



# Town of New Marlborough ADA Self Evaluation & Transition Plan



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### **Executive Summary**

Over the course of two months, the Town of New Marlborough worked with Berkshire Regional Planning Commission (BRPC) staff to develop its first Americans with Disabilities Act (ADA) Title II Self-Evaluation and Transition Plan.

#### **Public Participation**

A public participation strategy was developed as part of this plan between town and BRPC staff. Working with various stakeholders was an important goal to garner general support for this plan and accessibility to town programs, services, and activities. BRPC worked with Prudence Spaulding, the Director of the Council on Aging, and with the Commission on Disabilities, a newly appointed board in the Town of New Marlborough, to determine priority projects from the self-evaluation and additional projects that will support accessibility at town buildings and parks. Several departments including Emergency Services, the Board of Selectmen, the Highway Garage, and others received a draft of the plan and provided comments on various physical aspects of accessibility at the Town Hall, and also included concerns about limited lighting in parking lots, poor drainage causing ice and barriers during winter months, and poor acoustics at town meetings. The plan was also discussed and presented on at a Council on Aging event in early August 2018.

#### **Self-Evaluation**

The ADA Title II Self-Evaluation is an assessment of all programs, services, and activities provided by the Town of New Marlborough. For the plan's self-evaluation, ADA compliance was evaluated for town policies, accommodations, and trainings available to town employees who serve all residents and visitors to New Marlborough. In addition, five municipal buildings and parks where services, programs, and activities provided by the Town were also evaluated, including five municipal buildings, the Transfer Station, and Umpachene Falls Park. The self-evaluation of the buildings, transfer station, and park then determined the existing level of accessibility, ranging from inaccessible to fully accessible, depending on the identified barriers. It is important to note that providing access includes the hearing and visually impaired, as well as those with mobility challenges.

#### **Transition Plan**

With the major barriers to accessibility identified, transitioning into full ADA compliance in the Town of New Marlborough is now achievable through careful planning and support for the required changes. Currently the Town Hall is the highest priority for remedial action, especially to remove architectural barriers and to allow the citizenry access to services and to fully participate in governing the town. The Town Hall was built in 1908, and while it is a beautiful building, there are many inherent barriers to accessibility. So while there are various accessibility barriers to New Marlborough's other municipal facilities, the Town is initially prioritizing the removal of the most egregious examples of barriers in the Town Hall. This includes



providing an ADA accessible interior pathway to the offices and restrooms on the Lower level of the building, especially in an area now characterized by a series of steps that do not allow the use of a wheelchair to access the building's only restrooms. It is also necessary to make the Main level, where town meetings are held, ADA accessible from both the interior and exterior of the building. In order to accomplish this the Town seeks to provide an ADA accessible ramp to the Main level of the building from the exterior, and an elevator or lift structure from the Lower level, where services and access to parking are located, to the Main level, where town meetings, voting and other civic events are conducted. Cost estimates for these accommodations were developed with assistance from EDM Architecture-Engineering-Management of Pittsfield, MA. EDM originally completed an accessibility study in 2016, and combined with assessment by BRPC's building code specialist, it represents an important first step by the Town to recognize the ADA deficiencies of the building and to commit resources to the remedial process. This activity is expected to be the costliest of all the modifications that must take place to achieve ADA compliance. However, there are many other accommodations in the Town Hall and other municipal facilities, such as proper signage, that can be made at low to no cost, since they were caused by lack of awareness rather than structural barriers.

### **Next Steps**

The ADA self-evaluation showed that many New Marlborough sites are aging and never were built with accessibility in mind. More recently, the Town of New Marlborough has taken a larger responsibility in ensuring this trend changes including having EDM complete a Town Hall Accessibility Study in 2017 which outlined three possible plans to make Town Hall ADA Accessible. The Commission on Disabilities were asked to review the draft of the self-evaluation and provide feedback on what they felt were priorities and additional accessibility projects moving forward. In addition, the transition plan lists a timeline that these projects can reasonably be completed by based on the size of the project and already determined projects that the Town wants to pursue. However, the Board of Selectmen should hold a meeting in the near future to discuss priority projects and determine exactly how they will be incorporated into the Town's other plans moving forward. This includes working with community members to determine other priorities and what transition and action plan items should and can be incorporated into their other plans.

New Marlborough is also still at the beginning stages as exemplified by their lack of formal policies, trainings, and accommodations for people with disabilities. While making buildings accessible is a priority, creating the framework to enhance awareness of ADA compliance will be the next steps for the Town including appointing an ADA Coordinator, developing a grievance procedure, and posting an ADA notice for the public.



### Federal, State, and Local Regulations

#### **The Americans with Disabilities Act of 1990 (ADA)**

The ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress. There are four titles that outline ADA requirements for employment, state and local government activities including public transportation, public accommodations including historic properties, and telecommunications access.

Title II, one of five separate titles of the ADA, applies specifically to “public entities” and the programs, services, and activities they provide. This title outlines the requirements for the self-evaluation, Transition Plan and appointing an ADA coordinator.

In 1992, the U.S. Department of Justice issued 28 Code of Federal Regulations (CFR) Part 35, Nondiscrimination on the Basis of Disability in State and Local Governmental Services, to implement Subtitle A of Title II. In particular, this regulation extended the prohibition of discrimination in federally assisted programs already established by Section 504 of the Rehabilitation Act to all activities of state and local governments, including those that do not receive federal financial assistance.

#### **The 2010 ADA Standards for Accessible Design (ADA Standards)**

The ADA Standards outline the requirements necessary to make a building or other facility physically accessible to people with disabilities. The Standards are a comprehensive guide that identifies what features will need to be accessible and list the specifications required to make them compliant with the ADA.

#### **Accessibility and Discrimination**

Accessibility plays a significant role in the inclusion of people with disabilities. The first step toward fulfilling the rights of people with disabilities is creating an accessible, barrier-free environment. Regulations require that structural barriers be removed in public areas of existing facilities when such removal is readily achievable. Barriers typically found in public areas include: routes of travel requiring the use of stairs, non-ADA compliant ramps, door widths that cannot accommodate the passage of a wheel chair, and the location of door handles that are too high.

Discrimination against individuals with disabilities occurs when a person is perceived differently, treated differently, and struggles to gain acceptance at a level experienced by their non-disabled peers. Often, physical barriers encountered by people with disabilities can be perceived as discrimination because they exclude that individual from reaching their desired destination or performing a specific task or action. According to the ADA, all state and local governments are required to follow specific architectural standards in either the new construction or the alteration of existing buildings unless the corrective actions would result in undue financial or

administrative burdens. To avoid discriminating against those with disabilities, public entities are required to make reasonable modifications. These modifications will provide equality of opportunity, but the county cannot guarantee equality of results.

### **Program Accessibility**

Title II requires local governmental agencies to ensure that all their programs, services, and activities, when viewed in their entirety, are accessible to persons with disabilities. Program access is intended to remove physical barriers to the local governmental agency services, programs and activities, but it generally does not require that the local governmental agency make each facility, or each part of any given facility, accessible. For example, every restroom in a given facility does not need to be made accessible. However, signage directing persons with disabilities to the accessible features and spaces within that given facility must be provided.

Program accessibility may be achieved through a variety of ways. Local governmental agencies may choose to make structural changes or pursue alternatives to structural changes to achieve access. For example, the local governmental agency can move public meetings to accessible buildings and relocate services for individuals with disabilities to accessible levels or parts of a building. It should be noted that when choosing between possible methods of program accessibility, the local governmental agency must give priority to the choices that offer services, programs, and activities in the most integrated setting that is available and appropriate. Additionally, all newly constructed public facilities must be fully accessible to people with disabilities.

