



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting date: November 14, 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
Girard Plante, Co-chair
Lucie Chansky
Jane Brown, Treasurer
Barbara Lischinsky
Rosemary Larking, participating remotely

City Staff Present:

Jini Fairley, ADA Coordinator
Sgt. John J. Babcock, Police
Captain Paul Anastasia, Police
Rachel Powers, Planning

Guests:

Katie Wetherbee, Project Manager for WS Development
Sandra Lingley
Kat Eutsler

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

Rob as unable to reach Rosemary on the phone for the beginning of the meeting. After introductions, Rob announced that he and Sargent Babcock and/or Captain Anastasia would be briefly attending the City Council's Finance Committee meeting at 7PM, when the proposed use of the HP Fines in the amount of \$9,000 for a special detail during the holiday season, to enforce the accessible (HP) parking regulations is heard.

2. Approval of October 17, 2016 Meeting Minutes (6:35-6:45)

Rob asked if all had read and if there were any changes to be made to the Minutes for the October 17 meeting, distributed electronically in advance. Hearing none, Jane made a motion to accept the minutes as read and distributed. Lucie seconded the motion. The motion passed by a vote of 4 (Rob, Girard, Jane, Lucie)-0-1 (Barbara abstained since she was absent from the October meeting).

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

Rachel gave the CDBG report as follows:

CDBG Access Projects Report

November 14, 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. 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). The MOU for the installation of 32 APS units has been executed. The Department of Public Works is in the process of scheduling the installs 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)

★ **FY16 Access Projects Funding Pool** – (CD16-03A Budget: \$88,431; Expended: \$0; Balance: \$88,431). CD Staff is currently in the process of vetting the eligibility of the Carroll Center Accessibility Project and will begin the environmental review process.

Highlands Playground Access – (CD15-032 Budget: \$99,000; Expended: \$0; Balance: \$99,000). Bid opening completed September 8, 2016. The contract has been executed. The accessible pathways component will begin in spring 2017. Contractor will be David White & Son.

★ **FY15 Curb Cuts** (Project CD15-03Y). Budget \$43,417.92; Committed: \$0; Expended: \$0; Uncommitted Balance: \$43,417.92). Remaining funds may be allocated toward an eligible accessibility project.

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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 completed and approved. Re-hydro seeding finished mid-September. Finalizing federal compliance documentation and final billing. Project is not expected to bill out fully; balance to move to Contingencies.

Rob was pleased to see that construction has begun at the Newton Highlands Playground, work on the drainage system first, and Rachel said that the accessible pathways through the park there will be done in the spring.

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 – OCTOBER 31, 2016

(4 MONTHS)

CODE #26 (TOTAL PAID) HP SPOTS

.....\$4,200.00

CODE #26 (OUTSTANDING)

.....\$3,500.00

TOTAL

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.....	\$7,700.00
CODE #27 (TOTAL PAID) CURB CUTS	
.....	\$3,400.00
CODE #27 (OUTSTANDING)	
.....	\$5,600.00
TOTAL	
.....	\$9,000.00

COMBINED TOTALS

TOTAL PAID {COLLECTED}	\$7,600.00
TOTAL OUTSTANDING	\$9,100.00
TOTAL	\$16,700.00

Rachel asked Sgt. Babcock how many tickets are issued in a month. He said that approximately 15-20 are issued each month. He reported that some violators wait to pay their ticket until they go to register their car and the RMV won't allow that registration until the ticket (s) is all paid. Sgt. Babcock also reported that neighbors are calling into the Police Department regarding blocked curb cuts, on residential streets, so more attention was given to these streets where this is happening often.

5. Treasurer's Report (7:05-7:15)

Before Jane gave her report, Rob tried to connect with Rosemary again, and this time it wasn't busy and Rosemary joined the meeting. Jane, COD Treasurer, gave the following Treasurer's report:

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

Note: Up to \$9,000 from this account was approved by the COD to pay for a special police detail enforcement of the accessible (HP) parking regulations during December, at their October meeting. This item was docketed by the Mayor as an agenda item for the November 7, 2016, full City Council meeting and was referred to the Council's Finance Committee, who will be meeting on November 14, 2016.

