



Town of Exeter
10 Front Street
Exeter, New Hampshire 03833
DRAFT

EXECUTIVE SUMMARY

Americans with Disabilities Act
and Section 504 Of the Rehabilitation Act
SELF-EVALUATION AND TRANSITION PLAN

December 2019





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The Town of Exeter ADA Title II Self-evaluation was prepared by Disability Access Consultants, LLC with the collaboration and assistance of Town of Exeter staff and input by other interested persons and community members.

Dave Sharples served as the primary contact and facilitator for the Americans with Disabilities Act (ADA) and Section 504 Self-evaluation.

A copy of the Town of Exeter Self-evaluation and Transition Plan is available from Dave Sharples, Town Planner or Richard Kane, Chief of Police and the ADA/504 Coordinator. Accessible alternate formats are available.

Disability Access Consultants, LLC (DAC)
(800) 743-7067

Purpose of the ADA/504 Self-evaluation and Transition Plan

The purpose of the Town of Exeter Americans with Disabilities Act (ADA) Title II and Section 504 (504) Self-evaluation is to document the results of the Town of Exeter's review of access to programs, services, activities, events, facilities, parks, and public rights-of-way by persons with disabilities in order to determine if any discriminatory or potentially discriminatory practices, policies or procedures exist that may deny access for persons with disabilities. This report contains findings and recommendations based on the ADA/504 review of the Town of Exeter and includes a review of potential programmatic and physical barriers that may deny access for persons with disabilities.

To further the Town's commitment and access to provide programs, services and activities in a nondiscriminatory manner for persons with disabilities, the Town conducted the 2019 ADA/504 Self-evaluation and Transition Plan of programs, services, activities and facilities to identify any programmatic or physical barriers that may deny access for persons with disabilities. The Town of Exeter contracted with Disability Access Consultants, LLC (DAC) to conduct an accessibility review of programs, services and activities of the Town in accordance with Title II of the ADA. Town buildings, parks, and public rights-of-way were assessed in addition to the programmatic accessibility review. The study included accessibility requirements for the Americans with Disabilities Act (ADA) Title II, the New Hampshire Building Code, International Building Code, Manual on Uniform Traffic Control Devices (MUTCD) and the Public Right-of-Way Accessibility Guidelines (PROWAG).

As evidenced by this study, the Town of Exeter (Town) is committed to complying with the tenets of Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 (504), and other federal, state statutes and regulations to provide accessibility for persons with disabilities. The Town of Exeter ADA/504 Self-evaluation and Transition Plan further serves to demonstrate the ongoing compliance efforts by the Town. One goal of the Town is that all potential physical and programmatic barriers for accessibility are identified and removed over time in accordance with a plan that is approved and funded by the Town.

The Town of Exeter ADA/504 Self-evaluation and Transition Plan provides a current benchmark for accessibility efforts by the Town and provides an updated framework for implementation. The current study also incorporates recent code changes, updates in accessibility standards and regulations in addition to accessibility trends. The ADA Self-evaluation and Transition Plan activities work together to address the requirements of the ADA. The Town of Exeter understands that the ADA/504 Compliance Plan is not a static document but requires ongoing implementation and periodic updates.

As public input is important to develop and prioritize the plan, the Town plans to conduct public outreach. It is recognized that input from stakeholders is a valuable component for an updated, usable and realistic plan. Input that is received either from the public input process or from stakeholders on an ongoing basis is reviewed and incorporated by the ADA Coordinator or designated person as appropriate.

Background

The ADA and Section 504 of the Rehabilitation Act require state and local governments (public entities) such as the Town of Exeter to ensure that their facilities, public rights-of-ways, policies, procedures and practices are accessible and do not discriminate against persons with disabilities. The ADA and Section 504 require the Town to provide access to Town programs, services and activities that are available to the public. Facilities and public rights-of-way are assessed for compliance with accessibility standards and regulations. A noncompliant facility or policy may deny access to a program, service or activity of the Town.

The ADA has five separate titles:

- Title I: Employment
- Title II: Public Services: State and Local Government
- Title III: Public Accommodations and Services Operated by Private Entities
- Title IV: Telecommunications
- Title V: Miscellaneous Provisions

The focus of the current study is on Title II of the ADA to provide access to public areas of facilities and access to all Town programs, services and activities. Title III requirements are reviewed in selected cases due to the Town's use of outside vendors and private groups and agencies during the provision of Town programs, services and activities. Thus, requirements of Title III do overlap and integrate into the current study in cases where Town contracts with outside vendors. Title I of the ADA provides requirements for employees and is not the focus of this study, but components of Title I were assessed. Specific individual employee access accommodations are handled on a case-by-case basis under Title I of the ADA.

In addition to the Department of Justice (DOJ), the Federal Highway Administration (FHWA) and the United States Department of Transportation (USDOT) have requirements for accessibility in accordance with the Americans with Disabilities Act (ADA) and Section 504. Pedestrians with disabilities should have an equal opportunity to use the pedestrian access routes in an accessible and safe manner. As part of FHWA's regulatory responsibility under Title II of the ADA and Section 504 of the Rehabilitation Act of 1973 (504), the FHWA and USDOT are required to ensure that recipients of federal aid and state and local entities that are responsible for roadways and pedestrian facilities do not discriminate on the basis of disability in any highway transportation program, activity, service or benefit they provide to the general public; and to ensure that persons with disabilities have equitable opportunities to use the public rights-of-way system. Furthermore, laws and regulations require accessible planning, design, and construction to integrate persons with disabilities and that the public entity does not discriminate.

The Department of Justice (DOJ) has rulemaking authority and enforcement responsibility for Title II, while USDOT is legally obligated to implement compliance procedures relating to transportation, including those for highways, streets, and traffic management. The Federal Highway Administration (FHWA) Office of Civil Rights oversees the DOT requirements in these areas. In order to ensure compliance, NHDOT conducts reviews to ensure that:

- FHWA recipients and subrecipients are informed of their responsibilities to provide accessibility in their programs, activities, facilities and public rights-of-way
- Recipients and subrecipients comply with the ADA and Section 504
- Recipients and subrecipients are applying appropriate accessibility standards to all public rights-of-way and transportation facilities
- All complaints filed under Section 504 or the ADA are processed in accordance with established complaint procedures

Section 504 of the 1973 Rehabilitation Act (Public Law 93-112) prohibits discrimination on the basis of disability in federally assisted programs. Section 504 requirements for USDOT are covered under 49 CFR Part 27 (USDOT), Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Financial Assistance. The Americans with Disabilities Act (Public Law 101-336) is a broader civil rights statute that prohibits discrimination against people with disabilities. Section 504 requires public entities that receive federal or state funding to ensure that they do not have any discriminatory practices. As such, the requirements of Section 504 are very similar to those of the ADA that was passed by congress in 1990. Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112) prohibits discrimination based on disability in federally assisted programs

and the flow through subrecipients, such as the Town of Exeter. The nondiscriminatory requirements of subrecipients include contractors and vendors of the Town.

As the New Hampshire Department of Transportation (NHDOT) is a recipient of federal funds and the Town of Exeter is a subrecipient of the flow through funding, public entities are required to demonstrate their compliance with the ADA and Section 504 of the Rehabilitation Act. A component of the NHDOT requirement is the development of a comprehensive ADA and Section 504 Self-evaluation and Transition Plan. As such, completion of a comprehensive ADA Self-evaluation and Transition Plan is an accepted practice to take the place of an updated Section 504 plan. Section 504 is referred to as "504" in the report. As such, the Town of Exeter ADA/504 Self-evaluation and Transition Plan meets the requirements of not only the ADA plan, but the Section 504 plan as well. By completing this comprehensive plan, the Town will not only meet its ADA and Section 504 compliance requirements, but will have a seamless and sustainable plan that can be updated, monitored, managed and will document progress for ongoing accessibility compliance.

Differences Between a Self-evaluation and Transition Plan

The self-evaluation component of the ADA/504 plan identifies any barriers or potential barriers for persons with disabilities and includes a review of policies, programs, activities, services, facilities and public rights-of-way. Barriers identified may include policies or procedures that may inadvertently discriminate against persons with disabilities. An example of a self-evaluation component that was reviewed is the Town's website. The accessibility review of the website was conducted to determine if changes are needed to make the website accessible for persons with disabilities. Many persons with disabilities use the information on the website to view activities, enroll in courses or to provide, apply for services and provide input. Another example may be the use of inappropriate terminology such as the word "handicapped" instead of the term "person with a disability."

The transition plan on the other hand, assigns estimated dates for the removal of all physical barriers identified in the plan as required by the ADA for public entities with more than 50 employees. The Town, using DAC's recommended priority worksheet and other methods will be assigning estimated or projected dates for barrier removal in the Town Transition Plan in the DACTrak accessibility management software to develop an implementation plan for the removal of barriers. The ADA implementation plan is initially projected over a period of time that will incorporate priorities identified by the public and staff, concerns or complaints, prevalence of use by persons with disabilities, current remodeling and construction projects, funding sources, resources and other variables related to the removal of physical barriers. The plan is a planning document that will change over time to meet the needs of the Town and does not need to be approved by the Town Select Board or other governing authority. Immediate accessibility needs may change the projected barrier removal dates. As such, the plan is a "living" and working document for the removal of barriers.