### **Undue Burden**

A “grandfather clause” does not exist in the ADA; however, the law is flexible. Local government agencies must comply with Title II of the ADA and must provide program access for all individuals. With respect to complying with Title II, a local governmental agency does not have to take any action to make a feature compliant to ADA standards if that agency can demonstrate that the alteration will result in the creation of a fundamental alteration to the program or service or will cause undue financial and/or administrative burden. The determination of an undue burden can only be made by the head of the local public agency (or a designee) and must be accompanied by a written statement outlining the reasons for reaching such a conclusion. In order to establish that an alteration of a feature will cause undue financial and/or administrative burden, an evaluation of all resources available for use in the program must be completed. The evaluation of these resources must include the amount of financial resources available, the effect on expenses and resources, the type and location of the facility, and the number of employees at the site.

If an alteration of a feature would result in a burden, the public entity must take any other action that would not result in an undue burden but would ensure that

individuals with disabilities receive the benefits and services of the program or activity.

### **Safe Harbor**

Elements in facilities built or altered before March 15, 2012 that comply with the 1991 ADA Standards for Accessible Design (1991 Standards) are not required to be modified to specifications in the 2010 Standards. For example, the 1991 Standards allow the maximum side reach control part of a paper towel dispenser to be 54 inches. The 2010 Standards lower that side reach range to 48 inches maximum. If a paper towel dispenser was installed prior to March 15, 2012 with its highest operating part at 54 inches, the paper towel dispenser does not need to be lowered to 48 inches. Since the dispenser complies with the 1991 Standards, that Standard provides a "safe harbor".

### **Historic Properties**

Exceptions to the ADA have been made for historic properties that are listed, or are eligible for listing, in the National Register of Historic Places, or a property designated as historic under state or local law. A public entity is not required to make alterations that would destroy or threaten the historical significance of an historic property. In such a case, alternative requirements may be used as discussed in 28 CFR 36.405 and ADAAG 4.1.7(3). An example of an alternative requirement would include providing displays and written information in a location where they can be seen by a seated person.

### **Curb Ramps**

When streets and roads are either newly built or altered ramps must be constructed whenever curbs or other physical barriers exist at the connection point between the roadway and a pedestrian walkway. Likewise, when new sidewalks or walkways are built or altered, they must also contain curb ramps or sloped areas wherever they intersect with a street or roadway. However, at existing roads and sidewalks that have not been altered, local governmental agencies may choose to construct curb ramps at every point where a pedestrian walkway intersects a curb, but they are not necessarily required to do so. Under program access, alternative routes to buildings that make use of existing curb ramps may be acceptable where persons with disabilities must only travel a marginally longer route.

### **Massachusetts Architectural Access Board – M.G.L c. 22 Section 13A**

The Massachusetts Architectural Access Board (MAAB) is a regulatory agency within the Massachusetts Office of Public Safety that develops and enforces regulations to make public building accessible to, functional for, and safe for use by persons with disabilities. MAAB regulations are outlined and enforceable as part of the Massachusetts Building Code.



### Introduction

The 1990 American's with Disabilities Act and its following 2008 amendment (ADA) requires that governments and businesses provide equal access under the law for citizens who require accommodations because of a disability. The ADA is first and foremost a civil rights law.

To uphold the ADA, all federal, state, and local governments are required to have an ADA self-evaluation and transition plan on file that identifies all barriers to accessibility for programs, services, and activities offered to its citizens. This includes barriers to the built environment and the policies, training, and accommodations available by a government entity. The transition plan outlines how the town will remove all identified barriers to accessibility including cost estimates, priority, and a timeline for removal. New Marlborough aimed to target both structural and non-structural barriers to accessibility.

New Marlborough is a small-town southern Berkshire County that sprawls over five historic villages that were not originally developed with accessibility in mind. The town does not have a single sidewalk in any of its 47.9 square miles but does have five town buildings and one town-owned park. One of the buildings, the old fire station is not accessible to the public but is discussed in the event that it is redeveloped. New Marlborough received District Local Technical Assistance (DLTA) funds to have the Berkshire Regional Planning Commission (BRPC) create a Title II ADA Self-Evaluation & Transition Plan.

Removing barriers to accessibility for town programs, services, and activities are a priority for New Marlborough, who at their last annual town meeting passed an initiative to create a Commission on Disabilities. During the development of the plan, BRPC advised the Board of Selectmen on getting qualified applicants on the commission. BRPC also worked with Prudence Spaulding, the Director of the Council on Aging in New Marlborough to develop a strategy to get input from the town's elderly population, a generally independent and quiet group in New Marlborough. Getting public participation on this plan was critical because the elderly population intersects with the disability community. It is estimated that over 50% of residents over the age of 75 have a disability.

Making New Marlborough accessible is the law, but it can also be aspirational. ADA accessibility can be incorporated into every aspect of the town's development including the redevelopment of the Town Hall. The Town of New Marlborough fully believes that without full access to programs, services, and activities, the Town is not only failing in its obligations to those with disabilities, but all members of its community who value human rights, diversity of experience, and equal opportunity.

### ADA Title II Self-Evaluation Requirements

The self-evaluation plan helps determine the adequacy of ADA compliance in public buildings, and to ensure that there is not discrimination in services, meetings, and programs provided by the town. If the town decides there is an undue burden in providing access or services such as a fundamental alteration of a building or service provided, or a financial burden, state and local governments must ensure that these decisions are made properly and expeditiously. Specific activities that should be evaluated relate to access, inclusion, communication, and safety. The self-evaluation needs to include the persons consulted, problem areas, and description of any modifications that have been made.<sup>1</sup> The activities and requirements that should be evaluated are listed below.

#### Ensure Access to buildings, programs, meetings, and activities

- All physical barriers to accessibility should be removed
- Residents should have adequate access to public meetings
- Construction & Design standards should be met
- Historic buildings include access for disabled where reasonable

#### Inclusion and non-discrimination of disabled people

- Ensure program materials are not offensive to the disabled
- Ensure employment practices are not discriminatory to disabled
- Ensure programs, activities, and services are not exclusionary to those with disabilities and former drug users

#### Availability of Proper Alternative Communication Methods

- Communicate effectively with disabled by providing direct access for TDD's and TTY's.
- Have a method for including provisions for readers or interpreters for impaired people. If equipment is required, make sure it works properly and is maintained.
- Ensure employees are familiar with the policies and practices for the full participation of individuals with disabilities.

#### Proper Safety Procedures

- Evaluate procedures to evacuate individuals with disabilities during an emergency. Visual and audible warning signals, and procedures for assisting individuals from a facility during an emergency should all be included.

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<sup>1</sup> American with Disabilities Act Title II Regulations (2016) Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services. From: [www.ada.gov/ada\\_req\\_ta.htm](http://www.ada.gov/ada_req_ta.htm).

## **Evaluation of Town Policies & Procedures**

Evaluation of policies and procedures that will have an impact on equal access to town services, programs, and activities is required under Title II of the Americans with Disabilities Act. Inadequate or non-existent policies and procedures can be a large non-structural barrier to equal access for people with disabilities. As a very small town with a small local government staff, it is unsurprising that New Marlborough has not yet implemented policies and procedures required under Title II of the ADA including a public notice of non-discrimination, an ADA grievance procedure, and the appointment of a staff member who is the ADA Coordinator. The town does have an Equal Employment Opportunity Policy in place which is required by Title I of the Americans with Disabilities Act. With their recent efforts to implement projects that make town buildings more accessible, the Town of New Marlborough is committed to implementing helpful and accommodating policies that will make them better aligned with Title II requirements.

BRPC staff worked with Town staff to evaluate other town policies and procedures that may already be in place or should be in place to better accommodate people with disabilities. This includes department-specific trainings, policies or procedures, as well as emergency management, and access to voting, town departments, and town boards and commissions.

### **Evaluation of Town Departments**

The Town of New Marlborough identified 19 departments that provide services to the public. The services that the departments provide include direct government services, activities that the public can participate in, and emergency services.

