

Marblehead, Massachusetts

Americans with Disabilities Act (ADA)

Self-Evaluation and Transition Plan

July 2023

**THE EDWARD J. COLLINS, JR.
CENTER FOR PUBLIC MANAGEMENT**

**MCCORMACK GRADUATE SCHOOL OF POLICY
AND GLOBAL STUDIES**

University of Massachusetts Boston
100 Morrissey Boulevard
Boston, MA 02125-3393
P: 617.287.4824
www.collinscenter.umb.edu



Table of Contents

1	Introduction.....	4
1.1	The Americans with Disabilities Act of 1990 (ADA).....	4
1.2	Who does the ADA Protect and Why is a Transition Plan Important?.....	4
1.3	Guide to Using this Document.....	4
2	ADA Title II Requirements Overview	5
2.1	Overview	5
2.2	Program Accessibility.....	6
2.3	Equally Effective Communication.....	6
2.4	Standards for Compliance	7
2.4.1	Facility Accessibility Standards	7
2.4.2	Other Accessibility Standards	8
2.5	Limitations to the Town’s Obligations	9
2.5.1	Programs Viewed in Their Entirety	9
2.5.2	Equivalent Facilitation	10
2.5.3	Safe Harbor	10
2.5.4	Undue Financial Burden/Disproportionality & Technical Infeasibility.....	11
2.5.5	Fundamental Alteration of a Service or Program	11
2.5.6	Exceptions.....	11
3	Administrative Requirements of the ADA.....	11
3.1	Public Notice.....	12
3.1.1	Findings.....	12
3.1.2	Recommendations.....	12
3.2	Designation of Responsible Employee/ADA Coordinator.....	13
3.2.1	Findings.....	13
3.2.2	Recommendations.....	14
3.3	Adoption of a Grievance Procedure	14
3.3.1	Findings.....	14
3.3.2	Recommendations.....	14
3.4	Self-Evaluation of Programs and Services & Transition Plan	15
3.4.1	Self-Evaluation Process.....	15
3.4.2	Transition Plan Process.....	16
4	Self-Evaluation - Program, Policy & Procedure Review Summary	17
4.1	Overview & General Town wide Findings.....	17
4.1.1	Facilities Planning & Construction Projects	17
4.1.2	Customer Service.....	17
4.1.3	Maintenance of Accessible Facilities	17
4.1.4	Emergency Preparedness, Evacuation Plans, and Emergency Shelters.....	18
4.1.5	Service Animals.....	19
4.2	Town Department Programs and Services.....	19
4.2.1	Mary Alley Municipal Building Departments	19
4.2.2	Abbot Hall	25
4.2.3	Judy and Gene Jacobi Community Center	28
4.2.4	Athletic Fields/Facilities Summary & Recommendations	31

4.2.5	Municipal Offices and Garage.....	31
4.2.6	Harbormaster Offices & Storage Buildings	33
4.2.7	Abbot Public Library	35
4.2.8	Fire Station Headquarters.....	36
4.2.9	Fire Station – Engine 2	37
4.2.10	Police Station.....	37
4.2.11	Animal Control	39
4.2.12	Other Facilities	39
4.2.13	Public School Facilities.....	42
4.2.14	Outdoor Facilities, Trails, Parks & Play Areas	42
4.2.15	Beaches, Fishing Platforms & Boat Ramps	47
4.2.16	Marblehead Cemeteries.....	50
4.2.17	Pedestrian Facilities – Sidewalks, Crosswalks and Curb Ramps	53
5	<i>Providing Equally Effective Communications.....</i>	53
5.1	Communications with Hearing and Speech Impaired Individuals.....	53
5.1.1	Findings.....	54
5.1.2	Recommendations.....	54
5.2	Website Accessibility	54
5.2.1	Findings.....	55
5.2.2	Recommendations.....	56
5.3	Public Meeting Access.....	56
5.3.1	Findings.....	56
5.3.2	Recommendations.....	57
6	<i>Public Engagement & Input</i>	58
6.1	Overview	58
6.2	Public Input Survey	58
6.2.1	Methodology	58
6.2.2	Results	58
6.3	Marblehead Disabilities Commission	60
6.4	Transition Plan Public Comment	60
7	<i>Transition Plan</i>	60
7.1	Overview of Transition Plan	60
7.1.1	Administrative Action Items	61
7.1.2	Town-wide Action Items	61
7.1.3	Departmental Programs & Services Action Items.....	61
7.1.4	Communications, Website/Social Media & Public Meetings	65
7.1.5	Facility Improvements and Capital Projects	65
8	<i>Appendices</i>	70
8.1	Recommended Policy and Procedure Documents	70
8.1.1	Public Notice (Proposed)	70
8.1.2	Grievance Procedure (Proposed).....	71
8.1.3	Service Animal Policy (Proposed)	72
8.2	Resources	73
8.2.1	General Resources & Guides	73
8.2.2	Grant Funding for Accessibility Projects	73
8.2.3	Services to Aid Communication with Hearing/Speech Impaired Individuals.....	74
8.2.4	Training and Technical Assistance	75

9 Attachments..... 77

9.1 Building Audits..... 77

9.2 Outdoor Facility Audits 77

9.3 Marblehead School Facility Audits 77

9.4 Departmental Questionnaires..... 77

9.5 Website Audit..... 77

9.6 Public Input Survey Results 77

1 Introduction

1.1 The Americans with Disabilities Act of 1990 (ADA)

As a public entity, the town of Marblehead, Massachusetts, 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 access improving services for all taxpayers abound. Parents pushing children in strollers, for example, have easier access to a facility designed to meet or exceeds 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, Marblehead is an aging community. According to U.S. Census data, the overall population increased by only about 1% from 2010 to 2020. During this same period, however, the median age of residents increased from 44.3 years to 48.8 years of age; and the population aged 65 and over increased more than 43%. While the overall percentage of residents reporting a disability between 2012 and 2020 has remained about the same, residents ages 65 and over has increased 34% in that timeframe. 1,658 of Marblehead's residents ages 65 and over identified as being disabled in 2020, compared to 1,243 residents in 2012. Further, the number of residents ages under 18 reporting a disability has nearly doubled from 90 in 2012 to 163 in 2020.

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 Disabilities Commission 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 bullet list format to allow the ADA Coordinator or individual department heads to use the SETP document as a hardcopy manual and “check off” remedial tasks as they are completed.

Periodically, the electronic and public copy should be updated and republished online to document progress. **Updates will be made by the ADA Coordinator to the status column in the tables included in Section 7 and following bullet list items in a distinct and identifiable font. Updates will include status, updates to timelines, and date completed.**

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 Marblehead 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 Marblehead 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 project team's findings and recommendations. The information pertinent to this assessment was obtained via a questionnaire developed by The Collins Center, meetings with Town leaders, department heads, boards, 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 Marblehead 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 a 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 Marblehead’s Transition Plan recognizes the following facts and assumptions:

1. 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.
2. 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 a best practice and should be followed on public street, sidewalk, and transit projects. MassDOT has developed certain standards, including 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 the 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, when viewed in its entirety, 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 Marblehead, 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 that making the modifications would fundamentally alter the nature of the service, program, or activity.”

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\(b\)\(7\)](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 exceptions (and advisories) for employee work areas.

The full text can be found here:

<https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#pgfld-1010074>

3 Administrative Requirements of the ADA

Title II requires the town of Marblehead 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

The Town currently provides a public notice on the Town’s website, which can be viewed at the footer of each web page. The Town’s Public Posting of Non-Discrimination, including the ADA Compliance Coordinator’s contact information, can be found via the following link:

https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/notice_of_non_discrimination_dardt_revised_3.pdf

While the public notice provides most required elements, the following should be addressed:

- Physical copies of the notice must be posted in conspicuous areas in public buildings (i.e., bulletin boards, service counters, etc.)

3.1.2 Recommendations

The Town should modify internal policies to require staff to ensure the public notice remains posted and up to date. Specifically, the Town should:

- Publish the ADA Notice in all the materials distributed by the Town; post copies in 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 ADA Notice on Town social media pages;
- 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;
- 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 0). 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 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

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 designate a responsible employee/ADA Coordinator. The town of Marblehead's designated responsible employee is identified as the Administrative Aide to the Board of Selectmen.

- The ADA Coordinator's contact information does appear on the Public Notice available at the footer of each page of the Town website. The notice includes contact information and hours of availability;
- The ADA Coordinator is a collateral duty for the Board of Selectmen's Administrative Aide and does not presently have a job description to reflect the duties inherent in this role, including:
 - Responsibilities to stay up to date on ADA issues, respond to and document grievances and requests for accommodation;
 - Required skills/training on ADA-specific standards and best practices;
- The ADA Coordinator is the liaison/staff member designated to support the Commission on Disability; however is not required to attend the Commission's meetings;
- The ADA Coordinator currently has attended one training session about eight years ago; and has minimal training on the responsibility around Title II requirements; however, is interested and willing to learn more;
- There is presently minimal informal internal review of web site posting for accessibility standards;
- The ADA Coordinator is not currently included in discussions around new projects (both construction and programmatic/IT) to ensure accessibility is considered from the outset;
- While the ADA Coordinator's other duties do include interaction and cooperation with other departments, the job is largely administrative and not heavily involved in cross-departmental, strategic initiatives.
- The ADA Coordinator does not currently have access to the resources necessary to do the job, including a digital 2' level, tape measure, and door pressure gauge.

3.2.2 Recommendations

The Town should review the role of the ADA Coordinator to ensure the role and its responsibilities are clearly delineated and that appropriate resources and training are provided to carry out this role successfully. It is important that the responsibilities for this role be formalized and recognized as a facilitator for improving access across all Town operations covered by Title II.

As noted in the findings, the current position to which the ADA Coordinator role is assigned is not involved in major cross-departmental strategic initiatives. In addition to this level of interdepartmental collaboration, the ADA Coordinator role should be placed senior enough that the authority to effectively drive institutional change across the organization is granted, and the role should have high involvement in major construction and programmatic initiatives.

Since it is unlikely that a full-time position is both warranted and fiscally feasible, the Town should consider a phased-in approach to redesigning this role:

- In the short-term, the Town Administrator should be appointed ADA Coordinator and designate individuals to serve on a team that would work to implement the administrative requirements, further develop the prioritization of remedial actions, and align the SETP with other strategic plans and processes.
- In the longer-term, the Town should consider a senior-level position in the Town Administrator's Office that assumes the ADA Coordinator duties along with a greater focus on broad, interdepartmental strategic projects and initiatives. A Town of Marblehead's size and complexity would warrant a full-time position that would work to align the various organization-wide strategic plans, work on goal-setting/performance measurement, and long-term capital planning. Such a role would be a solid fit for the ADA Coordinator duties as well.

The ADA Coordinator Job Description should include the following essential duties and responsibilities:

- Serves as the Town's ADA Coordinator;
- Addresses requests for accommodations for individuals with disabilities as needed;
- Manages all aspects of the Town's Grievance Procedure, including working with complainants, staff, and vendors to resolve any barriers to program or facility access; and
- Conducts periodic inspections and audits of Town properties, programs, and communications to ensure accessibility is maintained;
- Includes "Essential Training and Experience Required to Perform Essential Functions" language to reflect the need for a thorough knowledge of Title II requirements and a general understanding of building code, websites, and communications as they relate to accessibility requirements under the ADA.

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 Grievance Procedure, which can be found at the Marblehead Commission on Disability website as a scanned pdf attachment at http://marbleheadable.org/GRIEVANCE_PROCEDURE.pdf.

- The Grievance Procedure, however, is not easily accessible from the main page of the Town website, requiring multiple clicks leading to a non-municipal website;
- It is a low-resolution scanned copy attachment, which is not accessible via screen reader.

3.3.2 Recommendations

Marblehead should ensure that the Grievance Procedure is posted consistently and accessibly on the Town website, concurrently with the public notice, as a footer on each of the Town's web pages. Additionally, The Town should add an

Accessibility icon or link on the main landing page, which contains the Public Notice, Grievance Procedure, and link to contact the ADA Coordinator.

The key Grievance Procedure elements that need to be added to the current policy are as follows:

- ADA Coordinator contact information should be updated to include an email address to submit grievances;
- How a grievance can be submitted, to include multiple options (written, by phone, in-person, email, etc.). The current Grievance Procedure solely states, “in writing”;
- The Grievance Procedure should be distributed to the department heads and posted both physically and online. Where applicable in online postings and social media, the Public Notice should link to the Grievance Procedure.

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 section below outlines the process the Town has followed to meet this requirement for the SETP.

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 directors 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 on 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 paper 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 Fire Station Headquarters or Harbormaster Storage facility.

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 final Transition 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, Marblehead Disabilities Commission 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 0)
 - 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).

As noted in Section 3.2.2, the Town would benefit by considering redesigning the ADA Coordinator role to focus on aligning SETP with other broad, interdepartmental, and organization-wide plans and initiatives. 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 facility audits indicated that there have been new construction and renovations since both the 1991 Standards and 2010 Standards (as well as 521 CMR) have been enforceable. Evidence of non-compliance with either standard indicates that the overall project planning, oversight, and inspection processes in the Town were not adequate to avoid such issues. As noted in Section 0, the ADA Coordinator is not involved in the scoping or planning of capital projects, and the limited involvement of the Marblehead Disabilities Commission on certain projects, while helpful, has not been sufficient to ensure accessibility standards are both included in design and inspected after construction.

4.1.1.1 Recommendations

Accessibility should be a consideration in not only project prioritization, but scoping, pre-planning, and design. As recommended in Section 3.2.2, ensuring that the ADA Coordinator has a seat at the table on all capital projects is critical. Additionally, plan review by the Building Inspector's Office should be rigorous, as should inspections during and after construction. Inspectors should be equipped with tape measures, digital 2' levels, door pressure gauges and any other guides or tools necessary and be responsible for checking all elements to ensure complete compliance. This may be a significant burden on staff, so the Town should consider how permitting fees, as well as fees charged for both in-house and outsourced plan review and inspection, are sufficient to provide the resources needed to meet the Department's needs in performing such services.

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 other employees to accommodate their needs to the best of their ability; encouraging residents to call or email for service if unable to physically visit the Town Hall or other Town facilities for service; providing a service online or at residents' cars and/or homes as needed and upon request; and providing ADA-compliant measures to support Abbott Library patrons to the full extent possible whilst operating from a temporary library facility during a period of library permanent facility renovations.

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 0 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.

