

# Accessible Monterey

---

## ADA Self-Evaluation and Transition Plan

June 2024



**BRPC**

Berkshire Regional Planning Commission

# Table of Contents

Introduction .....	4
Federal, State, and Local Regulations .....	5
Architectural Barriers Act of 1968 (ABA) .....	5
Section 504 of The Rehabilitation Act of 1973.....	5
The Americans with Disabilities Act of 1990 (ADA) .....	5
Massachusetts Architectural Access Board – M.G.L. c.22 §13A .....	6
The 2010 ADA Standards for Accessible Design (ADA Standards).....	7
Accessibility and Discrimination .....	7
Program Accessibility .....	7
Undue Burden .....	8
Safe Harbor .....	8
Historic Properties .....	8
Curb Ramps.....	8
ADA Title II Self-Evaluation Requirements .....	10
Three Preliminary Steps to ADA Compliance.....	11
Designation of an ADA Coordinator.....	11
Posting of an ADA Notice .....	11
Posting of General ADA Grievance Procedure .....	12
Evaluation of Town Policies and Procedures .....	18
Town-owned Properties and Facilities .....	21
Community Center .....	23
Department of Public Works .....	26
Library .....	29
School.....	31
Town Hall.....	32
Transfer Station .....	35
Parks and Recreation .....	37
Bidwell Park .....	37
Brewer Pond Park .....	39
Green Park .....	41
Parade Common .....	43

Recreation Land .....	44
River Road Access Point .....	45
Town Beach .....	46
War Memorial Park.....	48
 Summary of Major Findings .....	 50
Recommended Next Steps .....	50
 Resources .....	 52
Organizations .....	52
Publications .....	52
Potential Funding Sources for Implementation .....	53

# Introduction

**T**he town of Monterey is a rural, small town located in the Southwestern portion of the Commonwealth. It features scenic areas with idyllic landscapes, quietude, and several outdoor recreational opportunities.

Monterey is a tight-knit community with a population of just 1,095.

The town prioritizes its commitment to inclusivity and its intention to make available municipal activities and opportunities to all residents and visitors to the town. Consistent with the Americans with Disabilities Act, the town has for years included best practices and compliance in all structural upgrades to municipal facilities.

Examples of Monterey's commitment to ensure accessibility that go beyond minimum requirements include installing a ramp to the library basement and ensuring that nearly every park has a picnic table specifically designed for ADA accommodation.

Over the years the town has removed a considerable number of barriers to accessibility but there are remaining facilities that the town hopes it can improve.

The Monterey community worked with the Berkshire Regional Planning Commission in the spring of 2024 to examine its built environment, policies and procedures, and services to prioritize the next steps toward improving accessibility.

This self-evaluation is the latest in a long history of the federal, state, and local government commitment to ensuring that everyone has equal access under the law and to eradicate discrimination against people with disabilities.

This assessment builds upon prior successes in the town and re-establishes the vision for an equitable future in Monterey.

Berkshire Regional Planning Commission staff, Monterey ADA Coordinator Bob Carlson, and Monterey Town Administrator Roger McDonald conducted joint site assessments of each municipal facility to identify remaining barriers existing throughout town government, document the findings through self-evaluation, and establish achievable goals and a timeline to transition into dismantling those barriers, providing accessibility for all.

Monterey is focusing on proactive steps the town can take, beyond any minimum requirements of state and federal laws, to support and uphold the civil rights of their community members.

The following community members formed a committee to craft the transition plan:

- Bob Carlson
- Kathryn Roberts
- Mary Makuc

The town posted the plan for public comment and listened to the feedback before the Select Board adopted it.

Monterey conducted this assessment and transition plan with the support of a grant from the Massachusetts Office on Disability.

# Federal, State, and Local Regulations

## Architectural Barriers Act of 1968 (ABA)

The Architectural Barriers Act (ABA) requires that buildings and facilities that are designed, constructed, or altered with federal funds, or leased by a federal agency comply with federal standards for physical accessibility. ABA requirements are limited to the architectural design of new and altered buildings and in newly leased facilities.

## Section 504 of The Rehabilitation Act of 1973

Section 504 states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives federal financial assistance or is conducted by any executive agency or the United States Postal Service.

Every federal agency has its own section 504 regulations. Agencies that provide federal financial assistance also have section 504 regulations covering entities that receive the aid. Common 504 regulations include reasonable accommodation for employees with disabilities, program accessibility, effective communication with people who have hearing or vision disabilities, and accessible new construction and alterations.

## The Americans with Disabilities Act of 1990 (ADA)

The ADA prohibits discrimination based on disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress. There are five titles that outline ADA requirements for employment, state and local government activities, public transportation, public accommodations, and telecommunications access.

Title II applies to "public entities" and the programs, services, and activities they provide. Title II outlines the requirements for the Self-Evaluation and Transition Plan and the appointment of an ADA coordinator.

In 1992, the U.S. Department of Justice issued 28 Code of Federal Regulations (CFR) Part 35, Nondiscrimination on the Basis of Disability in State and Local Governmental Services, to implement Subtitle A of Title II. This regulation extended the prohibition of discrimination in federally assisted programs already established by Section 504 of the Rehabilitation Act to all activities of state and local governments, including those that do not receive federal financial assistance.

## Massachusetts Architectural Access Board – M.G.L. c.22 §13A

The Massachusetts Architectural Access Board (MAAB) is a state regulatory agency under the Executive Office of Public Safety responsible for developing and enforcing regulations to make public buildings accessible to, functional for, and safe for people of all abilities. MAAB regulations are incorporated into the Massachusetts Building Code.

# The 2010 ADA Standards for Accessible Design (ADA Standards)

The ADA Standards outline the requirements necessary to make a building or other facility physically accessible to people with disabilities. The standards are a comprehensive guide that identifies what features will need to be accessible and list the specifications required to make them compliant.

## Accessibility and Discrimination

Accessibility plays a significant role in providing equitable opportunities. Municipalities should strive to create an accessible, barrier-free environment to encourage community participation and uphold the rights of people with disabilities. State and federal regulations require towns to remove structural barriers in public areas of existing facilities when such removal is readily achievable. Barriers typically found in public areas include routes of travel requiring the use of stairs, non-ADA compliant ramps, door widths that cannot accommodate the passage of a wheelchair, and the location of door handles that are too high.

Discrimination against individuals with disabilities occurs when a person is perceived differently, treated differently, and struggles to gain acceptance at a level experienced by their non-disabled peers. Physical barriers are discriminatory because they exclude that individual from reaching their desired destination or performing a specific task or action. All state and local governments are required to follow specific architectural standards in either the new construction or the alteration of existing buildings unless the corrective actions would result in undue financial or administrative burdens.

To promote inclusivity, public entities are required to make reasonable modifications. The modifications provide equality of opportunity, but the municipality cannot guarantee equal results.

## Program Accessibility

Title II requires local governmental agencies to ensure that all their programs, services, and activities, when viewed in their entirety, are accessible to persons with disabilities. Program access is intended to remove physical barriers to the local governmental agency services, programs, and activities, but it does not require that the local governmental agency make each facility, or each part of any given facility, accessible. For example, a municipality does not need to ensure that every restroom in a facility is accessible, but it must post signage directing people with disabilities to accessible features and spaces.

Municipalities can achieve programmatic accessibility in a variety of ways. Local governmental agencies may choose to make structural changes or pursue alternatives to structural changes to achieve access. For example, the local governmental agency can move public meetings to accessible buildings and/or relocate services to accessible levels or parts of a building. Local governmental agencies must give priority to the alternatives that offer services, programs, and activities in the most integrated setting available and appropriate. Additionally, all newly constructed public facilities must be fully accessible to people with disabilities.

