

Commission on Disabilities – special meeting April 15, 2009 – Nock School, 6:00 PM

Present – Jane Donovan, Linda Garcia, Tom Lyons, Chip Nutter, Carla Trodella; absent – Jane Holaday, Shawn Flaherty (could have been present to vote if needed as he was teaching an evening class to his 7th graders in the building).

1. Mr. Jerry Mullins was present to make a presentation to gain our support for his request for funds on behalf of the Newburyport Brick Preservation Fund in a letter to the Community Preservation Committee (CPC) concerning his advocacy for “seed” money to help restore and expand brick sidewalks in the National Historic District of Newburyport [The National Historic District stretches roughly along High Street from Atkinson Park to an eastern edge, along Marlboro Street, and runs along Water and Merrimack Streets on the northern border - basically the waterfront – to a western boundary of Ashland Street.] The Fund hopes a grant from the CPC would help them obtain grants from other sources, as the goal is a very expensive one. The Newburyport Brick Preservation Fund will pay 50% of an individual’s cost to build such a sidewalk. Mullins said that such five foot-wide sidewalks have enhanced property values at costs, by local contractors, ranging from \$12 to \$15 per square foot. The Fund seeks to motivate neighborhood repairs with the 50% re-imbusement for property owners who restore their brick sidewalks. It will also similarly reimburse owners who replace their concrete and macadam with brick, making the sidewalk surfaces consistent throughout the Newburyport Historic District.

I can’t remember if we discussed that issue. Certainly the brick sidewalks must be:

“...surfaces shall be stable and firm and shall be generally in a continuous plane...”

Dianne Eppa, the city’s ADA Coordinator was not present. The topic raises issues under Title II of ADA on municipal government an area of her competence and jurisdiction. I have talked with and communicated with Ms. Eppa by voice and e-mail.

The state building regulations and the ADA don’t say much about sidewalks. They do refer to “accessible routes.”

There are brief regulations in the state regs – 521 CMR:

22.5 “Walkways” “...surfaces shall be stable, and firm and shall be generally in a continuous plane [to make] a minimum of surface warping.”

The federal ADA regulations read:

4.5.1* General. Ground and floor surfaces along accessible routes and in accessible rooms and spaces including floors, walks, ramps, stairs, and curb ramps, shall be stable, firm, slip-resistant, (similar to Massachusetts)

The discussion noted that the sidewalks are fundamentally the responsibility of the City. The Commission, as a city institution charged with the concerns for people with disabilities, believed

brick sidewalks often present physical dangers, such as loose or uneven bricks, and cause tripping and falling to elderly people and particularly people using canes, crutches and walkers or pose a lesser obstacle to people using wheel chairs. The majority felt that advocacy of a citizen such as Jerry Mullins was unusual and most admirable. We complimented Mr. Mullins on his hours of hard work and his attempt to restore and expand brick sidewalks as a beautiful part of historic Newburyport. We voted unanimously, however, to uphold the interests and civil rights of disabled persons in Newburyport and decided unanimously not to endorse his request for funds from the Community preservation Committee (CPC). We agreed to send the following letter to Mr. Michael Dissette, Chairman, Community Preservation Committee of Newburyport.

April 15, 2008

Mr. Michael Dissette, Chairman
Community Preservation Committee
City Hall, 60 Pleasant Street
Newburyport, MA 01950

Dear Mr. Dissette:

Mr. Jerry Mullins appeared before the meeting of the Newburyport Commission on Disabilities on April 15, 2009. He presented his proposal for the Newburyport Brick Preservation Fund and sought endorsement of the Commission for support of funding from the Community Preservation Committee (CPC). We voted unanimously to oppose his proposal to repair and expand brick sidewalks that have historically given added beauty to the City. The Commission as a city institution charged with the concerns for people with disabilities believed brick sidewalks often present physical dangers, such as loose or uneven bricks, and cause tripping and falling to our more frail citizens and particularly people using canes, crutches and walkers and pose a lesser, but serious obstacle to people using wheel chairs.

All agree that Newburyport's sidewalks are in a serious state of disrepair. Many are impassable and several citizens have fallen and had serious injuries. We support efforts to correct this situation. The building of brick sidewalks, we believe, is not in the interests of the disabled members of the community. As noted, people, especially those who use canes, crutches, walkers and wheelchairs have difficulty navigating our broken sidewalks. We value the beauty of our historic "bricks", but we are more concerned with having stable, firm and smooth walkways.

Mr. Mullins is to be applauded for his civic advocacy to improve the community's sidewalks and to restore and expand Newburyport's unique and much admired brick sidewalks.

Sincerely,

Thomas T. Lyons
Secretary

cc: Mr. Jerry Mullins

Tom Lyons Secretary