



## Sudbury Commission on Disability - Meeting Agenda

Thursday, March 3, 2022 6:30 – 8:30 PM

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To participate in this virtual meeting click the link: <https://us02web.zoom.us/j/86958120920>

For audio only, call 978-639-3366 or 470 250 9358, enter Meeting ID 869 5812 0920

1. Convene with confirmation of quorum. Roll call of members present
2. Reading of protocols
3. Select minutes recorder (Randi next in rotation)
4. GUEST: Nolan Schlessman, Eagle Scout Candidate
5. Public Comment
6. REPORTS (1 to 3 minutes each, please):
  - a. Monthly Meeting with Town Manager (Lisa/Kay)
  - b. Transportation Committee (Doug)
  - c. Brain-based Disabilities Subcommittee (Randi/Lisa)
  - d. Disability Awareness Subcommittee (Caroline/Lisa)
  - e. L-S SEPAC and SPS SEPAC (Lisa/Kay)
  - f. Council on Aging - Accessibility Statement (Kay)
  - g. Transition Plan, meet with Bill Barletta on March 15, 2022 (Kay)
  - h. Diversity Equity and Inclusion Commission (Karyn)
7. DISCUSSION / POSSIBLE ACTION:
  - a. Bylaws Subcommittee (Lisa, Kay)
  - b. Capital Projects Subcommittee (Randi, Lisa)
  - c. Website and document accessibility (Karyn)
8. APPROVE MINUTES if available: 02-03-2022 (LK), 02-23-22 (CS)
9. Future Meeting Dates and Future Agenda Items
10. Adjournment

These agenda items are those reasonably anticipated by the Commission to be discussed at the meeting. Not all items listed may in fact be discussed and other related items, not listed, may also be brought up for discussion to the extent permitted by the Open Meeting Law.

List of materials included for 03-03-22 meeting:

1. "Rules and Regulations" adopted March 27, 2007 as bylaws
2. Bylaws amended draft
3. Letter: Response to PBC 2-10-22 (fire station)
4. Letter: COD automatic door openers to PBC

Town of Sudbury  
Commission on Disability  
40 Fairbank Road Sudbury, Massachusetts 01776-1681  
Phone: 978-639-3265 Fax: 978-443-6009

**Rules and Regulations of the Sudbury Commission on Disability  
(Pursuant to Sudbury Town Bylaws)**

**Article I: Name and Purpose**

**Section 1:** The name of the organization shall be the **Sudbury Commission on Disability**.

**Section 2:** The Sudbury Commission on Disability is organized exclusively for scientific and educational purposes, more specifically to work independently and in collaboration with other Town departments to create and implement programs to provide advocacy, education, and remediation to develop a culture focused on the elimination of barriers and to assist people with disabilities in becoming empowered to advocate for themselves. The Commission does this through independent action and by providing technical assistance to other Town departments and to people with disabilities and their families.

**Article II: Membership**

**Section 1: Membership** shall consist only of the members of the Commission and associate members.

**Article III: Meetings**

**Section 1:** The **annual meeting** for the purpose of election of officers shall be set by the Commission in March of each year.

**Section 2: Special meetings.** The Chair or the Commission may call special meetings.

**Section 3: Notice.** Notice of each meeting shall be given to each member and posted for public viewing as required by Sudbury Town Bylaws.

**Article IV: Commissioners**

**Section 1: Commission role, size, and compensation:** The Commission is responsible for overall policy and direction of the Commission. The Commission shall have up to 9 members and not fewer than 5 members. People with disabilities shall constitute at least 51% of the Commission. Commissioners receive no compensation.

**Section 2: Meetings:** The Commission shall meet at least once a month, at an agreed upon time and place.

**Section 3: Commission appointments:** Commissioners are appointed by the Sudbury Board of Selectmen upon the advice and recommendation of the Commission.

**Section 4: Terms:** All Commissioners shall serve three-year terms, but are eligible for reappointment by the Selectmen.

**Section 5: Quorum:** A quorum of a majority of members must be present before business can be transacted and motions made or passed.

**Section 6: Notice:** An official Commission meeting requires that each member have advance written notice. The date of the next meeting is set at the end of each meeting, and published in the draft minutes of that meeting.

**Section 7: Officers and Duties:** There shall be four officers of the Commission consisting of a Chair, Vice-Chair, Secretary and Treasurer. Their duties are as follows:

**Chair:** The Chair shall convene regularly scheduled Commission meetings, shall preside or arrange for other officers of the Commission to preside at each meeting in the following order: Vice-Chair, Secretary, and Treasurer.