Self-evaluation Plan

The self-evaluation portion of the project identifies any accessibility barriers that may deny access to programs, services, activities or facilities for persons with disabilities.

Transition Plan

The ADA requires state and local governments to develop and implement a transition plan schedule to achieve accessibility. After conducting a self-evaluation, a public entity is required in accordance with Title II of the ADA to develop a transition plan for structural changes and work with the public entity's departments and agencies to modify policies and procedures. In essence, the transition plan attaches a schedule to remove the physical barriers that were identified during the self-

evaluation portion of the project. Physical barriers that were identified during the project are contained in the DACTrak accessibility management software in use by the Town.

The term "transition plan" comes from the terminology in the 1990 Americans with Disabilities Act (ADA) that describes how public entities would be "transitioning" into compliance during the timelines of 1992 to 1995. The term "barrier removal plan" is used in addition to the term transition plan, as public entities are no longer transitioning into compliance during the three years set aside in the law. The transition/barrier removal plan identifies the noncompliant barrier that may deny access to goods and services, the proposed method to remove the barrier, the identity of the responsible person to oversee the implementation of the plan and the projected schedule for barrier removal of "structural" barriers. The self-evaluation, on the other hand focuses on programmatic barriers that may deny access to programs services and activities. The two plans work congruently to remove the structural and programmatic barriers.

To effectuate Title II of the ADA, Department of Justice regulation *28 CFR 35.150(d) Transition Plan* requires public entities to review and identify physical barriers and steps needed to enable accessible programs when viewed in their entirety. Public entities must ensure that people with disabilities are not excluded from programs, activities and services because of inaccessible facilities. Each facility is not necessarily required to be accessible. A public entity's services, programs, or activities, when "viewed in their entirety," must be accessible. This standard is known as "program accessibility" and is a key requirement under Title II of the ADA.

A comprehensive transition plan should contain the following:

1. A list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to persons with disabilities;
2. A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible;
3. The schedule for taking the necessary steps to achieve compliance with Title II of the ADA and the plan should identify the interim steps that will be taken during each year of the transition period; and,
4. The name of the official responsible for the plan's implementation. (Usually the ADA Coordinator)

Structural changes are not always required where there are other feasible solutions such as moving a recreational class to an accessible location. However, structural changes leading to increased integration should be considered where feasible.

Where structural modifications are required to achieve program accessibility, a public entity must complete a transition plan that provides for the removal of these barriers. Any structural modifications must be completed as expeditiously as possible and are required to be in the Town's transition plan.

Prior ADA Self-evaluation and Transition Plans

The 2019 study conducted by DAC updates and/or augments selected accessibility surveys and may be incorporated into studies that were conducted previously.

Project Scope of Services

The Town of Exeter issued a request for proposal for an ADA Accessibility Self-Evaluation and Transition of Public Facilities. Disability Access Consultants, LLC (DAC) was selected. The request for proposal initiated as a result of the February 2018 Town of Exeter Updated Master Plan. An action agenda item in the plan states, Exeter will: "Prioritize public facilities and spaces (including

recreational sites) where ADA improvements are needed or could be improved. Estimate costs and develop a 6-year schedule that can be incorporated into the CIP.”

Excerpt from the Town of Exeter Master Plan

for this demand range from simple convenience to more complex social expectations. Regardless, the Town of Exeter is unlikely to see any decline in the demand for programs and facilities related to youth recreation even though a slight decrease is anticipated for the number of households with school age children.

Adults

Population estimates for adults in Exeter do not show a dramatic increase in the coming decade, however discussions in the community suggest a pent up demand for recreational opportunities. Demand among the adults in Exeter included active recreation fields and facilities, with several participants calling for more opportunities for adults to swim, play volleyball, and generally take advantage of athletic facilities. Adults engaged in the Master Plan process also focused on “place-based” outdoor opportunities. Park improvements, trails, river access, dog parks, and bike path connections were recurring focal points in the community discussion.

Seniors

A recurring theme related to seniors in this document will be the power of this growing demographic group. With regard to recreation, the growing senior population will continue to create demand for active and passive facilities. Exeter will need to examine its existing facilities to find opportunities for expanding access to sites already in place.

People with Disabilities

Along with seniors who may have issues getting around or who have other physical limitations, residents of all ages who have disabilities should be a focus of the Town’s recreational programming and facility improvements. Advances in “universal design” techniques in recent years have greatly increased access for people with disabilities. Future planning efforts by the Town’s Parks and Recreation staff could include the development of a Transition Plan that shows how various facilities in the community will come into compliance with ADA.

Exeter understands the value of our parks and recreation opportunities:

- High quality parks and recreation facilities are important to the health of our residents.
- Understanding the needs of residents will require continued investment in outreach.
- Increased access to existing and future facilities for our seniors and people with disabilities is a high priority.
- Exeter has many youth and adult sport organizations that the Town collaborates with to ensure diverse opportunities and programming for residents.

“Nut & Bolts” Infrastructure

At the core of Exeter’s public services are the hard infrastructure systems that meet some of the most important everyday needs for residents and business owners.

Public Works

The Department of Public Works houses the divisions that maintain the Town’s infrastructure. The office is located on 13 Newfields Road. Since the building was constructed in 2003, the department’s functions have evolved and grown. The *Final Town Wide Facilities Plan: Space Needs and Building Assessments* (December 2015) recommends additional space for equipment storage, maintenance, and employee areas such as locker rooms and meeting space.

Water Supply and Wastewater

The primary water supply source for Exeter is the Exeter River. The Town also uses the Exeter Reservoir, which is fed by Dearborn Brook, and groundwater

To meet this objective, the Town has established a capital reserve fund for a Town-wide ADA accessibility project. The self-evaluation and improvement recommendations will be based on the Americans with Disabilities Act of 1990 (ADA). Priorities for corrective actions and available cost estimates are included. The scope of services included a review of the Town’s policies and programs, three (3) Town buildings, eight (8) recreation parks and their programs, the downtown sidewalk network, and the downtown on and off-street public parking facilities. A self-evaluation and transition plan that complies with current ADA standards, including identifying actions required to comply with the ADA, estimated costs and the review of selected Town sites and the selected Town public rights-of-way (PROW) was included in the scope and were listed in the request for proposal and identified in the attached maps.

Map 2 Town Buildings



Map 1 Town Parks



Town Offices	10 Front St.
Town Hall	9 Front St.
Public Safety Complex	20 Court St.
Brickyard Park	Kingston Rd.
Kid's Park	Front St./Winter St.
Founders Park	Chestnut St./Water St.
Town House Commons	Court St./Bowe St.
Gale Park	Front St./Linden St.
Gilman Park	Bell Ave.
Stewart Park	Water St.
Park Street Common	Park St./Main St.
Downtown Sidewalks	Indicated on the map
Downtown On and Off Street Public Parking	Indicated on the map

Map 3 Downtown Sidewalks and Public Parking



Public Parking Lot
 ADA evaluation limits

Dates of Self-evaluation and Transition Plans

The ADA self-evaluation and transition/barrier removal plans were prepared using information and input during 2019 in accordance to the scope in the Town's request for proposal. As the Town understands the commitment for regular updates and annual reports, the Town has committed to a process to update its plan on a regular basis.

ADA/504 Self-evaluation and Transition Plan

To further the Town's commitment to provide programs, services and activities in a nondiscriminatory manner for persons with disabilities, the Town decided to conduct an updated Americans with Disabilities Act (ADA) and Section 504 Self-evaluation of programs, services, activities, parks and facilities.

The updated ADA/504 Self-evaluation provides a current benchmark for accessibility efforts by the Town and provides an updated framework for implementation. The current study also incorporates recent updates in the ADA, New Hampshire Building Code, NHDOT and accessibility trends.

The self-evaluation of policies, procedures and activities was conducted in 2019 under the direction of Dave Sharples, Town Planner for the Town of Exeter. Disability Access Consultants, LLC (DAC) was contracted to conduct a comprehensive survey of all Town programs, services, activities, polices, buildings, parks, parking lots and public rights-of-way. The goal of the Town is that all potential physical and programmatic barriers for accessibility are identified and removed.

Regular Self-evaluation and Transition Plan Updates

The ADA/504 plan is a living, on-going document and requires regular updates to keep it current. As barriers are removed it is important to update the plan to reflect the current barrier removal progress. If for some reason existing sites are acquired by the Town, new facilities are built, sidewalks are added or other factors change, the Town will need to update the ADA Plan. Many town and county governments have a practice of updating their plan on an ongoing basis but prepare a progress update. The Town understands that the ADA/504 plan is a living, on-going document and requires regular updates to keep it current.

