MONTPELIER ADA COMMITTEE
Meeting Minutes

The Montpelier Americans with Disabilities (ADA) Committee held its regularly scheduled meeting on **Tuesday, April 3, 2012** at 10:00 A.M. in the City Manager's Conference Room.

Committee Members Present:
Kim Brittenham, VCIL, Chair
Anne Wilson
Angela Timpone, City Council Member
Tom McArdle, Assistant Director of Public Works
Marty Roberts
Bill Fraser, City Manager – ADA Coordinator
Guests Present:
Kevin Casey, Economic & Community Development Specialist

Introductions and Welcome

Kevin Casey, Community Development Specialist, introduced himself to the committee and said he plans to attend all of the ADA Committee meetings.

Review and Approval of Minutes from March 13, 2012

The Minutes of March 13, 2012 weren't available for approval at this time due to staffing issues. They will be prepared consecutively with this meeting and emailed to members for review / approval.

Library Complaint Summary Report – Tom McArdle

Ms. Brittenham said they don't have to formally go over every complaint they have received and a few have met with the Library. There has been a complaint about the Library via telephone and there will be a written response to it.

Tom McArdle said the complaint was from the Reverend Love of Plainfield. The primary complaint is the location of the book drop and she has spoken with the Library with no luck to have it relocated. They also talked about the location of the accessible parking the City is going to build on Main Street. She preferred it be located on School Street where the loading space is. She understood why but requested we leave the loading space on School Street because it serves the purpose of loading and unloading individuals. She had some other concerns about the door, but the primary complaint is the location of the drop box. He wrote her an acknowledgement letter on March 2nd and drafted a letter of reply for Bill Fraser to sign as ADA Coordinator. We adopted a grievance procedure and there were a set number of days to respond and a meeting with the person would be offered within 15 calendar days and a written reply.

One of the main issues expressed by the Library about the drop box is vandalism or if somebody were to throw a cup of coffee or soda into it which could ruin hundreds of dollars of books.

Ms. Brittenham replied that is their worry but it actually hasn't happened yet. Regarding the grievance procedure, when we said we would meet with individuals can that meeting be a phone meeting or is it a in-person meeting?

Mr. Fraser replied it could be whatever they choose.

Mr. Casey asked when a complaint comes in who is the point person.

Mr. Fraser replied it depends upon the nature of the complaint. This is only our second experience with our ADA complaint & grievance process.

Mr. McArdle said it is one of the provisions of service they adopted. They are putting this together as part of ADA compliance and that is why this committee was formed. From what he has seen from the ADA and other case law that has taken place over the years, because there is municipal funding for the Library it could draw us in to a formal lawsuit anyway. The accessible entrance to the Library is on School Street so the suggestion is to put the drop box there. The letter said we will work through our liaison to the Library. Aldrich Library in Barre has something that is curb side and that is what finally prompted the complaint.

Ms. Brittenham said Anne has talked with the Library about installing the push button door at the accessible entrance. Not that the ADA requires that but people like it. The parking spaces they are referring to are the two on-street parking spaces that are in front of the Library which are closest to the crosswalks there. Tom has put out a request for proposal.

Mr. McArdle corrected that it has not been re-advertised yet. The design is complete and it was released for bid with some other sidewalk work last fall but they couldn't get any contractors – no bids recieved.

Ms. Brittenham said they are expecting that to be accessible parking in front of the Library. They discussed the options the Library was exploring to address the issues and they were trying to write a grant to cover the expenses. A new book drop is about $8,000 and door repair about $2,500. She said they are very interested in participating in any kind of Access Awareness Day or ADA Celebration because they want to show case what they have done with their access improvements. They want to make sure their staff really understands what accommodations look like for people with disabilities.

The Library is Title 3 ADA because they are a place where the public goes, but if they are receiving local funding they are also a Title 2 entity. The ADA (Americans with Disabilities Act) has five titles; one is employment; two is state and local government and title 3 is businesses and nonprofits. As an ADA Coordinator you are responsible for the municipal buildings and programs we offer, but there isn't any obligation to the Black Door or Capitol Stationers or any businesses to make them comply.

Mr. McArdle said there needs to be a final resolution of the complaint and that is either through the committee or through the Library. If we kick this over to the Library he doesn't think there is a final resolution from this body the ADA Committee.

Ms. Brittenham replied the resolution was to respond to the complaint and have the city's Library liaison folks follow-up with them.

Bill Fraser said we have facilitated this and shared the information, and it is now up to the Library to make final decisions.

Mr. McArdle said the final resolution would be that the City of Montpelier doesn't have jurisdiction. She lives in Calais with a Plainfield address and Calais is one of the contributing

members to the Library. Her strategy was to go to the towns and tell them to withhold funding until the Library gets into ADA compliance.

