**ADA ACCESSIBILITY COMMITTEE MEETING MINUTES**

**June 10, 2021**

Virtual Meeting 6:43 p.m to 7:50 p.m.

**Attendees:** Harry Bertino, Jacqueline Herlihy, Katrina Laczkow, Karen Beek, Maureen Patti, Joseph Feiner

Meeting called to order by Maureen Patti at 6:43 p.m.

Ms. Patti suggested four items for discussion.

1. Selecting a committee Chair
2. Selecting a member to be responsible for taking notes and preparing meeting minutes
3. Rescheduling the walkthrough as General Manager C. Smith is not available on the 17th of June.
4. The expected expiration of Emergency Order #12 on June 11th

Mr. Feiner introduced himself to the Committee and described his perspectives on the purpose/goal of the ADA Accessibility Committee. Joe suggested there could be circumstances where the need for creating access means exceeding the requirements of the ADA.

Discussion began with the expiration of Emergency Order #12. Ms. Patti explained that meetings of public bodies (including this committee) will have to take place in a physical location – the way meetings were conducted before Covid-19. She explained that the district cannot, in the judgment of legal counsel, simply allow committee members whose primary residence is outside of the area to participate via Zoom. NH law, currently, only allows for members of public bodies to participate electronically or by phone when “such attendance is not reasonably practical” or if there is an emergency meeting (RSA91-A:2, III (a) & (b)). Living out of the area is, based on counsel’s judgment, not going to meet the definition of “not reasonably practical.” There is some action in Concord to review and possibly change this area of the law. The expectation, however, is that any change would not occur until later this summer. A suggestion was made to, when necessary, take action to name those committee members who cannot attend physical location meetings regularly as affiliates of the committee. That way, a quorum could assemble locally and have the other volunteers participate but not vote via Zoom or another platform. Ms. Beek and Mr. Feiner expressed a willingness, if necessary, to shift to a non-member status while continuing the important work of ensuring the municipal buildings provide access for all people to enjoy the amenities and recreational programming.

The committee members determined, if the date and time works for WEVD GM Corey Smith, that the next meeting would be at a physical location (the Community Center) with no agenda except to perform a walkthrough of the Ski Lodge and the Community Center. Tentatively, the date is Wednesday, June 23rd at 10 a.m.

Ms. Beek nominated Jacqueline Herlihy for Chair. After a brief discussion, all members voted “yes” – with the exception of Ms. Herlihy voting for herself. There was brief mention of the roles and responsibilities of advisory committee chairpersons. Identifying goals and creating a mission statement was also discussed briefly.

The decision about who will take notes and prepare the meeting minutes was delayed until the issues surrounding the expiration of Emergency Order #12 have been addressed.

Questions were raised by one member of the committee regarding whether the usage by the public impacted whether District facilities are governed by Title II or Title III of the ADA. After sharing the opinion of the district’s attorney, that WEVD is governed by Title II, Ms. Patti pledged to have further dialogue with counsel on this issue. A question was raised about whether WEVD is subject to the provisions of Title I of the ADA as well.

Discussion occurred regarding identifying potential consultants to aid the committee by evaluating accessibility issues. Ms. Patti suggested an expert could help the committee provide guidance to the Commission with a prioritized list of ADA compliance projects. Mr. Feiner suggested Ms. Patti put together a list of the projects for repair and upgrade to District facilities to assist the committee.

Ms. Patti pledged to do the following:

1. Seek an update to the accessibility memo from our GM.
2. Consult with District counsel about whether usage of the two facilities (Ski Lodge and Community Center) impacts whether the district is governed by Title II or III of the ADA.
3. Share some materials from NHMA and the US Department of Justice.
4. Gather information about consultants who can evaluate the facilities and advise the Committee about what changes, if any, are needed. She asked committee members to make suggestions of possible consultants. She plans to provide the committee with CVs or resumes of each at the next regular meeting following the walk though.

Mr. Feiner made a motion to adjourn. Ms. Beek seconded. It was passed by unanimously at 7:50 p.m.

Prepared by: JACQUELINE HERLIHY on June 13, 2021.