



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting 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
John Lojek

Jason Rosenberg
Chairman Emeritus

Advisor

Sergeant Jay Babcock
Newton Police Department

Staff

ADA/504 Coordinator
Jini Fairley

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www.newtonma.gov

Date: June 8, 2015
Time: 6:30 pm
Place: Room 204

Members:

Rob Caruso- Co-Chair
Girard Plante-Co-chair- remotely
Lucie chansky

Jane Brown
Barbara Lischinsky
Rosemary Larking

Regrets:

John Lojek – Leave of Absence

City Staff:

Jini Fairley, ADA Coordinator
Lydia Scott- Planning
Sgt. Jay Babcock- Police

Guests:

Sandra Lingley
Ald. Alison Leary

The meeting was called to order at 6:32PM.

In order of the agenda:

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

2. Robert's Rules of Order (6:35-6:45)

After Introductions, Rob went over some of Robert's Rules of Order to follow during the meeting. Specifically, when a member wants to speak, he/she will raise their hand and the presiding Co-chair will recognize him or her by name. This will help with the audio recording of the meeting and prevent talking over one another. In addition, when a vote is taken, the presiding Co-chair will ask for each member's vote both by voice and raising their hand.

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3. Approval of April & May Minutes (6:45-6:50)

April 13, 2015 Minutes-There was one addition to Barbara's statement on page 8, where her sentence was not finished. It should read as follows, "Barbara Lischinsky, the Mayor is preventing us from having a quorum and interfering with us as a commission by not appointing someone to take John Lojek's place."

A vote to accept the April 13, 2015 meeting minutes as amended was taken and the vote was 5-0, unanimously passed.

May 11, 2015 Minutes-it was discovered by one of our guests that the hard copies of both sets of minutes, provided at this meeting, were missing some pages. All members had received a complete copy of both sets of minutes electronically prior to this meeting. When Rob asked if there were any additions, corrections, deletions to the May minutes, Barbara had several points. Under the APS portion of the CDBG report, Barbara sought clarification to the statement "That answers the question above". Jini explained that Lucie asked Lydia if APS were going to be installed at the new light/signal at Beacon and Grant, and Lydia was not sure. But later in Lydia's CDBG report, new signals at some intersections having new APS installed were listed and Beacon and Grant was in this list. Jini will make that clearer in the final minutes. In addition, Barbara had concerns over the minutes being public and having Lucie's statements regarding Rob calling her after the April meeting, be included since Rob was not present at the May meeting and couldn't respond. Lucie replied that she wanted to make it public, as the phone call happened. She does not object to Rob speaking on this matter but she will not answer. There was no more discussion about the May minutes. Rob called for a vote to approve the May 11, 2015 minutes, as amended, and the vote was 3 Yes, 1 No, and 1 Abstention.

4. ADA Coordinator's Report (6:50-7:00)

During these first 4 weeks, Jini has followed up on several issues brought up at the May 11 meeting, and responded to questions and concerns by Newton residents on a variety of topics. In addition she has attended 3 meetings with the Mayor and several other informative meetings.

The highlight of the meetings was with the Mayor and the heads of all the departments in the city. Mayor Warren called this meeting specifically to introduce Jini, to describe what she will be working on, and gave enthusiastic support for this position and the importance of this city becoming more accessible under her direction. He emphasized the importance of the top priority, updating the ADA Transition Plan, and to let everyone know that it will involve every department, public facing facility, program, and service that the city provides. He then asked Jini to introduce herself and to comment on her role for

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the city. Jini spoke of her experience with access at two of her previous jobs, having conducted an accessibility review of the Massachusetts State House. She spoke about Readily Achievable Barrier Removal for the many older buildings in the city, and that she will rely on the expertise in every city department to assist her in preparing the updated ADA Transition Plan and to develop policies and procedures for monitoring the access issues to be completed on an annual basis. There were some very good questions which illustrated the many access issues that we will all encounter, and Mayor Warren reiterated that instilling this “access” mindset in everything we do here in the city is crucial.

Transition Plan Update:

Jini has just begun reviewing Joel’s electronic Files.

Meetings:

Fair Housing committee

Community Life Departments

Snow Committee

Transportation Departments

Playground Accessibility:

Jini emailed out information, not every feature needs to be accessible, about half of the play components do. There are new ADA guidelines for Playgrounds that went into effect on March 15, 2012. Jini will visit new school playgrounds this summer with Parks & Recreation staff to evaluate ADA compliance.

