

A regular Town Board meeting of the Town of Hamburg, County of Erie and State of New York was held at the Town Hall, 6100 South Park Avenue, Hamburg, New York on the 19th day of November 2018.

TOWN BOARD MEMBERS PRESENT:

James M. Shaw	Supervisor
Thomas Best, Jr.	Councilman
Elizabeth Farrell	Councilman
Michael Mosey	Councilman
Michael Petrie	Councilman

ALSO PRESENT: Catherine A. Rybczynski, Town Clerk; Steve Walters, Town Attorney; Ken Farrell, Deputy Town Attorney; Samantha Tarczynski, Director of Administration and Finance; Gregory Wickett, Chief of Police; Martin Denecke, Director of Youth, Recreation and Senior Services; Michael Quinn, Engineering Consultant; Ted Casey, Highway Superintendent; Christopher Hull, Director of Community Development; Sean Crotty, Sr. Public Safety Dispatcher and Emergency Management Coordinator.

The Pledge of Allegiance was recited.

Information on location of Fire exits was provided.

Supervisor Shaw reads the following as published in the Front Page, on the Town of Hamburg's website and the Town Clerk's Official bulletin board.

NOTICE OF PUBLIC HEARING
PROPOSED
LOCAL LAW #7, 2018
TAX LEVY LIMIT OVERRIDE

Notice is hereby given that a public hearing will be held before the Town Board of the Town of Hamburg, New York, on the 19th day of November, 2018 at 8:00 PM, at the Town Hall, 6100 South Park Avenue, Hamburg, New York 14075, to hear all interested parties and citizens for or against the adoption of proposed Local Law Number 6 for the year 2017. The proposed Local Law seeks to override the tax levy limit established in General Municipal Law Sec 3-c.

Any resident of the Town of Hamburg is entitled to be heard upon said proposed adoption of Proposed Local Law No. 7 for the year 2018.

Copies of the law will be available at the office of the Town Clerk for inspection by any person during regular business hours and are posted on the town's website.

Catherine A. Rybczynski
Town Clerk
Town of Hamburg

Dated: October 29, 2018

TOWN OF HAMBURG
LOCAL LAW NO. 7 OF THE YEAR 2018

A Local Law of the Town of Hamburg to override the tax levy limited established in General Municipal Law Section 3-c, as follows:

Be it enacted by the Town Board of the Town of Hamburg:

A local law to override the tax levy limit established in General Municipal Law §3-c.

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Hamburg to adopt a budget for the fiscal year commencing January 1, 2019 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law Section 3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of no less than sixty (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Hamburg, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Section 3-c.

Section 4. Severability

If a court determines that any, clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm, corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

The following spoke concerning the public hearing:

Don Wiess

2.

On a motion of Supervisor Shaw, seconded by Councilman Mosey, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Petrie, Mosey
 Noes 0

RESOLVED, that the Town Board close the public hearing.

3.

On a motion of Councilman Best, seconded by Councilman Mosey, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Petrie, Mosey
 Noes 0

RESOLVED, the Town Board adopt the minutes of the following meetings:

10/29/2018	Work Session
10/29/2018	Town Board Meeting
11/05/2018	Work Session
11/05/2018	Town Board Meeting

4.

On a motion of Supervisor Shaw, seconded by Councilman Farrell, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Petrie, Mosey
 Noes 0

BE IT RESOLVED that the Town Board approve the request for Legal Department employee, Cindy Conlon, to carry over seven (7) days of vacation into the 2019 calendar year.

5.

On a motion of Councilman Petrie, seconded by Councilman Mosey, the following resolution was

ADOPTED	Ayes	5	Shaw, Best, Farrell, Petrie, Mosey
	Noes	0	

WHEREAS, EEC Electrical Construction Corp. paid for a permit to install a generator at 1463 Evergreen Drive.

WHEREAS, EEC Electrical Construction Corp., are unable to install the generator in the location the property would like.

THEREFORE BE IT RESOLVED THAT, EEC Electrical Construction Corp is issued a refund for the building and electrical permit number 2018-02319 in the amount of \$135.00.

