

Town of Newburgh, Indiana

ADA Transition Plan

Adopted March 27, 2013



Prepared By:



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LEGAL REQUIREMENTS

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals based on disability. The ADA consists of five titles outlining protections in the following areas:

- Employment
- State and local government services
- Public accommodations
- Telecommunications
- Miscellaneous Provisions

Title II of the ADA is a section that pertains to the programs, activities, and services that public entities provide. Since the Town of Newburgh provides public infrastructure programs for mobility of pedestrians, the organization is committed to comply with this section of the Act. Title II of the ADA provides that, “no qualified individual with a disability shall, by reason of such 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 such entity.” (42 U.S.C. Sec. 12132; 28 C.F.R. Sec. 35.130).

As required by Title II of the ADA, the Town of Newburgh is conducting a self-evaluation of its facilities and has developed this Transition Plan to detail how the organization will ensure that all of its pedestrian facilities within public right of way are accessible to all individuals.

Title II of the ADA is companion legislation to two previous federal statutes and regulations; the Architectural Barriers Acts of 1968 and Section 504 of the Rehabilitation Act of 1973.

The Architectural Barriers Act requires access to facilities designed, built, altered, or leased with Federal funds. Passed by Congress in 1968, it marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of the ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

When addressing accessibility needs and requirements, it is important to note that the ADA and Title II do not supersede or preempt state or local laws that may offer equivalent or greater protections.

INTRODUCTION

In general, the purpose of this plan is to ensure that the Town of Newburgh creates reasonable, accessible paths of travel in the public right-of-way for everyone, including people with disabilities. Over 20 years ago, the Town of Newburgh made significant and long-term commitments to improving the accessibility of their pedestrian facilities by adopting ADA guidelines into their construction standards. Those standards have since evolved and changed for the betterment of society as a whole. This Transition Plan, specific to ADA accessibility within public right of ways, identifies physical barriers and prioritizes improvements that must be made throughout the Town of Newburgh to meet the intended goals. Since this plan is the predecessor of previous accessibility plans, this Pedestrian Facilities in the Public Right-of-Way Transition Plan briefly describes some of the existing policies and programs used to enhance the overall pedestrian accessibility.

TRANSITION PLAN OVERVIEW

All street projects since 1990 have included curb ramps. Over the past twenty years, the guidelines surrounding ADA accessibility have evolved and changed. Therefore, public works projects since 1990 may not meet the evaluation criteria considered acceptable today. The standards should be updated and expanded to include all sidewalks curb and cross walks so that they comply with the United States Access Board, a federal agency committed to accessible design. Without these actions, the Town could be compelled to conform to meeting the ADA accessibility requirements at the Town's expense.

The technical standards used in this report reference the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right of Way dated July 26, 2011. In 2002, the Town of Newburgh adopted a Sidewalk Replacement Program. Since 2007, the Town has an approved agreement with the Indiana Department of Transportation (INDOT) for the Safe Routes to Schools program. This funding will provide \$250,000 for improvements to the deteriorating pedestrian facilities along two arterial roads within the Town, including State Street and Jennings Street. The formal Pedestrian Facilities in the Public Right of Way Transition Plan to identify right of way barriers and prioritize improvements was started in 2002 and is being furthered with the intent of adoption of this formal plan at the end of 2012. The Transition Plan used to implement compliance must include:

1. A list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
2. A detailed outline of the methods to prioritize the barriers removal and make the facilities accessible;
3. Schedule for taking the necessary steps to achieve compliance with Title II;

4. The name of the official responsible for the plan's implementation.

Transition plans provide a method for a public entity to schedule and implement ADA required improvements to existing streets and sidewalks. Before a transition plan can be developed, an inventory of the current curb ramps and sidewalks must be developed.

SIDEWALK ADVISORY COMMITTEE

In 2002, the Town of Newburgh inventoried all of its pedestrian facilities in an attempt to determine needs to make progress towards getting the existing facilities useable. At the time, there were several corridors throughout the Town in need of improvements. The Sidewalk Advisory Committee was the predecessor of the original ad hoc committee that studied sidewalk needs. The primary purpose was to determine accessibility program needs and provide guidance to the Town Council on innovative programs that would assist with getting the Town's sidewalks in useable condition. This initial group consisted of one Town Council Member, Anne Rust-Aurand and the Town Engineer, David Hynes. The relevant outcome of the committee was the formation of a shared expense sidewalk replacement program that the Town Council adopted in 2002. A copy of the program can be found in **Appendix A**.

To further the Towns' commitment of walkable and accessible sidewalks, the Newburgh Town Council commissioned the Sidewalk Advisory Committee in 2007. This committee is comprised of professionals that are employed or otherwise retained by the Town of Newburgh. The Committee includes Town Council Members, William Kavanaugh and Alonzo Moore; Town Manager, Lori Buehlman; Town Attorney, Tom Bodkin; and Town Engineer, David Hynes. The purpose of the committee is to provide oversight for the various sidewalk related construction projects throughout the Town that are under design or construction. The committee meets on an "as needed" basis.

DETAILED SELF EVALUATION OF FACILITIES WITHIN PUBLIC RIGHT-OF-WAY

This Pedestrian Facilities in the Public Right of Way Transition Plan identifies physical barriers and prioritization improvement scenarios that must to be made within the Town of Newburgh to comply with current ADA standard guidelines. The Town has approached many capital improvement projects with the philosophy of using funds to maintain what already exists and to exert thoughtful planning efforts for future needs. This endeavor follows that rational.

In this report, the evaluation is broken down into three basic phases. The first phase is intended to identify intersections that are potentially compliant. The criterion for minimal compliance is shown in **Figure 1**.

<u>FIGURE 1</u>	
1. Curb Ramps	Y / N
a. Landing	Y / N
b. Detectable Warnings	Y / N
2. Sidewalks	Y / N
a. Sidewalk Obstructions	Y / N
b. Passing Space	Y / N
c. Surface – Continuous	Y / N



The second phase is the need to repair or replace the existing pedestrian facilities that do not comply with current ADA standards. The third phase is a planning event to look at the entire corporate limits of the Town and determine how best to make the urban setting accessible to pedestrian traffic. As this dynamic plan evolves, it shall describe and prescribe the existing and future policies to achieve this endeavor and make recommendation on programs to enhance the overall pedestrian accessibility issue.

The concept is straightforward, identify what components of the system work, identify what components need to be rehabilitated or replaced, and identify what the future needs are in order to make the system work throughout the corporate limits of the Town.

PRELIMINARY EVALUATION

The Preliminary Evaluation of the intersections was completed in 2012. The purpose of this evaluation was to determine which intersections are obviously non-compliant with the ADA Guidelines, get the highest priority intersections at the top of the prioritization repair or replacement list, and to get a comprehensive overview of the program necessary to complete a pedestrian network throughout the corporate limits of Town. The preliminary inventory evaluates criteria for existing curb ramps and criteria for the sidewalks network that connects the ramps.

In more detail, the Preliminary Evaluation utilizes a combination of available aerial and street-level photography to view each intersection. In addition to readily available mapping, the inventory maps generated as part of the 2002 Sidewalk Study were used to determine where sidewalk replacement was needed and where installation of future sidewalks is appropriate to meet guidelines. An important factor used to evaluate condition of the existing sidewalk was the existence of a physical sidewalk. If the sidewalk does not exist, it obviously cannot be compliant. If the curb ramps and sidewalks do not meet the criteria, then that intersection does not need further evaluation, it is in grievance with the ADA Guidelines. If the ramp meets the stipulated criteria according to the criteria listed in previous section, then that intersection is listed as “potentially compliant.” There may be a need for further investigation that might require a Detailed Evaluation to determine if the ramp fully complies with all aspects of the ADA Guidelines.

DETAILED EVALUATION

Mapping was used to identify the location of existing sidewalks and to categorize the condition of the walkway. The existing intersections that needed to be physically evaluated were quickly identified and assigned a designation number. The existing facilities required fieldwork at the intersections. The remaining sidewalks were graded in 2002. The rating will be described in further detail in another section of this report. Specific physical attributes, such as width, running slope, gaps in the curb ramp or sidewalk, and physical barriers within the walkway were

used to determine compliance to the identified ADA barriers. The data was compiled and recorded, and can be found in **Appendix B**. The result from this evaluation is a detailed listing of the ADA barriers at intersections throughout the Town limits. **Appendix B** provides greater detail on the faulty elements of the sidewalk facilities. The table below provides an overall assessment of the condition of the existing and future sidewalk network.

TABLE 1

Item	Quantity	Implementation Schedule	Replacement/ Cost Installation
Sidewalks Existing (Total)	13.5 Miles		
Sidewalk to be Replaced	2.0 Miles	10 Years	\$211,200
Sidewalks in Marginal Condition	1.3 Miles		
Sidewalks in Good Condition	10.2 Miles		
Sidewalk (Future)	20 Miles	On-Going	\$2,918,667
Intersections Studied	95 Each		
Barrier Removal	13 Each	10 Years	\$18,600
Ramps Needing Reconstruction	58 Each	10 Years	\$63,800
		TOTAL	\$3,212,267

REMOVING BARRIERS

METHODS

The Town of Newburgh is faced with the same economic hardships as many other communities. Funds for capital improvement projects are very limited. As such, creative approaches to solving these issues are needed to keep momentum going with the efforts to achieve the goals of the federally mandated program. Not all of the activities needed to comply with this Pedestrian Facilities in the Public Right of Way Transition Plan are brick and mortar improvements. Removal of barriers in the public right-of-way and reconstruction of ramps at intersections are examples of brick and mortar projects. Elements of the program, such as responding to public grievances, and ensuring the appropriate design and construction of new facilities are following the most recent design guidelines, are equally as important. Outdated standards will result in substandard construction and the cost to repair these deficiencies may ultimately be the burden of the Town. Grievances inadequately addressed could result in litigation that results in costly legal fees and federal mandates leveled by the Department of Justice (DOJ).

PRIORITIES

Many factors must be considered when ranking improvements. Primarily, the ability of the residents, whether disabled or not, to safely navigate the arterial routes in the Town. In Newburgh, these routes are Sharon Road, Jennings Street/French Island Trail, State Street, Frame Road, and Ellerbusch. The collector roadways are Hillcrest Street, Outer Gray Street, and Jefferson Street. These roadways have been given top priority for roadways needing pedestrian walkway improvements to comply with ADA standard guidelines. Within this report, there is a breakdown showing the estimated costs to achieve compliance along all existing routes. The definition of street designations within the Town of Newburgh can be found in **Figure 2**.

The initial task should be to accomplish projects along the most traveled routes, which will benefit the greatest number of people using the pedestrian network. The focus should then move to collector streets, followed by local streets. In addition to this relatively simple approach to prioritization, the Town of Newburgh should base barrier removal priorities on other factors, which include special request, location, condition, priority ranking, cost effectiveness, and any other pertinent considerations of the removal.

Special requests to accommodate people with disabilities should be given special consideration. The Town should give priority to any site where a disabled person has requested help.

FIGURE 2

ARTERIAL STREET

A street that serves the major movement of traffic within or through a metropolitan area. Such roads include:

- Jennings Street/French Island Trail
- State Street
- Frame Road
- Ellerbusch Road
- Sharon Road

COLLECTOR STREET

A street serving internal traffic movement and providing access to arterial streets. For the purposes of these standards, any roadway with projected trip end generation over 1000 shall be considered a collector roadway.

- Hillcrest Street
- Gray Street / Outer Gray Street
- Jefferson Street
- Main Street

LOCAL STREET

A street whose primary function is to provide access to immediately adjacent lands. It generally serves the residential and minor commercial areas of the community. For the purposes of these standards, any street with projected trip end generation from 60 to 999 shall be considered a local street.

- Include all streets in Town, except those named under other classifications

LOCATION PRIORITY

According to the Accessible Rights-of-Way: A Design Guide, “the DOJ regulation imposes a specific construction requirement...specifies a priority for locating (curb ramps) at state and local government offices and facilities, transportation, places of public accommodation, places of employment, and other locations.” Following this guidance, the Town identified its location priority as follows:

1. Intersections serving government facilities
2. Intersections serving commercial and employment centers
3. Intersections serving other areas

This DOJ guideline is generally commensurate with the recommendations outlined in the first paragraph of this section. It holds true that the concentration of business and government centers are located along arterial streets.

ACCESSIBILITY CONDITION

Using the data from the evaluation of curb ramps and sidewalk condition, the priority again focuses first on arterial streets, then collector streets and finally local streets. The chart below further breaks down the improvement categorically. This breakdown may help with realizing how best to approach funding of the program.

TABLE 2

Street Designation	No. of Ramps	Amount	Length of Sidewalk	Implementation Period	Amount
Arterial Street	15	\$16,500	0.50 Miles	10 Years	\$52,800
Collector Streets	12	\$13,200	0.20 Miles	10 Years	\$21,120
Local Streets	31	\$34,100	1.30 Miles	10 Years	\$137,280
TOTAL		\$63,800		TOTAL	\$211,200

There are 13 physical barriers exist that make travel difficult or not accessible for individuals with disabilities. The breakdown of these barriers is as follows:

TABLE 3

No.	Description	Quantity	Relocation/Removal Cost
1	Utility Pole Obstruction	5	\$12,500
2	Light Pole Obstruction	4	\$4,000
3	Sign Obstruction	3	\$600
4	Tree Obstruction	1	\$1,500
TOTAL			\$18,600

The utility pole obstruction is projected to have the largest cost associated with relocation. This cost is not necessarily born by the Town. Utility companies, by law, have the right to be located in the right of way. Safety issues trump their right to occupy the right of way when the utility interferes with the traveling public. A case can be made that the utility company must relocate because the utility's location negatively affects the transportation network.

