

4/4/2022

Subject: RE: [EXTERNAL] report from Town of Wheelock

From: Attorney Julia Torti, U.S.Dept of Justice Julia.Torti@usdoj.gov

To: Ann Lawless

Hi Anne,

Thank you for the update.

It seems that voters approved the spending of money but that the advisory questions regarding which plan the voters preferred reflected that the voters did not overwhelmingly like either of the plans. I also see that you are hoping for a grant to fund this project, that CDBG grant notifications will happen in early summer, and if that happens a project could start in late summer. This is not entirely consistent with the Settlement Agreement, which provides that the Town will contract with construction professionals in April 2022, but given this funding schedule it's something I'm OK with.

I do have a few follow-up questions on your letter. I see that the Town plans to apply for the VCDP Accessibility Modification grant in spring 2023. Could you help me understand if this would delay the construction timeline? I also see that the Town has some ARPA funding. Is that available to help fund this project?

Though a small delay is understandable, what concerns me is that this update does not include plans for making the Town Hall as accessible as possible right now while the construction is (it appears) delayed beyond what was contemplated. As you know, the Town is not necessarily required to make each of its facilities accessible, but must meet the "program accessibility" standard: <https://www.ada.gov/taman2.html#II-5.1000>

Particularly with the increased comfort with technology that the pandemic has brought, there may be some opportunities to meet the program accessibility standard with technology. Temporary toilets or similar temporary solutions may also be an option when the Town is

hosting an in-person event. And as we discussed, allowing residents with disabilities to receive services on the ground level of the Town Hall that usually happen in the basement could also help meet this standard.

We drafted the Settlement Agreement to focus on construction of an accessible space because that is what the Town said it wanted to do, and because there are some issues (like lack of any accessible toilets) that do seem like construction would be a good solution to consider. However, please do bear in mind that "program accessibility" is what the law requires, and that this obligation is ongoing while the Town takes the steps it feels necessary to prepare for a construction project.

I would like to ask that the Town provide me with another report in about three months, which addresses: 1 - any updates on a potential construction project; 2 - any funding updates, including but not limited to whether the Town received CDBG funding and whether ARPA funding is being dedicated to this project; and 3 - steps the Town is taking while it awaits construction of an accessible facility to ensure the program accessibility standard is met. How does July 15 sound for the timeline for this report?

Thank you again. Please let me know if you would like to discuss further.

Jules

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