

October 9, 2018

A regular meeting of the Town Board of the Town of Aurora took place on Tuesday, October 9, 2017, at 7:00 p.m. in the Town Hall Auditorium, 300 Glead Avenue, East Aurora, New York.

Members Present:	Jeffrey T. Harris	Councilman
	Jolene M. Jeffe	Councilwoman
	Charles D. Snyder	Councilman/Deputy Supervisor
	Susan A. Friess	Councilwoman

Members Absent/Excused:	James J. Bach	Supervisor
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Others Present:	Elizabeth Cassidy	Asst. Code Enforcement Officer
	Tony Rosati	ZBA Member

Deputy Supervisor Snyder opened the meeting at 7:00 p.m. with the Pledge of Allegiance to the Flag.

The first item on the agenda is a PUBLIC HEARING on the use of Federal Community Development funds in the Town of Aurora. The notice of public hearing was published and posted as noted by the Affidavits of Publication and Posting. Deputy Supervisor Snyder opened the hearing at 7:03 p.m. and asked if anyone wished to comment. Hearing no one, Mr. Snyder closed the hearing at 7:04 p.m.

The next item on the agenda is a PUBLIC HEARING on Local Law Intro 2 of 2018, a local law increasing the income amounts for Senior Citizens for purposes of exemptions. The notice of public hearing was published and posted as noted by the Affidavits of Publication and Posting. Deputy Supervisor Snyder opened the hearing at 7:04 p.m. and asked if anyone wished to comment. Hearing no one, Mr. Snyder closed the hearing at 7:05 p.m.

Councilman Harris moved to approve the minutes of the 9/24/18 Town Board work session and meeting; seconded by Councilwoman Friess. Upon a vote being taken: ayes – four    noes – none    Motion carried.	Action #285 9/24/18 wk sess & meeting min aprvd
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AUDIENCE I: none

UNFINISHED BUSINESS:

Councilwoman Friess moved to adopt Local Law 2-2018 as follows; seconded by Councilwoman Jeffe:

LOCAL LAW NO. 2-2018

A LOCAL LAW, TO AMEND LOCAL LAW 1-1990 KNOWN AS THE CODES OF THE TOWN OF AURORA, ADOPTED BY THE TOWN BOARD OF THE TOWN OF AURORA ON JANUARY 22, 1990, BY AMENDING CHAPTER 101 ARTICLE 1 SECTIONS 101-2(B)(1) and 101-2 (B)(2) TO INCREASE THE MAXIMUM INCOME ELIGIBILITY FOR SENIOR CITIZENS TO RECEIVE A REAL PROPERTY TAX EXEMPTION AND TO EXCLUDE FROM THE CALCULATION OF EXEMPTION DISABILITY COMPENSATION RECEIVED BY ANY SENIOR CITIZEN WHO IS A SERVICE-CONNECTED DISABLED VETERAN AND RECEIVES DISABILITY COMPENSATION FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF AURORA AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

This Local Law amends a prior Local Law known as The Codes of the Town of Aurora, adopted by the Town of Aurora on January 22, 1990, as amended, relating to the administrative,

legislative and general legislation of the Codes within the Town of Aurora as herein set forth. This legislation amends the maximum annual income for persons sixty-five (65) years of age or over and excludes from the calculation of exemption service-connected disability compensation for any senior citizen who is a service-connected disabled veteran and receives disability compensation from the United States Department Veteran Affairs.

SECTION 2. CHAPTER 101, ARTICLE I, SECTIONS 101-2(B)(1) and 101-2(B)(2)  
CONDITIONS FOR EXEMPTION

Chapter 101-2 (B)(1) is amended by adopting as follows: The income of the owner or the combined income of the owners must not exceed \$35,399.99 for the income tax year prior to the date that the application is filed.

Chapter 101-2(B)(2) is amended by adopting as follows: In the event the property owner's income is less than \$35,400.00 the following percentage of the assessed valuation exemption from taxation shall apply:

<u>Maximum Annual Amount</u>	<u>Percentage</u>
\$0 - 27,000	50%
\$27,001 - \$27,999.99	45%
\$28,000 - \$28,999.99	40%
\$29,000 - \$29,999.99	35%
\$30,000- \$30,899.99	30%
\$30,900 - \$31,799.99	25%
\$31,800 - \$32,699.99	20%
\$32,700 - \$33,599.99	15%
\$33,600 - \$34,499.99	10%
\$34,500 - \$35,399.99	5%

Amends Section 101-2(B)(2) by adding the following sub sections:

A. Maximum annual income exclusion. The Veterans Disability Compensation from the United States Department of Veterans Affairs as defined in Title 38 of the United States Code for a veteran with a service-connected disability shall be excluded from the calculation of income in the determination of the Real Property Exemptions provided herein.