<b>Departments</b>	<b>Services Provided</b>	<b>ADA Training for Employees</b>	<b>Dept. ADA Policy</b>	<b>Accommodations</b>
Town Clerk	business certificate (dba), notarization of documents, payment of non-criminal complaint violations, posting meetings for all municipal boards and committees, vital statistics – births, marriages and death certificates voter registration town calendar town meeting minutes licenses	no	no	none



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Tax Collector	tax collection	no	no	none
Departments	Services Provided	ADA Training for Employees	Dept. ADA Policy	Accommodations
Highway Dept.	meetings building maintenance salt shed	no	no	none
Assessors	property valuations, meetings, maps	no	no	none
Building Inspector	inspections, meetings, maps	no	no	none
Emergency Management	emergency response	no	yes	emergency management plan addresses planning for individuals with disabilities
Police Department	emergencies, meetings	no	no	none
Fire Department	emergencies, meetings	no	yes	Trainings to interact with persons on autism spectrum
Library	books, programs and services at library	no	no	none
Transfer Station	waste drop-off	no	no	none
Town Administrator	meetings	no	no	none
Treasurer	meetings	no	no	none
Accounting Officer	meetings	no	no	none
Animal Inspector	animal inspections	no	no	none

### Major Findings

- Only emergency management and other emergency services have had training to accommodate persons with disabilities.
- The town has not used TTY (text telephone) or any other equipment to accommodate persons with disabilities.
- Nobody in the Town Hall has been trained or has had experience with making accommodations for people with disabilities including providing braille, large text documents, or closed captioning video.

- Website has a read aloud function, but documents on the website are not provided in alternate formats other than pdf.
- Some people have concerns about ice causing a slipping hazard in the Town Hall Parking Lot during the winter which may be caused by the drainage from the higher elevations of the town hall. However, the barriers that improper drainage create also are exacerbated by a lack of policies in place regarding who is responsible for shoveling during the winter. When the assistant at the Transfer Station is unable to shovel, the responsibility often falls upon the miscellaneous staff. Because it is the only entrance for people with disabilities, there should be a policy in place to ensure that the walkway is always shoveled during the day, for night meetings, and for voting.

### Voting

One of the most important services that a local government can provide to its residents is the tools to vote. In New Marlborough, voting takes place in the lower level of the Town Hall. Based on the ADA self-evaluation of the lower level of the Town Hall, voting is currently determined to be inaccessible

The Town Hall is the civic center of New Marlborough and its five villages but has many barriers to accessibility. While the Town Hall itself has accessibility barriers that are outlined in the self-evaluation, the town does provide an accessible voting booth for people in wheelchairs to vote.

The accessibility challenges associated with voting includes the following:

- Inadequate accessible parking in the town hall parking lot.
- No delineated access aisle causes blocking of the accessible route to the town hall entrance.
- Inadequate signage to the accessible route to the lower level of the town hall.
- Cracks and heaving in the pathway to the town hall entrance are over ¼ inch.
- Rug at the entrance to the town hall is not fastened to the ground.
- The threshold at the entrance to the Town Hall is over an inch high.

The town plans on soon making accessibility improvements to the town hall that would create accessibility to the town hall lower level.

In the meantime, to make voting accessible, the town could move voting to either the library which has an accessible route to the entrance but does not have enough parking spaces, or the fire station conference room when the threshold is reinstalled at the door into the conference room

### Access to Boards and Commissions

In New Marlborough, there are 15 permanent boards and commissions and they all meet in the Town Hall. There are two meeting spaces in the Town Hall, one on the main level and one on the lower level. While most of the commissions and boards meet on the smaller lower level meeting space, larger meetings must be able to take place in the main level meeting room to avoid people who cannot find a seat.

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The main level is completely inaccessible for people with disabilities, especially people using a wheelchair. There is no exterior or interior entrance to the main level that does not require stairs. In addition, there is not any designated ADA seating for someone using a wheelchair.

The lower level has much less work to be accessible but is much smaller and there are elements that make it mostly inaccessible. Like the main level, there is not any designated ADA seating. Although there is a restroom, it is inaccessible, and the threshold is a tripping hazard. There is a step up to both restrooms just to enter it at approximately 4", much higher than the required ½" beveled by ADA standards.

While the Town Hall meeting areas are currently mostly inaccessible, the town has made it a priority to make the town hall accessible within the next few years.

### Evaluation of New Marlborough Town Hall



The Lower level of the Town Hall includes office space for a variety of town services and meeting space for town boards and commissions. However, the Town of New Marlborough has a highly involved public, and often times there is not enough space on the Lower level to hold meetings, requiring that meetings be moved to the Main level.



There is no accessibility to the main level of the New Marlborough Town Hall, where town officials would like to have more of their public meetings. A ramp was built to the main level of the building, but it is completely inaccessible. The ramp is too steep, and the railing is too large to be functional. Inside the building, the only way to get to the bathrooms from the main level is to go outside and around the building to the lower level entrance. Even if the several-inch step into the bathrooms were corrected and lowered, it would still not be accessible from meetings on the main level.

### Lower Level

#### Approach and Entrance

##### Parking

- The parking lot at the Town Hall is unpaved making it uneven and difficult to traverse.
- Parking spaces are not clearly delineated making it difficult to know how many accessible spots need to be provided.
- There is an accessible sign adjacent to the accessible route to the lower level of the Town Hall but there is no access aisle.
- There are no van-accessible parking spaces. At least one should be provided.

Note: If the Town plans on making the second floor accessible to residents who require ADA accommodations, there will need to also be a handicap accessible space closer to that entrance.

##### Exterior Accessible Route

There are two routes to the lower level, one that is accessible and one that is not.

- There is no signage indicating which route is the accessible route.
- The running slope of the inaccessible sidewalk is 5.6 degrees but has none of the requirements of an accessible ramp.

##### Entrance

The entrance to the lower level of the town hall has limited accessibility.

- The mats on both sides of the entrance are not secured to the ground and may cause tripping.
- At the threshold, it is difficult for someone in a wheelchair to enter because it is 1 1/8", much higher than the allowed 1/4" maximum height.
- While the door can be opened without any grasping or pulling, it takes only 4 seconds to close behind someone rather than the required 5 seconds.

### Access to Goods and Services

#### Interior Accessible Route

The lower level has an accessible route to most services, but most services are inaccessible.

- On the route to the town accountant's desk, there is a standing fan that shortens the route to less than 32 inches.
- At the Police Department Office, the sign hangs below the ADA-compliant 84 inches.
- At the assessor's office, there is a step up to access the office. In addition, the sign for the assessor's office is paper and does not include braille or at the correct height level.

#### Interior Doors

- The door to access the back offices on the first floor is only 31" wide and the door to the police station is only 28" wide.
- There is a step up to access the Assessor's Office. In addition, the door handle to some of the offices are higher than 48".

#### Signs

For the assessor's office and the police department office, there are signs that are not accessible.

- The assessor's office has a paper sign that does not have braille or even contrasting colors (black lettering on yellow paper).
- There is a sign indicating the police station, but it is above the door to the office and does not include any braille.

Neither the sign for the assessor's office or the police department are positioned on the wall correctly based on ADA standards.

#### Controls – light switches, security and intercom systems, emergency/alarm boxes

Both light switches on the first floor are inaccessible.

- The light switch on the back wall has a small table that obstructs the ability to reach it. On the front light switch, the fire extinguisher blocks the access to the light switch.

#### Seating: Assembly Areas

On the lower level of the Town Hall, there is a meeting area in the back corner of the front room with approximately 20 seats for the public.

- None of the meeting area seats are designated handicap seats.

- While there would be space to designate one on the outside end without impeding the accessible route to other services, there is a wooden vertical beam that blocks vision to the front of the meeting area where town business is discussed.

### **Sales & Service Counters**

Upon entering the Town Hall lower level, there are two counters, one for the clerk, and one for an administrative assistant who works for the board of selectmen. There is valuable information on these counters for the public.

- Both counters are too high to be ADA compliant, meaning that people in wheelchairs may have trouble accessing the valuable information.
- Other pamphlets are available lower on a bookshelf but some of the information on the bottom shelf would be too low for someone in a wheelchair to reach.

### **Toilet Rooms**

Currently, the bathrooms are completely inaccessible to people in wheelchairs and could be dangerous to anyone who has needs accommodations that relate to vision loss.

