



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting Date: June 11, 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
617-796-1253

1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1240
F 617-796-1254

www.newtonma.gov

Commission Members Present:

Rob Caruso, Co-chair
Girard Plante, Co-chair
Jane Brown, Treasurer, participating remotely
Lucie Chansky
Rosemary Larking, participating remotely
Sandra Lingley
Matt Volpi

Commission Members Absent:

Barbara Lischinsky
Anne Marie Killilea

City Staff Present:

Jini Fairley, ADA/Section 504 Coordinator
Rachel Powers, Planning
Sgt. Robert Lee, Police

Guests:

Ted Hess-Mahan, Fair Housing Committee
Justin Greene
Lakshmi Kadanbi

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

At the time of introductions, Matt was not yet present. Two members had sent their regrets, Barbara and Anne Marie.

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

Rob asked if all members received and read the minutes of the May 14 meeting and if there were any corrections to be made. 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 6-0.

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

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Rachel gave the following report of the 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.

Construction to start in May.

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 Owner/Contract Agreements were signed by all parties and executed on December 14. **While a majority of the project is complete, and the elevator has been certified by the Commonwealth, the Carroll Center is still awaiting installation of the voice annunciators. Planning is still awaiting final billing.**

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 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

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

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. Planning is currently reviewing requisition #4.**

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)

Rachel gave an update on the Curb Cut project, that the final curb cut location will not be completed as DPW will be moving on to sidewalks in that area. Most likely there will be the balance listed above but she hasn't received confirmation that there will be no more bills to pay. Girard asked if the COD will get a tour of the renovated elevator at The Carroll Center. Rachel said she could set that up as a site visit for those interested, and Rob suggested the Mayor join the COD for a photo op there. Rachel said she is hoping to get together with Jini and Public Building staff to begin the planning and construction of the single use toilet room on the first floor of City Hall.

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

Sgt. Babcock has been assigned to the Patrol division of the Police on the night shift, so Sgt. Lee, from the Traffic Bureau, will be reporting on the issuance of tickets for violations with regard to accessible parking regulations and blocking curb cuts. Sgt. Lee gave the following report for May:

PARKING TICKET MONTHLY TOTALS

TOTAL NUMBER OF TICKETS ISSUED

44

TOTAL VALUE OF TICKETS ISSUED

\$ 9,200.00

TOTAL AMOUNT PAID

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

\$ 2,700.00

REDUCTION (Dismissed) AMOUNT

\$ 1,300.00

TOTAL OUTSTANDING

\$ 5,200.00

CODE # 26 ACCESSIBILITY SPOTS

NUMBER OF TICKETS ISSUED (32@ 200 & 4@300)

36

TOTAL VALUE

\$ 7,600.00

TOTAL AMOUNT PAID

\$ 2,100.00

REDUCTION (Dismissed) AMOUNT (5 @ 200 & 1 @ 300)

\$ 1,300.00

TOTAL DUE

\$ 4,200.00

CODE # 27 CURB CUTS

NUMBER OF TICKETS ISSUED

8

TOTAL VALUE

\$ 1,600.00

TOTAL AMOUNT PAID

\$ 600.00

REDUCTION (Dismissed) AMOUNT

\$ 0

TOTAL DUE

\$ 1,000.00

Sgt. Lee gave the following Year-to-Date report:

JULY 1, 2017 TO MAY 31, 2018 (11 months)

YEAR-TO-DATE PARKING TICKET MONTHLY TOTALS TOTAL

NUMBER OF TICKETS ISSUED 553 TOTAL VALUE OF TICKETS

ISSUED \$ 112,200 TOTAL AMOUNT PAID \$ 56,370 REDUCTION

(Dismissed)

AMOUNT \$ 42,745 TOTAL OUTSTANDING \$ 14,475

CODE # 26 ACCESSIBILITY SPOTS NUMBER OF TICKETS ISSUED (407

@ 200 & 12 @300) 419 TOTAL VALUE \$ 85,000 TOTAL AMOUNT

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

PAID \$ 38,045 REDUCTION (Dismissed) AMOUNT \$ 37,445 TOATL DUE \$ 10,540

CODE # 27 CURB CUTS NUMBER OF TICKETS ISSUED (130 @ 200 & 4 @ 300) 134 TOTAL VALUE \$ 27,200

TOTAL AMOUNT PAID \$ 18,325 REDUCTION (Dismissed) AMOUNT \$ 5,300 TOTAL DUE \$ 3,935

Sgt. Lee also gave an update on the Operation Access targeted enforcement. The Police have not deployed any officers since March, so there is no change in the numbers since the May meeting.