In its continuing efforts to maintain compliance, the Town has several mechanisms in place to provide for an ongoing update of the self-evaluation and transition plan in order to provide a realistic and manageable plan to remove barriers. The Town has the use of a secure online accessibility management software called DACTrak, to update, document and track the findings and the implementation of the plan, including progress reports. Accessibility standards and regulations may change and will be incorporated into the plan as appropriate. DACTrak can be updated as codes change, which allows the ADA plan to stay current without the need to do any re-inspections.

The Town's designated ADA Coordinator is empowered with oversight responsibility for implementation of the requirements of the ADA, 504 and related accessibility standards and regulation.

As public input is important to develop and prioritize the plan, the Town plans to solicit input from the public. It is recognized that input from stakeholders is a valuable component of an updated, usable and realistic plan.

Updates may also be necessitated by changes in the ADA, New Hampshire Accessibility Codes, PROWAG or MUTCD. An example requiring updates that was facilitated by litigation is on-street parking. Another example is the FHWA and DOT memorandum clarifying what is maintenance and what is an alteration and when alterations trigger curb ramp installations.

Classification of the Town of Exeter

The Town of Exeter is classified as a "public entity" pursuant to Title II of the Americans with Disabilities Act which applies to state and local governments. A public entity covered by Title II is defined as a state or local government.

As defined, the term "public entity" does not include the federal government. Title II, therefore, does not apply to the federal government, which is covered by sections 501 and 504 of the Rehabilitation Act of 1973. Title II is intended to apply to all programs, activities, and services provided or operated by state and local governments. It also applies to contractors and vendors of the public entity. As Section 504 of the Rehabilitation Act applies to programs or activities receiving Federal financial assistance, the Town understands that compliance with Section 504 is required.

Title II of the ADA covers programs, activities, and services of public entities. Title II is divided into two subtitles. This study focuses on subtitle A of Title II, which is implemented by the Department of Justice's Title II regulation. Subtitle B, covering public transportation, and the Department of Transportation's regulation implementing that subtitle, are not addressed in this study. The Town did, however survey and incorporate findings from Town owned and maintained public rights-of-way. In accordance with the ADA and Section 504, public rights-of-way are considered programs, services and activities of the public entity.

Subtitle A, the focus of the Town of Exeter self-evaluation, is intended to protect qualified persons with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. It additionally extends the prohibition of discrimination on the basis of disability established by section 504 of the Rehabilitation Act of 1973, as amended, to all activities of State and local governments, including those that do not receive Federal financial assistance. By law, the Department of Justice's Title II regulation adopts the general prohibitions of discrimination established under Section 504 and incorporates specific prohibitions of discrimination from the ADA. Section 508 standards for website accessibility are also incorporated into the study.

General Information about the Town of Exeter

According to information on the Town's website:

Welcome to Exeter – one of the most beautiful historic towns in New Hampshire. We are located in the seacoast area of Southeastern New Hampshire, with a year-round population of nearly 15,000 residents. Exeter has a diverse housing mix and a diverse population, with a combination of seniors, young families, and millennials that call Exeter home.

Exeter is ideally situated 50 miles north of Boston, MA and 50 miles south of Portland, ME along Interstate 95.

Exeter is home to many beautiful natural resources, including Fort Rock Farm, the Exeter/Squamscott River, Swasey Parkway, the Oaklands and Henderson-Swasey Town Forests, Raynes Farm, the Jolly Rand Trail, and the Dolloff Conservation Easement. Exeter has a series of wonderful trails for both residents and visitors to enjoy.

Exeter enjoys the four seasons with flowers in the spring, beach weather and local festivals and farmers markets in the summer, beautiful fall foliage and a beer and chili festival in the fall, and of course the classic New England winter!

In addition to natural beauty, Exeter is also a community with an amazing history. Exeter served as New Hampshire's Revolutionary War Capital. The American Independence Museum on Water Street is caretaker of one of the rare original versions of the Declaration

of Independence, which was found in the wall during a renovation in 1983! Abraham Lincoln gave a speech at the Exeter Town Hall located at 9 Front Street in 1860, five years after its opening, as part of his 'Cooper Union' speaking tour, and Lincoln's son Robert attended Phillips Exeter Academy. George Washington had an overnight in the Folsom Tavern, located today on Water Street, on his way through Town. Exeter also routinely attracts presidential candidates during the New Hampshire Primary season every presidential election cycle, and many candidates have spoken at various venues in the community over the years.

Exeter is also a community dedicated to a high quality of life and education. Our public-school system, part of the SAU16, is consistently rated among the best in New Hampshire. Our town is also home to Phillips Exeter Academy, one of the premier preparatory institutions in the world. PEA has a number of famous graduates who have left their mark in all walks of life. Exeter is proud of its educational heritage.

Residents of Exeter also appreciate our historic downtown, our stores and restaurants, and the Downeaster, which includes a stop in Exeter and travels from Brunswick, ME to Boston, MA, every day. Drive through Exeter each day and you'll see busy streets, with people running, walking and biking -- just to get out and enjoy what we have to offer. We have community events year-round, including a farmer's market and annual fireworks as part of the annual Independence Museum Festival. There is also the great Beer and Chili Festival on beautiful Swasey Parkway held the first Saturday in October.

Town Government

According to the Town's website, the Select Board serves as the governing body of the Town of Exeter. Members are elected annually in March to staggered 3-year terms. The Select Board are the appointing authority for several boards and committees in Exeter including the Planning Board, Conservation Commission, Zoning Board of Adjustment, Economic Development Commission, Heritage Commission, and Historic District Commission. The Board also is responsible for appointing several advisory committees of the town. The Board is also responsible for appointing the town manager under NH RSA 37.

- Selectmen
- Town Clerk
- Treasurer
- Supervisors of the Checklist
- Trustees of Robinson Fund
- Trustees of Trust Funds
- Library Trustees
- Trustees of Swasey Parkway

Town Departments

- Assessing Department
- Building Department
- Economic Department
- Exeter TV
- Finance Department
- Fire Department/EMS
- Emergency Management

- Health Department
- Human Resources
- Human Services Department
- Information Technology Department
- Library
- Parks and Recreation Department
- Planning Department
- Police Department
- Public Works Department
- Tax/Water/Sewer Collection
- Town Clerk's Office
- Town Manager's Office

Committees, Commissions and Boards

- Arts Committee
- Budget Recommendations Committee
- Conservation Commission
- Exeter Economic Development Commission
- Exeter Memorial Day Parade Committee
- E911 Committee
- Facilities Advisory Committee
- Heritage Commission
- Historic District Commission
- Housing Advisory Committee
- Planning Board
- River Advisory Committee
- Rockingham Planning Commission
- Train Committee
- Transportation Committee
- Water and Sewer Advisory Committee
- Zoning Board of Adjustments

Focus of the Updated ADA Self-Evaluation and Transition Plan

Barriers that deny or limit access to programs, services or activities may be structural or nonstructural. Nonstructural barriers may be due to policies, practices or procedures that may inadvertently limit, segregate or discriminate against persons with disabilities.

The focus of the Town of Exeter ADA/504 Self-evaluation and Transition Plan targets access to the Town's programs, services and activities in nonstructural or programmatic areas as defined by Title II of the ADA and Section 504 of the Rehabilitation Act. Structural barriers are referenced in the transition plan by site and are contained in detail in individualized Transition/Barrier Removal reports of sites inspected and are available from the ADA Coordinator and in the DACTrak Accessibility Management System. It is important to note that some structural barriers may be addressed by using a programmatic methodology if they did not involve new construction or new remodeling and renovation. Findings, recommendations and other pertinent information from the study has been loaded into the online DACTrak Accessibility Management System developed by Disability Access Consultants (DAC) and licensed to the Town of Exeter.

Methodology for the Self-evaluation and Transition Plan

A Town of Exeter staff member was designated to provide oversight representation and direction regarding the study of Town programs, services, activities and events. Dave Sharples was designated as the Town staff member to serve as the Town contact for the ADA/504 Self-evaluation.

Several methods have been used to provide input regarding the public's accessibility to programs, services and activities offered by the Town, including:

- Review of policies, procedures and other documents
- Review of website
- Review of accessibility of the Town's website
- Review of the previous efforts by the Town and the Town's updated Master Plan
- Inspection of Town facilities, parks and public rights-of-way

A key and required component of the self-evaluation is the opportunity for input by the public, organizations that represent persons with disabilities, staff and other interested persons. The Town will be conducting activities to solicit comments and input by the public using a variety of methodologies in order to incorporate comments into the overall content and to assist with the prioritization of the plan. DAC will be providing the Town with suggested methods and samples of surveys and postings. Public input meetings and open houses were held as a part of the development of an updated Town of Exeter Master Plan in 2018. Although the information collected did not specifically target persons with disabilities, many of the items had a relationship for accessibility and may be considered to be an opportunity for public input.

