

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Cherry Creek.

Employment related complaints of disability discrimination are covered elsewhere, in policies available from the human resources office of the Town of Cherry Creek. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. No particular format of the complaint is required. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted in writing by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

James Abbey,
ADA Coordinator and Town Supervisor
618 Center Street, Cherry Creek, New York 14723

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his/her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his/her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Cherry Creek and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the agency head or his/her designee.

Within 15 calendar days after receipt of the appeal, the agency head or his/her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with the agency's final resolution of the complaint, or indicating that the matter has been returned to the ADA Coordinator for further action. If further response is indicated, the complainant will be contacted within 15 calendar days.

All written complaints received by the ADA Coordinator or his/her designee, appeals to the agency head or his/her designee, and responses from these two offices will be retained by the Town of Cherry Creek for at least three (3) years.

Town of Cherry Creek Section 504/ADA Grievance Procedures Public Notice

The Town of Cherry Creek has adopted a grievance procedure relative to discrimination on the basis of disability in programs and activities funded with certain federal funds.

Background

Section 504 of the Rehabilitation Act of 1973 (the "Act") as amended, prohibits discrimination on the basis of disability in programs and activities conducted by the U.S. Department of Housing and Urban Development (HUD) or that receive financial assistance from HUD. This includes the New York State Community Development Block Grant Program (CDBG) funded by HUD, and under which the Town of Cherry Creek has received financial assistance. The Act specifically provides that no qualified individual shall, solely by reason of his or her handicap, be excluded from program participation, including employment, be denied program benefits, or be subjected to discrimination.

Section 504 Policy/Compliance

It is the policy of the Town of Cherry Creek not to discriminate on the basis of disability. Towards that end, on June 9th, 2025, the Town adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. The subject law and implementing regulations may be examined in the Town Clerk's Office located in Town Hall, 618 Center Street, Cherry Creek, NY. The Town's Supervisor, James Abbey, has been designated to coordinate the efforts of the Town of Cherry Creek with respect to Section 504 compliance. The Town of Cherry Creek's Town Supervisor's Office is also located in Town Hall, 618 Center Street, Cherry Creek, NY. The Section 504 Coordinator can be reached at 716-296-8050.

Grievance Procedure

Any person who believes he or she has been subjected to discrimination on the basis of disability may file a grievance under the procedure adopted by the Town of Cherry Creek as follows: (1) Grievances must be submitted to the Section 504 Coordinator within 60 days of the date the person filing the grievance becomes aware of the alleged discriminatory action; (2) A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought; (3) The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the Town of Cherry Creek relating to such grievances; (4) The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing; (5) The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Town's Common Council within 15 days of receiving the Section 504 Coordinator's decision. The Town's Common Council shall issue a written decision in response to the appeal no later than 30 days after its filing; (6) The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S Department of Health and Human Services, Office for Civil Rights.

The Town of Cherry Creek will make appropriate arrangements to ensure that disabled persons are provided accommodations, if needed, to participate in this grievance process. Such arrangements may

include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

It is against the law for Town of Cherry Creek to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.