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

Type: Revolving Account

Balance = \$1114.65

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Account# 29B22001 Disability Commission Gift
Type: Gift/Donation Account
Balance = \$0.00

Rob reported that he had been in touch with Jason by email, who continues to have some health issues and is greatly fatigued. Rob will be in touch with him again shortly. Rosemary asked for some resources for finding a PCA as one of her PCAs stole her credit/debit cards. She has reported it to the police and waiting on ATM surveillance cameras to prove she used it. Girard offered some suggestions, especially to contact the PCA Workforce Council, to report this PCA so that she would be redflagged and not be allowed to be in the PCA program again. Rosemary also asked if MassHealth would give her emergency PCA services. Jini said it is possible but she needs to let her PCM, the agency where the PCA services are coordinated and approved, so that they can assist her. Her EBT card will take some time to be replaced and in the meantime she has no way of getting food. Lucie suggested she call the Cousens Fund here at City Hall for emergency food help. Girard said he will email Rosemary the info on the PCA Workforce Council and the Abuse Hotline, and Rachel will look into either the Food Pantry or Health & Human Services Department to help her. All were so concerned about what Rosemary is going through and she was very appreciative of the members suggestions.

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

Before this report began, Captain Anastasia and Rob left the meeting to attend the City Council's Finance Committee, as the COD's item is first on the agenda.

Jini gave the following ADA report:

Presented at the November 14, 2016 COD meeting

Site Visits:

- Oak Hill Middle School walkway to entrance
- Memorial Spaulding parking lot
- Ed Center School Programs

Resident Issues:

- Service Dogs vs. Pet Dogs in City Hall
- Star/Shaw's Market in Newtonville
- Branches overhanging sidewalk on Hamlin

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- Hole in street near intersection of Hamlin and Cedar
- APS at Washington & Church
- AutoMark Demo at The Price Center
- Transportation to City Hall Meeting

Trainings:

- Emergency Procedures for City Hall
- Residential Housing- US Access Board
- Fair Housing with Barbara Chandler

Meetings/Events/Conference Calls:

- West Newton Square Businesses
- Northland Development on Needham St. DRT
- Snow
 - Fair Housing Committee
 - Massachusetts Alliance of CODs

Jini reported that Early Voting for 2 weeks at City Hall brought her a few visitors. A former Director of the French Library and Newton resident was inquiring about the access to the second floor of Star Market. Jini followed up on this with ISD and since there have been no renovations there in years, the access the market offers is adequate but does not include an elevator nor a down escalator. A lift is used for access both up and down when the stairs are not possible to be used. She also received a complaint from a resident who was voting with his guide dog, when a pet dog barked several times and was aggressive towards the guide dog. The guide dog handler wanted to know why there wasn't a No Pets policy for City Hall. There never has been one, but one would hope that only well-behaved pet dogs would accompany someone doing business at City Hall. There have been other similar incidents with Jini's guide dog so there might be some signage in the future. Barbara has encountered aggressive pet dogs when she was at the Post Office with her guide dog. There are 'No Pet's allowed' sign but some patrons ignore the signs. She was curious if the Post Offices have a blanket policy of no pets, except for service animals, in all their branches in the U.S. Jini did not know if that exists. Lucie looked it up on her phone and it appears that US Post Offices do not allow pets in. Lucie asked about the AutoMark demonstration at the Price Center. Jini explained that they

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had received a request from one of the staff there to demonstrate the electronic voting machine, developed for blind and visually impaired individuals to be able to vote independently. It is also a benefit to those with fine motor issues who would not be able to fill in the paper ballot easily or at all. The machine reads the ballot to you through the use of head phones and you can either use the touch screen or the keypad to indicate your choices. After the ballot has been completed, the machine prints out your ballot all filled in. It can also help those who don't read English very well. Karen Fallon from the Elections Department and Jini brought the AutoMark machine to the Price Center and demonstrated how it works to several groups there. The clients at the Price Center, who have different disabilities, were very enthusiastic and had a chance to try it out with a ballot, etc. and were encouraged to come to Early Voting or seek out one of these machines at their local polling place on November 9. Lucie asked if the AutoMark is in every precinct here in Newton, and Jini said yes, that they are in every precinct in the state.

