

Commission on Disabilities Minutes

August 14th 2018

The meeting was called to order at 5:00PM. In attendance were Mr. Thomas Stalker, Mr. John Pshenishny, Mr. John Hotaling, Ms. KellyAnne McGuire, Mrs. Sharon Fleck, and Mrs. Prudence Spaulding. Guests were Mr. Richard Long and Mrs. Marsha Pshenishny.

It was noted that the name of this committee was Commission on Disabilities. The committee followed the stated agenda. Everyone agreed that having meetings at the town hall would be agreeable to all. Ms. McGuire referred back to Article 37 in the town warrant that had been passed on May 14th, 2018 which stated:

“The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one third of the members expires each year, and the successor shall be appointed for terms of three years each.”

The appointments of the present members will expire in 2019. At present the Commission consists of seven members. When discussing term appointments, Mrs. Spaulding stated that she wished for a one-year appointment and Mr. Hotaling expressed the same desire. Mrs. Fleck and Ms. McGuire agreed to two-year appointments, with Mr. Stalker and Mr. Pshenishny taking three-year appointments. It was noted that Mrs. Fracasso, also a member, was absent. We would need to wait until the next meeting to for her choice of yearly appointment.

Development of a mission statement was discussed. It was decided that members would bring ideas to the next meeting.

Similarly, a bylaw needs to be developed for the Commission and this too would be something that individual members should consider prior to the next meeting. The bylaw, once formulated, must be presented to the selectmen and then voted on at Town Meeting.

The Commission has a page on the Town website. Mr. Stalker suggested the names of the members be listed with their expiring terms. Ms. McGuire, as Chairman, and Mr. Stalker, as Vice-Chairman, would be listed with email and phone contact information for public use. The general telephone number of Town Hall, 229-8116, would be included as well. General resources for both State and the Federal governments would be included. Ms. McGuire offered to research these and forward to Ms. Kathy Chretien, Town Clerk. Everyone agreed the webpage should have a section for residents to make comments/suggestions.

Much discussion centered the ADA Self-Evaluation & Action Plan document which had been prepared by Mr. Will Sikula of the Berkshire Regional Planning Corporation. Mr. Stalker stated that he was not pleased with the quality of writing, nor was he pleased with the fact that much of it had been taken from a self-evaluation document prepared by the Town of Greenfield. He brought the attached memo highlighting his concerns. Since we will be the owner of this document, it should be done correctly. Mrs. Fleck suggested that it might be beneficial if the Commission could select a priority (namely the Town Hall) and concentrate on that.

Mr. Stalker stated that the Executive Summary was “way to long” and should be less than 2 pages. He stated that the present Executive Summary contained material that was not generic to the issues. Other statements that stated that the Commission had been working for several months were not correct. If this report was to belong to the Commission then it needed to be changed in several ways. Mr. Stalker had done some research online and had brought for each member the ADA Title II Action Guide for State and Local Governments. This guide lists the following specific steps:

1. Start Implementation
2. Appoint an ADA Coordinator
3. Provide Public Notice
4. Adopt a Grievance Procedures
5. Conduct a Self-Evaluation
6. Develop a Transition Plan
7. Create an Action Plan

Obviously, this guide has not been followed. From what we understand the town needs the self-evaluation plan before it applies for grants that might help bring the town hall up to code. The self-evaluation plan must be reviewed and brought up to date every three years. Can the Commission set the town hall as a priority and perhaps with minor changes let the plan that Mr. Sikula has developed remain to be dealt with at a later date? The question was asked as to where the Berkshires Regional Planning’s (Mr. Will Sikula’s) report would be filed, i.e. State or Federal?

Mr. Stalker added that he was not sure if all the properties had been evaluated. There was no evaluation on the school, which belongs to the town, but is part of SBRSD and may well need updating. Mrs. Fleck stated that she thought that because the school had other buildings up to code children who required special facilities could attend those. Then there are the cemeteries.