Using the features available in the DACTrak accessibility management software, the Town can generate compliance assessment reports that provide the following information:

- A description of the noncompliant physical element
- Identification of the reason(s) a physical element is considered noncompliant
- Applicable federal and state accessibility code references that apply to the element
- Digital photographs of the noncompliant physical element
- Summary and detail aerial maps depicting the location of the noncompliant physical element, which can be exported into an ArcGIS file format
- Recommended method to bring the item into compliance
- A construction cost estimate when applicable

Barrier removal activities can be scheduled by the Town, monitored for compliance and progress reports can be generated.

Transition/Barrier Removal Plan

The term "transition plan" comes from the terminology in the 1990 Americans with Disabilities Act (ADA) that describes how public entities would be "transitioning" into compliance during the timelines of 1992 to 1995. The term barrier removal plan is used in addition to the term transition plan, as public entities are no longer transitioning into compliance during the three years set aside in the law. The transition/barrier removal plan identifies any noncompliant barriers that may deny access to programs and services, the proposed method to remove the barrier, the identity of the responsible person to oversee the implementation of the plan and the projected schedule for barrier removal of "structural" barrier. The self-evaluation, on the other hand focuses on programmatic barriers that may deny access to programs services and activities. The two plans work congruently to remove the structural and programmatic barriers.

Public entities, such as the Town of Exeter, are required to provide access to Town programs, services and activities for members of the public. Thus, the Town must provide access for persons with

disabilities and document areas of noncompliance that may deny access. Estimated barrier removal dates are required to be a part of the transition plan to demonstrate the proposed schedule for barrier removal. Documentation of barrier removal is incorporated into the plan as barriers are removed. Plans are updated, for example, as the Town acquires additional properties, remodels facilities, removes properties from its inventory list or if accessibility codes and standards change.

The findings and recommendations for the Town buildings, parks and public rights-of-way (PROW) inspected are contained in the DACTrak Accessibility Management Software. The DACTrak software program provides the Town with an online tool to update its plan, document progress, estimate costs and schedule barrier removal. DACTrak allows the user to prioritize in a variety of methods. Different report formats can be printed from the DACTrak Accessibility Management Software provided by Disability Access Consultants.

Facilities, Parks, Parking Lots and Public Right-of-Way Surveyed by DAC

Facilities, Parks and Parking Lots

Public Safety Complex	20 Court Street
Brickyard Park	Kingston Road
Kid's Park	Front Street-Winter Street
Gale Park	Front Street-Linden Street
Gilman Park	Bell Avenue
Center Street Parking Lot	Center Street
Town Houses Commons	Court Street-Bowe Street
Founders Park	Chestnut-Water Street
Stewart Park and Parking Lot	Water Street
Park Street Common	Park Street-Main
Municipal Parking Lot	
Town Offices	10 Front Street
Town Hall	9 Front Street

Public Rights-of-Way

Water Street - Main Street to Pleasant Street - Northside
Water Street - Pleasant Street to Main Street -Southside
Front Street - Water Street to Elm Street - Southside
String Bridge - Chestnut Street to Water Street - Westside
String Bridge - Water Street to Chestnut Street - Eastside
Chestnut Street - String Bridge to High Street - Southside
Pleasant Street - High Street to String Bridge - Northside
Spring Street - Water Street to Front Street - Westside
Spring Street - Front Street to Water Street - Eastside
Center Street - Front Street to Water Street - Westside
Center Street - Water Street to Front Street - Eastside
Williams Court - Center Street to Spring Street - Northside
Front Street - Spring Street to Water Street - Northside
Court Street - Front Street to Bow Street - Westside
Court Street - Bow Street to Front Street - Eastside
Bow Street - Court Street to Clifford Street - Northside
Clifford Street - Water Street to Bow Street - Westside
Clifford Street - Bow Street to Water Street - Eastside

Bus Stops

Bus Stop #7157-Water Street & Sting Bridge

Bus Stop #7290-Front Street & Elm Street

Bus Stop #7302-Front Street & Exeter Bandstand

Select Board Policies and Procedures

Acting through their responsibilities under RSA 41:8, the Select Board have adopted a series of policies and procedures regarding town finances, personnel, and other areas of board policy responsibility. Many of the policies and procedures facilitate the Town's compliance with the ADA and civil rights laws to prohibit discrimination regarding persons with disabilities to access programs, services, activities and facilities of the Town.

Executive Summary of the ADA/504 Self-evaluation and Transition Plan

The Executive Summary contains findings regarding the extent to which the Town of Exeter's policies and practices provide access to the Town's programs, services and activities for persons with disabilities. Both programmatic and physical barriers are discussed in the executive summary. Recommendations may not necessarily indicate corrective action, but in many cases are recommendations that may enhance the current compliance activities.

Findings and recommendations for potential physical barriers are found in the online DACTrak software program. DACTrak contains photographs of physical barriers, GIS information, findings, recommendations, estimated costs and other information. Custom reports and transition plan information can be generated from DACTrak to monitor and track the implementation of the plan.

Noncompliant findings regarding physical barriers that may deny access for persons with disabilities are documented in the updated Town of Exeter ADA/504 Transition/Barrier Removal Plan that is contained in the DACTrak Accessibility Management Software. Access to information contained in the DACTrak program is available from the Town of Exeter ADA/504 Coordinator. The Town of Exeter Executive Summary serves as a roadmap to assist the Town with ongoing compliance.

The results from the ADA/504 Self-evaluation demonstrate not only the commitment by the Town to provide access to Town programs, services and activities, but documentation of the overall compliance by the Town of Exeter.

Location of Self-Evaluation

The ADA/504 Self-evaluation and Transition Plan will be maintained and made available for public inspection by Dave Sharples, Town Planner and the Town's ADA Coordinator, Chief Richard Kane. The ADA/504 Self-evaluation and Transition Plan is available in alternate formats, as requested.

Designation of ADA Coordinator

The regulations implementing the ADA and 504 require any public entity with fifty or more employees to designate at least one employee to coordinate ADA/504 compliance (28 CFR §35.107(a)). In addition, federal regulations require public entities to make available to interested persons the name, office address and telephone number of the ADA Coordinator. Furthermore, in providing for notice, a public entity must comply with the requirements for effective communication in Section 35.160.

The requirements for effective communication and other ADA and 504 requirements are discussed in more detail in this Executive Summary Report.

Compliant Findings

- ✓ The Select Board Policies and Procedures designated an ADA Coordinator and states:
"Pursuant to Section 35.107 of the ADA, the Town of Exeter has designated Richard Kane

as the person to coordinate its efforts to comply with the Americans with Disabilities Act, including investigation of any complaint alleging non-compliance or actions that would be prohibited by this act.”

- ✓ The ADA/504 Coordinator’s name and contact information is:

Chief Richard Kane
Exeter Police Department
20 Court St (PO Box 127)
Exeter NH 03833 772-1212
Phone: 603-772-1212

- ✓ As required by Title II of the ADA and Section 504 of the Rehabilitation Act of 1974, the Town has designated an ADA and Section 504 Coordinator. Chief Richard Kane is designated as the ADA/504 Coordinator for the Town. The ADA Coordinator provides centralized oversight and coordination of ADA compliance efforts with Town departments.
- ✓ The identity of the ADA Coordinator as well as the address, phone number, and email address were noticed and posted on the Town’s website and on grievance procedures and forms.

Noncompliant Findings

- ✓ The identity and contact information for the ADA/504 Coordinator was not easy to find and readily available.
- ✓ There is no designation of a Section 504 Coordinator.

Recommendations

Additional recommendations listed will maintain and enhance the requirements and do not reflect corrective action, except for the need to provide more information in multiple methods regarding the identity of the ADA/504 Coordinator.

- Information regarding the identity of the Town's ADA Coordinator should be provided to staff, posted at all Town locations, incorporated into new employee orientation and volunteer packets, and placed in frequently used publications, on the website and in staff and public directories.
- It is recommended that the Town continue to publish the name, address, e-mail address and phone numbers of the Town ADA Coordinator in appropriate public notices, brochures, pamphlets, press releases and other documents frequently distributed to the general public. Publications should also include a TDD/TYY and/or a relay phone number.
- Publications should be updated if the identity of the ADA/504 Coordinator changes or if more than one ADA Coordinator is designated.
- It is recommended that the Town continue to publish the name, address, e-mail address and phone numbers of the Town of Exeter ADA/504 Coordinator in appropriate public notices, brochures, pamphlets and other documents frequently distributed to the general public. Publications should also include the Telecommunications Device for the Deaf or Teletypewriter (TDD/TTY) and/or a relay phone number.

Posting of Identity of ADA/504 Coordinator and Notice of Rights

Federal regulations require public entities to make available to interested persons the name, office address and telephone number of the ADA/504 coordinator (28 CFR §35.107(a)).

In addition, Section 35.106 requires a public entity to disseminate information to applicants, participants, beneficiaries and other interested persons to inform them of the rights and protections afforded by the ADA/504. Furthermore, in providing for notice, the Town must comply with the requirements for effective communication in Section 35.160.

Noncompliant Findings

- ✓ The identity of the ADA/504 Coordinator and the notice of the rights afforded persons with disabilities were posted and noticed were limited.
- ✓ There was no information identifying a 504 Coordinator on the Town website or in other documents reviewed.

