



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting date: March 13, 2017
Room 204
Time: 6:30 pm

MINUTES

Setti D. Warren
Mayor

Commission Members Present:

Rob Caruso, Co-chair
Jane Brown, Treasurer, participating remotely
Lucie Chansky
Barbara Lischinsky

Barney Heath,
Director, Planning &
Development

Commission Members Absent:

Girard Plante, Co-chair, wasn't able to connect by phone
Rosemary Larking

Rachel Powers
Manager
Community Development

City Staff Present:

Jini Fairley, ADA Coordinator
Sgt. John J. Babcock, Police
Barney Heath, Director of Planning

Members

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

Rachel Powers, Planning
John Daghlian, DPW Engineering

Guests:

Sandra Lingley
Owner & Contractor for Landing Pizza Kitchen

Jason Rosenberg
Chairman Emeritus

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

Rob attempted to connect with Girard so that he could participate remotely by phone, as Jane did, but was unable to reach him. Rob left a message and gave him the dial in number. Unfortunately, Girard was not able to connect into the meeting.

Advisor
Sergeant Jay Babcock
Newton Police Department

Staff

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

2. Approval of February 21, 2017 Meeting Minutes (6:35-6:40)

Rob asked the members if they had read the February 21 minutes and if there were any changes/corrections needed. Hearing none, Jane made a motion to accept the minutes as read and distributed. Barbara seconded the motion. The motion passed by a vote of 3(Rob, Barbara, and Jane) -0 with one abstention since Lucie was absent for the February 21 meeting.

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3. CDBG Report (6:40-6:45)

Rachel gave the following CDBG Access Project Report:

★ **FY17 Curb Cuts Funding Pool** – (CD17-03A Budget: \$87,125 Committed: \$0; Expended: \$0; Balance; \$87,125). Funding pool for new curb cuts projects. CD staff asks that the COD develop a plan for these funds as soon as possible and for projects that can be done in a relatively short time frame. The annual CDBG Timeliness test approaches in early May 2017.

★ **FY15 Curb Cuts** (Project CD15-03Y). Budget \$21,375.92; Committed: \$0; Expended: \$0; Uncommitted Balance: \$21,375.92). Remaining funds need to be allocated toward identified priority locations.

FY15 Accessible Pedestrian Signals – (CD15-03Z Budget: \$20,800; Committed: \$20,800 Expended: \$0; Balance: \$20,800). The MOU for the installation of 32 APS units has been executed with DPW. Contract preparations with Dagle Electrical Construction Corp near completion and will be going out for execution shortly thereafter.

Currently, signals are planned at the following intersections:

- Beacon @ Chestnut (units to be determined)
- Commonwealth @ Centre (8 units)
- Centre @ Walnut (4-8 units)
- 1600 Washington Street @ Warren House (2 units)

Carroll Center Accessibility – (Budget: \$110,473; Expended: \$0; Balance: \$110,473). The Carroll Center Accessibility Project was approved by the Planning and Development Board January 11, 2017. CD staff working with purchasing on bidding for spring 2017.

Highlands Playground Access – (CD15-032 Budget: \$99,000; Expended: \$0; Balance: \$99,000). The contract with David White & Son has been executed. The accessible pathways component will begin in spring 2017.

Newton Corner Curb Cuts (Project CD15-034 Budget: \$72,500; Expended: \$0; Balance: \$72,500). The project will include the installation of 11 accessible curb cuts

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on Washington Street and around the Newton Corner Circle. The Highway Division completed several curb cuts in and around Park Street. Engineering will be put out the remaining for public bid this winter for construction in spring 2017.

Barbara asked whatever became of the Walnut & Lincoln Streets design. John Daghlian, the city's Associate Engineer, present for the Curb Cut Update, offered an explanation that Walnut St. from Rte. 9 to Homer St. is a State Dept. of Transportation Improvement Project and that Newton is waiting on this to be funded by the state, which has been in the planning stages for years. There was no final design partially due to the fact to make one of the curb cuts in this intersection ADA-compliant, a travel lane would need to be eliminated or a variance sought from the Mass Architectural Access Board (MAAB) for a steep running slope due to the bridge over the T. Another holdup is about providing a Bike lane on this stretch of Walnut St. There was some discussion regarding this particular issue. Barbara asked if we could at least upgrade the APS at this intersection so that a Locator Tone would then be part of the installation and help her and other visually impaired pedestrians to find the pushbutton to activate the Walk phase. It was agreed that could be done, if not with the APS budget currently underway, but definitely for the FY18 APS funds.

