

This Regular Meeting of the Brant Town Board was held on Tuesday April 14, 2026, at the Brant Town Hall, located at 1272 Brant North Collins Rd, Brant, New York at 7:00 PM.

PRESENT WERE:

Mark DeCarlo Supervisor

Mike Muffoletto Councilman

Linda Giancarlo Councilwoman

mmmmdcclvii. Trask Sr. Town Attorney

Barbara Daniel Recording Secretary

ABSENT WAS:

Tish Brady Councilwoman

ALSO, PRESENT AND LEGIBLY SIGNED IN WERE:

Tracy Kaczmarek Supervisor's Secretary

Mark Slawek Chief of Police

Chad Kaczmarek Resident

Joe DeCarlo Town Assessor

Donna Marien Resident/Appointed Town Board Member

Janice Ross Resident

Debra Ritz Planning Board Chairperson

Kristen Podkulski Deputy Town Clerk

Patty Friend Town Historian

Martin Rosiek Resident

Ellsworth Nolan Highway Superintendent

Daryl Novoa Highway Dept.

Virgina Schilling Resident

Steve Schilling Resident

Lynda Ostrowski Resident

Weston Hillegas RIC Energy

Alan Haungs Unite4Freedom

The meeting opened at 7:00 PM with the Pledge of Allegiance to the flag.

APPROVE MINUTES of the MARCH 10, 2026 MEETING: Councilman Muffoletto motioned to approve the minutes of the March 10, 2026 Regular Town Board meeting, and was seconded by Councilwoman Giancarlo. 3 ayes, 0 nays. **MOTION CARRIED.**

PRIVILEGE OF THE FLOOR:

Virgina Shilling: 805 Railroad Ave. Requesting how many dogs that the Town of Brant allows a person to own. She addressed this issue with the Village of Farnham and they did not have a guideline stating that information. She spoke about because of a recent event that 21 dogs were taken from one residence by the SPCA. Attorney Trask explained that the Brant Zoning code only applies to properties in the Town, not the Village. He stated that the zoning code will be updated and they can look into amending the code to address this issue. Virgina stated that it made their home almost unlivable and the amount of dog feces caused a rat issue. Attorney Trask advised that the Village has the right to create an ordinance regarding this issue and explained that other surrounding towns like the Village of Hamburg has one that they can use as an example.

Alan Haungs: Brought up the valid NYS Election and brought in a disk that was send by Florida that provides a database of the registrants that NYS also follows. He will be doing a data quarry and if he finds anything interesting in the Town of Brant that he will bring it to the Town Boards Attention. Supervisor DeCarlo stated that he has a meeting with the Deputy Commissioner for the BOE to discuss these issues.

Supervisor DeCarlo spoke about the Audit by the State Comptrollers Office. He proceeded to read a letter that will be sent to the Comptroller's office in response to the findings of the audit:

Office of the Supervisor

April 13, 2026

Dear Town Board Members:

I would like to address the results of the audit completed by the Office of the State Comptroller. The audit states the Supervisor did not prepare and file the 2022 – 2024 AFRs with the OSC, and the board did not provide for an annual audit. In addition, the Supervisor's office did not provide the board with complete monthly financial reports. The audit did not find any mishandling of money; the audit found incomplete reporting not done in a timely manner. There were several factors which contributed to falling behind in reporting. The COVID year and its aftermath, the supervisor's cancer diagnosis, the death of the town accountant and the supervisor's secretary's role as a primary care-giver. While, these events do not excuse the failure in reporting, it is why the reporting became delinquent.

The Office of the State Comptroller has closed out the AFR for the years 2022 and 2023. The town has contracted with the accounting firm of Dresher and Maleki to file the AFRs for the year 2024 and going forward with 2025. Dresher and Maleki have appointments with the supervisor's office for 5/18 – 5/20 and 5/26 – 5/28 for the purpose of AFR filing for 2024 and 2025. Additionally, monthly reports including actual to budget and trial balances will be prepared with the firm of Dresher and Maleki. These reports will be made available to the town board monthly. Dresher and Maleki will continue with the year-end reporting of the AFR and audit of the town's financial records. This will satisfy the recommendations from the Office of the State Comptroller.

I feel confident moving forward with this plan to bring not only bring the town's financial reporting current but also keep the reporting current as we move into the future.

Sincerely,
Mark DeCarlo
Brant Town Supervisor

Councilwoman Giancarlo questioned why they closed out the reports of 2022-2023 without the Supervisors report. Supervisor DeCarlo stated that they were satisfied with those reports not needing to be filed. Councilwoman Giancarlo advised the residents to review the report that is available on the State Comptrollers website.

