



City of Lawrence
Office of the City Clerk
City Hall, Room 107
200 Common Street
Lawrence, Massachusetts 01840

DANIEL RIVERA
MAYOR

WILLIAM J. MALONEY
CITY CLERK

RICHARD REYES
ASSISTANT CITY CLERK

TEL: (978) 620-3230
FAX: (978) 722-9190
www.cityoflawrence.com

To:	Mayor Rivera; Council President Vasquez; City Council Members
From:	William J. Maloney, City Clerk
cc:	Richard Reyes, Assistant Clerk;
Re:	Recommended Change Poll Locations-Essex Towers [45 Broadway][D3]-18 Franklin Street [D4] [Doc. 94B-2020]
Date	9-10-20

This is a report of current poll locations approved by the City Council and Mayor. The following locations serve as polling places in the City of Lawrence, MA as of 7-13-20:

DISTRICT A/DISTRITO A - PROSPECT HILL

Essex District/Ward-Precinct/Location:

14th - A1 PARTHUM SCHOOL 255 EAST HAVERHILL ST.
16th - A2 PARTHUM SCHOOL, 255 EAST HAVERHILL ST.
14th - A3 ROLLINS SCHOOL, 451 HOWARD ST.
16th - A4 PARTHUM SCHOOL, 255 EAST HAVERHILL ST.

DISTRICT B/DISTRITO B - PLAINS - NORTH COMMON

16th - B1 M.I. RESIDENTIAL COMMUNITY, INC., 189 MAPLE ST.
16th - B2 LEAHY SCHOOL, 100 ERVING AVE., (BRUCE ST.)
16th - B3 LEAHY SCHOOL, 100 ERVING AVE., (BRUCE ST.)
16th - B4 VALEBROOK APARTMENTS, UNION & SUMMER STREETS

DISTRICT C/DISTRITO C - ARLINGTON NEIGHBORHOOD

17th - C1 FAMILY DAY CHARTER SCHOOL, 404 HAVERHILL ST.
17th - C2 BRUCE SCHOOL, 135 BUTLER ST.
17th - C3 BRIEN BUILDING, 355 PARK St.
16th - C4 ARLINGTON SCHOOL, 150 ARLINGTON St.

DISTRICT D/DISTRITO D - TOWER HILL

17th - D1 BRUCE SCHOOL, 135 BUTLER ST.
17th - D2 GUILMETTE SCHOOL, 80 BODWELL ST.
17th - D3 ESSEX TOWERS, 45 BROADWAY.
17th - D4 ESSEX TOWERS, 18 FRANKLIN ST.

DISTRICT E/DISTRITO E - SOUTH LAWRENCE WEST

17th - E1 DIAMOND SPRING GARDENS, ONE BEACON AVE.
16th - E2 FROST SCHOOL, 33 HAMLET ST.
16th - E3 FROST SCHOOL, 33 HAMLET ST.
16th - E4 ELDERLY HOUSING, 339A SALEM ST.

DISTRICT F/DISTRITO F - SOUTH LAWRENCE EAST

14th - F1 SO. LAWRENCE EAST SCHOOL, 165 CRAWFORD ST.
16th - F2 SO. LAWRENCE EAST SCHOOL, 165 CRAWFORD ST.
16th - F3 SO. LAWRENCE EAST SCHOOL, 165 CRAWFORD ST.
16th - F4 SO. LAWRENCE EAST SCHOOL, 165 CRAWFORD ST.

DOCUMENT 94B-2020 WARD D/PRECINCT 3 POLL LOCATION DOCUMENT 94B-2020 WARD D/PRECINCT 4 POLL LOCATION

II. Ward D/Precinct 3 [17th Essex District], 45 BROADWAY. Estimated Number of Voters: 1,503
Ward D/Precinct 4 [17th Essex District], 18 FRANKLIN ST. Estimated Number of Voters: 1,660

In June of 2020 the Facilities Manager of Essex Towers informed Assistant Clerk Reyes that both 18 Franklin Street and 45 Broadway are NOT available to host the 9-1-20 State Primary or Presidential Election on 11-3-20 to provide for the safety against COVID-19 for its residents. This poll location remains continues to be subject to DOJ cited violations since 2018 which require the City of Lawrence to install automatic door openers for assisted access which the City is unable to install as it would provide public funds to repair/upgrade a privately owned building. Other issues that related to compromised resident safety have been raised by building management who is unwilling to allow for this installation of a required ADA mechanism.

