



## Sudbury Commission on Disability Meeting Agenda

Wednesday, July 6, 2022

7:30 – 9:30 PM

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

For audio only, call 978-639-3366 or 470 250 9358,

Enter meeting ID 869 5812 0920

### Open Meeting

Convene with confirmation of quorum. Roll call of members present

Reading of protocols

Select minutes recorder (Kay, Randi, Liesje, Karyn,)

Public Comment

### Reports

1. Other Committees: Diversity, Equity, and Inclusion; Transportation
2. Subcommittees: Capital Projects, Brain-based, Transition Plan
3. Liaisons: Council on Aging, Sudbury SEPAC, L-S SEPAC
4. ARPA funding for Web Accessibility Project

### Discussion / Potential Action

1. Review “Public Body Checklist – Minutes” from Attorney General’s Division of Open Government, September 25, 2017
2. Approve minutes if available:
  - a. Apr 7, 2022 (Liesje)
  - b. May 5, 2022 (Karyn)
  - c. Jun 13, 2022 (Randi)
  - d. Jun 20, 2022 (Liesje)
  - e. Jun 29, 2022 (Karyn)
3. Goals for coming year
  - a. Annual Calendar – review, edit draft
  - b. Gather members’ ideas and prioritize

- c. Review SMART goal method and assign selected goals to members to prepare for August 18 meeting and commission approval
4. Correspondence from Kathy Gipps of Institute for Human Centered Design

### **Close Meeting**

1. Future Meeting Dates: Thu, Aug 18, 7:30 PM; set fall regular meetings
2. Future Agenda Items – development of agenda
3. 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.

### **Supporting Materials Provided**

Public Body Checklist - Minutes

Draft of annual calendar

SMART goals template

Correspondence from Kathy Gipps of IHCD

# Public Body Checklist for Creating and Approving Meeting Minutes

Issued by the Attorney General's Division of Open Government – September 25, 2017

- Minutes must accurately set forth the date, time, place of the meeting, and a list of the members present or absent. G.L. c. 30A, § 22(a).
- Minutes must include an accurate summary of the discussion of each subject. See G.L. c. 30A, § 22(a). The summary does not need to be a transcript, but should provide enough detail so that a member of the public who did not attend the meeting could read the minutes and understand what occurred and how the public body arrived at its decisions.
- The minutes must include a record of all the decisions made and the actions taken at each meeting, including a record of all votes. G.L. c. 30A, § 22(a).
- The minutes must include a list of all of the documents and other exhibits used by the public body during the meeting. G.L. c. 30A, § 22(a). Documents and exhibits used at the meeting are part of the official record of the session, but do not need to be physically attached to the minutes. See G.L. c. 30A, §§ 22(d), (e).
- If one or more public body members participated remotely in the meeting, the minutes must include the name(s) of the individual(s) participating remotely. 940 CMR 29.10(7)(b).
- If one or more public body members participated remotely in the meeting, the minutes must record all votes as roll call votes. 940 CMR 29.10(7)(c).
- Executive session minutes must record all votes as roll call votes. G.L. c. 30A, § 22(b).
- The minutes must be approved in a timely manner. G.L. c. 30A, § 22(c). A “timely manner” will generally be considered to be within the next **three** public body meetings or within **30 days**, whichever is later, unless the public body can show good cause for further delay. 940 CMR 29.11(2).

**Note that this checklist is intended as an educational guide, and does not constitute proof of compliance with the Open Meeting Law. Checklists are updated periodically, so please confirm that you are using the most current version. For questions, please contact the Attorney General's Division of Open Government at 617-963-2540 or via email at [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us). For more information on the Open Meeting Law, please visit [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).**

## **Annual Calendar** Terms begin in June

### **June**

1. Reorganization - officers
2. Reorganization - subcommittees
3. Liaison & committee assignments
4. New members
5. Review mission & broad goals

### **July**

1. Define action steps that are:
  - Specific
  - Measurable
  - Attainable
  - Relevant
  - Time oriented
2. Quarterly finance report

### **August**

1. Plan Oct Disability Awareness
2. Plan fall education event

### **September**

1. Promote awareness campaign and education event

### **October**

1. Implement awareness campaign
2. Deliver education event
3. Quarterly finance report

### **November**

1. Prepare Annual Report
2. Plan next event

### **December**

1. Approve annual report

### **January**

1. Submit annual report
2. Consider Town Mtg warrant article submission
3. Quarterly finance report

### **February**

1. Promote next event

### **March**

2. Deliver next event

### **April**

1. Support Unified Games
2. Quarterly finance report
3. Consider position on Town Meeting warrant articles relevant to accessibility

### **May**

1. Town Meeting participation
2. Review Bylaws

### **Ongoing**

- Monitor & collaborate with Town staff on Self Evaluation and Transition Plan
- Liaise with & serve on
  - Transportation
  - Diversity, Equity, Inclusion
  - SPS & L-S SEPACs
  - *Council on Aging?*
  - *Park & Recreation?*
  - *Permanent Building?*
- Monthly mtg w/ Town Manager
- Take advantage of Community Access Monitor training and other professional development opportunities



