

APPENDIX E: ADA/ ACCESSIBILITY

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I. ADA / Accessibility

A. Commitment to Accessibility

The Town of Orleans is committed to complying with the federal Americans with Disabilities Act (ADA) which requires local governments to address the issue of ensuring accessibility for persons with disabilities. More specifically, Title II states that:

"... no individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity". [Public Law 101-336, 1990]

In addition to meeting the federal ADA requirements, Orleans is also supportive of the Massachusetts Office on Disability's (MOD) [M.G.L. Chapter 6, Section 185] primary mission of ensuring full and equal participation of all people with disabilities in all aspects of life. Orleans works towards achieving the MOD's mission through the implementation of the Massachusetts Architectural Access Board (AAB) regulations:

"...to make public buildings and facilities accessible to, functional for, and safe for use by persons with disabilities". [521 CMR]

It is the intention of the Town to abide by the rules and regulations of the ADA and AAB. Public facilities, accommodations, services, and activities that are available to able-bodied citizens should be available to all citizens, regardless of whether or not they have a disability. The Town will, therefore, make a concerted effort to provide equal access to its facilities for all citizens.

Orleans seeks to provide usable open space that is accessible to all residents and guests of the Town, including public recreation areas, public parks, and public conservation lands. Orleans will attempt to create accessible open space areas that are available to the public, accommodating persons with disabilities in as many of these parks, recreation and conservation areas as can be achieved within reasonable financial, environmental, geographic and topographic constraints to the maximum extent practicable.

The Town will continually monitor its open space areas for opportunities to provide accessibility for all residents to public lands with public uses and that are not now accessible to persons with disabilities. The access needs of each municipally managed and maintained park, recreation area and conservation area will be addressed with a goal of providing access to as many of these areas as possible. Wherever possible, parking facilities, pathways, trails, play areas, signage, equipment, and toilet facilities will be planned so that, they will be readily accessible to persons with disabilities.

B. Administrative Requirements

- A. Designated ADA Coordinator – see letter from Orleans Town Administrator John Kelly designating the Building Commissioner as the Town’s ADA Coordinator.
- B. Grievance Procedures – see section entitled “Town of Orleans *Grievance Procedure under the Americans with Disabilities Act*.”
- C. Public Notification Requirements – Designation of the ADA Coordinator and the grievance procedure are on the Town of Orleans website and have been posted on the public notice bulletin board at Town Hall.

D. Participation of Individuals with Disabilities

The Town of Orleans, through its Commission on Disabilities provides opportunities for participation and comment from individuals with disabilities. The Commission consists of 5 members, with a predisposition to appoint members with disabilities or those having family members with disabilities. Staff support is provided by the Building Department, of which the Town’s ADA coordinator is the Department Head. Accessibility concerns and issues are discussed on a semi-monthly basis and forwarded to applicable entities and Departments for resolution.

The mission of Orleans’ Commission on Disabilities is to make certain that the Town’s services, programs, meetings and employment opportunities are available and accessible to all its citizens and to see that its buildings and facilities are open to the public and are accessible. Over the years, many access improvements have been implemented in public as well as in private facilities and buildings as a result. *As of this writing, the Commission on Disabilities does not have any active membership. The inventory below was developed by Town staff with input from the ADA Coordinator.*

C. Parks and Recreation Facility Accessibility

As noted above, the Commission on Disabilities is an advocate for equal access for persons with disabilities. It seeks to:

- Act as a central entity for dealing with disability issues Town-wide
- Implement programs promoting equality for all disabled in Town
- Review recommendations and policies
- Assist in planning and coordination of projects
- Research local problems of the disabled

A complete evaluation of all parks, recreation facilities, and open space in the Town was completed using the format provided in the Massachusetts Open Space and Recreation Planners

Workbook, 2008. Forms for all facilities are maintained at the Orleans Planning Department and are available upon request.