### **Accessible Route**

- While there may be an accessible route to the bathrooms, it is impossible for someone in a wheelchair to get into the bathrooms by themselves.

### **Entrance**

- The entrance to the bathrooms is only 28", less than the required 32".
- There is a step required to enter the bathroom that is several inches high. The door handles are required to be twisted, making it impossible to open for someone with neuro-physical challenges that make fine motor coordination difficult.

### **In the Toilet Room**

When entering the bathroom, there are many barriers that do not allow enough clear floor space to be ADA accessible.

- Mirrors are not at the correct level as the sink is too high to allow the mirror to be less than 40" from the ground.
- The sink is a basin sink and is very large and deep. Because of this, the top of the sink is too high, and the bottom of the sink is too low for adequate space to get one's legs underneath the sink.



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- The faucet in the bathrooms are not easily operated and are unlikely to be used by someone with neuro-physical disabilities that affect fine motor coordination.
- There are currently no grab bars in the bathrooms, so it would be difficult for someone in a wheelchair to get themselves on the toilet. In addition, the toilet paper is far away from the toilet and may not be able to be reached easily.



### Main Level

#### Approach and Entrance

The main level is currently completely inaccessible to residents who require ADA accommodations. A ramp has been built to the main level entrance, but it is not accessible by a compliant route nor is the ramp itself compliant. The route to the ramp is over a curb and into the grass, the ramp is approximately six inches off the ground, and the ramp is steeper than a 1/12 slope. While the railings are on both sides and there are double bars on both sides, they are made of wood and do not meet the size requirements of ADA.

#### Access to Goods and Services

The main level has two offices, and a large hall with seating and a stage. The interior routes to the offices and the large hall are generally accessible if the entrance was

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accessible. However, the stage is not accessible and can only be accessed by stairs, so it cannot be accessed by the public without risking discrimination.

Of the main level seating, none are designated handicap accessible with companion seats. In addition, there is not room to add designated seating without rearranging seating as it there would not be enough room in the access aisle.

### **Toilet Rooms**

If the Town is committed to creating an accessible entrance to the exterior of the building from the main level, they must also make access to the lower level accessible or create a main level restroom.

### **Recent Progress**

The Town of New Marlborough applied for, and received, an \$89,600 grant through the Community Development Block Grant program for Town Hall ADA Barrier Removal design project. The intent of the project is to make the Town Hall facility fully ADA accessible. Currently, the project is in the final design phase. The next phase will be funding, followed by the construction phase (which is currently estimated to be completed in 2022 or 2023).

## **Evaluation of New Marlborough Library**



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The library is located down the street from the Town Hall and because it is newer, it has much better accessibility to its services. The parking and path to the entrance to library had a few minor barriers including no access aisle at the handicap parking space, an unpaved parking lot, and bumps and cracks on the accessible route. The bathroom door is large and difficult to open. Once in the bathroom, any barriers to accessibility are very minor. Overall, the library and the fire station were the most accessible buildings.

### **Approach & Entrance**

Like all the town-maintained parking lots within New Marlborough, the library's parking lot does not have delineated parking spaces, although there is a sign indicating where the handicap-accessible parking space is.

- The parking spot sign designating the accessible parking space is only 39" from the ground, far lower than the required 60".
- The main route to the accessible entrance has some cracks and large bumps on it that need to be fixed.

### **Access to Goods and Services**

Immediately straight ahead of the entrance to the library is the check-out counter for library users.

- ADA design guidelines require checkout counters to be no higher than 36" from the ground.
- The library checkout counter is currently at 41" from the ground.
- The interior path to the bookshelves is compliant except at the left most aisle of the library which is obstructed by lounging chairs which narrow the aisle to less than 30".
- The pathway between the aisles of bookshelves is only 31", about an inch less than is required by ADA.

At the children's section, there is not enough clearance if library patrons were to open the doors themselves at the pull side of the door. At the time of the evaluation, all doors were open.

- The children's section is very cluttered and is hard to navigate between tables, aisles, and everywhere else.
- There is a sink in the children's section, but it has no clearance underneath the sink for someone using a wheelchair.
- At the rear exit of the library, there are currently boxes in front of the rear exit. Although someone with full mobility may be able to navigate in case of emergency, someone with accessibility challenges or who utilize a wheelchair would not be able to.

### Toilet Rooms

At the entrance to the library, directly to the left are the bathrooms.

- The bathroom signage is on the door rather than to the side of it and are 57" from the ground, far higher than is ADA accessible.
- Entering the restroom requires 11lbs of pressure to push open.

Within the bathroom, the only non-compliant component is the flusher on the toilet, which is on the side of the toilet facing the wall rather than the open side of the toilet.

### Evaluation of New Marlborough Fire Station



### Current Fire Station

#### Approach & Entrance

The new fire station was constructed in 2010 immediately next to the prior fire station. The two stations share parking, but spaces are not delineated. If parking was compliant with ADA compliant signage and access aisles, the exterior route to the new fire station could be accessible.

#### Parking

- There are no designated car or van-accessible parking spaces, access aisles, or signage.



### **Exterior Accessible Route**

- The accessible route to the new fire station has a grade change and the platform in front of the entrance is not large enough to be ADA compliant when the door opens.

### **Access to Goods & Services**

#### **Interior Doors**

- At the threshold, tiles have been removed so there is a bump between the hallway and the conference room within the new fire station.
- The door between the hallway and the conference room is 6 pounds, not the maximum 5 pounds.

### **Toilet Rooms**

The restrooms in the new fire station are not ADA compliant.

#### **Accessible Route**

- The route to the restrooms is not accessible
- There is a bookcase on one side and a rug on the other side on the route to the restrooms.
- The entrances do not have compliant signage.

#### **Signs at Toilet Rooms**

- The signs at the toilet rooms do not have braille but do contrast with the background.
- The placement of the signage for the restrooms are on the door rather than to the right of the door. The placement is also too high.

#### **In the Toilet Rooms**

- The mirror is higher than 40" above the floor
- The coat hook is higher than 48" from the floor

#### **Stalls**

- Flush control on toilet is not on the open side of the water closet
- The pull side of the accessible stall requires grasping the handle to pull



### Old Fire Station

The old fire station in New Marlborough is currently only being used for storage, particularly for town vehicles. The bathrooms have been taken out and the offices are not being used. If the Town is to reuse the building, it will need to be ADA accessible. On the exterior of the building, the parking lot is shared with the new fire station. The parking lot does not have delineated parking spaces, so there is not handicap space nor is there any access aisle or signage. The entrance to the building is inaccessible to anyone in a wheelchair because the accessible route is too narrow, and it is dilapidated.



## **Evaluation of New Marlborough Highway Garage**



The Highway Garage was an interesting building that probably has more accessibility than many other highway garages, because the highway superintendent is also the fire chief and spends a limited number of hours at the Fire Station.

There is no designated parking at the highway garage, and the parking lot is unpaved and is a possible tripping hazard. When in the highway garage, there is an office to the left and a bathroom down the hall. While the restroom complies with AAB regulations, the accessible route passes by large trucks with mirrors that jut out into the accessible route, as well as automobile parts propped up against the wall of the accessible route. In the bathroom, the placement of the trashcan made the available maneuverability for someone in a wheelchair less than is required by ADA. All these concerns do not cost anything to remedy but does require awareness by employees that these small barriers can inhibit free travel by people who have a disability.

### **Approach & Entrance**

The accessible route to the door of the highway garage is not paved and is bumpy. There are no designated parking spots in the highway garage parking lot because it is not supposed to be open to the public, but it is frequently visited by members of the public and other workers. The main service that the highway garage serves to the public is to access town salt.

#### **Entrance**

- There is no signage indicating the location of the nearest entrance and the entrance to the highway garage states that the public is not permitted.
- The entrance to the highway garage pulls out and the maneuvering space required by ADA standards pushed someone in a wheel chair past a grade change.
- The threshold is beveled but still too high for ADA standards

## **NEW MARLBOROUGH ADA SELF-EVALUATION & TRANSITION PLAN**

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- The door has a closer that closes quicker than 5 seconds
- The rug at the entrance is not fastened to the floor which may cause slippage and is also thicker than 1/2 inch.

### **Access to Goods & Services**

Immediately within the door of the highway garage, is the office in which residents would have meetings with highway garage personnel.

A small quantity of Winter Sand is available at the Highway Department from a covered area opposite the Highway Garage. Someone with a mobility limiting disability may have great difficulty in getting the sand.

### **Signs**

- The sign at the highway garage office is not ADA compliant in any way.
- There is no sign indicating how to request assistance to access the Winter Sand.

### **Toilet Rooms**

There is currently no accessible route to the restrooms. Currently, people must traverse through the main highway garage with large equipment in the accessible route. In addition, debris is left in the accessible route that can cause tripping or injury.

### **Entrance**

- The bathroom doors are not accessible because they close too quickly. It is 4 seconds rather than 5.

### **In the Toilet Room**

- Because of trash cans and objects arranged in the toilet room, there is not enough clear floor space to maneuver in a wheel chair within the toilet room.
- The mirror is higher than the maximum 40 inches above the floor.
- The pipes below the sink are not protected against contact.

### **Recent Progress**

The highway garage lot has been paved making it smooth and accessible. The paving has brought the asphalt even with, what was, a slightly elevated concrete platform in front of the door to the facility.



## Evaluation of the Town Transfer Station



The town transfer station is where residents drop off their trash and recycling. It is located at South Sandisfield Road. It includes two large trash compactors, one recycling drop-off, and a swap shop where residents can swap items at a small building on the transfer station lot.

The transfer station was also evaluated for accessibility. As a method for disposing of waste, it seems to be effective, and parking is not a concern because it is permitted to pull up close to the trash compactors. However, there is also a swap shop which allows people to trade items that people leave in the shop. The swap shop is an enclosed building, and therefore requires some compliance with accessibility. First, the parking is beyond the route that cars travel by to access the trash compactors. This could be dangerous to traverse from the accessible parking. There is also no designated parking for people with disabilities. The accessible route is unpaved and dangerous to traverse. If someone who is blind or in a wheelchair can get to the swap shop, there is a large step in order to get into the building. When in the building, there is little maneuverability.

### Approach & Entrance

#### Parking

- There are no designated car or van-accessible parking spaces, access aisles, or signage.

### **Exterior Accessible Route**

- The accessible route to the swap shop goes through the route that cars take to access the trash compactors and recycling.

### **Entrance**

- There is a large step to the swap shop which is not accessible by someone in a wheelchair.

### **Access to Goods & Services**

#### **Interior Accessible Route**

There is not the required maneuverability once in the swap shop for someone in a wheelchair.



## Evaluation of Umpachene Falls Park



Umpachene Falls Park is the only town-controlled recreational site in New Marlborough. Like most other town-controlled sites, there are not any designated handicap parking spaces. A non-accessible porta potty is in the parking lot and far away from the entrance to the actual park. Once in the park, there is very little accessibility for people with disabilities including non-accessible picnic tables, play equipment, and general pathways.

### Parking

- Parking Spaces are not marked or delineated as accessible
- The parking lot is dirt and not paved

### Site Access

- The entrance to the park is not paved and transitions from a dirt parking lot to a grass route without any pathways.

### Picnicking

- Neither of the two picnic tables are ADA compliant.

### Play Area

- There are two swings in the park that do not have an accessible route, and do not incorporate ADA compliant play components.

### Toilet Rooms

- Park has a porta potty that is not ADA accessible or on an accessible route.

## Summary of Accessibility of Town Areas

1. An **inaccessible building** is any building that has accessibility barriers restricting them from entering the building.
2. A **minimally accessible building** allows access through the front door, but restricts access to all primary and secondary programs, services, and activities.
3. A **moderately accessible building** allows for someone requiring ADA accommodations to access a building's primary function but does not provide equal access to other secondary services such as restrooms.
4. A **mostly accessible building** allows for access to most primary and secondary functions of the building, but a minor barrier may still exist that makes diminishes full accessibility.
5. A **fully accessible building** allows for complete participation in programs, services, and activities provided in the building.

### Moderately Accessible Areas

**Fire Station** – The fire station has full accessibility to most services and programs including access to the conference room and EMT and fire chief offices. However, it is much more difficult to access the restrooms. There is a bookcase and a rug that could make the accessible route to the restrooms difficult for someone in a wheelchair or someone who has vision loss. The signage on the doors are not ADA compliant. Once in the bathroom, the pipes beneath the sink are not padded and the mirror is not ADA compliant.

**Library** – While clutter and other minor barriers are present within the library, access to the services and programs are not to inhibitive. In addition, the library is working diligently to install an automatic opener on the entrance. However, the bathroom door is very heavy, requiring twice as much weight to open it as is allowed by ADA standards. The signage is too high on the door and not correctly placed. However, once in the restroom, everything else is compliant other than the toilet flusher being on the incorrect side.

### Inaccessible Areas

**Town Hall** – While there is technically handicap parking and an accessible route to the Town Hall, the parking is not lined or signed correctly and there is no signage contrasting the accessible route to the Town Hall from the inaccessible pathway next to it which is uneven. There is also no entrance to the Main level of the building, where Town Meetings take place. Restrooms are inaccessible.

**Highway Garage** – The highway garage is not accessible because the accessible entrance has signage indicating that the public is not allowed. In addition, the parking lot does not have designated parking and could be a tripping hazard.

**Transfer Station** – The transfer station swap shop is inaccessible because of the step up to it and the distance from parking, which is also not designated.

**Umpachene Falls Park** – There are no internal pathways or accessible parking.

### **Action Plan – Policies & Procedures**

After a self-evaluation there are many actions that need to be taken that don't include structural changes to buildings. These include policies that need to change and meetings that might need to be moved. The following action plan recommendations are developed to determine what actions need to be taken by the town to solve the non-structural challenges determined by BRPC's self-evaluation.

#### **1. Designate an ADA Coordinator**

Title II of the ADA applies to programs, services, and agencies of state and local governments, regardless of the size of the public entity. It is important for all municipalities to designate at least one municipal employee to take on the functional responsibilities as an ADA Coordinator. This position bears the full responsibility of implementing the ADA within a Title II entity. Providing leadership and motivation to the community and staff while maintaining current knowledge is a tough and demanding job. Harnessing necessary resources and networking with colleagues is the key to success in this position. The most important requirement of an ADA Coordinator is the ability to learn and understand all the ADA regulations as it pertains to the municipality. This person should realize that the ADA is a Civil Rights Law .... not a building code. A person in this position should:

- Have knowledge of all municipal programs, services, and eligibility requirements.
- Be familiar with Human Resources as it applies to employment issues for policy changes, grievances and effective accommodations.
- Have access to facilities personnel and local Building Inspectors for consultation on architectural accessibility concerns.
- Have knowledge of the municipal ADA Transition Plan and administration of the plan's compliance, amendments and reviews.
- If there are requests for accommodations from someone with a disability, the ADA Coordinator should know how to direct town employees on how to fulfill such accommodations if given prior notice.

It is critical that time is taken by the appointed coordinator to educate themselves with ADA laws and compliance issues for the town. These will include the ADA Self-Evaluation findings, monitoring the ADA Transition Plan, the ADA Grievance Procedures, public postings of ADA Notice, and informing Town personnel and the general public of the existence of the Town's ADA Coordinator.

The Town of New Marlborough has met this requirement by designating Owen Wright, Building Commissioner, as the ADA Coordinator.

### **2. Write and Post an ADA Notice**

Title II also requires that a local government provide public notice of the provisions of the ADA to members of the public that may participate in the Town's programs, services, and activities.

The Town of New Marlborough does have a Notice Under the Americans with Disabilities Act.

