



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Meeting date: 8/10/15
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 Present:
Rob Caruso- Co-Chair
Girard Plante-Co-chair
Jane Brown
Lucie Chansky- remotely
Barbara Lischinsky
Rosemary Larking
Regrets:
John Lojek – Leave of Absence
City Staff:
Jini Fairley, ADA Coordinator
Lydia Scott, Planning and Development
Sgt. Jay Babcock, Police

Guests:
Janet McDonald, former member of Newton Mayor’s Committee for People with Disabilities
Sandra Lingley
Felix Zemel
Atara Schimmel

The meeting was called to order by Co-Chair Rob Caruso at 6:31PM.
In order of Agenda:

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

2. Approval of July 13 meeting Minutes (6:35-6:45)

After introductions, Barbara asked for an addition to the minutes about whether she had asked a question to Shane Mark regarding finding the funding for any apex curb cuts that should be perpendicular. Jini explained that she summarizes the discussion, especially since this topic was over an hour long. Jini will listen to the recording and make that addition if it can be found. Barbara also wondered if she asked if the APS would be identified on the GIS mapping that Shane spoke of. Jini will listen to the recording of the minutes and include that question and answer if there. Jini said it is a good idea, whether or not in the minutes, and will speak to Bill Paille to interface with that mapping to identify the APS at intersections. A motion was made by Jane to accept the minutes as read and Barbara seconded the motion. The motion passed with a vote of 4 in favor (Girard, Rob, Jane, and Barbara) and 1 abstention (Lucie was absent from the July meeting).

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

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Lydia presented the following CDBG report:

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. **No update.**

FY14 Audible Pedestrian Signals (APS) – (CD14-03Z. Budget: \$13,000 Expended: \$0; Balance: \$13,000). Funding will go towards the purchase of units to be installed at intersections throughout the City. Up to twenty (20) units may be purchased from this budget. The intersections below have been selected to receive new units:

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

At this point in Lydia’s report, Barbara pointed out that the third intersection above was incorrect and not voted in by the COD At July’s meeting the third intersection recommended and voted in by the COD was Homer at Walnut St.

Lydia said that she will note that and update her report, as she wasn’t at last month’s meeting.

Audible Pedestrian Signals – Centre & Centre (Project CD13-03R. Budget: \$6,609.25; Expended: \$0; Balance: \$6,609.25). Transportation staff will visit the site this month to determine the number of APS units need to upgrade this intersection, and will draft an MOU. Staff will also review the existing timing of the signals at the intersection to make any necessary changes. The existing budget can fund up to ten (10) units.

Curb Cuts (Project CD15-03Y. Budget \$205,987.71; Expended: \$0; Balance: \$205,987.71).

<u>Upcoming Projects</u>	<u>Total Budget</u>
Lincoln & Walnut	TBD
Washington & Walnut	TBD – Initial estimate by September 2015

Lincoln & Walnut – A design for this intersection, created by the Engineering and Transportation Divisions, was presented on Monday, July 14th, 2014. However, several alterations to two corners of the intersection must be made to the design. DPW is in the process of completing a cost estimate for this project.

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. Engineering staff is finalizing the design for this intersection. Draft designs and an initial cost estimate are anticipated for the September 2015 meeting.

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.

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1. Auburndale (both intersections included in Capital Improvement Plan; designs in progress as part of the work in Auburndale Square.)
 - 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. (survey work will be required and will be completed in fall/winter 2015.)
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). All designs are complete. CD staff received DPW’s estimate of \$22,583 for the work on two phases. DPW has determined this work will be contracted out and DPW will prepare bid documents in September for April 2016 construction.

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 by DPW this fall.

Rob asked which intersections are there retrofitting of curb cuts and Lydia said just at Vernon and Centre.

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

Sargent Babcock presented the following HP Code Violations report:
CODE #26 & CODE #27

JULY 1, 2015 – JULY 31, 2015
(1 MONTH)

CODE #26 (TOTAL PAID) HP SPOTS
.....\$2,010.00
CODE #26 (OUTSTANDING)

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.....	\$2,900.00
TOTAL	
.....	\$4,910.00
CODE #27 (TOTAL PAID) CURB CUTS	
.....	\$ 0.00
CODE #27 (OUTSTANDING)	
.....	\$ 800.00
TOTAL	
.....	\$ 800.00
COMBINED TOTALS	
TOTAL COLLECTED.....	\$2,010.00
TOTAL OUTSTANDING.....	\$3,700.00
TOTAL.....	\$5,710.00

Sgt. Babcock reported that drivers are continuing to place their placard face down on their dashboard when they cannot hang it off the rear view mirror. If the number is not showing, these drivers will continue to receive a ticket and will need to prove to him that they are the placard holder in order to have the ticket dismissed.

