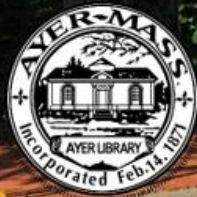


Town of Ayer (2021)

ADA Self-Evaluation & Transition Plan



*Prepared by
Ayer Office of Community & Economic Development (AOCED) &
Montachusett Regional Planning Commission (MRPC)*

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Executive Summary – Part A

Evaluation of Ayer Municipal Non-Discriminatory Policies & Practices in Programs, Services & Activities

Introduction

The Town of Ayer Massachusetts is undertaking a comprehensive assessment of its municipal principles, policies, practices, and procedures, as well as its facilities, to better understand and determine compliance with the requirements of the Americans with Disabilities Act (ADA). The evaluation and recommendations provided in the updated Town of Ayer ADA Self-Evaluation & Transition Plan are inclusive of both a built-form/architectural ADA compliance assessment section, as well as, recommendations which would result in greater awareness and measurable improvements to current policies and daily practices that would result in more accessible, aware, inclusive, and accommodating programs, services and activities for the residents, visitors, employees, and customers within the Town of Ayer.

The approach to improved municipal ADA compliance through corrective action includes recommendations based on Title II of the ADA, as well as, recommended ‘best practices’ for each aspect requiring such corrective action. The assessment includes non-discrimination in policies, practices and procedures for all Town of Ayer municipal programs, services, and activities, including those related to effective communication and policies, practices, and procedures relative to full-public accessibility/engagement, as well as, to municipal employment.

Compliance-based corrective action is strongly recommended for the review, formulation/re-formulation, and deployment of municipal ADA policies and procedures to develop, formulate, and deploy written policies ensuring the Town of Ayer’s compliance with applicable laws. Of increasing importance, the Town will require a clear organizational commitment to providing a more accessible municipal website to address the various issues identified in the assessment process. A more completely accessible municipal website would expand the functional availability for Town of Ayer site visitors who require the use of assistive technology such as screen readers, as well as, for website visitors living with a range of other functional limitations. The municipal website also serves as a most effective tool/platform in communicating the Town of Ayer’s commitment to equal opportunity for people with disabilities through a clear statement of purpose and contact information for the municipal ADA Coordinator. Also, to improve information sharing on how best to easily access and connect with the full range of municipal programs, services and activities including public meetings, as well as, requesting enhanced municipal communication platforms and/or municipal ADA policy modification.

This report summarizes findings of ADA Title II compliance. The content and data which informs and populates the Town of Ayer Self-Evaluation & Transition Plan was gathered through an on-line municipal inter-departmental survey document, face-to-face municipal department head interviews, interviews/review forums with the newly appointed members of the Ayer Commission on Disabilities, an on-line general public survey document, a Public Review/Input Forum, an Ayer Select Board presentation, the municipal website, and the Town of Ayer's Personnel Manual. This diverse mix of sources constitutes the basis for this ADA compliance Self-Evaluation process. The Town of Ayer acknowledges a comprehensive understanding of its civic and legal obligations under Title II of the ADA however, additional steps are necessary to ensure that persons with disabilities enjoy equal opportunities to participate in its programs, services and activities as those Ayer residents, visitors, employees, and customers living without disabilities.

Executive Summary – Part B

Evaluation of Ayer Municipal Public Facilities for ADA Title II Compliance

Introduction

In Spring 2020, the Town of Ayer contracted with the Montachusett Regional Planning Commission (MRPC) through the Commonwealth of Massachusetts' District Local Technical Assistance (DLTA) Program for a comprehensive evaluation of municipal public facilities' compliance under Title II of the American Disabilities Act (ADA), which prohibits discrimination on the basis of disability. Specifically, Title II requires that:

No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity [35 CFR Part 35.130 (a)].

MRPC assessed all Town-owned facilities to determine their accessibility to people with disabilities. Like many communities in Massachusetts, the Town of Ayer is faced with municipal buildings and facilities that may pose obstacles to residents with disabilities. The cost and work that is required to remove these barriers and bring them into compliance can be overwhelming for many communities. This ADA Self-Evaluation and accompanying recommendations makes this daunting task a bit easier by identifying the issues, prioritizing them, and sorting out the high-cost actions from the simpler, less expensive tasks.

Americans With Disabilities Act

Title II of the ADA sets administrative requirements on state and local governments, and requires that all Town programs, services, and activities be accessible to people with disabilities.

Background

Signed on July 26, 1990, the Americans with Disabilities Act (ADA) was the world's first comprehensive civil rights law for people with disabilities.

President George H. W. Bush signed the Americans with Disabilities Act (ADA) in a ceremony on the South Lawn of the White House. He was surrounded by Evan Kemp, Chairman of the Equal Employment Opportunity Commission, Justin Dart, Chairman of the President's Committee on Employment of People with Disabilities; Rev. Harold Wilke, and Swift Parrino, Chairperson, National Council on Disability.

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. 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 numerous 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:

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 Ayer is bound specifically by Titles I and II.

There is a basic process for complying with the Americans with Disabilities Act:

- Reviewing & understanding the requirements of the ADA and how it applies to a municipal facility, policy, program, service, etc.
- Conducting an inspection survey to identify physical & policy/programmatic barriers.

- Producing a list of proposed modifications for barrier removal, including changes to municipal policies, facilities, and cost estimates.
- Mitigation/Removal of identified existing municipal barriers.

Discrimination on the basis of disability in all services, programs, and activities provided by small local governments (*ex. towns*) is prohibited by the ADA. An equal opportunity to participate in and benefit from a town's services, programs, and activities must be provided to persons with disabilities. The ADA sets requirements for municipal facilities, for new construction and alterations, communication with the public and policies/procedures governing municipal programs, services, and activities to achieve the required town ADA goals. All municipalities must perform a Self-Evaluation of its policies, practices, programs, procedures, services, 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) Designation of an individual to coordinate municipal ADA compliance.
- 2) Development of a municipal Transition Plan.
- 3) Development of a municipal 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. 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 Title II and Title 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 municipal 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 (*ex. 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.

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 (*ex. 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 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 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.
- Providing the program, service, or activity in another manner that meets ADA requirements.
- Undertaking modifications to the building or facility itself to provide accessibility.

Thus, to achieve program accessibility, a small municipality 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 municipal facilities.

Effective Communication

Local municipal 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 persons with disabilities.

The ADA protects three classes of people with disabilities:

- Those who have a disability.
- Those who have a record of having a disability.
- 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 Ayer 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.
- Relocation of a program or service to a different building or facility.
- Providing short-term or intermediate modifications to ensure program access until a permanent or structural solution is achieved.

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 Vote America 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.

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.

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 based upon 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.

ADA SELF-EVALUATION

All municipalities must perform a Self-Evaluation of its policies, practices, programs, procedures, services, 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 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) Designation of an individual to coordinate ADA compliance
- 2) Development of a Transition Plan
- 3) 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 the full range 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
- 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 municipalities 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 of those Ayer municipal departments which offer programs or provides services to the general public was issued and completed. The Town of Ayer municipal department Survey Monkey Form (*See Attachment A*) was distributed to all departments identified as either providing a service or program to town residents, customers, visitors, users, etc. Information from each survey response, along with supplemental department information was fully integrated into the formulation and production process of the Town of Ayer ADA Self-Evaluation document. Combined with the municipal building and facilities Structural Inspection/Assessment by the Montachusett Regional Planning Commission (MRPC) and associated policy recommendations, a manageable Accessibility Compliance Plan for the Town of Ayer is effectively advanced and prospectively achieved.

- Municipal Dept. Survey Monkey Form (*Attachment A*)
- General Public Survey Monkey Form (*Attachment B*)
- Template "ADA Municipal Reasonable Accommodation Policy" (*Attachment C*)
- Template "ADA Municipal Reasonable Accommodation Policy Request Form" (*Attachment D*)

Commission on Disability (MGL C40 s8J)

Massachusetts General Law Chapter 40 Section 8J gives municipalities the authority to establish commissions.

The function of a municipal Commission on Disabilities 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 (5) and no more than nine (9) members chosen by the Select Board or Town Manager/Administrator (*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

Following a period of in-activity the Town of Ayer Commission on Disabilities has been fully re-engaged and re-constituted with four (4) new commission appointees, including two (2) Ayer residents that are practicing private sector ADA Compliance professionals.

The municipal Commission on Disabilities will be required escalate its direct and active involvement and partnership with various municipal boards, commissions, departments, local event organizers, etc.; especially establishing a renewed strong working relationship with the municipal ADA Coordinator.

The recently re-established Town of Ayer Commission on Disabilities should have a more pronounced presence on the municipal website and the Ayer Commission on Disabilities webpage should be substantially enhanced and more fully populated with content, resources, connectivity, awareness, etc.

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

The role of the municipal 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.

Effective and beneficial municipal compliance with the intent of the ADA requires the municipal ADA Coordinator be actively engaged in performing his or her duties. The duties and obligations of the municipal ADA Coordinator go well beyond serving as the decision-making authority under the Town of Ayer'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, ensuring 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

Town Manager, Robert A. Pontbriand serves as the municipal ADA Coordinator through an Ayer Select Board vote and confirmation on 9/11/2018. Identification of Town Manager Pontbriand as the municipal ADA Coordinator is located on the Office of the Town Manager page of the municipal website under the "Americans with Disabilities Act" tab and then "ADA Coordinator Designation Form".

All submitted municipal department ADA Survey Monkey Forms accurately responded to the survey question, "Do you know who is the designated ADA Coordinator for the Town of Ayer?" – with the response Town Manager Robert Pontbriand. This (100%) internal municipal department knowledge of the Town Manager as ADA Coordinator is noteworthy and evidences the Ayer Town Manager's continual commitment to his role/responsibilities as ADA Coordinator.

However, to benefit the general public it is recommended that recognition/identification of the Town Manager as the municipal ADA Coordinator be presented in a more pronounced manner on the Office of the Town Manager's webpage, as well as on a new and updated Ayer Commission on Disabilities webpage, and, on various additional departmental webpages, annual town reports, public hearing/meeting/forum notices, and posted in Ayer Town Hall directory.

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

The responses to several questions included in the Ayer Municipal Departmental ADA Survey evidence and inform the need for enhanced public notification of non-discrimination policies in all Town of Ayer facilities, departments, meeting/conference spaces, and website.

