



DRAFT 5/4/2022

Meeting Date: May 9, 2022

MINUTES

Room Zoom

Time: 6:00PM

This meeting was a virtual meeting on Zoom, by phone or by computer/iPad:

Join Zoom Meeting

<https://us02web.zoom.us/j/84610100556?pwd=L2FuS2Rsem11UDlNeGIHOEpnJGQ0T09>

Meeting ID: 846 1010 0556

Passcode: 279296

One tap mobile

+13017158592,,84610100556# US (Washington D.C)

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Dial by your location

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Meeting ID: 846 1010 0556

Passcode: 279296

Commission Members Present:

Eileen Sandberg, Co-Chair, remotely on Zoom

Jane Brown, Treasurer, remotely on Zoom

Rob Caruso, remotely on Zoom

Lucie Chansky, remotely on Zoom

Nancy Kritzman, remotely on Zoom

Darby Leigh, remotely on Zoom

Sandra Lingley, remotely on Zoom

Barbara Lischinsky, remotely on Zoom

Girard Plante, remotely on Zoom

Matt Volpi, remotely on Zoom

Commission Members Absent:

Anne Marie Killilea, Co-Chair

Lakshmi Kadambi

Warren Abramson

City Staff and Advisors Present:

Jini Fairley, ADA/Section 504 Coordinator

Sgt. Mike Wade, Police

Hattie Kerwin Derrick, Mayor's Office

Jonah Temple, Law

Nika Sandal, Planning

Guests:

Nyree Kibarian

Councilor Bowman

Councilor Downs

1. Introductions (6:00-6:05)

Ruthanne Fuller
Mayor

Barney Heath,
Director, Planning &
Development

Amanda Berman
Director, Housing &
Community Development

Nika Sandal
Planner
Community Development

Members

Anne Marie Killilea, Co-Chair

Eileen Sandberg, Co-Chair

Jane Brown, Treasurer

Warren Abramson

Rob Caruso

Lucie Chansky

Lakshmi Kadambi, Co-Chair

Nancy Kritzman

Darby Leigh

Sandra Lingley

Barbara Lischinsky

Girard Plante

Matt Volpi

Jason Rosenberg
Chairman Emeritus

Advisor

Sergeant Michael B. Wade
Newton Police Department

Staff

Jini Fairley

ADA/Sec 504 Coordinator

617-796-1253

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Newton, MA 02459

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The meeting started at 6PM, with 7 members present and more joined shortly after.

2. Approval of the April 11, 2022 Meeting Minutes (6:05-6:10)

Girard asked for the name of the accessible Audiology office to be noted in the minutes. Jini, who prepared the minutes, said that she didn't know the names of both, and it would look like the COD is recommending a particular Audiologist. She said that she changed to reflect Girard's comments at the last meeting to indicate that there is at least one Audiology office that is accessible. Matt made a motion to approve the minutes as drafted and distributed, and Nancy seconded the motion. The motion passed by a vote of 7-0-2 (Abstained Barbara, Girard), as there were 9 members present at the time of the vote, and Darby joined just after the vote.

3. Open Meeting Law - after 7/15/22 (6:10-6:30)

Jonah Temple from the Law department, explained that, as it stands today, municipal commissions and boards will return to the regulations pre-Covid. All commissions and boards will be allowed to have remote participation if the Mayor authorizes it, which she will do , but not for the COD. This means that for most commissions and boards, members can participate remotely but they are not counted in the quorum, only in-person members are counted for a quorum. However, within the Open Meeting Law, there is an exception for Commissions on Disability, where members participating are counted in the quorum. However, the meeting still must take place in a public location and the Chair/Co-chairs must be present at this in-person location. If the Chair/Co-chair of the COD is unable to be present at the public location (City Hall for the Newton Commission On Disability), another member will be designated by the Chair/Co-chairs, to chair the meeting in-person where the public is invited. This has been part of the OML since before the Covid crisis and is slated to return to these rules on July 15.

