

Voluntary Resolution Agreement
Wilmot Board of Selectmen
Complaint No. 01-13-4017

The U.S. Department of Education, Office for Civil Rights (OCR) initiated an investigation of the above-referenced complaint under Title II of the Americans with Disabilities Act of 1990 (Title II). The Town of Wilmot Board of Selectmen (Board) agreed to take the following steps to resolve concerns identified by OCR in its investigation.

1. The Board will make corrections to physical access components identified in the Appendix attached to the Agreement;
2. The Board will notify OCR by email when:
 - a. it completes each item;
 - b. it announces its request for bids to correct items 4, 6, and 7;
 - c. it selects a contractor;
 - d. it approves the budget; and
 - e. the contractor begins work.
3. The Board agrees to resolve all physical access concerns identified in the Appendix one year from the date on which the Board signs this Agreement.

The Board understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the Board understands that during the monitoring of this Agreement, OCR may visit the Board, interview staff and request such additional reports or data as are necessary for OCR to determine whether the Board has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title II which were at issue in this complaint.

The Board understands that OCR will not close the monitoring of this Agreement until OCR determines that the Board has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title II at 28 C.F.R. §§35.149-35.164.

The Board understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the Board written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

For the Board:

/s/ _____
Chairman of the Board

Date

Wilmot Public Library
Complaint No. 01-13-4017
Appendix to Resolution Agreement

This Appendix lists physical access components that were identified for correction as a result of the December 3, 2013 OCR site visit to the Wilmot Public Library conducted as part of the OCR investigation of this matter. All standards used below are consistent with the 2010 Americans with Disabilities Act Standards for Accessible Design (ADAAG).

1. Accessible Parking - Accessible parking space, although identified with sign, is not lined and there is no striped area for passenger loading van.
 - a. Accessible parking space and access aisle will be lined and striped (96" wide parking space, and 96" wide access aisle) to comply with Section 502 parking spaces and Section 503 passenger loading zone.
2. Path to accessible entrance - Gap and lip between wood platform in front of accessible entryway, and paved accessible path, exceeds permissible ¼" change in level, without beveling or ramp.
 - a. Wood will be beveled or metal strip added to create beveled surface in compliance with Section 403 (which incorporates Section 303 by reference)
3. Signage indicating accessible entrance - Inaccessible main entrance does not have signage to indicate location of accessible entrance.
 - a. Sign will be placed at inaccessible main entrance indicating location of accessible entrance, in compliance with Section 216.6
4. Sink placement in accessible bathroom - Bottom edge of sink apron is too low, at 27 ¾" above floor. This does not permit needed knee clearance for any possible wheelchair users. Sink structure and placement does not result in height or knee clearance required by accessibility standards.
 - a. Sink will be moved or replaced to comply with Section 606.2 knee clearance, referencing 306 knee and toe clearance, and with Section 606.3 height. Note that pipes must be covered in compliance with Section 606.5.
5. Mirror placement in accessible bathroom - Lower edge of mirror is too high, at 42 ½" above the floor.
 - a. Mirror will be lowered so that bottom edge of reflective surface is maximum 40" above floor, or alternate full length mirror will be provided, to comply with Section 603.3.
6. Toilet placement in accessible bathroom - Toilet center line is 23 ½" from side wall, which is too far.

- a. Toilet will be moved or false wall installed with sufficient strength to support use of side grab bar, so that toilet center line is 17"-19" from side wall, in compliance with Section 604.2 toilet location.
7. Toilet flush control in accessible bathroom - Flush control is on interior side of toilet (side closest to wall).
 - a. Flush control will be replaced with automatic control, or be moved to exterior side of toilet to comply with Section 605.4, flush controls, that references 309 operable parts.
8. Side grab bar height in accessible bathroom - Side grab bar is 29 ½" above the floor which is too low.
 - a. Side grab bar will be raised to minimum 33" off floor to comply with Section 609.4, position of grab bars.
9. Rear grab bar in accessible bathroom – There is no rear grab bar.
 - a. Rear grab bar will be installed in compliance with Sections 604.5.2, rear wall grab bar, and 609 grab bars (generally).