



Sudbury Commission on Disability Capital Projects Subcommittee Authorization

Mission

The Capital Projects Subcommittee shall “advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities.” This is the second mandate in MGL Chapter 40, Section 8J and when applied to Sudbury’s capital projects will involve vigilantly observing projects for compliance. The Subcommittee shall encourage the Town to supersede the minimum standards and embrace Universal Design concepts to maximize the inclusiveness of all facilities in Sudbury.

Members – June 2022

1. Randi Korn
2. Kay Bell

Goals and Objectives

1. Advocate for inclusion of an Accessibility Statement in all RFPs and bid solicitations related to capital projects, and advocate for vigorous vetting of all consultants and contractors employed to implement such projects.
2. Monitor progress of capital projects related to both indoor and outdoor facilities including planning, funding, design, bidding, construction, change orders, inspection, approval stages.
3. Develop statements and actions based on information gathered, deliberation of issues, and the vote of the Commission on Disability.
4. Carry out the will of the Commission in word and in deed.

Reporting Requirements

1. The Capital Projects Subcommittee reports to the whole Commission on Disability as information emerges related to planned and ongoing capital projects.

2. The Commission on Disability may authorize the Capital Projects Subcommittee to represent the will of the Commission to Town staff or other committees and boards for specific purposes.

Recommendations

The Capital Projects Subcommittee may seek and share technical assistance and professional development from bona fide sources that may enhance the knowledge and effectiveness of the Commission on Disability, Town staff, and other boards and committees in knowledge and practice related to ADA and MAAB regulations and principles of Universal Design for the built environment.

Compliance with OML

The Subcommittee shall post agendas and conduct and record meetings in compliance with Massachusetts Open Meeting Law. Agendas shall be posted at the Town Clerk's office and on the Town of Sudbury website. Meetings minutes shall be posted on the Town of Sudbury website.



Sudbury Commission on Disability Transition Plan of July 2021 Subcommittee Authorization

Mission

The Transition Plan of July 2021 Subcommittee shall “advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities” and “review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of Sudbury as they affect people with disabilities.” These are mandates found in MGL Chapter 40, Section 8J.

Members – May 2022

1. Liesje Quinto
2. Karyn Jones
3. Kay Bell

Goals and Objectives

1. Study the Self Evaluation and Transition Plan of July 2021 documents.
2. Reach out to Town administration and staff to promote collaboration on implementation of the Transition Plan.
3. Formulate priorities for implementing remedies.
4. Encourage reporting of progress to keep the community informed and supportive of Transition Plan.
5. Help seek additional funding for Transition Plan projects from Town and external sources.

Reporting Requirements

1. The Transition Plan of July 2021 Subcommittee shall report to the whole Commission on Disability as information emerges and progress is made related to the Transition Plan of July 2021.

2. The Transition Plan of July 2021 Subcommittee shall bring action proposals to the whole Commission on Disability for discussion and vote.
3. The Commission on Disability may authorize the Transition Plan of July 2021 Subcommittee to represent the will of the Commission to the Town's Transition Plan team/working group, Town staff or other committees and boards for specific purposes.

Recommendations

The Transition Plan of July 2021 Subcommittee may seek and share technical assistance and professional development from bona fide sources that may facilitate progress of the Transition Plan of July 2021.

Compliance with OML

The Subcommittee shall post agendas and conduct and record meetings in compliance with Massachusetts Open Meeting Law. Agendas shall be posted at the Town Clerk's office and on the Town of Sudbury website. Meetings minutes shall be posted on the Town of Sudbury website.

Sudbury Commission of Disability (COD) Meeting Minutes

May 5, 2022

Virtual Meeting

Members Present

1. Kathleen Bell, Chair
2. Karyn Jones
3. Jane Kline
4. Randi Korn
5. Leisje Quinto
6. Caroline Santangelo

Regular Session Meeting - Chair Kay Bell opened the meeting at 6:30PM.

Open Statement

1. Chair Bell performed a roll call and made an announcement that the session is being recorded, shared live for the public to see and hear on SudburyTV and there should be no expected right to privacy, as this is a public forum.

Public Comment

1. No public comment.

Legislative Discussion

1. Senator Jamie Eldridge and Representative Carmine Gentile gave updates about:
 - a. S1629: An Act building a more accessible Massachusetts. It would strengthen the MA Architectural Access Board.

- b. H2419: An Act removing barriers to work that discriminate against persons with disabilities, mobility impairments, and seniors.
 - c. H2420: An Act relative to expanding the availability of adaptable housing for consumers with disabilities, mobility impairments, and seniors.
 - d. S2614: An Act relative to education, knowledge and communication that builds on our existing food allergy law by requiring food servers to have basic training on food allergies.
 - e. S1083 and H1711: Bills to prohibit discrimination against adults (parents) with disabilities in juvenile and family court proceedings.
 - f. Actions related to 101 CMR 309.00 (01-01-20) Rates for Personal Care Attendant Services, such as changes to minimum wages.
 - g. Actions related to making civic engagement more accessible to persons with disabilities.
2. Kline asked Eldridge and Gentile why Sudbury is not included as The Program of All Inclusive Care for the Elderly (PACE) community.
- a. Gentile said he would look into it and get back to the commission about it.
 - b. Eldridge believed it was a town decision of whether or not Sudbury becomes a PACE community. Bell said she would reach out to Select Board.
3. Korn asked Eldridge and Gentile to speak how their work is helping change structures around equity around people with disabilities.

- a. Eldridge is shocked how far we are in design and not including access at the design phase of a building. Community needs to be vocal to get bills into state legislature.
4. Linda, a member of the community, asked about if voting electronically can pass so a blind and visually impaired person can vote electronically at home. Mail-in ballots for many people require a person to come to the home to help do ballot. Electronic voting is available in Cambridge, Boston, and Worcester.
 - a. Gentile said if this can be done somewhere else, there is no reason this cannot be done in Sudbury.
 - b. Eldridge hopes more bills will pass in the future.
5. Quinto asked about if there is any progress being made in making Masshealth disability benefits easier to get for people with disabilities.
 - a. Gentile will look into it.
 - b. Eldridge spoke to the systematic issue with Masshealth in trying to control their budget by putting up budgets.
6. Quinto asked about what assistance is available for people who need to make home modifications due to a family members disability.
 - a. Eldridge said he would send Commission this information.
7. We thanked Gentile and Eldridge for their time.

Discussion / Potential Action Items

Transition Plan Working Group

1. One member of the COD can be part of the town's working group which will make decisions regarding the \$200,000 the town has to make ADA improvements.
2. Jones nominated Quinto to be the COD's appointed representative on the working group. Quinto accepts.
3. Korn suggests Bell mentor Quinto to help prepare her for when the working group is up and running.
4. Bell suggests starting a sub committee to mentor Quinto so Quinto can represent the COD in the town's working group.

Motion: Jones makes a motion to create a subcommittee called 2021-2022 Transition Plan where members will study the transition plan in preparation of successfully advocating and preparing for the town working Group. Korn seconds the motion. Roll call vote:

- a.) Kathleen Bell, Aye
- b.) Karyn Jones, Aye
- c.) Jane Kline, Aye
- d.) Randi Korn, Aye
- e.) Leisje Quinto, Aye
- f.) Caroline Santangelo, Aye

Vote: 6-0; Motion passes.

Motion: Korn makes motion that Leisje Quinto, Karyn Jones, and Kay Bell will be assigned to the 2021-2022 Transition Plan subcommittee to prepare for the town appointed working group. Quinto seconds. Roll call vote:

- a.) Kathleen Bell, Aye
- b.) Karyn Jones, Aye
- c.) Jane Kline, Not present
- d.) Randi Korn, Aye
- e.) Leisje Quinto, Aye
- f.) Caroline Santangelo, Aye

Vote: 5-0; Motion passes.

Motion: Jones motions to adjourn meeting at 9:31pm. Quinto seconds. Roll call vote:

- a.) Kathleen Bell, Aye
- b.) Karyn Jones, Aye
- c.) Jane Kline, Not present
- d.) Randi Korn, Aye
- e.) Leisje Quinto, Aye
- f.) Caroline Santangelo, Aye

Vote: 5-0; Motion passes.

Thank you for your service, Caroline Santangelo!

Respectfully Submitted, Karyn Jones

Sudbury Commission of Disability (COD)

Meeting Minutes

June 29, 2022
Virtual Meeting

Members Present

1. Kathleen Bell, Chair
2. Karyn Jones, Vice-Chair
3. Jane Kline
4. Randi Korn
5. Leisje Quinto

Regular Session Meeting - Chair Kay Bell opened the meeting at 7:34PM.

Open Statement

1. Bell performed a roll call and made an announcement that the session is being recorded, shared live for the public to see and hear on SudburyTV and there should be no expected right to privacy, as this is a public forum.

Public Comment

1. No public comment.

Discussion/Potential Action

COD Membership/Interviews:

1. Interviewed sixth applicant, Patricia Brown.

2. Ranked six applicants based on recommendation rubric. The following ranking will be sent to Acting Town Manager Maryanne Bilodeau:

1. Rebecca Chisholm
2. Cameron LaHaise
3. Robert Haarde
4. Jean Nam
5. Patricia Brown
6. Lindsay Nielsen

3. **Motion:** Jones motioned for the Commission to not comment on the emails received by Mr. Simon and Ms. Carty. Quinto seconds the motion. Roll call vote:

- a. Randi Korn, Aye
- b. Jane Kline, Aye
- c. Karyn Jones, Aye
- d. Leisje Quinto, Aye
- e. Kay Bell, Aye

Vote: 5-0. Motion carries.

Open Meeting Law

1. Bell educates the commission on open meeting law.
2. Jones asks to put discussion on agenda in the future as subject matter is not on current agenda.

3. Korn asks Bell to email members training video Bell references regarding open meeting law.
4. Jones asks Bell if the commission can have a future agenda item on how members can collaborate and give input on future agenda items. Bell will add to future agenda.

Sudbury Chamber of Commerce

1. Commission agrees to present to Sudbury Chamber of Commerce in FY23

Sewataro

1. COD received an invitation from Kristen Drummey to collaborate on listing alternative sites for resources located at Liberty Ledge.
2. Janie Dretler of Goodmans Hill Road and select board member told the commission that Sewataro is a town owned property that has a private property manager that manages the property as well as has a camp. She clarified that Kristen Drummey is not a town employee but an employee of Sewataro. Sewataro is under the purview of the town manager's office, so everything that has to do with Sewataro needs to go through the Town Manager's office.
3. The Commission decides to hold off on collaborating specifically with Sewataro until we have more guidance from the Town Manager's office. We discussed the possibility of creating a webpage showing what properties/recreational opportunities are accessible throughout the town. We also discussed if the Commission should look into purchasing a trail wheelchair.

4. **Motion:** Bell motioned for the Commission on Disability to formally pass on correspondence from IHCD regarding Title II versus Title III status of Sewataro property to the Select Board and Town Manager. Korn seconded the motion.

Discussion: Jones, Quinto, and Korn would like more clarification on the email communication between Bell and IHCD. Bell says she can withdraw motion.

Motion: Korn motioned for the Commission to table discussion and the passing along of correspondence from IHCD to the select board and town manager until the Transition Plan Sub Committee is able to meet and decide how this information applies to the transition plan before bringing it back to the full Commission. Jones seconds the motion. Roll Call Vote:

- a. Randi Korn, Aye
- b. Jane Kline, Aye
- c. Karyn Jones, Aye
- d. Leisje Quinto, Aye
- e. Kay Bell, No

Vote: 4-1. Motion carries.

5. Quinto will email Bell and Jones to schedule the Transition Plan Sub Committee meeting.
6. **Motion:** Kline motioned to adjourn the meeting at 9pm. Jones seconds the motion.
 - a. Randi Korn, Aye
 - b. Jane Kline, Aye

- c. Karyn Jones, Aye
- d. Leisje Quinto, Aye
- e. Kay Bell, No

Vote: 4-1. Motion carries.

Respectfully Submitted, Karyn Jones



Sudbury Commission on Disability (COD)

Motion by Karyn Jones. Seconded by Liesje Quinto. Vote taken July 6, 2022.

Take down the article entitled “Sharing Playgrounds during Summer.”

Karyn - Aye

Liesje - Aye

Kay – No

Please find the full text of the article within the Supplemental Materials for the August 18, 2022 COD meeting.

Chair acted, including “fact checking” that was requested during discussion of the motion.

1. When Kay visited the COD webpage on July 6 at about 11:00 PM the article had been removed already. Kay did not have the opportunity to act per the vote of the COD. It had been "archived" and not deleted. The town does not generally delete materials as they are public records. The article was removed from display on the "News" page of the COD and visitors to the COD web page could not see it.
2. On July 7, Kay spoke with Interim Town Manager Bilodeau who reported that the claim that there are inaccuracies had come from "the school department." Interim Town Manager Bilodeau advised that the “playgrounds are a sensitive subject” and it would be good practice to consult with any staff or committee about any content related to their work before posting about it.
3. Kay emailed Superintendent and received an "out of office until July 18" message.
4. On July 19, Kay emailed asking to speak to Superintendent to learn what the inaccuracies may be in the article and who had raised concern. Kay repeatedly inquired that week but received no response.
5. On July 22, Kay spoke to Select Board Liaison on phone seeking guidance.

