NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of ALICE M. MULLEN, Complainant, v. TOWN OF EVANS, Respondent.	PRE-DETERMINATION CONCILIATION AGREEMENT AND ORDER AFTER CONCILIATION Case No. 10132152

WHEREAS, the named complainant has filed a verified complaint with the New York State Division of Human Rights ("Division") alleging that the named respondent has committed unlawful discrimination; and

WHEREAS, the named respondent is subject to the provisions of Article 15 of the Executive Law of the State of New York ("Human Rights Law"); and

WHEREAS, the named respondent does not admit that an act of unlawful discrimination occurred; and

WHEREAS, the Regional Director of the Division has not made any findings in this matter; and

WHEREAS, the parties desire to resolve the matter without the necessity of further litigation; and

WHEREAS, this agreement is subject to the issuance of an order of the Division embodying its terms pursuant to section 297.3 of the Human Rights Law;

NOW, THEREFORE, it is agreed between the complainant and respondent that:

1. The respondent shall comply with the Human Rights Law.

2. The parties shall cooperate with Division representatives during the course of any compliance investigation in this matter.

3. The respondent shall not retaliate against the complainant.

4. The Respondent agrees to seek approval with the DEC to pave a path from the circle to the bridge to allow easier wheelchair accessibilty by June 12, 2009. If approved, the project would be completed on or about August 1, 2009. A no parking sign would be erected to prevent access being blocked.

5. Both parties acknowledge that the amphatheater will be removed and the paved path will continue straight through to connect the path in a paved manner at Lake Erie Beach Park. This is expected to be completed on or about August 1, 2009.

6. The Respondent agrees to generate an alterative method of access to the Town Hall for persons with disabilities such as a buzzer/intercom by August 1, 2009.

7. The Respondent agrees to provide improved lighting to the Town Hall at the handicap entrance by August 1, 2009.

8. Complainant agrees to accept this Agreement in full and complete satisfaction of all claims and causes of actions of any nature against respondent or its employees, agents, officers, shareholders, successors or assigns; furthermore, complainant agrees not to sue or pursue any court or administrative action against respondent or its employees, agents, officers, shareholders, successors or assigns, regarding claims complainant may have had in the past, including but not limited to the subject matter of this complaint.

By their signatures below, the parties hereby agree to the above terms.

6/2/09 — Date
Alice M. Mullen — Alice M. Mullen

SIGNED BY FRAN PORDUM

6/2/09 — Date
Town of Evans

On the basis of the foregoing and pursuant to the Human Rights Law, Section 297.3, it is hereby

ORDERED, that the terms of this Conciliation Agreement subscribed by the parties herein be, and the same hereby is, made part of this Order after Conciliation.

Dated:
Buffalo, New York

STATE DIVISION OF HUMAN RIGHTS

By: _____
Tasha E. Moore
Regional Director