Jonah recommends that the Newton COD authorizes remote participation for their members for all meetings going forward, even if this authorization/vote happened in the past, to have it on record. Eileen asked for a motion. Lucie made the motion that the COD authorizes remote participation for its members for all meetings going forward, after July 15, 2022. Darby seconded the motion, and commented that either ASL or CART or access to the Zoom captions must be provided to make the meetings accessible to him and any other members. The motion passed unanimously by a vote of 10-0. Hattie suggested that there be a test run with Darby and Jini and any other members needing captions, with the hybrid arrangement the Mayor will be providing in the conference rooms at City Hall, where Zoom will be on a large screen to those attending in-person.

4. CDBG Report (6:30-6:35)

Nika gave the CDBG report of access projects. This report can be viewed on page 5. There were no questions for Nika. She commented that the status of the projects has been as a standstill until construction can begin, for example, Phase 1 of Marty Sender Trail.

5. Prioritization of FY24 CDBG-Funded Access Projects (6:35-6:50)

These guidelines and Steps can be viewed on pages 6 &7. Nika went through the guidelines to prioritize one or more projects for FY24 CDBG funding. She

recommends members think about an area from which to choose a project(s), from infrastructure, public facilities (public buildings and parks), or a non-profit open to the public. She then went over the steps and timeline for choosing a project (s). The first step is to choose one of those areas. Then projects are suggested and Planning and the overseeing department, along with Jini, vet several projects. This document can be viewed on page . Next month, the decision is to choose an area in which to concentrate/consider a project. July through to September, Planning and the corresponding will make site visits and come up with a concept plan and estimated cost. In October , 3 top projects are chosen, and in January, a project is chosen. Eileen asked for the list of projects that have been suggested in the past but not chosen for CDBG funding yet. She will forward to the members. Jini reminded that most recent projects not funded in FY23 was sent to members by the Funding Subcommittee as potential ARPA funding. Rob had a couple of clarifying questions about projects on that list for Jini.

6. Accessible Fines Reports (6:50-6:55)

Sgt. Wade gave the 2 fines reports, which can be viewed on pages 8 & 9. Several members commented that the number of tickets issued is on the rise, back to pre-Covid activity. There were questions as to how to report a vehicle parking in an accessible parking space without a placard or plate. Sgt. Wade gave the phone number as to which department to report this violation:

Police Dispatch: 617-796-2123 or

Police Traffic Bureau: 617-796-2106

7. Revised Residential Accessible Parking Space Policy

Jini brought back to the Commission a slightly edited policy based on last month's discussion, to aid in clarification. This draft revision of the Residential Accessible Parking Space Request Policy can be viewed on pages 10-12. There was much discussion, mainly by Lucie that the policy, in her opinion, that it favored bike lanes over residents with disabilities needing an accessible parking space in the future. A motion was made by Barbara to approve the wording of this revision as presented, and Jane seconded the motion. The motion passed by a vote of 9-1 (Lucie)-0.

8. Potential Events for Mental Health Awareness (7:25-7:45)

Eileen is very interested in an event or two to continue the COD's effort to bring awareness to Mental Health disabilities, even though the Mental Health Subcommittee is not active, and she has made contact with some members of the Me 2 Orchestra, of which all members have Mental Illness or have a family member with Mental Illness, and would like to see if the COD is interested in her pursuing this possibility for the fall. Jini asked about cost for a performance by this well-known orchestra, and Eileen will look into that aspect. Jini also suggested as a potential event for bringing awareness to Mental Health , a new documentary film "Hidden in Plain Sight, a PBS production to air at the end of June. There was consensus by members for both ideas to be pursued. There were comments by several members about the high statistics of suicide among teens between the age of 15-22, that suicide is the second leading cause of death. Girard referred to an article he had read in the NY Times about the lack of Mental Health services available to these teens and young adults, sometimes spending weeks in the ER waiting for transfer to a treatment facility. The article focused on 2 hospi-

tals, one in Colorado and Boston Children's Hospital. Eileen and Jini will come back next month with more details on these 2 potential events.