While the departmental surveys did not indicate any specific issues with maintenance, the Public Input Survey (discussed in Section 6.2.2.2) indicated maintenance of sidewalks is a significant concern with a majority of respondents' multiple choice and open-ended question responses reflecting concern and dissatisfaction around pedestrian ease of use and need to improve sidewalks.

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. Ideally, this should be done through the Job Description but including in the ADA SETP as policy will suffice.

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.

4.1.4.1 Findings

Marblehead has an older Comprehensive Emergency Management Plan (CEMP), which was written in 1998. Upon CEMP review for ADA compliance, it was noted that the Town addressed the "standard boilerplate" requirements for the basic plan when it was drafted; however, it is 25 years old and should be updated. There are areas that should be addressed in order to plan for emergency management services to be available to disabled individuals. The CEMP needs to state whether the shelters are ADA compliant and determine their current capacity.

4.1.4.2 Recommendations

Marblehead 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*.

The following issues with the shelters for short/long term should also be addressed:

- Identify Public Transportation to the shelters; especially for those who have physical/medical disabilities.
- Determine that the (Community Emergency Response Team) CERT is robust enough to manage the shelter(s); identify/develop a roster and POC for the CERT/ Identify CERT members with “additional” skill sets.
- Develop listing of sheltering veterinary services for those who have both “pets” and service animals.
- Develop listing of sheltering medical capabilities beyond the American Red Cross (ARC), and or the FD.
- Develop listing or process to engage the Visiting Nurse Association (VNA) to assist at the shelter(s).
- Address need a POC for translation services and availability as well as American Sign Language (ASL) interpreters.
- Emergency Operations Center (EOC) and back-up EOC - These facilities need to be ADA compliant as well, as some personnel who maybe staffing certain functions/positions may have special needs. These positions need to be identified, including any accommodations necessary for workspace, electronics etc.

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 no Town-wide policy providing a Service Animal 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(s) and inform any recommendations for modifications. The full audit of each Town facility is also available in Attachment 9.1. Note that the general Town-wide findings discussed in Section 4.1 also apply to each department.

4.2.1 Mary Alley Municipal Building Departments

The Mary Allen Municipal Building, located at 7 Widger Road, consists of a two-story building that houses several offices, conference and meeting rooms, and toilet rooms. The site has one surface parking lot with four designated accessible parking spaces. The facility presents many accessibility challenges including:

- Insufficient number of van accessible parking spaces, non-compliant slope issues, and lack of required parking signage.
- Main entrance ramp with non-compliant slopes, lack of level landings at the top and bottom of the ramp, and ramp handrails that lack required extensions at the top and bottom.
- A non-working elevator at the time of site inspection. No interior accessible route connecting all floors; an accessible route to the lower level requires traveling outdoors.
- No tactile/Braille signage mounted on latch side of office doors.
- Numerous customer service accessibility issues including non-complaint height of customer service counters, lack of maneuvering clearance into multiple site spaces, and non-compliant toilet rooms and amenities.

The following departments have offices located in the Mary Alley Municipal Building:

- Assessor's
- Accounting
- Building Inspections
- Engineering
- Health
- Tax Collector
- Veterans Agent
- School Department

Due to the high traffic and intensity of use at the Mary Allen Municipal Facility, the project team recommends that all items identified in the report be addressed within two years. Priority mitigation should include:

- Improve parking area to include restriping a portion of the parking lot to add one accessible van space as well as its associated access aisle and signage within six months.
- Designation of the toilet rooms as unisex and modifying one to be fully accessible, including providing appropriate directional signage; complete within one year.
- Entry doors should be modified to make them fully accessible, including fixing slope and handrail issues and developing a policy/procedure to regularly inspect and maintain within six months.
- Repair elevator to provide service to all floors within six months.
- Install tactile/Braille signage on the latch sides of doors on compliant height and location within three months.
- Provide an alternative accessible meeting location for the lower-level spaces on the upper level. If an alternative location is used, information on its location and the process for requesting its use must be disseminated within six months.

4.2.1.1 Assessor's

The questionnaire provided by the Assessor's Department can be viewed in Attachment 9.4. Staff states that they extend accessibility courtesies as needed to provide customer service to all, including coming out of their office to remove barriers for hearing impaired individuals and reaching out to the Council on Aging staff and Veteran's agent for assistance to help a customer with an access issue. Staff is also knowledgeable on the use of TTY/TDD or relay services for the hearing impaired.

The following barriers to accessibility were noted:

- Staff is not trained to handle requests for documents in alternative format such as Braille or large print.
- All forms are not available in a format accessible with a screen reader as they are scanned or low resolution. Examples of forms that should be redesigned as fillable forms include:
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/fy23_marblehead_-_real_estate_abate_application.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/fy23_marblehead_-_personal_property_abate_application.pdf
- The following external links are broken and need updating:
 - <https://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis/municipal-gis/assessors-and-gis/>
 - <http://www.iaao.org/>
- Alerting users when they will be leaving the Town website systems 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://maao.org/>
 - <https://marblehead.patriotproperties.com/Default.asp?br=exp&vr=6>
 - <https://www.mass.gov/orgs/appellate-tax-board>

4.2.1.2 Building Inspections

The questionnaire provided by the Building Inspection Department can be viewed in Attachment 9.4. Staff states that they are in the process of updating the departmental website and permit application portal. They may provide personal services on an on-demand basis for patrons with disabilities.

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.
- 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.marblehead.org/sites/g/files/vyhlf4661/f/uploads/swimming_pool_hot_tub_requirements_0.pdf
- Forms should be posted as fillable forms. Examples of forms that should be redesigned as fillable forms include:
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/minor_activity_permit_form_2-25-21.pdf
- Alerting users when they will be leaving the Town website systems 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://marbleheadma.viewpointcloud.com/>
 - <https://www.mass.gov/massachusetts-state-building-code-780-cmr>
 - <https://ecode360.com/10438269>

4.2.1.3 Engineering

The questionnaire provided by the Engineering Department can be viewed in Attachment 9.4. Staff indicates that when requested, the department provides electronic information via email, or hard copies mailed via UPS, to accommodate patrons with disabilities.

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.
- 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.marblehead.org/sites/g/files/vyhlf4661/f/uploads/femas_revalidation_letter_to_the_town_of_marblehead.pdf
- Alerting users when they will be leaving the Town website systems 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://msc.fema.gov/portal/home>
 - <https://www.axisgis.com/MarbleheadMA/?Splash=True>
 - <https://ecode360.com/10438561>

4.2.1.4 Financial Services

A self-evaluation form was not returned from the department of Financial Services, so the following notes are based on research and observations. The department does a great job of providing descriptions of photos that are found in their Annual Comprehensive Financial Reports (<https://www.marblehead.org/accounting-office/pages/annual->

[comprehensive-financial-reports-acfr](#)). Additionally, the department does provide some fillable forms, such as the Withholding Certificate for Period Pension or Annuity Payments (<https://www.irs.gov/pub/irs-pdf/fw4p.pdf>) and the Employee's Withholding Certificate (<https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/2023-w4.pdf>).

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.marblehead.org/sites/g/files/vyhlf4661/f/uploads/authorization_agreement_for_direct_deposit.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/website_parking_ticket_appeal_form_0.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/change_of_address_form.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/authorization_agreement_for_direct_deposit_form.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/4_-_dor-withholding-form-m-4_0.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/2_-_i-9_updated_10-21-19_mhd_current.pdf
- The following external links are broken and need updating:
 - <https://www.sec.state.ma.us/pre/prepdf/950-CMR-32-00-2017-Edition-final.pdf>
- Alerting users when they will be leaving the Town website systems 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://chi.pensiontechnologygroup.com/PTG/MasterController?Client=Marblehead&EmpSelfServe=True&FirstTime=True>
 - <https://www.mass.gov/orgs/public-employee-retirement-administration-commission>
 - <https://www.sec.state.ma.us/pre/preidx.htm>
 - <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/Chapter4/Section7>
 - <http://www.kelleyryan.com/>
 - <https://epay.kelleyryan.com/search>
 - <https://www.mass.gov/orgs/division-of-local-services>
 - <https://epay.cityhallsystems.com/selection>

4.2.1.5 Health

The questionnaire provided by the Health Department can be viewed in Attachment 9.4. The department has some accessible documents that include fillable forms, such as:

- The application for a license to conduct a recreational camp for children (https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/430-application_for_license_3-30-18_0.pdf)
- Application for permit to engage in exterior paint removal (https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/application_for_exterior_paint_removal_0.pdf)
- Application for a permit to operate a swimming pool (https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/application_to_operate_a_swimming_pool_0.pdf)
- Temporary or permanent closure of food establishment inspection application (<https://www.marblehead.org/health-department/webforms/temporary-or-permanent-closure-food-establishment-inspection-application>)

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.
- Forms should be posted as fillable forms. Examples of forms that should be redesigned as fillable forms include:
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/2023_facility_sticker_notice.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/2023_tobacco_sale_application.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/2023_foodservicepermitapp.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/food_establishment_plan_review_application_2019.pdf
 - <https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/tempfoodeestablishment17.pdf>
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/temporary_food_event_tfe_coordinators_application.pdf
 - <https://www.mass.gov/doc/workers-compensation-insurance-affidavit-builderscontractorselectriciansplumbers-application/download>
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/marblhead_caterers_notification.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/frozen_dessert_application.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/fowl_permit_application_2022_2.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/notice_of_intent_to_file_app_for_fowl_permit.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.marblehead.org/sites/g/files/vyhlf4661/f/uploads/exterior_paint_removal_and_abrasive_blasting_regulations.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/pages/article_34_-_2015_0.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/pages/transfer_station_town_meeting_motions_0.pdf
- Several program information pages include information only available from image-based brochures that are not readable by screen readers nor have alternative text:
 - <https://www.marblehead.org/health-department/pages/food-safety-and-holidays>
- The following external links are broken and need updating:
 - <https://www.mass.gov/node/261426>
 - <https://www.mass.gov/eohhs/gov/departments/dph/programs/substance-abuse/key-resources.html>
 - <https://www.mass.gov/eohhs/docs/dph/quality/boards/pharmacy/pharmacies-southern-naloxone.pdf>
 - <https://www.mass.gov/eohhs/docs/dph/substance-abuse/naloxone-info.pdf>
 - <https://www.mass.gov/node/184166>
- Alerting users when they will be leaving the Town website systems 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:
 - http://ma.healthinspections.us/public_21/

- <https://www.ready.gov/>
- <https://www.mamedicalreservecorps.org/>
- <https://www.maresponds.org/>
- <https://www.foodsafety.gov/food-safety-charts/food-safety-during-power-outage>
- <https://www.cdc.gov/zika/>
- <https://www.mass.gov/zika-virus>
- <https://www.mass.gov/mosquito-borne-diseases#1>
- <https://helplinema.org/>
- <https://www.rehabandtreatment.com/massachusetts-substance-abuse/>
- <http://grasphelp.org/>
- <https://learn2cope.org/>
- <https://lockyourmeds.org/>
- <https://www.mass.gov/orgs/bureau-of-substance-addiction-services>
- <https://www.mass.gov/protect-your-kids-from-prescription-drug-use>
- <https://recyclesmartma.org/>

4.2.1.6 Tax Collector

The questionnaire provided by the Tax Collector/Treasurer department can be viewed in Attachment 9.4. Staff report that their service counter and walk-up window are accessible via an elevator. Residents are encouraged to call with any questions if they are unable to access notices provided on the website, bulletin board, or other means. The department answers all phone calls and would accept any reasonable accommodation to help patrons with disabilities. Residents are also able to pay their taxes online via City Hall Systems (<https://epay.cityhallsystems.com/>), which contains fillable forms.

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 systems helps those using assistive devices keep track of webpage navigation. The following link should inform the reader that they are being directed to an external site:
 - <https://epay.cityhallsystems.com/selection>

4.2.1.7 Veterans Agent

The questionnaire provided by the Tax Collector / Treasurer department can be viewed in Attachment 9.4. Staff report that there is an office and meeting room that is handicap accessible. The one-person department may provide services in either the office or a client's home, whatever is more accessible to the individual.

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 systems helps those using assistive devices keep track of webpage navigation. The following link should inform the reader that they are being directed to an external site:
 - <http://ww16.nscareers.org/?sub1=20230603-1057-31b5-9495-d7257126afe7>
 - <https://www.va.gov/>
 - <https://www.mass.gov/orgs/executive-office-of-veterans-services>

4.2.2 Abbot Hall

Abbot Hall, located at 188 Washington Street, is the site of the Marblehead Town Hall. The facility consists of a three-story building, which includes several offices, break rooms, meeting rooms, an auditorium, and toilet. There are two accessible parking spaces provided at Abbot Hall. The facility presents numerous accessibility challenges including:

- Designated accessible parking spaces that lack access aisles and have non-compliant slopes.
- Elevator car lacks the required minimum cab dimensions.
- Rear stairs from first to second floor lack handrails with required extensions and do not have uniform tread.
- Accessible basement entrance issues include non-compliant running slopes, ramp that lacks level landing at the top and bottom, and handrails without required extensions.
- Second floor conference room non-conformance includes 1) route to the lift has a threshold that is too high and lacks maneuverability clearance, 2) the stairs to the balcony and stage areas lack handrails on both sides; and 3) the balcony lacks minimum number of required wheelchair spaces.
- Numerous customer service accessibility issues including non-complaint height of customer service counters, lack of maneuvering clearance into multiple site spaces, and non-compliant toilet rooms and amenities.

The following departments have offices located in Abbot Hall:

- Town Clerk
- Select Board and Town Administrator
- Planning
- Procurement

The project team recommends that all items identified in the report be addressed within two years because Town Administration and the Town Clerk's office, which serve residents of Marblehead with a myriad of municipal and community serves, are located at Abbot Hall.

Priority mitigation should include:

- Prioritize the exterior parking and accessible routes due to their high visibility within six months.
- Designate the toilet rooms as unisex and modify one to be fully accessible. Provide directional signage at the inaccessible locations within one year.
- Provide an alternative accessible meeting location for the Conference Room and the Administrative Assistant and Town Clerk offices. If an alternative location is used, information on its location and the process for requesting its use must be disseminated within six months.

4.2.2.1 Town Clerk

The questionnaire provided by the Town Clerk can be viewed in Attachment 9.4. 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. Additionally, online forms are available in a variety of customer services areas, including vital records, dog licenses, burial permits, and more, via City Hall Systems Order Forms (<https://epay.cityhallsystems.com/selection>) which is fillable and accessible via screen reader.