Rob and Captain Anastasia returned from the Finance Committee and reported that the motion to approve the COD's use of up to \$9,000 of the HP Fines fund for a special police detail passed the Finance Committee by a vote of 8-0. This docketed item will go back to the entire City Council for a vote at their November 21 meeting. It should pass then, and the special police detail will begin the day after Thanksgiving and continue for a month.

Barbara thanked Jini and the DP/W for replacing the disintegrating sidewalk on a stretch of Beacon Street from the Angier School driveway to Dorset Rd., on the school side of Beacon. The highway division of DPW did the work and Barbara complemented them on good and fast work.

7. Redevelopment Project at The Street (7:25-8:00)

Katie Wetherbee, Project Manager for WS Development of the proposed plans for The Street. She gave the following presentation:

Proposed Redevelopment at The Street – Chestnut Hill, MA

Outline for November 14, 2016 Commission on Disability Presentation

The Street is an existing commercial property, located at 1-55 Boylston Street, in Chestnut Hill, MA, on the eastern edge of Newton. It is bordered by Route 9 / Boylston Street to the south, Hammond Pond Parkway to the west, Hammond Pond to the north, and Hammond Street to the east. The collection of buildings are surrounding by parking, and have restaurants and stores including Star Market, Aquitaine, The Container Store, Del Frisco's Grille, Legal Sea Foods, Shake Shack, lulu lemon, Pottery Barn, and Showcase Superlux, among others, totaling just over 400,000 square feet.

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The proposed redevelopment is focused at two existing building areas - a small infill to the existing 55 Boylston Street (Cinema & Pottery Barn building), and a reconstruction of the existing 27 Boylston Street (The Container Store and former AMC Cinema building).

The Container Store will be relocating from the lower level of the existing 27 Boylston Street, to the second level of the existing 55 Boylston Street, into approximately $\frac{3}{4}$ of the former Sports Club LA space. Legal Sea Foods will be relocating into the remaining $\frac{1}{4}$ of the former Sports Club LA space, and a new 2nd floor "Pond Room" will be constructed, as well as a new first floor entrance with an elevator and stair, near the existing J. McLaughlin store. Small stores will surround the Legal Sea Foods entrance under the existing building. Other new stores will be filled in under the southwest corner of the building, where there is today a driveway between Bernard's and the cinema entrance.

Once The Container Store relocates, the existing multi-level 27 Boylston Street will be demolished, and a new two-story building will be constructed in its place, with two levels of garage parking below. Adding parking below the building allows for an expansion of the building footprint in the existing parking field, as well as the construction of two small buildings in the northern portion of the parking lot, near the pond. The square footage for all these buildings combined will equal the square footage of the existing 27 Boylston Street, so there is no expansion of square footage in this area. The increase in footprint allows for more first floor stores, and helps to break up the large expanse of parking on the north side of the property into smaller parking fields. A single vehicular route east-west through the property will be maintained, and intersections with the north-south routes will be re-oriented and made regular, thus increasing both vehicular and pedestrian safety across the site.

A pedestrian-only walkway will connect the northeast corner of the existing 33 Boylston Street with the northwest corner of the existing 25 Boylston Street, lined with shops on either side. Today there is no pedestrian route through this area; one has to walk in the driveway near The Container Store's entrance, which has a challenging grade change. The new area will be level, and similar to the area of stores that exists today between lulu lemon and Shake Shack.

Surrounding the two small buildings near the pond will be a larger area of pedestrian hardscape. This was designed specifically to allow for a place for people to gather near the pond, while pulling the existing edge of development further away from the pond. The buildings and pedestrian hardscape area are entirely within the existing parking lot, and additional areas of green have been added between the pond and this area. A walkway connecting these buildings to 55 Boylston Street to the west is also proposed, in the area between the existing edge of parking and the pond border. This is an area where people walk today through dirt paths if they are able, and if not, through the parking lot itself.

