



**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**

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BUILDING DEPARTMENT *buildingdepartment@townofmedway.org*

*Building Commissioner*

*Jack Mee*

Dear Town of Medway Residents:

Attached please find our current ADA/504 Self Evaluation Report. This report was completed by surveys shared on social media to the residents within the Town of Medway; also, being sent directly to Department Leaders within Medway's municipality during the month of August 2021.

The purpose of this report is to evaluate the needs and concerns of the resident regarding ADA accessibility. The Town of Medway is required to complete a self-evaluation for the public facilities, programs, services, and events, to determine compliance with ADA standards. This report will be posted on the Town's website for a minimum of 3 years, or until all items have been remedied.

The Town is committed to removing any and/or all barriers that could restrict accessibility with some of our recent projects. We also continue to look at all modifications that we make in any public facility, providing ADA accommodations and compliance, *i.e.*: *review of a newly proposed water treatment facility on Populatic Street that will be 100% compliant.*

Some areas that are currently ADA compliant

- DPW Facility (46 Broad Street)
- Walking Trails
- 109 Roadway Project
- Oakland Park
- Choate Park

Some areas of concern that we found and will focus on in the future are as follows:

- Ide House (158 Main Street)
- Senior Center Parking accessibility (76 Oakland Street)
- Town Fields (parking lots)

If future concerns are brought to our attention, we will investigate work towards compliance.



**TOWN OF MEDWAY**  
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## **ADA/504 SELF EVALUATION PROPOSAL**

### **EXECUTIVE SUMMARY**

The Town of Medway (“Town”) is currently working on a Self-Evaluation under Title II of the Americans with Disabilities Act (ADA). The Town is required to complete this evaluation for public facilities, programs, services, activities, and events; determining if ADA compliance standards are being met or if there are barriers to accessibility. Once the Self-Evaluation is complete, the Town will develop a Transition Plan to prioritize the identified barriers and how they will be corrected. The Town has made progress ensuring that services are accessible, and it has implemented several projects to eliminate architectural barriers. The facilities, policies, and programs are generally accessible, however, there is room for improvement and further education.

The ADA Leadership Group for the Town of Medway are Jack Mee, (Building Commissioner & Zoning Enforcement), Erika Robertson, (Code Compliance Coordinator & Weights/Measures Deputy), and Katherine Bird (Human Resources Coordinator). All can be reached at (508) 533-3200 during the following hours:

Mondays: 7:30 am to 5:30 pm

Tuesdays, Wednesdays, & Thursdays: 7:30 am to 4:30 pm

Fridays: 7:30 am to 12:30 pm

The principal issues have been reviewed and identified:

- Resources for providing materials in alternative formats; ensuring departments are aware of the protocols for accessing them,
- Guidelines for assessing requests for accommodations,
- Available information in alternate formats and instructions on how to request accommodations,
- Additional accessibility information on the Town website,
- An emergency preparedness plan that ensures equal access to safe egress for individuals with disabilities.

This Self-Evaluation will assist the Town in its ongoing effort to ensure equitable access for all. The Town will develop a schedule for implementing the recommendations contained in this report that reflect the regulatory obligations established.

### **INTRODUCTION**

Incorporated in 1713, the Town of Medway is a considered a farming community of approximately 13,000 residents, located on the western edge of Norfolk County and bordering the towns of Holliston, Millis, Milford, Bellingham, and Franklin. State Highway Route 109 runs the length of Medway from east to west with Route 495 being close by. Stops for the rail transit to Boston is

available in the neighboring towns of Franklin and Norfolk. Like all municipalities, the Medway has a regulatory obligation to ensure not to discriminate against individuals with disabilities in the provision of municipal programs and services. The ADA does not necessarily require that all Town facilities are fully accessible, but does require that all Town programs and services, “when viewed in their entirety”, are accessible. Medway performs Self-Evaluations by determining which programs require improvement, what barriers are currently existing in the programs, and then improve these plans by removing the barriers.

The ADA defines individuals with disabilities as those who fall into one of the following categories:

1. Individuals who have a physical or mental impairment that substantially limits one or more major life activities,
2. Individuals with a record of such an impairment; and
3. Individuals regarded as having such an impairment.

The broad prohibition against disability-based discrimination requests that all the Town’s programs and services be accessible to individuals with disabilities.

The ADA requires a public entity to take five administrative action steps:

1. Designate an employee responsible for carrying out compliance activities,
2. Provide notice to the public of its rights and protections under the ADA and how the entity complies with those obligations,
3. Establish a grievance procedure,
4. Conduct a Self-Evaluation, a comprehensive review of policies and procedures,
5. Develop and ADA Transition Plan.

Therefore, the Town must assess specific services, policies, and practices by addressing the removal of physical barriers and/or the revision of policies and procedures, ensuring compliance with the applicable ADA, Section 504 regulations, and the Massachusetts Code of Regulations (521 CMR). Massachusetts State law further require that the Town apply the more stringent of the above standards to achieve accessibility.

## **REGULATORY CONTEXT**

There are four federal and state requirements for the removal of architectural barriers from existing buildings and alternations to existing buildings.

