

Final Report Meriden Library ADA Study Committee June 25, 2013

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Final Report

Meriden Library ADA Study Committee

June 25, 2013

Committee Charge, Members, Activities

The Committee's charge (full text attached) was to examine the need for ADA compliance at the Meriden Library; seek any funds needed for the Committee's study in time for action at the Town Meeting in March, 2013; figure out a range of ADA-compliance options and their pros, cons, and costs; and complete this by December 31, 2013.

Committee members were Brad Atwater, Judy Hallam, Bob Kline, Amy Lappin, and Rod Wendt (Chair).

In our 6 months of work, we had 6 meetings. Minutes of each are included with this Final Report. Our work included the following:

1. ***Seeking a clear understanding of the legal landscape***, what Title II of the Americans with Disabilities Act REQUIRES the Town of Plainfield to do with respect to accessibility to public facilities generally, and the Meriden Library specifically. This involved significant contact with the Governor's Council on Disabilities, as well as the Disabilities Rights Center, and in the end did NOT produce a "black & white" legal framework but rather one of "gray".
2. ***Developing an assessment of where Meriden Library stands*** in terms of meeting the ADA requirements for full access to all services and programs. We do not meet the standard.
3. ***Developing very rough cost estimates of 4 directions*** toward ADA compliance, ranging from small (a ramp) to very big (a new building), so that we understood the broad parameters of these directions before investing significant time in any of them. This was done at no charge by John Brown of Estes & Gallup, and quickly showed us that some directions made no sense, while others might be pursued.
4. ***Discerning the best way forward for the Town of Plainfield in a "gray" legal setting with some significant costs for full ADA compliance.***

Conclusions

1. **Full ADA access to the Meriden Library requires all patrons being able to access all offerings of the library, either by physical access ("I can get to it myself") or staff access ("staff can get to it for me"). This includes all media (books, tapes, etc.) and programs (meetings, etc.)** Meriden Library falls far short on "I can get to it myself" physical access. The upper floor can only be reached by climbing the outside front entry stairs. Once inside, the lower floor requires descent down a steep, twisting staircase. The bathroom is not large enough for a wheelchair. The Meriden Library does the best it can on "staff can get to it for me" access, with very willing staff that delivers books to homes or to cars waiting outside. Programs are also, whenever possible, offered in physically accessible spaces so that all might participate.

2. **The legal landscape for how we get to full ADA physical access compliance for Meriden Library, and the risks along the way, is gray rather than black & white.** We received two legal/expert opinions that said different things. The more conservative said the moment we do ANYTHING to the Meriden Library, inside or outside, we are committing ourselves to do EVERYTHING to make it fully accessible – access to both floors and an ADA-accessible bathroom. The more flexible said we can add a ramp on the outside to provide access to the upper level WITHOUT triggering the requirement for complete access to everything, BUT the moment we begin interior alterations those requirements WOULD be triggered. However, we see a safety route here -- if we do “partial compliance” now, but are also planning in earnest for “full compliance” in the future, that provides significant legal defense against not being in full compliance with our first step.

Importantly, there are no “ADA Police” who come swooping down on unsuspecting Towns in violation. Rather, someone has to lodge a complaint that Title II of the Americans with Disabilities Act is not being adhered to, and then an investigation is undertaken.

3. **Having a fully ADA-accessible library (Philip Read Memorial Library, PRML) on the other side of the Town of Plainfield is either helpful or limiting, and the legal opinions differ on which it is.** The more conservative legal opinion said that if Meriden is open hours that PRML is not, then patrons without disabilities have more access (PRML hours + Meriden hours) than those with disabilities (PRML hours only), which is a problem. And, if programs offered in inaccessible Meriden are not identical to those offered in accessible PRML, that is another problem. The more flexible legal opinion said that having a fully accessible library across town significantly reduces the pressure to make Meriden Library ADA-accessible in general.
4. **Full ADA accessibility for the Meriden Library will be costly to achieve in any way that makes sense.** The options considered are detailed under “Findings” below. The only reasonable ways to achieve full access are either to add on the back of the existing library with full access features including an elevator (a \$400,000 to \$500,000 project), or build a new fully-accessible library facility somewhere else in Meriden (a \$800,000 to \$1,250,000 project). Lesser projects (like adding an access ramp and inside elevator to the current building, \$250,000) have flaws that make them undesirable.

Recommendations

1. **On balance, we believe the best approach to improving Meriden Library access by people with disabilities -- while balancing reasonable legal risk and reasonable fiscal responsibility -- is to put up a simple ramp providing simple access to the upper level NOW, while studying full-access solutions in a broader, town-wide, multipurpose usage context.** There was a strong desire on the Committee to be able to do SOMETHING to improve access for patrons in the short term, even if it stopped short of full ADA compliance. This was underscored by the realization that FULL compliance solutions were very costly, and would take a long time to realize – if ever. This was further complicated by the sense that any major Town construction of new or renovated buildings should consider ALL the needs of the

Town, not just the needs of the Meriden Library. We believe building something that could be used by a variety of Town people for a variety of purposes makes more sense than a library-specific construction project, especially when the price tag is in the \$400,000 to \$1,250,000 range.

2. **The “simple ramp” portion of our recommendation will provide only partial access (in a legal ADA context), but will make access easier for many people and increase the use of the Meriden Library while we figure out a broader, longer-term solution.** For the person in a wheelchair, a simple ramp would allow them to get inside the library, talk to the library staff, request books or other media, and participate in community meetings IF they were on the upper level. Importantly, others who do not have a “disability” but find it difficult to access the library via the front steps (especially seniors with canes or walkers) would also benefit from a simple ramp access.
3. **The “simple ramp” could become a Plainfield community project, and we believe be done within the existing reserves in the Town’s ADA Access fund.** While the Committee received estimates for a permanent institutional grade concrete ramp with significant alterations to the front access to the library (\$40,000 to \$50,000), we did not ask for estimates for a simpler, shorter-life ramp that could serve until a broader, more comprehensive solution could be determined. However, we believe that a simpler ramp, if designed by people within the Town of Plainfield community, and constructed with volunteer help, could easily be done within the \$26,500 currently in the Town’s ADA Access Fund. At Town Meeting in March 2013, a woman urged the Town to consider a volunteer project to build such a ramp. Design and materials specifications would require further work, but we urge the Town to use local (ideally volunteer) design talent and consider both pressure-treated wood and synthetic materials (such as Trex or Azek) for the ramp.
4. **The “study full access solutions” portion of our recommendation should involve a broader, more comprehensive analysis of the Town’s facility needs, because we believe that major expenditures on new construction or renovation best serve the community when they look at ALL the community needs, not just the needs of one entity (the Meriden Library).** Having multiple functions in a single space could be more efficient all the way around, as common needs (restrooms, meeting space, etc.) could be shared and it is fewer buildings to maintain. While we clearly have not studied Town needs (beyond the Meriden Library accessibility needs), the following have come up in conversations over the months:
 - a. The Meriden Town Offices need energy efficient upgrades – maybe a new space would work better.
 - b. The Police Station is quite small and quirky, maybe another space would work better.
 - c. The Post Office wants to move away from Main Street, Meriden. Maybe they could be a tenant.
 - d. Seniors like a place to meet. A Senior Center would be wonderful.
 - e. A central place to deliver social services – like community nursing – would be great.

