

**GLEN ROCK RECREATION BOARD
MINUTES
SEPTEMBER 16, 2014 MEETING**

Call to order –Present- K.Krebs, T. Murphy, C. Anderson, D. Young, L.McNinch. T. Murphy taking notes as A. Creamer is absent.

Approve Minutes from August meeting – Ken - Minutes approved, Lee 2nd

Treasurer's Report - \$10,279.62. Christen and Ann M have a \$90 difference in their balance. Christen will meet with Ann M to find a better way to track bills and donations. Questioned if Dog Park has a separate account. Find out average number of donations to help with creating 2015 budget

NEW AND OLD BUSINESS:

Ken made motion to approve to have Deb Smith paint bathroom doors. 2nd by Lee. Tiffani will email Deb.

Bleachers and ADA Requirements – research results attached- Still working on this

Insurance Issues – develop guidelines – Still working on. Ken would like to set up a meeting soon with Michelle, Keller/Brown, and a council member to discuss further.

Discuss plans for actually applying for grant monies – next steps; Borough resources? – Doug sent email about DCNR grant. He stated he thought Ann was going to the workshop.

Brenneman - Tennis Court Repairs; any new info on perimeter posts replacement options – Lee saw someone working on the tennis courts. Ken can get perimeter posts for \$23 apiece, 6x6 at True Value. No further action taken

Dog Park – update on fundraising efforts and boot camp and 5 K \$1000 donation from grooming salon – Christen and Tiffani will get together to discuss boot camp and 5K

Security cameras – replace and purchase new cameras; addition of solar lights near tennis courts (discussed last year; no action) –Ken has not had time to meet with the gentleman to discuss the security cameras. Discuss next month.

Update removal of sand wasps – photos – Christen and Doug? –Christen suggested getting rid of the sand court. Doug suggested tilling first. Ken is going to look into whether his neighbor would be willing to loan the tiller and till the volleyball court to disturb the sand wasps/eggs currently present. Hoping they find a new home. Ann is asked to remember to till in the spring.

Doug – Council updates –Doug restated discussion of insurance issue

Work on 2015 Budget- Will need to work on next time. Doug reminded when discussing expenses and the budget to consider a few projects and DCNR match if applying for a grant.

I did some research on the ADA requirements if we repair the bleachers. It looks like we would have to comply with ADA requirements because the repairs fall under the definition of "Alterations". That may be debatable because we are not changing the usability of the bleachers; however, the definition does include renovation as an "alteration". Portions of the applicable sections of the 2010 ADA Standards are below. Basically, we would fall under the requirements of the 2010 Title II ADA Standards – Section 221 – Assembly Areas and Program Access. 28 CFR Part 35, Sections 35.149-150 apply.

Section 802 contains the specifications for providing wheelchair access and Section 35.150 and 35.151 give some information on "path of travel". Also, there are vertical/horizontal requirements (Section 221, Part 2.3.1-2 (these may not apply to us because we have less than 300 seats). Wheelchair access is required based on the number of seats: 26-50 seats require 2 wheelchair spaces and a companion space for each. The wheelchair space must be an "integral" part of the seating plan – not in a separate location from the bleachers.

There are exceptions to some of the requirements if there are less than 300 seats and these would apply to us. We would not be required to have wheelchair access on the bleacher levels – only at the point of entry to the bleachers (the steps up are not a point of entry). Also, there are considerations for financial hardship and undue hardship in complying with some structural/accessibility requirements. We probably would qualify for some of that. Click on the link for "Assembly Areas" below for more on that. This is the definition of "Alteration" according to the 2010 standards:

"Alteration. A change to a building or facility that affects or could affect the usability of the building or facility or portion thereof. **Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions.** Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility."

Applicable sections:

Subpart D -- Program Accessibility

{35.149 Discrimination prohibited.

Except as otherwise provided in {35.150, no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, 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.

{35.150 Existing facilities.

(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. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance with {35.150(a) of this part would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

(b) *Methods.* (1) *General.* A public entity may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock or other conveyances, or any other methods that result in making its services, programs, or activities readily accessible to and usable by individuals with disabilities. A public entity is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. A public entity, in making alterations to existing buildings, shall meet the accessibility requirements of {35.151. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.

(2) *Historic preservation programs.* In meeting the requirements of {35.150(a) in historic preservation programs, a public entity shall give priority to methods that provide physical access to individuals with disabilities. In cases where a physical alteration to an historic property is not

required because of paragraph (a)(2) or (a)(3) of this section, alternative methods of achieving program accessibility include --

(i) Using audio-visual materials and devices to depict those portions of an historic property that cannot otherwise be made accessible;

(ii) Assigning persons to guide individuals with handicaps into or through portions of historic properties that cannot otherwise be made accessible; or

(iii) Adopting other innovative methods.

(c) *Time period for compliance.* Where structural changes in facilities are undertaken to comply with the obligations established under this section, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(d) *Transition plan.* (1) In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. A public entity 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. A copy of the transition plan shall be made available for public inspection.

(2) If a public entity has responsibility or authority over streets, roads, or walkways, its transition plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walks cross curbs, giving priority to walkways serving entities covered by the Act, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas.

(3) The plan shall, at a minimum --

(i) Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;

(ii) Describe in detail the methods that will be used to make the facilities accessible;

(iii) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(iv) Indicate the official responsible for implementation of the plan.

(4) If a public entity has already complied with the transition plan requirement of a Federal agency regulation implementing section 504 of the Rehabilitation Act of 1973, then the requirements of this paragraph shall apply only to those policies and practices that were not included in the previous transition plan.

{35.151 New construction and alterations.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.

(b) *Alteration.* Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

(c) *Accessibility standards.* Design, construction, or alteration of facilities in conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR Part 101-19.6) or with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) (Appendix A to the Department of Justice's final rule implementing title III of the ADA, _____ F.R. _____) shall be deemed to comply with the requirements of this section with respect to those facilities, except that the elevator exemption contained at {4.1.3(5) and {4.1.6(1)(j) of ADAAG shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

(d) *Alterations: Historic properties.* (1) Alterations to historic properties shall comply, to the maximum extent feasible, with {4.1.7 of UFAS or {4.1.7 of ADAAG.

(2) If it is not feasible to provide physical access to an historic property in a manner that will not threaten or destroy the historic significance of the building or facility, alternative methods of access shall be provided pursuant to the requirements of {35.150.

(e) *Curb ramps.* (1) Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway.

(2) Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets

221.2.3.1 Horizontal Dispersion. Wheelchair spaces shall be dispersed horizontally.

EXCEPTIONS:

1. Horizontal dispersion shall not be required in assembly areas with 300 or fewer seats if the companion seats required by 221.3 and wheelchair spaces

are located within the 2nd or 3rd quartile of the total row length. Intermediate aisles shall be included in determining the total row length. If the row length in the 2nd and 3rd quartile of a row is insufficient to accommodate the required number of companion seats and wheelchair spaces, the additional companion seats and wheelchair spaces shall be permitted to be located in the 1st and 4th quartile of the row.

2. In row seating, two wheelchair spaces shall be permitted to be located side-by-side.

28 CFR 35.151 New Construction and Alterations

(a) Design and construction (includes the exception for structural impracticability)

(b) Alterations (includes alterations in historic properties, path of travel, and primary function)

(c) Accessibility standards and compliance date

(d) Scope of coverage

(e) Social service center establishments

(f) Housing at a place of education

(g) Assembly areas