## Undue Burden

A “grandfather clause” does not exist in the ADA; however, the law is flexible. Local government agencies must comply with Title II of the ADA and must provide program access for all individuals. A local governmental agency does not have to take any action to make a feature compliant to ADA standards if that agency can demonstrate that the alteration will result in the creation of a fundamental alteration to the program or service or will cause undue financial and/or administrative burden.

The determination of an undue burden can only be made by the leader of the local public agency (or a designee) and must be accompanied by a written statement outlining its reasoning. To establish that an alteration of a feature will cause undue financial and/or administrative burden, the town must conduct an evaluation of all resources available for use in the program. The town’s evaluation of resources must include the number of financial resources available, the effect of the expenses, the type and location of the facility, and the number of employees at the site. If an alteration of a feature would result in a burden, the public entity must take another action that would not result in an undue burden but would ensure that individuals with disabilities receive the benefits and services of the program or activity.

## Safe Harbor

Elements in facilities built or altered before March 15, 2012, that comply with the 1991 ADA Standards for Accessible Design (1991 Standards) are not required to be modified to specifications in the 2010 Standards. For example, the 1991 Standards allow the maximum side reach control part of a paper towel dispenser to be 54 inches. The 2010 Standards lower that side reach range to 48 inches maximum. If a paper towel dispenser was installed prior to March 15, 2012, with its highest operating part at 54 inches, the paper towel dispenser does not need to be lowered to 48 inches because of the safe harbor provision.

## Historic Properties

The ADA provides exemptions for historic properties that are listed, or are eligible for listing, in the National Register of Historic Places or a property designated as historic under state or local law. A public entity is not required to make alterations that would destroy or threaten the historical significance of an historic property. In historic properties, towns can utilize alternatives outlined in 28 CFR 36.405 and ADAAG 4.1.7(3). An example of an alternative requirement would include providing displays and written information in a location where they can be seen by a seated person.

## Curb Ramps

When public entities construct or alter roadways, they must install ramps to overcome physical barriers at the connection point between the roadway and a pedestrian walkway. When the municipality builds or alters sidewalks or walkways, it must install curb ramps or sloped areas wherever the sidewalk intersects with a roadway.



However, on existing roads and sidewalks that have not been altered, local governmental agencies may choose to construct curb ramps at every point where a pedestrian walkway intersects a curb, but they are not necessarily required to do so. Under program access, alternative routes to buildings that make use of existing curb ramps may be acceptable where persons with disabilities must only travel a marginally longer route.

# ADA Title II Self-Evaluation Requirements

The self-evaluation helps determine the adequacy of ADA compliance in public buildings, services, meetings, and programs. If the town decides there is an undue burden in providing access or services, such as a fundamental alteration of a building or service provided or a financial burden, state and local governments must ensure that those decisions are made properly and expeditiously.

The self-evaluation needs to include the persons consulted, problem areas, and a description of any modifications. The activities and requirements the town should evaluate are:

- All physical barriers to accessibility.
- Adequate access to public meetings.
- Construction and design standards.
- Access to historic buildings where reasonable.
- Program materials.
- Employment practices
- Programs, activities, and services.
- Access for TDD's and TTY's.
- Provisions for readers or interpreters and assistive technology is properly maintained.
- Availability of policies and practices.
- Procedures to evacuate individuals with disabilities during an emergency.

As for any community, transitioning into full ADA compliance is a long-term goal. Full ADA compliance can only be achieved through evaluating the existing conditions that present barriers to accessibility, and then carefully planning and providing support for the required improvements. The state and federal government does not expect towns to transition into full compliance immediately; improvements should be planned as funding from various sources becomes available and coordinated to occur as other capital improvements are undertaken.

The transition plan establishes a prioritized list of actions the municipality intends to undertake to improve accessibility.

# Three Preliminary Steps to ADA Compliance

The ADA requires towns to undertake the following actions.

## Designation of an ADA Coordinator

Title II applies to programs, services, and agencies of state and local governments, regardless of the size of the public entity. All municipalities must designate at least one municipal employee to take on the functional responsibilities as an ADA Coordinator. This position bears the full responsibility of implementing the ADA.

The most important responsibility of an ADA Coordinator is to learn and understand all the ADA regulations as it pertains to the municipality. The coordinator must recognize that the ADA is a civil rights law and not a building code. The coordinator should:

- Have knowledge of all municipal programs, services, and eligibility requirements.
- Be familiar with Human Resources as it applies to employment laws, policies, grievances, and effective accommodations.
- Have access to facilities personnel and local Building Inspectors to consult on architectural accessibility concerns.
- Have knowledge of the municipal ADA Transition Plan and administration of the plan's compliance, amendments, and reviews.

**Monterey appointed Bob Carlson to the ADA coordinator position.**

## Posting of an ADA Notice

The town shall publicly post notice that it abides by Title II of the ADA. The town must post the notice in perpetuity and locate it in at least one prominent public area, usually designated as a source of public information. Publishing the ADA notice is not a one-time requirement. State and local governments should provide the information on an ongoing basis, whenever necessary. The notice is required to include relevant information regarding Title II of the ADA, and how it applies to the programs, services, and activities of the public entity.

The notice should not be overwhelming. An effective notice states the basics of the ADA without being too lengthy, legalistic, or complicated. It should include the name and contact information of the ADA Coordinator and include statements about:

- Employment,
- Effective communication,
- Making reasonable modifications to policies and programs,
- Not placing surcharges on modifications or auxiliary aids and services, and
- Filing complaints

# Posting of General ADA Grievance Procedure

Local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances arising under Title II of the ADA. Grievance procedures establish a system to resolve complaints of discrimination in a prompt and fair manner. Neither Title II nor its implementing regulations describe what ADA grievance procedures must include but the Department of Justice advises that grievance procedure should include:

- A description of how and where a complaint under Title II may be filed with the government entity.
- If a written complaint is required, a statement notifying potential complainants that alternative means of filing will be available to people with disabilities who require such an alternative.
- A description of the time frames and processes to be followed by the complainant and the government entity.
- Information on how to appeal an adverse decision.
- A statement of how long complaint files will be retained.

The town of Monterey's grievance policy is below:

## Anti-Discrimination and Harassment Policy

### Introduction

The Town of Monterey strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. The environment of the Town should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. The Town of Monterey will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy, the Town of Monterey will seek to prevent, correct, and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include but is not limited to verbal or written reprimand, suspension, or termination of employment.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment, or retaliation, including the failure to immediately report such misconduct to human resources (HR) or the Select Board, are in violation of this policy and subject to discipline.

### Definitions

The Town of Monterey, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

**Discrimination-** It is a violation of Town of Monterey's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, ancestry, age 40 years or older, religion, disability status, mental illness, sex, sexual orientation, gender identity or expression, genetic information, active military or veterans status, or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state, and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

**Harassment-** The town of Monterey prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of the Town of Monterey.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's race, color, national origin, ancestry, age 40 years or older, religion, disability status, mental illness, sex, sexual orientation, gender identity or expression, genetic information, active military or veterans' status, or marital status, or other protected status, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of person's race, color, national origin, ancestry, age 40 years or older, religion, disability status, mental illness, sex, sexual orientation, gender identity or expression, genetic information, active military or veterans status, or marital status, or other protected status.

**Sexual harassment-** Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and G.L. c. 151B, and is prohibited under Town of Monterey's anti-harassment policy. In Massachusetts, sexual harassment is defined as "sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment." G.L. c. 151B, § 1.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.

- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Inquiries into one's sexual experiences or discussion of one's sexual activities.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.
- Dissemination of sexually explicit voice mail, email, downloaded material or websites.

### Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

### Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. If it is not practicable to maintain

confidentiality of the identity of the complainant during the investigation, the HR director will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the HR department.