5. ADA Coordinator’s Report (7:05-7:15)

Jini reported that, in the past month, she has completed an ADA review of 3 middle schools (Brown, Bigelow, and Oak Hill) and 5 elementary schools (Burr, Countryside, Lincoln-Elliot, Memorial Spaulding, and Underwood) as part of the self-evaluation process in order to update the ADA Transition Plan. She has accompanied Ed Mullen from ISD when he is conducting his annual Safety Inspection of those schools. Newton South is on the schedule later in this month and hopefully Day Middle School before the start of school. These middle schools are very accessible, and all the elementary schools she has visited have vertical access. An outstanding issue at Memorial Spaulding, brought to my attention by Lucie, is that the accessible parking space on Brookline St. is not ADA compliant, since it is a great distance from the accessible entrance and is not on level ground. Sgt. Babcock and Dawn Fleming from the Police Dept., Nina Wang from Transportation, and Ed and I assessed the best place for this accessible parking space and it will be moved into the dropoff area (blue zone) which is level and closest to the front of the school, once the principal is informed. Sgt. Babcock will use his emergency powers to move the signage and mark the new space and will also go through the proper channels in accordance with the ordinance and Traffic council procedures. Jini also reported an issue with an accessible parking space in that same school parking lot. Lucie mentioned a couple of polling sites to review for their accessible parking spaces. Jini mentioned that she is still working with Bill Paille to make the Beacon and Centre Sts intersection safer with adjustments to the APS (Audible/Accessible Pedestrian Signals). Two more items need to be fixed, to add a second crossing sound (Australian Walk to the North/South direction , crossing Beacon) and a push button on the island is not working. Jini is working on some signage both at the library and city hall. She mentioned a big renovation project for the Fire Dept. Headquarters, which will make the first and second floor accessible for the first time, and has a site visit coming up this week. Barbara asked about what is going on with Angier, very inaccessible and unpredictable while

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construction continues, including a sidewalk on the residential side of Beacon that was promised to be repaired/replaced, a real tripping hazard for Barbara and others. Sgt. Babcock explained the timeline sidewalks and crossings to be brand new by Halloween, but in the meantime he will go out there tomorrow and see what he can do to mitigate this tripping hazard. Jini and Girard reported on the statewide COD meeting sponsored by MOD, 48 communities were represented, even as far away as Pittsfield. Girard introduced one of our guests tonight, Janet McDonald, who he met at this meeting. She was one of the original members of the Newton Mayor's Committee for People with Disabilities almost 40 years ago. She started and is on the Belmont COD. She was recounting the Blizzard of '78, when the COD began, called the Committee for the Environment of the Handicapped!

Jini also announced the Abilities Expo coming September 18-20 at the Boston Convention Center-Hall C, great workshops and exhibitors with assistive technology and much more. Lucie reminded all that Massport who regulates all **the parking there does not observe the free parking at meters for drivers with HP placards and plates, so be sure to feed the meter.**

6. Revision of Mission Statement (7:15-7:30)

Rob suggested that the title of the COD information should read Mission and Purpose/Organizational Structure and By-Laws, as some of the information that follows falls under the category of By-Laws, such as the statutes that established the COD and the Nominating Committee, how Chair or Co-Chairs are elected, etc. Barbara made a motion to change the title of our governing document to "Statement of Mission/Organizational Structure and By-Laws". Jane and Rosemary seconded the motion. The motion passed with the vote 5-Yes(Rob, Girard, Barbara, Jane, Rosemary) , No-0, and 1 Abstention (Lucie).

Further down in the document where it refers to elections of the Chair/Co-Chairs, Rob suggested to add "/Officers" since we will need a Treasurer soon. Another suggestion was to just use Officers without mentioning Chair/Co-Chairs, to be more general and not so specific. A motion was made by Rosemary to substitute "Officers" where "Chairs/Co-Chairs" is now listed under elections. Jane seconded it. The motion carried by a vote of 6-0, (Rob, Girard, Jane, Barbara, Rosemary, and Lucie voted Yes). Lucie was wondering if suggested changes to this governing document should be sent out in advance in order that COD members can have time to consider. Rob said that this document only says we have to have two-thirds of the COD members present to consider and vote on changes. Rob also mentioned that any officer would give a report to the COD whenever there was something to report on. The next item that Rob suggested a change to the Mission Statement document was about remote participation. He is waiting to receive a paragraph from MOD that would describe the new amendment to the Open Meeting Law which allows CODs in the state to be able to include COD members participating remotely to be counted for a quorum, and that at least the presiding Chair would need to be in the room where the meeting is being held. Once Rob receives this paragraph, he will distribute it to the COD members for their consideration at an upcoming meeting. Barbara mentioned that our Mission Statement document does not have the stipulation that the COD members must be Newton residents, which is in accordance with a city of Newton ordinance. There was some discussion as to how to word that in the Mission Statement since sometimes the official appointment by the Mayor is not always a Newton

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resident. Although Barbara started a motion, it was not voted upon and was set aside until the Newton ordinance is verified and a description is arrived at for the Mission Statement. As in the above discussion of remote participation, any new statements/paragraphs under consideration will be sent to COD members before a vote is taken at a subsequent meeting.