5. Treasurer's Report (7:10-7:15)

Jane gave the Treasurer's report and said that there were no changes to the balances from last month's report. Jini mentioned that the Operation Access account has not yet received a bill from the Police department for the overtime hours for the spring enforcement. The balance will change once that bill is paid.

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

Jini deferred to former Councilor Ted Hess-Mahan, who has come to the COD to encourage a member from the COD to also participate on the Fair Housing Committee. Jini forgot to make his visit as an agenda item. After Ted spoke, Lucie had a question about Jini's site visit at 219 Commonwealth Avenue. She reported that the developer is planning to partially renovate the apartment building at 219 Comm Ave and make one apartment fully accessible and the whole building affordable (28 apartments). The entrance to this apartment is very close to the building entrance at the ground level. In addition, there are 2 other apartments where the parking is that have only one step into the apartment, which may be good for tenants using mobility devices other than a wheelchair. Lucie said that the amenities are not anywhere equivalent at 219 Comm "Ave, along with the accessibility, and asked if the COD should send a letter to the Councilors who will be deciding about an amendment to Kessler Woods special permit. Jini said that the new proposal hasn't been brought forward to the city from Chestnut Hill realty, but when it does, before it goes to the Land use Committee, Jini will inform the COD and they can then decide if they want to weigh in on this proposal. But Lucie wanted the COD to vote regarding their opposition to off-siting 4 2 BR apartments from Hancock

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

Estates (Kessler Woods) to 219 Comm Ave, and made a motion to that effect. Rosemary seconded the motion. The motion passed unanimously by a vote of 7-0. The Co-chairs will draft a preliminary letter of opposition and tailor it to the actual proposal that Chestnut Hill Realty will submit, before sending the letter to the Land Use Committee. Lucie also asked about the Crescent St. housing and park project. Jini explained that this project has been held up so that the Community Preservation Committee could hire an independent company to examine the financials that the city proposed, since this project was asking over 2 million dollars from the CPC. Also the City Council, during budget proceedings struck out the Crescent St. project from the CIP. Jini sits on the Crescent St. Working Group with other city staff, Councilors, residents, and consultants. The hope is to get the project to have the Public Facilities Committee to approve the 558 Site Plan, and then go back to CPC for the funding request. Eventually this housing and park project will be before the full City Council. If members of the COD support Crescent St., future meetings will be on the city's Planning Department webpage. Jini handed out a sample of a sticker one can use, especially if one has an accessible van, which say Thank You for not parking in the access aisle, which many people do, which prevents someone needing to deploy a ramp from their van into the access aisle. Jini will be ordering a packet of this large sticker and smaller stickees for COD members. When Lucie asked if there is a ticket given when someone parks in the access aisle, Sgt. Lee said no, but there is a ticket for parking in a restricted area, since the access aisle has hash marks indicating a prohibition to parking there, so he will look into this possibility.

Fair Housing Committee Membership:

Ted Hess-Mahan, Vice-Chair of the Fair Housing Committee, explained the importance of a COD member to be a voting member on the Fair Housing Committee., as well as develop good communication between the COD, the Human Rights Commission, and the Fair Housing Committee. In its early history, as a Housing Task Force, Barbara and Girard attended these meetings as a voting member and were liaisons to the COD. Ted explained that when the Housing Task Force became the Fair Housing Committee (2008), the resolution (not an ordinance) specifically states in their mission and organizational structure that a COD member and a Human Rights Commission member should be voting members of the Fair Housing Committee. The reason behind that is that the Fair Housing Committee

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

ensures the state and federal fair Housing Laws are followed here and wants representation from the diverse groups of people protected by the Fair Housing Act, which prevents discrimination in housing on the basis of disability, families with children under 18, source of income, race, nationality, gender, age, etc. He acknowledged that Jini attends every meeting to give input on accessibility of housing development projects the committee reviews, but she is not a voting member and the committee would like a COD member to also be a member of the Fair Housing Committee. He came to extend the invitation to the Commission On Disability and to answer any questions members might have. He understands the time commitment involved, and the earliness of the meeting, 8am on the first Wednesday of the month in City Hall. Lucie asked if members can join the meeting by telephone. Ted said he knows that is an option under the Open Meeting Law but hasn't yet been established at the Fair Housing Committee meetings. Ted will bring that option back to the FHC as they would need to adopt remote participation for their meetings. It would be important for the COD member/representative to be familiar with the state and federal accessibility laws and how they relate to housing as well as the Fair Housing laws. One of the committee's founding members an expert in the field of the Fair Housing Act throughout New England, Sheila Mondschein, died recently, a great loss to the committee. Rob reminded Ted that if a small project, which cannot afford an accessibility consultant, can come to the COD meeting for free advice. Rosemary related a situation she was confronted with at her apartment complex, where she and her husband were asked to use a back entrance to get The Ride, etc. since another resident doesn't want Rosemary and husband using the same entrance. Rosemary refused, which is within her rights, and The Ride only picks up passengers in the front, not in the back. Girard and Rob offered any assistance she may need if the housing staff persist or if there is any retaliation. Rosemary would be interested in joining the Fair Housing Committee if there was remote participation, as she is on a ventilator 24-7. Ted said that he would be happy to answer further questions by email or to Kathy Laufer, the new Chair of the Fair Housing Committee, and he will bring the suggestion to adopt remote participation back to the Fair Housing Committee.