EEC Electrical Construction Corp
 105 Wagner Avenue
 Buffalo, New York 14212

6.

On a motion of Supervisor Shaw, seconded by Councilman Farrell, the following resolution was

ADOPTED	Ayes	5	Shaw, Best, Farrell, Petrie, Mosey
	Noes	0	

WHEREAS, the Department of Information Technology must address and educate Town employees on potential cybersecurity threats

NOW, THEREFORE BE IT RESOLVED, that the Town Board approve mandatory cybersecurity training for those employees who primarily rely on computers for their day to day operations. The cybersecurity course, AWR- 136 Essentials of Community Cybersecurity, is funded through DHS/FEMA’s Homeland Security National Training Program and is offered at no cost to the Town.

BE IT FURTHER RESOLVED, that the training be held on December 4th from 8am – 12pm, December 5th, 2018 from 8am-12pm and 1pm-5pm at Town Hall.

7.

On a motion of Councilman Farrell, seconded by Councilman Mosey, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Petrie, Mosey
 Noes 0

BE IT RESOLVED, that the Town Board approve the termination and hiring of personnel for the Buildings & Grounds Department as follows:

#	Emp #	Emp Name	N or R	Position	Start date	Full time hrly rate	PT/Sea/temp hrly rate	Term date
1	3589	Boswell, Rose		Cleaner/A.714.100			\$11.87	11/1/2018
2	4892	Russo, Christopher		Laborer/PT/A7140.100			\$10.40	11/1/2018
3	3957	Smarz, Kevin		Laborer/PT/A7140.100			\$10.40	11/1/2018
4	2266	Fisher, Pamela		HEO/EI.7266.100		\$30.89		11/26/2018
5	2266	Fisher, Pamela		HEO/A.7140.100	11/26/2018	\$30.89		

8.

On a motion of Councilman Mosey, seconded by Councilman Farrell, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Petrie, Mosey
 Noes 0

BE IT RESOLVED, that the Town Board approve the termination and hiring of personnel for the Youth, Recreation and Senior Services Department as follows:

#	Emp #	Employee Name	N or R	Position	Start date	Full time hourly rate	PT/Sea/temp hourly rate	Termination Date
1	4909	Bishop, Riley		Rec Attd-A7310-P/T				11/10/2018
	4909	Bishop, Riley	R	Rec Attd-EI7265-P/T	11/11/18		\$10.40	
2	4931	Dake, Neil		Rec Attd-A7310-P/T				11/10/2018
	4931	Dake, Neil	R	Rec Attd-EI7265-P/T	11/11/18		\$10.40	
3	2926	DiOrio, Christine		Rec Attd-ER7251				11/20/2018
4	4900	Dlugosz, Daniel		Rec Attd-ER7251				11/20/2018
5		Folger, Rosemary	N	Rec Attd-A6780-P/T	12/3/18		\$11.00	
6	4264	Kazibut, Kacper		Rec Attd-A7310-P/T				11/10/2018
	4264	Kazibut, Kacper	R	Rec Attd-ET7180-P/T	11/11/18		\$10.40	
7	4221	Kumiega, Mark	R	Rec Attd-ER7251-P/T	10/14/18		\$10.40	
8	4679	Kuznicki, Thomas		Rec Attd-ER7251				11/20/2018
9	4824	Morris, Trinity		Rec Attd-A7310-P/T				11/10/2018
	4824	Morris, Trinity	R	Rec Attd-ET7180-P/T	11/11/18		\$10.40	
10	4793	Pope, Daniel		Rec Attd-ER7251				11/20/2018
11	4771	Ross, Victoria		Rec Attd-A7310-Seas				11/10/2018
	4771	Ross, Victoria	R	Rec Attd-A6772-Seas	11/11/18		\$10.50	
12	3726	Scharlock, Matthew		Rec Attd-ER7251				11/20/2018
13	4357	Simoncelli, Eric		Rec Attd-ER7251				11/20/2018
14	2875	Steger, Joseph		Rec Attd-A7310-P/T				11/10/2018
	2875	Steger, Joseph	R	Rec Attd-ER7251-P/T	11/11/18		\$14.00	
15	4891	Stiker, John		Rec Attd-ER7251				11/20/2018
16	4808	Tomasi, Carmen		Rec Attd-ER7251				11/20/2018
17	4540	Voye, James		Rec Attd-ER7251				11/20/2018
18	4062	Wicka, John		Rec Attd-ER7251				11/20/2018

9.