These are:

1. PL101-336: 1990 *American with Disabilities Act (ADA)*. This is the federal civil rights statute whose first purpose it:  
*.... To provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. (42 USC 12101. Sec.2(b))*
2. 28 CFR Part 35, Title II: *Nondiscrimination of the Basis of Disability in State and Local Government Services (as amended by the Final Rule publishes on September 15, 2010)*. These are the U.S. Department of Justice’s regulations implementing the ADA, as required in the 42 USC 12101, Sec. 304(a))
3. 29 USC 794: Section 504 of the 1973 *Rehabilitation Act (504)*
4. 521 CMR: *The Rules and Regulations of the Massachusetts Architectural Access Board. (1977, 1987, 1990, 1992, 1996, 1998, 206)*

## **ADA AND 504 BARRIER REMOVAL REQUIREMENTS**

There are two requirements under Title II of the ADA requiring a public entity (*such as the Town*) to remove existing barriers and prevent discrimination against a person or people with disabilities.

These two requirements are:

- Program Accessibility which requires individuals with disabilities be provided an equally effective opportunity to participate in or /benefit from a public entity's programs and services. The ADA requires that public entities provide physical and communication access to each program service or activity. The Town must identify and correct policies and practices that have the effect of discriminating against individuals with disabilities.
- Alterations that are performed must conform to the 2010 ADA Standards. Alterations may trigger an obligation to perform additional barrier removed outside the planned scope of work. The ADA accessible path of travel requirement states: "*When alterations are made to a primary function area that affect the usability of that area, alterations to provide an accessible path of travel to the altered area must also be made unless the cost is disproportionate.*" Furthermore, the Town is required to maintain existing facilities to ensure continued, unfettered, and uninterrupted access to persons with disabilities.

## **PROGRAM ACCESS**

The Towns' fundamental obligation is to ensure that individuals with disabilities are afforded an equally effective opportunity to participate in, or benefit from, all programs and services; subject only to the limitations of fundamental alteration and/or undue burden. The Town must affect policy changes so that persons with disabilities can have full access. The Town must continuously make changes; preventing discrimination and continually work to increase accessibility.

Section 202 of the ADA states "*no qualified individual with a disability shall, by reason of such 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.* 28 CFR 35.150 states "*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.*"

The statutory and regulatory language above describes what is known as "program access" where all programs must be readily accessible to and usable by qualified persons with disabilities. In addition, qualifying students with disabilities must be provided with equal services in an integrated a setting as much as possible. The determination of what is an "equal" and "integrated" setting will be made on a case-by-case basis. What is appropriate for one person with a specific impairment may not be appropriate for another person with the same impairment.

Failure to provide "program access" is an illegal act of discrimination under Title II of the ADA, where the Town must identify and correct policies and practices where discrimination may fall under Title II of the ADA. The Town must identify and correct policies and practices that have the effect of discriminating against individuals with disabilities. The law provides public entities with some flexibility in how this standard can be met. Both structural and nonstructural methods of providing "*program access*" can be used.

## **METHODS OF PROVIDING PROGRAM ACCESS**

28 CFR 35.150 details the methods that a public entity such as the Town may use to provide ADA access. These include:

- Reassignment of services to accessible buildings,
- Delivery of services at alternate accessible sites,

- Alteration of existing facilities and construction of new facilities; or
- Any methods that its services, programs, or activities readily accessible to and usable by individuals with disabilities.

When choosing a method of providing program access, the Town is required to give priority to the one which results in the most integrated setting, which will be made on a case-by-case basis. What is appropriate for one person with a specific impairment may not be useful or appropriate for another person with the same impairment.

### **LIMITATIONS ON OBLIGATION TO PROVIDE ADA ACCESS**

The ADA's regulations specify certain limitations on a public entity's obligation to provide program access. An entity is not required to perform an action that poses a financial or administrative burden or constitutes a fundamental alteration. The decision that compliance would result in such alteration or burdens must be made by the public entity executor or his/her designee and must be accompanied by a written statement of the determination. The decision constituting an undue burden is a high one for state and local government entities. If it is determined that a barrier removal will result in such an alteration or burdens, the Town is still required to *"take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity."*

### **SCHEDULE FOR PROGRAMS ACCESS COMPLIANCE**

Both 504 and Title II of the ADA presume people with disabilities will be using the programs and services of public entities. In anticipation, they both mandate proactive steps to prevent discrimination by removing existing barriers. They do not permit public entities to wait until a person with a disability arrives before beginning to make accommodations. For example, 504 and Title II mandate proactive barrier removal so when a student with a disability arrives at school, the programs and services are substantially accessible. Minor accommodations may be needed, but the significant assessment and barrier removal should be complete.

### **SELF EVALUATION PROCESS**

Several meetings have been held with the Town Administrator to discuss project goals and methodology. A survey was posted on the Town of Medway's Social Media pages for public input. A more-detailed survey was also sent to Municipal Department Leadership via e-mail. This survey was initially available to the public for the month of August 2021 and publicly available now. A review of the completed survey related the Town was completed by the Code Compliance Coordinator and finalized by the Building Commissioner. A draft with key findings and recommendations was developed and will be submitted to a Selectman's Meeting, date TBA.

### **PURPOSE & SCOPE**

- Identify barriers in programs and activities that prevents persons with disabilities from access (includes evaluation of policies/practices),
- Provide equivalent access to the maximum extend feasible.