7. Event Sponsorship- "Silent Child" Movie Showing (7:20-8:00)

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

Justin Greene, a postal carrier in Newtonville, wants the COD to view this movie, *The Silent Child*, as it mirrors somewhat his early beginnings where American Sign Language was his first language, even though he is not deaf, but was thought that he would never be able to speak orally. This movie won an Oscar this year in the category of Short Action, and he is not aware of it being shown in Massachusetts. He would like to give more recognition for the COD, and for deaf awareness, and the important role that an American sign Language interpreter/teacher can play in a young student's life. Newton North High School through EDCO educates deaf and hard of hearing students and also teaches ASL classes. He has checked to see where it could be shown, and he contacted the Boys & Girls Club in Newton, who seems very receptive, as they have a couple of children in their programs who are not verbal. He also mentioned that there are ASL classes offered in the Newton Community Education program, and after viewing this movie, more people may be interested in taking these classes. Justin said that people with disabilities don't want pity, they want empathy and understanding and this movie may give them a more understanding of what it is like to be deaf and a child going to school. The movie is available on Kanopy Services, which the Newton Public Library subscribes to. At this point, everyone watched the movie, *Silent Child*, which is about 21 minutes long. It was filmed in England and shows the progress a young school-age deaf child makes progress when she receives the services of an ASL teacher. This child actor is deaf and has never acted before. The British accent was a little hard to follow and there is no audio description, even though there are open captions when the ASL interpreter is communicating with the student only in ASL. Unfortunately, the ending is disappointing, as the mother of the student discontinues these lessons, which would not happen here in the States. Jini mentioned that showing this deaf awareness movie could be the beginning of a series of COD sponsored events, featuring a different disability. Jane said that she would be happy to work on such an event if the COD decides to go forward with this movie event with Justin's help. There was no decision, waiting for absent members, and those on the phone, a chance to view the movie. Jini will send the link to all.

8. Applicant for COD-Lakshmi Kadambi (8:00-8:20)

Lakshmi introduced herself and told us how she came to be interested in becoming a member of the Commission On disability. She is a parent of a 27 year-old son with Cerebral Palsy. Her family is from India. She read an

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

article in Reader's Digest about a very innovative therapy which taught children with Cerebral Palsy to walk unaided. When they took him to England where this course was offered, her son was just crawling. He did learn to walk without aids but they soon realized that the educational setting and services for her child were not adequate for him, as he was in a special school in India. She began writing to United Cerebral Palsy here in the States and through much advocacy on Lakshmi's part, she asked where they should move to in America for a more inclusive education. The answer back was Newton, MA, so after her husband came to look for a job in the Boston area, she joined him with her son and left India to make a new life in the States. They met so many extraordinary giving and helpful people on their journey here in the US, especially in Newton. She would like to give back to the community which welcomed her family and to share how she adapted to western ways, the school system, and much more, perhaps to a refugee family or parents who have a child with a disability navigating services.

They have been very pleased with the education and services that her son has received and he now lives in a group home and has a job. He may soon be moving to a more independent living situation. They have another son, who is 16 and attends Newton South. Girard said that it was a testament to her and her husband to give up jobs and living in their native country to move first to England and then to the US for her child who had challenges. Lakshmi said that they were young and, although difficult, they just had to do it for their child they loved so much and wanted him to thrive. Lucie made a motion to approve Lakshmi's application to become a member of the Commission On Disability, who is a parent of a family member (her son) who has a disability. Jane seconded the motion. The motion was unanimously passed by a vote of 7-0.

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

The hour was getting late and Girard left to get hi Ride. Rosemary brought up an issue she asked Jini for assistance where she encountered potholes when crossing Washington St. in West Newton Square. Jini reported that she spoke with Shane and he immediately sent a crew to fill in the potholes near or in this crosswalk, which totaled 7 small and larger potholes.

