

AUGUST 19, 2020
REGULAR TOWN BOARD MEETING

Town Hall

7:00 P.M.

Dan Underhill, Deputy Supervisor led the pledge to the flag.

Roll Call

Present: Supervisor Post
Deputy Supervisor Underhill
Councilwoman White
Councilwoman Michalak

Absent: Councilman Zambito

Others

Present: Town Clerk Morasco
Sarah Sauka, Court Clerk
Alecia Kaus, Video News Reporter

The Supervisor called the meeting to order at 7:03 P.M.

July 15, 2020 Regular Town Board Meeting: Motion Deputy Supervisor Underhill, second Councilwoman Michalak to approve the minutes as written.

Ayes: Underhill, Michalak, White, Post

MOTION CARRIED by unanimous vote (4-0)

Calling Public Hearing to Order- The Supervisor called the Public Hearing to Order for Local Law 2 of 2020 – Discrimination and Harassment Policy at 7:05 P.M. - Minutes for public hearing entered separately.

RESOLUTION NO. 123:

Councilwoman White offered the following:

RESOLUTION ADOPTING LOCAL LAW No. 2 of 2020

WHEREAS, proposed Local Law No. 2 of 2020 of the Town of Batavia entitled “A Local Law to Adopt a Discrimination and Harassment Policy for the Town of Batavia”, which proposed Local Law in its final form was presented to the Town Board at the meeting held on July 15, 2020, and a copy thereof was kept with the Town Clerk and copies both laid upon the desks of the members of said Town Board Members and mailed to each member of the Town Board Members not in attendance at said meeting; and

WHEREAS, a public hearing on the advisability of enacting said proposed Local Law was held on August 19, 2020, before this Town Board, pursuant to public notice duly published in The Daily News according to law, at which time all interested persons were heard; and

WHEREAS, the Town Board of the Town of Batavia, New York is of the opinion that adoption of said proposed Local Law No. 2 of 2020 is in the best interest of the Town of Batavia, New York,

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NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Batavia, New York that said proposed Local Law No. 2 of 2020 be and the same hereby is adopted; and

BE IT FURTHER RESOLVED, that a certified copy of said Local Law No. 2 of 2020 be filed with the New York State Secretary of State in accordance with Law.

Second by: Deputy Supervisor Underhill

Ayes: White, Underhill, Michalak, Post

APPROVED by unanimous vote (4-0)

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Batavia, Genesee County, New York
~~Town~~
~~Village~~

Local Law No. 2 of the year 2020.

A local law known as Local Law to Adopt a Discrimination and Harassment Policy for the Town of Batavia
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of **Batavia, Genesee County, New York** as follows:
~~Town~~
~~Village~~

SECTION I. TITLE AND AUTHORITY

This local law is entitled “A Local Law to Adopt a Discrimination and Harassment Policy for the Town of Batavia,” and is adopted pursuant to authority granted in the Municipal Home Rule Law of the State of New York.

SECTION II. REPEAL OF FORMER SEXUAL HARASSMENT POLICY

The Sexual Harassment Policy of the Town of Batavia, codified at Chapter 51 of the Code of the Town of Batavia,

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is hereby repealed in its entirety.

SECTION III. **ADOPTION OF DISCRIMINATION AND HARASSMENT POLICY OF THE TOWN OF BATAVIA**

The Town of Batavia hereby adopts the following Discrimination and Harassment Policy, to wit:

TOWN OF BATAVIA
POLICY AGAINST DISCRIMINATION AND HARASSMENT

SECTION 1: PURPOSE

The Town of Batavia believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the [Municipality], (hereinafter “Municipality”), is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without subjugation to harassment or discrimination in the workplace. It is the Municipality’s policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation) citizenship, domestic violence victim’s status or any other characteristics protected by applicable federal, state or local law.

- A. Scope of Policy** This Policy applies to all Municipality employees and all personnel in a contractual or other business relationship with the Municipality including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), volunteers, visitors, independent contractors, contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace, including employees of independent contractors, contractors, subcontractors, vendors, consultants or others providing services pursuant to a contract in the workplace. In the remainder of this Policy, the term “employees” refers to this collective group. This Policy applies with equal force on Municipality property as it does at Municipality-sponsored events, programs, and activities that take place off Municipality premises.
- B. Policy Objectives** By adopting and publishing this Policy, it is the intention of the Municipality’s governing body to:
- (1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
 - (2) Inform employees about the complaint procedures established by the Municipality that enable any employee who believes (s)he is the victim of harassment or discrimination to submit a complaint which will be investigated by the Municipality;
 - (3) Clearly advise all supervisory staff, managers, and employees that harassment and discrimination is strictly prohibited, and no such person possesses the authority to harass or discriminate; and

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- (4) Notify all employees that the Municipality has appointed Compliance Officers who are specifically designated to receive complaints and ensure compliance with this Policy.

