Shelburne, Massachusetts

Americans with Disabilities Act (ADA)

Self-Evaluation and Transition Plan

December 2023

Table of Contents

1   Introduction

1.1   The Americans with Disabilities Act of 1990 (ADA)

As a public entity, the town of Shelburne is subject to the ADA's title II Requirements for State and Local Government Programs and Services and is responsible for the provision of accessible programs and facilities that are available without discrimination toward people with disabilities. A fundamental tenet of title II of the ADA is *"the principle that individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from a public entity's aids, benefits, and services."* This principle is referred to as program accessibility.

A public entity may not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. A public entity's services, programs, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. This standard, known as "program accessibility," applies to all existing facilities of a public entity. Public entities, however, are not necessarily required to make each of their existing facilities accessible. The Town is required to ensure program accessibility for the programs it provides to the public, and most of these programs are based in a facility of some type.

The phrase "*when viewed in their entirety*" is important to recognize for municipalities when developing a plan to remove barriers to access. Since programs are offered across different platforms and at or in different facilities (or across multiple facilities), this allows for a degree of flexibility that recognizes both the opportunities to deliver services in alternative formats or in alternative locations, but also the fiscal constraints facing a town and the feasibility of altering existing facilities. If barrier removal is too costly, physically infeasible, or would adversely impact an existing program, the municipality can be creative in how they offer the delivery of a particular service in order to achieve access for all.   This is the perspective from which this evaluation and resulting plan is approached.

1.2   Who does the ADA Protect and Why is a Transition Plan Important?

The ADA provides protections to any person who 1) has a physical or mental impairment that substantially limits one or more major life activities; 2) has a history or record of such an impairment; or 3) is perceived by others as having such an impairment. This is a broad definition, but it is also important to understand that the various accessibility guidelines promulgated under the ADA either as building codes, technical guidance or best practices also enhance and expand access to *all* individuals. In addition to ADA being the law, viewing all local government service and program delivery through the lens of accessibility is just good business.

Examples of increased accessibility and improving services for all taxpayers abound. Parents pushing children in strollers, for example, have easier access to a facility designed to meet or exceed the minimum standards found under the ADA design guidelines. Improvements to web-based services, such as offering hybrid or remote meeting participation, made to provide access to those with mobility, hearing or vision impairments also work to expand access to working parents or deployed military. Older individuals in particular benefit from facility and pedestrian improvements constructed in an accessible manner.

Like many towns in Massachusetts, Shelburne is an aging community. According to U.S. Census data, the median age of Shelburne residents reported in 2010 was 49.1 and in 2020 was 58.3. The total population decreased from 2,035 residents in 2010 to 1,411 residents in 2020. In contrast, during this same period, the population of residents ages 65 and older increased from 381 in 2010 to 471 in 2020, which is an increase of 19%. Since 2012, the first year the Census Bureau published disability statistics, Shelburne's population who reported having a disability has increased from 422 residents to 515 residents in 2020, which is an increase of 18%.

1.3   Guide to Using this Document

This section provides an overview of the sections of this document and where to find various information.

Section 2 – ADA Title II Requirements Overview: This section outlines the key components the ADA mandates for Towns under Title II. It also includes a list of the various standards and, importantly, a breakdown of the limitations to the Town's obligations.

Section 3 – Administrative Requirements – Administrative requirements describe the basic elements that the Town must have in place in order to comply with the law. More specifically, these requirements provide the basic organization the Town must have in place to effectively implement accessibility policy. This section presents findings and recommendations on three basic requirements (Public Notice, Responsible Employee, and Grievance Procedure) and introduces the final requirement (Self Evaluation and Transition Plan), which follow in separate sections.

Section 4 – Self Evaluation – The Self Evaluation is the review, findings and recommendations of the programs provided by the Town. A program is inclusive of the services, resources, facilities and other attributes of anything and everything the Town does.

Section 5 – Providing Equally Effective Communication – A subset of the Self-Evaluation, this section includes aspects of communications, including website, publications, and public meetings.

Section 6 – Public Engagement & Input – The public input includes a survey conducted at the outset of the project, the review and guidance from the Town's ADA Coordinator to develop the SETP, and a final opportunity to receive public input on the final plan.

Section 7 – Transition Plan – This is the action plan to remove barriers, and includes short, medium, and long-term objectives. It presents policy and programmatic changes, readily achievable physical barrier removal, and longer-term capital projects. The Transition Plan is the Town's checklist for implementation.

Section 8 – Appendices – Sample policies, and a list of resources that will be useful during implementation.

Section 9 – Attachments – The Attachments include the reports on the data gathered (facility and website audits, survey results, departmental questionnaires, etc.).

While Section 7 lists summary recommendations and plans, various sections throughout the document includes specific and more detailed recommendations, often linking to direct examples. These are presented in lists with a "check box" to allow the ADA Coordinator or individual department heads to use the SETP document as a hardcopy manual. Periodically, the electronic and public copy should be updated and republished online to document progress.

2   ADA Title II Requirements Overview

2.1   Overview

Title II of the Americans with Disabilities Act (ADA) prohibits discrimination based on disability. Specifically, Title II requires that:

No qualified individual with a disability shall, based on 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 Part 35.130 (a)).

To ensure compliance with the ADA, the town of Shelburne contracted with The Edward J. Collins, Jr. Center for Public Management (The Collins Center) to undertake a comprehensive assessment, including self-evaluation, of its facilities, programs, and services to determine compliance with the requirements of ADA Title II. A Collins Center project team (project team), who worked in concert with KMA Architecture & Accessibility, LLC, was assigned to manage the ADA Transition Plan process. Their review provided in this assessment also recommends strategies that would result in a more practical, usable, and inclusive environment for members of the Shelburne community.

The assessment evaluated non-discrimination in policies, practices, and procedures for Town facilities, programs, and services, including those related to effective communication and employment. This report summarizes The Collins Center project team findings of ADA Title II compliance. The information pertinent to this assessment was obtained via a questionnaire developed by The Collins Center, meetings with Town leaders, department heads, boards and commissions, and comprehensive research. Findings illustrate the Town is responsive to ADA requests and requirements; however additional steps are needed to ensure that people with disabilities have the same opportunities to access facilities and participate in its programs and services as Shelburne residents without disabilities. Corrective action is needed to create or update written policies and procedures that would ensure the Town's compliance with applicable laws.

2.2   Program Accessibility

Title II of the ADA requires state and local governments to modify its policies, programs, and services when necessary to avoid discrimination:

A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination based on disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. (28 CFR Part 32.130 (b)(7))

The Town has several options to provide program access. 28 CFR 35.150, as well as the numerous advisories issued by the Department of Justice, outline the different ways in which a public entity can provide program access, including:

- Physical alteration of buildings and facilities;
- Offering services at alternate locations (including online), provided the alternative results in essentially the same level of service; and
- Where feasible, providing auxiliary aids or staff assistance in order to ensure essentially the same level of service.

When determining the type of modification, preference should always be given to the needs or method expressed by the individual requesting such modification unless this results in an undue financial burden or fundamentally alters the program or service. Practically speaking, the obligation under Title II does not mean that every building and facility has to be accessible, but **every program and service does**.

The ADA encourages creative solutions and affords flexibility to the Town in considering the needs of those with disabilities alongside the availability of resources to address those needs. What is critical is that the Town demonstrates a continuing (and proactive) commitment to improving access and responding to complaints and concerns in a fair and timely manner.

The Department of Justice has broadly interpreted a "program" to include virtually every service that a local government provides. This includes not only the obvious direct services, such as Police protection, garbage pickup and recreation programming, but also sidewalks, walking trails, passive parks, events on public property, and emergency management and preparedness. Additionally, it applies to all facilities in which a program is offered.

2.3   Equally Effective Communication

Title II entities are required to ensure "effective communication" with people with disabilities. This obligation applies to all members of the public with disabilities including job applicants, program participants, and people who are seeking information about the Town's programs, services, or activities. Specifically, Title II requires that:

A public entity shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others. (28 CFR Part 35.160 (a)).

The obligation to communicate effectively with people who have disabilities applies to the presentation and exchange of information in all forms including sound, print, graphics, and voice. Much of the specific language in the ADA focused on the use of auxiliary aides such as hearing aids, TTY/TDD, large print, Braille and other devices or methods. Today, however, arguably the most important application of the equally effective communication requirement can be found in the way a Town's website, eGovernment services, social media, and remote public meeting procedures provide access to individuals of all abilities. While this has created a significant challenge and expense, in particular for smaller municipalities with limited information technology staff and resources, the significant and rapid advances in digital services also provides one of the best opportunities to effectively modify services and programs and, in many cases, avoid some of the costs associated with physical barrier removal in order to achieve access for all.

2.4   Standards for Compliance

Objective standards are not necessarily provided in all instances, making it somewhat challenging for local governments to find clear guidance on what they "must" do to comply with the law. Where there is no official guidance included in CFR or otherwise promulgated by a state, federal or local authority, the municipality should follow best practices or the best available standard. As an example, there currently is no federal standard for accessibility in the public rights-of-way, but the United States Access Board issued in 2011 the Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) and although it has yet to be incorporated into the CFR, it is widely considered to be the best available guidance. Since sidewalks are a program offered by a municipality, these standards provide guidance to ensure accessibility.

Similarly, online and web services have no official standard other than the requirement for a government to provide equally effective communication, so the widely accepted Web Content Accessibility Guidelines (WCAG) is often used as the best practice for a municipality to follow. Other programs and services are much less clear, especially considering the broad nature of the many services provided by local government. In many local government service areas, the associations serving the professionals in these fields publish guides and primers on best practices, such as the National Recreation and Park Association (www.nrpa.org) and the Government Finance Officers Association (www.gfoa.org), and there are many additional advisories available from https://www.access-board.gov/ and https://www.ada.gov/.

A list of resources that can assist the Town in improving accessibility can be found in Appendix 8.2.

While there are myriad ways services can be made more accessible, the role of the physical facility in which a program is delivered is arguably the most important and one for which clear and objective standards are available and must be adhered to. These are noted in the next section.

2.4.1   Facility Accessibility Standards

Depending on when construction was completed, different standards may apply, and there are both federal accessibility standards, state building codes, and a specialized state accessibility code. These standards are voluminous, comprehensive, and very complex, and include numerous exemptions for historic buildings and specialized spaces. The relevant standards for Town facilities include:

- 2010 ADA Standards for Accessible Design – For projects started on or before March 15, 2012, these standards apply. The 2010 Standards combine the requirements, including scope, of 28 CFR 35.151 with the 2004 ADA Accessibility Guidelines (ADAAG), which in addition to further scoping guidance, include the technical specifications that must be followed. While these standards apply to all new construction after March 15, 2012, there are also detailed explanations of how and when alterations to an existing building may require bringing other elements of a facility into compliance with the revised standards regardless of the date of original construction.   These can be viewed at: https://www.ada.gov/law-and-regs/design-standards/2010-stds/

  It should be noted that, following the latest updates to the International Building Code and Residential Building Codes published by the International Codes Council, the standards are 99% identical to the 2010 Standards, with only minor variations, with respect to accessibility.

- One important aspect of the 2010 Standards was the inclusion of guidelines for many recreation facilities. As these were not addressed under the 1991 Standards, the 2010 Standards are the enforceable standards for such facilities and no safe harbor is permitted.

- 1991 ADA Standards for Accessible Design – Published on July 26, 1991, these standards should be used for evaluating buildings where construction started on or before March 14, 2012. They may be viewed at: https://www.ada.gov/1991ADAstandards_index.htm

- Code of Massachusetts Regulations Title 521 (521 CMR) – 521 CMR is the specialized building code for accessibility in Massachusetts and applies to all construction in the Commonwealth. While not as comprehensive as the 2010 Standards, the specific requirements under 521 CMR are more stringent and are considered additional requirements on top of the federal guidelines. They may be viewed at: https://www.mass.gov/law-library/521-cmr

For the purpose of conducting assessments of Town facilities and to simplify the identification and removal of barrier to access, the town of Shelburne's Transition Plan recognizes the following facts and assumptions:

- There is an affirmative obligation to remove barriers to access under the ADA, but not under 521 CMR. For this reason, facility audits are conducted using the relevant ADA standard. New construction and remedial projects to remove barriers should not only follow the 2010 Standards but also 521 CMR under Massachusetts law.