4. Identify Locations for FY18 CDBG-funded Access Projects (6:45-7:00)

Rachel led a discussion to identify locations for new/retrofit curb cuts, APS, and parks, both to use the remaining Curb Cut funding Pools but also for the FY18 CDBG funds. Rachel and Jini drafted the following list of ideas and locations for CDBG funding, with input from members, residents, and advisors:

Distributed in Advance of the March 13, 2017 COD Meeting

Curb Ramps:

Missing ones-approximately 1200- throughout the city mostly in neighborhood residential areas

APS:

Centre & Church Streets

Washington & Church Streets

Newtonville Ave & Harvard- 5 Pushbuttons exist

Tremont & Waverly

Upgrades:

Walnut & Lincoln Streets- added after above discussion

Beacon St. & Langley Road

Centre St. & Cabot St. & Sargent

Park Accessibility

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Lyons Field- create or continue a path from Auburndale Cove to bleachers and concession stand/accessible toilet rooms
Cold Spring Park- add more accessible pathways to connect other pathways and to fields/perimeter pathway
Warren Park- create accessible pathways from parking to facilities and around perimeter.
Weeks Field- create pathways to and around fields from parking
Cabot Park- add pathways to fields or perimeter

Rachel asked if anyone had specific locations for adding or replacing curb cuts in the city. Barbara mentioned creating one or two midblock crossings of Beacon St. between Washington St. and Angier School. Jay had a chance to look at that stretch of Beacon St. and feels there is definitely the potential to provide 2 crossings. This would involve 4 curb cuts and crosswalk striping and signs. John said that he would be covering similar ideas in his presentation so, at this point, it was decided to move John Daghlian's Curb Cut Update here since the beginning of this discussion was about curb cuts.

Taken Out of Order-

5. Curb Ramp Update (7:20-7:40)

John Daghlian updated Commission members on the plans for the 2017 construction season, the ongoing Curb Ramp/Cut Inventory in progress by the Engineering Division of DPW, and staff training, with the following report:

ROAD WORK (PRIVATE CONTRACTOR)

New Sidewalks = 15,740 L.F. = 3mi.

New Curb Cuts = 150

2017 - Mill and Overlay

From

To

Length of Road Paving

Beacon Street

Walnut Street

Centre Street

3,400

Beacon Street

Walnut Street

Windsor Road

7,200

Brandeis Road

Greenwood Street

Adeline Road

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3,100
Chestnut Street
Washington Street
Commonwealth Avenue
4,700
Church Street
Park Street
Oakland Street
2,500
Commonwealth Avenue
Lowell Avenue
Centre Street
5,400
Greenwood Street
Dedham Street
Dudley Street
3,975
Waltham Street
Crafts Street
City Line
1,700

31,975 feet of roadway

CURB CUTS & SIDEWALKS BY DPW

Location
of New Curb Cuts
Carr School Area (Nonantum)
59
Commonwealth Avenue
1
Oak Hill Area
5
Newton South High School
6
Zervas School Area
6

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Total
77

Sidewalks

5,780 linear feet ~ 1 mi

NEW SIDEWALKS & CURB CUTS 2017

•

Curb Cuts Total: 227

•

Sidewalks: 21,520 LF = 4 miles

CITY WIDE INVENTORY~ TRANSITION PLAN

305 miles of roads

Public Roads 275 miles

Private Roads ~ 30 miles

6,138 Curb Cuts

Curb Cut Type

of Type

Apex

3,932

None

1,232

Parallel

25

Perpendicular

949

Total 6,138

TRAINING INSPECTORS & DPW CREWS

•

Strategic Disability Access Planning for Municipal Compliance

•**Design of ADA Curb Ramps & Pedestrian Access Routes**

•**Round Table Discussion Mass DOT Engineers**

John corrected the total number of curb cuts to be constructed by a private contractor, from 150 to 200, so the total number of curb cuts that the city as

