



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting Date: April 9, 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
Lucie Chansky
Barbara Lischinsky
Rosemary Larking, participating remotely
Anne Marie Killilea
Sandra Lingley
Matt Volpi

Commission Members Absent:

Girard Plante, Co-chair
Jane Brown, Treasurer

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

Guests:

Lakshmi Kadanbi
Josh Safdie, KMA
Bill Tibbs, B.C. Facilities Director

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)

Everyone introduced themselves, 6 members present in the room, one participating remotely, and two absent.

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

Rob asked if there were any corrections to be made to the draft minutes distributed in advance and available at the meeting. Hearing none, Lucie made a motion to accept the minutes as read and distributed. Rosemary Seconded the motion. The motion passed unanimously by a vote of 7-0.

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

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Rachel gave the following report of CDBG funded access projects:

FY17 Curb Cuts Funding Pool/FY16 Curb Cuts Funding Pool – (CD17-03A/CD16-03B Budget: \$108,500.92; Expended: \$96,967.89; Balance; \$11,533.03). The FY17/FY16 Curb Cut project has been developed in conjunction with the COD and DPW/Engineering based on the recently completed inventory. DPW/Engineering anticipates completing 30-40 curb cuts in the Carr School area by spring 2018. **No update from the March meeting. Construction nears completion, but several remaining curb cuts are postponed until the weather breaks in April.**

In design with engineering (Estimated to be constructed in the spring)

- **77 Fair Oaks Ave**

Completed locations:

- Linwood Ave @Broadway
- Fessenden @Fair Oaks Ave
- Schofield @Fair Oaks Ave
- Nevada @Churchill
- Linwood @Nevada
- Watertown @Page @Walker
- 51 Thaxter Rd (Nevada St only)
- 46 Wyoming Rd (Nevada St side only)

Carroll Center Accessibility – (Budget: \$110,473; Expended: \$49,712.85; Balance: \$60,760.15). The Carroll Center Accessibility Project was approved by the Planning and Development Board January 11, 2017. The Funding Agreement and Owner/Contract Agreements were signed by all parties and executed on December 14. **Improvements began on Tuesday, March 6th and are approximately 90% completed. Work finalized to date includes: installation of electrical disconnects, hatch doors and equipment, car operating panel and door operator, in addition to related wiring and electrical work.**

Highlands Playground Access – (CD15-032 Budget: \$123,750; Expended: \$117,562.50; Balance: \$6,187.50). The contract with David White & Son has been executed. The accessible pathways component began in spring 2017. Improvements continue to move along. Underground work needs to be completed before further pathway construction. There was a ribbon cutting held at the playground on

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November 3rd, 2017, although the project has not yet reached substantial completion. **Accessibility improvements are expected to start back up mid-April**

Newton Corner Curb Cuts – (Project CD15-034 Budget: \$141,940; Expended: \$80,851.46; Balance: \$61,088.54). The project will include 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 is completing the improvements through an existing contract with the City. **Construction to start again in mid- to late March/early April. The project is currently eighty-five percent complete.**

FY18 APS – (CD18-03B Budget: \$17,360; Committed: \$0 Expended: \$0; Balance: \$0) The COD voted at their July 2017 meeting to approve the installation of Accessible Pedestrian Signals at the locations listed below. **Work is being completed in conjunction with Engineering and an open contract with Dagle Electrical. The contractor has completed Beacon/Washington and Newtonville/Harvard. Grove/Central/Auburn is pending but is expected to be complete within the next week.**

New Installation:

Beacon & Washington St. (6 pushbuttons)
Newtonville Ave & Harvard (8 Pushbuttons)
Grove/Central/Auburn (8 pushbuttons)

Rob asked about advisor, Heather. Jini had spoken to her and has a new email address for her and she has been copied on materials sent out for advisors. She is changing careers, not looking for Orientation & Mobility Specialist positions but still in the disability field. She credits her involvement with the Newton COD has broadened her knowledge beyond visual impairments to all disabilities. Rob said that the COD will miss her advice and expertise she gave the COD, especially regarding intersections, APS needs, and sidewalk/curb cut conditions. Jini has not explored with The Carroll Center if an O&M specialist could act as advisor, as Heather did so admirably. Rob asked Rachel if someone has filled Amanda's position. She said not yet, that the job notice should go out in the next week or two.

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

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Sandra asked about an update with the funding possibility of the toilet room on the first floor of City Hall. Jini reported that she did get a commitment from the Public Buildings that the city can contribute \$25,000 which will come out of his department's operating budget, not from CIP. At the time she had inquired, she did not request the entire toilet room be funded. The COD can still do that, through a letter, if that is desired. Rob said that he and Girard sent an email on behalf of the COD to The Mayor regarding the funding of this project and that he, Girard, and Jini will be meeting with the Mayor on Thursday and will discuss the funding of this project. Barbara voiced her objection to using all of the 2019 CDBG allocation for the toilet room, saying it should come from a different city source, such as CIP. Rob agreed with her that the project should be done. Lucy said all these funds are city funds, but Barbara doesn't feel that the COD should recommend to use all the 2019 CDBG funds for this one project.