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.

- Forms should be posted as fillable forms. Examples of forms that should be redesigned as fillable forms include:
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/news/2023_town_census_blank_shell_0.pdf
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/dog_license_application_no_year_0.pdf
- Alerting users when they will be leaving the Town website systems helps those using assistive devices keep track of webpage navigation. The following link should inform the reader that they are being directed to an external site:
 - <https://www.sec.state.ma.us/WhereDoIVoteMA/WhereDoIVote/en-US>
 - <https://epay.cityhallsystems.com/selection>
 - <https://www.mass.gov/>
 - <https://www.ocpf.us/>

Evaluation and Recommendations on Elections:

The Town of Marblehead has six voting precincts in three facilities. Precincts are located as follows: Old Town House, Abbot Hall Auditorium, and the Judy and Gene Jacobi Community Center Gymnasium. The buildings housing the precincts have numerous accessibility issues as detailed in Attachment 9.1. Voters do 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 via 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; however, 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 barriers to accessibility were noted on the Elections webpages:

- Forms should be posted as fillable forms. Examples of forms that should be redesigned as fillable forms include:
 - https://www.sec.state.ma.us/divisions/elections/download/voter-registration-forms/voter-registration_English.pdf
- Some documents are not available in a format accessible with a screen reader as they are scanned or low resolution, including every Campaign Finance Report:
 - <https://www.marblehead.org/elections-registration-office/pages/campaign-finance-reports>
- Alerting users when they will be leaving the Town website systems helps those using assistive devices keep track of webpage navigation. The following link should inform the reader that they are being directed to an external site:
 - <https://www.sec.state.ma.us/ovr/>
 - <https://www.ocpf.us/>

The following recommendations are offered:

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

4.2.2.2 Select Board/Town Administrator

The questionnaire provided by the Select Board can be viewed in Attachment 9.4. Staff report that they take any accommodation requests they may receive and work to find a solution. Some forms, such as the Online Public Records Request Form (<https://www.marblehead.org/public-records-requests/webforms/online-public-records-request-form>), are fillable.

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.
- Agendas for the Select Board are posted as image-based scans. These forms should be posted as accessible PDF forms or HTML formatted. If a stamped or signed version is required, it is recommended to post both the scanned copy and HTML version with text noting the hand-written additions or notes to ensure both documents contain the same information. Examples of the non-accessible documents are found here:
 - <https://www.marblehead.org/node/7193/agenda>
- Some reports include photos that lack alternative text. Examples include:
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/news/capital_improvement_plan_fy22-fy26_2.pdf
 - <https://www.marblehead.org/select-board-office/pages/annual-town-reports>
- Some documents are not available in a format accessible with a screen reader as they are scanned or low resolution, including:
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/pages/pickett_house_gift_requirements_will.pdf
- Forms should be posted as fillable forms. Examples of forms that should be redesigned as fillable forms include:
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/2022_sept_app_to_use_access_railroad_right_of_way.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/block_party_request.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/2022_sept_app_and_regs_to_block_the_public_way.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/fort_sewall_application_for_use.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/old_town_house_rules_and_regs.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/pages/pickett_house_application.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/traffic_change_request_form_2023_0.pdf
- Alerting users when they will be leaving the Town website systems helps those using assistive devices keep track of webpage navigation. The following link should inform the reader that they are being directed to an external site:
 - <https://ecode360.com/MA1991?needHash=true>
 - <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleI/Chapter4/Section7>
 - <https://www.sec.state.ma.us/divisions/public-records/public-records.htm>
 - <https://www.marbleheadschoools.org/>
 - <https://www.axisgis.com/MarbleheadMA/?Splash=True>

4.2.2.3 Planning

The questionnaire provided by the Planning Department can be viewed in Attachment 9.4. Staff does not report any accommodations that the department may make to provide services to patrons with disabilities.

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.

4.2.2.4 Procurement

The questionnaire provided by the Procurement Department can be viewed in Attachment 9.4. Staff does not report any accommodations that the department may make to provide services to patrons with disabilities. However, the bidding process is carried out using embedded and fillable forms on the website (<https://www.marblehead.org/bids/all>).

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.
- All Bid Results are posted as image-based scans. These forms should be posted as accessible PDF forms or HTML formatted. If a stamped or signed version is required, it is recommended to post both the scanned copy and HTML version with text noting the hand-written additions or notes to ensure both documents contain the same information. Examples of the non-accessible documents are found here:
 - <https://www.marblehead.org/procurement-department/pages/bid-results>
- Alerting users when they will be leaving the Town website systems helps those using assistive devices keep track of webpage navigation. The following link should inform the reader that they are being directed to an external site:
 - <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30B>
 - <https://municibid.com/>

4.2.3 Judy and Gene Jacobi Community Center

The Judy and Gene Jacobi Community Center, located at 10 Humphrey Street, houses both the Council on Aging and Recreation Department. The site consists of a one-story building, which includes several offices, a dining room, art room, gymnasium, toilet rooms, and an outdoor area with picnic tables and a bocca court. There are three accessible parking spaces provided at this site. The full facility audit in Attachment 9.1 contains the full scope of barriers to accessibility. Due to the high traffic and user population, all deficiencies noted in the report should be addressed within two years. Of primary concern are the following high priority issues:

- A lack of accessible parking and/or signage issues.
- Accessible toilet room with accessible elements mounted incorrectly and counters and common sinks too high.
- No accessible route to the stage and a lack of accessible seating.
- Tennis courts with a door that is not on an accessible route due to the step.

Recommendations include:

- Prioritize the exterior parking and accessible routes due to their high visibility.
- Mitigating remaining barriers noted in full report within two years.

4.2.3.1 Council on Aging

The Council on Aging Department provides service primarily from the Community Center, but also provides patrons with limited transportation options in handicap accessible vans to surrounding communities. Staff report they make accommodations to patrons with disabilities, such as providing a chair with arms during a class and providing fitness programs for every mobility level. The questionnaire provided by the Council on Aging Department can be viewed in Attachment 9.4.

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.
- Some pertinent information, such as COA transportation and class schedules, are hidden behind a log-in screen (<https://www.marblehead.org/user/login?destination=node/249>), as are most of the nutritional

informational flyers (<https://www.marblehead.org/council-aging-department/pages/nutrition-informational-flyers>). Consider making this information available without having to log in with a username and password.

- Some documents contain images which lack captions or alternative text:
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/2023_june_newsletter.pdf
- Some documents are not available in a format accessible with a screen reader as they are scanned or low resolution, including:
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/cori_application_0.pdf
- Forms should be posted as fillable forms. Examples of forms that should be redesigned as fillable forms include:
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/emergency_assistance_form.pdf
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/2023_taxwo_application_new.pdf
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/aid_to_the_elderly_and_disabled_taxation_fund_application.pdf
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/standards_of_ind_transportation_-_july_2021.pdf
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/council_on_aging_volunteer_application.pdf
- The following external links are broken and need updating:
 - <https://www.healthcare.com/info/health-care/medicare-glossary-of-terms>
 - <http://www.gls.net/ProgramsServices/Advocacy.aspx>
- Alerting users when they will be leaving the Town website systems helps those using assistive devices keep track of webpage navigation. All of the links in the “In the News” section (<https://www.marblehead.org/council-aging-department/pages/news>) should inform the reader that they are being directed to an external site. Additional sites include:
 - <https://www.aarp.org/>
 - <https://www.medicare.gov/>
 - <https://www.nscap.org/>
 - <https://agespan.org/>
 - <https://seniornet.org/>
 - <https://www.ssa.gov/>
 - <https://www.roadscholar.org/>

4.2.3.2 Recreation

The Recreation Department provides services at several locations including its primary locations at the Community Center and the Park and Recreation Building. The questionnaire provided by the Recreation Department can be viewed in Attachment 9.4. Staff states they have regular interaction with disabled individuals and assists in filling out paperwork in the office, providing curbside service when requested, and providing in-home services if needed. These practices are good examples of accommodations made for program access. Registration permits for facility use, and other forms were accessible using screen readers and fillable forms via the platform CommunityPass. Online payment systems were fully accessible. Mail-in, email and over-the-phone registrations and assistance are offered.

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.

- Some documents are not available in a format accessible with a screen reader as they are scanned or low resolution, including:
 - https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/memorial_benches_informati_on.pdf
- All Meeting Minutes that are from 2015 or older are posted as image-based scans. These forms should be posted as accessible PDF forms or HTML formatted. If a stamped or signed version is required, it is recommended to post both the scanned copy and HTML version with text noting the hand-written additions or notes to ensure both documents contain the same information. Examples of the non-accessible documents are found here:
 - <https://www.marblehead.org/node/7183/minutes/2015>
- The following external links are broken and need updating:
 - https://register.capturepoint.com/reg/cat_program_list_detail.cfm?season_id=26497&program_id=1483901
 - https://register.capturepoint.com/reg/cat_program_list.cfm?season_id=26489
 - https://www.sportsengine.com/solutions?domain_source=SSUPLAY&utm_source=Website+Direct&utm_medium=Website+Direct&utm_campaign=SSU+Migration&utm_term=SSU-Splash-Page (supposed to be a link to Marblehead Youth Softball).
- Alerting users when they will be leaving the Town website systems helps those using assistive devices keep track of webpage navigation. The following link should inform the reader that they are being directed to an external site:
 - <https://www.axisgis.com/MarbleheadMA/>
 - <https://www.us harbors.com/harbor/massachusetts/marblehead-ma/tides/>
 - <https://register.capturepoint.com/>
 - <https://goldthwait.org/>
 - <https://marbleheadrotary.com/>
 - <https://mhdrec.wufoo.com/forms/2023-mhd-rec-park-employee-interest-formqbbfpis0xobstn/>
 - <https://ecode360.com/10439085>
 - <http://www.mhdgirlslax.org/>
 - <https://www.marbleheadschoools.org/domain/125>
 - <https://discovermhd.com/>
 - <http://marbleheadscouting.org/>
 - <https://mygs.girlscouts.org/>
 - https://www.gsema.org/en/about-girl-scouts/join.htmlgclid=CObaoKLI_bkCFVEEOgodsD0AOW
 - <https://www.marbleheadchamber.org/>
 - <https://www.marbleheadfestival.org/>
 - <https://www.abcnorthshore.org/>
 - <http://www.mhdbaseball.org/>
 - <http://www.marbleheadyouthfootball.com/>
 - <https://www.marbleheadyouthhockey.com/>
 - <https://www.marbleheadsoccer.net/>
 - <https://salemsound.org/>
 - <https://portal.ct.gov/DEEP/State-Parks/Connecticut-State-Parks-and-Forests>
 - <https://ecga.org/>
 - <https://www.maine.gov/dacf/parks/index.shtml>
 - <https://www.massaudubon.org/>
 - <https://www.mbtta.com/>
 - <https://www.mass.gov/orgs/department-of-conservation-recreation>
 - <https://www.mass.gov/visit-massachusetts-state-parks>
 - <https://www.nhstateparks.org/>
 - <https://parks.ny.gov/>
 - <https://riparks.ri.gov/>

- <https://thetrustees.org/>
- <https://fpr.vermont.gov/>
- <https://www.nps.gov/index.htm>
- <https://www.weather.gov/>

4.2.4 Athletic Fields/Facilities Summary & Recommendations

The project team did not observe any fully accessible athletic facilities in the Town of Marblehead. Athletic fields and facilities reviewed include the tennis court, basketball court, baseball fields, batting cages, and football field at Gatchel Playground; the baseball field at Hobbs Playground; the softball field at Orne Playground; the tennis courts, squash court, basketball court, baseball diamond, and summer street hockey at Seaside Park; and the fields at Reynolds Playground. Athletic facilities lacked accessible routes, gate maneuvering clearances, accessible parking, and accessible seating.

Recommendations include:

- Due to the high traffic of the Marblehead athletic facilities, the project team recommends providing accessible athletic facilities within the next five years. At least one of each type of athletic facility (e.g. baseball field, softball field, basketball court, etc.) should be made accessible, with priority going to those with the highest use.
- Associated press boxes, toilet rooms, and/ or concession stands, should also be modified either through physical architectural barrier removal or by implementing a policy change.
- The Town’s portable toilet plans should be reviewed within one year. Provide an accessible portable toilet at each location where they are provided and/or at each location where there are inaccessible toilet facilities. Ensure the accessible portable toilet is located on an accessible route.

4.2.5 Municipal Offices and Garage

The Marblehead Municipal Offices and Garage, which houses the Department of Public Works, are located at 3 and 11 Tower Way. The site consists of two one-story building that contain various offices. There are two surface parking lots serving both buildings. None include designated accessible spaces.

The primary barriers at 3 and 11 Tower Way were observed as follows:

- There are not enough accessible parking spaces.
- The route to the Office 3 entrance has significant running slopes
- The Office 3 entry door lacks a level landing, operable hardware, and maneuvering clearances.
- The Office 3 interior glass door lacks a smooth surface on the bottom of the push side and maneuvering clearance.
- The reception counters are too high.
- The Office 11 entry lacks a level landing, the threshold is too high, and lacks maneuvering clearance.
- Fire alarm pulls, hand sanitizer, and AED cabinets are mounted too high.

The list of items recommended for remediation at the Municipal Offices and Garage, are reasonably priced budget items that would make a significant difference. It is recommended that all barriers found be mitigated within three years.

The following are recommended as high priority:

- Stripe a portion of the parking lot to add one accessible van space and its associated sign and access aisle within one year.
- Regrade walkways and door landings; regrade area near the fire alarm pull and mailbox; install automatic door opens; replace door hardware and/or install new door(s) within 18 months.
- Resolve numerous customer service accessibility issues including non-compliant customer service counter heights; relocating hand sanitizer dispenser, coat hooks, and cabinetry to compliant heights within six months.

4.2.5.1 Department of Public Works

The questionnaire provided by the Department of Public Works can be viewed in Attachment 9.4. Staff report that if requested, they will review concerns of non-ADA compliant infrastructure. The office is available during regular business hours to assist patrons with disabilities with completing applications and answering questions.

This section assesses the websites for the Highway Department, Drain/Stormwater Department, Tree Department, and Water and Sewer Commission, all of which fall under the Department of Public Works. The department does provide a few fillable forms, such as the Workers' Compensation Insurance Affidavit

(https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/worker_comp_affidavit_2019_0.pdf) or the Public Tree Shade Report (<https://www.marblehead.org/tree-department/webforms/public-shade-tree-report>).

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.
- Some pertinent information is hidden behind a log-in screen. Consider making this information available without having to log in with a username and password:
 - Snow Emergency Policy, <https://www.marblehead.org/user/login?destination=node/104926>
 - Water Use Match Game, <https://www.marblehead.org/user/login?destination=node/60023>
 - Water Word Scramble, <https://www.marblehead.org/user/login?destination=node/60043>
 - Water Conservation Maze, <https://www.marblehead.org/user/login?destination=node/60053>
 - Water Word Search, <https://www.marblehead.org/user/login?destination=node/60063>
 - How to Make a Rain Gauge, <https://www.marblehead.org/user/login?destination=node/60073>
 - Compost in a Bottle, <https://www.marblehead.org/user/login?destination=node/60083>
 - What is Sustainability, <https://www.marblehead.org/user/login?destination=node/60093>
- Forms should be posted as fillable forms. Examples of forms that should be redesigned as fillable forms include:
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/2023_st_way_sidewalk_trench_application.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/2023_excavator_application.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/2023_annual_contract_agreement_to_repair_trenches.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/2022_june_22_curb_cut_application.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/2022.10.20_police_detail_request_update_director.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/drain_layer_license_application_-_july_2022_revision.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/2023_agreement_for_priv_conn_to_town_drainage_-_select_board_003.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/meter_reading_request_form_-_revised_july_2020.pdf
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/backflow_device_registration_data_sheet_form.pdf
- Some documents are not available in a format accessible with a screen reader as they are scanned or low resolution, including:
 - https://www.marblehead.org/sites/g/files/vyhli4661/f/uploads/2020_excavation_trench_safety.pdf

- https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/mhd_annual_report_yr3-final_signed.pdf
- <https://www.marblehead.org/sites/g/files/vyhlf4661/f/news/nationalgridprojectupdate-2023-06-09.pdf>
- https://www.marblehead.org/sites/g/files/vyhlf4661/f/pages/real_estate_transfer_confirmation_form_12016_version.pdf
- https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/sewer_deduct_meters_2021.pdf
- https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/sr_and_srii_water_meters_installation_guidelines.pdf
- https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/water_distribution_system_lead.pdf
- https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/whats_happening_in_flints_water_system_and_how_is_mwra_different.pdf
- https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/what_you_need_to_know_about_lead_in_tap_water.pdf
- https://www.marblehead.org/sites/g/files/vyhlf4661/f/uploads/laboratories_certified_for_lead_analysis_in_drinking_water.pdf
- All Water and Sewer Commission Agendas are posted as image-based scans. These forms should be posted as accessible PDF forms or HTML formatted. If a stamped or signed version is required, it is recommended to post both the scanned copy and HTML version with text noting the hand-written additions or notes to ensure both documents contain the same information. Examples of the non-accessible documents are found here:
 - <https://www.marblehead.org/node/33/agenda>
- Alerting users when they will be leaving the Town website systems helps those using assistive devices keep track of webpage navigation. The following link should inform the reader that they are being directed to an external site:
 - <https://www.epa.gov/>
 - <https://www.mass.gov/orgs/massachusetts-department-of-environmental-protection>
 - <https://greenscapes.org/>
 - <https://resump.org/>
 - <https://epay.cityhallsystems.com/selection>
 - <https://www.sesd.com/>
 - <https://www.mwra.com/>
 - <https://www.cdc.gov/fluoridation/index.html>
 - <https://wateruseitwisely.com/saving-water-indoors/your-questions-answered/how-does-your-water-use-stack-up/>

4.2.6 Harbormaster Offices & Storage Buildings

Located at 9 Ferry Lane, the Harbormaster Offices Building consists of a one-story building that includes offices, toilet rooms, and shower rooms. There is one accessible parking space. Located next door at 8 Ferry Lane, the Harbormaster Storage Building includes various storage spaces, staff toilet room, lockers, and a staff break room. Due to the moderate traffic of the Harbormaster Offices, the project team recommends mitigating all the barriers identified in the audit report within three years.

The following barriers to accessibility were noted at the Harbormaster Offices:

- Accessible parking lacks an access aisle, has slopes >2%, and lacks signage.
- The payment mailbox is mounted too high and lacks a level clear floor space.
- The front entrance is not on an accessible route, due to the stairs, and lacks directional signage to the accessible entry.

- The accessible entrance lacks a level landing, lacks maneuvering clearance, and has significant slopes along the accessible route.
- The reception counter is too high.
- The bathing rooms lack door maneuvering clearance, have accessible elements mounted in incorrect locations, and the showers lack adjacent clear floor

The following mitigation measures are recommended as high priority:

- Regrade and restripe existing accessible parking space and install van accessible parking sign within six months.
- Regrade the area adjacent to the payments mailbox and adjust height to compliant standard within six months.
- Provide directional signage to the accessible entrance within three months
- Regrade accessible entrance door landing; install automatic door opener; and regrade walkway within three years.

As the Harbormaster Storage Building is not open to the public and is an employee-only space, the project team recommends additional design study if it is opened to the public in the future.

4.2.6.1 Harbormaster

The questionnaire provided by the Harbormaster can be viewed in Attachment 9.4. Staff report that they provide reasonable accommodations for patrons with disabilities, such as by installing a hoist lift on one of the main public docks and adapting the gangway access. The reservation process to reserve a slip or mooring is accessible via a fillable form (<https://www.marblehead.org/harbormaster/pages/reserve-slip-or-mooring>).

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.
- Forms should be posted as fillable forms. Examples of forms that should be redesigned as fillable forms include:
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/2022_harbor_waiting_list_application.pdf
- The following internal and external links are broken and need updating:
 - <http://mass.harbormasters.org/>
 - <https://www.marblehead.org/recreation-parks>
 - <https://www.abcnorthshore.org/contact-us.html>
- Alerting users when they will be leaving the Town website systems helps those using assistive devices keep track of webpage navigation. The following link should inform the reader that they are being directed to an external site:
 - <https://www.usharbors.com/harbor/Massachusetts/Marblehead-ma/tides>
 - <https://www.mass.gov/orgs/massachusetts-environmental-police>
 - <https://www.usps.org/>
 - <http://www.harbormasters.org/index.shtml>
 - <http://wow.uscgaux.info/content.php?unit=013-04-03>
 - <https://www.abcnorthshore.org/>
 - <https://jordanslaunch.com/>
 - <https://dockwa.zendesk.com/hc/en-us/articles/115000216774-Make-a-Reservation-Request>

4.2.7 Abbot Public Library

Currently in a temporary location at 3 Brook Road, the permanent address of Abbot Public Library is 235 Pleasant Street. The temporary site consists of a one-story building, which includes various offices, lecture rooms, toilet rooms, bookshelves, and storage rooms. There is one accessible parking space provided at the temporary site.

A number of accessibility issues were identified at the temporary location including:

- Accessible parking has slopes >2% and lacks signage.
- The exterior accessible route has significant slopes and changes in level.
- The entry threshold is too high.
- The knee clearance at some of the desks and tables is <27" AFF.
- The reception counter is too high.
- Tactile/ braille signage is not provided at the latch side of doors.
- Interior stairs and ramps lack handrail extensions.
- The toilet rooms have accessible features in inaccessible locations.
- AED cabinet and hand sanitizer protrude >4" into the circulation space.

Due to the high traffic of Abbot Public Library – Temporary Location, the project team recommends mitigating all the barriers identified in the audit report within two years. Alternatively, the Town could choose to prioritize the Abbot Public Library renovation and close the temporary location in lieu of mitigating the barriers. Mitigation recommendations at the temporary location include:

- Prioritize the exterior parking and accessible routes due to their high visibility.
- Mitigate all barriers found in report.

Abbot Public Library renovation plans were also reviewed, and a few barriers were noted in the current plans:

- The changing table lacks the required minimum 27" AFF knee clearance below for a forward approach.
- The grab bars are mounted too low.
- Toilet room 207 lacks door maneuvering clearance on the push side.
- Confirm directional signage will be provided at the inaccessible toilet rooms.
- Confirm the scope of the renovation is meeting all of the renovation requirements of 521 CMR 3.3.1.

Due to the fact that the library is still under renovation, the project team recommends that all barriers identified in the report be mitigated within six months before renovation concludes.

The questionnaire provided by the Library Department can be viewed in Attachment 9.4. Staff report they respond to requests for a variety of accessibility needs, such as providing documents with: increased or decreased text, grayscale, high contrast, negative contrast, light background, links underlined, or readable font. Forms such as for requesting a library card or room rental are set up with fillable fields. The Library also has an interactive screen and a Polycom Studio bar that enhances the audio and visual experience for participants. Lastly, the Library provides a walker for patrons who need that support and also a Merlin LCD enhanced vision video magnifier.

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.
- Images throughout the site lack captions or alternative text.
- Forms should be posted as fillable forms. Examples of forms that should be redesigned as fillable forms include:
 - <https://abbotlibrary.org/wp-content/uploads/2022/06/FRIENDS-MEMBERSHIP-FORM.pdf>
- Alerting users when they will be leaving the Library website system helps those using assistive devices keep track of webpage navigation. The following link should inform the reader that they are being directed to an external site:

- <https://bankerandtradesman.com/this-weeks-paper/>
- <https://www.bpl.org/resources/business/>
- <https://www.lingolite.com/?c=75zW2qxyEU>
- <https://learn.mangolanguages.com/login?gymToken=mY7q1xlsYE88tk6eTZKucg&r=https%3A%2F%2Fabbottlibrary.org%2F>
- https://libraries.state.ma.us/login?db=transparent&locid=mmlin_n_abbot
- <https://www.referenceusa.com/Static/TermsAndConditions/True/d5208be5-d6ce-437d-9ffd-426f1a4c437f/https%5E3a%5E2f%5E2fwww.referenceusa.com%5E2f/ValidReferringUrlChallengeRequired>
- <https://www.fueleconomy.gov/>
- https://crm.bloomerang.co/HostedDonation?ApiKey=pub_c9fa6ce3-df74-11e7-94a1-0a7fa948a058&WidgetId=47104

4.2.8 Fire Station Headquarters

The Marblehead Fire Station Headquarters are located at 248 Pleasant Street. The site consists of a two-story building, which includes some offices, employee sleeping rooms, employee kitchen, locker rooms, toilet rooms, and showers. There is one accessible parking space provided at this site.

Accessibility issues were noted at the fire station headquarters, including:

- The accessible parking space has slopes >2%.
- The main entrance is not accessible due to the step.
- The inaccessible entrance lacks directional signage.
- The engine area is not on an accessible route due to the step.
- The meeting room door hardware is not accessible.
- The toilet room lacks the required footprint and accessible elements.

Mitigation recommendations include:

- Due to the fact Fire Departments often provide tours through the headquarters facility, a tour route that is accessible should be identified and all staff involved in providing tours made aware of how to implement an accessible tour within one year.
- Prioritize the exterior parking and accessible routes due to their high visibility within one year.
- As public access is limited to the rest of the building, the project team recommends mitigating barriers identified in the audit report as part of routine maintenance, planned alterations, or in response to a specific request, and as Town budget permits within five years.

The questionnaire provided by the Fire Department can be viewed in Attachment 9.4. Staff reports that they will meet any patrons outside the building, over the phone, or at a specific location to provide services as requested in the event the patron cannot access the building.

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.
- Some documents contain images which lack captions or alternative text:
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/2023-02-08_marblehead_fsfh_fa_present.pdf
- Forms should be posted as fillable forms. Examples of forms that should be redesigned as fillable forms include:

- https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/alarm_by-law_permit_application_0.pdf
- Some forms are not available in a format accessible with a screen reader as they are scanned or low resolution, including:
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/fire_station_visit_request_for_m.pdf
- Alerting users when they will be leaving the Town website system helps those using assistive devices keep track of webpage navigation. The following link should inform the reader that they are being directed to an external site:
 - <https://www.fema.gov/>
 - <https://www.mass.gov/orgs/department-of-fire-services>
 - <https://www.csia.org/>

4.2.9 Fire Station – Engine 2

The Fire Station is located at 3 Franklin Street. The site consists of a three-story building with offices, employee sleeping rooms, toilet rooms, and shower rooms. Parking is not provided at this site.

A few accessibility issues were noted at the fire station, including:

- The entrance is not accessible due to the step.
- The inaccessible entrance lacks directional signage.
- The electrical panel protrudes into the circulation space.

Mitigation recommendations include:

- Due to the relatively low traffic of this building and limited public access, the project team recommends mitigating barriers identified in the audit report as part of routine maintenance, planned alterations or in response to a specific request and as Town budget permits within five years.

4.2.10 Police Station

The Police Station is located at 11 Gerry Street and consists of a two-story building with a reception area, administrative offices, employee locker rooms, holding cells, toilet rooms, and typical police function areas. There is a parking lot with no accessible parking spaces.

A few accessibility issues were noted at the police station, including:

- Insufficient number of accessible parking spaces. Exterior parking and accessible routes are non-compliant.
- Entry ramp is too steep, lacks edge protection, and threshold is too high.
- An interior accessible route connecting all floors is not provided.
- Reception and booking counters are too high.
- There are no accessible holding cells.
- Toilet rooms have accessible elements mounted in inaccessible locations.

Due to the high traffic of the police station, the project team recommends mitigating all identified barriers within two years. The following recommendations are offered:

- Prioritize exterior parking and accessible route compliance due to their high visibility within six months.
- Provide an accessible holding cell and disseminate information on how it is to be used to staff within one year.
- Develop a policy to ensure all public programs can be provided on an accessible level or in an alternative accessible location. Provide this information to staff.

4.2.10.1 Police Department

The questionnaire provided by the Police Department can be viewed in Attachment 9.4. Staff report that when necessary, they will provide reasonable accommodations for patrons with disabilities. Included in this review is also an audit of the Animal Control Department.