9. Treasurer's Report (7:45-7:50)

Jane gave the Treasurer's Report which can be found on page 13. There were several changes to the Fines account, reflecting the projects chosen to be funded by this account in a previous COD meeting.

10. ADA Coordinator's Report (7:50-7:55)

Jini gave her report on her ADA activities for the past month. This report can be found on page 14. Jini highlighted several full City Council meetings she attended virtually following the MassDOT funded project from Ash to the Marriott along Comm Avenue and the Carriage Way, and the options put forth. Most disability advocates prefer the option where the entire Ash St. intersection is totally renovated and becomes accessible for the first time, but will mean that the existing signal will not remain, and an RRFB would be installed for crossing Comm Ave. Jini updated the members on the vote for which option was a tie, and chartered, the next meeting the City Council will discuss and vote is next Monday, May 16.

11. Update- Funding Subcommittee (7:55-8:00)

Rob, Chair of the Funding Subcommittee, said there was no April meeting, but the next one will be May 16 at 3:30PM. Rob asked Hattie if she has an update on the COD's submission of access projects to be funded by ARPA. Hattie said there is no decision and she is not sure when that will happen.

12. Adjournment (8:00)

The meeting adjourned at 8PM.

**These DRAFT minutes were prepared and submitted by Jini Fairley, staff to the COD
NEXT MEETING DATE: June 13, 2022**

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities requiring assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec.504 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 or call City Hall's TTY/TDD line at 617-796-1089.

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Reports & Materials:

May 2022 CDBG Project Report_Final.pdf
Newton Commission on Disability
CDBG Access Projects Report
May 9th, 2022

FY21 Curb Cuts – (CD21-03C; Budget: \$84,043.00; Expended: \$80,000; Balance: \$4,043.00)

Installation of curb cuts at the following intersections: Watertown Street/West Street and Watertown Street/Edinboro Street. Signed invoices have been received. Close-out will be completed upon disbursement of funds. Remainder on funds will be transferred into the FY23 Langley/Warren/Chase Crossing project.

Phase I Marty Sender Pathway Installation – (CD21-03A; Budget: \$66,847.00; Expended: \$0; Balance: \$66,847.00)

Reconstruction of the Marty Sender Path with an accessible route, covering approximately ¼ mile of the route.

Contractor is familiar with and has submitted

proper paperwork for Davis-Bacon requirements. Start date is expected to be mid/late May as the necessary materials will not be ready until then. The entire

project will likely take 2-4 weeks from start date.

FY22 McGrath Park Perimeter Path Installation – (CD22-03A; Budget: \$91,300.00; Expended: \$0; Balance: \$91,300.00)

Constructing an accessible perimeter path around Richard McGrath Park. PRC has finalized a contract with CDM Smith Inc., to be the designer architect for this project.

FY23 Langley/Warren/Chase Crossing –

Installation of accessible crossings at Langley Rd. and Warren St. This includes a bump out on the northeast corner of the intersection to create the space needed to install a curb cut to cross Warren St. Planning staff has collected demographic information at this location for the FY23 Annual Action Plan.

Reminder! During this meeting we will begin to discuss steps of project prioritization for FY24 – please look over the guidelines that were sent along with the April CDBG Project Report. Additionally, if anyone has a project they want to recommend for future funding, please bring those suggestions to the meeting! In June, the COD will vote on which type of project to prioritize for the upcoming year. July/September will be the months in which we present and discuss potential projects before voting on a top three the following October.

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Guidelines for Prioritization_For Review at 05.09.22 Mtg_.pdf

COD – Guidelines for the Prioritization of a Project For Review at the 05/09/22 Commission on Disability Meeting.

Goal as stated in the FY21-FY25 Consolidated

Plan: Removal of material and architectural barriers restricting mobility and accessibility of elderly or severely disabled persons, through public thoroughfares, public buildings, parks and recreational facilities, and nonprofit agencies. General Guidelines: These guidelines are to aid in the prioritization of access

projects for the remaining three years of the FY21-FY25 Consolidated Plan.