The municipal departmental survey yields a noteworthy 100% knowledge/recognition of Town Manager, Robert Pontbriand, as the designated ADA Coordinator, however, it is recommended that all municipal departments make every effort to consistently inform/notify the general public of the municipal ADA Coordinator's name and contact information on all municipal content/material/posts/communications/promotions/etc.

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 Ayer has an adopted (9/11/2018) municipal "Grievance Procedure Under the Americans with Disabilities Act". (See Attachment C). The Town of Ayer "Grievance Procedure Under the ADA" document is located on the Office of the Town Manager webpage of the municipal website under the "Americans with Disabilities Act" tab and then "Grievance Procedure".

It is recommended that the “Americans with Disabilities Act” tab on the Office of the Town Manager’s webpage, and the “Ayer Commission on Disabilities” webpage, all municipal Boards & Commissions webpages, as well as all municipal public hearing/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

On the municipal Office of the Town Manager webpage under “Americans with Disabilities Act” and “Public Notice – ADA Approved 9/11/2018” the first listed item is “Employment” and reads as follows: “The Town of Ayer 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.”

On the municipal Office of the Town Manager webpage under “Policies” and then under the “Personnel Policies” section which lists a number of municipal policies, however, does not list ADA policies such as a future “Reasonable Accommodation Policy”, and the current “Grievance Procedure Under the Americans with Disabilities Act”, and/or additional ADA Title II policies relative to municipal employment.

Benefits & Payroll Department webpage is the “Employee Policies” section which lists a number of municipal policies, however, does not list ADA policies such as a proposed “Reasonable Accommodation Policy”, and the current “Grievance Procedure Under the Americans with Disabilities Act”, and/or additional ADA Title II policies relative to municipal employment.

Under “About Ayer” then to “Employment Opportunities”. It does read “The Town of Ayer is an Equal Opportunity Employer”. At the top of the job application form, it reads “An Equal Opportunity Employer - The Town of Ayer is an equal opportunity employer and does not discriminate against any applicant because of race, color, religion, sex, marital status, national origin, age, disability, sexual orientation or any other class protected by federal, state or local law.”

It is recommended that the Town of Ayer consider enhancing/expanding its non-discrimination statement to read, for example: “It is the policy of the Town of Ayer that qualified individuals with disabilities not be discriminated against because of their disabilities in regard to job application procedures, hiring, and other terms and conditions of employment. It is further the policy of the Town of Ayer to provide reasonable accommodations to qualified individuals with disabilities in all aspects of the employment process. The Town of Ayer is prepared to modify or adjust the job application process or the job or work environment to make reasonable accommodations to the known physical or mental limitations of the applicant or employee to enable the applicant or employee to be considered for the position he or she desires, to perform the essential functions of the position in question, or to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities, unless the accommodation will impose an undue hardship. If reasonable accommodation is needed, please contact [*include name and/or department, telephone, and e-mail address*].”

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 (*ex. 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"

The Town of Ayer's "Reasonable Accommodation Policy" should be developed and formulated by and through reviewing/updating the current Town of Ayer Personnel Manual – the following are selected excerpts from the Town of Ayer Personnel Manual that may be critiqued.

Excerpts from the Town of Ayer Personnel Manual

The word/term "handicap" is used only once in the entire 69-page Personnel Manual; the words/terms "ADA", "American with Disabilities Act", "Disability/Disabilities" are not used in the entire Personnel Manual.

The Manual last updated in April 2011 is significantly overdue for "review" (*every 3-years*), as well as, updated (*every 5-years*). The Town of Ayer Self-Evaluation & Transition Plan process provides a favorable opportunity to update the Personnel Manual with full ADA awareness/advancement/compliance integration.

The following are excerpt sections from the Town of Ayer Personnel Manual that are applicable to and provide opportunity for greater ADA (*content*) awareness, improvement, and enhancement.

"This manual shall be reviewed at least every three (3) years and updated at least every five (5) years or more frequently as circumstances dictate." (April 2011)

"Department heads shall ensure that the Town is in compliance with the Town's Equal Employment Opportunity and Affirmative Action policies." (1.4 Department Heads)

"All town employees shall share joint responsibility with their supervisors for adherence to the Town's Equal Employment Opportunity Policy." (1.5 Town Employees)

"Each appointed position shall have a written description, written by the supervisor and approved by the appointing authority. The position description shall consist of a statement describing the nature of the work, examples of typical duties, the required minimum knowledge, skills, training, abilities, experience, and necessary special qualifications, as well as a determination if the position is exempt or non-exempt. (5.1.1 Position Descriptions)

"Position descriptions are intended to be representative of the positions in a class and provide illustrations of the type of work performed, and do not necessarily include all duties performed. Position descriptions are not intended to be restrictive. Qualification statements in each position description establish desirable minimum requirements that should be met by a person before appointment, transfer, or promotion to a position in the class." (5.1.2 Position Descriptions)

"Every person applying for employment in the Town will receive equal treatment. Persons shall be recruited from a geographic area as wide as necessary to assure that qualified candidates apply for various positions. The recruitment, selection and promotion of candidates and employees shall be based solely on job related criteria as established in the position descriptions and in accordance with proper personnel practices." (6.0 Recruitment & Selection)

"The Town Administrator and the department supervisor shall establish any one or a combination of selection procedures in order to determine the candidates' ability to perform in the position:

- *Written Examination*
- *Interview*
- *Practical (or performance) Test*
- *Evaluation of Experience and Training*

The methods of selection used shall be developed in a manner so as to not discriminate against the applicant." (6.2 Selection)

“Persons selected for employment with the Town, after receipt of notice of such appointment and prior to the starting date of employment, may be required to undergo a medical examination, which may include drug testing and/or psychological examination, if the position for which the person being hired requires a fitness for duty examination for all new employees. The examination shall be at the expense of the Town by a physician designated by the Board of Selectmen. The examining physician shall advise as to the applicant's fitness for duty.” (6.2.7 Medical Examinations)

“Manage employees fairly and equitably, communicating expectations of performance, recognizing and rewarding acceptable work and discussing actions needed to improve performance when needed.” (9.3 Supervisors Code)

“Provide a comfortable, non-threatening work environment; respect individual diversity among employees.” (9.3 Supervisors Code)

“The Town of Ayer depends upon a work environment of tolerance and respect for the achievement of its Town goals. The Town is committed to providing a working environment that is free of all forms of gender, race, sexual or religious abuse or harassment. The Town recognizes the right of all employees to be treated with respect and dignity.” (10.1.1 Harassment)

Complaints by an employee relating to his/her employment which include, but are not necessarily limited to, are the following:

- *Disciplinary actions of any kind.*
- *Actions resulting from the performance review.*
- *Concerns regarding the application, meaning or interpretation of personnel policies, procedures, rules, and regulations.*
- *Acts of reprisal as the result of utilization of the grievance procedure.*
- *Complaints of discrimination on the basis of race, color, creed, national origin, sex, age, handicap or political affiliation.*
- *Complaints of personal harassment by fellow personnel.*
- *Assignment of significant duties on a regular and recurring basis outside the employees posted job descriptions.*
- *Actions resulting from job reclassifications.*

(12.1 Valid Complaints)

“In order to provide a high level of service to our citizens and customers, employees continually need to improve existing skills and develop new ones, acquire new knowledge, and increase

their overall competence. Accordingly, the Town shall foster and promote programs of training for employees for the purpose of improving the quality of services provided by the Town.”
(14.0 Training & Education)

Findings & Recommendations

The Town of Ayer has not fully formulated and adopted a municipal “Reasonable Accommodation Policy” document for current and/or future municipal 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 Ayer Select Board is provided as (*Attachments D & E*).

In 2018, with the adoption of the Town Manager form of local government (*from the previous Town Administrator form*/(Chapter 79 of the Acts of 2018)) the Town of Ayer Personnel Board was retired, and personnel administration duties were placed with the Office of the Town Manager with the assistance of the Benefits & Payroll Dept.

The word/term “handicap” is used only once in the entire 69-page Personnel Manual; the words/terms “ADA”, “American with Disabilities Act”, “Disability/Disabilities” are not used in the entire Personnel Manual.

The Manual last updated in April 2011 is significantly overdue for “review” (*every 3-years*), as well as, updated (*every 5-years*). The Town of Ayer Self-Evaluation & Transition Plan process provides a favorable opportunity to update the Personnel Manual with full ADA awareness/advancement/compliance integration.

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

A municipality is required maintain in operable functioning condition the infrastructure necessary to provide public access to municipal services, programs, and activities. This includes door openers/closers, sidewalks, ramps, and parking space signage/stripping, among various additional municipal property accessibility amenities. To accommodate routine/scheduled maintenance or repairs, isolated or temporary interruptions in service or access are permitted. 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 building 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 42". 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 and Recommendations

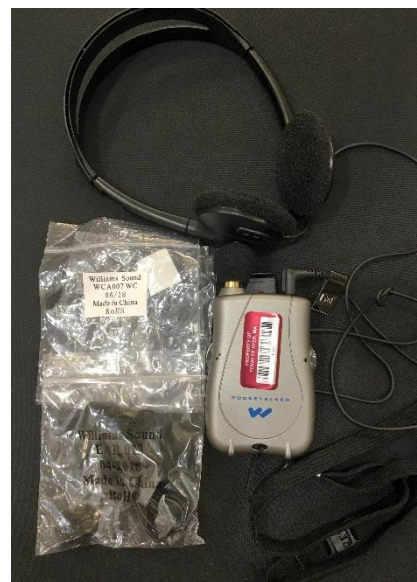
The Town of Ayer Director of Building Facilities & Maintenance is responsible for ensuring that all municipal buildings, facilities, amenities, approaches, devices, signage, etc. are fully-accessible and ADA compliant-operational when adversely impacted by harsh New England weather conditions, and/or when temporarily obstructed, interrupted, altered, etc. as a result of construction, repair, modification.

It is recommended that the Dir. of Building Facilities & Maintenance contact, notify and coordinate with the municipal ADA Coordinator, as well as the Ayer Commission on Disabilities when planning and engaging in any and all municipal maintenance activities that directly or indirectly affects ADA compliance measures.

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

Municipalities are required to provide and ensure practical/functional communication with persons living with disabilities. To assure that communications with individuals who have hearing, vision or speech impairments are accommodated, municipal governments must provide appropriate auxiliary aids. The type of auxiliary aids or services necessary for the provision of 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 711Telecommunications Relay Service, readers, Brailed 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.