If the town does intend to apply for grants we do not have any information on their time line, and will the town expect Mr. Sikula to write these grants! Is the town ready to appoint an ADA Coordinator?

Prudence Spaulding
August 15th 2018

One of the members stated that he thought that a representative from the Office of Maura Healy, Massachusetts Attorney General, had come and measured the town hall for ADA compliance, but the Commission had not seen that report or even really heard about it.

The members of the Commission decided that someone from the Massachusetts Office on Disabilities needs to come and help with the problems that the Commission is facing. Ms. McGuire will do this and let the members know when this will happen. She will also try to get the report that Mrs. Healy's office made and bring it back to the Commission. Meanwhile the members are asked to spend some time thinking about the mission statement and the appropriate by-law.

A motion was made to adjourn at 6:37PM by Mr. Stalker with Mr. Pshenishny 2nd passed unanimously.

Respectfully submitted,

Prudence Spaulding and Sharon Fleck

Co-secretaries

Tam AA, Vice-Chair



Tom Stalker <tstalker62@gmail.com>

Re: Comments and Question

1 message

Tom Stalker <tstalker62@gmail.com>

Tue, Aug 14, 2018 at 12:04 AM

To: KellyAnne McGuire <kamcguire12@gmail.com>

Cc: WSikula@berkshireplanning.org, New Marlborough Selectmen <nmbos@newmarlboroughma.gov>

Hi KellyAnne, Mari and Will

I'm in a muddle. Here is where I am at:

Only received one comment from Joyce Hackett:

P. 13 - cracks and heaving to the pathway to the town hall entrance that ARE more than 1/4"

I want to say something much more basic.

We do not have a meeting room that facilitates actual communication between the town and town officials. Neither the meeting room downstairs or that upstairs is big enough to accommodate residents, OR ENABLE EVEN THE NON-DISABLED TO HEAR.

Sitting in the third ROW downstairs means difficulty hearing and I have outstanding hearing. I mean, in the top 1%.

Upstairs obviously ditto. I understand this is an ADA plan, but I STRONGLY feel that we really, the whole town, needs to fold into this ADA plan, the larger picture of reducing HOSTILITY between citizens and our officials—we literally have no place to talk things through, where people can both hear and see easily.

I think moving voting to the Fire station is a TERRIFIC idea.

I also think the conference room of the fire station should be made available for intermediate-size meetings.

I also think we need an amplification system for those with hearing issues, maybe bluetooth, that people can use their smartphones with. I realize a mic is the easiest way to start.

As you can see, most of what she writes are suggestions - and are good suggestions, but are not for this report. She does hit on a point which I noticed from the start - there is very little mention of hearing disabled and seeing disabled issues.

I did go through quite a bit of the report and I must say I'm pretty disappointed.

The executive summary is way too long and has way too much extraneous information.

A lot of the information is repeated several times.

When we should be highlighting the bigger issues (in an executive summary) we are talking about how wonderful our Council on Aging is doing and holding a picnic lunch.

In my opinion, this report should be half the size.

Page 31 indicates the Town Administrator will take care of implementation. Really? Who decided that?

Suggestion of voting moved to Fire Station. (Why are we saying something when we don't own the facility.)

Several times the aisles in the library are referred to as isles. (An isle is an island.)

Punctuation and grammar needs to be checked.

The reference to townspeople "shuffle" needs to be removed.

Page 30 references a 2016 Accessibility Study of the Town Hall done by EDM, yet the report all indicates 2017.

Also, were all the ADA upgrades in the EDM study incorporated in to our report?

The Town of New Marlborough has a Commission on Disabilities - not a Commission on Disability Access.

Major parts of this report were obviously copied from the City of Greenfield. Needs to be fully reviewed by several people to catch all references to City/Town of Greenfield. (For those who don't know, I think the Town of Greenfield voted recently to change to a City form of government.)

I've been informed that representatives from Maura Healy's office came recently and did their own evaluation of town hall. Where is the report? Did we incorporate that report in to this one?