NOTE: The title and office location of each Compliance Officer designated to receive and investigate complaints are listed below in *Section 11* of this Policy. Any change in the designated Compliance Officers shall be distributed in writing to all current employees and shall be posted.

SECTION 2: DEFINITIONS

“Prohibited Discrimination of Employees”

Prohibited discrimination of employees can take the form of any adverse employment action against an employee, by either a Municipality employee or official or a third party engaged in activities sponsored by the Municipality which is based upon the employee’s protected characteristic. Prohibited discrimination of employees also includes harassment based on a protected characteristic even where there is no tangible impact upon the employee’s employment opportunities and/or employment benefits. The phrase “prohibited discrimination” as used in this Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, including “Sexual Harassment” as defined below.

“Harassment”

Harassment is strictly prohibited and includes, but is not limited to, conduct that is unwelcome and has the purpose or effect of unreasonably interfering with a person’s work performance, or creating an intimidating, hostile or offensive working environment. Such harassment of employees is prohibited by this Policy if it is based on a protected characteristic or directed at an individual because of a protected characteristic. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

“Sexual Harassment”

Sexual harassment is strictly prohibited. It 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:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- (2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or
- (3) Such gender-based conduct has the purpose or effect of unreasonably interfering with an

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individual's work performance, or of creating an intimidating, hostile or offensive working environment, even if the reporting individual is not the intended target of the sexual harassment.

The foregoing includes offensive comments, jokes, innuendoes or other statements of a sexual or gender-based nature as well as favoritism between a supervisor and subordinate based on an intimate/sexual relationship or desire for the same.

Who can be the target of harassment?

Harassment can occur between any individuals, regardless of their sex, gender or other protected status. 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. Harassers 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 harassment occur?

Unlawful 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.

“Prohibited Behavior and Examples of Harassment, including Sexual Harassment”

Specific forms of behavior the Municipality considers harassment or sexual harassment are set forth below. Every conceivable example cannot be delineated herein, and thus the descriptions below should not be interpreted in any way as being all-inclusive.

- **Verbal:** Abusive verbal language including jokes, comments, teasing or threats related to an employee's protected characteristic, sexual activity and/or body parts whether or not said in that person's presence including, but not limited to: sexual innuendos; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes; propositions; threats; comments on a person's appearance that make the person feel uncomfortable because of his or her protected characteristic; sex stereotyping, continuing to ask someone for dates or to meet after work after the person has made it clear that he or she does not want to go; comments about an employee's anatomy or protected characteristic that are unwelcome, unreasonably interfere with an employee's work performance, or create an intimidating, hostile or offensive work environment; and unwelcome advances or demands based on someone's protected characteristic.
- **Nonverbal:** Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures in the workplace; staring at a person's body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through the Municipality e-mail system or other electronic communication devices (e.g. voice mail) or using the Municipality's mail, computers or cell phones to view material that is demeaning or derogatory based on one's protected characteristic.

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- **Physical:** Unwelcome physical conduct, including but not limited to: hitting, pushing, shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, rape or assault or attempts to commit these assaults, persistent brushing up against a person's body, unnecessary touching and flashing or other unwelcome physical conduct.
- **Other:** Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, 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, or name-calling.

Any employee who feels discriminated against or harassed should report so that any violation of this Policy can be corrected promptly. Any harassing conduct, even if a single incident, can be addressed under this Policy.

SECTION 3: POLICY

The Municipality prohibits harassment and discrimination based on any characteristic protected by applicable law and will not tolerate any form of unlawful discrimination or harassment. The Municipality will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment, including sexual harassment, in the workplace.

All employees, including but not limited to, Municipality officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to Department Head, one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy. Department Heads and/or Compliance Officers must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to the Municipality's designated Compliance Officers. Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns of discrimination or harassment, the employee should immediately contact one of the Municipality's designated Compliance Officers.

Each employee is assured pursuant to *Section 6* of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws shall be subject to discipline, up to and including termination of employment. Any employee who believes he/she has been retaliated against in violation of this policy should report violations to one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Compliance Officers listed in *Section 11* of this Policy.

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SECTION 4: POLICY ENFORCEMENT

A. Complaint Procedure for Employees

1. **Notification Procedure**

Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged and essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact his or her Department Head or a Compliance Officer listed in *Section 11* of this Policy, or another administrator. Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to his or her Department Head or a Compliance Officer listed in *Section 11* of this Policy, or another administrator.

2. **Making a Complaint**

Complaints are accepted orally and in writing. All employees are encouraged to use the Municipality's "Complaint of Alleged Discrimination" form as prepared from time to time by the Town Clerk. Additional complaint forms can be obtained from a Compliance Officer, with no questions asked. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination or harassment, the Municipality encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, she/he can obtain assistance from any one of the Compliance Officers or the Department Head to which he/she complained. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date(s) of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the complaining party has completed and dated a complaint, with or without the assistance of one of the Municipality's Compliance Officers or a Department Head, the written complaint, or oral complaint as the case may be, should be promptly forwarded to one of the Municipality's Compliance Officers.