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a whole will accomplish is 277 curb cuts this construction season. John described the evolution of the style of curb cuts, and the detectable warning panels. It is city policy for every newly constructed or retrofitted curb cut to have a fiberglass panel of truncated domes made by ADA Solutions, yellow in color, which have anchor bolts and installed into fresh concrete, providing good contrast between the concrete and panel. Barbara asked if all 3932 apex curb cuts are justified. John said the second phase of the inventory is revisiting all these apex curb cuts and determining the reason for each, such as sight distance, utility poles, etc. John said it is possible to make some midblock crossings of Beacon St. He said that the average curb cut costs about \$3500 each. Rachel calculated that with the CDBG curb cut funding available for curb cuts, about \$110,000, approximately 31 curb cuts could be constructed. Rob asked if truncated domes were being done away with. John said that, on the contrary, both PROWAG (Public Rights of Way Accessibility Guidelines) and Mass Dept. of Transportation require them, so Newton has chosen to include them on every curb cut. The MAAB still does not have any requirements in their 2006 regulations, and the ADA have included them at one point, and have dropped the requirement recently. Discussing more locations for either new or retrofitting old curb cuts, Barbara mentioned that some of the curb cuts in Waban Square, down by the library and Woodward are disintegrating. John said he could look at this and determine if they will be addressed with the road paving of Beacon St. or not. If not, the COD could add any curb cuts in that area that are ADA non-compliant. Rob mentioned that, in the past, he had trouble getting up on a curb at the intersection of Walnut St. and Floral. John can take a look at that as well. After this discussion, Barbara made a motion to incorporate all the curb cuts discussed here, for construction to use the CDBG Curb Cut funding, including midblock crossing on Beacon St. between Angier School and Washington Street, in Waban Square near library and Woodward, at the intersection of Floral and Walnut, and those identified in John's presentation that DPW's Highway Division and Engineering division has identified, in several school areas. Jane seconded the motion. The motion passed unanimously with a vote of 4-0. Rob asked if the location of the curb cuts discussed tonight could be listed for next month's meeting, and Jini added that any additional ideas both for curb cuts, as well as APS and parks, should be emailed to her. She will provide that list in advance of the April 12 meeting.

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6. HP Fines Report (7:00-7:10)

Sargent Babcock gave the following Fines reports for tickets issued for violators who parked in an accessible (HP) space without a disability placard or plate or blocking curb cuts:

FINES

CODE #26 & CODE #27

FEBRUARY 2017- one month

CODE #26 (TOTAL PAID) ACCESSIBILITY SPOTS
.....\$1,000.00

5 TICKETS @ \$200.00

CODE #26 (OUTSTANDING)
.....\$3,800.00

19 TICKETS @ \$200.00

TOTAL
.....\$4,800.00

CODE #27 (TOTAL PAID) CURB CUTS
.....\$ 600.00

3 TICKETS @ \$200.00

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

3 TICKETS @ \$200.00

TOTAL
.....\$1,200.00

COMBINED TOTALS

TOTAL PAID {COLLECTED}.....\$1,600.00

TOTAL OUTSTANDING.....\$4,400.00

TOTAL FINES ISSUED.....\$6,000.00

FINES

CODE #26 & CODE #27

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JULY 1, 2016 – FEBRUARY 28, 2017
(8 MONTHS)

CODE #26 (TOTAL PAID) ACCESSIBILITY SPOTS	\$8,600.00
.....	
CODE #26 (OUTSTANDING)	\$20,800.00
.....	
TOTAL	\$29,400.00
.....	
CODE #27 (TOTAL PAID) CURB CUTS	\$9,300.00
.....	
CODE #27 (OUTSTANDING)	\$13,600.00
.....	
TOTAL	\$22,900.00
.....	
COMBINED TOTALS	
TOTAL PAID {COLLECTED}	\$17,900.00
TOTAL OUTSTANDING	\$34,400.00
TOTAL	\$52,300.00

Sargent Babcock mentioned that there was a sting during the early part of March where 8 tickets were issued. The Police Department will continue these periodic weekend stings to spend the remaining funds in the Operation Access account, up until June 30, 2017. Barbara asked how long folks have to pay the tickets. It could be indefinitely, even though there is a late charge, first \$10, then \$20, but that stops after 90 days. If the amount of parking tickets is more than \$250, the city can tow the vehicle. But if someone has only one ticket for parking in an accessible parking space without a placard or plate or block a curb cut, but no other parking tickets, it will never trigger the city to tow. Sargent Babcock said it is not like when you don't pay your excise tax, you can't register your car before paying that tax. Perhaps the legislature could designate if you have an outstanding unpaid ticket for accessible (HP) violation, that you couldn't register, but that doesn't

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exist today. Sargent Babcock wants to look into this more to see if the city could somehow enforce payment for even one violation. There was some discussion regarding how people don't realize that they are not supposed to block curb cuts. More education needs to be done. Sargent Babcock said that DPW sometimes puts out barrels that have a sign that says not to block curb cuts or not to park there. Jane suggested the COD write an article for the Tab, but no one volunteered to write it. Sargent Babcock said that he and Jini would draft something to present to the COD, and Rob said that if it was both from the Police Department and the COD, it would have more weight. Sargent Babcock will first run it by the Police Chief.