Mayor Rivera arranged to have both poll locations [D3 and D4] operate from a tent constructed in the resident parking area between the Essex Tower Buildings to allow voters in both precincts to vote at this location. An outdoor tent location may not be suitable for voters or poll workers should weather conditions be unfavorable in early November which is likely in New England.

1. The Dimitry Building [NECCO], 45 Franklin Street, Lawrence, MA

In June-July of 2020 Mayor Rivera suggested that the use of the Dimitry Building at NECCO on Franklin Street [across the street from Essex Tower residence]. The City Clerk has met with NECCO Administrative Staff who have stated the location would be made available for the 2020 State Primary [9-1-20] and Presidential Election [11-3-20]. The Mayor opted to use a tent to provide a voting facility for the State Primary on 9-1-20. The option of using a tent facility for the Presidential Primary in November is not an option being considered primarily due to the unpredictability of the New England weather in late fall and the availability of a “brick and mortar” facility [Northern Essex Community College – Dimitry Building].

In August of 2020 the lobby area of the Dimitry Building at NECCO was examined by the City Clerk and City Engineer for use and ADA access of the “inside accommodations” make this location suitable its physical use as a poll location for both D3 and D4 voters [a copy of the Engineer’s report is attached]. In addition, the proximity of the Dimitry Building to both 18 Franklin Street [D4] and 45 Broadway [D3] is within one block. In addition, the parking lot size is a “plus” for voters who may arrive by car to the poll location [the parking area appears to have about 100 parking spaces]. A review of the registered voters in the D-3 and D-4 precincts show that there are approximately 1,503 registered voters in precinct D-3 and 1,660 registered voters in precinct D-4. There are approximately 124 registered voters living at 45 Broadway [D-3] of which approximately 108 are 65 years of age or older and there are approximately 106 registered voters living at 18 Franklin Street [D-4] of which approximately 90 are 65 years of age or older. Inversely, of the total registered voters in each precinct approximately 1,379 voters reside elsewhere in precinct D-3 and of the total registered voters in precinct D-4 approximately 1,552 voters reside elsewhere in precinct D-4.

Finally, NECCO representatives offered the location only through the Presidential Election of 2020 which will be held on 11-3-20. Further, NECCO has stated that a rental fee of 200.00 for each election held. The location will have to be moved after 2020 and re-established elsewhere. It may be considered that intentionally

returning to Essex Tower buildings with known and current ADA violation citations may adversely affect the position of the City of Lawrence in later proceedings involving ADA compliance determinations.

2. The Guilmette School – 80 Bodwell Street

This location presently serves as a poll location for voters in Ward D, Precinct 2 [approximately 1,539 registered voters]. The gymnasium of the Guilmette School is of sufficient size, location and size to house additional poll locations in Ward D.

The Guilmette School poll location was subject to review by the U.S. Department of Justice and did not result in any determination or citation of the location for any ADA violation during its review in 2018. The current condition of the building is presumed to be ADA compliant since the building and access do not appear to have been altered or significantly changed in any way. Relocating to the Guilmette School is not recommended solely due to its significant distance from both Essex Tower polling locations – moving these two poll locations to a location that is in close proximity to 18 Franklin Street and 45 Broadway may be of greater voter convenience which moving to a location that is some distance away may not provide.

3. General Considerations:

The placement of poll locations that violate ADA requirements have been subject to a variety of suggestions by City Council Members and the City ADA Task Force both of whom have indicated that poll locations housed in private buildings be “phased out” in favor of consolidating Wards and Precincts with all poll locations to be placed in City-Owned buildings and facilities to provide for ongoing facility repair, use and management while avoiding any difficulty or costs associated with maintaining privately owned buildings as poll locations. Moving both Essex Towers poll locations to the Guilmette School would achieve these objectives.

However, it should be understood that the unavailability of both Essex Tower buildings as poll locations as announced by the building manager is the primary if not the sole reason that necessitates moving both these poll locations. It is entirely coincidental that these locations are subject to ADA violations cited by the DOJ. Although a resolution to the current ADA violations may result from moving the two Essex Tower polling locations or may result in establishing City policy for placing all polling places in City Owned buildings – it is only because the management/owners of Essex Towers will not allow their buildings to serve as poll locations on 9-1-20 and 11-1-20.