### **CRITICAL AREAS TO EVALUATE**

- Public right-of-way, accessing government offices, medical facilities, downtown core areas, school zones, residential areas, et al
- Rest Areas, parks
- Access to public buildings (permit/licensing offices, public meeting rooms, etc.)

Currently, we seek the help of other Departments from the Town of Medway to help identify:

- ADA issues that are needed to make facilities accessible to person with disabilities.

- Foundation for a Transition Plan.
- Set forth steps necessary to complete modifications available through self-evaluation
- Provide a schedule for completing modifications.
- Identify Physical obstacles.
- Describe the methods to make facilities accessible.
- Specify the schedule for achieving completion (if longer than 1 year, identify steps to be taken each year but as expeditiously as possible.)
- Identify official responsible for implementation of plan.
- Estimated cost of each modification.
- Status column to record completion date.

## **PROGRAMS, SERVICES AND ACTIVITIES**

Medway provides municipal programs and services though the following departments:

- |                                    |                        |
|------------------------------------|------------------------|
| • Animal Control                   | • Assessor's Office    |
| • Board of Health                  | • Building Department  |
| • Community & Economic Development | • Council on Aging     |
| • Department of Public Works       | • Fire/Ambulance       |
| • Human Resources                  | • Information Services |
| • Cultural Council                 | • Police Department    |
| • Public Communications            | • Town Accountant      |
| • Town Clerk                       | • Treasurer/Collector  |
| • Veteran's Services               | • Water/Sewer          |

## **DEPARTMENT RESPONSES**

The following departmental summaries and change recommendations are based on responses to the above-referenced questionnaire.

**Animal Control:** The function of the Animal Control Officer is to enforce all Town bylaws, State Laws, and Town rules and regulations regarding animals. This includes but is not limited to; licensing notification, bite/wound quarantines, leash law violations, barking problems, preparing suspected rabid animals for testing, dealing with sick or injured wildlife, and issues at the dog park.

**Assessor's Office:** The main role of this office is to determine the value of property in Medway for real estate taxation purposes, we are also happy to provide residents with literature and assistance in obtaining an abatement on excise taxes or finding exemptions on real estate taxes.

**Board of Health:** The "Board" is compiled of members who have been either elected or appointed who have a particular interest about the well-being of their community. Board members are given the legal authority to set policies and make regulations to protect the public and environmental health. Under Massachusetts General Laws, state and local regulations, and community direction, the Board is held responsible for disease prevention and control, health and environmental protection, and promoting a healthy community. The Board serves as the local arm of both the Mass. Department of Public Health and the Mass. Department of Environmental Protection. To fulfill their duties, they develop, implement, and enforce health policies, oversee inspections to maintain minimum standards for sanitation in housing and food service, and assure that the basic health needs of their community are being met.

Building Department: The primary objective of the Building Department is to protect the public's safety and welfare as it relates to construction; ensuring that any construction, reconstruction, alterations, repairs, moving or demolition of buildings and / or structures conform to all requirements of the Building, Mechanical, Electrical, Plumbing and Gas State Codes as well as Town of Medway Zoning bylaws. Providing a central location for permit applications (building, electrical, plumbing and gas, weights and measures) to be obtained, filed, and processed as well as assisting with our online permitting system and scheduling all required inspections. The Building Department is available to address questions, concerns, and is a source of general building and zoning information. It is important that anyone who intends to do any construction or remodeling contact the Building Department to ensure that they are compliant with the various regulations, bylaws, and building codes.

Community and Economic Development: This Department oversees the implementation and coordination of community and economic development plans, programs, and services. The Department helps coordinate efforts with other Town Departments, local and regional organizations, and state and federal agencies in focusing attention on these goals. It also provides administrative and technical support to the Medway Redevelopment Authority, the Planning and Economic Development Board, the Zoning Board of Appeals, the Conservation Commission, the Energy Committee, the Affordable Housing Committee, the Community Preservation Committee, and the Open Space Committee, just to name a few. The department also works with businesses to locate, expand, and strengthen the community through investment and by creating and retaining jobs. Whether it's technical assistance, site search, zoning and permitting, or identifying and accessing potential business development resources, we can assist and connect your business to an array of tools to help you grow and succeed in Medway. In summary, the Community & Economic Development Department works to promote economic growth; preserving and enhancing neighborhoods and the environment; also improving the quality of life for the residents of Medway.

Department of Public Works: (DPW) is responsible to the residents and businesses of Medway for the maintenance and management of a public infrastructure that has been constructed over the course of the Town's history. This significant infrastructure consists of more than 100 miles of residential and urban roadway, bridges, sidewalks, curbs, traffic signals, street lighting, guardrail fencing, surface and sub-surface storm water systems, sanitary wastewater systems, public water supply systems, and public shade trees. This infrastructure is the backbone of the community and contains many of the resources that all together define the overall quality of life in the community. "DPW" is organized into the following five programs: Administration & Finance, Engineering and Facilities, Parks Division, Highway & Fleet Maintenance, and Water & Sewer.

Fire Department: The mission of the Medway Fire Department is to protect and to save the lives, property, and environment of the citizens of Medway from emergencies and disasters through fire suppression, fire prevention, emergency medical services, hazardous materials mitigation, and public education.