- f. Community meeting space is limited. Currently we use the Plainfield School or churches for larger community meetings.
 - g. And, of course, the desire to make the Meriden Library fully ADA-accessible.
5. **Studying the broader Town facility needs should involve a broader committee and have a broader charge than the committee assembled to investigate the ADA accessibility needs of the Meriden Library.** The charge should involve looking at the total Town facility needs, including Town offices, Plainfield School, the needs of seniors, the needs for access to social services, and possibly others. The committee chosen should reflect the breadth of the needs being considered. Some members of the Meriden Library ADA Accessibility Committee might be willing to serve on such a broader committee, although each would have to be approached.

Key Findings

1. What the Law Requires

Title II of the Americans with Disabilities Act requires that all public services and programs be equally accessible by all people, regardless of their disability. Library compliance can be achieved in two ways or a combination of them:

- a. Facilities can be made physically accessible, providing access to all spaces in which programmatic functions (media collections, meeting spaces, etc.) are offered. This includes an ADA-accessible bathroom.
- b. Programs can be offered in ways that reach beyond non-physically-accessible spaces via alternative delivery approaches or delivery in nearby accessible settings. Collections can be accessed online; media delivered to curbside or homes; programs offered off-site in accessible spaces, etc.

There are exceptions that would justify non-compliance with these Title II standards: (1) an historic building; (2) alterations would fundamentally change the nature of the service; or (3) unreasonable cost or administrative burden. The burden of proof is on the Town to justify such non-compliance.

2. The Gray Area of the Law as Applied to Meriden Library

We received two interpretations of Title II as applied to Meriden Library. The first was from Jillian Shedd of the Governor's Council on Disabilities (summarized in attached minutes of the December 10, 2012 meeting with Jillian Shedd and the December 13, 2012 conversation with Jillian Shedd). The second was from Attorney Danielle Portal of the Disabilities Rights Center (summarized in the minutes of the May 22, 2013 meeting).

Both agree that Title II of the Americans with Disabilities Act is the relevant law for our situation. Where they disagree is on how the law would be applied when (1) we have a fully ADA-compliant library in Plainfield Village, the Philip Read Memorial Library (PRML); and (2) we wish to make SOME improvement in ADA access to Meriden Library without being immediately committed to making ALL the required improvements.

a. **Relevance of PRML Accessibility**

- i. The more conservative opinion from Jillian Shedd of the Governor’s Council on Disability was that PRML’s accessibility actually created a problem for Meriden. When PRML is open and Meriden is closed, people with disabilities can use PRML with full access. But when Meriden is open and PRML is closed, people with disabilities have no accessible option, whereas people without disabilities can access Meriden – a discrimination. Thus, Meriden should ONLY be open when PRML is also open, according to this very conservative interpretation. Further, if a program is offered at non-accessible Meriden, then the IDENTICAL program must be offered at some other accessible location -- PRML or elsewhere – or that is another discrimination.
- ii. The more flexible opinion from Danielle Portal of the Disabilities Rights Center was that “as there is another, larger library that is accessible to you, and your library can get materials from that library, there is not a strong argument that your library must be made accessible.”

b. **Doing Everything versus Doing Something**

- i. The more conservative opinion from Jillian Shedd of the Governor’s Council on Disability was that once we make ANY improvement to Meriden Library – inside or outside – all the Title II access requirements are triggered. “The Department of Justice says that IF we provide ramp access to Meriden Library, then we must also provide access to the lower level and an ADA-accessible bathroom. So, it is ‘complete access’ or ‘no access’.” This could be done in stages over time, but the first change would be committing the Town to a series of changes culminating in full ADA access, according to Jillian.
- ii. The more flexible opinion from Danielle Portal of the Disabilities Rights Center was that “if your library decides to put up a ramp, it may not force the library to fix the other accessibility issues...(but) if the library puts in a new addition or wing, then that aspect of the library should be made accessible.”

3. **Accessibility Options and their Costs** – John Brown of Estes & Gallup generously did cost calculations for four different directions or options we MIGHT pursue for providing ADA access to the Meriden Library. ***Importantly, this early cost exploration was designed simply to give us a sense of how small or large the cost of various options might be BEFORE we invested significant time or energy in any of them.*** Also, this exercise was done in the shadow of the more conservative legal opinion from Jillian Shedd of the Governor’s Council on Disability, before we had the more flexible legal opinion. The options, their costs, and relevant commentary are detailed below.

- a. **Option 1: Provide front door access ONLY with an access ramp (\$40,000 to \$50,000)** – Estes & Gallup specified this to be a concrete ramp, with a power-operated ADA-accessible door and a lot of reconfiguring of the entry to accommodate easy access, all of which drove the cost up. At the time these estimates were developed we thought a ramp by itself was NOT a viable standalone option because we thought even

a simple ramp would trigger the full range of additional ADA accessibility requirements. *A simpler ramp, made of pressure-treated or synthetic materials, and built with volunteer labor, and without a power-operated door, would cost much less and in light of the newer, more flexible legal opinion we believe this is the right direction for the near term.*

- b. **Option 2: Make Meriden Library fully accessible on the existing footprint (\$200,000 to \$250,000)** – This would involve accessing the Library from the side, by the steep stairs connecting the two levels, and installing an elevator to connect the floors. The bathroom would also have to be expanded to fit ADA standards. This would actually cut into the usable space, effectively making the Meriden Library smaller. *We were surprised how much this would cost, and concluded that spending this much money for access and ending up with a smaller Meriden Library made no sense, and discarded the option as a result.*
- c. **Option 3: Make the Meriden Library fully accessible by expanding out the back and tying that into the existing space in an accessible way (\$400,000 to \$500,000)** – This would produce a fully ADA-accessible Library, and dramatically expand its ability to serve the community. Having two levels is more cost effective, and also allows the existing space to be fully accessed by an elevator that serves all the levels. Doing an addition on one level is possible, but would be more costly. *We concluded that if this option or Option 4 is to be considered, the costs involved dictate that investigation be in a broader context, with a different committee looking at total community facility needs and the possibility of multi-function use of the space.*
- d. **Option 4: Build a new facility to house the Meriden Library somewhere else in Meriden (\$80,000 to \$1,250,000)**. This was a hard option to cost out, because it would depend a lot on the site selected and the amenities included. It would be on one level, avoiding the need for an elevator. Estes & Gallup, upon reflection, gave us an estimate of \$250 per square foot. If such a building was to have the same 3,200 square feet as an expanded Meriden Library (Option 3), that equates to \$800,000. If the new building were to be 5,000 square feet, that would equate to \$1,250,000. *As with Option 3, we concluded that a project of this size and cost should be based on an assessment of total community facility needs (not just the Meriden Library), and be conducted by a broader committee (not a Library-focused Committee).*