Complainants are expected to cooperate with the Municipality's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

3. **Supervisory Responsibilities**

All Department Heads who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing behavior or for any reason to suspect that harassment is occurring, are required to report such suspected harassment or discrimination to one of the Municipality's Compliance Officers.

In addition to being subject to discipline if they engaged in harassing conduct themselves, Department Heads will be subject to discipline for failing to report suspected harassment or otherwise knowingly allowing harassment to continue.

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Department Heads will also be subjected to discipline for engaging in any retaliation.

- B. Time for Reporting a Complaint**
Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly filed.
- C. Confidentiality and Privacy**
The Municipality shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. To the extent complaints made under this Policy implicate criminal conduct, the Municipality may be required by law to contact and cooperate with the appropriate law enforcement authorities.
- D. Acknowledgement of Complaint**
Upon receipt of an oral or written complaint, the Compliance Officer should endeavor to contact promptly the complainant to confirm that the complaint has been received. If the complainant does not receive such confirmation promptly, she/he is encouraged to contact a Compliance Officer or his/her Department Head to whom the complaint was made to ensure its receipt. The purpose of this acknowledgment procedure is to ensure that all complaints are received by authorized individuals, carefully processed and promptly investigated.

SECTION 5: INVESTIGATION PROCEDURES

- A. Timing of Investigations**
The Municipality will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. The Municipality will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.
- B. Method of Investigation**
Investigations will provide all parties due process, and reach reasonable conclusions based on the evidence collected. Investigations will be conducted by Municipality Compliance Officers, Municipality's legal counsel, and/or other impartial persons designated by the Municipality. The primary purposes of all investigations under this Policy will be to determine:
- Did the conduct complained of occur?;
 - Did the conduct complained of violate this Policy?; and
 - What remedial measures or preventative steps, if any, shall be taken?

Investigations will necessarily vary from case to case and may typically include the following: fact-finding interviews, including of the accuser and the accused; document request, review and preservation, depositions, observations, or other reasonable methods. Municipality investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by Municipality employees or agents conducting an investigation under this Policy shall be deemed confidential and privileged to the

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extent allowed by law.

Investigators will typically 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 remedial actions.

C. Notification to Complainant Party and the Accused Party

The results of the investigation shall be communicated in writing to both the person filing the complaint and the accused party.

D. Remedial Measures

This Policy is intended to prevent all forms of unlawful discrimination and harassment and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination or harassment. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or harassment or conduct which may be prohibited by this Policy, may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may include: warnings, suspension, or discharge from employment or such disciplinary action as may be permitted by applicable collective bargaining agreements and law. Any third party found to have engaged in discrimination or harassment of an employee may be barred from Municipality property.

SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

Unlawful retaliation can be any action that could discourage an employee from coming forward to make a complaint or support a discrimination or harassment claim. Adverse action need not be job-related or occur in the workplace to constitute retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is strictly prohibited by this Policy and by law against anyone for making a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws.

Even if the alleged harassment or discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful.

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However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment or discrimination.

Complaints of retaliation should be brought directly to a Compliance Officer. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

SECTION 7: APPEALS

Any complainant or accused party who wishes to appeal the conclusion which the Municipality reached in investigating a complaint filed under this Policy, may do so within ten (10) calendar days of receipt of the appealing party's notification of the investigation outcome. Untimely submissions shall not receive consideration. Such appeal must be made in writing to the Municipality's governing body. The appealing party shall be entitled to present evidence in writing as to why the conclusion was flawed, improper, or otherwise not supported by the evidence. The Municipality's consideration and review of any such appeal shall be conducted confidentially in executive session. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived there from, the Municipality's governing body, or its designee, shall render a decision. That decision shall be final. The appealing party shall be notified of the decision in writing.

Nothing set forth in the Appeal Process above shall be construed to in any way confer upon either the complainant(s) or the person(s) accused of violating this Policy any right to appeal the Municipality's determination as to appropriate disciplinary and/or corrective action to be taken on meritorious complaints. In this regard, the Municipality at all times retains sole discretion to determine the appropriate disciplinary and/or corrective action to be taken with regard to a meritorious complaint.

SECTION 8: RECORD KEEPING

The Municipality shall maintain a written record of all complaints of discrimination and/or harassment for a period of at least three years. The Municipality shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The Municipality shall also maintain these documents for, at a minimum, three years.

The Municipality's records regarding alleged discrimination and harassment shall be maintained separate and apart from personnel records in a secure and confidential location.

SECTION 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Discrimination and harassment based on protected characteristics, including sexual harassment, are not only prohibited by the Municipality but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Municipality, 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.