2020-VOTE REQUIRED BY SECRETARY OF THE COMMONWEALTH

The Secretary of State has informed the City Clerk and Election Division Staff that the following requirement of the City Council will be required at least 3 days prior to moving the poll location:

“At least 3 days before moving a polling place, the selectmen or city council must evaluate and report on whether the change would have a disparate adverse impact on the basis of race, national origin, disability, income, or age. The report must be posted on the city/town’s website and in the clerk’s office.”

Please consider this report as the basis of any determination the City Council may be required to enter to comply with this requirement.

The following vote of the Council is suggested:

SUGGESTED MOTION AND VOTE I: The Members of the Lawrence City Council hereby affirm that the changed poll locations attached to this vote and recorded as referenced is a result of the evaluation of the reasons for moving the poll location primarily due to the location being unavailable for the Presidential Election

on November 3, 2020. To the best of our knowledge and information the change of poll locations subject to approval will not would have a disparate adverse impact on the basis of race, national origin, disability, income, or age.

SUGGESTED MOTION AND VOTE II: The Members of the Lawrence City Council hereby affirm that the changed poll locations attached to this vote and recorded as referenced are being moved in order to better serve the public convenience and/or public health.

CONCLUSION

I. REQUEST TO ESTABLISH POLL LOCATION BY VOTE NO LATER THAN 10-14-20:

Based on the most current information available it is requested that the City Council vote to confirm the change of poll location for the following Wards/Precincts: Ward D/Precinct 3; Ward D/Precinct 4;

II. NOTIFICATION OF CHANGED POLL LOATIONS TO VOTERS?

The provision of G.L. c. 54, sec. 24 which require all voters to receive written notice of any changed poll location. Although c. 115 of the Acts of 2020 have removed the lawful requirement of providing written notice to voters of changed poll locations and provides alternative means of electronic notice to voters [ie: reverse 911 contact] inquiry and investigation into the ability to provide comprehensive notice by electronic means would not likely be as efficient as sending written notice of the changed poll location by mail.

Written notice by mail to all voters of changed poll locations [consistent with G.L. c. 54, sec. 24] results in an estimated cost of approximately 1.00 per voter; TOTAL voters affected: 3,000 for two poll locations [approximately \$3,000.00]; TOTAL costs = 3,000.00;

In addition to mail notice, additional poll staff will be requested to provide direction to voters at each poll location during the 13 hours the polls remain open. The cost of each worker is about 200.00 [Total cost of poll workers to provide "in person" notice on election day = 400.00].

At the direction of Finance Director Ianello changed poll locations based on COVID related reasons have been presented for payment under COVID budgetary submissions which these changes would also be presented. Certainly, the changes to the poll locations referenced in this memo are directly related to assuring public safety is provided during the election for no other reason than the COVID pandemic. Relocating the polling places as suggested in this memo will have a direct benefit to preserve the public health and safety to voters, poll workers and general public during "in person" voting at poll locations established by the City of Lawrence that reliance upon existing poll locations does not appear to provide.

Thank you for your attention and consideration.

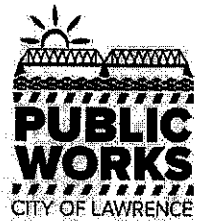


CITY OF LAWRENCE

DEPARTMENT OF PUBLIC WORKS

City Hall • 200 Common Street, Suite 204 • Lawrence, MA 01840

Tel: (978) 620-3110 • www.cityoflawrence.com



Felix Garcia Jr.
ACTING CITY ENGINEER

Northern Essex Community College

Accessible Route

An accessible route is provided. Accessible route starts from the parking lot and ends at voting room. The accessible route is in compliance with 521 Chapter 20.

Parking & Passenger Drop-Off

The building's parking lot contains 151 marked parking spots, six (6) of which are designated as accessible. The number of accessible spots complies with the required minimum number per 521 CMR Chapter 23.2.1. The accessible route leads from the accessible parking spots to the accessible front entrance.

Entrances

The entrance is accessible per 521 CMR Chapter 25, see Figures below.

Doors and Doorways

All doors and doorways along path towards voting location in building are compliant per 521 CMR Chapter 26.

Ramps

Ramps are required to comply with 521 CMR Chapter 24. Ramp is compliant in terms of slope and width.