I'm miffed as to why we are not using the ADA Action Guide template:

We are bunching together structural (physical issues with buildings, sidewalks, etc.) and non-structural issues. According to the New England ADA Center site we should be issuing two plans - a Transition Plan and an Action Plan.

I have not read the whole report as I was too busy trying to figure out what is pertinent to our town and what is not. Also, some of the assumptions made in our report - where did they come from? I'm not aware that ADA compliancy and who was to do what has been an issue discussed at length in Board of Selectmen meetings.

I have attached a PDF of my comments so far. I've also attached a list of suggestions from John P.. John's suggestions should have gone to Will two weeks ago. I'm not sure if he sent them or not. They are not for this task part of the report - Comments.

My comments have to do more with the fact that we have not been given sufficient time to review this report. Also, in reading the ADA Title II Action Guide for State and Local Governments, the Commission on Disabilities and/or the ADA Coordinator should have been a part of almost every step of this self-evaluation and transition plan. We've simply been handed a 68 page document with a myriad of inconsistencies, repetitive and irrelevant information, and told we have 6 days to get public input. A few people indicated they wanted to read and comment on the report in an appropriate manner, but simply had not enough time.

Maybe the easiest solution here is to get ourselves educated on the self-evaluation and transition/action plan process, have the Commonwealth come in and talk about the tools we have available to us, and simply issue our own updated report. I know we have to update the report every three years. Would think we can update sooner, but would need to look in to doing so.

Also, this is not regarding the report, but there is now a feeling of animosity against the Commission on Disabilities and/or town hall as a stranger has gone to the different buildings/facilities (unannounced), made some notes and issued a report. We're already going to get resistance and we haven't even started yet.

We should also make a note to request copies of the ADA building, parks and recreation surveys completed by BRPC be sent to you and/or me so we can get them out to the other Commission members. I assume this is Mari, but not sure.

Please let me know if anything seems unclear. It is late - I tried to review all I could.

Tom

On Mon, Aug 13, 2018 at 5:19 PM KellyAnne McGuire <kamcguire12@gmail.com> wrote:

Ohhh I didn't even think of that!

Did we get many comments?

KellyAnne

On Mon, Aug 13, 2018, 3:25 PM Tom Stalker <tstalker62@gmail.com> wrote:

Hi

I'm working on my comments. I'll be done today, but might not for another hour or two. Will send what I have in the meantime.

The Town/City of Greenfield is mentioned twice in the report. Also, there is mention of school building. Shouldn't our school building be included in this report? The town does own it and is responsible for the physical aspects (I believe).

Tom

2 attachments



Comments on Draft ADA Plan.pdf

28K



John Pshenishny Comments 8-8-2018.pdf

223K

Review of Title II Self-Evaluation and Transition Plan by Tom Stalker

Accessibility Comments

General Report Comments

Cover Page has Action Plan - this is a Transition Plan? Please make sure we are consistent throughout.

Need to be sure this plan is consistent with any needs in a capital requirements/improvements plan.

Was the Open Space and Recreation Plan accessibility information incorporated?

Executive Summary needs to be rewritten. Way too long. Needs to focus on what is in the report, rather than extraneous material. Should be no longer than 1 1/2 pages tops - 1 page preferred! Should highlight the important stuff in the report. The fact that Prue Spaulding blah blah and that there was a picnic are not information we want to highlight - or even include.

Page 1: Public Participation: why is there so much information on Prue Spaulding and her job working with the Council on Aging. This paragraph should be rewritten to only include pertinent information. Also, there were no press releases issued for this effort. Only emails. If necessary to include detailed information about specific activities with who, what and where, then those should be compiled and added to an appendix and so noted in the report.

Page 2 represents 5 town buildings - think this implies they are all town owned facilities - 2 fire houses are leased and the building at the transfer station was a gift to the town. 5 buildings (town hall, library, highway garage, 2 fire houses), 1 transfer station and 1 park.....