State Human Rights Law (HRL)

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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 harassment based on other protected characteristics set forth in this Policy, 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. Complaints of sexual harassment that accrue on or after August 12, 2020 may be filed with DHR at any time **within three years** of the alleged sexual 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 harassment, including sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Municipality does not extend your time to file with DHR or in court. The one year or three years is counted from the 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 sexual or other illegal harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual or other illegal 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 of monetary damages, attorney's fees (in sex discrimination and sexual harassment cases only) and civil fines.

Civil Rights Act of 1964

The United States Equal Employment 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 anytime within 300 days from the discrimination or 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, 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" with the EEOC.

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.

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Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

SECTION 10: QUESTIONS

Any questions by employees of the Municipality about this Policy or potential harassment or discrimination should be brought to the attention of one of the Municipality's Compliance Officers.

SECTION 11: COMPLIANCE OFFICERS

Town Supervisor
Batavia Town Hall
Batavia, New York 14020

Secretary to the Supervisor
Town Hall
Batavia, New York 14020

SECTION 12: POLICY DISSEMINATION

The Town of Batavia shall ensure that this Policy is adequately disseminated and made available to all employees of the Municipality. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Department Head and Compliance Officer as well as the Municipality's Code Book that is available at the office of the Town Clerk.

SECTION IV: EFFECTIVE DATE AND SEVERABILITY

This local law shall take effect upon the filing with the Secretary of State in accordance with the Municipal Home Rule Law and Town Law. If any part or section of this local law shall be held to be invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect. All local laws, ordinances, rules or regulations, or parts or portions thereof that conflict or are contrary to any portion of this local law are hereby repealed.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2020, of the (~~County~~) (~~City~~) (~~Town~~) (~~Village~~) of Batavia, New York was duly passed by the Town Board on _____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the
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Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the ~~(County)~~ ~~(City)~~ ~~(Town)~~ (Village) _____ was duly passed by the _____ on _____ 20____, and was (approved) (not disapproved) _____ (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2017, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of _____ was duly passed by the _____ on _____ 20__, and was (approved) (not disapproved) (repassed after disapproval) by the _____ on _____ 20__. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the ~~(County)~~ ~~(City)~~ (Town) ~~(Village)~~ of _____ was duly passed by the _____ on _____ 20__, and was (approved) ~~(not disapproved)~~ ~~(repassed after disapproval)~~ by the _____ on _____ 20__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__, in accordance with the applicable provisions of law.

*** Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36) (37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special) (general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 , above.

(SEAL)

Teresa M. Morasco
Town Clerk, Town of Batavia

Date: _____, 2020

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF GENESEE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Andrew W. Meier
Town Attorney
County
City of Batavia
Town
Village

Date: _____, 2020

RESOLUTION NO. 124:

Deputy Supervisor Underhill offered the following:

TRAINING WORKSHOP

RESOLVED, the Batavia Town Board hereby authorizes the following personnel to attend training workshops:

Hiedi- Government Finance Officers Association Virtual Seminar (was) July 21, 2020 at a cost of \$62.00.

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Michael Pullinzi-Maryland Department of Planning Farms Under Threat-Smart Growth Webinar (was) July 21, 2020. There was no cost for this webinar.

Hiedi Librock- Office of the State Comptrollers Internal Controls for Payroll Webinar (was) August 11, 2020. There was no cost for this webinar.

Hiedi Librock and Teresa Morasco- Office of the State Comptroller Fraud Prevention Webinar August 20, 2020. There is no cost for this webinar.

Second by: Councilwoman Michalak
Ayes: Underhill, Michalak, White, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 125:

Supervisor Post offered the following:

PURCHASE OF LASERFICHE LICENSES

WHEREAS, the Town of Batavia was awarded the Local Government Records Management Improvement Fund (LGRMIF) Grant for Shared Services document conversion and access; and

WHEREAS, an amendment to the LGRMIF Shared Services Grant budget was requested and approved by NYS for two full user Laserfiche licenses, less the support and maintenance; and

WHEREAS, SHI submitted a proposal to purchase two full user Laserfiche Avante Licenses at a cost of \$1,984.50, New York State Contract #PD67647 (attached); and

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of two full user Laserfiche licenses from SHI, at a cost of one thousand, nine hundred, eight- four dollars and fifty cents (\$1,984.50)., and be it

FURTHER RESOLVED, the expenditure will be from line items:

A1460.200	\$1,533.00
A1410.401	\$ 451.50

Second by: Deputy Supervisor Underhill
Ayes: Post, Underhill, Michalak, White
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 126:

Councilwoman Michalak offered the following:

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**RESOLUTION TO APPROVE A SEVENTH AMENDED
JOINT ASSESSMENT SERVICES AGREEMENT WITH THE
TOWNS OF LEROY AND PAVILION**

WHEREAS, the Town of LeRoy, (hereinafter “LeRoy”), the Town of Pavilion, (hereinafter “Pavilion”) and the Town of Batavia, (hereinafter “Batavia”), entered into a contract entitled “Towns of Batavia, LeRoy, and Pavilion Joint Assessment Services Agreement”, dated January 23, 2014, and