**Vice-Chair:** The Vice-Chair will convene meetings and preside over them in the absence of the Chair.

**Secretary:** The Secretary shall be responsible for keeping records of Commission actions, including overseeing the taking of minutes at all Commission meetings, sending out meeting announcements, distributing copies of minutes and the agenda to each Commission member, and posting meeting notices, agendas, and minutes are required by the Town of Sudbury.

**Treasurer:** The Treasurer shall make a report at each Commission meeting.

**Section 8: Vacancies:** When a vacancy on the Commission exists, the Secretary shall publicize the vacancy and solicit applications for membership. When applications are received, they shall be reviewed by the Commission. The applicant shall be interviewed by the Chair of the Commission, who will present a recommendation on the candidacy of the applicant at the next Commission meeting. The Commission shall vote on the applicant's candidacy, and if the vote is favorable, shall formally recommend appointment to the Board of Selectmen.

**Section 9: Resignation, Termination, and Absences:** Resignation from the Commission must be in writing and received by the Secretary and the Selectmen. A Commission member shall be dropped for excessive absences from the Commission if s/he has three unexcused absences from the Commission meetings in a year.



## Town of Sudbury

### Commission on Disability

#### Bylaws

#### Article I Name and Purpose

**Section 1** The name of the organization shall be the **Sudbury Commission on Disability**.

**Section 2** The Sudbury Commission on Disability was established by the Town of Sudbury, by a Town Meeting vote on April 4, 1993, to cause the full integration and participation of people with disabilities in Sudbury in accordance with Massachusetts General Law Chapter 40, Section 8J. The Commission works independently and in collaboration with other Town boards and departments to eliminate barriers and to assist people living with disabilities in becoming empowered to advocate for themselves.

#### Article II Membership

**Section 1 Membership** shall consist of no fewer than five and no more than nine members. A majority of members shall consist of people with disabilities; one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of Sudbury.

**Section 2 Role** The primary role of members is to implement the requirements of the statute including:

- (1) research local problems of people with disabilities
- (2) advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities
- (3) coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability
- (4) review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of Sudbury as they affect people with disabilities
- (5) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability
- (6) coordinate activities of other local groups organized for similar purposes

**Section 3 Appointment** Appointment to the Commission shall be made by the Town Manager, subject to the approval of the Select Board.

**Section 4 Terms** 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 their successor shall be appointed for terms of three years each.

**Section 5 Resignation** Any member resigning before the conclusion of their term shall submit written notification to the Chair of the Commission and to the Town Manager.

**Section 6 Removal** Any member of said commission may, after a public hearing, if so requested, be removed for cause by the Town Manager, subject to the approval of the Select Board.

**Section 7 Vacancies** A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

### **Article III Meetings**

**Section 1 Open Government** All functions of the Commission shall comply with Open Meeting Law. A simple majority of the members shall constitute a quorum. Meetings of the Commission shall be conducted only when a quorum is present. Written minutes of all meetings shall be taken and they shall be posted on the Town website.

**Section 2 Decisions** Actions of the Commission shall be decided by a simple majority of the members present at a duly convened meeting, except in the case of amendment to these Bylaws which shall be enacted by a two-thirds majority of the members present at a duly convened meeting.

**Section 3 Annual Meeting** The annual meeting shall be convened for the purpose of electing officers, liaisons, and representatives to other boards and committees in the month of June.

**Section 4 Regular Meetings** The Commission shall have at least ten meetings annually.

**Section 5 Special Meetings** It shall be the discretion of the Chair to convene special meetings of the Commission for whatever purpose deemed appropriate. If three members of the Commission make a request for a Special Meeting, the Chair shall honor such a request and convene a meeting.

**Section 6 Meeting Accessibility** Meetings of the Commission shall be convened in fully accessible facilities and/or using accessible technology. Reasonable accommodations shall be provided to anyone requesting them with sufficient advance time for arrangements to be made.

### **Article IV Officers, Liaisons, and Representatives**

**Section 1 Roles of Officers** There shall be \_\_\_ officers of the Commission.

**Chair:** The Chair shall facilitate the orderly conduct of meetings of the Commission;

compose the agenda for meetings; and express the will of the Commission to the public, other boards and commissions, and Town officials.

**Vice Chair:** The Vice-chair shall assist the Chair in their duties and substitute for the Chair in fulfilling any of those duties if needed.

**Secretary:** The Secretary shall record minutes of meetings, bring the minutes to a subsequent meeting for editing and approval, and post the minutes to the Town website. In lieu of the appointment of a Secretary, it shall be the practice of the Commission to appoint a minute taker at the outset of each meeting to fulfill the duties of a Secretary.

