



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting date: April 11, 2016
Room 204
Time: 6:30 pm

MINUTES

Setti D. Warren
Mayor

James Freas, Acting
Director, Planning &
Development

Lydia Scott
Senior Planner
Community Development

Members

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

Jason Rosenberg
Chairman Emeritus

Advisor

Sergeant Jay Babcock
Newton Police Department

Staff

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

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

www.newtonma.gov

Commission Members Present:

Rob Caruso Co-Chair

Girard Plant Co-Chair

Jane Brown

Lucie Chansky

Rosemary Larking- Remote Participation via phone

Barbara Lischinsky

City Staff:

Jini Fairley, ADA Coordinator

Lydia Scott, Planning & Development

Sgt. John Babcock, Police

Guests:

Sandra Lingley

Kathleen Eutsler

Allan Ciccone, Sr.

Wendall Kalsow, architect

Jake McCloskey, Boston College

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

The meeting was called to order by Rob Caruso at 6:33PM. Rob asked the members to raise their hand whenever they wanted to make a comment or ask a question, following Robert's Rules of Order, so that people didn't talk over each other. Introductions were made.

2. Approval of March 14, 2016 meeting Minutes (6:35-6:40)

Rob asked if everyone received and read the minutes for the March 14 meeting and all had. Rob asked if there were any comments, corrections, deletions to the minutes as read and distributed. Hearing none, a motion was made by Jane to accept the minutes as read and distributed. Barbara seconded the motion. The motion passed unanimously with a vote of 6-0.

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

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Lydia gave the following CDBG Access Projects report:

FY17 Annual Action Plan – Approximately \$87,126 will be allocated towards Architectural Access projects beginning July 1, 2016. An FY17 Curb Cuts funding pool project will be set up in the upcoming year's plan. The plan was reviewed by the Planning and Development Board on April 4, and will be submitted to HUD on or before May 15.

FY15 Audible Pedestrian Signals – (CD15-03Z. Budget: \$20,800; Expended: \$0; Balance: \$20,800). This new project budget has been set up and funded. CD staff will work with DPW to place the orders for the 32 units so the equipment is on hand once intersections for installation are selected. **No update.**

Historic Newton/The Jackson Homestead – Archives Preservation and Access – (CD11-03F. Budget: \$40,000; Expended: \$33.98; Balance: \$39,966.02). The remaining balance of this project will be transferred to the new project for Highlands Playground Access, pending Mayoral approval in early April. **No update.**

FY14 Audible Pedestrian Signals (APS) – (CD14-03Z. Budget: \$13,000 Expended: \$11,700; Balance: \$1,300). The remaining balance of this project will be transferred to the new project for Highlands Playground Access, pending Mayoral approval in early April. **No update.**

Audible Pedestrian Signals – Centre & Centre (Project CD13-03R. Budget: \$6,609.25; Expended: \$0; Balance: \$6,609.25). DPW is in the process of developing a scope of work and cost estimate for a larger Newton Corner safety and accessibility project for construction in summer 2016. **No update.**

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. **No update.**

Curb Cuts (Project CD15-03Y. Budget \$143,697.71; Expended: \$0; Balance: \$143,697.71). Funds in the amount of \$44,397.96 will be transferred to the new project for Highlands Playground Access, pending Mayoral approval in early April. **No update.**

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

The following locations were approved for improvements in May 2014, and are awaiting construction.

1. Newton Corner
 - a. Centre & Sargent and Centre & Cabot.

FY15 Parks Curb Cuts – (CD15-031. Budget: \$29,490; Expended: \$0; Balance: \$29,490). **Work is underway to replace and update curb cuts located at Stearns Park on Jasset Street and at Wellington Park on Kilburn Street.**

Newton Centre Playground Pathway Phases IV-VI – (CD15-03X. Budget: \$130,000; Expended: \$165.10; Balance: \$129,834.90). All designs are complete. Bids will be opened on Thursday, March 17. **The selected bidder was RAE Contracting, LCC, with a bid of \$104,917.50. Contracts were sent to the contractor on April 1.**