On a motion of Supervisor Shaw, seconded by Councilman Petrie, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Petrie, Mosey
 Noes 0

RESOLVED, that the Town Board approve the transfer of appropriations for the Town Park within the 2018 Budget, as follows:

From: Launch Dredging	ET.7230.0406	\$5,000
To: Repair and Maintenance Supplies	ET.7250.0413	\$5,000

10.

On a motion of Councilman Farrell, seconded by Councilman Petrie, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Petrie, Mosey
 Noes 0

RESOLVED, that the Hamburg Town Board accept the letter of resignation from the Hamburg Industrial Development Agency and the Hamburg New York Land Development Corporation from Nancy Ware, effective July 17, 2018. The Town Board thanks Nancy Ware for her service and wishes her well in the future.

11.

On a motion of Councilman Farrell, seconded by Councilman Petrie, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Petrie, Mosey
 Noes 0

RESOLVED, that the Hamburg Town Board appoint Robert Hutchison to the Hamburg Industrial Development Agency and the Hamburg New York Land Development Corporation, effective immediately.

12.

On a motion of Supervisor Shaw, seconded by Councilman Petrie, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Petrie, Mosey
 Noes 0

BE IT RESOLVED that the Hamburg Town Board authorize the Department of Community Development to enter into a contract with “Neighborhood Legal Services“ based upon their response to the Request for Proposals (RFP) issued by the Department of Community Development for Confidential Legal Services to work in conjunction with their Homeless Prevention and other housing programs. The RFP’s were opened on Wednesday, October 31, 2018 at 11:00 a.m. and subsequently reviewed by the Department of Community Development. Funding in the amount up to \$10,000 for this contract is available within the CDBG program income account. Contract dates: December 1, 2018-March 31, 2020.

13.

On a motion of Councilman Farrell, seconded by Councilman Petrie, the following resolution was

ADOPTED	Ayes	5	Shaw, Best, Farrell, Petrie, Mosey
	Noes	0	

WHEREAS, the Town Board recognizes the need to periodically revise adopted policies such as the Sexual Harassment Policy and,

WHEREAS, the State of New York issued new guidelines and recommendations regarding Sexual Harassment Policies, and

WHEREAS, the Human Resource Officer, the Town Safety Coordinator, and the Town Safety Committee collaborated to draft a revised policy and all stakeholders including Town Board members were provided the opportunity for review and input on this revised policy,

THEREFORE BE IT RESOLVED, that the Town Board adopt the attached Sexual Harassment Policy effective immediately. (documentation attached)

Town of Hamburg

SEXUAL HARASSMENT POLICY

Updated: November 19, 2018

Introduction

The Town of Hamburg is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination.

The Town of Hamburg has a zero-tolerance policy for any form of sexual harassment, and 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 Hamburg's commitment to a discrimination-free work environment.

Sexual harassment is against the law. 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 Hamburg, or with a government agency or in court under federal, state or local anti-discrimination laws.

Policy

1. The Town of Hamburg's Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the Town of Hamburg.

2. **Sexual harassment will not be tolerated. Sexual harassment in the Town of Hamburg workplace is considered a serious offense.** *Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.*

3. **Retaliation Prohibition:** No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment 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 Hamburg has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of the Town of Hamburg 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 intern, or non-employee working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or the Town Supervisor (or designee). Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation 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 subjects the Town of Hamburg to liability for harm to victims 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 knowingly allow such behavior to continue, will be penalized for such misconduct.