- Unless a facility was, beyond any doubt, constructed and remained unaltered prior to March 14, 2012, audits were conducted using the 2010 Standards. Without having a thorough review (and documentation) of all past projects, plans and costs, it is difficult to establish whether or not a facility is provided safe harbor from the 2010 Standards. It is also important to note that most of the fundamental components of the 1991 Standards were left in place for the 2010 Standards, so there is a likelihood that significant non-compliance with 2010 Standards means non-compliance with 1991 Standards. Further, efforts to mitigate a barrier to access if performed concurrent to other alterations under the 1991 Standards may trigger a requirement to comply with the 2010 Standards. Since the intent of the Town is to err on the side of increased access, it is reasonable to audit using the 2010 Standards.

2.4.2   Other Accessibility Standards

2.4.2.1   Outdoor Developed Areas

In 2013, the U.S. Access Board issued guidelines for certain outdoor recreation and developed areas. These provisions, which cover trails, picnic and camping facilities, viewing areas, and beach access routes, have no legal effect on local

governments subject to the DOJ's ADA regulations, but are considered advisory and best practice to provide accessibility to all public lands. The full guidelines can be found here: https://www.access-board.gov/aba/guides/chapter-10-outdoor/.

The Town should use these guidelines for developing outdoor spaces not specifically addressed in the 2010 Standards. However, caution should be used when attempting to follow these guidelines for access routes instead of accessible routes as defined in the 2010 Standards and should check with the DOJ or the Massachusetts Architectural Access Board if questions arise in altering existing facilities or undertaking new construction projects. Of course, any requirements of 521 CMR must be followed with new construction.

2.4.2.2   Website Content Accessibility Guidelines (WCAG)

There are no official standards for web content guidelines; instead, the general guidance to provide equally effective communication has been interpreted to mean that entities subject to Title II should follow the best practices available. For web content, the standard, and arguably universally accepted, guidelines are found in the Web Content Accessibility Guidelines. As these standards have evolved, and continue to evolve, it is important that a Town's Information Technology staff and other staff who post materials to websites, social media, and other media, stay up to date with the latest standards and advisories.

The current standards are found in WCAG 2.0 here: https://www.w3.org/WAI/standards-guidelines/wcag/.

There is a draft WCAG 2.1 and 2.2 standard as well, and it is the responsibility of the Town to stay abreast of changing content guidelines as technology rapidly changes.

2.4.2.3   Public Rights-of-Way Accessibility Guidelines (PROWAG)

As with web content, there is no official standard covering all aspects of accessibility within the public rights-of-way. The U.S. Access Board proposed the Public Rights-of-Way Accessibility Guidelines (PROWAG) in 2011. As of this writing, these guidelines have not been adopted by the DOJ, nor the Commonwealth of Massachusetts, although many of the construction details have been adopted in part or fully in state and local standards for design. PROWAG may be viewed here: https://www.access-board.gov/prowag/.

Although not officially adopted, these guidelines are nonetheless best practice and should be followed on public roadway, sidewalk, and transit projects. MassDOT has developed certain standards, and a useful guide titled Municipal Resource Guide for Walkability. This guide may be viewed here:

https://www.mass.gov/files/documents/2018/09/17/MunicipalResourcesGuideForWalkability_2018-08-24.pdf.

2.5   Limitations to Town's Obligations

While the Town is committed to ensuring access for all residents and visitors, it is important to understand the Town has limited resources with which to address accessibility issues and competing priorities. Management and elected officials are obligated to work towards improving accessibility, but the public must also recognize that it takes time, money, and Town Meeting buy-in to implement change.

The Town has a number of tools at its disposal to help weigh both the obligation to address a barrier and the manner in which it may be addressed. It is important to recognize that "perfect" is often the enemy of "good", and creative solutions can be developed that meet the needs of an individual or group even if they fall short of absolute compliance with a specific code or regulation.

2.5.1   Programs Viewed in Their Entirety

The phrase "when viewed in its entirety" noted in Section 1.1 refers to the Town's ability to take into consideration other factors when evaluating program accessibility. For example, if the Town had multiple playgrounds in different locations, they could prioritize making one fully inclusive rather than meeting the minimum standards for both; in this example, the "playground program", *when viewed in its entirety,* is accessible and results in a more inclusive playground experience for children.

28 CFR 35.150 states:

(a) General. A public entity shall operate each service, program, or activity so that the service, program, or activity, <u>when viewed in its entirety,</u> is readily accessible to and usable by individuals with disabilities. This paragraph does not -

> *(1) Necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities;*

> *(2) Require a public entity to take any action that would threaten or destroy the historic significance of an historic property; or*

> *(3) Require a public entity to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.*

To read the full text of this section, please visit:

https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-D/section-35.150.

In particular, 28 CFR 35.150 (b) (1) Methods provides examples of ways a program access can be achieved. This shouldn't be used as a reason not to complete readily achievable projects, but the reality is that Shelburne, like most towns, has limited resources and must balance competing needs when developing capital investment priorities. As long as the Town acts in good faith to provide program access and is diligent about documenting the reasons for not addressing existing deficiencies and the efforts made to achieve equivalent facilitation, it is working within the intent of the ADA.

2.5.2   Equivalent Facilitation

Section 103 of the 2010 Standards states:

Nothing in these requirements prevents the use of designs, products, or technologies as alternatives to those prescribed, provided they result in substantially equivalent or greater accessibility and usability.

Advisory 103 further states:

The responsibility for demonstrating equivalent facilitation in the event of a challenge rests with the covered entity. With the exception of transit facilities, which are covered by regulations issued by the Department of Transportation, there is no process for certifying that an alternative design provides equivalent facilitation.

Equivalent Facilitation is a tool that the Town may utilize to overcome barriers to accessibility where they have a substantial and compelling reason for non-compliance. The Town should recognize the exposure to liability and consult with Town Counsel as well as state and federal authorities if any such questions arise. As with all exceptions, the

decisions and supporting documentation should be maintained by the Town and the Transition Plan provides an ideal location for such information.

2.5.3   Safe Harbor

28 CFR 35.150 (b) (2) (i) allows for an element-by-element "safe harbor" exception for elements within facilities that have not been altered on or after March 15, 2012, provided they complied with the 1991 Standards when constructed. Generally speaking, this applies only to those elements for which the 1991 Standards provided guidance, such as operable control mounting height of 54" versus the 2010 standard of 48". It does not apply to elements for which no standard was included in 1991, such as play areas, meaning those areas are required to be brought up to current standards (programmatically or physically). Further, once the Town alters an element for any reason other than achieving ADA compliance, such as restriping a parking lot or remodeling a bathroom, it loses safe harbor protection. In other words, if it was compliant with the 1991 Standards and those standards changed, it does not have to be corrected unless and until an alteration occurs.

In general, safe harbor arguments are difficult to make for minor, and easy to fix, barriers to access. The Town has an ongoing obligation to address barriers and improve facility access and should take every opportunity to correct existing deficiencies to 2010 Standards *to the maximum extent possible*.

2.5.4   Undue Financial Burden/Disproportionality & Technical Infeasibility

28 CFR s36.401 subpart D details exceptions for situations where providing access would be structurally impractical, technically infeasible or create an undue financial burden where the cost of full compliance is disproportionate to the total cost of the project. The section is very specific in making such determinations and the actual text should be consulted by the Town if considering making such an argument. There are two important considerations that must be taken into account.

- First, it is the responsibility of the Town to determine, through design and analysis, and document any such decision to remain fully or partially non-compliant. The Transition Plan is an important mechanism to document such determinations.

- Second, the Town is obligated to ensure that alterations are performed to provide the maximum amount of accessibility possible up to the limits of disproportionality or technical infeasibility. Some of the deficiencies noted in the Facilities Self-Evaluation in Section 9.1 could be addressed by the Town documenting the reason for non-compliance under this section, but there is a significant risk with relying on such exceptions and the courts have not viewed such arguments favorably. This is a very high bar to get over for most municipalities.

2.5.5   Fundamental Alteration of a Service or Program

28 C.F.R. § 35.130(b)(7) states:

"A public entity shall 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 <u>that making the modifications would fundamentally alter the nature of the service, program, or activity</u>."

The Town should use caution when making a determination not to modify a program, service, or policy due to this guidance, and should do so only after consultation with Town Counsel or other authority. Such determinations should be documented in the Transition Plan. The full text of this section can be found here:

https://www.ecfr.gov/current/title-28/chapter-I/part-35/subpart-B/section-35.130#p-35.130(b)(7)

As with all reasoning behind intentional non-compliance, the decisions process and supporting evidence should be carefully documented and preserved.

2.5.6   Exceptions

Section 203 of the 2010 Standards provides a number of specific exceptions to compliance with the design requirements. An important subsection is 203.9, which provides exception (and advisories) for employee work areas.

The full text can be found here:
https://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm#pgfId-1010074

3   Administrative Requirements of the ADA

Title II requires the town of Shelburne to complete the following administrative actions:

- Provide a Public Notice, which will include information regarding the Town's obligations under the ADA and non-discrimination protections available to persons covered under the Act;
- Designate an employee responsible for ADA Compliance (ADA Coordinator);
- Adopt a procedure for grievances;
- Conduct a Self-Evaluation of services, policies, and practices, including providing an opportunity for public input and engagement; and
- Develop a Transition Plan, which will provide an actionable and realistic plan to remove barriers to access. This plan will include reasonable and realistic timelines for achieving barrier removals.

3.1   Public Notice

Title II of the ADA requires that public entities notify participants of its non-discrimination policies:

A public entity shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of this part and its applicability to the services, programs, or activities of the public entity, and make such information available to them in such manner as the head of the entity finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part. (28 CFR Part 35.106)

3.1.1   Findings

While the Town does have a written Public Notice, which is posted at the Town Hall. They do not provide a Public Notice on the Town's website.

The public notice provides most required elements; however, the following should be addressed:

- The Public Notice is posted at the Town Hall. It should be further posted in numerous visible municipal locations to ensure the public is aware of it.
- The Public Notice is not currently posted on the Town website. It must be posted to the Town website and social media sites.

3.1.2   Recommendations

The Town should update the Public Notice to ensure it is accurate and modify internal policies to require staff to ensure it remains posted and up to date. Specifically, the Town should:

- Publish the ADA Public Notice in all the materials distributed by the Town; post copies in numerous public locations in the Town's buildings at locations where the notice has yet to be posted. It is acceptable to create a short version or post a link depending on the media platform.
- Include the Public Notice on the Town website and social media pages as soon as possible.
- Create a single landing page on the Town's website with the Public Notice, Grievance Procedure (discussed in Section 3.3) and contact information for the ADA Coordinator (Section 3.2). This page should be accessible with a single click from an "Accessibility" icon or link on main town landing page. Multiple options for contacting the ADA Coordinator and submitting a grievance should be provided, including direct links to do either online and/or with minimal clicks. It is recommended that this landing page also include links to resources that individuals with disabilities, their caretakers, or the general public may find helpful. Links to resources can be found in Appendix 8.2 Incorporate this link into all outgoing communications where applicable.
- Consider creating a dedicated email account for Public Notices, Grievance Procedure complaints, and other questions around accessibility issues. This can be automatically forwarded to the ADA Coordinator, Town Administrator (or other designee), and any other staff to ensure email contacts are received and addressed in a timely manner, as well as avoid having to update the Public Notices should the person in the ADA Coordinator role leave the position. This will also allow for easier documentation and archiving of complaints and their resolutions.

See Appendix 8.1.1 for a Proposed Public Notice.

3.2   Designation of Responsible Employee/ADA Coordinator

Title II requires a public entity to designate an employee to be responsible for ensuring compliance. Title II provides little specific guidance for implementing this requirement, but the primary role of the designated employee, also called the ADA Coordinator, is to make sure the Town is compliant with the requirements.

A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph. (28 CFR Part 35.107 (a)).

It is common to designate a building code official as the ADA Coordinator due to the need to understand and enforce accessibility building codes. However, understanding building codes represents only a part of the duties of an ADA Coordinator and a lot has changed since the ADA was first signed into law. The programmatic aspect of the ADA is equally important, and with the rapid growth of e-Government services, the role now requires an understanding of the full spectrum of local government service delivery in order to help develop practical solutions to accessibility barriers and leverage the available technology and resources.