6. On July 25, still having no response from Superintendent, Kay emailed Select Board and copied Interim Town Manager Bilodeau and Superintendent, explaining situation and lack of response to inquiries to learn what inaccuracies may be in the article. Kay asked such questions as: Who believes there are inaccuracies? Why was the COD not contacted and given the opportunity to discuss the details and correct possible errors? Where is the policy that precipitated the action of removing a posted article? What other cases are there of removing a posted article without consulting the author?
7. Interim Town Manager Bilodeau responded to say she would contact Superintendent.
8. Superintendent responded stating he had been "researching why the article might be a concern. The concern was the newsletter stated that only Noyes playground was accessible from parking lots. However all of the playgrounds have an accessible path to them. While some paths needs some ongoing maintenance, they do indeed meet the requirements."
9. Having received no response to questions, on July 28 Kay submitted a Public Records Request for all communications related to the claim of inaccuracies, removal of the article, extant policy regarding removal of posted articles, and instances of removal of articles in the past.
10. By July 30 Kay had performed site visits to all four playgrounds. Kay used skills acquired in Certified Community Access Monitor training and the Transition Plan of July 2021 to observe the routes from arrival points to each playground.
11. The issues with the accessible routes that are listed in the Transition Plan remain unchanged at Haynes Elementary School and Nixon Elementary School.
12. At Loring Elementary School an accessible route from the cafeteria door to the playground has been installed, but the route from the non-compliant accessible parking to that accessible route is out of compliance as noted in the Transition Plan. Currently, at Loring the accessible route from the cafeteria door is blocked twice by large, heavy gates.
13. At Peter Noyes Elementary School there are issues with the accessible route. There is no designated accessible parking adjacent to that

playground and the route from the far parking lot has multiple issues listed. Problems listed with the route from either parking area remain.

14. On August 10 Kay received a document containing correspondence dated from July 4 through July 21:

- between School Committee Chair, Silvia Nersessian, and Interim Town Manager Bilodeau with copy to Superintendent Crozier
- between COD Vice Chair, Karyn Jones Vostok, and Interim Town Manager Bilodeau
- between COD Vice Chair, Karyn Jones Vostok, and School Superintendent Crozier
- between Office Supervisor/Information Officer Frank and Interim Town Manager Bilodeau
- between Superintendent Crozier and Combined Facilities Director Duran
- between “Town of Sudbury” and Information Systems staffer Chris Lee
- between COD Chair, Kay Bell, and Superintendent Crozier with copy to Town Manager Bilodeau, Select Board Member and COD Liaison Roberts, and Executive Assistant to Superintendent Crozier, Julie Williams

and a screenshot of a Facebook post by Lisa Kouchakdjian with comment by Mara Huston, and an undated form titled “Website Access Request Form.” The file containing these communications is included in Supplemental Materials for the August 18, 2022 meeting of the COD.

Accessible Routes to Programs and Services

A program or service such as a playground may be accessible in itself. An accessible route to the program or service is also required. In Supplemental Materials for the August 18, 2022 meeting of the COD the document “accessible-routes.pdf” provides a technical guide from the U.S. Access Board clarifying what constitutes an accessible route.

In the Transition Plan of July 2021 each “Issue/Physical Barrier” related to accessible route is designated as “Priority 1, Program Access.” There are four priority levels with Priority 1 being the most urgent.

“Remedies” indicated are specific and describe the actions that will remove the physical barrier. Whether the action falls into the category of designing and installing something new, adjusting or altering something, or maintaining something, if the action is not taken, that has the same impact on users.

The paragraph below is taken from the article “Sharing Playgrounds during Summer.”

In the spirit of viewing our playgrounds in their entirety SPS and PlaySudbury have worked together to select the Noyes Playground as the best alternative to the Smile Playground and they have installed an accessible portable toilet facility there. This is the best choice, as the ADA Transition Plan reveals. All the other school playgrounds do not have accessible routes to the lovely accessible playgrounds. Noyes does. Noyes also has a well-developed section of elements for preschool children.

There is an error within the underlined sentences. Stating “Noyes does” is incorrect.

Sharing Playgrounds during Summer

Teaser: Content under review. To a child, a playground can be a place of summertime joy and summer is a great time for making lemonade.

PLEASE NOTE, THE BELOW CONTENT IS UNDER REVIEW AND MAY CONTAIN INACCURATE STATEMENTS.

“Viewed in its entirety” - case in point

Title II of the ADA applies to Sudbury’s facilities, programs, services, and communications. Title II requires that Sudbury operate each service, program or activity so that, when viewed in its entirety, it is accessible to and usable by people with disabilities. A town may have three sets of tennis courts scattered around town, with only one or two having accessible parking and an accessible route to the courts. Viewed in its entirety the town is providing accessible tennis courts. Compliance agencies recommend posting signage to direct users to the accessible tennis court(s), and, to fulfill effective communication requirements, town information resources (website, print material) will indicate where the accessible tennis courts are using accessible communication methods.

Enriched Playgrounds

Over the last few years Sudbury Public Schools (SPS) worked with PlaySudbury, a private non-profit organization, to complete an effort to bring accessibility to each of four elementary school playgrounds. These playgrounds are shared resources for the schools and the entire community. Sudbury also enjoys the accessible Smile playground at Haskell Field. Sudbury truly is a mecca for families with young children of all abilities to meet up and play together inclusively.

Construction Redirection

During the construction of our new community center there will be and already are “adjustments” everyone will need to make. Senior Center and Parks and Recreation staff and the builders are doing all they can to preserve programming and keep things safe during the transition to a wonderful new

town center of activity. This means the Smile Playground is not available for public use right now. Flexibility will be required of all of us.

Why the Noyes Playground?

In the spirit of viewing our playgrounds in their entirety SPS and PlaySudbury have worked together to select the Noyes Playground as the best alternative to the Smile Playground and they have installed an accessible portable toilet facility there. This is the best choice, as the ADA Transition Plan reveals. All the other school playgrounds do not have accessible routes to the lovely accessible playgrounds. Noyes does. Noyes also has a well-developed section of elements for preschool children.

In Time All Will Be Equally Accessible

The ADA Transition Plan details what is needed for accessible routes to each of the playgrounds. In the case of a playground for a school, each one needs to be accessible with an accessible route because during school that is the only playground the students can get to. It will take some time and resources to get those all done and to install the Massachusetts Architectural Access Board required accessible path around the perimeter of each playground. In the meantime, directing families to the Noyes Playground as an alternative to the Smile Playground is making the best of it and it is truly very good.

Good lemons make great lemonade.

From: [Frank, Leila](#)
To: [Bilodeau, Maryanne](#)
Subject: COD Article - Sharing Playgrounds During Summer
Date: Tuesday, July 5, 2022 1:20:18 PM

Hi Maryanne,

Per our conversation, I've archived the "Sharing Playgrounds During Summer" web article posted by Kay Bell on the Commission on Disability web page. Should the Commission decide to make revisions are re-post, they have access to do so.

Thank you,
Leila

LEILA S. FRANK
OFFICE SUPERVISOR/INFORMATION OFFICER
SUDBURY TOWN MANAGER & SELECT BOARD'S OFFICE
278 OLD SUDBURY ROAD
SUDBURY, MA 01776
978-639-3380
SUDBURY.MA.US

WHEN WRITING OR RESPONDING, PLEASE BE AWARE THE SECRETARY OF STATE HAS DETERMINED THAT E-MAIL IS A PUBLIC RECORD AND THUS NOT CONFIDENTIAL.

From: [Karyn Vostok](#)
To: [Town Manager](#)
Subject: COD
Date: Tuesday, July 5, 2022 12:27:07 PM

Hi Maryanne,

I sit as vice chair on the Commission on Disability. One of our members posted an article entitled "Sharing Playgrounds during Summer" on our town website. Article can be found here: <https://sudbury.ma.us/disability/2022/07/03/sharing-playgrounds-during-summer/?fbclid=IwAR0I3qpoknI2SXk2hDMBGPF3Sgnm8GogW8dRrL4WRfHn5OHZoY07EvFgLk8>

We as a Commission haven't approved any website topics, content, or language, so the article should be taken down until we can discuss/vote as a commission.

I have emailed Kay Bell, but I remember her saying she doesn't have good Internet this week as she is at a campsite. I don't want to call her to bother her while she is on vacation. Would you mind taking it down until we can discuss/vote on the article as a commission?

I hope you had a wonderful 4th of July!

-Karyn
P: 617.909.7019

From: [Bilodeau, Maryanne](#)
To: [Frank, Leila](#)
Subject: FW: Town Website
Date: Tuesday, July 5, 2022 11:54:23 AM

Hi Leila,
Can you tell me who posted this last posting noted below.
Would you take a look at it and let me know what you think...thanks.
Maryanne

From: Silvia Nerssessian <silvia_nerssessian@sudbury.k12.ma.us>
Sent: Tuesday, July 5, 2022 11:43 AM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Cc: Crozier, Brad <brad_crozier@sudbury.k12.ma.us>
Subject: Town Website

Dear Maryanne,

I am writing to bring a concern to your attention. Recently an article that is posted on the Town's website <https://sudbury.ma.us/disability/2022/07/03/sharing-playgrounds-during-summer/> has also been shared on social media. This article contains information that is not factually correct and I view it as a liability to Sudbury and to Sudbury Public Schools. Essentially it is also implying that the playgrounds are not accessible.

Our community has taken many incredible steps forward, setting an example for other communities regarding ADA compliance. I am very concerned to see this and hope that it can be addressed. Please let me know if you have any questions or would like to talk.

Many thanks,
Silvia

--

Silvia Nerssessian
Chair, Sudbury School Committee

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From: [Brad Crozier](#)
To: [Duran, Sandra](#)
Subject: Fwd: Article for feedback/review
Date: Thursday, July 7, 2022 10:37:18 AM
Attachments: [Sharing Playgrounds during Summer.pdf](#)

Can you call me about this statement?

Brad Crozier
Superintendent of Schools
Sudbury Public Schools
40 Fairbanks Road
Sudbury, MA 01776

(978) 639-3211
pronouns: he/him/his

----- Forwarded message -----

From: **Karyn Vostok** <kevostok@yahoo.com>
Date: Thu, Jul 7, 2022 at 10:00 AM
Subject: Article for feedback/review
To: Brad Crozier <brad_crozier@sudbury.k12.ma.us>

Hi Brad,

I sit as Vice Chair on the Commission on Disability. A member of our Commission wrote the attached article, which was published on the town website earlier this week. We did have a meeting last night where a motion was made to take down the article until we can verify accuracy of the information presented and discuss the article as a group to then vote if it should appear on the town website.

Acting Town Manager Maryanne has received feedback from members of the community stating they do not believe the article is accurate or fairly represents the work done by Sudbury Schools and PlaySudbury. She wanted me to reach out to the school district for any feedback.

When you have time, would you mind reading the article and providing feedback? Our next meeting is August 18th, where I believe this will be on the agenda. You are also welcome to connect with Maryanne as well.

Please do not hesitate to reach out if you have any questions. My phone number is 617.909.7019.

I hope you had a wonderful 4th of July!

Warmly,

Karyn Jones

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From: [Brad Crozier](#)
To: [Duran, Sandra](#)
Subject: Fwd: Can you find some time for a call or visit?
Date: Thursday, July 21, 2022 9:46:00 AM
Attachments: [PG summer 2022.docx](#)

Brad Crozier
Superintendent of Schools
Sudbury Public Schools
40 Fairbank Road
Sudbury, MA 01776

(978) 639-3211
pronouns: he/him/his

----- Forwarded message -----

From: **Kay Bell** <kaybell@mail.com>
Date: Tue, Jul 19, 2022 at 2:19 PM
Subject: Can you find some time for a call or visit?
To: Brad Crozier <brad_crozier@sudbury.k12.ma.us>

Dear Brad,

I hope your time away was great and that your return yesterday was a smooth landing. I, too, was away and have returned.

I would like to discuss with you the attached article that was posted to the Commission on Disability webpage that someone in the "school department" (according to Interim Town Manager Maryanne Bilodeau) believes has inaccuracies in it. My schedule is likely less crowded than yours, though I have a commitment tomorrow morning (Wed, 07-20) from 10 to noon and the next day (Thu 07-21) from 4 to 5 PM. I appreciate your making some time to discuss this with me. I would like to rectify any errors and re-post the article.

A second topic I would like to cover relates to the ADA Transition Plan. This month is the one year anniversary of the delivery of the completed Plan. I would like to gather information for the COD about the various items that have been or are being addressed as of this milestone. Sudbury Public Schools has been pro-active, I believe, in making progress and the COD's Transition Plan Subcommittee, that will soon meet, would benefit from an update from SPS on that work. The COD was glad to stand up at Town Meeting to help educate the voters about the value of the Noyes School sink replacement project and throw our support behind the funding request. If this area of information is better sought from Sandra Duran, Combined Facilities Director, please let me know.

Thank you,

Kay 781 367-7380 (call or text)

Kay Bell, Chair, Sudbury Commission on Disability

Pronouns: She...

disability@sudbury.ma.us - (978) 639 - 3265 - <https://sudbury.ma.us/disability/>

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From: [Kay Bell](#)
To: [Brad Crozier](#)
Cc: bilodeaum@sudbury.ma.us; [Roberts, Jennifer](#); julie_williams@sudbury.k12.ma.us
Subject: Fwd: Can you find some time for a call or visit?
Date: Friday, July 22, 2022 9:53:00 AM
Attachments: [PG summer 2022.docx](#)

Dear Superintendent Crozier,

I am re-sending my email of July 19 that I also resent yesterday, July 21. Are you receiving these communications?

If discussing both topics will take too much of your time, I would like to prioritize discussing the COD article and any errata within it.

I look forward to hearing from you.

Kay

Kay Bell, Chair, Sudbury Commission on Disability

Pronouns: She/her
disability@sudbury.ma.us - (978) 639 - 3265 - <https://sudbury.ma.us/disability/>

The office of the Secretary of State of Massachusetts has determined that most emails to and from municipal officials are public records. No confidentiality should be expected.

----- Forwarded Message -----

Subject: Can you find some time for a call or visit?
Date: Thu, 21 Jul 2022 09:58:51 -0400
From: Kay Bell <kaybell@mail.com>
To: Brad Crozier <brad_crozier@sudbury.k12.ma.us>

[Dear Superintendent Crozier: I am re-sending the message I sent on July 19 at 2:19 PM in case the original message became "buried" in your inbox. Thank you for your consideration of my request to speak or meet. Kay Bell, 781-367-7380]

Dear Brad,

I hope your time away was great and that your return yesterday was a smooth landing. I, too, was away and have returned.

