

**HEARINGS, MEETINGS, LICENSES**  
**11-7-11**

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## Town of Middleborough

Massachusetts

### MEMORANDUM

ANTHONY CRISTELLO  
Town Manager

508-947-0928  
FAX 508-946-2320

TO: Board of Selectmen

FROM: Town Manager Cristello

RE: ADA Grievance Procedure

DATE: November 3, 2011

The Town of Middleborough needs to adopt an ADA Grievance Procedure to submit with our Open Space Plan which will be finalized in the next few weeks. The Disabilities Commission and I have been working on a draft procedure over the past year. Enclosed please find their draft with my technical corrections.

I look forward to discussing this with you on Monday.

c. Disabilities Commission  
Conservation Agent

**Town of Middleborough**  
**DRAFT Non-Discrimination Practices and Grievance Process**

**Policy Against Discrimination Based on Disabilities:** The Town of Middleborough, MA does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. The Town of Middleborough, MA does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act (ADA) of 1990.

**ADA Coordinator:** Questions, concerns, complaints or requests for additional information regarding the ADA may be forwarded to the Town of Middleborough's designated ADA coordinator.

Name: Charles Cristello

Title: Town Manager

Office Address: 10 Nickerson Avenue, Middleborough, MA 02346

Phone Number: (508) 947-~~2174~~ 0928

E-mail: ccristello@middleborough.com

Days/hours available: ~~By appointment or Mondays from 5:00 - 6:00 p.m. at Town Hall.~~

*Monday through Friday 9am - 5pm or by appointment.*

**Auxiliary Aids:** Individuals who need auxiliary aids for effective communication in programs and services of Middleborough, MA are invited to make their needs and preferences known to the ADA coordinator.

**Alternate Forms of this Notice:** This notice can be made available in large print, on audio tape and in Braille, through request with the ADA coordinator.

**~~Grievance Procedure for Town of Middleborough, MA~~**

**Grievance Procedure:** The Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or in the provision of services, activities, programs or benefits by the Town of Middleborough, ~~MA~~

The complaint should be in writing and contain information about the alleged discrimination, such as name, address and phone number of complainant and location, date and description of the problem. Alternate means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for people with disabilities upon request.

**Town of Middleborough**  
**DRAFT Non-Discrimination Practices and Grievance Process (Continued)**

**Submit Complaints to:** The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

*Town Manager*  
Charles Cristello, ADA Coordinator  
10 Nickerson Avenue  
Middleborough, MA 02346  
Phone Number: (508) 947-3474 0928  
E-mail: ccristello@middleborough.com

**Complaint Timeline:** The following time line is to be followed for complaints that are not urgent. A shorter time line will be implemented as appropriate for time-sensitive complaints where it is critical to resolve the issue by certain date.

Within 15 calendar days after receipt of the complaint, ~~Charles Cristello~~ *the Town Manager or his/her designee* will meet with the complainant to discuss the complaint and possible resolutions.

Within 15 calendar days after the meeting, ~~Charles Cristello~~ *the Town Manager or his/her designee* will respond in writing, and, where appropriate, in a format accessible to the complainant, such as large print, Braille or audio tape. The response will explain the position of the Town of Middleborough, ~~MA~~ and offer options for substantive resolution of the complaint.

If the response by ~~Charles Cristello~~ *The Town Manager or his/her designee* does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA coordinator within 15 calendar days after receipt of the response to the ~~Middleborough Board of Selectmen or its designee.~~ *Chairman of the*

Within 15 calendar days after receipt of the appeal, the ~~Middleborough Board of Selectmen or its designee~~ *his/her* will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ~~Middleborough Board of Selectmen or its designee~~ *his/her* will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint. *Chairman of the*

If the complaint is of immediate concern (for example, if a request for a sign language interpreter for an imminent meeting is denied), Charles Cristello, ADA Coordinator, will meet with the complainant as soon as possible, but no later than 24 hours after receipt of the complaint, to discuss possible resolutions.

If the response by Charles Cristello, ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the decision to the town board or its designee.

As soon as possible, but no later than 24 hours after receipt of the complaint, the town board or its designee will meet with the complainant to discuss the complaint and possible resolutions.

All complaints received by ~~Charles Cristello, ADA Coordinator~~ *the Town Manager or his/her designee*, appeals to the ~~Middleborough Board of Selectmen or its designee~~ *Chairman of the*, and responses from the ~~ADA coordinator and the town board or its designee~~ *these two offices* will be kept by The Town of Middleborough, ~~MA~~ for at least three years.