5. The Town of Hamburg will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise

knows of possible sexual harassment occurring. 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 Hamburg will provide all employees a complaint form for employees to report harassment and file complaints.

7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to the Town Supervisor, Human Resources or the Town Legal Department.

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 posted prominently in all work locations 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, 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, 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.

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 assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' 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 victim'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.

- 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 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 perpetrator of sexual harassment 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 or not during 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.

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:

- filed 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;
- complained that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. The Town of Hamburg cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee 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 Human Resources or the Town Legal Department. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Town Supervisor Human Resources or the Town Legal Department.

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.

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

Any complaint filed by an employee, whether on his or her own behalf or on behalf of another employee, will be kept confidential to the extent possible.

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 Human Resources or the Town Legal Department.

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.

Supervisors and managers are expected to maintain the confidentiality of these matter, to the extent possible, and will be subject to discipline should they fail maintain this confidentiality.

It is a Department Head's responsibility to be fully familiar with the contents of this Policy and have a responsibility to assure that each of the employees under their supervision have received a copy of this Policy and are familiar with and understand the essential elements of the behaviors expected and not expected in the workplace.

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, and should be completed within 30 days.

If the investigation cannot be completed within the 30 days, the complainant shall be notified prior to the 30th day, given an explanation as to the delay and an approximation of when the investigation will be completed. The Supervisor and the Town Board will also be informed of such a delay.

The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process 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. Employees who participate in any investigation will not be retaliated against.

Investigations by the Director of Human Resources, working collaboratively with the Town Attorney, will be done in accordance with the following steps:

- (1) Upon receipt of complaint, conduct an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.
- (2) Inform the Supervisor of the allegation(s) as soon as practical and the Board at the next immediate Board Meeting. Neither the Supervisor nor the Board should take any actions regarding the complaint unless requested to take interim actions by Human Resources or until such time that the findings have been presented.
- (3) If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- (4) Request and review all relevant documents, including all electronic communications.
- (5) Interview all parties involved, including any relevant witnesses;
- (6) Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of prior relevant incidents, reported or unreported; and
 - e. The findings the investigation, together with any recommendations for disciplinary or corrective actions.
- (7) Report to the Town Board and where appropriate, request official action by the Town Board.
- (8) Keep the written documentation and associated documents in the employer's records.
- (9) Inform the employee(s) who is the alleged victim of findings and any corrective actions that have been taken. Also provide additional remedies as outlined below.

Legal Protections And External Remedies

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

Aside from the internal process at the Town of Hamburg, employees may also choose to pursue legal remedies with the following governmental entities at any time.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to 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 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 discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Town of Hamburg 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 discrimination 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

DHR's Buffalo regional office contact information is:

Walter J. Mahoney State Office Bldg.
65 Court St, Suite 506
Buffalo, NY 14202
(716) 847-7632
InfoBuffalo@dhr.ny.gov

Contact DHR at (888) 392-3644 or visit 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.

United States Equal Employment Opportunity Commission (EEOC)

The 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 anytime 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.

If an employee believes that he/she has been discriminated against at work, he/she 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 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

EEOC's Buffalo regional office contact information is:

Olympic Towers
300 Pearl Street, Suite 450
Buffalo, NY 14202
Phone: 1-800-669-4000

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.

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.

14.

On a motion of Supervisor Shaw, seconded by Councilman Mosey, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Petrie, Mosey
 Noes 0

RESOLVED, that the Town Board approve the membership of the following into the Scranton Volunteer Fire Company, Inc.:

Robert Moore Jr.
4591 Southwestern Blvd
Hamburg, NY 14075



Scranton Volunteer Fire Company, Inc.



5395 Scranton Road, Hamburg, N.Y. 14075

(716) 648-4563 phone

(716) 648-3531 fax

FILED IN THE TOWN
CLERK'S OFFICE
HAMBURG, N.Y.

2018 NOV 16 A 9:12

TOWN CLERK

November 15th, 2018

To the Members of the Hamburg Town Board,

The members of the Scranton Volunteer Fire Company have recently voted in Robert Moore Jr. residing at 4591 Southwestern Blvd., Hamburg, NY 14075.