I would like to discuss with you the attached article that was posted to the Commission on Disability webpage that someone in the "school department" (according to Interim Town Manager Maryanne Bilodeau) believes has inaccuracies in it. My schedule is likely less crowded than yours, though I have a commitment tomorrow morning (Wed, 07-20) from 10 to noon and the next day (Thu 07-21) from 4 to 5 PM. I appreciate your making some time to discuss this with me. I would like to rectify any errors and re-post the article.

A second topic I would like to cover relates to the ADA Transition Plan. This month is the one year anniversary of the delivery of the completed Plan. I would like to gather information for the COD about the various items that have been or are being addressed as of this milestone. Sudbury Public Schools has been pro-active, I believe, in making progress and the COD's Transition Plan Subcommittee, that will soon meet, would benefit from an update from SPS on that work. The COD was glad to stand up at Town Meeting to help educate the voters about the value of the Noyes School sink replacement project and throw our support behind the funding request. If this area of information is better sought from Sandra Duran, Combined Facilities Director, please let me know.

Thank you,

Kay 781 367-7380 (call or text)

Kay Bell, Chair, Sudbury Commission on Disability

Pronouns: She...

disability@sudbury.ma.us - (978) 639 - 3265 - <https://sudbury.ma.us/disability/>

The office of the Secretary of State of Massachusetts has determined that most emails to and from municipal officials are public records. No confidentiality should be expected.

From: [Town of Sudbury](#)
To: leec@sudbury.ma.us
Subject: Posts from Commission on Disability for 07/04/2022
Date: Monday, July 4, 2022 5:02:08 PM

[View this email in your browser](#)



Updates from
Commission on Disability
Sudbury, MA

[Sharing Playgrounds during Summer](#)

Updated on Jul 03, 2022 05:11 pm

To a child, a playground can be a place of summertime joy and summer is a great time for making lemonade. [More →](#)

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[Commission on Disability - Capital Projects Subcommittee Meeting: Thursday, August 18, 2022](#)

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[Commission On Disability Meeting: Wednesday, July 6, 2022](#)

[Commission On Disability Meeting: Wednesday, June 29, 2022](#)

[Commission On Disability Meeting: Thursday, August 18, 2022](#)

[Commission On Disability Meeting: Monday, June 20, 2022](#)

[Commission On Disability Meeting: Thursday, June 2, 2022](#)

[Commission On Disability Meeting: Monday, June 13, 2022](#)

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From: [Town of Sudbury](#)
To: leec@sudbury.ma.us
Subject: Posts from Commission on Disability for 07/05/2022
Date: Tuesday, July 5, 2022 5:02:10 PM

[View this email in your browser](#)



Updates from
Commission on Disability
Sudbury, MA

[Sharing Playgrounds during Summer](#)

Updated on Jul 05, 2022 03:08 pm

Content under review. To a child, a playground can be a place of summertime joy and summer is a great time for making lemonade. [More →](#)

[Read on »](#)



Recent Articles:

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Sudbury, MA 01776-1843

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From: [Bilodeau, Maryanne](#)
To: [Frank, Leila](#)
Subject: RE: COD Article - Sharing Playgrounds During Summer
Date: Tuesday, July 5, 2022 3:03:36 PM

Yes, let's add that disclaimer.

From: Frank, Leila <FrankL@sudbury.ma.us>
Sent: Tuesday, July 5, 2022 2:52 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Subject: RE: COD Article - Sharing Playgrounds During Summer

It is archived, so if someone searches the archive, it will appear. Let me know if you want to add a disclaimer about the information being under review to appear with the archived article.

LEILA S. FRANK
OFFICE SUPERVISOR/INFORMATION OFFICER
SUDBURY TOWN MANAGER & SELECT BOARD'S OFFICE
278 OLD SUDBURY ROAD
SUDBURY, MA 01776
978-639-3380
SUDBURY.MA.US

WHEN WRITING OR RESPONDING, PLEASE BE AWARE THE SECRETARY OF STATE HAS DETERMINED THAT E-MAIL IS A PUBLIC RECORD AND THUS NOT CONFIDENTIAL.

From: Bilodeau, Maryanne
Sent: Tuesday, July 5, 2022 2:49 PM
To: Frank, Leila <FrankL@sudbury.ma.us>
Subject: RE: COD Article - Sharing Playgrounds During Summer

But we are sure that no one from the public can see it, correct?

From: Frank, Leila <FrankL@sudbury.ma.us>
Sent: Tuesday, July 5, 2022 1:20 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Subject: COD Article - Sharing Playgrounds During Summer

Hi Maryanne,

Per our conversation, I've archived the "Sharing Playgrounds During Summer" web article posted by Kay Bell on the Commission on Disability web page. Should the Commission decide to make revisions are re-post, they have access to do so.

Thank you,
Leila

LEILA S. FRANK
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From: [Frank, Leila](#)
To: [Bilodeau, Maryanne](#)
Subject: RE: COD Article - Sharing Playgrounds During Summer
Date: Tuesday, July 5, 2022 2:52:28 PM

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From: [Bilodeau, Maryanne](#)
To: [Frank, Leila](#)
Subject: RE: COD Article - Sharing Playgrounds During Summer
Date: Tuesday, July 5, 2022 2:48:45 PM

But we are sure that no one from the public can see it, correct?

From: Frank, Leila <FrankL@sudbury.ma.us>
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To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
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From: [Frank, Leila](#)
To: [Bilodeau, Maryanne](#)
Subject: RE: COD Article - Sharing Playgrounds During Summer
Date: Tuesday, July 5, 2022 3:08:40 PM

All set

LEILA S. FRANK
OFFICE SUPERVISOR/INFORMATION OFFICER
SUDBURY TOWN MANAGER & SELECT BOARD'S OFFICE
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From: Bilodeau, Maryanne
Sent: Tuesday, July 5, 2022 3:04 PM
To: Frank, Leila <FrankL@sudbury.ma.us>
Subject: RE: COD Article - Sharing Playgrounds During Summer

Yes, let's add that disclaimer.

From: Frank, Leila <FrankL@sudbury.ma.us>
Sent: Tuesday, July 5, 2022 2:52 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Subject: RE: COD Article - Sharing Playgrounds During Summer

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From: [Bilodeau, Maryanne](#)
To: kevostok@yahoo.com
Subject: RE: COD
Date: Tuesday, July 5, 2022 3:27:22 PM
Attachments: [image001.png](#)

No problem. I do strive to please, though it may not always appear that way since it's virtually impossible to please everyone.

From: Karyn Vostok <kevostok@yahoo.com>
Sent: Tuesday, July 5, 2022 3:18 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Subject: Re: COD

Hi Maryanne,

Thanks so much again. One of the select board members, Lisa, posted the article on all of the Sudbury Facebook pages. Because people are discussing the content, that's why I'm hoping it can just be taken down until we as a commission can speak and discuss/vote.

I'm so sorry again to keep bothering you about this.

I have emailed and texted Kay so I can talk to her about adding it to a future agenda item. Thanks so much for the clarification. I really appreciate it!

Karyn



Sent from my iPhone

On Jul 5, 2022, at 2:44 PM, Bilodeau, Maryanne <BilodeauM@sudbury.ma.us> wrote:

Hi Karyn,

I don't believe the public can see it if they go to the webpage. The only way you can see it is if you have the link to the article.

BTW, if you discuss it as a committee it will need to be added to a future agenda. I think when you do discuss that someone should reach out to the schools to make sure the information is factual. I've been told that it is not, but I have not researched that.

Maryanne

From: Karyn Vostok <kevostok@yahoo.com>
Sent: Tuesday, July 5, 2022 2:42 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Cc: Town Manager <townmanager@sudbury.ma.us>
Subject: Re: COD

Hi Maryanne,

I'm so sorry to bother you again about this. I saw that you archived the article entry. Thank you for doing so. The article is however still visible. Is it possible to just take down? Or, see if there is a way to make the published article a draft so it's no longer public? Mark could possibly help too.

Again, thanks so much for all your help with this.

Karyn

Sent from my iPhone

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I'm honestly not sure. I know Kay Bell has access to post agendas onto our webpage, so it could have been her. I really don't know though. Typically, we are suppose to vote to approve content, so that's why I was hoping we could just take it down until we can meet as a commission to discuss.

Sorry I can't be more helpful.

Karyn

Sent from my iPhone

On Jul 5, 2022, at 12:30 PM, Bilodeau, Maryanne
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I received another complaint about this posting earlier today. Who posted it?

From: Karyn Vostok <kevostok@yahoo.com>
Sent: Tuesday, July 5, 2022 12:27 PM

To: Town Manager <townmanager@sudbury.ma.us>

Subject: COD

Hi Maryanne,

I sit as vice chair on the Commission on Disability. One of our members posted an article entitled "Sharing Playgrounds during Summer" on our town website. Article can be found here: <https://sudbury.ma.us/disability/2022/07/03/sharing-playgrounds-during-summer/?fbclid=IwAR013qpoknI2SXk2hDMBGPF3Sgnm8GogW8dRrL4WRfHn5OHZoY07EvFgLk8>

We as a Commission haven't approved any website topics, content, or language, so the article should be taken down until we can discuss/vote as a commission.

I have emailed Kay Bell, but I remember her saying she doesn't have good Internet this week as she is at a campsite. I don't want to call her to bother her while she is on vacation. Would you mind taking it down until we can discuss/vote on the article as a commission?

I hope you had a wonderful 4th of July!

-Karyn
P: 617.909.7019

From: [Bilodeau, Maryanne](#)
To: kevostok@yahoo.com
Subject: RE: COD
Date: Tuesday, July 5, 2022 2:48:00 PM

Actually I was able to check that out. Kay did post it.

From: Karyn Vostok <kevostok@yahoo.com>
Sent: Tuesday, July 5, 2022 1:21 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Cc: Town Manager <townmanager@sudbury.ma.us>
Subject: Re: COD

I'm honestly not sure. I know Kay Bell has access to post agendas onto our webpage, so it could have been her. I really don't know though. Typically, we are suppose to vote to approve content, so that's why I was hoping we could just take it down until we can meet as a commission to discuss.

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-Karyn
P: 617.909.7019

From: [Bilodeau, Maryanne](#)
To: kevostok@yahoo.com
Subject: RE: COD
Date: Tuesday, July 5, 2022 2:44:24 PM

Hi Karyn,

I don't believe the public can see it if they go to the webpage. The only way you can see it is if you have the link to the article.

BTW, if you discuss it as a committee it will need to be added to a future agenda. I think when you do discuss that someone should reach out to the schools to make sure the information is factual. I've been told that it is not, but I have not researched that.

Maryanne

From: Karyn Vostok <kevostok@yahoo.com>
Sent: Tuesday, July 5, 2022 2:42 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Cc: Town Manager <townmanager@sudbury.ma.us>
Subject: Re: COD

Hi Maryanne,

I'm so sorry to bother you again about this. I saw that you archived the article entry. Thank you for doing so. The article is however still visible. Is it possible to just take down? Or, see if there is a way to make the published article a draft so it's no longer public? Mark could possibly help too.

Again, thanks so much for all your help with this.

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Sent from my iPhone

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Sent from my iPhone

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To: Town Manager <townmanager@sudbury.ma.us>
Subject: COD

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-Karyn
P: 617.909.7019

From: [Bilodeau, Marianne](#)
To: kevostok@yahoo.com; [Town Manager](#)
Subject: RE: COD
Date: Tuesday, July 5, 2022 12:30:12 PM

I received another complaint about this posting earlier today. Who posted it?

From: Karyn Vostok <kevostok@yahoo.com>
Sent: Tuesday, July 5, 2022 12:27 PM
To: Town Manager <townmanager@sudbury.ma.us>
Subject: COD

Hi Marianne,

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From: [Bilodeau, Maryanne](#)
To: kevostok@yahoo.com
Subject: RE: COD
Date: Friday, July 8, 2022 11:17:05 PM
Attachments: [image001.png](#)

Ok. Take care.

Maryanne Bilodeau

Asst. Town Manager

Pronouns: She - Her - Hers

Town of Sudbury

278 Old Sudbury Road

Sudbury MA 01776

Phone: (978) 639-3386

Fax: (978) 443-0756

The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

----- Original message -----

From: Karyn Vostok <kevostok@yahoo.com>
Date: 7/8/22 10:32 PM (GMT-05:00)
To: "Bilodeau, Maryanne" <BilodeauM@sudbury.ma.us>
Subject: Re: COD

Hi Maryanne,

I just wanted to let you know I emailed Superintendent Brad to get feedback about the article since some members of the community weren't sure if the article was accurate. I will forward you his response. I also told him he could connect with you directly too, if he felt more comfortable. I hope this is okay!

Thanks again for everything! If there is anything else I can do, please let me know.

-Karyn

On Tuesday, July 5, 2022 at 03:27:27 PM EDT, Bilodeau, Maryanne <bilodeaum@sudbury.ma.us> wrote:

No problem. I do strive to please, though it may not always appear that way since it's virtually impossible to please everyone.

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Sent from my iPhone

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-Karyn

P: 617.909.7019

From: [Bilodeau, Maryanne](#)
To: [Frank, Leila](#)
Subject: RE: Town Website
Date: Tuesday, July 5, 2022 2:00:15 PM

Thank you.

From: Frank, Leila <FrankL@sudbury.ma.us>
Sent: Tuesday, July 5, 2022 1:47 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Subject: RE: Town Website

I would recommend that this matter be placed on a COD agenda and that any false information be addressed at the meeting. They may also wish to post a corrected story on the website.

LEILA S. FRANK
OFFICE SUPERVISOR/INFORMATION OFFICER
SUDBURY TOWN MANAGER & SELECT BOARD'S OFFICE
278 OLD SUDBURY ROAD
SUDBURY, MA 01776
978-639-3380
SUDBURY.MA.US

WHEN WRITING OR RESPONDING, PLEASE BE AWARE THE SECRETARY OF STATE HAS DETERMINED THAT E-MAIL IS A PUBLIC RECORD AND THUS NOT CONFIDENTIAL.