It is often the case that the physical solution to an architectural barrier is often the most expensive and takes the longest to achieve. An effective ADA Coordinator will understand how to achieve a satisfactory resolution to ensure program access by researching best practices, attending training, and communicating with impacted individuals. Building inspections professionals already are subjected to significant professional education and recertification requirements, so it is important that Town officials not only provide the necessary resources to fulfill dual roles, but also issue clear expectations for the position.

3.2.1   Findings

- The Town does have an appointed ADA Coordinator, which is presently the Town Administrator.
- The ADA Coordinator's contact information does appear in the Public Notice, which is physically posted at the Town Hall. The Public Notice does contain the ADA Coordinator's contact information.
- The ADA Coordinator role is not incorporated into the written job description and contract for the Town Administrator outlining responsibilities to stay up to date on ADA issues and/or respond to and document grievances and requests for accommodation. This includes a lack of any requirements for skills/training on ADA-specific standards and best practices.
- The Town does not presently have a Commission on Disability.
- The ADA Coordinator does have some knowledge and understands the responsibility around Title II requirements and is presently effectively administering the role.
- The ADA Coordinator is presently included in municipal building/construction and programmatic/IT initiatives to ensure accessibility is considered from the outset of projects and programs.
- The ADA Coordinator does not have access to the resources necessary to do the job, including a digital 2' level, tape measure and door pressure gauge nor a screen reader installed on their computer to periodically perform internal testing of documents posted to the Town's website.

3.2.2   Recommendations

The Town should continue to support the ADA Coordinator's ability to effectively carry out the roles and responsibilities of the role for overall ADA compliance and to coordinate the efforts of the organization to achieve Transition Plan goals. It is important that this role be recognized as a facilitator for improving access across all Town operations covered by Title II.

As with many small towns, the Town Administrator serves many roles including that of the ADA Coordinator. There are several opportunities for training that should be considered to stay up-to-date on accessibility issues:

- The Massachusetts Office on Disability offers convenient training and resources:
    - https://www.mass.gov/info-details/mod-training-menu
    - MOD includes a link to sign up for the department's email listserv, which is recommended.
- The New England ADA Center also provides a series of online training opportunities:
    - https://www.newenglandada.org/trainings-and-events/web-courses
- The U.S. Access Board website has a library of training webinars:
    - https://www.access-board.gov/webinars/about.html

3.3   Adoption of a Grievance Procedure

Title II of the ADA requires a public entity to adopt an adequate grievance process.

A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part. (28 CFR Part 35.107 (b))

3.3.1   Findings
- The Town does have a complete Grievance Procedure, which includes complete and easy to follow contact information; processes and/or procedures by which a complaint can be addressed; and a timeline to resolve such issues. Publication of the Grievance Procedure, however, is not posted on the Town's website nor easily accessible.

3.3.2   Recommendations

- The Town should provide multiple opportunities and methods by which an individual can submit a complaint or grievance. The Town should also ensure that this procedure is posted consistently on the website and social media.
- The Grievance Procedure, even in an abbreviated format, should link to the Public Notice on the Town website and/or social media.
- The Grievance Procedure should be distributed to the department heads with instructions to post it in a visible physical location.
- The Town should also add an accessibility icon or link on the main landing page, as well as in the footer of all subpages that link to a single page containing the Public Notice, Grievance Procedure, and link to contact the ADA Coordinator.

A sample Grievance Procedure can be found in Appendix 8.1.2.

3.4   Self-Evaluation of Programs and Services & Transition Plan

The final administrative requirements under Title II require the Town to 1) conduct a *self-evaluation* of its programs, policies, and facilities, and 2) develop a *transition plan* to improve access over a reasonable period of time and within the resources available. If a Section 504 evaluation and plan was previously done, self-evaluations are permitted to only examine those programs and services which were not previously assessed.

The Town has an outdated Transition Plan from the early 2000's, which needs to be updated. The section below outlines the process the Town has followed to meet this requirement for the SETP in conducting their update.

3.4.1   Self-Evaluation Process

The project team presented an overview of the SETP process at a kick-off meeting onsite with Town staff. Following this meeting, a questionnaire was distributed to all department heads that was designed to collect an inventory of programs/services provided by that department. The inventory gathered data on major "bundles" of services that share commonality in the resources they rely on, the individuals or groups they serve, and the general manner in which the service is delivered.

The questionnaire included a series of questions regarding effective communication, including alternative format documents and materials format requests such as large print, braille, and TTY. Additional questions were asked regarding core programs and services including location, type of program or service provided, whether the program or service is online, and whether reasonable accommodation is made for patrons with disabilities.

The data from the questionnaires is important for two primary purposes:

- To identify organization-wide barriers to access that can be addressed globally, such as whether or not staff are trained how to respond to a request for materials in an alternative format. Town-wide training or policies can be cost-effective and relatively easy to implement.
- To identify barriers specific to providing a service or program, such as burn permits or other forms that are only available in hardcopy and/or at in-person locations. In such instances, more tailored solutions can be identified, such as offering alternative online fillable forms, allowing phone-in of information, or offering curbside assistance.

The questionnaire was also used to aid in the evaluation of facilities within the context of the services offered. This is particularly important for facilities that found to be significantly non-compliant, but with limited public access where programmatic modifications are the most effective way to ensure accessibility, such as with the Town's Highway Department garage.

In addition to the questionnaire, the project team also:

- Evaluated existing policy and procedure documents;
  Held meetings and interviews with key staff;
- Conducted thorough site visits and facilities audits;
- Audited the Town's website and communications, including video of public meetings; and
- Collected public input through an online survey, also available in hard copy and alternative format upon request.

Using the information collected during this evaluation, the project team developed a list of findings and worked with the Town to develop a plan to address any deficiencies and remove barriers to access. This process is discussed in the next step.

3.4.2   Transition Plan Process

The findings of the Self-Evaluation and developing a plan on how best to address them is a multi-step process. It should be understood that the SETP is a living document and will take additional work by the Town (staff and boards/commissions) to revise and update over time. The following should be viewed as a foundation for integrating accessibility into Town operations and long-term strategic planning:

- The findings and results of the report are presented in final deliverable form to Town officials. The intent of this deliverable is to provide the foundation from which the Town can address the organizational/institutional issues that have been identified and develop internal processes to further refine the SETP and align with existing processes, plans and activities. This SETP document includes:
    - Summary tables of the administrative, program/policy/procedure, communications, and facilities deficiencies and barriers.
    - Detailed audit reports (as appendices) for all facilities, outdoor/recreational sites, and website.
    - Recommendations for remedial actions to address deficiencies, with a focus on the administrative and organizational issues critical to long-term success.
- The Town Administrator works with the Select Board and Town staff to further develop the short, medium, and long-range plan based on relative ease of barrier removal, available resources, priorities, and severity of the non-compliance.   A recommended workflow for this step includes:
    - Address Title II Administrative Requirement recommendations (Short-term – within 30 days)
    - Develop medium/long-term organizational strategy for addressing recommendations on ADA Coordinator (see Section 3.2)
    - Develop a process for regular monitoring and updating of status of Transition Plan implementation to Select Board and public.
    - Develop funding and prioritization strategies. There are a number of ways to approach the prioritization strategy, including using:
        - Public Input Survey results
        - Grievance Procedure
        - Existing master plans
        - Additional public input (as continuation of public input requirement under Title II)
        - Executive authority
    - Develop prioritized plan for programmatic modifications, including identifying and completing training for staff (medium-term – within 12 months).
    - Develop prioritized plan for readily achievable physical barrier removals that can be completed in-house or at minimal cost (medium-term – within 12 months).

- Develop prioritized capital investment strategy for major projects as part of overall capital planning process and incorporate into the Town's long-term Capital Improvement Plan (CIP).

To be successful, the Town's approach should be realistic, holistic, and pragmatic and focus on driving change in practices and procedures rather than focusing on individual projects. This will establish the organizational culture that considers accessibility alongside all other operational and fiscal goals and ensure effective and efficient long-term investments to achieve community goals.

4   Self-Evaluation - Program, Policy & Procedure Review Summary

4.1   Overview & General Town wide Findings

The findings and recommendations in this section apply across all Town departments.

4.1.1   Facilities Planning & Construction Projects

The Town is a member of the Franklin County Cooperative Inspection Program (FCCIP) administered by the Franklin Regional Council of Governments (FRCOG). Plan review is done for public projects when a permit is required, and inspections done at required intervals during the construction process. The building inspector is not included in pre-project planning and is not integrated into any review of inspection of non-permitted projects, so is largely unavailable for consult on maintenance and smaller scale repairs and modifications, such as replacing components in a restroom as part of routine maintenance. It is also not reasonable to expect the FRCOG inspectors will take the time necessary to check reach ranges, slopes, and the very specific measurements ADAAG requires.

The Town Administrator is an active participant in virtually all construction projects in Shelburne, but does not have the training, experience, or time to conduct spot inspections as ADA Coordinator. The TA does, however, have the ability to question whether accessibility codes are being followed and require contractors and professional consultants ensure the same via the procurement and contracting process.

4.1.1.1   Recommendations

The Town Administrator should review future procurement documents, contracts, and service agreements to ensure that the burden of performing thorough inspections falls on the design professional (or, if not applicable, the contractor). Inspections should be performed using a tape measure, door pressure gauge, and digital level to ensure that all finished projects meet ADAAG and 521 CMR requirements.

The FCCIP also offers inspections for in-house and small-scale repairs that do not require permitting. The Town should consult FRCOG to determine whether additional services under this program could be an opportunity for improving oversight of remedial work.

4.1.2   Customer Service

Questionnaire responses indicated that staff across all departments take active measures to provide ADA-compliant customer service. Staff initiatives included working with customers or employees to accommodate their needs to the best of their ability; meeting customers outside or at their car to provide a service; some library materials in large print, audio, and braille upon request; and providing a service online or in a personalized manner to provide informal accommodation to residents as needed.

4.1.2.1   Recommendations

The current staff practices of accommodating individual requests should be memorialized in standard operating procedures and policies as applicable and appropriate. In general, providing the required Public Notice as recommended in Section 8.1.1 and developing an easily accessible and comprehensive accessibility web page recommended in Section 5.2.2 will meet this recommendation.

As a best practice, the Town should integrate training on the ADA and its requirements into standard staff professional development programming. The U.S. Access Board offers a variety of self-guided training programs that can be found here: https://www.access-board.gov/webinars/.

4.1.3   Maintenance of Accessible Facilities

In addition to providing programmatic access, the Town is obligated to maintain all accessible facilities in working order. Exceptions are provided for temporary disruptions. The ADA Technical Assistance Manual II-3.10000 contains the following language regarding the maintenance of accessible features:

> *Maintenance of Accessible Features. Public entities must maintain in working order equipment and features of facilities that are required to provide ready access to individuals with disabilities. Isolated or temporary interruptions in access due to maintenance and repair of accessible features are not prohibited.*

> *Where a public entity must provide an accessible route, the route must remain accessible and not blocked by obstacles such as furniture, filing cabinets, or potted plants. An isolated instance of placement of an object on an accessible route, however, would not be a violation, if the object is promptly removed. Similarly, accessible doors must be unlocked when the public entity is open for business.*

> *Mechanical failures in equipment such as elevators or automatic doors will occur from time to time. The obligation to ensure that facilities are readily accessible to and usable by individuals with disabilities would be violated if repairs are not made promptly or if improper or inadequate maintenance causes repeated and persistent failures.*

Departmental surveys did not indicate any issues with maintenance; and the Public Input Survey responses confirm that respondents are generally satisfied with Shelburne's sidewalks and crosswalks with a minority stating that sidewalks, crosswalks, and curb ramps are usable but too difficult. The Town should institute a plan to review sidewalks, crosswalks, and curb ramps on regular basis and prioritize and fund maintenance and improvements.

Further, the placement of trashcans and furniture often created barriers by overlapping clear floor space, accessible routes, and maneuvering space. Training for staff should include an overview of common barriers and routine inspections by the ADA Coordinator should be performed.

4.1.3.1   Recommendations

The following actions should be taken to ensure ongoing facility maintenance and operation ensures access for individuals with disabilities:
- Staff training on placement of furniture, trash cans and other items so as not to obstruct accessible routes, clear floor space and maneuvering clearances.
- Regular inspections and testing of assistive listening devices.
- If outsourced, contracts for maintenance on facilities and rights-of-way should be modified to specifically require accessible routes, clear floor spaces and maneuvering spaces be kept clear. For example, janitorial contractors should be instructed not to place trash cans within latch-side clearance of bathroom doors or in knee space under accessible counter. For right-of-way mowing and vegetation

control, contractors should ensure limbs are kept trimmed above 80" and weeds between sidewalk slabs and at ramps be removed.