New APS intersections:

Jini followed up with Lydia, Bill Paille, and Heather Platt.

Update on Existing APS Issues:

Jini emailed Bill Paille all the issues with the following intersections and will be corrected by Dagle in June.

Beacon & Centre

Commonwealth & Washington

Needham and Columbia

Access Issues in the Community:

Jini followed up with Inspectional Services Department (ISD) staff regarding missing van accessible parking at Whole Foods, location at corner of Beacon & Walnut Streets, and also ISD is speaking with the business, VAST Dental at 422 Watertown St regarding their entrance threshold.

Apex/Diagonal Curb Ramps:

Jini has followed up with Ald. Alison Leary’s concerns in Ward 1 regarding the many new apex/diagonal curb ramps being installed this summer. A meeting with all departments involved in curb ramp design and installation will be held this coming week to discuss the prevalence of this type of curb ramp throughout the city rather than perpendicular or parallel curb ramps.

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Networking with ADA Coordinators:

Jini has reached out to both Cambridge and Boston's ADA Coordinators and hopes to continue this networking.

5. CDBG Report (7:00-7:10)

Lydia gave the following CDBG report:

Commonwealth and Washington – (CD12-03L. Budget: \$83,170.60; Expended: \$62,315.29; Balance: \$20,855.31). Project was completed under budget in 2013 and remaining funding must be re-allocated.

Historic Newton/The Jackson Homestead – Archives Preservation and Access – (CD11-03F. Budget: \$40,000; Expended: \$33.98; Balance: \$39,966.02). 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. The Planning and Development Board voted on June 1st in favor of the recommendation for re-programming \$3,450 to this project budget for the purchase of additional APS units. Pending Mayoral approval, the funding will be available by July 2015 for the purchase of 20 units. Lydia explained that the original amount (\$3250) that the COD approved to be moved from the curb cut project funds to the APS project funds was incorrect by \$200, so the correct amount of \$3450 will be transferred to the APS budget after July 1. That will make a total of \$13,000, which is the cost of 20 APS units.

The intersections below are suggested for this phase of installation, based on past discussions with the COD and Transportation staff:

- Walnut Street at Beacon Street (6 units)
- Homer Street at Commonwealth Avenue (6 units)
- Hammond Street at Commonwealth Avenue (8 units)
- Hammond Street at Beacon Street (6 units)
- Homer Street at Walnut Street (6-8 units)

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.

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

<u>Upcoming Projects</u>	<u>Total Budget</u>
Lincoln & Walnut	Approximately \$75,000.00
Washington & Walnut	TBD

Lincoln & Walnut – A design for this intersection, created by the Engineering and Transportation Divisions, was presented on Monday, July 14th (2014). However, several alterations for two corners of the intersection must be made to the design. **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.**

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

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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. **No update.**

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. **No update.**

Lydia said that at some point the COD will need to consider reprogramming the funds from the Washington & Commonwealth project, \$20,855.31, and the \$39,966.02 previously allocated to the ramp for the Jackson Homestead project.

Rob asked about the delay for the Newton Centre project (Phases IV-VI), and Lydia attributed it to the need for clarification by the Conservation Commission and once that was completed, the construction season was passed last fall. It will now take place after camps are finished and before school starts.

6. HP Fines Report (7:10-7:15)

Sgt. Babcock gave the following report on HP Fines:
CODE #26 & CODE #27

JULY 1, 2014 – MAY 31, 2015

(11 MONTHS)

CODE #26 (TOTAL PAID) HP SPOTS ... \$22,815.00

CODE #26 (OUTSTANDING) ... \$ 9,075.00

TOTAL ... \$31,890.00

CODE #27 (TOTAL PAID) CURB CUTS ... \$7,755.00

CODE #27 (OUTSTANDING) ... \$1,565.00

TOTAL ... \$9,320.00

COMBINED TOTALS

TOTAL COLLECTED ... \$30,570.00

TOTAL OUTSTANDING ... \$10,640.00

TOTAL.....\$41,210.00

INCREASE FROM LAST MONTH.....\$ 4,560.00

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Girard asked whether the violators are Newton residents or visitors, and Sgt. Babcock said it was about 50/50. Girard also asked where most of the violations are taking place and Sgt. Babcock said mostly shopping center parking lots, not in the villages since his patrol has had success there enforcing so far. Rosemary pointed out that there are many violators where she lives at Warren House and at the Dick McGrath park nearby, mostly on weekends when the fields are being used. Sgt. Babcock will follow up with this location. Rob asked about a specific complaint he received from a placard holder who got a ticket, but it wasn't hanging from the rear view mirror. Sgt. Babcock said that there are some newer cars where it is impossible to hang the placard, but if they put it on the dashboard facedown, they will get a ticket. They can have the ticket rescinded if they come in and show him the placard and explain why it was on the dashboard. but even in the case of not being able to hang the placard, the placard should be face up, so the photo and number is visible, otherwise a ticket will be issued.