From: Bilodeau, Maryanne
Sent: Tuesday, July 5, 2022 11:54 AM
To: Frank, Leila <FrankL@sudbury.ma.us>
Subject: FW: Town Website

Hi Leila,
Can you tell me who posted this last posting noted below.
Would you take a look at it and let me know what you think...thanks.
Maryanne

From: Silvia Nerssessionian <silvia_nerssessionian@sudbury.k12.ma.us>
Sent: Tuesday, July 5, 2022 11:43 AM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Cc: Crozier, Brad <brad_crozier@sudbury.k12.ma.us>
Subject: Town Website

Dear Maryanne,

I am writing to bring a concern to your attention. Recently an article that is posted on the Town's

website <https://sudbury.ma.us/disability/2022/07/03/sharing-playgrounds-during-summer/> has also been shared on social media. This article contains information that is not factually correct and I view it as a liability to Sudbury and to Sudbury Public Schools. Essentially it is also implying that the playgrounds are not accessible.

Our community has taken many incredible steps forward, setting an example for other communities regarding ADA compliance. I am very concerned to see this and hope that it can be addressed. Please let me know if you have any questions or would like to talk.

Many thanks,
Silvia

--

Silvia Nersessian
Chair, Sudbury School Committee

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From: [Frank, Leila](#)
To: [Bilodeau, Maryanne](#)
Subject: RE: Town Website
Date: Tuesday, July 5, 2022 1:47:28 PM

I would recommend that this matter be placed on a COD agenda and that any false information be addressed at the meeting. They may also wish to post a corrected story on the website.

LEILA S. FRANK
OFFICE SUPERVISOR/INFORMATION OFFICER
SUDBURY TOWN MANAGER & SELECT BOARD'S OFFICE
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Silvia

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From: [Bilodeau, Maryanne](#)
To: silvia_nerssessionian@sudbury.k12.ma.us
Cc: [Crozier, Brad](#)
Subject: RE: Town Website
Date: Tuesday, July 5, 2022 11:52:31 AM

I'll take a look at it. The last one I saw was the nice press release that came from the school department offering the playgrounds.
Thanks for the heads up.

From: Silvia Nerssessionian <silvia_nerssessionian@sudbury.k12.ma.us>
Sent: Tuesday, July 5, 2022 11:43 AM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Cc: Crozier, Brad <brad_crozier@sudbury.k12.ma.us>
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From: [Bilodeau, Maryanne](#)
To: silvia_nerssession@sudbury.k12.ma.us
Cc: [Crozier, Brad](#)
Subject: RE: Town Website
Date: Tuesday, July 5, 2022 2:23:09 PM

It has been archived and Kay will be notified...I believe she is away this week. Thank you.

From: Silvia Nerssessionian <silvia_nerssession@sudbury.k12.ma.us>
Sent: Tuesday, July 5, 2022 11:43 AM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Cc: Crozier, Brad <brad_crozier@sudbury.k12.ma.us>
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From: [Bilodeau, Maryanne](#)
To: kevostok@yahoo.com
Subject: RE: COD
Date: Tuesday, July 5, 2022 3:27:22 PM
Attachments: [image001.png](#)

No problem. I do strive to please, though it may not always appear that way since it's virtually impossible to please everyone.

From: Karyn Vostok <kevostok@yahoo.com>
Sent: Tuesday, July 5, 2022 3:18 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Subject: Re: COD

Hi Maryanne,

Thanks so much again. One of the select board members, Lisa, posted the article on all of the Sudbury Facebook pages. Because people are discussing the content, that's why I'm hoping it can just be taken down until we as a commission can speak and discuss/vote.

I'm so sorry again to keep bothering you about this.

I have emailed and texted Kay so I can talk to her about adding it to a future agenda item. Thanks so much for the clarification. I really appreciate it!

Karyn



Sent from my iPhone

On Jul 5, 2022, at 2:44 PM, Bilodeau, Maryanne <BilodeauM@sudbury.ma.us> wrote:

Hi Karyn,

I don't believe the public can see it if they go to the webpage. The only way you can see it is if you have the link to the article.

BTW, if you discuss it as a committee it will need to be added to a future agenda. I think when you do discuss that someone should reach out to the schools to make sure the information is factual. I've been told that it is not, but I have not researched that.

Maryanne

From: Karyn Vostok <kevostok@yahoo.com>
Sent: Tuesday, July 5, 2022 2:42 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Cc: Town Manager <townmanager@sudbury.ma.us>
Subject: Re: COD

Hi Maryanne,

I'm so sorry to bother you again about this. I saw that you archived the article entry. Thank you for doing so. The article is however still visible. Is it possible to just take down? Or, see if there is a way to make the published article a draft so it's no longer public? Mark could possibly help too.

Again, thanks so much for all your help with this.

Karyn

Sent from my iPhone

On Jul 5, 2022, at 1:20 PM, Karyn Vostok <kevostok@yahoo.com> wrote:

I'm honestly not sure. I know Kay Bell has access to post agendas onto our webpage, so it could have been her. I really don't know though. Typically, we are suppose to vote to approve content, so that's why I was hoping we could just take it down until we can meet as a commission to discuss.

Sorry I can't be more helpful.

Karyn

Sent from my iPhone

On Jul 5, 2022, at 12:30 PM, Bilodeau, Maryanne
<BilodeauM@sudbury.ma.us> wrote:

I received another complaint about this posting earlier today. Who posted it?

From: Karyn Vostok <kevostok@yahoo.com>
Sent: Tuesday, July 5, 2022 12:27 PM

To: Town Manager <townmanager@sudbury.ma.us>

Subject: COD

Hi Maryanne,

I sit as vice chair on the Commission on Disability. One of our members posted an article entitled "Sharing Playgrounds during Summer" on our town website. Article can be found here: <https://sudbury.ma.us/disability/2022/07/03/sharing-playgrounds-during-summer/?fbclid=IwAR0I3qpoknI2SXk2hDMBGPF3Sgnm8GogW8dRrL4WRfHn5OHZoY07EvFgLk8>

We as a Commission haven't approved any website topics, content, or language, so the article should be taken down until we can discuss/vote as a commission.

I have emailed Kay Bell, but I remember her saying she doesn't have good Internet this week as she is at a campsite. I don't want to call her to bother her while she is on vacation. Would you mind taking it down until we can discuss/vote on the article as a commission?

I hope you had a wonderful 4th of July!

-Karyn
P: 617.909.7019

From: [Bilodeau, Maryanne](#)
To: kevostok@yahoo.com
Subject: RE: COD
Date: Tuesday, July 5, 2022 2:48:00 PM

Actually I was able to check that out. Kay did post it.

From: Karyn Vostok <kevostok@yahoo.com>
Sent: Tuesday, July 5, 2022 1:21 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Cc: Town Manager <townmanager@sudbury.ma.us>
Subject: Re: COD

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I hope you had a wonderful 4th of July!

-Karyn
P: 617.909.7019

From: [Bilodeau, Maryanne](#)
To: kevostok@yahoo.com
Subject: RE: COD
Date: Tuesday, July 5, 2022 2:44:24 PM

Hi Karyn,

I don't believe the public can see it if they go to the webpage. The only way you can see it is if you have the link to the article.

BTW, if you discuss it as a committee it will need to be added to a future agenda. I think when you do discuss that someone should reach out to the schools to make sure the information is factual. I've been told that it is not, but I have not researched that.

Maryanne

From: Karyn Vostok <kevostok@yahoo.com>
Sent: Tuesday, July 5, 2022 2:42 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Cc: Town Manager <townmanager@sudbury.ma.us>
Subject: Re: COD

Hi Maryanne,

I'm so sorry to bother you again about this. I saw that you archived the article entry. Thank you for doing so. The article is however still visible. Is it possible to just take down? Or, see if there is a way to make the published article a draft so it's no longer public? Mark could possibly help too.

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Sent from my iPhone

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Subject: COD

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P: 617.909.7019

From: [Bilodeau, Maryanne](#)
To: kevostok@yahoo.com; [Town Manager](#)
Subject: RE: COD
Date: Tuesday, July 5, 2022 12:30:12 PM

I received another complaint about this posting earlier today. Who posted it?

From: Karyn Vostok <kevostok@yahoo.com>
Sent: Tuesday, July 5, 2022 12:27 PM
To: Town Manager <townmanager@sudbury.ma.us>
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P: 617.909.7019

From: [Karyn Vostok](#)
To: [Bilodeau, Maryanne](#)
Cc: [Town Manager](#)
Subject: Re: COD
Date: Tuesday, July 5, 2022 1:21:11 PM

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Sorry I can't be more helpful.

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P: 617.909.7019

From: [Bilodeau, Maryanne](#)
To: kevostok@yahoo.com
Subject: RE: COD
Date: Friday, July 8, 2022 11:17:05 PM
Attachments: [image001.png](#)

Ok. Take care.

Maryanne Bilodeau

Asst. Town Manager

Pronouns: She - Her - Hers

Town of Sudbury

278 Old Sudbury Road

Sudbury MA 01776

Phone: (978) 639-3386

Fax: (978) 443-0756

The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

----- Original message -----

From: Karyn Vostok <kevostok@yahoo.com>
Date: 7/8/22 10:32 PM (GMT-05:00)
To: "Bilodeau, Maryanne" <BilodeauM@sudbury.ma.us>
Subject: Re: COD

Hi Maryanne,

I just wanted to let you know I emailed Superintendent Brad to get feedback about the article since some members of the community weren't sure if the article was accurate. I will forward you his response. I also told him he could connect with you directly too, if he felt more comfortable. I hope this is okay!

Thanks again for everything! If there is anything else I can do, please let me know.

-Karyn

On Tuesday, July 5, 2022 at 03:27:27 PM EDT, Bilodeau, Maryanne <bilodeaum@sudbury.ma.us> wrote:

No problem. I do strive to please, though it may not always appear that way since it's virtually impossible to please everyone.

From: Karyn Vostok <kevostok@yahoo.com>
Sent: Tuesday, July 5, 2022 3:18 PM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Subject: Re: COD

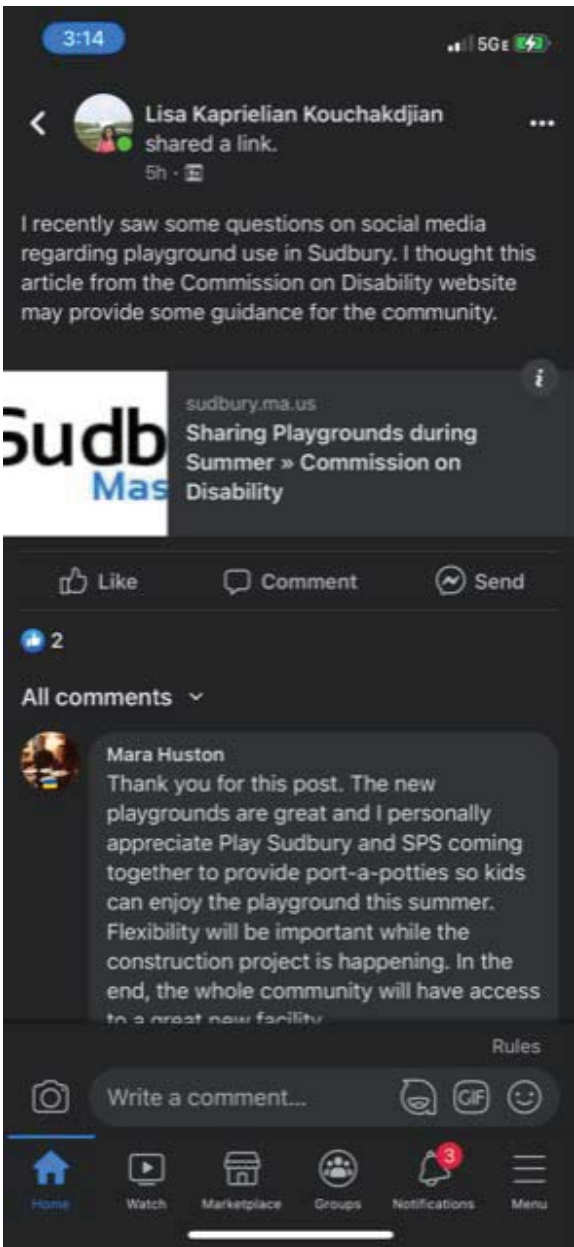
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To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Cc: Town Manager <townmanager@sudbury.ma.us>
Subject: Re: COD

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I hope you had a wonderful 4th of July!

-Karyn

P: 617.909.7019

From: [Silvia Nerssessian](#)
To: "[Bilodeau, Maryanne](#)"
Subject: Re: RE: Town Website
Date: Tuesday, July 5, 2022 2:15:33 PM

Thank you, I really appreciate it.

Tuesday, July 5, 2022, 11:52 AM -0400 from Bilodeau, Maryanne
<BilodeauM@sudbury.ma.us>:

I'll take a look at it. The last one I saw was the nice press release that came from the school department offering the playgrounds.

Thanks for the heads up.

From: Silvia Nerssessian <silvia_nerssessian@sudbury.k12.ma.us>
Sent: Tuesday, July 5, 2022 11:43 AM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>
Cc: Crozier, Brad <brad_crozier@sudbury.k12.ma.us>
Subject: Town Website

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Our community has taken many incredible steps forward, setting an example for other communities regarding ADA compliance. I am very concerned to see this and hope that it can be addressed. Please let me know if you have any questions or would like to talk.

Many thanks,

Silvia

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Silvia Nerssessian

Chair, Sudbury School Committee

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From: [Silvia Nerssessian](#)
To: [Bilodeau, Maryanne](#)
Cc: [Brad Crozier](#)
Subject: Town Website
Date: Tuesday, July 5, 2022 11:43:30 AM

Dear Maryanne,

I am writing to bring a concern to your attention. Recently an article that is posted on the Town's website <https://sudbury.ma.us/disability/2022/07/03/sharing-playgrounds-during-summer/> has also been shared on social media. This article contains information that is not factually correct and I view it as a liability to Sudbury and to Sudbury Public Schools. Essentially it is also implying that the playgrounds are not accessible.

Our community has taken many incredible steps forward, setting an example for other communities regarding ADA compliance. I am very concerned to see this and hope that it can be addressed. Please let me know if you have any questions or would like to talk.