1. Is this project CDBG eligible?
2. What are the needs of the disability community?
3. Will the project remove materials and architectural barriers?
4. What is the longevity of this project?
5. Does the project align with goals set by the COD?
6. Is the project within the CDBG Access budget?

oIs there a more appropriate funding source?

oIs there a possibility to leverage other funding sources?

Project must be:

1. Is this project CDBG eligible?
2. Is there a plan of action set?
3. Is there an inter-departmental commitment?
4. Has there been a site visit?
5. Is there a cost estimate?
6. Does the scope of work match the priorities set by the COD?
7. Does the project align with the Architectural Access goal identified in the FY21-FY25 Consolidated Plan?
 - a. Infrastructure improvements
 - i. Citywide curb cuts
 1. FY21 curb cuts on Watertown St. (Edinboro/West St.)
 2. FY23 Langley/Warren/Chase Crossing
 - ii. Citywide RRFBS
 - i. Parks Land and Conservation Land
 1. FY21 Marty Sender Park Trail Installation
 2. FY22 McGrath Park Perimeter Path Installation
 - ii. Public Buildings

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Steps to Prioritize a Project_05.09.22.pdf

Guidelines for CDBG Funding For COD Meeting on May 09, 2022 Goal as stated in the FY21-FY25 Consolidated Plan: Removal of material and architectural barriers

restricting mobility and accessibility of elderly or severely disabled persons, through public thoroughfares, public buildings, parks and recreational

facilities, and nonprofit agencies. June Meeting: Step 1: Do we want to prioritize curb cuts, parks, city buildings, or non-profit buildings within the city in FY23?

-FY18: Priority: APS – Installation of APS at three identified intersections.-FY19: Priority: Public Buildings – City Hall Wheelchair Accessible Toilet

Room project.-FY20: Priority: RRFBs and Parks – Three sets of RRFBs and Park Pathway Installation at three parks.-

FY21: Priority: Curb Cuts & Parks – FY21

Curb Cuts on Watertown St. (at Edinboro and West St.) and Phase I Marty Sender Pathway Installation projects.-FY22:

Priority: Parks – McGrath Park Perimeter

Pathway-FY23: Priority: Curb Cuts - Langley/Warren/Chase Crossing

July – September Meetings: Step 2: What are the potential projects in the specified priority?

-Planning Staff will review and present past suggested projects in the specific priority area chosen for the fiscal year.

-ADA/Section 504 Coordinator will review and present projects in the specific priority area chosen for the fiscal year.

-COD will present ideas for potential projects within the specific priority area chosen for the fiscal year.

-Staff from City Departments and public may present ideas for potential projects within the specific priority area chosen for the fiscal year.

October Meeting: Step 3: Using the Guidelines for Eligibility, COD will narrow down potential projects list to top 3 in the specific area. - COD members

will be asked to vote for their top project. 1 vote is worth 1 point. The 3 highest ranked projects will continue to the next round of consideration. November

and December Meetings: Step 4: Top 3 projects will be vetted by appropriate City Staff. - This includes site visits, estimated longevity, use, cost etc. January

Meeting: Step 5: Out of the 3 projects previous vetted by City staff, COD members will each vote for 1 project. The project with the most votes will be

the chosen project.

NEWTON POLICE DEPARTMENT

NEWTON COMMISSION ON DISABILITY

PARKING TICKET AND FINES REPORT

April 2022

TOTAL NUMBER OF TICKETS ISSUED	30
TOTAL VALUE OF TICKETS ISSUED	\$ 6,000.00
REDUCTION AMOUNT	\$ 1,400.00
TOTAL AMOUNT PAID	\$ 1,600.00
TOTAL OUTSTANDING	\$ 3,000.00

CODE # 26 ACCESSIBILITY SPOTS

NUMBER OF TICKETS ISSUED	17
TOTAL VALUE	\$ 3,400.00
REDUCTION AMOUNT	\$ 1,000.00
TOTAL AMOUNT PAID	\$ 600.00
TOTAL DUE	\$ 1,800.00