- Require ADA Coordinator to conduct periodic inspections at all facilities for compliance. This could be done through the Job Description but including in the ADA SETP as policy is an acceptable alternative.

4.1.4   Emergency Preparedness, Evacuation Plans, and Emergency Shelters

As evidenced by recent U.S. Department of Justice's (DOJ) Project Civic Access Settlement agreements, emergency preparedness shelters, and evacuation plans are critical components of a Town's responsibilities related to accessibility.

The town of Shelburne does have a Comprehensive Emergency Management Plan (CEMP), which was updated in 2022. Upon CEMP review for ADA compliance, it was noted that the Town has comprehensively addressed "standard boilerplate" accessibility.

4.1.4.1   Findings
In reviewing the 2022 version of the Shelburne CEMP, it appears to be quite complete. MEMA has highlighted areas that need to be addressed internally. The project team reviewed the document and are providing the following recommendations to enhance the utilization of the document during emergencies, and EOC Activations.

4.1.4.2   Recommendations
The Emergency Operations Center must be ADA compliant, and accommodation(s) made for those who may have hearing/seeing/ or other physical limitations.

Sheltering Operations and locations are identified on pages 31 and 32 of the Shelburne CEMP. These locations should be delineated as either sheltering locations or warming centers. In adhering to FEMA Sheltering requirements, the following should be implemented /or addressed for each location and included as an annex in the CEMP:

- What ADA compliance issues exist with each facility and what is the plan for temporary mitigation if the site is activated?
- Does it have showers? If so, are they accessible?
- Sufficient Rest Rooms or is supplementing with accessible portable toilets
- Transportation; the plan should specify which providers have accessible vans.
- Service Animals/ Vet Services

Shelburne should utilize the following resources to inspect the facilities: the two *Tool B's Shelter Capacity and ADA Accessibility* as well the *Resource Guide for Emergency Planning for People with Disabilities and others with access and Functional Needs.*

4.1.5   Service Animals

It is important for the Town to have a clear policy on service animals, as their use has grown substantially in the last decade. There is presently no Town-wide policy providing guidance, so it is recommended that one be adopted. A sample policy can be found in Appendix 8.1.3. A suitable policy should clearly define what is and is not a service animal, limitations, handler responsibilities and under what circumstances a service animal can be removed or prohibited.

4.2   Town Department Programs and Services
Department recommendations are grouped by the facility in which they are primarily located. A summary of each facility is presented to give a general overview of the facility barriers that may impact the accessibility of the specific services provided by the department and inform any recommendations for modifications. Note that the general Town-wide findings discussed in Section 4.1 also apply to each department.

4.2.1 Town Hall Departments

4.2.1.1 Town Hall Facility Summary

Located at 51 Bridge Street and built in 1900, the Town Hall presents significant accessibility challenges. Priority barriers that need to be addressed include:

- Deteriorated entry ramp, landing, and rails
- Elevator not operational at the time of the audit
- Auditorium handrails and sales-service concession counter height
- Lack of a platform lift or ramp to the auditorium stage
- Multiple issues with the Women's bathroom

The full audit of Town Hall is included in Attachment 9.1. Due to the high traffic and intensity of use at Town Hall, the project team recommends that all items identified in the report be addressed within 2-3 years. Priority mitigation should include:

The following departments have offices in the Town Hall:

- Tax Collector/Treasurer
- Town Clerk
- Town Administrator
- Assessor
- Accounting

4.2.1.2 Highway Department

The Highway Department has responsibility for maintenance and construction of 50 miles of town roads.

The following barriers to accessibility were noted:

- Forms should be posted as fillable forms. Examples of forms that should be redesigned as fillable forms include:
  - https://www.townofshelburne.com/files/Curb_Cut_Application_and_By-Law.pdf
  - https://www.townofshelburne.com/files/Request_Utilities_Underground_Public_Way.pdf
  - https://www.townofshelburne.com/files/Trench_Permit.pdf

4.2.1.3 Tax Collector/Treasurer

The department has accessible payment forms through Shelburne's Unibank online payment center.

The following barriers to accessibility were noted:

- Alerting users when they will be leaving the Town website system helps those using assistive devices keep track of webpage navigation. The following links should inform the reader that they are being directed to an external site:
  - https://www.mytaxbill.org/inet/bill/home.do?town=shelburnema

4.2.1.4   Town Clerk

The questionnaire provided by the Town Clerk (Town Office) can be viewed in Attachment 9.2. Staff report that individuals can make requests via the Town website for materials to be mailed or emailed to them if they are unable to access the building. Employees also have hand-delivered information to patron's cars or residences if transportation is difficult.

The following barriers to accessibility were noted:

- Staff are not trained to convert documents or materials into alternative ADA accessible formats, such as braille or large print.
- Staff are not knowledgeable on the use of TTY/TDD or relay services for the hearing impaired.
- Forms should be posted as webpages with fillable forms. Examples of forms that should be redesigned as fillable webpages include:
    - https://www.townofshelburne.com/files/Public_Records_Request_Form.docx
    - https://www.townofshelburne.com/files/vitals.docx
- Some documents are not available in a format accessible with a screen reader as they are scanned or low resolution, including the following documents:
    - https://www.townofshelburne.com/files/ATM-Warrant2015.pdf
    - https://www.townofshelburne.com/files/Tech_School_Vote2015.pdf
- Documents should not be uploaded with track-changes still enabled; only final versions of documents should be publicly accessible:
    - https://www.townofshelburne.com/files/Amendments_to_the_MTRSD_Agreements.pdf

The Town Clerk oversees elections, which is addressed separately in this section below. Services are available online, via email, in person or via mail. As with other departments, much of the information is posted to the website in HTML and accessible with screen readers.   Meeting agendas, election results, Town bylaws, and other documents not noted below are also posted in accessible formats.

The following barriers to accessibility were noted:

- Information about the upcoming election can be found here: https://www.townofshelburne.com/p/8123/2024-Election-Info. However, in the months leading up to Election Day, deadlines and important information is not available. Though the site says that content will be available soon, it is recommended that the Clerk make election information a priority.

Evaluation and Recommendations on Elections:

Election Day voting is held at 51 Maple Street. The building has numerous accessibility issues as detailed in Attachment 9.1. Voters have access to mail-in absentee ballots and early voting. Staff has, in the past, mailed absentee ballot applications. Early voting patrons, if requested, can be provided a ballot curbside by staff. An AutoMark ballot marking machine is available for the visually impaired or others who have difficulty marking a ballot. Staff has a history of accommodating individuals with disabilities, but the practices are not formalized and there is no information on these accommodations, or how to request them, on the Town Clerk's website.

The following recommendations are offered:

- Town Clerk Elections website be updated to provide information on the accommodations already offered and how to request them.
- Procedures for providing accommodations should be formalized in departmental policies to ensure they are consistently followed.

4.2.1.5   Building Inspector

The department does not contain any files and information is posted in an accessible format.

The following barriers to accessibility were noted:
- Alerting users when they will be leaving the Town website system helps those using assistive devices keep track of webpage navigation. The following links should inform the reader that they are being directed to an external site:
  - https://frcog.org/project/franklin-county-cooperative-inspection-program/

4.2.1.6   Town Administrator / Select Board

Some forms, such as the Animal Control Dog Complaint form, are posted in an accessible manner with fillable fields. All Select Board meetings have the option to turn on closed captions.

The following barriers to accessibility were noted:
- Forms should be posted as webpages with fillable forms. Examples of forms that should be redesigned as fillable webpages include:
  - https://www.townofshelburne.com/files/Alcoholic_Beverages_Carry_In_Permit_Application.pdf
  - https://www.townofshelburne.com/files/Employment_Application_Shelburne.pdf
  - https://www.townofshelburne.com/files/Film_Permit_Form.pdf
- Some documents are not available in a format accessible with a screen reader as they are scanned or low resolution, including the following documents:
  - https://www.townofshelburne.com/files/2019_Annual_Town_Meeting_Warrant_-_Final.pdf
  - https://www.townofshelburne.com/files/2024_Annual_Town_Meeting_Warrant_-_May_2_2023.pdf

4.2.1.7   Assessor

Some forms, such as the State Tax Form and the Motor Vehicle Excise Abatement Application, are posted in an accessible manner with fillable fields.

The following barriers to accessibility were noted:
- Forms should be posted as webpages with fillable forms. Examples of forms that should be redesigned as fillable webpages include:
  - https://www.townofshelburne.com/files/CPA_Exemption_Application.pdf
- Alerting users when they will be leaving the Senior Center website system helps those using assistive devices keep track of webpage navigation. The following links should inform the reader that they are being directed to an external site:
  - https://www.mass.gov/orgs/appellate-tax-board
  - https://www.shelburnefallsfiredistrict.org/
  - https://shelburne.patriotproperties.com/default.asp
  - https://next.axisgis.com/ShelburneMA/

4.2.1.8   Accounting (Finance)

All documents are posted in downloadable Word or Excel documents. No barriers to accessibility were noted.

4.2.2 Senior Center

The Senior Center has its own stand-alone website (https://the-senior-center.org/) which was audited for ADA compliance. Certain forms, such as the Newsletter Registration form, are accessible with fillable fields.

The following barriers to accessibility were noted:
- Several program information pages include information only available from image-based brochures that are not readable by screen readers nor have alternative text:
  - https://the-senior-center.org/library/Trifold%20hand%20out%20Final_Page_2.jpg
  - https://the-senior-center.org/library/Trifold%20hand%20out%20Final_Page_1.jpg
- Some documents are not available in a format accessible with a screen reader as they are scanned or low resolution, including the following documents:
  - https://the-senior-center.org/files/Registering_for_Medicare.pdf
  - https://the-senior-center.org/files/Shelburne_Police_Department_-_Scams_Flyer.pdf
- Alerting users when they will be leaving the Senior Center website system helps those using assistive devices keep track of webpage navigation. The following links should inform the reader that they are being directed to an external site:
  - https://www.paypal.com/donate/?cmd=_s-xclick&hosted_button_id=9ALXTCK28KD36&source=url

4.2.3 Cowell Gymnasium and Recreation Committee

Cowell Gymnasium was constructed in 1936 and was renovated over the years. Key barriers that were identified during the audit include:

- A lack of accessible routes from the parking lot to the building entrance and to the basketball courts
- Slopes for accessible parking spaces and door landings exceed the allowable limits
- A lack of marked and signed accessible parking spaces
- Interior stair handrails issues

The questionnaire provided by the Cowell Gymnasium can be viewed in Attachment 9.2. Staff report that employees have accommodated patrons with disabilities by delivering paperwork or items to patrons' vehicles or homes. Committee meeting minutes and agendas are posted in accessible formats.

The following barriers to accessibility were noted:

- Staff are not knowledgeable on the use of TTY/TDD or relay services, and/or interpreter services for the hearing impaired.
- Staff are not trained to convert documents or materials into alternative ADA accessible formats, such as braille or large print.
- Alerting users when they will be leaving the Town website system helps those using assistive devices keep track of webpage navigation. The following links should inform the reader that they are being directed to an external site:
  - https://www.facebook.com/WestCountySoccer?fref=ts

4.2.4 Arms Library

Arms Library, located at 60 Bridge Street, has priority issues and barriers to be addressed including:

- No accessible route from the front of the building to the rear accessible entrance

- Rear accessible entrance walkway in poor condition, signage is needed, and the exterior landing is not level
- Signage and marked accessible parking access aisle needed for a van
- Elevator not operational at the time of the audit
- Bathroom layout issues
- Public access computer desks lack clear floor space and knee and toe clearance

The Arms Library has its own stand-alone website (https://www.armslibrary.org/) which was audited for ADA compliance. The library's form to sign up for newsletters is an accessible form with fillable fields.