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

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

FINES

CODE #26 & CODE #27

MARCH 2018

CODE #26 (TOTAL PAID) ACCESSIBILITY SPOTS

.....\$600.00

3 TICKETS @ \$200.00

CODE #26 (OUTSTANDING)

.....\$7,200.00

36 TICKETS @ \$200.00

TOTAL FINES

.....\$7,800.00

CODE #27 (TOTAL PAID) BLOCKING CURB CUTS

.....\$800.00

4 TICKETS @ \$200.00

CODE #27 (OUTSTANDING)

.....\$1,200.00

6 TICKETS @ \$200.00

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TOTAL FINES
.....\$2,000.00

COMBINED TOTALS

TOTAL PAID {COLLECTED}.....\$1,400.00

TOTAL OUTSTANDING.....\$8,400.00

TOTAL FINES ISSUED.....\$9,800.00

FINES

CODE #26 & CODE #27

JULY 1, 2017 – MARCH 31, 2018

(9 MONTHS)

CODE #26 (TOTAL PAID) ACCESSIBILITY SPOTS
.....\$21,600.00

CODE #26 (OUTSTANDING)
.....\$13,000.00

TOTAL
.....\$34,600.00

CODE #27 (TOTAL PAID) BLOCKING CURB CUTS
.....\$11,800.00

CODE #27 (OUTSTANDING)
.....\$ 7,100.00

TOTAL
.....\$18,900.00

COMBINED TOTALS

TOTAL PAID {COLLECTED}.....\$33,400.00

TOTAL OUTSTANDING {NOT COLLECTED}.....\$20,100.00

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TOTAL DISMISSED ON APPEAL.....(\$18,700.00)

TOTAL FINES ISSUED.....\$53,500.00

TOTAL DISMISSED ON APPEAL.....(\$2,400.00)
{12 TICKETS @ \$200.00}

Sgt. Babcock reported that past uncollected fines for previous months were also paid in the amount of \$4500, which also will be credited to the COD. The Parking Control Officer takes a picture when giving out these tickets, of the dashboard and/or rear view mirror, to show no placard visible or displayed incorrectly. Some of these tickets are dismissed at the appeal if the person brings in the placard. The point is to educate not to hit someone with the high fine if they legitimately have a placard and forgot to hang it up or display properly. That is why there are quite a few tickets dismissed on appeal. Jini suggested that the COD might want to produce a brochure on the regulations and violations regarding accessible parking, since there has been no effort since the fine was raised from \$25 to \$200, in 2011/12. Rob said that prior to that the COD printed up flyers to put on cars parked in an accessible parking space without a placard. He still has some and maybe we could expand on that.

6. Treasurer’s Report (7:10-7:15)

In Jane’s absence, Rob asked if everyone had a chance to read the Treasurer’s Report that was distributed in advance of the meeting. Members had and there were no questions. Jini mentioned that the new day-to-day account, changes daily and she didn’t have that current amount. Also the proceeds from the CAM training decreased by \$175, which was for reimbursement for Lucy’s attendance at the Inclusion summit in November.

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

Jini highlighted several upcoming meetings that she has been working on/coordinating. The first is the MBTA community public meeting about the accessibility improvements the MBTA will make to the Newton

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Highlands T station. It will be held on April 30, 2018 at The Women's Club of Newton Highlands at 6PM. This is the presentation of a 30% design. Both Mayor Fuller and State Representative Balsler will be there as well as several staff from the city. The second meeting is the very next day, Tuesday, May 1, which is a 3 hour meeting sponsored by the Mass Office on Disability, for all COD members to hear what MOD is working on and an excellent time for networking with other CODs. The third meeting is a training on how to review a variance application to the MAAB. This will be on Friday, May 18, at Boston City Hall from 1:30-4:30, presented by Tom Hopkins, the Executive Director of the MAAB. This training is being organized by the Commissions On Disability Alliance (CODA), a project of the Disability Policy Consortium, and hosted by Boston Mayor Walsh and the Boston Commission on Disability. Please RSVP to Jini if you are interested. This is a great opportunity to learn more about the rules and regulations of the MAAB and to learn how to review and interview variance applicants, as we do at the COD meetings. Jini passed out flyers for these 3 meetings and has or will email them as well. Rob encouraged all the COD members to attend this training as the COD reviews at least one variance monthly or more than one.

8. AAB Variances (12)-Boston College (7:20-8:20)

Rob asked the representatives for Boston College to explain the many variances, starting with the non-time variances, which are based on ADA compliance required due to complaints filed. The first one was C-16-071 at McGuinn Hall. When renovated in 1996, only 3 removable seats were installed instead of 4, in a space measuring 10'6", but should have been 12'. The number required is based on the total in the auditorium/lecture hall. In order to provide the extra 18" it would be necessary to remove a whole row of already installed seats, which is very costly, making it impracticable. In addition, the space for wheelchairs is not distributed throughout the lecture hall. There were many questions and discussion regarding how the college would provide a reasonable accommodation if a student using a wheelchair couldn't see the screen for a presentation from the location where the removable seats exist. Mr. Tibbs said that the classroom would be changed, and that would be arranged in advance through the Disability Office. A motion was made by Lucie to support the variance with the stipulation that the location of the lecture/class would be changed if the student using a

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wheelchair could not take full advantage of the hall and sit where the presentation was visible. Rosemary seconded the motion. The motion passed by a vote of 6-1 (Sandra). Also the C16-071 Time Variance was discussed, regarding the signage for Assistive Listening Devices, both in this hall and many other assembly rooms. The signs will go up sooner but they requested a September 1 time variance. The motion above included this time variance, and the members encouraged BC to put the signs up as soon as possible..

The next variance , C16-055 in Stokes Hall, room S195, a small lecture hall, where railings are needed on the side of the hall that has steps. The AAB requires a continuous railing on both the wall and along the seats where there are single steps since the room has tiered seating, but this is impracticable to allow passage in and out of the seats. Rob asked why this variance wasn't sought when this building was constructed, since it is relatively new (about 4 years old), but somehow was missed. If the AAB adopts the proposed regulations, this requirement will not be present, for future new construction and renovations. This variance also covers a portion of the walkway that that a non-compliant cross slope and running slope when the carpet was installed. BC will correct this section of the walkway. A motion was made by Matt to support this variance, with the recommendation that a continuous railing also be installed along the wall on the walkway side of the room. Lucie seconded the motion. The motion passed unanimously by a vote of 7-0.

The next variance, C16-083, has to do with accessible walkway between O'Neil Library and Champion Hall. This is a very steep hill and the route is not accessible right now. In the near future, Cushing Hall will be torn down and a new Science building will allow for more accessibility , at least half way around the oval. Within the new building, various levels to the outside will be made accessible. In the meantime, it is impracticable to create an accessible route. Anne Marie made a motion to support the variance with the stipulation that, if requested, classes/lectures will be held in a more accessible building until the construction is completed. Rosemary seconded the motion. The motion passed unanimously by a vote of 7-0.

The remaining variances are time variances, of various lengths of time, from this September to December and to next summer. The variances are to allow enough time to bring all the locations into full AAB/ADA compliance. Lucie made a motion to support the remaining time variances.

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Barbara seconded the motion. The motion passed unanimously by a vote of 7-0.

9. Old/New Business (8:20-8:30)

Jini updated the members that all 4 accessible spaces were approved by the Traffic Council. Two were residential spaces, one was in front of a temple, and the fourth one was in front of the Waban Post Office. Matt surveyed all the post offices in Newton, both for appropriate signage regarding service animals, since Newton Centre had an incorrect sign, and also checked out where there were accessible parking spaces either in front of or nearby the entrance. Jini used this information to encourage the approval of the space in front of the Waban P.O.

Lucie wondered why there was a change made to the ordinance to allow 13 members on the Commission instead of 9. Jini explained that sine we are organized under Chapter

Lucie suggested we purchase some CDs from the MCLE that have videos on the ADA. This would be good training for all members, especially new members. Lucie also brought up the issue of the lack of accessible parking spaces in front of the main entrance and auditorium. Jini is aware of the issue with placement of these accessible spaces and hopes to make some progress in restoring two more accessible spaces at the main entrance and look into what happened to the one near Cutler House. Rosemary and Matt explained a service from the Post Office where one can sign up for finding out what mail is about to be delivered. If Rosemary needs this email to be larger print, Jini suggested she makes a reasonable accommodation request to receive the email from the P.O. Lucie also suggested to press Control Plus on her keyboard and that will increase the print. Jini asked if the members would like to sign on to the 2 letters she had distributed. One was for supporting the AHVP increase in the state budget. Matt made a motion to sign on to this letter and Anne Marie seconded the motion. The motion passed by a vote of 5-0, as Barbara and Sandra left the meeting. The second letter to support the legislation to match up the AAB regulations with the ADA, and Matt made a motion to sign on to this letter and Anne Marie seconded the motion. The motion passed unanimously by a vote of 5-0.

10. Adjournment (8:30)

The meeting was adjourned at 8:55PM.

NEXT MEETING DATE: May 14, 2018

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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.