

Town of Leverett

Americans With Disabilities Act Policies

Under the Americans with Disabilities Act (ADA), neither the Town nor any of its Departments may refuse to allow a person with a disability to participate in any service, program, or activity solely because the person has a disability. The Town must provide a reasonable accommodation to a person with a disability who meets essential eligibility requirements of the service, program or activity unless the provision of such accommodation would fundamentally alter the nature of the services, program or activity or would be an undue hardship. Generally, the Town must provide all programs and services in an integrated (mixed) setting (rather than creating special programs just for people with disabilities). Separate or different measures may under limited circumstances be appropriate to ensure equal opportunity. All Town-sponsored public meetings and hearings must be held only in locations that are accessible to people with disabilities, including people who use wheelchairs.

Additionally, the Town must make reasonable modifications to policies, practices, and procedures that create barriers to equal access for individuals with disabilities, unless such modifications would fundamentally alter the nature of the program or services or cause an undue hardship. The Town adheres to the principle that eligible individuals with disabilities must be provided an equally effective opportunity to participate in or benefit from the Town's programs and services subject to the requirements discussed above. The ADA provides for equality of opportunity, but does not guarantee equality of results. The Town may not impose eligibility criteria for participation in its programs, services, or activities that either screen out or tend to screen out persons with disabilities, unless it can show that such requirements are necessary for the provision of the service, program, or activity. For example, a Town recreational program could not impose a blanket requirement that all wheelchair users bring an attendant in order to participate in the program.

The Town may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. However, the Town must ensure that its safety requirements are based on real risks, not on speculation, stereotypes, or generalizations about individuals with disabilities.

The Town will not discriminate on the basis of disability in contracting for the purchase of goods and services. Town contracts should contain civil rights and nondiscrimination language that includes disability as a protected category. The Town will not discriminate on the basis of disability in its licensing, certification, and regulatory activities. A person is a "qualified individual with a disability" with respect to licensing or certification, if that person can meet the essential eligibility requirements for receiving the license or certification.

Building Accessibility

Under the ADA, the Town is required to operate all its activities, services and programs so that, when viewed in their entirety, they are readily accessible to and usable by qualified individuals with disabilities. Consequently, qualified individuals with disabilities cannot be excluded from Town programs, services, and activities because buildings are inaccessible. However, the Town need not remove physical barriers, such as stairs, in all existing buildings, as long as it makes its programs accessible to individuals who are unable to use an inaccessible existing facility.

The Town can provide the services, programs, and activities offered in an inaccessible building to individuals with disabilities through alternative methods, if physical barriers are not removed, such as by relocating a service to an accessible facility, e.g., moving a public information office from the third floor to the first floor of a building, or providing benefits or services at an individual's home, or at an alternative accessible site.

Notwithstanding this, all Town-sponsored public meetings and hearings must be held in locations that are accessible to people with disabilities, including people who use wheelchairs.

Communication Accessibility

The Town is committed to ensuring that its communications with individuals with disabilities are as effective as communications with others. In order to provide equal access, the Town will make available appropriate auxiliary aids and services where necessary to ensure effective communication. Auxiliary aids and services include a wide range of services and devices that promote effective communication. As further set forth below, the Town is not required to provide a particular auxiliary aid or service if to do so would result in a fundamental alteration of the service, program, or activity or an undue hardship.

Examples of auxiliary aids and services that may be effective for individuals who are deaf or hard of hearing may include, but are not limited to: qualified sign language interpreters, note takers, computer aided real-time transcription (CART), telephone handset amplifiers, individual assistive listening devices, open and closed captioning, telecommunications devices for deaf persons (TTYs or TDDs), exchange of written notes

Examples for individuals with vision impairments may include, but are not limited to: qualified readers, taped texts, audio recordings, Braille materials, large print materials, screen readers

Examples for individuals with speech impairments may include, but are not limited to: TTYs or TDDs, speech synthesizers

The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the needs of the individual and the length and complexity of the communication involved. A simple exchange of written notes may be all that is

necessary for a brief transaction with a deaf person. Sign language or oral interpreters, for example, may be required when the information being communicated in a transaction with a deaf individual is complex, or is exchanged for a lengthy period of time (e.g., a lecture or meeting). Factors to be considered in determining whether an interpreter is required include the context in which the communication is taking place, the number of people involved, and the importance of the communication.

