



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

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

MINUTES

Ruthanne Fuller
Mayor

Barney Heath,
Director, Planning &
Development

Rachel Powers
Manager
Community Development

Members

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

Jason Rosenberg
Chairman Emeritus

Advisor

Sergeant Jay Babcock
Newton Police Department

Staff

ADA/Sec 504 Coordinator
Jini Fairley
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Commission Members Present:

Rob Caruso, Co-chair
Girard Plante, Co-chair
Jane Brown, Treasurer
Lucie Chansky
Barbara Lischinsky
Rosemary Larking, participating remotely
Anne Marie Killilea
Sandra Lingley

City Staff Present:

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

Guests:

Matt Volpi
Lakshmi Kadanbi
John Rice, City Councilor
Representatives from the Suzuki School of Newton

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

At the time of introductions, Girard had not yet arrived.

2. Approval of February 12, 2018 Meeting Minutes (6:35-6:40)

Rob asked if there were any changes to be made to the minutes of the February 12 meeting. Hearing none, Lucie made a motion to accept the minutes as read and distributed. Jane seconded the motion. The motion passed by a vote of 6-0 -1 abstention (Barbara).

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

Amanda gave the CDBG report on the access projects. Updates: The overhaul of the elevator at The Carroll Center has begun and

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will take about 3 weeks; The APS have been ordered for 3 intersections (Beacon & Washington, Harvard & Newtonville, and Grove/Central/Auburn), which will be completed in April. Barbara asked if there are any funds left from the FY17 Curb Cut project. Rachel said there was a balance but that project is not yet complete, which should be in the spring. Members wanted clarification about 77 Fair Oaks, as to why it hasn't been completed and where it is exactly. Amanda will check with Engineering. Barbara asked why the 4th intersection to receive new APS isn't being funded in 2018. Rachel said that the funds set aside for APS, \$17,360, could only cover 3 intersections for a total of 22 units. Amanda announced that this will be her last COD meeting as she is moving across the country to California, and though we will miss her, we all wished her the best in her new job.

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

The 2 projects mentioned last month were taken up again, i.e. creating an accessible single-use toilet room on the first floor of City Hall, and multiple pathways at 9 parks & playgrounds, improving the access to the play structures. In addition, Barbara wants consideration of funding APS at least one more intersection, originally on the list, at Waverley & Tremont. Rachel announced that the allocation for access projects could be raised to 5.5% of the CDBG total, if the toilet room project is chosen, so that the gap between the CDBG funds (\$95,000 instead of \$86,000) and the estimated cost of the project (\$127,000) could be lessened. Girard arrived during this discussion. Lucie asked how the gap will be funded. Jini mentioned that the city had committed approximately \$25,000 if the MOD grant was funded, but she hasn't received confirmation if those funds would still be available if different funding, such as CDBG, were found. There was a CIP line item to improve the toilet rooms in City Hall but Jini did not remember for which funding year. She would still pursue a commitment from the city if the COD were to choose the creation of an accessible toilet room on the first floor of City Hall to be funded by the 2019 CDBG funds. Jini also mentioned that the HP Fines account has a balance of \$20,000 and another \$29,000 added from Operation Access in 2016/2017. It was calculated that to add APS to the Waverley & Tremont intersection, it would cost approximately \$6400, which could come out of either the 2019 CDBG funds or from the accessible HP Fines account. During the discussion about another possible access project, discussed last month, creating pathways within 9 parks to provide more access to the play structures. Barbara

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wanted to know what happened to the idea of developing a perimeter path in one park, or some type of network of pathways in one park. Jini said that she tried to get buy in from Parks & Rec but they had no plans, ready to go with a cost estimate, where the COD could recommend CDBG funds to improve access. After more discussion, Lucie made a motion to pursue the creation of the accessible single-use toilet room on the first floor of City Hall with both 2019 CDBG funds and funding from the city (CIP) and the balance from the HP Fines account. Rosemary seconded the motion. The motion passed by a vote of 7-1-0. After additional discussion, a motion was made by Barbara to have Rob and Girard write a letter to the Mayor requesting the city to fund the entire cost of creating an accessible toilet room on the first floor of City Hall. Rosemary seconded the motion. The motion passed unanimously by a vote of 8-0. A third motion was made, recommending approximately \$6400 of the funds in the HP Fines account for the purchase and installation of 8 Accessible Pedestrian Signal units at the intersection of Waverley and Tremont. Rosemary seconded the motion. The motion passed unanimously by a vote of 8-0.