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.
- Some pertinent information is hidden behind a log-in screen. Consider making this information available without having to log in with a username and password:
- Winter Snow Emergency Parking Policy,
<https://www.marblehead.org/user/login?destination=node/89436>
- The following videos lack closed captioning:
 - <https://vimeo.com/687127404>
- Forms should be posted as fillable forms. Examples of forms that should be redesigned as fillable forms include:
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/website_parking_ticket_appeal_form_0.pdf
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/alarm_by-law_permit_application.pdf
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/property_loss_report_form.pdf
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/solicitor_canvasser_registration_form.pdf
- Some forms are not available in a format accessible with a screen reader as they are scanned or low resolution, including:
 - https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/incident_report_accident_report_request_form_0.pdf
- The following external links are broken and need updating:
 - <https://www.ic3.gov/Home/PageNotFound?aspxerrorpath=/preventiontips.aspx>
 - <https://www.mass.gov/eea/agencies/dfg/dfw/fish-wildlife-plants/mammals/preventing-conflicts-with-turkeys.html>
 - <http://www.swampscottpolice.com/>
 - <https://www.mass.gov/essexda/about-the-office/meet-district-attorney-blodgett/>
 - <https://www.mass.gov/eopss/agencies/>
 - <https://www.mass.gov/ago/about-the-ago/>
 - <https://www.dea.gov/index.htm>
- Alerting users when they will be leaving the Town website systems helps those using assistive devices keep track of webpage navigation. The following link should inform the reader that they are being directed to an external site:
 - <https://www.nhtsa.gov/>
 - <http://www.kelleyryan.com/>
 - <https://www.ic3.gov/>
 - <https://www.mass.gov/orgs/sex-offender-registry-board?p=kcqvlfmxz4ZW6168N80LcHoMUquXIN-JnvdMMRYNNu4>
 - <https://www.dhs.gov/see-something-say-something>
 - <https://ecode360.com/10437215>
 - <https://marblehead-animal-shelter.org/>
 - <http://www.nemlec.com/>

- <https://www.mass.gov/firearms-services>
- <http://www.beverlypd.org/>
- <https://danverspolice.com/about/>
- <https://lynnpolice.wpengine.com/>
- <http://www.peabodypd.org/>
- <https://www.salemma.gov/salem-police-department>
- <https://www.essexsheriffma.org/>
- <https://ywcansrcc.org/>
- <https://www.mass.gov/orgs/massachusetts-court-system>
- <https://www.mass.gov/orgs/essex-district-attorneys-office>
- <https://malegislature.gov/>
- <https://www.sec.state.ma.us/>
- <https://www.atf.gov/>
- <https://bjs.ojp.gov/>
- <https://www.dhs.gov/>
- <https://www.fbi.gov/>
- <https://www.fema.gov/>
- <https://www.ic3.gov/>
- <https://citec.org/>
- <https://www.icpsr.umich.edu/web/pages/NACJD/index.html>
- <https://www.ojp.gov/ncjrs/new-ojp-resources>
- <https://www.nw3c.org/UI/Index.html>
- <https://www.justice.gov/>

4.2.11 Animal Control

Animal Control is located at 44 Village Street. It is a one-story building with a reception area, animal washroom, and staff toilet room. There is a parking lot serving the building, which does not include any accessible spaces. A number of accessibility issues were determined in the facility audit, including:

- Lacks accessible parking.
- Handrails lack extensions.
- The entry door lacks maneuvering clearance.
- The counter is too high.
- The toilet room door lacks maneuvering clearance.
- The toilet room has accessible elements mounted in inaccessible locations.

Due to the moderate traffic of the animal control facility, the project team recommends mitigating all identified barriers within three years.

Recommendations include:

- Prioritizing exterior parking and accessible routes due to their high visibility within one year
- Mitigating all other identified accessibility barriers within three years.

4.2.12 Other Facilities

A full facility audit of “other” facilities, which are not currently available to the public or have a unique municipal use, is also available in Attachment 9.1. A number of accessibility issues, summarized below, were noted in the full facilities audit. As noted, the project team’s recommended remediation and timing of improvements varied greatly depending on the current use of each facility.

Facilities audited include:

- Restroom Building

- Powder House
- Pickett House
- OKO's Building
- Gun House
- Old Town House
- Medical Office Building

4.2.12.1 Restroom Building

The Restroom Building is located at 74 Front Street and consists of a one-story building including two public toilet rooms. There is one accessible parking space serving this site.

A number of accessibility issues were identified at the Restroom Building including:

- Accessible parking lacks an adjacent access aisle, has slopes >2%, and lacks the required signage.
- The ramp to the men's room lacks a level landing at the bottom and lacks edge protection.
- The drinking fountain protrudes into the circulation space and is mounted too high.
- The phone protrudes into the circulation space.
- The toilet rooms lack tactile braille signage, have thresholds that are too high, and have accessible elements mounted in incorrect locations.
- The men's room lacks door maneuvering clearance.

The following measures are recommended within three years as the Restroom Building provide public restrooms to residents and visitors and should be made accessible to all.

- Rebuild ramp route to the men's toilet room to compliant standards within one year.
- Regrade and restripe existing accessible parking space and install van accessible parking signage within one year.
- Repair and replace numerous toilet room fixtures and amenities to meet ADA standards within two years.
- Add an accessible drinking fountain per ADA-602 and Install wing walls on both sides of the existing drinking fountain within three years.

4.2.12.2 Powder House

Powder House is located at 47 Green Street and consists of a one-story circular building, which is currently closed to the public. It is used as storage space. Parking is not provided at this site. There is no accessible route to Powder House due to the stairs, excessive slopes, and grass surface. The project team recommends additional study if the building is opened to the public in the future.

4.2.12.3 Pickett House

Located at 10 Franklin Street, Pickett House consists of a two-story residential building with two apartments. The first-floor apartment is currently rented and was not accessed. Parking is not provided at this site. Since the Pickett House apartments are rented on behalf of the Town, it is required to be readily accessible and usable by individuals with disabilities. Due to the age of the facility, it does not meet the current requirements for an accessible dwelling.

The project team recommends identifying an equivalent alternative accessible apartment within one year that can be rented to individuals with disabilities who qualify for the Pickett House apartment rental program. Cost, amenities, and location should be considered when searching for an equivalent apartment.

4.2.12.4 OKO's Building

OKO's building is located at 220 Washington Street. The site consists of a two-story building containing various artifacts and memorabilia from the last two centuries displayed through two main spaces. The building is open to the public on certain days of the week and for special occasions. Parking is not provided at this site.

The following accessibility issues were noted:

- The entrance is not accessible due to the steps, hardware, lack of maneuvering clearance, and threshold that is too high.
- An accessible route connecting all levels is not provided.
- The toilet room lacks the required footprint and fixtures for an accessible toilet room.

Recommended remediation measures to ensure OKO's Building is fully accessible for public use within the next two years include:

- Provide an accessible entrance, which will require additional study; install automatic door opener; replace door hardware and threshold within two years.
- Install compliant handrails on both sides of stairs; rebuild the ramp; and install a cane detectable object below the stairs within six months.
- Provide an accessible toilet room, which will require further study within two years.
- Provide an elevator, which will require further study, within two years.
- Provide an alternative means of displaying the artifacts/ memorabilia. This can be done through video displays, events showcasing items held at accessible locations, or website access. In the interim, develop a policy to train staff to share memorabilia/ artifacts with those who cannot access the building and post the policy in Town Hall and on the Town's website.

4.2.12.5 Gun House

Located at 45 Elm Street, Gun House consists of a one-story historic building, currently closed to the public and used as storage space. Parking is not provided at this site. An accessible route is not provided at this site due to grass surface. The project team recommends additional design study if the building is opened to the public in the future.

4.2.12.6 Old Town House

Marblehead's Old Town House is located at 1 Market Square and consists of a three-story building, which includes several museum rooms and toilet rooms. Parking is not provided at this site.

The following accessibility issues were noted as items that require significant investment for accessibility compliance:

- The front entry is not accessible, due to the stairs.
- The inaccessible entrance lacks directional signage.
- The interior ramp is too steep.
- Interior stairs and ramps lack handrail extensions.
- The elevator is too small.
- The floor has cross slopes >2% at the elevator.
- The toilet rooms have accessible elements mounted in incorrect locations.
- The AED cabinet protrudes into the circulation space and is too high.

Recommended remediation measures to ensure accessibility for museum patrons and staff within the next two years include:

- Rebuild the interior ramp to compliant standards within one year.
- Replace the existing elevator car with a larger one within two years.
- Reposition toilet; relocate side and rear grab bars; relocate paper towel dispenser in ground level bathrooms within one year.
- Providing an alternative means of displaying the museum items and programs . This can be done through video displays, events showcasing items held at accessible locations, or website access. In the interim, develop a policy to train staff to share museum items and programs with those who cannot access the building and post the policy in Town Hall and on the Town website.

4.2.12.7 Medical Office Building

Located at 1 Widger Road, and leased to tenants, the Medical Office building consists of a three-story building with several offices, staff kitchenette and lounge rooms, exam rooms, and toilet rooms. There is one surface parking lot serving the building, including six designated accessible parking spaces. The site audit noted some key accessibility issues, including:

- Accessible parking lacks signage.
- Restrooms lack the required footprint and/ or have accessible elements mounted in incorrect locations.
- Thresholds are too high.
- Doors do not provide the required minimum 32" of clear width.
- The elevator is too small.

Recommended remediation measures within one year are:

- Prioritize the exterior parking and accessible routes due to their high visibility within six months.
- Prioritize all of the common areas that are under the Town's control through the lease within one year.
- Review the leasing process to ensure tenants are aware and proactive about ADA compliance within one year.

4.2.13 Public School Facilities

The project team reviewed the Glover School, Marblehead High School, Veterans Middle School, and the Village School. The Glover School is the newest school in Marblehead and had relatively minor issues of non-compliance. However, the other schools had more significant issues. The schools generally lacked accessible parking, accessible routes, accessible athletic facilities, accessible seating, door maneuvering clearances, accessible specialty classrooms, accessible auditoriums/ assembly areas, lacked tactile/ braille signage, and had toilet rooms with accessible

See Marblehead School Facilities Audit in Attachment 9.3 for complete results of the audits and deficiencies identified.

A summary of the public-school facility recommendations include:

- Undertake a full ADA SETP for the public schools, reviewing all of the school-specific programs and services to determine which spaces should be prioritized for architectural barrier removal within the next three years.
- Review and prioritize mitigating areas in the schools used for Town events (town meetings, recreation programs, etc.) within the next three years.
- Prioritize the exterior parking and accessible routes due to their high visibility within the next three years.
- Review and mitigate all barriers identified at the school athletic facilities and playgrounds.
- Mitigate all other barriers identified in the audit report as part of routine maintenance, planned alterations or in response to a specific request and as Town budget permits.

4.2.14 Outdoor Facilities, Trails, Parks & Play Areas

See Outdoor Facilities Audit in Attachment 9.2 for complete results of the audits and deficiencies identified. The following subsections address an overview of site barriers and recommendations noted in the physical audits that are covered under the scope of the study by outdoor facility, trail, park, or play area. The play areas at Gatchel Playground, Gerry Playground, Reynolds Playground, Orne Playground, Seaside Park, and Devereux Beach were audited.

Most play areas lacked an accessible route, an accessible play surface, accessible play features, and accessible parking spaces (where off-street parking is provided). Hobbs Playground was recently constructed and is substantially compliant. However, it lacks accessible parking and an accessible route to it.

Nor did the project team observe any fully accessible trails or parks. Castle Rock Park, Chandler Hovey Park, Crocker Park, Fountain Park, Memorial Park, Red's Pond, Fort Sewell, the Railroad Right-of-way Trail, and Hammond Park were reviewed. The trails and parks lacked accessible parking spaces (where parking was provided), accessible routes, and accessible seating. Where toilet rooms are provided, they have accessible elements in inaccessible locations.

Priority mitigation recommendations include:

- Due to the large amount of playgrounds provided in Marblehead, the provide an additional accessible playground within the next three years. Ensure any modifications to an existing play area is done in compliance with the 2010 ADA Standards, as well at 521 CMR, and modify the existing the playground with the highest use.
- Review the Town's portable toilet plans within one year. Provide an accessible portable toilet at each location where they are provided and/or at each location where there are inaccessible toilet facilities. Ensure the accessible portable toilet is located on an accessible route.
- Provide an accessible route and accessible parking at Hobbs Playground within one year. Information regarding the accessible playground should be disseminated to residents and available on the Town website as soon as possible.
- Provide at least one of each type of trail and park (waterfront, woods, etc.) to be fully accessible within the next three years; and modify the facilities with the highest use first. Ensure any modifications to an existing play area is done in compliance with the 2010 ADA Standards, as well at 521 CMR.
- Provide general Information regarding the accessible playgrounds on the Town website.
- Review the programs offered at Town trails and parks and establishing equivalent accessible alternative program options (remote access, video tours, alternative locations, etc.) within one year.

4.2.14.1 Gatchel Playground

Gatchel Playground is located at the intersection of West Shore Drive and Lafayette Street. The site has multiple recreation purposes including a tennis court, a basketball court, two baseball fields, a football field, a playground, a community garden, bleachers, benches, restroom facilities. The site includes a parking lot with two accessible parking spaces.

Site barriers noted include:

- The accessible parking spaces lack requires signage and have a deteriorated surface.
- There are no accessible routes to the majority of the playground's recreational activities.
- The community garden does not have an accessible route, the gate lacks both maneuvering clearance and smooth surface on the push side.

Recommendations include:

- Installing appropriate accessible signage and regrading/restriping the accessible parking spaces and associated access aisle.
- Providing accessible routes to the batting cages, tennis courts, basketball courts, baseball fields, football field, softball fields, bleachers, playground, picnic tables, community garden, trash cans and more.

4.2.14.2 Gerry Playground

Gerry Playground is located at Stramski Way. The site consists of a play area for children, picnic tables, benches, and parking lot including one designated accessible parking space.

Site barriers noted include:

- The surface of the parking spaces is not stable, firm or slip resistant.
- The designated accessible parking space is not marked on the ground.
- Picnic tables and trash cans are not located on an accessible route.

Recommendations include:

- Pave and stripe a portion of the parking lot to add additional accessible parking spaces, including at least one van space, signage, and access aisles.
- Provide at least one picnic table with compliant knee and tow clearance along an accessible route
- Provide at least one trash can along an accessible route.

4.2.14.3 Hobbs Playground

Hobbs Playground is located at Clinton Avenue. The site consists of a multipurpose field, playground, benches, and picnic tables. The parking lot does not include any designated accessible parking spaces.

Site barriers noted include:

- There are no standard or van accessible parking spaces.
- There are no accessible routes to the picnic tables, trash cans, field, or playground

Recommendations include:

- Stripe a portion of the parking lot to add one accessible van space, associated signage, and access aisle.
- Provide accessible routes to all park areas.
- Replace curb cut at the edge of the play area.

