Commission for Persons with Disabilities
Regular Meeting Minutes
March 3, 2016
6:00 PM

Present: Michael Menders, Lisa Harrison, Raymond DeBlasio, Cynthia Litton, Joanne Philbrick, Jane O'Friel, George Chaput, and Kevin Harkins

Absent: Lottie Scott

Call to Order: The meeting was called to order at 6:00 pm by Michael Menders.

Determination of Quorum: It was determined a quorum was present.

Approval of Minutes: On a motion made by Kevin, seconded by Raymond, the minutes from the previous meeting on February 4, 2016 were approved as produced.

Citizen Comments: No citizen comments were made.

Guest Speaker: Cathy Osten, State Senator and First Selectman for the town of Sprague: Senator Osten took an immediate interest in Sprague's sidewalks when she was elected. It became her mission to allow all residents to enjoy being outside safely in their community. During her ten years in office, Senator Osten has completed numerous repair projects for the sidewalks and public areas. She shared a report from the office of Legislative Research, which detailed the financial responsibility for sidewalk repair in the state. Cathy offered to help the Commission by supporting some of the projects it has in mind for Norwich. **(**See report from the office of Legislative Research below the meeting minutes**)**

Old Business:
Sidewalk condition observations to report to DPW – Mike emailed the spreadsheet of sidewalk condition observations to Teresa Hanlon, a civil engineer with the DPW. She will compare the Commission's list to hers and, hopefully address some of the concerns with this project. Joanne also wrote a letter of support to the DPW on behalf of the Commission. **(**See letter of support and sidewalk observation spreadsheet below the meeting minutes**)**

City Transition Plan – Mike will write a letter to the Mayor recommending an updated transition plan or ADA compliance survey. The letter will be reviewed at the next meeting.
Convenience seating in public access area of City Hall – Mike emailed the mayor to request additional benches for the second and third floors. Before the next meeting, he will resend the letter as her assistant has been replaced.
Disabled Access at St. Vincent de Paul Place Soup Kitchen – George spoke with Jill Corbin about handicapped accessibility at the food Kitchen. There is no direct ground access to the basement level. The food kitchen is allowed to function in its location because the basement use for food service was a preexisting condition. It was reported that there wasn't enough

linear space to install a ramp at the front entrance. An elevator was cost prohibitive. A lift seat was installed at a rear ground level door to allow access to the first floor food bank only.

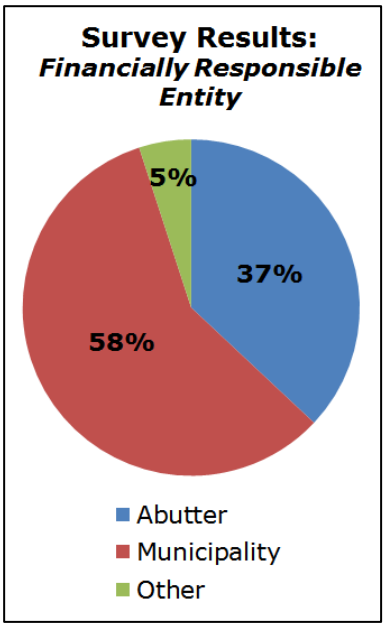
New Business:
Discuss Disabled Access Problems – No discussion.

Adjournment: On a motion from Joanne, seconded by Cynthia, the meeting adjourned at 7:30 pm. The next meeting will be at 6pm on Thursday, April 7, 2016 at Norwich City Hall, Room 319.

Office of Legislative Research
Research Report
December 23, 2015
2015-R-0213

FINANCIAL RESPONSIBILITY FOR PUBLIC SIDEWALK REPAIR

By: Julia Singer Bansal, Associate Analyst



ISSUE

Survey Connecticut municipalities to determine who bears financial responsibility for repairing public sidewalks.

SUMMARY

We surveyed Connecticut's 169 municipalities and found that 127 of them have sidewalk repair policies, four do not have a policy, and 38 do not have sidewalks. Of the 127 with sidewalk repair policies, abutters are financially responsible for repairs in 47 municipalities and 74 municipalities bear responsibility themselves.

Five municipalities have policies shifting the burden depending on whether the sidewalk is (1) state- or municipally-owned or (2) within the state or municipal right of way. One municipality reported that repairs are the state's responsibility.

