



# TOWN OF NEW PALTZ

## BUILDING DEPARTMENT

October 6, 2017

Neil Bettez, Supervisor  
Members of the Town Board  
Town of New Paltz

Re: ADA Title II Regulations

Dear Supervisor Bettez and Members of the Board;

At the direction of NYS Civil Rights Manager, Ora Giles, Mr. George Popp, USDA has requested that we perform a Self-Evaluation of our current Town Hall facility for handicap accessibility and prepare a transition plan if deficiencies are found as required under the Section 504 7 CFR Part 15B

You have asked me and Buildings & Grounds Superintendent Chris Marx to assist with this request.

Before I get to the results of the self-evaluation, I would like to take the opportunity to acquaint you with the basic requirements of 504 and Title II.

Section 504 of the Rehabilitation Act of 1973 & Americans w/Disabilities Act of 1990 Title II of the ADA applies to State and local governments, including towns and townships, school districts, water districts, special purpose districts, and other small local governments. It prohibits discrimination on the basis of disability in all services, programs, and activities provided by towns. Thus, people with disabilities must have an equal opportunity to participate in and benefit from a town's services, programs, and activities. To insure that these Acts are promulgated the federal government made it a condition that to qualify for Federal financial assistance, the program application must be accompanied by a written assurance that the program or facility will be operated in compliance with the Civil Rights laws and implementing nondiscrimination regulations.

To accomplish this, the ADA sets requirements for town facilities, new construction and alterations, communications with the public, and policies and procedures governing town programs, services, and activities. Ideally, the program seeks to have ALL town facilities and programs meet the standard. However, it does make concessions that if to become compliant, it would fundamentally alter a program, service or activity or result in undue financial administrative burdens, which is not as simple as it may sound.

Non-compliance can result in a civil action or administrative proceeding. The court or agency, in its discretion, may allow the prevailing party, reasonable attorney's fees, including litigation expenses, and costs. The Department Of Justice, which is one of several, Federal Agencies charged with enforcement, may file suit against a Town for

non-compliance. Basically, non-compliance is a violation of Civil Rights and the Town can and will eventually be held liable for any such violations.

The following are actions required in accordance with the request, the findings of the self-evaluation and some recommendations to achieve compliance with the regulations.

The self-evaluation must include;

- ❖ Evaluation (with the assistance of interested persons or organizations representing disabled persons) of its current policies and practices and the effects thereof;
- ❖ Modification of such policies and practices that do not meet the standard;
- ❖ Take appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices; and
- ❖ Maintain a record of the self-evaluation for a minimum of 3 years. Such record must be made available to the public and be provided to the Agency upon request.

The Transition Plan must;

- ❖ Identify any physical obstacles in the facility that limit the accessibility of its program or activity to disabled persons;
- ❖ Describe in detail the methods that would be used to make the facilities accessible;
- ❖ Specify the schedule for taking the steps necessary to achieve full program accessibility and if the period of time exceeds one year, identify steps that will be taken during each year of the transition period (structural changes can be scheduled within three years, but should be completed as expeditiously as possible but non-structural barriers should be immediately removed); and
- ❖ Identify the person responsible for implementation of the plan.

Upon receiving the request, we placed a notice in the Town's official newspaper for interested parties to take part in the evaluation as well as on the Town's website. Unfortunately, we did not receive any interest. I contact Mr. Gilles Malkine from RCAL (our regional Resource Center for Accessible Living) who graciously accepted our invitation to participate. Mr. Malkine, myself and Chris Marx met on Tuesday, September 26, 2017. Mr. Malkine spent time explaining components of Title II to us as well as participating in the physical inspection of the facility.

The Town should take the actions reference below and continue to look for ways to remove barriers to access so that the disabled citizens of the Town of New Paltz are given access to the Town's programs, services and activities.