**Section 2 Elections and Terms of Office** Members shall nominate and elect officers by simple majority vote at the Annual Meeting to serve in their positions for the term of one year. **The office of Chair shall be held for no more than two full consecutive terms.**

**Section 3 Liaisons** Members shall be appointed for a term of one year by a simple majority vote at the Annual Meeting to attend the meetings of other boards and committees for the purposes of promoting exchange of information, supporting the mission of such boards and committees, and garner support from such boards and committees as deemed beneficial to the mission of the Commission.

**Section 4 Representatives on Other Boards and Committees** A member shall be elected by a simple majority vote to serve for a term of one year as a full or advisory member on another board, committee, or working group at the request of another Town committee or board, or the Town Manager.

**Section 5 Position Vacancies** If an officer, liaison, or representative vacates a position, members shall nominate and elect an interim officer, liaison, or representative by simple majority vote to fill the position until the next Annual Meeting.

## **Article V Operations**

**Section 1 Records** The Commission shall keep records of its meetings and actions and shall file an annual report which shall be printed in the Sudbury annual report.

**Section 2 Finances** The Commission may receive gifts of property, both real and personal, in the name of the Town, subject to the approval of the Select Board. The Town has been authorized to allocate all funds received from fines assessed for violations of handicap parking in Town to the Commission. Expenditures shall be managed and controlled by the Commission for the purpose of fulfilling its mission and in accordance with the accepted procedures of the Town for the disbursement of funds.

**Section 3 Formation of Subcommittees:** The Commission may create a Subcommittee for specified purpose and duration by a simple majority vote. A Subcommittee shall have at least two members. A Subcommittee is a public body and shall meet and act only for the



purpose for which it was formed and must conform to Open Meeting Law. Upon formation, the Commission shall determine the necessity of drafting a Subcommittee template form to delineate the purpose, role and responsibilities of the Subcommittee based upon the purpose and extent of work. When the purpose of the Subcommittee has been fulfilled or if the Subcommittee is unable to fulfill its purpose, the Subcommittee shall be dissolved by a simple majority vote of the Commission.

**Section 4 Goals:** The Commission shall create specific, measurable, achievable, realistic, and time-based goals annually that are reviewed periodically during the year at the discretion of the Chair.

**Section 5 Contact with Town Manager:** The Commission shall foster an amicable working relationship with Town Leadership and request to meet regularly with the Town Manager.

**Section 6 By-Laws:** The Commission shall maintain these By-Laws and review them annually.

#### **Article VI Amendments**

**Section 1 Public Reading** A proposed amendment to these Bylaws shall be read publicly at an Annual Meeting or a Regular Meeting prior to the meeting at which the amendment is brought to a vote of the Commission.

**Section 2 Vote to Amend** These Bylaws may be amended by a two-thirds majority vote of the members present at a duly convened meeting.

These Bylaws were approved at a meeting of the Commission on Disability on (date). **By-Laws adopted \_\_\_\_\_ date\_\_\_\_\_** Attest:



## Sudbury Commission on Disability

February 10, 2022

### **VIA FIRST CLASS MAIL AND EMAIL**

Permanent Building Commission  
Town of Sudbury  
Department of Public Works  
275 Old Lancaster Road  
Sudbury, MA 01776

Dear Jennifer and the Permanent Building Committee (PBC) Members,

Thank you for replying to the Commission on Disability's request for an Accessibility Statement to be included in future building projects. Your response included a request for more information about other organizations who prioritize accessibility in their building projects and for more detailed reasons for our request. Below is our response.

In response to the question about other places that prioritize accessibility, please see the examples below.

1. The [Architect Pre and Post Construction Statement](#) is used by the City of New York and includes an explicit ADA statement.
2. These construction companies have published their own accessibility statements:
  - a. [ADA Compliance - Burleson Construction](#)
  - b. [ADA Compliance | WG Commercial Construction](#)

Another example of where accessibility is prioritized in creating an inclusive culture is in web accessibility statements that address compliance with the technological guidelines of Section 508. This is very common now. See [Developing an Accessibility Statement Web Accessibility Initiative \(WAI\) | W3C](#) to view the language and framing of those types of statements.

In response to the request for additional reasons for our original email, the following provides our rationale for prioritizing accessibility during project management.

The PBC response stated that requiring an accessibility statement *may limit otherwise qualified contractors from bidding*. This statement is concerning. It implies that it is a risk for

the PBC to request that a builder's knowledge about ADA compliance is as skilled as their construction knowledge. Builders should know how to make their projects accessible, just as they should know how to make them safe.

To this point we learned that building projects often do not work out so well in the area of accessibility. Evidence detailed in the transition plan from the Institute for Human Centered Design (IHCD) provides the full scope of non-compliance in the town. To fix these accessibility concerns the town will ultimately spend more money. See below to highlight facilities, schools and parks that are currently out of compliance.