Many thanks,

Silvia

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Silvia Nerssessian
Chair, Sudbury School Committee

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Website Access Request Form

The Town of Sudbury website is a Town asset and, its use is permitted by approval of the Town Manager. Several restrictions and guidelines apply. A request should be either emailed to townmanager@sudbury.ma.us or by letter addressed to Town Manager, Flynn Building, 278 Old Sudbury Rd., Sudbury, MA 01776.

Permission will be based upon completion of the following information and agreement to the guidelines provided

Name of Applicant: _____

Street address and phone: _____

Email address: _____

Request and reason for access: _____

Guidelines for use:

_____ I agree to post only notices/agendas of upcoming meeting to my Committee's website

_____ I agree to post only minutes which have been approved by my Committee at an open meeting.

_____ Access to the Town and the Committee's home page will be used strictly to announce or post a newsworthy event/information such as a meeting, meeting cancellation, approved minutes or an event/information of interest to all residents

_____ A training session on using the Web Editor Interface will be scheduled with the Technology Administrator, infosystems@sudbury.ma.us before permission is granted to the requestor.

I agree to the terms outlined above and request permission to access the Town's website.

Applicant: _____

Town Manager approval: _____

Date of approval: _____



Accessible Routes

This guide explains scoping and technical requirements for accessible routes in the ADA Standards.

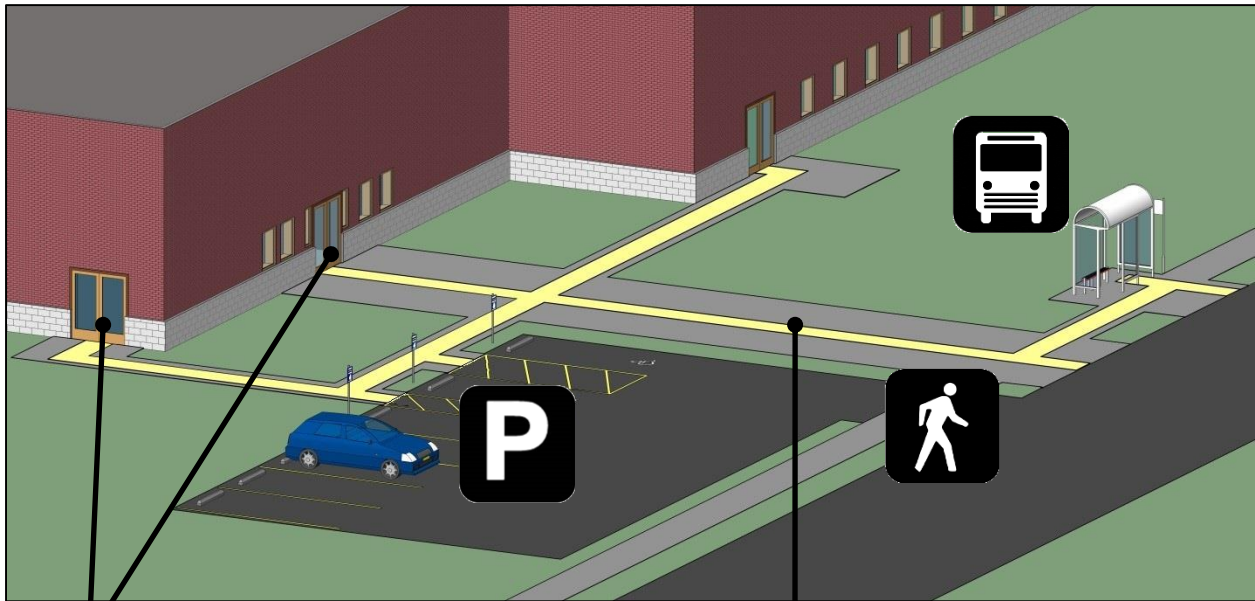
Where Required: Site Arrival Points [§206.2.1]

At least one accessible route must be provided within the site to accessible facility entrances from these site arrival points, where provided:

- accessible parking and accessible passenger loading zones
- public streets and sidewalks
- each public transportation stop.

Accessible Routes from Site Arrival Points [§206.2.1]

Site arrival points include accessible parking spaces and accessible passenger loading zones, public transit stops located on sites, and public streets and sidewalks.



An accessible route must connect site arrival points to each accessible entrance they serve.

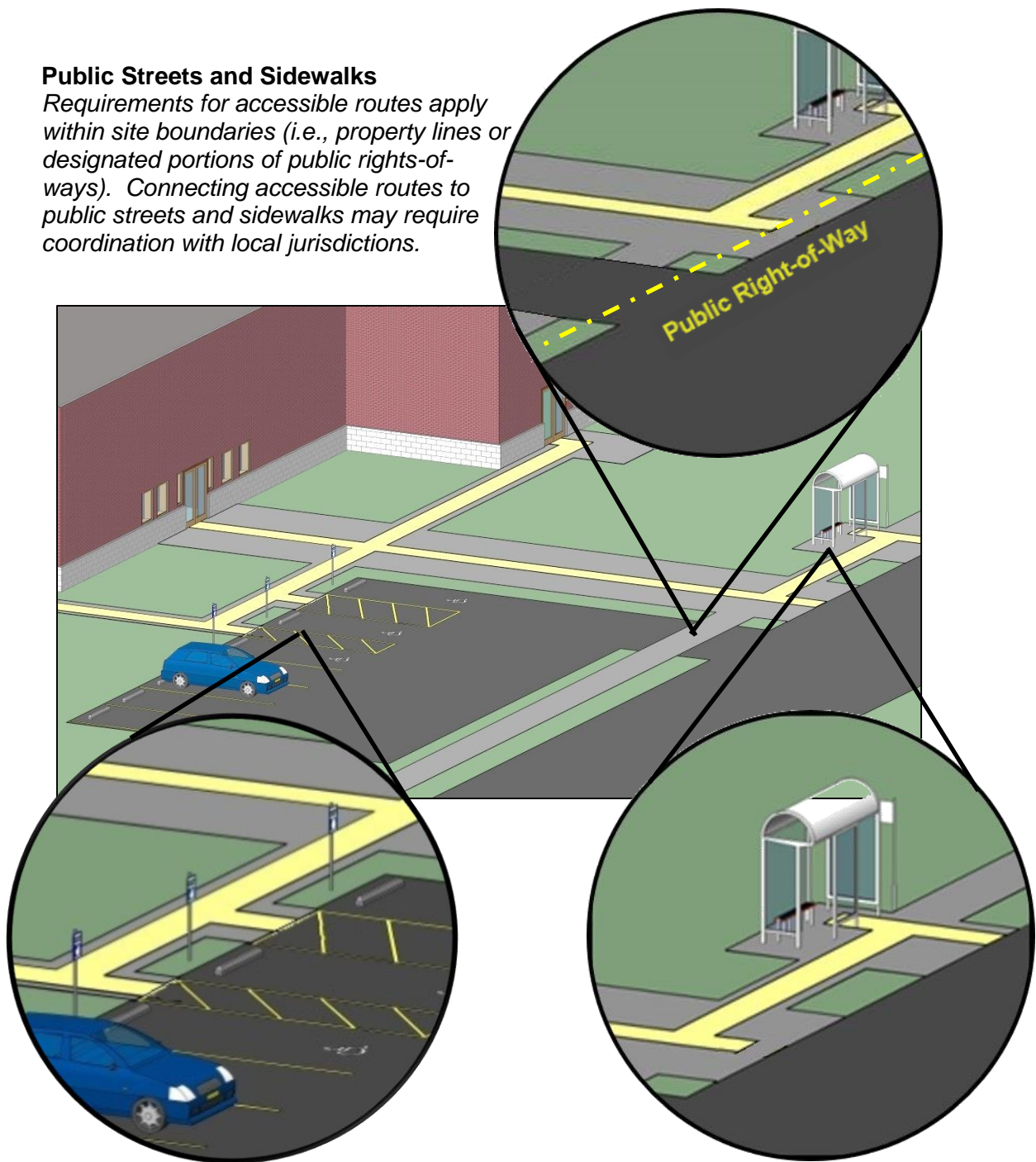
Accessible routes must coincide with, or be in the same vicinity as, general circulation paths (§206.3).



If no pedestrian route onto a site is provided and site entry is by vehicle only, an accessible route from the site boundary is not required (§206.2.1, Ex. 2). Where a vehicular way does provide pedestrian access, such as a shopping center parking lot, an accessible route is required.

Public Streets and Sidewalks

Requirements for accessible routes apply within site boundaries (i.e., property lines or designated portions of public rights-of-ways). Connecting accessible routes to public streets and sidewalks may require coordination with local jurisdictions.



Parking and Passenger Loading Zones

Accessible routes must connect to access aisles serving accessible parking spaces and accessible passenger loading zones. It is advisable, though not required, to locate accessible routes in front of parking spaces instead of behind them. Accessible routes that cross or overlap vehicular ways are not required to be marked as a crossing (but access aisles at accessible parking spaces and passenger loading zones must be marked).

Public Transportation Stops

Accessible routes serving public transportation stops must connect to boarding and alighting areas and, if bus shelters are provided, to the clear floor space required within shelters.

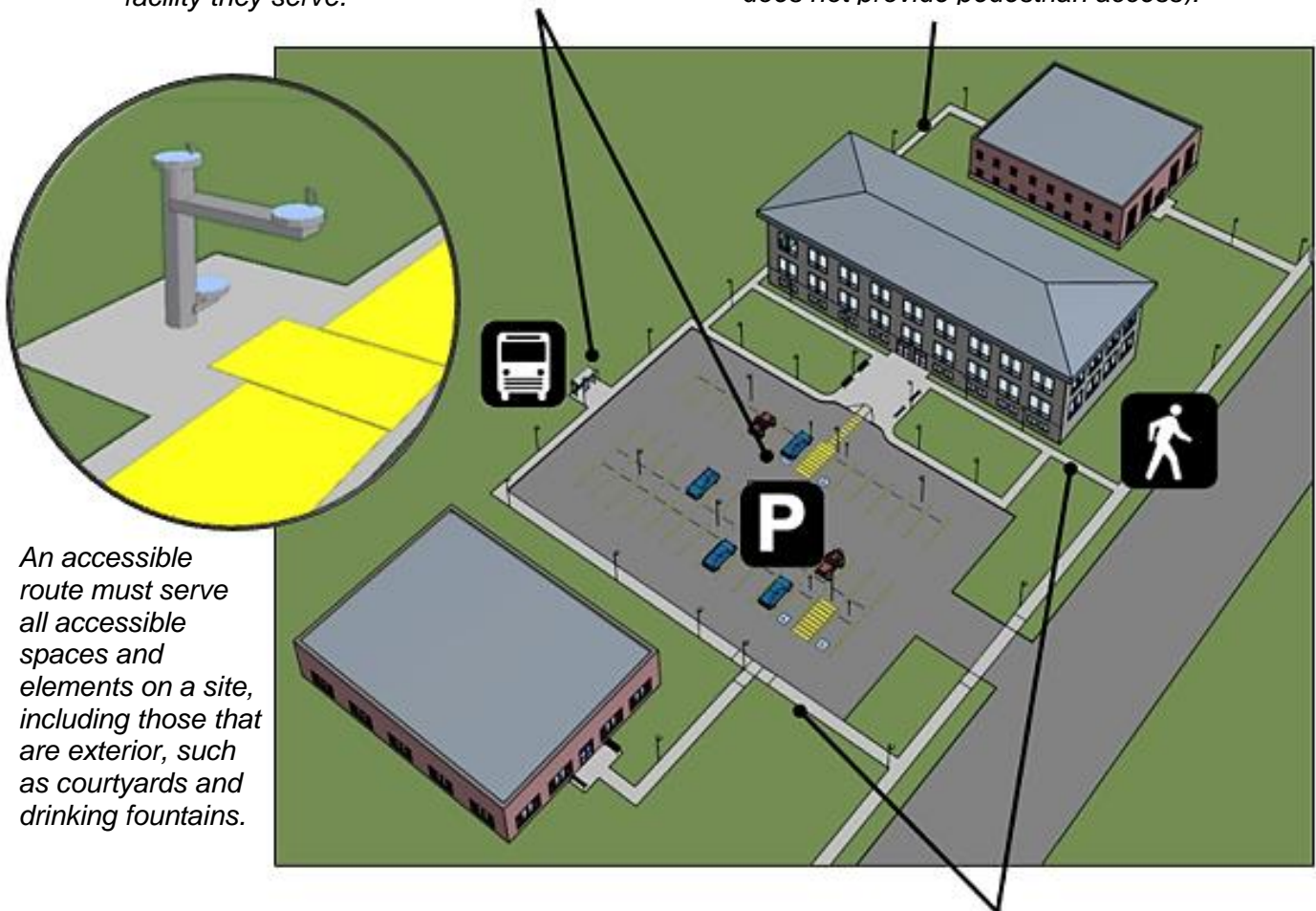
Accessible Routes within a Site [§206.2.2]

At least one accessible route within the boundary of the site originating from site arrival points must connect all accessible buildings, facilities, elements, and spaces on a site.

Accessible Routes (Exterior) within a Site

An accessible route must connect site arrival points such as accessible parking spaces, passenger loading zones, and transportation stops to each accessible facility they serve.

An accessible route within the boundary of the site must connect each facility on a site (except those connected only by a vehicular way that does not provide pedestrian access).



An accessible route must serve all accessible spaces and elements on a site, including those that are exterior, such as courtyards and drinking fountains.

An accessible route from public streets and sidewalks must connect directly or indirectly to all accessible facilities and elements on a site.



An accessible route is not required where the only means of access between buildings, facilities, or elements is a vehicular way not providing pedestrian access (§206.2.2, Ex.).

