20)

Jane gave the Treasurer's report. The only change is that \$7000 was transferred to the Operation Access account, thus the balance of that account is \$7460.62. Jini mentioned that the payment for the police overtime hours has not been deducted from this account as of yet. Jini mentioned that Captain Anastasia wanted to know if the COD would like the Police Department continue Operation Access this spring or not. There will be a balance of approximately \$1500 once the bill for the Holiday Operation Access is paid. There was some discussion and Lucie made a motion to spend the balance of the Operation Access account for Operation

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Access this winter spring. Rosemary seconded the motion. The motion passed unanimously by a vote of 7-0.

8. ADA Coordinator's Report (7:20-7:30)

Jini let everyone know that the city of Newton was not approved for the MOD grant that she applied for in November. This grant was to fund the creation of a single use toilet room on the first floor of City Hall. Hopefully through the CIP funds from the city and/or CDBG funds, this toilet room will be created. Jini asked to pass on the remainder of her report as there were guests waiting for their agenda item to be heard.

9. Elections of COD Officers (7:30-7:45)

After the members heard from Ms. Rockwood (see Accessible Parking Requests, the election of officers for the Commission On Disability took place. For the position of Chair or Co-chairs, Jane nominated Rob and Girard to continue as the Co-chairs of the COD. No other names were put into nomination and Rob and Girard accepted their nomination. Rosemary Made a motion to elect Rob Caruso and Girard Plante as Co-chairs of the COD for the calendar year 2018. Jane Seconded the motion and the motion passed unanimously by a vote of 7-0. Lucie Nominated Jane to continue to be the Treasurer of the COD. There were no other names put in nomination. Lucie Made a motion to elect Jane Brown as the Treasurer of the COD for the calendar year of 2018. Anne Marie Seconded the motion and the motion passed unanimously by a vote of 7-0.

10. Accessible Parking Space Requests (7:45-8:00)

The first accessible parking space request reviewed by the COD members was AP4-17, taken up before the elections of Officers, Mrs. Patricia Rockwood who lives at 52 Hawthorne St. Her care giver, Susan Migliaccio, who lives upstairs from Ms. Rockwood spoke about how difficult it is to get Ms. Rockwood into her large SUV in a narrow driveway. Whenever she can, which isn't that often, she pulls in front of the house and Ms. Rockwood travels in her motorized scooter down the driveway and onto the sidewalk where she can enter the front passenger seat. If there is no place on the street, Ms. Migliaccio pulls her SUV into the driveway and Ms. Rockwood must travel down the driveway towards the street, and around the SUV back down to the passenger side of the SUV and there is very little room to maneuver her getting in or out of the vehicle when the door is open,

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especially when she is leaving the vehicle getting back into her scooter, backing up and closing the door and then traveling down and around the front of the SUV over to the ramp and into the house. Both Lucie and Sargent Babcock had a chance to drive by 52 Hawthorne St. and Lucie thought the driveway looked wide enough but Sargent Babcock thought the driveway was narrow, especially with a large SUV in it. Rosemary made a motion to support the request for an accessible parking space in front of 52 Hawthorne St. Jane seconded the motion. The motion passed unanimously by a vote of 7-0.

The second request for an accessible parking space, AP3-17, taken up after the election of officers, submitted by Scott Lennon on behalf of Mr. Ferguson at 233 Linwood Avenue. No one was able to be present as Mrs. Ferguson cannot leave her husband at night. The situation is similar to the previous request for an accessible parking space heard earlier in the evening, where the driveway is very narrow and makes it difficult for Mrs. Ferguson, who also has a mobility impairment, uses a walker or a support cane, and has trouble getting her husband into the car. Her street is very busy, mostly with school personnel from the Carr School parking on Linwood. If there were an accessible parking space out front, Mrs. Ferguson could more easily get herself and husband into the car. In a telephone conversation that Jini had with Mrs. Ferguson, she said her driveway is sloped and can get icy in the winter. Lucie made a motion to support this application, AP3-17, requesting an accessible parking space in front of 233 Linwood Avenue. Rosemary seconded the motion. The motion passed unanimously by a vote of 7-0.