### Complaint Procedure

The Town of Monterey has established the following procedure for lodging a complaint of harassment, discrimination, or retaliation. The Town will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Complaints should be submitted to the HR director as soon as possible after an incident has occurred, preferably in writing. If the complaint is submitted to a supervisor or a supervisor is made aware that a violation of this policy may be occurring, then the supervisor should notify the HR director of the alleged violation. The HR director may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the HR director will put into writing the verbal complaint.
2. Upon receiving a complaint or being advised by a supervisor that a violation of this policy may be occurring, the HR director will review the complaint with Town Counsel as necessary.
3. The HR director will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. If the HR director deems that the investigation should be conducted by another person, the HR director should notify the Select Board, and the Select Board should choose an alternate person to conduct the investigation.
5. If necessary, reasonable accommodations will be made during the course of the investigation. This may include, but is not limited to, scheduling changes, moving workspaces, or administrative leave.
6. During the investigation, the HR director or alternate person conducting the investigation, together with Town Counsel as necessary, will interview the complainant, the respondent, and any relevant witnesses to determine whether the alleged conduct occurred. The HR director or alternate person will review any available and relevant documents or other materials related to the alleged conduct in coming to conclusions.
7. Upon conclusion of the investigation, the HR director or alternate person conducting the investigation shall make findings as to whether there is a reasonable basis for believing that the alleged violation of this policy occurred and identify any recommended corrective actions. Corrective actions may be discipline of an employee, including but not limited to: verbal or written reprimand, suspension, or termination of employment. The recommended appropriate action will depend on the following factors:
  - a) the severity, frequency, and pervasiveness of the conduct;
  - b) prior complaints made by the complainant;
  - c) prior complaints made against the respondent; and
  - d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

8. If the investigation is inconclusive or if it is determined that there has been no violation of policy, but potentially problematic conduct may have occurred, the HR director or alternate person conducting the investigation may recommend appropriate preventive action.
9. If the recommended corrective actions can be implemented by the Department head or other supervisor, the HR Director, or an alternate person conducting the investigation shall notify the Select Board of the same.
10. In cases of severe, repetitive, or otherwise concerning violations of this policy, the HR director or alternate person conducting the investigation may recommend that corrective action is warranted by the Select Board and shall submit a written report including findings and recommended corrective actions to the Select Board. All relevant and available documents or other materials, including notes or recordings of interviews, that were considered by the HR director or alternate person in the investigation shall also be submitted to the Select Board simultaneously.
11. The Select Board shall review the written investigative report and all relevant and available documents. The Select Board shall review the corrective actions recommended by the HR director or alternate person and shall enact corrective actions which the Select Board finds appropriate.
12. The respondent has the right to be at any Select Board meeting at which his or her alleged violations of policy and any corresponding discipline are deliberated by the Select Board. The Select Board will offer such disciplinary hearings as executive session meetings, but the respondent has the right to have the matter deliberated on in an open meeting of the Select Board.
13. After the investigation is completed and any corrective action is decided upon, the HR director will meet with the complainant and notify the complainant of the findings of the investigation and any corrective action that has been taken.

### Corrective Action

If it is determined that inappropriate conduct has been committed by one of the Town's employees, the Town will take such corrective action as is appropriate under the circumstances. This may range from counseling to termination from employment or may include such other forms of training and/or disciplinary action as deemed appropriate under the circumstances.

### Alternative legal remedies

In addition to the above, if you believe you have been subjected to discrimination or harassment of any type, including sexual harassment and retaliation, you may file a formal complaint with either or both government agencies set forth below. Using the Town's complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident.



**United States Equal Employment Opportunity Commission ("EEOC")**  
JFK Federal Building 15 New Sudbury Street, Room 475 Boston, MA 02203  
(800) 669-4000

**Massachusetts Commission Against Discrimination ("MCAD")**  
Boston Office:  
One Ashburton Place, Room 601 Boston, MA 02108  
(617) 994-6000  
Springfield Office:  
436 Dwight Street, Room 220  
Springfield, MA 01103  
(413) 739-2145

### Reasonable Accommodation for Qualified Individual with Disability

Consistent with the requirements of the Americans with Disabilities Act (ADA), as amended, the Massachusetts Fair Employment Law, and all applicable federal, state or local law, the Town will reasonably accommodate qualified individuals with a disability if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship on the Town's operations.

Any individual seeking a reasonable accommodation may submit a request to the HR Director. The Town may require the individual to participate in an interactive discussion in connection with any such request. Furthermore, individuals requesting a reasonable accommodation may not receive the specific accommodation requested if the Town determines that an alternate accommodation would be effective in allowing the individual to perform the essential functions of the job.

# Evaluation of Town Policies and Procedures

Evaluation of policies and procedures that will have an impact on equal access to town services, programs, and activities is required under Title II of the Americans with Disabilities Act. Inadequate or non-existent policies and procedures can be a large non-structural barrier to equal access for people with disabilities. As a small local government, it is not unusual that Monterey has not yet had the opportunity to implement policies and procedures required under Title II of the ADA. Monterey has drafted a public notice of non-discrimination and an ADA grievance procedure, both of which will be posted on the town website.

In addition, the town has created the role of ADA Coordinator and appointed Bob Carlson to serve in that role. It is important that key town staff receive training in awareness of and response to the responsibilities of implementing the ADA requirements. With their recent efforts to implement projects that make town buildings more accessible, the town has committed to implementing helpful and accommodating policies that will make them better aligned with Title II requirements.

BRPC staff worked with town staff to evaluate other town policies and procedures that may already be in place or should be in place to better accommodate people with disabilities. This includes department-specific training, policies, or procedures, as well as emergency management, and access to voting, town departments, and town boards and commissions.

The town identified 16 departments and committees that provide services to the public, which are summarized in the following table. The services that are provided include direct government services, activities that the public can participate in, and emergency services.

Depts.	Services	ADA Training	ADA Policy	Accommodations
<b>Accountant</b>	Oversees all aspects of municipal finance.	No	No	No
<b>Animal Control Officer</b>	Responds to and investigates animal complaints, oversees domestic pet licensing and vaccinations, returns lost animals to owners, conducts barn inspections.	No	No	No
<b>Assessors</b>	Determines the "full and fair cash value" of all residential, commercial and industrial land and buildings within the town limits.	No	No	No
<b>Building Department</b>	Oversees permitting and inspection processes.	Yes	No	No
<b>Community Center</b>	Manages the center for public use for events and activities throughout the year.	No	No	No

## Evaluation of Town Policies and Procedures

<b>Harbormaster</b>	Oversees the safety of water bodies.	No	No	No
<b>Health Department</b>	Manages the town's response and develops policy related to the protection of public health, the control of disease, the promotion of sanitary living conditions.	No	No	No
<b>Human Resources</b>	Responsible for recruiting, hiring, conflict resolution, employee benefits, and onboarding and offboarding staff.	No	No	No
<b>Library</b>	Provides the public with books and multi-media lending to support education.	No	No	No
<b>Police Department</b>	The Police Department responds to all police-related calls, issues alarm permits, processes applications for FID cards, LTC cards, and conducts CORI investigations.	No	No	No
<b>Town Administrator</b>	Oversee all aspects of town government, establishes the town's long-term vision, makes short-term and long-term financing decisions, and manages staffing.	No	No	No
<b>Public Works</b>	Issues permits for driveways, logging operations, permits to work in the town Right of Way, burn permits and 911 house numbers.	No	No	No
<b>Records Access Officer</b>	A Records Access Officer is responsible for responding to public records.	No	No	No
<b>Tax Collector</b>	Processes all real estate and personal property tax bills and collects payments.	No	No	No
<b>Town Clerk</b>	Custodian of records for births, deaths, burials, marriages, business certificates, census records, voting records and town records.	No	No	No
<b>Treasurer</b>	Accounts for all town money and provides oversight on payroll,	No	No	No