The following barriers to accessibility were noted:

- Program information pages include information only available from image-based brochures that are not readable by screen readers nor have alternative text:
    - https://www.armslibrary.org/images/JELLYFISH_DREAMING_2_ARMS_LIBRARY_Poster.jpg
- The following internal and external links are broken and need updating:
    - https://www.armslibrary.org/home/reopening-policy
    - https://bse.mohawkschools.org/
    - https://mohawk.mohawkschools.org/
- Alerting users when they will be leaving the Library website system helps those using assistive devices keep track of webpage navigation. The following links should inform the reader that they are being directed to an external site:
    - https://wowbrary.org/signup.aspx?zipshow=01370
    - https://bark.cwmars.org/eg/opac/home?locg=270

4.2.5   Shelburne Free Public Library

Shelburne Free Public Library was constructed in 1898. Concerning the facility, it is a non-compliant building. Access to the building, accessible parking, accessible paths inside the building and accessible bathrooms are all issues. The Town should address this situation programmatically with a formal policy statement that shares programming between the ARMS Library and Free Public Library. Such information can be put on the Town website and in brochures. The focus should be to use the "program viewed in its entirety" allowance to say 50% of the libraries are accessible. Alternatively, the Town can document and rely on historic exemptions (202.5).

The questionnaire provided by the Shelburne Free Public Library can be viewed in Attachment 9.2. The Library has its own stand-alone website (http://www.shelburnefreepubliclibrary.org/) which was audited for ADA compliance. Staff are trained in how to respond to requests for documents or materials in an alternative format, as they have large print books on shelves and are able to request titles for patrons through interlibrary loan services. Staff report that they are available at all times during open hours to assist patrons with online and physical searches and retrievals of library resources should they need help.

The following barriers to accessibility were noted:

- Staff are not knowledgeable on the use of TTY/TDD or relay services, and/or interpreter services for the hearing impaired.
- Program information pages include information only available from image-based brochures that are not readable by screen readers nor have alternative text:
    - http://www.shelburnefreepubliclibrary.org/wp-content/uploads/2022/02/IMG-4530.jpg

- Alerting users when they will be leaving the Library website system helps those using assistive devices keep track of webpage navigation. The following links should inform the reader that they are being directed to an external site:
    - https://www.cwmars.org/
    - https://www.bpl.org/

4.2.6 Police

The building used by the Police Department was constructed around 1970. Over time, the building was used for commercial activities before being purchased by the town.

Priority accessible related details to address include:

- Accessible parking related issues
- Reach range issues concerning items that are mounted in the lobby
- Lack of handrails on the rear steps

The questionnaire provided by the Police Department can be viewed in Attachment 9.2. Staff report that they make reasonable accommodations to serve all patrons, such as using translation apps or tele-interpreters when encountering a language barrier. Some forms, such as the Motor Vehicle Crash Operator Report, are posted in an accessible format with fillable fields.

The following barriers to accessibility were noted:

- Staff are not knowledgeable on the use of TTY/TDD or relay services, and/or interpreter services for the hearing impaired.
- Staff are not trained to convert documents or materials into alternative ADA accessible formats, such as braille or large print.
- Alerting users when they will be leaving the Town website system helps those using assistive devices keep track of webpage navigation. The following links should inform the reader that they are being directed to an external site:
- https://www.mass.gov/car-seat-safety
- https://www.deadiversion.usdoj.gov/drug_disposal/takeback/index.html
- https://malegislature.gov/Laws/GeneralLaws

4.2.7 Fire Department

The Town is served by two different Fire District agencies that are separate agencies and not departments of the Town.

4.2.8 Village Information Center

The facility was constructed around 1900. Notable accessible barriers identified include:

- A lack of an accessible route to the building and no level landing at the entrance doors. It's understood that the ongoing streetscape-sidewalk project will address these issues.
- There are reach range issues in the building that can be negated by repositioning brochure and document holders and/or by having on-duty staff hand out the information.

The questionnaire provided by the Village Information Center can be viewed in Attachment 9.2. The Center has a stand-alone website (https://www.shelburnefalls.com/index.php/things-to-do/53-visitor-information) which was audited for ADA compliance.

The following barriers to accessibility were noted:

- Staff are not knowledgeable on the use of TTY/TDD or relay services, and/or interpreter services for the hearing impaired.
- Staff are not trained to convert documents or materials into alternative ADA accessible formats, such as braille or large print.
- Images are lacking alternative text, captions, or description of the posted photos in the subcategories:
  - https://www.shelburnefalls.com/index.php/things-to-do/57-visitor-information/shelburne-falls-in-the-movies
- Alerting users when they will be leaving the Town website system helps those using assistive devices keep track of webpage navigation. The following links should inform the reader that they are being directed to an external site:
  - https://parade.com/252508/joycemaynard/joyce-maynard-teaches-the-labor-day-stars-how-to-bake-a-pie/
  -

4.2.9 Village Center

Accessible issues that were noted from walking through the Village Center included:

- To ensure clear width and passing spaces along sidewalks, install proper size and approved grates over tree wells.
- For storefront awnings that may extend below 80", and assuming that awnings will not be removed, ensure clear width for passage along sidewalks by limiting objects such as sandwich board signs and newspaper boxes along accessible routes.

4.2.10 Buckland-Shelburne Elementary School

The school facility was examined in terms of the building being used as a town meeting site. Priority accessible issues that were identified include:

- The lobby restrooms have a number of issues concerning mirrors, door hinges and latches and sinks that can be addressed.
- The main entry drop-off area requires both pavement stripping and tactile warning.
- The site arrival at the right-of-way on Mechanic Street, and the west side of the main driveway, have sidewalk slope issues that require attention.
- The lower and upper parking lots require an additional accessible van space and have stripping and signage issues.

4.3 Social Media Audit

While Shelburne does not have a Town-wide social media presence, many individual departments have an account such as the Recreation Committee (https://www.facebook.com/ShelburneRecreation/), and the Arms Library (https://www.facebook.com/ArmsLibrary/). The Senior Center appears to have previously had a page that is now defunct: https://www.facebook.com/sfsrctr/. These accounts were collectively audited for accessibility and ADA compliance. All interactive elements on the page, such as buttons, links, and forms, can be accessed and operated using

only a keyboard. For all uploaded content, the color contrast between the text and background meets the WCAG (Web Content Accessibility Guidelines) standards.

The following barriers to accessibility were noted:

- All images and flyers are lacking alternative text. Any pictures that contain words should be accompanied by a version of that text in writing.
  - https://www.facebook.com/photo/?fbid=524884706517971&set=a.270109465328831
  - https://www.facebook.com/photo?fbid=768953968423706&set=a.660136389305465
  - https://www.facebook.com/photo.php?fbid=638203681681494&set=pb.100064756028907.-2207520000.&type=3
- Videos do not contain an option to enable closed captioning:
  - https://www.facebook.com/ShelburneRecreation/videos/10152128049559674/?idorvanity=304882776251965
- When the town shares others' content, they should note any ADA accessibility barriers.

4.4   Pedestrian Facilities – Sidewalks, Crosswalks and Curb Ramps

Pedestrian facilities present a unique challenge. At present, there are no official standards promulgated under the ADA for pedestrian facilities such as sidewalks and crosswalks outside of those contained within a site, or a property boundary. This means that local and state regulations are the primary guidance for these types of facilities. Various court interpretations and DOJ issued guidance generally state that in the absence of official standards, a jurisdiction shall use the best available guidance, which is generally considered the Public Rights of Way Accessibility Guidelines (PROWAG), more fully described in Section 2.4.2.3. The U.S. Access Board released proposed guidelines in 2011, and they have yet to be adopted as official guidance. In 2022, The DOJ announced its intention to make PROWAG official after many years of public comment.

Many municipalities have either adopted PROWAG as their standard, or largely incorporated the construction details and standards in their own Design and Construction Manuals, effectively making PROWAG to applicable required standard. This has not happened in Massachusetts, nor in most municipalities. With an aging road network, and extremely challenging right of way widths on most streets, following the PROWAG standards is very difficult. Shelburne does not presently have an adopted Complete Streets Policy and should consider pursuing one.

The standards provided in 521 CMR do provide standards for walkways, curb ramps and other construction elements, but its authority does not extend to the right-of-way. Pedestrian concerns were very apparent in the public input process. The Town should consider amending the Complete Streets Policy to include the 2011 Public Rights of Way Accessibility Guidelines as a guiding document.

5   Providing Equally Effective Communications

The ADA requires that Title II entities (State and local governments) communicate effectively with people who have communication disabilities. The goal is to ensure that communication with people with these disabilities is as effective as communication with people without disabilities.

5.1   Communications with Hearing and Speech Impaired Individuals

The Town is required to provide and/or facilitate the use of auxiliary aids to individuals with hearing and speech impairments. The decision about what auxiliary aid is appropriate should evolve from a consultation between the ADA Coordinator (or designee) and individuals requesting an accommodation. In many cases, more than one type of auxiliary aid or service may make effective communication possible. While consultation is always strongly encouraged to achieve effective

communication, all public entities are required to give primary consideration to the requests of individuals with disabilities. The Effective Communication obligation does not require the Town to take any action that would result in a fundamental alteration in its services, programs, or activities or that would impose an undue financial and administrative burden.

5.1.1   Findings

From the questionnaire responses and reviewing the provided materials, the Town does not have a standard policy regarding Effective Communication or how to accommodate a request for accommodation. Staff does a good job of addressing issues as they arise; however, would benefit from a standard policy and procedures. Questionnaire responses indicated a need for training and tools to equip staff to effectively communicate with hearing impaired individuals.

- The Town website, program literature, or announcements do not mention the availability of auxiliary aids, TTY, or other effective communication materials or assistance.
- Most departments indicated staff were not knowledgeable on the use of TTY/TDD or relay services for the hearing impaired or how to request the service of a qualified interpreter.
- Most departments were not aware how to have documents converted to Braille, but also have not received this request. With the widespread use and availability of screen readers and the ability to post documents electronically, the need for Braille documents has decreased significantly, but still exists.

5.1.2   Recommendations

The ADA Coordinator should develop clear procedures for staff to address requests for auxiliary aids, translation, ASL and other communications accommodations. This should a written policy on Effective Communication and employee training so staff across all departments understand their responsibility and clarity about what services are available.

Sample of Effective Communication Statement and Request for Accommodation:

"The <MUNICIPALITY NAME> is committed to the full participation of people with disabilities. Any person with a disability who requires an auxiliary aid or service for effective communication, or   a modification of policies or procedures to participate in the Town's programs, services, activities, and committee meetings, should contact the office of the ADA Coordinator (Name, Address, Phone number and Email) as soon as possible but no later than 48 hours* before the scheduled event." (*if the Town needs 2 or 3 weeks or longer to ensure an interpreter, then it must be clearly stated).

Other recommendations include:
- Distribute the Effective Communication Notice/Policy to all department heads and publish on the Town's website home page.
- Developing a roster of ASL translators and vendors that can be engaged to provide translation. The Police Department should already has access to such vendors.
- Conduct regular inspections and testing of auxiliary listening devices available at Town facilities.
- Provide training to staff on how to use TTY/TDD, and in general how to interact and communicate with individuals with hearing or speech impairments.

Section 8.2.3 contains links to services to aid in communication with hearing and speech impaired individuals. Police and Fire Departments are typically excellent resources for improving the effectiveness of communications.

5.2   Website Accessibility

Websites are considered a public program/service and must meet Title II requirements as well as Web Content Standards of Accessibility. Websites are also a key component of providing equally effective communication. Poorly

designed websites can create unnecessary barriers for people with disabilities. 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 keystrokes instead of a standard mouse.

Websites should comply with Web Content Accessibility Guidelines WCAG 2.0 Level AA standards. These standards, while not included in the ADA or under current CFR guidelines, are universally accepted as the best available and most appropriate standard for web content guidelines.

- Level A is the minimum level of conformance with the fewest requirements. A couple of examples of Level A requirements are that all non-text components such as images include an alternative text component and that captions are provided for all prerecorded audio content
- Level AA compliance must satisfy all the Level A requirements and offer additional criteria such as providing captions for all live broadcasted audio content
- Level AAA satisfies all Level A and Level AA criteria as well as offer additional requirements such as providing sign language interpretation for all prerecorded audio content

Website accessibility also extends to social media platforms that are used by a public entity to deliver information and notices to the public. Content and information created and shared via social media by a public entity is required to comply with WCAG 2.0 Level AA requirements. Level AA requirements include all minimum standards of Level A as well. It is the responsibility of the public entity to design accessible content that will be shared via a social media platform.

To assess the Town's progress in meeting these website standards, a manual accessibility audit of the town of Shelburne website was performed to evaluate content against current WCAG requirements. Manual accessibility audits have the major advantage of being the most thorough type of auditing. After completion of the audit, a report was created containing an assessment of a municipality's assets along with issues that need to be addressed. For every unique issue listed, instructions or examples were provided to show precisely how to make the website accessible. It is important to note that accessibility is an ongoing process.