# SMART Goal

<b>S</b> Specific	Describe with clear details.
<b>M</b> Measurable	Tell what will show that the goal is accomplished.
<b>A</b> Achievable	Can this be done with the time, skills, and resources available?
<b>R</b> Relevant	How is this goal aligned with core values and mission?
<b>T</b> Timely	Set a start and finish date for your goal and.
	Start Date: _____ Finish Date _____

## What steps do you need to take to get you to your goal?

Action Items	Expected Completion Date	Actual Completion Date

## Potential Obstacles and Solutions

Potential Obstacles	Potential Solutions



## Technical Assistance from Institute for Human Centered Design Spring 2022

On May 24, 2022 Kathy Gipps and Kay Bell discussed the material about Liberty Ledge/Camp Sewataro by telephone. Kathy sent an email the next day.

On 5/25/2022 10:17 AM, [kgips@ihcdesign.org](mailto:kgips@ihcdesign.org) wrote:

Hi Kay,

Here's the excerpt from the Department of Justice Title II regulations that I mentioned.

I am not implying that the town of Sudbury or the Manager are discriminating. The relationship between title II and III entities can be complex.

### **Subpart B—General Requirements**

#### **§ 35.130 General prohibitions against discrimination**

(a) No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

(b)

(1) A public entity, in providing any aid, benefit, or service, may not, **directly or through contractual, licensing, or other arrangements**, on the basis of disability—

(i) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the public entity's program;

[www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm#a35130](http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35130)

The Department of Justice's ADA Title II Technical Assistance Manual directly addresses the relationship between title II entities and title III entities.

[www.ada.gov/taman2.html#II-1.3000](http://www.ada.gov/taman2.html#II-1.3000).

Let me know if you have questions.



Regards,

Kathy

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**From:** Kay Bell <>

**Sent:** Wednesday, May 25, 2022 5:11 PM

**To:** kgips@ihcdesign.org

**Subject:** Sudbury Liberty Ledge/Camp Sewataro agreement information

Dear Kathy,

Thank you for sending the important citation from ADA regarding discrimination, which is really the heart of the law.

I have attached three documents about the property:

1. A rudimentary aerial view to give you sense of the property
2. The contract between Sudbury and the manager, with eight notes about updates that have been made since the original agreement.
3. The license agreement that stipulates parameters of use of the intellectual property.

Having no formal legal background, the agreements are a bit cryptic to me. I flagged topics that seem most germane to ADA Title II and perhaps Title III:

- page 2: control of property
- page 2: use and excluded areas
- page 4: term of agreement
- page 5: management fee and payments to town
- page 7: resident priority for admission, scholarships to residents
- page 7: permitted uses
- page 10: intellectual property

By way of our phone conversation and your message below the Commission on Disability will have a better understanding of the protections to which people with disabilities are entitled regarding the property and programs.

1. Areas, facilities and programs open to the general public, at whatever time they are open to the public, are covered under ADA Title II.
2. Areas, facilities and programs open only to enrolled campers are covered under Title III, at least, and may also be covered under Title II depending on the details of the agreement between the town and the manager.

Any elucidation you are able to offer, particularly regarding those Sudbury resident children whom the town has required to be allowed to enroll in the camp, will be most helpful. Sudbury has strong, inclusive special education programs in our schools; hence we have many wonderful families here who have kids with special needs.

If you find, by seeing the details of the town's agreement with the manager, that the text in the Sudbury Self Evaluation and Transition Plan (July 2021) could be expanded or edited to give a clearer understanding, the Sudbury Commission on Disability would be appreciative and would circulate that information.

Thank you so much,

Kay 781 367-7380

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June 3, 2022 2:10 PM Email

Hi Kay,

Thank you for sending me the documents.

As we've discussed previously, under Title II of the ADA, any area used by the public is subject to ADA requirements for "program accessibility." I know you are familiar with the regulations but I am repeating them here:

## **§ 35.150 Existing facilities**

(a) *General.* A public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This paragraph does not—

- (1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;

[www.ada.gov/regs2010/titleII\\_2010/titleII\\_2010\\_regulations.htm#a35149](http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#a35149)

The agreement between the Town and the Manager stipulates that the Manager will determine what ADA modifications are needed and at the direction of the Town, the Manager will make the improvements at the Manager's expense. The Town will pay for ADA improvements that are required solely because they are areas used by the Town. That is fine, but the Town has obligations under the ADA for areas that are used by both the Town and the camp, not just areas that are solely used by the Town.

I know this has been an ongoing issue. I hope there will be movement forward.

Please contact me if you have questions.

Best,

Kathy

Kathy Gips

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June 3, 2022 2:20 PM

Kay,

Sorry I did not respond to all your issues.

The Town should assure that Sudbury resident campers with disabilities can fully participate in all activities of the camp, since part of the agreement

includes ten scholarships for residents. This is a program of the town that is being provided by the camp via the agreement.

Best,

Kathy

Kathy Gips

New England ADA Center

A Project of the Institute for Human Centered Design