Rough Costs for Meriden Library ADA-Accessible Options

Option	Estes & Gallup Estimate	Expected Range of Costs
Option 1 -- Install concrete ramp to access current Meriden Library front door. Requires door-entry modifications to existing stairs. <i>Note: at the time this option was prepared, we thought this option would likely "trigger" requirement to also provide full accessibility to both library levels and provide ADA-compliant bathroom within a few years.</i>	\$46,111	\$40,000 to \$50,000
Option 2 -- Install Meriden Library access via side, elevator to access both levels, and ADA-compliant bathroom. <i>Note: this option would REDUCE available floor space in current library to house larger bathroom and elevator.</i>	\$226,174	\$200,000 to \$250,000
Option 3 -- Double size of Meriden Library by adding 1,600 sq. ft. addition on 2 levels, with elevator accessing both levels of both new and old construction. Includes ADA-compliant bathroom.	\$456,622	\$400,000 to \$500,000
Option 4 -- Build a new, standalone Community Center, all on one level, in a new location to house Library and other functions. Could be any size desired.	\$250 per square foot. For new 3,200 square foot facility (equal in size to Option 3), \$800,000. For 5,000 square foot building, \$1,250,000.	\$800,000 to \$1,250,000

Respectfully submitted,

Rod Wendt, Chair

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Attachment 1

TOWN OF PLAINFIELD, NEW HAMPSHIRE
110 Main Street
Plainfield, NH 03781

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October 18, 2012

To: Rod Wendt, Judy Hallam, Amy Lappin, Brad Atwater, Shirley Hudson

At the request of the Plainfield Library Trustees the Selectboard has been asked to appoint a committee to study American with Disability Act compliance issues for the Meriden Library building. See attached charge sheet. The Selectboard is asking you to serve on this committee.

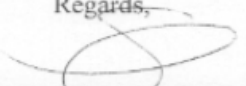
Rod Wendt is also being asked to serve as Chairperson of the group.

The Selectboard is leaving it up to the Library Trustees to determine if they wish to have two ex-officio members of their board participate on the committee.

If you are able to serve, please contact me via e-mail no later than October 29th. The Selectboard has established a goal of November 7th for having the committee appointed.

We hope you are able to help us with this important community issue. Thank you for your consideration of this request.

Regards,



Stephen Halleran

**PLAINFIELD PUBLIC LIBRARIES
BOARD OF TRUSTEES**

October 3, 2012

On behalf of the Plainfield Public Libraries' Board of Trustees, I am presenting the charge to the Plainfield Selectboard to establish a study committee for ADA compliance at the Meriden Library requested at the Selectboard's meeting of September 5, 2012.

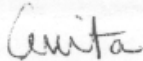
Charge to the Plainfield Selectboard from the Plainfield Public Library Trustees:

TO establish a committee from the Township of Plainfield to examine the need for ADA compliant facilities & services at the Meriden Library with the following time goals:

- 1) A definition of the task and the timeline for completing the study by February 1, 2013.
- 2) Identification by February 1, 2013 of funds needed to complete the study.
- 3) Presentation of realistic alternatives with pros and cons and associated costs to be completed by December 31, 2013.

If there are any questions, please do not hesitate to contact me.

Cordially,



Anita K. Brown
Chair, PPL Board of Trustees
anita.k.brown@dartmouth.edu

Attachment 2

Minutes

Meriden Library ADA Study Committee

November 29, 2012, 7:00 PM

The meeting was called to order at 7:05 PM by Rod Wendt, Committee Chair, at the home of member Judy Hallam at 178 Columbus Jordan Road, Plainfield. Attending were members Brad Atwater, Judy Hallam, Bob Kline, Amy Lappin and Rod Wendt; Librarians Mary King (Meriden) and Nancy Norwalk (Phillip Read Memorial Library or PRML); Library Trustee Liaison Nancy Liston; and member of the public Dennis Girouard.

Scope of the Meeting

As this was the first meeting for the Committee, the focus was on getting ourselves organized. The committee:

1. Gathered contact information from members
2. Reviewed the Charge to the Committee from the Select Board and Library Trustees
3. Handed out excerpts of a Department of Justice booklet, ADA Guide for Small Towns
4. Reviewed the “Thoughts” documents on a possible forward, prepared by Rod Wendt in advance of the meeting
5. Discussed generally the road ahead for the committee
6. Agreed on some next steps to get us more knowledgeable about the specific situation at both the Meriden and PRML libraries and the applicable laws governing ADA accessibility

Discussion Points

1. There was agreement that a first, critical step is an assessment of the accessibility (both physical access and program access) of the Meriden Library and the PRML by an expert. It was agreed to ask Jillian Shedd, Accessibility Specialist from the State of NH Governor’s Commission on Disability, to perform such an assessment with the Committee present.
2. There was a desire to look at the ADA situation at Meriden Library in the context of the history and Mission of the Meriden Library and the library system in general. It was agreed to try to locate and disseminate whatever exists in this area.
3. There was a desire to be able to review the work of earlier study committees that have looked at this and similar issues in our town libraries over the years.
4. There was some concern about meeting in a private home for future meetings.

Next Steps

1. Librarians Mary King and Nancy Norwalk and Trustee Liaison Nancy Liston will look for any earlier study work relevant to this current Committee’s work.

2. Rod Wendt will contact Jillian Shedd and request an evaluation of the PRML and Meriden Libraries with the Committee present.
3. Brad Atwater will pick up construction drawings of the Meriden Library from the Plainfield Historical Society.

The meeting was adjourned at 8:50 PM

Respectfully submitted,

Rod Wendt, Chair

Attachment 3

Minutes Meriden Library ADA Study Committee December 10, 2012, 10:00 AM

The meeting was convened at 10:00 AM by Rod Wendt, Committee Chair, at Philip Read Memorial Library, Route 12A, Plainfield. Attending all or part of the meeting were members Brad Atwater, Bob Kline, Amy Lappin and Rod Wendt; Librarians Mary King (Meriden) and Nancy Norwalk (Philip Read Memorial Library or PRML); Library Trustee Chair Anita Brown; and member of the public Dennis Girouard. A specially invited guest was Jillian Shedd, Accessibility Specialist, State of NH Governor's Commission on Disability.

Scope of the Meeting

The purpose of the meeting was to have Jillian Shedd assess in general fashion the current accessibility (physical and programmatic) of both the Philip Read Memorial Library (PRML) and the Meriden Library as a starting point in our work. We started at the PRML, travelled across town to the Meriden Library, and then had a general discussion about the current status and the way forward. It was a highly productive several hours!