WHEREAS, all three Towns desire to continue this relationship, allowing Batavia to provide assessment services to LeRoy and Pavilion, and

WHEREAS, Batavia has determined that it continues to have the ability to provide these services by continuing to make available part-time personnel to assist the Batavia Town Assessor, and

WHEREAS, the Batavia Town Assessor and any other personnel employed by Batavia will be and will continue to be during the term of this Agreement fully qualified as required by law to provide assessment services.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Batavia, New York, that a proposed “Seventh Amended Towns of Batavia, LeRoy and Pavilion Joint Assessment Services Agreement”, a copy of which shall be annexed hereto and made part of the Town Board Minutes, is hereby approved and the Town Supervisor is authorized and directed to sign this Agreement on behalf of the Town of Batavia; and; be it further

RESOLVED that the Town Supervisor is hereby authorized and directed to use Town funds for compensation and expenses necessary to implement this Agreement, not to exceed the total sum of \$51,400.00, which is the amount to be paid by the Town of LeRoy to the Town of Batavia, pursuant to this Agreement, with a contribution from the Town of Pavilion to be remitted to the Town of LeRoy.

Second by: Councilwoman White
Ayes: Michalak, White, Underhill, Post
APPROVED by unanimous vote (4-0)

**SEVENTH AMENDED
TOWNS OF BATAVIA, LEROY AND PAVILION
JOINT ASSESSMENT SERVICES AGREEMENT**

THIS AGREEMENT made the _____ day of _____, 202__, by and between the **TOWN OF BATAVIA**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 3833 West Main Street Road, Batavia, New York 14020, (hereinafter referred to as “Batavia”); the **TOWN OF LEROY**, a municipal corporation organized and existing under the Laws of the State of New York, having its principal office located at 48 Main Street, LeRoy, New York 14482, (hereinafter referred to as “LeRoy”); and the **TOWN OF PAVILION**, a municipal corporation organized and existing under the Laws of the State of New York,

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having its principal office located at 1 Woodrow Drive, Pavilion, New York 14525, (hereinafter referred to as “Pavilion”).

WHEREAS, pursuant to Article 5-G of the General Municipal Law, the three Towns are authorized to enter into an inter-municipal cooperative agreement for the provision of tax assessment services, and

WHEREAS, Batavia currently is employing an Assessor fully qualified to provide all assessment services as required by law, and

WHEREAS, Batavia intends to continue to maintain the position of Assessor and to provide any support staff necessary to assist her/him to perform assessment duties in the Towns of Batavia, LeRoy and Pavilion.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed as follows:

1. Batavia agrees to provide assessment services to both LeRoy and Pavilion, and shall provide qualified individuals to perform said duties outlined herein. The person appointed as Assessor must satisfy the minimum qualification standards for real property assessors established by the State Board of Real Property Services.

2. The Assessor provided by Batavia shall be responsible for assessing all parcels of real property located in Batavia, LeRoy and Pavilion for the purposes of taxation and special ad valorem levies for town, county, special district and school district. The Assessor shall also oversee all other duties as required for assessors by the Real Property Tax Law and the rules of the State Board of Real Property Services. All real property shall be assessed at the same uniform percentage of market value in all of the assessing units participating in the Agreement throughout the term of the Agreement. Such percentage of market value shall be annually printed on the tentative assessment rolls for the participating assessing units.

3. The dates applicable to the assessment process in each municipality, including taxable status date, and the dates for the filing of the tentative and final assessment rolls, shall be the same.

4. The Assessor personally and/or by employees under his/her direction shall be present for office hours in the LeRoy Town Hall for a total of 22 hours per week; as well as in the Pavilion Town Hall for a total of 4 hours per week. The dates and times of these office hours shall be mutually agreed upon by and between the Town of Batavia and the Towns of LeRoy and Pavilion, respectively.

5. The Assessor and any support staff shall for all purposes be deemed employees of Batavia. The Assessor and any support staff shall not in any way be construed as employees of either LeRoy or Pavilion. Batavia shall pay the salary and make employer’s contributions for retirement, social security, health insurance, worker’s compensation, unemployment and other similar benefits for

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the Assessor, as well as for any other individuals employed by Batavia to fulfill the terms and conditions of this Agreement as support staff.

6. Batavia shall indemnify and hold LeRoy and Pavilion harmless from any claims made against LeRoy and Pavilion by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor and/or any support staff in the performance of his/her duties while working for Batavia, including costs of settling any action and reasonable attorney's fees for defense. LeRoy and Pavilion shall indemnify and hold Batavia harmless from any claims made against Batavia by the Assessor, or any third party, arising out of any acts of misfeasance, malfeasance, or non-feasance by the Assessor and/or any support staff in the performance of his/her duties while working for LeRoy or Pavilion, respectively, including costs of settling any action and reasonable attorney's fees for defense. Each party will provide the others with timely notice of any claims and shall fully cooperate with each other to defend the same.

