

TOWN OF BERLIN



SELF-EVALUATION AND TRANSITION PLAN

JUNE 2020

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Disclaimer: This Self-Evaluation and Transition Plan is a “planning” document which is intended to identify areas of non-compliance under the Federal Americans with Disabilities Act as it pertains to the provision of services, programs, and activities. In doing so, this Plan provides an evaluation of policies and procedures and provides recommendations and sample documents for compliance. This Plan also includes a facilities assessment to identify non-conforming building and site conditions including a description and applicable regulatory standards for compliance. This is not an engineering or architectural assessment nor does it provide engineering or design solutions. Construction solutions need to be designed by a qualified engineering or architectural professional in order to ensure compliance under the MAAB 521 CMR requirements and the 2010 ADA Standards for Accessible Design.

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I. Introduction

The Central Massachusetts Regional Planning Commission, in partnership with the Center for Living & Working, Inc. and James M. Mazik, AICP – Consulting Services has prepared this Self-evaluation and Transition Plan (“Accessibility Plan” hereafter) on behalf of the Town of Berlin to determine its level of compliance under the Americans with Disability Act (ADA) of 1991, as amended in 2008 and 2010.

The ADA is a civil rights law. Under the ADA, civil rights are guaranteed to individuals who experience discrimination because they; 1) have a physical or mental impairment that substantially limits a major life activity, 2) have a record of such an impairment, and 3) are regarded as having such an impairment. The ADA provides civil rights protections to those with disabilities in a manner similar to that provided to individuals on the basis of race, color, sex, natural origin, age, and religion. The law is intended to ensure that those with a disability cannot be excluded from participating in, or denied the benefits of programs, services and activities offered by state and local governments because of that disability.

Under Title II of the ADA, as amended, requires local municipalities to conduct a Self-Evaluation of programs and services as well as an evaluation of all facilities to document physical barriers to access as part of the requirements for developing a Transition Plan.

In Massachusetts, public buildings and facilities must adhere to Section 521 of the Code of Massachusetts Regulations, “521 CMR: Architectural Access Board”, a specialized section of the State Building Code as governed by the Massachusetts Architectural Access Board (M.G.L. c.22, S13A).

This ADA Self-evaluation and Transition Plan (“Accessibility Plan” hereafter) includes model policies and procedures for adoption by the town as well as barrier removal solutions for the Town’s public buildings and facilities. The assessment of physical barriers and subsequent recommendations are based on the current 2010 ADA Standards for Accessible Design (2010 ADA Standards) and MA State Building Code 521 C.M.R., the higher standard to prevail. Although there are exceptions and variations (described below), this Accessibility Plan and its recommendations are based on compliance with the current Federal and State standards and the measures required to do so.

II. AMERICANS WITH DISABILITIES ACT

Background

On July 26, 1990 President George H. Bush signed the Americans with Disabilities Act, a federal civil rights law that prohibits the exclusion of people with disabilities from the right of equal opportunity. Much of the ADA legislation was built upon legislation that had already been in place for a number of years including the Civil Rights act of 1964 and the Rehabilitation Act of 1973 which regulates employment practices in the federal government and by federal contractors, establishes architectural and transportation accessibility standards and guarantees equal access to entities that receive federal funds.

The ADA is a civil rights law. Under the ADA, civil rights are guaranteed to individuals who experience discrimination because they; 1) have a physical or mental impairment that substantially limits a major life activity, 2) have a record of such an impairment, and 3) are regarded as having such an impairment. Interpretation of the law and its enforcement was intended to be carried out on a case by case basis through the nation’s legal system. Specific complaints of individuals may be filed with a number of different federal agencies including the Equal Employment Opportunity Commission (Title I), the United States Department of Justice (Titles II and III), the United States Department of Transportation (Titles II and III), and the Federal Communications Commission (Title IV).

The ADA is divided into five titles or sections. These are:

Title I: Employment

Title II: State and Local Government and Public Transportation

Title III: Public Accommodations and Services Operated by Private Entities Title IV: Telecommunications

Title V: Miscellaneous Provisions

The Town of Berlin is bound specifically by Titles I and II. There is a basic process for complying with the Americans with Disabilities Act:

- Learning about the requirements of the ADA and how it applies to a facility or program;
- Conducting a survey to identify barriers;
- Establishing a list of potential modifications for barrier removal, including changes to policies, facilities and cost estimates;
- Removing existing barriers.

The ADA prohibits discrimination on the basis of disability in all services, programs, and activities provided by small local governments (i.e. towns). Thus, people with disabilities must have an equal opportunity to participate in and benefit from a town's services, programs and activities. To accomplish this, the ADA sets requirements for town facilities, new construction and alterations, communication with the public and policies and procedures governing town programs, services, and activities.

All towns must perform a self-evaluation of its policies, practices, programs, procedures, services, etc. (including communication) to determine compliance under the ADA. Towns must make reasonable modifications to these policies, programs, services, etc. to avoid discrimination against individuals with disabilities unless such modification would result in a fundamental alteration in the nature of that program or service.

Although the ADA only requires local governments with 50 or more employees to take additional, specific measures, it is strongly encouraged that even smaller towns with less than 50 employees follow the same process to ensure overall compliance with the ADA. These additional measures include 1) the designation of an individual to coordinate ADA compliance, 2) the development of a transition plan, and 3) the development of an ADA grievance procedure.

The 2008 Amendments to the ADA broadened the definition of "disability", thereby extending the ADA's protections to a greater number of people. The 2008 Amendments provided examples which limit "major life activities" including, but not limited to, "caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working" as well as the operation of several specified major bodily functions. The Amendments also stated that when determining whether one qualifies as disabled, one cannot take into account the mitigating effects of assistive devices, auxiliary aids, accommodations, medical therapies, and supplies. In order to be protected under the ADA, an individual with a disability must also be qualified to perform the essential functions of a job with or without a reasonable accommodation. In 2010, the Department of Justice's revised regulations for Titles II and III of the ADA of 1990. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design. On March 15, 2012, compliance with the 2010 Standards was required for new construction and alterations under Titles II and III. March 15, 2012, is also the compliance date for using the 2010 Standards for program accessibility and barrier removal. The 1991 ADA Standards for

Accessible Design could be used for new construction and alterations under Titles II and III until March 14, 2012.

Title I

Equal Employment Opportunity

The ADA guarantees equal employment opportunities to people with disabilities who are qualified for a job. The ADA specifically prohibits discrimination in all activities relating to employment. This includes hiring, termination, compensation, recruitment, tenure, job training, advancement and promotion, layoff, fringe benefits, and any other employment-related benefits or activities. Employers, including municipal governments, should carefully review their employment policies and procedures to eliminate discriminatory practices. In many cases, discrimination is unintentional, due to a lack of knowledge and awareness of the employer. The ADA covers all aspects of "employment" including the application and interview process, hiring, promotion, termination, compensation and benefits, and training.

Reasonable Accommodations

Qualified applicants for employment are entitled to "reasonable accommodation" during the hiring process and as part of their employment. The term reasonable accommodation can mean many different things depending on the circumstance and what is "reasonable" under that circumstance. It may mean modifying an existing facility so that a person with a disability can perform their job (i.e. replace a door handle with a lever, lower a counter top, etc.), changing the way things are customarily done (office policy, work hours, etc.) or restructuring a job. It is the responsibility of the employer to provide a reasonable accommodation unless it would impose an "undue hardship" on the employer or detract from the essential functions of a position. Once the proposed accommodation becomes too difficult or expensive, it can be deemed as no longer reasonable and therefore, not required. *Caution:* What is unreasonable for an employer of six persons may be deemed reasonable for an employer of twenty-five persons.

Title II

Program Accessibility

The ADA guarantees people with disabilities equal opportunity to participate in all programs, services, and activities of state and local government. Accessibility standards must be followed for new construction as well as accommodations. These standards are based on the ADA Accessibility Guidelines (ADAAG) as developed by the U.S. Access Board provide guidance to the ADA Standards for Accessible Design as enforced by the U.S. Department of Justice (DOJ), U.S. Department of Transportation (DOT), and the federal courts and apply nationwide.

The ADAAG involves a distinction between public or common use area and employee work areas. Public/common use areas must be fully accessible. Employee work areas may be addressed through Title I and "reasonable accommodations" made when the need arises. A higher level of expectation is anticipated for governmental entities than that of the private sector. Regardless of receipt of federal aid, all local governments and their boards, departments, commissions and districts are subject to the provisions of the ADA. Access to services is a critical aspect and basic premise of the ADA. Governmental sponsored programs, services and activities must be available to all, regardless of disability. If structural changes to buildings are required, a transition plan is also usually required. New construction and/or additions to local governmental buildings must be fully compliant and accessible to those with disabilities. Alterations to space used by the public as well as employee work areas must also be ADA compliant unless it is "technically infeasible" to do so (i.e. involves structural, physical, or site constraints). If technically infeasible, the alteration must comply "to the maximum extent feasible". Existing buildings require that the services or programs offered in that facility are readily accessible.

When programs, services, or activities are located in facilities that existed prior to January 26, 1992, the effective date of Title II of the ADA, towns must make sure that they are also available to persons with disabilities. If, however, it requires that these programs, services, or activities are substantially altered to provide access or results in undue financial or administrative burden, then reasonable alternatives or accommodations may be allowed. When a service, program, or activity is located in a building that is not accessible, Title II of the ADA allows a "small" local government to achieve program accessibility in several ways. This can include:

- Relocating the program, service, or activity to an accessible facility; or
- Providing the program, service, or activity in another manner that meets ADA requirements; or
- Undertaking modifications to the building or facility itself to provide accessibility.

Thus, to achieve program accessibility, a small town need not make every existing facility accessible. It can relocate some programs to accessible facilities and modify other facilities, avoiding expensive physical modifications of all town facilities.

Effective Communication

Local governments must ensure effective communication with individuals with disabilities. Where necessary to ensure that communications with individuals with hearing, vision, or speech impairments are as effective as communications with others, municipal governments must provide appropriate auxiliary aids.

The type of auxiliary aid or service necessary to ensure effective communication will vary according to the type of communication involved and the needs of the individual. "Auxiliary aids" include such services or devices as sign language interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDD's), videotext displays, readers, taped texts, Brailled materials, computer disks, audio recordings, and large print materials. In addition, telephone emergency services, including 911 services, must provide direct access to individuals with speech or hearing impairments.

Municipal governments are not required to provide auxiliary aids or take any actions that would result in a fundamental alteration in the nature of a service, program, or activity or that will result in undue financial and administrative burdens. However, alternative auxiliary aids that do not result in a fundamental alteration or undue burden must be provided. For example, it is not necessary to provide sign language interpreters for all interactions with persons who are deaf or hard of hearing. Daily interaction may suffice through written notes or similar exchanges. However, public meetings, interrogations by local police officers, or similar technical interactions will most likely require interpreters or assistive listening systems. It is required that alternative auxiliary aids be available that do not result in financial or administrative burdens yet meet the needs of the disabled individual.

Title III

Title III of the Americans with Disabilities Act requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. It is intended that all individuals have the opportunity to benefit from businesses and services of a place of public accommodation. The regulations require that architectural and communication barriers that are structural must be removed in public areas of existing facilities when their removal is readily achievable. Public accommodations that must meet the barrier removal requirement include a broad range of establishments (both for- and non-profit) such as inns, hotels, motels, restaurants, bars, theaters, concert halls, stadiums, museums, auditoriums, retail stores, grocery stores, bakeries, laundromats, banks, barber and beauty shops, gas stations, professional offices, medical offices, private schools, health spas, bowling alleys and other places that serve the public. Private entities that own, lease, lease out, or operate places of public

accommodation in existing buildings are responsible for complying with the barrier removal requirement. Private clubs and religious organizations, including places of worship, are exempt from the ADA public accommodation requirements.

Title IV

Title IV requires common carriers engaged in interstate communications by wire or radio to provide telecommunications relay services for both hearing- and speech-impaired individuals. Regulations developed to implement this provision require that these services operate 24 hours a day. It is the intention to give those persons with hearing and speech impairments the opportunity to communicate with any other individual. This is to be achieved in a manner such that the users are not paying greater rates than those for equivalent services used by persons without hearing or speech impairments. In addition, any televised public service announcements provided or funded in whole or in part by any federal agency or instrument of the federal government must include closed captioning of the verbal content of such announcement.

Title V

Title V consists of various miscellaneous provisions of the ADA including a requirement for the development of technical assistance manuals by the appropriate regulatory federal agency, a report on the ADA and wilderness areas, a description of the responsibility of the United States Congress, religious organizations, and enforcement and dispute resolution.

Definition of Commonly Used Terms

Disability - a physical or mental impairment that substantially limits a major life activity, such as walking, seeing, hearing, learning, breathing, caring for oneself, or working. To be protected under the ADA, a person must have, have a record of, or be regarded as having a record of, a substantial impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working. Individuals who have successfully completed or are currently enrolled in a drug or alcohol rehabilitation program are also considered to be disabled. The ADA protects three classes of people with disabilities:

- those who have a disability, and
- those who have a record of having a disability, and
- those who are regarded as having a disability, whether or not they actually have one.

Qualified Individual with a Disability - an employee or job applicant who meets legitimate skill, experience, education, or other requirements of an employment position that he or she holds or seeks. The person must also be able to perform the "essential" (as opposed to marginal or incidental) functions of the position either with or without reasonable accommodation. Job requirements that screen out or tend to screen out people with disabilities are legitimate only if they are job-related and consistent with business necessity.

Reasonable Accommodation - any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodations may include: acquiring or modifying equipment or devices, job restructuring, modifying work hours, making the workplace structurally accessible to individuals with disabilities, reassigning an employee with a disability to an equivalent position as soon as one becomes vacant, providing qualified readers for the blind or interpreters for the deaf, and/or appropriately adjusting or modifying examinations, training materials, or policies.

Essential Functions – the basic job duties that an employee must perform, with or without reasonable accommodation.

Readily Achievable - the removal of physical barriers which are easily accomplishable without much difficulty or expense. The "readily achievable" requirement is based on the size and resources available. For example, a larger business with more resources is expected to take a more active role in removing barriers than smaller businesses. The ADA also recognizes that economic conditions vary. When a business has resources to remove barriers, it is expected to do so; but when profits are down, barrier removal may be reduced or delayed. Barrier removal is an ongoing obligation, thus physical barriers must be removed as resources become available in the future.

Undue Hardship - an action or accommodation which requires significant difficulty or expense for an entity. Criteria for making such a determination include the nature and cost of the accommodation, the financial resources of the employer, or the impact of such accommodations on the financial resources of the employer.

Programmatic Access – Programmatic access requires that 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.

Program Accessibility

Under Title II of the ADA, the town of Berlin must ensure that when “viewed in entirety”, all programs, services, and activities that are offered must be equally available to persons with disabilities. The Town is not necessarily required to remove architectural barriers from a building or site, but rather, must make sure that its programs are accessible. Non-structural methods to achieve program accessibility include:

- relocating a program or service to an accessible location in the existing building or facility, or
- relocation of a program or service to a different building or facility, or
- providing short-term or intermediate modifications to ensure program access until a permanent structural solution is achieved (Example – creating an accessible meeting space on the first floor of a building such that staff providing services on a second or third floor can meet with persons in the accessible first floor space).

III. OTHER FEDERAL ACCESSIBILITY REGULATIONS

Architectural Barriers Act (ABA) - 1968

The Architectural Barriers Act requires access to facilities designed, built or altered with Federal funds or leased by Federal agencies. The law covers a wide range of facilities, including post offices, social security offices, prisons, and national parks. It also applies to non-government facilities that have received Federal funding, such as certain schools, public housing, and mass transit systems. Passed in 1968, the ABA is the first measure by Congress to ensure access to the built environment. Facilities that predate the law generally are not covered, but alterations or leases undertaken after the law took effect can trigger coverage. Building construction changes made under this law, must meet the Uniform Federal Accessibility Standards (UFAS). Special provisions are included in the UFAS for historic buildings that would be threatened or destroyed by meeting full accessibility requirements

Rehabilitation Act - 1973

The Rehabilitation Act requires recipients of federal financial assistance to make their programs and activities accessible to everyone. Recipients are allowed to make their properties accessible by altering buildings, by moving programs and activities to accessible spaces, or by making other accommodations. It also protects the rights of Federal employees with disabilities. The law also requires electronic and information technology procured by Federal agencies to be accessible according to certain established standards.

Voting Accessibility for the Elderly and Handicapped Act - 1984

The Voting Accessibility for the Elderly and Handicapped Act of 1984 generally requires polling places across the United States to be physically accessible to people with disabilities for federal elections. Where no accessible location is available to serve as a polling place, a political subdivision must provide an alternate means of casting a ballot on the day of the election. This law also requires states to make registration and voting aids available for disabled and elderly voters, including information by telecommunications devices for the deaf (TDDs), which are also known as teletypewriters (TTYs).

Telecommunications Act - 1996

The Telecommunications Act of 1996 requires telecommunications products and services to be accessible according to guidelines developed by the Access Board. It covers a broad range of products, including telephones, cellular phones, pagers, and fax machines. The Federal Communications Commission (FCC) enforces requirements of the law.

Help America Vote Act – 2002

Each polling place must have at least one accessible voting machine by January 1, 2006 under the Help America Vote Act. The act (Public Law 107-252), which was signed by President Bush on October 29, 2002 also requires each piece of voting equipment bought with federal money on or after January 1, 2007 to be accessible.

IV. 521 CODE OF MASSACHUSETTS REGULATIONS ARCHITECTURAL ACCESS BOARD

Section 521 of the Code of Massachusetts Regulations, "521 CMR: Architectural Access Board" is a specialized section of the State Building Code which provides the actual construction standards and specifications which must be adhered to for work performed on "public" buildings (see definition of public building in 521 CMR) in the Commonwealth of Massachusetts. The purpose of 521 CMR is to make public buildings and facilities accessible to, functional for, and safe for use by persons with disabilities. It is the intent of 521 CMR to provide persons with disabilities full, free and safe use of all buildings and facilities so that all such persons may have the educational, living and recreational opportunities necessary to be as self-sufficient as possible and to assume full responsibilities as citizens.

The Massachusetts Architectural Access Board (MAAB) is a regulatory agency whose mandate, as established under M.G.L. c.22 S13A, is to develop and enforce regulations pertaining to public access. The MAAB also decides on variance requests, issues advisory opinions, and makes decisions on complaints. Local building inspectors are responsible for enforcement of the provisions of 521 CMR.

Jurisdiction of 521 CMR

All additions to, reconstruction, remodeling, and alterations or repairs of existing public buildings, which require a building permit or which are so defined by a state or local inspector, shall be governed by those applicable sections of 521CMR.

If the work being performed amounts to less than 30% of the full and fair cash value of the building and

- a) the work costs less than \$100,000, then only the work being performed is required to comply with 521 CMR; or
- b) the work costs \$100,000 or more, then the work being performed is required to comply and an accessible entrance, toilet, telephone and drinking fountain (if toilets, telephones and drinking fountains are provided) are also required.

If the work performed amounts to 30% or more of the full and fair cash value of the building, the entire building is required to comply with 521 CMR. Where the cost of constructing an addition to a building amount to 30% or more of the full and fair cash value of the existing building, both the addition and the existing building must be fully accessible.

A historic building or facility that is listed or is eligible for listing in the National or State Register of Historic Places or is designated as historic under appropriate state or local bylaws may be granted a variance by the MAAB to allow alternate accessibility.

The MAAB Regulations also address various circumstances involving change in use, work performed over a period of time, multiple uses of one building, outdoor facilities, temporary structures, security structures and non-occupiable spaces. For more information on these areas, the administrative process (variances, complaints, hearings) as well as specific architectural requirements, reference to 521 CMR should be made.

V. ALTERATIONS TO HISTORIC PROPERTIES

ADA 2010 Standards

There are exceptions for alterations to qualified historic buildings and facilities for accessible routes (206.2.1 Exception 1 and 206.2.3 Exception 7); entrances (206.4 Exception 2); and toilet facilities (213.2 Exception 2). When an entity believes that compliance with the requirements for any of these elements would threaten or destroy the historic significance of the building or facility, the entity should consult with the State Historic Preservation Officer. If the State Historic Preservation Officer agrees that compliance with the requirements for a specific element would threaten or destroy the historic significance of the building or facility, use of the exception is permitted.

