

SPECIAL SELECTBOARD MEETING

July 22, 2019

Adopted 8/12/2019

PRESENT: Board Members Jason DiGiulio and Ann Lawless; Julia Torti and Patrick Fraser from the Vermont Department of Justice, US District Attorney's Office, District of Vermont; Carol Rossi, Administrative Assistant.

The meeting was called to order at 10:32 am by Jason DiGiulio.

Ms. Torti explained that one aspect of her position is to enforce civil rights laws and in this case, ADA (Americans with Disability Act) regulations. Patrick Fraser, who is contracted to work for the Civil Rights Program office, conducted the initial investigation.

Ms. Torti explained that the role of her office is to resolve matters that arise from a complaint of non-compliance by working with the Selectboard to reach a mutually agreeable solution. If the Department of Justice and the Selectboard are not able to reach a mutually agreeable solution to the matter, the Department of Justice will file a lawsuit against the Town.

Ms. Torti distributed a handout that included excerpts from sections of the ADA law that related to the prohibition against discrimination, the requirement that public entities make all services and activities accessible to persons with disabilities, a description of different methods for meeting requirements, the statement that changes were required to be completed by January 26, 1992 and a list of the priorities for removal of barriers. (Attached Document A)

Ms. Torti cited the following two Settlement Agreements as a resource for Wheelock:
Burlington, VT (2002) Settlement Agreement – <http://www.ada.gov/burlngvt.htm>
Poestenkill, NY (2013) Settlement Agreement – <http://www.ada.gov/Poestenkill-pca/Poestenkill-sa.htm>

She also recommended the internet site '*Project Civic Access.*'

Ms. Torti stated that there is no provision in the law for older, historic buildings to be 'grandfathered' or exempted from the requirements. All public buildings and activities must be brought into compliance with the requirements of the Americans with Disabilities Act.

The decision has already been made that the Department of Justice will not be asking Wheelock to enter into a comprehensive ADA agreement. This decision was made after consideration of the size of the town, the town's budget and demographic characteristics.

The decision was made that the goal for the Department of Justice is to help the Town Hall meet accessibility requirements. The Department of Justice would like to reach an agreement with the Selectboard that addresses the needed changes in three steps. The first step is to address changes that do not cost money. The second step is to address changes that the town has the

financing to address at this time. The third step is to address the medium to large scale changes required.

Ann Lawless shared a summary of initiatives that have been taken and her involvement with the project beginning as Chairperson of the Town Hall Committee that brought forward the 2006 proposal. In the past year, she has worked as a member of the Selectboard and served an instrumental role in the formation of a new community organization with the goal of helping citizens get to know and trust each other. Following the passage of a bond initiative to fund the purchase of the Burrington property for a town garage, she and board members have spent a considerable amount of time exploring factors related to the property which is in a flood zone. Ms. Lawless submitted an application for a design charrette that would have involved a panel of architects reviewing and helping evaluate all the proposals submitted over the years to address the town's facilities needs. Unfortunately, Wheelock was not selected for participation. The Selectboard has also received an agreement from the Vermont Council for Rural Development to facilitate two community meetings in January and February. The goal of these meetings is to help the community move forward and reach solutions to the problems related to facilities.

Jason DiGiulo spoke about the divisions in the town and the proposals supported by different factions. The goal of the meetings facilitated by the Council for Rural Development is to bring a broad swath of the town together.

In response to a question about how the regulations would apply if the town clerk's office was moved, Ms. Torti responded that the standard of the regulations is program and service accessibility. All persons must be able to attend meetings, receive services, and participate in all activities. The usual way to comply with regulations is through architectural changes. Another way to comply may be through programmatic changes. She gave the example of a town reaching an agreement with a nearby business for use of their accessible bathroom when needed. Ms. Torti stated that the town does have the right to submit a statement that they are unable to comply because of the burden it would impose on the town, however, she was unaware of any town being granted a waiver through this process.

The priorities for the removal of barriers were reviewed. The first priority is for access to the facility. Measures to address access include the installation of ramps, accessible parking, the widening of entrances. The second priority is access to goods and services. Measures to address access include counters at accessible height, widening of doors, providing Braille and raised character signage. In the Wheelock Town Hall, a LULA would be required for access to the basement offices. The third priority is access to restroom facilities. The fourth priority is any other measures necessary to provide access.

Ms. Torti asked for an explanation of Wheelock's budgeting and spending procedures. The 2019 budget included \$6500 for repair and maintenance of the Town Hall. Approximately \$2500 remains to be spent. A Town Meeting and vote of the citizens is required for expenses that will be paid off in 5 years or less. Any borrowing that will not be paid off in 5 years or less requires an Australian ballot bond vote.

A walk through of the building was conducted. Ms. Torti provided a written list of the violations that need to be corrected. (Attachment B) It was noted that the two violations in the clerk's office related to width of pathway and counter height have already been corrected.

Board members Jason DiGiulio and Ann Lawless discussed possible options related to the Town Hall. Dr. DiGiulio stated that he would like to see the stage removed and a bathroom and clerk's office moved into that area. The clerk would have to access the vault in the basement. Ms. Lawless stated that townspeople have expressed the need for space and she was concerned about losing the open stage area. She explained the position of the committee that the design enhance the use of the building for the whole community. Ms. Lawless said she was interested in investing in the building in a way that made it as fully functional as possible.

Ms. Torti stated that the decision about significant changes would be the final step for the town. In the short term, she asked that the town address the following:

- Post notices stating who to contact for accommodations
- Raise the height of the scone on the ramp or replace it with a shallower one
- Install doorknobs to ADA regulations
- Curve or bevel the under edge of the nosing on the stairs
- Level the handicap parking space and institute procedures to keep it open year round
- Install handrails on both sides of all stairwells to regulation

The Selectboard agreed to submit a statement of their agreement on short and medium term efforts to address the problems by October 18, 2019. Given that the community meetings facilitated by Rural Community Development are scheduled for January and February, the Town has until Town Meeting to submit a plan for the long term, significant changes needed to address compliance.

Minutes submitted by: Carol Rossi

SELECTBOARD

Jason DiGiulio

Ann Lawless

DATED: August 12, 2019