Below is a summary of the results for the most highly-utilized facilities:

Park and Recreation Facility	Accessibility Features			
	Entrance	Restrooms	Parking	Other
Eldredge Park Field	•	•	•	
Eldredge Park Playground	•	• ¹	•	
Nauset Beach	•	•	•	• ²
Skaket Beach	•	• ¹	•	• ²
Pilgrim Lake Beach	•	•	•	
Crystal Lake	•	• ¹	•	Fishing dock
Finch Skate Park	•			
Nauset Gazebo (closed 2018)				

Orleans has continued to make accessibility improvements to many existing recreational facilities and has created several new ADA/AAB compliant features at the following recreational facilities:

	Accessibility Features			
	Entrance	Restrooms	Parking	Other
Community Center	•	•	•	
Cape Cod Rail Trail	•	• ¹	•	
River Road Boat Ramp	•		•	
Depot Square Park	•	• ¹	•	
Rock Harbor	•	• ¹	•	

¹ – Accessible Port-O-Potty

² – Beach wheelchairs available for use

The Commission will continue to monitor new projects and report any identified issues brought to its attention by the public to the ADA Coordinator.

D. Open Space/Passive Recreation Site Accessibility

Currently, two of the Town’s Conservation Areas have accessible elements.

² – Beach wheelchairs available for use

Kent's Point Conservation Area – This parking area serving a 22-acre peninsula of conservation land provides accessible parking and access, with a side trail and benches placed periodically along the .5 mile walk. Near the point, a wheelchair ramp leads to a beach overlooking the River and Pleasant Bay. Persons with mobility disabilities may use the utility road to drive to the ramp. ADA parking was improved in 2018.

Baker's Pond Conservation Area – This 15 acre conservation area provides wide trails with level grades to several vantage points to view the pond. Water access is via a walking trail that is not accessible.

Improvement Projects

As part of a comprehensive effort to improve management of Town owned conservation parcels and implement a primary goal of the *Orleans Comprehensive Plan*, the Conservation Department has developed *Conservation Land Management Plans for all of its open spaces*. The plans evaluate the conditions of the Town owned conservation properties and prioritize recreational uses. Plan recommendations are used to improve accessibility, including for persons with disabilities.

Many of the conservation areas are unsuitable for universal access because of hilly topography, dense vegetation and/or the presence of wetland resource areas, or they serve as safe havens for the benefit of wildlife. In these areas, access by the general public is not appropriate. The Conservation Commission will continue to assess the areas under its jurisdiction and develop access improvements and make accommodations where feasible and subject to availability of financial resources.

Further discussion on removing barriers to public access can be found on Page 64 of this document.



Town of Orleans

19 School Road Orleans Massachusetts 02653-3699

Telephone (508) 240-3700 – Fax (508) 240-3388

Town Administrator
John F. Kelly

January 6, 2020

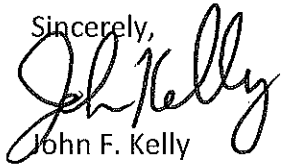
Ms. Melissa Cryan
Executive Office of Energy and Environmental Affairs
Division of Conservation Services
100 Cambridge Street, Suite 900
Boston, MA. 02114

RE: Orleans ADA Coordinator

Dear Ms. Cryan:

This letter is to confirm that Building Commissioner Thomas Evers has been designated as the Town's ADA Coordinator.

Sincerely,


John F. Kelly
Town Administrator



June 2009.

Town of Orleans Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("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 Orleans.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number 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 by the grievant and/or his/her designee as soon as possible after the alleged violation to:

Brian Harrison, ADA Coordinator, Town of Orleans
19 School Road, Orleans, MA 02653

Within 15 calendar days after receipt of the complaint, Brian Harrison or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Brian Harrison or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Orleans and offer options for substantive resolution of the complaint.

If the response by Brian Harrison or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Orleans Board of Selectmen.

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

All written complaints and responses will be retained by the Town of Orleans for at least three years.



Town of Orleans Commission on Disabilities

June 2009

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Orleans will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Town of Orleans does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The Town of Orleans will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the town's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

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

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Orleans, should contact the office of the Orleans ADA Coordinator (see below) as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Orleans to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of The Town of Orleans is not accessible to persons with disabilities should be directed to Brian Harrison, ADA Coordinator, Town of Orleans, 19 School Road, Orleans, MA, 02653, (508) 240-3700, x341, bharrison@town.orleans.ma.us

The Town of Orleans will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.