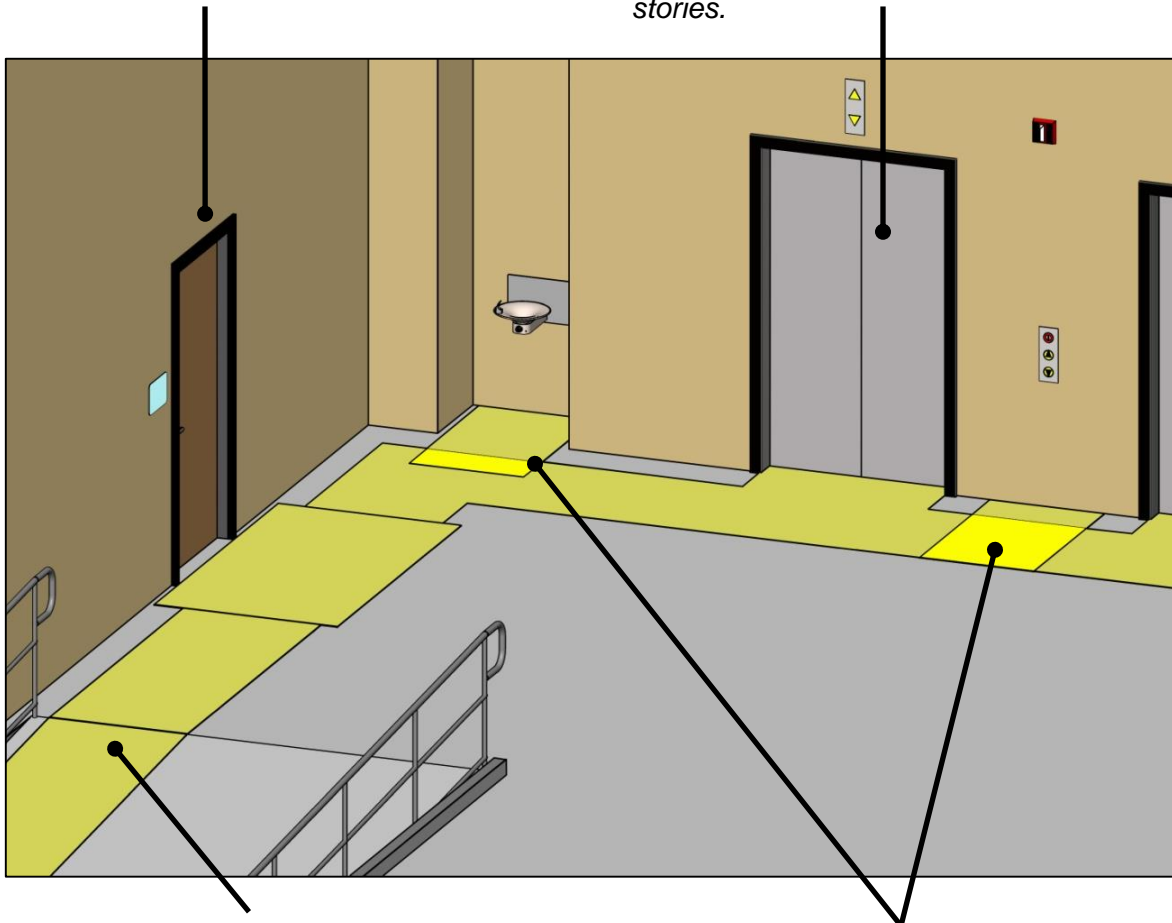
Accessible routes must coincide with, or be in the same area as, circulation paths. This promotes equivalency and precludes accessible routes that are obscure, hard to find, or that diverge from circulation paths more than is necessary (§206.3).

Accessible Routes within a Building or Facility

At least one accessible route must connect all accessible spaces and elements. If a circulation path is interior, the accessible route also must be interior. Accessible vertical interior circulation must be in the same area as stairs and escalators, not isolated in the back of the facility.

An accessible route from facility entrances is required to each accessible room, space, and element.

Vertical access between stories is required in most multi-story facilities, but exceptions are permitted for some non-governmental facilities under a certain size or number of stories.



Accessible routes must serve each level on a floor required to be accessible. Vertical access can be achieved by ramps, curb ramps, elevators or, where permitted, platform lifts.

Accessible routes must connect to an unobstructed side of the clear floor space required at accessible elements.



In alterations and additions, an accessible route is required where circulation paths are altered or built (§202.3). Also, alterations or additions to areas containing a primary function (a major activity for which a facility is intended) require an accessible path of travel that extends to site arrival points to the extent that the additional cost does not exceed 20% (§202.4). Otherwise, if a space or element is altered, but the circulation path to it is not, an accessible route is not required.

Where Required: Multi-Story Buildings and Facilities [§206.2.3]

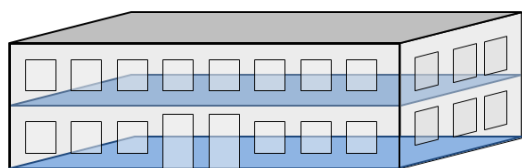
An accessible route must connect each story and mezzanine in a facility unless an exception applies. However, if a building does qualify for an exception in the Standards:

- all other provisions in the Standards still apply to stories and mezzanines not served by an accessible route
- elevators provided anyway must fully comply (as standard or LULA elevators)
- vertical access still may be required by an applicable state or local code.

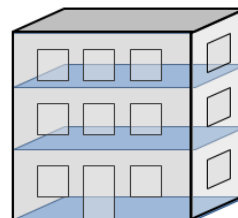
Private Sector Facilities (Places of Public Accommodation & Commercial Facilities)

An accessible route is not required to connect stories in a private sector facility (place of public accommodation or commercial facility subject to title III of the ADA) that is either less than 3 stories or that has under 3,000 square feet per story and is not a:

- shopping center or mall with 5 or more sales or rental establishments
- professional office of a health care provider
- public transit facility or airport terminal

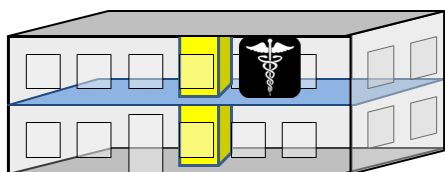


*Exception: Facility under 3 stories
(no limit on square footage)*

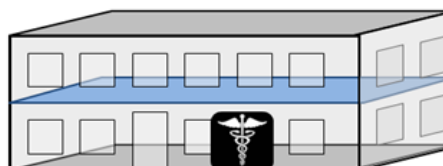


*Exception: Each story under 3,000 sq. ft.
(no limit on number of stories)*

In mixed use facilities that otherwise qualify for this exception, vertical access is required to any story containing occupancies not permitted the exception.



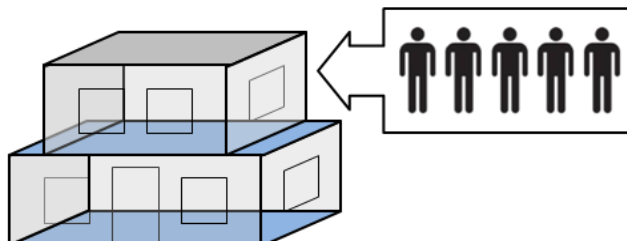
An accessible route is required to stories containing an occupancy excluded from the exception, such as a health care provider.



An accessible route is not required to stories without occupancies excluded from the exception.

Public Sector (Government) Facilities

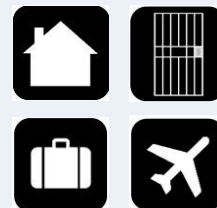
An accessible route between stories is required in multi-story government facilities subject to title II of the ADA except those with no more than two stories where the inaccessible story above (or below) the entry level has no public use space *and* an occupant load of five maximum.



Exception: Two story government facilities where the story above (or below) entry level has no public use space and a maximum occupant load of 5

Exceptions for Specific Occupancies [§206.2.3]

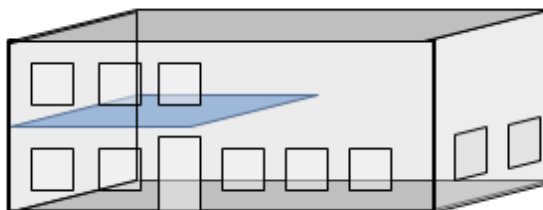
The Standards also include limited exceptions for accessible routes between stories in air traffic control towers and, under certain conditions, detention and correctional facilities, residential facilities, multi-story transient lodging guest rooms, and qualified historic facilities.



Mezzanines (Private and Public Sector Facilities) [§206.2.4, Ex. 3]

An accessible route must serve mezzanines in multi-story facilities where vertical access between stories is required or provided. An accessible route to mezzanines is not required in:

- single story facilities (mezzanines do not count as a story) or
- facilities that are exempt from the requirement for an accessible route between stories (additional conditions apply to restaurants and cafeterias).



Exception: Mezzanines in single-story facilities and facilities where an accessible route between stories is not required



In restaurants and cafeterias, this exception applies only where a mezzanine contains less than 25% of the combined dining and seating area and equivalent services and décor are provided on an accessible level (§206.2.5, Ex. 1).

Alterations and Additions [§206.2.3.1, §202.4]

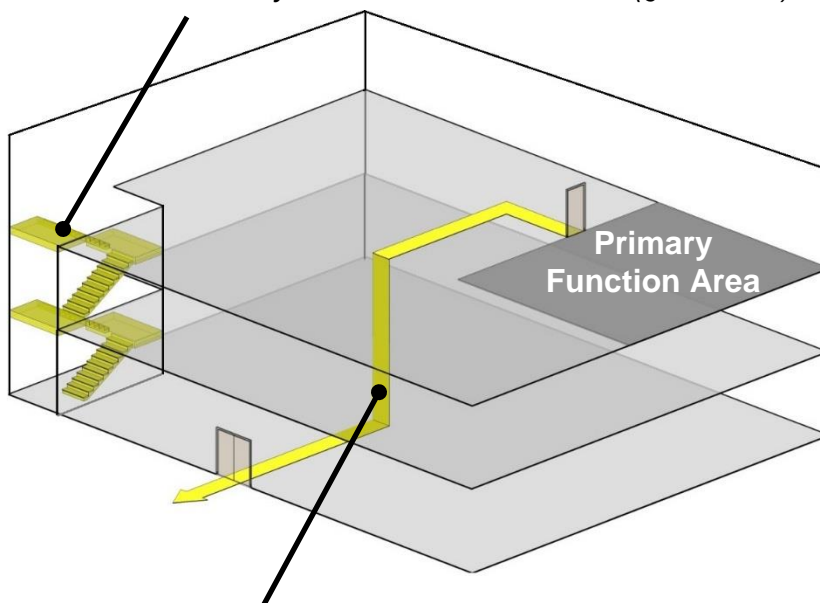
In alterations and additions to multi-story facilities, an accessible route to stories and mezzanines is required where a stair or escalator is provided where none existed previously and major structural modifications are necessary (§206.2.3.1). The accessible route must connect each level served by the new stair or escalator (except where a compliant connecting accessible route already exists).

An accessible route to stories or mezzanines may be required as part of an accessible path of travel to primary function areas that are altered or added (§202.4). Alterations or additions involving primary function areas must include an accessible path of travel that extends to site arrival points to the extent that the cost is not “disproportionate” (i.e., more than 20% of the total cost of alterations to the primary function area).

Exceptions for accessible routes between stories and to mezzanines permitted in new construction, including those based on the number of stories or square footage per story, apply fully to alterations and additions, including those that trigger an accessible path of travel to a primary function area.

When Accessible Routes to Stories/ Mezzanines are Required in Alterations or Additions

Where stairs or escalators are added where none existed previously and major structural modifications are necessary, accessible routes must connect each level served by the new stair or escalator (§206.2.3.1).



As necessary to achieve an accessible path of travel to a primary function area that is altered or that is part of an addition, unless the cost is more than 20% of the cost of the overall alteration (§202.4).

All exceptions for accessible routes to stories or mezzanines allowed in new construction also apply to altered facilities and additions.

Accessible Routes to Accessible Spaces and Elements [§206.2.4]

An accessible route must connect accessible facility entrances with all accessible spaces and elements in a facility that are connected by a circulation path (§206.2.4). Exceptions for accessible routes to stories and mezzanines (§206.2.3 and §206.2.4, Ex. 3) do not extend to level changes *within* a story or mezzanine that are part of a required accessible route to spaces or elements. These exceptions apply only to the portions of an accessible route that connect stories or that connect a story and mezzanine.

Dining Areas in Restaurants and Cafeterias

In newly built restaurants and cafeterias, an accessible route must serve all dining areas, including those that are raised or sunken or located outdoors (§206.2.5). If a story or mezzanine is exempt from the requirement for vertical access, an accessible route within each story or mezzanine is still required to connect dining areas and other spaces and elements even though an elevator (or ramp) does not serve the story or mezzanine.



In alterations, an accessible route is not required to existing raised/ sunken dining areas or to all parts of outdoor dining areas if the same services and decor are available in other dining areas that are accessible (§206.2.5, Ex. 2). A platform lift (or limited use-limited application elevator) can be used to provide access to such areas in alterations, but not in new construction (§206.7).



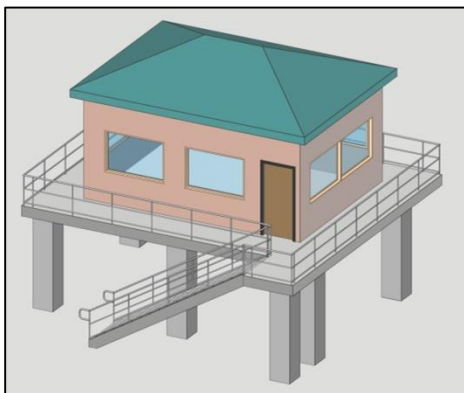
Performance Areas An accessible route must connect stages and other performance areas directly to seating areas where they are directly connected by a circulation path as well as to dressing rooms and other ancillary spaces used by performers (§206.2.6).