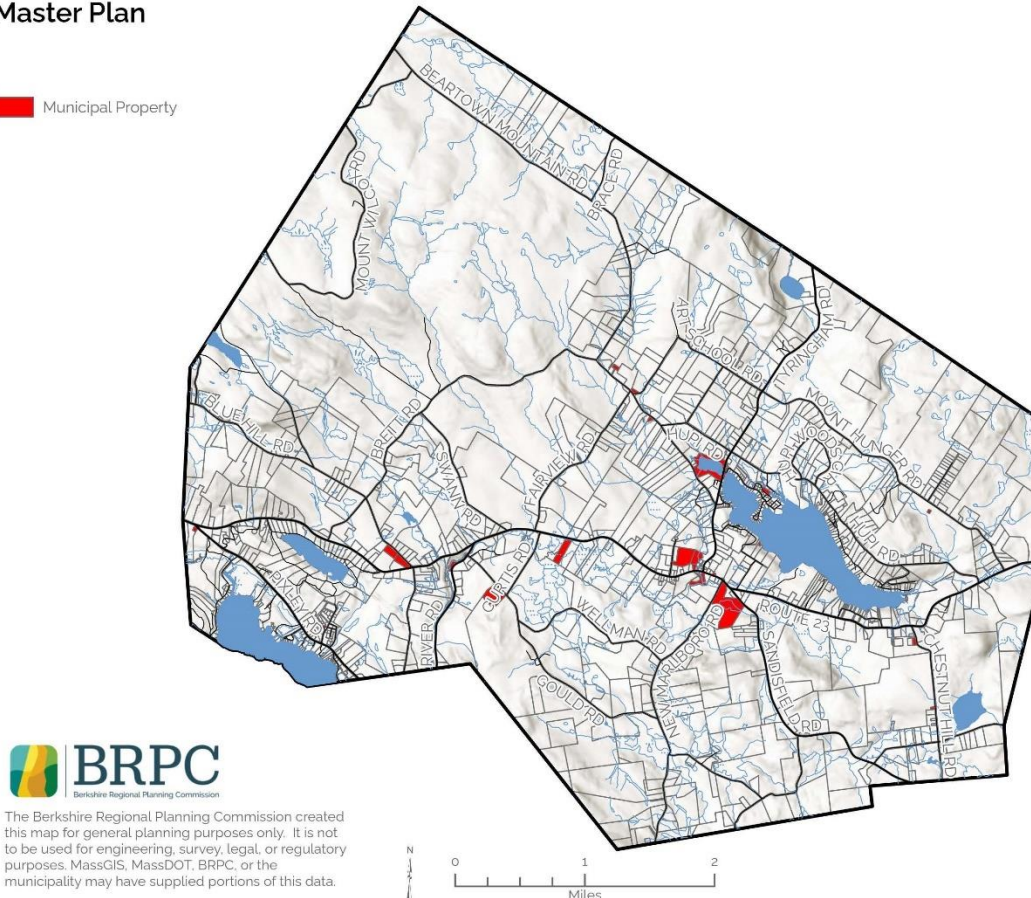
	benefits, retirement, and insurances.			
<b>Transfer Station</b>	Manages the town's residential waste disposal.	No	No	Yes
<b>Tree Warden</b>	Manages the health and wellbeing of the town's trees.	No	No	No
<b>Veterans' Services</b>	The Veterans Agent answers questions about benefits, eligibility and application procedures, makes referrals to VA facilities, such as medical centers and national cemeteries.	No	No	No

# Evaluation of Town-owned Buildings

Town of Monterey  
Master Plan

Town Owned Land Map

 Municipal Property



Section 35.151(a), which provides that those facilities that are constructed or altered by, on behalf of, or for the use of a public entity shall be designed, constructed, or altered to be readily accessible to and usable by individuals with disabilities. The path of travel requirements contained in the title III regulation are based on section 303(a)(2) of the ADA, 42 U.S.C 12183(a)(2), which provides that when an entity undertakes an alteration to a place of public accommodation or commercial facility that affects or could affect the usability of or access to an area that contains a primary function, the entity shall ensure that, to the maximum extent feasible, the path of travel to the altered area and the restrooms, telephones and drinking fountains serving the altered area are readily accessible to and usable by individuals with disabilities.

Based on town properties list provided by Town Administrator Roger MacDonald, BRPC evaluated the following town-owned buildings:

- Community Center – 468 Main Road
- DPW – 40 Gould Road
- Library – 452 Main Road
- School – 459 Main Road
- Town Hall – 6 Monterey Center Road
- Transfer Station – 40 Gould Road

BRPC assessed the following parks and conservation areas the town owns.

- Bidwell Park – Main Road
- Brewer Pond Park – Garfield and Brewer Road
- Fire Department Gazebo –Main Road
- Green Park –Greene Park
- Parade Common –Beartown Mountain Road
- Recreation Land – Main Road
- River Road Access Point – River Road
- Town Beach – Garfield and Brewer Road
- War Memorial Park – Main Road

There are four priorities that are listed in the Department of Justice ADA Title regulations. These priorities are equally applicable to state and local government facilities.

- Priority 1 – Accessible Approach and Entrance
- Priority 2 – Access to Goods and Services
- Priority 3 – Access to Public Toilet Rooms
- Priority 4 – Additional Access

BRPC assessed all properties according to the federal 2010 ADA Standards, unless otherwise noted in the report.



## Community Center



The Community Center is in the downtown area.

The Community Center is located on 28 acres of land at 648 Main Road. The building is two-stories where the community engages in activities and participates in meetings. The property features a community garden and a large amount of undeveloped land.

### Priority 1 – Accessible Approach and Entrance

The Community Center has a dedicated accessible parking space located in the closest location to the building. There is sufficient space for van parking and an accessible pathway to the entrance of the building.

There are no line markings to ensure others do not park too close and eliminate one's ability to exit or enter a van as required by 502.3.

**503.3 Access Aisle.** Passenger loading zones shall provide access aisles complying with 503 adjacent to the vehicle pull-up space. Access aisles shall adjoin an accessible route and shall not overlap the vehicular way.

**503.3.1 Width.** Access aisles serving vehicle pull-up spaces shall be 60 inches (1525 mm) wide minimum.

**503.3.2 Length.** Access aisles shall extend the full length of the vehicle pull-up spaces they serve.

**503.3.3 Marking.** Access aisles shall be marked so as to discourage parking in them.

The accessible parking has appropriate signage, but the color is fading. The town should replace the sign. The entry to the building is accessible. The town could increase accessibility by installing a push-button door opener.

While not a condition of the ADA, the committee noted that the lighting is insufficient and makes it difficult for people with disabilities to see when leaving the community center when it is dark.

### Priority 2 – Access to Goods and Services

The first floor is accessible and serves as the hub for the activity at the Community Center.



Accessible parking is available, but the lines and the signage is faded.

There is a kitchen and restroom on the first floor, both of which are accessible and have appropriate signage.

The town recently renovated the second floor but does not provide any services or activities in that space. Currently, the upstairs requires that someone climb a set of stairs. If the town opts to utilize the upstairs space, it will require the installation of a lift or small elevator to be accessible.



There is only a set of stairs to access the upper floor.

The hardware on the upstairs doors are knobs, which does not comport with 309.4.

**309.4 Operation.** Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds (22.2 N) maximum.

The community garden is outside but is inaccessible because there is no path on firm and slip-resistant surface from the parking lot to the garden. The town is interested in adding an accessible path to provide people with disabilities a greater opportunity to utilize the community garden.