Public entities have an additional obligation to achieve program accessibility under the Department of Justice ADA regulations (See 28 CFR 35.150). These regulations require public entities that operate historic preservation programs to give priority to methods that provide physical access to individuals with disabilities. If alterations to a qualified historic building or facility to achieve program accessibility would threaten or destroy the historic significance of the building or facility, fundamentally alter the program, or result in undue financial or administrative burdens, the Department of Justice ADA regulations allow alternative methods to be used to achieve program accessibility. In the case of historic preservation programs, such as an historic house museum, alternative methods include using audio-visual materials to depict portions of the house that cannot otherwise be made accessible. In the case of other qualified historic properties, such as an historic government office building, alternative methods include relocating programs and services to accessible locations. The Department of Justice ADA regulations also allow public entities to use alternative methods when altering qualified historic buildings or facilities in the rare situations where the State Historic Preservation Officer determines that it is not feasible to provide physical access using the exceptions permitted in Section 202.5 without threatening or destroying the historic significance of the building or facility. See 28 CFR 35.151(d).

Massachusetts 521 CMR

A historic building or facility that is listed or is eligible for listing in the National or State Register of Historic Places or is designated as historic under appropriate state or local laws may be granted a variance by the Architectural Access Board to allow alternate accessibility. If a variance is requested on the basis of historical significance, then consultation with the Massachusetts Historical Commission is required in order to determine whether a building or facility is eligible for listing or listed in the National or State Register of Historic Places. The Massachusetts Historical Commission may request a copy of the proposed variance request and supporting documentation to substantiate the variance request and its effect on historic resources. A written statement from the Massachusetts Historical Commission is required with the application for variance.

VI. ADA SELF-EVALUATION

All municipalities must perform a self-evaluation of its policies, practices, programs, procedures, services, etc. (including communication) to determine compliance under the ADA. Municipalities must make reasonable modifications to these policies, programs, services, etc. to avoid discrimination against individuals with disabilities unless such modification would result in a fundamental alteration in the nature of that program or service.

Although the ADA only requires local governments with 50 or more employees to take additional, specific measures, it is strongly encouraged that even smaller municipalities with less than 50 employees follow the same process to ensure overall compliance with the ADA. These additional measures include:

- 1) the designation of an individual to coordinate ADA compliance, 2) the development of a transition plan, and 3) the development of an ADA grievance procedure.

All local governmental entities were required to complete a self-evaluation of their facilities, programs, policies, and practices by January 26, 1993. The self-evaluation identifies and corrects those policies and practices that are inconsistent with Title II's requirements. Self-evaluations should consider all of a municipality's programs, activities, and services, as well as the policies and practices that it has put in place to implement its various programs and services. Remedial measures necessary to bring the programs, policies, and services into compliance with Title II should be specified - including, but not limited to 1) relocation of programs to accessible facilities; 2) offering programs in an alternative accessible manner; 3) structural changes to provide program access; 4) policy modifications to ensure nondiscrimination; and 5) auxiliary aids needed to provide effective communication.

Under Title II of the ADA a municipality is required to:

- 1) Designate a responsible employee as ADA Coordinator.
- 2) Adopt and distribute a Public Notice on the municipality's ADA policies and procedures.
- 3) Adopt, distribute and/or post an ADA Grievance Procedure.
- 4) Modify, maintain, and update policies, procedures, and practices, including job descriptions and hiring practices, as required.
- 5) Provide Reasonable Accommodations to qualified individuals with disabilities.
- 6) Maintain and upkeep accessible features.
- 7) Provide auxiliary aids and services to ensure effective communications to those with disabilities.

It is also recommended under the provisions of MGL C40 s8J that towns establish a 5 to 13-member Commission on Disability. This can be achieved through acceptance of *"the provisions of Massachusetts General Laws Chapter 40, Section 8J relative to the establishment of the municipal Commission on Disability"*.

A self-evaluation was conducted of those municipal departments which offer programs or provides services to the general public. A memo and accompanying survey form (See Appendix A) was sent to all departments, boards, commissions and individuals who were identified as either providing a service or program to area residents.

Information from each survey response, along with supplemental department information was used to develop the self-evaluation. Together with the structural assessment and policy recommendations, an accessibility compliance plan for the Town of Berlin is achieved.

Commission on Disability (MGL C40 s8J)

Massachusetts General Law Chapter 40 Section 8J gives municipalities the authority to establish commissions. The function of a disabilities commission is to:

- Advise and assist municipal officials in ensuring compliance with federal and state disability laws;
- Review policies and activities of municipal departments and boards as they affect persons with disabilities;
- Provide information, referral, advocacy and technical assistance to individuals, businesses and organizations in all matters pertaining to disability;
- Coordinate the activities of other local groups organized to meet the needs of persons with disabilities.

Commissions consist of no less than five and no more than nine members chosen by the Board of Selectman or Town Manager (in a town) and the Mayor or City Manager (in a city). The majority must be persons with disabilities and one may be a member of the immediate family of a person with a disability. In addition, one member must be an elected or appointed municipal official.

Findings & Recommendations

According to a statewide listing published by the Massachusetts Office of Disability, the Town of Berlin has created a Commission on Disability. As of July 31, 2019, the Chairperson of the ADA Advisory Committee was listed as Billie Louise Bentzen. However, this Commission on Disability appears to be inactive and Town staff are largely unaware it exists. This same Municipal Commission on Disability listing was updated as of May 12, 2020 now lists Margaret Nartowicz; Town Administrator/ADA Coordinator/COD Contact.

If the Commission is no longer active, it is recommended that the Town re-establish its Commission and appoint a minimum of 5 members to serve on this board. Once in place, the Commission should actively post information about the Commission, its meetings, and town disability-related policies on the town's website and in the municipal office building. Consider adding a Commission on Disability option on the Volunteer Application Form located on the Town of Berlin's website under Forms/Documents.

Commissions on Disability are established by vote of Town Meeting to adopt MGL Chapter 40 Section 8J. A COD promotes the inclusion and integration of persons with disabilities in the activities, services and employment opportunities or the community.

Commissions on disability may have from 5 to 13 members. Especially now that the Town has undertaken an ADA Self-Evaluation and Transition Plan and is actively pursuing accessibility updates, it is recommended that the Board of Selectmen appoint committee members. According to MGL Ch 40 Sec. 8J, A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of that city or town. Members are appointed to serve three-year terms.

The Commission may receive gifts of property, both real and personal, subject to the approval of the Board of Selectmen. This means the Town could set up an account per MGL Ch 40 Sec. 22G and accept disability parking fines to be expended for the benefit of persons with disabilities.

ADA Coordinator (ADA Title II - 28 CFR Part 35.107 (a))

The role of the ADA Coordinator is extensive and includes:

- ensuring overall compliance with the ADA
- notification and outreach
- addressing grievances as filed under the town's established grievance policy
- insuring timely implementation of the town's transition plan
- on-going assessment of programs and services
- serving as a technical advisor and resource on accessibility matters.

In order for a municipality to successfully comply with the intent of the ADA, it is critical that its ADA Coordinator take a pro-active role in performing his or her role. It is not adequate for an ADA Coordinator to serve only as a decision-making authority under the town's ADA grievance procedure. The ADA Coordinator must monitor daily and long-term compliance with the town's ADA policies, procedures, and plans. This includes ADA compliance and assurance pertaining to postings, employment practices, education, dissemination of literature to the public and private businesses, daily activities and practices of town government, insuring that facilities are properly maintained, serving as a town-wide resource on accessibility matters and issues, and staying current on changes in state and federal law, regulations, programs, policies, interpretations, and decisions which affect persons with disabilities.

Findings & Recommendations

The Town Administrator, Margaret Nartowicz, is currently designated as the ADA Coordinator pursuant to a vote of the Board of Selectmen on August 19th, 2019. This designation can be found in the Board of Selectmen web page of the Town's website in the Policies tab. Further, there is a section on the Town's website, Government Directory that designates Margaret Nartowicz as the ADA Coordinator as well under the Americans with Disabilities Act (ADA) tab. It is recommended that the Town make this easier to locate in the Board of Selectmen page. It is also recommended that such designation be posted in Town Hall and be listed and described in the Town's Annual Reports as opposed to just listing it under the Town Officer's Directory.

Note: According to the 2019-2020 Tahanto Student Handbook, the Director of Pupil Personnel Services, Karen Molnar is designated as the Section 504 Coordinator for Berlin-Boylston.

Public Notice (ADA Title II - 35 CFR Part 35.106)

Title II of the ADA requires that public entities notify participants of its non-discrimination policies. Similarly, there should also be notification of non-discrimination policies relative to persons with disabilities in brochures and other materials provided to the public and on a town's website. All Notices should also include the ADA Coordinator's name and contact information

Findings & Recommendations

Title II of the ADA requires that public entities notify participants of its non-discrimination policies. This notification of non-discrimination policies relative to persons with disabilities is posted in the town hall.

A small town must provide notice to the public about its ADA obligations and about accessible facilities and services in the town. The notice informs the public about the ADA's nondiscrimination requirements. It also describes how the public or employees may contact specific town officials about problems with accessibility and the need for effective communication. The information must be accessible to the public, including people who have disabilities that affect communication, such as blindness, low vision, deafness, and hearing loss. Although no specific method is required to reach the public, notice can be provided in more than one format and by using more than one type of media, such as the Town's website, print, radio, or television. Commendably, the Town of Berlin has created a Disabilities related section on their website and posted relevant information such as the Non-Discrimination Policy, Grievance Procedure, and the designated ADA Coordinator contact information.

Self-Evaluation survey responses to the question "Is the public informed that their programs are prepared to make reasonable modification?" were mostly yes with no statement as to "how" the public is informed that their department or commission is prepared to make a reasonable modification. The remainder of the answers to this survey were no, not sure, left blank or non-applicable. Many Town department personnel actually do provide reasonable modifications or accommodations informally, such as making house calls to someone who is home-bound or moving meetings to accessible locations.

Other respondents were not aware that even though they don't offer direct services to the public such as committees, modifications may be necessary such as communication access at their meetings that are open to the public. Berlin's Public Notice is provided as Attachment E.

ADA Grievance Procedure (ADA Title II - 35 CFR Part 35.107 (b))

The ADA Title II regulations require that all municipalities with 50 or more employees (regional school systems must prorate the number of employees for each member community) adopt and publish grievance procedures. The purpose is to encourage local resolution of complaints concerning employment, services, programs and activities. It is important to note that complainants are not required to exhaust the municipality's procedures before filing a federal complaint or taking court action.

The regulations do not stipulate time frames or procedures for the grievance procedure; however, the following are recommended:

- A detailed description of the procedures for submitting a complaint;
- A two-step review process which allows for appeal;
- Reasonable timeframes for review and resolution of the complaint;
- Good record keeping for all complaints submitted and documentation of steps taken toward resolution.

Findings & Recommendations

The Town of Berlin has adopted an ADA Grievance Procedure as required under the ADA effective August 2019. There is an ADA section of the Town website that contains this policy. It is recommended that the Board of Selectmen page have a direct link to the ADA page. Berlin's Grievance Procedure is provided as Attachment B.

It is also recommended that the ADA page, as well as all meeting agendas, include the following language

If you need auxiliary aids and services for effective communication (such as sign language interpreter, an assistive listening device or print material in digital format) or a reasonable modification in programs, services or activities contact the ADA Coordinator as soon as possible preferably fifteen (15) days before the activity or event.

Policies/Procedures/Practices (ADA Title II - 35 CFR Part 35.130 (b)(7))

A public entity must make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. A municipality should have formal separate policies and procedures pertaining to the ADA and program accessibility, grievances, communications, equal opportunity and non-discrimination when it comes to employment opportunities. A municipality should also include non-discrimination language in its employment postings and/or forms.

Findings & Recommendations

While it is understood that Berlin is in the process of updating job descriptions for Town employees, for the purposes of this ADA self-evaluation, CMRPC and CLW reviewed current job descriptions. These recommendations should be incorporated into the new drafts. Job descriptions provided for Town employees are somewhat inconsistent and most do not mention that the Town is an Equal Opportunity Employer. However, for the Property Lister in the Assessor's Department and Assistant Treasurer, there is a line at the end of the job description that reads:

"The Town of Berlin is an Equal Opportunity Employer"

It is recommended that this should be amended and listed at the bottom of each job description as follows:

"The Town of Berlin is an Equal Opportunity/ Affirmative Action Employer. We assure you that your opportunity for employment with the town will be based only on your merit, without regard to race, religion, sex, age, national origin or disability"

There should be consistency in all departmental policies, procedures, and practices including the posting of employment ads, actual job descriptions, and reasonable accommodations to potential and existing employees. It is recommended that each job description follow the same format. These could, for example, include sections on Essential Functions, Competencies, Education and Experience.

CMRPC and CLW also noted the following policy from the Berlin Public Library:

"The Berlin Public Library will make every effort to make its services available and accessible to all patrons. The library acknowledges that it is not accessible to the physically challenged because of its stairway and lack of ground-level entry. The library is committed to the removal of these barriers. Until such barriers are removed, the library will continue to do its utmost to provide services, programs and activities to all patrons through alternative methods. Staff voluntarily will obtain books and other materials from upper shelves, and provide curbside service as requested. Under certain circumstances, the director will arrange for door-to-door service. With due notice, the director will relocate programs to accessible sites within the Town. Library staff or a volunteer will continue to make monthly deliveries and collections of books to Northbrook Village. In addition, with two weeks' notice, the director will provide an interpreter for the deaf at library programs. The library will maintain its collection of books-on-tape and books-on-cd and arrange for the delivery of "Talking Books" as requested through the Central Massachusetts Regional Library System. Patrons who need assistance are asked to contact the director so that services may be arranged as expeditiously as possible."

This is a helpful policy to share with the public as the facility pursues accessibility.

Reasonable Accommodations (ADA Title II - 35 CFR Part 35.140 (a))

Under the ADA, a person is considered a qualified individual with a disability if they can perform essential functions of the job with or without a reasonable accommodation. Although the ADA does not require an employer to have job descriptions, they can be used as evidence of the essential functions of the job. Job descriptions should be up-to-date and should differentiate between the essential and the marginal duties of the position.

Physical Requirements/Work Location:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The job descriptions include language on the work environment and also on ADA Special Requirements including physical ability, sensory requirements, and environmental factors. The job descriptions also contain the essential functions required to do the job but typically do not list marginal duties, which should be included. It should also be noted that if a medical examination is required, it must be required of all entering employees of the same position. Medical examinations are prohibited until after a job offer has been made to the applicant. Employment can be conditioned on the results of the applicant's post-offer medical examination.

Job Descriptions

Job descriptions should use clear, concise, non-technical language. In defining essential functions, the description should focus on the outcome and not the process to achieve that outcome. For example, if a position requires lifting supplies onto a truck, the description should read, "the ability to lift supplies weighing up to 35 lbs to a height of 4 feet and into a truck bed" and not "the ability to manually lift supplies weighing 35 lbs." It is also better to use words that describe the job requirements as opposed to words that focus on specific abilities (i.e. hearing, speaking, walking). The following provides preferred wording that does not restrict the physical requirements of positions.

Physical Requirements Suggested Wording:

- Instead of "stand or sit", use "stationary position"
 - Instead of "walk", use "move, traverse"
 - Instead of "use hands and fingers", use "operate, use"
 - Instead of "climb Stairs or ladders", use "ascend, descend"
 - Instead of "see", use "detect, determine, identify recognize, observe"
 - Instead of "taste/smell", use "detect, distinguish, determine"
 - Instead of "carry/lift", use "move, transport, position"
-

Reasonable Accommodation

The town does not appear to have a Reasonable Accommodation Policy in place for existing or potential employees. Under Title II of the ADA, reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of their job. A sample Reasonable Accommodations Policy and Request Form for adoption by the Selectmen is provided as Appendix C and D.

Findings & Recommendations

Under the ADA, a person is considered a qualified individual with a disability if s/he can perform essential functions of the job with or without a reasonable accommodation. At the end of some job descriptions such as the Town Accountant, Administrative Secretary, Part-time Custodian, Library Assistant II (Children's Services), Library Assistant III (Circulation Services/Technical Services), Library Director, the following sentence appears:

"Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions"

Although the ADA does not require an employer to have job descriptions, they can be used as evidence of the essential functions of the job. Again, as Berlin revises its job descriptions, the following recommendations should be incorporated. To be as inclusive as possible, job descriptions should differentiate between the essential and the marginal duties of the position. As previously noted, job descriptions should include the following language to meet the general intent of providing reasonable accommodations:

"The Town of Berlin is an Equal Opportunity/ Affirmative Action Employer. We assure you that your opportunity for employment with the town will be based only on your merit, without regard to race, religion, sex, age, national origin or disability"

When defining the Physical Requirements for a position, it is crucial to focus on the tasks that must be completed without using language that might exclude those with a disability. For example, the Physical Skills section of the Administrative Secretary job description states:

"Minimal physical demands are required to perform most of the work. The work principally involves sitting, with intermittent periods of stooping, walking, and standing. May be required to lift objects such as files, boxes of papers, office supplies, and office equipment weighing up to 30 pounds. Being able to access other offices is required."

It may well be the case that a person that is unable to stand could still perform the essential functions of this position. Instead of limiting language like "stooping, walking, and standing", the Town should consider "traversing and remaining in a stationary position".

Findings & Recommendations Continued

Below is a list of instances wherein limiting or exclusionary language was found in Berlin's job descriptions for Town staff. As the town revises its job descriptions, these should be rephrased using the Physical Requirements Suggested Wording on Page 19 of this plan.

- Town Accountant: "Position requires close vision, manual use of telephone, adding machine, typewriter, keyboard, and frequent access to other offices. Frequent standing and sitting to service customers."
- Property Lister: "The employee is frequently required to stand, walk, sit, speak and hear, and use hands to operate equipment."
- Assessing Director: "Excellent communication skills; ability to communicate effectively, both orally and in writing"
- Administrative Assessor: "Frequently required to stand and walk over various surfaces. Ability to operate a keyboard at efficient speed. Vision and hearing at or correctable to normal ranges. Ability to sit, stand, walk, and hear. May be required to carry or lift books weighing up to 30 pounds."
- Administrative Secretary: "The work principally involves sitting, with intermittent periods of stooping, walking, and standing. May be required to lift objects"
- Library Assistant II, Children's Services: "May spend extended periods at terminal, on telephone or operating other office machines requiring eye-hand coordination and finger dexterity. Regularly lifting and carrying of files, books..."
- Library Assistant: "The employee is frequently required to stand, walk, sit, speak, hear, kneel, stoop, crouch, use hands to operate equipment, and reach with hands and arms"
- Library Assistant III, Circulation Services/Technical Services: "Intermittent walking, standing, and reaching involved in assisting patrons. May be required to stand for extended periods of time. May be required to lift bags or cartons of books up to 40 pounds. Ability to operate and view computer screen for extended periods of time. Position requires close vision, manual use of telephone, adding machine, typewriter, keyboard."
- Library Director: "Intermittent walking, standing, and reaching required. May be required to lift bags..."

The ADA Self-Evaluation survey results by department heads and commissioners showed that even though they don't have formal accommodation policies in place, they are aware and more than willing to modify policies and procedures to provide services to their customers. Below are some examples of staff willingness to accommodate:

- Accounting – "We do whatever (within reason) is needed to get requests met"
- COA – "No formal process. We will address specific requests as they arise"
- Conservation – "No but anyone can ask us"
- Library – "Informal. We do deliver materials to homebound persons when requested"
- Town Clerk – "Yes, tell me or email the issue/problem"
- Police Chief – "No formal process, accommodations have been made at the time of participation"

Maintenance (ADA Title II – 28 CFR Part 35.133 (a))

A municipality must maintain in operable working condition those features that are necessary to provide access to services, programs, and activities. This includes door closers, sidewalks, parking space signage and striping, and ramps, among many other things. Isolated or temporary interruptions in service or access are permitted for maintenance or repairs. However, this is deemed as short-term and not of a semi-permanent or seasonal nature.

When weather conditions such as snow and ice limit or prevent access to services, programs, and activities to or within a facility, access must be maintained to ensure that those programs are accessible.

Maintenance of accessible features includes the removal of snow from accessible parking spaces; curb ramps, accessible routes of travel, and entrances. Although temporary interruptions in services due to bad weather are expected, alternate services must be provided if snow and ice cannot be cleared in a timely manner. Snow removal and removal of other obstructions within the accessible route of travel must be done to a minimum width of 36". Similarly, if an elevator, lift or similar accessible-related device is not working properly and is denying access, repairs must be made in a timely manner. In the interim, alternative services must be provided.

Findings & Recommendations

During the facility assessments, a number of observations were made in direct violation of Title II. This included such items as:

- Bathroom stall doors that no longer operate as self-closing
- Entry and exit doors with excessive operating forces and closing speeds.
- Routes of travel and walkways that were deteriorated and non-compliant.
- Missing elements such as signage.
- Missing protective equipment or insulation on sink plumbing.
- Deteriorating sidewalks.
- Accumulation of debris and leaves at base of curb ramps.