In municipalities that place the burden on abutters, the policy is often codified in an ordinance. But, in many municipalities, sidewalk repair policies are informal and based on past practice. We found that municipal sidewalk repair policies often include exceptions. For example, in many municipalities where the abutter is responsible, the municipality will take responsibility for damage caused by municipally-owned tree roots. In other municipalities, abutters may be relieved of responsibility for sidewalks within the downtown area or used by children walking to school. And in municipalities where abutters are generally not responsible for sidewalk repairs, they may be responsible if they cause the damage, for example when doing construction work on their property.

STATEWIDE SURVEY

Method

We collected the data for this report through an email survey of municipal planning offices and chief elected officials. We called municipalities from which we did not receive a response to our email survey. The information in Tables 1 and 2 reflects the data collected through these emails and conversations.

Results

Four municipalities, Burlington, Ledyard, Sterling, and Woodbridge, reported that they do not have a sidewalk repair policy. And 38 municipalities, listed in Table 1, reported having no sidewalks abutting private property (e.g., residences and businesses).

Table 1: Municipalities Without Sidewalks

Andover	Chaplin	Killingworth	Preston
Barkhamsted	Colebrook	Lebanon	Prospect
Bethany	Columbia	Lyme	Roxbury
Bethlehem	Cornwall	Middlefield	Scotland
Bolton	Durham	Morris	Union
Bozrah	Easton	New Fairfield	Warren
Bridgewater	Franklin	North Stonington	Weston
Brookfield	Goshen	Orange	Wolcott
Brooklyn	Hampton	Oxford	
Canterbury	Hartland	Pomfret	

Table 2 provides the survey results for the 127 municipalities with a sidewalk repair policy. The middle column shows the entity that, according to the town official who provided us information, is responsible for repair costs. The third column lists exceptions to policies. There are several recurring exceptions to these policies. For example, at least

- five municipalities shift the burden from abutters to themselves for certain sidewalks in downtown areas or used by students walking to school;
- nine municipalities shift the burden from abutters to themselves when damage is caused by tree roots, a snow plow, or other activities conducted by the municipality;
- 11 municipalities partially reimburse abutters for repair costs or offer grants or loans to abutters;

- 10 municipalities, though not their official policy, take responsibility for sidewalk repairs consistently or occasionally;
- 14 municipalities make abutters responsible for repair costs if their actions gave rise to the needed repairs; and
- three municipalities require abutters to make repairs to custom abutter-installed sidewalks (e.g., wider sidewalks, masonry sidewalks).

Table 2: Financial Responsibility for Sidewalk Repairs

Municipality	*Financially Responsible Entity*	*Exceptions and Notes*
Ansonia	Abutter	Municipality reimburses abutters for one-third of the cost of concrete
Ashford	Municipality	
Avon	Abutter	Municipality maintains certain sidewalks that are used by students walking to school
Beacon Falls	Abutter	Municipality is responsible if damage is caused by a snow plow Other exceptions are made on a case-by-case basis
Berlin	Municipality	Municipality may hold abutters responsible if they damage a sidewalk
Bethel	Abutter	In practice, the municipality periodically repairs sidewalks at no cost to the abutter
Bloomfield	Municipality	Municipality does not repair newly-installed sidewalks in developments for the first 20 years Municipality seeks reimbursement from abutters who damage a sidewalk
Branford	Municipality	
Bridgeport	Abutter	
Bristol	Abutter	Municipality responsible for costs resulting from tree root damage caused by a municipally-owned tree Municipality may repair a sidewalk as part of a public works project Municipality has a sidewalk repair program that offers grants (50%) and low interest loans to owners of residential properties with fewer than six units
Canaan	Municipality	
Canton	Municipality	None
Cheshire	Municipality	
Chester	Municipality	
Clinton	Municipality	
Colchester	Abutter	None
Coventry	Abutter	None
Cromwell	Municipality	Municipality may hold abutters responsible if they damage a sidewalk in the course of construction work
Danbury	Abutter	

Table 2 (continued)