### Priority 3 – Access to Public Toilet Rooms

The restroom is accessible.

### Priority 4 – Additional Access

The Community Center does not feature any elements the Department of Justice evaluates under Priority 4.



## Evaluation of Town-owned Buildings

Location	Barrier	Suggested Action	Priority*	Timeframe
Approach & Entrance	No Lines for Accessible Parking Space.	Repaint Lines	High	6 Months – 1 Year
	No Push Button Entrance	Provide push Button Door Openers	Low	5+ Years
	Faded Accessible Parking Sign	Replace Sign	High	6 Months – 1 Year
Access to Goods and Services	No Access to Second Floor.	Install Lift or Elevator	Low	5+ Years
	Improper Door Hardware	Change Door Hardware	Low	5+ Years
	No Path to the Community Garden	Install Path to Community Garden	Medium	2-3 Years

## Department of Public Works



The DPW garage is accessible, but the bathroom and an upstairs office are not.

The Department of Public Works has two buildings located on its Gould Road property. One building is a large, two-bay garage that stores the town's vehicles and equipment and is an employee work area. The other building holds construction materials.

The town's Transfer Station is also located on the property, but BRPC evaluated it separately because it is visited by the public at a greater frequency than the garages.

The Department of Public Works does not offer services at the facility. However, the public will go to the garage to speak with staff.

The essential job functions of DPW staff require physical labor and the town does offer light duty to injured employees.

The town is prioritizing its accessibility investments on town-owned property that the public uses at a greater frequency than the DPW.

### Priority 1 – Accessible Approach and Entrance

There is no accessible parking at the Department of Public Works, which is not in compliance with 208.

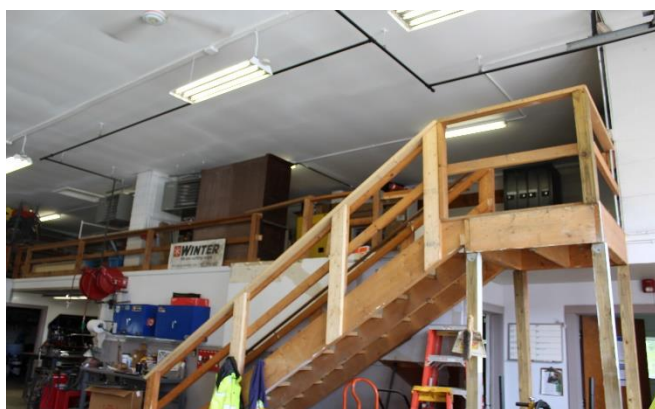
**208.1 General.** Where parking spaces are provided, parking spaces shall be provided in accordance with 208 which requires at least one spot in lots with up to 25 spaces.

**208.2 Minimum Number.** Parking spaces complying with 502 shall be provided in accordance with Table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.3. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

Table 208.2 Parking Spaces	
Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

While there is no designated parking, the path to the garages is a firm and flat surface, providing easy access. Both garages feature large bay doors that can be opened to provide access to the spaces.



The break room is only accessible by stairs.

## Priority 2 – Access to Goods and Services

The Department of Public Works does not offer services at its location but does accommodate people who visit the garage. The garages are large open spaces, which allow for easy access to speak with staff.

An employee breakroom located upstairs is inaccessible because it requires someone to walk up a flight of stairs. After climbing the stairs, the office is mostly accessible except for the door opened by a knob, which is not in compliance with 309.4.

**309.4 Operation.** Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds (22.2 N) maximum.

## Priority 3 – Access to Public Toilet Rooms

The restroom is not accessible. Entrance to the bathroom requires one to grasp and twist a knob, which is not in compliance with 309.4.

The bathroom features a utility sink, which does not provide adequate knee clearance as outlined in 306. The soap dispensers are located above the 44-inch maximum as defined in 308.2.2. The toilet does not feature grab bars.

The bathroom would require significant renovation to be accessible.



The sink does not provide proper knee clearance.

## Priority 4 – Additional Access

The Department of Public Works garages do not feature any elements the Department of Justice evaluates under Priority 4.

Location	Barrier	Suggested Action	Priority*	Timeframe
Approach & Entrance	No Accessible Parking Spot	Designate an Accessible Parking Spot Near the Garage	Low	5+ Years
Access to Goods and Services	Improper Door Hardware	Change Door Hardware	Low	5+ Years
Toilet Rooms	Inaccessible	Renovate Restroom	Low	5+ Years

## Library



The library is fully accessible.

The library is in the downtown at 452 Main Road. The building has two floors, a main level used as the library and meeting spaces and a basement used for storage.

The library is accessible.

### Priority 1 – Accessible Approach and Entrance

The library has an accessible parking spot located next to the main entrance that is appropriately delineated and has proper signage. The spot provides van access on a paved surface with an easy path to the entrance.

The pathway to the two front entrances is firm with a gentle grade. Both entrances are accessible but the closest of the two serves as the library's primary access point and has a push-button door opener.

The basement is used only for storage currently. The town recently installed a code compliant accessibility ramp to provide access to the space.

### Priority 2 – Access to Goods and Services

Upon entering the library, all rooms are accessible. The furniture is appropriately sized, and the bookshelves maintain appropriate aisle widths. The counter is the correct height for accessibility.

The basement is currently only used for storage. There is accessible access to it from the exterior, but the interior requires one to descend a set of stairs.

The items stored in the basement currently limit maneuverability as described in 403. However, if the town decides to utilize the space in the future it can move the items elsewhere.

**403.5.1 Clear Width.** Except as provided in 403.5.2 and 403.5.3, the clear width of walking surfaces shall be 36 inches (915 mm) minimum.

The library also features a patio that is accessible.

### Priority 3 – Access to Public Toilet Rooms



The pathway from the parking lot to the entrance is accessible and the main door features a push-button operation.



The restrooms are accessible.

### Priority 4 – Additional Access

The library has an ADA accessible water fountain, but no other elements the Department of Justice evaluates under Priority 4.



The library keeps a yard stick on hand to ensure the shelves are appropriately spaced.



The town recently installed a ramp to provide access to the basement.

Location	Barrier	Suggested Action	Priority*	Timeframe
Access to Good and Services	Stored Items Cause Obstructions to Maneuverability in Basement.	Ensure pathways are Clear from Obstructions	Low	As Needed

# School



The town owns the former school, but the building is in poor condition.

The Southern Berkshire Regional School District last used the town school for a small pre-kindergarten program. After a few years without staffing a program at the location, the Southern Berkshire School District closed the building in 2018.

The town is now considering its options for resale, demolition, or reuse of the property.

For this evaluation, BRPC acknowledges the building as a town-owned property and notes that it is not accessible. All entrances require the use of stairs.

Any future repurposing of the building or grounds will require significant renovation and code compliance.

Location	Barrier	Suggested Action	Priority*	Timeframe
Accessibility	No Accessibility	Explore re-use options including Demolishing, Rebuilding, or Selling	Low	5+ Years

## Town Hall



The town hall houses the police station, meeting spaces, and town offices.

Town Hall houses multiple government offices, the Police Department, and a meeting room.

### Priority 1 – Accessible Approach and Entrance

The building's parking lot has an accessible parking space located at the nearest location to the entrance. The space is appropriately delineated and has proper signage.

There are five entrances to the building, three of which are accessible and two that are not. There is no signage at the non-accessible entrances directing people to the accessible entrances as outlined in 216.6.

**216.6 Entrances.** Where not all entrances comply with 404, entrances complying with 404 shall be identified by the International Symbol of Accessibility complying with 703.7.2.1. Directional signs complying with 703.5 that indicate the location of the nearest entrance complying with 404 shall be provided at entrances that do not comply with 404.