7. Batavia shall pay all costs and expenses relating to defending any assessment challenge brought in its jurisdiction and LeRoy and Pavilion shall each pay all costs and expenses related to defending any assessment challenge brought in its respective jurisdictions.

8. The terms and conditions of this Agreement shall be effective on October 18, 2020, and shall end on October 17, 2021. In order to allow all three municipalities to make alternative arrangements for assessment duties, if necessary, the rights and duties of all parties shall not extend beyond the termination date, unless on or before August 17, 2021, Batavia, LeRoy and Pavilion enter into an additional Agreement to renew or extend this contractual arrangement upon mutually agreed upon terms and conditions.

9. It is agreed that the effective date of this Agreement shall be retroactive to October 18, 2020, and all acts and conduct by, and on behalf of, any of the three parties from October 18, 2020, until the complete execution of this Agreement, are hereby deemed to be pursuant to the terms and conditions herein, and are hereby ratified by the three Towns.

10. In consideration and for compensation for the services set forth herein, LeRoy shall pay to Batavia the total sum of \$51,400.00 for this Agreement. This sum shall be paid in two installments of \$25,700.00 on or before March 1, 2021, and \$25,700.00 on or before September 1, 2021. Pavilion will pay to LeRoy the total sum of \$8,665.00 for this Agreement to be paid in two installments of \$4,332.50 on or before March 1, 2021 and \$4,332.50 on or before September 1, 2021.

11. In the event that the current Town of Batavia Assessor shall resign or otherwise is no longer able to provide assessment services to Batavia, then LeRoy and Pavilion, at their sole option and discretion, may terminate this Agreement with at least ninety (90) days prior written notice to Batavia and thereafter, this Agreement shall be null and void.

12. There are no other agreements or understandings, either oral or written, by and among the parties affecting this Agreement. No changes, additions or deletions of any portions of this Agreement shall be valid or binding upon the parties hereto unless the same is approved in writing by the parties.

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IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

TOWN OF BATAVIA

By: Gregory H. Post, Town Supervisor

TOWN OF LEROY

By: James Farnholz, Town Supervisor

TOWN OF PAVILION

By: Rob LaPoint, Town Supervisor

State of New York}
County of Genesee} ss.

On this _____ day of _____, 202__, before me, the undersigned, personally appeared Gregory H. Post, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

State of New York}
County of Genesee} ss.

On this _____ day of _____, 202__, before me, the undersigned, personally

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appeared James Farnholz, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

State of New York }
County of Genesee } ss.

On this _____ day of _____, 202__, before me, the undersigned, personally appeared Rob LaPoint, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

RESOLUTION NO. 127:

Councilwoman White offered the following:

RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FROM THE
2020-2021 JUSTICE COURT ASSISTANCE PROGRAM

WHEREAS, the New York Office of Court Administration is accepting applications and accompanying paperwork for the 2020-2021 Justice Court Assistance Program (JCAP) Grant until October 8, 2020; and

WHEREAS, the Court would like to prepare and submit an application to the NYS Office of Court Administration; and

WHEREAS, a Town Board resolution is required to submit application for the JCAP grant.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes Town Justices Michael Cleveland and/or Thomas Williams to file an application for funding from the New York State Office of Court Administration 2020-2021 Justice Court Assistance Program for equipment and/or office supplies for the court; and be it further

RESOLVED, the Supervisor is hereby authorized to execute any documents necessary to file the

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application with NYS Office of Court Administration.

Second by: Deputy Supervisor Underhill
Ayes: White, Underhill, Michalak, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 128:

Deputy Supervisor Underhill offered the following:

RESOLUTION TO ESTABLISH POSITION
WATER BILL COLLECTOR

RESOLVED, the Batavia Town Board hereby establishes the position of Water Bill Collector (MSD222 duties statement attached).

Second by: Councilwoman Michalak
Ayes: Underhill, Michalak, White, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 129:

Supervisor Post offered the following:

WATER BILL COLLECTOR APPOINTMENT
SANDRA BAUBIE

WHEREAS, Sandra Baubie has served as Deputy Town Clerk since 2004, which included the duties of water/wastewater billing; and

WHEREAS, the water/wastewater utility customer base has grown substantially and requires duties of a full-time Water Bill Collector; and

WHEREAS, Ms. Baubie has proven to have the skills and competency required to fulfil the position of full-time Water Bill Collector.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby appoints Sandra Baubie, a provisional position of full-time Water Bill Collector at rate of \$25.89 per hour.