We are asking for the Town Board's approval for his membership.

If there are any questions, please contact Michael Mosier at (716) 989-8864.

Thank you,

Michael Mosier

Corresponding Secretary
Scranton VFC

"smoke detectors never sleep"

15.

On a motion of Councilman Farrell, seconded by Councilman Mosey, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Petrie, Mosey
 Noes 0

RESOLVED, that the Town Board authorize the Highway Department to purchase one (1) new 2019 F250 truck from Wester Herr Ford off the New York State Concession total price of \$42,448.50 with trade-in of 2011 Ford Expedition \$5,000.00 and 2003 Ford F250 \$500.00. (See attached invoice).

Monies are available in account H26.5130.201 – Machinery & Equipment.



WEST HERR FORD INC
 5025 CAMP ROAD
 HAMBURG, NY, 14075
 www.westherr.com

Delivery Date _____
 Salesperson **JAMES-FH KELLERMAN**
 Salesperson # **387**

Buyer **TOWN OF HAMBURG** # **223167** SS# _____ DOB _____
 Address **2720 LAKEVIEW RD** City **LAKE VIEW** St **NY** Zip **14085-9612**
 Email _____ HM **716/649-6111** Cell _____ Wk _____
 Co-Buyer # _____ SS# _____ DOB _____
 Address _____ City _____ St _____ Zip _____
 Email _____ HM _____ Cell _____ Wk _____
 Quote # _____ Deal # **606379** Stock # **LOCATED** Year **2019** Make **5** Mdl **F-250** Miles _____

If this motor vehicle is classified as a used motor vehicle, the dealer named above certifies that the entire vehicle is in condition and repair to render, under normal use, satisfactory and adequate service upon the public highway at the time of delivery.
 PRIOR USE CERTIFICATION (required by Vehicle and Traffic Law 417-A) if principal prior use of the vehicle were as a police vehicle, taxicab, driver education vehicle or rental vehicle). The principal use of this vehicle was as: police vehicle _____, a taxicab _____, a driver education vehicle _____, or a rental vehicle _____.
 NOT APPLICABLE VALUE CAR _____

Vehicle Id # **1FT7W2B67KED35790** Price _____
 Plate info: Weight _____ Plate # _____
 Expiration date: _____
 _____ \$ **N/A**
 _____ \$ **N/A**
 _____ \$ **N/A**
TRADES-2011 EXPEDITION \$ **N/A**
1FMJU2A53DEF66026 \$ **N/A**
\$ 5000.00 \$ **N/A**
 _____ \$ **N/A**
2003 F250 \$ **N/A**
1FTNW20L33EA64468 \$ **N/A**
\$ 500.00 \$ **N/A**
 Aftermarket _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 Additional reconditioning _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 Agent _____ Phone # _____
N/A \$ **N/A**

Pricing Information
 Price Plan PIN # _____ \$ **47851.00**
 Aftermarket/ESP \$ **N/A**
 Total Price \$ **47851.00**
 Trade Allowance \$ **5500.00**
 Difference \$ **42351.00**
 Tax % **N/A** \$ **N/A**
 Reg/Title Fees/ Tire Tax \$ **97.50**
 Bal Owed on Trade(s) \$ **N/A**
 Sub Total \$ **42448.50**
 Rebate(s) \$ **N/A**
 Deposit \$ **N/A**
 COD \$ **42448.50**
 Balance to Finance \$ **N/A**
 Term **N/A** APR **N/A**
1 Payments of **N/A**
TRADE INFORMATION: (Appraisal attached)
 Year _____ Make _____ Mcdel _____
 VIN _____ Allowance \$ **5500.00**
 Balance owed to: _____
 Address _____
 Net Amt. **N/A** Til _____ By _____
 Acct. # _____

I UNDERSTAND THAT THE FINAL TERMS OF THIS LEASE/LOAN MAY DIFFER DEPENDING ON THE ACTUAL TERMS THE FINANCIAL INSTITUTION ACCEPTS.
 I UNDERSTAND THAT THE PAYMENT QUOTES ARE FOR THE VEHICLE PURCHASE ONLY AND ANY ADDITIONAL PRODUCTS WILL ONLY BE QUOTED AT MY REQUESTS. I.E. SERVICE PROGRAMS, LIFE INS, ANTI THEFT, AFTERMARKET ITEMS.