Two doors from the parking lot open into a shared vestibule. From the vestibule people either climb three stairs or ride an elevator a half story to access the offices and meeting space. When the elevator is not working, there is no accessible way to the offices.

The town holds board and commission meetings at the town hall and would be required to move them to a different location when the elevator is not working.

The town keeps an entrance facing Main Street locked. It is not accessible because it requires the use of stairs.

There is an entrance at the backside of the building that is not accessible because it requires the use of stairs. The entrance is the most feasible to install a ramp to provide an accessible entrance from the parking lot without requiring someone to use an elevator.

There is also access to the basement via a wooden ramp. The ramp provides accessibility and is appropriately sloped and has handrails. However, the basement no longer houses municipal offices. The basement is used for



When the elevator is out of service, there is no accessible way to the town offices, Police Department, and meeting room.





A ramp to the rear door could provide access to the town hall without the use of an elevator.

storage. While there is access to the elevator from the basement, the entrance is furthest from the accessible parking.

The ramp is showing some signs of aging and requires a greater level of monitoring to ensure boards are not disengaging and causing a tripping hazard.

### Priority 2 – Access to Goods and Services

All the services provided at the town hall are located on the first floor of the building. The first floor is not ground level and requires patrons to take an elevator up a half floor.

There are accessible routes throughout the building. There is no signage throughout the building identifying the offices as required by 216.2.

**216.2 Designations.** Interior and exterior signs identifying permanent rooms and spaces shall comply with 703.1, 703.2, and 703.5. Where pictograms are provided as designations of permanent interior rooms and spaces, the pictograms shall comply with 703.6 and shall have text descriptors complying with 703.2 and 703.5.

### Priority 3 – Access to Public Toilet Rooms

The public restroom located on the first floor is accessible. The restroom in the basement is mostly accessible.

The basement bathroom has exposed pipes, which is out of compliance with 606.5.

**606.5 Exposed Pipes and Surfaces.** Water supply and drainpipes under lavatories and sinks shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories and sinks.

The sink does not provide proper kneed clearance as defined in 306.

### **306.3 Knee Clearance.**

**306.3.1 General.** Space under an element between 9 inches (230 mm) and 27 inches (685 mm) above the finish floor or ground shall be considered knee clearance and shall comply with 306.3.



The sink does not provide sufficient knee clearances.

306.3.2 Maximum Depth. Knee clearance shall extend 25 inches (635 mm) maximum under an element at 9 inches (230 mm) above the finish floor or ground.

306.3.3 Minimum Required Depth. Where knee clearance is required under an element as part of a clear floor space, the knee clearance shall be 11 inches (280 mm) deep minimum at 9 inches (230 mm) above the finish floor or ground, and 8 inches (205 mm) deep minimum at 27 inches (685 mm) above the finish floor or ground.

The faucet requires someone to grip and twist their wrist to turn the water on, which is not in compliance with 309.4.

309.4 Operation. Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. The force required to activate operable parts shall be 5 pounds (22.2 N) maximum.

#### Priority 4 – Additional Access

The Town Hall does not feature any elements the Department of Justice evaluates under Priority 4.

Location	Barrier	Suggested Action	Priority*	Timeframe
Approach & Entrance	No Signs to Accessible Entrance	Install Signs Directing People to Accessible Entrances	Medium	2-3 Years
	No Backup Entrance If Elevator is Down	Install Ramp at Back Door	High	6 Months–1 Year
Access to Goods and Services	No Signs for Office Spaces	Install Office Signs	Medium	2-3 Years
Toilet Rooms	Numerous Basement Bathroom Compliance Issues	Renovate Restroom	Low	5+ Years

## Transfer Station



The Transfer Station is mostly accessible.

The Transfer Station is located on the same parcel as the Department of Public Works garages. The Transfer Station has limited hours for public accessibility and serves as the primary location for trash disposal.

The town also created a swap shop on the property where anyone can take or leave items.

The town staffs the Transfer Station during collection days. The staff assists people once they arrive and that service accounts for any accessibility challenges with removal of the trash.

### Priority 1 – Accessible Approach and Entrance

There is no accessible parking at the Transfer Station as detailed in 208.

**208.1 General.** Where parking spaces are provided, parking spaces shall be provided in accordance with 208 which requires at least one spot in lots with up to 25 spaces.

**208.2 Minimum Number.** Parking spaces complying with 502 shall be provided in accordance with Table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.3. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

While there is no designated parking, access to the garages is on firm and flat surfaces, providing easy access. Trash bins are accessible through two large garage doors.

### Priority 2 – Access to Goods and Services

The Transfer Station is staffed to provide people one-on-one assistance when it is open. The trash bins are at a low level, providing residents easy access to dumping garbage into them.

The town could ensure accommodation by installing signage with a number to call for people with disabilities should no staff be located on site when the person arrives.



The trash receptacle is at a lower level than the Transfer Station building so patrons do not have to lift the trash too high.

The swap shop is a narrow building and there is little room for maneuvering as detailed in 403.

403.5.1 Clear Width. Except as provided in 403.5.2 and 403.5.3, the clear width of walking surfaces shall be 36 inches (915 mm) minimum.

The swap shop is accessible through large garage doors.

#### Priority 3 – Access to Public Toilet Rooms

There are no restrooms on site.

#### Priority 4 – Additional Access

The Transfer Station does not feature any elements considered under Priority 4.

Location	Barrier	Suggested Action	Priority*	Timeframe
Approach & Entrance	No Accessible Parking Spot	Designate an Accessible Parking Spot Near the Garage	Low	5+ Years
Access to Goods and Services	Narrow pathways inside Swap Shop	Create Easier Access	Medium	2-3 Years
	Lifting Requirements	Install Signage Directing People Who To Call for Assistance	Medium	2-3 Years



# Evaluation of Parks and Recreational Areas

## Bidwell Park



Bidwell Park is in the downtown.

Bidwell Park is located across from the Town Hall on Main Street. It is designed for passive recreation, featuring a few picnic tables for someone to enjoy the nearby flowing river.

Entrance to the park requires driving down a dirt road and there is no dedicated parking. The road requires some maintenance, but someone can drive into the park and there is sufficient space for parking. However, the parking is not delineated and there is no signage.

The town could increase accessibility to the park by creating a dedicated accessible parking space in compliance with the [2010 ADA Standards Section 502](#), which specifies that the size, markings, signage, and that the ground must be firm and stable. The town would need to create a stable area for the parking spot.

There are no accessible pathways throughout the park. The town could increase accessibility by creating a "firm and slip resistant" pathway from a newly designed parking area to various park features.



Visitors to the park utilize it for picnicking by the riverside.



There is not an accessible path to assist in maneuvering the small park.



The town installed accessible benches to increase inclusivity.

The park features picnic tables specifically designed for accessibility, providing all park users the same opportunity to enjoy the surroundings.

Location	Barrier	Suggested Action	Priority*	Timeframe
Approach & Entrance	No Delineated Accessible Parking on A Firm and Slip Resistant Surface	Create Accessible Parking Spot	Low	5+ Years
Access to Goods and Services	No Accessible Path	Create Accessible Path	Low	5+ Years



## Brewer Pond Park



Brewer Pond provides picnicking space and kayak access to the pond.



The park is ideal for enjoyment of the outdoors.

Brewer Pond Park is a 23-acre parcel that provides visitors with scenic views, a picnic table, and access to the pond.

The park does not include any ADA accessibility features.

There is no public parking available on site. Visitors Park on the grass next to the entrance to the park. The town could increase accessibility to the park by providing delineated and appropriately signed parking as outline in [the 2010 ADA Standards Section 502](#).



The picnic table and lake access is atop a steep hill that can be difficult to traverse.