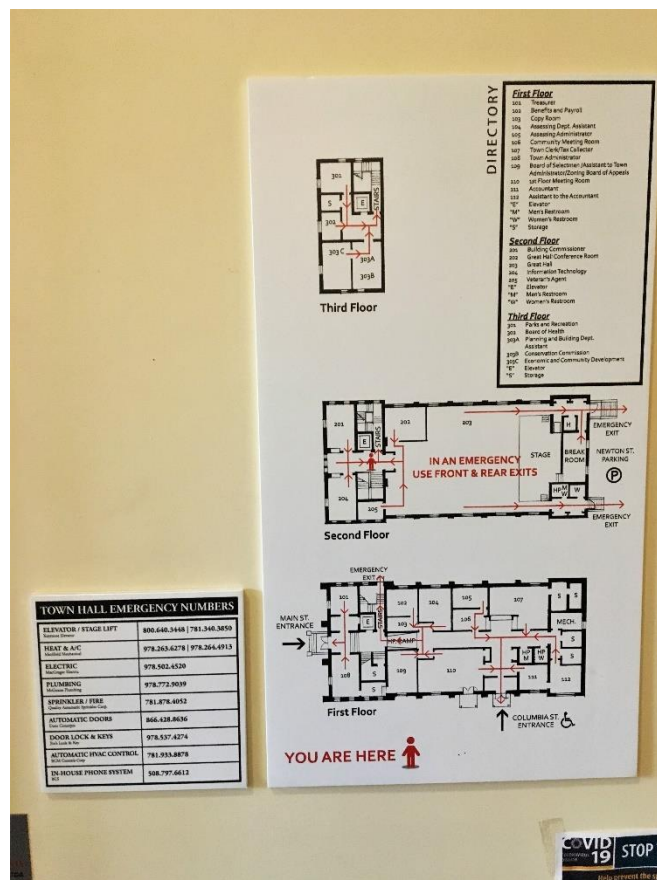
Located on the Town Manager Webpage, under “Americans with Disabilities Act, and under “Public Notice ADA Approved 9/18/2018 by Town Manager” - an excerpt from Town of Ayer Public Notice – Americans with Disabilities Act “Effective Communication: The Town of Ayer will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Town of Ayer programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.”



(Town of Ayer “Pocket Talker” Assistive Listening Headset Device at Ayer Town Hall 1st Floor Select Board Meeting Room)



(Town of Ayer Department Signage in Braille in Ayer Town Hall 1st Floor)



(Town of Ayer Emergency Route/Exit Diagram & Directory which could be better designed for those with visual disabilities in Ayer Town Hall, 2nd Floor at Elevation & Stairway)

Findings and Recommendations

The Town of Ayer does currently provide basic Effective Communication/Auxiliary Aids & Services to persons with disabilities, however a review of current platforms, services, devices, signage, and the results of the ADA Municipal Department Survey & ADA General Public Survey evidence the need for enhanced training, additional devices, improved procedures, and heightened awareness.

Currently, the Town of Ayer provides only one (1) Assistive Listening Headset Device at Ayer Town Hall. This single device is located in the 1st Fl. Select Board Meeting Room (*see picture*).

Through the town ADA survey - 43.75% of Ayer municipal departments report that they do not offer auxiliary aids to persons with disabilities.

The Ayer Police Station Building, the Ayer Fire Station, the Ayer Public Works Building, and the Ayer Parks & Recreation Building all report that they currently do not provide auxiliary aids for persons with disabilities.

The results of Question 18. of the Ayer municipal department survey: "Are Assistive listening devices or systems available for public meetings?" Yes: 50%, No: 31.25%, Do not know: 18.75%.

The Town of Ayer has a long and noteworthy record of providing a sign language interpreter at Annual & Special Town Meeting for local residents.

A number of municipal departments report that they do provide effective communication, auxiliary aids & services to persons with disabilities – including the Ayer Council on Aging which issues a monthly newsletter formatted with (*large print*); the Town Clerk which reports providing braille, large print, and electronic copy for use with screen reader; and the Office of the Town Manager which reports providing large print, electronic copy, American sign language interpreters, assistive listening devices & communication access real-time translation (CART).

It is recommended that the Town of Ayer acquire 1-2 additional assistive listening devices for Ayer Town Hall, and to further investigate the need to provide assistive listening devices for the Ayer Police Station, Ayer Fire Station, Ayer Public Works Building and Ayer Parks & Recreation Building.

It is further recommended that both the Ayer Commission on Disabilities webpage and the municipal ADA Coordinators webpage be enhanced by providing a clear and complete list (*with associated descriptions/contacts*) of the various communication/auxiliary aids that are available to persons with disabilities in the Town of Ayer.

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*).

The Town of Ayer's Municipal Website is administered on the CivicPlus governmental platform. CivicPlus ADA Section 508 Compliance provisions include:

Upon entering the Town of Ayer municipal website, users are provided with options contained in a block banner at the bottom of the main page, which includes, "Accessibility Standards" (*see image below*):

Town of Ayer • 1 Main Street • Ayer, MA 01432 • [\(978\) 772-8220](tel:(978)772-8220)

The Town of Ayer is an Equal Opportunity Provider and Employer.

[Public Records Access Officer - Robert A Pontbriand](#)

[Staff Webmail](#)

[Website Disclaimer](#)

[Accessibility Standards](#)

[Government Websites by CivicPlus ®](#)

[Login](#)

When a user clicks the “Accessibility Standards” the user is brought to the “Accessibility Standards” descriptive page (*see image below*), which includes the following links:

- Commonwealth Enterprise Standards
- Section 508 Website
- Federal Access Board Website
- Latest Accessibility Guidelines
- Adobe Website

For those unfamiliar with accessibility issues pertaining to Web page design, consider that many users may be operating in contexts very different from your own:

- *They may not be able to see, hear, move, or may not be able to process some types of information easily or at all.*
- *They may have difficulty reading or comprehending text.*
- *They may not have or be able to use a keyboard or mouse.*
- *They may have a text-only screen, a small screen, or a slow Internet connection.*
- *They may not speak or understand fluently the language in which the document is written.*
- *They may be in a situation where their eyes, ears, or hands are busy or interfered with (e.g., driving to work, working in a loud environment, etc.).*
- *They may have an early version of a browser, a different browser entirely, a voice browser, or a different operating system.*

(Source: W3C - Web Content Accessibility Guidelines, superseded 2021)

Accessibility Standards

The Town of Ayer is committed to achieving meaningful accessibility to this online environment for all users, including users with disabilities. We follow specific [Commonwealth enterprise standards](#) designed to meet the needs of our citizens with disabilities. The Commonwealth enterprise standards are generally based on standards used by the Federal government for technology accessibility for people with disabilities, and web content accessibility guidelines developed by the World Wide Web Consortium (W3C). For more information about the Federal standards, please visit the [Section 508 web site](#) or the [Federal Access Board web site](#). For more information about the W3C guidelines, please visit their web site for the [latest accessibility guidelines](#). The Town of Ayer web site is regularly tested using leading web accessibility technologies and reviewed by users to verify that this web site is compliant with applicable standards.

About Portable Document Format (PDF)

Some documents on this web site are produced in Portable Document Format (PDF). Efforts are currently underway to ensure that all files are produced using the latest version of Acrobat (file conversion software for PDFs), which is the most accessible technology currently available for these types of files. In order to improve viewing of these files, please download the latest version of Adobe Reader, which is available for free at the [Adobe web site](#).

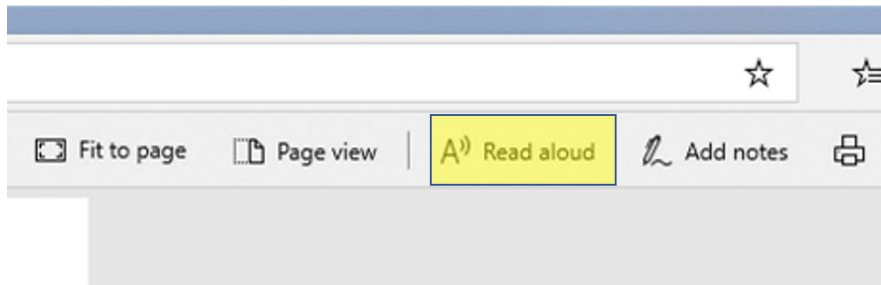
However, recognizing that even this version does not always work for all users, alternative accessible formats are provided wherever possible, most commonly through a text or an HTML file.

If any file format prevents you from accessing the information, please contact us for assistance. In order to respond in a manner most helpful to you, please note the nature of your accessibility concern, the format in which you prefer to receive the material, the web page address of the requested material, and the best way to contact you.

We also welcome your questions about this accessibility statement and comments on how to improve the site's accessibility.

Please contact us at 1 Main Street Ayer MA 01432, [978-772-8220](tel:978-772-8220), or email the Town of Ayer [Webmaster](#).

The Town of Ayer Website currently offers “Read Aloud” capability and accessibility for PDF documents, and also “Read Aloud” capability is available on the Town of Ayer Outlook for all municipal Email communications. When a user opens a PDF document on the Town of Ayer website the “Read Aloud” option is available and can be found at the top right of the webpage screen (*see image below*):



The Town of Ayer municipal website does provide an “Ayer Commission on Disabilities Webpage”. This page contains exceedingly limited Public ADA Accessibility information, guidance, and resource connectivity. The current option only includes “General Information”, which provides basic template information/descriptive of Commonwealth of Massachusetts Commissions on Disabilities, Articles of Organization for Municipal Commissions on Disabilities, and a Goals Statement for Commissions on Disabilities. The Town of Ayer “Commission on Disabilities Webpage” requires substantial enhancement that should include options such as:

- Notice of ADA (Title I & Title II/Section 504) Rights
- Federal Section 508
- Massachusetts G.L. 151B
- Town of Ayer “Grievance Procedure Under the ADA”

- Town of Ayer “Reasonable Accommodation” Policy
- Town of Ayer “Request for Reasonable Accommodation Form”
- “911 Disability Indicator” Program
- Town of Ayer “Bring Me Home” Program
- Town of Ayer OnSolve “CODE-RED” Program
- Massachusetts “211” Program
- “SafeLink Wireless” Program
- Town of Ayer Voting/Polling Place Accessibility
- Massachusetts “Blind Tax Exemption” Program
- Massachusetts “Disabled Plate & Placard” Program
- Disabled American Veterans Resources
- Inclusive Municipal Parks & Recreation Policy Statement
- Handicapped Parking Regulations (MOD)
- Etc.