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

Sgt. Babcock gave the following reports of the Accessible (HP) Fines issued:

FINES

CODE #26 & CODE #27

FEBRUARY 2018

CODE #26 (TOTAL PAID) ACCESSIBILITY SPOTS	
.....	\$400.00
2 TICKETS @ \$200.00	
CODE #26 (OUTSTANDING)	
.....	\$3,000.00
15 TICKETS @ \$200.00	
TOTAL FINES	
.....	\$3,400.00
CODE #27 (TOTAL PAID) CURB CUTS	
.....	\$800.00
4 TICKETS @ \$200.00	

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CODE #27 (OUTSTANDING)
.....\$1,600.00

8 TICKETS @ \$200.00

TOTAL FINES
.....\$2,400.00

COMBINED TOTALS

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

TOTAL OUTSTANDING.....\$4,600.00

TOTAL FINES ISSUED.....\$5,800.00

TOTAL DISMISSED ON APPEAL.....(\$1,000.00)
{5 TICKETS @ \$200.00}

FINES

CODE #26 & CODE #27

JULY 1, 2017 – FEBRUARY 28, 2018
(8 MONTHS)

CODE #26 (TOTAL PAID) ACCESSIBILITY SPOTS
.....\$16,500.00

CODE #26 (OUTSTANDING)
.....\$ 10,300.00

TOTAL
.....\$26,800.00

CODE #27 (TOTAL PAID) CURB CUTS
.....\$11,000.00

CODE #27 (OUTSTANDING)
.....\$ 5,900.00

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TOTAL

.....\$16,900.00

COMBINED TOTALS

TOTAL PAID {COLLECTED}.....\$27,500.00

TOTAL OUTSTANDING {NOT COLLECTED}.....\$16,200.00

TOTAL DISMISSED ON APPEAL.....(\$16,300.00)

TOTAL FINES ISSUED.....\$42,700.00

There was some discussion about the high number of tickets dismissed. Sgt. Babcock explained that if someone displayed the disability placard wrong side visible or it fell off the rear view mirror (the Parking control Officer (PCO) takes a photo), but the placard is in the vehicle, and if the person getting the ticket appeals and proves that he/she has a valid disability placard, the ticket is dismissed. The Parking Clerk keeps track of dismissed tickets, so if someone continues to purposely display the placard incorrectly and has previous tickets dismissed, the parking clerk may not dismiss any more.

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

There were a total of 92 tickets issued during the Holiday Operation Access period, November/December 2017. Of those, 36 tickets were paid, 40 were dismissed, and 15 have not been paid. One ticket was not in the system, so Sgt. Babcock is looking into this. The total cost for this targeted enforcement (overtime pay to Police Officers) was \$6034.30. The Police submitted a bill for this cost. After paid, the balance in the Operation Access account is \$1426.33. Last month the COD voted to continue Operation Access for the spring months of March, April, May, and June, mostly on Sundays. On March 4, four tickets were issued, and on March 11, 5 tickets were issued, each shift was a 4 hour shift. Sgt. Babcock did not yet have information of the status of these 9 tickets, whether paid, outstanding, or dismissed. Again, due to the high number of dismissed tickets issued during this holiday Operation Access, there was more discussion if the high rate of dismissals. Jini mentioned that New Hampshire has solved the problem with the disability placard being incorrectly displayed/wrong side facing out, the picture, number and expiration date is printed on both sides! When Sgt. Babcock's department reached out to the RMV about this, they said it was under discussion but it may be a cost factor.