The picnic table and lake views and access are located at the top of a steep hill. There are no accessible pathways throughout the park and the hill is above the ADA standard maximum of 1:20 slope as defined under 404.2.

**402.2 Components.** Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4.

The steepness of the hill would require a significant regrading to create accessibility to the pond.

The park features a picnic table, but it is not specifically designed for ADA compliance. There are no other features in the park.



## Evaluation of Parks and Recreational Areas

Location	Barrier	Suggested Action	Priority*	Timeframe
Approach & Entrance	No Delineated Accessible Parking on A Firm and Slip Resistant Surface	Create Accessible Parking Spot	Low	5+ Years
Access to Goods and Services	No Accessible Path	Create Accessible Path	Low	5+ Years
	No Accessible Seating	Add Accessible Bench	Low	5+ Years

## Green Park



The baseball field will be used by the regional Cal Ripken League



The park features a newly renovated playground, basketball court, and a baseball/softball field.

Green Park is located on the same property as Town Hall and provides visitors access to an accessible playground, basketball court, and baseball/softball field. The Parks Commission recently renovated Green Park's playground, adding numerous accessibility features. The playground is compliant with ADA standards.

There is dedicated accessible parking located at the town hall and pathways to the park. The town installed an ADA compliant transition into the playground. However, there is still a small gap between the playground and the parking lot that does not provide a "firm and slip resistant" surface for a pathway.



The town installed a transition to provide ADA access to the newly constructed playground.

The town could extend its transition to the parking lot and ensure that the pathway is not blocked to improve accessibility.

The baseball court is in fair condition and there is a paved pathway to a wide entrance, providing easy access to the playing surface. Abutting the court, and along the paved path, there is an accessible portable bathroom.

The baseball field has ADA compliant spectator seating and the town added ADA picnic tables for additional accessibility. However, the paved path does not extend from the basketball court to the picnic tables or the spectator seating.

## Evaluation of Parks and Recreational Areas



The park had ADA picnic tables and accessible restroom but there is no pathway connecting the two elements.

The 2010 ADA Standards 302.1 require ground surfaces to be “stable, firm, and slip resistant.” The standards provide an exemption for sports playing surfaces, but the town could increase accessibility by extending the path to the spectator seating area.

**302.1 General.** Floor and ground surfaces shall be stable, firm, and slip resistant and shall comply with 302.

The park also has trash bins and those are appropriately located along an ADA accessible path.

Green Park’s overall accessibility provides all users with a variety of recreational opportunities.

Location	Barrier	Suggested Action	Priority*	Timeframe
Access to Goods and Services	No Accessible Path to Ball Field	Create Accessible Path	Low	5+ Years
	Grass Surface Between Parking Lot and Transition into Playground	Extend Transition to Parking Lot	High	6 Months-1 Year



## Parade Common



The grounds feature only a commemorative stone and plaque to recognize the historical significance.



The town mows the property but has not added any park features.

The Parade Common is a historic site commemorating the location colonial militiamen used for training. The parcel is less than an acre and features only a commemorative stone and plaque recognizing the location. Most of the park is wooded or a mowed field.

The town has not added any features to the space. The parking is only on-street and there are no built elements on the property.

The town should prioritize adding an accessible parking space if it opts to develop the park.



There is no parking providing access to the property.

Location	Barrier	Suggested Action	Priority*	Timeframe
Approach & Entrance	No Delineated Accessible Parking on A Firm and Slip Resistant Surface	Create Accessible Parking Spot	Low	5+ Years
Access to Goods and Services	No Accessible Path	Create Accessible Path	Low	5+ Years

# Recreation Land

The town owns a parcel along Route 23 and abutting Gould Farm. The parcel is completely undeveloped and there is no access to the property.

The federal ADA guidance places its top priority on access. If the town opts to develop the property to complement a privately-owned trail adjacent, it should place parking and access to the property as its top priority.

The town owns 6.6 acres of land at the location, providing opportunities for either conservation or recreational opportunities.



A small pull off on the side of Route 23 provides the only public access to the property but there are no hiking trails or other features to accommodate navigation through the undeveloped space.

Location	Barrier	Suggested Action	Priority*	Timeframe
Approach & Entrance	No Delineated Accessible Parking on A Firm and Slip Resistant Surface	Create Accessible Parking Spot	Low	5+ Years
Access to Goods and Services	No Accessible Path	Create Accessible Path	Low	5+ Years

# River Road Access Point

The town owns 1.6 acres of land along River Road to provide kayak access to the Konkapot River.

The land is currently undeveloped. There is a pull off spot along River Road for visitors to park and there are pathways to the river that are naturally made by visitor usage, but it is not maintained by the town.

The pathways are too steep for the ADA standard maximum of 1:20 slope as defined under 402.2.



A steep slope down the riverbank limits the town’s ability to further the develop the property in an ADA compliant manner.

**402.2 Components.** Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4.

However, the natural layout of the land and waterway may render the creation of a gentler slope impractical.

The town does not provide signage inviting the public to access the river from that location nor has the town painted or added signage for parking. The town should consider adding accessible parking to the location should it decide to further develop the area to increase usage.

Location	Barrier	Suggested Action	Priority*	Timeframe
Approach & Entrance	Land is Undeveloped	Add ADA Accommodations with Any Future Development	Low	As Needed



## Town Beach



The town beach provides public access to Lake Garfield.



Across the street, the town provides free kayak storage and access to Brewer Pond.

The Town Beach is part of the town's largest recreational asset. The beach is part of the 23 acres of land along Brewer Pond and connects with Lake Garfield. The Town Beach consists of two separate usage locations. There is a beach and picnic area on one side of Tyringham Road and kayak storage and a walking path to access Brewer Pond on the other side.

The town has a small parking lot providing access to the beach. There is proper ADA signage for two accessible parking spots. However, the parking spots are not lined in accordance with 502.3.3 of the 2010 ADA Standards.



There are two accessible parking spaces at the beach, which exceeds the requirements in the 2010 ADA standards.

**502.3.3 Marking.** Access aisles shall be marked so as to discourage parking in them.

There are multiple pathways to enter the beach area. However, none of them are on "firm and slip resistant" ground as described in the 2010 ADA Standards Section 302.1.

**302.1 General.** Floor and ground surfaces shall be stable, firm, and slip resistant and shall comply with 302.



There is no accessible path to the beach. The town could increase accessibility by adding a Mobi Mat or purchase a beach wheelchair. However, the town currently does not have a location to store a beach wheelchair on site and would need to construct a shed to store it.

Inside the park, the town has ADA accessible picnic tables, an accessible portable toilet, a beach, and a boat ramp.

The ADA tables are placed on flat ground, but it is not firm and there is no accessible pathway from the parking lot to the tables.

The boat ramp is too steep, measuring beyond the 1:20 grade as defined in 402.2.

**402.2 Components.** Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4.

There is a slight change in level from the ground to the lifeguard hut measuring beyond the ¼ inch threshold for changes in level as described in the 2010 ADA Standards 303.2. The town could address that barrier by adding a transition strip to ensure smooth access in and out of the structure.

**303.2 Vertical.** Changes in level of 1/4 inch (6.4 mm) high maximum shall be permitted to be vertical.

Trash cans are available but are not located on an accessible path.

The town provides public kayak storage across the street from the beach. The kayak storage area is not accessible. There is no parking provided, which requires people to cross the street. There is also no accessible path to the storage units or to the lake. The space has a grass surface.



There are accessible tables available, which increase accessibility, but they are not on a firm surface.

Location	Barrier	Suggested Action	Priority*	Timeframe
Approach & Entrance	No Delineated Accessible Parking on A Firm and Slip Resistant Surface	Create Accessible Parking Spot	High	6 Months – 1 Year
Access to Goods and Services	No Accessible Path	Add Mobi Mat and/or Beach Wheelchair	High	6 Months – 1 Year

## War Memorial Park



War Memorial Park is dedicated to military veterans.