Recommendations

- The Town should provide ongoing notice of the identity of the Town of Exeter ADA/504 Coordinator on its website and in frequently used publications or documents accessed by the general public and by recipients of programs, services and activities.
- The notice may also be provided in newspaper advertisements, on applications, at program sites, in program handbooks, in regular mailings, on legal notices, in requests for proposals/qualifications, on facility use agreements, and in contracts.
- The notice should include the name, title, address and phone numbers of the ADA/504 Coordinator. The notice should include a TDD/TTY number and/or a Relay number to ensure equally effective communication. Although not required, it is recommended that the notice include the e-mail address for the ADA/504 Coordinator.
- Notices should be posted in conspicuous locations on a regular basis.
- Information regarding the requirement to post the identity of the ADA/504 Coordinator, notice of rights in accordance with the ADA/504 and related information should be sent to each department by the ADA/504 Coordinator or other appropriate official. A standard notice should be given as an example. Each department could add specific information applicable to the provision of programs, services and activities.
- Posting and notice requirements should be updated if the identity of the ADA/504 Coordinator changes or if more than one ADA/504 Coordinator is designated.

Statement of Accommodations on Public Notices

Statements of accommodations should be available on public notices and agendas. The Town is required to provide Title II information in alternative formats to ensure that information is accessible to people with disabilities.

Noncompliant Findings

- ✓ A statement of accommodations was not found on the majority of high-use public facing publications.

Partial Compliance

- ✓ Although not consistent and not available on public facing documents, the Town of Exeter Town Policy and Procedures Manual addresses Rules of Conduct for Selectmen's Meetings in Policy 94-14 and includes a statement of accommodations that states the following:
 - “Persons may request an accommodation for a disabling condition in order to attend this meeting. It is asked that such requests be made with 72 hours' notice. If you do not make such a request, you may do so with the Town Manager prior to the start of the meeting. No requests will be considered once the meeting has begun.”
- ✓ Some agendas, such as the Select Board Meeting, included a variation of the accommodations statement of the statement in the Town Policy and Procedures Manual and states:
 - “Persons may request an accommodation for a disabling condition in order to attend this meeting. It is asked that such requests be made with 72 hours notice.”

Town of Exeter	Policy Number 94-14	Adopted by Board of Selectmen
Subject: Rules of Conduct for Selectmen's Meetings	Adoption Date: 1987 Revision Date: 6/27/94 Effective Date:	Supersedes:

1.0 Purpose of the Policy:

In the interest of promoting orderly and meaningful selectmen's meetings, the following rules of conduct are hereby adopted:

2.0 Departments Affected:

All Departments

Persons may request an accommodation for a disabling condition in order to attend this meeting. It is asked that such requests be made with 72 hours notice. If you do not make such a request, you may do so with the Town Manager prior to the start of the meeting. No requests will be considered once the meeting has begun.

The above statement, with appropriate reference to Chairman, Moderator or staff, shall be shown on all public meeting agendas for Town Board and Committees.

- ✓ There is a statement of accommodation on the Application for Employment found on the Town's website. However, the intent of Title II of the ADA and Section 504 is that statements of accommodations should be readily available to members of the public and not be limited to employees only.

Recommendations

- It is recommended that the current statement of accommodation be revised to include prior notice of 48-72 hours, contact information and reworded to state that "A qualified person with a disability that needs an accommodation to participate should contact ____ (name, email, phone number).
- It is recommended that the Town include a standardized or consistent statement of accommodation and compliance on all agendas, meeting announcements and other public facing documents.
- Information regarding the uniform statement of accommodation should be developed and disseminated to all Town departments with information as to the purpose of the accommodations statement.
- The statement of accommodations should provide a notice being required to state either 48 hours but not more than 72 hours is required. It is not recommended that members of the public are allowed to make a request for an accommodation at the start of the meeting. A request for a sign language interpreter, without prior notice, would be difficult to achieve.

Statement of Nondiscrimination

All public entities are required to provide information to applicants, participants, beneficiaries, employees and other interested persons of the rights and protections afforded by Title II of the ADA (26 CFR §35.106).

Partial Compliance

1. A nondiscrimination statement was found on the Town of Exeter application for employment:
“The Town of Exeter is an equal opportunity employer and does not discriminate in hiring, promotion or other employment decisions on the basis of race, sex, color, pregnancy, religion, national origin, sexual orientation, marital status, disability, age, veteran or military status, or any other basis protected by law. Equal access to programs, services and employment is available to all persons. Those applicants requiring reasonable accommodation to the application or interview process should notify a representative of the Human Resources Department.”
<https://www.exeternh.gov/hr/employment-application>
- ✓ A statement of accommodation was not found in other areas of regarding access to Town programs, services and activities for the general public.

Recommendations

- Nondiscrimination statements should be posted on frequently used publications for the public.
- Policies, practices and procedures for nondiscrimination should refer to members of the public, in addition to employees, and address nondiscrimination regarding access to all programs, services and activities for persons with disabilities and not be limited to employment. The Town should consider adopting a general nondiscrimination policy for access to programs, services, activities, applicants and employees.
- Statements of nondiscrimination should be included on selected publications, brochures describing programs, services and activities offered by the Town, new employee materials, recruitment materials; publications and frequently used forms and documents.
- Departments should be directed to include the statement in selected publications, documents and forms.
- Contracts and vendors that provide printing and publication services should be notified of required statements, required font and required contrast for accessible publications.
- The new employee orientation packet and volunteer information should include a statement of nondiscrimination by the Town regarding the public’s access to programs, services, activities, recruitment and employment.

Input into the Self-Evaluation Process

The regulations which implement the ADA require public entities to provide an opportunity to interested persons and organizations to participate in the Self-evaluation process. For three years after completion of the Self-evaluation, the public entity must keep records of any problems identified. (28 CFR §35.105)

In Progress and Planned by the Town

- ✓ The Town is planning to provide opportunities to collect input from the public and organizations that represent persons with disabilities.
- ✓ Methods may include a posting on the website, online and hard copy surveys and other methods.

Grievance/Uniform Complaint Procedures

A public entity that employs fifty or more people must adopt and publish grievance procedures which provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA (28 CFR §35.107(b)).

Partial Compliance

Findings were partially compliant in terms of the designation of the ADA Coordinator included a statement that grievance procedures were required, however, grievance procedures and forms were not readily available to members of the public.

- ✓ The purpose of the grievance procedure is stated that under the ADA the grievance procedure is mandated by federal law for any public entity employing fifty (50) or more person.
- ✓ The Select Board Policies and Procedures contains information on page 124 and 125 regarding Grievance Procedures under the ADA that were adopted by the Board of Selectmen with a subject title of Grievances Under the Americans with Disabilities Act with a Town of Exeter Policy Number 00-24. The effective date is 8/13/92 and is designated to pertain to all Town departments.
- ✓ The Select Board Policies and Procedures outlines the procedure to contact the ADA Coordinator to determine the validity and to conduct a potential litigation.
- ✓ The Select Board Policies and Procedures states that within 10 business days, the ADA Coordinator shall meet with the grievant to discuss the findings of the investigation. The ADA Coordinator may attempt to resolve the grievance.

Recommendations

- The identity of the ADA and 504 Coordinator should be readily apparent to members of the public.
- The Town should make efforts to inform staff and the public of the existence of the Town's ADA/504 Coordinator, grievance procedures, the steps for handling grievances, and the Town policies for remediation of grievances.
- Information regarding complaint procedures should be readily available to members of the public, as well as to employees and applicants.
- Procedures should outline the steps needed to resolve a complaint.
- Grievance procedures and forms should be available in accessible alternate formats.
- A method to collect data and collect a profile of complaints and grievances should be developed.
- The status of the complaint and the time from complaint to resolution should be documented and tracked to assist with interventions and staff development to reduce or eliminate repeated complaints.
- Complaint procedures and forms should be available at all Town buildings and in all departments and on the Town's website.
- Training should be provided to staff regarding the requirement and purpose of the grievance procedure.
- The Town might consider the centralization of complaint handling to assist with the tracking of complaint resolution. A centralized database and analysis of types and locations of complaints may also assist with developing profiles to assist with targeting quality control and training measures. Centralized record keeping of such information will help the Town to regularly update its compliance efforts, and plan for additional compliance implementation for training and budget considerations.
- The ADA/504 Coordinator or designated staff can develop updated reports based on a profile of concerns or complaints to determine the needs for proposed training materials, agenda items, and proposed budget expenditures.
- Procedures should continue to be developed, implemented and institutionalized to provide consistency for complaint resolution and record keeping.
- Grievance procedures should also provide an alternate point of contact other than the ADA/504 Coordinator.

Access to Programs, Services, Activities and Events

A public entity may not adopt official policies that are discriminatory or engage in practices that are discriminatory. This prohibition applies to policies that are explicitly exclusionary and to those which appear to be neutral but have a discriminatory effect (28 CFR §35.130(b)(3)).