10. APS Installation-1600 Washington St.(6:50-7:00)

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Taken out of order, instead of at the beginning of the meeting after the CDBG report.

Rob assured Jini that the letter that he and Girard sent to the Mayor about an accident Barbara had during this past month when she went to push the pushbutton/APS to cross Washington St. near Warren House, hitting her head on the electrical meter box, that was on the pole right above the pushbutton, that in no way were they criticizing the efforts she made in rectifying the situation as soon as Barbara reported it. Something similar happened to Barbara a couple of years ago, at a new installation of a HAWK signal in Waban Square connected with the new Angier School project. Both Barbara and the Co-chairs wanted to bring this to the Mayor's attention as their appeared to be no oversight by the city when APS are installed, that this is unconscionable and both contractors and especially responsible staff/inspectors should be aware, during installation, of such obstacles in the way of someone blind or visually impaired, at the pushbutton or in the way of proceeding to the crosswalk. Sandra took the pictures and added that she didn't think the solution from the city is adequate, which is to install an extension bracket, to bring the pushbutton out away from the traffic light pole, but she thinks it would be best to remove the huge box on the pole and install it on the ground nearby, but not in the path of someone walking on the sidewalk, approaching the APS pushbutton, or accessing the crosswalk, as the city did in Waban Square. Sandra added that the curb cut at this crosswalk is old and at least one doesn't have a detectable warning pad, and the other one has a very old one with no contrast. Jini explained that when the APS are funded by CDBG, the curb cuts and crosswalk are not also included in any upgrade. It can be noted that the crossing is in some disrepair and let DPW know. Sandra observed that many pedestrians don't even cross at the light/crosswalk, but cross at the Warren House driveway when they are coming from the dog park. Jini explained that there is a person in the Transportation Division of DPW who spot checks APS installations once completed, but not every single one. At the time these APS were installed at this location, there were over 80APS units installed with the same contractor for different funding sources, not just for the CDBG projects. That is no excuse, but staff and contractors with sight are not sensitive enough or aware of how a blind person approaches an APS pushbutton and then navigates to the crosswalk. Rob pointed out that the pushbutton, even if it is in the same place as it has always been, is behind a lot of equipment on the pole, which renders very

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

difficult to find and push without incident. Rosemary described how difficult it can be for her to get into position, usually alongside the pushbutton, in order to push it, and she sometimes runs out of time to get into position to cross, and has to start all over. Jini explained that she has seen guidance in Best Practices for installing APS for ground clearance, for the pedestrian who is either standing or in a wheelchair, but she hasn't seen guidance for clearance above the pushbutton device. However, if the box or meter on the pole is a protruding object in the path of travel for a pedestrian to access the button and the crosswalk, there is a law that signs, etc. cannot extend into the path of travel more than 4 inches, if it is not detectable by a white cane, so must be clear between 27" and 80" from the ground. Jini has recommended that old HAWK signals and recent APS installations should be inspected to ensure full clearance around, near, under and above the pushbutton and in the path of travel from pushbutton to crosswalk. Rosemary mentioned that you don't have to travel too far on the other side of Washington St. where she encounters grass where the sidewalk ends. Jini encouraged Rosemary to report those sections of grass instead of sidewalk into the 311 system.

Rob brought up an issue that Barbara sent to him and Girard and Jini regarding installation of benches in the island at Waban Ave. and Collins Rd. . Jini hasn't had a chance to follow up with Parks & Rec since you need to negotiate the grass in order to sit on the bench or sit next to it if you are using a wheelchair, as it is not installed on the sidewalk. And if you are walking, you have to step down into the grass and then step up on to the pad that the bench is installed.

Sandra and Barbara discovered that the Waban Hardware is not following the stipulation that the AAB and the COD issued them to provide an iPad with the entire inventory of the lower level of the store which only has steep stairs to access it.

Rob said that he was in Auburndale where there is a huge lip on the access aisle curb cut, between 2 accessible parking spaces. Jini recommended for Rob to put it in with 311 and that she can also follow up with DPW on this.

Matt brought up an issue with 386 Langley Road, a business that was recently renovated and has about a 3 inch rise to get into the door. Jini

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

suggested he could talk to the landlord or tenant, and/or investigate the permit records to see how much was spent on the renovation, to determine whether the work comes under the jurisdiction of the AAB. Most of this information and plans could be with ISD, to begin with.

11.Adjournment (8:30)

The meeting was adjourned at 9:24PM.

Respectfully submitted by Jini Fairley

NEXT MEETING DATE: July 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.