The park features monuments for all American fought wars.

The 3.6-acre War Memorial Park honors the town and the nation's veterans. The park is located along Route 23 and adjacent to Corashire Cemetery.

The town is prioritizing the park because it is used for Veterans memorial services frequently.

There is no parking located at the park. There is one area where visitors appear to park on the grass to access the monuments and another small pull off on the side of Route 23 for visitors to pull over. There is a road in Corashire Cemetery that provides another area to park but it requires the person to traverse around a line of trees.



There is a small area to park but it is not lined and there is no signage to provide accessible parking.

The parking spots are not lined and there is no signage indicating that the spaces are for parking. The town can increase accessibility by creating a dedicated accessible parking spot at the park.

Inside the park, there are no accessible paths from monument to monument. The 2010 ADA Standards Section 302.1 require that ground surfaces be "stable, firm, and slip resistant." The town could create a pathway from element to element to increase accessibility.

**302.1 General. Floor and ground surfaces shall be stable, firm, and slip resistant and shall comply with 302.**

The town provides benches for resting inside the park, but they are not located along an accessible path and are not on firm ground. The town should place the benches on an accessible path if it develops one.

## Evaluation of Parks and Recreational Areas

Location	Barrier	Suggested Action	Priority*	Timeframe
Approach & Entrance	No Delineated Accessible Parking on A Firm and Slip Resistant Surface	Create Accessible Parking Spot	Medium	2-3 Years
Access to Goods and Services	No Accessible Path	Create Accessible Path	Medium	2-3 Years

## Summary of Major Findings

- The town appointed an ADA coordinator to help resolve compliance challenges, crafted and posted a grievance policy, and has a public notice affirming its commitment to equal access.
- Department leaders should consider developing department-specific policies to address unique needs related to each service.
- The town has an active and engaged community who cares about accessibility.
- The Town Hall and Community Center are the most utilized buildings by the public and should be a priority for increasing accessibility.
- Green Park and the Town Beach are the top priorities for parks and open spaces and War Memorial Park is the next highest priority.
- The town has not used TTY or other equipment to accommodate persons with disabilities.
- Except for the library, all town buildings have accessibility challenges. The town should prioritize the buildings with the most public use.
- The town has multiple undeveloped land providing access to nature and has no immediate plans to add recreational amenities. The town should, however, keep accessibility in mind if the community decides to invest in those spaces.

## Recommended Next Steps

- The ADA Self-Evaluation and Transition Plan establishes an inventory of needs and creates a roadmap to accessibility. The plan prioritizes the most utilized public spaces that provide the greatest opportunities. Town officials should seek grants and capital funding to implement the recommendations in a timely manner.
- The town should use the plan to guide its capital improvement plan.
- Town officials should continue to seek public input on the plan and adjust accordingly. The town should post the plan on its website and make the public aware.
- The community should be aware that this plan is intended to be a living document, constantly updated and reprioritized based on project completion and changes in public needs, use, and desires.
- Town officials should begin engaging with architects and engineers to develop plans for the larger, more costly renovations sooner rather than later.

- The town should consider forming a Commission on Disabilities to oversee the implementation of accessibility features.
- Department heads should provide employees the opportunities to attend Massachusetts Office on Disability or other training.

# Resources

## Organizations

- Adaptive Environments, 374 Congress Street, Suite 310, Boston, MA 02210. (800) 949-4232 (v/tty); <http://www.adaptenv.org/>.
- American National Standards Institute, 1819 L Street, NW, Washington, DC 20036. (202) 293.8020; Fax: (202) 293.9287; <http://www.ansi.org/>.
- The Access Board, 1331 F Street, NW, Suite 1000, Washington, DC 20004-1111. (202) 272-5434 (v), (202) 2725449 (tty), (202) 272-5447 (fax). Federal standards: <http://www.access-board.gov/adaag/html/adaag.htm>.
- Massachusetts Architectural Access Board, One Ashburton Place, Room 1310, Boston, MA 02108. (617) 7270660 (v and tty), (617) 727-0665 (fax). State standards: [http://www.state.ma.us/aab/aab\\_regs.htm](http://www.state.ma.us/aab/aab_regs.htm).
- Massachusetts Office on Disability, One Ashburton Place, Room 1305, Boston, MA 02108. (617) 727-7440 or (800) 322-2020 (voice and TTY); <http://www.magnet.state.ma.us/mod>.
- National Center on Accessibility, Indiana University, 2805 East 10th St, Suite 190, Bloomington, IN 47408-2698. (812) 856-4422 (Voice), (812) 856-4421 (tty), (812) 856-4480 (Fax); <http://www.ncaonline.org/>.
- U.S. Architectural and Transportation Barriers Compliance Board ("The Access Board"), 1331 F Street, NW, Suite 1000, Washington, DC 20004-1111. (800) 872-2253, (800) 993-2822 (tty), (202) 272-5447 (fax). Online at <http://www.access-board.gov>.

## Publications

- *2010 ADA Standards for Accessible Design*; The Department of Justice
- *ADA Guide for Small Towns*; U.S. Department of Justice, Civil Rights Division
- *36 CFR Part 1191: Americans with Disabilities Act Accessibility Guidelines; Recreation Facilities*. U.S.
- *Architecture and Transportation Compliance Board*. Federal Register (July 9, 1999). Washington, D.C.
- *36 CFR Part 1191: Americans with Disabilities Act Accessibility Guidelines; Play Areas*. U.S. Architecture and Transportation Compliance Board. Federal Register (April 30, 1998). Washington, D.C.
- *ADA Transition Plan Workbook*. State House Bookstore, State House, Room 116, Boston, MA 02133.
- *Americans With Disabilities Act Resource Guide for Park, Recreation, and Leisure Service Agencies, First Edition*. Lynn M. Casciotti, Editor. National Recreation and Park Association, Arlington VA, 1992.
- *Americans with Disabilities Act, Public Law 226, 101<sup>st</sup> Congress*. U.S. Government Printing Office, July 26, 1990.
- *Designing Sidewalks and Trails for Access: Review of Existing Guidelines and Practices*. Barbara McMillen (editor). U.S. Department of Transportation, 1999.

- *Everyone's Nature: Designing Interpretation to Include All.* Carol Hunter. Falcon Press Publishing Co., Inc., Helena, Montana, 1994.
- *Play for All Guidelines: Planning, Designing and Management of Outdoor Play Settings for All Children.* Robin Moore *et al.* MIG Communications, 1992.
- *Reasonable Accommodation: Profitable Compliance with the Americans with Disabilities Act.* Jay W. Spechler. St. Lucie Press, Delray Beach FL, 1996.
- *The Americans with Disabilities Act: A Review of Best Practices.* Timothy Jones. American Management Association Membership Publications Division, New York, 1993.
- *Universal Access to Outdoor Recreation: A Design Guide.* PLAE, Inc., Berkeley CA, 1993.
- *Universal Trail Assessment Coordinator Training Guide.* P. Axelson *et al.* Pax Press, Santa Cruz, 1997.

## Potential Funding Sources for Implementation

- Massachusetts Office on Disability: <https://www.mass.gov/orgs/massachusetts-office-on-disability>
- United States Department of Agriculture: <https://www.rd.usda.gov/programs-services/all-programs/community-facilities-programs>
- Community Development Block Grant – Architectural Barrier Removal: <https://www.mass.gov/files/documents/2017/12/04/Architectural%20Barrier%20Removal.pdf>
- Complete Streets: <https://www.mass.gov/complete-streets-funding-program>
- MassWorks: <https://www.mass.gov/orgs/massworks>