4.2.14.4 Orne Playground

Orne Playground is located at 275 W. Shore Drive and consists of a children's playground, benches, and a softball field. The park does not have a parking lot.

Site barriers noted include:

- Lack of accessible routes to the following park amenities: Benches, playground, trash cans, swing set, and softball field.
- The playground lacks ground level play components.

Recommendations include:

- Provide accessible routes to all park amenities,
- Provide ground level play components and resurface the playground.

4.2.14.5 Reynolds Playground

Located off Green Street, the playground consists of a multi-use field, a softball field, an outdoor rink, and some benches and bleachers. There is no parking provided at this site.

Site barriers note include:

- Outdoor rink with no accessible route to the rink due to the grass surface, excessive slopes, and a step at each gate.
- Baseball field and multi-use field with no accessible route to the baseball field due to the grass surface and excessive slopes.
- Bleachers and benches that are not located on accessible routes.

Recommendations include:

- Provide accessible routes to all playground amenities.

4.2.14.6 Castle Rock Park

Located at Castle Rock Lane, the park features some benches, walking paths, and a beach area. There is no parking at this facility.

Site barriers noted include:

- Accessible routes are not provided due to excessive slopes and abrupt change in level, stairs, and uneven surfaces.
- Stairs lack required handrails on both sides.

Recommendations include:

- Provide accessible route, which will require additional study.
- Install compliant handrails on both sides of the stairs.

4.2.14.7 Chandler Hovey Park

Chandler Hovey Park is located at Lighthouse Lane; and the park features pavilions, benches, picnic tables, public restrooms, and a lighthouse. There is a parking lot with three designated accessible spaces provided.

Site barriers noted include:

- Designated accessible parking has multiple issues including a lack of adjacent aisles, steep sloping, deteriorating surfaces, and insufficient van parking.
- Lack of accessible routes to and within the park to reach and use park amenities.

Recommendations include:

- Regrade and restripe the existing accessible parking spaces and their access aisles, including at least one van space.
- Provide accessible routes to park amenities, which may require additional study.

4.2.14.8 Crocker Park

Located at Crocker Park Lane, the park features several walkways, a gazebo, a pavilion, and several benches. There is one accessible parking space.

Site barriers noted include:

- Issues with accessible parking spaces including steep slopes and narrow access aisles.
- Deteriorating walkways with non-compliant slopes.
- Lack of accessible routes to park amenities including the pavilion, gazebo, bike rack, drinking fountain, benches, and trash cans.
- Dog waste trash bags at non-compliant height and lacking adjacent level clear floor space due to the grass.

Recommendations include:

- Regrade and restripe existing accessible parking space and its access aisle. Install correct signage.
- Regrade and repair walkway.
- Provide accessible routes to all park amenities, which may require additional study.
- Relocate dog waste bags dispenser so it is mounted no higher than 48" AFF.

4.2.14.9 Fountain Park

Located at the intersection of Pond and Orne Streets, the site consists of an elevated park with walkways, gazebo, and benches. There is no parking provided at this park.

Site barriers noted include:

- No accessible parking is provided; and the only site access is via the stairs.
- Lack of accessible route, as well as excessive changes in level and cross slopes, to park amenities including the gazebo and benches.
- Stairs lack handrails on both sides; handrails lack required extensions; and do not have uniform risers and treads.

Recommendations include:

- Provide accessible route to and within the park.

- Rebuild stairs to accessible standards.

4.2.14.10 Hammond Park

Located at 80 Commercial Street, next to the Municipal Light Department Building, the site consist of a park with several benches overlooking Marblehead Harbor. There is no parking provided at the park.

Site barriers noted include:

- Accessible routes are not provided to and within the park, due to excessive slopes, abrupt changes in level, and gravel/ grass surfaces.
- Benches are not located along an accessible route.

Recommendations include:

- Provide an accessible route to and within the park. Additional study required.
- Provide a bench on an accessible route.

4.2.14.11 Memorial Park

Memorial Park is located at the intersection between Pleasant Street and Essex Street. The park features walkways, benches, and Marblehead's Fallen Heroes Memorial Monuments. There is no parking provided at this park.

Site barriers noted include:

- The park's central walkway has a running slope greater than 5%.
- Benches are not located along an accessible route.

Recommendations include:

- Regrade the walkway to compliant standards.
- Provide benches along accessible route.

4.2.14.12 Seaside Park

Located at Atlantic Avenue, near Wyman Road, the site consists of six tennis courts, a squash court, a basketball court, a baseball diamond, summer street hockey, a playground, and a grandstand. Two designated accessible parking spaces are provided at this site.

Site barriers noted include:

- Numerous issues with accessible parking compliance including lack of signage and non-compliant slopes.
- Lack of accessible routes to majority of park amenities.
- Playground lacks ground-level play components and does not have an accessible route between play components.
- Grandstand lacks required wheelchair spaces and hand rails are not mounted at compliant height.

Recommendations include:

- Regrade and restripe accessible parking spaces and associated access aisles and install signage as required. May require additional study.
- Provide accessible routes to all park amenities.
- Install kick plates that are a minimum of 10" tall on the push side of gates as needed.
- Install compliant handrails on both sides of the stairs and wheelchair spaces with adjacent companion seats in grandstand.
- Resurface play areas and playground and provide ground-level play equipment.

4.2.14.13 Fort Sewall

Fort Sewall is located at Fort Sewall Lane; and the site features several walkways, benches, restrooms, and the bunkers and underground rooms from the historic fortification. There is one on street parallel accessible parking space provided at this site.

Site barriers noted include:

- The parking area has numerous issues including a lack of required access aisle and steep slopes as well as no accessible route to the parking space due to vertical curb.
- Some areas of walkways have steep cross slopes; and the route to the granite cannons is not accessible due to gravel surface.
- Benches are not located on an accessible route due to grass surface.
- Some stair handrails are mounted too high and lack required extensions.

Recommendations include:

- Regrade and restripe existing accessible parking space and add access aisle; build a curb ramp; and regrade walkway within six months.
- Provide bench on accessible route within three months.
- Install compliant handrails within six months.

4.2.14.14 Railroad Right of Way Trail

The Railroad Right of Way Trailhead is located at the intersection of Bessom Street and Round House Road. There is no parking at the Trailhead.

Site barriers noted include:

- Lack of accessible route to the trailhead entrance due to gravel surface.

Recommendations include:

- Provide accessible route to the trailhead entrance.

4.2.15 Beaches, Fishing Platforms & Boat Ramps

The project team did not observe any fully accessible beaches, swimming areas, fishing platforms, or boat ramps. They lacked accessible parking, accessible routes, and accessible seating. General recommendation for all beaches and swimming areas include:

- Purchase a beach wheelchair for residents' use within six months. The wheelchair availability should be advertised on the Town's website and in physical locations (i.e. Town Hall). Staff should be informed and aware of how to handle requests to borrow the wheelchair.
- Provide accessible parking, an accessible route from the parking, and accessible seating at one of the beaches within the next two years. Prioritize the beach/ swimming area with the most use.
- Review the Town's portable toilet plans within one year. Provide an accessible portable toilet at each location where they are provided and/or at each location where there are inaccessible toilet facilities. Ensure the accessible portable toilet is located on an accessible route.

The full audit of beaches, fishing platforms, and boat ramps is found in Attachment 9.2. Below is a summary of priority findings and recommended mitigation measures by location.

4.2.15.1 Devereaux Beach & Restroom Building

Devereaux Beach, which is located off Ocean Avenue at the beginning of the Causeway to Marblehead, features a pavilion, benches, picnic tables, a playground, restroom facilities, and parking. There are eight accessible parking spaces at this site.

Site barriers noted include:

- Accessible spaces near the playground and pavilion lack required accessible signage and/or adjacent access aisles. The curb ramp at the pavilion's accessible spaces lacks a level landing and surface is deteriorated.
- Accessible routes connecting the accessible parking spaces with the playground, picnic tables, beach entrances, and public toilets are not provided due to excessive cross slopes, lack of stable ground and level changes.
- Picnic tables lack required knee and toe clearance for a forward approach.
- The restroom building has numerous issues including: accessible parking lacks an adjacent access aisle, has slopes >2%, and lacks the required signage; ramp to the men's room lacks a level landing at the bottom and lacks edge protection; drinking fountain protrudes into the circulation space and is mounted too high; phone protrudes into the circulation space; toilet rooms lack tactile braille signage, have thresholds that are too high, and have accessible elements mounted in incorrect locations; and the men's room lacks door maneuvering clearance.

Recommendations include:

- Prioritize exterior parking and accessible routes due to high visibility.
- Install signage where appropriate; regrade and restripe the existing accessible parking spaces; rebuild curb ramp.
- Provide accessible route connecting parking area with all public amenities.
- Resurface playground and provide a bench on an accessible route.
- Due to the moderate traffic of the Restroom Building, the project team recommends mitigating all the barriers identified in the audit report.

4.2.15.2 Fort Beach and Lovis' Cove

Fort Beach and Lovis' Cove are located at Front Street. There is public parking with one accessible parallel space that serves both facilities.

Site barriers noted include:

- The on street designated parking space lacks required access aisle and has not accessible route to the parking space due to the vertical curb.
- There is no accessible route provided a solely access is via stairs.
- Handrails are not mounted at compliant height and lack the required extensions at the bottom of the stairs.

Recommendations include:

- Regrade and restripe existing accessible parking space and add access aisle.
- Provide accessible route, which may require additional study.
- Install compliant handrails.

4.2.15.3 Gas House Beach

Located at Gas House Lane, Gas House Beach has no parking.

Site barriers noted include:

- There is no accessible route to the beach due to stairs and sand surface.
- The stairs leading to the beach lack required handrails and do not have uniform riser heights and tread depths.

Recommendations include:

- Provide accessible route to the beach, which may require additional study.

- Rebuild stairs to compliant standards.

4.2.15.4 Grace Oliver Beach

Located at Beacon Street with Crowninshield Road, Grace Oliver Beach has no parking.

Site barriers noted include:

- There is no accessible route to the beach due to stairs and sand surface.
- The stairs leading to the beach lack required handrails and do not have uniform riser heights and tread depths.

Recommendations include:

- Provide accessible route to the beach, which may require additional study.
- Rebuild stairs to compliant standards.

4.2.15.5 Riverhead Beach & Boat Ramp

Located at Marblehead Harbor, across the Causeway from Devereaux Beach, Riverhead Beach and Boat Ramp has a parking lot with no designated accessible spaces provided at this site.

Site barriers noted include:

- The parking lot surface is not stable, firm or slip resistant.
- The route from the parking area to the beach is not stable, firm, or slip resistant due to the sand surface.

Recommendations include:

- Pave and stripe a portion of the parking lot to add one van accessible space with signage and access aisle.
- Provide an accessible route from the parking area to the beach.
- Provide trash can on an accessible route.

4.2.15.6 Stramski's Beach & Boat Ramp

Located at Stramski Way next to Gerry Playground, Stramski's Beach features a boat ramp, fishing platform, benches, picnic tables, and public grills. The parking lot, which is shared with the boat ramp, has one designated accessible parking space.

Site barriers noted include:

- The parking area has numerous issues including an unstable surface and a designated accessible space lacking the required pavement marking.
- The site lacks accessible routes to a majority of the beach amenities including the picnic tables, grills, benches, boat ramp and bike racks.
- The portable toilet lacks the required footprint and accessible elements for an accessible portable toilet.
- The stairs leading to the boat ramp lack required hand rails and don not have uniform riser heights and depths.
- The fishing platform is not compliant with accessible standards as the running slop is too steep and the fishing line recycling bin is mounted to high.

Recommendations include:

- Pave and stripe a portion of the parking lot to add one van accessible space with signage and access aisle.
- Provide an accessible route from the parking area to the beach, boat ramp and other amenities.

- Rebuild stairs to compliant standards.
- Rebuild and regrade fishing platform and lower recycling bin.

4.2.15.7 Parker’s Boatyard

Located at 3 Redstone Lane, Parker’s Boatyard does not include any designated accessible parking spaces.

Site barriers noted include:

- For a lot with 1 – 25 total parking spaces, one accessible space is required and must be van accessible. There are currently no standard and/or van accessible spaces provided.

Recommendations include:

- Stripe a portion of the parking lot to add one van accessible space as well as associated signage and access aisle.

4.2.15.8 Redd’s Pond

Redd’s Pond is located at Pond Street near Norman Street and consists of walkways, benches, and picnic tables. There is no parking provided at this site.

Site barriers noted include:

- The walkway around the pond has cross slopes greater than 2% and a deteriorated surface, which creates excessive changes in level.
- Pond amenities including trash cans, picnic tables, and the shed are not located on an accessible route.
- Trash bags for dog waste is mounted too high and lacks an adjacent level clear floor space due to grass surface.

Recommendations include:

- Regrade the walkway to compliant standards.
- Provide accessible route to pond amenities.
- Build an accessible ramp to the shed, relocate dog waste bags, and pave and regrade the clear floor space at dispenser.

4.2.16 Marblehead Cemeteries

See Outdoor Facilities Audit in Attachment 9.2 for complete results of the audits and deficiencies identified at Marblehead’s cemeteries. The following subsections address an overview of site barriers and recommendations noted in the physical audits that are covered under the scope of the study by outdoor facility.

- The project team recommends prioritizing improvements of cemeteries with the highest visitor rate to provide accessible cemeteries as efficiently as possible and ensure any modifications to an existing cemetery is done in compliance with the 2010 ADA Standards.
- Information regarding cemetery accessibility should be disseminated to residents and available on the Town website.
- Prioritize and provide comprehensive cemetery modifications listed by outdoor facility below to the full extent possible within five years to ensure they are compliant and fully accessible to all residents and visitors.

The questionnaire provided by the Cemetery Department can be viewed in Attachment 9.4. Staff reports that they make every effort to accommodate patrons with disabilities.

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.
- The following internal and external links are broken and need updating:
 - <https://www.marblehead.org/cemetery-department/files/rules-and-regulations>
 - <http://abbotlibrary.org/resources/marblehead-room/>
- Alerting users when they will be leaving the Town website systems helps those using assistive devices keep track of webpage navigation. The following link should inform the reader that they are being directed to an external site:
 - <http://www.oldburialhill.org/index.html>
 - <https://ccemetery.org/>
 - <https://www.uumarblehead.org/>
 - <https://billiongraves.com/>
 - <https://marbleheadmuseum.org/>
 - <https://www.pem.org/visit/library>
 - <https://salemdeeds.com/salemdeeds/Default2.aspx>

4.2.16.1 Green Street Cemetery

Green Street Cemetery is located at the intersection of Green Street and Cressy Street. The site includes a graveyard and some benches. There is no parking provided at this site.

