



City of Newton, Massachusetts **COMMISSION ON DISABILITY**

Meeting Minutes
May 11, 2015

Members Present

Girard Plant, Co-chair
Jane Brown
Lucie Chansky
Barbara Lischinsky
Rosemary Larking

Setti D. Warren
Mayor

James Freas
**Acting Director, Planning &
Development**

Lydia Scott
**Senior Planner
Community Development**

Anne Marie Belrose
CD Manager

Members

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

Advisor

Sergeant Jay Babcock
Newton Police Department

Staff

Jini Fairley
ADA/Sec 504 Coordinator

1000 Commonwealth Ave.
Newton, MA 02459

www.newtonma.gov

Regrets

Rob Caruso, Co-chair

Sergeant Jay Babcock, Newton Police Department
John Lojek – Leave of Absence

Staff Present

Diane Vezeau,

Lydia Scott, Senior Planner, Community Development
Jini Fairley – ADA Coordinator

Guests

Sandra Lingley
Diane Donnellan

MEETING:

Girard called the meeting to order at 6:42PM.

In order of Agenda:

1. Welcome! ADA Coordinator; Jini Fairley 6:30- 6:40

Girard Welcomed and congratulated Jini Fairley, Newton's first full time ADA/504 Coordinator on her first day on the job. Girard emphasized that this is a very necessary and important position that has been filled for the city of Newton. Girard mentioned that 40 years ago this Commission began, as the Mayor's Committee for the Environment of the Handicapped, chaired by Jason Rosenberg. Jini answered questions about her role in providing more accessible documents going forward for the COD meetings, including explaining her screen reader software program, JAWS, which echoes what Jini types and allows her to access the computer using only the keyboard. She also explained another software program, Kurzweil 1000, an Optical Character Recognition (OCR) program, which scans a document and converts the printed word to text and

'reads' this document to her. These software programs and other assistive technology are provided by the Massachusetts Commission for the Blind. Jini gave her email address (jfairley@newtonma.gov) and phone number, which will change once she is in her permanent office at City Hall. Jini expressed her thanks to the COD members as to their confidence in her and she asked for their continued support.

Deb Crossley, Alderman, stopped by to say hello and to meet the members of the COD and welcome Jini as Newton's ADA Coordinator, pleased that this position was finally filled. She used to be an architect and recognized Luci Chansky from one project she worked on about 10 years ago.

Agenda out of order

4. CDBG Report; Lydia Scott 6:55-7:05

FY2016 CDBG Allocation – The Architectural Access project category will receive an allocation of \$88,431.00 in FY16. The money will be allocated to a funding pool until specific projects are determined.

Historic Newton/The Jackson Homestead – Archives Preservation and Access – (CD11-03F. Budget: \$40,000; Expended: \$0; Balance: \$40,000). Project is currently out to bid for the 2015 construction season, however, the CDBG money must be re-allocated this spring in the interest of timeliness (the original allocation was made in 2010). Once the project is "shovel ready," it can reapply for CDBG funding for the ramp. **No update.**

FY14 Audible Pedestrian Signals (APS) – (CD14-03Z. Budget: \$9,550; Expended: \$0; Balance: \$9,550). Funding will go towards the purchase of units to be installed at intersections throughout the City. CD staff gave Transportation staff the list of suggested intersections from the April meeting, and two intersections have been identified.

In a separate memo from the Planning and Development Department to the COD:
Re: Reprogramming of \$3,250 from the FY15 Curb Cuts Funding Pool (CD15-03Y) to the FY14 APS budget (CD14-03Z) for the purchase of five additional APS units

BACKGROUND:

Currently, the FY14 APS budget is the main project budget that is used to fund the purchase of Accessible/Audible Pedestrian Signals for the installation at intersections throughout the City to improve accessibility. The Commission on Disability previously recommended transfers to the budget of \$5,500 in 2014 and \$4,050 in 2015. Community Development Staff met with Transportation staff in April to discuss potential locations for installation, and Commission members provided additional suggestions at the meeting on April 13th. Once purchased, the units will be installed at the intersections of Commonwealth

Avenue at Homer Street and Commonwealth Avenue at either Grant Avenue or Hammond Street.

The individual cost of an APS unit is \$650. The current budget of \$9,550 allows staff to purchase fifteen APS units. However, this number is insufficient to fully complete installation at the two desired intersections. An additional five units would be required to complete the second intersection.

The FY15 Curb Cuts budget has a sufficient balance to fund this transfer in addition to any future intersection improvement projects. The table below details the proposed transfer.

table with 4 columns and 3 rows

Project Budget

Current Balance

Transfer Amount

Balance After Transfer

FY15 Curb Cuts

\$187,926.54

-\$3,250

\$184,676.54

FY14 APS

\$9,550

\$3,250

\$12,800

STAFF RECOMMENDATION:

Community Development Division staff recommends reprogramming \$3,250 to the FY14 APS budget so the two intersections can be made completely accessible.

There were some questions by Barbara and Jini as to the amount of pedestrian traffic for the above intersections and whether they warrant APS at this point when there are still several other intersections with more difficult crossings for pedestrians where there is increased vehicle traffic. For example, Barbara suggested Beacon & Hammond with many BC students trying to cross there and both Jini and Barbara spoke about Walnut & Beacon Streets at Four Corners. The latter intersection was recommended years ago but the COD was told that Walnut St. was going to be under construction at some point and that APS could not be installed until that construction was done. Since other intersections which involve Walnut St. have become more accessible in recent years, that doesn't seem to still be the case.

Lucie also referenced an email she received today from Alderman Vicki Danberg regarding new traffic lights being installed at Beacon and Grant. She asked Lydia if

APS will be installed there. Lydia could not answer that as that installation is not under her purview but she will find out for the COD. Several COD members expressed the hope that any new traffic lights/signals would automatically have APS installed. Shortly after this discussion, Lydia listed 4 intersections that will have APS installed, but not funded by CDBG funds:

Beacon & Grant- which answered Lucie's question above as to whether the new signal at Beacon and Grant will have APS as well, and it will.

Audible Pedestrian Signals – Centre & Centre (Project CD13-03R. Budget: \$6,609.25; Expended: \$0; Balance: \$6,609.25). Transportation staff will be re-visiting the site to determine if the scope of work needs to be expanded into a larger project for this area.

No update.

Curb Cuts (Project CD15-03Y. Budget \$187,926.54; Expended: \$0; Balance: \$187,926.54).

Upcoming Projects

Lincoln & Walnut

Washington & Walnut

Total Budget

Approximately \$75,000.00

TBD

Lincoln & Walnut – A design for this intersection, created by the Engineering and Transportation Divisions, was presented on Monday, July 14th. However, several alterations for two corners of the intersection must be made to the design. The tentative start date is for spring 2015. **No update.**

Washington & Walnut – Walnut St. has been paved from Comm. Ave. to Cabot St. Additional paving on Walnut St. is expected in 2015. The Washington St. MPO study is complete and the report is now available. Draft designs for this intersection are completed, and staff will be visiting abutting businesses soon. Work is anticipated for September 2015. **No update.**

Lucie asked Lydia if there is new curbing at an intersection, do all corners of the intersection need to be accessible? Lydia said that all corners of the intersection should be made accessible with compliant curb cuts unless the city wants to discourage crossing for safety reasons. Lucie said there was no safety concern there, it is a route to Bowen school from Parker St. She did not see curb cuts being constructed at all corners at Jackson and Walter Streets in Newton Centre. Lydia said that she would look into this for the COD.

The following locations were approved for improvements in May 2014. The first two

Auburndale intersections have been identified in the City's 2016-2020 Capital Improvement Plan; designs are currently in progress.

1. Auburndale (**intersections included in Capital Improvement Plan; designs in progress**)
 - a. Lexington and Commonwealth.
 - b. Melrose and Commonwealth.
2. Newton Centre
 - a. Centre & Hyde (**work completed**)
 - b. Centre & Allerton (**part of larger upcoming Newton Centre project**)
3. Newton Corner
 - a. Vernon & Baldwin.
 - b. Centre & Sargent and Centre & Cabot. (**designs in progress**)
4. Newton Highlands
 - a. Lincoln and Hartford.
 - b. Mid-block crossing on Lincoln between Walnut and Hartford.
5. Newtonville
 - a. Austin St. (north side) from Hillside Ave. to Star Market.
6. Nonantum
 - a. Stearns Park at Jasset
7. West Newton
 - a. Wellington Park on Kilburn Street

Newton Centre Playground Pathway Phases IV-VI – (CD15-03X. Budget \$130,000, Expended: \$165.10, Balance: \$129,834.90). CD staff received DPW's estimate of \$22,583 for the work on two phases that will be completed this summer. The work will take place at the end of the construction season, in September 2015.

Retrofitting Curb Cuts – (Project CD13-03Q. Budget: \$4,548.82, Expended: \$0, Balance: \$4,548.82). Designs and estimates for this project are complete. The work will be completed this summer, before September 2015.
End of Lydia's CDBG Report.

Barbara informed Lydia that some of the APS at Centre and Beacon Streets are not working at all, such as the slip lane, and it appears that the timing of the APS, that is, the sound from the APS are not working even though visually the crossing signals are working. Lydia thinks it might be a volume issue and she will look into that.

Girard asked Lucie if she had received a response from Eve Tapper as to the allocation of CDBG funds, why there was a high percentage going to housing. Lucie had not received a response. Lydia explained the allocation of CDBG funds

was based on the public participation process and the comments during these meetings that Planning and Development held over the past few months. She gave the following breakdown:

55% - Affordable Housing Rehab Program

5% - Architectural Access Projects

5% - Neighborhood Improvements

15% - Human Services

20% - Administration

Lydia continued that over the past 5 years, Access projects funded by CDBG has been between 5% and 6%. Overall the reduction of FY16 CDBG funds from the Federal Government were reduced by 1.17%.

At the end of Lydia's CDBG report and questions, Rosemary arrived, thus there was now a quorum.

A discussion took place regarding Lydia's proposal to allocate \$3,250 from the curb cut budget to the APS projects in order to purchase 5 more APS for the intersections recommended:

Commonwealth and Homer, and either

Commonwealth and Hammond or Commonwealth and Grant.

Since many of the COD members were not in favor of these intersections chosen, the decision was to vote on reallocating the funds for the APS purchase but the intersections to be determined at a future meeting.

A motion was made by Barbara:

I like to make a motion to move \$3250 from the curb cut funding pool to the APS funding pool to purchase 5 APS with the condition that the 2 intersections where the APS will be installed will be determined by a meeting with the COD and Bill Paille at a future meeting, possibly in June.

Rosemary seconded the motion

Motion carried 5-0

Before Lydia finished, Lucie asked a question about maintenance of APS and Lydia said that the electric company Daigle are the only ones who can adjust the signals. Barbara asked if dialing 311 when an APS is discovered not working should be the best step in reporting this and Lydia agreed.

5. HP Violations Report; Sgt. Babcock 7:05-7:10

In the absence of Sgt. Babcock, Diane Vezeau read the report for the dates July 1, 2014 to March 31, 2015, which was last month’s report and not the current report. The most up-to-date report, for July 1, 2014 through April 30, 2015 is as follows:

NEWTON POLICE DEPARTMENT

DISABILITY COMMISSION

HP FINES

CODE #26 & CODE #27

JULY 1, 2014 – APRIL 30, 2015

(10 MONTHS)

CODE #26 (TOTAL PAID) HP SPOTS	
.....	\$19,370.00
CODE #26 (OUTSTANDING)	
.....	\$ 8,370.00
TOTAL	
.....	\$27,740.00

CODE #27 (TOTAL PAID) CURB CUTS	
.....	\$7,045.00

CODE #27 (OUTSTANDING)

.....\$1,865.00

TOTAL

.....\$8,910.00

COMBINED TOTALS

TOTAL COLLECTED.....\$26,415.00

TOTAL OUTSTANDING.....\$10,235.00

TOTAL.....\$36,650.00

7. Subcommittee Discussion for AAB; 7:15-7:30

the AAB meets twice a month and their time period for notification is fourteen (14) days. Tom Hopkins suggested that because the Commission On Disability meets only once a month, we may want to put together a subcommittee of one (1), two (2) or three (3) people, who can go out to the particular venues that are applying for a variance or complained about and then report back to the commission. The subcommittee would be responsible for reviewing the complaints or applications. There was some discussion about whether this subcommittee would or could have the authority to speak on behalf of the entire COD when they return a recommendation or not to the AAB. Lucie wanted clarification if there would be a violation of the open meeting law if the subcommittee issued an opinion/comment/approval/disapproval of a waiver/complaint from the AAB without a vote from the Commission. Diane read 2 sections of the COD's mission and organizational papers regarding COD votes and Subcommittees. Under the paragraph on Subcommittees, it did not address whether this Subcommittee would have the authority to speak on behalf of the COD. Lucie asked for further clarification by David Olson, City Clerk, in light of the open meeting law.

It was decided to continue this discussion at the June 8 meeting.

2. Robert's Rules of Order; 6:40-6:50

This item was tabled until the June meeting when Rob will be in attendance to lead this discussion.

3. Minutes from April 13; 6:50-6:55

These minutes were not available in advance of this meeting. they will be distributed to the COD members and approval of them will be placed on June's agenda.

6. Notices from AAB; Co-Chairs 7:10-7:15

At this time no action is required by this Commission. These were notifications of the AAB decisions. There were no details given.

8. Mission Statement Review; Co-Chairs 7:30-7:45

The consensus of the COD members present was to table this discussion until the June 8 meeting.

9. Old/New Business; 7:45-7:55

Lucie said that what she is about to say is very difficult. She stated that she has received 2 phone calls from Rob over the past year regarding the way she has voted. The most recent one was after last month's meeting. She stated that Rob Made her feel threatened. He said that she had to resign or he would resign. She stated that she was not going to resign. She since has blocked any calls from Rob. She did reach out to a couple of COD members regarding the most recent incident. She stated that she did nothing wrong, that she votes her opinion and feels it is wrong that he has no right to threaten her about how she votes. She stated that she has no power to stay on the Commission and she feels that Rob may try to get her off the Commission so she wanted it on record. She stated that is unfortunate that Rob is not here, but she doesn't want to argue about it. She wasn't interested in discussing this incident, she brought it up as a point of information and she doesn't feel she was treated as she should be as a COD member. The phone

call and what he said to her was not appropriate. She does not want it discussed and if it is, she will walk out of the room.

Girard responded that he knew about Rob's call to Lucie and that no one is going to try and remove her from the Commission. However he cannot speak for Rob. Girard spoke about the pressure to recruit new members, that sentiment ran high. He also mentioned that when COD members miss three or more meetings, they are given an opportunity to explain their circumstances. If they cannot commit to regular attendance at COD meetings, they are sent a letter thanking them for their services. There was some questions and discussion as to whether John Lojek will return from his leave of absence. Girard said that would be on the agenda at their meeting with the Mayor later in the month on May 21.

As old business, Rosemary brought up again the question as to whether the new Peirce School playground should be fully accessible or not. Jini said that she would look into the ADA Guidelines about playgrounds, as we don't routinely get involved in funding playgrounds. Since this playground was built on public school grounds and city property, there should be some accessible responsibility.

Barbara also brought up old business as to the HP parking spaces at Whole Foods on the corner of Walnut and Beacon Streets. According to Barbara, there is no HP accessible van space, and the HP spaces are not wide enough.

Rosemary also brought up another access issue she had mentioned in previous meetings. The threshold at 433 Watertown St., VAST Dental, is too high. And Rosemary also brought up previously the disappearance of the 2 trackerball mouses from the library. After some

discussion, it was decided that Jini would look into this issue, starting with the Library itself.

Rosemary asked about the progress of the new elevator being installed for access to the War Memorial. Girard answered that the elevator is under construction and it looks like it will be completed at the end of the year, not at the end of the summer as previously projected. Rosemary asked if this elevator could stop at each floor without a button pushed. And Lucie asked if the elevator could be voice activated, not only to call it, instead of pushing a button, but once in the elevator, if the floor you desire could be requested by voice as well as pushing a button. Jini commented that she has not seen this technology in an elevator.

10. Adjournment; 8:00

A motion was made by Jane to adjourn the meeting. It was seconded by Lucie. Motion passed 4-0 (Barbara had to leave a couple of minutes before the meeting ended).

Meeting adjourned at 8:14PM