Second by: Councilwoman White
Ayes: Post, White, Underhill, Michalak
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 130:

Councilwoman Michalak offered the following:

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**DEPUTY TOWN CLERK APPOINTMENT
SARAH SAUKA**

WHEREAS, with Sandra Baubie assuming the position of Water Bill Collector, there is a vacancy for the position of Deputy Town Clerk; and

WHEREAS, Sarah Sauka, currently the Town of Batavia Court Clerk, has the skills and qualifications to satisfy the position of Deputy Town Clerk; and

WHEREAS, the Town Clerk recommends and appoints Sarah Sauka as the full-time Deputy Town Clerk.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby concurs with the Town Clerks' appointment of Sarah Sauka as full-time Deputy Town Clerk at a rate of \$21.63 per hour effective September 14, 2020.

Second by: Deputy Supervisor Underhill

Ayes: Michalak, Underhill, Post

Abstain: White

APPROVED by vote (3-ayes, 1-abstain)

RESOLUTION NO. 131:

Councilwoman White offered the following:

**COURT CLERK APPOINTMENT
MORGAN LEATON**

WHEREAS, with Sarah Sauka assuming the position of Deputy Town Clerk, there is a vacancy for the position of Court Clerk; and

WHEREAS, Morgan Leaton, has the skills and qualifications to satisfy the position of Court Clerk; and

WHEREAS, both Town Justices recommend and appoint Morgan Leaton as the full-time Court Clerk.

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby concurs with the Town Justices' appointment of Morgan Leaton as full-time Court Clerk at a rate of \$17.00 per hour effective after August 20, 2020.

Second by: Councilwoman Michalak

Ayes: Michalak, Underhill, Post

Nay: White

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APPROVED by vote (3-ayes, 1-nay)

RESOLUTION NO. 132:

Deputy Supervisor Underhill offered the following:

**PURCHASE OF WATER/WASTEWATER
BILLING SOFTWARE PROGRAM,
CLOUD HOSTED SOFTWARE AND ANNUAL SUPPORT
FROM WILLIAMSON LAW BOOK COMPANY**

WHEREAS, the Town of Batavia has engaged in an agreement with the Village of Elba for water billing and collection; and

WHEREAS, as part of the agreement, the Town is required to purchase the water billing software program from Williamson Law Book Company; and

WHEREAS, Williamson Law Book Company submitted proposals and agreements for Water/Wastewater Billing Software Program, a Cloud Hosted Software Subscription, and Annual Support as follows:

- Water/Wastewater Billing Software Program \$3,495.00
- Annual Support \$1,095.00
- Cloud Hosted One-time Setup Fee \$ 695.00
- Cloud Hosted Annual Access Fee \$ 540.00
- Installation and Training (as needed) \$95/hour

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the purchase of the Water/Wastewater Billing Software Program, the Cloud Hosted Software, and the Annual Support and Access from Williamson Law Book Company as follows:

- Water/Wastewater Billing Software Program \$3,495.00
- Annual Support \$1,095.00
- Cloud Hosted One-time Setup Fee \$ 695.00
- Cloud Hosted Annual Access Fee \$ 540.00
- Installation and Training (as needed) \$95/hour; and be it

FURTHER RESOLVED, the Town Supervisor is hereby authorized and directed to execute the proposals and agreements between the Town of Batavia and Williamson Law Book Company, copies of which are annexed hereto and made a part of the minutes; and be it

FURTHER RESOLVED, the expenditures will be from line item(s) SW8310.200(software) and SW8310.400(contractual).

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Second by: Councilwoman White
Ayes: Underhill, White, Michalak, Post
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 133:

Supervisor Post offered the following:

NIGHT DEPOSITORY AGREEMENT
FIVE STAR BANK

RESOLVED, the Batavia Town Board hereby authorizes and approves of the Night Depository Agreement with Five Star Bank to make deposits after banking hours, a copy of which is annexed hereto and made a part of the minutes, and be it further

RESOLVED, the Supervisor is hereby authorized and directed execute said agreement.

Second by: Deputy Supervisor Underhill
Ayes: Post, Underhill, Michalak, White
APPROVED by unanimous vote (4-0)

RESOLUTION NO. 134.:

Councilwoman Michalak offered the following:

LASERFICHE AVANTE
LETTER OF AMENDMENT-END USER LICENSE AGREEMENT
ELECTRONIC CONTENT MANAGEMENT SOFTWARE

WHEREAS, the Town of Batavia was awarded the 2019-2020 Local Government Records Management Improvement Fund (LGRMIF) Grant for Shared Services document conversion and access; and

WHEREAS, in October 2019 the Town of Batavia entered into an agreement with General Codes for the purchase of Laserfiche Avante Software, which includes the Laserfiche End User Licensing Agreement; and

WHEREAS, the Town of Batavia requested an amendment to Section 5 of the Laserfiche End User License Agreement, which will allow the Town of Batavia to Share the software with the Towns of Alexander and Byron (Letter of Amendment attached);

NOW, THEREFORE, BE IT

RESOLVED, the Batavia Town Board hereby authorizes the Supervisor to execute the Letter of Amendment- Laserfiche Avante End User License Agreement, a copy of which is annexed hereto and made a part of the Town Board Minutes.

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Second by: Deputy Supervisor Underhill
Ayes: Michalak, Underhill, White, Post
APPROVED by unanimous vote (4-0)

SUSPEND THE RULES-Motion Deputy Supervisor Underhill, second Councilwoman Michalak to suspend the rules to introduce an additional resolution.
Ayes: Underhill, Michalak, White, Post
MOTION CARRIED by unanimous vote (4-0)

RESOLUTION NO. 135:

Councilwoman White offered the following:

**RESOLUTION CALLING A PUBLIC HEARING TO
SUBMIT COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATIONS TO
NEW YORK STATE OFFICE OF COMMUNITY RENEWAL**

WHEREAS, the Batavia Town Board wishes to assess the advisability of submitting two (2) Community Development Block Grant (“CDBG”) applications to the New York State Office of Community Renewal (the “OCR”) for funding to support the development of two (2) dairy production projects to be located within the Genesee Valley Agri-Business Park within the Town of Batavia (the “Projects”); and

WHEREAS, the Town is required to hold a public hearing to provide information to the public and to consider citizen comments regarding the CDBG program and the Projects prior to submitting an application for CDBG funding;

NOW, THEREFORE BE IT

RESOLVED, that the Batavia Town Board hereby calls for a Public Hearing whereat all interested parties shall be heard; and be it further

RESOLVED, that the Public Hearing shall be held on September 2, 2020 at 4:00 PM at the Town Offices located at 3833 West Main Street Road, Batavia, New York; and be it further

RESOLVED, that the Town Clerk is hereby directed to have published a notice of such public hearing at least once in The Daily News at least (8) days before the date scheduled for the Public Hearing.

Second by: Councilwoman Michalak
Ayes: White, Michalak, Underhill, Post
APPROVED by unanimous vote (4-0)

Abstract No. 8-2020: Motion Deputy Supervisor Underhill, second Councilwoman White to authorize the Supervisor to pay the following vouchers:

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General	\$65,191.64
Highway	121,064.93
Sewer No. 1	170,931.73
Sewer No. 2	72,165.26
Water	66,211.57
Twln Joint Water	5,152.38
Fixed Base Meter	2,250.00
Bigelow Creek	873.00
Sewer Capacity	681.28
Total	\$504,521.79

Check numbers 23134 thru 23201, SM: 1133, ACH: \$37,071.97

Ayes: Underhill, White, Michalak, Post

MOTION CARRIED by unanimous vote (4-0)

DEPARTMENT REPORTS:

The Supervisor reported on the following departments:

Water/Wastewater -Continue to be busy, closed out 2 sanitary sewer projects; nearly finished with Ag Park; started Kings Plaza pump station project; implemented a new billing software for Village of Elba billing; and continue with maintenance and repairs.

Highway – Continue to be busy; finished last years’ scheduled paving projects; most of this years’ paving projects have been completed; they will be working on Stegman Road next; and Highway is within budget for the expenditures with no reduction of staff.

Building- Maxed out with a number of active, residential permits; there are some potential large projects; and busier with the small permit projects.

Engineering-Engaged in Park Road Project; busy with plan review on ongoing projects and the soon to be announced development projects; and working on providing data for 2021 budget.

Staff- The remainder of the staff continues to do what needs to be done without a loss of service.

Supervisor’s Report:

Status Report on expenditures and revenues is available for the Board’s review.

State of Emergency Declaration- The SOE Declaration that expired August 15, 2020 at 5:59 P.M. has been extended until such time the federal and state government are back to some normal conditions and implement how we are going to move forward without endangering the staff and community.

The Town has three weeks to submit COVID related expenditures to FEMA . Staff is working on that application for reimbursement.

COMMUNICATIONS:

The Town Clerk reported on the following:

July Town Clerk monthly report collected a total of \$12,636.50, remitted \$12,175.24 to the

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Supervisor for the Local Share.

GLOW Electronics and Household Hazardous Waste Collection- On Saturday, September 19, 2020 there will be a Household Hazardous Waste Collection and on Saturday, September 26, 2020 there will be an Electronics Collection, both sponsored by GLOW Region Solid Waste. Contact the GLOW office at 344-2580 ext 5463, as an appointment is required.

Virtual Training- The Association of Towns is hosting various virtual training webinars in August, September and October. Town officials have been notified of the trainings.

Town Clerk Office – Continues to be very busy with water bill collection, record management, hunting license and ongoing duties as business is conducted at the drive-up window.

The Supervisor thanked the Town Clerk for being in the Town Office every day during all these uncertain times and for the high level of service, care and compassion that she and her staff provide.

ADJOURNMENT:

Motion Deputy Supervisor Underhill, second Councilwoman Michalak to adjourn the Regular Town Board Meeting at 7:35 P.M.

Ayes: Underhill, Michalak, White, Post

MOTION CARRIED by unanimous vote (4-0)

Respectfully submitted,

Teresa M. Morasco
Town Clerk