Effective Communication, Auxiliary Aids and Services (ADA Title II – 28 CFR Part 35.160)

Local governments must ensure effective communication with individuals with disabilities. To ensure that communications with individuals who have hearing, vision or speech impairments, municipal governments must provide appropriate auxiliary aids. The type of auxiliary aids or services necessary to ensure effective communication will vary according to the type of communication involved and the needs of the individual. Auxiliary aids include such services or devices as American Sign Language (ASL) interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for people who are deaf such as TDD's or video phones, use of 711 Telecommunications Relay Service, readers, Brailled materials, documents on electronic format, audio recordings and large print materials. In addition, telephone emergency services including 911 must provide direct access to individuals with speech and hearing impairments.

Municipal governments are not required to provide auxiliary aids or take any actions that would result in a fundamental alteration in the nature of a service, program, or activity or that will result in undue financial and administrative burdens. However, alternative auxiliary aids that do not result in a fundamental alteration or undue burden must be provided. For example, it is not necessary to provide sign language interpreters for all interactions with persons who are deaf or hard of hearing. Daily interaction may suffice through written notes or similar exchanges. However, public meetings, interrogations by local police officers, or similar technical interactions will most likely require interpreters or assistive listening systems. It is required that alternative auxiliary aids be available that does not result in financial or administrative burdens yet meet the needs of the disabled individual.

Findings & Recommendations

Based on what was submitted in response to the survey as well as viewing policies and available materials, it is not clear as to what degree the Town complies with this provision. It does not appear that information of this type is available as part of regular meeting notices and postings and who to contact to arrange for providing accommodations. The Town must ensure that accessibility and accommodations language appear on all meeting notices including contact information and the advance timeframe required to arrange for disability related and accommodations requests. In addition, it does not appear that the town has auxiliary aids such as TTY's, TDD's, or assistive listening systems. These should be considered for purchase and use as deemed appropriate for town services and programs. It is also recommended that Berlin add the following to the meeting agendas:

"If you need auxiliary aids and services for effective communication (such as sign language interpreter, an assistive listening device or print material in digital format) or a reasonable modification in programs, services or activities contact the ADA Coordinator as soon as possible preferably [xx] days before the activity or event."

The Police Chief states that TTY services are available through its dispatch center, other language interpretations are available through relationships with other law enforcement agencies. The Police Chief also stated that a past civilian employee had trouble reading the computer monitor, so an after-market magnification device was purchased to assist the employee.

The Berlin Library has materials in MP3, books on CD and in large print. This library is also part of the C.W. Mars digital catalogue network.

Website Accessibility (Web Content Accessibility Guidelines 2.0 AA or Section 508 Standards).

Title II of the Americans with Disabilities Act requires that local governments ensure that, when viewed in their entirety, the programs, services, and activities offered are equally available to people with disabilities. Websites of local governments are considered to be a “program” and should be accessible to the standards of the Web Content Accessibility Guidelines 2.0 AA or Section 508 Standards.

Many people with disabilities use assistive technology that enables them to use computers. Some assistive technology involves separate computer programs or devices such as screen readers, text enlargement software, and computer programs that enable people to control the computer with their voice. Other assistive technology is built into computer operating systems. For example, basic accessibility features in computer operating systems enable some people with low vision to see computer displays by simply adjusting color schemes, contrast settings, and font sizes. Operating systems enable people with limited manual dexterity to move the mouse pointer using key strokes instead of a standard mouse.

Poorly designed websites can create unnecessary barriers for people with disabilities. The following are common problems and solutions in website accessibility:

Images Without Text Equivalents. Persons with low vision often use screen readers and refreshable Braille displays to access information on a web page. These technologies read text; however, they cannot translate “images” into speech or Braille. Images include photographs, charts, color-coded information or other graphic elements on a web page. The solution to this problem would be to add a line of HTML code to provide text for each image and graphic so that the user can understand what the image is.

Documents Are Not Posted in an Accessible Format. Municipalities will often post documents on their websites using Portable Document Format (PDF). However, PDF documents, or those in other image-based formats, are often not accessible to blind people who use screen readers and people with low vision who use text enlargement programs or different color and font settings to read computer displays. The solution would be to always provide documents in an alternative text-based format, such as HTML or RTF (Rich Text Format), in addition to PDF. Text-based formats are the most compatible with assistive technologies.

Specifying Colors and Font Sizes. Websites are often designed in a manner such that everything is exactly the same color, size and layout. But because of one’s disability, a person with low vision does not see web pages the same as other people. Some see only small portions of a computer display at one time. Others cannot see text or images that are too small. Still others can only see website content if it appears in specific colors. For these reasons, many people with low vision use specific color and font settings when they access the Internet – settings that are often very different from those most people use. For example, many people with low vision need to use high contrast settings, such as bold white or yellow letters on a black background. Others need just the opposite – bold black text on a white or yellow background. And, many must use softer, more subtle color combinations. Users need to be able to manipulate color and font settings in their web browsers and operating systems in order to make pages readable. Some web pages, however, are designed so that changing the color and font settings is impossible. The solution is to design websites so they can be viewed with the color and font sizes set in users’ web browsers and operating systems. Users with low vision must be able to specify the text and background colors as well as the font sizes needed to see web page content.

Videos and Other Multimedia Lack Accessible Features. Due to increasing bandwidth and connection speeds, videos and other multimedia are becoming more common on the websites of local governments. Today, some government entities use their websites to post training videos for their employees, feature automated slide shows of recent public events, and offer video tours of local attractions. These and other types of multimedia can present two distinct problems for people with different disabilities. People who are deaf or hard of hearing can generally see the information presented on web pages. However, a deaf person or someone who is hard of hearing may not be able to hear the audio track of a video. On the other hand, persons who are blind or have low vision are frequently unable to see the video images but can hear the audio track. The solution is to incorporate features that make them accessible to everyone. Provide audio descriptions of images (including changes in setting, gestures, and other details) to make videos accessible to people who are blind or have low vision. Provide text captions synchronized with the video images to make videos and audio tracks accessible to people who are deaf or hard of hearing.

Other considerations when developing websites include:

- Include a “skip navigation” link at the top of web pages that allows people who use screen readers to ignore navigation links and skip directly to web page content;
- Minimize blinking, flashing, or other distracting features;
- If they must be included, ensure that moving, blinking, or auto-updating objects or pages may be paused or stopped;
- Design online forms to include descriptive HTML tags that provide persons with disabilities the information they need to complete and submit the forms;
- Include visual notification and transcripts if sounds automatically play;
- Provide a second, static copy of pages that are auto-refreshing or that require a timed-response;
- Use titles, context, and other heading structures to help users navigate complex pages or elements (such as web pages that use frames).

Findings & Recommendations

Upon viewing the town's website, there appears to be areas where smaller size fonts are used, images and/or photographs lack text, and documents are presented in a pdf or scanned format. In most cases, color contrasts appear to be acceptable, but variation and standardization may be required for some users. Based on the afore described "common website problems" and identified elements of Berlin's website, the following should be put into place as feasible and appropriate:

- Establish, implement, and post online a policy that your web pages will be accessible and create a process for implementation.
- Ensure that all new and modified web pages and content are accessible. For example, on the calendar section, the days of the week require more contrast in order to be accessible.
- Check the HTML of all web pages. Make sure that accessible coding is used.
- Make sure that website is designed so it can be displayed using the color and font settings of each visitor's browser and operating system.
- If images are used, including photos, graphics, scanned images, or image maps, make sure to include a text equivalent, by adding "alt" tags or long descriptions, for each.
- When online forms and tables are used, make those elements accessible by labeling each control (including buttons, check boxes, drop-down menus, and text fields) with a descriptive HTML tag.
- When posting documents on the website, always provide them in HTML or a text-based format (even if you are also providing them in another format, such as PDF).
- A visually impaired person using JAWS 2020 was able to navigate throughout the Town of Berlin's website including the Government, Community & Business and Services tabs.

Emergency Preparedness, Evacuation Plans, and Emergency Shelters (ADA Title II)

The Department of Justice views emergency preparedness plans as key components of a municipality's responsibility to accessibility compliance. These plans and facilities should be adapted to address the needs of those with a disability and/or who require a reasonable accommodation or any other functional need.

Findings & Recommendations

The Town of Berlin does have some emergency preparedness information on its Public Safety web pages including the ability to sign up for CodeRED. There is also a register link to CodeRED on Berlin's website front page. CodeRED allows authorized town officials to create and rapidly disseminate time-sensitive messages to every telephone number stored in the notification database. With the CodeRED service, authorized users can send thousands of messages in minutes.

Polling Places

Under the ADA, Help America Vote Act, Voting Accessibility for the Elderly and Handicapped Act, and Massachusetts General Laws, polling places are required to be accessible to persons with disabilities. This includes site access, parking, entrances, interior access, and voting equipment. In addition, registration and voting aids for the disabled and elderly are required, including information by alternative accessible means.

The Elections Division of the Secretary of the Commonwealth of Massachusetts (Elections Division) office works with each municipal clerk to ensure polling places are accessible by meeting state (and federal) regulations.

All polling locations in Massachusetts are required to be accessible and must provide access on a permanent or temporary basis on an Election Day. Voting assistance and absentee voting offer options that persons with disabilities may use to vote, but are not considered substitutes to actual accessibility to the voting location.

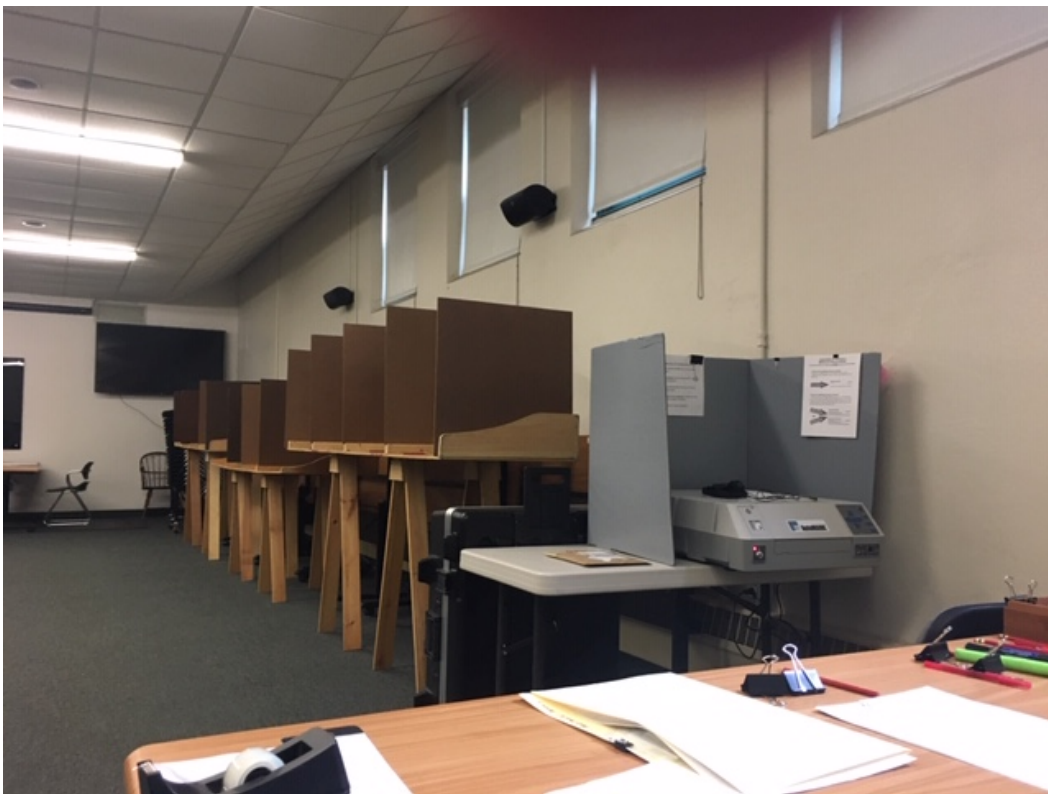
Both federal law and state requirements mandate that voting systems be equipped for voters with disabilities allowing such voters to have the same opportunity to vote privately and independently. It is required that every precinct must have at least one accessible voting machine available.

According to the Elections Division, there is at least one accessible marking unit in every polling place in Massachusetts. The *"AutoMARK Voter Assist Terminals"* are marking devices that use audio cue capacity for visually impaired voters. The *AutoMARK* also has a feature that will greatly magnify the ballot or display the ballot in high-contrast for voters that have a limited visual impairment. The *AutoMARK* can also produce an oral report to the voter as the choices selected prior to the voter printing the ballot.

Findings & Recommendations

Town poll voting is held in the Lower level of the Berlin Town Office Building at 23 Linden Street. The building and voting area are accessible with the voting location being certified by the Elections Division of the Secretary of the Commonwealth of Massachusetts as meeting the requirements under state and federal law as an accessible polling location. There is also an AutoMARK Voter Assist Terminal at the polling location. Further, if a disabled voter submits a note from a registered physician indicating that they are disabled permanently, the Town Clerk will send an application for an absentee ballot twenty-eight days before every election.

A site visit of the lower level of the Berlin Town Office Building was performed in the meeting room where the voting takes place the day before the Super Tuesday Primaries. The voting booths and AutoMARK Voter Assist Terminal were already set up and the AutoMark Voter Assist Terminal was placed where it ensures the user's privacy from other people there voting. The only concern noted is that a poll worker table is located immediately behind the AutoMARK screen, so poll workers who sit there should consider moving this table so it's not directly behind this voting terminal screen.



AutoMARK Accessible Voting Terminal Placement on March 2, 2020

VII. ADA TRANSITION PLAN

In accordance with the ADA Standards and MA 521 CMR, an assessment of the Town of Berlin's public facilities inclusive of public buildings, active and passive recreation facilities, and schools was conducted to identify physical barriers to programs and services. This assessment or "transition plan" includes the following elements, which fulfill the requirements for the preparation of a transition plan:

- identification of physical obstacles in the building or facility that limit the accessibility of its programs or activities to persons with disabilities, and
- 2010 ADAAG and MAAB 521 CMR citation, and
- a description of methods or type of action to be taken to eliminate identified obstacles, and
- priority of removal of barrier, and
- feasibility of removal of barrier, and
- establishment of a recommended completion date to achieve accessibility, and
- general cost parameters for each action to be taken, and
- responsible party for implementation.

Limitations of the Transition Plan and Compliance

The primary obligation under Title II of the ADA is to ensure that programs and services are equally available to persons with disabilities. Municipalities are required to adhere to the 2010 Standards for Accessible Design in new construction and alterations. Programs must be relocated or access provided in inaccessible existing facilities as of the effective date of the ADA or January 26, 1992. When existing facilities comply with the 1991 Standards, there is no requirement to update to the current 2010 Standards. However, if conditions in existing facilities do not adhere to the original Standards, then the 2010 Standards must be followed.

ADA 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 of a control or dispenser to be 54 inches. The 2010 Standards lowered that side reach range to 48 inches maximum. If a control or dispenser was installed prior to March 15, 2012 with its highest operating part at 54 inches, that control or dispenser does not need to be lowered to 48 inches. Since the dispenser complies with the 1991 Standards, that Standard provides a "safe harbor".

Tolerances: Both the 2010 ADA Standards and 521 CMR allow for "tolerances as follows:

2010 ADA Standards

All dimensions are subject to conventional industry tolerances except where the requirement is stated as a range with specific minimum and maximum end points.

521 CMR

- Dimensions between zero and two inches, (0" and 2") inclusive, shall have a maximum tolerance of plus or minus one-eighth inch (1/8").
- Dimensions more than two inches and less than 36 inches (>2" and <36") shall have a maximum tolerance of plus or minus one-half inch (1/2").

- Dimensions 36 inches or greater (36" or >) shall have a maximum tolerance of plus or minus one inch (1")
- Slopes may not exceed maximums. Slopes shall be measured in two-foot increments. Tolerances do not apply to minimums or maximums.

For the purposes of this plan, unless specifically noted, facility assessments are based on the 2010 ADA Standards and 521 CMR (Massachusetts Architectural Access Board MGL. C. 22 s13A), whichever is more stringent.

The plan does not address what is accessible, but rather obstructions to mobility. Fieldwork was performed July and August, 2018. Although general recommendations are made as corrective actions to eliminate identified obstacles, it is expected that the town will be solely responsible for designing the specific construction solution in accordance with 521 CMR: Architectural Access Board Regulations or the 2010 ADA Standards for Accessible Design, whichever is appropriate.

As part of the transition plan assessment, deficiencies or limitations to access were identified at each location. The actions noted in this plan to be taken in removing obstacles to mobility are descriptive and are not intended to be construction specifications. The specific construction action can vary substantially depending on desirability and type of materials. In addition, historically significant properties can result in additional cost due to more architecturally sensitive construction alternatives (historic properties discussed elsewhere in this Plan). As a result, the costs can vary accordingly. The party responsible for implementing the identified action will be responsible for working with the town's building inspector and a design professional, if necessary, so as to ensure compliance with 521 CMR and/or the ADA Standards. Where appropriate, due to historic considerations, building configuration, or extent of use, a combination of programmatic solutions and construction alternatives are provided. Such measures are in full compliance with Title II of the ADA. In circumstances where there are differences in the compliance requirements between 521 CMR and the ADAAG, the stricter or more encompassing standard shall apply.

The Department of Justice issued 1991 Standards for Accessible Design to address physical barriers to facilities and transportation. There were technical amendments to these standards in 1994 followed by more substantive amendments in 2010 (2010 ADA Standards for Accessible Design). These 2010 Standards revised policy requirements for certain areas such as service animals. The 2010 Standards also addressed certain physical components including assembly seating, the establishment of construction tolerances for certain items and formalized standards for docks, fields, pools, and other recreational facilities.

As is the circumstance with 521 CMR of the Massachusetts State Building Code, under the Federal ADA, construction modifications for accessibility compliance is not required unless triggered by renovation and/or new construction. Municipalities must still ensure that individuals are not excluded from programs and services because buildings or facilities are inaccessible. This can be accomplished through relocating a program or service to an accessible location or other means of reasonable accommodation. For the purposes of this Transition Plan, the higher standard of compliance will be used for the purpose of identifying obstacles and determining cost, however, descriptive alternatives will also be provided in the narrative.

Use of the Transition Plan

This plan is intended to be a working document. If a barrier was overlooked it can easily be added to the plan. Programs and services can be modified and adapted over time as needed. Similarly, policies and procedures can be modified and adopted to reflect current legislative requirements. Actual construction

methods to arrive at a solution for an identified problem may vary depending on final plans and specifications. The town should use this plan as a guide for compliance and modify it as needed without altering its initial intent and efforts of compliance. In addition, the inventory of barriers can be used in concert with the town's capital budget process to assist in the determination of how and when to proceed with the many suggested improvements.

The plan provides a description of the obstacle which limits mobility or access, 2010 ADA Standards citation reference, MA 521 CMR citation reference, the type of action required to be taken for compliance, the priority for the action, the feasibility of undertaking the action, the timeframe for completion, a representative photo, and a general parameter of cost.

Priority(P)

Each architectural barrier has also been ranked according to the priority of removal based upon the type of access that is affected. The priority rankings (#1 being the highest priority and #4 being the lesser priority) are determined by the ADA and are defined as follows:

<u>Priority</u>	<u>Description</u>
1	Accessible approach and entrance
2	Access to goods and services
3	Access to public toilet rooms
4	Access to other items (ie – water fountains, public telephones, etc.)

Feasibility(F)

Each architectural barrier has been ranked according to the feasibility of removing that particular barrier. The feasibility rankings are somewhat subjective and are based on a perceived degree of difficulty or skill level required to remove an architectural barrier. These rankings are as follows:

<u>Ranking</u>	<u>Description</u>
1	Can be easily undertaken (i.e. move furniture, put sign on a wall)
2	Can be undertaken by maintenance staff, DPW, etc. (i.e. install post and sign, move dispensers, adjust door closer, change door hardware)
3	Minor modifications which require skilled or specialized work (build ramp, alarm installation, sink/toilet installation, etc.)
4	Major modifications which require skilled or specialized work (structural changes, building additions, elevators/lifts, etc.)

Time-frame(TF)

A recommended time-frame for removing the architectural barrier is provided as follows:

<u>Time-frame</u>	<u>Description</u>
I	Immediate Term (2020-2021)
N	Near Term (2022-2025)
L	Long Term (2026-2029)

Costs

Cost estimates are based on recent projects of similar nature, unit quantity pricing (where appropriate), and R.S. Means Company, Inc. ADA Compliance Pricing Guide 2nd Edition and updated for current pricing. Cost estimates are also based on the type and complexity of work. It is being assumed that simple changes (Feasibility ranking of 1 or 2) will be made through the use of town personnel (custodial, DPW, etc.). More complex construction or those projects requiring specialized skills (Feasibility ranking of 3 or 4), would involve private contractors and include labor, overhead, and profit.