### **3. Adopt a Grievance Procedure**

Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances arising under Title II of the ADA. Grievance procedures set out a system for resolving complaints of disability discrimination in a prompt and fair manner.

The Town of New Marlborough does have a Grievance Procedure Under the Americans with Disabilities Act.

### **4. Be Mindful**

In a town where only a minority of residents have a disability, it is difficult for the majority to imagine the day-to-day challenges that people in need of ADA accommodations experience without those required accommodations.

Most barriers to accessibility are structural, which is often the case with older buildings, of which many of the buildings in New Marlborough are. These barriers take planning and resources to remove. However, there are also barriers to accessibility that are non-structural and require simple awareness to correct.

In New Marlborough, the self-evaluation of town buildings identified several non-structural barriers in Town buildings included:

- Tables in front of the light switches which restrict someone's reach to the light switch.
- Unsecured mats in front of the doors of Town buildings including the Town Hall, the Highway Garage.
- A floor fan in the accessible entrance to Town Hall services.
- Pamphlets on the bottom shelf of a pamphlet holder.
- Tools on the accessible route to the restroom in the highway garage and bookshelves in the accessible route to the restroom in the fire station.
- Garbage cans in the bathrooms that decrease the maneuvering space.
- Piles of boxes blocking the rear entrance of the library.
- The threshold removed from the door to the fire station conference room temporarily.
- The children's section of the library is cluttered with many obstructions in the accessible route.

Removing non-structural barriers are not physically or economically difficult to remove. Many are small fixes are free and not necessarily time consuming. However, they can be just as much of a barrier and inconvenience as a low hanging sign or a cracked sidewalk.



Having town staff be mindful of preventable non-structural barriers to accessibility is an important first step to having ADA accessible buildings. It will prevent injury and ensure independence to residents who are disabled and intend to use town services, programs, and activities.

To accelerate these changes sometimes require written policies so everyone knows their role in ensuring accessibility. This can be as small as writing a policy prohibiting obstructing accessible routes to town services. Other policies are required and create mindfulness as a requirement. These include having a designated employee to make sure these non-structural barriers are not inhibiting access, writing a grievance procedure for residents who notice accessibility barriers, and a public notice that is inclusive of residents with disabilities.

### **5. Other Policies & Procedures**

#### **Adopt a policy requiring snow clearance in front of buildings that provide services.**

Snow and ice creating a barrier to the entrance of the Town Hall should be one of the largest priorities when it comes to ADA accessibility, because it blocks the entrance to the building for people with disabilities. The Town should develop a written policy requiring all entrances to town buildings to be clear. For buildings that provide town services, programs, and activities not owned by the Town, the Town should work closely with the owners to require snow clearance as well.

#### **Discuss moving town meetings to the fire station**

The Town of New Marlborough should reach out to the Fire Company regarding moving town meetings to the fire station. The fire station has been determined to be more accessible than the Town Hall at its current condition and it is likely to take a few years before it is accessible to people with disabilities. The conference room in the fire station is accessible and the bathrooms are accessible for people in wheelchairs, although not fully accessible to people with other disabilities (see self-evaluation plan). On the other hand, there is limited parking at the fire station and no handicap-accessible parking. If it is determined that there is enough capacity to accommodate town meetings and the Fire Company allows it, there will also need to be some improvements to accessibility made as well.

#### **Provide ADA accessibility trainings for town employees**

The Town of New Marlborough should contact the Massachusetts Office on Disability in the near future to determine what trainings are available to town employees regarding Title II ADA Compliance.



### ADA Title II Transition Plan Requirements

The Transition Plan ensures that aspects of the self-evaluation that were determined to be out of compliance are remedied in the most efficient way possible. The transition plan includes the list of policies and accessibility concerns but also includes a timeline and budget for each of these ADA compliance challenges. Adding a budget and timeline helps establish priority to make buildings, services, and programs as safe and accommodating to disabled residents and visitors. In addition to the budget and timeline, someone in the town should be designated as the official responsible for implementing the plan.<sup>2</sup> Below is a summary of what needs to be included in the transition plan.

- A list of physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities.
- A detailed outline of the methods to be utilized to remove these barriers and make facilities accessible.
- The schedule for taking the necessary steps to achieve compliance with Title II. If the time for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period; and,
- The name of the official responsible for the plan's implementation.



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<sup>2</sup> American with Disabilities Act Title II Regulations (2016) Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services. From: [www.ada.gov/ada\\_req\\_ta.htm](http://www.ada.gov/ada_req_ta.htm).

## **Transition Plan – Town Buildings & Parks**

### **Action Items**

The action items were determined by BRPC staff during the building surveys. Actions were determined based on what the most cost-effective solution to remedy the compliance issue was. For example, if the accessible route to the restroom had shelves that protruded out too far, the better solution would be to add a leg to the bottom of the shelf rather than remove or shorten the shelf. The Town also approved actions as appropriate and had input on their importance and schedule for completion.

### **Cost Estimates**

The cost estimates for the action items were developed by BRPC's building code specialist as an additional evaluation of the buildings and parks completed by BRPC staff. The cost estimates from a 2016 Accessibility Study of the Town Hall done by EDM were also included for some actions outlined in the transition plan. The full Accessibility Study is included in Appendix A. The cost estimates include the estimated cost for materials and construction costs. However, hourly rates for workers were not included. The town's highway department has the capacity to complete some of the improvements, while larger projects would require grant funding or long-term financing, with work done by consultants. The Town has already been interested in Massachusetts Office on Disability Implementation Grants as well as Community Development Block Grant Funding for improving public facilities.

### **Priorities Determining a Schedule for Compliance**

The schedule for compliance of the buildings and parks are prioritized based on their overall accessibility and the time it takes to implement a specific action. As part of the self-evaluation plan, buildings and parks were determined to either be accessible, mostly accessible, moderately accessible, minimally accessible, or not accessible. These determinations are determined in rank of importance:

1. accessibility to the building
2. accessibility to programs and services
3. accessibility to supporting services such as elevators and restrooms, drinking fountains, etc.

For example, ensuring that somebody with a walking cane or wheelchair can safely navigate to the entrance from accessible parking is prioritized higher than ensuring there is accessible signage to the elevators or restroom. Finally, prioritization is also based on safety and buildings that pose a risk to someone who is disabled is prioritized higher than those that have a negligible effect on safety or navigation of buildings and programs.

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### Designation of Official Responsible for the Plan

The ADA Coordinator will be responsible for the implementation of the transition plan and delegating responsibility for the required work to be done. There has already been support for making ADA compliance a priority from the many staff, including the Town's newly appointed Commission on Disabilities.

### Action Items for Buildings

Town Hall – 807 Mill River-Southfield Road			
Structural Concern	Solution	Estimated Cost	Timeline
<b>Approach &amp; Entrance</b>			
Accessible parking spaces and access aisles are not clearly identified	Resurface, pave & paint lines at accessible parking to delineate accessible parking spaces	<b>\$50,000.00</b>	<b>1-2 years</b>
There is no accessible parking space in proximity to accessible entrance to Main level	Make accessible entrance to main level and reconfigure parking to have handicap space on an accessible route	<b>\$25,000.00</b>	<b>1-2 years</b>
There are no van-accessible spaces	Create one van-accessible parking space	<b>\$2,000.00</b>	<b>1-2 years</b>
The accessible route is unpaved and therefore difficult to use	Pave section of the parking lot that the accessible route is on	<b>\$10,000.00</b>	<b>2-3 years</b>
There is no signage indicating the accessible route to the lower level	Add signage to accessible route	<b>\$1,000.00</b>	<b>1-2 years</b>
The second route to the lower level is 5.6 degrees but does not have handrails required for a ramp.	Add handrails to make second sidewalk accessible	<b>\$1,800.00</b>	<b>1-2 years</b>
The threshold is 1 1/8" high	Lower threshold to a 1/4" beveled threshold	<b>\$1,000.00</b>	<b>1-2 years</b>
Town Hall – 807 Mill River-Southfield Road			
Structural Concern	Solution	Estimated Cost	Timeline
<b>Access to Goods and Services</b>			

