



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting date: October 17, 2016
Room 204
Time: 6:30 pm

MINUTES

Setti D. Warren
Mayor

Barney Heath,
Director, Planning &
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

Lucie Chansky

Jane Brown, Treasurer, participating remotely

Rosemary Larking, participating remotely

Commission Members Absent:

Girard Plante, Co-chair

Barbara Lischinsky

City Staff Present:

Jini Fairley, ADA Coordinator

Sgt. John J. Babcock, Police

Captain Paul Anastasia, Police

Rachel Powers, Planning

Joe Mulvey, CIO

Guests:

Greg Donnelly, President & CEO of The Carroll Center for the Blind

Diane Newark, Development Carroll Center

Jim Joyce, Thyssen Krupp

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

Rob conferenced in Rosemary and Jane, with assistance from Joe Mulvey, head of IT. Barbara and Girard were not able to attend at the last minute. With Rosemary and Jane attending remotely, there was a quorum.

2. Approval of September 12, 2016 meeting Minutes (6:35-6:45)

Rob asked if there were any corrections, additions, deletions to the September minutes as read and distributed. Hearing none, Jane made a motion to accept the September 11, 2016 meeting minutes as read. Rosemary seconded the motion. The motion

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passed with a vote of 3 Yes votes (Rob, Rosemary, and Jane), 0 No votes, and 1 Abstention (Lucie).

3. CDBG Report (6:45-6:55)

Rachel Powers, newly hired Community Development Manager in the Planning Department, gave the following CDBG report:

CDBG Access Projects Report

October 17, 2016

★ **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 reason is that we don't want to be at risk of failing the annual CDBG Timeliness test in early May 2017.

FY15 Accessible Pedestrian Signals – (CD15-03Z Budget: \$20,800; Committed: \$20,800 Expended: \$0; Balance: \$20,800). This new project budget has been set up and funded. CD staff checking on status of MOU execution for the 32 units. At the 6/13/16, meeting, the COD approved the following intersections to receive the units:

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

★ **FY16 Access Projects Funding Pool** – (CD16-03A Budget: \$88,431; Expended: \$0; Balance: \$88,431). Full project amount is available for allocation towards any new access projects. CD staff again asks for a formal decision on these funds as soon as possible because of the annual Timeliness test.

Highlands Playground Access – (CD15-032 Budget: \$99,000; Expended: \$0; Balance: \$99,000). Bid opening for project was supposed to have been September 8, 2016.

★ **FY15 Curb Cuts** (Project CD15-03Y). Budget \$43,417.92; Committed: \$0; Expended: \$0; Uncommitted Balance: \$43,417.92). Need new project idea for the remaining funds.

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Newton Corner Curb Cuts (Project CD15-034 Budget: \$72,500; Expended: \$0; Balance: \$72,500). Installation of 11 accessible curb cuts on Washington Street and around the Newton Corner Circle. Due to the challenging work environment and the need for the work to be done at night, this project will be put out for public bid this winter for construction beginning in spring 2017.

Christina Street Curb Cuts (located at Barry Price Center) Project CD15-033 Budget: \$11,883; Expended: \$2,266.58; Balance: \$9,616.42). Work has been completed in house by DPW Highway Division. Waiting for final bill then project closeout.

Newton Centre Playground Pathway Phases IV-VI – (CD15-03X. Budget: \$130,000; Expended: \$99,447.22; Balance: \$30,552.78). Work is substantially completed but still waiting for confirmation that re-seeding has been done, federal compliance documentation and final billing. Project is not expected to bill out fully; balance to move to Contingencies.

Rachel mentioned that the draft of the proposed FY16 Consolidated Annual Performance and Evaluation Report (CAPER) is on the city's website for public comment until November 8. Jini will email to members the public notice regarding the CAPER. The report can be found at the following link: <http://www.newtonma.gov/gov/planning/reports/>

Rob asked Rachel about the status of the Newton Centre Playground pathways. She said that it is complete and she is just waiting on a final bill and documentation.