Page 3 - Town Hall is likely to go through a redevelopment in the next five years. Says who? Is this in the capital improvements plan? Also, are we doing redevelopment for ADA or are we doing it because everyone is cramped? ADA improvements won't be able to wait 5 years now that we have a commission and a transition plan.

Page 3 - notation about meetings having to move to main level because of high participation. This doesn't happen, so are we saying it does. I've been to many meetings where everyone simply has to find a seat (whether they can see or not) or stand (whether they can see or not). Generally no one can hear what is being said at all meetings - especially Board of Selectmen.

Page 3 library description indicates an unpaved parking area? Automatic door opener has been installed.

Page 3 Highway Garage: has more accessibility than other highway garages - what is this referring to? Other towns? We only have one town garage? ALSO people shuffle? Can't we have a better word than referring to our townspeople as shuffling? This whole sentence (referring to the fire chief and this is where he spends his time - the fire chief is not a regular salaried employee (if I remember correctly) and don't think this reference belongs in this report.

Page 4 - Finally, even larger projects like paving and installing correct signage could be completed by the Highway Department. They already realize the importance of doing some paving, most importantly at the highway garage, and the Commission on Disability are aware that access isles and designated parking spaces are priorities. - These sentences are incorrect and make no sense. As far as I know we hire contractors to do the majority of our paving. The Commission on Disabilities has not got far enough to know what our priorities are!

Page 4 - Next Steps - More recently, the Town of New Marlborough has taken a larger responsibility in ensuring this trend changes including proposing a renovation of the town hall to be accessible. - This statement is not true. There has been no discussion at either recent Town Meetings or Board of Selectmen meetings about renovating town hall - neither is it in our capital improvements plan.

Federal, State, and Local Regulations should not be directly after the Executive Summary, nor as a part of the regular report. If they must be included then they should be an appendix item.

Page 9 - indicates we have no sidewalks, yet we do have some because they are listed in this report that they are not in compliance! Also, why are we talking about the old fire house. It is locked by the fire department. Yes, we do park a police vehicle there and that is all. It is simply a building owned by the fire department. I assume it is decommissioned and is not considered accessible by anyone. We should not be referencing anything about the police moving there. The town has been saying that for years. Until there is a solid plan to move them then I see no reason to put this in our report. It is simply a wish at this point. The building would need to be made totally ADA compliant and be able to accommodate the public as police business is necessary on a daily basis, unlike the fire department which has no public business transacted on their premises. Indeed, the fire house is locked and only accessible to fire department members. The only public activities which take place there are those benefitting and hosted by the fire department. No town sanctioned events are held there.

We should only be putting information which has some kind of reference in public meetings. Otherwise we risk the chance of diluting the real issues here. We are currently non-compliant in this town, we shouldn't keep adding to that for projects which may come at some point in the far distance - but no board or committees are even discussing those projects.

Page 9 (still) - the town did not create a CDA, we created a Commission on Disabilities. Also, it is immaterial as to who specifically worked with the BRPC to develop a strategy to get input from the town's older population. This insinuates that all older population are disabled. Young disabled people have no say and are not asked.

Again, all this extraneous information does not belong in an Executive Summary!!

Page 11 Chart - why is there a job description column? Seems to me immaterial what the different people/departments do.

Page 12 - employees are located in facilities other than town hall

Page 12 - website - this is an incorrect statement about the types of documents on the website. The fact that information is non-compliant to the Commonwealth's Information Act should suffice. If you can't get to town hall, or other town facility for access, then you cannot get information on town programs, meetings, etc..

Page 13 - don't think the fire house is an option for voting. Also, we have more than boards and commissions. There is at least one council which meets at the library.

Page 13 - the information about the restrooms - makes no sense and there are two restrooms, not one.

Page 29 and 30 - ADA Title II Transition Plan Requirements and Transition Plan - Town Buildings & Parks - who came up with the timelines? Also, I don't see how cost estimates without labor will do us much good. Most, or all, of the larger issues to fix won't be able to be

done by town employees. Also, who decided what can be done by town employees? Seems to me we should assume we are going to hire someone to do everything and get the applicable estimates with labor included. If projects come out less expensive, then all the better. Who decided not to include labor?