Human Resources: The mission of the Human Resource Department is to provide lawful guidance and direction, coordination, and leadership to town officials and departments. In addition to assisting in creating policies and procedures that will attract and maintain professional, knowledgeable, and innovative employees, "HR" also offers all municipal staff a resource for benefit services, training, and employee relations.

Information Services: Information Services is responsible for the planning, acquisition, implementation, and management of technological resources that will promote the goals for all departments within the Town of Medway. These resources include all components and peripherals that affect the overall operation or our environment. Specific items include all means of communication

(analog, digital, web, and electronic); wireless, and local area networks; data storage and security; desktop, laptop, and mobile device operation; interactive whiteboard and projection systems; and all database systems. Information Services will support all municipal and educational departments to leverage systems and components; integrating similar technologies across all departments to provide greater access to resources at a lower cost of management/ownership.

Medway Cultural Council: The Medway Cultural Council (MEDCC) supports public programs that promote access, education, diversity and excellence in the arts, humanities, and interpretive sciences; directly affect the residents of Medway; achieve the greatest community benefit; and cultivate the arts through participation and appreciation. The MEDCC receives its annual budget from the Massachusetts Cultural Council, a state agency. The mission of MEDCC is to infuse our community with rich art and cultural experiences through grant funding and program development and to create opportunities to bring recognition to our local artists and nourish the conditions under which the artist community can flourish here.

Medway Public Schools: The Medway Public School district, in partnership with the community creates an academically challenging, safe, and supportive learning environment that promotes the pursuit of excellence for all.

Police Department: The Mission of Medway's Police Department is to improve the quality of life for all who live, work, or visit our community by delivering the highest quality of public safety and service. The men and women of the Medway Police Department are dedicated to accomplishing their mission by:

- Maintain peace and order through fair and impartial enforcement of law and quality police service.
- Foster an environment of cooperation and trust between the police department and the community.
- Value our employees as our most important resource.
- Conduct business efficiently and effectively.
- Challenge the future with a spirit of optimism and innovations in the continuous pursuit of excellence.

Public Communications: Public Communications is the point of contact for all press and media requests, and an important point of contact for members of the community seeking information from the Town. This department is responsible for producing media releases and increasing the public's awareness of Town programs, services, and other important information. Additionally, the department oversees content production for various print publications and social media channels and serves as the public outreach arm of Town operations.

Town Accountant: The Finance Director is responsible for all matters dealing with the Town finances; coordinating all financial services and activities, functions related to the fiscal management and planning of the Town and aiding all Town departments in any manner related to finance. The Mission of the Town Accountant's Office is to protect the Town's financial interests and ensure that Town resources are expended and received according to local bylaws, General Laws of the Commonwealth, and sound accounting practices. Maintaining all the financial records for the town, it is also charged with examining all financial records, the Accounting Office provides officials and the public accurate information to facilitate the effective management of the Town. Accounts Payable and payroll for all departments are processed through this office. In processing these transactions, the Town Accountant by statute, examines and approves all financial transactions verifying compliance with local and State law, establishes procedures and implements sound business practices.

The office maintains the general ledger, monitors all budgets, and provides a monthly budget statement to all departments and boards. It is also responsible for maintenance of the financial software used by the Town, and the filing of all reports to the Department of Revenue and various governmental agencies.

Town Clerk: The Town Clerk is the official keeper of records for the Town of Medway. The office handles the recording and preservation of records including:

- Town By-laws
- Minutes of Town Meetings and certification of votes (forwards certifications to the Attorney General's Office and Secretary of the Commonwealth for approval)
- Vital records - Birth, Death, and Marriage Certificates
- Zoning Board of Appeals and Planning Board filings, Twenty-day appeal certificates
- State and Federal Tax Liens
- Dog Licensing
- Non-Criminal Disposition
- Raffle Permits

Town Manager's Office: The Town Manager's Office oversees the departments under the jurisdiction of the Board of Selectmen. The Town Manager performs administrative, technical, and supervisory work. He/she analyzes and recommends changes in Town Policy, systems, and procedures. The Manager prepares and participates in meetings of the Board of Selectman, reviews, and monitors the municipal budget, provides daily supervision and oversight of municipal agencies, personnel, and services under the Board of Selectman's jurisdiction.

Treasurer/Collectors Office: The Treasurer serves as the Town's cash manager. In this role, the Treasurer receives all revenue from all departments and outside sources, maintains all bank accounts and records of the Town's cash position. Reconciliation of cash is done internally and with the Town Accountant monthly. The Treasurer is responsible for the investment and disbursement of funds and overseeing the Town's cashflow. The Treasurer prepares the Town payroll and pays the Town's bills. The Treasurer is legally authorized by Town Meeting to borrow funds on behalf of the Town for purposes deemed legal under Massachusetts General Law 44:7 and 44:8 or by other legislation. The Treasurer facilitates & manages municipal borrowings working with Bond Counsel, the Department of Revenue, and the Town's Fiscal Advisor. The Treasurer is also responsible for the collection of tax title accounts. The Collector of Taxes is responsible for the collection of taxes as committed to her by the Board of Assessors. All revenues are turned over to the Treasurer on a weekly basis. The Collector is responsible for the reconciliation of receipts and her receivable balances with the Town Accountant's general ledger.