7. APS Intersections (7:15-7:25)

In Bill Paille's absence, Lydia explained that the first intersection to have new APS installed would be Beacon & Walnut Streets, recommended at the April COD meeting. The next 2 intersections to be considered for APS installation are from the list in the CDBG report. There was some discussion as to which intersections, besides Beacon & Walnut would APS be installed (see Project FY14 Audible Pedestrian Signals (APS) – (CD14-03Z. Girard mentioned that the Homer & Commonwealth compliments the work to be done at the War Memorial. Barbara feels that intersection should take a backseat as that intersection doesn't have the pedestrian traffic that some other intersections do. Barbara said that she has seen many students trying to cross Beacon and Hammond Streets, which has a high volume from students at BC. Lydia mentioned that Hammond & Commonwealth was requested by the school department as there are some visually impaired students crossing there. Lucie said she was aware of a program at Ward School for visually impaired students, but that is a distance from Ward. Rob asked Lydia to email Jini all her comments here for the COD to consider at the next meeting. He said that there might be more funds we can devote to APS intersections, not only 3, perhaps we can fund more. Jini added that she had also spoken with bill and he is very interested in the COD's recommendations, and some of these intersections are being upgraded and he wanted APS to be added, and that he would look for other monies, like Chapter 90, for intersections we do not select. Heather Platt was in touch with Jini and recommended other intersections to consider for APS installations, including Centre and Commonwealth. Lydia also added that we have enough money in this fund to install APS in 2 intersections, which would have its own MOU and then when the money that is being transferred from curb cuts that

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we approved last month, which will fund another intersection in July, under a separate MOU.

A motion was put forth by Barbara: I like to make a motion to appropriate funds for the installation of APS at Beacon & Walnut Streets and Beacon & Hammond Streets. Rosemary seconded the motion. The motion carried unanimously, 6-0.

At the end of this discussion, Alderman Leary, needing to get to another meeting, spoke about her concern regarding new intersections having many apex curb ramps when she has read that this is for last resorts situations, and perpendicular should be the norm. She wants the COD to get more involved in this issue. She is particularly concerned about Newton corner, making it safer and more accessible. Jini explained some of the site constraints/issues that prevent the installation of perpendicular curb ramps, but that doesn't always explain every apex curb ramp out there. One of the major concerns with apex curb ramps is that it directs a visually- impaired or a wheelchair user into the middle of an intersection, even on very busy streets. Donald Lang, another guest, said in the past apex curb ramps were not allowed by the Architectural Access Board, that a waiver was needed to construct one. That was true but now it is considered AAB and ADA compliant but still the least preferred/last resort type of curb ramp. Rob invited Alison back to the COD's July meeting when we can spend more time on this issue.

Agenda taken out of order

(9) AAB Notice- Waban Hardware (7:35-7:45)

Rob invited the architect, Donald Lang, who submitted the AAB variance application for Waban Hardware to explain the history of the store and the renovations being planned. There is a new owner who will be affiliated with True Value Hardware which requires 4,000 square feet of retail space. In order to increase the square footage of the retail space, the basement is opening to the public for the first time (change in use, AAB regulations will need to be followed). However, even with that, TVH is allowing a smaller store. Due to the fact that \$100,000 will be spent on this renovation, the

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public area needs to become accessible. For the first time, the Waban Hardware will do that, with a ramp at the front door, where there is now a step, with accessible aisles, counters, alarm upgrade, and to have all the everyday items on the accessible first floor. The first waiver is based on impracticable, not able to provide the 5foot by 5 foot platform/level space at the top of the new outside ramp. In order for the slope of the ramp to be constructed to code, there is not enough space to put this platform without the ramp coming into the sidewalk area but there will be an automatic door opener to facilitate getting into the store. Rob asked about the possibility of a slider/pocket door instead of the door planned here. Mr. Lang doesn't think that could work due to structural issues and because this door is inset into the entrance. A second waiver, also Based on impracticability, is being requested to not install a lift between the first floor and the basement, due to space limitations and the cost of over \$111,000. However, there would be an accommodation made for assisted shopping, both with technology or a catalogue, where a staff person would retrieve whatever might be in the basement. Most of the items in the basement will be more of what a tradesman or contractor might need. Barbara was concerned about the assumption that the new assisted shopping policy was that anyone could use an iPad, and that is not true. And a visually impaired person who also can't navigate the stairs might not be able to see what is on the iPad And it might not always be possible for a staff person to be available to run up and downstairs with products. The architect felt the new owner would be open to consider other options to help someone visually impaired and mobility impaired to shop there. Girard suggested the owner and the architect take advantage of a wonderful resource, right here in Newton, The Carroll Center for the Blind. Mr. Lang welcomed the suggestion and will look into it.