Press Boxes [§206.2.7]

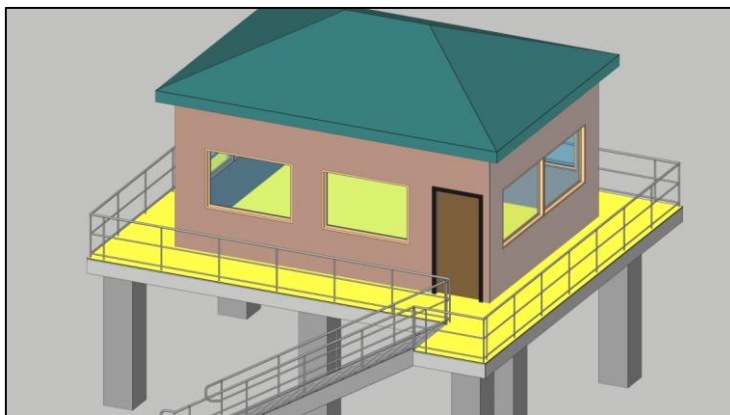
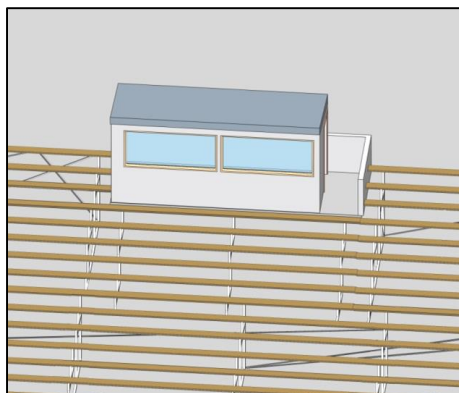
An accessible route is required to press boxes except where the aggregate area of all press boxes serving a playing field or assembly area is no more than 500 sq. ft. if press boxes are either:

- free-standing and elevated above grade at least 12' or
- located in bleachers with points of entry on one level.

Free-Standing Press Box



Bleacher-Mounted Press Box



The 500 sq. ft. maximum applies to the gross floor area, including exterior floor space, of all press boxes serving a playing field, stadium, or other assembly area. If a site has multiple assembly areas with press boxes, the aggregate area of press boxes is to be calculated separately for each assembly area.

Employee Work Areas [§206.2.8]

Common use circulation paths must be accessible in employee work areas that are 1,000 sq. ft. or more in size. This applies to the size of work areas as defined by permanently installed walls, partitions, counters, casework, or furnishings, but not modular partitions or furnishings, including systems furniture. Other portions of areas used only by employees for work are not required to comply.

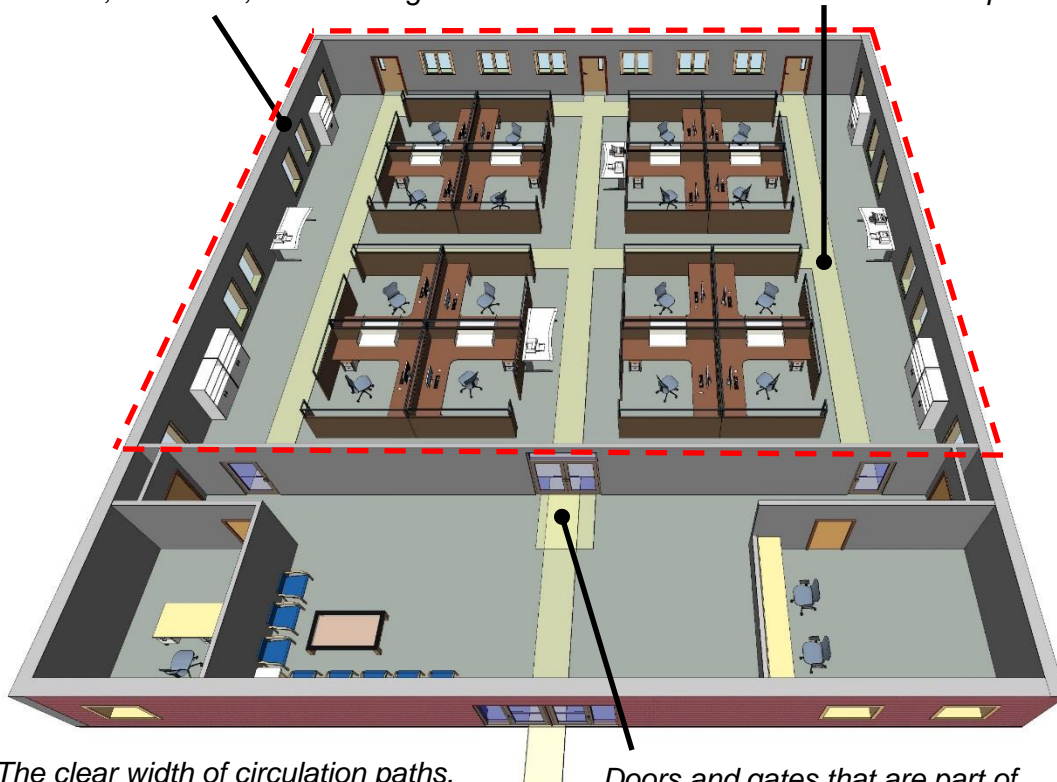
This requirement does not apply to employee work areas that are either less than 1,000 sq. ft. in size or that are exterior and fully exposed to the weather. However, these types of employee work areas still must be accessible for “approach, entry, and exit”

(§203.9). This requires a connecting accessible route to the work area, a compliant entrance, including entry doors or gates, and a wheelchair space within the work area. Work areas must also be served by an accessible means of egress, as required by the International Building Code. (See the [ADA Scoping: New Construction Guide](#).)

Common Use Circulation Paths in Employee Work Areas Over 1,000 SF

The requirement applies to employee work areas that are at least 1,000 sq. ft. in size as defined by permanently installed partitions, counters, casework, or furnishings.

Access is required for common use circulation paths. Portions of circulation paths that lead to individual work stations or to elements are not required to comply.

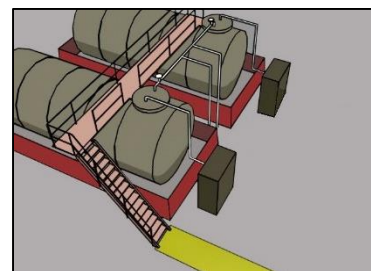


The clear width of circulation paths, including ramps, can be less than the minimum specified where it is essential to the function of the work being performed (§403.5, Ex., §405.5, Ex.).

Doors and gates that are part of common use circulation paths, including those leading to and from the work area, must fully comply.

Exception for Employee Work Area Equipment

Compliance is not required for those portions of common use circulation paths that are integral to work area equipment such as storage tanks and machinery. Other portions of common use circulation paths must comply.



Recreation Facilities [§206.2.9 – §206.2.17] The ADA Standards also address accessible routes to amusement rides, boating facilities, bowling lanes, court sports, exercise machines and equipment, fishing piers and platforms, golf and miniature golf facilities, and play areas.



Accessible Routes [§402]

Components of accessible routes include walking surfaces, doorways, ramps, curb ramps, elevators, and, where permitted, platform lifts.

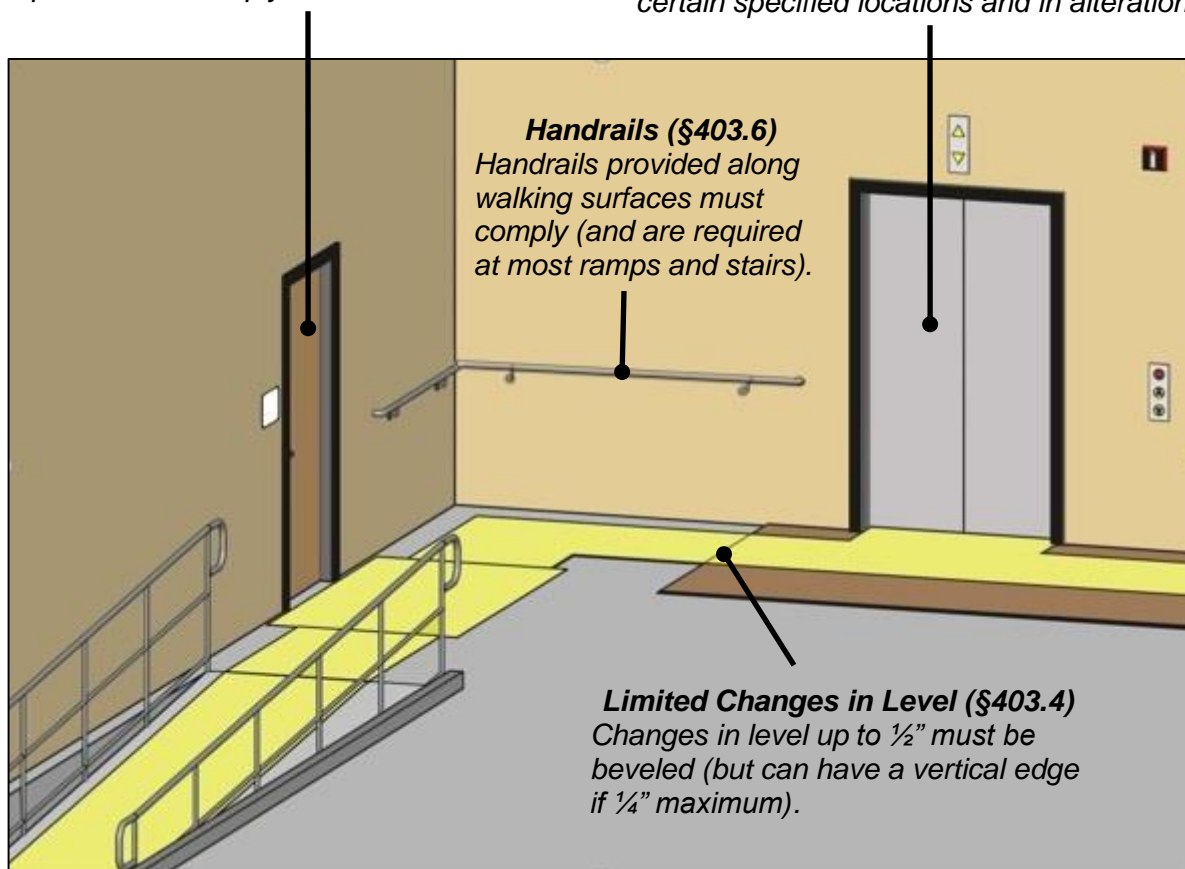
Components of Accessible Routes

Doors, Doorways, and Gates (§404)

Doors, doorways, and gates along accessible routes and to accessible spaces must comply.

Vertical Access (§405 - §410)

Changes in level great than ½" must be spanned by ramps, curb ramps, or elevators. Platform lifts are allowed only in certain specified locations and in alterations.



Walking Surface Slope (§403.3)

The running slope of walking surfaces cannot exceed 1:20 (5%), but other components of accessible routes, such as ramps and curb ramps, can be more steeply sloped. Cross slopes must be 1:48 max.

Clearances (§403.5)

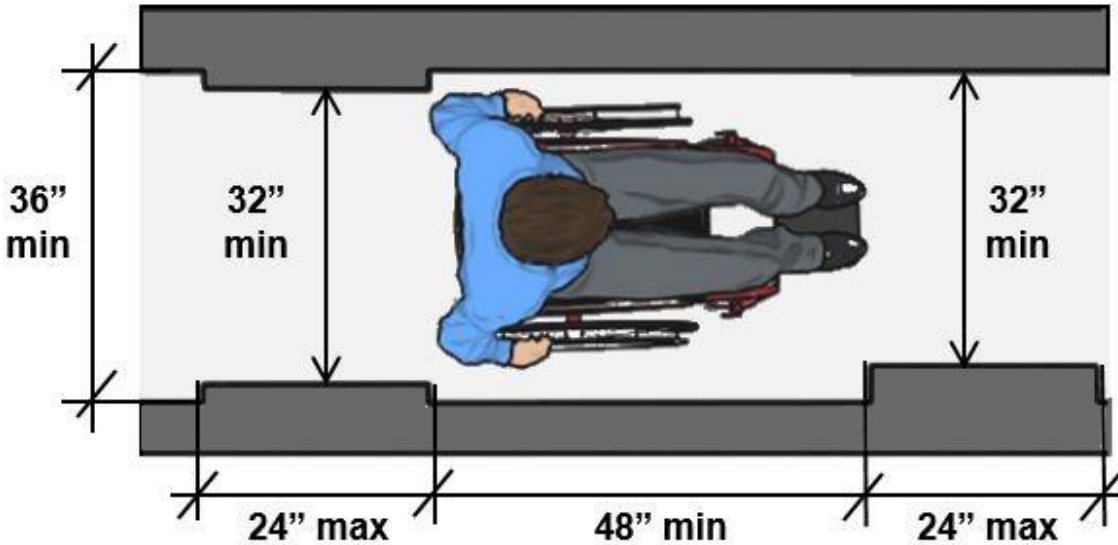
The continuous clear width must be at least 36" (32" min. for short distances, such as doorways), and additional clearances are required for passing space and 180° turns around narrow obstructions.

Surfaces (§403.2)

All surfaces of accessible routes must be firm, stable, and slip resistant. Carpeting and surface openings, where provided, must comply.

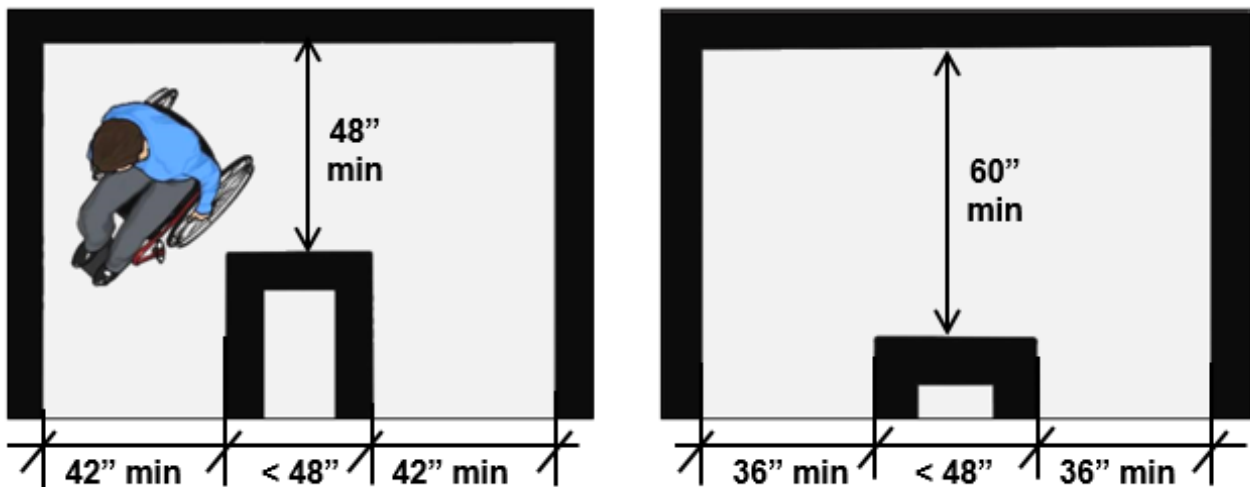
Clearances [§403.5]

The minimum 36" continuous clear width of accessible routes can reduce to 32" at points, such as doorways, for a maximum distance of 24". Greater clearance is required for 180 degree turns around narrow obstructions and for wheelchair turning space. The minimum clearance cannot be reduced by any elements, including handrails or protruding objects.