Veteran's Services: The mission of the MetroWest Veterans Services is to advocate on behalf of all the District's Veterans and their eligible dependents, to provide them with top quality support services in obtaining EARNED benefits and entitlements from Federal, State, and local agencies. Work closely with each town's departments with advice and assistance pertaining to veteran's issues. Provide direct emergency financial assistance to those veterans and their dependents that are in need.

Water/Sewer: The Water and Sewer Division is charged with the operation and maintenance of the Town's water supply, water treatment, water distribution, and wastewater collection systems. This entails oversight of the system's pumping and treatment facilities located at four (4) drinking-water well sites. Being a groundwater system, the Town treats its raw water with the addition of sodium fluoride for dental health, lime for corrosion control and sodium hypochlorite for disinfection.

All these treatment processes require daily manual monitoring by certified staff as well as with the department's recently installed Supervisory Control and Data Acquisition (SCADA) system. Drinking water is pumped into two (2) water storage tanks having a combined capacity of 2.8 million gallons. The wastewater system is comprised of approximately forty-four miles of gravity sewer that discharges into the treatment facility operated by the Charles River Pollution Control District. Through its recent sewer extension project, the department now operates and maintains a sewer pump station located in the Trotter Drive Industrial Park area.

## **BUILDING ASSESSMENTS**

In 2020 The Town of Medway contracted GORMAN, RICHARDSON, LEWIS ARCHITECTS to complete a facilities condition assessment of the Town Buildings. Below is an overview of their findings.

**Town Hall:** Accessibility is provided to the Basement level via the elevator. Existing off-sets in floor level are provided with a ramp device that is not in conformance with accessibility requirements. Because the Basement is not open to the public, 521 CMR does not apply. Doors to storage areas appear to comply with accessibility requirements for width and door hardware (lever handles.) As noted in the Code Summary included in this report, any renovations that total more than \$125,195 (30% of the 100% equalized assessed building value of \$417,319) would require full compliance throughout the building with the Massachusetts Architectural Access Board Regulations (521 CMR) if the aggregate cost of renovations in any three-year period exceed this amount. That would require various improvements to the building, including (but not limited to) stair handrails, room signage, and removal of a built-in bench in the 2nd Floor accessible toilet room. Currently, the only immediate code requirement is that the fire escape must be inspected by a structural engineer or other registered design professional every 5 years for certification (an existing certification was not verified). Additionally, because the total building area exceeds 7,500 sf any renovation project deemed to be “major” by the Fire Department would require installation of a full-building sprinkler system.

**Fire Station #1:** Any renovation costing more than \$217,391 would require full compliance with the Massachusetts Accessibility Code (521 CMR) and any “major” renovation would trigger the need for a full building sprinkler system.

Accessibility is limited to the Entry Foyer. A step down to the Main Apparatus Bay level prevents accessible entry from the Corridor 102. An accessible unisex toilet room is provided off Corridor 102. Accessible entry into the Main Apparatus Room is provided by the front-facing door as noted above. Due to the congestion of the Main Apparatus and related equipment, accessibility is not achieved in most of the Main Apparatus Bay.

Full compliance with 521 CMR would be required if the aggregate cost of renovations in any three-year period exceed this amount. In that case only portions of the building that are open to the public to receive a service are required to comply (521 CMR 11.1). Therefore, if public access to the building is limited to the main entrance lobby, only that area is subject to compliance with 521 CMR. However, if the 2nd Floor meeting room is used for meetings or seminars with anyone other than town employees, full compliance would require a new elevator and the existing non-accessible 2nd Floor toilet rooms would have to be accessible.

**Fire Station #2:** Due to the raised curbs at doors between sections of the fire station, accessibility is only achievable from the exterior into the Main Apparatus Bay and separately from the exterior to the Side Hall; from the exterior to Bay 3. However, the egress door from Bay 2 is only 30” wide and does not conform to accessibility. Due to the raised curbs at the interior door thresholds, accessibility is not achieved from section to section within the building. Neither restroom is handicap accessible. The Kitchen is not set up for handicap accessibility. However, as noted in the Code Report, the building is

not open to the public to receive a service, and therefore not required to comply with the Massachusetts Architectural Access Board/s Regulations regardless of the level of future renovation (521 CMR 11.1).

Police Station: As noted in the code section (included later in this report), the building is generally accessible, with an accessible public entrance, public toilet room, and elevator. Therefore, in accordance with 521 CMR if the cost of work exceeds \$100,000 but does not exceed 30% of the building value no further compliance would be required.

The 100% equalized assessed value of the building is \$850,309 and 30% of this value is \$255,092. Full compliance with 521 CMR would be required if the aggregate cost of renovations in any three-year period exceed this amount. In that case all public areas would have to be brought into full compliance, but not employee-only areas. The limited public areas in the building were generally compliant, however it did not appear the holding area included an accessible cell as required by 521 CMR Section 15. The cell doors only provided a clear width of 25.5" rather than the required 32" minimum and the toilets in the cells did not have adequate clear floor space.