There will be an accessible egress from this basement level, but is not recommended as an entrance due to the steep nature of the driveway outside the basement door. There will also be an annex/garage where customers can pick up bulky items and will be assisted by a clerk to load in one's vehicle. Lucie also pointed out that the new owner might consider a system where someone has driven up to the garage/annex, if they could pay there and pick up their item in one step, not have to go into the store first and pay and then drive around to the annex.

A motion was made by Rosemary to support the two variances as described in this application to the AAB. Lucie seconded the motion. The motion carried unanimously 6-0.

(11) Subcommittees (8:00-8:15)

Since Rosemary had to leave in a couple of minutes, she wanted to skip to the Subcommittee discussion. Rob said that Marie Lawlor is looking into what a subcommittee can and cannot do, to see if a subcommittee would violate the Open

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Meeting Law or not. Marie is also checking with the Attorney General as to the legality of a subcommittee. Rob said that we will not need a vote tonight, not until we hear back from Marie.

(8) Co-Chairs Report (7:25-7:35)

Rob and Girard and Jini attended a meeting with the Mayor, Dori Zaleznick, Donnalyn Kahn, and Marie Lawlor on May 21. Regarding the War Memorial, the AAB did allow the variance that the city applied for to use the War Memorial before the accessible elevator and other features are installed. However, the AAB strongly recommended that the use of the War Memorial should be worked out with the Mayor and the Commission on Disability. During this meeting a level of understanding was reached between the city and the COD with assurances from the Mayor that the War Memorial will not be used for any city-sponsored public meeting/event. However city personnel can use this space for internal meetings and the program that Linda Plout is currently running with preschool children, with the caveat that if any of these children or parents cannot participate due to the steep ramp, etc., the program is moved to an accessible location. Rob then asked for a vote to notify the AAB regarding this memo of understanding between the Mayor's office and the COD in order to cancel the Adjudicatory hearing on July 13 with the AAB. He would like a motion to have Jini send a letter to the AAB cancelling the appeal hearing due to the understanding with the city that no public meeting will be held in the War Memorial until the elevator is installed and in-house use will not be prohibited. Lucie made that motion with the addition that notification for a reasonable accommodation is available in the event that someone might need physical accessibility to attend an internal program or meeting in the War Memorial space. Rosemary seconded the motion. The motion carried unanimously 5-0, since Rosemary had to leave before the vote was taken.

(10) Mission Statement Review (7:45-8:00)

This was tabled due to the late hour. Barbara also had to leave and the quorum physically present at the meeting was not met.

(12) CAM Training (8:15-8:30)

This agenda item was also tabled until next month as well. Jini and Rob mentioned the tentative date for the Community Access Monitoring Program Training for October 21 and October 22, but we still need to hear definitively from the Library if we can reserve the Druker Auditorium, sometime in July we should know. Jini also mentioned that we would need a Treasurer to handle all the checks and registrations that we would

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receive. Jini can oversee this activity but could not take on all the financial responsibilities. Rob said that will be part of the discussion of the Mission Statement to be on the agenda next month.

(13) Old/New Business (8:30-8:40)

Under old business, Rob began to address Lucie saying that she would know what he wants to speak to her about. Before a discussion took place, Lucie walked out of the meeting. Rob was upset that Lucie would not stay and listen to what he had to say about the phone call he made to her after the April meeting. As Lucie left the meeting, Rob yelled at her and called her a coward and a liar.

At this point, there was not a quorum.

Jane asked about the person who was interested in joining the COD. Rob told Jane that, after careful consideration, Diane Donnellan decided to withdraw her application/letter of interest to join the COD.

(14) Adjournment (8:40)

The meeting was adjourned at 9PM.

The location of this meeting is accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a reasonable accommodation, contact Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. For Telecommunications Relay Service, dial 711.