APPOINTMENT OF DONNA MARIEN TO THE TOWN BOARD Supervisor DeCarlo motioned to appoint Donna Marien back to the Town Board to fill the vacant seat until the special election in November. Seconded by Councilman Muffoletto. 3 ayes, 0 nays.

Roll Call was taken:

Supervisor DeCarlo aye

Councilman Muffoletto aye

Councilwoman Giancarlo aye

MOTION CARRIED

****At this time Councilwoman Marien was sworn in and joined the rest of the Town Board to continue the Board Meeting. ****

SUPERVISOR'S FINANCIAL REPORT: Councilman Muffoletto motioned to approve the Supervisor's Financial Report, seconded by Councilwoman Marien. 2 ayes, 1 nay. **MOTION CARRIED.**

TOWN CLERK/TAX COLLECTOR'S FEBRUARY 2026 FINANCIAL REPORT: Supervisor DeCarlo motioned to approve the report. Seconded by Councilman Muffoletto. 4 ayes, 0 nays. **MOTION CARRIED.**

COURT CLERK'S FEBRUARY 2026 FINANCIAL REPORTS FOR KACZMAREK & GIER REGULAR AND BAIL ACCOUNTS: Councilman Muffoletto motioned to approve both Bail and Regular Financial accounts for Justice Kaczmarek's & Justice Gier for February 2026, seconded by Councilwoman Marien. 4 ayes, 0 nays. **MOTION CARRIED.**

****Supervisor DeCarlo stated that he spoke with State Courts and he was given the information to close out Justice Giers accounts and open the new accounts for the new Judge and reporting will be done. An audit will be done to close those accounts out.**

POLICE REPORT FOR MARCH 2026: Police Chief Mark Slawek read the March Police Report. Assisted DCO and the SPCA with the house in Farnham with the dogs. They are still receiving complaints about the quads and dirt bikes riding on the roads and on the farmers fields. Several people including the Police have spoken to these individuals but they are getting nowhere. They are going to start impounding vehicle's and will start holding their parents accountable. Chief Slawek stated that he is requesting the Town Board to put some kind of Town Ordinance so they can have a stricter fine schedule for these incidents. These fines would be a significant amount to give back to these farmers who are losing crops. Councilwoman Giancarlo asked if he had any examples from other Towns that they can use as a guideline. He explained he did provide that information for them to review. Councilwoman Marien asked if any other area towns are having the same issue and he explained he will look into it. Supervisor DeCarlo stated that he did look into it and there are limits of what they can do to charge these juveniles but some of these kids are now adult age (over 16 years of age) and will be charged accordingly. Chief Slawek stated that he received a resignation letter from Jeff Mayer. He asked if the Board can re-appoint Tyler Candler as a part time police officer. He also stated that they are in the process of looking at 3 officers in the academy right now and would like the Board to appoint one of them once he decides. Supervisor DeCarlo motioned to approve the re-appointment of Tyler Candler as part time police officer at the rate of \$31.80 per hour, seconded by Councilwoman Giancarlo. 4 ayes, 0 nays. Roll call was taken:

Supervisor DeCarlo aye

Councilwoman Giancarlo aye

Councilman Muffoletto aye

Councilwoman Marien aye

MOTION CARRIED.

Chief Slawek wanted to congratulate Judge Clark and welcome Councilwoman Marien back to the Town Board. Also to Judge Kaczmarek for keeping the Town safe. Councilwoman Giancarlo motioned to accept the report as read. Seconded by Supervisor DeCarlo. 4 ayes, 0 nays. **MOTION CARRIED.**

HIGHWAY SUPERINTENDENT'S REPORTS: Supervisor DeCarlo discussed options to finance the new truck. He requested Board approval to move forward with the BAN process. The truck dealership offered an extension on the deadline for the \$10,000 discount. Highway Superintendent Ellsworth Nolan read his report. He stated that the trucks are in the process of getting the tarp systems installed. Supervisor DeCarlo asked if there was any updates on the dump body, Superintendent Nolan stated that he has asked that but they didn't have a definite yet. Councilwoman Giancarlo questioned why the financing process is being done now when they approved the financing back at the February Board meeting and stressed that it should have been acted on sooner so that they didn't miss that \$10,000 discount and needed to ask for an extension. Supervisor DeCarlo mentioned that he has been in constant contact with the dealership and there was a hold up with the financing with Ford Motor Company. Supervisor DeCarlo motioned to accept the report as read, seconded by Councilman Muffoletto. 4 ayes, 0 nays. **MOTION CARRIED.**