Overall these improvements build on the continued reinvestment and modernization of The Street that WS Development has undertaken within the past decade. Continued improvement of the pedestrian experience is provided by well-designed and comfortable walking routes and reduced the vehicular intersections throughout the site will increase the safety for both vehicles and pedestrians. Reconstructing 27 Boylston Street will create a building that connects with its surroundings, figuratively and literally. Infilling portions of 55 Boylston Street will improve the existing vehicular and pedestrian experience, specifically by increasing the separation between vehicles and people. Relocating Legal Sea Foods and The Container Store to the upper level of 55 Boylston Street allows for smaller shops on the ground level, expanding the streetscape experience with multiple storefronts. Providing places for gathering and viewing the pond will provide a unique experience for visitors to Chestnut Hill and the greater Newton Community. All together these improvements are part of the goal of providing Chestnut Hill with a Village Center, at The Street.

During her presentation, Katie showed many views of both what is there now and what we would see after this redevelopment. There were several questions/comments from members. Lucie asked if the 2 new smaller structures near the pond will have a negative impact environmentally on the pond. Katie said that they are working with the Conservation

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Commission and this new plan will be an improvement as now the parking lot is about 10 feet from the pond, and in the new plan the building will be about 30 feet from the pond with no parking lot close to the pond. There will be a boardwalk along this southern portion of the pond, connecting the 2 buildings which will be level and be a part of an east/west loop connecting the buildings at 55 Boylston and stores nearby. There are many pedestrian improvements, including wide sidewalks and a portion for pedestrians only. Jini asked if any variances to accessibility are anticipated. Katie said no, that the hope is that this new redevelopment

Will eliminate any current accessibility issues. There still may be ramps with railings instead of a walkway due to the grading on the property, especially walking south to north in this proposed section of The Street. Lucie asked if any parking spaces will be eliminated. Katie said that there will be less on the street level but that the proposed garage will have about 300 spaces, so that there is no total loss of parking spaces. The accessible parking will be distributed around the whole development as well as in the garage. Lucie asked if the visibility could be improved for drivers especially paralleling Boylston St. when coming to an intersection. Katie said they will be using a different material for the roadways, a brick-type material, which should slow vehicles down and they have a good security force that is present. Jini asked what materials were going to be used for the nice wide sidewalks and Katie said some concrete, brick and pavers. Girard said that brick, if not well constructed or maintained, can be very difficult for folks using wheelchairs, the visually-impaired/blind, and elders, as it often becomes a tripping hazard. Katie said she will look into how and where they are using brick and pavers, to be sensitive to this. In Boston, there is an anti-brick group that has prevailed upon the city to use cement down the middle of a side walk and brick along the edge, so as to both preserve the historical nature of neighborhoods and provide safe passage for those with disabilities and the elderly, whenever sidewalks are being renovated/repared. One last question, from Lucie, asking if the angle a vehicle comes to could be improved, when one is exiting from The Street onto Boylston St. as it is very hard to see cars coming along Rte. 9 without turning your head all around. Katie wasn't sure but would look at that exit. Katie said if we had any other questions, comments, or concerns, that Jini has her contact information and feel free to get in touch. The timeline is for the renovations at 55 Boylston St. would happen sometime in 2017, and the new construction and garage at 27 Boylston St. will be longer, hopefully completed by the end of 2018.

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MBTA and the Uber Pilot Project (8:00-8:10)

