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# CITY OF NEWTON, MASSACHUSETTS

## Commission On Disability

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Meeting date: December 12, 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  
617-796-1253

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### Commission Members Present:

**Rob Caruso, Co-chair**  
**Girard Plante, Co-chair, participating remotely**  
**Lucie Chansky, participating remotely**  
**Jane Brown, Treasurer, participating remotely**  
**Barbara Lischinsky**  
**Rosemary Larking, participating remotely**

### City Staff Present:

Jini Fairley, ADA Coordinator  
Sgt. John J. Babcock, Police  
**Rachel Powers, Planning**  
**Barney Heath, Planning**

### Guests:

**Sandra Lingley**  
**Kat Eutsler**

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

The conference phone was missing from the conference room so with 2 cell phones and the free conference call line, all members who were participating remotely, were able to be part of the meeting and we had a complete quorum.

### 2. Approval of November 14, 2016 Meeting Minutes (6:35-6:45)

Rob asked if everyone had received and read the minutes, and if there were any changes to be made. Hearing none, Barbara made a motion to accept the minutes of the November 14 COD meeting as read and distributed. Jane seconded the motion. The motion passed unanimously by a vote of 6-0.

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

Rachel gave the following CDBG Access Projects report:  
**CDBG Access Projects Report**  
**December 12, 2016**

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★ **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 working out a timeline to schedule the installations. The project may need to be bid out and will most likely take place this upcoming season. 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)

★ **FY16 Access Projects Funding Pool** – (CD16-03A Budget: \$88,431; Expended: \$0; Balance: \$88,431). The environmental review process is underway on the Carroll Center Accessibility Project. A site visit has been performed. Staff anticipates that the project will go to the Planning and Development Board for approval in January.

★ **FY15 Curb Cuts** (Project CD15-03Y). Budget \$43,417.92; Committed: \$0; Expended: \$0; Uncommitted Balance: \$43,417.92). A majority of the remaining funds are anticipated to be allocated toward the Carroll Center Accessibility Project.

**Highlands Playground Access** – (CD15-032 Budget: \$99,000; Expended: \$0; Balance: \$99,000). Bid opening completed September 8, 2016. 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 on Washington Street and around the Newton Corner Circle. The Highway Division

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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 why it is taking so long to install the APS. Rachel said that it was mostly due to a lack of staff in both Planning and DPW to move the project along. These 2 departments and Jini will be meeting tomorrow for a status update and timeline, and Rachel assured the members that it is a high priority. Jini added that hopefully the APS will be installed this winter, either January or February, or possibly March if inclement weather interferes. Barbara also asked about an update to the apex curb cut issue with DPW. They were going to get back to the COD once an inventory was completed and a plan for fixing those apex curb cuts which should be perpendicular. This was before Rachel's time and she was not aware of this. Jini said that a basic inventory was undertaken last winter and that DPW was going back to do a more thorough inventory with measurements and photos of all the 5300+ curb cuts in the city. In the raw data it appeared that only 50 apex curb cuts should have been perpendicular, and both Jini and the members thought that number is too low. Jini mentioned that many of the apex curb cuts were done for sight distances/issues, which can happen in an old city, with narrow sidewalks, fences, stonewalls, skewed intersections, etc. Jini also said that the more complete inventory of the city's curb cuts is not only concerned about the proliferation of apex curb cuts, but to determine which curb cuts are ADA-compliant. Barbara mentioned that she observed apex curb cuts with bright yellow detectable warning pads under Route 9 as you exit Route 9 onto Winchester St. with no crosswalks. Jay said this was done last year by Mass Dept. of Transportation since they control both Route 9, and exits, and some other roads such as Needham St. and possibly Winchester St. Jay said that Mass DOT gets the city's input on bigger projects, like Oak, Christina and Needham Streets, but they do what they want on off ramps. Jini said that she would have a look at it and see what info DPW can get from Mass Dot. Rob also mentioned the double detectable warning pads on the apex curb cuts at the T intersection of Cabot and Walnut Street, doesn't look right, either. And these curb cuts don't line up with the crosswalks. Jini mentioned that there are many variations of curb cut designs, but will also ask Shane or engineering about this, too. There was consensus that we will invite Shane back for an update on the apex curb cut issue and inventory and some specific locations for February.