Floor Surfaces

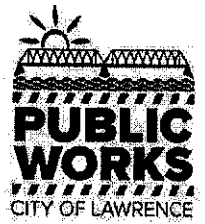
During the time of observation, the floor surfaces was stable, firm, and slip resistant. Floor Surface is compliant to 521 CMR Chapter 29



CITY OF LAWRENCE

DEPARTMENT OF PUBLIC WORKS

City Hall • 200 Common Street, Suite 204 • Lawrence, MA 01840
Tel: (978) 620-3110 • www.cityoflawrence.com



Felix Garcia Jr.
ACTING CITY ENGINEER

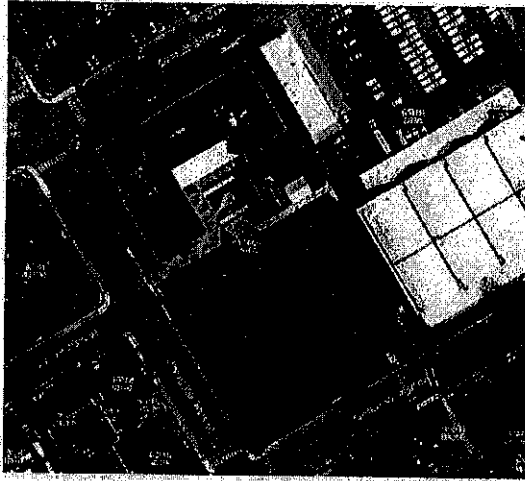


Figure 28: NECC accessibility route. 151 marked parking spots.



Figure 29: Overview of compliant concrete curb. Slope is 3.0%

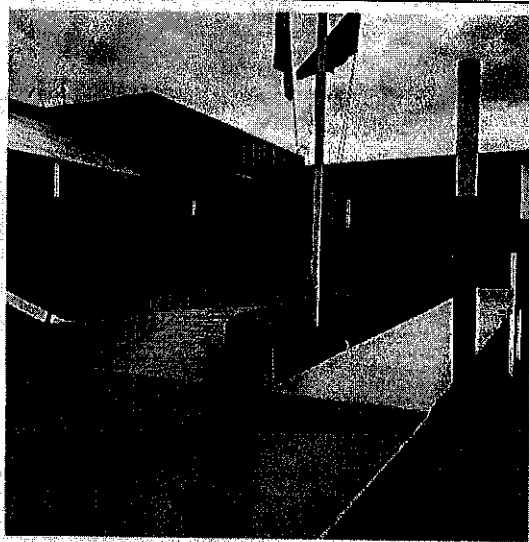
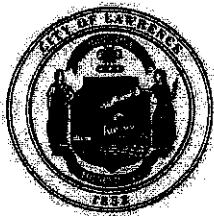


Figure 30: Compliant concrete ramp. Average slope is approximately 2.4%



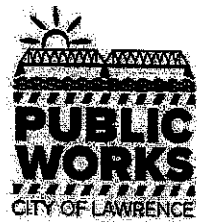
Figure 31: Accessible doors. Door can be automatically opened.



CITY OF LAWRENCE

DEPARTMENT OF PUBLIC WORKS

City Hall • 200 Common Street, Suite 204 • Lawrence, MA 01840
Tel: (978) 620-3110 • www.cityoflawrence.com



Felix Garcia Jr.
ACTING CITY ENGINEER

Conclusion

Accessibility Matrix						
	High School Learning Center	Lawrence Public Library	Lawrence Senior Center	Former Boys & Girls Club	Wetherbee School	Northern Essex Community College
Accessible Route	8	10	10	9	8	10
Parking	5	9	10	7	9	10
Door & Doorways	9	10	10	9	9	10
Ramp/Elevator/Lift Curb Cut	8	N/A (10)	N/A (10)	9	6	10
Distance to Voting Room (From Parking Lot)	6	10	9	8	9	9
Total	36 (C-)	49 (A+)	49 (A+)	42 (B)	41 (B-)	49 (A+)

Notes

1. Scores is from zero to ten. Ten being the best, zero the worst.
2. N/A = not applicable
3. Repairs to any deficient items will increase the scores (i.e. adding temporary asphalt to cracked concrete ramp)

Based on the accessibility study, from passenger drop off/ parking lot to voting room facilities that are compliant with 521 CMR are Lawrence Public Library, Lawrence Senior Center, Northern Essex Community College and former Boys and Girls Club building. Repairs to the Wetherbee's concrete ramp and High School Learning Center concrete curb cut will also make the building compliant to 521 CMR.

Very respectfully,

Felix Garcia Jr.
Felix Garcia Jr., PE
Acting City Engineer