The ADA/504 prohibits public entities from excluding persons with disabilities from programs, activities or services offered by the public entity. The law allows a public entity to use both structural and nonstructural methods to achieve accessibility to programs, services and activities (28 CFR §35.150(a)(1); (b)(1)).

Compliant Findings

- ✓ Town programs, services and activities were reviewed and overall were found to be conducted in a nondiscriminatory manner.
- ✓ The Town's website provides information on Senior Transportation as it relates to access to programs, services and activities and states: "Transportation for Seacoast Citizens is a non-profit supported by the Town of Exeter and serving Exeter residents age 55 and older and adults with disabilities that prevents them from driving. Their mission is to help people maintain the health, independence and dignity by mobilizing volunteer drivers to provide rides to eligible residents."
- ✓ The Town's website contains information and forms for persons with Alzheimer's and Individuals with Special Needs for participation in Town programs.
- ✓ A statement is listed on the Town's application for employment found on the Town's website, that states "Equal access to programs, services and employment is available to all persons."

Recommendations

Recommendations listed are not intended to be corrective action items, but to enhance the access to programs, services, activities and events by persons with disabilities.

- The ADA/504 Coordinator should continue to monitor and receive information regarding concerns or issues about access to programs, services and activities and take the appropriate action regarding any potential discriminatory practices for persons with disabilities.
- The ADA/504 Coordinator should continue to monitor programmatic access.
- Additional and ongoing training should be provided regarding the requirements of the Americans with Disabilities Act and accommodations that provide equal access to programs, services and activities.
- Meetings and events open to the public should be held in buildings that meet accessibility requirements, or in the accessible portion of the building with accessible elements that serve the area where the meeting or event is held. For example, parking, restrooms and drinking fountains that serve the area where the meeting and event is held should also be accessible.
- Information regarding the facility or event site should include information regarding accessible features and elements of the site. For example, accessible parking, accessible restrooms and other items and elements should be indicated on documents and on the website. Indicating accessible paths of travel and accessible entrances also provides valuable information for persons with disabilities. A contact number and email address should be provided for additional assistance.
- Information about how to request accommodations should appear on all public notices, announcements and agendas. Information should be disseminated to all departments and divisions regarding the statement for accommodations requirement.
- The Town should provide training for staff and volunteers regarding accommodations for persons with disabilities. All frontline staff such as receptionists and staff with high public contact, should receive training on interacting and accommodating persons with disabilities.
- Additional training materials should be purchased or developed to assist with training efforts.

- The Town of Exeter does not currently have an ADA/504 accessibility or accommodation request form on their website.
- The ADA/504 Coordinator should maintain records of requests, concern and comments and the status and method to resolve the concerns.
- The Town should assist departments with planning and budgeting for selected accommodations, such as large print, CD-ROMs and Braille materials.
- A centralized method for producing alternate formats may provide a cost savings and reduce the timelines to produce alternate formats.
- A policy regarding shared mobility devices should be reviewed and consideration given for use in certain cases by persons with disabilities as a reasonable accommodation. The Town should consider developing an overall policy regarding "other power-driven mobility devices" (OPDMD) in accordance with the Department of Justice (DOJ) requirement for OPDMDs.

Service Animals

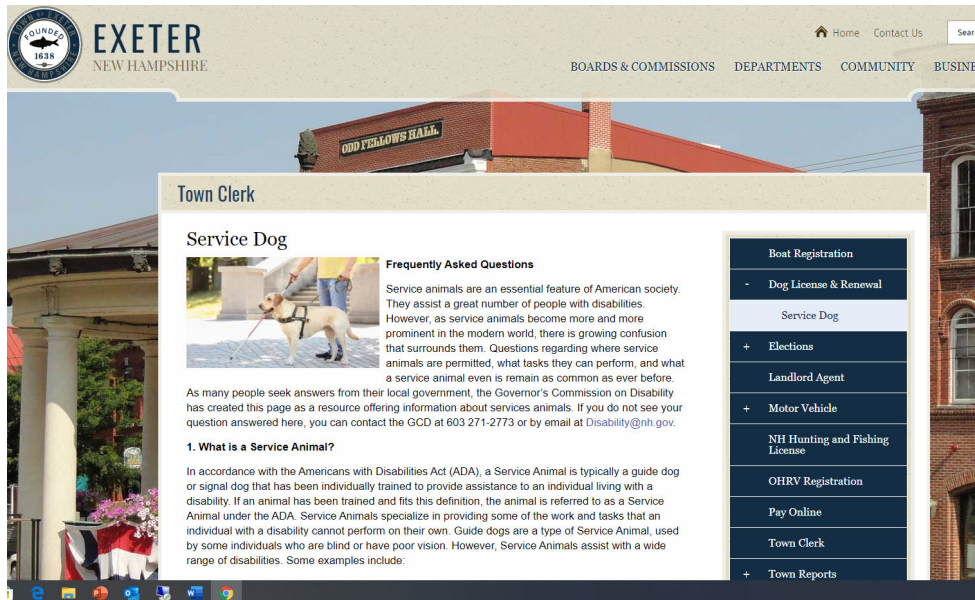
The Department of Justice (DOJ) published revised final regulations implementing the Americans with Disabilities Act (ADA) for Title II (State and local government services) and Title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

Beginning on March 15, 2011, only dogs and miniature horses are recognized as service animals under Titles II and III of the ADA.

A service animal is a dog (in some cases a miniature horse) that is individually trained to do work or perform tasks for a person with a disability. Public entities, such as the Town, must permit service animals to accompany people with disabilities in all areas where members of the public are allowed.

Compliant Findings

- ✓ The Town has published information on its website regarding service animals. The Town has a specific section covering information about service animal on the website, including what classifies as a service dog, registering a service dog, as well as town policies and frequently asked questions: <https://www.exeternh.gov/townclerk/service-dog>



Recommendations

- Staff should be provided additional information or training regarding service animals to understand the definition of a service animal and that service animals must be permitted to go to all public areas with only a few exceptions.

Eligibility Criteria

Public entities cannot use eligibility criteria that tend to exclude or screen out persons with disabilities (28 CFR §35.130(b)(8)).

Compliant Findings

- ✓ No discriminatory practices were noted regarding eligibility criteria for program access.

Recommendations

- Program eligibility criteria should be reviewed as they are drafted or modified to ensure that eligibility criteria do not put additional burdens or requirements on persons with disabilities.
- The Town should continue to ensure that all eligibility criteria allow for accommodations for persons with disabilities.

Equally Effective Communication

Public entities must ensure that applicants, participants and members of the public with disabilities have communication access that is equally effective as that provided to persons without disabilities (28 CFR §35.160(a)).

Auxiliary Aids and Services

Partial Compliance

- ✓ The Town does have some auxiliary aids and services available to persons with disabilities.

Recommendations

- The Town should provide staff training and information regarding auxiliary aids and effective communication to employees and volunteers.
- The Town's policy directives should require equally effective communications for programs, services and activities provided for the public by the Town of Exeter.
- The Town could purchase a portable indoor-outdoor assistive listening system that could be checked out from the ADA/504 Coordinator on an as-needed basis. Information should be sent to departments regarding the availability of assistive listening systems.

Interpreter Services

Partial Compliance

- ✓ Interpreter services are generally handled individually by departments on a case-by-case basis.
- ✓ An on-call contract is currently not in place.

Recommendations

- Interpreters should be provided as determined through the request for accommodation process or in circumstances where an interpreter is known to be required. The Town may want to inquire about a contract for Town-wide interpreter services for departments to utilize as needed to provide a quicker response at a lower cost.
- The Town must ensure that those persons utilizing a language other than English and are deaf, are also provided interpreter services that specialize in signing for that language.
- The Town may consider the use of a video relay interpreter system to augment the current contract and arrangements for interpreters.

Telecommunications Devices for the Deaf

Compliant Findings

- ✓ TTY/TDD numbers were not found to be available in some departments, Town publications, website pages or in staff or service directories, however, the Town uses the relay system.

Recommendations

- All staff responsible for responding to incoming telephone calls should be trained in the proper use and protocol of TDD/TTYs. Information and training should be provided on an ongoing basis.
- The Town should install additional telecommunications devices for the deaf (TTY/TDD) phone lines in several areas or purchase a network compatible system that would reside on the server.
- Departments with high public use should purchase a unit or a network system. The Town might consider the purchase of a network PC compatible TTY/TDD system that would allow individual computers to be networked and access TTY/TDD calls, instead of purchasing separate TTY/TDD units that require a dedicated line. The advantages of the networkable system are allowing the user to transfer calls, conduct conference calls and utilize voice mail.
- Employees who communicate with the public should become familiar with the use of TDD/TTY communications and how to maintain the TDD/TTY in an operable condition. The development of TDD/TTY help sheets noting abbreviated words commonly used in TDD/TTY communications would be helpful to staff when communicating via TDD/TTY. Posting the help sheet near TDD/TTY's would also be helpful to the user.
- Procedures should be developed and institutionalized to ensure that TDD/TTY and other communication devices are maintained in working and operable order at all times.
- The Town may wish to purchase additional back up TDD/TTYs for replacement, in the event that permanently located TDDs may be temporarily out of commission.
- If available, publication of all TDD/TTY numbers can be provided in program literature, in phone directories and on selected publications.