Taken out of order:

7. CDBG Proposal-Carroll Center (7:25-8:00)

Since the staff from The Carroll Center arrived early at the beginning of the meeting, Rob decided to take this agenda item out of order. Rob asked for a brief synopsis of their proposal for CDBG funds. Greg Donnelly, President and CEO of The Carroll Center for the Blind spoke about joining CCB in August and that it became quickly apparent that upgrades to the elevator in the Main building was needed, a major modernization of this 34 year-old elevator, and to bring it into MAAB/ADA compliance. The Carroll Center is a 501 (c3) non-profit organization that serves 5000 blind and visually impaired children and adults annually, some

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with additional disabilities such as Cerebral Palsey, Multiple Sclerosis, Diabetes, Cancer, not all on campus. Over the past several years, The Carroll Center has served over 200 Newton residents. This building houses classrooms, a kitchen and dining facility, wood shop, administrative offices and store, which is open to the public. Greg is hoping that they might be able to access CDBG funds to help them upgrade this elevator. Jim Joyce, from Thyssen Krupp elevator company, spoke to the evaluation and recommendations to modernize this elevator and bring it into compliance, both with building code, and MAAB/ADA. All members received this quote and detailed description of the work needing to be done. Thyssen has a maintenance contract with The Carroll Center for all the elevators on campus and indicated that it can be difficult to find certain parts for repair, due to the age of the elevator. Many issues to be addressed in this proposed upgrade involve safety and accessibility. Not only does the elevator move people from floor to floor, but it is also a teaching tool for newly blinded adults to learn how to enter, exit and operate an elevator to get to the correct floor. The control panel will be updated to have the raised numbers and Braille at the correct heights. There will be compliant sounds to indicate arrival of the elevator and whether it is going up or down and there will also be announcements as to which floor it is opening onto. The door's edge will be improved to allow more time for people to enter and exit. The lighting will be improved with LED lights in the elevator cab and will help to see the buttons for those with low vision and sight. A safety improvement is that the alarm will be connected to Thyssen Krupp's 24 hour monitoring service to dispatch maintenance or emergency personnel if someone is trapped in the elevator. Right now, the alarm just rings a bell which only alerts someone outside the elevator that there is a problem. Another safety and accessibility improvement is with the leveling of the elevator cab when it arrives at each floor, particularly important if you cannot see and might trip entering or exiting the elevator. There will also be a smart battery-operated lowering system in case of a power outage or a fire that is not near the elevator opening, where it will lower to the main egress and if the fire is there it will automatically go to the programmed secondary floor for egress. And one last feature it is that if there was a medical emergency, with the use of a key, the elevator could get to the main floor quickly without stopping at other floors that might have been called. Lucie asked how does a blind person know that the elevator has arrived. Jim said that when the cab itself arrives, it dings once if it is going up and dings twice if it is going down, and the announcement will also say "Going Up" or "Going Down". Rachel asked if CDBG funds are the only source of funds that the Center is looking at. Greg said that the total amount of nearly