Discussion Points

1. Jillian Shedd, after a walk-through of the PRML, considers that facility very accessible by ADA standards.
2. Because PRML is fully accessible, Jillian Shedd believes – preliminarily – that the Town of Plainfield will NOT be required by law to make BOTH the PRML and Meriden Libraries physically accessible, as long as programs are made accessible by other means. This is based on a discussion she had with an expert at the US Department of Justice in advance of our meeting, as well as her evaluation of the PRML facility.
 - a. “Program Accessibility” of traditional library media can include home-delivery of books and tapes; curbside delivery of books and tapes; and electronic access and delivery of books and tapes.
 - b. “Program Accessibility” of community programs – book clubs, children’s programs community meetings, etc. – is a little more complex, and Jillian must do further research. Program similarity is a question: if a student “Math Club” is offered only in an accessible facility but a student “Spelling Club” is offered only in a non-accessible facility, must the non-accessible facility make the “Spelling Club” accessible in some way? Or is the similarity of the 2 offerings mean that access to one is sufficient?
 - c. Library hours are another question mark Jillian must research. If the accessible facility is open Monday, Wednesday and Friday, and the non-accessible facility is open Tuesday, Thursday, and Saturday, is that sufficient accessible access?

3. Jillian emphasized the importance of having an ADA Transition Plan for Meriden once we decide what we want to do. This Transition Plan would not only guide the Town's efforts, but would also provide some measure of "defense" should a person with a disability challenge the fact that the Meriden Library is not now fully accessible.

In developing an ADA Transition Plan, the NH ADA Accessibility Checklist – provided in advance by Jillian – reflects the priority in which physical accessibility improvements should be made:

- a. Priority 1: Parking for handicap permit vehicles
 - b. Priority 2: A way to get from parking to the building
 - c. Priority 3: A way to get inside the building
 - d. Priority 4: A way to access all the "key functional spaces" within the building.
 - e. Priority 5: An ADA-accessible bathroom
 - f. Priority 6: Employee amenities
4. The Committee wondered if the fact that full ADA-compliant physical accessibility might NOT be required in Meriden might allow the Town to take steps that, while not providing full accessibility, would make things better while longer-term solutions were developed. For example, a ramp allowing access to the main floor would allow people in wheelchairs to access THAT floor (with adult collection and meeting space), even if they could not yet access the lower level (with children's books) or the small bathroom. Jillian thought this might be possible IF library staff provided access to the lower level by carrying books, CDs and other media upstairs and downstairs, but would have to research it.
 5. There was also extensive discussion about "ADA triggers" – if we put up a ramp, for example, does that then REQUIRE that we also do an elevator, and/or an ADA-accessible bathroom shortly thereafter? Jillian said that such "triggers" indeed apply to major renovations and new construction, but thought that IF we were relying on PRML as our ADA-accessible site, then perhaps the normal "triggers" would not apply, or not apply as much. She needs to research this further, however.
 6. There was an extensive discussion, not fully resolved, about if/when/how to engage architects or designers in our work, and the role of community input in guiding our direction if major expenditure on physical facility alteration was a route we wanted to pursue. It was thought that MINOR alterations – like a ramp – might be something that would make things better for the entire community even if it didn't solve the full accessibility goal, IF the cost was not significant. It was also thought that any MAJOR construction work – like a major renovation of the Meriden Library or construction of a new library/community facility – might best be preceded by extensive community input both on their appetite for major expenditure and on what they might want to see come out of the effort. It was also thought that this Committee might best contribute to beginning that discussion by developing some rough cost parameters of "for instance" options rather than doing more detailed thinking on specific options. For example:

- a. Roughly what would it cost to simply provide access to the upper floor of the Meriden Library via a ramp and entrance alterations? (Not that this is a good or a bad or proposed idea, but having the rough cost helps frame the broader community discussion.)
- b. Roughly what would it cost to make the existing Meriden Library building fully accessible – ramp, elevator to the lower level, ADA-compliant bathroom? (Again, not that this is a good or a bad or proposed idea, but having the rough cost helps frame the broader community discussion.)
- c. Roughly what would it cost to build a major new facility – either at the Meriden Library location or elsewhere – to house the library functions and potentially other community functions as well (Post Office, senior center, community center, after school programs, etc.)? (Again, not that this is a good or a bad or proposed idea, but having the rough cost helps frame the broader community discussion.)
- d. And maybe some others...

Importantly, NONE of these would be considered “well-developed options”. Rather, they would simply be starting points for a broader discussion of what the community has the appetite for, and how whatever that is might be shaped by the community’s desires. If, for example, complete ADA-access to Meriden Library is a \$150,000 to \$250,000 project, but a new building with many more functions might cost \$300,000 to \$400,000, how does the community feel about one approach versus the other? And if a simple ramp costs \$3,000 to \$8,000, and can make things better while we do the bigger things, is that a good use of funds? And so forth...

If “rough cost parameters” are the goal, it was thought that perhaps Estes & Gallup, the construction firm now working on the PRML lower level, might be able to provide estimates reasonably quickly and at no cost.

It was also thought that the NH Library Trustees Association or the NH State Library might have access to what other libraries in other towns spent on similar alterations to their facilities.

7. We talked a lot about gathering information ABOUT the community and FROM the community as part of engaging them in any MAJOR facility expenditure. It was thought that having the above “for instance” cost parameters would help frame the discussions. Ideas for gathering input included:
 - a. Public meetings to engage citizens in dialog about their desires for various levels of investment in physical alteration of the Meriden Library facility
 - b. Surveys of citizens on preferences, not unlike what Kilton Library did in Lebanon before their construction project. Shelley Hadfield from Meriden designed that survey.
 - c. Information that might be available from Vital Communities or the Upper Valley-Lake Sunapee Regional Planning Commission.

8. We talked about whether the \$15,000 that will be in the Town's ADA fund after Town Meeting would be sufficient to move in the above-described directions during 2013, and the sense of the room was that it would be sufficient. But further discussion is needed.

Next Steps

1. Jillian Shed will further research the issues related to "programmatic access" to better understand how the "programmatic access" route to ADA compliance might work:
 - a. How similar do programs that ARE offered in physically accessible locations have to be to programs offered in non-accessible locations? Is "similar" sufficient, or must it be "identical"?
 - b. What impact do library operating hours have on this? If the physically inaccessible library is open on days or at times when the physically accessible library is not open, is this a problem?
 - c. What about the "ADA triggers"? If we put up a ramp, does that automatically require that we also do an elevator and an ADA-compliant bathroom? And how is this related to the fact that PRML is already ADA-compliant?
2. Rod Wendt will contact and explore information and services available from:
 - a. Vital Communities
 - b. The Upper Valley-Lake Sunapee Regional Planning Commission
 - c. Shelley Hadfield
3. We will schedule another meeting once all this information is in hand.

The meeting was adjourned at about 3:00 PM

Respectfully submitted,

Rod Wendt, Chair

Attachment 4

Phone Conversation Summary Meriden Library ADA Study Committee Rod Wendt Conversations with Jillian Shedd December 13, 2012

This records the highlights of two conversations with Jillian Shedd, Accessibility Specialist from the State of NH Governor's Commission on Disability, as a follow-up to our meeting with her on December 10 (minutes of that meeting recorded elsewhere).

