



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting Date: May 14, 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
Jane Brown, Treasurer, participating remotely
Lucie Chansky
Barbara Lischinsky
Rosemary Larking, participating remotely
Anne Marie Killilea
Sandra Lingley
Matt Volpi

Commission Members Absent:

Girard Plante, Co-chair

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
Captain Paul Anastasia, Police
Rachel Powers, Planning

Guests:

Assistant Chief Gino Lucchetti, Fire
Lakshmi Kadanbi
Leonard Wolfe
Jeremy from Howe Engineering
Gina from Boston College Facilities Department

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

At the start of the meeting, Girard had not yet arrived.

2. Approval of May 14, 2018 Meeting Minutes (6:35-6:40)

Rob asked if there were any changes, additions, deletions to the minutes as read and distributed. Lucie had one change, to correct her issue with the accessible parking at Newton South High. She asked when more accessible spaces would be restored to the front entrance, as there used to be 3, and what happened to the accessible spaces near the Cutler House entrance. Jini will correct

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and reflect more clearly Lucie’s comments on this issue. There was also discussion about a bookmobile parked near some accessible parking spaces. Matt said that there was a book drive happening there, but an accessible parking space(s) should not be covered by this vehicle. Matt will check out just exactly where this bookmobile is at Newton South High and report back. Sandra had a question with Rachel’s report, copied into the minutes, as to when the contract was signed by all parties for the Carroll Center elevator. Sandra thought the contract hadn’t been signed as late as this past February. Rachel said that the date in the report was correct, contract signed in December, then parts were ordered and the work began in late February, 2018. No correction necessary to the minutes on this issue. Jane made a motion to accept the minutes as corrected. Rosemary seconded the motion. The motion passed unanimously by a vote of 8-0.

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

Rachel gave the following report on the CDBG-funded access projects:

May 14, 2018

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. **Construction to start again this month.**

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: \$99,425.70; Balance: \$11,047.30). The Carroll Center Accessibility Project was approved by the Planning and Development Board January 11, 2017. The Funding Agreement and

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Owner/Contract Agreements were signed by all parties and executed on December 14. **Installation of elevator and related repairs are complete and have been inspected and certified by the Commonwealth. Planning is awaiting final billing to close out.**

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 November 3rd, 2017, although the project has not yet reached substantial completion. **Improvements are once again underway and near completion. Planning can release retainage following full completion and satisfactory inspection.**

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 underway once again and should close out this summer.**

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. **All APS units have been installed. Awaiting billing for close out.**

New Installation:

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

Barbara asked if the 4th intersection at Waverley & Tremont APS has been accomplished. Jini said she was working on getting that done with a transfer of the HP Fines account to pay for it, and to find an existing contract to have them installed. Barbara also asked why they didn't put a cut through at the island crossing Beacon St. at the intersection of Washington & Beacon St. where one of the new APS installation took place. Jini explained that would be a different department to assess that

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improvement, that the contractor would not be responsible for any changes to the curbing where the APS are installed. Jini will bring it to the attention of DPW to see what can be done there, as Barbara said that a portion of the crosswalk leads a pedestrian into the side of the island.

4. Accessible (HP) Fines Reports (6:50-7:05)

In Sgt. Babcock's absence, Captain Anastasia gave the following monthly report but didn't have the year-to-date report:

PARKING TICKET AND FINES REPORT APRIL 2018

PARKING TICKET MONTHLY TOTALS

TOTAL NUMBER OF TICKETS ISSUED

29

TOTAL VALUE OF TICKETS ISSUED

\$ 5,900.00

TOTAL AMOUNT PAID

\$ 2,200.00

REDUCTION (Dismissed) AMOUNT

\$ 2,100.00

TOTAL OUTSTANDING

\$ 1,600.00

CODE # 26 ACCESSIBILITY SPOTS

NUMBER OF TICKETS ISSUED

19

TOTAL VALUE

3,900.00

TOTAL AMOUNT PAID

1,000.00

REDUCTION (Dismissed) AMOUNT (7 @ 200 & 1 @ 300)

1,700.00

TOTAL DUE

1,200.00

CODE # 27 Blocking CURB CUTS

NUMBER OF TICKETS ISSUED

10

TOTAL VALUE

2,000.00

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TOTAL AMOUNT PAID
1,200.00
REDUCTION (Dismissed) AMOUNT (2 @ 200)
400.00
TOTAL DUE
400.00

Captain Anastasia also updated the Commission on Operation Access for the spring so far. In March, 19 tickets issued, and the cost of the Police overtime was \$984.17. There is a balance in the Operations Access account of approximately \$442.15 that can be used for Police overtime until June 30, 2018.

5. Treasurer’s Report (7:05-7:10)

Jane could not find the Treasurer’s Report that was emailed in advance, so Matt read the following Treasurer’s Report:

As of May 11, 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 Fines Collected

Balance = \$36,405

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 = \$1423.33

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

Type: Revolving Account

Balance = \$940

Account# 29B22001 Disability Commission Gift

Type: Gift/Donation Account Balance = \$0.00

Barbara wanted to know why there is no amount in the gift account. Rob said he has contacted Jason who has been holding a gift to present to the COD. Barbara said Mazel Tov on his first grandchild but Show us the money.

6. ADA Coordinator’s Report (7:10-7:15)

Jini passed initially as we have guests and if there was time, questions could be answered after the next 2 agenda items. When it came back to Jini, she

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wanted to get a head count of those interested in attending the “How to Review an MAAB Variance” presented by Tom Hopkins. Both Jini and Rob expressed the importance of this training, as COD members perform this task at almost every COD meeting. Matt and Sandra said they were hoping to attend.

7. Fire Stations’ Notification Sound System (7:15-7:45)

Assistant Chief Gino Lucchetti represented the Newton Fire Department, who was invited by the COD for this discussion, led by COD member Anne Marie. Anne Marie is late deafened since 2000 and has 2 Cochlea implants. It had come to her attention that the emergency sound system/notification at each fire station when a call comes in is extremely loud and over time this can cause hearing loss. She is not familiar with this system and wondered if there is a volume control or a particular decibel level it is set at. Hearing loss is invisible, happens gradually, and our young women and men who are Newton’s Firefighters are exposed to carcinogens, flammable hoses, but hearing loss, that is happening to those in their 30s and 40s is not being addressed. She asked if there is anything that can preserve our Firefighters hearing, as she believes that your hearing should last longer than your career. She asked, is there anything that can mitigate or prevent hearing loss in our Firefighters? A.C. Lucchetti said that he has been with the Newton Fire Department for 33 years and has hearing loss and wears hearing aids. He said that OSHA Standards is about 80-85 Decibels, and when he measured the sound system it was about 115 Decibels from the horn and bells that are used in the fire stations. He also said that there are other noises in the environment, such as the diesel engines of the fire trucks and the horn and sirens on the fire truck going to a fire. Ear protection is provided while on the truck but not everyone uses it. Hearing loss isn’t talked about and considered just comes with the job. Lucie asked if he knows how many firefighters have hearing loss, but he didn’t. He no longer is in the station but has a desk job now after he was diagnosed with a hearing deficit, due to his occupation. Lucie asked if the smoke/CO detector in a community residence is as high as the horn and bells in the fire station. He believes they are, even in an individual residence. Barbara commented that she has 3 smoke/CO detector alarms in her apartment and that the apartment complex tests the system 4 times a year. The sound is truly painful and deafening and she needs to get out of her apartment when they are testing, both for her own hearing but also that of her guide dog. Anne

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Marie asked if the Fire Department would be willing to survey the Firefighters anonymously, to determine if they are concerned about hearing loss or if they think they may be having some hearing issues. A.C. Lucchetti said that right now their department age range is between 30-37, so he doubts that would apply. Jane asked if the Firefighters hearing is tested regularly, and he said no, that they are not required to have annual physical nor hearing test. In his case, he got tested on his own. Lucie sked Captain Anastasia if he is aware of hearing loss among Police Officers and he said no. Even though the sirens are very loud, the Police Officers are not exposed to that sound on a regular basis nor for a long period of time. When asked if the Police Department requires annual physicals, he said no, not once you are on the Police force. A.C. Lucchetti cited some studies indicating that, even though OSHA has stated that hearing loss is an occupational health hazard, in the short term the loud sounds that firefighters are exposed to do not cause hearing loss, but can over a long period of time with continuous exposure. Education is the key for current firefighters to learn about the potential hearing loss over their career and to use preventative measures, such as the headphones with foam insert, to protect their ears. A.C. Lucchetti said they are looking into a notification system that has a more mellow sound that has peaks and valleys of sound, not necessarily to prevent hearing loss but to reduce the shock to the heart rate, when someone is suddenly awakened, to reduce the stress induced by the sound system. Rosemary asked if the firefighters receive sensitivity training as to helping individuals with disabilities, and A.C. Lucchetti said they do receive that training might need to reinforce in medical situations. Barbara asked if the E-911 emergency response system/registration works. A.C. Lucchetti and Captain Anastasia assured her that when one identifies as a person with a disability with the E-911 form, that in a true emergency/fire when all tenants should be evacuated, personnel will be dispatched to the apartment(s) that have been entered into the system. However, in a fire drill or a routine call/non-emergency, he said that he will take Barbara's and others experiences back to the station, and see if those who are waiting for an all clear are notified, if they could not come down to the ground floor, and are on their patio. There was also a suggestion that perhaps the tenants with disabilities who cannot evacuate in these non-emergency situations, could call and let the emergency personnel where they are and why they could not make it downstairs. A.C. Lucchetti said that even if they do not hear the "All Clear" message, when the alarms are

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shut off, that means it is safe to go back in. He also said that she can try the elevator as it could be working if the fire/incident is not in their area of the complex.