Capture from Town of Ayer Website – “Policies” under “Personnel Policies”. At this location there are not any listed ADA Policies such as “Grievance Procedure Under ADA Act”, “Reasonable Accommodation Policy”, etc.

Personnel Policies

- [CORI Policy](#)
- [Credit Card Use Policy](#)
- [Domestic Violence Leave Policy](#)
- [Electronic Communication Policy](#)
- [Social Media Policy](#)
- [Information Technology Acquisition Policy](#)
- [Internship Program Administration Policy](#)
- [OML: 940 CMR 29.10: Remote Participation for Public Meetings](#)
- [Personnel Policies Manual](#)
- [Policy Against Sexual and Unlawful Harassment](#)
- [Portable Storage Devices Policy](#)
- [Pregnancy and Pregnancy-Related Conditions Policy](#)
- [Recycled Product Procurement Policy](#)
- [Town Hall After-Hours Access Security Policy](#)
- [Written Information Security Policy \[WISP\]](#)

“Alt Text”

At the upper right corner on each municipal department’s main webpage a rolling picture or image block/space is provided to present visual content. This image space/block provides “Alt Text”, which is hidden text used to describe an image to visually impaired persons. Most Ayer municipal departments have inserted proper “Alt Text” which appears when clicking/hovering over the image, however there are numerous examples of “Alt Text” that should be

enhanced/improved. Also, most municipal webpages have various visual images/photographs placed at various locations on their webpages that do not provide “Alt Text”; all images on the Town of Ayer Website should provide “Alt Text” accessibility.

“In order to be useful, the text must convey the same function or purpose as the image. For example, consider a text equivalent for a photographic image of the Earth as seen from outer space. If the purpose of the image is mostly that of decoration, then the text "Photograph of the Earth as seen from outer space" might fulfill the necessary function. If the purpose of the photograph is to illustrate specific information about world geography, then the text equivalent should convey that information. If the photograph has been designed to tell the user to select the image (e.g., by clicking on it) for information about the earth, equivalent text would be "Information about the Earth". Thus, if the text conveys the same function or purpose for the user with a disability as the image does for other users, then it can be considered a text equivalent.” (Source: W3C – Web Content Accessibility Guidelines)

“Text is considered accessible to almost all users since it may be handled by screen readers, non-visual browsers, and braille readers. It may be displayed visually, magnified, synchronized with a video to create a caption, etc. As you design a document containing non-textual information (images, applets, sounds, multimedia presentations, etc.), supplement that information with textual equivalents wherever possible.”

Findings and Recommendations

The Town of Ayer municipal website currently provides fundamental, satisfactory and compliant accessibility for persons with disabilities, however, the insight and awareness gained from departmental interviews, website/department webpage review meetings, review of comparable municipal websites, the municipal department survey, and the general public survey it is clear that there is opportunity and need for substantially enhanced, pronounced and most importantly unified/fully-integrated ADA Accessibility content and connectivity on the Town of Ayer municipal website.

The municipal ADA Coordinator’s section on the Office of the Town Manager’s webpage would benefit from content/design enhancement.

The Town of Ayer Commission on Disabilities webpage requires substantial content/design enhancement.

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. Contained in the (2020) Town of Ayer Municipal Vulnerability Report (MVP)/Community Resiliency Building Workshop Report recommends, 4.1.2 High Priorities - “Develop programs and tools to increase civic engagement by community members”, “Develop a New Resident Orientation program, including information on emergency preparedness”, “Foster formation and engagement with Neighborhood Associations”. In addition, the Report recommends, 4.1.3 Medium Priority Actions - The following actions were deemed medium priority during the CRB workshop – “Study capacity of Emergency Shelters in event of regional emergency and improve community awareness of emergency response procedures”.

Findings and Recommendations

The Town of Ayer provides an emergency shelter facility located at the Ayer-Shirley Regional Middle School Building at 1 Hospital Rd., Shirley MA. However, adequate awareness, notice, understanding, and information on this municipal Emergency Shelter is limited with the general public. As this municipal Emergency Shelter is a public school building/facility, it is ADA compliant.

It is recommended to act upon and implement the Town of Ayer MVP Plan goals/objectives with regard to 4.1.2 High Priority item addressing “engagement”, “orientation”, “information”, as well as, 4.1.3 Medium Priority regarding “Study capacity of Emergency Shelters” and “awareness”.

It is recommended that information on the Ayer Shirley Regional Middle School “Emergency Shelter” be enhanced/improved to include clear information and contact assistance regarding the accommodation of persons with disabilities at the Emergency Shelter.

The Town of Ayer Commission on Disabilities to work in partnership with municipal and regional first responders/public safety officials to inspect, assess, and make recommendations to increase/ensure ADA accessibility of municipal/regional Emergency Shelters.

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.



(Town of Ayer – 2nd Floor Great Hall at Ayer Town Hall set-up for Voting Day with handicap accessible voting booths/stations & accessible by handicap accessible elevator)



(Town of Ayer – 2nd Floor Great Hall at Ayer Town Hall set-up for Voting Day with handicap accessible voting booths/stations)



(Town of Ayer – AutoMark Voting Machine to assist persons with sight and hearing disabilities)



(Town of Ayer – Close-up control panel with Braille of the municipal AutoMark Voting Machine)

Findings and Recommendations

The Town of Ayer's polling/voting place located in the Great Hall at Ayer Town Hall provides full-accessibility for persons with disabilities.

It is recommended that the Ayer Commission on Disabilities work more directly and consistently with the Office of the Ayer Town Clerk to increase and expand the awareness and understanding of the high-level of accessibility at Ayer's municipal polling/voting location, so as to encourage more persons with disabilities to participate in on-site voting.

It is further recommended that the Office of the Ayer Town Clerk work with the Ayer IT Dept. to further enhance the Town Clerk's webpage Voting section on the municipal website with regard to ADA accessibility of voting whether on-site at Ayer Town Hall or by means of alternative off-site voting methods.

Town of Ayer MA Complete Streets Prioritization Plan (2017)

Excerpts from "Evaluation and Recommendations Report"

2.2 Field Data Collection Program

To establish a baseline assessment of gaps in the Town's pedestrian and bicycle networks, public roadways in the Town were inspected to collect relevant sidewalk, wheelchair ramp, and crosswalk data. A point feature was created for each wheelchair ramp and a line feature was created for crosswalks and sidewalks, respectively. These features were created in ArcMap using a field laptop; spatially located using the base mapping as a reference. The attribute data collected includes:

Sidewalks (Line Feature)

- Length and Width
- Material (*Concrete, Asphalt, Brick, Mix*)
- Condition (*Good, Fair, Poor*)

Ramps (Point Feature)

- Street and Intersecting Street
- Types (*Parallel, Perpendicular*)
- Condition (*Good, Fair, Poor*)
- Material (*Concrete, Bituminous, Brick*)
- Obstructions
- Ramp Opening Width (*In.*)
- Ramp Slope (%)
- Transition Length (*In.*)
- Transition Slope (%)

- Top Landing (*In.*)
- Bottom Landing (*In.*)
- Detectable Warning Panel
- Number of Crosswalks
- Priority Type and Location (*School, Church, High Volume, Etc.*)
- ADA Compliant (*Yes, No, Retrofit*)

Crosswalks (Line Feature)

- Length and Width
- Striping Width
- Striping Color and Inside Color
- Control type and details (*Signalized, Stop Sign, Yield Sign, Ped. Sign, None*)
- Crosswalk type (*Continental, Parallel, Ladder*)
- Marking Type and Condition
- Roadway Condition (*Good, Fair, Poor*)
- Obstructions

Physical inspection and measurements aided in the determination of sidewalk and crosswalk conditions, including ADA compliance (Table 1).

3.0 Summary of Findings

The sidewalk, crosswalk, and ramp databases created provide key information regarding the unique identity and conditions of individual elements that will be useful to the Town of Ayer moving forward to Tier 3 (*Project Construction Funding*) of the Complete Streets Funding Program. The information gathered will assist the Town create a roadmap for future infrastructure improvement projects. While the Town's goal of this current program is to receive funding to implement Complete Streets projects, the data collection and analysis completed (*using Mass DOT Construction Standard details – Table 3*) in this phase of the program will serve as a useful tool as the Town seeks to implement many of the improvements identified to enhance the livability of the community now and in the future. Detailed inventory reports are included in Appendix C.

3.1 General Findings

3.1.1 Sidewalks

Sidewalks are provided along a total of 15.2 (42%) miles of roadways under Town of Ayer jurisdiction. Of these, the total mileage of roadway with sidewalk on both sides is 6.2 miles, and an additional 8.9 miles of roadway have sidewalks on one side only (Figure 1).

Of the Sidewalks analyzed 13% are found to be in excellent or good condition, 51% in fair condition and 36% in poor condition. Figure 2 Summary of the condition of sidewalk analyzed. Pedestrians network gaps were identified based on the lack of existing sidewalk or existing sidewalks which are in poor condition. There are numerous roadway segments that have sidewalk network gaps, which will be addressed in the project recommendation.

3.1.2 Wheelchair Ramps

There is a total of 228 ramps in the town, 5 (2%) of which are ADA compliant, 223 (98%) are non-compliant. 138 (61%) ramps are parallel type while 90 (39%) are perpendicular; five are apex ramps, and 223 (98%) are tangent ramps.

Material classification shows that 154 (68%) ramps are bituminous concrete (asphalt) while 74 (32%) are cement concrete. For priority locations, only four ramps (*non-ADA compliant*) were located near community centers, 24 (*non-ADA compliant*) at high volume areas, 12 (*non-ADA compliant*) in school areas, and 2 (*non-ADA compliant*) were located near Senior Housing. Forty (40) of the ramps are aligned with crosswalk. Three ramps were found to be obstructed by vertical curb; one ramp is obstructed by a catch basin; 2 ramps have manhole castings within the limits of the ramps; 7 ramps are obstructed by utility poles. The remaining 215 ramps are not obstructed.

3.1.3 Crosswalks

Field verification of crosswalks show a total of 53 marked crosswalks in the town; 47 (88%) are parallel, 3 (6%) are continental, and 3 (6%) are ladder type (Table 4); the crosswalk line is generally white and width varying from 6 to 12 inches. The inside color is either red, white, or yellow; crosswalk width varies from 5' to 7'.