In general the requirements for accessibility to the Meriden Library --- either in programmatic fashion or in physical access fashion – are tighter than we thought in Monday's meeting. After Monday's meeting we thought we could achieve compliance largely through “programmatic access” rather than “physical access”. That remains a possibility, but the requirements for “programmatic access” are so stringent that going that route may be quite unwieldy. And, “physical access” has more triggers than we had hoped would be the case.

Title II of the ADA Act governs public buildings. Jillian e-mailed me the complete text. I have excerpted certain portions of relevance to this discussion, and pasted them into this document where applicable.

1. **Programmatic Access** – There is very little wiggle room here. Any program offered anywhere in Town must be accessible by all. Equal access to all programs by people with disabilities is the key. Having a “similar” program offered in an accessible setting is not sufficient – the program must be identical. This means:
 - a. Every Meriden program must be accessible unless it is identical to a program offered at Phillip Read Memorial Library (PRML).
 - b. “Traditional” services like books and tapes can be made accessible by home delivery, curbside delivery, Internet access – most of which we already do.
 - c. The problem is with “meeting” type programs – reading groups, children's story time, etc. -- where the place and space is part of the offering. Those need to be offered in a physically accessible space unless they are identical to offerings at PRML.
 - d. Different operating hours are also a problem. If our inaccessible library is open when the accessible library is not, then people with disabilities have less access than those without disabilities, and that is a problem. If both libraries are open at the same times, everyone – with or without disabilities – has programmatic access.
 - e. Relevant sections of Title II:
§ 35.130 General prohibitions against discrimination

(a) No qualified individual with a disability shall, on the basis of disability, 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.

(b) (2) A public entity may not deny a qualified individual with a disability the opportunity to participate in services, programs, or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

2. **Physical Access** – Physical access requirements are also more restrictive than we thought on Monday, particularly in the “ADA triggers” arena. The Department of Justice says that IF we provide ramp access to Meriden Library, then we must also provide access to the lower level and an ADA-accessible bathroom. So, it is “complete access” or “no access”. Perhaps this might be done as follows:

- a. A ramp provides access to the main (upper) floor (physical access).
- b. Library staff provide “book & tape access” to the lower floor by carrying reasonable numbers of books and tapes up and down for patrons who cannot climb the stairs by themselves. Thus an elevator might not be needed initially if access could be provided by willing staff (programmatic access).
- c. BUT without an elevator all meeting-type programs would have to be offered only on the upper floor to allow “equal access to all”. An elevator would allow programming on the lower level, since all patrons could then access that level (physical access).
- d. An accessible bathroom is provided. Short term this might be a Portalet outside (a gruesome solution in January) but longer term the inside bathroom would have to be made accessible (physical access).

3. **Exceptions** – There are exceptions to providing physical access, which fall into the areas of (1) an historic building; (2) alterations would fundamentally change the nature of the service; or (3) unreasonable cost or administrative burden. But the responsibility is on the Town to document any of these exceptions, and I think it would be difficult to prevail.

If Meriden Library was an historic building (50+ years old) it might be able to have some waivers on physical access construction. But the building is only 47 years old, having been dedicated in November 1965.

Relevant part of Title II:

§ 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.

4. **ADA Transition Plan** – The ADA Transition Plan was only REQUIRED in the early months on the ADA law in 1992. But, it remains a useful tool for Town planning, and does provide some measure of defense if a person with a disability were to challenge the Town of Plainfield’s accessibility, and thus is highly recommended.

Relevant sections of Title II:

§ 35.150 Existing facilities

(d) (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 January 26, 1992, 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

Respectfully submitted,

Rod Wendt, Chair

Attachment 5

Minutes Meriden Library ADA Study Committee January 2, 2013, 7:00 PM

The meeting was called to order at 7:05 PM by Rod Wendt, Committee Chair, at Plainfield Elementary School in Meriden. Attending were members Brad Atwater, Judy Hallam, Bob Kline, Amy Lappin and Rod Wendt; Librarians Mary King (Meriden) and Nancy Norwalk (Phillip Read Memorial Library or PRML); and Library Trustee Anita Brown.

Scope of the Meeting

In light of our deeper understanding of what the ADA laws require of us, coming from recent meetings and conversations with Jillian Shedd of the Governor's Commission on Disability, we focused on HOW to move forward over the next year to identify directions in which to move while engaging the community in the dialog early on.

Discussion Points

1. Minutes of the November 29 and December 10 meetings, and the subsequent telephone conversation with Jillian Shedd on December 13, were approved.
2. Additional information gathered since the December 10 meeting was discussed:
 - a. Data from State Library Association on library construction project around the state in recent years, that may be useful as cost benchmarks as we go forward.
 - b. Rod Wendt's conversation with Shelley Hadfield, about her work surveying resident preferences and desires before the Kilton Library was constructed in West Lebanon. Unfortunately the survey instrument is no longer available. Shelley is willing to work with us to design our own survey instrument at the appropriate time.
 - c. The 2010 survey of Plainfield townspeople with respect to usage and opinions about the Meriden and Philip Read Memorial libraries. This was judged not to be particularly relevant to our current task.
3. There was a lot of discussion of a lot of different directions, but there was general agreement on the following:
 - a. Engaging the people of the Town of Plainfield (both Plainfield Village and Meriden Village) in considering and either embracing or rejecting the range of paths forward to ADA compliance is critical, and the sooner in the process this occurs the better. A lot of our discussion was on how best to do that.
 - b. It is way too early to engage "designers" or "architects" in options like a major addition or a standalone building or even an ADA-compliant alteration of the Meriden Library. Rather, we should be looking for early ways to get rough "bigger

than a breadbox, smaller than a barn” estimates. A lot of our discussion was on how best to do that.

- c. We have a lot of “chicken and egg” stuff in the relationship between “options/directions” and “costs” and “townspeople preferences and appetite”, and a lot of discussion was on what comes first. There seemed to be consensus that:
 - i. We cannot engage the townspeople with a blank sheet of paper. Most people need something to react to, to build from, rather than being expected to create something out of nothing. We need some sense of “options” and “rough costs” to start the discussion.
 - ii. But whatever we use must be seen as a starting point for a discussion, not a proposed or recommended or embraced direction. For example only, we might want to start by saying to the community, “Here is one of three directions we might go – modifying the existing Meriden Library to allow access to both floors for all patrons, and providing an ADA-compliant bathroom. This might cost in the range of \$XXX,XXX to \$YYY,YYY, and would result in less space being available for media and meetings. How do you feel about that as a direction to investigate? Should we look further at that or not?”
 - iii. This means the process forward is likely to be iterative – we start with something, and the townspeople engage with it and embrace it or shape it or reject it, and we make the appropriate changes in our thinking and we move on. Somewhere in there we do a town wide survey, but this is after some preliminary shaping and direction setting has occurred much more informally.
4. With all this in mind, we discussed how best to get “rough costs” for a number of (as yet unspecified) options or directions and the steps to get there. Next steps emerging were:
 - a. Rod Wendt will connect with Estes & Gallup, contractors working on the Philip Read Memorial Library (PRML), to explore working with us to develop some broad cost parameters on a range of (as yet unspecified options). Rod will talk first to Johnathan Brown, supervisor of the PRML project. Brad Atwater and Bob Kline expressed interest in being involved in these conversations.
 - b. Brad Atwater and Bob Kline will explore, with the help of Amy Lappin, what kind of cost information might be available from national and regional library resources.
 - c. Rod Wendt will talk to Shelley Hadfield about the costs of doing a town-wide consumer survey at some point.
5. Anita Brown expressed a desire for the Library Trustees to have some form of “Interim Report” as soon as possible, reflecting both our understanding of what is required to comply with the law and what the costs of the study committee’s steps will be during 2013. These include the costs to:
 - a. Develop, roughly, the construction costs of various directions we might pursue