Site barriers noted include:

- A lack of accessible route to and within the cemetery and inaccessible benches due to the grass surface.

Recommendations include:

- Providing an accessible route and benches within the cemetery, which may require additional study.

4.2.16.2 Harris Street Cemetery

Located at Harris Street, Harris Street Cemetery include walkways, graves, and benches. There is no parking provided at this site.

Site barriers noted include:

- A lack of accessible route to the cemetery due to the stairs, excessive slopes, and grass/gravel surfaces.
- The Remembrance Circle, benches, trash cans, and graves are not located on an accessible route.
- The stairs do not have uniform risers and thread and lack handrail extensions.

Recommendations include:

- Providing an accessible route and benches to and within the cemetery, which may require additional study.
- Rebuilding the stairs to compliant standards.

4.2.16.3 Harborview Cemetery

Located at Cemetery Road, the site includes some walkways and graves. There is no parking provided at this facility.

Site barriers noted include:

- No accessible route is provided to the cemetery due to stairs, grass, and gravel surfaces.
- The stairs lack uniform risers and treads and the handrails do not have required extensions.

Recommendations include:

- Providing an accessible route and benches to and within the cemetery, which may require additional study.
- Rebuilding the stairs to compliant standards.

4.2.16.4 Old Burial Hill Cemetery

Old Burial Hill Cemetery is located at the intersection of Pond Street and Orne Street. The site includes walkways and graves, a gazebo, and benches. There is no parking provided at this site.

Site barriers noted include:

- A lack of accessible route to the cemetery due to the stair, excessive slopes, and grass/gravel surfaces.
- The gazebo, benches, and graves are not located on an accessible route.
- The stairs lack required handrail extensions.

Recommendations include:

- Providing an accessible route and benches to and within the cemetery, which may require additional study
- Installing compliant handrail extensions on both sides of the stair.

4.2.16.5 Waterside Cemetery, Offices & Chapel

The Waterside Cemetery is located at W. Shore Drive and includes the cemetery garage, offices, a chapel, walkways, and graves. A parking lot with no accessible parking spaces is provided at this site.

Waterside Cemetery Offices accessibility barriers were noted in the facility audit, including:

- The main entry is not accessible, due to the step, and lacks directional signage to the accessible entry.
- The ramp to the accessible entrance is too steep, not wide enough, and lacks a level landing.
- The toilet rooms lack the required footprint for an accessible bathroom.

Due to the moderate traffic of the Waterside Cemetery Offices, the project team recommends mitigating all the barriers identified in the audit report within three years and prioritizing the exterior accessible routes due to their high visibility within one year.

Waterside Cemetery Chapel accessibility barriers were noted in the facility audit, including:

- The main entry is not accessible, due to the step, and lacks directional signage to the accessible entry.
- The accessible entry door lacks maneuvering clearances, a level landing, and has a threshold that is too high.
- There is no accessible route to the stage.
- The interior accessible route is <36" wide.

Since this is a space available by appointment only or to be leased, the project team recommends providing an alternative means of access to the space. This can be done through video displays, events showcasing items held at accessible locations, or website access. It is also recommended that potential Lessees are aware of their obligations under Title II of the ADA.

4.2.16.6 Hathaway Tomb

Hathaway Tomb is located at Highland Terrace near Village Street; and the site features the Hathaway family crypt. There is no parking provided at this site.

Site barriers noted include:

- A lack of accessible route to the graveyard due to the dirt surface and excessive slopes.

Recommendations include:

- Provide an accessible route to the graveyard, which will require an additional study.

4.2.16.7 Hooper Tomb

Located on Harris Street, in front of Harris Street Cemetery, Hooper Tomb features the Hooper family graveyard. There is no parking provided at this site.

Site barriers noted include:

- A lack of accessible route to the graveyard due to grass surface.

Recommendations include:

- Provide an accessible route to the graveyard, which will require an additional study.

4.2.17 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.

The Town adopted a Complete Streets Policy in 2018, which references the Architectural Access Board's 521 CMR Rules and Regulations as a guiding document. The policy can be viewed here:

https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/complete_streets_policy_201806191001_0.pdf

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 but 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 except for the Public Posting of Non-Discrimination currently on the Town website footer;
- Most departments indicated staff was not aware how to use TTY/TDD or relay service and/or request the service of a qualified interpreter with the exception of the Police Department and Council on Aging Outreach Coordinator;
- Most departments were not aware how to have documents converted to Braille with the exception of the Library reference staff. 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. There should be 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 Town of Marblehead 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;
- Develop a roster of ASL translators and vendors that can be engaged to provide translation. The Police Department should already have 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. Again, 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 Marblehead 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 Marblehead 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 toolbar navigations are uniform, uncomplicated, and easy to understand;
- The site language is succinct and written at an appropriate comprehension level;
- The website is mobile friendly and formats correctly on a smart phone.

There are also areas where the site accessibility features can be improved to comply with ADA regulations. These are generally consistent across all departments. Specifically, these areas include:

- While multiple navigation systems are implemented, providing a site map would help ensure users understand what the site contains and how content is organized;
- To enhance the experience for users who are reliant on-screen readers or assistive technology, all images should be accompanied by alternative text;
- Certain documents posted to the website are images and do not contain searchable text, and inaccessible to screen readers or other accessibility tools. Examples are cited in the audit report and within each departmental section;
- Converting printable forms into online fillable forms whenever possible; Examples are cited in the audit report and within each departmental section.

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 separate 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 9.5.

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, Marblehead has a large 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.

Annual Town Meeting and Select Board Meetings were posted to Vimeo and/or You Tube and available with closed captioning, including:

- Annual Town Meeting – May 2023 <https://www.youtube.com/watch?v=xB-7z7TpQvs>
- Select Board Meeting – May 2022 <https://vimeo.com/713912841>
- Select Board State of the Town Meeting February 2023 - <https://vimeo.com/795087000>

The majority of the Town's boards and committee meetings, however, were not available via closed captioning. An examples is:

- Affordable Housing Meeting – March 3, 2022 <https://vimeo.com/687127404>

5.3.1 Findings

Public meeting access was mentioned several times during the public input process. Several deficiencies were noted during the evaluation, including:

Certain Meeting Notices, Agendas & Other Materials posted as low-quality scans:

- https://www.marblehead.org/sites/g/files/vyhlif4661/f/agendas/planning_board_agenda_4-11-2023.pdf
- https://www.marblehead.org/sites/g/files/vyhlif4661/f/agendas/zoning_board_of_appeals_agenda_04-25-2023.pdf
- https://www.marblehead.org/sites/g/files/vyhlif4661/f/agendas/council_on_aging_board_of_directors_agenda_5-25-2023.pdf
- https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/sewer_mech_pipefitter_ii_0.pdf
- <https://www.marblehead.org/sites/g/files/vyhlif4661/f/minutes/2023-03-16.pdf>
- https://www.marblehead.org/sites/g/files/vyhlif4661/f/uploads/alarm_by-law_permit_application_0.pdf

A majority of agendas posted did not contain information on how to request an accommodation:

- https://www.marblehead.org/sites/g/files/vyhliif4661/f/agendas/board_of_health_agenda_5-9-2023_0.pdf
- https://www.marblehead.org/sites/g/files/vyhliif4661/f/agendas/marblehead_special_education_parent_advisory_council_sepac_agenda_5-12-2023.pdf
- https://www.marblehead.org/sites/g/files/vyhliif4661/f/agendas/select_board_agenda_amended_5-10-23.pdf

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. A majority of the Marblehead public meetings sampled offered a hybrid option, including:

- <https://www.marblehead.org/conservation-commission/agenda/conservation-commission-agenda-amended-13>
- <https://www.marblehead.org/select-board/agenda/select-board-agenda-amended-7>
- <https://www.marblehead.org/finance-committee/agenda/finance-committee-agenda-78>

A smaller number of meetings are only offered as in-person meetings, including:

- <https://www.marblehead.org/council-aging-board/agenda/council-aging-board-directors-agenda-11>
- <https://www.marblehead.org/recreation-parks-commission/agenda/recreation-and-park-commission-agenda-42>
- <https://www.marblehead.org/cemetery-commission/agenda/cemetery-commission-agenda-26>

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.

5.3.2 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.
- Offer hybrid meetings for all public meetings, or at 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. Marblehead's Annual Town Meeting has been held at the Veterans Middle School Auditorium, 217 Pleasant Street, for many years. The school, which opened in 2004 and was last renovated in 2008, is accessible according to Town staff. However, accessible parking, parking signage, curb ramps that lack a level landing, and a steep ramp into the gymnasium were noted in the facilities audit. It was also noted that the auditorium lacks the minimum number of wheelchair spaces; and

presently there is not an accessible route to the stage. 76% of the Public Input Survey respondents reported no difficulty accessing or participating in local government activities, including Town Meeting. Of the 14% who did report an issue, Town Meeting was most often cited as inaccessible. Respondents open-ended comments also stated that Town Meeting posed access issues.

The Town should further investigate and remediate physical barriers that impede residents from participating in Town Meeting. Further study will be required to ensure and provide additional wheelchair spaces along with their companion seats.

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 Marblehead 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 over a six-week period in January and February 2023 to various stakeholders online via Survey Monkey. Paper copies were also available at Town facilities and 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 9.6.

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. The highest response rate was in the age category of “over 65” at 38% of respondents. This response trend illustrates that older residents are potentially more impacted by

and aware of accessibility issues. Response rates for the ages of 36 – 45 (16%), ages 46-55 (15%) and ages 56-65 (19%) were fairly consistent.

Responses indicated the following respondent trends:

- 14% stated they have a disability.
- 17% stated they are a caregiver or family member for a someone with a disability.
- 33% 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.
- 43% stated they use a crutch or cane.
- 26% reported they use a walker or mobility scooter.
- 29% reported they use a wheelchair.

6.2.2.1 Facilities, Program and Services Access

Responses included the following:

- 27% reported an issue accessing a Town facility due to a disability. The following Town facilities were cited as posing access issues: Town Hall (47%), Abbott Hall (48%), and Old Town House (40%).
- 17% 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 most often at the Town Clerk's office (33%), Recreation Department (19%), School Department (19%), Council on Aging (14%), and Public Library (14%). Physical barrier (65%) was cited as the most common reason
- 14% of respondents reported difficulty accessing or participating in the local government activities with issues occurring most frequently with the Town Meeting (15%) and Select Board Meetings (9%).
- 38% of respondents stated they have had an issue accessing an outdoor recreation, park area, beach, or cemetery. These respondents cited the following locations as most often posing a barrier: Devereux Beach (44%), Grace Oliver Beach (40%), Old Burial Hill Cemetery (35%), and Castle Rock Park (25%)

Opened-ended programs and services comments/concerns from respondents included:

- Access issues at Town Meeting, Select Board Meetings, and other Board and Commission meetings
- Zoom meetings difficult to access and often unsatisfactory
- A need for better consistent online access to programs and services
- Parks and beaches need better wheelchair access
- Lack of handicap accessible playgrounds
- Access issues at Old Town House and Abbot Hall

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.

- 35% of respondents said sidewalks are sometimes usable but many are too difficult
- 27% of respondents stated that most sidewalks are inaccessible and too difficult to use
- 16% of respondents stated that crosswalks are easily accessible
- 29% of respondents stated that most crosswalks are sometimes usable, but some are too difficult
- 34% of respondents stated that push buttons at crosswalks are easily accessible
- 20% of respondents stated all curb ramps are usable but some with minor difficulty and 20% stated that most curb ramps are usable, but some are too difficult
- 22% listed pedestrian crossing at driveways are mostly usable but some with minor difficulty

A majority of the survey's open-ended question responses reported concern and dissatisfaction around pedestrian ease of use and the need for improvement. The majority of comments noted public concern around the poor condition and inaccessibility of sidewalks and crosswalks. Of 77 open-ended responses, 44 narrative responses indicated concern regarding pedestrian facilities, including,

- Crosswalks are terrible; sidewalks in town are a mess and not safe for use
- Condition of sidewalks outside of downtown are a mess
- The narrow and egregiously uneven surfaces of many sidewalks downtown make pushing wheelchairs, or even bay carriages, difficult
- Crosswalk buttons are way out of date and difficult to push for someone with a disability
- I can't imagine trying to get around town with a. visual impairment or cane or walker
- Crosswalks leading to inaccessible sidewalks do not serve the public well
- Sidewalks, crosswalks, and paths providing access to parks and schools should be evaluated and prioritized

6.2.2.3 Effective Communication

- 88% of respondents stated they have not made an accommodation request of the Town and stated general satisfaction with the Town's effective communication tools
- 11% of respondents, who did make an accessibility inquiry, stated that the staff they spoke with was responsive and resolved their issue while 28% stated the staff they spoke with was responsive but unable to resolve the issue
- Only 17% of respondents stated they knew who a member of the public can contact to make a request for an accommodation
- 87% of respondents reported no difficulty accessing any Town communication due to a disability. Of those who had difficulty, the website (8%) was listed as the most difficult
- 76% 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 (15%), selectboard meeting (8%) and other board, commission, committee, or task force meetings (8%) were listed as the most difficult

Respondents reported a few open-ended comments regarding accessible communication including,

- The website is very difficult to navigate
- Importance to make Town meetings available via Zoom
- Find additional ways to inform all residents of meetings

6.3 Marblehead Disabilities Commission

The Marblehead Disabilities Commission (MDC) was engaged at the outset of this study to inform them of the project process and solicit input on the Town's accessibility practices. The MDC advises and informs the Select Board, Town departments, organizations, and residents about accessibility issues.

As noted in Section 3.2.2, it is recommended that that the MDC be assigned a formal staff liaison (the ADA Coordinator or designee) to better engage the members and ensure they are advantageously leveraged in the Town's SETP implementation process.

6.4 Transition Plan Public Comment

The ADA Coordinator and Town Administrator will be responsible for posting the SETP and solicitation of further public input in a manner that it deems most appropriate for successful feedback and plan implementation. The minimum burden of seeking public input was met by deploying the public input survey, but continued dialogue is necessary to ensure residents continue to be informed and engaged in accessibility issues to optimize the Town's future investments.