Website Accessibility

There are three levels of website accessibility recognized by the World Wide Web Consortium (W3C). The standards are referred to as Web Content Accessibility Guidelines 2.0 (WCAG 2.0). Websites for Title II entities such as the Town of Exeter are required to comply with WCAG 2.0 Level AA. Level AA requirements include all minimum standards of Level A as well.

Partial Compliance

- ✓ The Town website was found to be reasonably compliant regarding website accessibility to meet WCAG 2.0 Level AA protocols.
- ✓ A comprehensive analysis of the Town of Exeter's website was completed and is available as a separate document.

Recommendations

- The Town should make the revisions to its website in order for it to be fully compliant.
- The Town should continue to monitor its website accessibility.
- The Town should ensure that the website vendor/contractor provide a compliant website and issue a statement of accessibility.

Alternate Formats

Partial Compliance

- ✓ Not all statements of accommodations or nondiscrimination statements do not specify to persons with disabilities that alternate formats are available and it is not known what alternate formats may be available for public documents.

Recommendations

- The Town should consider a method to centralize a department, possibly connected to information services or printing, that would provide documents and materials in alternate accessible formats. The centralized approach to developing and maintaining alternate accessible formats may be more cost effective and timely.
- The Town should continue to provide staff training regarding the requirements for accessible alternate formats, what accessible alternate formats are and how to provide accessible alternate formats. Procedures should be put in place for the development of accessible alternate formats.
- The Town should produce accessible alternate formats for high use areas where the probability for a request for an alternate format is high. Examples include provision of audiocassettes, large print, information that sent via e-mail, screen readers, Braille, and pictograms.
- It is recommended that the Town consider contracting out selected services to organizations that have the ability to develop Braille documents for brochures, pamphlets, applications, documents and other public information written in text.

Availability of Online Information and Services

Information regarding Town of Exeter programs, services and activities should be available in alternate formats to assist persons with disabilities.

Partial Compliance

- ✓ The accessibility of Town of Exeter information, meetings, agendas and minutes is more accessible due to the online availability of documents for meetings that are archived. The Town's website has pages for upcoming and archived meetings that includes agendas, minutes and video files of previously held meetings. A video archive of meetings provides a significant step to accessibility of actual meetings, in addition to other methods of providing information to members of the public. No option for viewing the archived meeting with closed captioning was located.

Recommendations

- It is recommended, however, that not all information and forms that the public would need to access are not exclusively available online only. For example, some persons may not have access to the internet and therefore may be denied access. It is recommended that both online and hard copy forms and applications be used, not only online.
- Public notices regarding meetings and other methods for input should have a statement of accommodations that includes who to contact for an accommodation. A TTY/TDD number, if used, should also be included. To meet the Title II public entity requirements of WCAG 2.0 Level AA, recordings of meetings and videos are required to be closed or open captioned.
- Regarding input for public meetings and agendas, the methods for submitting information should also be expanded to include a system for online input in addition to appearing in person and submitting written comments when appropriate.

Acceptable Terminology

Noncompliant Findings

- ✓ The use of the term "handicapped" was used in the description of some of the public works project and in the Capital Improvement Plan posted on the website.

Recommendations

- Town publications and documents should be reviewed to see if the word "handicapped" is used. The words "individuals with disabilities" or "persons with disabilities" should replace "handicapped". The term "disabled person" should also be avoided. Information regarding acceptable terminology in "people first language" should also be provided to Town staff. Publications should be updated as they are reprinted.

- It is recommended that the ADA/504 Coordinator disseminate information or provide training regarding acceptable terminology to be utilized by departments and staff.

Staff Training

On-going compliance with the ADA/504 can only be achieved if Town staff and officials receive ongoing and updated training about the rights of persons with disabilities and the obligations of public employees under the ADA/504. Although training is not required by the ADA/504, training regarding the requirements of the ADA/504 is recommended.

Recommendations

- The Town should continue to provide ongoing training regarding the ADA/504 for facilities, public rights-of-way and outdoor recreation standards. Suggested training topics should include, but are not limited to:
 - Requirements of the ADA/504 for the Town of Exeter
 - Persons with Disabilities
 - Acceptable Terminology and Expressions
 - Noncompliance Consequences
 - Accessible vs. Compliant
 - Barriers – Programmatic or Physical
 - Providing Services for Persons with Disabilities
 - Service animals
 - Other
 - Leased Sites
 - Special Events
 - Accessible Locations for Meetings
 - Events & Voting
 - Auxiliary Aids and Services
 - Construction & Remodeling
 - Maintenance of Accessible Features
 - Community Donations and Construction Projects
 - Town of Exeter Responsibilities
 - Notice of the ADA/504 Coordinator
 - Notice and Rights Posted for persons with disabilities
 - TDD/TTY
 - Assistive Listening
 - Grievance Complaint Procedures
 - Statement of Accommodations
 - Persons with Disabilities Participation
 - Use of Town Facilities by Organizations and Individuals
 - Reasonable Accommodations
 - Statement of Accommodations
 - Effective Communication
 - Alternate and Accessible Formats
 - Accessible Websites
 - Volunteers
 - Accessibility standards and regulations
- The Town should provide staff training in additional formats other than a classroom session, if needed. Training methodologies could include videos (captioned) that could be viewed at the training or checked out by departments and agencies.
- Handouts and training materials should be prepared, if needed, in alternate accessible formats.

- The ADA/504 Coordinator should continue to provide or coordinate additional ADA/504 training to all management and staff who have regular contact with the public.

New Employee and Volunteer Orientation

Partial Compliance

- ✓ The Town's Volunteer information does not include a statement of nondiscrimination or reasonable accommodations.

Recommendations

- The Town should add information as to the identity, title, address, phone number and e-mail address of the ADA/504 Coordinator to new employee orientation and volunteer information.
- The Town should develop training materials and videos for new employees and volunteers regarding information and requirements of Title I and Title II of the ADA and Section 504. Materials could also be offered on providing accommodations for persons with disabilities.

Outreach Materials and Activities

The ADA/504 does not specifically state how a public entity provides for accessibility to the Town's programs, services and activities. One method is to disseminate information in a variety of locations and formats to enhance the access to programs, services and activities of the Town.

Partial Compliance

- ✓ No specific outreach activities were noted regarding providing activities and materials for persons with disabilities. However, when meetings and activities are scheduled, a member of the Public Works Department reviews the location to determine accessibility. In addition, a statement of accommodation is included on public outreach meeting notices.

Recommendations

- The Town should consider including additional pictures and references to persons with disabilities in publications, brochures and materials.
- Organizations representing persons with disabilities and areas with an increased population of persons with disabilities could be targeted for input regarding additional methods to disseminate information regarding programs, services and activities of the Town.
- In Town publications, areas or services that are accessible should be indicated with descriptive text and the International Symbol of Accessibility (ISA). For example, accessible restrooms and routes can be designated on the website, on maps and in publications.

Distribution and Location of Publications

Publications, documents and brochures are required to be accessible for persons with disabilities.

Partial Compliance

- ✓ Most publications, brochures and documents are displayed in departments and areas that were accessible for persons with disabilities. Displays should also allow for retrieval of the information without utilizing a tight pinching or grasping motion and be within a compliant reach range not to exceed 48 inches in height on an accessible route in order to access the information.

Recommendations

- The ADA/504 Coordinator should continue to provide information to departments regarding the placement of brochures, pamphlets and information in accessible locations and in accessible containers or displays for persons with disabilities. Including requirements for reach ranges and clear floor space to access publications would also be helpful.
- Counters and areas that are lowered for access by persons with disabilities should be maintained and kept clear of display and work items.

Fees and Surcharges

Public entities may not charge a fee or add a surcharge to a fee to cover the cost of making its facilities, programs, services or activities accessible to persons with disabilities. (28 CFR §35.130(f)).

Compliant Findings

- ✓ There was no evidence of fees charged to persons with disabilities that were not charged to persons without disabilities to access programs, services and activities.
- ✓ The Town nondiscrimination statement states:
"The Town of Exeter will not place a surcharge on a particular individual with a disability or any group of persons with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs".

Recommendations

- The ADA/504 Coordinator should continue to randomly review policies and practices to ensure that fees and surcharges are not charged to persons with disabilities that are not charged to persons without disabilities.

Emergency Evacuation Procedures

As a public entity, the Town is required to plan to meet the needs of persons with disabilities in an emergency and provide access to emergency shelter services.

Partial Compliance

- ✓ The Town has emergency evacuation procedures but planning and procedures were not evident regarding persons with disabilities.

