



OBSERVER CORPS REPORT

MARBLEHEAD DISABILITIES COMMISSION

December 13, 2023

Hybrid Meeting

LWVM Observer: Nancy Powell

Members in Attendance: Laurie Blaisdell (Chair), Dee Cuffe, Amy Hirschcron (remote), Ed Lang (remote), Andrea Mountain (remote)

Members Absent: Cheryl LaLonde, Brigitte Duffy

Guests Present: Kyle Wylie

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 all facilities, programs, services, policies and practices. The audit report (the ADA Transition Plan for Marblehead) identified numerous areas where the Town is in violation of Title II of the Americans with Disabilities Act which prohibits discrimination based on disability in state and local government activities.

At today's meeting Commission members agreed on the importance of working with the Town Administrator and Department Heads to prioritize action items in the Report. It was suggested that items impacting public safety be given special regard. The Commission will be involved in monitoring deadlines and getting information out to the public. The Town will pay for improvements required under the new plan through a combination of grants and tax revenues. The hope is to make "good faith" progress but, given funding limitations, adhering to specific timelines will be challenging.

The ADA Transition Plan calls for the instituting of an ADA Coordinator position for the town. Laurie noted that Kyle Wylie currently assumes this role but, given the myriad other responsibilities of her position, she could use support. It was suggested the ADA Coordinator position could be folded into the Building Department and could be a more active role as it is in many other cities and towns across the state.

Discussion ensued regarding the issue of contractors who neglect to address ADA compliance considerations prior to starting a new project. A case in point is the new Riptide that lacks a wheelchair accessible front entrance which is required under ADA

guidelines unless a variance has been applied for and granted. Ms. Blaisdell met with the owner who suggested the service entrance at the back of the building could work for those with mobility impairments, but a fence was recently constructed by the landlord that blocks wheelchair access to the back door as well. Ms. Blaisdell and others expressed frustration with what they describe as a pattern with new construction projects that get close to completion without being vetted for compliance with regulations and then need to be reworked. She 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. A question arose with 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.

Change of Use at 71 Atlantic Avenue

The Architectural Access Board granted a variance for Hilltop Tutoring at 71 Atlantic Avenue to allow use of a neighbor's accessible bathroom instead of making the existing bathroom ADA compliant. The Commission expressed confusion regarding this variance noting concern about who the neighbor is, whether that bathroom is accessible and what this variance ruling was based upon as this alternative had not been mentioned in any prior correspondence that the commission is aware of. (The Marblehead Building Department had forwarded this case to Ms. Blaisdell and The State Architectural Access Board asked the Disabilities Commission to provide an opinion on this matter.)

Ramp between State Street Landing and Harbormaster's Office

Ms. Blaisdell reached out to the Harbormaster to inform him this new ramp (which replaced a public stairway) presents a safety concern currently. It lacks railings, has a concave curvature in the center and an overall slope that is too steep. It was suggested the Harbormaster might be able recover the cost of repairs if the contract went out to bid and the contractor failed to abide by ADA guidelines. Ms. Blaisdell will get a professional to recalculate the slope which she measured as having a 15.5% rise. (It should be equal to or less than 8.33%.)