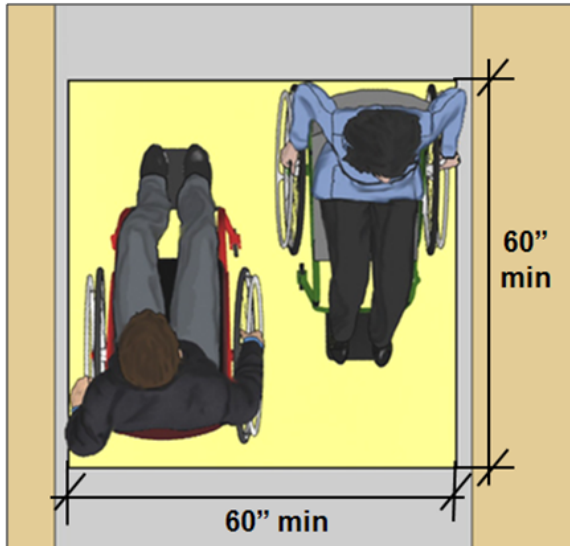
180 Turns Around Obstructions

Additional clearance is required at 180 degree turns around an element that is less than 48" wide. The clear width must be at least 48" at the turn and 42" minimum approaching the turn (unless the clear width at the turn is 60" minimum).

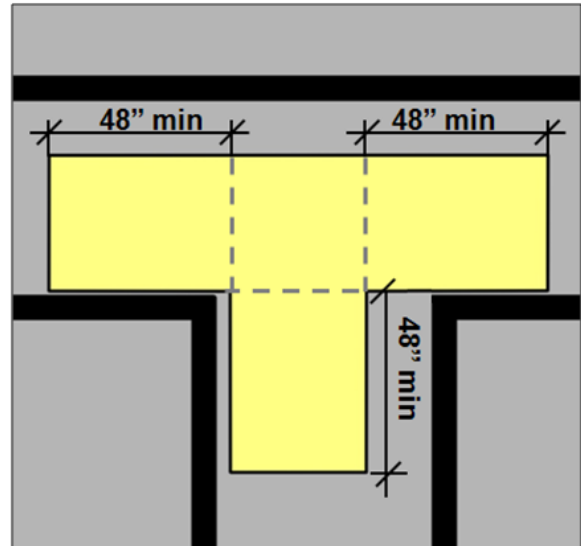


Passing Space [§403.5.3]

Passing space is required every 200 feet and must be provided as a 60" by 60" minimum space or as T-shaped space where each stem is at least 48" long.



60" Min. by 60" Min. Passing Space

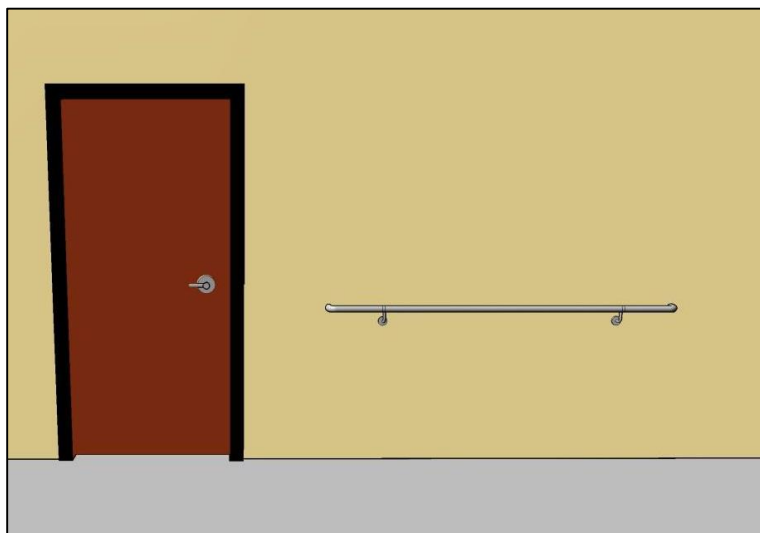


T-Shaped Passing Space

Handrails Along Walking Surfaces [§403.6, §505]

Handrails are required at ramps with a rise greater than 6" and at stairs that are part of a means of egress, but not at other locations. Where handrails are provided along other portions walking surfaces, they must comply. (Handrails provided in elevator cabs or on platform lifts are not required to comply).

Handrails along Walking Surfaces

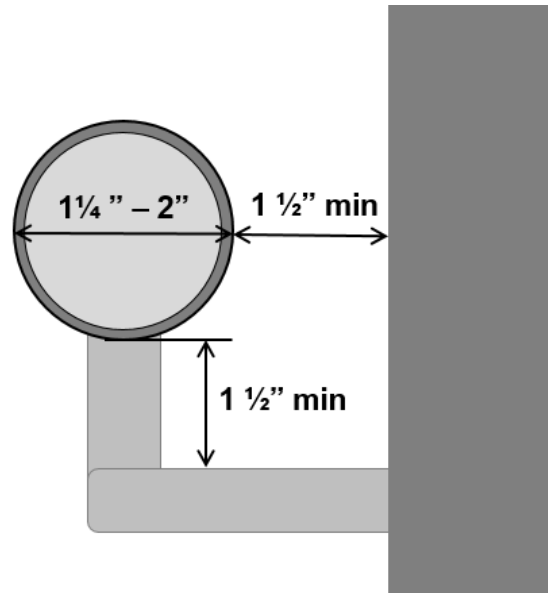


- 34" – 38" high measured to the top of the gripping surface.
- Gripping surface must be continuous the full length and top and sides cannot be obstructed.
- The bottom gripping surface can be obstructed up to 20% of the length (or along the full entire length when part of crash rails or bumper guards).
- No sharp or abrasive elements on gripping surfaces or adjacent surfaces, and no rotation within fittings.

Surface requirements and clearances facilitate a power grip along the length of handrails. Handrails can have circular or non-circular cross-sections, but must have rounded edges. The gripping surface and adjacent surfaces must be free of abrasive or sharp elements.

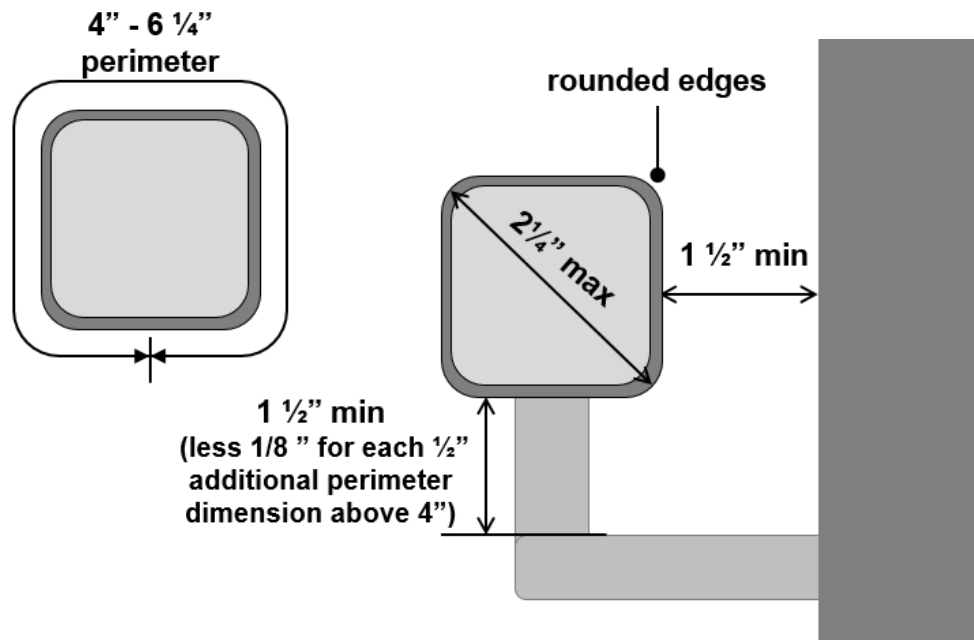
Circular Cross Section and Clearance (§505.5, §505.7)

Specifications for handrails also address the diameter of circular cross sections and required knuckle clearance.



Non-Circular Cross Section and Clearance (§505.5, §505.7)

Non-circular cross sections must have rounded edges and meet perimeter and cross-section dimensions. Other profiles meeting these criteria are permitted.





Common Questions

If no pedestrian route onto a site is provided, is an accessible route still required?

An accessible route from the boundary of the site is not required where the only means of site arrival is a vehicular way without pedestrian access. Where vehicular ways are also intended to accommodate pedestrian travel, such as a shopping center parking lot, an accessible route is required.

Do accessible routes that cross vehicular ways need to be marked as a crossing?

No, accessible routes that cross vehicular ways are not required by the Standards to be marked as a crossing. The Standards only require access aisles at accessible parking spaces and accessible passenger loading zones to be marked. (Local codes and traffic laws may require crossings to be marked).

Do stories not required to be on an accessible route have to comply with the Standards?

Yes, stories (and mezzanines) not connected by an accessible route must still meet all other applicable requirements in the Standards. This ensures access for people with disabilities who can use stairs and facilitates compliance should vertical access be achieved through later renovations or additions.

Do basements count in determining a facility's story count?

As defined in the Standards, a "story" pertains to those portions of buildings "designed for human occupancy included between the upper surface of a floor and upper surface of the floor or roof next above" (§106.5). A basement or other level below grade designed for human occupancy (i.e., equipped with lighting, ventilation, and means of egress) counts as a story. Basements or other levels not containing any space designed for human occupancy are not considered stories under the Standards.

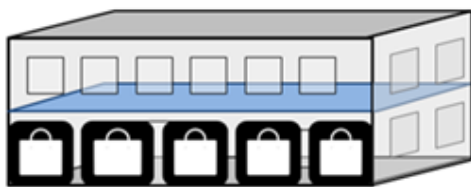
Is an accessible route required to rooftop levels?

In facilities where an accessible route is required to each story (§206.2.3), an accessible route must serve rooftop levels that contain public or common use spaces or elements that are required to be accessible, such as sun decks, lounges, dining areas, bars, or swimming pools. An accessible route is not required to rooftop levels in those facilities that are exempt from the requirement for an accessible route to each story based on the number of stories or the square footage per story. In determining whether a facility qualifies for this exception, rooftop levels are not counted as a story unless they meet the definition of "story." The Standards define a story as "that portion of a building or facility designed for human occupancy," (i.e., equipped with lighting, ventilation, and

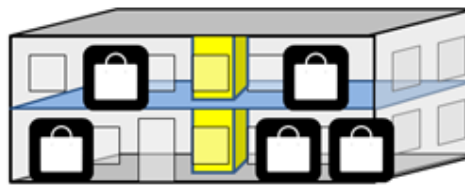
means of egress) that is “included between the upper surface of a floor and upper surface of the floor or roof next above” (§106.5).

Do the exceptions for accessible routes between stories apply to facilities that are only partially occupied by entities not permitted the exception, such as health care facility or shopping center?

Accessible routes between stories are not required in private sector facilities that are either less than 3 stories or that have less than 3,000 square feet per story excluding the professional offices of health care providers, shopping centers and malls with at least 5 sales or rental establishments, and public transit facilities, including airport terminals. In mixed use facilities that otherwise qualify for this exception, an accessible route is required to serve each story containing occupancies not permitted the exception. For example, if all sales or rental establishments of a shopping center are on the same story, an accessible route is required only to that story. If located on multiple stories, an accessible route must connect to each story that contains a sales or rental establishment.



All sales/ rental establishments located on accessible ground floor (vertical access to upper stories not required in facilities permitted exception).



Vertical access is required to stories containing sales/ rental establishments in shopping centers or malls not permitted exception).

When alterations are made on an upper story of a facility, is vertical access required?

If an alteration includes installation of a stair or escalator where none existed previously and involves major structural modifications, an accessible route between levels served by the stair or escalator is required (unless an accessible route already exists). If alterations are made to a primary function area on an upper floor, an accessible path of travel to the area is required to the extent that the cost is not disproportionate (i.e., more than 20% of the cost of the overall alteration). In any alteration, an accessible route between stories is not required in a facility that qualifies for those exceptions permitted in new construction based on the number of stories or square footage per floor.

When an addition increases the number of stories or square footage beyond the maximum permitted by the exception, is an accessible route between stories required?

If a facility no longer qualifies for the exception for multi-story facilities due to an increase in square footage or stories, an accessible route between stories is required

where the work also includes installation of a stair or escalator where none existed previously and major structural modifications are needed (unless a compliant accessible route between stories already exists). The accessible route must connect the levels served by the new stair or escalator. Also, if the addition includes a primary function area, an accessible path of travel to the primary function area is required, including where it involves travel between stories or levels, to the extent the cost does not exceed 20% of the cost of the overall alteration. Compliance in an alteration, including with the requirement for an accessible route between stories, is not required where it is “technically infeasible.” In this case, compliance is required to the maximum extent feasible.

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July 2015



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 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

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.

Let me know if you have questions.

Regards,

Kathy

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

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

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

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