Over 400 instances of accessibility needs in our municipal buildings were noted in the Transition Plan from IHCD

- For municipal buildings 130 inaccessible items were listed at the Fairbanks Community Center, 64 in the Flynn Building, 54 in the Goodnow Library and 40 in the Town Hall.
- Inaccessible elements in these buildings included doors and doorways, signage, toilets, interior and external access routes and emergency exits.

Over 600 instances of accessibility needs in our school buildings were noted in the Transition Plan from IHCD.

- For school buildings, 155 inaccessible items were listed for Haynes Elementary School, 150 for the Loring School and 130 for Nixon Elementary School. Over 100 items each were listed at Curtis Middle School and Peter Noyes Elementary School
- Inaccessible elements in the schools included doors, doorways and gates, children's bathrooms and sinks and exterior access routes.

Over 300 instances of accessibility needs in our parks were noted in the Transition Plan from IHCD

- For parks, 65 inaccessible items were listed for Featherwood Park, 50 for Camp Sewataro grounds, 42 for Haskell Field and 40 for Feeny Field were cited as parks with significant accessibility needs.
- Inaccessible elements in the parks included exterior access routes, fields and entrances.

We now call your attention to the January 27, 2022 meeting of the PBC on Fire Station 2. The PBC's language towards people living with disabilities, (called *handicapped* during the meeting) and the assumptions made about people living with disabilities or disabled people reflects ableist, outdated language and implicit bias that only able-bodied people would be welcome to enter all areas of the station. Fire Station 2 is also a facility that will be utilized by municipal employees of the town and therefore must adhere to Title I of the Americans with Disabilities Act.

The PBC's comments made during this meeting:

- Assume a staff person with a disability would never work at the station or need to access the full benefits of the station.
- Demonstrate that PBC does not understand the requirements of the Americans with Disabilities Act, specifically Titles I and II.
- Reflect a deep misunderstanding that universally designed spaces cost more and are only useful for a limited number of people.
- Suggest that sending a disabled person to the one designated accessible bathroom is considered inclusive and acceptable to a town as diverse as Sudbury.
- Reflect mistrust in the professional architect's judgment and skill in designing spaces that are both accessible and cost effective.

Finally, we ask the question, "If a builder can't attest to explicitly complying to the law, why would we use them in the first place?" The COD believes that prioritizing accessibility is imperative to the well-being of Sudbury residents, not just as a town that welcomes diverse individuals, but one that creates belonging, is inclusive, and forward thinking in defining what inclusivity is.

Sincerely,

*Randi Korn*

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By Randi Korn  
Sudbury Commission on Disability  
Kay Bell, Chair  
Lisa V. Kouchakdjian, Vice-Chair  
Doug Frey  
Karyn Jones  
Jane Kline  
Randi Korn  
Liesje Quinto  
Caroline Santangelo

Cc: Sudbury Select Board  
Town Manager Henry Hayes  
Bill Barletta, Facilities Director  
Sudbury Commission on Disability

## Sudbury Commission on Disability

[disability@sudbury.ma.us](mailto:disability@sudbury.ma.us)

(978) 639 – 3265

<https://sudbury.ma.us/disability/>

Permanent Building Committee  
278 Old Sudbury Road  
Sudbury, MA 01776

February 24, 2022

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Dear Members of the Permanent Building Committee,

Last night, equipped with information provided by Jennifer Pincus and Chris Eberly and with the helpful participation of Jennifer, members of the Commission on Disability (COD) discussed the need for automatic door openers to make facilities of the new Fairbank Community Center independently usable by community members with conditions that limit their mobility or dexterity in some way.

Physical exercise and social involvement are important elements of good health for anyone. Our built environment can make good exercise and social involvement difficult for people with mobility disabilities to get, but those activities are extremely important for people with disabilities to have in order to achieve our true potential and to contribute to our community like anyone else.

Our consideration of function and cost of door technology and the real-life experience of how doors impact independent and safe access for people with disabilities brought us to the request that six (6) automatic opening doors be installed.

- 1 automatic opening restroom door in Sudbury Public Schools area
- 2 automatic opening restroom doors in Senior Center area
- 1 automatic opening restroom door in Park and Recreation area with location to be determined by them
- 1 automatic opening restroom door at “Changing Room 2”
- 1 automatic opening door between Locker 3 and the pool – no locking mechanism required, but it is essential that this door have the touchless control switch
- The door between the corridor and Locker 3 will have key card control, so there is already wiring or wifi control at this door. Adding a motor to the door controller would make this door independently usable. We request that be implemented.

Sincerely,

Kay Bell, COD Chair, on behalf of the Commission of Disability