List of Buildings and Facilities

Municipal Buildings: Municipal Office Building, Police Station, Fire Station, 1870 Town Hall, Library, Highway Department Building, Bullard House, and Transfer Station.

Recreational and Other Public Facilities: South Commons and Sidewalks and Curb Ramps.

Abbreviations

a.f.f.	above finish floor	c.f.s	clear floor space
s/b	should be	r.s	running slope
>	greater than	c.s.	cross slope
<	less than		

VIII. MUNICIPAL BUILDINGS ASSESSMENTS

Municipal Office Building

Police Station

Fire Station

1870 Town Hall

Library

Highway Department Building

Bullard House

Transfer Station

BERLIN MUNICIPAL OFFICE BUILDING



Description of Facility and Programs: The municipal offices are located in the former Berlin Memorial School which was renovated in 1999 to house the town office, police department, and fire department. It is a 3 level (including basement) masonry structure which serves as the administrative headquarters for town government.

Responsible Party: Board of Selectmen.

General Description or Obstacle Which Limits Mobility or Access: The municipal office building is substantially compliant but does have some significant areas of non-compliance. Neither of the two accessible parking spaces are designated as van accessible and the signage is too low. The accessible route from the parking spaces to the building entrance has excessive running and cross slopes as well as abrupt changes in level surface. There is no level landing at the front entrance. Exterior and interior doors with closers exceed the maximum allowed operating force and do not meet the minimum closing speed requirement. The elevator lacks a tactile star on the door jambs at the main level. The lobby accessible bathroom has a few items of non-compliance. . A number of doors have glass panes that exceed the maximum height allowed under the 2010 ADA Standards. A # of doors lack accessible tactile signage. Stair railings are non-compliant throughout as they lack extensions at the top and bottom and are not fully continuous. Some of the offices have non-compliant issues concerning maneuverability and clear width. The employee kitchenette sink/counter is too high and lacks knee clearance. The "accessible" bathrooms on the second and lower levels have numerous areas of non-compliance including sink piping that is not fully insulated, dispensers, grab bars and other items that exceed the maximum reach range. The sloped approach at the lower level to the elevator lacks a level landing at the doorway.

Reasonable Accommodations and Policy Modifications

The Food Pantry counter and sink are too high, have dispensers that exceed maximum reach range, a stove with the controls at the back of the stove, and limited (26½" – 29½") clear width and maneuverability. None of these areas are open to the public without supervision and it is presumed that food Pantry staff and volunteers must meet certain physical requirements which a person with a mobility limiting disability would not be able to perform. It is recommended that policies on food retrieval and access be put into place providing assistance to those in need. Therefore, if policies and procedures are put in place on food access and public access is restricted, modifications to this area are not required at the present time.

Assistive Listening System

It does not appear that the Municipal Office Building has an assistive listening system (ALS) for persons who are hard of hearing as no signage was present. It is recommended that an assistive listening system for shared use in other municipal locations be provided. An ALS with up to 12 receivers with 6 being hearing-aid compatible can be purchased for approximately \$2,500.

Municipal Office Building Accessibility Assessment

General Description of Obstacle	<u>2010 ADAAG</u>	<u>MAAB 521 CMR</u>	<u>Type of Action to be Taken</u>	<u>P</u>	<u>F</u>	<u>TF</u>	<u>Cost Estimate</u>
<u>Parking</u> The 2 designated "accessible" parking spaces and access aisles have cracked and deteriorated surfaces. Neither of the spaces are designated as van accessible. The access aisles are 5' wide, which meet the requirements for a passenger vehicle, but are 3' too narrow for a van. The signs are 10½" and 2½" too low. See Photo MOB 1.	502 302	23	Modify as required so that surfaces are stable, firm, and slip resistant with no abrupt changes in level surface. Re-stripe the spaces and access aisles to provide a van accessible parking space with van accessible signage. The van accessible space should have a width of 8' with an 8' access aisle. Signage must be set such that the signage height should be a minimum of 60" high at the bottom (2010 ADAAG Standards) and a maximum of 96" at the top (MAAB 521 CMR) and located in front of the space. .	1	3	N	\$250
<u>Accessible Route to Building Entrance</u> The first 2 cement pads of the accessible route from the designated accessible parking spaces has running slopes that vary up to 6.4%. An abrupt change in level surface of greater than ¼" occurs along the walkway. The cross slope of the walkway near the building entrance has cross slopes that vary up to 5.6%. The level landing at the entrance is only 4' deep. See Photos MOB 2 and 3.	403 404	22 25	Reconstruct the walkway/accessible route to the building so the running slopes do not exceed 5.0% and the cross slopes do not exceed 2.0%. The level landing (no more than 2.0%) at the door entrance should be 5' x 5'. There should be no abrupt changes in level surface of greater than ¼" along the accessible route of travel.	1	3	N	Up to \$3,500
<u>Main Entrance Door and Lobby Door</u> The exterior main entrance doors and the entrance interior lobby doors do not fully comply with the maximum allowed operating force for an exterior door (15 lbs.) and interior door (5 lbs.) and the minimum closing speed requirement of 6 seconds under 521 CMR. Operating forces vary up to 15 lbs. and closing speeds are as quick as 2 seconds.	404.2.8 404.2.9	26.8 26.9	Adjust door closers such that the push/pull force does not exceed 15 lbs for an exterior door and 5 lbs. for an interior door with door closing speeds of at least 6 seconds.	1, 2	2	I	\$0
<u>Door Entry Phone</u> The door entry phone (for public safety calls) is 55" a.f.f. which is 7" too high under the 2010 ADA Standards. See Photos MOB 4.	308.2 308.3	6.5 6.6	Lower the telephone to a height of no more than 48" a.f.f. (2010 ADA Standards).	4	3	N	Up to \$350

<u>Lobby Level 1 Bathroom</u> The closing speed of the door is only 3 seconds The metered sink faucet requires 10 lbs. of operating force which is 5 lbs. too much. The faucet remains open for only 3 seconds and not the minimum required 10 seconds. The rear and side grab bars are 1" too high. <i>Note: Tolerances do not apply for dimensions within a range.</i>	404.2.8	26.9	Adjust the door closer so that the closing speed is at least 6 seconds.	3	2	I	\$0
	309 606.4	30.9.6	Adjust the sink faucet so that the operating force is no more than 5 lbs. and the faucet remains open for at least 10 seconds.	3	3	I	\$0
	609.4	30.8.2	Lower the grab bars to a height of between 33" and 36" a.f.f. to the top of the gripping surface.	3	2	I	\$0
<u>Elevator</u> The jambs at the main entry level lack tactile stars.	703.4 407.2.3	28.5	Install tactile stars on both jambs at a height of no more than 60" a.f.f. o.c.	2	2	I	\$50
<u>Signage</u> The following interior doors lack tactile accessible signage: <ul style="list-style-type: none"> town administrator office accountant (#221) room #226 closet room #221 closet room #219 door to tax collector room # 219 door to principal assessor room #213 door to assessor's room #206 interior door room #202 closet room #216 closet lower level # 112 closet lower level #118 office door, 2 exit doors lower level #113 tactile signage blocked lower level double doors – signage is on the door, not latch side lower level near elevator, signage is on the door, not the latch side See Photo MOB 5.	703	41.1	Install accessible compliant signage on the latch side of each door (where allowable) with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Tactile characters on signs s/b 48" min. a.f.f. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards). Unblock covered signage.	2	2	I	\$455
<u>Doors with Glass Panes</u> Five interior doors (#226, #221, #118, #118A, lower level near elevator) with glass panes exceed the maximum viewing height of 43".	404.2.11	NA	Doors, gates, and side lights adjacent to doors or gates, containing panels that permit viewing through the panels shall have the bottom of at least one panel located 43 inches maximum a.f.f. Modify doors/panels to comply with maximum height restriction.	4	3	L	Up to \$1,500
<u>Interior Doors</u> The following interior doors do not fully comply with the maximum allowed operating force for an interior door (5 lbs.) and the minimum closing speed requirement of 6 seconds under 521 CMR: stair exit doors at room #226, assessor office gate, tax collector gate, #112 (2 doors), #120, lower level door near elevator, lower level double doors, level 2 and lower level men's and women's bathrooms.	404.2.8 404.2.9	26.8 26.9	Adjust door closers such that the push/pull force does not exceed 5 lbs and the door closing speed is at least 6 seconds.	2	2	I	\$0

Door Hardware The closet door in Room#226 has non-compliant knob-style door hardware.	404.2	26.11	Install lever-style or similar accessible compliant hardware that does not require pinching or twisting of the wrist.	2	2	N	\$75
Stair Railings The Level 1 railing extensions are 40" a.f.f. which are 2" too high. The stairs near Room # 226 lack stair rail extensions at the top and bottom of the stairs and the interior railings are not continuous. Lower level stairs at the elevator do not fully extend at the top and bottom. See Photo MOB 6.	504 505	27	Install complaint continuous railings on the stairways at a height of 34" – 38" to the top of the handrails, round or oval in x-section and between 1¼" – 2" in outside diameter, and with extensions at the top 12" parallel to the floor and the slope distance of one tread then 12" parallel to the floor at the bottom. Required wall clearance for stair railings under 521 CMR is 1½". <i>Note: Handrail extensions need not extend if it would cause a safety hazard or if space does not permit. Extensions must also comply with "protruding objects".</i>	2	3	N	Up to \$1,500
Lower Level Door Near Elevator The entrance to the lower level from the elevator does not have a level landing at the doorway making it difficult for wheelchair users to manually open the door.	404	25.2	Install an automatic door opener.	2	3	N	Up to \$2,500
Controls and Switches Room #226 has 2 light switches that are 2" to 4" too high under the 2010 ADA Standards. Room #225 has a light switch that is 4" too high.	308.2 308.3	6.5 6.6	Lower light switches to no more than 48" a.f.f.	4	3	N	Up to \$750
Table and Desk Knee Clearance The computer table in Room #226 is 1" too low which does not meet the minimum required 27" knee clearance:	306	35	Tables must provide at least 27" a.f.f. of knee clearance 30" wide and 19" deep (521 CMR). The tops of tables should be 28" to 34" a.f.f. Block the table 1" to meet the required knee clearance height.	4	2	N	\$25
Employee Kitchenette The counter is 2¾" too high with no knee clearance under the sink See Photo MOB 7.	606 306	32	Modify the sink/counter so that it is no more than 34" a.f.f. with a minimum of 27" of knee clearance. Pipes must be wrapped, guarded, or insulated.	2	3	N	Up to \$500
Doorways and Clear Widths The following have inadequate accessible route clear widths: <ul style="list-style-type: none"> Chair at gate to Assessor's Office restricts clear width and maneuverability. Clear width and maneuverability at Tax Collector's desk is reduced to 32". Clear width and maneuverability at Treasurer's Office is reduced to 22". Clear width and maneuverability at Building Inspector/Board of Health Office closet is reduced to 21". Lower Level Room# 113 has limited maneuverability due to the stacks. 	403.5 403.5 403.5 403.5 403.5	20.3 20.3 20.3 20.3 20.3	Relocate chair to achieve minimum 36" clear width if required as a reasonable accommodation. Rearrange office furniture to achieve minimum 36" clear width if required as a reasonable accommodation. Rearrange office furniture to achieve minimum 36" clear width if required as a reasonable accommodation. Rearrange office furniture to achieve minimum 36" clear width if required as a reasonable accommodation. As feasible rearrange stacks to achieve minimum 36" clear width if required as a reasonable accommodation.	2 2 2 2 2	1 1 1 1 1	L L L L L	\$0 \$0 \$0 \$0 \$0

Counters The office service counter for the Tax Collector is 5½" too short and has items placed below and on top of the counter minimizing its use. See Photo MOB 8.	904.4	7.2	Service counters should not exceed 36" in height with a minimum of 36" clear width (521 CMR). The counter must provide the adequate knee and toe clearance. Remove all items below and on top of the counter. Seek a variance for the width to allow the existing counter to remain in place.	2	1	N	\$0
Level 2 Bathrooms <u>Women's Bathroom Only</u> The paper towel dispenser is outside the zone of reach under 521 CMR by 6". The sink piping is not fully wrapped, insulated, or guarded. <u>Men's Bathroom Only</u> There is only 33¾" clear width into the bathroom due to the partition at the sink. The rear (7") and side (13") grab bars are 1" too far from the interior corner. <u>Women's and Men's Bathroom</u> The toilet paper dispensers are 2" to 4" o.c. from the front of the water closet. The coat hooks are 6" too high under the 2010 ADA Standards. The water closet stall doors are not fully self-closing. The stall doors lack interior and exterior pull devices. The grab bars are 1" too high. <i>Note: There are no tolerances allowed for a range of dimensions.</i> See Photos MOB 9 and 10.	308.2 308.3 606.5 403.5 609 604.7 308.2 308.3 604.8 604.8 609.4	30.12 30.9.5 20.3 30.8 30.7.6 6.5 6.6 30.6 30.6 30.8	Lower dispenser to a max. of 42" a.f.f. Wrap and/or insulate the shut-off valve. Modify the partition to achieve the minimum required 36" clear width or seek a variance to maintain the existing clear width. Move the grab bars so the rear grab bar is no more 6" and the side grab bar is no more than 12" from the interior corner. Relocate the dispensers. Toilet paper dispenser s/b 7" minimum and 9" maximum in front of the water closet measured to the centerline of the dispenser. The dispenser s/b a minimum of 24" a.f.f. and not mounted above the grab bars under 521 CMR. Lower the coat hooks to no more than 48" a.f.f. Adjust the closer so that the doors are fully self-closing. Install compliant pull devices on both sides of the stall doors. Lower the grab bars to a height of between 33" to 36" a.f.f.	3 3 3 3 3 3 3 3	2 2 2,1 2 2 2 2 2 2	I I N I I I I I	\$0 \$25 Up to \$500 \$0 \$0 \$0 \$0 \$60 \$0
Lower Level Bathrooms <u>Men's Bathroom Only</u> The water closet is 2¼" too far from the near wall and 1½" too close to the far wall. The self-metered sink faucet stays open for only 2 seconds <u>Women's and Men's Bathroom</u> The toilet paper dispensers are 3" to 4" o.c. from the front of the water closet. The coat hooks are 6" too high under the 2010 ADA Standards.	604.2 606.4 604.7 308.2 308.3	30.7.2 30.9.6 30.7.6 6.5 6.6	Relocate the water closet so that it is 18" o.c. to the centerline of the water closet to the near wall and at least 42" o.c. to the centerline of the water closet to the far wall. Adjust the water faucet so it stays open for a minimum of 10 seconds Relocate the dispensers. Toilet paper dispenser s/b 7" minimum and 9" maximum in front of the water closet measured to the centerline of the dispenser. The dispenser s/b a minimum of 24" a.f.f. and not mounted above the grab bars under 521 CMR. Lower the coat hooks to no more than 48" a.f.f.	3 3 3 3	3 2 2 2	N I I I	Up to \$750 \$0 \$0 \$0

The water closet stall doors are not fully self-closing.	604.8	30.6	Adjust the closer so that the doors are fully self-closing.	3	2	I	\$0
The stall doors lack interior and exterior pull devices.	604.8	30.6	Install compliant pull devices on both sides of the stall doors.	3	2	I	\$60
The grab bars are 1" too high. <i>Note: There are no tolerances allowed for a range of dimensions.</i>	609.4	30.8	Lower the grab bars to a height of between 33" to 36" a.f.f.	3	2	I	\$0
Self-metered faucets require 8 – 10 lbs of operating force which exceeds the maximum of 5 lbs.	309 606.4	30.9.6	Adjust faucets so they require no more than 5 lbs of operating force to use.	3	2	I	\$0
See Photos MOB 11 and 12.							

Total \$12,790

Municipal Office Building Assessment Photos



Photo MOB 1



Photo MOB 2



Photo MOB 3

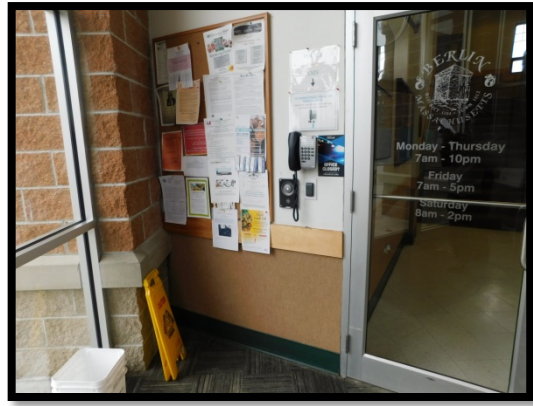


Photo MOB 4



Photo MOB 5



Photo MOB 6



Photo MOB 7

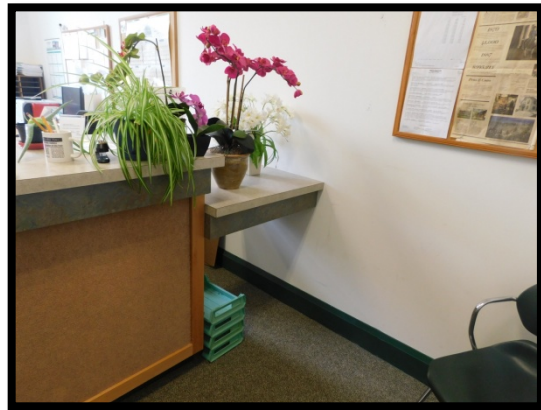


Photo MOB 8



Photo MOB 9



Photo MOB 10



Photo MOB 11

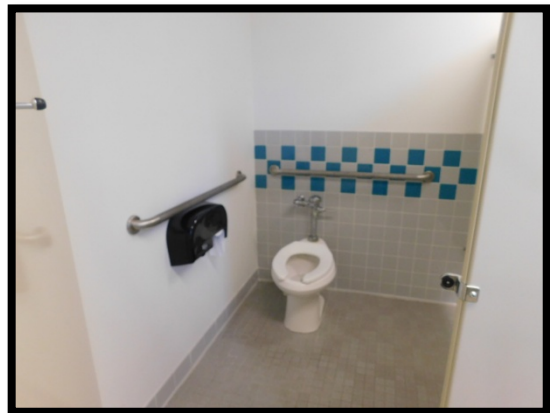


Photo MOB 12

BERLIN POLICE STATION



Description of Facility and Programs: The department consists of a Chief, an Assistant Chief, 2 Sergeants, a Community Service Officer, a Detective, 5 Patrol Officers, 8 Reserve Patrol Officers, a Dog/Animal Control Officer, and an Administrative Assistant. Dispatch is handled externally by the Nashoba Valley Dispatch Center.

Responsible Party: Board of Selectmen.

General Description or Obstacle Which Limits Mobility or Access: The Police Station is substantially compliant but does have some areas of non-compliance. The entrance doors exceed maximum operating force and minimum closing speeds. Some interior doors lack tactile signage or the signage is not mounted on the latch side. Wall mounted hand sanitizers serve as protruding objects. The administrative accessible bathroom has minor areas of non-compliance. The administrative kitchenette has a counter that is too high and the sink lacks knee clearance. There is an apparent "accessible holding cell" however the metered hot water button does not stay on for a minimum of 10 seconds. The cell does not provide grab bars for the water closet (see below).

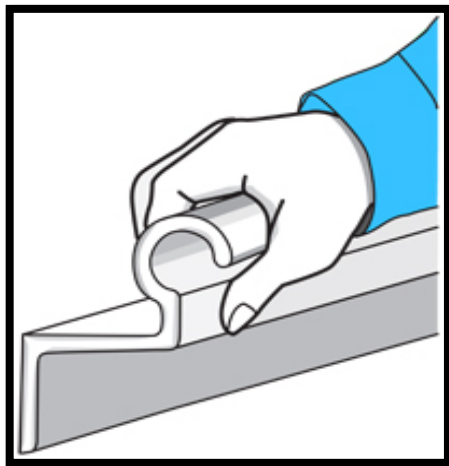
Reasonable Accommodations

The Men and Women Officer locker rooms have a number of areas of non-compliance including showers, water closets, dispensers, clearances, heights, etc. In addition, the officer's break room sink/counter is 2" too high and the sink lacks knee clearance. None of these areas are open to the public and limited for use only for sworn police personnel. All police officers must meet strict physical requirements which a person with a mobility limiting disability would not be able to perform. Therefore, unless there are changes in policies, procedures, and operations, modifications to these areas are not required at the present time.