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 Manager and Select Board.

Action Item	Ref.	Timeline	Status/Notes
Draft and formalize ADA Coordinator Job Description	3.2.2	30 days	
Modify internal policies to ensure Public Notice remains posted and up to date	3.1.2	60 days	
Post Grievance Procedure to Town website in accessible and consistent manner	3.3.2	90 days	
Complete Self-Evaluation	3.4.1	N/A	Completed July 2023
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.	4.1.1.1	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.	4.1.1.1	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.	4.1.2.1	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.	4.1.2.1	6-9 months	
Ensure maintenance of accessible features is specifically addressed in all contracts for services and construction projects as appropriate.	4.1.2.1	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
Mary Alley Municipal Building			
Accounting, Assessor, Building Inspections, Engineering, Health, Tax Collector, School & Veterans Departments			

All departments should review web pages and social media for accessibility. For the complete list of recommendations, see Sections 4.2 and 5.2.	4.2 5.2	6 months	
Current staff practices of accommodating individual requests should be memorialized in standard operating procedures and policies as applicable and appropriate.	4.2.1	6 months	
School Department and Veterans' Agent Offices Provide an alternative accessible meeting location for the lower-level spaces on the upper level. If an alternative location is used, information on its location and the process for requesting its use must be disseminated.	4.2.1	6 months	
Abbot Hall			
Select Board, Town Administrator, Town Clerk, Planning & Procurement Departments			
All departments should review web pages and social media for accessibility. For the complete list of recommendations, see Sections 4.2 and 5.2.	4.2 5.2	6 months	
Current staff practices of accommodating individual requests should be memorialized in standard operating procedures and policies as applicable and appropriate.	4.2.2	6 months	
Town Clerk – Provide an alternative accessible meeting location for the Town Clerk offices. If an alternative location is used, information on its location and the process for requesting its use must be disseminated.	4.2.2	6 months	
Select Board and Town Administrator - Provide an alternative accessible meeting location for the Conference Room and Administrative Assistant. If an alternative location is used, information on its location and the process for requesting its use must be disseminated.	4.2.2	6 months	
Judy & Gene Jacobi Community Center			
Council on Aging & Recreation			
The COA and Recreation Departments should review web pages and social media for accessibility. For the complete list of recommendations, see Sections 4.2 and 5.2.	4.2 5.2	6 months	
Current staff practices of accommodating individual requests should be memorialized in standard operating procedures and policies as applicable and appropriate.	4.2.3	6 months	
Individual Departments			
Department of Public Works			

Staff should review web pages and social media for accessibility. For the complete list of recommendations, see Sections 4.2 and 5.2.	4.2 5.2	6 months	
Current staff practices of accommodating individual requests should be memorialized in standard operating procedures and policies as applicable and appropriate.	4.2.5	6 months	
Harbormaster			
Staff should review web pages and social media for accessibility. For the complete list of recommendations, see Sections 4.2 and 5.2.	4.2 5.2	6 months	
Current staff practices of accommodating individual requests should be memorialized in standard operating procedures and policies as applicable and appropriate.	4.2.6	6 months	
Abbot Public Library			
Confirm scope of renovation for permanent facility is meeting all of the renovation requirements of 521 CMR 3.3.1	4.2.7	Before renovations are completed	
Staff should review web pages and social media for accessibility. For the complete list of recommendations, see Sections 4.2 and 5.2.	4.2 5.2	6 months	
Current staff practices of accommodating individual requests should be memorialized in standard operating procedures and policies as applicable and appropriate.	4.2.7	6 months	
Fire Station Headquarters			
Staff should review web pages and social media for accessibility. For the complete list of recommendations, see Sections 4.2 and 5.2.	4.2 5.2	6 months	
Due to the fact the Fire Department often provides tours through the headquarters, identify a tour route that is accessible and ensure all staff involved in providing tours are aware of how to implement an accessible tour.	4.2.8	1 year	
Current staff practices of accommodating individual requests should be memorialized in standard operating procedures and policies as applicable and appropriate.	4.2.8	6 months	
Police Department			
Develop a policy to ensure all public programs can be provided on an accessible level or in an alternative accessible location. Provide this information to staff.	4.2.10	6 months	
Staff should review web pages and social media for accessibility. For the complete list of recommendations, see Sections 4.2 and 5.2.	4.2 5.2	6 months	
Current staff practices of accommodating individual requests should be memorialized in standard	4.2.10	6 months	

operating procedures and policies as applicable and appropriate.			
Public School Department			
Staff should review web pages and social media for accessibility. For the complete list of recommendations, see Sections 4.2 and 5.2.	4.2 5.2	6 months	
Undertake a full Public Schools ADA SETP, reviewing all of the school specific programs and services to determine which spaces should be prioritized for architectural barrier removal.	4.2.13	3 years	
Modify school signage that states “No Dogs Allowed” to include language allowing service dogs on campus to meet effective communication requirements of Title II as necessary.	4.1.5	6 months	
Old Town House & OKO’s Building			
Provide an alternative means of displaying the museum items and programs. This can be done through video displays, events showcasing items held at accessible locations, or website access.	4.2.12.6	2 years	
In the interim, develop a policy to train staff to share museum items and programs with those who cannot access the building and post the policy in Town Hall and on the Town’s website.	4.2.12.6	1 year	
Staff should review web pages and social media for accessibility. For the complete list of recommendations, see Sections 4.2 and 5.2.	4.2 5.2	6 months	
Medical Office Building			
Staff should review the leasing process to ensure tenants are aware and proactive about ADA compliance.	4.2.12.7	1 year	
Waterside Chapel			
Since this is a space available by appointment only or to be leased, provide an alternative means of access to the space. This can be done through video displays, events showcasing items held at accessible locations, or website access. Ensure potential Lessees are aware of their obligations under Title II of ADA.	4.2.16.5	1 year	
Pickett House			
Identify an equivalent alternative accessible apartment that can be rented to individuals with disabilities who qualify for the Pickett House apartment rental program. Cost, amenities, and location should be considered when searching for	4.2.12.3	1 year	

an equivalent apartment.			
--------------------------	--	--	--

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	
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. Convert all scanned and PDF Forms to fillable forms.	5.2.2	6 months	
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	6 months	

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.

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.

Facilities Improvement and/or CIP Action Item	Ref.	Timeline	Status
Mary Alley Town Hall			
Improve parking area to include restriping a portion of the parking lot to add one accessible van space as well as its associated access aisle and signage.	4.2.1	6 months	
Designation of the toilet rooms as unisex and modifying one to be fully accessible, including providing appropriate directional signage.	4.2.1	1 year	
Entry doors should be modified to make them fully accessible, including fixing slope and handrail issues and developing a policy/procedure to regularly inspect and maintain.	4.2.1	6 months	
Repair elevator to provide service to all floors.	4.2.1	6 months	
Install tactile/Braille signage on the latch sides of doors on compliant height and location.	4.2.1	3 months	
Abbot Hall			
Prioritize the exterior parking and accessible routes due to their high visibility.	4.2.2.2.2	6 months	
Designate the toilet rooms as unisex and modify one to be fully accessible. Provide directional signage at the inaccessible locations.	4.2.2	1 year	
Judy & Gene Jacobi Community Center			
Prioritize the exterior parking and accessible routes due to their high visibility.	4.2.3	6 months	
Mitigating remaining physical barriers noted in full report.	4.2.3	2 years	
Athletic Fields			
At least one of each type of athletic facility (e.g. baseball field, softball field, basketball court, etc.) should be made accessible, with priority going to those with the highest use.	4.2.4	Within 5 years	
Associated press boxes, toilet rooms, and/ or concession stands, should also be modified either	4.2.4	Within 5 years	

through physical architectural barrier removal or by implementing a policy change.			
Provide an accessible portable toilet at each location where they are provided and/or at each location where there are inaccessible toilet facilities. Ensure the accessible portable toilet is located on an accessible route.	4.2.4	1 year	
Municipal Offices & Garage			
Stripe a portion of the parking lot to add one accessible van space and its associated sign and access aisle.	4.2.5	1 year	
Resolve non-compliant customer service counter heights; relocate hand sanitizer dispenser, coat hooks, and cabinetry to compliant heights.	4.2.5	6 months	
Regrade walkways and door landings; regrade area near the fire alarm pull and mailbox; install automatic door opens; replace door hardware and/or install new door(s).	4.2.5	18 months	
Harbormaster Offices & Storage Buildings			
Regrade and restripe existing accessible parking space and install van accessible parking sign.	4.2.6	6 months	
Regrade the area adjacent to the payments mailbox and adjust height to compliant standard.	4.2.6	6 months	
Provide directional signage to the accessible entrance.	4.2.6	3 months	
Regrade accessible entrance door landing; install automatic door opener; and regrade walkway.	4.2.6	3 years	
Abbot Public Library			
Mitigate all barriers identified in audit report at temporary site. Alternatively, prioritize the Abbot Public Library permanent site renovation.	4.2.7	2 years	
Permanent site renovation plans were also reviewed, and a few barriers were noted in the current plans, which should be mitigated while renovation is still underway.	4.2.7	6 months	
Fire Station Headquarters			
Prioritize exterior parking and accessible routes due to their high visibility.	4.2.8	1 year	
Mitigate barriers identified in the audit report as part of routine maintenance, planned alterations, or in response to a specific request, and as Town budget permits.	4.2.8	5 years	
Fire Station – Engine 2			
Mitigate barriers identified in the audit report as part of routine maintenance, planned alterations or in response to a specific request and as Town budget permits.	4.2.9	5 years	

Police Station			
Prioritize exterior parking and accessible route compliance due to their high visibility within six months.	4.2.10	6 months	
Provide an accessible holding cell and disseminate information on how it is to be used to staff within one year.	4.2.10	1 year	
Animal Control			
Prioritize exterior parking and accessible routes due to their high visibility within one year.	4.2.11	1 year	
Mitigate all other identified accessibility barriers.	4.2.11	3 years	
Restroom Building			
Rebuild ramp route to the men's toilet room to compliant standards.	4.2.12.1	1 year	
Repair and replace numerous toilet room fixtures and amenities to meet ADA standards.	4.2.12.1	2 years	
Regrade and restripe existing accessible parking space and install van accessible parking signage.	4.2.12.1	6 months	
Pickett House			
Identify an equivalent alternative accessible apartment that can be rented to individuals with disabilities who qualify for the Pickett House apartment rental program.	4.2.12.3	1 year	
OKO's Building			
Provide accessible entrance, which will require additional study.	4.2.12.4	2 years	
Install compliant handrails on both sides of stairs; rebuild the ramp; and install a cane detectable object below the stairs.	4.2.12.4	6 months	
Provide an accessible toilet room, which will require further study.	4.2.12.4	2 years	
Provide an elevator, which will require further study.	4.2.12.4	2 years	
Old Town House			
Rebuild the interior ramp to compliant standards.	4.2.12.6	2 years	
Replace the existing elevator car with a larger one within two years.	4.2.12.6	2 years	
Reposition toilet; relocate side and rear grab bars; relocate paper towel dispenser in ground level bathrooms.	4.2.12.6	1 year	
Medical Office Building			
Prioritize the exterior parking and accessible routes due to their high visibility.	4.2.12.7	6 months	
Prioritize all of the common areas that are under the Town's control through the lease.	4.2.12.7	1 year	
Public School Facilities			
Review and prioritize mitigating areas in the schools used for Town events (town meetings, recreation programs, etc.).	4.2.13	3 years	
Prioritize the exterior parking and accessible routes due to their high visibility.	4.2.13	3 years	

Mitigate all other barriers identified in the audit report as part of routine maintenance, planned alterations or in response to a specific request and as Town budget permits.	4.2.13	Ongoing	
Outdoor Facilities			
Due to the large amount of playgrounds provided in Marblehead, the provide an additional accessible playground.	4.2.14	3 years	
Review the Town's portable toilet plans. Provide an accessible portable toilet at each location where they are provided and/or at each location where there are inaccessible toilet facilities. Ensure the accessible portable toilet is located on an accessible route.	4.2.14	1 year	
Provide an accessible route and accessible parking at Hobbs Playground. Information regarding the accessible playground should be disseminated to residents and available on the Town website.	4.2.14	1 year	
Provide at least one of each type of trail, park, and playground (waterfront, woods, etc.) to be fully accessible and modify the facilities with the highest use first. Ensure any modifications to an existing play area is done in compliance with the 2010 ADA Standards, as well at 521 CMR.	4.2.14	3 years	
Fort Sewall			
Regrade and restripe existing accessible parking space and add access aisle; build a curb ramp; and regrade walkway.	4.2.14.13		6 months
Provide bench on accessible route.	4.2.14.13		3 months
Install compliant handrails.	4.2.14.13		6 months
Railroad Right of Way Trail			
Provide accessible route to the trailhead entrance.	4.2.14.14		6 months
Beaches, Fishing Platforms & Boat Ramps			
Purchase a beach wheelchair for residents' use.	4.2.15		6 months
Provide accessible parking, an accessible route from the parking, and accessible seating at one of the beaches. Prioritize beach/ swimming area with the most use.	4.2.15		2 years
Provide an accessible portable toilet at each location where they are provided and/or at each location where there are inaccessible toilet facilities. Ensure the accessible portable toilet is located on an accessible route.	4.2.15		2 years
Cemeteries			
Prioritize improvements of cemeteries with the highest visitor rate to provide accessible cemeteries as efficiently as possible and ensure any modifications to an existing cemetery is done in compliance with the 2010 ADA Standards.	4.2.16		5 years

8 Appendices

8.1 Recommended Policy and Procedure Documents

8.1.1 Public Notice (Proposed)

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

Employment: The Town of Marblehead 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 Marblehead 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 Marblehead 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
<STREET>
<TOWN>, 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 Marblehead.

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
<STREET>
<TOWN>, 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 (Name of Public Entity) 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 Marblehead 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 Marblehead 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 Marblehead 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 Marblehead 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 its 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/odc/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 towns 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 downtown 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. They 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 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 and 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 Outdoor Facility Audits

The outdoor facility audits include parks, playgrounds, trailheads, beaches, and other outdoor elements. 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.

9.3 Marblehead School Facility Audits

The Marblehead School Facility audits include the following public-school facilities: Marblehead High School, Village School, Veterans Middle School, and Glover School as well as their associated parking areas and various sports fields and playgrounds.

9.4 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.

9.5 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.

9.6 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.