TOWN CLERK'S MARCH 2024 ACTIVITY REPORT TO THE BOARD: Town Clerk Barbara Daniel read her report. Tax collection will be extended to June 30th in the Town Clerks office. She then asked to refund the extra \$25.00 that was paid for a SUP. The Town Board approved the refund. Deputy Town Clerk Kristen Podkulski asked if she can get approval to pay membership dues to NYSATRC as a prepay so she can attend their training in June. The Town Board approved the dues to be paid as a prepay expense. Supervisor DeCarlo motioned to accept her report as read. Seconded by Councilman Muffoletto. 4 ayes, 0 nays. **MOTION CARRIED.**

PLANNING BOARD REPORT: Planning Board Chairperson Debra Ritz read her report. They are currently looking at the NED project. She asked the Town Board to add her neighbor Dan Mazur to the end of the meeting dedication as he just recently passed away. Councilwoman Giancarlo motioned to accept her report as read. Seconded by Supervisor DeCarlo seconded. 4 ayes, 0 nays. **MOTION CARRIED.**

ZONING BOARD REPORT: No Report.

PARK'S & BUILDINGS REPORT: No Report.

TOWN HISTORIAN REPORTS: Town Historian Patty Friend read her report. She received a donation from Chad Kaczmarek; a check writer from 1920. Ray Peterson donated a bunch of men's and woman's hats. She had re-donated the bank to the North Collins Historical Society. Supervisor DeCarlo motioned to approve the report. Seconded by Councilwoman Giancarlo. 4 ayes, 0 nays. **MOTION CARRIED.**

FIRE COMPANY REPORTS Supervisor DeCarlo read the report and motioned to accept. Seconded by Councilwoman Giancarlo. 4 ayes, 0 nays. **MOTION CARRIED**

BRANT FARNHAM SENIORS: Report was read by Councilwoman Giancarlo. Supervisor DeCarlo motioned to accept the report. Seconded by Councilman Muffoletto. 4 ayes, 0 nays. **MOTION CARRIED.**

CODE ENFORCEMENT: TABLED.

NEW BUSINESS:

2026 Brant Recreation Dates: Monday July 6-Friday, August 14, 2026

2026 BRANT RECREATION FEES AND WAGES: Increase non-residents fee by 10%, no increase for Town Residents. Wages will stay the same. Supervisor DeCarlo motioned to approve the increase. Seconded by Councilwoman Giancarlo. 4 ayes, 0 nays. Roll call was taken:

Supervisor DeCarlo aye

Councilwoman Giancarlo aye

Councilman Muffoletto aye

Councilwoman Marien aye

MOTION CARRIED.

RECREATION TRANSPORTATION: TABLED.

HIGHWAY TRUCK BAN AUTHORIZATION Supervisor DeCarlo requested the Board to approve him to enter into bond council and enter into a BAN with NBT Bank with the rate of 4% or under. Councilman Muffoletto motioned. Seconded by Councilwoman Marien. 3 ayes, 0 nays, 1 Abstain. A roll call vote was taken

Councilman Muffoletto aye

Councilwoman Marien aye

Councilwoman Giancarlo aye

Supervisor DeCarlo abstain

M. **CARRIED.**

RESOLUTION DECLARING LEAD AGENCY AND CLASIFYING AS TYPE 1 ACTION (BRANT PV, LLC)

Supervisor DeCarlo moved to adopt the following resolution:

TOWN OF BRANT TOWN BOARD

**RESOLUTION DECLARING INTENT TO ACT AS LEAD AGENCY UNDER SEQRA AND
CLASSIFYING ACTION AS TYPE I**

WHEREAS, RIC Solar Project – Brant PV, LLC (the “Applicant”) has submitted applications for Site Plan Approval and a Special Use Permit for a Tier 3 Solar Energy System pursuant to the Town of Brant Solar Energy Systems Law, Chapter 161-39-I of the Town Code; and

WHEREAS, the proposed action constitutes a Tier 3 Solar Energy System, which is presumed to be a Type I action under §161-39-I(4)(b)(3) and §161-39-I(6)(a) of the Town Code and 6 NYCRR Part 617; and

WHEREAS, the Town Board is the entity with principal approval authority over the requested Special Use Permit and Site Plan Approval; and

WHEREAS, coordinated review under the State Environmental Quality Review Act (“SEQRA”) is required;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Brant hereby declares its intent to act as Lead Agency for purposes of SEQRA review of the RIC Solar Project – Brant PV, LLC Site Plan, Variance and Special Use Permit applications; and

BE IT FURTHER RESOLVED that the proposed action is hereby classified as a Type I action pursuant to the Town of Brant Solar Energy Systems Law and 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED that the Town Clerk is directed to circulate the notice of intent to act as Lead Agency, together with the Full Environmental Assessment Form Part 1 and supporting application materials, to all involved and interested agencies in accordance with SEQRA.