Under Section 232.2 of the 2010 ADAAG alterations to cells shall not be required to comply except to the extent determined by the Attorney General (federal). **Advisory 232.2:** General Holding Cells and General Housing Cells Exception. Although these requirements do not specify that cells be accessible as a consequence of an alteration, Title II of the ADA requires that each service, program, or activity conducted by a public entity, when viewed in its entirety, be readily accessible to and usable by individuals with disabilities. This requirement must be met unless doing so would fundamentally alter the nature of a service, program, or activity or would result in undue financial and administrative burdens.

Inmates in local correctional facilities may have mobility disabilities and need to be housed in accessible cells. Federal laws protect people with disabilities from discrimination by State and local governments, including entities that own or operate correctional facilities. All such entities are covered by the Americans with Disabilities Act of 1990 (ADA), and those that receive Federal funds are also covered by section 504 of the Rehabilitation Act. These laws prohibit discrimination against persons with disabilities, including inmates who use wheelchairs, scooters, walkers, or other mobility devices. All aspects of law enforcement and correctional services are covered by these laws - including facilities, employment, transportation, and other activities, programs, and services.

Both the 2010 ADA Standards (S. 604.5 Exception #3) 521 CMR (S. 15.8) provide exceptions for the requirement of grab bars in cells that are specifically designed without protrusions for purposes of suicide prevention. However, in recent years grab bars have been designed so they do not increase suicide risk. As shown, there are several ways for grab bars to be designed with adequate gripping surfaces, while ensuring that nothing can be tied onto them (see below). Consideration should be given to installing suicide proof grab bars in the accessible cell.



Police Station Accessibility Assessment

General Description of Obstacle	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost Estimate
Exterior and Interior Front Entry Doors The exterior main entrance door to the lobby and the interior door to the station do not comply with the minimum closing speed requirement of 6 seconds under 521 CMR or the maximum operating force for interior doors.	404.2.8 404.2.9	26.8 26.9	Adjust door closers such that the door closing speeds are at least 6 seconds. Adjust door closers such that the push/pull forces do not exceed 5 lbs for the interior doors.	1	2	I	\$0
Signage The following five interior doors lack tactile accessible signage: <ul style="list-style-type: none"> • storage @ admin/front desk • accessible bathroom @ admin • office off admin • door to side office opposite janitor's closet • door opposite room #322 The tactile accessible signage for the janitor's closet is not on the latch side of the door. See Photo Police 1.	703	41.1	Install accessible compliant signage on the latch side of each door (where allowable) with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Tactile characters on signs s/b 48" min. a.f.f. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards).	2 3	2	I	\$175
Protruding Objects The following are protruding objects as they extend more than 4" into the accessible route of travel between a height of 27" and 80" a.f.f. or have vertical clearance reduced to less than 80". <ul style="list-style-type: none"> • Hand sanitizers near Rooms #308 and #321. • Administrative bathroom towel dispenser and sanitary dispenser. See Photo Police 2.	307.2	20.6.1	Relocate the sanitizers and dispensers or place a fixed object below them.	2, 3	2	I	\$0
Administration Accessible Bathroom The toilet paper dispenser is 22" a.f.f. from the front of the water closet.	604.7	30.7.6	Raise the dispenser so it is a minimum of 24" a.f.f. and not mounted above the grab bars.	3	2	I	\$0
The sink piping is not fully wrapped, insulated, or guarded.	606.5	30.9.5	Wrap and/or insulate piping.	3	2	I	\$50
The wall mounted towel dispenser and sanitary dispenser are too high.	308.2 308.3	30.12	See Protruding Objects above. Dispensers should be no more than 42" a.f.f. for the reach height under 521 CMR.	3	2	I	\$0
Both the rear and side grab bars are 1" too high (<i>Note: No tolerances are allowed for dimensions within a range</i>). See Photo Police 3.	609.4	30.8.2	Lower the grab bars so that they are between 33" to 36" a.f.f. to the top of the gripping surface.	3	2	I	\$0
Administrative Kitchenette The sink/counter is 2" too high and does not provide any knee clearance. See Photo Police 4.	606 306	32.7	Modify the sink/counter so that it is no more than 34" a.f.f. with a minimum of 27" of knee clearance. Pipes must be wrapped, guarded, or insulated.	2	3	N	Up to \$500

Accessible Jail Cell The hot water self-metered faucet remains open for only 3 seconds, which is less than the minimum required.	309 606.4	30.9.6	Adjust the faucet so it stays open for a minimum of 10 seconds.	3	2	1	\$0
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Total \$725

Police Station Assessment Photos

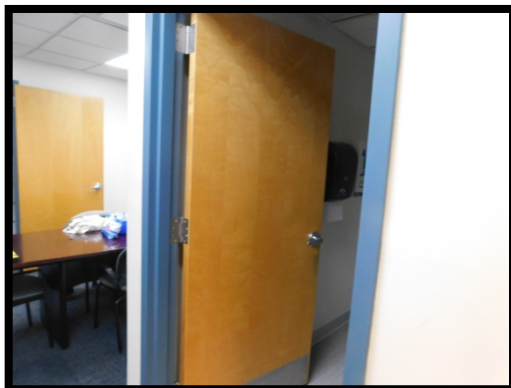


Photo Police 1



Photo Police 2

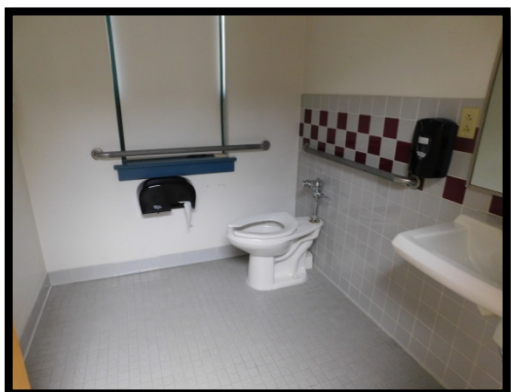


Photo Police 3



Photo Police 4

BERLIN FIRE STATION (Fire, Rescue, and Emergency Management Services)



Description of Facility and Programs: The department consists of a Fire/EMS Chief, an Assistant Chief, 3 Captain/EMT's, a Lieutenant/EMT, a Fire Marshall/Inspector, a Chaplain, an Administrative Assistant, and over 30 Firefighters and EMT's. The department is a paid on call department with members being on call 24 hours a day, 7 days a week to respond to emergency calls. Calls include fire suppression, hazardous materials containment, motor vehicle accidents, medical emergencies and general assistance to the public. In addition to responding to incidents, the department is responsible for implementing a wide variety of permits, inspections and fire details. Dispatch services are provided by the Nashoba Valley Regional Dispatch.

Responsible Party: Board of Selectmen.

General Description or Obstacle Which Limits Mobility or Access: The Fire Station is substantially accessible compliant for those areas and levels which are open to the public. The main entrance door to the station has an operating force and closing speed that does not comply with the standards under 521 CMR or the 2010 ADA Standards. Interior doors lack tactile accessible signage. There is only 18" of clear width to the Fire Marshall's desk due to filing cabinets. As the public does not access the area behind the desk, modifications to obtain the required 36" clear width would only be required as a result of a reasonable accommodation.

Garage/Apparatus Area. The Fire Department holds educational activities for students and the general public in the garage/apparatus area. There are no bathrooms for public use other than in the Town Office Building which is not on an internal accessible route from the garage/apparatus area. It is recommended that when the garage/apparatus area is open for public events and activities an ADA compliant portable toilet is provided.

Men's and Women's Lockers and Bathroom Facilities and Dayroom. These areas are limited to firefighters and emergency medical personnel, who must meet strict physical requirements which a person with a mobility limiting disability would not be able to perform. These areas have non-compliant bathrooms, kitchen (counter height, knee clearance, stove controls, etc.), lockers and showers, etc. As no public access is allowed to these areas, no further action or modifications are required at the present time. Modifications would only be required as a reasonable accommodation as may be required.

Berlin Fire Station Accessibility Assessment

General Description of Obstacle	<u>2010 ADAAG</u>	<u>MAAB 521 CMR</u>	<u>Type of Action to be Taken</u>	<u>P</u>	<u>F</u>	<u>TF</u>	<u>Cost Estimate</u>
<u>Door to Fire Station</u> The door to the Fire Station does not fully comply with the maximum allowed operating force for an interior door (5 lbs.) and the minimum closing speed requirement of 6 seconds under 521 CMR. The operating force was 12 lbs. and the closing speed was 4 seconds.	404.2.8 404.2.9	26.8 26.9	Adjust the door closer such that the push/pull force does not exceed 5 lbs. and the closing speed is at least 6 seconds.	1	2	I	\$0
<u>Door Signage</u> Tactile designation signage is not provided at the following locations: Fire Marshall's Office, Assistant Chief's Office, EMT Room, Bunk Room. See Photo Fire 1.	703	41.1	Install accessible compliant designation signage on the latch side of each door (where allowable) with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Tactile characters on signs s/b 48" min. a.f.f. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards).	2	2	I	\$140

Up to \$140

Fire Station Accessibility Assessment Photos



Photo Fire 1

BERLIN 1870 TOWN HALL

Function and Description of Facility and Programs: The Berlin 1870 Town Hall is a 6,300 s.f. late 1800's wood frame and timber structure which formerly served as the Berlin Town Hall but was reopened in 2007 as a venue for private parties, weddings, meetings for town organizations, music and dance workshops, theater, library programs, and weekly classes. In the fall of 2011, the building was accepted for listing as an individual structure on the National Register of Historic Places. A 2018 renovation project resulted in an addition to the rear side of the building to allow for on-grade access and the construction of an elevator to achieve access to the second level. The 1st floor houses community meeting rooms and a unisex accessible toilet room. A 2-story adjacent curatorial building exists on the site and although accessible to the 1st level (2nd level is for storage only), is closed to the public.



Responsible Party: Board of Selectmen, Historical Commission

General Description or Obstacle Which Limits Mobility or Access: In its present condition and coupled with granted variances from the Massachusetts Architectural Access Board pursuant to 521 CMR 4.00, the building is substantially compliant but for a number of required modifications. The granted variances, some with conditions and requirements, are as follows:

Variance #1: Retain existing non-compliant front granite stairs and handrails provided that signage is posted directing users to the side rear accessible entrance and that the front doorway is for egress only. In addition, the town is to provide a smooth driveway and level approach from two new accessible parking spaces (including one for vans) at the rear side entrance. The latter has not been achieved.

- Variance #2: Retain existing east side entrance as “egress” only and install compliant railings on the stair. The railings remain non-compliant.
- Variances #3, #4, #5: Retain non-compliant (stair railings, risers) main interior stairs, level 2 egress stairs, and level 1 interior stairs. The town was to submit a policy to the MAAB on closing the doors at the main interior doors during public events (not known if done) and install wall side handrail at the level 1 interior stairs. The handrail has not been installed.
- Variance #6: Retain non accessible mid-level toilet rooms provided that directional signage is provided noting location of the accessible toilet room.
- Variance #7: Retain non-compliant 31” clear width doorway from Memorial Hall to the Servedy.
- Variance #8: Retain existing non—compliant auditorium egress doors (less than 32” clear width per door opening) provided that new hardware is installed.

The parking is not striped (spaces or access aisle) and only one van accessible sign is provided whereas the MAAB variance requires 2 spaces. The area is level, but it is not firm and stable surface. Exterior and interior doors with closers have excessive operating forces and closing speeds that do not meet the required minimum. Interior doors have knob hardware and lack tactile designation signage. There are a number of protruding objects throughout the building. The kitchen sink does not provide the minimum required knee clearance. The stove controls are not on the front of the stove. The accessible bathroom on the first floor has a coat hook that is too high, the toilet is too far from the near wall, the toilet paper dispenser is too far from the toilet, and the locking mechanism is not operable with a closed fist. The second floor ramp has excessive running slopes and railings that are too low. There are no railings on the portable stairs to the stage.

Berlin 1870 TownHall Accessibility Assessment

<u>General Description of Obstacle</u>	<u>2010 ADAAG</u>	<u>MAAB 521 CMR</u>	<u>Type of Action to be Taken</u>	<u>P</u>	<u>F</u>	<u>TF</u>	<u>Cost Estimate</u>
<u>Parking</u> There are no designated accessible parking spaces inclusive of access aisle and signage for 2 parking spaces as required by the MAAB. The ground surface is not stable, firm, or uniform. See Photo 1870 Town Hall 1.	502 302	23.0	Stripe and designate a van accessible parking space with van accessible signage and a passenger vehicle accessible space. For space limitation purposes, the accessible spaces can be 8’ wide with a shared 8’ access aisle. Signage must be set such that the signage height should be a minimum of 60” high at the bottom (2010 ADAAG Standards) and a maximum of 96” at the top (MAAB 521 CMR) and located in front of each space. The proposed parking and access aisle should be resurfaced to create a stable and firm ground surface with the slopes not to exceed 2% in any direction.	1	2	I	\$2,500
<u>Main Entrance Door and Lobby Door</u> The exterior main entrance doors and the entrance interior lobby doors do not fully comply with the maximum allowed operating force for an exterior door (15 lbs.) and interior door (5 lbs.) and the minimum closing speed requirement of 6 seconds under 521 CMR. Operating forces vary up to 18 lbs. for and closing speeds are as quick as 4 seconds.	404.2.8 404.2.9	26.8 26.9	Adjust door closers such that the push/pull force does not exceed 15 lbs for an exterior door and 5 lbs. for an interior door with door closing speeds of at least 6 seconds.	1, 2	2	I	\$0

<u>Interior Doors</u> The following Interior doors with closers do not fully comply with the maximum allowed operating force of 5 lbs. and the minimum closing speed requirement of 6 seconds under 521 CMR. <ul style="list-style-type: none"> • Double doors to 2nd level stage • Doors to emergency exit/2nd level bathrooms • Doors to 2nd level ramp • Double doors in front of 2nd level stage 	404.2.8 404.2.9	26.8 26.9	Adjust door closers such that push/pull force does not exceed 15 lbs for an exterior door and 5 lbs. for an interior door and the door closing speed is at least 6 seconds.	2	2	I	\$0
<u>Door Signage</u> Some of rooms lack tactile designation signage to identify rooms, offices and storage areas/closets. Additional signage is required at a minimum of 16 locations as follows: <ul style="list-style-type: none"> • Double doors to 2nd level stage • Side door by double doors • Doors to emergency exit/2nd level bathrooms • Doors to 2nd level ramp • Double doors in front of 2nd level stage • Double doors to 2 separate storage rooms on the 2nd level • Level 1 Rooms (7) • Level 1 COA Office • Electrical Room • Elevator Room <p>See Photo 1870 Town Hall 2.</p>	703	41.1	Install accessible compliant designation signage on the latch side of each door (where allowable) with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Tactile characters on signs s/b 48" min. a.f.f. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Under 521 CMR, signage must be 60" a.f.f. to the centerline of the sign. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards).	2	2	I	\$560
<u>Door Hardware</u> Non-compliant knob-style hardware is located on the following doors: level 1 (2 doors), COA office (2 doors), level 2 storage room doors (2). <p>See Photo 1870 Town Hall 3.</p>	404.2	26.11	Replace the existing hardware with lever style that is operable with one hand, a closed fist, or loose grip. Lower the children's room door pull to no more than 48" a.f.f.	2	2	I	\$450
<u>Protruding Objects</u> The following are protruding objects as they extend more than 4" into the accessible route of travel between a height of 27" and 80" a.f.f. or have vertical clearance reduced to less than 80": <ul style="list-style-type: none"> • Level 1 fire extinguisher by stairs • Emergency lights by level 1 stairs • Emergency lights by level 1 bathroom • Emergency lights by 2nd level stage entrance <p>See Photo 1870 Town Hall 4.</p>	307.2	20.6.1	Relocate the fire extinguisher or place a fixed object below. Raise the lights to a height of greater than 80" a.f.f. at the protrusions.	4	2	N	Up to \$350

<u>Stairs to Exit #4</u> The stairs to Exit #4 have non-compliant railings on one side and lack a railing in the wall side. See Photo 1870 Town Hall 4.	505.10 505.2 505.3	27.4.3 27.4.1	Variance #5 allowed retention of the existing railing provided that a railing was installed on the wall side. Provide a railing that is circular in x-section, 1¼" – 2" in diameter, is between 34" – 38" a.f.f. to the top of the railing, and with a 12" extension at the top parallel to the floor and the slope distance of one tread, then 12" parallel to the floor at the bottom.	2	3	I	\$350
<u>East Side Egress Stairs</u> The east side egress stairs have non-compliant railings due to shape and the lack of extensions.	505.10 505.2 505.3	27.4.3 27.4.1	Variance #2 concerning the classification and use of these stairs as egress only was provided, however the town noted that it would make the railings compliant. Provide railings that are circular or oval in x-section, 1¼" – 2" in diameter, are between 34" – 38" a.f.f. to the top of the railings, and with 12" extensions at the top parallel to the floor and the slope distance of one tread, then 12" parallel to the floor at the bottom.	2	3	I	Up to \$300
<u>Stage Stairs</u> The stairs to the stage lack railings. See Photo 1870 Town Hall 5.	505	27.4.3 27.4.1	Option 1: Provide railings on both sides of the stairs that are circular or oval in x-section, 1¼" – 2" in diameter, are between 34" – 38" a.f.f. to the top of the railings, and with 12" extensions at the top parallel to the floor and the slope distance of one tread, then 12" parallel to the floor at the bottom. Option 2: Remove stairs.	2	3	N	Up to \$750
<u>Kitchen</u> There is only 25½" of knee clearance under the sink which is 1½" too low. The stove controls are located at the back of the stove. See Photos 1870 Town Hall 6.	306 804.6.5	32.6 32.8	Remove 1½" of the front cabinet facing to achieve the minimum 27" knee clearance under the .sink Replace the existing stove with one that complies as follows: Maximum high forward reach for controls and operating mechanisms is 48"; maximum low forward reach is 15". Controls and operating mechanisms must be operable with one hand and shall not require tight grasping, pinching or twisting of the wrist. The force required to activate controls shall be no more than 5 lbs. If ovens or cooktops have knee spaces underneath then they shall be insulated or otherwise protected on the exposed surfaces to prevent burns, abrasions, or electrical shock. The location of controls for ranges and cook tops shall not require reaching across burner (ie. s/b on the front panel).	2 2	3 3	I L	\$100 Up to \$750
<u>Unisex Accessible Bathroom</u> The coat hook is 20+" too high under the 2010 ADA Standards. The toilet is 1" too far from the near wall. The toilet paper dispenser is 3" too far from the front of the toilet. The door locking mechanism requires pinching and twisting of the wrist. See Photo 1870 Town Hall 7.	308.2 308.3 604.2 604.7 404.2 309.4	30.6 30.7 30.7 26.11	Lower coat hook to no more than 48" a.f.f. Relocate so that the centerline of the toilet is 18" o.c. from the near wall. Move the toilet paper dispenser so it is 7" to 9" in front of the water closet measured to the centerline of the dispenser. Replace door hardware and locking mechanism with one that does not require pinching or twisting of the wrist.	3 3 3 3	2 3 2 2	I N I I	\$0 Up to \$350 \$0 \$100

Ramp to Stage The upper ramp segment has a running slope of 8.6% to 9.0% which exceeds the maximum allowed of 8.3%. The top of the lower ramp railings (both sides) vary from 17½" to 17¾" a.f.f. to the top of the railings which does not comply with the range of 18" to 20" a.f.f. <i>Note: There are no allowed tolerances for heights within a range.</i> See Photo 1870 Town Hall 8.	405.2	24.2	To lower and/or modify the ramp by 0.3% to 0.7% would result in excessive and unreasonable cost without substantial benefit to persons with disabilities. It is recommended that a variance be sought.	-	-	-	-
	505	24.5	Install a ½" spacer between the railing and railing bracket to achieve minimum height of at least 18" a.f.f.	2	2	1	\$100

Total up to \$6,660

Berlin 1870 Town Hall Accessibility Assessment Photos



Photo 1870 Town Hall 1



Photo 1870 Town Hall 2



Photo 1870 Town Hall 3

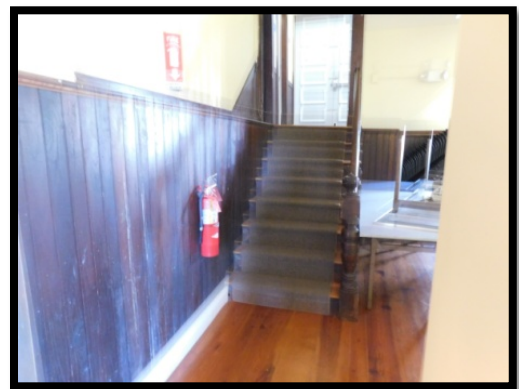


Photo 1870 Town Hall 4



Photo 1870 Town Hall 5



Photo 1870 Town Hall 6

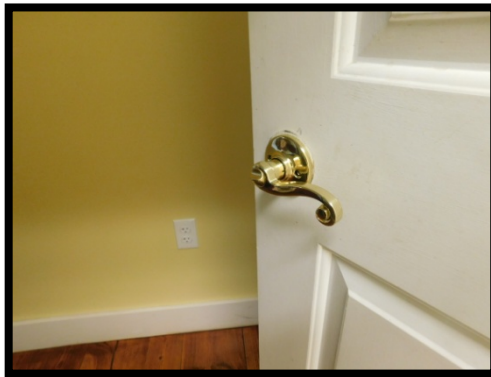


Photo 1870 Town Hall 7

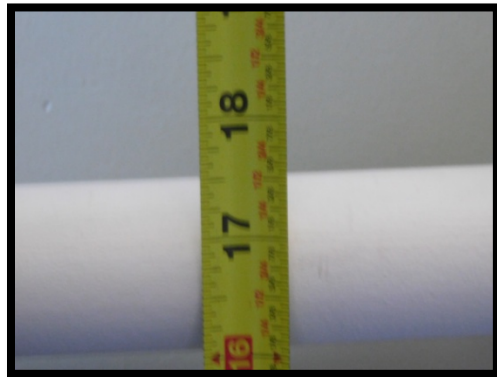


Photo 1870 Town Hall 8

BERLIN LIBRARY

Function and Description of Facility and Programs: The Berlin Library was constructed in 1928. The 2-level masonry building consists of a 1,450 s.f. main level and a roughly 1,000 s.f. finished basement. The main level serves as the main library area and includes the check-out counter, computer work stations, tables and chairs, and library offices. The lower level includes a book storage/sorting area, a children's room, and a non-compliant bathroom. The Berlin Public Library provides materials and services to support community residents in pursuit of their personal, recreational, educational and occupational interests. Special emphasis is placed on current popular materials in a variety of formats. The Library serves residents of all ages, recognizing that each group has its own distinct needs and interests: preschoolers, school-age children, teenagers, adults, and seniors. According to the library website, staff are trained to assist patrons with reference questions, and to help them locate the materials they need.