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\$110,000 is a very significant amount for the organization and cannot afford to modernize this elevator and continue to run the organization. they are seeking whatever amount possible from CDBG, and they are willing to contribute some capital funds, if necessary, in order to ensure the safety of their clients. Rachel also asked if they are affiliated with a state agency, and Greg answered that they receive contracts for services for individual clients from the Mass Commission for the Blind, but that the Center is a non-profit organization. Rachel said she has started the vetting process, if the COD was to approve this project, and the city's Chief Procurement Officer said that it would have to go out to bid, even though the Center has obtained a quote already, if CDBG funds were used. Rachel said that she is about 90% sure that it is a CDBG eligible project and fulfills the National objectives. Jini had a couple of questions, one about the call buttons outside the elevator on each floor if they will be replaced, and Jim said they would be and measured to be sure they are at the compliant height. She also wanted to clarify that besides the sound when the elevator arrives, that there will also be announcements as well. The modernization of this elevator is not a repair or maintenance, it is only keeping the shell of the cab and there will be a new computer micro processing system prefabricated in their facility in Tennessee and shipped here in pieces to be installed. Lucie asked if there was the option to have voice activation to tell the elevator which floor the passenger would like to go. Jim said it is not part of this quote and he has not familiar with that. Rosemary said that many of the elevators at the Boston Medical Center have this feature, and so much now works on voice activation, like our telephones that it is not surprising that it is available in an elevator. Jim will take that back to the manufacturer, but this quote doesn't include that option. Greg also said that he will speak to the person in charge of the BMC facility to find out more about this feature. Lucie asked where you can report that an elevator inspection has expired. Jim said to go to the Department of Public safety, www.mass.gov/dps and report it there online. He did say that, even though it has expired, most likely the inspection has been applied for 90 days in advance of the expiration date but has been waiting to be inspected by the state, which can take up to 6 months.

He said about 25% of all elevators in the state are waiting past their inspection date but the elevators are safe to ride. Jini asked if the emergency alarm in the elevator cab will be a phone receiver or a button, and Jim said it would be a button to press. Lucie asked if there is a fold-up seat in the elevator, are they allowed. Jim said that in many elevators, a chair would block the maneuverability of a wheelchair. Even if it is a small fold-up seat, if

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it was left down, someone in a wheelchair might not be able to flip it back up out of the way, so chairs or seats are not allowed in elevators. Rob asked for a motion and Lucie offered a motion for the Commission to recommend/approve CDBG funds for the full amount of approximately \$110,000 for the modernization of The Carroll Center’s elevator in their main building, contingent that it meets HUD’s criteria as an eligible project. Jane seconded the motion. The motion was passed unanimously by a vote of 4-0. Rachel will keep us and The Carroll Center posted as to next steps. Greg thanked the Commission for their time tonight and their support.

4. HP Fines Report (6:55-7:05)

Sargent Babcock gave the following HP Fines report:

HP FINES

CODE #26 & CODE #27

JULY 1, 2016 – SEPTEMBER 30, 2016
(3 MONTHS)

CODE #26 (TOTAL PAID) HP SPOTS	
.....	\$4,200.00
CODE #26 (OUTSTANDING)	
.....	\$1,600.00
TOTAL	
.....	\$5,800.00
CODE #27 (TOTAL PAID) CURB CUTS	
.....	\$2,000.00
CODE #27 (OUTSTANDING)	
.....	\$2,800.00
TOTAL	
.....	\$4,800.00

COMBINED TOTALS

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TOTAL PAID {COLLECTED}.....\$6,200.00
TOTAL OUTSTANDING.....\$4,400.00
TOTAL.....\$10,600.00

Jini noticed that the total seemed lower than other 3 month periods and Sgt. Babcock attributes it to education the hard way after being ticketed once, no repeat offenders, perhaps. He is not seeing the violations in the Starbucks and Dunkin Donuts as much as before. Rob asked how the appeals are going, and Sgt. Babcock said it is now being done by the Transportation division of DPW. He thinks as long as the person who got the ticket and is appealing has a placard or plate and can prove it, the ticket is rescinded. He reported that it is getting better on Comm Avenue near the end of the T line, that is, there seems to be less disabled T employees parking out front of the businesses all day with their placard thus freeing up some of these places by parking in their own free T parking lot nearby. Lucie asked why they do that, and Sgt. Babcock said that the T employees say it is more convenient to park on the street than in their parking lot. Something similar is happening in Newton Centre but not to a great extent. Jini and Lucie commented that there may be more violators during the winter months and during the increased shopping between Thanksgiving and Christmas.

5. Treasurer’s Report (7:05-7:15)

Jane, COD Treasurer, gave the following report:

As of October 12, 2016, there are no changes to the balances of the accounts reported on September 12, 2016 as follows:

The Newton Commission On Disability has three accounts.