Municipality	*Financially Responsible Entity*	*Exceptions and Notes*
Darien	Municipality	Municipality not responsible for sidewalks on private streets or along state roads, unless they are municipally-installed sidewalks
Deep River	Municipality	None
Derby	Abutter	
East Granby	Municipality	
East Haddam	Municipality	
East Hampton	Municipality	
East Hartford	Abutter	
East Haven	Abutter	
East Lyme	Municipality	
East Windsor	Municipality	
Eastford	Municipality	
Ellington	Municipality	None
Enfield	Municipality	
Essex	Municipality	Abutters may be responsible for sidewalks in the downtown area if the width varies from other sidewalks
Fairfield	Municipality	Abutter responsible if they damage a sidewalk, except for tree root damage
Farmington	Abutter	None
Glastonbury	Municipality	Municipality may hold abutters responsible if they damage a sidewalk
Granby	Municipality	
Greenwich	Municipality (sidewalk within the town right-of-way) Abutter (other sidewalks)	Abutter responsible if the sidewalk has a "custom" finish (e.g., bricks)
Griswold	Municipality	Private developments are responsible for repairing their sidewalks
Groton	Municipality	
Guilford	Municipality	None
Haddam	Municipality	None
Hamden	Abutter	Municipality responsible for costs resulting from tree root damage if the tree is on municipal property
Hartford	Abutter	Municipality repairs certain sidewalks designated as "city accepted sidewalks"
Harwinton	Abutter	
Hebron	Municipality	None
Kent	Municipality	None
Killingly	Municipality	
Lisbon	Municipality	
Litchfield	Municipality (repairs made by boroughs)	
Madison	Abutter	None
Manchester	Municipality	Municipality will cover half the costs if an abutter unilaterally opts to replace a concrete sidewalk

Table 2 (continued)

Municipality	*Financially Responsible Entity*	*Exceptions and Notes*
Mansfield	Abutter	Municipality repairs sidewalks in the downtown area, as well as wide walk and bike path sidewalks
Marlborough	Abutter	None
Meriden	Abutter	Municipality reimburses up to 65% of the repair cost Municipality annually replaces many sidewalks at no cost to the abutter
Middlebury	Municipality	
Middletown	Abutter	Municipality responsible for costs resulting from tree root damage, if the tree is located between the curb and sidewalk
Milford	Abutter	None specified, but the municipality has a hearing procedure in place for abutters aggrieved by an order to repair or replace a sidewalk abutting their property
Monroe	Municipality (sidewalk within the state or town right-of-way) Abutter (other sidewalks)	Municipality will seek reimbursement for repair costs from a party that causes damage
Montville	Municipality (town-owned sidewalks) Abutter (other sidewalks)	
Naugatuck	Abutter	Municipality responsible for costs resulting from tree root damage caused by a municipally-owned tree Municipality repairs sidewalks at no cost to the abutter if grants or funds are available for such work
New Britain	Abutter	
New Canaan	Municipality	Abutting merchants responsible in the downtown area Municipality seeks reimbursement from abutters who damage a sidewalk
New Hartford	Abutter	In practice, the municipality repairs sidewalks in the downtown area at no cost to the abutter
New Haven	Abutter	Municipality may agree to bear half the cost of repairing a sidewalk abutting residential property with fewer than seven units
New London	Municipality	Municipality is responsible for only half of the cost, with abutters responsible for the other half; in practice, the municipality bears full burden Municipality seeks reimbursement from anyone damaging a sidewalk as a result of negligence or intentional conduct
New Milford	Abutter	
Newington	Municipality	Anyone damaging a sidewalk is responsible
Newtown	Municipality	Municipality is in the process of revising its sidewalk repair ordinance
Norfolk	Municipality	

Table 2 (continued)