Responsible Party: Library Trustees

General Description or Obstacle Which Limits Mobility or Access: The signage for the designated accessible parking is too high. The parking space and access aisle have cross slopes that exceed the maximum of 2.0% and the surfaces are deteriorated. The concrete ramp is deteriorated, has abrupt changes in level surface, and excessive cross slopes. The "trek" ramp (constructed in 2008) has running slopes that vary up to 10.0%. The front stair railings do not fully extend at the bottom of the stairs. The bench at the front of the building is not on an accessible route and lacks an adjacent wheelchair area. Doors with closers exceed the maximum allowed operating force and do not meet minimum closing speed requirements. Doors also lack tactile designation signage, lack compliant hardware, and door widths do not meet minimum clear width requirements. Work and computer tables on the main level do not provide

adequate knee clearance. There is no accessible route of travel to the basement level either from the exterior or between interior floor levels (See below). Both the stairs and the stair railings to the basement are non-compliant. Lower level doorway thresholds have thresholds which are too high. The bathroom in the basement is only 35" x 71" in size and is wholly non-compliant. The outside picnic area is not on an accessible route of travel and has 4 picnic tables (none of which are accessible) and a bench with no adjacent wheelchair area.

Vertical access. Although the main level is on an accessible route (currently non-compliant as noted above and below), there is no internal vertical access between the main level and the basement level. The basement has an entrance door and an egress door, both of which are not accessible due to abrupt changes in level surfaces and the presence of stairs.

Option 1. A LULA (limited use limited access) or vertical wheelchair platform lift could be installed to connect the lower level with the upper level, however, such an option would seriously reduce the already limited space in the library.

Option 2. A 2-stop elevator, most likely as an addition to the existing building, would result in full access to all building levels and would also allow for space to construct a compliant accessible bathroom.

Both options could trigger additional compliance requirements and in the case of the elevator, full code compliance as triggered by 521 CMR due to the cost of the renovations vs. the value of the building. Vertical access modifications may also trigger additional structural, electrical, mechanical, fire alarm and possibly plumbing alterations and modifications depending on location and what is required. An electrical upgrade would also be in order to accommodate the powering of the equipment. Accounting for unforeseen costs (15% contingency), demolition, finishes, general conditions including overhead and profit (20%), architect oversight, and compliance with prevailing wage, total probable construction costs could range up to \$150,000 for the lift option and up to \$1 million for the elevator option.

Berlin Library Accessibility Assessment

<u>General Description of Obstacle</u>	<u>2010 ADAAG</u>	<u>MAAB 521 CMR</u>	<u>Type of Action to be Taken</u>	<u>P</u>	<u>F</u>	<u>TF</u>	<u>Cost Estimate</u>
<u>Parking</u> The accessible signage is 1" too high.	502.6	23.6	Lower the signage so that it is a minimum of 60" a.f.f. to the bottom of the sign and no more than 96" a.f.f. to the top of the sign.	1	2	I	\$0
The parking and access aisle cross slopes exceed the maximum allowance of 2.0% for a level surface by 0.6% to 0.9%. Sections of the parking area are deteriorated. See Photo Library 1.	502.4 302	23.4	Resurface the parking space and access aisle, with proper striping, such that the running and cross slopes do not exceed 2.0% and the ground surface is uniform, stable, firm, and slip resistant.	1	3	N	\$1,250
<u>Exterior Ramp</u> The first 2 segments of concrete are deteriorated with abrupt changes in level surface of ¼".	403.4 405.4	22.4 24.7	Modify the first 2 concrete segments so that there are no areas of deterioration and no greater than ¼" abrupt changes in level surface.	1	3	I	\$100
Segments of the concrete ramp have excessive cross slopes as follows: segment 3 (2.8%), segment 4 (4.6%), segment 5 (5.1%), segment 6 (6.0%).	405.3	24.6	Reconstruct the concrete segments to achieve a no greater than 2.0% cross slope.	1	3	N	Up to \$3,500
The 2008 constructed TREX ramp has running slopes that vary from 8.8% to 10.0% at the lower segment and from 8.8% to 9.9% at the upper segment. See Photo Library 2.	405.2	24.2	Reconstruct the ramp to comply with the maximum 8.3% running slope requirement.	1	3	L	Up to \$10,000

Front Bench The bench in front of the library is not on an accessible route and does not provide an adjacent level area for a wheelchair. See Photo Library 3.	402 802.1	19.0 20.0	Move bench closer to the concrete accessible route and construct a 60" x 36" wheelchair area with compliant slope requirements (no more than 2%).	4	3	N	\$250
Doors Doors with closers (exterior main entrance, interior main entrance, egress doors) do not fully comply with the maximum allowed operating force of 15 lbs. for an exterior door and 5 lbs. for an interior door and the minimum closing speed requirement of 6 seconds under 521 CMR.	404.2.8 404.2.9	26.8 26.9	Adjust door closers such that push/pull force does not exceed 15 lbs for an exterior door and 5 lbs. for an interior door and the door closing speed is at least 6 seconds.	1, 2	2	I	\$0
Door Signage Some of rooms lack tactile designation signage to identify rooms, offices and storage areas/closets. Additional signage is required at a minimum of 9 locations as follows: main level librarian's office, main level staff office, main level staff bathroom, lower level bathroom, lower level book room, lower level water pump room, lower level boiler room, lower level vault, lower level children's room. See Photo Library 4.	703	41.1	Install accessible compliant designation on the latch side of each door (where allowable) with appropriate finish and contrast and character height and proportions, raised and brailled characters should also be included. Tactile characters on signs s/b 48" min. a.f.f. from baseline of lowest character and 60" max. a.f.f. to baseline of highest character. Characters must meet the ADA Standards for character height, finish and contrast, accompanied by Grade 2 Braille (703 ADA Standards).	2	2	I	\$315
Door Hardware Non-compliant knob-style hardware is located on the following doors: librarian's office, book room, lower level bathroom, water pump room, and boiler room. In addition, the door pull in the children's room is 6" too high. See Photo Library 5.	404.2	26.11	Replace the existing hardware with lever style that is operable with one hand, a closed fist, or loose grip. Lower the children's room door pull to no more than 48" a.f.f.	2	2	I	\$375
Tables Tables (work/meeting and computer) do not meet the minimum required knee clearance. This includes the following: <ul style="list-style-type: none"> Table w/4 chairs on main level (24½" knee clearance) 2 computer tables on main level (26½" knee clearance) See Photo Library 6.	226 306.3 902.3	35	Raise or "block" the meeting/work table and one computer table to achieve the minimum height of 28" to 34" a.f.f. with at least 27" a.f.f. of knee clearance and 30" clear width.	2	2	I	\$50
Protruding Objects and Headroom The following is a protruding object as it has a vertical clearance reduced to less than 80": <ul style="list-style-type: none"> Lower level exit sign at bottom of stairs to main level and near lower level entrance has only 77" of vertical clearance. See Photo Library 7.	307.2	20.6.1	Relocate sign so that is not on an accessible route or is at least 80" a.f.f. to the bottom of the sign.	4	2	N	\$50

<u>Accessible Route Clear Widths</u> The chairs by the fireplace reduce the accessible route clear width to only 24". The book stack closest to the librarian's office provides only 33½" of clear width. The librarian's office and staff office both have doorways with only 29½" of clear width which is less than the required 32". Inside office obstructions further reduce the interior clear width to 20" to 25".	904 403.5	12.2 20.3	Rearrange the chairs to provide the required 36" of clear width. As feasible, move the book stack to achieve the required clearance.	2	1	I	\$0
	404.2.3	26.5	As the offices are for employees only and public interaction can be accomplished outside the offices, doorway modification would only be required as a result of a reasonable accommodation if deemed cost effective.	4	-	-	\$0
<u>Door Thresholds</u> The doorway thresholds at the lower level bathroom, bookroom, and children's room are 1½" high which exceeds that allowed.	404.2.5	26.10	Modify thresholds so they are beveled and no higher than ½" with an up to 1:2 slope.	2	3	N	\$300
<u>Stairs</u> The main stairs between the main and ground level have non-compliant risers as they exceed the maximum height of 7". The main stairs lack railings with extensions at the top and bottom (where feasible). The stairs in the Children's Room have a railing on one side only and do not fully extend on the bottom. See Photo Library 8.	504.2	27.2	See <u>Vertical Access and Accessible Route</u> below. Further study and design services are required to achieve internal building access between levels and compliant stairs. The existing building footprint may not allow for stair tread/riser compliance.	2	4	L	TBD
	505.10	27.4.3	Where feasible provide extensions at the top 12" parallel to the floor and at the bottom, the slope distance of one tread, then 12" parallel to the floor.	2	3	L	\$350
	505.10 505.2 505.3	27.4.3 27.4.1	Provide railings on both sides of the stairs with bottom extensions the slope distance of one tread, then 12" parallel to the floor.	2	3	N	\$250
<u>Bathroom</u> The main level (staff) and basement level bathrooms are wholly non-complaint with inadequate clearances for wheelchair maneuverability and no accessible components (grab bars, signage, door hardware, compliant heights, sink, dispensers, etc.). See Photos Library 9 and 10.	603 604 606	30	Option 1: Convert main level staff office and adjoining staff bathroom into a single user accessible toilet room to meet the 2010 ADA Standards and 521 CMR Standards.	3	4	L	Up to \$50k
			Option 2: Discontinue public use of all bathrooms. Modify to the extent feasible only as may be required as a reasonable accommodation. Option 3: If a building addition is constructed to provide an elevator for internal vertical access, an accessible bathroom can be included in the building addition.	3	4	I	\$0
<u>Vertical Access and Accessible Route</u> There is no accessible route between the lower level and main level. The lower level entrance and egress doors are not on an accessible route of travel.	401 402	20.00	Provide a lift between levels or provide a 2-stop elevator building addition to provide access to all levels. On-grade lower level access can be provided as part of the addition. If an internal lift is constructed, a variance will be required for the lower level entryways to serve as egress doors only.	2	4	N	Up to \$350k
<u>Outside Rear Picnic Area</u> No accessible route exists to the rear outside picnic area which includes a bench, and 4 non-compliant picnic tables. There is no level surface area for a wheelchair at the bench. See Photo Library 11.	402 403.3 403.4 802.1 902	19.0 20.0 22.0	An accessible route of travel needs to be provided to all areas available to the public. Construct an accessible route compliant with width (48" per 521 CMR) and slope (2% max. cross, 5% max. running) requirements. Construction options include compacted stone dust, asphalt or similar surfaces that meet the requirement of stable, firm, and slip resistant with no abrupt changes in level surface. Costs will vary depending on material used.	1	3	N	\$2,000 to \$5,000

			<p>Create an approach and wheelchair companion area at the bench that is on an accessible route of travel. The space should be 36" wide x 60" deep per wheelchair. If a front/rear approach, the depth can be reduced to 48" as opposed to 60" for a side approach.</p> <p>At least 5% or at least one table must be accessible. Purchase one accessible picnic table for use in this area. The table surface s/b 28" to 34" a.f.f. to the top surface with at least 27" knee clearance, 30" clear width, and 19" depth.</p>				
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Total up to \$421,790+

Berlin Library Accessibility Assessment Photos



Photo Library 1



Photo Library 2



Photo Library 3

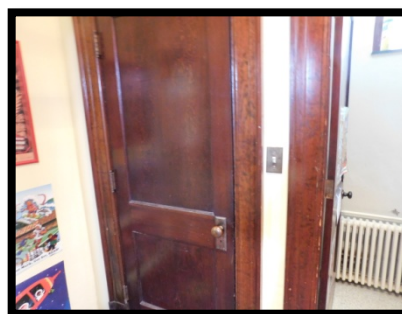


Photo Library 4

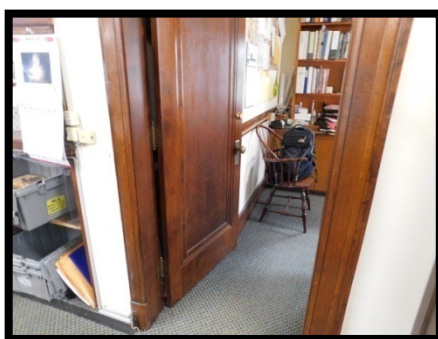


Photo Library 5



Photo Library 6



Photo Library 7



Photo Library 8



Photo Library 9



Photo Library 10



Photo Library 11

HIGHWAY DEPARTMENT BUILDING

Description of Facility and Programs: The Highway Department Building is a newly constructed 2018 structure which houses the highway department administrative offices as well as its vehicles and equipment. The Berlin Highway Department is responsible for the year-round maintenance of all public streets and roads. Maintenance of these areas include pavement management, leveling, grading and marking roads, snow plowing and sanding, street sweeping, pothole repair, sign and vandalism repair; shrub and tree care, as well as drainage maintenance, and support of civic activities.



Responsible Party: Board of Selectmen

General Description or Obstacle Which Limits Mobility or Access: The Highway Department Building is substantially compliant under both the 2010 ADA Standards for Accessible Design and the 521 CMR Massachusetts Architectural Access Board Regulations. The designated accessible space lacks signage. The curb ramp flared sides exceed the maximum running slope allowed. Exterior and interior doors with closers have excessive operating force and do not meet minimum closing speed requirements. Tactile designation signage at doorways are too low under 521 CMR. The hallway has a protruding object and a hand sanitizer that exceeds the maximum reach range. Both the Men's and Women's Bathrooms have a number of areas of non-compliance.

Restricted and Non-Public Areas

The Break Room table is 1" too low to meet the minimum required knee clearance of 27" a.f.f. In addition, the sink/counter is 2" too high, the sink lacks knee clearance, the lower cabinets lack hardware, and the towel dispenser is 17" too high. The Maintenance Office key box is 17" too high. The Men's and Women's Locker Rooms benches are not wide enough and lack back support. The shower coat hooks are 6" too high.

As these areas (Break Room, Employee Locker Rooms, as well as the garage area) are not intended for public use and are limited to highway employees who presumably must meet or pass certain physical requirements to perform essential functions of their positions, accessible modifications to these areas will be triggered by either an employee reasonable accommodation request or the allowance of public access into these areas. No other action is required at the present time.

Highway Department Building Accessibility Assessment

General Description of Obstacle	<u>2010 ADAAG</u>	<u>MAAB 521 CMR</u>	<u>Type of Action to be Taken</u>	<u>P</u>	<u>F</u>	<u>TF</u>	<u>Cost Estimate</u>
<u>Parking</u> The designated accessible parking space lacks signage. The signage should also state "van accessible". See Photo Highway 1.	502	23	Signage must be set such that the signage height should be a minimum of 60" high at the bottom (2010 ADAAG Standards) and a maximum of 96" at the top (MAAB 521 CMR) and located in front of the space.	1	2	I	\$75
<u>Curb Ramp</u> The flared sides of the curb ramp on the accessible route from the parking to the building exceed the maximum running slope of 10.0% by 0.8% and 3.5%.	406.3	21.7	As the flared sides do not actually serve as part of the accessible route to the building, seek a variance to maintain the existing flared sides.	1	-	-	NA
<u>Door Operating Forces/Closing Speeds</u> The main entrance door, egress doors, and interior doors do not comply with the minimum closing speed requirement of 6 seconds under 521 CMR or the maximum operating force of 15 lbs. for an exterior door and 5 lbs. for an interior door	404.2.8 404.2.9	26.9 26.8	Adjust door closers such that the closing speed is at least 6 seconds and the operating force does not exceed 15 lbs. for an exterior door and 5 lbs. for an interior door.	1, 2	2	I	\$0
<u>Door Signage</u> Tactile designation signage throughout the building varies from 2" to 5" too low under 521 CMR.	703	41.1	Lower non-compliant signage such that the tactile characters on signs are 48" min. a.f.f. from the baseline of the lowest character and 60" max. a.f.f. to the baseline of highest character under the 2010 ADA Standards and 60" a.f.f. to the centerline of the sign under 521 CMR.	2	2	N	\$0
<u>Protruding Object</u> The Cintas First Aid Box is a protruding object as it extends 5½" into the accessible route of travel at a height of 43" a.f.f. Items that extend more than 4" into the accessible route of travel between a height of 27" and 80" a.f.f. or have vertical clearance reduced to less than 80" are protruding objects. See Photo Highway 2.	307.2	20.6.1	Place a fixed object under the First Aid Box.	4	1	I	\$0
<u>Reach Range</u> The hand sanitizer next to the First Aid Box is 4" too high under the 2010 ADA Standards.	308.2 308.3	6.5 6.6	Lower the hand sanitizer to no more than 48" a.f.f.	4	2	I	\$0
<u>Men's and Women's Bathrooms</u> The toilet paper dispensers are 1" to 3" o.c. from the front of the water closet.	604.7	30.7.6	Toilet paper dispensers s/b 7" minimum and 9" maximum in front of the water closet measured to the centerline of the dispenser. The dispensers s/b a minimum of 24" a.f.f. and not mounted above the grab bars under 521 CMR.	3	2	I	\$0
	609.4	30.8	Lower/raise the grab bars such that the top of the gripping surfaces are 33" to 36" a.f.f.	3	2	I	\$0

The grab bars are mounted ¼" to ½" too low in the men's bathroom and 1" too high in the women's bathroom. <u>Note:</u> No tolerance allowed for heights with a range.	606.4	30.9.6	Adjust the metered faucets so that the valves stay open for a minimum of 10 seconds.	3	3	I	\$50
The sink metered faucets do not stay open for at least 10 seconds.	606.5	30.9.5	Wrap or insulate the piping.	3	2	I	\$100
The sink piping is not wrapped.	308.2	30.12	Lower the soap dispensers to a height of no more than 42" a.f.f.	3	2	I	\$0
The soap dispensers are 1½" to 2" too high.	308.3		Lower the coat hooks to a height of no more than 48" a.f.f.	3	2	I	\$0
The coat hooks are 6" too high.	308.2	30.6					
	308.3						
See Photos Highway 3 and 4.							
Total up to \$225							

Highway Department Accessibility Assessment Photos



Photo Highway 1



Photo Highway 2



Photo Highway 3



Photo Highway 4

BULLARD HOUSE

Function and Description of Facility and Programs: The Bullard House is an historic house located at 4 Woodward Avenue in the center of town. The 2.5 story wood frame structure has a complex construction history, having been modified or extended numerous times since its oldest portion was built c. 1780. The property was sold to the town in 1996, and now serves as a local history museum. It is currently closed to the public and is undergoing a substantial renovation which is intended to include the removal of architectural barriers. The property was listed on the National Register of Historic Places in 2011. As the building is not open and is essentially an unfinished “construction site”, only a cursory assessment of general non-compliance is provided.