Page 41 - Priority Projects - list the projects, not who shovels the pathways in the winter. Who came up with these priorities? Getting voters to the voting area and up to the Town Meeting area are the priorities - I would think. Maneuverability in the lower level to various offices would be nice, but not my idea of priority projects. Reference to the main parking lot in item #1. What main parking lot? If town hall then say town hall parking lot. Seems item #4 is a repeat. Umpachene Falls? Are there no higher priorities than Umpachene Falls? Again, getting people parked in appropriate spaces, then from vehicle to the access routes to voting and Town Meetings should be the only parts of the priority projects list at this point.

Then seeing and hearing during public meetings and voting should be the next priority.

Page 41 - Additional Projects - need to check grammar. Again, I don't think changing the height of a light switch is a real high priority at this time. Seems to me there are other issues. Maybe cruddy sidewalks at all facilities. This is where we could put Umpachene Falls. Do we have appropriate parking spaces?

Note: I had previously sent an email wondering about other town owned areas such as cemeteries and the village green. I am of the opinion that access should be our #1 priority. Adding lighting can wait. Also, there is such a thing as the ability of the town to say that something is going to cost too much in return for not much improvement to accessibility - i.e., like getting to the sand pile. I would think the issue of parking at the highway department building and accessibility should come before people filling their buckets of sand. Anyone who wants sand right now gets it.

There is mention of schools in our report, yet no mention of the school having been surveyed. (I did note this in a previous email.) I also emailed the applicability of the cemeteries and town green. Why aren't they included as they are "public facilities".

As a Commission member, I don't feel comfortable that the Town is going to submit a report which does not reflect reality. Our Commission was just established. We had absolutely nothing to do with this whole process, yet according to this report we have been involved for several months.

Outside

1. Refigure + repair parking lot
2. refigure drainage
3. reposition handicap signs
leave room for handicap van
access and to walkways
4. 2 railings on each sidewalk, upper
and lower
5. level area where 2 ramps meet
6. adequate lighting for parking
lot and around the building.
7. Install ice catchers on roof.
8. Redesign meeting room ramp
for emergency exit.
9. Non skid paint or other surface
on front steps.
10. All emergency exits should be
wheelchair accessible.
11. Panic bars on all doors
12. Eliminate parking lot entrance
close to building.
13. Install Automatic door openers

Outside

14. correct entrance so it is all on one level.
15. Install drainage in front of door.
16. Install step or ramp on secondary downstairs door.
17. Maintain West side exit (snow removal etc). Overhang?

Inside - Downstairs

1. Non skid coating on stairs
2. ADA compliant Mats
3. Reconfigure big room. Very congested. Cubicles?
4. Shelving and storage for assessors.
5. Window in Assessor's door in hall. Door opens into the hall.
6. Window in door from big room to hall.
7. Update complete electrical system in town hall.
8. Use ADA approved chairs
9. Make fire extinguishers accessible with signs above extinguishers ~~as~~ visible from anywhere in room.
10. better lighting in hallway - switches at both ends.
11. non slip floor in big room.
12. Food room should be separated ~~from~~ from fuel tanks and cleaning supplies.

13. When police department moves to fire house, elevator could be put in that room.
14. Keep all combustibles and clutter out of furnace room.
15. eliminate clutter in the hallway
16. Signs for town offices are not clearly visible and not correct signs.
17. No signs pointing to restrooms.
18. refigure entrances to assessor's office and restrooms for wheelchairs
19. Bring restrooms to ADA compliance or make 1 Unisex compliant restroom on each floor.

Inside Upstairs

1. Switches to big room lights by both doors
2. ADA approved seating
3. Clean congestion from stage
4. ADA approved door Mats.

3rd floor

1. Reorganize storage
2. ~~strengthen~~ strengthen outside ~~stairs~~ stairs
3. inside stairs?