There was much discussion of the suggested locations for installation of APS, from a list which was distributed on a separate sheet, but no vote was necessary tonight, said Lydia. There was consensus that the Commonwealth Avenue & Centre Street intersection would be a good choice, especially if the signal could be an All Stop, which was recommended by the COD Advisor, Heather Platt. Another intersection that received consensus was Centre and Walnut Streets in Newton Highlands, where there are no APS and vehicular speeding. Jini mentioned that the list was put together by Lydia and her from the inventory that DPW had conducted as to the existence of APS or not, throughout the city's 100 intersections. If the inventory had noted a safety issue, or if an intersection was recommended for APS by pedestrians or advisors, those intersections were included on the sheet. Barbara suggested upgrading the APS at Beacon & Chestnut St. Jini said that there were working APS there and that the list of suggested intersections only included intersections with no previous APS. Jini pointed out that the intersection where the Zervas school is being newly constructed, there will be APS there for the first time. Barbara suggested that upgrading the APS at Beacon and Chestnut St. would also be good to do. However, Barbara was not so sure about APS installation at Chestnut and Commonwealth as there is an island, and a carriage road and not enough curb cuts or sidewalk, and she was wondering why there was a note on the inventory that Jini was working off of, about not being able to see the walk signal. After more discussion, it seemed that this intersection may not be the best place to install APS as there are more issues than not having APS, and the number of units might be double and there may not be enough

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

pedestrians needing to cross Commonwealth Avenue there. Most of the pedestrians are over on the carriage road, usually running, and are just crossing Chestnut St. Lucie pointed out that 2 intersections on the list do not have any pedestrian traffic, and Jini explained that she mixed up Winchester with Nahanton St. and thought they were near the proposed newly renovated Newton Highlands Playground, so they will not remain on the list. However, Jini mentioned that perhaps that an intersection near one of these intersections, which is Nahanton/Wells Ave/JCC driveway may need APS, but members didn't think there were enough pedestrians crossing Nahanton there, even though there is high vehicular traffic. Lucie brought up another problematic intersection at Needham/Oak/Christina Streets, since there are many pedestrians with disabilities crossing in that area where the Barry Price Center is located. Lydia explained that we couldn't even provide temporary APS purchased with CDBG (Federal) funds at this intersection since this is a state project to be under construction a year from now. Rob asked Sgt. Babcock if he had a chance to check this intersection out. He said that there is one pushbutton to cross Oak St. which stops traffic but there isn't much time to cross. Lucie said that is not where most of them want to go, they want to cross Christina, mid-block, to get to the rest of the stores up Needham St. or they want to cross Needham St. as well. Jini said that she had brought the idea of a temporary solution at this intersection for this intervening year to DPW and will keep everyone posted if something can be done. Barbara asked about signals in Newton Lower Falls, specifically if there were APS crossing Washington St. Sgt. Babcock said that the signalized crossing is at Concord St. and Washington, and Jini concurred that there are APS at this intersection. Sgt. Babcock reported that the DPW is looking into a No Right Turn on Red light when the walk signal is pushed here and some other intersections, such as Washington & Walnut Streets and Walnut and Watertown Streets. Members also suggested DPW also consider Beacon & Centre Streets in Newton Centre. Barbara asked Sgt. Babcock if there is any update about making the crossing of the Newton-Wellesley Hospital driveway at their West entrance safer for pedestrians. He said that it will be up to DPW, and they are reviewing possibilities, if increased signs could be installed, but no traffic light could be installed there as it is too close to another traffic signal out at Beacon & Washington Streets. Rob asked Jini if there has been any progress with improving the curb cut outside of the Courthouse near the ramp that leads to both the Courthouse and the Police Headquarters. Lydia said that if it would be seen as a repair or maintenance issue, CDBG funds couldn't be used for the repair, but it would depend on how severe the state of the curb cut is in. Jini will check in with DPW about it. Rob

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

mentioned that the ramp should also be surveyed for its cracks and whether it is ADA compliant, and Jini will bring it up again with DPW. Girard and Rob were pleased that the ramp to the Auburndale Community Library will be replaced this month, although not with CDBG funds, after bringing it to the attention of DPW 4 years ago. Rosemary asked if the curb cut will be replaced when the reconstruction of the Pizza shop and sidewalks takes place as a result of the fatal accident that happened last month. Lydia said that it didn't appear that CDBG funds would be used for that reconstruction and Jay said that DPW would be involved and would keep Jini included on what develops there.