The third Accessible Parking request, part of TC1-18, submitted by Councilor Albright on behalf of temple Beth El-Atareth, on Ward St. at the corner with Morseland. This space would be very close to where the ramp from the Temple meets the sidewalk. The reason this request has a different tag is because there is also a request to change the parking restrictions on Ward St. Jini said there is very little parking for the Temple and it makes sense that an accessible parking space is installed near the accessible ramp to the accessible entrance at the temple. Lucie made a motion to support this request. Anne Marie seconded the motion. The motion passed unanimously by a vote of 7-0. Of course, this accessible parking space is for anyone with a disability placard or plate, so it is not exclusively for those attending services at the temple.

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11. New Candidate for the COD (8:00-8:15)

Matt introduced himself to the members. He has lived in Newton for the past 17 years, is a software consultant, has attended meetings since November and is a parent of 2 daughters with disabilities, his older daughter has learning disabilities, and his younger daughter has a physical disability where she uses a scooter to prevent exhaustion and conserve her energy. His younger daughter also has a service dog that assists her. Matt has become very aware of physical barriers that his younger daughter has encountered around the city and for both his daughters he has become a disability advocate and very informed on the ADA and Section 504 laws. He helped start a local chapter and is the chapter President of Canine Companions for Independence, where his daughter's service dog was trained. He would like to learn more about accessibility laws and how he can make Newton more accessible for his daughters and for the disability community as a whole. Lucie made a motion to recommend Matt as the newest member of the Commission On Disability. Rosemary seconded the motion. The motion passed unanimously by a vote of 7-0. Jini explained the process from here through meetings/interviews with City Councilors. He also asked about training and Jini suggested the CAM Program, Community Access Monitoring Program, and also mentioned a training coming up regarding variances and reviewing plans in May.

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

Lucie wanted to bring to the attention of the members regarding an incident she had with her adult son who has profound developmental disabilities, when he was refused treatment at the Partners Urgent Care on Needham St., saying they don't serve people with disabilities like her son. Her son has never been discriminated before, and she was shocked at the reaction she and her son received when they entered this facility (not their usual Doctor or health facility). Lucie insisted that they serve her son, who had a rash on his face. In the end they refused to treat him because he did not have a photo ID, which is part of their registration process. Lucie also encountered some physical barriers, due to where the accessible parking was located and the location of the entrance to this office. She called the AAB and they said this office is treated like a commercial entity, since this health facility does not have anyone being admitted overnight. The AAB said she could file a complaint, which she hasn't yet done. She has written letters to Partners, and hasn't heard back and keeps getting the run

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around, basically everyone passing the buck. . Anne Marie mentioned that Lucie should report this treatment to the Nursing Board for the way these healthcare workers treated her and her son. Lucie has been in touch with MOD to look more into this discrimination as they have been in touch with attorneys connected to this facility. MOD reported that the attorneys are denying the discrimination and what was said. MOD suggested filing a complaint with the Office of Civil Rights of Health & Human Services, which Lucie plans to do. Lucie wants to make everyone aware of this treatment and to avoid this facility, she wants an apology from Partners and whomever they subcontract to, and she wants training of all the personnel in these offices. Sandra mentioned that she and Barbara had a similar experience there. Jini mentioned another resident had told her that they couldn't serve him because he was using a wheelchair. Lucie is pursuing on several fronts and will keep us posted.

Jane mentioned that we should be doing more advocacy, especially when it involves legislation on the federal level. Lucie had sent an email to the members to urge their Representatives in Congress not to vote for HR620, which will dilute the ADA and put the burden on persons with disabilities to complain about access rather than a business required to remove barriers that are readily achievable. Rosemary agreed with Jane that we should be more vigilant of what is going on at the federal level. All were urged to call their own Representative and spread the word to friends and family members who live in other parts of MA or other states, to prevent this passing of this bill.

13.Adjournment (8:30)

The meeting was adjourned at 8:55PM.

NEXT MEETING DATE: March 12, 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 or (617) 796-1253. For Telecommunications Relay Service, please dial 711 or call City Hall's TTY/TDD line at 617-796-1089.