I CERTIFY TO THE TRUTH MY STATEMENTS ABOVE AND AUTHORIZE THE DEALER TO WHOM THIS APPLICATION IS DELIVERED TO OBTAIN A CREDIT REPORT ON ME, IN CONNECTION WITH THIS APPLICATION AND ANY UPDATE, RENEWAL OR EXTENSION THEREOF. I WILL UPON REQUEST, BE INFORMED OF THE FACT AND OF THE BUREAU'S NAME AND ADDRESS. I AUTHORIZE THE DEALER AND ANY PERSON TO WHOM THIS APPLICATION IS DELIVERED TO RELEASE TO THIRD PARTIES INFORMATION DISCLOSED ON THIS APPLICATION AND AS TO THEIR TRANSACTION WITH ME.



CUSTOMER SIGNATURE _____ CO-BUYER _____
 MANAGER SIGNATURE _____ SALE DATE **11/15/2018**

16.

On a motion of Supervisor Shaw, seconded by Councilman Farrell, the following resolution was ADOPTED

Ayes 5 Shaw, Best, Farrell, Petrie, Mosey
 Noes 0

RESOLVED, that the Town Board approve the Audit of Cash Disbursements as follows:

TOWN BOARD AUDIT OF CASH DISBURSEMENTS - November 19, 2018				
OPERATING FUND:				VOUCHER #'S
BATCH #				
BATCH #	175	\$77.00		99191-99192
BATCH #	176	\$11,013.78		99193-99200
BATCH #	177	\$24,599.80		99201-99239
BATCH #	178	\$11,564.56		99240-99273
BATCH #	179	\$38,920.29		99274-99306
BATCH #	180	\$268,868.65		99307-99412
TOTAL OPERATING FUND DISBURSEMENTS:				\$355,044.08
TRUST AGENCY				
BATCH #				
TOTAL TRUST & AGENCY DISBURSEMENTS:				\$0.00
CAPITAL FUND DISBURSEMENTS:				
BATCH #				
TOTAL CAPITAL FUND DISBURSEMENTS:				\$0.00
PAYROLL:				
PR #	P/R #23	\$740,042.73		
TOTAL PAYROLL DISBURSEMENTS:				\$740,042.73
PETTY CASH				
TOTAL CASH DISBURSEMENTS SUBMITTED FOR AUDIT:				\$1,095,086.81

17.

On a motion of Supervisor Shaw, seconded by Councilman Petrie, the following resolution was brought to a Roll Call Vote as follows:

ROLL CALL:	Supervisor Shaw	Yes
	Councilman Best	Yes
	Councilwoman Mosey	No
	Councilman Petrie	Yes
	Councilman Farrell	Yes

ADOPTED	Ayes	4
	Noes	1

BE IT RESOLVED that the Town Board of the Town of Hamburg does hereby adopt the Town of Hamburg 2019 budget as previously filed by the Town Supervisor and known as the Supervisor's Budget subject to amendments as contained on the attached pages:

The following spoke concerning this resolution:

Councilman Mosey, Joe Killian, Don Wiess, Supervisor Shaw

Town of Hamburg
2019 Budget Changes from Supervisor's to Adopted

Account		Supervisor's Budget	Amended Budget	Difference
A.599	Appropriated Fund Balance	(560,000)	(460,000)	100,000
A.1110.100	Town Justice Personal services	345,197	344,853	(344)
A.1310.100	Finance Personal services	130,896	127,096	(3,800)
A.1355.102	Assessing Personal services part time	20,230	23,230	3,000
A.1410.103	Town Clerk Personal services other	-	5,585	5,585
A.1420.103	Law Personal services other	9,714	27,714	18,000
A.1440.100	Engineering Personal services	201,658	181,228	(20,430)
A.1440.440	Engineering Contracted personal services	33,000	80,000	47,000
A.1690.100	Information Technology Personal services	123,000	120,000	(3,000)
A.1690.101	Information Technology Personal services overtime	1,500	4,500	3,000
A.1920.456	Special Items Consultant fees grants	12,000	25,000	13,000
A.3005	Mortgage Tax	(1,050,000)	(1,200,000)	(150,000)
A.3020.100	Public Safety Communications Personal services	991,042	990,641	(401)
A.3620.100	Safety Inspection Personal services	591,607	591,160	(447)
A.4020.102	Registrar of Vital Statistics Personal services part time	3,662	-	(3,662)
A.4020.103	Registrar of Vital Statistics Personal services other	-	3,662	3,662
A.6772.103	Programs for Aging Personal services other	32,038	9,485	(22,553)
A.6780.102	Adult Day Personal services part time	97,470	108,939	11,469
A.7020.100	Recreation Administration Personal services	389,893	389,429	(464)
A.7020.101	Recreation Administration Personal services overtime	14,981	6,222	(8,759)
A.8686.100	Community Development Personal services	193,354	213,183	19,829
A.8686.103	Community Development Personal services other	29,640	23,040	(6,600)
A.9950.975	Transfers Capital reserve	50,000	70,000	20,000
A.9030.830	Employee Benefits Social security	641,260	640,807	(453)
A.9060.865	Employee Benefits Dental insurance	117,303	84,104	(33,199)
A.9960.0970.4	Transfers Woodlawn Beach	204,182	220,109	15,927
A.9960.0970.2	Transfers Ice Arena	192,003	191,560	(443)
A.5031.0012	Interfund Revenue Golf Course	(27,258)	(27,701)	(443)
A.9960.970.1	Transfers Golf Course	(15,152)	-	15,152
B.1120.1	Sales tax	(6,600,000)	(6,700,000)	(100,000)
B.3120.100	Police Personal services	6,016,293	6,046,147	29,854
B.3120.202	Police Motor vehicles	125,000	156,250	31,250
B.9030.830	Police Employee Benefits Social security	574,300	576,584	2,284
B.9060.865	Police Employee Benefits Dental insurance	105,812	75,865	(29,947)
DB.5110.473	General Repair Ready mix, manhole covers	20,000	40,000	20,000
DB.5110.475	General Repair Road oil	1,000	20,000	19,000
DB.9060.895	Highway Employee Benefits Retirement costing	-	90,000	90,000
DB.9060.865	Highway Employee Benefits dental	37,973	27,226	(10,747)
EL.7266.0865	Ice Arena Maintenance Dental insurance	1,565	1,122	(443)
EL.5031	Transfer - General Fund	(192,003)	(191,560)	443
ER.7250.0865	Golf Course Maintenance Dental insurance	1,565	1,122	(443)
ER.9960.975	Transfers to Other Funds General Fund	15,152	15,595	443
EW.7252.102	Woodlawn Beach Security Personal services part time	-	15,000	15,000
EW.7252.0810	Woodlawn Beach Security Social security	-	1,148	1,148
EW.7250.0865	Woodlawn Beach Maintenance Dental insurance	782	561	(221)
EW.5031	Transfer - General Fund	(204,182)	(220,109)	(15,927)
SF1.3410.439	Lakeshore Payment on Fire Contract	512,778	517,906	5,128
SF1.9025.820	Lakeshore Service Award Program	151,360	158,060	6,700
SF2.3410.439	Scranton Payment on Fire Contract	438,844	443,232	4,388
SF2.9025.820	Scranton Service Award Program	163,643	170,343	6,700
SF3.3410.439	Big Tree Payment on Fire Contract	490,378	540,732	50,354
SF3.9025.820	Big Tree Service Award Program	135,893	142,693	6,800
SF4.3410.439	Armor Payment on Fire Contract	275,472	278,227	2,755
SF4.9025.820	Armor Service Award Program	120,115	126,315	6,200
SF5.3410.439	Newton Abbott Payment on Fire Contract	460,136	464,737	4,601
SF5.9025.820	Newton Abbott Service Award Program	37,106	43,106	6,000
SF6.3410.439	Woodlawn Payment on Fire Contract	391,872	395,791	3,919
SF6.9025.820	Woodlawn Service Award Program	59,824	66,024	6,200
				15,151