Responsible Party: Board of Selectmen, Historical Commission

General Description or Obstacle Which Limits Mobility or Access: In its present condition, the Bullard House is non-compliant under both the 2010 ADA Standards for Accessible Design and the 521 CMR Massachusetts Architectural Access Board Regulations. It is the intent of the town, through its Historical Commission, to make the first floor of the building accessible, including parking, an accessible route into the building, bathrooms, a kitchen area, and interior ramps. Currently there is no designated accessible parking nor an accessible route to and into the building with a 12” abrupt change in level surface to gain entry. **See Photo Bullard 1.** There are interior abrupt changes in level surface due to elevation changes and thresholds. **See Photo Bullard 2.** The stairs to the second floor are non-compliant due to varying tread widths and the lack of railings. **See Photo Bullard 3.** In addition, first floor door widths (less than 32” wide) and hardware are non-compliant. The proposed bathroom and kitchen areas had not yet been constructed at the time of assessment. **See Photo Bullard 4.** The newly constructed internal ramp meets

the running and cross slope requirements under both the 2010 ADA Standards and 521 CMR and once the finish ramp floor is installed the ramp railings should fall within the required ramp railing height ranges.

According to town officials, it is intended to seek a variance from the Massachusetts Architectural Access Board for first floor door widths, door hardware, and compliance with the stairs and railings between floor levels. It is also the intent to limit access to the second floor with rotating displays of items on the second floor to be made available on a CD or flash drive for viewing at an accessible location and space on the first floor. Future construction options will need to adhere to the stricter of the 2010 ADA Standards or 521 CMR for parking (ADA S.502; 521 CMR S.23), accessible route into the building (ADA S.206, S.403; 521 CMR S.20, S.22), interior accessible routes (ADA S.403; 521 CMR S.22, 20), interior ramps (ADA S. 405; 521 CMR S.24), bathrooms (ADA S.604; 521 CMR S.30), and kitchens (ADA S.304,305,804,308,309,306,606; 521 CMR S.32), as well as other areas that may apply.

Bullard House Assessment Photos



Photo Bullard 1



Photo Bullard 2



Photo Bullard 3



Photo Bullard 4

BERLIN TRANSFER STATION

Function and Description of Facility and Programs: The transfer station is open to the public 3 days per week for a total of roughly 18 hours. The facility consists of a wooden framed “Take it or Leave it Building”, an employee building, and various roll-off containers and bins for disposal or donation of items. The Transfer Station is currently staffed and overseen by the Board of Health.



Responsible Party: Board of Health

General Description or Obstacle Which Limits Mobility or Access: The “Take it or Leave it Building” has an on-grade accessible entrance with sufficient door entry clearance. Overall, 36” clear widths are maintained throughout the building with one exception with a table reducing clear width to roughly 26”. See Photo Transfer 1. The table can be readily moved to accommodate access as may be required. Although there are 8 striped parking spaces, none are designated as accessible. See Photo Transfer 2. The employee building lacks access and has stairs with open risers with non-compliant railings (shape, no extensions). See Photo Transfer 3. Although permits can be obtained at this location, they can also be obtained at the municipal office building. As employees must meet certain physical standards to be able to lift and assist transfer station patrons, modifications to this building, beyond minimal stair improvements, would only be required as a reasonable accommodation as long as proper posting is provided for obtaining permits, etc. The various bins have lids which are at a height which both meet and exceed acceptable reach standards. The book drop is not on an accessible route and exceeds the maximum reach height, but is limited to employee use only. The portable toilet is not on an accessible route and is not “ADA compliant”. See Photo Transfer 4. The use of the portable toilet should be restricted to staff only. If open to the public, the portable toilet must be located on an accessible route of travel, on a level surface (2.0% slopes or less) and fully “ADA compliant”. See description of ADA compliant

portable toilets under Recreation Facilities. It is recommended that uniform signage be provided throughout the facility for those in need of assistance including those with mobility limiting disabilities. The signs should also explain “how” an attendant can be contacted for such assistance to put items in bins or containers. This information should also be posted on the Board of Health’s website.

General Description of Obstacle	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost Estimate
Parking There is no designated accessible parking space inclusive of access aisle and signage. The sole accessible parking space must also be van accessible.	502	23.4 23.6	Stripe and designate a van accessible parking space with van accessible signage at a width of either 11’ with a 5’ access aisle or 8’ with and 8’ access aisle (2010 ADA Standards). Signage must be set such that the signage height should be a minimum of 60” high at the bottom (2010 ADAAG Standards) and a maximum of 96” at the top (MAAB 521 CMR) and located in front of the space. The slopes should not exceed 2% in any direction.	1	2	I	\$250

Total up to \$250

Transfer Station Assessment Photos



Photo Transfer 1



Photo Transfer 2



Photo Transfer 3



Photo Transfer 4

IX. RECREATIONAL FACILITIES

Park and Recreation Facilities

Sidewalks and Curb Ramps

Park and Recreation Facilities

Facility and Location: South Commons.

General Description of Facilities: Playgrounds, parks, and athletic fields inclusive of concession stands and other amenities.

Function: Children and adult recreation programs.

Responsible Party: Recreation Committee.

Accessibility Requirements:

General

Public spaces, recreational facilities and playgrounds are within the jurisdiction of ADA and 521 CMR and therefore must conform to those standards pertaining to accessible routes, reach ranges, height, knee and toe clearance, operating force, running and cross slopes, clear width, maneuverability and similar standards for ancillary features (bathroom, benches, picnic tables, water fountains, parking, etc.). At a minimum, an accessible route must be provided up to the play or recreation area and then to any play equipment, facilities, bleachers, field, or other amenity or feature.

Walkways

Walkways in recreation areas include, but are not limited to walks, sidewalks, overpasses, bridges, tunnels, underpasses, plazas, courts, and other pedestrian pathways. Sidewalks on streets and ways are also considered walkways, with the exception that if the slope of the natural topography exceeds 5% (1:20) a ramp is not required.

Playgrounds

Playgrounds standards are new under the 2010 ADA Standards. Although there are changes being discussed under 521 CMR, currently Massachusetts simply requires an accessible route to and around the play area and to the play equipment. The 2010 ADA Standards are much more expansive and incorporates ground-level components, elevated components, component standards and surface types. Note: There is a difference between “ADA Compliant” and “Fully Accessible”. Compliant play structures are generally accessible and are made with the physically disabled in mind. However, fully accessible structures are made specifically for those with disabilities and are typically far more expensive. The language of the ADA makes a distinction between “elevated” and “ground” components. Roughly 25% of a play structure’s components must be on the ground level for it to be ADA compliant. A fully accessible structure has roughly 50% of its components as “ground”. In a fully accessible play system, every component is wheelchair accessible, including elevated areas achieved through the use of ramps.

Although the 2010 ADA Standards do not mandate elevated play equipment, if there is elevated play equipment, then accessible ground level equipment must also be provided.

In addition, the entire play area does not need to be on an accessible surface, but rather the routes of travel to both the play area and the accessible play components must comply with Section 402. Accessible Route and Section 302 Floor or Ground Surfaces (stable, firm, slip resistant) of the 2010 ADA Standards and Section 20 (Accessible Route) and Section 29 (Floor Surfaces) of 521 CMR.

The accessible route connecting ground level components within a play area should be 60” wide with some variation allowed depending on length of travel route and size of play area. The accessible route is preferred, but does not have to be, of the same material or structure as the general route of travel.

Under the 2010 ADA Standards, apart from the actual accessible pathway, there are two types of ground surfaces within the play area. Ground surfaces on accessible routes must comply with the American Society for Testing and Materials (ASTM F 1951) and the ground surfaces located within the “use zone” must comply with ASTM F 1292. Ground surfaces must be inspected and maintained regularly to ensure continued compliance with the ASTM Standards. The type of surface selected and play area use level will determine the frequency of inspection and maintenance activities.

Representative Examples of ADA Compliant and Accessible Playgrounds and Play Components



ASTM F 1951 establishes a uniform means to measure the characteristics of surface systems in order to provide performance specifications to be used when selecting materials for use as an accessible surface under and around playground equipment (not the accessible route). Surface methods that comply with this standard and are located in the use zone must also comply with ASTM F 1292 for “impact attenuating” to provide a safe fall area around play equipment.

Within a play area that is not part of an accessible route, turning area or use zone, acceptable materials can include loose fill such as pea gravel, sand, and wood chips. Depending on the fall height of a play structure, materials such as pea gravel, sand, wood chips, shredded rubber and engineered wood fiber all provide different levels of impact attenuation. *Note: The playground play area of South Commons uses woodchips within the entirety of the respective playscape areas inclusive of the accessible route of travel. Woodchips are not a compliant material for the accessible route of travel.*

For fully accessible surfaces, pour in place products, rubber mats and tiles, and artificial grass with rubber in-fill all meet ADA standards but are significantly more expensive.

In Massachusetts, public hearings have recently been held to hear comment on sweeping changes to 521 CMR. Significant changes are proposed that would align 521 CMR more with the 2010 ADA Standards including playgrounds and play areas. The proposed surface related changes are noted in red below:

Proposed Changes in 521 CMR

59.4 Accessible Routes

An *accessible route* shall be provided to reach playground equipment and around the *perimeter of the playground* for the following *play components*:

59.4.1 The ground surface of *use zones, accessible routes* and turning spaces within *play areas* shall be firm, stable and slip resistant, permanent, and constructed of materials such as rubber resilient surfacing, urethane rubber composites or similar; and comply with commonly accepted impact attenuation criteria for safety surfacing materials within the *use zones of play area* equipment. Loose fill surfaces and aggregate surfaces including wood fiber, bark mulch, wood chips, shredded rubber, shredded foam, etc. are not acceptable for *accessible routes* within the playground. Molded rubber mats, if utilized, require adhesion to a permanent surface beneath.

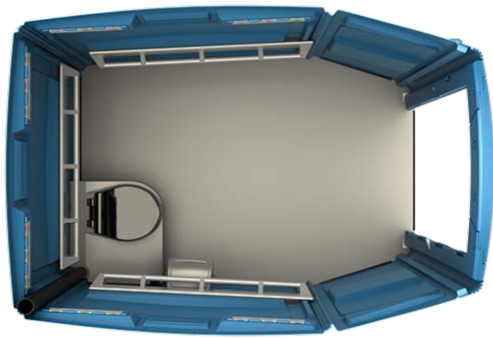
Americans W/ Disabilities Act (ADA Compliant) Portable Toilet

At the time of assessment there were no portable toilets on-site, but according to town staff, portable toilets are brought to South Commons for use during the warmer weather seasons. At least one portable toilet must be “accessible” at each location where toilets are provided. An important distinction to note is that “Wheelchair Accessible” is not synonymous with “ADA Compliant.” Wheelchair Accessible usually indicates a ramped or ground level entrance with a wide enough door for a wheelchair to gain entry. Clearances; setbacks; and dispenser, grab bar, and water closet heights do not necessarily meet ADA or 521 CMR Standards. “ADA Compliant”, however, generally means reinforced construction; ramped or ground level and wheelchair accessible entrance; spring loaded magnetic door that closes automatically; reinforced grab bars; dispensers, grab bars, and the water closet at the proper height or setback; and enough interior space for a wheelchair to make a 360 degree turn. All features within the ADA Compliant portable toilet meet 2010 ADA and/or 521 CMR Standards for a public toilet room.

Illustrative examples of an “ADA Compliant” portable toilet are shown below.

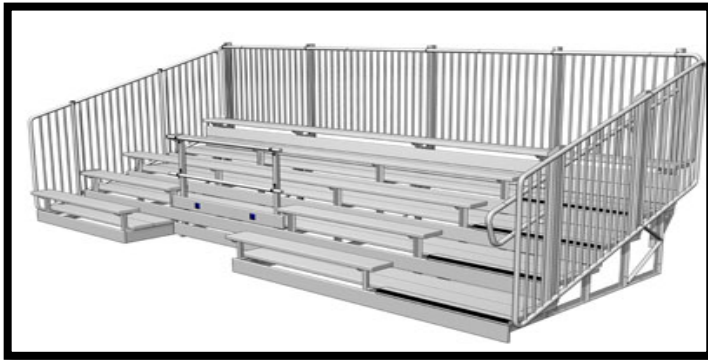
Representative Examples of an ADA Compliant Portable Toilet





Bleachers

None of the bleachers provide adjoining wheelchair seating. A minimum of a 30" by 48" clear floor ground space adjacent to the bleachers as well as a companion seat is required. At least one percent of the seating must be wheelchair seating locations. Each wheelchair seating location is an open, level space that accommodates one person using a wheelchair and has a smooth, stable, and slip-resistant surface. Accessible seating must be an integral part of the seating plan so that people using wheelchairs are not isolated from other spectators or their friends or family. As bleachers are replaced due to age or condition, more accessible bleacher seating as shown below should be provided.



Park and Recreation Cost Estimates: The cost estimates provided for the South Commons facility are rough parameters of cost based on pricing for similar work as well as estimated costs for certain types of modifications. Actual costs on some items may vary considerably due to unforeseen conditions and/or design alternatives. If the required modifications require design solutions, additional architectural and/or engineering fees may be required. In addition, if the work must be formally bid to private contractors, additional costs (bonds, insurance, prevailing wage) will also increase the overall cost. Depending on complexity, suggested base costs could increase up to an additional 30.5% as a total project cost.

SOUTH COMMONS RECREATION COMPLEX



Description of Facility: Active recreation area with 3 baseball fields, soccer fields, a gazebo, concession stands, and a playground.

General Description or Obstacle Which Limits Mobility or Access: There is no designated accessible parking on the South Commons recreation complex. There is no accessible route to and within South Commons to various elements including the baseball/softball fields, soccer fields, player benches, bleacher seating, public benches, picnic tables, gazebo, concession stands, storage buildings, playground, and drinking fountain. The playground lacks accessible play components. There is no accessible route around or within the playground area including to the play components, picnic tables, and benches. Non-compliant wood chips are the primary surface throughout the playground area. None of the picnic tables provide compliant clear width or knee/toe clearance. The bleachers lack accessible wheelchair companion seating, lack railings, and have risers which are partially open and exceed the maximum height. The counters at the concession stands are too high and have no vertical access into the buildings. Similarly, the storage buildings have no access into them. The playground has a nearly 5" abrupt change into the play area. The gazebo can only be accessed by 4 sets of stairs with non-compliant railings.

South Commons Recreation Complex Accessibility Assessment

<u>General Description of Obstacle</u>	<u>2010 ADAAG</u>	<u>MAAB 521 CMR</u>	<u>Type of Action to be Taken</u>	<u>P</u>	<u>F</u>	<u>TF</u>	<u>Cost Estimate</u>
<u>Parking</u> There are no designated accessible parking spaces at the South Commons Recreation Complex. See Photo South Commons 1.	502	23	Create a minimum of one van accessible space at each of the ballfields (3) and playground (1) as follows: stripe and designate a van accessible parking space with van accessible signage. The van space s/b at a width of 8' with a 8' access aisle; signage must be set such that the signage height should be a minimum of 60" high at the bottom (2010 ADAAG Standards) and a maximum of 96" at the top (MAAB 521 CMR) and located no more than 10' in front of the space; slopes should not exceed 2% in any direction.	1	3	N	Up to \$1,200

<u>Accessible Route</u> No accessible route exists to the playground, baseball fields, soccer fields, baseball player seating, bleachers, benches, picnic tables, gazebo, storage buildings, concession stands, and drinking fountain. None of the picnic tables at the gazebo provide adequate knee clearance and the benches lack a level wheelchair area. See Photos South Commons 2, 3, and 4.	402 403 303 226.1 902 221.2 802.1	14.0 19.0 20.0 22.4	An accessible route of travel needs to be provided to all areas available to the public. Construct an accessible route compliant with width (48" per 521 CMR) and slope (2% max. cross, 5% max. running) requirements. Construction options include compacted stone dust, asphalt or similar surfaces that meet the requirement of stable, firm, and slip resistant with no abrupt changes in level surface. Costs will vary depending on material used.	1	3	L	Varies \$40,000 to \$105,000
<u>Bleachers</u> There are a number of older wooden bleachers located at the ballfields which are not accessible. The existing stairs to each bleacher have partially open risers and railings that do not extend the length of one tread and 12" parallel to the ground at the base. The riser heights exceed that allowed, up to 7½" in one circumstance. Under the 2010 ADA Standards, wheelchair access and wheelchair spaces are to be provided at each separate viewing/seating area and dispersed or integrated. See Photo South Commons 5.	221 802 504 505.10	14 19 27.2 27.4	As the current old, wooden bleachers are non-compliant and apparently not safe, it is recommended that the bleachers be replaced with ADA Compliant bleachers. See Photo 6 Example of Compliant Bleacher. At a minimum there should be level wheelchair viewing areas at the bleacher seating that is on an accessible route of travel. The space should be 36" wide x 60" deep per wheelchair. If a front/rear approach, the depth can be reduced to 48" as opposed to 60" for a side approach. Handrail extensions on all stairs such s/b provided such that the bottom railing is a distance of one tread and then 12" parallel to the ground. All stair tread risers should be enclosed, uniform, and not to exceed a height of 7".	2	3	N	Up to \$20,000
<u>Playground</u> No accessible route exists to and within the playground area to the play structures, picnic tables, and benches. No accessible route exists around the perimeter of the play area. There are no accessible play components. Non-compliant woodchips is the sole surface treatment for the play area. None of the picnic tables provide compliant knee clearance. See Photos South Commons 7 and 8.	402 1008.2 226.1 902	14 19 20	Construct an accessible route compliant with width and slope (2% cross, 5% running) requirements to and around the perimeter of the play area (4' wide minimum) and to the play structure elements. The accessible route must be stable, firm, and slip resistant. Construction options include compacted stone dust, asphalt, concrete, poured in place products, etc. Costs will vary depending on product used. "Fully accessible" playscape and ground components should also be considered. Play area ground surfaces must comply with ASTM F 1951 and ASTM F 1292. Create an approach and wheelchair companion area at the benches. Spaces should be 36" wide x 60" deep per wheelchair. If paired, spaces can be reduced to 33" in width. If a front/rear approach, the depth can be reduced to 48" as opposed to 60" for a side approach. At least 5% or at least one picnic table must be accessible. Replace one existing table or provide an additional one which has a table surface of between 28" to 34" a.f.f. to the top surface with at least 27" knee clearance, 30" clear width, and 19" depth.	1	3	L	Up to \$125,000
<u>Concession Stands (2) and Storage Buildings (3)</u> The concession stands and storage buildings have a 6" to 9" rise to access the interior of the building and the service counter at the Field 1 concession stand. The concession stands have counters that are 2" to 14" too high. Buildings have non-compliant door hardware. See Photos South Commons 9 and 10.	904 206.2 404.2	20 26.11 35.6	Modify the concession counters so they are 36" wide and no higher than 34" a.f.f. Construct an accessible route of travel or ramp (no > 8.3 running slope with compliant railings and a level landing/platform at the top) to the concession stands and buildings. Replace knob-style hardware where required with door hardware that is easy to operate with one hand and that does not require tight grasping, tight pinching of the wrist to operate.	4	3	L	Up to \$50,000

Gazebo There is no accessible route (vertical access) to the gazebo. The stairs lack railings and the tread nosings are abrupt and not beveled. See Photos South Commons 11 and 12.	206.2	20 14	An earthen accessible route (maximum 5.0% running slope) or a ramp with compliant slopes (no greater than 2.0% c.s and 8.3% r.s.); railings (paired 34" to 38" a.f.f. and 18" to 20" a.f.f. to the top of the railings); top and bottom 12" railing extensions; minimum 48" clear width between railings (521 CMR); a level landing; and edge protection as needed must be provided.	2	3	N	Up to \$35,000
	504 505	27.0	Modify stair treads to eliminate abrupt underside. Install railings Provide railings on both sides of the stairs which are circular in x-section and 1¼" – 2" in outside diameter; between 34" – 38" a.f.f. to the top of the handrails; and with extensions at the top 12" parallel to the floor and the slope distance of one tread, then 12" parallel to the ground at the bottom.				
Drinking Fountain The operating force of the drinking fountain controls 7 lbs. and 10 lbs.	309.4	36.5	Adjust the controls so the operating forces do not exceed 5 lbs.	4	3	L	\$0

Estimated Total Cost: Up to \$316,200

South Commons Recreation Complex Assessment Photos



Photo South Commons 1



Photo South Commons 2



Photo South Commons 3



Photo South Commons 4



Photo South Commons 5

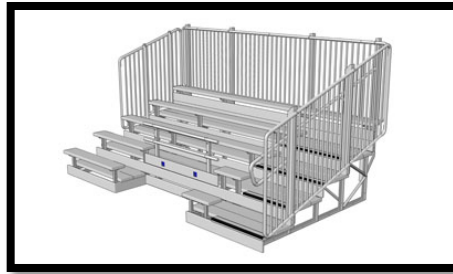


Photo 6 Example of Compliant Bleacher



Photo South Commons 7



Photo South Commons 8



Photo South Commons 9



Photo South Commons 10



Photo South Commons 11



Photo South Commons 12

BERLIN SIDEWALKS AND CURB RAMPS

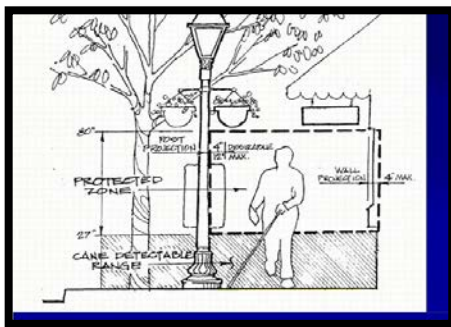
Description of Assessment Area: The assessment of public sidewalks, curb ramps, and crosswalks within the town focused on the Town Center area including portions of South Street, Linden Street, Woodward Avenue, Central Street, Carter Street, and Walnut Street. However, the standards as described below and related requirements applies to all sidewalks and curb ramps in the Town of Berlin.