The following are recommendations to address physical and programmatic barriers to accessibility. Each has an action has a recommendation with reasonable completion dates;

- 1) The Town does not have any written policies, practices or procedures to ensure compliance.

**Action:** *Prepare and adopt policies, practices and procedures to ensure compliance. Such PPP's should include, but not be limited to ADA Grievance Policy and Procedure, Hiring procedures in each department; bookkeeping, building, planning/zoning, assessor and supervisor; Training for ADA Coordinator; Training for staff; Schedule for performing self-evaluation and improvement plan of all Town programs, services, activities including physical buildings. Develop Transition Plan for the Town of New Paltz in accordance with Section 504 7 CFR Part 15B and Title II of Americans with Disabilities Act.*

**Schedule:** *December 2018.*

- 2) The Town does not have an appropriate ADA Coordinator. Apparently, although logical, it is a conflict of interest for the CEO/Building Inspector to be the ADA Coordinator.

**Action:** *State and local governments that have 50 or more employees are required to have a designated ADA Coordinator. The Town must appoint an individual who has the time and expertise necessary to coordinate the Town's efforts to comply with and carry out its responsibilities.*

**Schedule:** *March 2018*

- 3) There are no records of self-evaluations or transition plans on file for the Town.

**Action:** *Maintain a file for self-evaluations that can be made available to all interested people, and include the reports on the Town's web site.*

**Schedule:** *Immediate action*

- 4) There exists physical barriers at the current temporary Town Hall facility consisting of the following;

a) Accessible signage at bathrooms do not meet the standard.

**Action:** *Install proper signage to be located on the latch side of the door at minimum height of 48" to a maximum height of 60".*

**Schedule:** *November 2017*

b) The signage at the Clerk's office and the office of the Assistant to the Supervisor do not meet the standard.

**Action:** *Install proper signage to be located on the latch side of the door at minimum height of 48" to a maximum height of 60". This should be*

**Schedule:** *November 2017*

c) The directional signage on the interior corridor doors to each wing do not meet the standard.

**Action:** *Relocated the signage to the latch side of the door at a minimum height of 48" to a maximum height of 60".*

**Schedule:** *November 2017.*

d) Missing trap and valve protection on the sink in the Men's Room.

**Action:** *Install trap and valve protection.*

**Schedule:** *October 2017.*

e) The break room table interferes with required turning radius.

**Action:** *Re-arrange break room or remove table to ensure a proper turning radius is achieved.*

**Schedule:** *October 2017*

f) The handrails on the ramp do not meet the standards.

**Action:** *Remove and re-install handrails to meet the standard. Guidelines can be found in the ANSI Standard A117.1.*

**Schedule:** *December 2017*

g) The transition from grade to the ramp (lip) does not meet the standard.

**Action:** *Modify the transition to meet the standard. Guidelines can be found in the ANSI Standard A117.1.*

**Schedule:** *December 2017*

h) 7 Smoke detectors need to have strobe lights.

**Action:** *Replace existing smoke detectors with detectors that have strobe lights that meet the standard.*

**Schedule:** *November 2017*

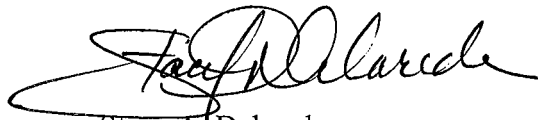
i) Missing signage at reserved parking for unloading zone in parking lot.

**Action:** *Install signage to read "No Parking Anytime".*

**Schedule:** *Completed*

It is recommended that the Town accept this document as the transition plan for Town Hall and use it's guideline as the first step to full program compliance with Section 504 of the Rehabilitation Act of 1973 & Americans w/Disabilities Act of 1990 Title II of the ADA.

Respectfully submitted,



Stacy A. Delarede  
Code Enforcement Officer

cc: Rosanna Mazzaccari, Town Clerk  
Chris Marx, Superintendent of Building & Grounds  
Gilles Malkine, RCAL