8. AAB Variance -Boston College (7:45-8:10)

Jeremy from How Engineering and representatives from Boston College presented their reason for the variance application, which has already been heard by the AAB and granted. There are several dormitories up on a hill where there are no sidewalks along the roads. They are proposing to add a sidewalk that will lead to an existing set of stairs that will lead to the middle of the campus. The sidewalk will be ADA compliant and so will the stairs involved, however there will not be a ramp instead of stairs at this location, due to the 35 foot vertical difference, which would mean a huge ramp over 400 feet in length which was technically infeasible. There are 2 other ways to get from the lower campus to the middle campus via elevators.

Eventually in future plans, more accessibility will be brought to this area of campus. Reasonable accommodations are given to any student with a mobility impairment to be housed in dorms that are fully accessible with routes to most parts of the campus, but in particular, their classes and living areas. When the AAB granted this variance, they stipulated better way finding signage on this route. Lucie made a motion to support this variance and Matt seconded the motion. The motion passed unanimously by a vote of 8-0.

9. Regional COD Meeting in Revere (8:10-8:20)

Matt and Jini attended this MOD sponsored meeting for all COD members in this region. Matt reported on the following ideas of what other CODs are doing, working on, etc. Here is the list:

Map of all on-street accessible parking spaces in the city/town

MOD can present an emergency preparedness program where everyone with a disability in attendance receive a backpack full of emergency supplies

Some COD members cover/assign to specific topics, such as Transportation, Housing, Publicity/Press Release, Seniors, Outdoor/Parks, etc. and attend relevant city meetings, so everyone doesn't have to be an expert on all topics.

Accessible Fines funds spent on purchasing accessible picnic tables

Salem COD assist with having cane detectable surfaces at construction projects

City shuttle service for residents with disabilities

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Anniversary celebrations of COD inception

A retreat or strategic planning meeting where there is more time devoted to a specific topic

A social event for COD members, not any business, not considered an open meeting, to get to know each other

A Cable TV program on Accessibility or Disability, and/or have the COD meetings videotaped for local Cable channel- Framingham does this and they get a lot of feedback from residents

Matt also attended a training in Framingham on the AAB complaint process, and on the AAB bill in the state legislature, which is trying to have the AAB be substantially equivalent to the ADA, where workplace areas would also need to follow accessibility regulations. This bill is in the House Ways & Means Committee, already passed the Senate Ways & Means, and needs to move on in order to not have to be refiled, which has happened over the past 18 years or so previously.

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

Rob reported on his meeting with Mayor Fuller, which Jini also attended. Most of the conversation was giving Mayor Fuller the background to the formation of the Commission under the state statute back in 2010/2011, and how the formula was reached and agreed upon with the Executive Department for the portion of the Accessible HP Fines that the COD would receive to recommend access projects to fund. Jini and Rob provided current fines amounts so as to open the discussion and possibility that the COD would receive more of the HP Fines than what is now under their purview, maybe even 100%. Jini said that Mayor Fuller is very receptive and very approachable and involves her in accessibility projects that come up. For example, although very short notice, a contingent from Newton testified in front of the MBTA's Financial & Management Control Board regarding the lack of accessibility at the Newton Commuter Rail Stations, what plans are being considered, they are now considering designing all 3 stations to have an accessible platform on the track not used now, construct all 3 at once and then have a mechanism to switch the train coming into Newton to the accessible platform/track. Sandra asked about whether the city or CDBG funds would be used for the City Hall first floor accessible toilet room. Mayor Fuller confirmed that the bulk of the funds for this project would be from the CDBG Access allocation and the remainder of at least \$25,000 would come from the Public buildings operating budget.

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Jini passed out a brochure on Service Animals that MOD produced and she will also be giving a bunch to the Health Department, first for the Health Inspectors, who receive a lot of calls about service animals in restaurants, grocery stores, etc. Jini mentioned that many establishments can allow dogs or pets, as long as there is not food preparation going on there, where the public health codes kick in. Service animals are allowed where other pets/animals are not usually allowed, like in restaurants. So the dogs in stores are allowed if the store allows them. Usually libraries do not allow pets, and restaurants, grocery stores, and other food establishments do not allow animals except service animals.

11. Adjournment (8:30)

The meeting adjourned at 9:20PM.

NEXT MEETING DATE: June 11, 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.