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 = \$17,809

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 = To be Determined

Rob has not yet heard back from Jason to confirm that he is still in possession of a donation. Rob believes that he has not yet deposited the donation as Jason wanted press coverage of the donation. The city shows a zero balance in the gift account and Rob is certain that is correct. For the next meeting, that is how that account will be recorded, stating that a gift/donation is pending.

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6. ADA Coordinator's Report (7:15-7:25)

Jini gave the following report on her activities since the last meeting:

Site Visits:

- Washington and Walnut Streets
- Waverley/Kenrick/Sargent
- Christina St.
- APS near Angier School

Self-Evaluation:

- Parking Lot Survey for ADA/MAAB Compliance

Trainings:

- Gave Service Animal Training/Q&A to Health Inspectors
- Signage from US Access Board
- Fire Emergency Evacuations for People with Disabilities- DLC & Cambridge Disability Commission

Meetings/Events/Conference Calls:

- Opening of Kennard Park Sculpture Trail
- www.newtonartscalendar.org
- Disability Summit- MOD
- Crystal Lake Community Meeting
- Renovation Celebration at Jackson Homestead
- Newton Corner Advisory Committee
 - Fair Housing Committee
 - Massachusetts Alliance of CODs
 - Public Safety
 - CIP

Jini summarized a most recent seminar she attended regarding fire emergency procedures for people with disabilities, sponsored by the Disability Law Center and the Cambridge Commission for People with Disabilities. It covered both individual emergency preparedness and also from the perspective of a city/town and their policies, or for a specific building. The State Fire Marshal from New Hampshire shared a timeline of what is happening in new buildings, they are sprinklered, but they are full

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of materials that have toxic fumes in a fire, such as plastics, vinyl, etc. Where in an older building, like City Hall, there is more wood and brick, though no sprinklers. Also some buildings whether sprinklered or not have fewer fire extinguishers and pull handles to send an alarm that there is a fire. Apparently, New Hampshire has stricter regulations than Massachusetts, and Christine Griffin, the Executive Director of DLC, suggested a task force to look at Mass regulations regarding fire prevention and policies/requirements. There is new technology for elevators installed in new high-rise buildings, so that the elevator could be used in a fire, where the elevator would not open on the floor where the fire is, but bypass it and go to the main egress or if necessary, a secondary floor for egress, as Jim Joyce mentioned earlier. Recently Jini was on a committee to produce a manual for emergency procedures for City Hall, including a one-pager, for all employees. Jane asked about whether the topic of using drones to detect a fire in building complexes was addressed. Jini said it was not covered, but perhaps should have. The focus was about people with disabilities in fire evacuations, more than techniques to detect fires, but that is fascinating and could be used to view if anyone is at a place of refuge outside a building complex. Lucie commented that group homes are supposed to have integrated smoke alarms to alert the fire department and to be able to evacuate in 2.5 minutes, at all times. This might mean that at night when there might be fewer 'awake' staff, that an additional 'awake' staff may be needed to meet this requirement. Jini said there were several questions about similar situations.,

Jini also mentioned her training of health inspectors regarding service dogs in public accommodations, such as restaurants and grocery stores. There is much confusion on the owners/managers of these establishments as to when they must allow a service dog. The ADA states that the service dog does not need any papers or certification to prove that a dog is a service dog.

However they can ask 2 questions:

Is this service dog needed due to a disability?

What task does this service dog perform, connected to the disability?

If the dog handler can answer these questions, yes on the first one and describe a task the dog does for him/her to help due to the disability, then the service dog should be allowed in. In most cases, except in housing or airlines, an emotional support dog is not allowed in a place of public accommodation, where there is a no pet policy enforced. In fact, the 2 questions do not even need to be asked if it is obvious what the service dog

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is for, such as a guide dog who is wearing a harness with a handle that a blind or visually impaired individual is holding for guidance.