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

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Sargent Babcock gave the following report on HP Fines:

**FINES**

**CODE #26 & CODE #27**

**JULY 1, 2016 – NOVEMBER 30, 2016**  
**(5 MONTHS)**

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<b>CODE #26 (TOTAL PAID) HP SPOTS</b>	
.....	<b>\$6,000.00</b>
<b>CODE #26 (OUTSTANDING)</b>	
.....	<b>\$12,000.00</b>
<b>TOTAL</b>	
.....	<b>\$18,000.00</b>
<b>CODE #27 (TOTAL PAID) CURB CUTS</b>	
.....	<b>\$7,700.00</b>
<b>CODE #27 (OUTSTANDING)</b>	
.....	<b>\$10,000.00</b>
<b>TOTAL</b>	
.....	<b>\$17,700.00</b>

**COMBINED TOTALS**

<b>TOTAL PAID {COLLECTED}</b> .....	<b>\$13,700.00</b>
<b>TOTAL OUTSTANDING</b> .....	<b>\$22,000.00</b>
<b>TOTAL</b> .....	<b>\$35,700.00</b>

Barbara asked if the accessible parking space was going to be permanent in front of the West Newton Cinema. Since West Newton Square will be enhanced with improvements both to traffic signals but also accessible parking spaces and curb cuts, and APS. Also, protected bike lanes will be in several places in the Square, and may change a little as to where they are now. Many are working to insure

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that more accessible parking spaces are available in the Square, either at the curb or on the outside of bike lane. Rob asked how that is going to work with the protected bike lane, and Jini urged him or someone from the COD to attend the West Newton Square final concept design community meeting on Wednesday (Dec. 14), if possible. Sgt. Babcock suggested that perhaps Rachel Blatt could attend a future COD meeting and show sketches and the final concept design to the COD members and explain how the accessible parking spaces will be incorporated into the protected bike lanes plans. Jini will look into this possibility for February or March. Barbara asked about the placement of a bench which is right at the street's edge alongside an accessible parking space in Waban Square by the Starbucks. Barbara feels this bench needs to be moved. Sgt. Babcock said he would drive by tomorrow and let Jini know what should be the next step. One of our guests, Sandra Lingley, also asked if it would be possible to have an accessible parking space near the Post Office in Waban Square, or at least a 15 minute limit parking space, as it is so hard to park near the post office. Jay will also check this out.

Jini noted the huge increase in the total of fines issued between October and November, even figuring in the totals for the 6 days in November for Operation Access. Sgt. Babcock said there were a couple of areas where there were repeat offenders, meaning many \$300 tickets were issued to cars blocking curb cuts, especially in one area around Lasell College, since 2 of their parking lots are taken over by construction, and the other areas were in the village centers, like at Dunkin Donuts, Starbuck's, Star Market, etc.

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

**Jane Brown, COD Treasurer, gave the following Treasurer's report:**

December 12 2016 COD Meeting

As of December 6, 2016, the balances of the COD accounts are as follows

The Newton Commission On Disability now has four 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 = \$8,809

Note: This is a new balance and reflects that \$9,000 from this account was approved by the COD, the Mayor, and the City Council to pay for a special police detail enforcement of the accessible (HP) parking regulations during December, and this \$9,000 has been moved to a new account. After the City Council approved this appropriation on November 21, 2016, a separate account called 'Operation Access' was set up and \$9,000 of the HP Fines Account was moved to this new account so that the cost of the police detail can be paid out of it.

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

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Balance = \$9,000

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 the name of the special appropriations type account is called Operation Access, which she didn't know the name when the report was prepared. Jini has changed it here.**

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

**Jini gave the following ADA activities report:**

Self-Evaluation

- Reviewing Accessibility Audits of Facilities
- Parking Lot Accessibility Survey

Trainings:

- Strategic Municipal ADA Planning-Public Rights of Way
- Bay State Council of the Blind Conference

Meetings/Events/Conference Calls:

- Spoke at Business Breakfast with Mayor Warren at The Carroll Center
- APS Group of MACOD
- WalkBoston
- Meeting with Chair of Council On Aging
- Snow
  - Fair Housing Committee
  - Massachusetts Alliance of CODs (MACOD) Call

**Jini described her training given by Federal Highway Admin trainers, regarding ADA compliance of everything in the Public Right of Way, which includes curb cuts, APS, sidewalks, crosswalks, etc. It was excellent and she was joined there by 4 members of the city's Engineering staff. Lucie mentioned that when she was over at Newton South High, that now only**