## NEW MARLBOROUGH ADA SELF-EVALUATION & TRANSITION PLAN

There are obstructions in accessible route to many services	Remove items causing obstructions including standing fans, chairs, etc. Cost dependent on staff	<b>\$0</b>	<b>ongoing</b>
There is a large step to enter the assessor's office	Rebuild to allow correct height of riser	<b>\$2,950.00</b>	<b>1-2 years</b>
Door between main level sections is only 31" wide	Remove Door to make entrance minimum 32" wide	<b>\$2,500.00</b>	<b>1-2 years</b>
Door to police station is 28" wide	Widen door to minimum 32" wide	<b>\$2,500.00</b>	<b>1-2 years</b>
Door handle at assessor's office is higher than 48" from the floor	lower door handle	<b>\$1,000.00</b>	<b>1-2 years</b>
The sign indicating the assessor's office is non-compliant	Make ADA compliant signage	<b>\$850.00</b>	<b>1-2 years</b>
The police station sign is less than 84" above the ground	Raise Police Station sign	<b>\$850.00</b>	<b>1-2 years</b>
Both light switches on the lower level are obstructed by objects	Move obstructions; cost dependent on staff rates	<b>\$0</b>	<b>ongoing</b>
None of the seating on the main level is wheelchair designated	Identify wheelchair space	<b>\$250.00</b>	<b>1-2 years</b>
Services counters at entrance to lower level are too high	Rebuild to lower service counter height or move information on them to a lower location	<b>\$1,500.00</b>	<b>ongoing</b>
Pamphlet shelf has materials on lowest level that is too low to reach	Move pamphlets to a higher area; cost dependent on staff rates	<b>\$0</b>	<b>ongoing</b>

### Town Hall – 807 Mill River-Southfield Road

<b>Structural Concern</b>	<b>Solution</b>	<b>Estimated Cost</b>	<b>Timeline</b>
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<b>Toilet Rooms</b>			
Bathroom entrances are only 28" wide	Widen entrances to 32"	<b>\$2,500.00</b>	<b>1-2 years</b>
There is a large step at both restrooms	Lower threshold	<b>\$1,000.00</b>	<b>1-2 years</b>
Door handles on bathrooms must be twisted to be open	Replace handles on bathroom door	<b>\$500.00</b>	<b>1-2 years</b>
Mirrors are too high from the ground	Install ADA Compliant Sink and lower mirror	<b>\$1,000.00</b>	<b>1-2 years</b>
Sink handles are not ADA compliant	Replace sink handles with push handles	<b>\$800.00</b>	<b>1-2 years</b>
No grab bars in the bathrooms	Install ADA compliant grab bars	<b>\$1,200.00</b>	<b>1-2 years</b>
<b>Town Hall Main Level</b>			
Stage on main level is only accessible by stairs	Remove stage to make space accessible	<b>\$1,500.00</b>	<b>1-2 years</b>
There is no designated seating for someone in a wheelchair	Rearrange seating or remove seating to designate an accessible space	<b>\$650.00</b>	<b>1-2 years</b>
Restrooms are on lower level	Build a platform lift or elevator to navigate between lower and main level; make restrooms accessible	<b>\$50,000.00 to \$250,000.00</b>	<b>1-2 years</b>
There is no accessible entrance to main level	Build accessible entrance	<b>\$15,000.00</b>	<b>1-2 years</b>



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Town Library – 1 Mill River-Great Barrington Road			
Structural Concern	Solution	Estimated Cost	Timeline
<b>Approach and Entrance</b>			
The handicap parking space signage is only 39" from the ground	Raise sign to at least 60"	<b>\$1,000.00</b>	<b>4-5 years</b>
The route to the accessible entrance is uneven in some places	Replace cracked or broken sidewalk panels	<b>\$10,000.00</b>	<b>1-2 years</b>
<b>Access to Goods and Services</b>			
The library checkout counter is currently at 41" from the ground.	Lower checkout counter for people in wheelchairs to 36" maximum	<b>\$1,500.00</b>	<b>2-3 years</b>
The left most aisle of the library is obstructed by lounging chairs which narrow the aisle to less than 30"	Move seating out of accessible path	<b>\$250.00</b>	<b>1-2 years</b>
The pathway between the aisles of bookshelves is only 31", about an inch less than is required by ADA.	Rearrange aisles to be wider	<b>\$500.00</b>	<b>4-5 years</b>
At the children's section, there is not enough clearance if library patrons were to open the doors themselves at the pull side of the door.	Keep door open	<b>\$250.00</b>	<b>4-5 years</b>
The children's section is very cluttered and is hard to navigate between tables, aisles, and everywhere else.	Remove obstructions from path of travel; cost dependent on staff reates	<b>\$0</b>	<b>ongoing</b>

## NEW MARLBOROUGH ADA SELF-EVALUATION & TRANSITION PLAN

Town Library – 1 Mill River-Great Barrington Road			
Structural Concern	Solution	Estimated Cost	Timeline
There is a sink in the children's section, but it has no clearance underneath the sink for someone using a wheelchair.	Rebuild to create clearance underneath sink	<b>\$1,500.00</b>	<b>4-5 years</b>
At the rear exit of the library, there are boxes in front of the rear exit.	Move obstructions from doorway; cost dependent on staff rates	<b>\$0</b>	<b>ongoing</b>
Toilet Rooms			
The bathroom signage is on the door rather than to the side of it and are 57" from the ground, far higher than is ADA accessible.	Install correct signage at bathrooms	<b>\$1,500.00</b>	<b>2-3 years</b>
Entering the restroom requires 11lbs of pressure to push open	Install lighter/automatic door	<b>\$2,500.00</b>	<b>3-4 years</b>
The flusher on the toilet is on the side of the toilet facing the wall rather than the open side of the toilet.	Move flusher to other side	<b>\$1,750.00</b>	<b>4-5 years</b>

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Highway Garage – 603 Mill River-Southfield Road			
Structural Concern	Solution	Estimated Cost	Timeline
<b>Approach and Entrance</b>			
No designated accessible parking	Create a minimum of one van accessible space as follows: stripe and designate a van accessible parking space with van accessible signage. The van space s/b at a width of 8' with a 8' access aisle (parallel may be required due to lot configuration); signage must be set such that the signage height should be a minimum of 60" high at the bottom (2010 ADAAG Standards) and a maximum of 96" at the top (MAAB 521 CMR) and located no more than 10' in front of the space; slopes should not exceed 2% in any direction.	<b>\$5,000.00</b>	<b>&lt;1 year</b>
Signage does not indicate accessible entrance	Add signage to indicate accessible entrance.	<b>\$800.00</b>	<b>&lt;1 year</b>
There is no sign indicating how to request assistance to access the Winter Sand	Install sign indicating a request for assistance to access the Winter Sand is available and who to contact		
The threshold to the entrance is higher than ½" beveled	While the threshold is less than ½", it needs to be securely fastened down to keep it below ½"	<b>\$0</b>	<b>&lt;1 year</b>
The door closes quicker than 5 seconds	Adjust to close slower	<b>\$0</b>	<b>&lt;1 year</b>
Rug at entrance is not fastened to the floor	Remove rug or tape it to the floor	<b>\$0</b>	<b>&lt;1 year</b>
<b>Access to Goods and Services</b>			
Signage at office in highway garage is not compliant	Install compliant signage at office	<b>\$50</b>	<b>&lt;1 year</b>

## NEW MARLBOROUGH ADA SELF-EVALUATION & TRANSITION PLAN

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<b>Toilet Rooms</b>			
Path to restrooms has obstructions and highway trucks in path	Remove obstructions, provide protection path so people don't walk too close to highway trucks	<b>\$0</b>	<b>1-2 years</b>
Obstructions in restroom obstruct floor space required for maneuverability	Remove obstructions	<b>\$0</b>	<b>&lt;1 year</b>
The mirror is higher than 40"	Mirrors need to be removed (currently glued to the wall) and new mirrors installed	<b>\$800.00</b>	<b>&lt;1 year</b>
Pipes below sink are not covered to protect against contact with skin	Insulate and/or enclose or otherwise cover pipes below sink	<b>\$100.00</b>	<b>&lt;1 year</b>