With respect to traffic control at crosswalks, 1 crosswalk (2%) is controlled by a flashing sign, 15 (28%) have pedestrian warning signs, and 16 (30%) are stop-sign controlled. 21 crosswalks (40%) were found to be in poor condition, 23 (43%) in fair condition and 9 (17%) in good condition. Roadway condition is good at 21 crosswalks (40%), fair at 31 crosswalks (58%) and poor at 1 crosswalk (2%). There are no obstructions on 45 (85%) crosswalks, catch basins in 2 (4%) crosswalks, manhole and water gate castings in 5 (9%) crosswalks. One crosswalk (2%) is near a senior housing facility, 5 crosswalks (9%) are located near schools, and 21 crosswalks (40%) are in other areas with high pedestrian volumes.

4.0 Recommendations

Analysis of Town of Ayer Complete Streets field data identifies streets with poor pedestrian and bicycle accommodation which includes:

- Sidewalk Network Gaps

- Poor Crosswalk Condition
- ADA accessibility

The combination of priority streets identified by the Town of Ayer, analysis of field data, and information acquired from MAPC Local Access tool resulted in the following recommendations for Complete Street Infrastructure projects. These projects are summarized in the “Town of Ayer Complete Streets Prioritization Plan” submitted to MassDOT included in (Appendix A) of the municipal Complete Streets Report. Order of magnitude cost estimates for each project may be found in (Appendix B).

PROW (Public Right of Way) Self-Surveys Data Collection App/ArcGIS Survey 123App Municipal Training Session with MRPC

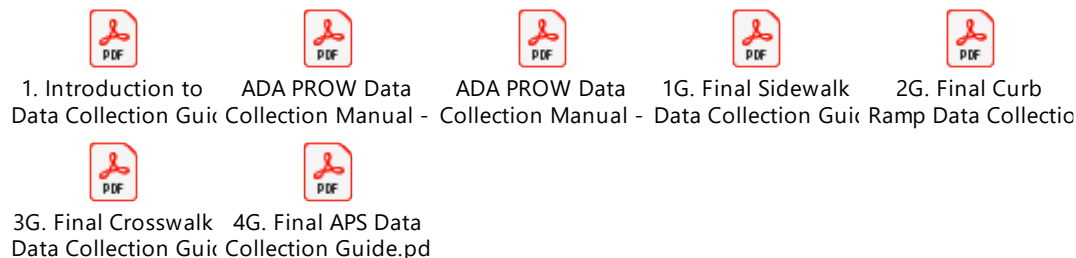
On May 20, 2021 Montachusett Regional Planning Commission (MRPC) Principal Transportation Planner, George Snow and GIS/IT Director, Jason Stanton, conducted a municipal review and training session on the PROW Self-Surveys Data Collection App and the ArcGIS Survey 123App platforms for the Town of Ayer. The PROW Self-Survey App provides the following capabilities:

Purpose of Pedestrian Facility PROW Data Collection

- To conduct field data collection on the existing conditions of the existing sidewalks, curb ramps, crosswalks, and APS systems within the PROW for further ADA planning activities.

Purpose of the Manual

- To provide step by step instructions on how to install the ArcGIS Survey123 app onto a tablet (Android or Apple), how to download the Surveys into the app and how to operate the ADA PROW Surveys Data Collection app while in the field conducting the Surveys.



The Town of Ayer with the Department of Public Works in the lead, working in coordination with the Town of Ayer Commission on Disabilities and municipal ADA Coordinator will deploy the PROW Self-Survey App platform to more cost-effectively and efficiently address, correct and bring the Town of Ayer’s public rights of way into full ADA compliance.

ADA TRANSITION PLAN

In accordance with the ADA Standards and MA 521 CMR, an assessment of the Town of Ayer's public facilities inclusive of public buildings, as well as, active and passive recreation facilities was conducted by the Montachusett Regional Planning Commission (MRPC) 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.
- Description of methods or type of action to be taken to eliminate identified obstacles.
- Priority of removal of barrier.
- Feasibility of removal of barrier.
- Establishment of a recommended completion date to achieve accessibility.
- General cost parameters for each action to be taken.
- 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. Inspection (fieldwork) of Ayer municipal facilities was performed by the Montachusett Regional Planning Commission (MRPC) staff consultants in July and August, 2020. Although general recommendations are made as corrective actions to eliminate identified obstacles, it is expected that the Town of Ayer 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, including the (1876) Ayer Town Hall Building and (1893) Ayer Library Building, 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 commissioner 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 over-looked 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:

Priority Description

1. Accessible approach and entrance
2. Access to goods and services
3. Access to public toilet rooms
4. Access to other items (ex. – 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:

Ranking Description

1. Can be easily undertaken (*ex. move furniture, put sign on a wall*)
2. Can be undertaken by maintenance staff, DPW, etc. (*ex. 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:

Time-frame Description

- (I)** Immediate Term (2021-2022)
- (N)** Near Term (2023-2026)
- (L)** Long Term (2027-2030)

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.

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 <)

Facilities

Ayer Town Hall

Description of Obstacles

Parking

The one accessible parking space should be van accessible; minimum width is 11' for van parking space.



Entrance

The main entrance and alternative entrance are not accessible. One entrance must be accessible, and a sign must be placed at other entrance indicating where the accessible entrance is located. The door handle should be between 34 and 48 inches above the ground. The door to the vestibule must be at least 48" from the other door when opened into the vestibule space. Carpet or mat edges should be secure to avoid tripping.



Interior Accessible Routes

The front, main entrance foyer and elevator are inaccessible as they can only be accessed by using stairs. All carpeting along interior routes should be securely attached along the edges.



Bathrooms

Coat hooks inside bathroom and bathroom stalls should be no more than 48" above the floor. At least one lavatory should have clear space for a forward approach at least 48" long. The sidewall grab bar should extend at least 54 inches from the rear wall.



Drinking Fountains

The front of the fountain should protrude no more than 4 inches into the circulation path.



Transition Matrix

General Description of Obstacle	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The parking area must have at least one van accessible parking space.	502	23.4	Reconfigure existing area and add proper signage	1	1	I	\$1,000.00
Entrance: One entrance must be accessible, and a sign must be placed at other entrance indicating where the accessible entrance is located.	502	23	Add directional sign to front of building to indicate accessible entrance.	1	1	I	\$250.00
The door handle should be between 34 and 48 inches above the ground.	404	26.11.2	Change out handle.	1	1	I	\$600.00
The distance between the vestibule doors must be at least 48 inches plus the width of the doors when swinging into the space.	404.2.4	26.7	Reconfigure doors.	1	3	N	\$3200.00
Carpet or mat edges should be secure to avoid tripping.	302	29.3.2	Remove or secure.	1	1	I	\$25.00
Interior Accessible Routes: The front, main entrance foyer and elevator are inaccessible as they can only be accessed by using stairs.	402	20.5	Add Signage to direct traffic to accessible entrance.	1	1	I	\$200.00
Carpet or mat edges should be secure to avoid tripping.	302	29.3.2	Remove or secure	1	1	I	\$25.00
Bathrooms: Coat hooks inside bathroom and bathroom stalls should be no more than 48" above the floor.	603.4	30.6.1 d	Adjust height.	1	1	I	\$100.00
One lavatory should have a clear floor space for a forward approach at least 30 inches wide and 48 inches long.	305.3	30.5	Reconfigure existing area to meet code.	3	3	N	\$2000.00
The sidewall grab bar should extend at least 54 inches from the rear wall.	604.5	30.6	Add new grab bar.	1	1	I	\$150.00
Drinking Fountains: The front of the fountain should protrude no more than 4 inches into the circulation path.	602	20.6	Relocate or recess fountain to meet code.	4	3	N	\$1800.00

Ayer Public Library

Description of Obstacles

Parking

The slope of the accessible parking spaces and access aisles should be no steeper than 1:48 in all directions; the access aisle and the right accessible spot are too steep. The bottom of the sign for the accessible spaces should be at least 60" above the ground. The van accessible space should have a sign stating, "van accessible".





Entrance

The entrance threshold should be no more than $\frac{1}{4}$ " high. The vestibule should have a distance between the doors of at least 48 inches plus the width of the doors when swinging into the space.

Bathrooms

The sidewall grab bar should extend at least 54 inches from the rear wall. The toilet paper dispenser should be located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser.



Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The slope of the accessible parking spaces and access aisles should be no steeper than 1:48 in all directions.	403	22	Rework existing area to meet code.	1	4	L	\$25,000.00
The bottom of the sign for the accessible spaces should be at least 60" above the ground.	502.6	23.6.4	Replace existing sign to comply with height requirement and add language "van accessible".	1	1	I	\$400.00
The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".	502.6	23.4.7	See Above.				
Entrance: The entrance threshold should be no more than ¼" high.	303.2	29.2.1	Change out threshold.	1	1	I	\$350.00
The distance between the vestibule doors must be at least 48 inches plus the width of the doors when swinging into the space.	404.2.4	26.7	Reconfigure doors to comply.	1	3	N	\$4,500.00
Bathrooms: The sidewall grab bar should extend at least 54 inches from the rear wall.	604.5	30.6	Change out grab bar.	1	1	I	\$150.00

The toilet paper dispenser should be located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser and no greater than 9 inches from the front of the water closet to the centerline of the dispenser.	604.7	30.7.6	Rehang dispenser to comply	1	1	1	\$150.00
							Above

Ayer Council on Aging

Description of Obstacles

Parking

At least one accessible space must be a van accessible space and all accessible spaces must have an accessible aisle. The accessible space should have a sign with universal accessibility symbol.



Exterior Accessible Routes

The accessible route should be closest to the accessible entrance. The exterior accessible route should be stable, firm and slip-resistant, and at least 36" wide.



Entrance

At least one entrance must be accessible and have a sign indicating it is accessible. The entrance threshold should be no more than $\frac{1}{4}$ " high. Entrance area carpet should be securely attached at the edge.



Interior Accessible Routes

The interior accessible route should have a passing area at least 60"x60" if the route is less than 60" wide and more than 200' long. All carpet along the route should be securely attached at the edges. Any controls (*light switches, security alarm, etc.*) should have forward approach at least 30" wide by 48" long.