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

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

As of March 8, 2017, the balances of the COD accounts have not changed since the February COD meeting and 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 = \$8,809

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 = \$2322.04

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 mentioned that in reality the Operation Access account has a balance of \$2130, as an overtime shift was missed by the Police Dept. and not submitted when the first bill was presented and paid for.

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

Jini gave the following report regarding her ADA Coordinator activities:

Self-Evaluation:

- Newton Free Library

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Site Visits:

- Atrium Mall/Lifetime Fitness
- Newtonville Walk

Meetings/Events/Conference Calls:

- MBTA - 100% Design of Accessibility Project of Auburndale Commuter Rail Station
- Fair Housing Committee- Zoning Reform
- Massachusetts Alliance of CODs (MACOD) Call
- APS Group of MACOD

Administrative:

- Submitted FY18 CDBG RFR

Jini, in the interest of time, did not go over each item in this report but asked for any questions. She is still working on reports and inventories that will be appendices in the updated Transition Plan. Rob asked if the library has the adaptive rollerball mouse available for those who may need this type of mouse to use with the computers there. Jini said she would check on that. The library does have a pretty recent version of screen reader and magnifier software on several of their computers. Lucie asked if I could say a sentence or two of each item or write it on the report, rather than just asking for questions, as she thinks it would be very educational. Jini said she will try that next time, but our agendas are so jam-packed that she felt she should not discuss each activity. Lucie did ask about the reason she had a site visit at Lifetime Fitness at the old Atrium. Jini said that she had heard that recent construction of these centers had to get variances after the center was built, so she visited it during construction to do a walkthrough with Anthony from ISD. There were some issues and the Project Manager of Lifetime Fitness was eager to follow the MAAB regulations so there wouldn't be the need for any variances. Lucie asked about the MBTA meeting Jini attended regarding the 100% design to make the Auburndale Commuter Rail Station accessible. There is some controversy, since the design calls for switching the incoming trains from Worcester to the accessible track and then switching the train back to the other track for the other 2 Newton stations. There is a lot of expense for the switching mechanism, perhaps even enough money to make the other 2 Newton stations accessible. Rob said that Girard has followed these plans since the

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beginning nearly 15 years ago, and making this station accessible is going forward to construction. Much of the controversy is from people who do not know what they are talking about, said Rob. Rob also asked about a 5 year plan and Jini said that the CIP is for 5 years and there are many items in that to become more accessible, and the DPW has a 5 and possibly 10 year road paving plan. And the Planning Department has a Consolidated Plan, which is from 2016-2020, which is updated annually. Rob would like someone to address the COD as the Planning Dept. prepares the Annual Action Plan, which the COD used to get involved with. Jini mentioned, when Rob asked, that next month someone from the West Newton Hearing Center will be telling the COD about some upcoming Listening Workshops conducted by Jeff Plante, who founded the Hearing Rehabilitation Foundation.

9. MAAB Variance 223 Adams St. (7:40-8:10)

The owner, Massimo, and contractor, Tony, for the Landing Pizza Kitchen presented their reason for the variance that are seeking from the MAAB, from regulation 25.1, that it is infeasible for them to construct an accessible entrance to their Take-Out business. The 3 stairs at the only entrance come down to the sidewalk, so there is no place for a ramp. Instead, they propose to install an intercom system outside the shop for someone who cannot use the stairs to alert the shopkeeper that they have arrived to pick up their pizza. There will also be a lighted menu outside the entrance. After several questions, a motion was made by Barbara to support the variance on the condition that the intercom button will be at an appropriate position for people using wheelchairs to reach and that the handrails on the stairs are compliant with the MAAB. The motion was seconded by Lucie. The motion passed unanimously by a vote of 4-0.

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

There was no old or new business, but there was a discussion about the intersection of Lincoln & Walnut and Walnut and Floral. One idea at Walnut and Lincoln, was to leave the right turn lane on Lincoln St. and demolish the little sitting area on the Southeast corner, allowing enough space for a bump out or other type of curb extension in order to make that curb cut compliant. But for now, the COD can recommend that the APS at that intersection be a high priority for an upgrade.

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11.Adjournment (8:30)

The meeting adjourned at 8:30PM.

NEXT MEETING DATE: April 12, 2017 (Note this meeting is on the second Wednesday this month, not the second Monday, due to conflicts with religious and state holidays).

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.