

This First Regular Meeting of the Brant Town Board was held on Tuesday January 7, 2025, at the Brant Town Hall, located at 1272 Brant North Collins Rd, Brant, New York at 7:00 PM.

PRESENT WERE:

Mark DeCarlo	Town Supervisor
Tish Brady	Councilwoman
Linda Giancarlo	Councilwoman
Donna Marien	Councilwoman
Bill Trask	Town Attorney
Barbara Daniel	Recording Secretary

ALSO, PRESENT AND LEGIBLY SIGNED IN WERE:

Frank Broughton	Zoning Board chairman
Janice Ross	Planning Board member
Brian Rott	Resident
Kristen Podkulski	Deputy Town Clerk
Joseph DeCarlo	Town Assessor
Tracy Kaczmarek	Supervisor's Secretary
Mark Slawek	Chief of Police
Debra Ritz	Planning Board Chair
Megan Smaldino	Resident
Mike Smaldino	Resident
Arlene Meckes	Resident
Chris Meckes	Resident
Daryl Novoa	Highway Dept

The first regular Town Board meeting was called to order at 7:17 PM directly following the 2025 Organizational Meeting with the Pledge of Allegiance to the flag. (1st mtg begins on recorder at 36:23 minutes)

APPROVE MINUTES of the DECEMBER 17 TOWN BOARD MEETING: Supervisor DeCarlo motioned to approve the minutes and was seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

SUPERVISOR'S NOVEMBER 2024 FINANCIAL REPORT: Councilwoman Giancarlo motioned to approve the Supervisor's November Financial Report, seconded by Councilman Muffoletto. 4 ayes, 1 abs (DeCarlo), 0 nays. **MOTION CARRIED.**

TOWN CLERK/TAX COLLECTOR'S OCTOBER 2024 FINANCIAL REPORT: *[clerk's note: Town Board approved the November report at the December Town Board mtg].* Supervisor DeCarlo motioned to approve the Town Clerk's Financial Report, seconded by Councilwoman Brady. 5 ayes, 0 nays. **MOTION CARRIED.**

COURT CLERK'S NOVEMBER 2024 FINANCIAL REPORTS FOR KACZMAREK & GIER

REGULAR AND BAIL ACCOUNTS: Councilwoman Giancarlo motioned to approve both Bail and Regular Financial accounts for Justice Kaczmarek's & Justice Gier for November 2024, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

POLICE REPORT FOR NOVEMBER 2024: The Police Report for December 2024 was read by Police Chief Mark Slawek. The chief explained that he is working with the Town of Evans for a grant for new radio's. The grant is for the new P25 System. It is encrypted and digital communication, and meets the standards of Erie County and other police agencies. The Town's current radio's are over 20 years old and will not work with the new system. The goal is to upgrade to a VP8000 where we will be going to UHV instead of VHF. By upgrading, we can communicate with other police departments through dual bands. In the past, we had used two radios, one for Sheriff's and one for Evans. This will allow the use of one radio. He needs a letter from the Town Board to show a commitment to Evans who cannot upgrade without our upgrade. The grant will cover up to \$250,000 which will require Brant to come up with 10% which will be \$25,000.00. This will cover all radios and emergency coordinators. Supervisor DeCarlo asked if that cost would include Towers. Chief Slawek responded that they are called receivers, and they want to put them in the Town of Brant. They will work with the Supervisor as to where they are put up. He reminded the Board that there are a few towers in the Town of Brant. He noted that they currently have poor reception on Milestrip Rd and down by the water. Councilman Muffoletto asked for clarification if they are receivers or repeaters. Chief responded they call them receivers, repeaters, towers depending on who you talk to. He added we will get 15 portable radios and 6 mobile radios. They will go in the cars and the station. Evans will be paying 90% of the shared amount and Brant will be committed to 10%. Brant's portion would be \$25,000.00 maximum. Chief Slawek noted that we will be piggybacking off the Town of Evans grant. Councilwoman Marien wanted assurance that our matching will be limited to our portion. Supervisor DeCarlo assured her that it would be limited to our portion. Councilman Muffoletto then asked if there is a cost will be for these new radios. Chief Slawek stated that he was given an estimate of \$86,000.00. He did not receive the estimate for the receivers or repeaters. Mike Hanes from FM Communications is trying to put something together. Chief Slawek then noted that as far as tonight, he simply needs a letter of commitment because the grant is due the 22nd of this month. It was clarified that this is a state thing. They added that it will be a shared services grant between Brant and Evans. Councilwoman Marien wants to ensure that the radios are covered under warranty. Slawek then advised that Evans is paying \$400 per month for maintenance but the Town of Brant will pay nothing. The Supervisor asked if there will be enough radios to have disaster coordinators involved. The answer was yes. Chief Slawek said that this is a shared communications grant and without Brant, Evans will be unable to get the grant. Supervisor DeCarlo asked if anyone on the Board had a problem with it. No one objected. It was decided that the Town will draft a letter of commitment to Town of Evans containing the \$25,000 cap.