Conversely, most light poles are owned by the Town and the cost to relocate is incumbent upon the Town. Ownership of the poles must first be determined. There are four light pole obstructions noted with a total cost of \$4000. Relocation of the fixtures is a short-term attainable goal because of the relatively low cost associated with relocation.

Items 3 and 4 in Table 3 (above) are all under the control of the Town. Street signs can easily be relocated using Town crews. The low cost associated with tree removal is reasonable and on a short timeline to complete the task.

Obstruction removal should be the highest priority because the existing infrastructure is not usable by individuals with certain disabilities. It is reasonable to plan for the removal of all obstructions noted and mapped in Appendix B to be remedied within the next five years.

PRIORITY RANK

In order to determine the overall priority of an intersection, or the Priority Rank, the Town followed the methodology previously described. The Town determined the priority of improvements by identifying which of the groupings are good, marginal, or in need of replacement. The maps found in **Appendix B** show color coded designations assigned according to the table below.

GOOD	MARGINAL	REPLACEMENT
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Again, the methodology is straightforward. The priority intersections shown on the mapping found in **Appendix B**. Keep in mind the designation for roadway classifications. That

designation will generally show the first order of magnitude for the improvements scheduled in the replacement program. The determination of identifying which sidewalks facilities are first to be replaced is further broken down by the identifying improvement priorities within government facilities and commercial districts.

POLICIES

PUBLIC GRIEVANCE PROCESS

The public grievance process is an integral part of the Transition Plan. In 1992, the Town of Newburgh adopted Ordinance No. 1992-9 Concerning the Employment of Qualified Disabled Persons and Establishment of a Grievance Procedure. As previously mentioned in the Priority Ranking Section, Public grievances or requests may often drive the prioritization of improvements. The ordinance, in its entirety, can be found in **Appendix C**. The grievance policy or request regarding accessibility of a sidewalk or curb ramp is fully described in this document. The ADA Coordinator will route this information to the appropriate department for the Town of Newburgh for inspection and action. All grievances or requests will be kept on file and include responses by the Town.

NEW CONSTRUCTION AND ALTERATIONS

In order to ensure that the correct design of curb ramps, sidewalks, and crosswalks are applied in new construction and alterations, the Town of Newburgh should adopt the proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way. With the adoption of these federal guidelines, intersection improvement projects or new construction projects that affect curb ramps, sidewalks, and crosswalks will be built to current ADA design guidelines, where possible.

REPORTING

The Town of Newburgh should use a tracking mechanism to identify where improvements have been made to the pedestrian network since the adoption of this policy. On an annual basis, the Town should compile a list of improvements along with expenditures connected with the improvements. This information is valuable to evaluate progress, reset priorities at the beginning of each year, and to show that progress is being made to achieve the goals established for the program. The report should be filed and available for review by such agencies as the INDOT, the DOJ, and citizens.

TRAINING

The Town of Newburgh should consider training programs to ensure that its committee and staff members are prepared for implantation of the Pedestrian Facilities in the Public Right-of-Way Transition Plan. There are several different training programs to consider. The choice by the

Town for individual training should depend upon the level of involvement of each committee or staff member. After the initial training, follow-up training will be provided on an annual basis.

SIDEWALK COMMITTEE AND STAFF TRAINING

On the National level, the ADA National Network, sponsored by the US Department of Education, provides information, guidance, and training on the Americans with Disabilities Act (ADA) that is tailored to meet the needs of business, government, and individuals at local, regional, and national levels. The ADA National Network consists of ten Regional ADA National Network Centers located throughout the United States that provide local assistance to ensure that the ADA is implemented wherever possible. Indiana is within the Great Lakes region. The agency is not an enforcement or regulatory agency, but a helpful resource supporting the ADA's mission to "make it possible for everyone with a disability to live a life of freedom and equality. Each year, there is an ADA symposium held to educate those with connections to achieving ADA compliance. In 2013, the ADA symposium will be held in California. For more information, use a web portal at www.adasymposium.org.

On the local level, Purdue University hosts an annual Purdue Road School. The purpose of the program is to educate design professionals, elected officials, and municipal workers on hot button topics that are facing government entities. The mission statement for the program is as follows:

The Joint Transportation Research Program serves as a vehicle for INDOT collaboration with higher education institutions and industry in Indiana to facilitate innovation that results in continuous improvement in the planning, design, construction, operation, management, and economic efficiency of the Indiana transportation infrastructure.

ADA issues are standards topics discussed at this training program.

ESTIMATED CONSTRUCTION COSTS

Preliminary costs presented in this report are a reflection of the actions necessary to achieve compliance with the intent of the ADA guidelines. It is fully expected that this plan will be implemented as directed by the elected officials of the Town. Available funding will dictate the size and range of projects that will be undertaken in any given year. The timeframes to accomplish the improvements presented in this report are based on reasonable projections based on professional judgment. These timeline projections are in no way meant to bind the Town to commitments that are unattainable. It is highly recommended that this plan be viewed as dynamic and be given the same yearly re-prioritization that is provided to any other programs undertaken by the Town. Further, these estimates reflect the cost of improvements that will be

completed by a hired contractor. The Town does not employ forces with the skill and work force to remove and replace concrete sidewalks and ramps.

SCHEDULE

The Town of Newburgh will make reasonable efforts to improve the accessibility of pedestrian facilities in the public right-of-way by appropriating funding specifically for ADA compliance through its' Town Council. The Council will determine the appropriate and reasonable contribution to spend each year. As stated in the Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way, "compliance is required to the extent practicable within the scope of the project." There will be the occasion when the guideline parameters cannot be met.

The Town has tentatively budgeted \$30,000 a year for a ten-year period to modify or replace existing infrastructure. The Council's plan is to continue to budget \$30,000 per year until the goals are met for a viable pedestrian network.

Priority areas scheduled for replacement in this report are based on reasonable assumptions considering available information and field data. This plan should be viewed as a general guide subject to yearly evaluation.

The Town of Newburgh will follow the concept of Program Access under Title II of the ADA, and this plan provides the map to attain that goal. Program Access does not necessarily require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities, as long as the program as a whole is to attain accessibility. Under this concept, the Town may choose to install a sidewalk at some locations while not others as long as reasonable paths of travel are within the existing network.

RESPONSIBLE INDIVIDUAL

The official responsible for the implementation of the Town of Newburgh Pedestrian Facilities in the Public Right of Way Transition Plan for the pedestrian facilities in the public right-of-way is:

Lori Buehlman
Town Manager
23 W. Jennings Street
P.O. Box 6
Newburgh, IN 47629
Email: lbuehlman@newburgh-in.gov
Phone: 812.853.3578
Fax: 812.853.1727

PUBLIC INPUT

The Town will provide opportunities for individuals to comment on this Transition Plan. The tentative schedule will be announced in the first part of 2013. The included documents of interest are:

- Draft Pedestrian Facilities in the Public Right of Way Transition Plan available at public library
- Public Notice sent to the local newspaper
- Document made available on the Town of Newburgh's website (www.Newburgh-IN.gov)
- Public hearing and plan presentation at a public meeting on March 27, 2013
- Document copies available at Newburgh Clerk Treasure's office

The Town of Newburgh will publish legal notices in the Warrick Publishing newspaper on March 7, 2013 and March 14, 2013. A copy of the advertisement can be found in **Appendix D** of this report.

APPENDIX A

- 1. Annual 50/50 Sidewalk Replacement Program**
- 2. ADA Guidelines**
- 3. Inventory of Sidewalks and Curb Ramps**
- 4. Basis for Estimates**

ANNUAL 50/50 SIDEWALK REPLACEMENT PROGRAM

The Town of Newburgh by and through its' Town Council, in a joint effort with homeowners, intends to annually conduct a 50/50 Sidewalk Replacement Program. This program is based on a cooperative agreement whereby the Town contributes half the cost of the project and the homeowner contributes half the cost. The goal of the program is to improve the quality of our pedestrian walkway system within the Town. The overall goals for instituting this program were identified by an adhoc committee during the planning and implementation phases. They are as follows:

- a. To provide a safe mode for pedestrian travel
- b. Improve the transportation network
- c. Improve the quality of life for area residents by promoting and providing safe outdoor activities
- d. Enhance access to neighborhood commercial centers by introducing improved pedestrian routes
- e. Provide pedestrian interconnections to adjoining neighborhoods, parks, community centers, libraries and greenway paths.
- f. Improve handicapped accessibility to pedestrian modes of transportation
- g. Raise the value of property by creating a more attractive town
- h. Encourage area residents to partner in tree planting programs for shade and enhanced neighborhood aesthetics

HOW IS PARTICIPATION DETERMINED?

Residents who wish to be included in the 50/50 Sidewalk Replacement Program should fill out the application below or call the Town Manager for an application. Annual funding for the program is limited and is on a first come first served basis. After the application is received, the sidewalk is inspected by Town staff to determine if it meets the criteria for participation. If funds are available and the sidewalk is eligible to be replaced, a bill will be sent to the homeowner.

WHAT IS THE CRITERIA FOR ELIGIBILITY?

Sidewalk that is crumbling, is causing a drainage problem, has cracking exceeding one inch horizontally, or has a vertical displacement of greater than two inches, qualifies for the program. In addition, it is sometimes necessary to replace additional sidewalk squares in order to correct the problem. These squares would also be eligible for funding.

WHAT IS THE HOMEOWNER'S PORTION OF THE COST?

At this time, the homeowner's cost is approximately \$2.00 per square foot of sidewalk to be replaced. Because the Town is able to package all of the sidewalk replacement together and obtain bids for the work, the cost is usually significantly lower than it would be for an individual homeowner to have the work completed.

WHO PERFORMS THE WORK?

The 50/50 Sidewalk Replacement Program is advertised and competitive bids are obtained for the entire package. For this reason, the contractor who has been awarded the project by the Town Council must perform all work done under this program.

CAN THE CONTRACTOR REPLACE MY DRIVEWAY?

Replacement of private drives is wholly the responsibility of the property owner. The contractors that bids on the Town 50/50 Sidewalk Program usually performs smaller private projects as well as municipal projects and their phone number can be made available upon request of the residents. The cost for this work must be negotiated like any other private contractual work. In addition, as with any other private work, permits are required by the Town and obtained from the Newburgh Zoning Administrator, c/o Facilities Management, 25 Sharon Place, Newburgh.

If the homeowner decides to contract work on their own, the Town recommends that a homeowner receive at least three estimates for work prior to signing any contract for construction projects. The Town will assume no responsibility for coordinating, inspecting, or warranting private work that is performed by the contractor other than that provided through the permit process.

CAN THE CONTRACTOR REPLACE MY APRON OR REPLACE MY CURB?

While the Town does offer a 50/50 Apron Replacement and a 50/50 Curb Replacement Program on streets that are being resurfaced or reconstructed, there is no financial contribution by the Town at other times. Therefore, unless you have received a letter from the Town stating that these programs are being offered on your street, this work would follow the same guidelines as driveway replacement.

WHO SHOULD I CALL IF I HAVE ANY QUESTIONS?

Mae Mason, Administrative Manager, (812) 853-3578 can answer any questions about the program or if you would like an application form to participate, please contact the Newburgh Zoning Administrator at (812) 853-0200 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

ADA GUIDELINES

The following is a summary of the key elements used to determine compliance. It does not represent a complete list.

CURB RAMPS

In evaluating the accessibility of existing curb ramps, the following factors were considered:

1. Is there a curb ramp?
2. Is there a curb ramp where a sidewalk crosses a street?
3. What type of curb ramp?
 - a. Perpendicular curb ramp
 - b. Parallel curb ramp
 - c. Blended transitions
4. Is the width of the curb ramp at least 4 feet wide (excluding flares)?
5. Are there detectable warnings properly installed where a curb ramp or blended transition connects to a street?
6. Is the running slope less than 8%?
7. Is the cross slope less than 2%?
8. Is the landing a minimum of 4 feet x 4 feet?
9. Is the surface of the curb ramp or blended transition firm, stable, and slip resistant and clear of gratings, access covers, and other appurtenances?
10. Is the grade break at the top and bottom of the ramp flush and not located on the surface of the curb ramp, landing, or gutter areas?
11. Is the counter slope of the gutter or street at the foot of the curb ramp less than 5%?
12. Is the clear space beyond the curb face at least 4' x 4'?
13. If the curb ramp is perpendicular, is the slope of the flared sides less than 10% where a pedestrian path crosses the curb ramp or if the sides are returned, are they protected from cross travel?

SIDEWALKS

In evaluating the accessibility of existing sidewalks, the following factors were considered:

1. Is there a sidewalk at each corner?
2. Is there at least 4 feet of continuous and unobstructed clear width of a sidewalk (excluding the curb width)?
3. If the continuous width is less than 5 feet, are the passing spaces at least every 200 feet along the sidewalk, that are 5 feet wide or greater?
4. Is the cross slope of the sidewalk less than 2%?
5. Where the sidewalk is adjacent to the street, does the grade of the sidewalk not exceed the general grade of the street?
6. Is the surface of the sidewalk firm, stable, and slip resistant?
7. Are any gaps in the surface less than ½ inch?
8. Is the sidewalk clear of grates or are the grates compliant?
9. Is the sidewalk clear of protruding objects? If there is a protruding object is:
 - a. the leading edge of that object less than 27 inch and more than 80 inch above the ground, or
 - b. the protrusion less than 4 inches into the travel path of the sidewalk, or
 - c. a barrier is provided no more than 27 inches from the ground where the vertical clearance is less than 80 inches.

