

April 27, 2016

**MINUTES**

**TOWN BOARD MEETING  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
APRIL 27, 2016  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

MELISSA HARTMAN	-	SUPERVISOR
RICHARD VENTRY	-	COUNCILMAN
MARY LOU PEW	-	COUNCILWOMAN
SUSAN WILHELM	-	COUNCILWOMAN
MICHAEL BYRNES	-	COUNCILMAN

**OTHERS PRESENT:**

Mary Jo Hultquist	-	Town Clerk
Debbie Gregoire	-	Administrative Assistant
Lisa Winter	-	Bookkeeper

**Call To Order:**

Supervisor Hartman called the Work Session of the Eden Town Board to order at 7:30 P.M.

**Pledge of Allegiance:**

Supervisor Hartman led the assembly in the Pledge of Allegiance to the flag.

**New and Unfinished Business:**

**1. Set Public Hearing for May 11, 2016 for Proposed Local Law for Residency Requirements for Code Enforcement Officer**

Supervisor Hartman read the Notice of Public Hearing and Proposed Local Law No. 2-2016, A local law to establish the residency requirements for the appointed offices of Code Enforcement Officer and Assistant Code Enforcement Officer of the Town of Eden.

Supervisor Hartman read the following resolution:

**RESOLUTION**

**WHEREAS,** the Eden Town Board moves to ratify the Public Hearing scheduled for May 11, 2016 at 8:30 P.M. For the Purpose of considering Proposed Local Law No. 2-2016 which if approved, would change residency requirements for the position of Code Enforcement Officer in the Town of Eden.

**MOTION** was made by Councilwoman Pew to approve the resolution as presented; seconded by Supervisor Hartman; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**2. Approve Exterior Lighting for East Eden Fire Hall**

**MOTION** was made by Councilman Ventry to approve replacing 14 exterior lights for the East Eden Fire Hall not to exceed \$4,427.50; seconded by Councilman Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**3. Acknowledge Special Use Permit for Styles Delight Consignment**

Supervisor Hartman acknowledged the correspondence from Dawn Bauer, representing Styles Delight Consignment Boutique requesting a Special Use Permit and will forward this information to the Eden Planning Board for their consideration.

**4. Inter-municipality Agreement for Code Enforcement Officer**

Supervisor Hartman read the following Inter-municipal Agreement:

**INTERMUNICIPAL AGREEMENT**

**Between**

**The Town of Eden, New York and the Town of North Collins, New York  
for  
Mutual Aid Services for Code Enforcement Officer**

WHEREAS, the Town of Eden (hereinafter "Eden") employs one part-time code enforcement officer ("Eden CEO"); and

WHEREAS, the Town of North Collins (hereinafter "North Collins") also employs a code enforcement officer ("North Collins CEO"); and

WHEREAS, from time to time a situation may arise where either municipality may need the assistance of the other municipality's CEO due to work volume or the absence of the other municipality's CEO for a temporary time; and

WHEREAS, Eden and North Collins wish to enter into a mutual aid agreement relative to New York State Code Enforcement Inspections and other services relating to New York State Uniform Codes and Local Zoning Codes; and

NOW THEREFORE, it is agreed as follows:

1. That Eden and North Collins will provide the services of a New York State qualified code enforcement officer on an "as needed" basis, for the purpose of making New York State Code-relate inspections or providing services pursuant to local zoning codes, when requested by an authorized representative of the other municipality which is a party to this agreement.
2. Whenever services are provided pursuant to this agreement, the cost of said services shall be reimbursed by the requesting municipality at the applicable hourly rates as determined from time to time by the governing board of the municipality employing the code enforcement officer providing the said services and as set forth in the attached schedule made a part of this agreement.
3. That the municipality providing the services of its code enforcement officer will maintain suitable liability insurance and customary workers compensation and disability insurance while its employee is providing services under this agreement. That the requesting municipality will maintain suitable liability insurance to cover exposure related to services provided by this Agreement and will hold harmless and indemnify the municipality providing the services of its code enforcement officer to the extent not covered under the customary workers compensation, disability or liability insurance of the code enforcement officer's employment municipality.
4. That the municipality requesting the services of the other town's code enforcement officer will indemnify the town providing its code enforcement officer with respect to all reasonable and necessary "out-of-pocket expenses" incurred by the town of the town's code enforcement officer in the course of performing services pursuant to this agreement.

5. That either party may cancel this agreement on ninety (90) days advanced written notice. Such written notice may be delivered by regular mail, fax, email or other method to the Supervisor of the other town.
6. That all services performed by either town pursuant to this agreement shall be performed by a New York State certified Code Enforcement Officer.
7. That the code enforcement officer services to be performed will be performed only when requested by an authorized representative of the other town. The parties authorized to request such services on behalf of each town shall be the Supervisor of each town or such other person as who has been designated, in writing, by the Town Supervisor.
8. That the services to be performed hereunder will be performed by persons who are employees of the town providing the services and a request for services shall not change the employer-employee relationship between the code enforcement officer providing the services and his or her town employer.
9. That each town recognizes that the other town has the right to refuse a request for services of its code enforcement officer in the event the town being requested to provide the services determines that its code enforcement officer is unavailable or unable to provide such requested services due to any reasonable factor, including, but not limited to, the current work load of the code enforcement officer of the town being requested to provide such services.

To be signed by Melissa Hartman, Town of Eden Supervisor and John Tobia, Town of North Collins Supervisor.

**MOTION** was made by Councilwoman Pew to approve the Inter municipal Agreement between the Town of Eden and the Town of North Collins for Mutual Aid Services for Code Enforcement Officer; seconded by Councilman Byrnes; All "Ayes"; Opposed? - None; Abstain? - None; Motion carried.

**5. Approval of re-design of Town of Eden Web-site**

After much discussion, the following Motion was offered:

**MOTION** was made by Supervisor Hartman to award the approval for the re-design of the Town of Eden Web-site to Brand Even (Kate Wastl) at a cost not-to-exceed \$6,000.00 and an annual hosting fee of \$400.00; seconded by Councilman Ventry; "Ayes"; Hartman, Ventry, Wilhelm, Byrnes; Opposed? - None; Abstain? - Pew; Motion carried.

**Hearing of Visitors:**

Phil Muck asked if the part-time Code Enforcement Officer would be adding to the part-time hours already in place for the Code Enforcement Officer and Supervisor Hartman stated that it was approved through Civil Service, Erie County.

Phil Muck stated that a property on Erie Street, that is land-locked, has a fence and a structure, was a permit issued? Supervisor Hartman stated that she is aware of the situation and is moving forward.

**Work Session:**

**1. Clinton Brown Architectural Firm – Future of Central Business District**

A power point presentation was given with several options to the Town of Eden to receive grants to Renew the Town of Eden.

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**2. Budget Review**

Supervisor Hartman presented the town board with a Statement of Revenues and Expenditures for period ending 3/31/2016. This report will be given monthly and reviewed by the town board quarterly.

**Adjournment:**

**MOTION** was made by Supervisor Hartman to adjourn the Work Session Meeting of the Eden Town Board; seconded by Councilman Ventry All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Hartman adjourned the Work Session Meeting of the Eden Town Board at 9:35 P.M.

**Executive Session:**

Supervisor Hartman adjourned the Executive Session of the Eden Town Board Meeting at 10:15 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk