



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting date: 7/13/15
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
John Lojek

Jason Rosenberg
Chairman Emeritus

Advisor

Sergeant Jay Babcock
Newton Police Department

Staff

ADA/Sec 504 Coordinator
Jini Fairley
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Members:

Rob Caruso- Co-Chair
Girard Plante-Co-chair
Jane Brown
Barbara Lischinsky
Rosemary Larking- remotely

Regrets:

Lucie chansky
John Lojek – Leave of Absence

City Staff:

Jini Fairley, ADA Coordinator
Judith Menin, Planning and Development
Sgt. Jay Babcock, Police

Guests:

Ald. Alison Leary
Ald. Deborah Crossley
Shane Mark, DPW Interim Commissioner
John Daghljan, Associate City Engineer
Sandra Lingley
Donald Lang, DLA Architect, former MAAB Board member
Gary Wolf
Sandra Houston

The meeting was called to order by Co-Chair Rob Caruso at 6:35PM.
In order of Agenda:

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

2. Approval of June 8 meeting Minutes (6:35-6:45)

After introductions, there was one addition requested by Rob for the minutes. According to Rob, at the June meeting, he had asked Lucie Chansky to discuss the allegations she leveled at him at the May meeting when he wasn't present, and she ran out the door. Rob said that he tried to stop her and he yelled at her and called her a coward and a liar, because he said that the allegations were incorrect and not true. A motion was made by Jane to approve the minutes of the June 8, 2015 minutes, as amended. Girard seconded the motion. The amended minutes were approved by a vote of 3-1 (abstention).

3. Apex curb Cuts, Ald. Leary (6:45-7:15)

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

When this discussion began, Ald. Leary was not yet present. Rob summarized the issue that there are many new apex/diagonal curb cuts popping up all over the city. They are of particular concern for the safety of blind and visually impaired individuals as these apex curb cuts, installed at the corner, can lead one into the middle of an intersection, into oncoming traffic, instead of following the crosswalk to safely cross. Rob passed out many photos of several intersections where it didn't make sense that there were apex curb cuts instead of perpendicular curb cuts, such as at Watertown and Chapel Sts, and Watertown and Adams Sts. Rob also had photos of some of Waltham curb cuts, where Waltham has lowered the sidewalk to meet the street with their curb cuts even at midblock crossings along Moody Street, approved by the AAB. Rob also had one example where Newton also had done something similar, on Walnut at Austin and Newtonville Ave, so this method is known to the city. John Daghlian explained some of the mitigating circumstances for some of those curb cuts, and also began a PowerPoint presentation to illustrate the design and the reasons for certain curb cuts. He specifically spoke about Bridge Street at California Street, where after a closer review by Jini and himself, some additional perpendicular curb cuts will be installed at this intersection. More questions were asked by COD members and, at that point, Shane Mark, DPW Interim Commissioner and Director of Operations, jumped in to explain why he thought there were so many apex curb cuts in the city. Shane is new to the city, having just been hired 3 months ago. The guidance the city uses in designing and constructing curb cuts is the Massachusetts Architectural Access Board (MAAB or AAB), 521CMR 21.0, which all members have a copy. Whenever any curbing or sidewalk or road is paved, etc., curb cuts must be installed. Not all of the apex curb cuts are non-compliant. The AAB states conditions that might exist where it is not possible to put in perpendicular curb cuts, and in those cases, an apex curb cut is compliant with the AAB regulations. He surmises that in the past and up until the beginning of June, if there was an apex curb cut originally at an intersection, DPW replaced with another apex curb cut, basically 'in kind', without review of the necessity of an apex as opposed to the preferred perpendicular curb cut. It also appears that even new curb cuts where there was no curb cut before, apex curb cuts were installed as a rule of thumb, without consideration of the necessity or conditions that should have required a perpendicular curb cut instead. Shane said he stopped this practice and since about June 5, all ADA ramps/curb cuts are being reviewed before installation in order to install perpendicular curb cuts unless site constraints require an apex/diagonal curb cut. Going forward, the plan is to review every curb cut in the city between October and December, John and other DPW staff will be inspecting the city's curb cuts. They will start in the villages, then the arterial roadways, then the connector roadways, and lastly the local through streets. Shane said they are prioritizing because he believes the highest concentration of curb cuts is where the highest volume of pedestrian and vehicle traffic exist. As they are doing this review, they will be recording the type of curb cut in their GIS system, and all apex curb cuts will be reevaluated to see if they should be perpendicular. For those apex curb cuts which should be perpendicular, DPW will be putting a plan together to remove the apex curb cuts and install perpendicular curb cuts, again according to the priority of village centers first, then arterial routes, then connector roads, and then local through streets. At this point in the discussion, Ald. Leary joined the conversation, as she was in an aldermanic meeting prior to this one. Also Rosemary Larking, COD member joined the meeting remotely. It was Ald. Leary's email to the COD and others that highlighted the recent proliferation of apex curb cuts, even though COD members have been concerned about them for years. Rob showed some photos of a T intersection of Walnut and Cabot Streets, where there are 2 apex curb cuts on each corner of Cabot, for a total of 4, all pointing the pedestrian into the middle of Walnut Street,

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

instead of crossing straight across to the other side of Walnut St. Shane answered that he doesn't know why that happened and will certainly be reevaluated for possibly eliminating them and installing perpendicular curb cuts. Once the number of apex curb cuts which need to be replaced is identified, a plan will be put in place to begin that process starting in the next construction season in the spring. Ald. Leary asked if he knew how many apex curb cuts were installed over the past year or two, since the Override. He did not, but through this curb cut review, he will have a better idea. Girard asked if DPW will be communicating with Jini, ADA Coordinator, whenever an apex is necessary in this construction season, and Shane assured him and the Commission members that is being done and will continue, as Jini has accompanied John Daghlian on several site visits. Girard offered that he or Rob could make any site visits if DPW would like that input as well. Donald Lang, who was a member of the AAB for 10 years, and Chair of that board for half of that time, gave his perspective on city curb cuts. He gave an example as to how many apex curb cuts he observes driving down Chestnut St. He counted 18 apex curb cuts and 2 perpendicular curb cuts. He did not see any site constraints that would warrant all those apex curb cuts. He surmises that it was a financial decision, since for every apex curb cut you need 2 perpendicular curb cuts. Assumptions aside, he praised the proactive plan that Shane has outlined. He stressed that for every apex curb cut, there should be documentation on the drawing highlighting the reason an apex curb cut was installed, meeting one of the 4 criteria required by the AAB, or a variance sought and granted by the AAB. He also suggested that the city might want to have a meeting with the Executive Director, Tom Hopkins, to get his input and suggestions, as the AAB is there for helping cities and businesses to be more accessible. Also the city could ask for an Advisory Opinion regarding a specific intersection, before proceeding with the curb cut installation or requesting a variance. Jini commented that the city, the Mayor, CFO and COO, are fully behind the plan that Shane described, and committed to find the funds to replace apex curb cuts with perpendicular curb cuts, and going forward, even if it means we only put in 150 curb cuts during a construction season instead of 300, but done right, where the perpendicular curb cut is the rule and the apex curb cut is the exception. Ald. Leary is most concerned about the many apex curb cuts in her Ward 1, especially in Nonantum along Watertown St., and also interested in APS (Audible Pedestrian Signals) for the high traffic intersections. Ald Crossley joined us, as well, and asked Shane if this is a plan for all the city curb cuts by priority, and he said yes, that it is an aggressive schedule to identify all the curb cuts in the city by December, and into January, if needed.

4. CDBG Report (7:15-7:30)

In Lydia's absence, Judith Menin from the Planning and Development department presented the CDBG report:

Commonwealth and Washington – (CD12-03L. Budget: \$83,170.60; Expended: \$62,315.29; Balance: \$0). Project was completed under budget in 2013. Funding was returned to the FY15 Curb Cuts funding pool.

Historic Newton/The Jackson Homestead – Archives Preservation and Access – (CD11-03F. Budget: \$40,000; Expended: \$33.98; Balance: \$39,966.02). Project is estimated to start in summer of 2015; a bid has been selected. It has been determined that the project will not require CDBG funding. The balance in this budget must be re-allocated.

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

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 in early July (comment period ended July 1), the new budget balance will be \$13,000. The intersections below have been selected for the first phase of purchase and installation.

- Walnut Street at Beacon Street (6 units)
- Hammond Street at Beacon Street (6 units)

At this point in the CDBG report, there was discussion as to a third intersection to have APS installed, as we have enough funds in that budget after July 1. A 4th intersection was suggested both to Bill Paille and at the June meeting, which is Commonwealth Ave and Centre St., where there are many Carroll Center for the Blind students crossing, college students and other pedestrians since it is somewhat commercial, and heavy vehicle traffic. Jini also reported that some visually impaired elementary students are crossing at Commonwealth and Hammond, usually with parents, and APS were there never funded by the state. There was some discussion among COD members and Barbara made the recommendation to upgrade the APS at Walnut and Homer due to the fact that it is here at City Hall, the Library, a bus stop, and much pedestrian and vehicle traffic. a motion was made by Jane: I make a motion to allocate CDBG funds in the APS budget to reinstall APS at the intersection of Walnut St. and Homer St. Rosemary second the motion. The motion passed unanimously 5-0.

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 \$209,437.71; Expended: \$0; Balance: \$209,437.71).

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 to 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)

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

- 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. **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.**

5. HP Fines Report (7:30-7:40)

Sgt. Babcock gave the HP fines report as follows:
 CODE #26 & CODE #27

JULY 1, 2014 – JUNE 30, 2015

(12 MONTHS)

CODE #26 (TOTAL PAID) HP SPOTS	\$26,370.00
.....	
CODE #26 (OUTSTANDING)	\$ 6,435.00
.....	
TOTAL	\$32,805.00
.....	
CODE #27 (TOTAL PAID) CURB CUTS	\$8,880.00
.....	
CODE #27 (OUTSTANDING)	

CITY OF NEWTON, MASSACHUSETTS
Commission On Disability

.....\$1,440.00
TOTAL

.....\$10,320.00

COMBINED TOTALS

TOTAL COLLECTED.....\$35,250.00

TOTAL OUTSTANDING.....\$ 7,875.00

TOTAL.....\$43,125.00

INCREASE FROM LAST MONTH.....\$ 1,915.00

Girard asked if there was a sting conducted this month. Sgt. Babcock said yes, a couple of weekends ago where there were \$2600 of violations issued, mostly in malls and other private parking lots. Sgt. Babcock also said that the placard, if it doesn't fit on the rear view mirror, the placard needs to be placed face up on the dashboard, so that the photo and/or number is visible. Rob asked when the new fiscal year starts, and Sgt. Babcock said on July 1, so that the total we see here, a percentage of the amount above \$40,000 will go into the COD account.

6. ADA Coordinator's Report (7:40-7:50)

Jini first mentioned that the ADA 25th Anniversary Celebration will be taking place on the Boston Common next Wednesday, July 22. Girard has been on the planning committee, representing the Newton COD, and he will be introduced and be on the stage with other committee members and speakers. Next Jini mentioned some of her site visits for curb cuts placement and visited some crosswalks in Westwood that have a special material that looks like brick with 2 wide white lines outlining the crosswalk. This was to prepare for a meeting with Mass DOT regarding Bike and Pedestrian Safety. Sgt. Babcock added that he was involved in this group earlier, as it was part of a grant for enforcement and this group liked the results of their enforcement and came back asking for a needs assessment. The city put a list of items that would improve this safety, and at the top of the list was APS. Next Jini reported that she is setting up evaluations for the 4 middle schools and Newton South High School and new school playgrounds (since March 15, 2012) for ADA compliance using the Checklists from the New England ADA website. At this point in the meeting, Rob asked Jini to cut short her report as we were running behind, so she didn't report on the meetings she was involved over the past month.

7. AAB Variance Application-400 Beacon St. (7:50-8:05)

The Executive Director of The Longyear Museum, Sandra Houston, of which the Mary Baker Eddy House Museum at 400 Beacon St. is part of, and the architect, Gary Wolf, presented the variances they are seeking from the AAB. They gave the history of this house and the COD members had all the information regarding the variances in their packet. Mary Baker Eddy was the discoverer and

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

founder of Christian Science and lived at this house from 1908 to 1910, where she died in her 90th year. It was at this home that she began the Christian Science Monitor. For the first time in its more than 100 year history, the first floor of this historical house museum will become accessible, as the plans include accessing the front entrance without a step by regrading. The request for 4 variances is based on impracticability. Three of the variances have to do with the doors as each leaf of the front doors and the inside doors are too narrow, the hardware of the door knobs are round and placed too high. Their plan to mitigate these inaccessible features is to always have a docent who will open up both front doors for anyone to enter. You can only enter the museum by appointment, so there will always be a docent to do this. To avoid a variance for 2 high thresholds, the plan is to place a 1" piece of Plexiglas to raise the floor to these thresholds, and you will still be able to see the beautiful mosaic floor in this vestibule. Plans to convert the powder room which consisted of two small compartments, one with the original WC (water closet) where the toilet was and the other had the sink, into an accessible bathroom. This conversion will need a variance since it doesn't have the 6' width but it does have the 5' width which will allow maneuverability for wheelchair users. Sandra said that this is Phase 1 and there are plans that one of the elevators in the house will eventually allow accessibility throughout the house for visitors. After a couple of questions, Jane made a motion: I make a motion to support the four variances that the Mary Baker Eddy House Museum has applied for with the AAB. Barbara seconded the motion. The vote was unanimous 5-0.

8. AAB Variance Application-145 Wells (8:05-8:15)

Prior to the previous agenda's presentation, Rob realized that we would lose a quorum before Margarita would be presenting on this project, it was agreed that she would return to our August meeting with their presentation, if necessary.

9. Cam Training Update (8:15-8:25)

With the departure of Girard and Barbara, a quorum no longer existed. The following is information, in part, that Rob shared last month and this topic will be moved to August 10 agenda. Rob did get confirmation from the Newton Library that the Druker Auditorium will be reserved for the Community Access Monitoring (CAM) Training Program, to be held on Wednesday, October 21 and Thursday, October 22 from 9 to 4 each day. The Newton COD is the lead host/sponsor and will receive all the registration forms, and be responsible for all the food provided, coffee/water and pastries for both mornings, and lunch for both days. The Newton COD collects all the fees, pays all expenses, and can keep the balance. Food donations are encouraged, if possible. Rob, Girard, and Jini will have a conference call later this month with Jeff Dougan from the Mass Office on Disability (MOD) who will be giving this training and taking care of all reasonable accommodations of the materials.

10. Old/New Business (8:25-8:35)

Without a quorum, we moved to adjourn and did not cover any old or new business.

11. Adjournment (8:35)

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

The meeting was adjourned at 8:40PM.

The location of this meeting is accessible and reasonable accommodations will be provided to persons requiring assistance. If you have a reasonable accommodation need, 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.