A question was raised about the resident status of the complainant and what constitutes a disability. Ms. Brittenham said you need to be a person with a disability protected by the ADA to file a complaint but you could also be a person with a disability so you are protected by the ADA. You are protected by the federal law if you are a person with a disability. It is that you have a physical condition or mental condition that impacts a major life activity. Major life activity is working, eating, sleeping, walking or hearing, talking or communicating. It is very broad. Even though the city doesn't have an obligation to enforce ADA compliance in Title 3 entity places and businesses, we had in our goals to outreach to businesses and talked to Montpelier Alive.

ADA Awareness Day – Kevin Casey or Kim Brittenham

Ms. Brittenham asked who had the capacity to actually do the work. She passed out a timeline draft to the committee for review.

Mr. Casey inquired who the people are who can come in and tell a business what it needs to look like (for ADA compliance) and who are the contractors who are willing to do it or understand enough to do it? Fundamentally, in all of the projects (building & business compliance) in the city the two most important questions are; who can provide (the assessment resources) for you, who is going to do it, and how much is it going to cost?

Mr. McArdle said the need is to offer education and technical assistance to businesses and property owners. Who is going to pay for it and how much is it going to cost is their question.

Mr. Casey said except just getting a complaint from the Human Rights Commission, which makes people nervous and on the defensive, is if you go around and proactively tell them this is part of the campaign. Engage with them in a very cooperative manner and you will get a much better response. None of the businesses downtown are rich.

Bill Fraser said a number of years ago they would do pre-fire planning visits where our firefighters would visit buildings so they can be familiar with the building. While doing the visit, they would often tell people if they see fire hazards which differs from a fire safety inspection when violations are issued. At first there was some reluctance to let the firefighters in the building but once they realized it was free advice it was more accepted.

Mr. Casey said the biggest and most important thing is if you can have a friendly conversation with an engineer or a contractor who can walk around and give you some possible solutions.

Mr. McArdle replied there are businesses that design their business display need to the available footprint and layout of the store. It often really comes down to the property owner who would make the investment.

Ms. Brittenham said it is a shared responsibility between the property owner and the business owner, and that has been played out in case law. Ms. Brittenham said there seems to be the need for the folks in this room to create a document that could be circulated to businesses which would include local resources on how to address some access issues, funding opportunities, etc. There is still the obligation to remove barriers. They need to understand they aren't exempt from that.

Mr. Casey said another important role is to act as facilitators and tell them as part of the ADA Awareness campaign we are letting people know where there are barriers to their businesses. There is an obligation and here are some ideas but giving them some technical assistance is important. With problems without solutions you are going to hit a dead end. You have given the business owners all of the potential resources and getting the process started.

Ms. Brittenham asked if it was realistic to think they could do outreach to a dozen businesses and property owners in August after developing the resources. We have tried to raise some public awareness around the problem through individuals doing op-ed pieces or articles in the bridge.

Mr. Casey said we have an aging population. What are the challenges that Montpelier is facing as we go forward? You tie together the aging population issue with the ADA requirements and have an article written that would cover that. It can say in the article we are doing an ADA Awareness campaign. If we can have a technical assistance and outreach team that would be out there making contact with businesses you have prepped them for this. The message would be to help the businesses so the businesses can help the community and their customers.

Mr. McArdle replied that Montpelier Alive could play a big role in that.

Mr. Casey said the reason he is bringing up the aging issue is because it raises some of the accessibility issues that everyone can understand. Aging is something that everyone is aware of and it is the largest audience.

Ms. Brittenham asked if on the 22nd anniversary of the ADA, which is July 26th, we're celebrating it on the 21st and will be announcing that the city has prepared the updated transition plan and will be going through the public comment period and holding an event.

Mr. Fraser said the city could contract with VCIL to do X number business ADA assessments which would give them a list of things to take care of along with a list of resources. They would have to pay for any improvements to come into compliance.

Mr. McArdle said they need to know whether or not there is a grant for technical assistance and design through the loan programs. When we have the ad campaign we need to know all of the answers for the CBDG fund if that is even available and how much.

Ms. Brittenham replied at this time we could recognize local businesses with certificates.

Ms. Timpone said they need to be sure they aren't excluding businesses out of the downtown.

Mr. McArdle replied it should be noted that it is an awareness campaign for the community.

Other Updates – Committee Members

Kim Brittenham said the City of Burlington is making huge strides in access and ADA compliance and she thanked the Montpelier ADA Committee for having all of their stuff on line. The City of Montpelier is a model for Burlington in going ahead with their own ADA Committee in Burlington.

City Manager Bill Fraser reported the city passed the bond and they are going to use as much of the building money to get their ADA improvements done now. The goal is to take the long list of building improvements and move the ADA projects to the top of the list.

Tom McArdle said he doesn't believe there is a transition plan for programs and policies in place. There is no transition over time to correct it. We need to do a self-evaluation and a summary for making up for the deficiencies we find. There may be somebody at the Vermont League of Cities and Towns that may be able to review our employment practices, etc. It is a big task.

Set Next Meeting Date

The next meeting is set for May 1, 2012.

Transcribed by: Joan Clack