Rob asked about the APS near Angier School. Jini reported that she got a chance to make a site visit there with the Director of Operations for DPW, on short notice, on a rainy day, to see if the APS were working, as Barbara had let Jini know that it didn't seem like they were all working, especially when crossing Beacon St. near the school drive way entrance and exit. Good news is that the APS were all working but the volume of the walk signal sound was on the quiet side. Shane was going to put in a work order to an on-call contractor to adjust those volumes upwards a bit and possibly increase the ambient level, which helps to hear the walk signal when there is a lot of traffic noise. Jini had also suggested if the APS is hard to hear when crossing, the new APS button also vibrates to signal it is time to cross, if you place your hand on the button while waiting for the crosswalk signal. In addition, if one holds down the push button on these newer APS, maybe for 10-20 seconds, you will hear a click sound. That raises the volume of the walk signal and it also raises the volume of the locator tone across the street just during the time to cross, which is very helpful. Jini is trying to coordinate a site visit with Barbara, Girard, herself, and DPW staff on a good weather day, which is not as easy as it sounds.

8. Old/New Business (8:00-8:30)

Jini mentioned that she has the hard copy of all the MAAB notices that were received this month, if anyone wants to look at them, and she had forwarded the electronic format of these same notices in advance of the meeting.

Under Old Business, there was more discussion about using a portion of the HP Fines funds for an enforcement of the accessible (HP) parking regulations using a special police detail targeting the holiday shoppers in December at the malls and other commercial parking lots. Jini mentioned that the Burlington COD does something similar every December. Jay thinks it is a great idea and Captain Anastasia agreed. He suggested that the COD allot a certain amount of money and then he could figure out how many hours and days that amount would cover for a police detail focused on those commercial areas exclusively. These funds need to be approved by the Mayor and the City council before they can be used. Lucie asked if

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members could decide now as to the amount to allocate and the details worked out with the Police and Executive Departments. Captain Anastasia said that it would be best to allocate up to a certain amount, and if the Police detail didn't use the full amount, the rest would remain in the HP Fines account. Rob suggested to use about half of the \$17,809 of the HP Fines account and he asked for a motion. Jane made a motion to approve up to \$9,000 in the COD HP Fines account to be used for a special police detail to issue tickets to violators of the accessible HP parking regulations. Rosemary seconded the motion. The motion passed unanimously by a vote of 4-0.

Under New Business, Jini will email out the dates for the Cod meeting for 2017. 10 of the 12 meetings are on the usual second Monday of the month, but April is Wednesday, April 12, since the first night of Passover is on the second Monday, and the third Monday is the Patriot's holiday. The only other month that is different is October due to the Columbus Holiday always falling on the second Monday, the COD meeting for next October will be on the third Monday, October 16.

Lucie brought up an access issue at Oak Hill Middle School, the walkway across the small parking area out front of the school over to the covered entrance. Jini will try and get over there this month to check it out.

Rob asked about the curb cut on Washington St. in front of the Police Station and the Newton District Court buildings. Jini had checked out this curb cut when Rob mentioned it before. The curb cut is compliant but just doesn't have the flared transition sides. The ramp was put in by the court and Jini wasn't sure who to contact. Captain Anastasia may know someone to contact there. There was some discussion about accessible parking in nearby lots near the Police Station. Jini encouraged members to look at and weigh in the concepts that have been proposed to be constructed next summer. There are some new ideas, such as bike lanes that could be against the curb with parking on the other side next to traffic. Also the APS may be concurrent, like in Newton Centre.

Jini reported that the accessible (HP) parking space that was on Brookline St. out front of Memorial Spaulding School has been moved to a newly constructed cut-in for the school busses and one accessible parking space. Also in the parking lot, 2 accessible spaces have been designated and just

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waiting on the signs. Jini will check to see if the intercom system works there to open the door at that level so that someone could enter there and access the elevator not far from this door.

9. Adjournment (8:30)

The meeting adjourned at 8:30PM.

NEXT MEETING DATE: November 14, 2016

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.