He then requested the Board to appoint Ryan Grazer to the Academy that starts on the 20th of this month. His background check is not completed yet, but he is asking to appoint him if everything goes through. Councilman Muffoletto wanted to clarify if we are sponsoring but not paying. Chief also stated it would require the Town Board to appoint him as an officer before January 20th when he would begin the academy. However, he added, since his background check is not complete, he is not asking them to appoint him today. With the New York State mandates, he is not sure if he will pass the background check and he has to be seen by a psychiatrist first and other state systems he will have to run through.

Attorney Trask advised the Town Board to appoint the person as a Police Officer Trainee to allow him to be eligible to attend the academy through the sponsorship of the Town of Brant contingent on Chief Slawek completing a successful background check. Supervisor DeCarlo then motioned to approve the appointment of Ryan Granger as part time police officer trainee with no financial compensation contingent on the successful completion of a background check. Trask asked if there was sufficient civil service inventory. Slawek responded yes. Councilwoman Brady seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Brady-aye, Councilwoman Giancarlo-aye, Councilman Muffoletto-aye, Councilwoman Marien-aye. 5 ayes, 0 nays. MOTION CARRIED.

Chief Slawek then asked about the approval to hire two peace officers. The Board was in approval of hiring two peace officers.

Reappointment of Tom Kurdziel: Chief Slawek then asked the Town Board to reappoint Tom Kurdziel. He noted the letter in their packets. Councilwoman Brady then motioned to approve the reappointment of Part Time Police Officer Tom Kurdziel effective January 26, 2025. Councilwoman Giancarlo seconded the motion. 5 ayes, 0 nays.

Pay Rate for Tom Kurdziel: Attorney Trask reminded the Board to confirm a rate of pay for the reappointment of Tom Kurdziel. Supervisor DeCarlo motioned to set his hourly rate of pay to be \$30.80 per budgeted line item. Councilwoman Marien seconded the motion. 5 ayes, 0 nays. MOTION CARRIED.

Letter of Commitment for the shared Communication grant with Evans: Supervisor DeCarlo then motioned to approve the writing of a letter of commitment for the shared Communication grant with the Town of Evans. Councilman Muffoletto seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilman Muffoletto-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye, Councilwoman Brady-aye. 5 ayes, 0 nays. MOTION CARRIED.

APPROVAL OF PREVIOUSLY PRESENTED DECEMBER POLICE REPORT: Supervisor DeCarlo then motioned to approve the December Police as presented by Chief Slawek. Councilwoman Brady seconded the motion. 5 ayes, 0 nays. MOTION CARRIED.

HIGHWAY SUPERINTENDENT'S REPORTS: Councilwoman Brady presented the December 2024 Highway report. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Giancarlo.

5 ayes, 0 nays. MOTION CARRIED.

TOWN CLERK'S NOVEMBER & DECEMBER 2024 ACTIVITY REPORT TO THE BOARD: The Town Clerk presented her November & December monthly activity report. The November report was tabled during the December meeting. She is looking into a grant to preserve the Original Vital record books. The Town Clerk's office is adding new hours for Wednesday's 2 pm to 6 pm. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Brady.

5 ayes, 0 nays. MOTION CARRIED.

PLANNING BOARD REPORT: No meeting was held in December.

ZONING BOARD OF APPEALS REPORT: Supervisor DeCarlo read the December 2024 Zoning Board report. Case number 2024-05 for an area variance at 1078 Milestrip Rd was approved. Supervisor DeCarlo made a motion to approve the report as read, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

BUILDINGS & GROUNDS REPORT: The Supervisor noted that the December report will be available for anyone wishing to review it. Councilwoman Giancarlo motioned to approve the report, seconded by Supervisor DeCarlo. 5 ayes, 0 nays. MOTION CARRIED.

TOWN HISTORIAN REPORTS: TABLED

CODE ENFORCEMENT REPORT: Code Enforcement report was read by Supervisor DeCarlo. The Code Enforcement report suggested the Town Board adopt a code on cannabis law. The report contained a copy of her sample code to use as a template. Supervisor DeCarlo motioned to refer the template to the Planning Board for review, seconded by Councilman Muffoletto. 5 ayes, 0 nays. MOTION CARRIED.

BRANT FARNHAM SENIORS: No report presented.

OLD BUSINESS:

SPECIAL USE PERMIT STATUS: Supervisor DeCarlo noted the status of the current Special Use Permit applications.

VACCO APPLICATION: Awaiting the final report from CPL. No discussion occurred.

DONLIN APPLICATION: Currently in court. Can't proceed until Court matter is resolved.

BOWMAN/DUNCAN APP: It was noted that Tom Bowman added the applicant Duncan Motors to his

Special Use Permit application. The revised application was emailed to the

Necessary recipients on December 27. The Planning Board will review

Add the revised application to their January 14 meeting. Trask advised that Duncan be present at the meeting.

Planning Board Chairman Debra Ritz asked about the Town Board referring the proposed cannabis law to the Planning Board. Attorney Trask then acknowledged the Planning Board's very full schedule and suggested holding off on the referral at this time. He then advised that the Town Board first review the 14-page template before giving it to the Planning Board. At this time, Supervisor DeCarlo motioned to rescind the referral of the Cannabis template to the Planning Board at this time. Councilwoman Marien seconded the motion. 5 ayes, 0 nays. MOTION CARRIED.