Girard reported on a meeting he attended where Uber and RIDE officials presented on the pilot project with both Uber and Lyft. He said that the room was packed, the conference rooms at the Transportation Building, even on a cold, windy, and rainy night. Many had questions and concerns as to how this pilot would work for them. Only representatives from Uber were there, and this meeting was sponsored by DLC and DPC and the MBTA. Jini and Barbara are both in this pilot program with Lyft. If one is a Ride customer, paratransit services for eligible individuals with disabilities, The Ride will subsidize a trip with either Uber or Lyft, in hopes to reduce the amount of money the MBTA spends on this paratransit service. The Ride customer pays for the first \$2, and then The Ride pays for the next \$13, or less if the trip doesn't cost more than \$15. If the trip costs more than \$15, the customer is charged the remaining fare. Ordinarily, The Ride costs the MBTA about \$45 per trip for their customers. Barbara said she like the spontaneity of using Lyft, as it doesn't have to be scheduled 24 hours in advance, as you do with The Ride. One disadvantage is that there is no one to call, even though there is a Help number, no one answers, said Barbara. And Uber and Lyft relies on the customer to be looking out for them, as you are told what kind of car, color, and license plate and Barbara almost missed a ride, and she has to use others nearby to find the vehicle for her. Jini added that since it is not a door to door service, like The Ride, it's a little nerve wracking when she is at a new location as to know how far the curb is from the entrance and not being able to see a car out front. This will become a little more dicey in the winter, waiting outside and 'looking' for the Lyft. Barbara is trying to reach customer service to see if there is some way the driver can be looking for her instead of the other way around. Girard said that for the most part the audience was pleased about the new options for them and the presentations were well received. There were concerns about drivers refusing customers with service dogs, but the Ride and Uber reassured all that wouldn't happen, and that there will be extra training for the drivers as to how to assist a person with a disability, CORI checks of the drivers, etc. Jini added that the pilot also offers wheelchair accessible transportation and an option if you don't have or can't operate a smart phone. Girard said that if anyone had questions about this pilot that you can call the MBTA with any concerns or questions. And Barbara said

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that now you can schedule a trip with Uber and Lyft, which helps if you especially need an accessible vehicle.

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

Jini mentioned that she distributed the dates for the upcoming 2017 COD meetings electronically and she printed it out as well if someone wanted to take a copy to put on their refrigerator. Rob asked if there was anything to report regarding the MAAB notices received during the past month. Jini had forwarded all those notices electronically to members prior to this meeting. She noted that there were many complaints made by an individual against Boston College. In addition there was correspondence between the Boston Sports Club and the MAAB regarding the fine that MAAB imposed and a request from the Boston Sports Club to reduce the fine. A short discussion about information that Jini forwards to the Commission, especially concerning housing developments proposed to be developed in the city, and also about the Fair Housing event, a speaker from the Attorney General's office about whether Fair Housing is still relevant. Rob and Girard also heard about the event from a former city employee. Jini hopes to attend, even though there are many conflicting events that evening. Girard will be at the BCIL annual meeting then. Jini also mentioned to keep an eye out for another community event for the plans for West Newton Square. She said it will be a major improvement for pedestrians, widening some of the sidewalks, adding Accessible Pedestrian Signals, and additional cross walks, but there will be new features possibly, like protected bike lanes, concurrent instead of exclusive traffic signals, reducing the number of vehicle lanes from 4 to 2 in some part of the square, etc. Jini and Jay are concerned about the details as to the placement of the existing accessible parking spaces, and just how this will all work out. Rob reminded everyone that our next meeting in December is traditionally our holiday party, so if folks would like to bring something to share, like cookies, chips, beverage, etc. that would be most welcomed.

One last thing Jini brought up that she is trying to take the word 'handicapped' out of use and replace with either accessible (referring to parking or an entrance), or disabled, or disability. She explained that 'handicapped' has a derogatory connotation, from a depiction of a blind beggar with his cap in hand, or hand and cap, and in most current documents from the federal government, the term 'handicapped' is not used any more. In particular, Jini was looking into the city using the signs used to designate an accessible parking space to just have the international

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symbol of accessibility (profile of someone using a wheelchair) and the word ‘Reserved Parking’. The ADA and the MAAB do not require that the sign says ‘handicapped’ or handicap’ on the sign. She passed around some samples of the simpler sign. Girard added that there has been an effort to remove the words ‘handicapped’ or ‘handicap’ from all of the Massachusetts laws /legislation, started several years ago. Some of the members were not aware of the negative derivation of ‘handicap’ and didn’t realize how it has gone out of favor and not used anymore, at least at the federal level, much like the word ‘crippled’ or ‘retard’ are not used much anymore. Jini suggested talking about this further in December’s meeting, as it might be something the Commission would like to consider an item for the City Council to remove this negative term(s) in Newton’s ordinances, like the state is attempting to do.

9. Adjournment (8:30)

NEXT MEETING DATE: December 12, 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.