



# Marblehead Disabilities Commission

Meeting Minutes – November 8th, 2023

**Members Present:** Laurie Blaisdell, Dee Cuffe, Brigitte Duffy, Amy Hirschcron (*remote*), Samantha Marino (*remote*)

**Members Absent:** Cheryl LaLonde, Ed Lang, Andrea Mountain

**Guests Present:** Nancy Powell

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Ms. Blaisdell called the meeting to order at 4:20p.m.

1. Upon motion by Ms. Duffy, seconded by Ms. Cuffe, the Commission voted unanimously to approve the minutes of the October 2023 meeting.

2. Review Marblehead's ADA Report. Discussion ensued regarding the ADA coordinator position transitioning from Town Clerk to personnel that holds a higher position within the municipality, which the Commission believes would be the Town Administrator, as they would be present for department head meetings with appropriate stakeholders who would be integral in ensuring compliance to ADA standards on new or upcoming projects. Ms. Hirschcron noted that this change would be aligned to what the state statutes currently dictate. Concerns arose regarding needed education specific to ADA compliance for the department heads within the town, as recommended by the ADA transition plan report. The Commission was unsure of what this would look like, or how it would be enforced. Ms. Blaisdell recommended that as a commission, notes should be taken and a meeting with the Town Administrator, Mr. Kezer, should be set up again in the future. Discussion ensued and group consensus indicated that there needs to be more coordination overseeing major projects within the town; citing the current library project as a current concern as the Commission has not been contacted to review its accessibility.

Ms. Hirschcron asked about who would be leading or overseeing the execution of the transition plan. Ms. Blaisdell referenced Mr. Kezer's visit last session, noting that the Commission will be compiling a list to prioritize items of most importance.

Ms. Cuffe noted that sidewalks were deemed a major issue among the survey respondents. Ms. Blaisdell purported that there is indeed a plan underway, as she had a conversation with a representative from the Highway Department.

Ms. Duffy inquired about how to weigh the changes recommended in the ADA transition plan while keeping their respective costs in mind. The Commission felt that this was a question to be presented to Mr. Kezer in a forthcoming meeting. In addition to potential cost, safety was also identified as of utmost importance in delineating what items should be prioritized.



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Ms. Hirschkron proposed each commission member taking the time to read through the report while keeping what needs to be prioritized in mind. A question of whether the Commission should divide the report up so each member would cover a section of the report arose. Conversation ensued that primary target areas had already been highlighted within the report. The Commission agreed that each individual member will read the report, highlight areas that may be of priority, as well as list any questions they may have. It was recommended by Ms. Blaisdell that the Commission should identify items that could be fixed with current resources the town has available, versus, items that the town may need grants for in order to complete. Ms. Hirschkron stated she will look at the document and pull out items that may have commonalities and develop a spreadsheet to look at projects via this lens.

Ms. Blaisdell made note that although the report mentioned Aboott hall had many items out of compliance, there were actually sixteen separate variances filed that allowed for this, that were not included in the ADA transition report.

3. 71 Atlantic Ave. - Change of Use. The Architectural Access Board granted a variance for Hilltop Tutoring on 71 Atlantic Ave. for allowing use of neighbor's accessible bathroom instead of outfitting the current bathroom for ADA accessibility. The Commission expressed confusion regarding this variance noting concern as to who the neighbor is, if that bathroom is ADA compliant and accessible, and what this variance ruling was based upon, as this alternative had not been mentioned in any prior correspondence that the Commission is aware of. Ms. Blaisdell stated that she will contact the Architectural Access Board to clarify this ruling and inquire as to why the commission was not asked for an official opinion, as has been past procedure with prior rulings.

4. New Ramp - State St. and Harbormaster's Office. Ms. Blaisdell explained that the ramp does not have any railings and the slope of the ramp has a concave curvature as opposed to a more flat hypotenuse surface, upon her visual inspection. Additionally, the measurement of slope is reported as being too steep and out of compliance with ADA law; creating significant safety concerns at the current time. Ms. Duffy questioned whether the Harbormaster is able to go back and reference the contract between the building company and his department about making the ramp ADA compliant at the expense of the building company, as it was not constructed to code. Additionally, she recommended that there should be a template created as part of the building process and contract negotiations, delineating ADA compliance requirements that must be adhered to. Ms. Blaisdell noted that because the ramp project was likely more than \$10,000, this project went to bid, which automatically includes specifics for accessibility compliance. In preliminary measurements by Ms. Blaisdell, a slope of 15.5% was calculated for the ramp (ADA law states that the maximum running slope of a ramp should be equal to or less than 8.33%, as verified by a quick reference to ADA documents available on the web). It was decided that Ms. Blaisdell will contact the Harbormaster and voice these concerns by referencing the specifics of ADA compliance law.

5. Town's Open Meeting Law Presentation. Ms. Blaisdell asked the Commission members whether they want to discuss and then vote on implementing increased regulations surrounding public comment within the Disabilities Commission's monthly meetings. Members expressed disinterest, noting that the meeting format is typically run as an open discussion, and that should there needs



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to be time limits on community members making comment, whether to respond to public comments as a Commission, and when in the meeting agenda public comment would fall, could be voted upon in the future, should it start to become an issue. Ms. Blaisdell recommended that the meeting minutes going forward should only state who spoke during public comment, and not summarize their comments; aligning more so with how the Select Board transcribes their minutes. A roll call vote occurred with the Commission members present, approving this change to the meeting minutes format.

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The Commission unanimously voted to adjourn the meeting at 5:23 p.m. Motion by Ms. Duffy, seconded by Ms. Cuffe.

Next Meeting: 12/13/2023

Respectfully submitted,  
Samantha Marino, Secretary and Commission Member

Approved by unanimous vote of the Commission: \_\_\_\_\_

### Appendix:

Documents available upon request:

- Town's ADA Report
- Architectural Access Board variance report