5.2.1   Findings

The town of Shelburne's website audit illustrated that the Town has both strengths and areas of concern. A strong asset is the intuitive layout of the site. Specific areas of strength are:
- The intuitive layout of the site is easy to use. First-time visitors are able to find important documents and forms with ease via the "Useful Links" feature and site map. It is mobile friendly and formats correctly on a smart phone.
- Toolbar navigations are uniform, uncomplicated, and easy to use. All links are accessible by both keyboard, mouse, and/or a tap of the finger.
- Site language is succinct and written at an appropriate comprehension level.

There are also areas where the site accessibility features can be improved, specifically to comply with ADA regulations. These are generally consistent across all departments. Specifically, these areas include:
- Some of the headings do not meet color contrast requirements. To enhance the experience for users who are reliant on-screen readers or assistive technologies, all images should be accompanied by alternative text. Alternative text should be present not only on the website, but all documents and social media channels, where applicable.

- Many PDFs provided on the website are scanned images and thus prevent text from being searched using a search tool. This practice excludes individuals who rely on screen readers from accessing the content.
- The website lacks many standard features, such as permitting applications, newsletter sign-ups, e-commerce, trash and recycling schedules, or GIS information. As often as possible, the Town should add online fillable forms over downloadable PFD forms.
- Shelburne is obliged to link their ADA policy somewhere on their website, as well as list contact information for an ADA coordinator. As outlined by Title II, if a public entity has 50 or more employees, it is required to designate at least one responsible employee to coordinate ADA compliance.

5.2.2   Recommendations

Overall, the underlining structure of the municipal website is efficient and effective; however, it can be enhanced by adding additional ADA-recommended features. The Town should:
- Create a landing page for accessibility with the Public Notice and contact information for the ADA Coordinator, link to Grievance Procedure, and links to resources. The ADA SETP and subsequent updates should be posted here.
- Make a commitment by policy or resolution of the Select Board to prioritize phasing in a completely accessible website, which would make it available to site visitors who use assistive technology such as screen readers as well as website visitors with a mix of other functional limitations.
- Offer employee training to department heads and staff who regularly post to the Town website to enable them to post in an accessible manner, including social media and accessible documents.
- Regularly post practical information and resources regarding the Town's commitment to accessibility on the Town web site and social media sites for the public to become familiar with how to use resources.
- Convert all forms that are required to be printed and mailed or submitted via email to fillable forms.

The full website accessibility audit is available in Attachment 9.3.

5.3   Public Meeting Access

Equal access to public meetings is critical to ensuring participation and representation in Town government. Like most municipalities in Massachusetts, Shelburne has numerous number of boards, commissions, advisory committees, and task forces, all of which must abide by public meeting laws including regarding access, posting of agendas and minutes, and making available materials used and presented in these meetings. All of these different components of a public meeting must be fully accessible to individuals with disabilities. Overall, the Town posts very limited meetings online and/or via social media. Select Board Meetings are regularly posted to Falls Cable, which is the Local Access Television Channel for the towns of Buckland and Shelburne. These meetings are also available on Vimeo, which offers closed captioning.

It is important to consider that broadcasting a meeting with closed captioning is not a substitute for those meetings that allow public participation. In the case of Town Meeting, for example, the law does not allow for remote participation, so if meetings are held in locations with physical barriers, it is important that remote participation be facilitated.

5.3.1   Findings

Public Input Survey respondents most often cited issues around accessing Town Meeting , elections, and other board meetings.

Several deficiencies were noted during the evaluation, including:

Only one warrant for Town Meeting and was posted to the Town website and it was only available as an image file and not accessible:

https://www.townofshelburne.com/news/newsfile_13289_2024_Annual_Town_Meeting_Warrant_-_May_2_2023.pdf

A majority of Meeting Notices, Agendas & Materials posted as low-quality scans:

- Senior center - https://the-senior-center.org/files/Ownership-2020-03-10_Agenda.pdf

Agendas posted did not contain information on how to request an accommodation:

- Selectboard - https://www.townofshelburne.com/files/Select_Board_2021-12-06_Meeting_Minutes.doc

Video archives of recorded meetings do contain closed captioning.

- Selectboard - http://fallscable.com/portfolio/shelburne-selectboard-july-31-2023/

With the changes during the pandemic, virtual access to meetings increased dramatically, providing alternative ways to attend other than in-person. While many meetings remain either virtual or hybrid, many have returned to fully in-person. Relatively few meeting agendas sampled offered a hybrid option.

- **Hybrid meeting** - Village of Shelburne Falls Rapid Recovery Plan - https://www.townofshelburne.com/n/13187/Village-of-Shelburne-Falls-Rapid-Recovery-Plan
- **In-person only meeting** – Energy Committee - https://www.townofshelburne.com/d/32990/Energy-Committee
- **Virtual only meeting** – Recreation Committee - https://www.townofshelburne.com/files/Posting_5-10-23.pdf

5.3.2 Recommendations

While the facilities issues noted in the audits for the various meeting spaces should be remedied, the Town should also look at making reasonable modifications to public meetings to allow all individuals to attend. The Town's experiences during the COVID-19 pandemic also provide opportunities to continue fully remote and hybrid meeting formats that will not only increase participation but offer cost effective ways to improve accessibility. Other specific recommendations include:

- Develop a policy requiring all agendas, minutes, and materials to be posted in an accessible format. While most meetings are posted as scans, certain boards post the Clerk-received document in a fully accessible format.

All agendas posted by the Cultural Council, for example, are good examples:

- https://www.townofshelburne.com/files/Shelburne_Local_Cultural_Council_2022-12-06_Agenda.pdf

- Offer hybrid meetings for all public meetings, or at the least, those that occur in facilities that have **any** identified barriers to access. This may require adoption of a remote policy by the Select Board if it has not already been done.
- All agendas should include a notice regarding the availability of reasonable accommodations, including contact information and procedures to request such assistance.
- Where the only venue for a large meeting is an inaccessible site, utilize temporary materials, such as mats, portable ramps, additional accessible parking signs/markings, and other purpose-built solutions to improve accessibility to the maximum extent feasible. Provide notice offering guidance on how best to access the site and request assistance. This was an issue reported during the COVID-19 pandemic when meetings were not able to be held indoors.

5.3.2.1   Town Meeting

Town Meeting, as the legislative body of the Town, presents unique challenges for ensuring accessibility. Shelburne's Town Meeting is typically held at either Town Hall or the Buckland-Shelburne Elementary (BSE) School. Local officials stated that both facilities are considered to be accessible, including the routes in and out. Public Input Survey results indicated that 4% of respondents stated that the had experienced an issue with Town Meeting access.

The current Town Hall location was not accessible at the time of inspection due to the inoperable elevator, but that repair was pending. The auditorium location at BSE has some issues related to access from right-of-way, parking and accessible route to main entrance (as outlined in the facilities audit). There are also minor issues with the restrooms, which are a primary use for the space and purpose. The Town should implement the following for Town Meeting events:

- Work with the Schools to address parking and sidewalk issues noted in the long-term.
- Utilize temporary signage for routes and parking during Town Meeting events and utilize either curbside dropoff or rear entrance for those individuals with mobility issues or requiring any accommodations. Include the appropriate notices on advertisements for ATM and on the website, as well as onsite during events.

6   Public Engagement & Input

6.1   Overview

ADA requires public participation to be a part of the transition plan process and implementation.

Per 28 C.F.R. § 35.150(d)(1), the Town ". . . shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments."

Accordingly, the public was provided opportunities to provide input toward the content and development of the Shelburne ADA Transition Plan as well as review and comment on the ADA Transition Plan itself. Specific efforts were made to inform residents and local or regional disability organizations regarding the opportunity to provide feedback including a Public Input Survey and an opportunity for Transition Plan public comment.

6.2   Public Input Survey

A Public Input Survey is an important component of the Town's process to develop a Self-Evaluation and Transition Plan. The Survey is a valuable tool to inform the Town's planning team as they work to gather data and identify any barriers to access for individuals with disabilities at Town facilities or within the programs and services it currently offers. Specifically, gathering public feedback is valuable to develop a practical, effective, achievable, and ADA-compliant Self Evaluation and Transition Plan for the Town by helping to identify areas of primary concern for individuals with disabilities, their caregivers, and families.

6.2.1   Methodology

The Town distributed surveys from January - March 2023, to various stakeholders online via Survey Monkey. Paper copies were also available upon request. The Survey, which was targeted towards community members, organizations

representing individuals with disabilities, and Town staff, was made available to enhance public input efforts to identify physical and programmatic barriers that may impact accessibility of Town facilities, programs, and services.

The survey included a comprehensive range of questions regarding respondents' usage of and access to Town facilities, programs, and services. It was specifically designed to elicit public opinion regarding information important to assess how respondents state the Town is currently providing accessibility and identify areas where current barriers may exist.

For a complete list of survey questions, and responses, please see Attachment 9.4.

It is important to remember that while all efforts were made to encourage feedback, the results are not necessarily inclusive of all individuals in the community who may have a disability. Readers should not equate the respondent pool as representative of the number of residents who have a disability.

6.2.2   Results

Survey responses were received by respondents ages 18 to 65; and response rates increased with age. The highest response rate was in the age category of "over 65" at 51% of respondents. This response trend illustrates that older residents are potentially more impacted by and aware of accessibility issues. Response rates were as follows for other respondent age categories: ages 26-35 (2%), ages 36 – 45 (13%), ages 46-55 (7.5%) and ages 56-65 (26%).

Responses indicated the following respondent trends:
- 7.5% stated they have a disability.
- 15% stated they are a caregiver or family member for a someone with a disability.
- 43% reported they, or people who they serve as caregivers, have not used a mobility aid, auxiliary aid for hearing or visual impairment, or service animal.
- 26% reported using a wheelchair.
- 45% stated they use a crutch or cane.
- 15% reported they use a walker or mobility scooter.

6.2.2.1   Facilities, Program and Services Access

Responses included the following:
- 12% reported an issue accessing a Town facility due to a disability and the following Town facilities were cited as posing access issues: Cowell Gymnasium, Downtown Business District, School Playground at BSE, Arms Academy, and the Public Library.
- 6% reported an issue accessing a Town Program or Service due to a disability and the following program and/or service barriers were noted as occurring at the Tax Collector's Office and at election sites trying to vote. Physical barrier was cited as the most common barrier.
- 11% of respondents reported difficulty accessing or participating in the local government activities including Town Meeting, Select Board Meeting, Other Board, Commission, Committee or Task Force Meeting, Local, State or National Elections or Other

Opened-ended programs and services comments/concerns from respondents included:
- Sidewalk, pedestrian crossing, and playground concerns
- Poorly designed website
- Need for the Town Hall elevator to be repaired to provide access to upstairs auditorium
- Better Access to outdoor and natural spaces and the downtown business district

6.2.2.2   Pedestrian Ease of Use

There was a wide variety of answers regarding accessibility of pedestrian facilities. Pedestrian facilities were specified as sidewalks, crosswalks, push buttons at crosswalks (where present), curb ramps, and pedestrian crossings at driveways.

- 31% of respondents said all sidewalks are usable but some with minor difficulty.
  27% of respondents stated that most sidewalks are usable, but some are too difficult to use.
- 54% of respondents stated that crosswalks are easily accessible.
- 18% of respondents stated that push buttons at crosswalks are easily accessible; however the majority at 75% don't know the status of push buttons at crosswalks.
- 31% of respondents stated all curb ramps are easily accessible; however 42% did not know the status of curb ramps.
- 28% listed pedestrian crossing at driveways as all are easily accessible.

6.2.2.3   Effective Communication

- 100% of respondents stated they have not made an accommodation request of the Town and stated general satisfaction with the Town's effective communication tools
- A minority of respondents (39%) stated they knew who a member of the public can contact to make a request for an accommodation, state a grievance, or generally offer accessibility input as related to programs, services, or facilities
- A majority of respondents (83%) reported no difficulty accessing any Town communication due to a disability. Of those who had difficulty, printed, or posted materials at a Town office (8.5%) was listed as the most difficult with website following at 6.3%
- 89% of respondents stated that they had no difficulty accessing or participating in local government activities due to a disability. Of those who had difficulty, the Town meeting (4%), Local, State or National elections (4%), and Other board, commission, committee, or task force meetings (4%) were equally listed as most difficult

6.3   Commission on Disabilities

The Town does not presently have a Commission on Disability. Given the difficulties in staffing such a commission, the lack of a history of grievances, and the proactiveness of staff in addressing any concerns, the Town does not have a clear need to establish a Commission on Disabilities at this time. Should the Town have difficulty prioritizing accessibility projects in the future, or notice a pattern of grievances arise, they should revisit establishing a Commission.