Municipality	*Financially Responsible Entity*	*Exceptions and Notes*
North Branford	Municipality	Municipality may hold abutters responsible if they damage a sidewalk in the course of construction work
North Canaan	Municipality (most repairs made by fire district)	If the abutter makes structural changes to the sidewalk, the abutter is responsible for maintenance
North Haven	Abutter	
Norwalk	Abutter	Municipality may replace sidewalks as part of road repaving or reconstruction, if necessary for proper drainage
Norwich	Abutter	Municipal program provides loans to abutters and makes the municipality responsible for installing curbs
Old Lyme	Municipality	None
Old Saybrook	Municipality	None
Plainfield	Municipality (municipally-owned sidewalks)	Municipality seeks reimbursement from abutters who damage a sidewalk
Plainville	Municipality	Municipality may hold abutters responsible if they damage a sidewalk
Plymouth	Abutter	Beginning in 2015, the municipality is making repairs to certain sidewalks at no cost to the abutter
Portland	Abutter	Municipality responsible for costs resulting from tree root damage
Putnam	Abutter	None
Redding	Municipality	
Ridgefield	Abutter	Policy change likely, as municipality's insurance company wants municipality to be responsible
Rocky Hill	Municipality	Municipality may hold individuals responsible if they damage a sidewalk
Salem	Municipality	None
Salisbury	Municipality	None
Seymour	Abutter	Municipality annually makes certain repairs using grant money If abutter submits three quotes for repair work, municipality may approve a one-third reimbursement
Sharon	Municipality	
Shelton	Abutter	Municipality reimburses 60% of concrete sidewalk repair costs, but no reimbursement for asphalt sidewalks Municipality responsible for costs resulting from tree root damage In practice, the municipality maintains certain sidewalks outside of the downtown area that are used by students walking to school
Sherman	Municipality	
Simsbury	Abutter	
Somers	Municipality	None
South Windsor	Municipality	None
Southbury	Municipality	None

Table 2 (continued)

Municipality	*Financially Responsible Entity*	*Exceptions and Notes*
Southington	Abutter	Municipal program may provide partial reimbursement Municipality maintains certain sidewalks that are used by students walking to school
Sprague	Municipality	None
Stafford	Municipality	
Stamford	Municipality	None
Stonington	Municipality	In the borough of Stonington, abutters are responsible
Stratford	Abutter	In practice, the municipality repairs sidewalks at no cost to abutters Under policy, the municipality is responsible for costs resulting from tree root damage
Suffield	Abutter	In practice, but infrequently, the municipality makes repairs at no cost to the abutter
Thomaston	Abutter	None
Thompson	Municipality	
Tolland	Municipality	
Torrington	Abutter	
Trumbull	Abutter	
Vernon	Municipality	Municipality occasionally requires developers to install new sidewalks
Voluntown	Municipality	None
Wallingford	Municipality	
Washington	Municipality	
Waterbury	Municipality	If the abutter makes repairs, the municipality will not provide reimbursement
Waterford	Municipality	None
Watertown	Municipality	None
West Hartford	Municipality	None
West Haven	Abutter	
Westbrook	Municipality	
Westport	Municipality	Abutters responsible for sidewalks used for commercial and business purposes
Wethersfield	Abutter	Municipality responsible if it created the need for repairs Municipality provides grants to certain impoverished abutters
Willington	State	Municipality believes state is responsible for repairs to sidewalks, as all sidewalks are along a state road and within the state's right-of-way. The sidewalks were installed by a private landowner before the road they abut became a state road. Municipality and state do not have a contract regarding repairs.

Table 2 (continued)

Municipality	*Financially Responsible Entity*	*Exceptions and Notes*
Wilton	Municipality (sidewalk within the town right-of-way) Abutters (other sidewalks)	None
Winchester	Abutter	In practice, the municipality does not order abutters to make repairs
Windham	Municipality	
Windsor	Municipality	
Windsor Locks	Municipality	Municipality may hold abutters responsible if they damage a sidewalk in the course of construction work
Woodbury	Municipality	
Woodstock	Abutter	

Source: Survey of municipal chief elected officials and planning and public works officials
Note: An empty cell indicates that the municipality did not provide an answer

JSB:cmg

Dear Committee members,

On behalf of the Commission for Persons with Disabilities, I would like to extend our support for the Department of Public Works application for funding to improve transitions at intersections in the City of Norwich.

The City of Norwich Commission for Persons with Disabilities was established to study the needs of persons with various disabilities in Norwich, analyze difficulties, make recommendations for improvements, and to help coordinate efforts of private and public agencies. As such, we find this project in keeping with our goals to improve safety and accessibility for people with disabilities.

We urge you to support this endeavor as it is in keeping with our mission and that of the State of Connecticut.

Sincerely,

Michael Menders

Michael Menders

Sidewalk Observations

Location	Observation	By	Date	Note
South Side of Chelsea Parade South	Rough Slate, Dirt/Gravel	MM	9/3/2015	
Broadway & Huntington	Cracked	LH	1/20/2016	
185 Broadway	Cracked Slate & Hole at Driveway	LH	1/20/2016	
186-189 Broadway	Wide Crack Between Properties	LH	1/20/2016	
122 Broadway	Cracked Cement	LH	1/20/2016	