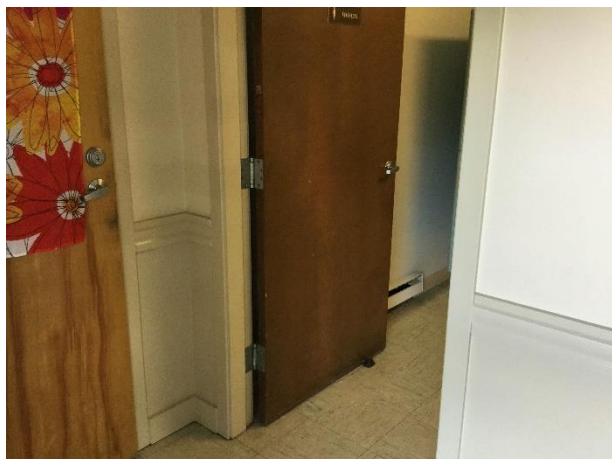


Assembly Spaces

All interior assembly spaces (*rooms, theatres, etc.*) should have adequate number of wheelchair accessible spaces per the total number of seats.

Bathrooms

The signs outside the bathroom must meet code: raised braille, located on latch side, and the lowest characters should be at least 48" above the ground and less than 60" above the ground. The door closer should take at least 5 seconds to reach 12 degrees from the latch. Clear path to fixtures like lavatory or hand dryer should be at least 36" wide. Bathroom should have 60" clear floor space to enable wheelchair turnaround. Bathroom coat hook should be no more than 48" above the ground. The lavatory should have at least 27" of clearance in front from ground. Soap dispenser and hand dryer should be no more than 48" above the floor. Side wall grab bar should be at least 42" long, should be no less than 12" from rear wall, should be mounted between 33" and 36" above floor, should be no more than 1.5" from wall, and should extend at least 54" from rear wall. The flush control should be on open side of toilet area. Toilet paper dispenser should be located between 7 and 9" from centerline of toilet. Doors should be self-closing with handles on both sides that do not require tight gripping.



Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The parking area must have at least one van accessible parking space. All accessible spaces must have an accessible aisle. The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".	502	23.4.7					
	502.2	23.4.6	Moving existing space to the area directly	1	1	I	\$2000.00
	502.6	23.4.7.6	In front of the accessible door, install new signage, ensure new space meets criteria for a Van space.				
Exterior Accessible Routes: The accessible route should be closest to the accessible entrance.	403	23.3	See Above.				
The exterior accessible route should be stable, firm and slip-resistant, and at least 36" wide.	403.5.1	29.1	Repave the area in disrepair to comply.	1	3	I	\$4,500.00
Entrance: At least one entrance must be accessible and have a sign indicating it is accessible.	502	23.4.7	Add signage.	1	1	I	\$200.00
The entrance threshold should be no more than ¼" high.	303.2	29.2.1	Change out threshold.	1	1	I	\$350.00
Carpet or mat edges should be secure to avoid tripping.	302	29.3.2	Remove or secure	1	1	I	\$25.00
Interior Accessible Routes: The interior accessible route should have a passing area at least 60"x60" if the route is less	403.5.3	20.5	Redesign interior area to bring it into compliance.	1,3	4	L	\$50,000.00

than 60" wide and more than 200' long. *** Carpet or mat edges should be secure to avoid tripping. All controls (light switches, security alarm, etc.) should have forward approach at least 30" wide by 48" long.	302	29.3.2	Remove or secure.	1	1	I	
	305	6.4.1	Correct during redesign phase/construction.	1	4	L	
Assembly Spaces: All interior assembly spaces (rooms, theatres, etc.) should have adequate number of wheelchair accessible spaces per the total number of seats.	221.2.1	35.1	Currently there are 24 seats. Needs 5% accessible to be compliant. Reconfigure existing space.	1	1	I	\$0.00
Bathrooms: The signs outside the bathroom must meet code: raised braille, located on latch side, and the lowest characters should be at least 48" above the ground and less than 60" above the ground. The entrance door closer should take at least 5 seconds to reach 12 degrees from the latch. Clear path to fixtures like lavatory or hand dryer should be at least 36" wide. Bathroom should have 60" clear floor space to enable wheelchair turnaround. Coat hooks inside bathroom and bathroom stalls should be no more than 48" above the floor. The lavatory should have at least 27" of clearance in front from ground. Soap dispenser and hand dryer should be no more than 48" above the floor. Sidewall grab bar should be at least 42" long, should be no less than 12" from rear wall, should be mounted between 33" and 36" above floor, should be no more	703.3.1	41.1	REMODEL EXISTING BATHROOMS TO BRING INTO COMPLIANCE.	3	4	L	\$150,000.00
	402.2.8.1	26.8					
	305.7.1	30.6					
	404.2.4	30.6					
	603.4	30.6.1 d					
	306.3	30.9.2					
	604.7	30.12					
	604.5	30.6					

than 1.5" from wall, and should extend at least 54" from rear wall.							
The flush control should be on open side of toilet area.	604.6	30.7.5					
The toilet paper dispenser should be located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser.	604.7	30.12					
The stall door should be self-closing with handles on both sides that do not require tight gripping.	604.8.1.2	30.6.1 b	SEE ABOVE.				ABOVE

Ayer Police Station

Description of Obstacles

Parking

The van accessible space and aisle should each be at least 8' wide. The bottom of the accessible space sign should be at least 60" from the ground. Signs for van accessible space should be installed.



Entrance

Inaccessible entrance should have a sign and direction to accessible entrance.



Bathrooms

Inaccessible bathrooms should have sign and direction to accessible bathrooms. The clearance provided around the toilet should measure at least 60 inches from the side wall and at least 56 inches from the rear wall. Side-wall grab bar should extend at least 54" from rear wall. There should be at least 12" clearance between rear-wall grab bar and any protruding object above the bar. The toilet paper dispenser should be between 7 and 9" from the toilet centerline.



Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The van accessible space and aisle should each be at least 8' wide.	502	23.4	Reconfigure existing space to bring into compliance.	1	1	I	\$600.00
The bottom of the sign for the accessible spaces should be at least 60" above the ground.	502.6	23.6.4	Change out sign to correct height and add van accessible.	1	1	I	\$200.00
The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".	502.6	23.4	See Above	1	1	I	
Entrance: Inaccessible entrance should have a sign and direction to accessible entrance.	703	25.6	Add signage.	1	1	I	\$200.00
Bathrooms: Inaccessible bathrooms should have sign and direction to accessible bathrooms.	703	41.1.3	Add signage.	1	1	I	\$200.00
The clearance provided around the toilet should measure at least 60 inches from the side wall and at least 56 inches from the rear wall.	404.2.4	30.6.1	Relocate/move existing stall to meet dimensions.	1	3	N	\$1,200.00
Side-wall grab bar should extend at least 54" from rear wall.	604.5	30.6	Install new grab bar.	1	1	I	\$200.00
There should be at least 12" clearance between rear-wall grab bar and any protruding object above the bar.	307	30.6	Remove protruding object.	1	1	I	\$150.00
The toilet paper dispenser should be located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser.	604.7	30.7.6	Relocate dispenser.	1	1	I	\$150.00

Ayer Public Works Building

Description of Obstacles

Parking

The building should have at least one van accessible space and aisle. The accessible space should be at least 8' wide. The bottom of the accessible space sign should be at least 60" above the ground.

Entrance

Entrance threshold should be no more than ¼" high. All entrance area carpeting should have edges secured to avoid trip hazard.

Interior Accessible Routes

Carpet edges should be securely fastened.

Assembly Rooms

Signs for interior assembly rooms should have braille. Signs should be mounted so bottom of text is at least 48" above ground and no more than 60" above ground.

Bathrooms

There should be at least 12 inches clearance between the sidewall grab bar and protruding objects above. The stall door should be self-closing.

Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The parking area must have at least one van accessible parking space. The accessible space should be at least 8' wide. The bottom of the sign for the accessible spaces should be at least 60" above the ground. The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".	502 502 502.6 502.6	23.4 23.4 23.6.4 23.4.7	RELINE EXISTING AREA AND CHANGE SIGNAGE T BRING INTO COMPLIANCE.	1	1	I	\$1,200.00
Entrance: Entrance threshold should be no more than ¼" high.	303.2	29.2.1	Replace threshold.	1	1	I	\$200.00

Carpet or mat edges should be secure to avoid tripping.	302	29.3.2	Remove or secure.				\$25.00
Interior Accessible Routes: Carpet or mat edges should be secure to avoid tripping.	303.2	29.3.2	Remove or secure.	1	1	I	\$25.00
Assembly Rooms: Signs for interior assembly rooms should have braille.	703	41.5	CHANGE OUT SIGN AND MOUNT AT CORRECT HEIGHT.	1	1	I	\$200.00
Signs should be mounted so bottom of text is at least 48" above ground and no more than 60" above ground.	703.3.1	41.1					
Bathrooms: There should be at least 12" clearance between rear-wall grab bar and any protruding object above the bar.	604.5	30.6	Relocate protruding object.	1	1	I	\$200.00
The stall door should be self-closing.	604.8.1.2	30.6.1 b	Add self-closing service to door.	1	1	I	\$750.00

Ayer Fire Station

Description of Obstacles

Parking

No route exists from arrival points to entrance without using steps. No accessible spaces meet regulations, but enough area exists to make accessible spaces, van spaces, and aisles. The accessible parking sign must be at least 60" above the ground. The van accessible space must have a sign.



Exterior Accessible Routes

The inaccessible entrances should have signs indicating the location of the nearest accessible entrance and the accessible entrance should have a sign indicating this.

Entrance

The vestibule doors should have a distance between the doors at least 48 inches plus the width of the doors when swinging into the space.

Bathrooms

The inaccessible bathrooms should have direction sign to accessible bathroom and the accessible bathroom should have a sign indicating it is the accessible bathroom. The two doors in a series, e.g. vestibule, should have a distance between the doors at least 48 inches plus the width of the doors when swinging into the space. Bathroom hand dryer must meet code. The clearance provided around the toilet should measure at least 60 inches from the side wall and at least 56 inches from the rear wall. The side grab bar must extend at least 54" from rear wall. Any protruding objects from rear wall should have at least 12" clearance from rear wall grab bar. The toilet paper dispenser should be between 7 and 9" from centerline of the toilet.



Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: No route exists from arrival points to entrance without using steps.			NOTE THIS AREA IS FOR EMERGENCY VEHICLES ONLY.	-	-	-	
Parking area car and van accessible spaces and aisles must meet minimum width.	502	23.4	Reline existing area to code.	1	1	I	\$800.00
The bottom of the sign for the accessible spaces should be at least 60" above the ground.	502.6		Replace sign to meet code.	1	1	I	\$200.00
The van accessible space should have a sign with universal	502.6		Add to new sign.	1	1	I	\$200.00

accessibility symbol and stating, "van accessible".							
Exterior Accessible Routes: Inaccessible entrance should have a sign and direction to accessible entrance.	502	41.1.3	Add signage.	1	1	I	\$200.00
The accessible entrance should have a sign with universal accessibility symbol.	502	41.1.2	Add signage.	1	1	I	\$200.00
Entrance: The distance between the vestibule doors must be at least 48 inches plus the width of the doors when swinging into the space.	404.2	26.7	Reconfigure to meet code.	1	3	N	\$1800.00
Bathrooms: The inaccessible bathrooms should have direction sign to accessible bathroom and the accessible bathroom should have a sign indicating it is the accessible bathroom.	703	41.1.3	Add signage.	1	1	I	\$200.00
The distance between the vestibule doors must be at least 48 inches plus the width of the doors when swinging into the space.	404.2.4	26.7	Reconfigure to meet code.	1	1	N	\$1200.00
Bathroom hand dryer must meet code.	308	30.12	Change out dryer to meet code.	1	1	I	\$300.00
The clearance provided around the toilet should measure at least 60 inches from the side wall and at least 56 inches from the rear wall.	604.3.1	30.6.1	Reconfigure area to meet code.	1	1	I	\$500.00
The sidewall grab bar should extend at least 54 inches from the rear wall.	604.5	30.6	Replace to meet code.	1	1	I	\$200.00
There should be at least 12" clearance between rear-wall grab bar and any protruding object above the bar.	604.5	30.6	Move protruding object.	1	1	I	\$250.00
The toilet paper dispenser should be located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser.	604.7	30.7.6	Move dispenser to meet code.	1	1	I	\$150.00

Ayer Parks and Recreation Building

Description of Obstacles

Parking

The van accessible aisle must be at least 8' wide. The accessible space parking sign must be at least 60" above the ground.



Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The van accessible aisle must be at least 8' wide.	502	23.4	Reline existing area to code.	1	1	I	\$800.00
The bottom of the sign for the accessible spaces should be at least 60" above the ground.	502.6	23.6.4	Replace sign.	1	1	I	\$200.00

Ayer Transfer Station

Description of Obstacles

Parking

At least one accessible space must be a van accessible space including accessible aisle. All accessible spaces must have a sign.

Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The parking area must have at least one van accessible parking space.	502	23.4	Reline existing area to meet code.	1	1	I	\$800.00
The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".	502.6	23.4.7	Add signage.	1	1	I	\$200.00

Parks

Sandy Pond Beach & Building

Description of Obstacles

Bathroom

Bathroom signs should include braille, be located on latch side, and be between 48 and 60" above the ground. The door opening should be at least 32" wide. The front approach to the pull side of the door should have at least 18 inches of maneuvering clearance beyond the latch side plus 60 inches clear depth. Door hardware should be mounted between 34 and 48" above the floor. The privacy wall should have at least 24 inches of maneuvering clearance beyond the door latch side and 42 inches to the privacy wall. There should be a clear path at least 36" wide to each bathroom fixture (*hand dryer, soap dispenser, etc.*). The clearance provided around the toilet should measure at least 60 inches from the side wall and at least 56 inches from the rear wall. The flush control should be on open side of toilet. The toilet paper dispenser should be mounted between 7 and 9" from the toilet centerline. The door pulls on both sides of the door, and lock on inside, should be operable with one hand and not require tight grasping pinching or twisting of the wrist. The stall area should be at least 60" wide and at least 59" deep beyond the stall door when swung into the area.

Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF
Bathrooms: Bathroom signs should include braille, be located on latch side, and be between 48 and 60" above the ground.	703.3.1	30.	COMPLETE REMODEL OF THE EXISTING BATH HOUSE TO BRING IT INTO COMPLIANCE.	3	4	L
The entrance door opening should be at least 32" wide.	404.2.3					
The front approach to the pull side of the entrance door should have at least	404					

18 inches of maneuvering clearance beyond the latch side plus 60 inches clear depth.						
Door hardware should be mounted between 34" and 48" above the floor.	404.2.7					
The privacy wall should have at least 24 inches of maneuvering clearance beyond the door latch side and 42 inches to the privacy wall.	404					
There should be a clear path at least 36" wide to each bathroom fixture (hand dryer, soap dispenser, etc).	305.7.1	30.				
The clearance provided around the toilet should measure at least 60 inches from the side wall and at least 56 inches from the rear wall.	604.3.1					
The flush control should be on open side of toilet.						
The toilet paper dispenser should be located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser.	604.6					
	604.7					
The door pulls on both sides of the stall door, and lock on inside, should be operable with one hand and not require tight grasping pinching or twisting of the wrist.	404.2.7	30.				
The stall area should be at least 60" wide.						
The minimum required compartment area provided beyond the swing of the stall door is 59 inches for floor mounted toilet.	604.3					
	404					
			COMPLETE REMODEL OF THE EXISTING BATH HOUSE TO BRING IT INTO COMPLIANCE.	3	4	L

Dog Park

Description of Obstacles

Parking

The parking area must have at least one van accessible parking space. All accessible spaces should have a sign.

Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The parking area must have at least one van accessible parking space. The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".	502	23.4	Reline existing area to code.	1	1	I	\$800.00
	502	23.4	Replace signage.	1	1	I	\$200.00

ATTACHMENTS

Attachment A:

Ayer Municipal Department Survey Monkey Response Excerpts & Forms

Excerpts:

Question 4.) "Do you know who is the designated ADA Coordinator for the Town of Ayer?"

- Yes: 100%
- No: 0%

Question 5.) "Have you received training or information regarding the requirements of the Americans with Disabilities Act (ADA)?"

- Yes, I have received both training & information: 25%
- Yes, I have received training only: 6.25%
- Yes, I have received information only: 37.5%
- No: 31.25%

Question 6.) "Have you received training on providing services or activities for persons with disabilities?"

- Yes: 18.75%
- No: 81.25%

Question 7.) "Have you received, or are you aware of any specific concerns, complaints, or problems regarding access for persons with disabilities to any of the programs, services, activities or facilities provided by the Town of Ayer?"

- Yes: 43.75%
- No: 56.25%

Question 9.) "Is there a policy in place for responding to requests from the public for accommodations to the program allowing persons with disabilities?"

- Yes: 25%
- No: 6.25%
- Do not know: 62.50%
- Not applicable: 6.25%

Question 11.) "Does your department track accommodation requests?"

- Yes: 12.5%
- No: 56.25%
- Do not know: 12.5%
- Not applicable: 18.75%

Question 12.) "Does your department offer any programs, services, activities, or events specifically for persons with disabilities?"

- Yes: 25%
- No: 75%

- Do not know: 0%
- Not applicable: 0%

Question 13.) “Is a “Notice Under the Americans with Disabilities Act” or a nondiscrimination statement available and posted in your department for program participants who may be persons with disabilities?”

- Yes: 6.25%
- No: 68.75%
- Do not know: 12.5%
- Not applicable: 12.5%

Question 14.) “Are you familiar with the Town of Ayer’s grievance or complaint procedures for persons with disabilities?”

- Yes: 25%
- No: 68.75%
- Do not know: 6.25%
- Not applicable: 0%

Question 17.) “Does your department require that public meetings and conferences be held in accessible locations?”

- Yes: 68.75%
- No: 12.5%
- Do not know: 6.25%
- Not applicable: 6.25%
- Blank: 6.25%

Question 18.) “Are Assistive listening devices or systems available for public meetings?”

- Yes: 50%
- No: 31.25%
- Do not know: 18.75%

Attachment B.

Link to - Ayer General Public ADA Survey Responses

<https://www.surveymonkey.com/results/SM-YFXQ77579/>

Q4 (by day)

Chart Type▼

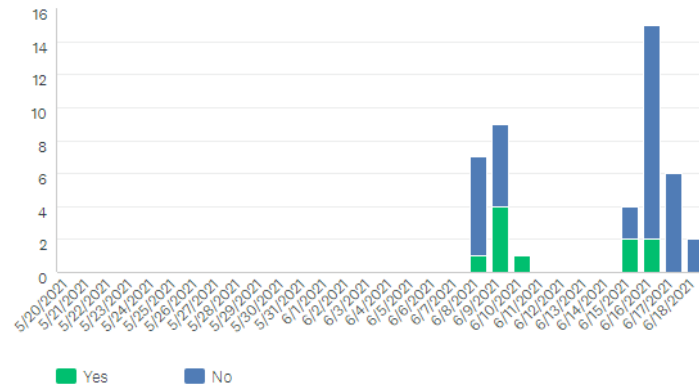
Display Options▼

Trend by...▼

Zoom▼

Do you know who to contact if you need ADA assistance, have a concern or complaint, or need an accommodation to access a facility, service, or event?

Answered: 44 Skipped: 0 First: 6/8/2021 Zoom: 5/20/2021 to 6/18/2021



Q5 (by day)

Chart Type▼

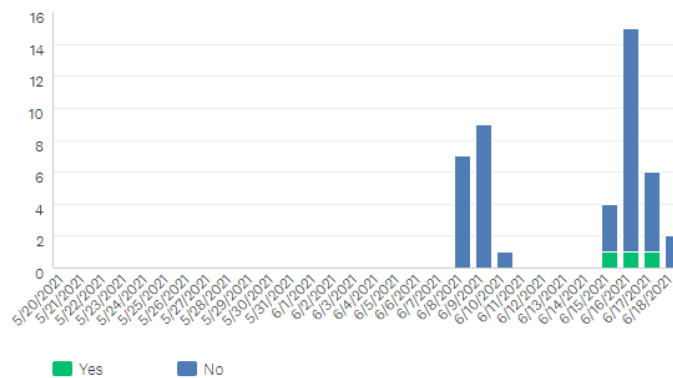
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Trend by...▼

Zoom▼

Have you ever requested an ADA accommodation for a disability from the Town of Ayer?