6.4   Transition Plan Public Comment
This plan will be presented to the Select Board for adoption. Any public comment received should be summarized in this section.

7   Transition Plan

7.1   Overview of Transition Plan

Recommendations made in the previous sections are summarized in this section as the Transition Plan. The initial timeline is presented as a recommendation based on observed inaccessibility of programs, ease of barrier removal, existing plans, available resources, and processes to implement changes. Since most of the physical modifications will require the authorization of appropriations or grants, most of these recommended action items are realistically one year or more out. Administrative and policy/procedure actions that do not require significant approval or development processes have shorter timelines.

7.1.1   Administrative Action Items

The items in this section are the responsibility of the ADA Coordinator, Town Administrator, and Select Board.

Action Item	Ref.	Timeline	Status/Notes
Review and post Public Notice to the Town website and social media	3.1.2	60 days	Complete
Revise and post Grievance Procedure to Town website and social media	3.3.2	90 days	Complete
Complete Self-Evaluation	3.4.1	N/A	Complete.
Adopt Transition Plan (including public comment)	3.4.2	3-4 months	

7.1.2   Town-wide Action Items
The items in this section are the responsibility of the ADA Coordinator, Town Administrator, and Select Board.

Action Item	Ref.	Timeline	Status/Notes
Develop employee training program and standards on ADA and accessibility awareness.	4.1.2.1	1 year	
Integration of public notice into all Town and Departmental web pages, print materials, social media feeds.	3.1.2	6 months	
Create standard internal policies and procedures for addressing requests for accommodation.	4.1.2.1	1 year	
Create an accessibility web page with links on all subpages/sites.	3.1.2	6-9 months	
Develop program for routine inspections of facilities and testing of any specialized assistance devices.	4.1.3.1	6 months	
Conduct an initial training event or requirement on maintenance of accessible features and set schedule for periodic training; integrate into onboarding materials for new employees.	4.1.3.1	6-9 months	
Ensure maintenance of accessible features is specifically addressed in all contracts for services and construction projects as appropriate.	4.1.3.1	3 years	Allows for expiration of any multi-year contracts.

7.1.3 Departmental Programs & Services Action Items

The items included in this section are the responsibility of the individual departments.

Action Item	Ref.	Timeline	Status/Notes
Town Hall Departments			
Highway Dept. - Forms should be posted to department web page as fillable forms rather than paper copies.	4.2.1.2	30 days	
Clerk – Post all forms to department web page as fillable forms; and ensure forms are available in a format accessible with a screen reader.	4.2.1.4	30 days	
Clerk – Update elections webpage and policy documents to include notices on accommodations and other recommendations	4.2.1.4	At least 30 days before next election.	
Clerk – relocate ballot box to level location or sidewalk.	9.1	Prior to next election.	
Clerk – remove boxes and relocate furniture to provide wheelchair access to counter	9.1	30 days	
Highway Department/Town Administrator – Consider adopting Complete Streets Policy referencing PROWAG guidelines	4.4	1 year	
Arms Library	4.2.4		
Update program information pages on web page to ensure they are readable by screen readers and have alternative text.		60 days	
Relocate objects in restroom to provide turning space. Remove chairs in hallway. Replace computer desk.	9.1	30 days	
Shelburne Public Library	4.2.5		
Update program information pages on web page to ensure they are readable by screen readers and have alternative text. Review communications materials to ensure customers are aware of Arms Library as an alternative location for services should access be an issue.		60 days	
Council on Aging	0		
Update program information pages on web page to ensure they are readable by screen readers and have alternative text.		60 days	
Police	9.1		
adjust syringe disposal container reach range.			
Village Information Center	9.1		
Adjust reach ranges for brochures, ensure trip hazards are addressed.			

7.1.4   Communications, Website/Social Media & Public Meetings

All items under this section are the responsibility of the ADA Coordinator, working with the impacted departments, IT vendors, Town Administrator and Select Board.

Action Item	Ref.	Timeline	Status
The ADA Coordinator should develop an Effective Communications Notice/Policy and distribute to Departments and website for posting.	5.1.2	6 months	
Develop a roster of ASL translators, alternative format vendors (braille) and ensure it is kept up to date if needed.	5.1.2	6 months	
Develop a standard policy/procedure and training on use of TTY/TDD and communication with hearing and speech impaired individuals.	5.1.2	6 months	
Develop a schedule and procedure for testing any assistive or auxiliary listening devices.	5.1.2	6 months	
Create separate landing page for accessibility, to include public notice, grievance procedure, contact information/links for ADA Coordinator, and Disability Commission (contact and agendas).	5.2.2	6 months	Complete
Schedule and provide routine training for staff responsible for website and social media posting.	5.2.2	6-9 months	
Review and address specific formatting and contrast recommendations and findings from the website accessibility audit.	5.2.2	1 year	
Develop a procedure and schedule for routine audits of forms and postings provided by departments.	5.2.2	6 months	
Convert all scanned and PDF forms to fillable forms	5.2.2	1 year	
Select Board policy statement on posting of minutes, agendas, and materials in an accessible format.	5.3.2	3 months	
Evaluate the feasibility of offering all meetings in a hybrid format to allow full participation (pending expiration of OML Executive Order)	5.3.2	6 months	
Require all agendas for all public meetings contain statement on requesting accommodations.	5.3.2	30 days	
Update or develop social media policies on posting images to include alt text and posting text only information to accompany any graphics-based flyers or brochures	Multiple		

7.1.5   Facility Improvements and Capital Projects

The following projects are based on the consultant's recommended grouping of modifications based on logical sequencing of tasks and scope of work required.

Projects noted as "in-house" are those that would likely be candidates for in-house personnel, or direct contracting with qualified contractors with minimal design work.

Where feasibility studies or further evaluation is noted, this is intended to allow the Town to determine if a project can be completed through either a preliminary or conceptual design, or through a determination of whether it will pursue or claim an exception under the various provisions of the ADA or under a variance request to Massachusetts Architectural Access Board. This will also allow the Town to research further into scope of work and timing of past projects on a particular facility to determine if they will seek safe harbor as discussed in Section 2.5.3.

In any event, the Town will be responsible for either correcting an identified issue or making (and defending) a decision not to do so.

Offered in the following table are those items that were identified as high priority and as having the most beneficial impact on accessibility. The full facility audits and the deficiencies identified therein should be addressed, and the Town should work with stakeholders to develop a long-term improvement plan that aligns with other strategic plans and the Town's Capital Improvement Plan. The Town should also recognize that any of the improvements below may trigger the need for further mitigation under 521 CMR, or be best performed as part of a larger scope. Prior to beginning any project in the list below, staff should consult the overall report and make a determination on scope and scale.

Action Item	Ref.	Timeline	Status
Town Hall	4.2.1.1		
Reconstruct ramp, railing and landings at main entrance.		1 year	Done
Auditorium improvements, including ramp to stage, handrails, concession counter.		18 months	
Repair Town Hall lift		18 months	Done
Restrooms: resign to designate current accessible restroom only accessible signage; adjust sink and mirror.		6 months	
Cowell Gymnasium	4.2.3		
Exterior parking/sidewalk improvements (see audit) project; due to the site grades and existing facilities landings, this will require a site survey and preliminary design to determine if this can be accomplished as smaller projects or must be undertaken as a single project.		18 months for design; 3 years for project or as funding is available.	
Interior Modifications, to include minor handrail and minor restroom modifications.		1 year	
Buckland/Shelburne Elementary	4.2.10		
Exterior sidewalk, parking and accessible routes to rights of way; this will require site survey and preliminary design to determine if this can be accomplished as smaller projects or must be undertaken as a single project.		18 months for design; 3 years for project or as funding is available.	
Restroom modifications – moderate repairs and adjustments to include stall door hinges, latches, signage, sink insulation, etc…see audit.		6 months.	
Village Information Center	4.2.8		
Entrance/sidewalk improvements		1 year	Underway as part of streetscape project.

Restroom modifications – minor adjustments of existing changing table, coat hooks – see audit.		6 months	
Arms Library	4.2.4		
Accessible route and parking; major project requiring additional survey and preliminary design to determine scope; reconstruct front sidewalk, install sidewalk to rear of building, reconstruct parking space and walkway to building.		18 months (design); 3 years construction.	
Elevator repair/replacement		6 months	
Interior improvements – restroom grab bar adjustments, main door opener adjustment, furniture reorgs/replacement (see audit)		6 months	
Shelburne Public Library	4.2.5		
No further alterations are practical or feasible for this building. Recommend inaccessibility be addressed programmatically.			
Police Station	4.2.6		
Parking and walkway improvements, to include signage, landing, walkway and rear handrails.		1 year	

8   Appendices

8.1   Recommended Policy and Procedure Documents

8.1.1   Public Notice (Proposed)

The town of Shelburne does not discriminate based on disability in its services, programs, or activities.

Employment: The town of Shelburne does not discriminate based on disability in its hiring or employment practices and complies with the ADA title I employment regulations.

Effective Communication: The town of Shelburne will, upon request, provide auxiliary aids and services leading to effective communication for people with disabilities, including qualified sign language interpreters, assistive listening devices, documents in Braille, and other ways of making communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The town of Shelburne will make reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy programs, services, and activities. For example, people with service animals are welcomed in Town offices, even where pets and other animals are prohibited.

Requests: To request an auxiliary aid or service for effective communication, or a modification of policies or procedures contact the ADA Coordinator (listed below) as soon as possible, preferably 14 days before the activity or event.

Complaints: A grievance procedure is available to resolve complaints. <LINK TO GRIEVANCE PROCEDURE>

For complaints, comments, or concerns, please contact:

> <NAME>, ADA Coordinator
> <Mailing Address>
> Shelburne, MA 01936
> <phone>
> <EMAIL (with LINK)>

Upon request, this notice is available in alternative formats such as large print or Braille.

NOTE: This notice can be inclusive of the Grievance Procedure, but this is not required.

8.1.2   Grievance Procedure (Proposed)

Americans with Disabilities Act Grievance Procedure (Full Version)

This grievance procedure is established to meet the requirements of the ADA. It 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 Shelburne.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number, email address 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 as soon as possible, preferably within 60 calendar days of the alleged violation to:

> <NAME>, ADA Coordinator
> <Mailing Address>
> Shelburne, MA 01936
> <phone>
> <EMAIL (with LINK)>

Within 15 calendar days after receipt of the complaint, (name of ADA Coordinator) will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, (name of ADA Coordinator) will respond in writing, and where appropriate, in format that is accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the town of Shelburne and offer options for substantive resolution of the complaint.

If the response by (name of ADA Coordinator) does not satisfactorily resolve the issue, the complainant may appeal the decision within 15 calendar days after receipt of the response to the Town Administrator or designee.

Within 15 calendar days after receipt of the appeal, the Town Administrator or designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Administrator or designee will respond in writing, and, where appropriate, in a format that is accessible to the complainant, with a final resolution of the complaint.

Americans with Disabilities Act Grievance Procedure (Short Version)

Complaints concerning discrimination on the basis of disability by the town of Shelburne may be sent to (ADA Coordinator name and contact information), who will contact the complaint within 15 calendar days after receipt of the complaint to discuss the complaint and will respond in writing within 15 days of the discussion.

8.1.3   Service Animal Policy (Proposed)

The town of Shelburne complies with the Americans with Disabilities Act and the Rehabilitation Act of 1973, Section 504, which states, "No otherwise qualified person with a disability in the United States...shall, solely on the basis of a disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal assistance." The town of Shelburne intends to provide the broadest possible access to service animals in all public areas.

The U.S. Department of Justice has issued regulations effective March 15, 2011 (28 CFR 36.302), limiting the types of animals that qualify as "service animals" for purposes of the Americans with Disabilities Act (ADA). According to these regulations, "Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained, or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition." Section 36.302(c)(9) also identifies miniature horses as service animals. Other species of animals, wild or domestic, do not qualify as "service animals". Therapy or emotional support animals are not considered to be service animals.