Regulatory Compliance: Sidewalks and curb ramps must adhere to the rules and regulations of the Massachusetts Architectural Access Board as provided in 521 CMR, and the requirements of the Americans with Disabilities Act as provided for in the regulations of the United States Access Board and as required by the United States Department of Transportation, Federal Highway Administration. These federal requirements are principally listed in the 2010 Americans with Disabilities Act Accessibility Guidelines (“ADAAG”) and the Public Right of Way Accessibility Guidelines (“PROWAG”). In addition, in March 2012, the Massachusetts Department of Transportation issued *“Notes on Walks and Wheelchair Ramps for Designers and Construction Engineers”* to be used as further guidance on this matter. These notes are a supplement to and not a replacement for the 521 CMR, PROWAG, and ADAAG Regulations.

General Standards for Compliance: In summary, the guidance and regulations under the 2010 ADAAG, PROWAG, 521 CMR, and MA DOT Notes on Sidewalks and Ramps are as follows:

Sidewalks

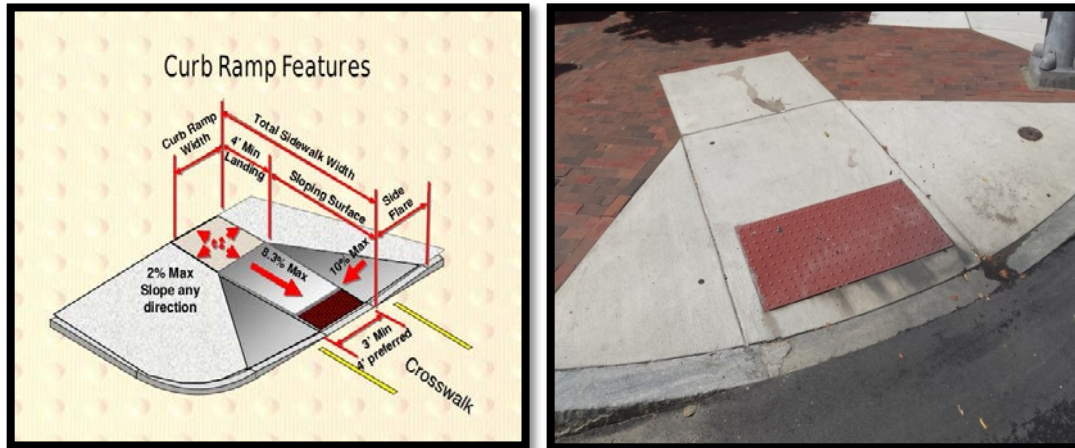
- A minimum of a 4 feet wide sidewalk (excluding the curb) with a 3 feet minimum unobstructed width. If the sidewalk is not 5 feet wide, then a 5 feet by 5 feet level passing space should be provided every 200'. Citation: ADAAG S. 403.5; 521 CMR S. 22.2; PROWAG.
- If the slope of the natural topography exceeds 1:20 (5%), a ramp is not required for a sidewalk. Citation: ADAAG S. 403.3; 521 CMR S. 22.3; PROWAG.
- The finished cross slope of any walkway or sidewalk should not exceed 1:50 (2.0%). Citation: ADAAG S. 403.3; 521 CMR S. 22; PROWAG.
- Walkway and sidewalk surfaces shall be firm, stable, and slip resistant. Openings in the route of travel (grates, etc.) can be no more than ½” wide. The “long” opening should be perpendicular to the route of travel. There shall be no abrupt changes in level surface of more than ¼”, unless beveled up to ½”. Citation: ADAAG S. 403, 302; 521 CMR S. 22.4, 22.5, 22.7; PROWAG.
- Objects between 27” and 80” above the finish surface may not protrude more than 4” into the entire pedestrian circulation route. Citation: ADAAG S. 204; 521 CMR S. 20.6; PROWAG.
- All sidewalks/accessible routes of travel must be maintained and kept in a good quality condition including being kept free of snow and ice or other debris which would restrict access.



Curb Ramps

- Whenever sidewalks, walkways, or curbs on streets and ways are constructed, reconstructed, or repaired, curb cuts are required. Citation: ADAAG S. 406; 521 CMR S. 21.1; PROWAG.
- Curb cuts shall occur whenever an accessible route crosses a curb. Citation: ADAAG S. 405, 406; 521 CMR S. 21; PROWAG.
- Curb cuts are required at each corner of an intersection and typically are perpendicular to the street. Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.
- Curb cut wheelchair ramps should be placed within the general pedestrian flow to the greatest degree possible, to provide pedestrians the safety to see and be seen before crossing the street. Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.
- Paired reciprocal curb cut wheelchair ramps are preferred, however, apex ramps serving two directions may be used when intersection geometry precludes the use of paired ramps. The crosswalk should lead directly to the adjoining curb cut wheel chair ramp and sidewalk and not terminate in the roadway, a parking lot, or other area that is not part of the defined pedestrian flow. Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.
- The maximum running slope of a curb ramp shall be 1:12 (8.3%). Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.
- The maximum cross slope of a curb ramp shall be 1:50 (2%). Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.
- The maximum slope of a flared side shall be 1:10 (10%). Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.
- The minimum width of a curb ramp shall be 36 inches under ADAAG and 521 CMR but 48 inches under PROWAG, exclusive of flared sides. Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.
- Transitions from curb cuts to walks, gutters, or streets shall be flush or free of changes in level greater than $\frac{1}{4}$ " or between $\frac{1}{4}$ " and $\frac{1}{2}$ " if beveled. Citation: ADAAG S. 303, 403; 521 CMR S. 21; PROWAG.
- Grading and drainage shall be designed to minimize pooling of water, accumulation of debris, accumulation of ice or flow of water across the base of the curb cut. Citation: 521 CMR S. 21; PROWAG.
- A level landing (no more than 2.0% in all directions) at the top of the curb ramp is required. The level landing or turning area should be 4 feet deep by the width of the ramp at the curb line (minimum 3 feet, 5 feet preferred). The preferred level landing dimension, as feasible, is 5 feet x 5 feet. Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.
- Diagonal or corner type curb ramps with returned curbs or other well-defined edges shall have the edges parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have a clear space 48 inches minimum outside active traffic lanes of the roadway. Diagonal curb ramps provided at marked crossings shall provide the 48 inches minimum clear space within the markings. Diagonal curb ramps with flared sides shall have a segment of curb 24 inches long minimum located on each side of the curb ramp and within the marked crossing. Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.
- Detectable warnings with truncated domes are required at all street crossings under PROWAG. Citation: PROWAG.

- Fixed objects shall not be placed in any part of a wheelchair ramp. Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG.
- Catch basins should be located immediately upgrade at the wheelchair ramp entrance. Citation: ADAAG S. 406; 521 CMR S. 21; PROWAG
- Accessible pedestrian signals should provide both visual and audible information. The push button face should be parallel to the sidewalk and mounted within reach range (15 inches to 48 inches above finish ground). The side reach should be within 10 inches and there should be no forward reach obstruction. The button must be operable with a closed fist with no more than 5 lbs. of pressure to operate. The push button location should be between 1½ feet and 6 feet from the edge of the curb, shoulder, or pavement and no more than 5 feet from the crosswalk. Citation: PROWAG; 521 CMR S. 21.



Responsible Party: Highway Department and Board of Selectmen

General Description or Obstacle Which Limits Mobility or Access:

South Street near Linden Street Intersection

Comment: The sidewalk near the Linden Street intersection is in fair to poor condition with heaving, unlevel, and deteriorated conditions. There is a cross slope of 13.5% (maximum 2.0% allowed) near the intersection. A catch basin is in the middle of the sidewalk with a 12.5% cross slope. The cross slope approaching the intersection continues to up to 7.1%. **See Photos Sidewalks 1 and 2.**

Linden Street/West Street Crosswalk and Curb Ramps

Comment: The curb ramp does not meet ADA/521 CMR standards and lacks detectable warning strips.

See Photo Sidewalks 3.

Linden Street Sidewalk

Comment: The sidewalk has heaving and “gullies” near the driveway of house #15. The drain manhole cover on the town office side is a 1” abrupt change in level surface. There is no detectable warning strip or a level landing at the curb ramp at the town office building. **See Photo Sidewalk 4.**

Woodward Avenue/Central Street

Comment: There are no detectable warning strips (2) at Woodward Avenue. There is heaving on one side, there is no curb ramp on one side of the cross walk (curbing only) and no formal curb ramp on Woodward Avenue. **See Photos Sidewalk 5 and 6.**

Central Street

Comment: There are no detectable warning strips and no formal curb ramp near the cemetery.

Near 19 Carter Street

Comment: There are no detectable warning strips on either side, no formal curb ramps, and one side (crosswalk/curb ramp) empties partially into the street.

Walnut Street/Carter Street near Library

There are no detectable warning strips Woodward Avenue (1), Carter Street (2). There is no level landing on the library side. The crosswalk lacks formal curb ramps with detectable warning strips. The curb ramp/accessible route to the library has a running slope of 13.6%. There are no detectable warning strips on either side and there is an abrupt change in level surface of 1" on the library side. [See Photos Sidewalk 7 and 8.](#)

Central Street/Carter Street

The crosswalk across Carter Street lacks a detectable warning strip on one side and terminates in a grass lawn. The crosswalk across Central Street to # 19 Central ends at a granite curbing on one side with no level landing on the opposite side. [See Photo Sidewalk 9.](#)

Benches

The 4 benches at Carter/Central Streets lack adjacent wheelchair level space. The relocation of the trash receptacle between the 2 benches on Carter Street would provide the required width and depth for a wheelchair space. [See Photo Sidewalk 10.](#)

Estimated Cost for Modifications:

Depending on the extent and type of improvements undertaken, the costs could approach in excess of \$75,000. This would include the installation of detectable warning strips, reconstruction of non-compliant curb ramps (excessive running slopes, lack of level landings), removal of abrupt changes in level surfaces, and reconstruction of segments of sidewalk.

Berlin Sidewalk and Curb Ramp Assessment Photos



Photo Sidewalk 1



Photo Sidewalk 2



Photo Sidewalk 3



Photo Sidewalk 4



Photo Sidewalk 5



Photo Sidewalk 6



Photo Sidewalk 7



Photo Sidewalk 8



Photo Sidewalk 9



Photo Sidewalk 10

X. Appendices

Appendix A: Self Evaluation Survey

Appendix B: Grievance Procedure

Appendix C: Sample Reasonable Accommodation Policy

Appendix D: Sample Reasonable Accommodation Policy Form

Appendix E: Public Notice

Appendix A: Self Evaluation Survey

Berlin Self-evaluation Survey

Department/Board/Commission: _____

1. Location of department/program (name of building, floor level, street address):

2. Describe the function of the department and any programs it offers or services that it provides.

3. Are there any circumstances in which the participation of a person with a disability in any program or service offered by your department would be restricted or excluded?

4. Are any of these exclusions or restrictions necessary to the operation of the program/department or to the safety of non-disabled persons?

5. Are staff aware it may be necessary to modify program policies or practices to enable people with disabilities to participate in and benefit from the programs?
6. Is the public informed that these programs/services are prepared to make reasonable modifications?
7. Does the department/program have a formal or informal process for responding to requests for modifications?
8. Briefly describe general office/service communications. Specifically, how is information disseminated and communicated? Are there assistive devices or auxilliary aids (ie. TTY, TDD, sign language interpreter) which are used or available?

9. Are there any circumstances in which a person with a disability would be asked to pay a fee or meet any other requirements not imposed on other program/service participants? If yes, describe.

10. Does the program/service provide any separate activities for people with disabilities? If yes, describe.

11. Are there any circumstances in which a person with a disability would be prohibited from participating in regular activities because of the provision of separate activities?

12. Employment Practices.

a. Please list the number of full- and part-time employees.

- b. Has any of these staff declared a disability? If yes, describe.
- c. Have you been asked to provide a reasonable accommodation? If so, please describe the request and what accommodation was provided.
- d. Are there any required formal tests as a condition of employment? If yes, describe.
- e. Do any of the positions have formal job descriptions? If so, state which position and attach a copy of the job description as well as a sample job ad.

Appendix B: Grievance Procedure



TOWN OF BERLIN, MASSACHUSETTS AMERICANS WITH DISABILITIES ACT GRIEVANCEPROCEDURE

Section 1: In accordance with the Americans with Disabilities Act (ADA), The Town of Berlin may not discriminate on the basis of disability against any qualified individual with a disability in the services, programs or activities it provides, in accessibility to public meetings and in its employment practices.

Section 2: In the event that a person with a disability believes he/she has been discriminated against, a complaint may be filed, using the following format:

- a. Complaint shall be in writing, signed by the Complainant or an authorized representative.
- b. Complainant shall include Complainant's name, address and telephone, or alternative method of contact.
- c. Complaint shall identify the Town Department, employee, officer or agency committing the alleged discriminatory action.
- d. Complaint shall describe, in detail, the alleged discriminatory action.

Section 3: The Complaint shall be submitted, within thirty (30) days of the alleged discriminatory action, or knowledge thereof, to the appropriate ADA Coordinator:

Town of Berlin – Office of the Town Administrator
Attn: ADA Coordinator
23 Linden Street
Berlin, MA 01503

Note: Complaints should be submitted in writing, via email, or by completing the website complaint form and will be promptly addressed. If you prefer to use an alternative format such as Braille or a telephone interview, please contact the ADA Coordinator at

(978) 310-5919 or at townadmin@townofberlin.com to ensure that the Town can accommodate the format of your choice.

Section 4: The Coordinator shall contact and/or meet with the Complainant within fifteen(15) calendar days to discuss the nature of the Complaint and to request/obtain clarifying information from the Complainant.

Section 5: The Town's designated ADA Coordinator ("Coordinator") shall investigate the Complaint and meet with the appropriate board, official or employee(s), to resolve the Complaint. Within fifteen (15) calendar days after such meeting, the Coordinator shall inform the Complainant of the resolution. This communication shall explain the position of the Town of Berlin and offer options for resolution. A copy of this correspondence shall be provided to the Town Administrator and the Town's Commission on Disabilities.

Section 6: If the response given by the Coordinator does not satisfactorily address the issue, the Complainant may within fifteen (15) days of the receipt of the response file a request to appeal the decision of the Coordinator to the Town Administrator or his/her designee.

Section 7: The Town or his/her designee will contact or meet with the Complainant to discuss the appeal within fifteen (15) calendar days of receipt of the appeal.

Section 8: The Town Administrator or his/her designee shall appeal to the appeal in writing or alternative format as appropriate within fifteen (15) calendar days of the appeal contact or meeting with a final resolution of the complaint. A copy of this correspondence and the original request to appeal will be sent to the Massachusetts Commission on Disabilities.

Section 9: All complaints alleging discrimination on the basis of a disability received by the ADA Coordinator, appeals to the Town Administrator or his/her designee, and responses from the ADA Coordinator, Town Administrator or his/her designee will be retained by the Town of BERLIN for a minimum of three (3) years.

Section 10: Nothing in this Grievance Procedure shall preclude the Complainant from filing a complaint with: any appropriate state or federal agencies, or by the filing of a lawsuit in Federal Court.

Adopted by the Board of Selectmen on: August 19, 2019

Amended on: _____

Town of Berlin

Reasonable Accommodation Policy

In accordance with the Americans with Disabilities Act, the Town of Berlin has adopted the following policy to address requests for reasonable accommodations made by people with disabilities in its employment, services, activities, policies, procedures, rules, and regulations.

Citizens, employees or applicants for employment of the Town of Berlin with qualified disabilities should address any requests for accommodation to the Town's ADA Coordinator using the "*Reasonable Accommodation Request Form*" available on the town's website or from the Office of the Administrative Coordinator or Selectboard.

Written requests should be sent to: (Note: Alternative means of filing a request such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing).

ADA Coordinator

c/o Town Administrator's Office
Berlin Town Offices – 23 Linden Street
Berlin, MA 01503

Phone: 978-310-5919

If the Town of Berlin can grant the accommodation, the requestor will be notified within two weeks of receipt of the request and no further action will be required by the requestor. The request will then be implemented by the appropriate Town Department.

If the Town of Berlin cannot grant the accommodation request, the requestor will be notified in writing of the decision, along with notification of the right to file a grievance under the Town's Grievance Procedure.

TOWN OF BERLIN

REQUEST FOR REASONABLE ACCOMMODATION FORM

The Town requests the completion of this form to assist it in assessing your request for a reasonable accommodation. This initial information will be part of an interactive process with you as we explore your request. This form will be kept separate from your personnel file. The responses may generate the need for additional medical information.

TO BE COMPLETED BY REQUESTOR

Print Name_____

Date_____

Phone (work)_____

Personal_____

Dept/Div_____

Job Title_____

☐ City Employee

☐ Applicant for Employment

☐ Other (please explain) _____

A. What limitation(s) is interfering with your job application process?

B. How does your limitation(s) interfere with your ability to participate in your job application process?

C. Describe any suggested accommodation(s) that you believe will assist you in addressing the above-referenced limitation(s):

D. Explain how the requested accommodations(s) will assist you:

E. If applicable, identify the source and/or cost (if known) for providing the accommodation(s):

EMPLOYEE

F. What limitation(s) is interfering with your job performance or accessing a benefit of employment?

G. What job function(s) or benefit(s) of employment are you having difficulty performing or accessing because of that limitation(s)?

H. How does your limitation(s) interfere with your ability to perform your job function(s) or access a benefit of employment?

- I. Describe any suggested accommodation(s) that you believe will assist you in addressing the above-referenced limitation(s):

- J. If applicable, identify the source and/or cost (if known) for providing the accommodation(s):

Requestor's Signature_____

Date_____

**RETURN THIS FORM TO THE
BERLIN ADA COORDINATOR**



Notice of Rights

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Berlin will not discriminate against qualified individuals with disabilities on the basis of a disability in its services, programs, or activities. The Town also does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Modifications to Policies and Procedures: The Town will make all reasonable modifications to policies and programs to ensure that persons with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Equal Access to Public Meetings: All Town-sponsored public meetings and hearings must be held in locations that are accessible to persons with disabilities, including persons who use wheelchairs.

Effective Communication: Persons with disabilities who need either: (1) auxiliary aids and services for effective communication, or (2) written materials in alternative formats, or (3) reasonable modifications in policies and procedures, in order to access programs and activities of the Town of Berlin, are invited to make their needs known to program staff or to the Town's ADA Coordinator. Requests should be made as soon as possible but no later than fourteen (14) days before a scheduled event.

The Town will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Questions, or requests for additional information may be sent to:

Town of Berlin – Officer of the Town
Administrator Attn: ADA Coordinator
23 Linden Street
Berlin, MA 01503

Phone: 978-310-5919

Fax: 978-838-0014

Email: townadmin@townofberlin.com

This notice is provided as required by Title II of the Americans with Disabilities Act (ADA) and by Section 504 of the Rehabilitation Act of 1973. This Notice is available in alternative formats from the ADA Coordinator and is posted in Town buildings and on the Town's website at: www.townofberlin.com.

Adopted by the Board of Selectmen on: August 19,
2019 Amended on: _____