Answered: 44 Skipped: 0 First: 6/8/2021 Zoom: 5/20/2021 to 6/18/2021



Q6 (by day)

Chart Type▼

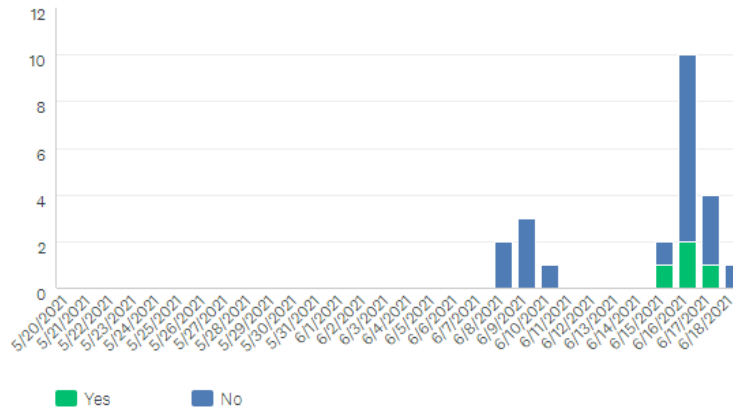
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Trend by...▼

Zoom▼

Was your accommodation provided?

Answered: 29 Skipped: 15 First: 6/8/2021 Zoom: 5/20/2021 to 6/18/2021



Q7 (by day)

Chart Type▼

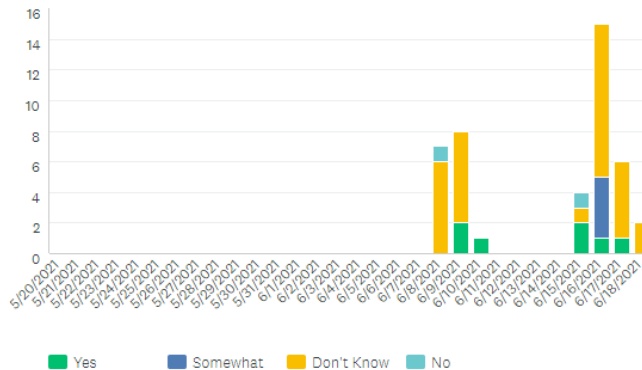
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Trend by...▼

Zoom▼

Is the responsiveness of Town of Ayer staff towards persons with disabilities generally helpful, supportive, positive, and proactive in solving accessibility issues?

Answered: 44 Skipped: 0 First: 6/8/2021 Zoom: 5/20/2021 to 6/18/2021



Q8 (by day)

Chart Type▼

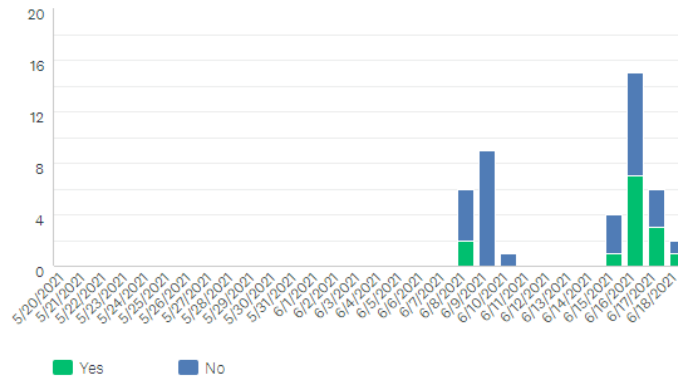
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Trend by...▼

Zoom▼

Are you aware of any specific concerns, complaints, or problems regarding access for persons with disabilities to any of the programs, services, or activities provided by the Town of Ayer?

Answered: 43 Skipped: 1 First: 6/8/2021 Zoom: 5/20/2021 to 6/18/2021



Q9 (by day)

Chart Type▼

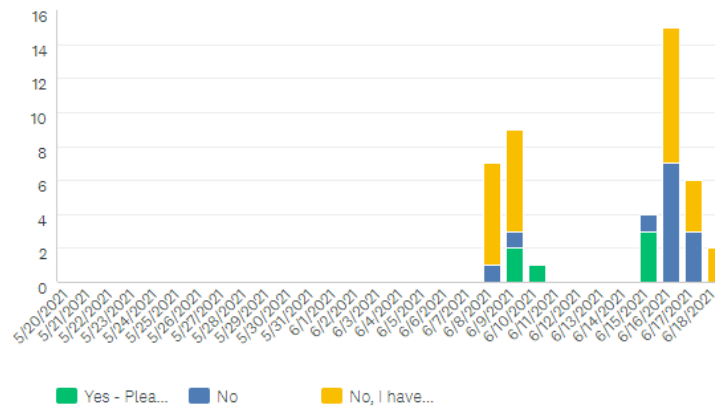
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Trend by...▼

Zoom▼

Do you know who is the designated ADA Coordinator for the Town of Ayer?

Answered: 44 Skipped: 0 First: 6/8/2021 Zoom: 5/20/2021 to 6/18/2021



Attachment C.

Office of the Board of Selectmen
Office of the Town Manager



Town of Ayer| Ayer Town Hall| 1 Main Street| Ayer, MA 01432|978-772-8220| www.ayer.ma.us

TOWN OF AYER

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

- This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). This may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Ayer
- The Town of Ayer's Personnel Policy governs employment-related complaints of disability discrimination. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to: Charles Schultz, Building Commissioner, One Main Street, Ayer, MA 01432.
- Within 15 calendar days after receipt of the complaint, the Building Commissioner or their designee will meet with the complainant to discuss the complaint and the possible resolutions.
- Within 15 calendar days of the meeting, the Building Commissioner or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Ayer and offer options for substantive resolution of the complaint.
- If the response by the Building Commissioner or their designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Town Manager or their designee.
- Within 15 calendar days after receipt of the appeal, the Town Manager or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Manager or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- All written complaints received by the Building Commissioner or their designee, appeals to the Town Manager or their designee, and responses from these two offices will be retained by the Town Clerk for at least three years.

Adopted by the Board of Selectmen – September 11, 2018

Attachment D.



Town of Ayer, Massachusetts

Reasonable Accommodation Policy

In accordance with the Americans with Disabilities Act, the Town of Ayer 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 Ayer 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 Town Manager.

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).*

Ayer ADA Coordinator

c/o Office of the Town Manager,
Ayer Town Hall
One Main Street, Ayer, MA 01432
978.772.8220
tm@ayer.ma.us

If the Town of Ayer 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 Ayer 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.

Associated Links to "Accommodation" Resources:

Link to: Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA – US Equal Employment Opportunity Commission

<https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada>

Link to: Disability Rights in Employment – MA Office on Disability

<https://www.mass.gov/info-details/disability-rights-in-employment#reasonable-accommodations-in-employment->

Link to: Employment Rights of People with Disabilities – MA Office of the Attorney General

<https://www.mass.gov/service-details/employment-rights-of-people-with-disabilities>

Attachment E.

Town of Ayer, Massachusetts

Request for Reasonable Accommodation Form

The Town of Ayer 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) _____ (home) _____
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 TOWN OF AYER ADA COORDINATOR

Attachment F.

(2019) Town of Ayer Open Space & Recreation Plan (OSRP) – ADA Accessibility

<https://www.ayer.ma.us/conservation-commission/files/open-space-recreation-plan>

PART II: PROGRAM ACCESSIBILITY

1. Facility Inventory and Transition Plan: This evaluation covers open space and recreation properties that are under the jurisdiction of the Conservation Commission. Maintenance on most of these properties is minimal and/or occasional, relying primarily on volunteer efforts. Factors such as uneven terrain and primitive trail conditions preclude the use and enjoyment of many conservation properties by individuals with disabilities. Such factors also render it practically infeasible to devise and implement a transition plan for greater accessibility on these properties.

PIRONE PARK – Bligh Street Ayer, MA. Managed by Town of Ayer Parks Department Size: ~15 acres Facilities: 4 Baseball diamonds; 2 Basketball Courts; 2 Soccer Fields; “Kiddie Junction” Playlot; Batting Cage; numerous picnic tables; Restrooms; Concession Stand.

Existing Conditions: There are six “Handicapped Parking” spaces and signage on posts with approximately 70 total spaces in good repair on a paved surface that is located in the center of the park, conveniently located between all onsite facilities. Fully accessible handicapped restrooms and a water fountain are available and conveniently located at concession stand. There is a newly-installed three-foot wide, level, handicapped accessible paved path in perfect condition that encircles the entire park for nearly ½ mile. There are numerous benches along this path and several standard picnic benches that are handicapped accessible. Access to the ballfield viewing grandstands is not fully handicapped accessible given several feet of dirt that can get muddy and soft between the accessible path and the seating but otherwise there is the ability for the handicapped to achieve close access to all of the fields and other facilities in the park. The “Kiddie Junction” Tot Playlot is a gravel, hard-packed surface that can accommodate handicapped access: this pressure treated lumber constructed facility is being considered for replacement. Fields are in good condition.

Suggested Improvements: Place additional “Van Accessible” signs below “HP” sign where applicable on in-ground posts 5 to 8 feet above ground per ADAAG requirements. Install a handicapped accessible picnic table. Replace “Kiddie Junction” Tot Playlot with a fully accessible playground. Extend accessible path ~10 feet to paved basketball courts.

SANDY POND BEACH – Sandy Pond & Snake Hill Roads, Ayer, MA. Managed by Parks & Recreation Department, Size: ~1 acre. Facilities: Beachfront; Volleyball Court; 3-Hoop Basketball Court; Playground; Picnic tables; Restrooms; Concession Stand; Floating Dock in-season.

Existing Conditions: There are two “Handicapped Parking” (HP) spaces with approximately 20 total spaces in good repair on a paved surface that is located immediately adjacent to the facility. Fully accessible handicapped restrooms are conveniently located at concession stand by entrance. There is a ~eight-foot wide, level, handicapped accessible paved path in good condition that leads ~150 feet to the beach sand; from there it is another ~40 feet of sand to the water’s edge. There are several benches along the paved path and several standard picnic benches that are handicapped accessible, as are the playground, volleyball and basketball courts, all of which are in good condition.

Suggested Improvements: Place “Handicapped Parking” and additional “Van Accessible” signs where applicable on inground posts 5 to 8 feet above ground per ADAAG requirements. Install a handicapped accessible picnic table. Provide highly visible signage indicating how a handicapped person can request assistance to access waterfront. Another option is to install beach mats to improve access on the sand; also, a beach wheelchair could be acquired. Install accessible Porto-John.

PART III: EMPLOYMENT PRACTICES

The Town of Ayer is an equal opportunity employer. The Town of Ayer 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. This means that it pledges that all candidates for positions and all officials and employees in Town will be equally treated in all actions affecting them. It also means that the Town has a policy of non-discrimination which guarantees that all applicants for employment and all employees are not to be discriminated against because of their race, color, religion, sex, creed, national origin, age, veteran status, disability, sexual orientation, or any other characteristics protected by law.