



OBSERVER CORPS REPORT

MARBLEHEAD DISABILITIES COMMISSION

October 18, 2023 -Hybrid Meeting

LWVM Observer: Nancy Powell

Members in Attendance: Laurie Blaisdell (Chair), Dee Cuffe, Brigitte Duffy, Ed Lang, Samantha Marino (remote), Andrea Mountain (remote)

Members Absent: Amy Hirschkron, Cheryl LaLonde

Guests Present: Thatcher Kezer, Kyle Wylie

1. Collins Center Report on ADA Transition Plan

In December 2022 the Town of Marblehead (in conjunction with the Collins Center for Public Management at UMass Boston) launched an audit of its facilities, programs, services, policies and practices in order to create a transition plan to address any violations of Title II of the ADA which prohibits discrimination based on disability in state and local government activities. At today's meeting Town Administrator, Thatcher Kezer, noted the Collins Center report identifies numerous unmet administrative, website, facilities, and infrastructure requirements the Town must address. The report includes a table of action items and timelines the Town might follow to achieve ADA compliance. The hope is to make "good faith" progress, although, given funding limitations, adhering to specific timelines will be challenging. The prioritizing of projects will fall to Mr. Kezer, all department heads, and the Disabilities Commission, and those impacting public safety will be given special regard. He noted that the Town had applied for a community impact grant to fund the audit and transition plan as the prior ADA plan is obsolete. The Town will pay for improvements required under the new plan through a combination of grants and tax revenues.

Discussion ensued regarding the issue of contractors who occasionally neglect to address ADA compliance considerations prior to starting a new project. Mr. Kezer made reference to a recently constructed community access path that was not ADA compliant and had to be reworked following the initial completion of the project. Ms. Blaisdell suggested the application for building permits should include a list of criteria for meeting ADA guidelines so compliance is built-in at the start rather than being an afterthought.

She expressed concern that some recent projects were not compliant despite best efforts to provide guidance. Ms. Wiley noted that in some circumstances a variance is granted, and the Collins Center Action Plan does list some projects as being out of compliance when, in fact, they have been released from the requirement to comply. Mr. Kezer noted the importance of coordinating with all entities in Town to ensure they are knowledgeable in this area. A question arose in regard to contracts the town enters into and whether the hired company should be required to guarantee that the project and its outcome will be compliant with ADA regulations. Ms. Blaisdell verified that input from the Disabilities Commission in identifying top projects is of utmost importance. Mr. Kezer indicated he would attend future Commission meetings intermittently to ensure ongoing collaboration. He will determine how best to disseminate the report to the public so it may be updated as changes are made and will remain a working document.

2. Change of Use at 71 Atlantic Avenue

The Marblehead Building Department forwarded this case to Ms. Blaisdell. This building had been required to add a handicap accessible ramp to comply with ADA regulations, however, the cost of the ramp exceeded the value of the building which triggered a requirement that the building be made fully ADA compliant and include accessible bathrooms and doorways. The building owner applied to change the building's designation from residential to commercial. This change in use also requires strict and full adherence to ADA regulations. The State Architectural Access Board will be asking the Disabilities Commission to provide an opinion on this matter.