Councilman Muffoletto seconded the motion to ADOPT Resolution 26-04-14-B

A roll call vote was taken and resulted as follows: AYES: 4 NOES: None

Supervisor DeCarlo aye

Councilman Muffoletto aye

Councilwoman Giancarlo aye

Councilwoman Marien aye

RESOLUTION ADOPTED.

RESOLUTION REFFERING APPLICATION TO ERIE COUNTY PLANNING:

Supervisor DeCarlo moved to adopt the following resolution:

TOWN OF BRANT TOWN BOARD

**RESOLUTION REFERRING APPLICATIONS TO ERIE COUNTY PLANNING PURSUANT TO
GENERAL MUNICIPAL LAW §239-m**

WHEREAS, the Town Board of the Town of Brant has received Site Plan and Special Use Permit applications from RIC Solar Project – Brant PV, LLC for a Tier 3 Solar Energy System; and

WHEREAS, the proposed action is subject to review by the Erie County Planning Department pursuant to General Municipal Law §239-m; and

WHEREAS, the Town Board may not take final action on the applications until the County Planning Department has issued its recommendation or the statutory review period has expired;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Brant hereby refers the Site Plan and Special Use Permit applications of RIC Solar Project – Brant PV, LLC to the Erie County Planning Department for review and recommendation pursuant to General Municipal Law §239-m; and

BE IT FURTHER RESOLVED that the Town Clerk is directed to transmit the required referral materials to Erie County Planning in a timely manner.

Councilman Giancarlo seconded the motion to ADOPT Resolution 26-04-14-A

A roll call vote was taken and resulted as follows:

AYES: 4 NOES: None

Supervisor DeCarlo aye

Councilwoman Giancarlo aye

Councilman Muffoletto aye

Councilwoman Marien aye

RESOLUTION ADOPTED

BRANT PV, LLC AND RIC DEVELOPMENT SOLAR APPLICATION, 10790 ERIE RD, IRVING NY 14081

Supervisor DeCarlo moved to adopt the following resolution:

TOWN OF BRANT TOWN BOARD

RESOLUTION REFERRING SITE PLAN AND SPECIAL USE PERMIT APPLICATIONS TO THE PLANNING BOARD

WHEREAS, the Town Board has received applications from RIC Solar Project – Brant PV, LLC for Site Plan Approval and a Special Use Permit for a Tier 3 Solar Energy System pursuant to Chapter 161-39-I of the Town Code; and

WHEREAS, §161-39-I(6) of the Town Code requires Planning Board review and recommendation prior to Town Board action on such applications;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Brant hereby refers the Site Plan and Special Use Permit applications of RIC Solar Project – Brant PV, LLC to the Town of Brant Planning Board for technical review, evaluation of compliance with the Solar Energy Systems Law, and issuance of an advisory recommendation; and

BE IT FURTHER RESOLVED that the Planning Board is requested to coordinate its review with the Town

Board's SEQRA process and to forward its recommendation to the Town Board upon completion of its review.

Councilwoman Giancarlo seconded the motion to ADOPT Resolution 26-04-14-C

A roll call vote was taken and resulted as follows:

AYES: 4 NOES: None

Supervisor DeCarlo aye

Councilwoman Giancarlo aye

Councilman Muffoletto aye

Councilwoman Marien aye

RESOLUTION ADOPTED.

ENGAGEMENT OF O'TOOL LAW GROUP Supervisor DeCarlo made a motion to engage the O'Tool Law Group as special counsel for purposes of the application of Brant PV, LLC and RIC Development solar application at 10790 Erie Road, Irving, NY 14081. Seconded by Councilwoman Giancarlo. 4 ayes, 0 nays. Roll call was taken:

Supervisor DeCarlo aye

Councilwoman Giancarlo aye

Councilman Muffoletto aye

Councilwoman Marien aye

MOTION CARRIED.

