

Subject:RE: [EXTERNAL] Wheelock update

Date:Thu, 9 Jun 2022 15:49:16 +0000

From:Torti, Julia (Jules) (USAVT) <Julia.Torti@usdoj.gov>

To:alawless@townofwheelockvt.org <alawless@townofwheelockvt.org>

Hi Ann,

First, with regard to attending a meeting with your architect and public safety representative, I am happy to do so (remotely, I assume), but do want to stress that my helpfulness may be limited. I am not permitted or qualified to give advice on what to do exactly. When Patrick put together that document you are referring to, we were working with an architect on our investigation of the Town Hall, so we may have had more specific information to share at that time. That is no longer the case. Your own architect should be able to reference the publicly-available ADA design standards (https://www.ada.gov/2010ADASTandards_index.htm) and provide you advice on the construction you want to do. This all being said, I am truly happy to show up—but I want it to be clear what my limits are.

Also, I have been giving some thought to how to move forward now that the Town's method of compliance with the ADA, at least in the immediate term, has shifted to program compliance. As you know, when we did our initial assessment of the Wheelock Town Hall and discussed our findings with the Board, the Board indicated an interest and willingness to construct a fully accessible facility—or at least to make changes to the current Town Hall to make it fully accessible. Our settlement agreement reflects that, as well as the number of smaller architectural changes you made before we signed the agreement. Now, per your last letter and the pictures attached to it, the Town has made large strides in achieving program accessibility. At the same time, the pandemic and other things have understandably stalled progress on construction.

Given this shift in the nature of the Town's compliance with the law, and the documentation you have provided on program compliance with the ADA, I have decided to close our office's file on your town hall. This means that our office is no longer expecting the Town to comply with the specific terms of the settlement agreement, though of course compliance with the actual law is still required. Whether the Town decides to continue to follow the law by ensuring program compliance, or whether the Town decides that a fully-accessible Town Hall is the best way to comply with the law, is a decision that is up to the Town. As I've said, program compliance is all that is required of the Town under Title II of the ADA, but I do understand that some municipalities choose to have an accessible facility so that perhaps so many modifications to practices aren't required.

Please let me know if you have questions or would like to discuss further.

Jules Torti
Chief, Civil Division
United States Attorney's Office
District of Vermont
(802) 951-6725

From: Ann Lawless <alawless@townofwheelockvt.org>
Sent: Wednesday, June 8, 2022 11:53 AM
To: Torti, Julia (Jules) (USAVT) <jtorti@usa.doj.gov>
Subject: Re: [EXTERNAL] Wheelock update

Attorney Torti,

Thank you for this reply, and we look forward to hearing more after your discussion with a colleague.

Would it be possible for someone from your office to come to a meeting with our architect and a representative from public safety? We want to be absolutely sure that what we propose meets the DOJ's requirements. The report by Patrick Frazier regarding the deficiencies was extremely helpful, but we want to focus on solutions. We can't afford to get this wrong at this late date. And we very much appreciate your patience.

Thank you,
Ann

Ann Lawless

Selectboard
Town of Wheelock VT
alawless@townofwheelockvt.org
<https://townofwheelockvt.org/>

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On 6/8/2022 11:41 AM, Torti, Julia (Jules) (USAVT) wrote:

Ann,

Thank you for your letter and the pictures. I am discussing this response with a colleague. I had hoped to be able to get back to you sooner, but it may be another week or two. Thank you for your patience.

Jules

From: Ann Lawless <alawless@townofwheelockvt.org>
Sent: Wednesday, June 1, 2022 11:42 AM
To: Torti, Julia (Jules) (USAVT) <jtorti@usa.doj.gov>
Cc: Wheelock Town Clerk <wheelocktown@gmail.com>
Subject: [EXTERNAL] Wheelock update

Hello Attorney Torti,

I am writing on behalf of the Selectboard with an update, responding to your email of April 4. I am enclosing a letter signed by two selectboard members (our third was absent due to illness) at our recent meeting. I am also enclosing photographs showing our most recent programmatic accommodations. As we move forward I will continue to provide updates.

Thank you for your consideration,

Ann

Ann Lawless

Selectboard

Town of Wheelock VT

alawless@townofwheelockvt.org

<https://townofwheelockvt.org/>

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