To eliminate the Town Park as an Enterprise Fund and transfer operations of it to the General Fund.		
ET.0000.2001.0006	(41,000)	41,000
ET.0000.2012.0002	(2,000)	2,000
ET.0000.2040	(21,000)	21,000
ET.0000.2089	(45,000)	45,000
ET.0000.2089.0001	(500)	500
ET.0000.2089.0003	(500)	500
ET.0000.5031	(298,158)	298,158
ET.7180.0102	119,822	(119,822)
ET.7180.0206	8,500	(8,500)
ET.7180.0421	2,000	(2,000)
ET.7180.0440	2,000	(2,000)
ET.7180.0441	2,000	(2,000)
ET.7180.0451	2,017	(2,017)
ET.7180.0810	15,000	(15,000)
ET.7180.0830	9,166	(9,166)
ET.7230.0406	60,000	(60,000)
ET.7250.0100	70,371	(70,371)
ET.7250.0102	28,456	(28,456)
ET.7250.0201	5,000	(5,000)
ET.7250.0413	15,000	(15,000)
ET.7250.0421	2,480	(2,480)
ET.7250.0460	9,751	(9,751)
ET.7250.0465	1,230	(1,230)
ET.7250.0810	13,000	(13,000)
ET.7250.0830	7,560	(7,560)
ET.7250.0860	16,005	(16,005)
ET.7250.0865	1,565	(1,565)
ET.7250.0875	250	(250)
ET.9810.0960	3,182	(3,182)
ET.9810.0970	554	(554)
ET.9960.0980	13,249	(13,249)
A.2001.6	-	(41,000)
A.2012	-	(2,000)
A.2040	-	(21,000)
A.2089	-	(46,000)
A.7180.0102	-	119,822
A.7180.0206	-	8,500
A.7180.0421	-	2,000
A.7180.0440	-	2,000
A.7180.0441	-	2,000
A.7180.0451	-	2,017
A.7230.0406	-	60,000
A.7250.0100	-	70,371
A.7250.0102	-	28,456
A.7250.0201	-	5,000
A.7250.0413	-	15,000
A.7250.0421	-	2,480
A.7250.0460	-	9,751
A.7250.0465	-	1,230
A.9010.0810	1,150,000	1,178,000
A.9030.0830	624,534	641,260
A.9060.0860	1,496,532	1,512,537
A.9060.0865	115,738	117,303
A.9060.0875	21,505	21,755
A.9810.0960	19,491	22,673
A.9810.0970	3,392	3,946
A.5031.0014	(13,249)	-
A.9960.0970.3	298,158	(298,158)

Reports from the Floor

Joe Killian, Michael Quinn, Engineering Consultant, Don Wiess and Supervisor Shaw discuss designs and maintenance for the Seaway Trail.

John McKendry and Supervisor Shaw discuss raising money through a grant for a drug rehabilitation center and the opioid crisis.

18.

On a motion of Supervisor Shaw, seconded by Councilman Best, the following resolution was

ADOPTED Ayes 5 Shaw, Best, Farrell, Petrie, Mosey
 Noes 0

RESOLVED, that the Town Board adjourn the Town Board meeting at 8:35 P.M.

Open Meetings Law, Public Officers Law, Article 7, §106. Minutes.

Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.

These minutes are an unofficial copy unless the original signature of the Town Clerk is affixed below. The original official paper minutes are stored in the Town's vault.

Catherine A. Rybczynski, R.M.C.
Town Clerk