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

Jane, COD Treasurer, gave the following Treasurer's Report:

Presented at the March 12, 2018 COD Meeting

As of March 7, 2018, 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 = \$20,293

Account #14M1146-4710HP Revenue taken in during the year for Tickets issued

Balance = \$29,200

Account # C108006-513001 Operation Access – Disability Commission

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

Type: Special Appropriations

Balance = \$1426.33

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

Type: Revolving Account

Balance = \$1114.65

Account# 29B22001 Disability Commission Gift

Type: Gift/Donation Account

Balance = \$0.00

Jini made a note that the balance for Operation Access is more than reported on the spreadsheet since there was a balance in that account from last fiscal year, so the balance in the Treasurer's report above is the full amount that the Police Department has to work with for the remainder of this fiscal year.

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

Jini passed at this point on the agenda in order to have enough time for the AAB Variances. At the end she announced a training on how to review an MAAB variance for COD members and ADA Coordinators, sponsored by CODA and presented by Tom Hopkins, Executive Director, of the MAAB, on Friday, May 18, from 1:30-4:30 at Boston City Hall, Piedmont Room, 5th floor. Jini will send out an invitation to all COD members as soon as it is ready, so Save the Date.

9. AAB Variance-Avalon-Newton Highlands (7:30-7:50)

Unfortunately, Mary Kate Daly was not able to be present, although Jini was expecting her, as the representative from Avalon Bay Communities. Jini was sent an email just before the meeting from Ms. Daly letting her know that she was and had been ill, had hoped to come, but could not due to severe migraines. Jini did not receive that email prior to the meeting,

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however. This variance is identical to the one that Avalon Chestnut Hill applied for last year and was granted by the AAB, to replace their kitchen sinks with a deeper sink than the AAB allows, with language in their lease that notifies tenants of the availability of the shallow sink, that would be installed at no charge to the tenant, as a reasonable accommodation request. Girard and others were very disappointed that someone from Avalon Bay did not attend and discuss their plans to replace the kitchen sinks. Lucie Made a motion to support this variance with the stipulation that the lease language makes it very clear that a reasonable accommodation for a more shallow sink, as was originally installed when Avalon Newton Highlands was built, can be requested and installed at no cost to the tenant. Jane seconded the motion. The motion passed by a vote of 5 (Jane, Lucie, Sandra, Anne Marie, and Rosemary)-3 (Girard, Rob, and Barbara).

10.AAB Variance-Suzuki School of Newton (7:50-8:10)

Sachiko from the Suzuki School of Newton, with Kevin Hastings, Code Consultant, presented the plans for renovating an historic home at 1615 Beacon St. The Suzuki School of Newton has been in Newton 30 years, renting various facilities. This is the first time they have purchased a building for their school. They are applying for a time variance, as they do not have funds to renovate the entire building all at once, but will be able to make the first floor fully accessible, and when necessary, can provide programs on this accessible floor that may take place. Over the years, they have been able to accommodate students with disabilities, both children and adults, even when the rented facility was not fully wheelchair accessible. The Suzuki School's method is to learn by ear, a learning by doing approach. The Time Variance is for 5 years from the time that they finish their first phase of construction, in January 2019, when the first floor will be finished. Councilor Rice said that the Council is excited to save an historic building and have a wonderful community resource. There were many questions, and some of these questions would have been better answered by an architect, who did not attend. The COD's Chair emeritus, Jason Rosenberg, has been assisting the Suzuki School with legal zoning advice, and provided an excellent introductory letter as to the accessibility planned for the first phase, and for the second phase which will involve the addition of an elevator on the outside of the building, to access the second floor and lower level. Rob and Girard encouraged the Suzuki School to

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seek advice and guidance as they finalize their design of the renovations. Lucie Made a motion to support the time variance requested by the Suzuki School of Newton. Anne Marie Seconded the motion. The motion passed unanimously by a vote of 8-0.

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

Anne Marie brought up an issue she would like the COD to be aware of and perhaps take some action. When she was visiting a fire station recently, she noticed that the emergency notifications are extremely loud at the firehouse, and felt that the hearing of the firefighters has been affected. There was consensus from the members that they would like to invite the Fire Chief or his designee, to attend a COD meeting for further discussion. It was decided that Anne Marie would draft a letter, and run it by the Co-Chairs.

12.Adjournment (8:30)

The meeting was adjourned at 8:55PM.

NEXT MEETING DATE: April 9, 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.