Agenda taken out of order requested by Rob to proceed to number 8 on original agenda -AAB Variance at 145 Wells Avenue.

7. AAB Variance Application-145 Wells (7:45-8:00)

Felix Zemel is a consultant for the owners of 145 Wells Avenue building which used to be industrial storage prior to the new owners. Now it has been converted to 2 separate businesses, a preschool and a children's fun park. The MAAB variance sought pertains only to the children's fun park. It was discovered at the end of the renovations that there is no vertical access to the Mezzanine level which would be used as a second (back-up) party space that is reserved in advance. These two businesses do not operate at the same time, so there is some potential shared space. The owners did consider an incline chair lift but it would have impeded egress from the mezzanine level. Then they considered an interior lift, but the space needed for this lift would have made the small party room unusable. Then they considered an exterior lift, however it seemed technically infeasible as there were only two walls for location of this lift due to utilities and proximity of the sprinkler system. Also the cost (approximately \$60,000) was very high. After a space analysis of the building was made, there is a room/auditorium next to the inflatable room for a backup party space, if there were any members of a second party with mobility impairments needing first floor access. Felix explained several contingency plans, depending on the size of the reserved parties and taking into account someone unexpectedly needing wheelchair access or inability to use stairs. The owners concluded that these plans to use other spaces that are accessible were the only option that was technically and financially feasible. There were several questions as to when one makes a reservation for the party and Felix said that the reservationist do ask if they have any accessible needs. Walk-ins are welcome to play at the arcade, laser tag, or the inflatables, not connected to a party. Felix said that all the equipment has been certified by the vendors to be ADA compliant. Lucie made a motion to support this variance for vertical access for the mezzanine level as long as the owners make it clear to the public that people making a reservation need to ask for an accommodation for accessibility. Rosemary seconded the motion and the motion passed unanimously with a vote of 6 (Rob, Girard, Lucie, Barbara, Jane, Rosemary) – 0.

Rob also asked to continue out of order for the agenda to hear from Atara Schimmel (originally Agenda No. 10)

8. Winner of ADA 25 Poster contest (8:15-8:25)

Atara Schimmel displayed the painting of her winning poster, and angel was depicted with the words, "We will be heard". This painting is from a

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series of 30 paintings of angels with different words. She brought 7 more in this series. Atara also sought the support of the COD regarding the ban on leaf blowers. Atara suffers from chronic pelvic nerve pain, sustained from an injury. She was bedridden for over a year with mind altering pain, suicidal at times. She suffers from complex regional pain syndrome, where the pain is the disease. As a result of this chronic pain, she has a fragile nervous system and the extremely loud sounds from leaf blowers ‘kill her’. Even the smallest trigger can send her into a state of panic. She has been very proactive to ban the leaf blowers, she says she can’t survive or coexist with these loud machines. She has hypersensitive hearing, where loud sounds intensify her pain. Girard asked if she is aware of parents of children with asthma and other respiratory issues who have written OpEd pieces in the Tab over the last few years, which she was not aware. He suggested that she might align herself with others with disabilities that are affected by the leaf blowers to increase the voices in their advocacy. Barbara made a motion to support Atara in her efforts to get an ordinance that would ban leaf blowers based on health reasons by writing a letter to the Board of Aldermen and copying the Mayor. Jane seconded the motion. The motion carried with a vote of 3-Yes (Rob, Barbara, Jane)-1 No (Lucie).

9. CAM training. Rob asked Jane if she would be able to help Jini with registrations for the CAM training and depositing the checks, etc. She gladly accepted and would be able to come to City Hall when the registration forms start to come in, most likely after the first of September.

10. Adjournment (8:30)

At 8:45 we no longer had a quorum, since Girard, Rosemary, and Barbara had to leave. We continued a little longer with CAM training information. Rob is going to be asking Dunkin Donuts for breakfast refreshments, coffee and donuts, and asked if anyone had a connection with a restaurant, like Panera, for lunch, otherwise we will buy the lunch. The COD will be receiving all the registration fees and will pay for the lunch if needed.

Adjourned at 8:55PM.

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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.