B. Qualifications: The maximum income eligibility level exemption for persons sixty-five (65) years of age or older as authorized by section 467 of the Real Property Tax Law as of the appropriate taxable status date and shall include an otherwise eligible owner who is sixty-five (65) years of age or older on the date the application is filed. The burden of proof is upon the applicants to show eligibility as required by the assessor.

SECTION 3. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State.

Action #286  
 LL 2-2018  
 adopted –  
 Sr. Citizen  
 income  
 increase

Upon a roll call vote being taken:

Councilman Harris – aye; Councilwoman Jeffe – aye;

Councilwoman Friess – aye; Deputy Supervisor Snyder – aye

ayes – four

noes – none

Motion carried.

\* \* \* \* \*

Councilwoman Jeffe moved to adopt the following resolution; seconded by Councilwoman Friess:

**RESOLUTION APPROVING OPEN DEVELOPMENT AREA VARIANCE REQUEST**

WHEREAS, Alexander Y. Kruglov has applied for an Open Development Area (ODA) permit for property located at 633 Knox Road (SBL#164.00-2-6.22) in the Town of Aurora, and

WHEREAS, the proposed location of the single family dwelling is approximately fifty two (52) feet from the west side yard lot line of the property, and

WHEREAS, Chapter 99-31 (A) of the Codes of the Town of Aurora requires the side yard setback on the ingress/egress side of the property to be seventy five (75) feet, and

WHEREAS, the applicant has requested a side yard setback variance of twenty three (23) feet to permit the construction of the residence closer to the lot line than provided for in the Town Code, and

WHEREAS, the petitioner has demonstrated the need for said variance due to the topography of the property, and

WHEREAS, this Open Development variance request was reviewed by the Town Planning Board and said Board recommended that the Town Board approve the twenty three (23) feet side yard setback variance, and

WHEREAS, §99-37 of Chapter 99 authorizes the Town Board to vary the strict compliance of the regulations would not cause a concern of public interest,

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Aurora does hereby grant a twenty-three (23) feet side yard setback variance allowing the single-family residence to be built not closer than fifty-two (52) feet to the west lot line of the property at 633 Knox Road (SBL#164.00-2-6.22).

Action #287  
Variance for  
ODA at 633  
Knox Rd.  
approved.

RESOLVED, this Resolution shall be incorporated by reference into the application and approval of the Open Development Area permit.

Upon a vote being taken: ayes – four      noes – none      Motion carried.

\* \* \* \* \*

Councilwoman Friess moved to adopt the following resolution; seconded by Councilwoman Jeffe:

**RESOLUTION  
APPROVING OPEN DEVELOPMENT AREA PLAN  
633 KNOX ROAD  
TOWN OF AURORA, NEW YORK**

WHEREAS, Chapter 99 of the Code of The Town of Aurora establishes standards for landowners who wish to develop or subdivide land that lacks adequate public road frontage for standard lot development (known as “open development area”); and

WHEREAS, the Applicant has filed an Open Development Area application for 633 Knox Road (SBL#164.00-2-6.22) and seeks approval to construct a single family residence on the 13.4± acre parcel; and

**WHEREAS**, the Applicant has made every reasonable attempt and all necessary effort to comply with specifications of Chapter 99 of the Code of the Town of Aurora; and

**WHEREAS**, in 2016 the Town Board approved the Open Development Area application to subdivide a forty-one acre parcel into three lots, all of which lack required public road frontage, with one of those lots being 633 Knox Road; and

**WHEREAS**, a narrative description of the private right-of-way, including but not limited to, ownership of the right-of-way and a maintenance plan for the right-of-way, has been recorded in the office of the Erie County Clerk in Liber 11139 of Deeds at page 9028; and

**WHEREAS**, this action is considered a Type II under SEQR and no further review under SEQR is required; and

**WHEREAS**, the applicant petitioned the Town Board for a side yard setback variance to allow the residence to be constructed twenty-three (23) feet closer to the west lot line than allowed by code and the variance was granted; and

**WHEREAS**, according to Section 99-37 of the Code, the Town Board may modify the specifications and requirements in any Open Development Area Plan, where in the Board's judgment, such modifications are in the public interest and/or will avoid the imposition of unnecessary hardship on the applicant.

NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Aurora acknowledges that compliance with all other standards, requirements and conditions, including those specified by the Town Board as noted above, is in the public interest and will substantially secure the objectives of the modified standard; and BE IT FURTHER

Action #288  
ODA for  
single family  
home at 633  
Knox Rd.  
approved.

RESOLVED, that approval of this Open Development Area, with a side yard setback variance, by the Town Board of the Town of Aurora, and any future development will be subject to the standards and requirements of Chapter 99 of the Code of the Town of Aurora without modification, variance or waiver; and BE IT FURTHER

RESOLVED, that said Open Development Area Plan for 633 Knox Road (SBL#164.00-2-6.2) Knox Road is approved.

Upon a vote being taken: ayes – four                      noes – none                      Motion carried.  
\* \* \* \* \*

NEW BUSINESS:

Councilwoman Jeffe moved to set Monday, October 22, 2018 at 7:00 p.m. in the Town Hall auditorium at 300 Gleed Avenue, East Aurora, NY, as the date, time and place to hold a public hearing on the Town of Aurora 2019 Preliminary Operating Budget. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four                      noes – none                      Motion carried.

Action #289  
Public  
hearing set  
for 2019  
Preliminary  
budget

Councilwoman Friess moved to amend the Town of Aurora Personnel Policy by deleting current section 5.02 and replacing it with the following Sexual Harassment Policy; seconded by Councilwoman Jeffe:

Town of Aurora Personnel Policy: Section 5.02

### **Town of Aurora Sexual Harassment Policy**

#### **Introduction**

The Town of Aurora is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment

in the workplace. This Policy is one component of the Town of Aurora's commitment to a discrimination-free work environment.

Sexual harassment is against the law<sup>1</sup>, and all employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Town of Aurora. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

**Policy:**

1. The Town of Aurora's Sexual Harassment Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Town of Aurora. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, (e.g., counseling, suspension, termination.)
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Town of Aurora will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Town of Aurora who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or the Town Supervisor's Office. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Town of Aurora to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. The Town of Aurora will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Town of Aurora will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Town of Aurora will provide all employees a complaint form for employees to report harassment and file complaints. **The complaint form is available in the Town Supervisor's Office.**
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Town Supervisor's Office.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable and be provided to employees upon hiring.

**What Is "Sexual Harassment"?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and/or the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A harasser can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

### **What is "Retaliation"?**

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** The Town of Aurora cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or nonemployee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Town Supervisor's Office. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Town Supervisor's Office.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf. **Complaint forms also are available in the Town Supervisor's Office.**

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Town Supervisor's Office.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

### **Complaint and Investigation of Sexual Harassment**

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and should be completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Town of Aurora will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Town Supervisor's Office will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the Town of Aurora but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Town of Aurora, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

- **New York State Human Rights Law (HRL):** The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court. Complaining internally to the Town of Aurora does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

- **Civil Rights Act of 1964:** The United States Equal Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC any time within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint,

and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 or 1-800-669-6820 (TTY), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

• **Local Protections:** Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

• **Contact the Local Police Department:** If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Upon a vote being taken: ayes – four noes – none Motion carried. Action #290  
\* \* \* \* \* Sexual harassment policy adopted

The Village of East Aurora has requested that the Town purchase the chemicals necessary to inoculate ash trees in the village to prevent Emerald Ash Borers. The Town has an employee licensed to use the product.

Councilwoman Jeffe moved to approve the request from the Highway Superintendent to pay SiteOne Landscape Supply, LLC invoice #86805643-001 in the amount of \$4,004.00 for supplies needed to inoculate ash trees in the Village of East Aurora against Emerald Ash Borers, said amount to be reimbursed by the Village. This motion is contingent upon written documentation from the Village requesting the service and agreeing to reimburse the Town. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #291  
Payment of invoice for VEA ash tree inoculation aprvd/VEA to reimburse TOA.

Councilman Harris moved to declare two weed-wackers (one with inventory #1509 and the other an Echo brand weed-wacker with no inventory number) as surplus inventory. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #292  
2 weed-wackers declared surplus inventory

Councilman Harris moved to approve the request for Highway employees Mike Evens and Dan Harris to attend the Category Six Pesticide Right-of Way Pesticide Applicator Recertification Workshop at the Holiday Inn, Liverpool, NY, October 11-12, 2018. The \$248 cost (registration \$75 each; hotel \$98) will be disbursed from A7110.434 Parks/Landscaping materials. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #293  
2 Hwy employees to attend pesticide recertification workshop

Councilwoman Friess moved to approve the request from Kathleen Moffat, bookkeeper, to use Debt Reserve funds for the \$4,550.00 interest payment due October 15, 2018 to Green County Bank for the Glead Avenue HVAC and parking lot bonds. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four noes – none Motion carried. Action #294  
Debt reserve funds approved for Glead bonds interest

Councilman Harris moved to authorize the Supervisor to sign the annual Memorandum of Understanding between the Town of Aurora and the Erie County STOP-SWI office. The agreement allows the County to pay the Town for supplying date on DWI cases disposed in Town court during 2017. Councilwoman Friess seconded the motion. Upon a vote being taken: ayes - four noes – none Motion carried. Action #295  
Supv auth to sign Stop DWI MOU



Councilwoman Jeffe moved to authorize the Supervisor to sign the annual service and maintenance agreement (12/21/2018 – 12/20/2019) with Eagle Systems, Inc., 2421 Harlem Road, Buffalo, NY for four Sharp copiers leased by the Town. The rate is \$1,102.48 and will be billed quarterly. Councilwoman Friess seconded the motion. Upon a vote being taken:  
ayes - four                      noes – none                      Motion carried.

Action #296  
Supv auth to sign Sharp copiers maint agreement

Councilwoman Friess moved to approve the hiring of Jan Kaufmann, Lapham Road, E. Aurora, as a laborer part-time for the janitorial position at the Senior Center, at a rate of \$12.00 per hour effective October 15, 2018. Councilwoman Jeffe seconded the motion. Upon a vote being taken:  
Ayes – four                      noes – none                      Motion carried.

Action #297  
J. Kaufmann hired for Sr Ctr janitorial position

Councilman Harris moved to accept a \$500.00 donation from Lillian Morgan to be used for the purchase of tables and chairs for the Senior Center. The funds will be deposited to TA1000.0900 Senior Center donations. Councilwoman Jeffe seconded the motion. Upon a vote being taken: ayes – four                      noes – none                      Motion carried.

Action #298  
\$500 donation for Sr Ctr accepted

Councilwoman Friess moved to approve the hiring of Finnian Cosgrove, 893 Main St., E. Aurora, as a Lifeguard part-time at a rate of \$10.70 per hour effective October 19, 2018. Councilman Harris seconded the motion. Upon a vote being taken: ayes – four                      noes – none                      Motion carried.

Action #299  
F. Cosgrove hired as PT lifeguard

COMMUNICATIONS and REPORTS - The following communications and reports were received by the Board and filed:

- Dog Control – September 2018 report
- Town Clerk – September 2018 report
- Town Clerk/Tax – September 2018 report
- Water Clerk – September 2018 report
- Recreation – September 2018 report
- Building Department – September 2018 report
- Letter re: condition of Girdle Road

BUSINESS FROM BOARD MEMBERS:

Councilwoman Friess attended the Erie County Sewer Authority Board of Managers meeting today and discussed the Villages plan to reconstruct Oakwood Ave.

AUDIENCE II: none

STAFF REPORTS:

Liz Cassidy stated that the new building department software is in the works

ABSTRACT OF CLAIMS

The September 26, 2018 Prepaid Abstract of Claims, consisting of vouchers numbered 1477 to 1488, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 6,703.40
Special Districts	<u>65,070.11</u>
Grand Total Abstract	\$71,773.51

The October 9, 2018 Abstract of Claims, consisting of vouchers numbered 1489 to 1556 and prepaid voucher 1557, was presented to the Board for audit and authorization of payment from the following funds:

General	\$ 27,310.44
Part Town	15.99
Highway	11,183.11
Trust/Agency	7 860.00
Special Districts	<u>38,197.01</u>
Grand Total Abstract	\$84,566.55

Councilwoman Jeffe moved to approve the September 26, 2018 Prepaid and October 9, 2018 Abstracts of Claims, contingent upon backup documentation from the Village regarding voucher no. 1520 SiteOne pesticide purchase, and to authorize payment of same; seconded by Councilwoman Friess. Upon a vote being taken: ayes – four noes – none  
Motion carried.

Action #300  
9/26 &  
10/9/18  
abstracts of  
claims aprvd

Councilwoman Jeffe moved to adjourn at 7:25 p.m.; seconded by Councilwoman Friess. Upon a vote being taken: ayes – four noes – none  
Motion carried.

Action #301  
Mtg adjourned

Martha L. Librock  
Town Clerk