CODE # 27 CURB CUTS

NUMBER OF TICKETS ISSUED	13
TOTAL VALUE	\$ 2,600.00
REDUCTION AMOUNT	\$ 400.00
TOTAL AMOUNT PAID	\$ 1000.00
TOTAL DUE	\$ 1,200.00

NEWTON POLICE DEPARTMENT

NEWTON COMMISSION ON DISABILITY

PARKING TICKET AND FINES REPORT

FISCAL YEAR 2022

As of April 30th, 2022

FY 2022 Year-to-date Parking Ticket Totals

TOTAL NUMBER OF TICKETS ISSUED	159
TOTAL VALUE OF TICKETS ISSUED	\$ 31,800.00
REDUCTION AMOUNT	\$ 9,000.00
TOTAL AMOUNT PAID	\$ 15,400.00
TOTAL OUTSTANDING	\$ 7,400.00

CODE # 26 ACCESSIBILITY SPOTS

NUMBER OF TICKETS ISSUED	100
TOTAL VALUE	\$ 20,000.00
REDUCTION AMOUNT	\$ 6,200.00
TOTAL AMOUNT PAID	\$ 9,800.00
TOTAL DUE	\$ 4,000.00

CODE # 27 CURB CUTS

NUMBER OF TICKETS ISSUED	59
TOTAL VALUE	\$ 11,800.00
REDUCTION AMOUNT	\$ 2,800.00
TOTAL AMOUNT PAID	\$ 5,600.00
TOTAL DUE	\$ 3,400.00

Traffic Council Policy 2: Residential Accessible Parking Spaces

Date Adopted: December 9, 2008. Updated , 2022

As defined by City ordinance, it is the purpose of the Traffic Council to take action on requests for site-specific changes to parking and traffic regulations.

The Traffic Council aims to be fair and consistent in its decisions when similar situations present themselves and, over time, its actions have evolved into some implicit policies. The most frequently observed policies relating to requests for on-street accessible parking spaces are listed below and are to be used as guidelines for the future. Members of Traffic Council hope that this information offers guidance to the public, Council members, and staff as it affects projects or proposals they may consider.

CRITERIA:

1. DISABILITY PARKING PLACARD or PLATE

In order to apply for an accessible parking space on a residential street, the applicant with a disability must have a valid disability placard or plate.

2. GARAGES AND DRIVEWAYS

For residences with garages or driveways, the applicant should be able to demonstrate that entry or exit from a vehicle within the garage or driveway is unavailable or infeasible. For example, the applicant may show that their driveway is too heavily used by others, or is too steep or narrow to allow for entry or exit.

3. ACCESSIBLE ROUTES OF TRAVEL

For residences with garages or driveways, the applicant should be able to demonstrate that an on-street parking space provides for an easier route of travel to access their home. For example, the applicant may show that an on-street parking space is closer to the main living area of their home, avoids stairs or other barriers, or otherwise creates an easier path of travel.

4. COMPETITION FOR ON-STREET PARKING SPACES

It is not in the City's interest to establish and maintain accessible parking spaces in areas with little or no competition for on-street parking. The applicant should be able to demonstrate that they are unable to access the on-street parking space nearest their home on more than an infrequent basis, due to competition for that space.

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

The process for handling requests for accessible parking spaces in a residential neighborhood is as follows:

- The applicant fills out a Traffic Council Petition form, available in the Clerk's Office.
- The Newton Commission On Disability (COD), where the majority of the members are persons with disabilities, reviews the request and forwards a recommendation to the Traffic Council.
- The Traffic Council reviews the request, and considers the recommendation of the COD, Criteria (1) through (4) above, and any other relevant additional information provided by the applicant or other members of the public. The Traffic Council is composed of staff from the Planning and/or Public Works Departments, and the Police Department, as well as a City Councilor and Citizen Representative.
- After Traffic Council votes to approve or deny an accessible parking space, any Newton resident may appeal the decision within 20 days. Appealed Traffic Council items are transferred to the City Council for final action.

Other important information:

- The City of Newton is not legally required to provide an on-street parking space for a person with a disability, however, requests for Reasonable Modification under Title II of the ADA may be made (see below).
- All approved accessible parking spaces on public streets in Newton are available to the general public and must be shared by all vehicles displaying valid Disability placards or plates, on a first-come, first-served basis.
- Accessible parking spaces must be located on a flat surface, with a slope in any direction not to exceed 1:48.
- Accessible parking spaces are not valid during established times when no parking is allowed on the street, and do not override Newton's winter overnight parking prohibition.
- Accessible parking spaces cannot be located within no parking zones, tow zones, bike lanes, or loading zones, unless a request for reasonable modification is granted.
- Requests for Reasonable Modification: An applicant with a valid disability placard or plate may, under Title II of the ADA, request a reasonable modification of parking prohibitions in no parking zones or bike lanes in order to allow for an accessible parking space in front of the residence. In this case, the Traffic Council will begin an interactive process with the applicant to determine if it is possible to remove the parking prohibition in front of the residence to allow for an accessible parking space.

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

The Traffic Council will consider, for example, such site-specific factors as whether the accessible parking space will prevent emergency vehicles from passing, or, in the case of a bike lane on any street, whether bike travel can be directed around the accessible parking space. The Traffic Council and applicant will consider whether there are viable alternatives such as locating the accessible parking space across the street from the residence. Each reasonable modification request is decided on a case-by-case basis.

- Section 19-178 of Newton Revised Ordinances, 2017, provides additional detail regarding residential accessible parking spaces.

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Treasurer's Report

Given by Jane Brown, Treasurer of the Newton Commission On Disability (COD)

Presented at the May 9, 2022 Newton COD Meeting

As of May 5, 2022, the balance of one of the COD accounts has changed, and 2 new accounts have been established, reflecting 2 recently approved expenditures from the Fines account. The balances are as follows:

Account # 5500-335518 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: \$38,499.60

Account # 01C40128 Set up to pay for RRFB at Langley/Warren/Chase intersection

Type: Special Appropriations

Balance: \$18,000.00

Account # 01C60211 Set up to purchase accessible equipment for Burr School playground.

Type: Special Appropriations

Balance: \$1,537.00

Account # 01C10802-513010 Operation Access – Disability Commission

Set up to pay for targeted enforcement of accessible HP Fines violations by the Police

Type: Special Appropriations

Balance: \$1,880.89

Account#C401083-586005 Set up to purchase and install Accessible Pedestrian Signals (APS) units at the Waverly/Tremont intersection

Type: Special Appropriations

Balance: **\$50.50** (8 APS units installed in December 2018)

Account # 5064D103 Set up in Fall 2015 to receive Community Access Monitor Program fees and pay expenses)

Type: Revolving Account

Balance: \$29**0.00**

CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

ADA COORDINATOR'S REPORT

Given by Jini Fairley, ADA/Section 504 Coordinator

Presented at the May 9, 2022, Newton Commission On Disability meeting for activities during the month of April 2022.

Site Visits:

None this month

Trainings:

- Webinar: Ask an ADA Professional-Barrier Removal Requirement for Privately Owned
- MOD Webinar- ADA Coordinator Training
- Webinar: Fair Housing testing Results-West Metro Home Consortium
- Webinar: CHAPA on Fair Housing

Meeting/Events/Conference Calls:

- PRC Working Group for Albemarle Park w/consultant
- Joint PF, PS&T M on MassDOT 25% Design-Comm Ave/Carriageway & Ash to Marriott
- FHC Sheila Mondschein Award to Phil Herr ceremony
- DRT for Northland at Charlemont
- RTAG Online Meeting
- Bay State Council of the Blind Conference
- CIP Steering Committee on CIP Supplemental
- NewCAL-Attend bi-weekly Working Group meetings
- NewCAL community meeting
- Fair Housing Committee (FHC)- attend monthly meetings
- FHC Lottery/Lease-up Subcommittee monthly meetings
- West Newton Streetscape- attend monthly meeting
- Complete Streets Committee & Road Paving- attend bi-weekly meetings
- Commissions On Disability Alliance Monthly Meeting