Recommendations

- The Town should provide additional training and information regarding emergency evacuation procedures, particularly regarding the evacuation of persons with disabilities.
- The Town should continue to post evacuation routes and procedures continue to be posted at all Town sites and on the website.
- All staff should be made aware of the location of the posted evacuation routes within their facilities.
- The Town should develop procedures and a mechanism to monitor the posting of emergency evacuation routes and procedures.
- The Town should consider the development of a voluntary registry for persons that may need additional assistance that may not have access to technology.
- Shelters should be surveyed to determine that they are accessible for persons with disabilities prior to be designated as an evacuation shelter. A provision should be noted to allow service animals and training should be provided to shelter staff to understand the difference between pets and service animals.
- Designated evacuation shelter sites should also be inspected on a regular basis to determine that the shelter continues to be accessible for persons with disabilities. Noncompliant findings for designated shelters can be found in the Town Transition Plan.

Organizations Representing Persons with Disabilities

The ADA/504 does not require the Town staff or teams to directly participate with organizations representing persons with disabilities. The Town, however, has an opportunity to network and develop collaborative partnerships with persons and organizations representing persons with disabilities. Through the network, partnerships, the Town has provided an additional mechanism for public input to ensure that current and future programs, services and activities are accessible.

Partial Compliance

- ✓ Information regarding the representation of persons with disabilities on committees was not available. However, information was not present regarding non-inclusion of persons with disabilities.

Recommendations

- The Town should continue to include persons with disabilities on committees and advisory boards.

Policies for the Use of Town Facilities

Partial Compliance

- ✓ The Town does have an application for the use of Town facilities but does not have information regarding assurance of nondiscriminatory practices by users of Town facilities.

Recommendations

- The Town should consider the inclusion of a nondiscrimination clause in their facility rental policy. The inclusion of nondiscrimination language in policy and on forms would help ensure that outside groups and organizations would agree to abide by all applicable local, state and federal laws and Town policy regarding nondiscriminatory practices during the utilization of Town facilities.
- The Town should make the application form and facility use agreement available in multiple formats, ensuring at least one is accessible, and offer multiple methods to submit the application. A policy that would prohibit pets in a facility or park should include a notice allowing service dogs, when appropriate.

Facilities Leased by the Town

Under Title II of the ADA, the Town is responsible for providing access to its programs, services and activities in both owned and leased facilities.

Partial Compliance

- ✓ Some noncompliant findings for leased spaces can be found in the Town ADA/504 Transition Plan.

Recommendations

- The Town should review the accessibility of sites that are and may be leased in the future prior to engaging in a lease or renewal and establish a procedure for a pre-lease inspection.
- When considering a leased space, the ADA/504 Coordinator, or designated staff member, should be trained to conduct or have a designee or consultant conduct a field inspection of the prospective building to assess the building for a general, functional level of accessibility. The ADA/504 Coordinator could utilize an abbreviated checklist to determine general accessibility of facilities that the Town is considering to lease. A more comprehensive inspection could be conducted if the initial review appears to be favorable.

Selection of Contractors and Contracted Services

Public entities cannot use contract procurement criteria that discriminate against persons with disabilities (28 CFR 35.130(b) (5)). Contractors should be held to the same nondiscrimination rules that apply to Town employees.

Compliant Findings

- ✓ No discriminatory or exclusionary practices were evident in the selection of contractors and contracted services.

Recommendations

- The Town should continue to monitor use of standard agreements and leases by all Town departments.
- It is recommended that the Town consider one or more of these avenues to maintain compliance when contracting for services or when leasing facilities:
 - Include ADA/504 compliance requirements in new requests for proposals.
 - Review ADA/504 requirements when contracts or leases are negotiated, revised or renewed.

Building and Construction

Construction of each new facility or part of a facility, or the alteration of existing facilities after January 26, 1992, are required to conform to the ADA Standards. Construction and major remodeling after these dates are required to be accessible and to meet all applicable accessibility standards and regulations.

Partial Compliant Findings

- ✓ Some noncompliant findings were noted in newly constructed and major remodeling projects that should have been compliant. However, the Town has made a commitment to improve accessibility by its ongoing efforts to improve accessibility by adding accessible features and removing barriers to accessibility. The Town has comprehensive accessible standards and operating procedures that describe procedures for remodeling and new construction. The Town continues to add accessible features to areas in the Town to improve accessibility for persons with disabilities.

Recommendations

- Due to the findings of the review of new construction and remodeling, the Town should enhance their oversight of projects to ensure that remodeling and new construction meet applicable accessibility standards.
- The Town should review policies, practices and procedures, remodeling and construction activities to ensure that they meet the applicable accessibility standards.
- Internal policies and procedures focusing on the review of design and construction activities specific to ADA compliance and Accessibility compliance should be added.
- The Town should ensure that accessibility inspections are conducted as work progresses and is completed.
- It is recommended that the Town contract for an independent review of plans, remodeling efforts and new construction for accessibility requirements of the Americans with Disabilities Act Standards (ADA) and related accessibility codes, standards and regulations.
- Language in contracts with outside vendors should state that work will be performed with all applicable state and federal accessibility standards and regulations.
- The Town should ensure that contractors are informed when performing construction activities adjacent to or within the public right-of-way that accessible and safe pedestrian routes must be maintained throughout the project. Information on alternate accessible pedestrian routes and detours should be posted on the Town's website, as well as at the site during construction.
- Procedures should be established to ensure alteration projects which affect usability of facilities containing a primary function; that the path of travel to the altered area including restrooms, telephones, and drinking fountains serving the altered area be brought into compliance with ADA Standards to the extent of 20% of the cost of the alteration.

Maintenance of Accessible Features

The ADA requires (35.133) public entities to maintain their accessible features and elements.

Compliant Findings

- ✓ The Town has formal policies and procedures to maintain accessible features as required by the ADA.
- ✓ The Town also includes accessibility improvements and renovation in their overall Capital Improvement Plans.
- ✓ The Town has regularly scheduled practices to maintain day-to-day maintenance of accessible features, such as re-stripping of parking, trimming vegetation or items that interfere with sidewalks, elevators and paths of travel.
- ✓ The Town has policies, procedures and methods to maintain the accessibility of streets and sidewalks.

Recommendations

- The Town should continue to monitor accessible items and elements that are required to be accessible and therefore need to be maintained in an accessible manner.

Planning and Budgeting for Accessibility

There is not a specific requirement in the ADA or Section 504 for planning and budgeting for barrier removal. There is a requirement for public entities to incorporate a projected schedule for barrier removal into the transition/barrier removal plan. A public entity that is budgeting or seeking funds to use for ADA/504 barrier removal and to improve access to programs, services and activities shows intent to implement the barrier removal/transition plan.

Compliant Findings

- ✓ There is evidence that the Town is incorporating the removal of barriers to accessibility on an ongoing basis and plans to remove additional barriers to Town programs, services and activities.
- ✓ The Town has established a capital reserve fund for a Town-wide ADA accessibility project.
- ✓ The Capital Improvement Program has designated funding for ADA improvements and renovations.
- ✓ The Town's budget reflects funds for ADA improvements.

Recommendations

- Although the current funding for the removal of accessibility barriers is incorporated into existing projects, the Town can plan to set aside additional funds for an ADA budget to augment other ADA activities. Accommodations for a sign language interpreter, for example, that are needed but are not a part of a current project, may be able to be addressed with additional or a dedicated ADA budget.
- The Town should continue to maintain an ongoing barrier removal implementation plan and document the Town's progress, initiatives and funds expended.
- In appropriate cases, it is recommended that the Town contract for an independent review of plans, remodeling efforts and new construction for accessibility requirements for the Americans with Disabilities Act Standards (ADA) and related codes and accessibility regulations. It is important and required that the accessibility barrier removal efforts meet federal and state accessibility codes.
- The ADA/504 Coordinator, or designated staff, should be empowered with the authority to make recommendations and monitor the current Town of Exeter ADA/504 Self-Evaluation and Transition Plan.

- In addition to the removal of structural barriers, departments should consider budgeting for accessibility items, especially in the area of communication, such as TTY/TDD's and alternate formats.

Implementation and Conclusion

As evidenced by this study and update, the Town of Exeter is committed to complying with the tenets of Title II of the ADA, Section 504, and other federal, state statutes and regulations to provide access for persons with disabilities. The Town of Exeter has demonstrated an ongoing commitment to provide equal access to its programs, services and activities to maintain and enhance compliance with the requirements of the Americans with Disabilities Act. This commitment is evident throughout the organizational structure and is demonstrated by its outreach efforts and involvement of the community. The Town continues to embrace a concept of full and equal access for all the people it serves.

As further evidence of its efforts for compliance with the Americans with Disabilities Act and related accessibility legislation, the Town of Exeter has continued to prioritize and develop funding projections for implementation of the ADA Self-evaluation and barrier removal/transition plan.

Implementation of the recommendations in the Self-evaluation will continue to require planning, resources, staff training, interdepartmental coordination and collaboration throughout the organizational structure and the public. The Town should develop methods and procedures to update and maintain a current plan, budget funds, schedule, implement, document, and monitor barrier removal activities.