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one accessible parking space is marked. Jini said sometimes the sign gets knocked over by plows or taken out with construction. She will try and get over there to see what can be done to restore the accessible parking spaces out front of the Newton South auditorium. Lucie also reported that the automatic door opener at the front entrance of Angier School wasn't working. Jini said that she would check with the custodian there. Barbara mentioned that the APS unit near the Angier driveway, crossing Beacon St. over to Manitoba was not working. Jini said that she would report that to DPW. Rosemary asked if the distance between the barriers (bollards) installed at Sweet Tomatoes is wide enough for a wheelchair to pass between. Jini said that she did check on that with DPW and they assured her that there is more than 3 feet between each one. Rosemary also asked if the COD would want to consider hearing from the Washington Place developers. There was some discussion and the only time recently that the COD has voted to support a new housing development was for the Court St housing development. Jini mentioned that she had been in contact with Marian Knapp, the Chair of the Council On Aging, which is all volunteers appointed by the Mayor, just like our Commission. She would like to come to a COD meeting to describe the goals of the COA and to discover where both groups can collaborate on issues facing elders and people with disabilities. She is interested in coming to either our January or February meeting, and wants me and anyone else from the COD to attend one of the Council On Aging's meetings in the near future. Rob thinks it is a good idea to have Marian come to a COD meeting as some of the issues are so similar and overlap. Barbara mentioned that she wished she could go on the senior bus that takes seniors to the grocery store weekly, but because she is under 60, she was told she can't. Jini said that would be a good question to ask and to see if something could be worked out to provide this type of transportation to people with disabilities. Rob mentioned that he is in regular contact with Jayne Colino, the Director of Senior Services for the city and to offer assistance to any elders having any accessibility issues. He has also tried to encourage someone from the senior center to join our Commission, but no luck yet. Jini said that either January or at the latest February would be a good time to have Marian attend, so as not to postpone our working together. Rob asked about Jini's attendance at the Fair Housing Committee. She was not able to attend the December, but she had passed around electronically to the COD members the FHC's excellent comments on the Housing Strategy Report, pointing out that the report

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neither referenced accessibility nor fair housing concerns at all. Jini also described her involvement in the Mass Alliance of CODs, where she is on a subcommittee regarding APS and drafting some regulations to bring to MAAB. MACOD is also working on an information booklet to assist cities and towns who are yet a Commission on Disability under the state statute, MGL Chapter 40, 8j, when they could also benefit from receiving the fines from violations of the disability parking laws, under Chapter 40, 22g. This Alliance has CODs from all over the state, Chicopee, Fall River, Burlington, Methuen, Lawrence and many others in the Boston and eastern Mass area. Rosemary asked if the COD could make a stand to oppose electronic surveillance of PCAs, where the Federal level is proposing to ask states to monitor PCAs. Girard said that the PCA Coalition and Workforce Council are aware of this possibility and encouraged Rosemary to get involved with their effort and if it comes to needing the COD support to oppose such monitoring, we can then put it to a vote of the COD in the future. He also said that more information and action will be forthcoming after the New Year.

**7. Operation Access Update (7:25-7:35)**

Sargent Babcock gave a breakdown of the special enforcement of the disability parking laws, which took place the last 5 days of November and will continue into the month of December. This special police detail is targeting the parking lots of malls and other commercial areas in the city. For the 6 days in November, 28 tickets were issued to vehicles parked in an accessible (HP) parking space without a disability placard or plate for a total of \$5600, 0 tickets for blocking curb cuts, 44 hours of enforcement of paid overtime amounting to \$1801. If all tickets were paid, in a perfect world, then there would be a 300% return on the investment into Operation Access, so far. Sgt. Babcock had some tentative numbers from Nov. 25 to December 11, where the total number of tickets issued was 65 = \$13,000 and the cost of the enforcement was approximately \$3400, but a full accounting for the month of December will be reported at the January COD meeting. Barbara asked where most of the violations are taking place. Sgt. Babcock said it equally is happening in the village centers, where the Parking Control Officers are, and in the malls and Needham St. commercial area, where the patrol officers are issuing tickets. When they can, they are asking violators why they parked there. Most answered they didn't realize it was an accessible parking space, or they were just running in for a minute,



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getting a gift card, etc. For this reason, Sgt. Babcock wants the city to always painting the International Symbol of Accessibility on the ground within the parking space as well as installing a sign with the ISA and Reserved for the disabled with placard or plate.

**8. Old/New Business (7:35-7:45)**

Barbara brought up an access problem at the UPS store on Rte. 9. This is on the corner of Rte. 9 and Woodward St. There is a very high step into the store and is very difficult for her to negotiate. Jini asked if she could send the address to her and she would run it by Inspectional Services to check it out and see what could be done. It is possible that the store might have to provide service at someone's vehicle or outside if a ramp or some other access is able to be provided. As for required or not, if it is an older building before access standards were in effect, then providing a reasonable accommodation or some effort to remove barriers would be an obligation under Title III of the ADA. It may come down to writing a letter from the Commission requesting them to provide a reasonable accommodation or to make an effort to make the building accessible,, possibly provide a railing, or ramp, or specifically to UPS to make them aware of the customers with disabilities who are not able to give them business.

**9. Holiday Celebration (7:45-8:30)**

There was delicious snacks, some homemade, that everyone enjoyed tremendously. Rob wished everyone a very happy holiday season and that we would see everyone in January.

**10. Adjournment (8:30)**

The meeting was adjourned as refreshments were shared and enjoyed.

**NEXT MEETING DATE: January 9, 2017**

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](mailto: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.