CROSSWALKS

In evaluating the accessibility of existing crosswalks, the following factors were considered:

1. Is there a crosswalk that connects two sidewalks across a street?
2. Is the width of the marked crosswalk at least 6 feet?
3. Does the cross slope of the crosswalk meet the following guidelines:
 - a. If the crosswalk is crossing a street with a stop control, is the cross slope less than 2%?
 - b. If the crosswalk is crossing a street without a stop control, is the cross slope less than 5%?
4. Is the running slope of the crosswalk less than 5%?

5. If the crosswalk crosses a median, is the length of the median at least 6 feet and does it contain detectable warnings located at curb line or edge of the roadway?
6. If the intersection signalized, does it have a pedestrian signal, if so, does the pedestrian signal phase allow enough time for a walking speed of 3.5 ft/sec?

SIGNALIZED INTERSECTIONS

In evaluating the accessibility-signalized intersection, the following factors were considered:

1. Is there a crosswalk that connects two sidewalks across a street?
2. Status of Pedestrian Signals:
 - a. Does one exist?
 - b. Does it have a countdown warning?
 - c. Is it button-activated?
 - d. Do the buttons meet ADA requirements?
 - e. Is there enough time allocated to the crossing phase?

INVENTORY OF SIDEWALKS AND CURB RAMPS

Condition Description	Arterial Streets Quantity	Collector Streets Quantity	Local Streets Quantity
Sidewalk Surface Good	1.40 miles	0.50 miles	8.30 miles
Sidewalk Surface Marginal	0.30 miles	0.10 miles	0.90 miles
Sidewalk Surface To Be Replaced	0.50 miles	0.20 miles	1.30 miles
Proposed Sidewalk	Sign Obstruction	3	\$600
Curb Ramp Good	5 each	9 each	2 each
Curb Ramp Marginal	5 each	2 each	19 each
Curb Ramp To Be Replaced	15 each	12 each	31 each

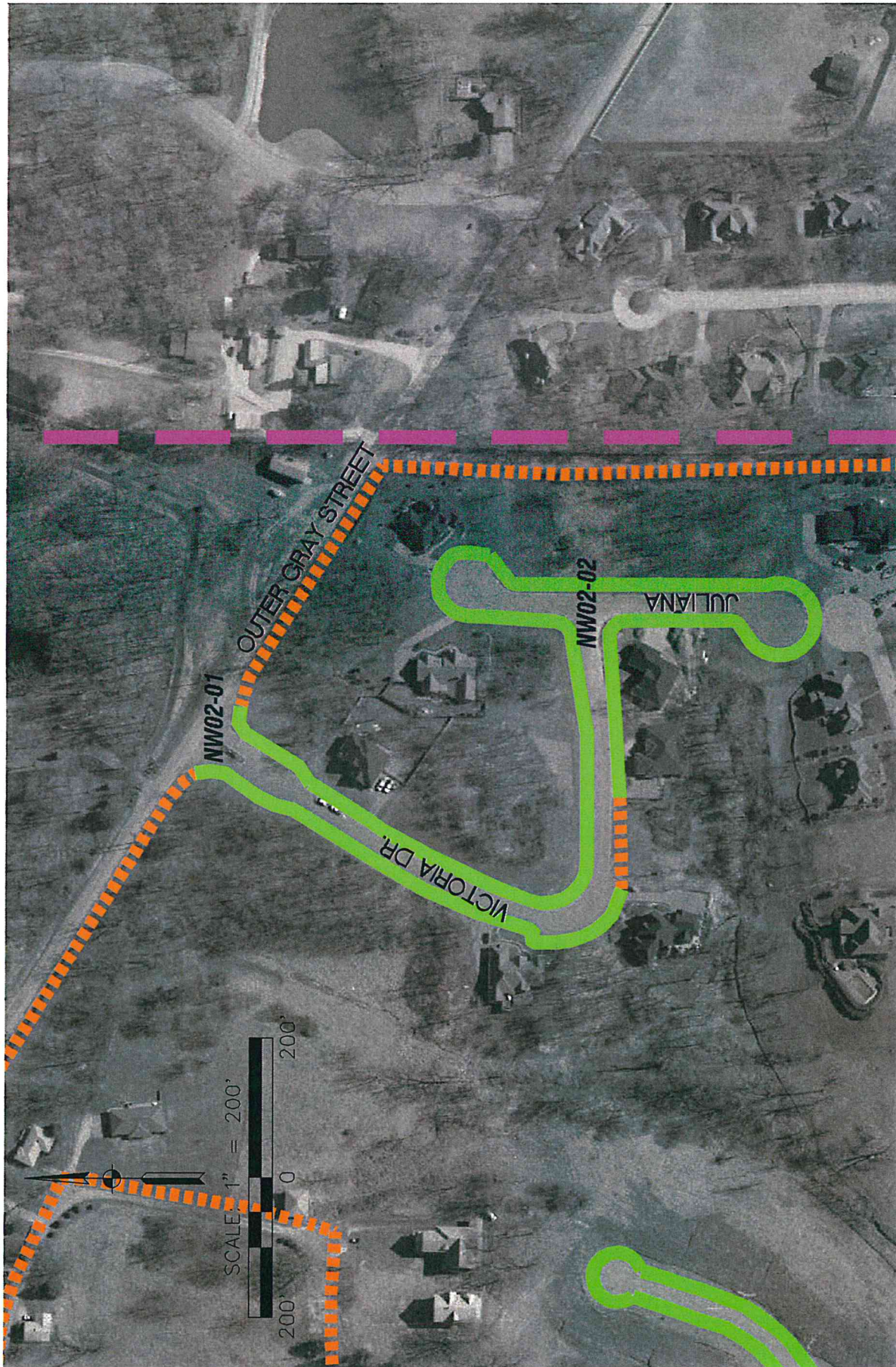
BASIS FOR ESTIMATES

Estimated prices are based on the following:

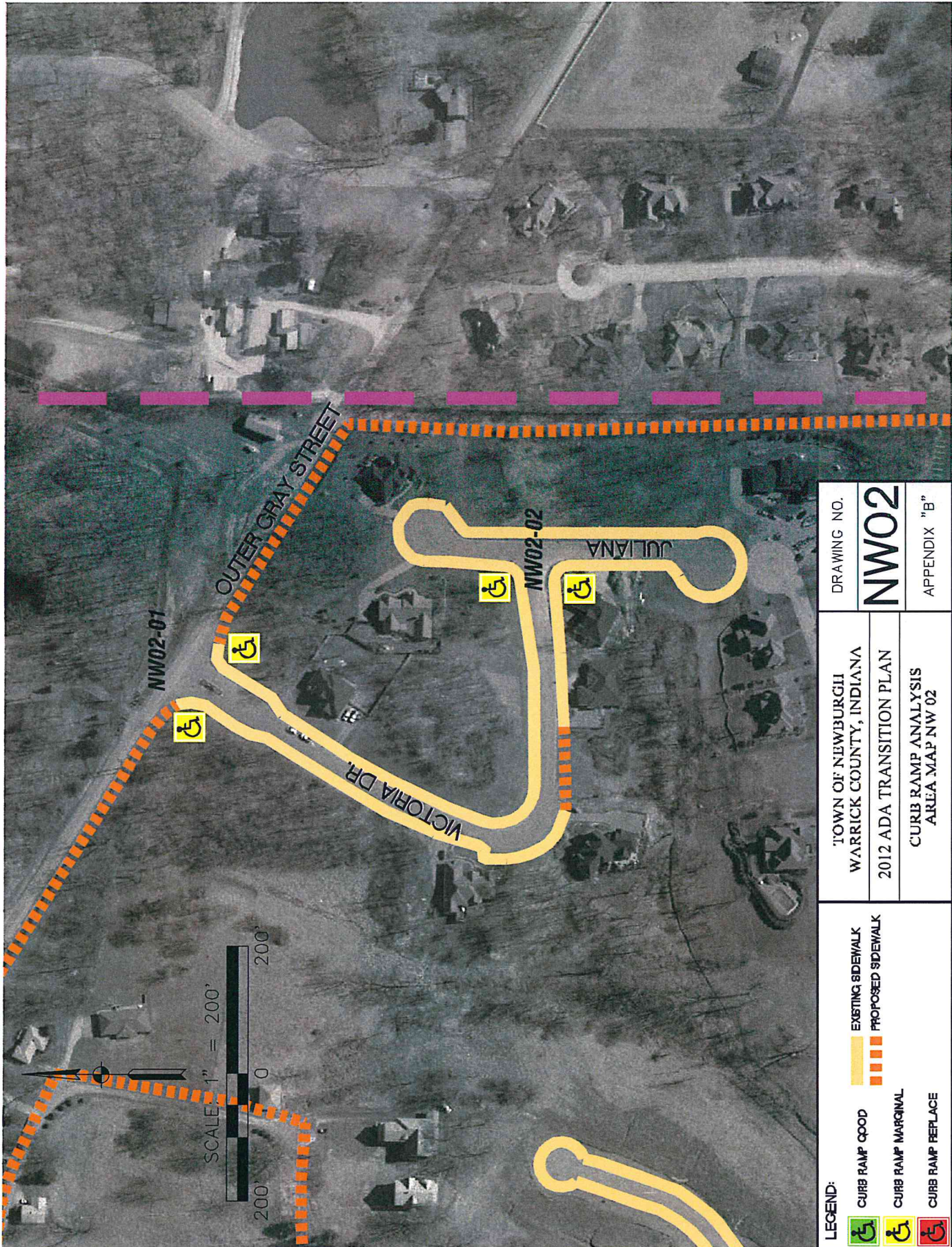
1. Average width of sidewalk estimated 4.50'
2. Estimated cost for replacement of existing sidewalks, including demolition, \$40/YD²
3. Estimated cost for ramp replacement, including demolition, \$1,100/EA
4. Width of future sidewalks estimated 5'

APPENDIX B

- 1. Photo Logs and Documentation of Existing Intersections**
- 2. Overall Map of Existing and Future Sidewalk Network**
- 3. Sidewalk and Curb Ramp Analysis**



LEGEND: SIDEWALK SURFACE GOOD SIDEWALK SURFACE MARGINAL SIDEWALK SURFACE REPLACE PROPOSED SIDEWALK	UTILITY POLE OBSTRUCTION LIGHT POLE OBSTRUCTION SIGN OBSTRUCTION TREE OBSTRUCTION	TOWN OF NEWBURGH WARRICK COUNTY, INDIANA	DRAWING NO. NW02
		2012 ADA TRANSITION PLAN SIDEWALK SURFACE ANALYSIS AREA MAP NW 02	APPENDIX "B"



LEGEND: CURB RAMP GOOD CURB RAMP MARGINAL CURB RAMP REFLECTE EXISTING SIDEWALK PROPOSED SIDEWALK	TOWN OF NEWBURGH WARRICK COUNTY, INDIANA	DRAWING NO. NW02
	2012 ADA TRANSITION PLAN	APPENDIX "B"
	CURB RAMP ANALYSIS AREA MAP NW 02	



DRAWING NO.
NE03

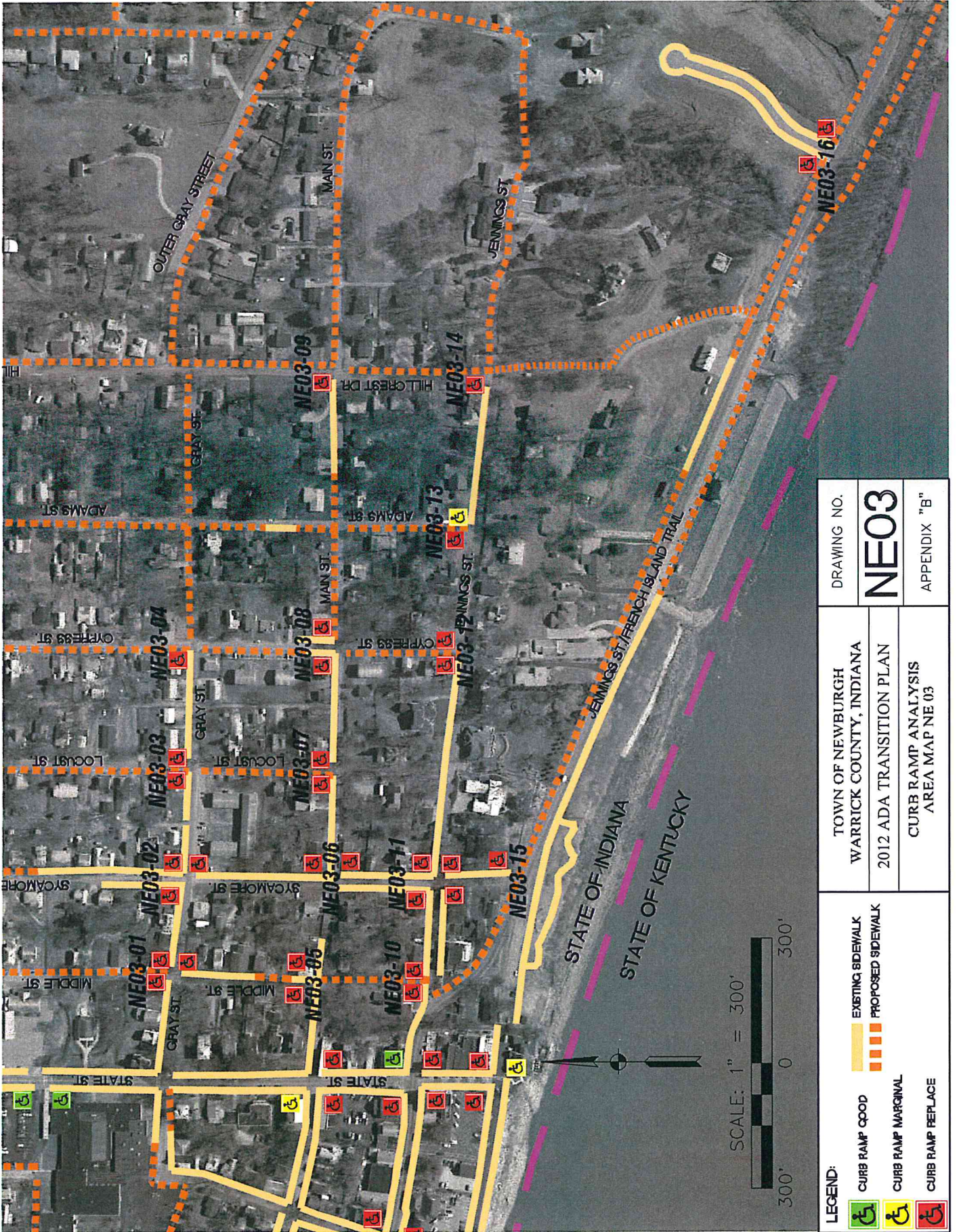
TOWN OF NEWBURGH
WARRICK COUNTY, INDIANA
2012 ADA TRANSITION PLAN
SIDEWALK SURFACE ANALYSIS
AREA MAP NE.03