LANDSCAPING PROPOSALS FOR TOWN HALL AND MEMORIAL PARK Supervisor DeCarlo received two proposed estimates for the landscaping from the same company that did the landscaping for the Town Hall and Memorial Park. The proposals are to refresh it which includes the maintenance and mulching for the year. The Town Hall estimate is \$1300 and the Memorial Park is \$1960. Supervisor DeCarlo stated because its under the dollar amount, it wasn't needed to get multiple quotes. Supervisor DeCarlo motioned to approve. Seconded by Councilwoman Giancarlo. 4 ayes, 0 nays. Roll Call was taken:

Supervisor DeCarlo aye

Councilwoman Giancarlo aye

Councilman Muffoletto abstain

Councilwoman Marien aye

MOTION CARRIED.

AUTHORIZATION OF SUPERVISOR DECARLO TO SIGN INTERMUNICIPAL AGREEMENT BETWEEN BRANT AND EVANS TO SUPPORT DISPATCH AND COMMUNICATIONS, INCULDING RADIOS AND TOWN UPGRADES Supervisor DeCarlo requested for authorization to

sign the agreement. Councilwoman Giancarlo made the motion to approve. Seconded by Councilman Muffoletto. 4 ayes, 0 nays. Roll call was taken:

Councilwoman Giancarlo aye

Councilman Muffoletto aye

Councilwoman Marien aye

Supervisor DeCarlo aye

MOTION APPROVED.

2026 E-WASTE SCHEDULE Supervisor DeCarlo asked for an update on the E-waste schedule. Councilwoman Giancarlo stated that she has a meeting set up with Sunnking on April 27th to set a schedule and to see how the whole process works as she is new to it. She asked Councilwoman Marien for any paperwork or literature that she had for past events but she did not have anything to provide. So is aiming for starting in July. The Town Clerks office has been receiving many phone calls regarding e-waste and tires and also about old paint. Supervisor DeCarlo stated that he will contact the County and look into a paint event.

TOWN BOARD REPORTS:

Councilwoman Marien: Requested the benches at the Memorial Park to be fixed.

Meetings & Correspondence:

- The second April sales tax remittance is in. The current transfer is 4.41% greater than the corresponding 2025 amount. Year-to-date transfers are running at 0.48% ahead of last year at this time.

APPROVAL OF ABSTRACT 4: Supervisor DeCarlo read the Abstract (4 of 2026):

ABSTRACT 4 of 2026

*Prepaid and unpaid as of 4/14/26 Total Claims **\$ 154,405.84**

Gen Fund Town wide Vouchers Totaling: **\$ 15,240.61**

Gen Fund – Part Town Voucher Totaling: **\$ 13,960.13**

Highway T.W. Vouchers Totaling: **\$ 11,800.93**

Highway P.T. Vouchers Totaling: **\$ 1,995.57**

Street Lighting: Voucher Totaling: **\$ 3,531.15**

Brant Water Dist 1 (SS2&SW): – Totaling **\$ -**

PAYROLL APRIL 2026 (2 pay periods):

General Town Wide Payroll 02/22/26-3/21/26 – Totaling **\$ 57,342.79**

General Part Town Payroll 02/22/26-3/21/26 Totaling: **\$ 1,607.14**

Highway Payroll TW 02/22/26-3/21/26 Totaling: **\$ 10,808.74**

Highway Payroll PT 02/22/26-3/21/26 Totaling: **\$ -**

Supervisor DeCarlo motioned to approve Abstract 4 of 2026, seconded by Councilman Muffoletto.
4 ayes, 0 nays.

Roll Call was taken:

Supervisor DeCarlo Aye

Councilman Muffoletto Aye

Councilwoman Giancarlo Aye

Councilwoman Marien Aye

MOTION CARRIED.

Supervisor DeCarlo announced the next regular Town Board meeting to be held May 12th, 2026 at 7:00 PM.

Councilwoman Giancarlo asked if the Williamson Law Book Accounting software has been updated yet. Supervisor DeCarlo replied that the most recent update has not been done yet.

At 8:10 pm, Supervisor DeCarlo motioned to adjourn the meeting in memory of Kenneth Depovelo, Betty O'Donnell, Danielle DeGulier, Samuel Lomando, Dan Mazur and Charles Kramer. Seconded by Councilman Muffoletto. 4 ayes, 0 nays. **MOTION CARRIED.**

Respectfully submitted by,

Kristen Podkulski

Brant Deputy Town Clerk