Written communications provided by the Town, ranging from newsletters to public meeting announcements to tax bills are subject to the requirement for effective communication. Thus, where a Town department provides information in written form, it must, when requested, make that information available to individuals with vision impairments in a form that is usable by them. Conversely, where some Town communications are customarily only in electronic format, e.g. webpages or e-mail, that information should be provided in alternative formats upon request to individuals whose disability prevents them from accessing that electronic format.

When an auxiliary aid or service is required, the Town must provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individual. "Primary consideration" means that the Town must honor the choice, unless it can demonstrate that another equally effective means of communication is available, or that use of the means requested would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens.

It is important to consult with the individual to determine the most appropriate auxiliary aid or service, because the individual with a disability is most familiar with his or her needs and is in the best position to determine what type of aid or service will be effective.

For assistance in determining the appropriate auxiliary aids and services, contact the Massachusetts Commission for Persons with Disabilities.

ADA Public Notification

As part of the Town's ongoing efforts to achieve compliance with the ADA, the attached public notice has been posted in each Town building.

All Department Heads should ensure the attached ADA notice is posted on an ongoing basis in a prominent public location within each building where your offices are located. In addition, brochures, flyers, meeting announcements, newsletters, and all other publications produced by any Town department for distribution to the public should include the following notice: The Town of Leverett does not discriminate on the basis of disability. The Town may provide auxiliary aids and services, written materials in alternative formats, and reasonable modifications in policies and procedures to qualified individuals with disabilities. For information contact: Marjorie McGinnis, ADA Coordinator at townadministrator@leverett.ma.us or 413-548-9699.

Maintenance of Accessibility Features in Town Facilities

It is the Town's responsibility, under the ADA, to maintain, in good working order, all equipment and features of Town facilities that are required to provide ready access to individuals with disabilities. Wherever an accessible route is provided by the Town to one of its facilities, this route must remain accessible and not blocked by obstacles such as furniture, filing cabinets, and potted plants. An isolated instance of placement of an object on an accessible route would not be a violation of the ADA, if the object is promptly removed. Similarly, accessible entrance doors must be kept unlocked (and automatic door openers kept active) whenever a Town facility is open for business, including for public meetings and hearings (whether held during daytime hours or evenings and weekends).

All such equipment should be tested on a regular basis to ensure it is in good working order. If the equipment is not working properly, Department Heads shall undertake immediate corrective measures to repair the equipment. All accessibility equipment should be on a routine schedule of preventive maintenance. Chronic disrepair of accessibility equipment, despite repeated efforts to fix and maintain the equipment, should trigger an assessment of whether the equipment should receive a more thorough overhaul or a complete replacement. Depending on costs and the department's operating budget, this may necessitate a request through the Town's capital budget process.

Mechanical failures in equipment such as elevators or automatic door openers will occur from time to time. Isolated interruptions in use due to servicing and repairs are not in violation of the ADA. The Town's obligation to ensure that facilities are readily accessible to and usable by individuals with disabilities would be compromised, however, if repairs are not made promptly or if improper or inadequate maintenance causes repeated and persistent failures. Therefore, all Department Heads should enact procedures to ensure these obligations are met. Every Department Head should examine each facility over which he or she exercises responsibility, and be familiar with the equipment necessary to provide access, such as wheelchair lifts, elevators and automatic doors.

Service Animals

Service animals are defined as animal that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly

related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

The Town of Leverett allows service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.

Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove the service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- Staff are not required to provide care or food for a service animal.



TOWN OF LEVERETT
Massachusetts 01054

Town of Leverett
Americans with Disabilities Act Public Notice

The Town of Leverett does not discriminate on the basis of disability in admission to, access to, or operation of its programs, services or activities. The Town of Leverett does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act (ADA) and by Section 504 of the Rehabilitation Act of 1973.

Questions, complaints or requests for additional information may be sent to:

Marjorie McGinnis, ADA Coordinator
9 Montague Road, Leverett, MA 01054
townadministrator@leverett.ma.us
413-548-9699



Persons with disabilities who need either auxiliary aids and services for effective communication, written materials in alternative formats, or reasonable modifications in policies and procedures in order to access programs and activities of the Town of Leverett, are invited to make their needs known to program staff or to the ADA Coordinator.

Keep this notice posted in a prominent public place. This notice is available in alternative formats, including audiotape and electronic media from the ADA Coordinator.