- b. Hold any town-wide or other meetings to engage the public in the dialog
 - c. Conduct and evaluate any town-wide survey we might decide to do
6. Anita wants to be able to present to the Select Board, by February 1, any specific Warrant Articles that might be required at the March 16, 2013 Town Meeting. While it appears unlikely that additional funds will be required beyond the current \$10,000 in the Town ADA compliance fund (plus \$5,000 additional to be added via Warrant Article at Town Meeting), we may want a Warrant Article specifically authorizing Town ADA funds to be expended for gathering ADA costs and conducting town-wide meetings and surveys about options for ADA compliance, so there is no question when such funds are later requested from the Select Board.

Next Steps Summary

- 1. Connect with Estes & Gallup regarding rough cost development – Rod Wendt
- 2. Explore national and regional data on library construction costs – Brad Atwater, Bob Kline, with assist from Amy Lappin
- 3. Connect with Shelley Hadfield regarding survey cost development – Rod Wendt
- 4. Connect with Select Board about approach to Warrant Articles – Anita Brown
- 5. Rough draft of preliminary findings report – Rod Wendt

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Rod Wendt, Chair

Attachment 6

Minutes Meriden Library ADA Study Committee February 5, 2013, 1:00 PM

The meeting was called to order at 1:02 PM by Rod Wendt, Committee Chair, at Meriden Library. Attending were guest John Brown from contractor Estes & Gallup; Committee members Bob Kline and Rod Wendt; Meriden Librarian Mary King; and Library Trustee Nancy Liston.

Scope of the Meeting

This was our first meeting with Estes & Gallup to discuss how to develop rough cost estimates of the four “directions” being considered by the Committee:

1. **Building an access ramp to Meriden library** (recognizing that this first step requires us, ultimately, to provide full access to function spaces and an ADA-accessible bathroom).
2. **Providing full access to the Meriden Library building on its current footprint**, including access to all function spaces (via elevator) and an ADA-compliant bathroom. This would likely *reduce* the space available for media collections and meeting space.
3. **Expanding the Meriden Library building** in an accessible way, on the current site, likely expansion to the rear of the site. This would allow full access to library functions, plus open up opportunities for other non-library functions to also be housed there, a subject for community input and creativity.
4. **Building a standalone, multi-function facility elsewhere in Meriden**. Already identified potential functions – beyond a library -- include a relocated Post Office, a community/senior center, after-school center, daycare, and commuter parking. Again, this would be a “shell” to be filled and defined by community input and creativity.

Discussion Points

7. Minutes of the January 3 meeting were approved.
8. Additional information gathered since the January 3 meeting was discussed:
 - a. Rod Wendt reported a discussion with Shelley Hadfield about a town-wide survey yielded a cost estimate of \$1,500 to \$2,000. This assumes the survey is mailed to everyone in the entire town; that Survey Monkey is used as an electronic option to filling out and returning a paper form; that a followup postcard is sent reminding people to fill out the survey; and that volunteers do the tabulation and reporting.
 - b. *(Note: Bob shared this with Rod at the end of the meeting and Rod asked that he provide it in summary form for the minutes of the meeting).* Bob Kline reported he had reviewed data provided by Amy Lappin on construction project costs from the Library Journal. He broke the data down into new construction, additions, renovations, and addition-renovations. The interesting thing was how close all the

costs (except renovations) were on a per-square-foot basis. Bob's summary is attached.

9. We spent most of the meeting talking to John Brown from Estes & Gallup about what he needed to provide rough cost estimates. Highlights:
 - a. John said that Estes & Gallup should be able to provide rough numbers pro-bono UNLESS we ask for a lot of detailed work. He will let us know if we "cross the boundary"!
 - b. John said the basis for developing costs will be understanding what WE have in mind for each option, and looking at work Estes & Gallup has done that is similar in scope and complexity, and using those costs as a basis for developing our costs. They will have to make some assumptions, of course, and that might result in some questions or discussions being needed with the Committee.
 - c. John toured the Meriden facility and we discussed some of the challenges of making it accessible.
 - d. John mentioned that Nancy Norwalk said the plans for the Meriden Library were available, and John would like to see them, scan them, and use them as a basis for some of his thinking.
 - e. We agreed to schedule two meetings to interact with John – one in about 2 weeks and the other in about 4 weeks – so that questions he has can be answered, and progress he is making can be reviewed.
 - f. We might want to talk informally to Ingrid Nichols of Banwell Associates, Architects who specialize in public buildings. While they are not "library" specialists, they have done a lot of schools.

Next Steps Summary

6. Connect with Nancy Norwalk to get Meriden Library plans – John Brown
7. Set dates for meetings in 2 weeks and 4 weeks – Rod Wendt

The meeting was adjourned at 2:15 PM.

Respectfully submitted,

Rod Wendt, Chair

AVERAGE SQUARE FOOT COST OF LIBRARY CONSTRUCTION BETWEEN JULY 1, 2010 AND JUNE 30, 2011

Based on information presented in the Library Journal dated 12/1/2011, several different types of library construction costs were listed. Listed below are samples of the type of construction and the average costs per square foot.

ACADEMIC	Average cost	Total projects
New	\$237	4
Additions	\$225	2
Renovations	\$117	9
Additions and renovations	\$222	18
 PUBLIC NEW BUILDINGS	\$376 (Nation wide)	61
	\$255 (NH)	2

It appears that the above costs do not include furniture or equipment costs for the projects.

Attachment 7

Minutes Meriden Library ADA Study Committee February 25, 1:00 PM Meriden Town Hall

The meeting was convened at 1:00 PM by Rod Wendt, Committee Chair, at Meriden Town Hall, Main Street, Meriden. Attending were members Brad Atwater, Judy Hallam, Nancy Liston and Rod Wendt; Meriden Librarian Mary King; and specially invited guest was John Brown, of construction firm Estes & Gallup.

Scope of the Meeting

The purpose of the meeting was to review rough cost estimates for four different “options” of tackling ADA access to the Meriden Library. Importantly, these were NOT detailed options with plans and designs; rather they were general directions to give us an understanding of how much things might cost before we embarked on any direction:

1. **Building an access ramp to Meriden library** (recognizing that this first step requires us, ultimately, to provide full access to function spaces and an ADA-accessible bathroom).
2. **Providing full access to the Meriden Library building on its current footprint**, including access to all function spaces (via elevator) and an ADA-compliant bathroom. This would likely *reduce* the space available for media collections and meeting space.
3. **Expanding the Meriden Library building** in an accessible way, on the current site, likely expansion to the rear of the site. This would allow full access to library functions, plus open up opportunities for other non-library functions to also be housed there, a subject for community input and creativity.
4. **Building a standalone, multi-function facility elsewhere in Meriden**. Already identified potential functions – beyond a library -- include a relocated Post Office, a community/senior center, after-school center, daycare, and commuter parking. Again, this would be a “shell” to be filled and defined by community input and creativity.

The ROUGH cost estimates were prepared by John Brown of Estes & Gallup, on a pro-bono basis.

Discussion Points

1. The minutes of the 2/05/13 meeting were approved unanimously.
2. John Brown shared his cost estimates. They are summarized below, and the complete detail is available as a separate PDF file, which shall become part of these minutes.

Rough Costs for Meriden Library ADA-Accessible Options

Option	Estes & Gallup Estimate	Expected Range of Costs
Option 1 -- Install concrete ramp to access current Meriden Library front door. Requires door-entry modifications to existing stairs. <i>Note: this option would likely "trigger" requirement to also provide full accessibility to both library levels and provide ADA-compliant bathroom within a few years.</i>	\$46,111	\$40,000 to \$50,000
Option 2 -- Install Meriden Library access via side, elevator to access both levels, and ADA-compliant bathroom. <i>Note: this option would REDUCE available floor space in current library to house larger bathroom and elevator.</i>	\$226,174	\$200,000 to \$250,000
Option 3 -- Double size of Meriden Library by adding 1,600 sq. ft. addition on 2 levels, with elevator accessing both levels of both new and old construction. Includes ADA-compliant bathroom.	\$456,622	\$400,000 to \$500,000
Option 4 -- Build a new, standalone Community Center, all on one level, in a new location to house Library and other functions. Could be any size desired.	\$250 per square foot. For new 3,200 square foot facility (equal in size to Option 3), \$800,000. For 5,000 square foot building, \$1,250,000.	\$800,000 to \$1,250,000

3. Reactions to John presentation were:

- a. We greatly appreciated all the effort that went into these costs estimates. John had to make detailed assumptions about what would be done under each option, and we appreciated how much effort that requires – all for pro bono!
- b. Option 1 seems rather expensive at \$40,000 to \$50,000, but that is because it involves a permanent concrete ramp and extensive alterations to the front door to allow access from both the ramp and (modified) stairs. It is also not a “realistic” option because it would require that we follow up with adding an elevator and ADA-accessible bathroom, which could be done better under Options 2 or 3.
- c. Option 2 costs a lot but doesn’t buy us very much. Yes, it makes the Meriden Library ADA-accessible, but costs at least \$200,000 while actually REDUCING the floor space available for library functions. That’s because the elevator to access both levels and the larger ADA-accessible bathroom cut into existing floor space.
- d. Option 3 cleverly extends BOTH levels of the current library out the back, doubling the size of the current library and insuring that existing space also becomes accessible via an elevator. There was a discussion about whether we could allow the

current space to be accessible only on ONE level, and use the other for storage or “non-function” space, and then have a 1-level addition. Follow-up with Jillian Shedd and John Brown is needed.

- e. Option 4 can be as big or as small as the community would want it to be. It could also house as many or as few functions as the community desired.
 - f. The installation and maintenance costs of elevators were cited as reasons to avoid 2-level options if possible.
4. There was a general discussion about “what is next for this committee”. It was generally agreed that:
- a. Options 1 and 2 made little sense to pursue, for reasons cited above.
 - b. Options 3 and 4 should involve in the consideration and planning stages many more people in the community than simply library-related people. The Post Office, our senior community, the Plainfield School, transportation planners, daycare people, and others were cited. ***It was the feeling of the Committee that a Library-specific committee is not the proper group to carry this forward, but a properly constituted community committee would be.***
 - c. On this basis, Chair Rod Wendt should discuss with the Library Trustees how best to proceed on consideration of Options 3 or 4.

Next Steps

1. Rod Wendt will connect with Jillian Shed to better understand what NON-accessible space can be used for, and how important employee access – as opposed to customer access – is to the issue.
2. Rod Wendt will ask John Brown of Estes & Gallup how much a 1-level addition out the back of the Meriden Library would cost.
3. Rod Wendt will report back to the Trustees and express the need for further direction for considering Options 3 and 4.

The meeting was adjourned at about 3:00 PM

Respectfully submitted,

Rod Wendt, Chair

Attachment 8

Minutes Meriden Library ADA Study Committee May 22, 2013, 2:00 PM Meriden Town Hall

The meeting was convened at 2:00 PM by Rod Wendt, Committee Chair, at Meriden Town Hall, Main Street, Meriden. Attending were members Judy Hallam, Bob Kline, Amy Lappin and Rod Wendt. Also sitting in for part of the meeting was Town Administrator Steve Halleran.

Scope of the Meeting

The first purpose of the meeting was to review a new legal opinion about the ADA requirements for the Meriden Library, requested from the Disability Rights Center and received by Judy Hallam. A copy of the opinion is attached.

The second purpose of the meeting was to determine whether we should move to prepare a Final Report to the Select Board that commissioned us, and if so, what it should say.

Discussion Points

1. We reminded ourselves of the rough cost estimates received at our February 25 meeting, and the conclusion we had at that time – based on Jillian Shedd’s opinions from the Governor’s Council on Disability -- that ANY modification work on the Library building would trigger the requirement to make the building FULLY ADA accessible:

Rough Costs for Meriden Library ADA-Accessible Options

Option	Estes & Gallup Estimate	Expected Range of Costs
Option 1 -- Install concrete ramp to access current Meriden Library front door. Requires door-entry modifications to existing stairs. <i>Note: this option would likely "trigger" requirement to also provide full accessibility to both library levels and provide ADA-compliant bathroom within a few years.</i>	\$46,111	\$40,000 to \$50,000
Option 2 -- Install Meriden Library access via side, elevator to access both levels, and ADA-compliant bathroom. <i>Note: this option would REDUCE available floor space in current library to house larger bathroom and elevator.</i>	\$226,174	\$200,000 to \$250,000
Option 3 -- Double size of Meriden Library by adding 1,600 sq. ft. addition on 2 levels, with elevator accessing both levels of both new and old construction. Includes ADA-compliant bathroom.	\$456,622	\$400,000 to \$500,000
Option 4 -- Build a new, standalone Community Center, all on one level, in a new location to house Library and other functions. Could be any size desired.	\$250 per square foot. For new 3,200 square foot facility (equal in size to Option 3), \$800,000. For 5,000 square foot building, \$1,250,000.	\$800,000 to \$1,250,000

