

RESOLUTION 2019-

**RESOLUTION DESIGNATING AN ADA COORDINATOR
AND ADOPTING AN ADA POLICY AND GRIEVANCE PROCEDURE**

Mayor Engelstad offered the following resolution and moved its adoption:

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA), to prevent discrimination of physically and mentally disabled persons in employment and in access to public facilities; and

WHEREAS, in compliance with Title II of the ADA, the Borough of Bradley Beach is designating an ADA Coordinator; and

WHEREAS, in compliance with Title II of the ADA, the Borough of Bradley Beach is adopting an “Americans With Disabilities Act (ADA) Policy and Grievance Procedure,” for resolving complaints alleging violation of the ADA, in the form attached hereto as **Exhibit A**;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bradley Beach, County of Monmouth and State of New Jersey, that Michele Whille is designated as the Borough’s ADA Coordinator.

BE IT FURTHER RESOLVED that the Borough adopts the “Americans With Disabilities Act (ADA) Policy and Grievance Procedure,” in the form attached hereto as

Exhibit A. SO RESOLVED, AS AFORESAID.

Seconded by Councilman _____ and adopted on roll call by the following vote:

AYES NAYS ABSTAIN ABSENT

Mr. Weber
Mr. Goldfarb
Mr. Bonnell
Mr. Cotler
Mayor Engelstad

CERTIFICATION

I, Kelly Barrett, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the May 28, 2019 meeting.

KELLY BARRETT, RMC, CMR
Municipal Clerk

BOROUGH OF BRADLEY BEACH

AMERICANS WITH DISABILITIES ACT (ADA) POLICY AND GRIEVANCE PROCEDURE AND DESIGNATION OF ADA COORDINATOR

The Borough of Bradley Beach is committed to creating an environment in which facilities for public meeting and for general public use are accessible. It is the intent of the Borough to guarantee disabled persons equal opportunity to participate in or enjoy the benefits of Borough services, programs and activities.

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the Borough of Bradley Beach. Grievances should be addressed to the Borough's designated ADA Coordinator at the address below:

Michele Whille, Bradley Beach ADA Coordinator
701 Main Street
Bradley Beach, New Jersey 07720

- A grievance may be filed in writing or orally, and should contain the name, address and telephone number of the person filing it, on whose behalf it is being filed, and a brief description of the alleged violation, including location and date.
- A grievance should be filed promptly within 180 days after the grievant becomes aware of the alleged violation.
- An investigation, if appropriate, will follow the filing of a grievance. The investigation will be conducted by the Borough's designated ADA Coordinator. The investigation will be informal but thorough, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a grievance.
- In most cases a written determination as to the validity of the grievance and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the grievant and/or alternate contact person if designated by the grievant, no later than 120 days after the grievance is filed.
- The grievant may request a reconsideration of the determination in instances where he or she is dissatisfied with the resolution. The request for reconsideration shall be made within ten (10) calendar days following the date the grievant receives the determination, and shall be made to the Borough Administrator. The Borough Administrator shall review the records of said grievance and may conduct further investigation when necessary to obtain additional relevant information. The Borough Administrator shall issue his or her decision on the request for reconsideration within thirty (30) calendar

days of the filing of the request for reconsideration. A copy of the decision will be mailed to the grievant and/or alternate contact person if designated by the grievant.

- The ADA Coordinator will maintain the files and records of the agency relating to the grievances filed.
- The right of a person to prompt and equitable resolution of the grievance filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA grievance with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- This Grievance Procedure will operate to protect the substantive rights of interested persons, to meet appropriate due process standards and to ensure that the agency complies with the ADA and implementing Federal rules.

The Borough prohibits retaliation for filing a grievance, complaint or participation in the process, and any allegations of retaliation will be promptly and fully investigated.