## NEW MARLBOROUGH ADA SELF-EVALUATION & TRANSITION PLAN

Fire Stations – 205 Norfolk Road			
Structural Concern	Solution	Estimated Cost	Timeline
<b>Approach and Entrance</b>			
There are no designated car or van-accessible spaces, or access aisles.	Identify and mark a van-accessible space with an access aisle	<b>\$250.00</b>	<b>1-2 years</b>
Parking is organized to make it difficult for someone in a wheelchair to get to the accessible entrance	Rearrange parking	<b>\$500.00</b>	<b>2-3 years</b>
<b>Access to Goods and Services</b>			
At the threshold to the conference room, tiles have been removed temporarily.	Add temporary signage to indicate threshold may be inaccessible until it is fixed	<b>\$500.00</b>	<b>4-5 years</b>
The door between the hallway and conference room is 6 pounds	Install automatic opener	<b>\$800.00</b>	<b>4-5 years</b>
<b>Toilet Rooms</b>			
The route to the restroom has a rug on one side and a bookcase on the other side that obstruct path of travel to restroom	Remove obstructions/rearrange accessible route	<b>\$0</b>	<b>ongoing</b>
The entrance to the restroom does not have contrasting writing and background, and are not placed correctly	Install new door signage	<b>\$150.00</b>	<b>1-2 years</b>
The mirror is higher than 40" above the floor	Install a tilted mirror	<b>\$250.00</b>	<b>4-5 years</b>
The coat hook on the door is placed too high	Lower coat hook to 48"	<b>\$50.00</b>	<b>4-5 years</b>
Flush control on toilet is located on the wrong side	Move flush control to other side	<b>\$750.00</b>	<b>4-5 years</b>
The pull side of the accessible stall requires grasping handle to pull	Install bar to close	<b>\$250.00</b>	<b>2-3 years</b>



## NEW MARLBOROUGH ADA SELF-EVALUATION & TRANSITION PLAN

Fire Stations – 205 Norfolk Road			
Structural Concern	Solution	Estimated Cost	Timeline
<b>Old Fire Station</b>			
The entrance to the old fire station is inaccessible and has no handicap parking	Add handicap parking space with access aisle and signage	<b>\$1,000.00</b>	<b>4-5 years</b>
There is no accessible entrance to the old fire station	Build accessible route	<b>\$8,500.00</b>	<b>4-5 years</b>

Transfer Station – South Sandisfield Road			
Structural Concern	Solution	Estimated Cost	Timeline
<b>Approach &amp; Entrance</b>			
There is no accessible handicap parking	Add handicap parking space with access aisle and signage	<b>\$1,000.00</b>	<b>4-5 years</b>
The accessible route to the swap shop passes through the automobile route to the trash compactors	Designate closer parking	<b>\$5,600.00</b>	<b>4-5 years</b>

### Action Items for Parks

Umpachene Falls Park – Umpachene Falls Road			
Structural Concern	Solution	Estimated Cost	Timeline
There are no handicap-accessible spaces in the parking lot	Create handicap accessible spaces close to the entrance of the park	<b>\$1,000.00</b>	<b>1-2 years</b>
The parking lot is unpaved and uneven	Pave part of the parking lot to create an accessible route to the park	<b>\$12,000.00</b>	<b>4-5 years</b>
There are no pathways within the park	Create an interior path between attractions within the park	<b>\$5,000.00</b>	<b>4-5 years</b>
The picnic tables are not ADA compliant	Install an ADA compliant picnic table	<b>\$1,500.00</b>	<b>4-5 years</b>
The two swings do not incorporate ADA compliant play components	Add ADA compliant play components	<b>\$2,000.00</b>	<b>4-5 years</b>

## NEW MARLBOROUGH ADA SELF-EVALUATION &TRANSITION PLAN

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Porta potty is not on an accessible route and is not ADA compliant	Add ADA-accessible porta potty and put it in an accessible area	<b>\$800.00</b>	<b>1-2 years</b>
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## **Appendix A – EDM 2016 Town Hall Accessibility Study**

## **Appendix B – Commission on Disabilities Comments on Priorities and Additional Projects**

Concurrently with the drafting of this plan, the Board of Selectmen committed to staffing the town's newly authorized Commission on Disabilities. Over the course of several weeks, BRPC staff and town officials worked to get applicants for the board that met the requirements to staff a Commission on Disabilities outlined in Massachusetts General Law Chapter 40 Section 8J. On July 17, 2018, the Board of Selectmen appointed seven members as the town's first Commission on Disabilities. The Commission's first meeting took place on July 24, 2018 to discuss the public participation plan and add their input as advocates of the town's disability community. The commission gave a summary list of comments that they had regarding possible projects they would like to see done in the future to ensure universal accessibility beyond simple ADA compliance, as well as insight on solutions to barriers discovered in the self-evaluation. The commission on disabilities should take the lead on working with the board of selectmen to determine how possible additional projects can be implemented

### **Priorities in self-assessment**

- The main parking lot is uneven and very difficult to handle, and in the winter is often icy and treacherous. This walkway gets slippery very quickly. Within Town Hall, we all will go out and either shovel or spread salt when Alvin (who helps maintain Town hall) is not available. Alvin works at the Transfer Station on Wednesdays, so he is not always available. The concrete sidewalk that leads to the back entrance to Town Hall is not quite even and people with "walkers" have problems navigating the walkway.
- It is difficult to maneuver with a walker or a wheel chair in the Assessor's Office and is a high priority.
- The indoor accessible routes are not always good. For instance, to get to the tax collector or the Town Administrator it is not easily maneuverable.
- It is difficult to use the town hall parking lot in the winter because it is not paved. I would suggest paving the parking lot, or at least the handicap spots that lead to the town hall door. It's easier to plow pavement.
- All bathrooms need to be ADA compliant and should have "right height" toilets.
- Umpachene (Falls Park) is a lovely place, but certainly not in any way prepared for handicapped folks. The parking lot is totally unpaved, making it difficult for people with walkers or in wheelchairs to visit the park.
- Reposition handicap parking signs and leave room for van access and to walkways.
- Redesign ramp to main level of the town hall.
- All emergency exits should be accessible.

### **Additional Projects**

- There should be railings on both sides of each sidewalk at the town hall, not only for the handicap but for residents/visitors as well.
- There is only one light in the hallway that leads to the bathrooms in Town Hall which is not very bright for those people who have vision issues.
- Lighting in the Town Hall parking lot would be helpful.



## **NEW MARLBOROUGH ADA SELF-EVALUATION &TRANSITION PLAN**

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- The light switches are in town hall are confusing, there should be readable labels.
- The town highway garage has a sand and salt shed for the citizens to get some in the winter. One could never do it with a wheelchair because it is unorganized, and the parking lot is bumpy.
- The town should create universal access to the town's cemeteries and village green.
- Reconfigure drainage to reduce iciness on sidewalk.
- Consider installing ice catchers on the roof.
- Consider using non-skid paint or other surface on front steps.
- The Town should consider installing panic bars on all doors
- Consider eliminating the parking lot entrance close to the building
- Consider installing automatic door openers on all doors to town buildings
- Consider installing drainage in front of the town hall door going to the lower level.
- Consider installing a step on the secondary door to the first emergency exit on the lower level
- There is currently no maintenance of the west side exit of the town hall.

## **Appendix C – ADA Building Self-Evaluation Survey**

*The ADA building surveys completed by BRPC for the Title II ADA Self-Evaluation and Transition Plan can be requested at the New Marlborough Town Hall.*

## **Appendix D – ADA Parks Self-Evaluation Survey**

*The ADA parks and recreation surveys completed by BRPC for the Title II ADA Self-Evaluation and Transition Plan can be requested at the New Marlborough Town Hall.*