2. **Disability Rights Center Opinion** – We discussed the letter from Danielle Portal (attached) with the following reactions:

- a. The Disability Rights Center opinion differs from the Governor’s Commission on Disability opinion.
 - i. The Disability Rights Center says we should probably be able to put a simple ramp to allow access to the front of the Meriden Library WITHOUT triggering the requirement to make all the other improvements (lower level access, ADA-accessible bathroom). However, it is a little gray, with words like “MAY not force the library to...” and “...especially if it is not readily achievable...”
 - ii. In contrast, the Governor’s Commission on Disability opinion via Jillian Shedd, delivered at our December 13, 2012 conference call was much more stringent:

The Department of Justice says that IF we provide ramp access to Meriden Library, then we must also provide access to the lower level and an ADA-accessible bathroom. So, it is “complete access” or “no access”.
 - iii. The Disability Rights Center says that the existence of another, fully accessible library across town significantly reduces the requirement to make Meriden Library fully accessible.
 - iv. In contrast, the Governor’s Commission on Disability, again from the December 13, 2012 conference call with Jillian Shedd, was much more stringent:

Different operating hours are also a problem. If our inaccessible library is open when the accessible library is not, then people with disabilities have less access than those without disabilities, and that is a problem. If both libraries are open at the same times, everyone – with or without disabilities – has programmatic access.
- b. While we have been hoping for a “black & white” opinion that would allow us to do SOMETHING to make Meriden Library more accessible without triggering the requirement to do EVERYTHING, this new opinion is more in the gray area. It suggests we PROBABLY could do so without a problem, but does not say we DEFINITELY could do so without a problem.
- c. That said, someone has to lodge a complaint to trigger enforcement. The Department of Justice doesn’t roam around looking for infractions unless someone complains.
- d. Judy Hallam, who had all the discussions with Danielle Portal, said the letter had more legal disclaimers than the discussion she had with Danielle. Therefore Judy thinks the legal risk is less than the letter would suggest.

- e. We talked about the possibility of getting the Town Attorney involved to dig into this lawyer-to-lawyer, and decided against it. This is not the area of legal expertise of our Town Attorney, and we would likely spend money and time and still not get to “black & white”. We decided this was NOT a direction we should go.

3. **Adding Ramp Access to Meriden Library** – We talked about the idea of building a simple ramp to allow access to the upper level of the Meriden Library, through the front door, to make things SOMEWHAT better for access, without having to then commit to also providing access to the lower level and an ADA-accessible bathroom (like Option 2, above). Thoughts expressed were:

- a. This would go a long way to giving Judy what she would like – simple access to the building, even if it doesn’t have an ADA-accessible bathroom.
- b. Judy has talked to several seniors who no longer use the Meriden Library because the outside stairs are too steep. These were not people in wheelchairs, but people with canes or simply have trouble climbing stairs. A ramp would allow them to use the library again.
- c. We could probably do an aesthetically pleasing ramp with a 10-year or 20-year life cycle for a lot less money than the \$40K-\$50K estimate for the concrete, indestructible ramp costed by Estes & Gallup (Option 1, above). Maybe we could use pressure-treated, or better yet the newer synthetic decking materials (like Trex or Azek). Rod noted these synthetics are MUCH more expensive than pressure-treated, however. Having the ramp designed locally, and turned into a volunteer community construction project, would save money as well.
- d. If this was done in combination with having the Town of Plainfield step back and look at the need for new or reconfigured Town-owned space to serve a variety of purposes – including but not limited to the Meriden Library – that could serve as a credible defense if anyone ever claimed we had not gone far enough in making the Meriden Library accessible. “We did a partial fix by adding the ramp, and now we are looking at bigger, broader, more comprehensive solutions in the context of our assessment of Town facility needs...”

4. **Committee Recommendations** – we decided to move in the following direction:

- a. We will recommend to the Select Board that the Library Trustees consider adding a ramp to the front of the Meriden Library to allow access to the upper level, but make no more improvements or additions at this time. We think the legal risk is minimal. Ideally this could be a community project both to build community spirit and to reduce costs.
- b. Because making Meriden Library FULLY accessible is a project of at least \$400,000 (low end of Option 3, above) and maybe up to \$1,250,000 (high end of Option 4 above), and doing so as a standalone library (Option 3, above) might not be the best solution, we will recommend to the Select Board that they commission a new Study Committee, much broader in scope than the Meriden Library ADA

Study Committee, to consider the need for new or reconfigured Town-owned space that could serve a variety of purposes including, but not limited to, housing a fully-accessible Meriden Library.

- c. We will recommend that the Select Board disband the Meriden Library ADA Study Committee, as our work is done.

Next Steps

1. Rod Wendt will draft a Final Report for circulation to the Committee members for review. The report will include a summary of our work, and the above recommendations.
2. Rod will finalize the Final Report based on Committee member input.
3. Rod will schedule a meeting with the Select Board once the report is finalized.

The meeting was adjourned at about 3:30 PM

Respectfully submitted,

Rod Wendt, Chair



DISABILITIES RIGHTS CENTER, Inc.

18 Low Avenue, Concord, NH 03301-4971 • advocacy@drcnh.org • www.drcnh.org
(603) 228-0432 • (800) 834-1721 voice or TTY • FAX: (603) 225-2077

May 2, 2013

Ms. Judy Hallam
PO Box 310
Meriden, NH 0370

Dear Ms. Hallam:

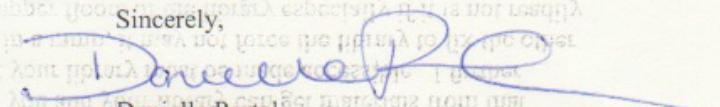
Thank you for contacting the Disabilities Rights Center regarding your questions about the accessibility of your town library. I am writing this letter in follow up to our last telephone conversation where you asked for clarification on the advice provided during your intake appointment.

As I advised during your intake appointment, the law that applies to towns and government is Title II of the Americans with Disabilities Act. I advised you that as there is another, larger library that is accessible to you and your library can get materials from that library, there is not a strong argument that your library must be made accessible. I further advised that if your library decided to put in a ramp, it may not force the library to fix the other accessibility issues, such as access to the upper floors of the library especially if it is not readily achievable for the library to be made accessible. At that time you informed me that you did not think that the library would be able to make all the floors accessible. I did explain that if the library puts in a new edition or wing, then that aspect of the library should be made accessible. I also forwarded you some information from the U.S. Department of Justice about Title II of the ADA for your review.

Finally, I advised that the library is required to assure access to programs held inside the library, such as community events or clubs. I suggested that you speak with your township about moving any community events held in the library to a location that is accessible to you and other individuals with disabilities.

I hope that this information has been helpful. Should you need assistance with this or another legal matter in the future, please do not hesitate to contact our office and schedule a new intake appointment.

Sincerely,



Danielle Portal
Intake Attorney

Protection and Advocacy System for New Hampshire

Attachment 9

Detailed Cost Estimates by Estes & Gallup

(See Separate 23-page PDF)