4. HP Fines Report (6:50-7:00)

Sgt. Babcock gave the following HP Fines report:

CODE #26 & CODE #27

July 1, 2016-March 31, 2016 (9 Months)

CODE #26 (TOTAL PAID) HP SPOTS

.....\$17,385.00

CODE #26 (OUTSTANDING)

.....\$ 4,110.00

TOTAL

.....\$21,495.00

CODE #27 (TOTAL PAID) CURB CUTS

.....\$10,990.00

CODE #27 (OUTSTANDING)

.....\$3,405.00

TOTAL

.....\$14,395.00

COMBINED TOTALS

TOTAL COLLECTED.....\$28,375.00

TOTAL OUTSTANDING.....\$7,515.00

TOTAL.....\$35,890.00

Sgt. Babcock said that there would be extra detail assigned to mall parking lots on the weekends in May, ticketing violators either parking

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

in an accessible (HP) space without a placard properly displayed or blocking a curb cut in the city. There will also be strict enforcement on a specific weekday, with a press release, as an effort to educate the public . Jane asked what is happening over on Comm Ave near Lake St. where T employees with HP placards are parking at meters all day instead of parking in their T-owned and free parking lots. Unless legislation puts a specific time allowance at parking meters, nothing will change, as these T employees are allowed to park there. The T said they can't force their employees to park in their T-owned parking lots. A suggestion was made that perhaps the business owners could park out in front of their businesses in the meter parking spaces for an hour or two before the T-employees get there, say from 6:30-8:30, and then move their car to wherever they usually park, having blocked those spaces being used by the all-day T employees, then freeing up the metered spaces for customers. That isn't something the police could do, but advocates could suggest that to the business owners. Sgt. Babcock also mentioned that the Driving Schools are not teaching disability etiquette, that is they are not telling their new drivers not to block curb cuts or not to park, even for a minute, in an accessible parking space, so the police are contacting the local Newton Driving Schools to ask them to include the information on the laws regulating accessible (HP) parking spaces in their instruction. Barbara mentioned a curb cut near Starbucks in Waban, where cars hangover and block the curb cut. Sgt. Babcock said some people can't judge where they are parking so the parking control officers take photos and he can look at these when violators come in to appeal. Rosemary asked if police could patrol the parking at the fields and tennis courts at Warren House because she said that people park in the accessible (HP) parking spaces without a placard or plate, only on the weekends when the fields are heavily used from now until November. Sgt. Babcock said that he would look into this reported abuse of accessible parking spaces for Rosemary. Lucie asked where does the curb cut begin and end, is it just where the yellow detectable warning pad is or is it more. Sgt. Babcock said it is also the sloping sides to the right and left of the detectable warning pad,

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

basically, you can park where the regular curbing is, but once that is cut into or is no longer vertical to the pavement, you cannot block or park there, all the way to where the normal curbing begins again. Jini asked about the paint on the street alongside curb, usually white. Does or should the paint change to another color the full length of a curb cut? Sgt. Babcock said no, there is no color for that, but the paint is supposed to stop when a curb cut is encountered and resume the white paint on the other side of the curb cut. He said that striping companies don't always adhere to this rule.

5. HP 1-16 Parking Space Request (7:00-7:15)

Mr. Allan Ciccone, Sr. presented the reasons he needs an accessible (HP) parking space out front of his house, on behalf of his wife who has an HP placard. He said that it was getting too difficult to carry a 40Lb. oxygen tank out to his car in the driveway, each time he and his wife go out, which his wife needs to use when away from the house. He said the shortest distance for his wife to enter the car is to go out their front door to the street, rather than to the driveway that has an incline. He lives on a very busy street and there is never an open space out front of his house where he could bring his car from the driveway and park out front and help his wife out to the car and bring all the equipment needed, including a wheelchair and the oxygen tank. A motion was made by Lucie to support Mr. Ciccone's application for an accessible (HP) parking space. Jane seconded the motion. The motion passed unanimously by a vote of 6-0.

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

Jini presented the following report of her activities during the last month:

Self-Evaluation:

- Horace Mann Elementary School
- Senior Center
- TTY Testing

Site Visits:

- APS- Homer & Walnut, Beacon & Collins/Waban
- Linwood & Nevada-Curb cuts at intersection

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meetings/Events/Conference Calls:

- Meeting with Mass Challenge at Newton Innovation Center
- Interview with Newton Tab Reporter
- Front Page Coverage in March 30 Newton Tab
- Complete Streets/Newton-In-Motion public meeting at Senior Center
- Spoke at the Community Meeting on Prejudice and Discrimination
- Meeting with NNHS Theater Director
- WNTN 1550AM Radio Station-aired on April 2
- Mass Alliance of CODs call on April 6
- Fair Housing Committee-April 6

There were a few questions and Jini elaborated upon them, noting that both an article about her job as ADA Coordinator and the guest column by Rob and Girard, a good day for accessibility publicity.

7. Treasurer’s Report (7:25-7:35)

Jane presented the following Treasurer’s report:

The Newton Commission On Disability elected its first Treasurer at its monthly meeting on January 11 2016. This is the first 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 = \$17,227

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

Type: Revolving Account

Total Receipts (CAM fees) = \$1165

Expenses (coffee & donuts-1st day) = \$50.35

Balance = \$1114.65

Account# - Disability Commission Gift

Type: Gift/Donation Account

Balance = To be Determined

Rob had a call into Jason who had been holding on to a donation given to the COD (formerly the Mayor’s Committee for People with Disabilities) years ago, to find out if that has been deposited and for what amount.

8. MAAB Variance- Boston College Bapst Library (7:35-8:05)

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

Mr. Wendall Kalsow presented the scope of the renovation to create 2 additional accessible single-user toilet rooms in the Bapst/Burns Library on the Boston College campus and the reasons for seeking 2 variances from the MAAB. . After his presentation there were several questions about the dimensions of each toilet room. Even though the shapes and dimensions of the toilet rooms are not conventional and require a variance, Mr. Kalsow assured the COD members that the required turning radius will be provided and the square footage of the floor space will be more than adequate and more than required by the MAAB, for the placement of the toilet room elements to comply with the remainder of 521CMR regulations. The second variance regarding the clearance on the pull side of the door to the toilet room on the 3rd floor , it may be potentially in compliance or it may be short an inch or two, due to the structural stone buttress, but would be substantially in conformance. Wendall pointed out that Boston College is creating these accessible toilet rooms because they want to improve faculty and student access to more accessible toilet rooms, not because they received a complaint nor are they required to do so, and they are costing BC \$175,000. Lucie made a motion to support the two variances being sought for this renovation and the motion was seconded by Jane. The motion passed unanimously by a vote of 6-0.

9. Old/New Business (8:05-8:30)

Rob went over the notices the COD received from the MAAB regarding several variance applications the COD heard in earlier months, and each COD member received these notices in advance of the meeting. The MAAB did not accept the plans from Jump & Slide about their policy accommodating a party that would need accessibility. The notice about Kiz Garden is requesting a new application being clearer as to what variance(s) they are seeking. And the notice regarding the BC Amphitheater was granting a 90-day postponement to comply with the MAAB regulations.

Under new business, Barbara told us that the utility/control box on the Hawk signal for crossing in Waban Square is too low and she was injured reaching around to push the button. Jini was made aware of this issue and has reached out to DPW to have this box either removed to its own pole or moved up higher on the pole, higher than 80”.

10.Adjournment (8:30)

The meeting was adjourned at 8:40PM.

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

NEXT MEETING DATE: May 9, 2016

The location of this meeting is 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 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.