Medway Public Library: Access door from Lobby area is via a single 3-0 x 7-0 9-lite residential type door with lever handle NOTE: clearance at latch side to adjacent Elevator Machine Room wall is less than the required 18" per 521 CMR. Egress door on the east wall has a raised threshold 3 steps up from floor level with a temporary ramp for deliveries. This egress door is not accessible per 521 CMR.

Medway Senior Center: Site/Civil deficiencies regarding pavement cracking at the senior center parking lot. Deficiencies regarding handicap parking: the slope of the senior center handicap spots appears to exceed the current ADA standards. Several of the handicap spots also appear to be missing signs, and the pavement markings are faded. One handicap spot at the front of the senior center is very tight, positioned directly against a hedge, and does not provide wheelchair access on either side. Parking spaces closest to the Main Entry are not Handicapped Accessible and require further investigation. Parking lot signage, striping and pitch require further investigation.

VW Post 1526: The exterior ramp assembly and canopy leading down to the entrance to the Member's Lounge are in poor condition and are not fully compliant with ADA and 521 CMR. Handrails are not present, and the canopy is deteriorated. The exterior wood ramp leading up to the side entrance of the main Lobby is deteriorated and not in full compliance with ADA and 51 CMR. Functional deficiencies include lack of handicap accessibility in conformance with ADA/ 521 CMR.

Medway High School: In service since 2004, the building has been well maintained. The building is generally in compliance with the building and accessibility codes in place at the time of construction, with a few issues that are not in compliance with current codes but require no immediate action. Suspect ACBM (Asbestos Containing Building Materials) were observed throughout the building, though this does not infer asbestos levels above those allowed by code are present.

Medway Middle School: The building is generally accessible, both front and rear entrances are accessible, the building has accessible toilet rooms, accessible drinking fountains, and an elevator. Therefore, if the cost of work exceeds \$100,000.00 but does not exceed 30% of the building value no further compliance would be required.

Observations of the existing building, building systems and adjacent site, as well as interviews with occupants/ users of the building, revealed that the Middle School is functioning as intended with several notable exterior physical deficiencies and several non-urgent functional deficiencies. Due to the 2011-2012 Repairs to The Middle School Project, significant improvements were made to all 3 buildings comprising the Middle School, including:

- New Main Entry Canopy, Vestibule 1001, Lobby 1002, Corridor 1000A (Building 1)
- Full window and exterior door replacement
- Accessibility upgrades including a new Elevator in Building 3 and refurbishing of other existing elevators o Accessibility and finishes upgrades to all toilet and locker rooms,
- Accessibility upgrades and interior improvements to the Auditorium including a lift to the stage area. Accessibility upgrades to all interior stairs
- Abatement of Asbestos-Containing Building Materials (ACBM)- primarily VAT flooring  
Flooring upgrades at Old and New Gymnasiums
- Major MEP/FP upgrades

As a result, the overall condition of the Middle School is very good and building and accessibility code issues appear to have been adequately addressed. In addition, abatement of known asbestos containing materials were included in the scope of work, reducing, though not necessarily eliminating, hazardous building materials (flooring, insulation for example) from the facility.

Library: The Building is generally accessible. Both front and rear entrances are accessible, the building has accessible toilet rooms, accessible drinking fountains and an elevator. Therefore, if the cost of work exceeds \$100,000.00 but does not exceed 30% of the building value no further compliance would require except for maintenance required at the front entrance where settling has occurred at the front door and the curb line at the edge of the parking lot and created changes in level greater than the ½' maximum allowed along accessible route. There is currently an exterior carpet at the front door to cover the rough surface below, which is a compliant solution.

McGovern School: The building has an accessible entrance and drinking fountain; however, it does not have a fully compliant accessible toilet room. There is one boy's toilet room labeled as assessable, including a somewhat larger toilet stall, however, the clear floor space is not compliant (only 29" clear in front of the toilet rather than the 42" required and there are no grab bars).

The Medway's Assessor's on-line database indicates the Burke building has an assessed value of \$4,121,900 and the Massachusetts Department of Revenue's website indicates the assessment ratio for Medway is 0.97. Therefore, the 100% of equalized assessed renovations in any three-year period exceed this amount. Significant alterations to the building would be required to achieve full compliance, including (but not limited too) making all toilet rooms compliant, compliant room signs, compliant handrails on both sides of the existing interior ramp & stairs, various interior double doors that have individual leaves with a clear opening with less than 32 inches, exterior doors leading to the playground include a step, and room signate lacking Braille and raised characters.

Memorial Building: The Massachusetts Access Board's Regulations regarding schools have not changed significantly since the building was originally constructed. The building appears to be fully compliant with these requirements and therefore additional work to achieve compliance should not be required regardless of the scope of future renovations, unless code changes occur prior to that work.

Burke Building: The building has an accessible entrance and drinking fountain; however, it does not have a fully compliant accessible toilet room. Th primary toilet rooms include a semi-accessible stall but it does not have adequate clear floor space, grab bars, or clear floor space on the pull side of the entrance door and toilet room. If the cost of work exceeds \$100,000.00 a new compliant toilet room would be required either by renovating the existing toilet room or construction a new unisex accessible toilet room.

## **OVERVIEW OF FINDINGS & RECOMMENDATIONS**

Based on completed survey responses for the Town of Medway and Town of Medway Department heads, the following are specific findings and recommendations.

ADA Coordinator: Most of the feedback from the Town of Medway and the Town of Medway's staff (Department Heads) are that they are unaware who the ADA Coordinator(s) is/are.

### Recommendation:

- The grievance policy should be easily located on the Town's website, along with the coordinators names.
- The policy should include the steps that a complainant can pursue if they do not agree with the ADA Coordinator's decision, for instance a statement indicating a person's ability to appeal to the Chairman of the Board of Selectmen.

The Town of Medway does have an ADA Grievance Policy and an ADA Policy. The policy is as follows:

## **THE AMERICANS WITH DISABILITIES ACT ADA POLICY**

Intent: The Town of Medway is committed to complying with the Americans with Disabilities Act, as amended, as well Massachusetts General Laws Chapter 151B, jointly referred to herein as the "ADA."

Policy: This Policy is adopted to facilitate and ensure compliance with the ADA for the Town of Medway facilities and employees. Program applicants, participants, members of the public, employees, and job applicants will not be discriminated against based on disability in their participation in Town programs, activities, and services. This Policy provides an overview of individuals' rights under the ADA. It is not intended to address every possible situation, nor does it compel the Town to act in a manner not required by the ADA. The Policy supplements other Town policies.

Town Facilities & Programs: All Town boards, committees, and departments that are planning new construction or acquisitions through purchase, rental, or lease of facilities, or remodeling and/or additions to existing facilities shall ensure that such construction or acquisitions meet the requirements of the ADA. All Town boards, committees and departments shall also consider whether existing facilities are ADA compliant.

Similarly, all Boards, committees and departments that run programs or activities or provide services to the public are required to ensure compliance with the ADA. Compliance may require the Town to provide an accommodation to the individual.

Employees: The Town is an equal opportunity employer. It does not discriminate in any terms or conditions of employment based on any legally protected classification, including based on disability. *Pre-offer* inquiries are made only regarding an applicant's ability to perform the duties of the position. *Post-offer*, pre-employment inquiries may be broader, but the Town will only rely upon the results of any such inquiries to determine whether an applicant is able to perform the essential functions of the position for which the applicant has applied with or without a reasonable accommodation. Such post-offer inquiries are made based on the classification for which the offer of employment is made. After beginning employment, employees may be required to provide medical documentation and/or submit to an examination by a Town-appointed physician when the exam is job-related and consistent with business necessity.

Reasonable accommodation will be made available to qualified individuals with a disability in the application process, at the time of hire or during an employee's employment. *Reasonable*

*accommodations may include, but are not limited to, modified application process, modified job duties, modified work schedules, a leave of absence, temporary assigned to a vacant position. Each request for accommodation will be evaluated on a case-by-case basis. The individual must be able to satisfy the job requirements for educational background, employment experience, skills, licenses, and other job-related qualification standards.*

## **QUESTIONS**

Questions regarding this Policy should be directed to the appropriate ADA Coordinator. The ADA Coordinator for facilities and public programming accessibility is Jack Mee, Building Commissioner, and Erika Robertson, Code Compliance Coordinator. They can be reached at his office at Town Hall, 155 Village Street, Medway, MA 02053, by phone at (508) 533-3253 and/or [jmee@townofmedway.org](mailto:jmee@townofmedway.org) and [erobertson@townofmedway.org](mailto:erobertson@townofmedway.org). The ADA Coordinator for employment related matters is Katherine Bird, Human Resources Coordinator. She can be reached at her office at Town Hall, 155 Village Street, Medway, MA 02053, by phone at (508) 533-3200, or email at [kbird@townofmedway.org](mailto:kbird@townofmedway.org).

## **GRIEVANCE PROCEDURE**

Anyone who believes his/her rights under this Policy, or the ADA have been violated may file a grievance in accordance with this Grievance Procedure.

**Step 1:** If an individual wishes to file a grievance, s/he should do so by filing the grievance with the ADA Coordinator. The ADA Coordinator will be available to meet with citizens and employees at mutually convenient times during business hours. When a grievance is filed, the ADA Coordinator will attempt to gather information including, but not limited to, the name, address, phone number of the complainant and the location, date, and description of the grievance as well as other information as she may deem appropriate or necessary. If the person filing the grievance desires to remain anonymous, he or she may. Anonymous grievances, however, may limit the Town's ability to fully investigate and resolve the grievance. Reasonable accommodations, such as personal interviews of the complainant, will be made available for persons with disabilities who are unable to submit a written complaint. Each grievance will be taken seriously. If appropriate, based on the nature of the grievance, the Town will investigate the matter in a timely fashion. After the investigation, if any, is completed, the Town will advise the person who filed the complaint, if identified, of the outcome of the investigation in a format that is sensitive to the needs of the recipient (i.e., verbally, enlarged type face, etc.). If the outcome of the investigation warrants, the Town will act promptly to address the situation. If the grievance is not resolved at this level, it may be processed by the person filing the grievance to the Town Manager within ten (10) business days.

**Step 2:** A written grievance will be submitted to the Town Manager. Assistance in writing the grievance will be available to individuals requiring such assistance. All written grievances will be responded to in a timely manner by the Town Manager in a format that is sensitive to the needs of the recipient, (i.e., verbally, enlarged type fact, etc.).