ACKNOWLEDGEMENT OF ANNUAL AGREEMENT TO SPEND HIGHWAY FUNDS ON HIGHWAY ONLY: Supervisor DeCarlo acknowledged that the Town Board previously signed an agreement that all highway funds will be spent on the highway expenditures.

APPOINTMENT OF TOWN HALL CLEANER: Councilwoman Brady motioned to appoint Sophia DeCarlo to part time custodial position for the Town Hall at a rate of \$15.50 per hour, increasing to \$16.50 after a six-month probationary period. Maximum of 15 hours per week. Councilman Muffoletto seconded the motion. Supervisor DeCarlo abstained. 4 ayes, 0 nays, 1 abstain. MOTION CARRIED.

APPOINTMENT OF TOWN HALL CLEANER: Councilwoman Brady motioned to appoint Enara Lukoss to part time custodial position for the Town Hall at a rate of \$15.50 per hour, increasing to \$16.50 after a six-month probationary period. Maximum of 15 hours per week. Councilman Muffoletto seconded the motion. Supervisor DeCarlo abstained. 4 ayes, 0 nays, 1 abstain. MOTION CARRIED.

REPORTS OF COMMITTEE AND TOWN BOARD REPORTS:

Michael Muffoletto: Councilman Muffoletto had no report but made a motion to approve the payment of one thousand dollars to Donna Borngaber for the use of her facility to store the Town

Parks Truck, Parks equipment, and maintenance that has been done in the shop during 2024. Councilwoman Marien advised that she will need something in writing for her to approve it. A written agreement was discussed, and will be drafted for 2025, and possibly to cover 2024. No action was taken at this time.

Supervisor DeCarlo: Spoke with the engineers in Erie County regarding the re-writing of the Town Master Plan.

ACKNOWLEDGMENT OF THE FLOOR:

Mike Smaldino of Milestrip Rd: Mike spoke regarding the wind turbine across the street from his home. He stated that the level of noise is unbearable. He works from home and the noise is very distracting and lowers his level of productivity. He sited the form containing questions the owner of the turbine would have had to answer to get the Special Use Permit and he asked how he was able to say the turbine would not negatively affect the neighboring properties. He stated the turbine has not been maintained and is very loud. Supervisor DeCarlo stated he visited the property and he was not able to hear it. Mr. Smaldino then stated it is when the wind blows. He added that he has a decibel meter and it registers 91 decibels in the middle of the night. Attorney Trask then stated it is a code enforcement issue and the code officer will handle it. Discussion regarding the zoning of the property location. Don Clark spoke that he looked at the map and the property is R-1. Question regarding the possibility of the property being Ag district, and therefore exempt from noise ordinance. The Code Officer will investigate the matter.

MEETING & CORRESPONDENCE

Supervisor DeCarlo stated that the first January sales tax remittance is in. The current transfer is 6.93% less than the corresponding 2024 amount. Year-to-date transfers are running 0.11% below last year at this time.

APPROVAL OF ABSTRACT 13 of 2024 & 1 of 2025 read by Supervisor DeCarlo

ABSTRACT 13 of 2024

*Prepaid and unpaid as of 1/7/25 Total Claims **\$ 69,125.06**

Gen Fund Town wide Vouchers Totaling: **\$ 51,566.54**

Gen Fund – Part Town Voucher Totaling: **\$ 310.74**

Highway T.W. Vouchers Totaling: **\$ 14,118.96**

Street Lighting: Voucher Totaling: **\$ 3,128.82**

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

LAST PAYROLL 2024 (2 pay periods):

General Town Wide Payroll 11/17/24-12/14/24 – Totaling \$ **58,017.44**

General Part Town Payroll 11/17/24-12/14/24 Totaling: \$ **1,242.10**

Highway Payroll TW 11/17/24-12/14/24 Totaling: \$ **15,615.44**

Highway Payroll PT 11/17/24-12/14/24 Totaling: \$ -

ABSTRACT 1 of 2025

*Prepaid and unpaid as of 1/7/25 Total Claims \$ **8,605.36**

Gen Fund Town wide Vouchers Totaling: \$ **6,633.04**

Gen Fund – Part Town Voucher Totaling: \$ **210.00**

Highway T.W. Vouchers Totaling: \$ **1,762.32**

Highway Part Town Vouchers Totaling: \$ -

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

Supervisor DeCarlo made the motion to approve the abstract. Seconded by Councilwoman Giancarlo. Roll call was taken.

Supervisor DeCarlo Aye

Councilwoman Brady Aye

Councilman Giancarlo Aye

Councilwoman Muffoletto Aye

Councilwoman Marien Aye

5 Ayes, 0 nays

Motion approved.

Next regular Town Board meeting will be held on February 11, 2025

At 8:10 pm, Supervisor DeCarlo motioned to close the adjourn the meeting. Seconded by Councilman Muffoletto. 4 ayes, 0 nays. MOTION CARRIED.

Respectfully submitted by,

Barbara Daniel

Brant Town Clerk