The town of Shelburne is not responsible for the care or supervision of the service animal.

Below are the policy guidelines for the Town:
- A service animal is permitted to accompany the individual with a disability to most areas within Town facilities where members of the public are normally allowed to go.
- Some areas are not safe for service animals; therefore, these areas may exclude service animals. Water treatment facilities and/or areas that require protective clothing may exclude service animals. This denial or granting of admission to an area will be made based on the nature of the machinery and/or on the nature of the work performed.
- An individual with a service animal may not be segregated from other members of the public.
- A service animal may be removed from a facility if that animal poses a direct threat to the health or safety of others.
- A service animal may be removed from a facility if that animal's behavior is out of control and the handler does not take effective control or if the service animal is not housebroken.
- If a service animal is removed from a facility, the individual with a disability will be given the option of continued participation, with assistance, within the facility.
- The service animal must be clean, in good health, with current rabies vaccination.
- All service animals must be always on a leash or under control of the handler.

8.2   Resources

8.2.1   General Resources & Guides

There are several resources available to assist the Town with the implementation of their Transition Plan and to ensure it meets it obligations to its residents.

ADA Action Guide for State and Local Governments: https://www.adaactionguide.org

ADA Checklist for Existing Facilities: https://www.adachecklist.org

Outdoor Developed Areas: A Summary of Accessibility Standards for Federal Outdoor Developed Areas: https://www.access-board.gov/attachments/article/1637/outdoor- guide.pdf

US Access Board: https://www.access-board.gov/guidelines-and-standards/buildings-and- sites/about-the-ada-standards/guide-to-the-ada-standards/animations

ADA Checklist for Polling Places: https://www.ada.gov/votingchecklist.htm

Solution for Five Common ADA Access Problems at Polling Places: https://www.ada.gov/ada_voting/voting_solutions_ta/polling_place_solutions.htm

Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities - http://www.ada.gov/emergencyprepguide.htm

FEMA Guidance on Planning for Integration of Functional Needs Support Services in General Population Shelters http://www.fema.gov/pdf/about/odic/fnss_guidance.pdf

Job Accommodation Network: http://www.askjan.org

Website: Understanding WCAG 2.0: A guide to understanding and implementing Web Content Accessibility Guidelines 2.0

8.2.2   Grant Funding for Accessibility Projects

Massachusetts Community Development Block Grant Program (CDBG)
CDBG is a federally funded, competitive grant program designed to help small cities and s meet a broad range of community development needs. Eligible projects include but are not limited to housing rehabilitation or development, micro-enterprise or other business assistance, infrastructure, community/public facilities, public social services, planning, removal of architectural barriers to allow access by persons with disabilities, and down or area revitalization. More information about the program can be found here:

https://www.mass.gov/service-details/community-development-block-grant-cdbg

Massachusetts Municipal ADA Improvement Grant Program
The Massachusetts Office on Disability (MOD) administers the Municipal ADA Improvement Grant program. This funding is aimed at supporting capital improvements to improve programmatic access and/or removing barriers encountered by people with disabilities. Project grants of up to $250,000 are available. There are also planning grants to assist

communities in creating or updating a Self-Evaluation and/or Transition Plan. More information about the program can be found here:

https://www.mass.gov/municipal-americans-with-disabilities-act-grant

Massachusetts Cultural Facilities Fund
The Massachusetts Cultural Council and Mass Development provides cultural organizations, including Municipalities that own cultural facilities that are at least 50,000 square feet, with grant funding to support three project types: Feasibility and Technical Assistance grants; Systems Replacement Plan Grants; and Capital grants. Feasibility and Technical Assistance grants of up to $50,000 are available for costs and expenses related to overall planning and feasibility for a project. Systems replacement plan grants of up to $7,000 are available to support the development of a capital needs assessment of a building and its mechanical system. Capital grants ranging from $250,000-$675,000 are available for acquisition, design, construction, repair, renovation, rehabilitation, or other capital improvements. For a municipality to be eligible to apply for this funding, it must demonstrate that 50% or more of the facility is used for arts, humanities, or interpretative science programming. All grant programs require a 1-1 match. More information about the program can be found here:

http://www.massculturalcouncil.org/facilities/facilities.htm

Complete Streets Funding Program
A Complete Street is one that provides safe and accessible options for all travel modes - walking, biking, transit, and vehicles – for people of all ages and abilities. MassDOT provides funding to municipalities for technical assistance to analyze their community needs and develop a Complete Streets Prioritization Plan, and funding for construction of Complete Streets infrastructure projects. Also inherent in the development of a Complete Street is meeting the most current accessibility guidelines outlined by the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (AAB), which are upheld by Code of Massachusetts Regulations 521 (521 CMR). MassDOT has allocated $12.5 million for the first two years, 2016 and 2017. Future funding will be based on the availability of funds and the interest and success of the program. More information about the program can be found here:

http://www.massdot.state.ma.us/highway/DoingBusinessWithUs/LocalAidPrograms/CompleteStreets.aspx

Community Transit Grant Program
MassDOT administers the Community Transit Grant Program which is the annual competitive grant program to distribute Federal Transit Administration Section 5310: Enhanced Mobility of Seniors & Individuals with Disabilities funds, and State Mobility Assistance Program funds. This grant program provides funding to assist with mobility management activities, the purchase of capital equipment, and operational costs to meet the mobility needs of seniors, defined as those 65 and older and individuals with disabilities of any age. State Mobility Assistance Program (MAP) funds are to assist in the provision of transportation services to seniors and persons with disabilities. MAP funding is exclusively used for the purchase of eligible vehicles, and most often as a State financial match to federally funded capital vehicle purchases. More information about the program can be found here:

http://www.massdot.state.ma.us/transit/CommunityTransitGrantProgram/ProgramInformation.aspx

8.2.3   Services to Aid Communication with Hearing/Speech Impaired Individuals

MassRelay Service
The Massachusetts Department of Mental Health operates the MassRelay service. This service is provided 24 hours, seven days a week, 365 days a year and enables people who are deaf, hard of hearing, late deafening, or speech disabled to communicate with hearing people over regular phone lines. A Relay Operator will complete your call, dialing

the party you wish to contact and then stay on the line to relay messages electronically via a TTY or verbally to people who can hear. Dial 711 in Massachusetts or 1-800-439-0183 from anywhere else.

Massachusetts Commission for the Deaf & Hard of Hearing (MCDHH) Statewide Interpreter/CART Referral Service
The MCDHH provides statewide interpreter and Communication Access Realtime Translation (CART) referral services. It provides referral services for sign language, spoken English, oral, tactile and close vision interpreting for Deaf and Deaf-Blind individuals, as well as making referral to freelance CART providers for services. They also provide an After-hours Emergency Interpreter Service, an Interpreter Screening service, Interpreter and CART provider trainings, case management, and technical assistance. More information can be found here:

http://www.mass.gov/eohhs/gov/departments/mcdhh/programs/cart/

8.2.4   Training and Technical Assistance

Massachusetts Commission for the Deaf & Hard of Hearing (MCDHH)
MCDHH, through the Communication Access, Training, and Technology Services Department (CATTS) provides information and training to the public on issues of deafness and hearing loss. Free In-service or educational services/presentations can be provided for any organization or business seeking to improve their effectiveness in interacting with people who are deaf and hard of hearing. They also provide technical assistance on assistive technology to public and private agencies, professional organizations, businesses, and individuals related to all aspects of technology for the deaf and hard of hearing individuals. In addition, they also create several publications with a wide range of topics related to deafness and hard of hearing. For more information visit their website at:

http://www.mass.gov/eohhs/gov/departments/mcdhh/programs/communicate-train/

Massachusetts Commission Against Discrimination (MCAD)
MCAD provides discrimination prevention training to the public and for workplaces. Training sessions range from two hours to four days in length, depending on the topics covered. They also offer Equal Employment Opportunity Certifications for individuals who currently provide, or seek to provide, employment discrimination prevention training, conduct internal discrimination complaint investigations and/or respond to accommodation requests. For more information visit their website at:

https://www.mass.gov/training-and-outreach

Massachusetts Office on Disability (MOD)
MOD's mission is to "bring about full and equal participation of people with disabilities in all aspects of life...in a manner that fosters dignity and self-determination. They have four areas of focus: 1) Providing Training; 2) Advocacy; 3) Monitoring; and 4) Resources. MOD provides training to various entities in a variety of formats on all topics related to the state and federal civil rights laws that govern disability discrimination. Topics may include but are not limited to: ADA, Fair Housing Act, Section 504 of the Rehabilitation Act, M.G.L. Chs. 151b and 272, Service Animals, Vocational Rehabilitation and Independent Living Services and Programs, and Architectural Access Regulations. MOD also provides architectural review/site visits, either through plan review or on-site visits to ensure compliance with the various building requirements specific to persons with disabilities. Training and Architectural Review/Site Visits can be requested at:

http://www.mass.gov/anf/employment-equal-access-disability/disability-info-and-resources/education-and-training/customized-trainings.html

ADA Coordinator Certification Program
The ADA Coordinator Training Certification Program is offered by the University of Missouri and the Great Plain ADA Center Classes are offered online and through trainings offered at various conferences the University hosts. Following the successful completion of the program, the participant will have the knowledge base essential to performing the role of an ADA Coordinator. Course and certification requirements can be found on their website:

     http://www.adacoordinator.org/?page=About

National ADA Symposium
This premier, national four-day event includes more than eighty breakout sessions on every aspect of ADA. It is a project of the ADA National Network and is organized and run by the Great Plains ADA Center. For more information about the Symposium visit:

     http://www.adasymposium.org/

New England ADA Center
New England ADA Center is one of 10 regional ADA Centers comprising the ADA National Network. The provide information, guidance and training on ADA tailored to meet the needs of business, government and individuals at local, regional and national levels. Their website has a clearing house of ADA training topics that are no cost web-based courses in addition to publications and best practices resources. Their website can be found at:

     https://www.newenglandada.org/

9   Attachments

The following Attachments are presented as separate documents and are summarized in this section. These documents are used to inform the overall self-evaluation and transition plan and are provided as informational only.

9.1   Building and Outdoor Facilities Audits

Facility audit reports provide a photo-captioned report on each facility owned and operated by the Town. Additionally, the information from the facility audits is included in Section 4.2 as it relates to the building or facility in which a particular service or program is delivered by a Town department. The photo-captioned reports are intended to be used by Town staff in identifying and rectifying specific accessibility code non-compliance.

Summary findings/recommendations from the facility audits are also included in Section 7.1.5, Facility Improvements and Capital Projects, as part of the Town's Transition Plan.

9.2   Departmental Questionnaires

The Town's departmental core programs and services, as determined by questionnaire responses, communication with staff, and website research, are used to inform the facilities audits by establishing the context under which the various services or programs are provided in a particular facility. In other words, if the facility a in which a department provides a service in is not accessible, but the services are performed off site or can easily be offered in an alternative way that is accessible, remedial work to such a facility would be given a lower priority.

9.3   Website Audit

A website accessibility audit is performed by an accessibility professional who meticulously evaluates digital assets against the current Web Content Accessibility Guidelines (WCAG). The Web Content Accessibility Guidelines are part of a series of web accessibility guidelines published by the Web Accessibility Initiative of the World Wide Web Consortium, the main international standards organization for the Internet. The WCAG standard has been tried and tested and is under routine development by accessibility experts, making it a reliable standard. Accessibility is defined as ensuring a digital product, such as a website, is as usable as possible by everyone, including people with a range of disabilities. These recommendations also include standards for documents, video, social media, integrated apps, and navigating content on highly limited devices such as mobile phones. As of May 2021, version WCAG was released as a working draft and is scheduled to be finalized at some point in the future.

Manual accessibility audits have the major advantage of being the most thorough type of auditing. After completion of the audit, a report will be created containing an assessment of a municipality's assets along with issues that need to be addressed. For every unique issue listed, instructions or examples will be provided. This is so a city or town will know precisely how to make their website accessible from the audit and clients can take immediate action. Always keep in mind that accessibility is an ongoing process and not a one-off project.

9.4   Public Input Survey Results

Note that the survey results are provided by a third party, and the graphs and tables are images and thus are not fully accessible. The text is accessible with most screen readers. For details on the survey data, please see Section 6.2.2 for narrative detailing the results in an accessible form.