LEGEND:

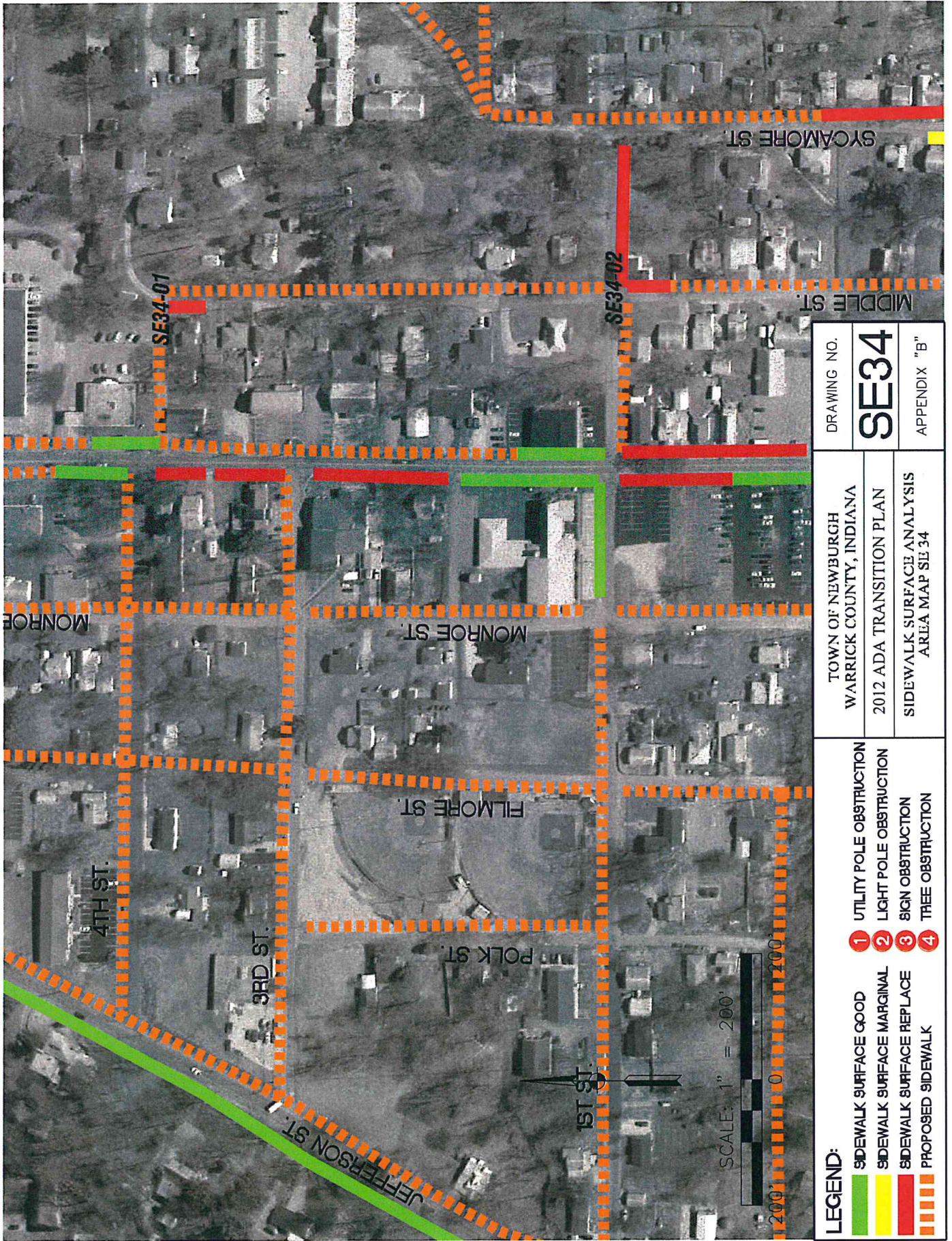
	SIDEWALK SURFACE GOOD		UTILITY POLE OBSTRUCTION
	SIDEWALK SURFACE MARGINAL		LIGHT POLE OBSTRUCTION
	SIDEWALK SURFACE REPLACE		SIGN OBSTRUCTION
	PROPOSED SIDEWALK		TREE OBSTRUCTION



STATE OF INDIANA
STATE OF KENTUCKY



LEGEND: CURB RAMP GOOD CURB RAMP MARGINAL CURB RAMP REPLACE EXISTING SIDEWALK PROPOSED SIDEWALK	TOWN OF NEWBURGH WARRICK COUNTY, INDIANA 2012 ADA TRANSITION PLAN	DRAWING NO. NEO3
	CURB RAMP ANALYSIS AREA MAP NE 03	APPENDIX "B"

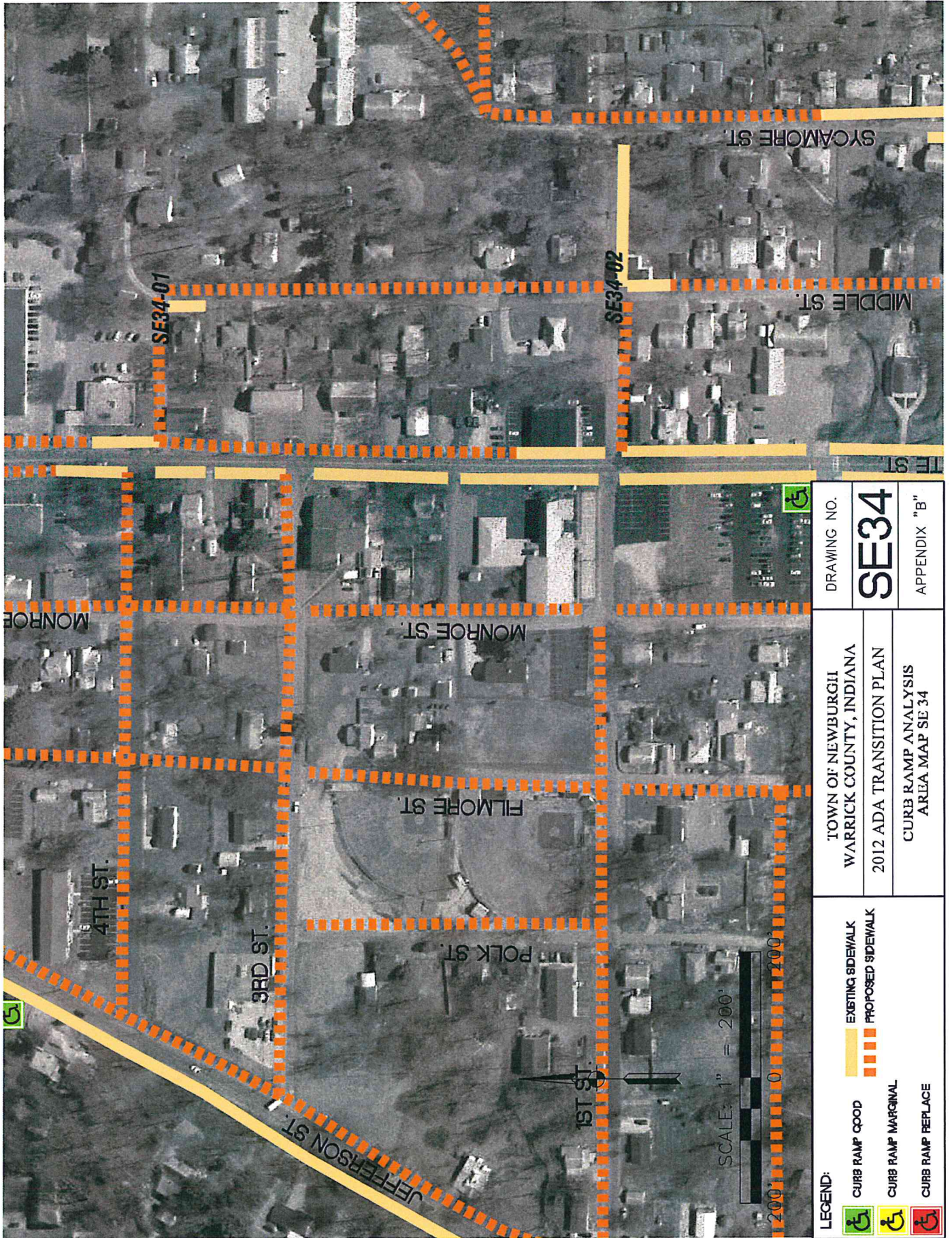


DRAWING NO.
SE34
 APPENDIX "B"

TOWN OF NEWBURGH
 WARRICK COUNTY, INDIANA
 2012 ADA TRANSITION PLAN
 SIDEWALK SURFACE ANALYSIS
 AREA MAP SE 34

- LEGEND:**
- █ SIDEWALK SURFACE GOOD
 - █ SIDEWALK SURFACE MARGINAL
 - █ SIDEWALK SURFACE REPLACE
 - PROPOSED SIDEWALK
 - 1 UTILITY POLE OBSTRUCTION
 - 2 LIGHT POLE OBSTRUCTION
 - 3 SIGN OBSTRUCTION
 - 4 TREE OBSTRUCTION





DRAWING NO.
SE34
 APPENDIX "B"

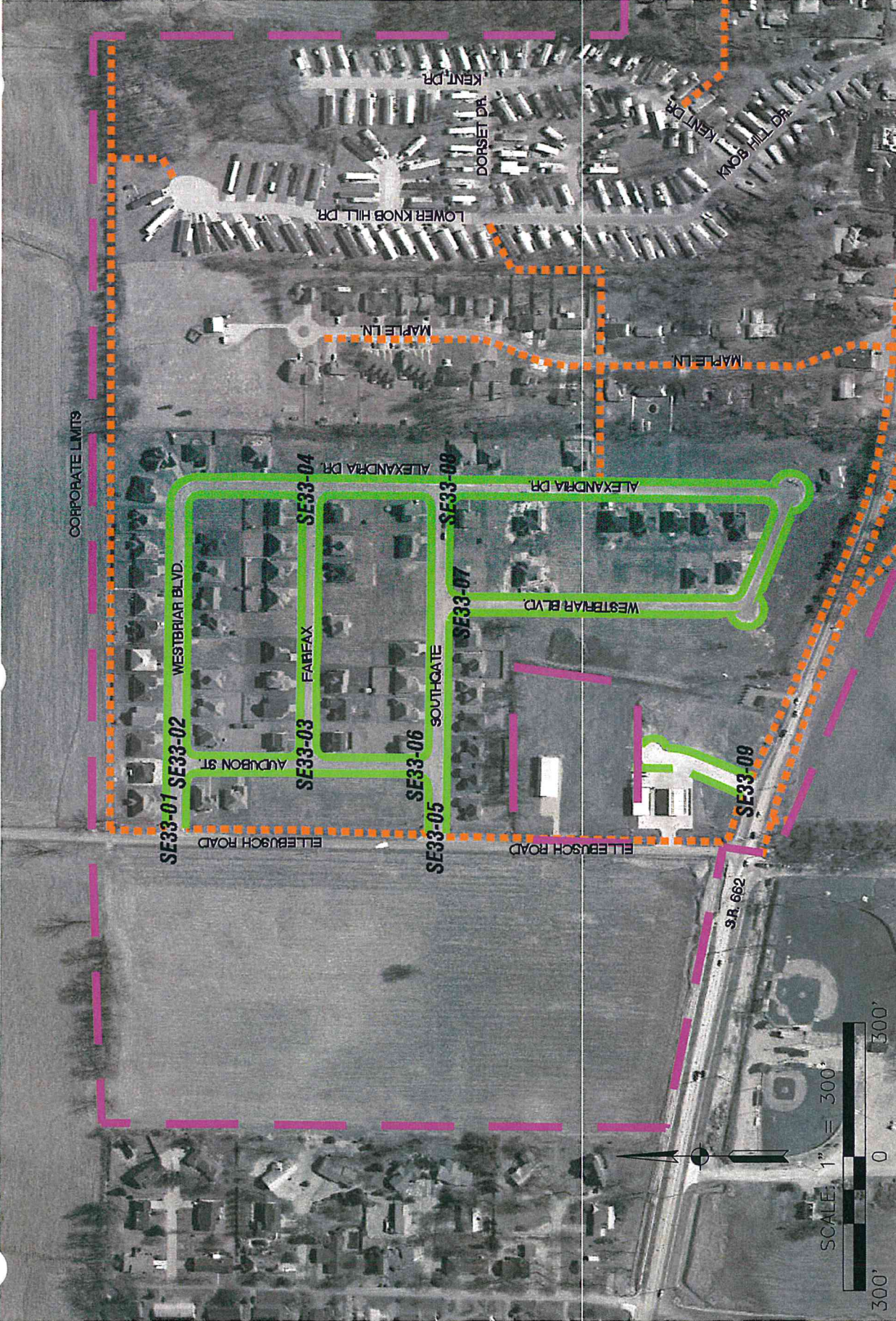
TOWN OF NEWBURGH
 WARRICK COUNTY, INDIANA
 2012 ADA TRANSITION PLAN
 CURB RAMP ANALYSIS
 AREA MAP SE 34

LEGEND:

-  CURB RAMP GOOD
-  CURB RAMP MARGINAL
-  CURB RAMP REPLACE
-  EXISTING SIDEWALK
-  PROPOSED SIDEWALK

SCALE: 1" = 200'





CORPORATE LIMITS

SE33-01 SE33-02 WESTRIAR BLVD.
AUDUBON ST.

ELLEBUSCH ROAD

SE33-03 FAIRFAX

SE33-05 SOUTHGATE

ALEXANDRIA DR.

SE33-06

SE33-07

ELLEBUSCH ROAD

WESTRIAR BLVD.

ALEXANDRIA DR.

SE33-08

S.R. 662

LOWER KNOB HILL DR.

MAPLE LN.

DORSET DR.

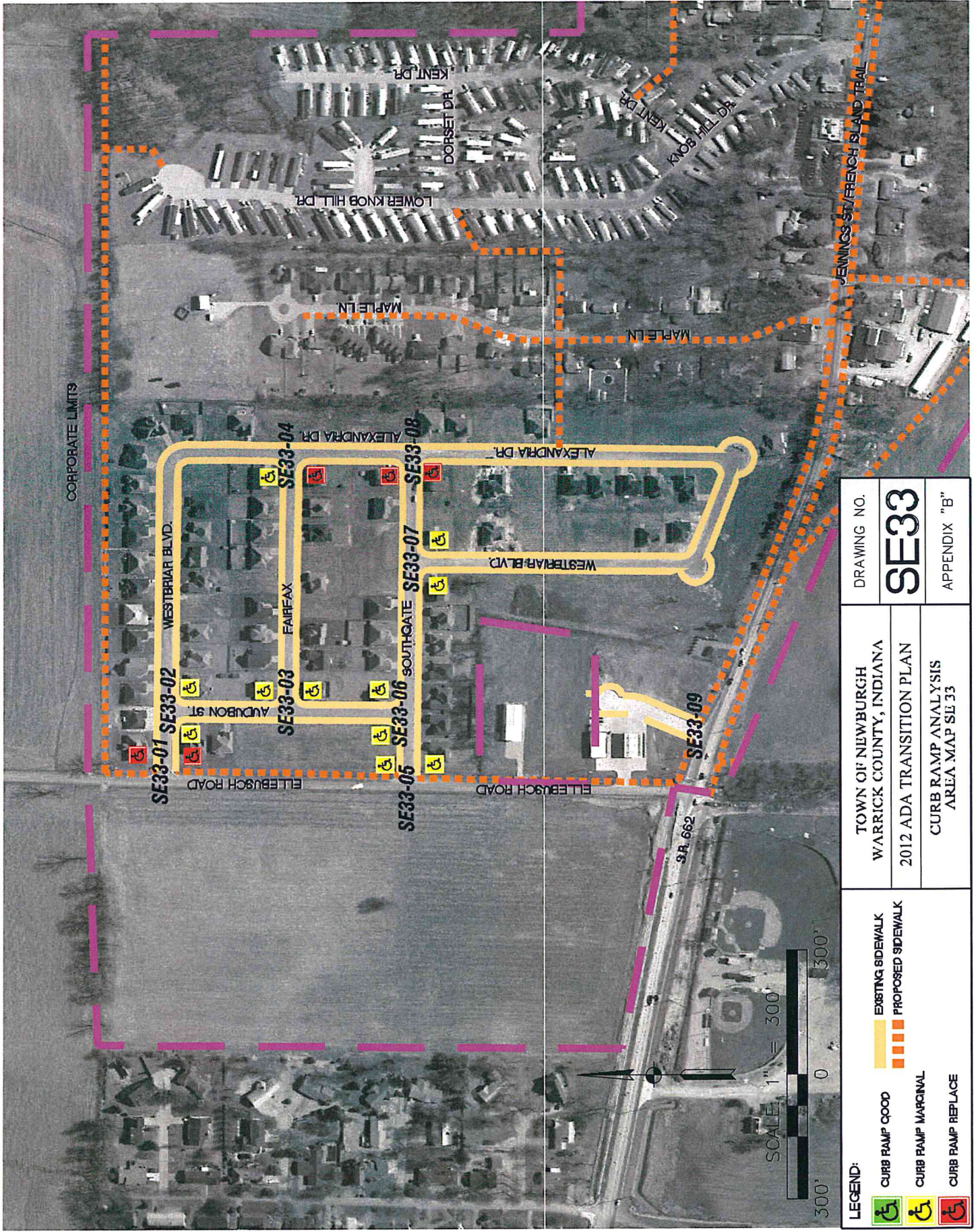
KENT DR.

MOB HILL DR.

MAPLE LN.

KENT DR.

LEGEND: SIDEWALK SURFACE GOOD SIDEWALK SURFACE MARGINAL SIDEWALK SURFACE REPLACE PROPOSED SIDEWALK	UTILITY POLE OBSTRUCTION LIGHT POLE OBSTRUCTION SIGN OBSTRUCTION TREE OBSTRUCTION	TOWN OF NEWBURGH WARRICK COUNTY, INDIANA 2012 ADA TRANSITION PLAN SIDEWALK SURFACE ANALYSIS AREA MAP SE 33	DRAWING NO. SE33 APPENDIX "B"
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CORPORATE LIMITS

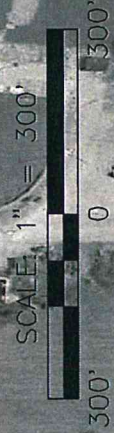
SE33-01 SE33-02 SE33-03 SE33-04 SE33-05 SE33-06 SE33-07 SE33-08 SE33-09

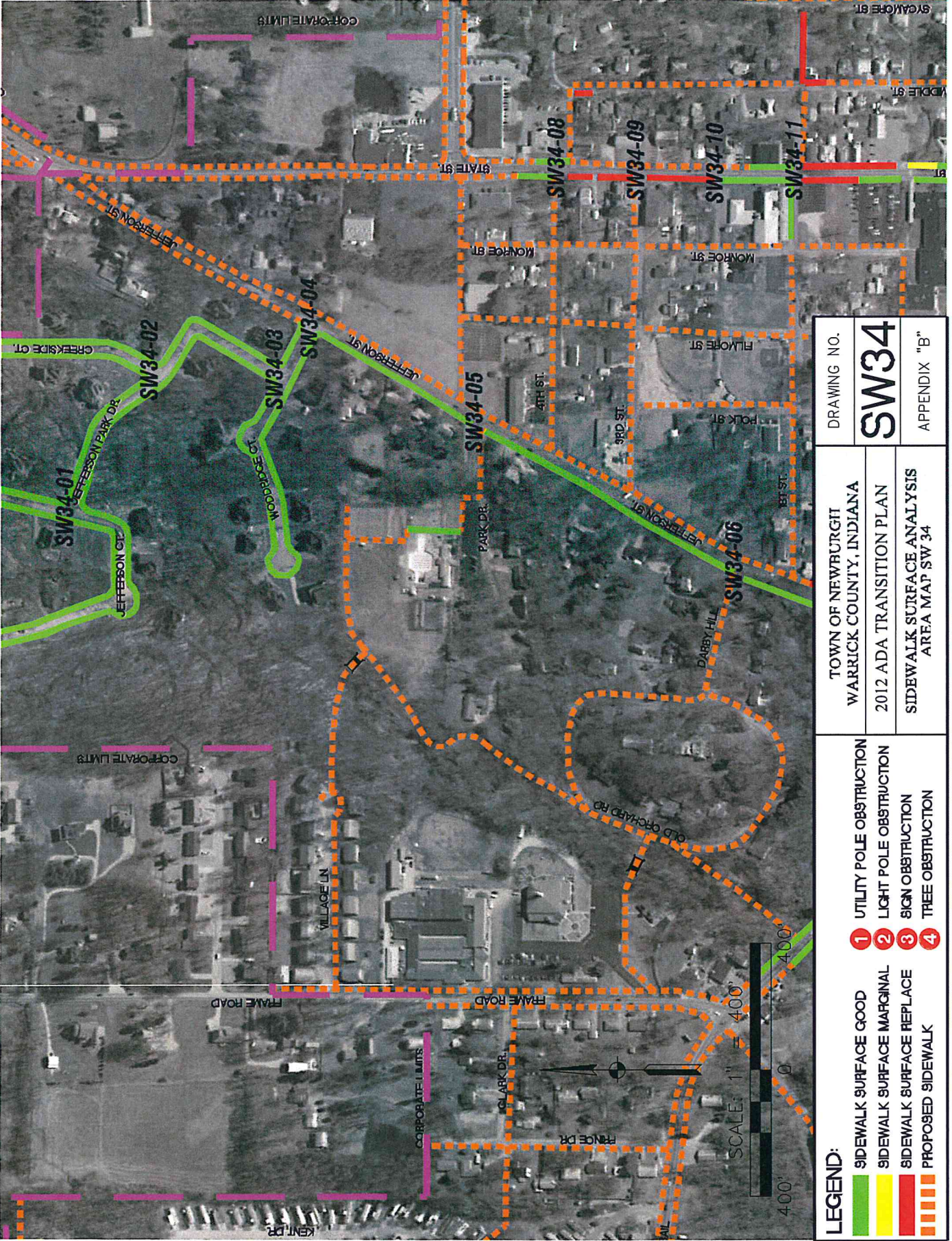
WESTBRIAR BLVD.
FAIRFAX
SOUTHGATE
ELLEBUSCH ROAD
AUDUBON ST
ALEXANDRA DR.
MAPLE LN
DORSET DR.
KENT DR.
LOWER KNOB HILL DR.
BIG THE BONY
JENNINGS ST/FRENCH ISLAND TRAIL

DRAWING NO.		SE33	
TOWN OF NEWBURGH WARRICK COUNTY, INDIANA		APPENDIX "B"	
2012 ADA TRANSITION PLAN			
CURB RAMP ANALYSIS AREA MAP SE33			

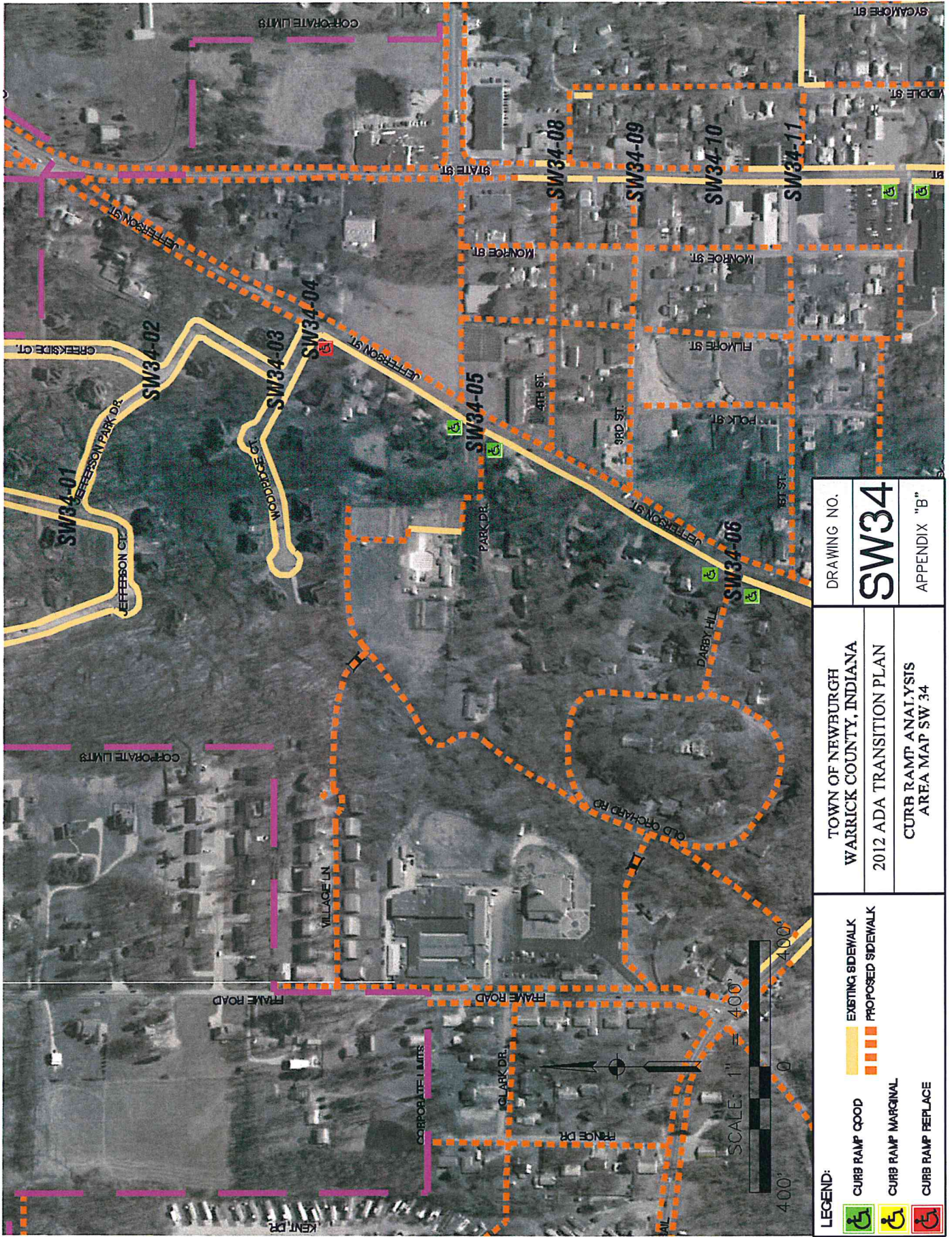
LEGEND:

	CURB RAMP GOOD		EXISTING SIDEWALK
	CURB RAMP MARGINAL		PROPOSED SIDEWALK
	CURB RAMP REPLACE		





LEGEND: SIDEWALK SURFACE GOOD SIDEWALK SURFACE MARGINAL SIDEWALK SURFACE REPLACE PROPOSED SIDEWALK 1 UTILITY POLE OBSTRUCTION 2 LIGHT POLE OBSTRUCTION 3 SIGN OBSTRUCTION 4 TREE OBSTRUCTION	TOWN OF NEWBURG WARRICK COUNTY, INDIANA 2012 ADA TRANSITION PLAN SIDEWALK SURFACE ANALYSIS AREA MAP SW 34	DRAWING NO. SW34 APPENDIX "B"
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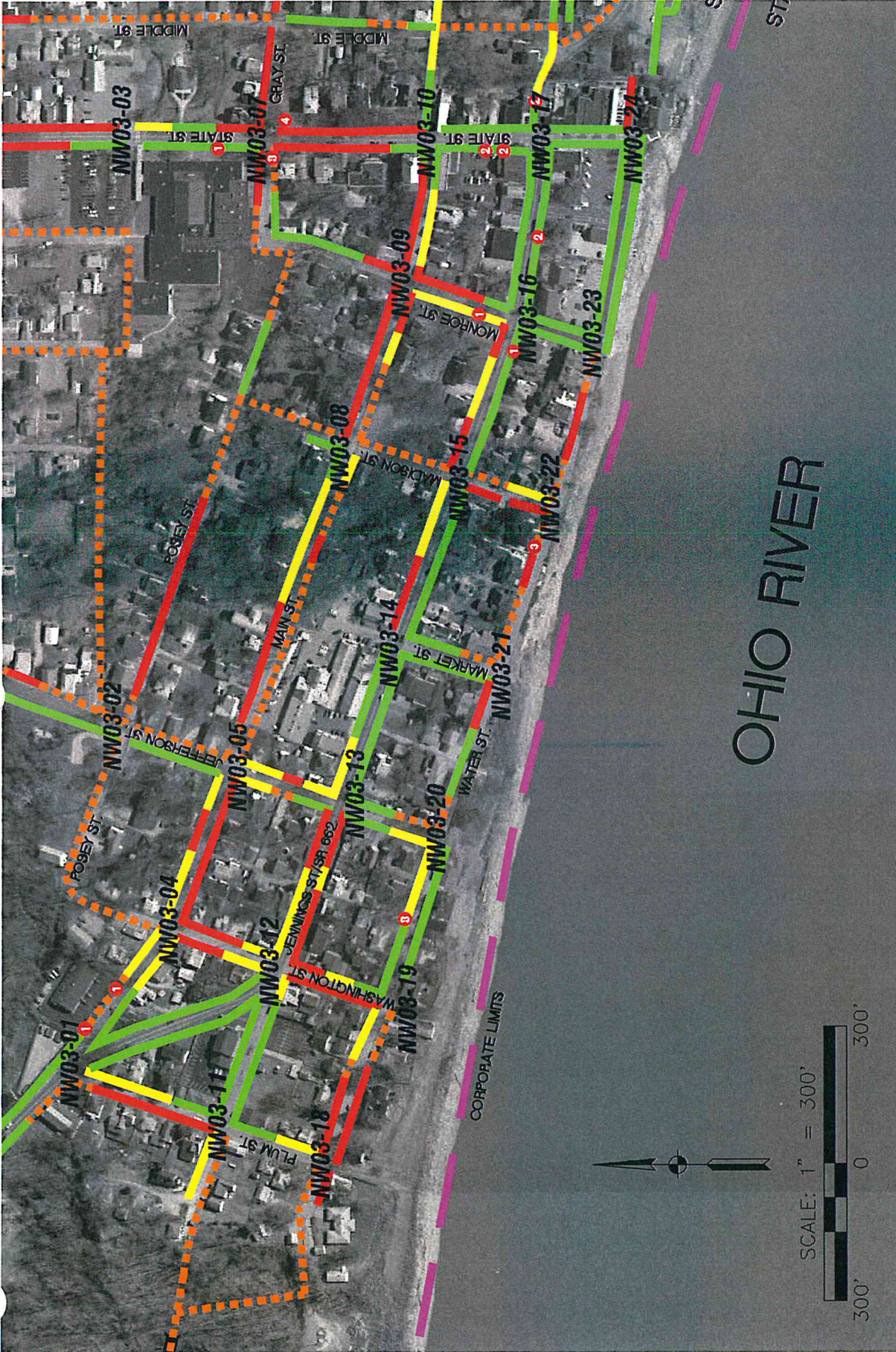
DRAWING NO.
SW34
 APPENDIX "B"

TOWN OF NEWBURGH
 WARRICK COUNTY, INDIANA
 2012 ADA TRANSITION PLAN
 CURB RAMP ANALYSIS
 AREA MAP SW 34

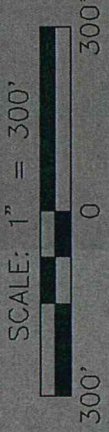
LEGEND:

- CURB RAMP GOOD
- CURB RAMP MARGINAL
- CURB RAMP REPLACE
- EXISTING SIDEWALK
- PROPOSED SIDEWALK



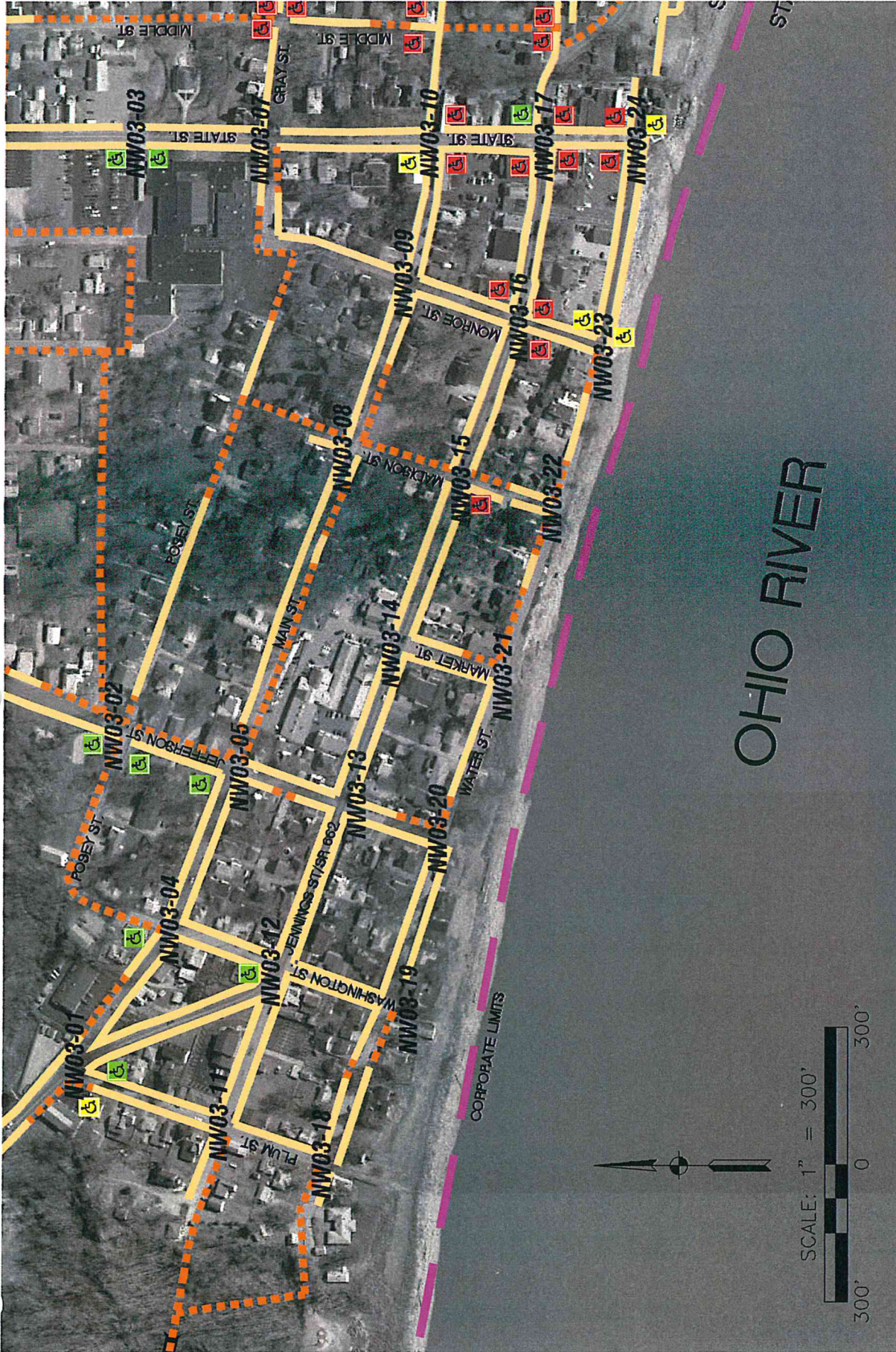


OHIO RIVER



LEGEND: SIDEWALK SURFACE GOOD SIDEWALK SURFACE MARGINAL SIDEWALK SURFACE REPLACE PROPOSED SIDEWALK UTILITY POLE OBSTRUCTION LIGHT POLE OBSTRUCTION SIGN OBSTRUCTION TREE OBSTRUCTION	TOWN OF NEWBURGH WARRICK COUNTY, INDIANA	DRAWING NO. NW03
	2012 ADA TRANSITION PLAN	APPENDIX "B"
	SIDEWALK SURFACE ANALYSIS AREA MAP NW 03	

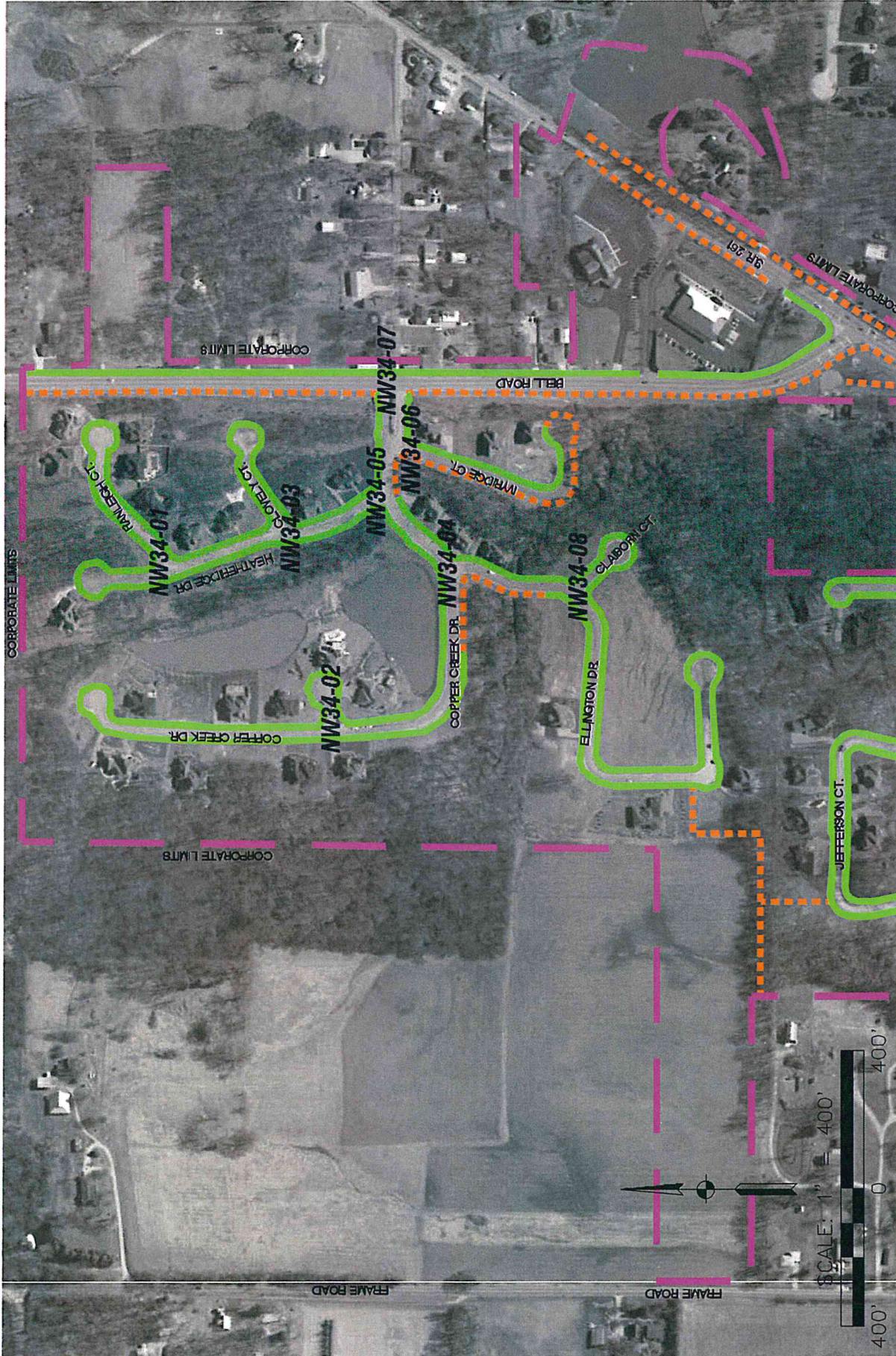
OHIO RIVER



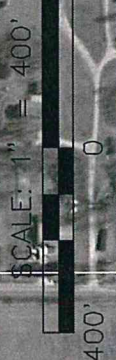
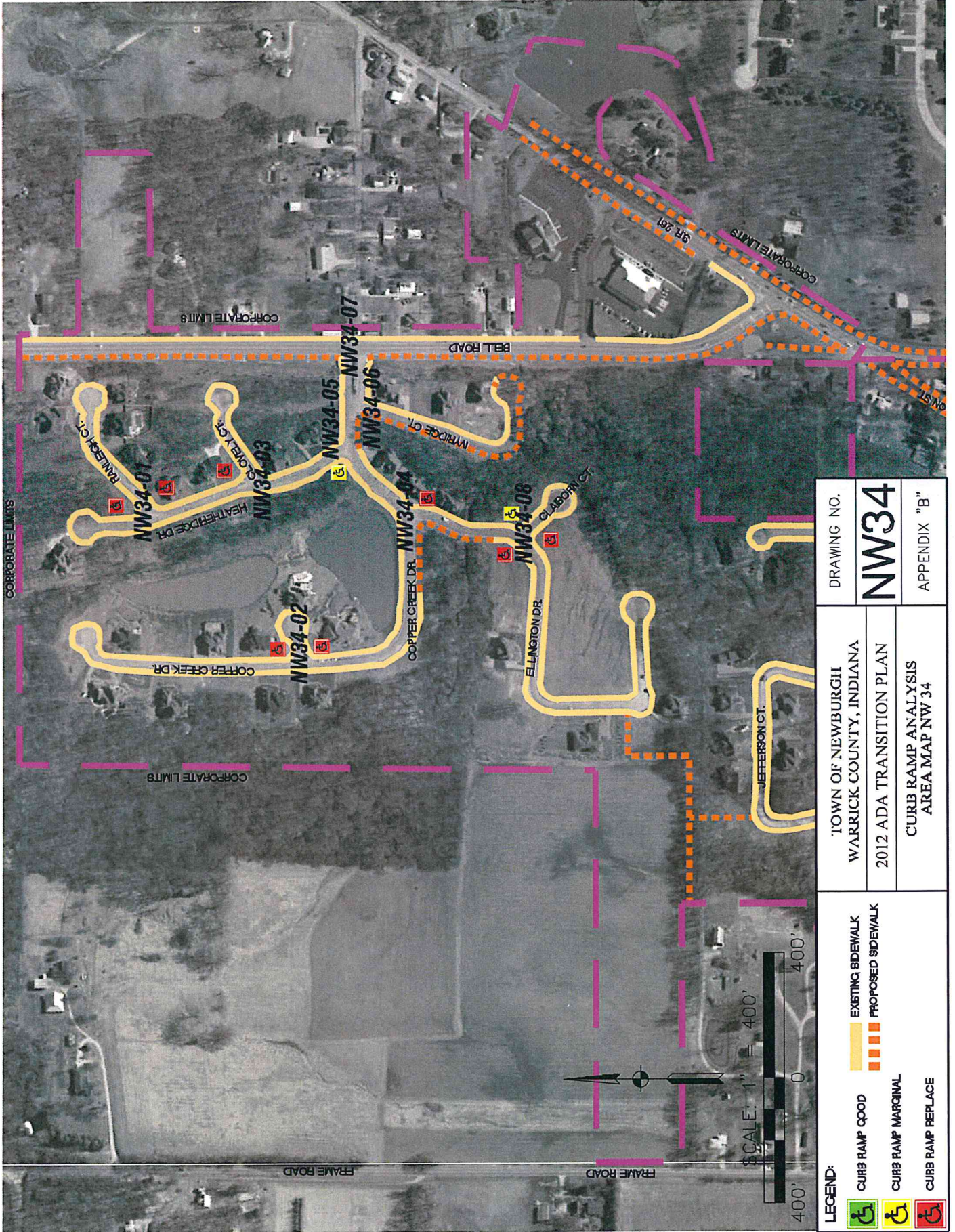
SCALE: 1" = 300'



LEGEND: CURB RAMP GOOD CURB RAMP MARGINAL CURB RAMP REFLECT EXISTING SIDEWALK PROPOSED SIDEWALK	DRAWING NO. NW03 APPENDIX "B"
	TOWN OF NEWBURGH WARRICK COUNTY, INDIANA 2012 ADA TRANSITION PLAN
	CURB RAMP ANALYSIS AREA MAP NW 03



LEGEND: SIDEWALK SURFACE GOOD SIDEWALK SURFACE MARGINAL SIDEWALK SURFACE REPLACE PROPOSED SIDEWALK 1 UTILITY POLE OBSTRUCTION 2 LIGHT POLE OBSTRUCTION 3 SIGN OBSTRUCTION 4 TREE OBSTRUCTION	TOWN OF NEWBURGH WARRICK COUNTY, INDIANA 2012 ADA TRANSITION PLAN SIDEWALK SURFACE ANALYSIS AREA MAP NW 34	DRAWING NO. NW34 APPENDIX "B"
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LEGEND: CURB RAMP GOOD CURB RAMP MARGINAL CURB RAMP REPLACE EXISTING SIDEWALK PROPOSED SIDEWALK	TOWN OF NEWBURGH WARRICK COUNTY, INDIANA 2012 ADA TRANSITION PLAN	DRAWING NO. NW34 APPENDIX "B"
	CURB RAMP ANALYSIS AREA MAP NW 34	

APPENDIX C

- 1. Resolution Adopting ADA Design Guidelines**
- 2. Resolution Adopting the Americans with Disabilities Act Transition Plan: Pedestrian Facilities in the Public Right-of-Way**
- 3. Ordinance 1992-9 Concerning Employment of Qualified Disabled Persons and Establishment of A Grievance Procedure**

COPY

RESOLUTION 2013-01

A RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF NEWBURGH, INDIANA
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)
ACCESSIBILITY GUIDELINES FOR STANDARDS FOR ACCESSIBLE DESIGN
AND
GUIDELINES FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, Title II of the ADA requires that municipalities adopt the Americans with Disabilities Standards for Accessible Design that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

WHEREAS, Title II of the ADA recommends that, municipalities adopt the Americans with Disabilities Guidelines for Pedestrian Facilities in the Public Right-of-Way that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

WHEREAS, the United States Department of Justice recently modified the ADA Standards for Accessible Design and the Guidelines for Pedestrian Facilities in the Public Right-of-Way in 2010 and 2011, respectively; and

WHEREAS, the Town of Newburgh remains committed to the ADA and the elimination of barriers to public facilities; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Newburgh hereby adopts the 2010 Americans with Disabilities (ADA) Standards for Accessible Design and 2011 Guidelines for Pedestrian Facilities in the Public Right-of-Way.

ADOPTED THIS 27th day of March 2013.

TOWN COUNCIL OF THE
TOWN OF NEWBURGH


President

Deanna K. Hughes
Member

Ann Rust Oswald
Member

V. J. K. ...
Member

A. B. ...
Member

ATTEST:

Rebecca Gentry
Rebecca Gentry, Clerk-Treasurer

COPY

RESOLUTION 2013-02

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF NEWBURGH, INDIANA
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)
PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY TRANSITION PLAN**

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, Title II of the ADA requires that municipalities develop and adopt a Transition Plan that documents physical barriers to accessibility, proposed structural modifications to remove those barriers, and a schedule to complete the modifications; and

WHEREAS, the Town of Newburgh adopted Resolution 2013-01 pertaining to ADA Standards for Accessible Design and Guidelines for Pedestrian Facilities in the Public Right-of-Way; and

WHEREAS, the United States Department of Justice recently modified the ADA Standards for Accessible Design and the Guidelines for Pedestrian Facilities in the Public Right-of-Way in 2010 and 2011, respectively; and

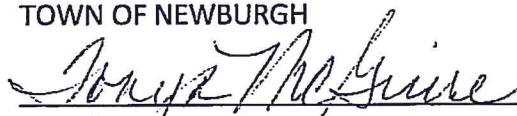
WHEREAS, the Town of Newburgh remains committed to the ADA and the elimination of barriers to public facilities; and

WHEREAS, a Transition Plan for the pedestrian network has been prepared that reflects current municipality infrastructure and ADA design standards, referred to as the "Pedestrian Facilities in Public Right of Way Transition Plan"

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Newburgh hereby approves the ADA Transition Plan: Pedestrian Network.

ADOPTED on this 27th day of March, 2013.

TOWN COUNCIL OF THE
TOWN OF NEWBURGH


President

Deanna K. Hughes
Member

Ann D. Grand
Member

W. F. Kavanaugh
Member

A. B. Moore
Member

ATTEST:

Rebecca J. Gentry
Rebecca J. Gentry, Clerk-Treasurer

AN ORDINANCE CONCERNING THE
EMPLOYMENT OF QUALIFIED DISABLED
PERSONS AND ESTABLISHMENT OF
A GRIEVANCE PROCEDURE

WHEREAS, it is the intent of the Town of Newburgh, Indiana to comply with the Americans With Disabilities Act (ADA) and not illegally discriminate against a qualified disabled individual; and

WHEREAS, it is the desire of the Town of Newburgh, Indiana to adopt a grievance procedure for resolving complaints under the ADA; and

WHEREAS, the Town of Newburgh, Indiana has established an Advisory Council for Disabled Individuals in order to establish a group to provide the Town with suggestions concerning needs of disabled individuals and how the Town may address these needs; and

WHEREAS, The Town of Newburgh, Indiana has designated the Administrative Manager as the Americans With Disabilities Act Coordinator;

NOW, THEREFORE, BE IT ORDAINED:

I. POLICY STATEMENT

A. It is the policy of the Town of Newburgh, Indiana to not exclude qualified individuals with disabilities from participation in, or benefiting from, the services, programs or activities of the municipality. It is the further policy of the Town not to discriminate against a qualified individual with a disability in job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training and other terms, conditions and privileges of employment. It is the intention of the Town to comply with all applicable requirements of the Americans With Disabilities Act (ADA).

B. Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to Town officials on how the Town may better meet the needs of individuals with disabilities pursuant to this stated policy. These individuals or group representatives are also invited to submit this information to the Town's Administrative Manager.

C. The Administrative Manager is designated as the ADA Coordinator.

D. ADA Compliance Committee

1. The Council shall have the authority to designate an ADA Compliance Committee which shall be composed of the following membership:

- a. The Town's Administrative Manager.
 - b. The Town's attorney.
 - c. Two (2) members of the disabled community.
 - d. One (1) member of the business community.
2. This committee shall not be required to meet on a regular basis. Upon the receipt of an appeal from the ADA Coordinator, the committee shall meet to hear the appeal within fifteen (15) days of receiving the appeal. Notice of the meeting shall be sent to each member of the committee and the appellant at least ten (10) days prior to the meeting date.
 3. Decisions of the committee shall be by majority of the members present. Vote shall not be made by secret ballot.

II. GRIEVANCE PROCEDURE

A. The Town hereby adopts an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the ADA or any regulations implementing the Americans With Disabilities Act.

B. Compliant Procedure:

1. Complaints should be addressed to ADA Coordinator, Town Hall, Newburgh, Indiana 47630, who has been designated to coordinate ADA compliance efforts.
2. A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation of the Act.
3. A complaint shall be filed within thirty (30) days after the complainant becomes aware of the alleged violation.
4. An investigation, as may be appropriate, may be conducted following a filing of the complaint. The investigation shall be conducted by the ADA Coordinator, or her designee. This section contemplates informal, but thorough, investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
5. A written determination as to the validity of the complaint, and a description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than fifteen (15) working days after its filing.
6. The ADA Coordinator shall maintain the files and records of the Town of Newburgh, Indiana relating to the complaints filed.
7. The complainant may appeal the Coordinator's findings in instances where he or she is dissatisfied with the resolution. The request for appeal shall be made in writing within thirty (30) days of the Coordinator's finding to the ADA Compliance Committee, Town Hall, Newburgh, IN 47630.
8. The right to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this

grievance procedure is not a prerequisite to the pursuit of other remedies.

9. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that the Town of Newburgh, Indiana complies with the ADA and implementing regulations.
10. The decision of the Compliance Committee shall be deemed a final decision on any issue before it.

ADOPTED by the Town Council of the Town of Newburgh, Indiana, this 14 day of October, 1992.

TOWN COUNCIL OF THE
TOWN OF NEWBURGH, INDIANA

Robert F. Leikent
President

W.F. Kason
Council Member

William Curran
Council Member

Jack Glendon
Council Member

Council Member

ATTEST:

Shirley S. Gumbrek
Clerk-Treasurer

FILED

OCT 15 1992

SHIRLEY GUMBREK
Clerk-Treasurer Town of Newburgh

AMERICANS WITH DISABILITIES ACT (ADA) IMPLEMENTATION PLAN

Priority Code:

- 1- Completion date--immediate
- 2- Completion date--September 1993
- 3- Completion date--January 1994
- 4- Completion date--July 1994

LOCATION	PROBLEM	SOLUTION	ESTIMATED COST	PRIORITY	DATE COMPLETED
Town Hall	Front entrance	Attachment to open second door	\$500	1	4/30/93
Town Hall	Inadequate signage	Install outdoor signage "Town Hall"	\$1000	1	
Town Hall	No grab bars in restroom	Install bars in restroom	\$250	1	
Town Hall	No TDD devices on phones	Substitute fax machines and computer modems for TDD's	\$550	4	
Town Hall	Availability of public records	Record public meetings on audio tape.	\$3/per meet		1/1/93
Town Hall	Stairway safety features	Install warning strips at tops, bottoms, & landings of stairways	\$300	1	
Town Hall	Stairway safety features	Install recessed letter directional signage in stairwells	\$250	1	

LOCATION	PROBLEM	SOLUTION	ESTIMATED	PRIORITY	DATE COMPLETED
Meeting Room	Ramp between foyer and meeting room exceeds max slope	Consult engineer Design new ramp with approp. slope	\$2,500	1	
Meeting Room	Sign Language interpreter for Public Meetings	Publish notice in paper for citizens to request services	\$20-60 per meeting	1	4/30/93
Upstairs Offices	Difficult to access	Install a telephone inter-com system in front foyer	\$1,000	1	12/31/92
Upstairs Offices	Inadequate signage	Install proper signage	\$150	1	
Sewer Office	Improper signage	Install proper signage	\$100	1	
Sewer Office	Handicapped Parking	Use Town lot, marking designated crossing paths	\$ 50	1	
Swim Pool	Improper signage	Install proper signage	\$200	1	
Swim Pool	Restroom feature modification	Check and correct all features	\$800	1	
Swim Pool	No shower seat	Purchase portable seat	\$50	1	
Swim Pool	Insufficient # of handicap parking spaces	Town will designate and mark 2 more spaces	\$0	2	6/30/93
Park	No access across grassy areas	Install walkways with suitable surfaces	\$3000	2	7/30/93 donation

LOCATION	PROBLEM	SOLUTION	ESTIMATED	PRIORITY	DATE COMPLETED
Park	Some play area not accessible	Install new surface under play equipment	\$3000	2	
Park	No accessible play equipment	Install accessible play equipment	\$3000	2	8/30/93 donation
Park	Water fountain too high	Lower fountain, install pavement around	\$300	1	8/30/93
Park	Outside restrooms not accessible	Install ramps, install features	\$2000	1	
Lock & Dam	Improper signage	Recessed signage needs to be installed throughout	\$600	1	
Sewer Plant	Entrances not wide enough	Widen front entrance	\$1500	4	
Sewer Plant	No handicapped parking	Mark one space at entrance to plant	\$ 30	4	
East House (Jaycees)	No accessible restrooms	Install features	\$1000	4	
East House	No stairway warning strips	Install strips	\$250	4	
East House	Improper handicapped parking space	Modify present space	\$0	4	
West House	Restroom modifications	Wrap sink pipes, lower accessories	\$100	1	

LOCATION	PROBLEM	SOLUTION	ESTIMATED	PRIORITY	DATE COMPLETED
West House	Improper handicapped parking space	Modify present space	\$0	1	
AMAX Field	Improper and insufficient handicapped parking	Modify existing and add more parking	\$5000	1	
AMAX Field	No accessible restrooms	Modify one set to comply	\$10000	1	
AMAX Field	No access across grassy areas	Add more parking(see above)			
Kiwanis Park	No accessible restrooms	Modify existing restrooms to comply	\$10000	1	
Kiwanis Park	No handicapped parking	Designate and mark parking spaces	\$0	1	
Kiwanis Park	Access from street into park needs to be leveled in some places	Check and correct grade from street to ground	\$1000	1	

TOWN OF NEWBURGH
 AMERICANS WITH DISABILITIES ACT (ADA)
 IMPLEMENTATION PLAN FOR NEWBURGH PARK DEPARTMENT

<u>LOCATION</u>	<u>PROBLEM</u>	<u>SOLUTION</u>	<u>ESTIMATED</u>	<u>PRIORITY</u>	<u>DATE COMPLETED</u>
SWIM POOL	IMPROPER SIGNAGE	INSTALL PROPER SIGNAGE	\$200	1	Oct-93
SWIM POOL	RESTROOM FEATURE MODIFICATION	CHECK AND CORRECT ALL FEATURES	\$800	1	Jun-96
SWIM POOL	NO SHOWER SEAT	PURCHASE PORTABLE SEAT	\$50	1	Dec-92
SWIM POOL	INSUFFICIENT # OF HANDICAP SPACES	TOWN WILL DESIGNATE AND MARK 2 MORE SPACES	\$0	2	6/30/93
PARK	NO ACCESS ACROSS GRASSY AREAS	INSTALL WALKWAYS WITH SUITABLE SURFACES	\$3,000	2	7/30/93 DONATION
PARK	SOME PLAY AREA NOT ACCESSIBLE	INSTALL NEW SURFACE UNDER PLAY EQUIPMENT	\$3,000	2	May-95 SIDEWALK EXTENDED
PARK	NO ACCESSIBLE PLAY EQUIPMENT	INSTALL ACCESSIBLE PLAY EQUIPMENT	\$3,000	2	8/30/93 DONATION
PARK	WATER FOUNTAIN TOO HIGH	LOWER FOUNTAIN, INSTALL PAVEMENT AROUND	\$300	1	8/30/93
PARK	OUTSIDE RESTROOMS NOT ACCESSIBLE	INSTALL RAMPS, INSTALL FEATURES	\$2,000	1	Aug-96
EAST HOUSE	NO ACCESSIBLE RESTROOMS	INSTALL FEATURES	\$1,000	4	Jun-94
EAST HOUSE	NO STAIRWAY WARNING STRIPS	INSTALL STRIPS	\$250	4	Jan-00
EAST HOUSE	IMPROPER HANDICAPPED PARKING SPACES	MODIFY PRESENT SPACE	\$0	4	Dec-92

TOWN OF NEWBURGH
 AMERICANS WITH DISABILITIES ACT (ADA)
 IMPLEMENTATION PLAN FOR NEWBURGH PARK DEPARTMENT

<u>LOCATION</u>	<u>PROBLEM</u>	<u>SOLUTION</u>	<u>ESTIMATED</u>	<u>PRIORITY</u>	<u>DATE COMPLETED</u>
WEST HOUSE	RESTROOM MODIFICATIONS	WRAP SINK PIPES, LOWER ACCESSORIES	\$100	1	Dec-92
WEST HOUSE	IMPROPER HANDICAPPED PARKING SPACE	MODIFY PRESENT SPACE	\$0	1	Dec-92
AMAX FIELD	IMPROPER & INSUFFICIENT HANDICAPPED PARKING	MODIFY EXISTING AND ADD MORE PARKING	\$500	1	Dec-94
AMAX FIELD	NO ACCESSIBLE RESTRMS	MODIFY ONE SET TO COMPLY	\$1,000	1	Jun-95
AMAX FIELD	NO ACCESS ACROSS GRASSY AREAS	ADD MORE PARKING (SEE ABOVE)			Jun-96
KIWANIS PARK	NO ACCESSIBLE RESTRMS	MODIFY EXISTING RESTROOMS TO COMPLY	\$1,000	1	Mar-95
KIWANIS PARK	NO HANDICAPPED PARKING	DESIGNATE & MARK SPACES	\$0	1	Mar-95
KIWANIS PARK	ACCESS FROM STREET INTO PARK NEEDS TO BE LEVELLED IN SOME PLACES	CHECK & CORRECT GRADE FROM STREET TO GROUND	\$100	1	Mar-95

PRIORITY CODE:

- 1 - COMPLETION DATE - IMMEDIATE
- 2 - COMPLETION DATE - SEPTEMBER 1993
- 3 - COMPLETION DATE - JANUARY 1994
- 4 - COMPLETION DATE - JULY 1994

AMERICANS WITH DISABILITIES ACT COMPLIANCE NOTICE

POLICY STATEMENT

It is the policy of the town of Newburgh not to exclude qualified individuals with disabilities from participation in, and receiving benefits from, the services, programs or activities of the town.

It is the policy of the town not to discriminate against a qualified individual with a disability in the town's job application procedures, hiring, advancement, discharge compensation, training and all other terms and conditions of employment with the town.

It is the intention of the town to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

Any member of the public, including those with disabilities and groups representing those with disabilities, are encouraged to submit suggestions to the town on how it might better meet the needs of individuals with disabilities pursuant to the town's stated policy.

RIGHTS AND PROTECTION THE ADA AFFORDS DISABLED PERSONS

Any persons who believe they have received treatment inconsistent with the Americans with Disabilities Act (ADA) may take any of the following steps:

1. Call Mae Mason at 853-3578, Newburgh's ADA Coordinator, or stop at her office at Town Hall to find out more about Newburgh's services, programs, activities or employment practices that are the basis for the concern. The ADA Coordinator can also provide information on how the town is attempting to comply with the ADA.
2. File a grievance with the ADA Coordinator. The Coordinator will provide information on Newburgh's procedure for handling grievances on ADA rights.
3. Appeals from decisions or actions of the ADA Coordinator are permitted under the grievance procedure. If the ADA Coordinator does not adequately respond to a grievance to your satisfaction, it will be forwarded to the Newburgh ADA Compliance Committee for review and appropriate action. Decisions of the Compliance Committee may be appealed to the town council.
4. You have the right to file a law suit against Newburgh as a method for compelling the town's compliance with the ADA.
5. You have the right to file a complaint with the United States Attorney General alleging discrimination in violation of the ADA.
6. You may have a right to file a complaint alleging violation of the ADA employment provisions with the office of the Equal Employment Opportunity Commission.

APPENDIX D

- 1. Public Notice Advertisement**
- 2. Public Comment and Response Form**

The Town of Newburgh has developed a Transition Plan under the Americans with Disabilities Act (ADA) for Pedestrian Facilities in the Public Right of Way. The Plan describes how the Town of Newburgh intends to remove barriers for disabled persons who enter or who are in the public right of way.

A public hearing on this Transition Plan will take place before the Newburgh Town Council on *Wednesday, March 13, 2013 at 5:30 pm (local time) at the Newburgh Town Hall, Council Chambers, 23 West Jennings Street, Newburgh, Indiana 47630*. The Newburgh Town Council will then consider adopting the Transition Plan at its regular meeting on March 27, 2013.

Accommodations for hearing and sight impaired persons are available upon request at all meetings. Please notify Lori Buehlman, Town Manager at 812.853.3578 if you are in need of such accommodations at least 24 hours in advance.

Public comments are important to this process. The Town of Newburgh's ADA Transition Plan for Pedestrian Facilities in the Public Right of Way can be reviewed beginning March 14, 2013 at either the Newburgh Public Library or the Clerk Treasurer's office located at 23 West Jennings Street, Newburgh, Indiana 47630. A form for direct public comments will be available at these locations. Comments can also be made via email to Lori Buehlman at LBuehlman@newburgh-in.gov.

RECEIVED

MAR 18 2013

REBECCA J. GENTRY
Clerk-Treasurer Town of Newburgh

Prescribed by State Board of Accounts

General Form No. 99P (Rev. 2009A)

Warrick Publishing
(The Standard & Warrick County Today)

*Public Hearing -
ADA Transition Plan*

TOWN OF NEWBURGH

TO PO BOX 6
NEWBURGH, IN 47629

(Governmental Unit)

Warrick County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head - number of lines

Body - number of lines

Tail - number of lines

Total number of lines in notice

44

COMPUTATION OF CHARGES

44 lines, columns wide equals equivalent lines at 0.5646 Standard cents per line Warrick Today \$ 24.85

Additional charges for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM \$ 24.85

DATA FOR COMPUTING COST

Width of single column in picas..... Size of type.....point.

Number of insertions.....

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 2 times. The dates of publication being as follows:

March 7, & March 14, 2013

Additionally, the statement checked below is true and correct:

..... Newspaper does not have a Web site.

X Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.

..... Newspaper has a Web site, but due to technical problem or error, public notice was posted on

..... Newspaper has a Web site but refuses to post the public notice.

Date March 15, 2013

Rebecca A. Neal
Business Manager

A
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C
H
C
O
P
Y
O
F
A
D

Claim No. _____ Warrant No. _____

IN FAVOR OF

\$ _____

ON ACCOUNT OF APPROPRIATION FOR

Appropriation No. _____

ALLOWED _____

IN THE SUM OF \$ _____

I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is apparently correct

incorrect

I certify that the within claim is true and correct; that the services there in itemized and for which charge is made were ordered by me and were necessary to the public business

See table of legal rates in the applicable State Board of Accounts Bulletin

COPY

RESOLUTION 2013-01

A RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF NEWBURGH, INDIANA
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)
ACCESSIBILITY GUIDELINES FOR STANDARDS FOR ACCESSIBLE DESIGN
AND
GUIDELINES FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, Title II of the ADA requires that municipalities adopt the Americans with Disabilities Standards for Accessible Design that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

WHEREAS, Title II of the ADA recommends that, municipalities adopt the Americans with Disabilities Guidelines for Pedestrian Facilities in the Public Right-of-Way that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

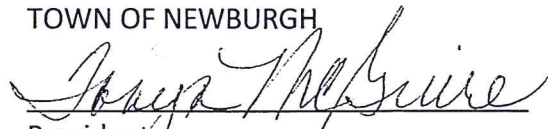
WHEREAS, the United States Department of Justice recently modified the ADA Standards for Accessible Design and the Guidelines for Pedestrian Facilities in the Public Right-of-Way in 2010 and 2011, respectively; and

WHEREAS, the Town of Newburgh remains committed to the ADA and the elimination of barriers to public facilities; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Newburgh hereby adopts the 2010 Americans with Disabilities (ADA) Standards for Accessible Design and 2011 Guidelines for Pedestrian Facilities in the Public Right-of-Way.

ADOPTED THIS 27th day of March, 2013.

TOWN COUNCIL OF THE
TOWN OF NEWBURGH


President

Deanna K. Hughes
Member

Ann Rust Arnold
Member

W. F. K. ...
Member

A. B. ...
Member

ATTEST:

Rebecca Gentry
Rebecca Gentry, Clerk-Treasurer