## **STATE AND FEDERAL REMEDIES**

In addition to seeking internal problem resolution, an individual may also file a formal complaint with either or both government agencies listed below. To protect the charging party's rights, the employee must file a charge with the Massachusetts Commission Against Discrimination (MCAD) within 300 days from the date of the alleged discriminatory act. A complaint filed under federal law should be filed with the United States Equal Employment Opportunity Commission (EEOC) within 180 days

from the date of the alleged discriminatory act. If the charge is also covered by the Massachusetts Commission Against Discrimination (MCAD), the filing deadline may be extended to 300 days. The Massachusetts Commission Against Discrimination (MCAD) Boston Office: The John McCormack Building, One Ashburton Place, Room 601, Boston, MA 02108; (617) 994-6000; [www.state.ma.us/mcad](http://www.state.ma.us/mcad)

The United States Equal Employment Opportunity Commission (EEOC) John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203; (800)669-4000.

## **PUBLIC NOTIFICATION**

The Town shall post this Policy, in large print, in Town Hall and all other Town-owned buildings where a bulletin board is maintained for either employee or public notices. This Policy shall also be posted on the Town of Medway website.

In addition, The Town of Medway does have a Service Animal Policy.

**Service Animal Policy:** The town does not have any easily accessible information on Service Animals. Please be advised of the following policy regarding Service Animals:

- ADA Regulations
  - Business and Entity Policies and Procedures
- Staff may only ask two questions:
1. *“Is this a service animal required because of a disability?”*
  2. *“What work or task has the dog been trained to perform?”*

Recommendation: The Service Dog Policy should be easily accessible on the Town website.

**Website and Public Meeting Accessibility Requirements:** Department heads are concerned that Town of Medway website and public meetings are not accessible to the blind and/or deaf. Town releases also do not have closed caption. Also, adding Alt Text to images on social media.

After consulting with Town of Medway’s IT Department, 2 headsets for hearing impaired are available for public meetings.

Regarding the Town of Medway website, the following information has been gathered regarding the website from CivicPlus, who is The Town of Medway’s software and web development company:

We provide highly compliant sites based on WCAG 2.0 AA guidelines. Our focus is to provide a high degree of compliance to maximize accessibility for all users while providing freedom to create a visually rich and appealing site.

Our approach for each website includes the following steps:

- We will deliver you a site that is free of all “errors” as defined by the standard for industry accessibility checking: <https://wave.webaim.org/>
- Whenever possible we will use text-based fonts to replace graphics for design elements such as icons, links, and buttons.
- Our designs will focus on color schemes that will satisfy required color contrast requirements.
- Our CMS has been built to require “Alt Tags” whenever images are uploaded.
- Our trainers will use CivicPlus best practices to teach your staff to keep your content and design elements accessible and up to date with the latest ADA/WCAG standards.
- PDFs need to be saved in an accessible format. While the responsibility for this lies with our clients, we will provide instructions to your staff for the best way to accomplish this.

- Our product team closely follows changes in regulations and updates our best practices as well as provides regular updates to clients via our CivicPlus website, webinars, and other publications.
- Ongoing Scans – we think it is a best practice to occasionally scan your site to check ongoing compliance. Our customer support team will show you how to scan your site or will run periodic scans upon request.

The Self-Evaluation process did identify other areas where improvement could be made in the delivery of accessible programs and services.

Examples are as follows:

1. *158 Main Street.* The interior of this Town office building is not accessible, ramp is not in compliance. Seeking better access to the public.
2. Citizens concerns about making the walking trails more accessible. Plan is currently in the words for Adams Street walking trail to make loop accessible. ‘  
RECOMMENDATION: To see if the Town will vote to transfer \$65,000 from Community Preservation Fund Open Space Reserves to the purpose of designing and construction a one-quarter mile ADA-accessible loop trail with a viewing platform, parking, benches and associated amenities as an addition to the existing Adams Street Meadow trail or act in any manner relating thereto.
3. Continue to have challenges with parking lots staying in compliance.
4. Senior Center parking lot needs to be restriped with a more accessible route.
5. Accessibility in stores. Concern was given regarding isles in stores, and more handicap spots near entrance. Recommendation: The plaza parking lot does meet ADA requirements in the parking lot, and a plan was submitted for the new parking lot which shows the requirements of 9 spots are being met.
6. Transportation for disables unable to drive. Currently no plan in place.
7. Areas where there is no accessible sidewalk. There is no sidewalk on the east end of Village Street, causing pedestrians to walk in the street.
8. Accessible parking. Not available at two soccer fields.
9. Visual and Physical Aids. Requested to help enter and exit town buildings.
10. Improvement to accessing public facilities.

## CONCLUSION

In conclusion, there are no conspicuously bad deficiencies in the Town of Medway. Any renovations will be reviewed by the Building Department to ensure compliance. The self-assessment will be accessible on our Town of Medway website for 3 years.

The Town is committed to ensuring that it is accessible to individuals with disabilities and to the required coordination of the Town’s policies, operations, and facility planning, design, and construction. Implementation of the above recommendations will further the equitable access to the Town and meeting the Town’s obligations under the ADA. The Town should perform a yearly assessment of its progress in implementing the above recommendations.