

This Regular Meeting of the Brant Town Board was held on Tuesday July 8, 2025, 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
Tish Brady	Councilwoman
Donna Marien	Councilwoman
William Trask Sr.	Town Attorney
Barbara Daniel	Recording Secretary

ALSO, PRESENT AND LEGIBLY SIGNED IN WERE:

Tracy Kaczmarek	Supervisor's Secretary
Ellsworth Nolan	Highway Superintendent
James George	Resident
Debra Ritz	Planning Board Chairman
Brian Rott	Resident
Mark Slawek	Chief of Police
Patty Friend	Town Historian
Janice Ross	Resident
Ayush Dhupar	SUP Permit applicant Rt 20 Auto
Steven Artymowicz	Owner of Rt 20 Auto Parts (Subject of Special Use Permit public hearing)

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

APPROVE MINUTES of the JUNE 10, 2025 MEETING: Councilwoman Brady motioned to approve the minutes of the July 10, 2025 Regular Town Board meeting, and was seconded by Councilwoman Marien. 5 ayes, 1 nay. **MOTION CARRIED.**

SUPERVISOR'S FINANCIAL REPORT: Councilman Muffoletto motioned to approve the Supervisor's Financial Report, seconded by Councilwoman Marien. 4 ayes, 1 nay. (Councilwoman Giancarlo opposed) **MOTION CARRIED.**

TOWN CLERK/TAX COLLECTOR'S MAY 2025 FINANCIAL REPORT: Councilwoman Brady motioned to approve the Town Clerk's report for May 2025, seconded by Councilwoman Marien. 4 ayes, 1 nay. (Councilwoman Giancarlo opposed) **MOTION CARRIED.**

COURT CLERK'S MAY 2025 FINANCIAL REPORTS FOR KACZMAREK & GIER REGULAR AND BAIL ACCOUNTS: Councilwoman Giancarlo asked if the Court audit was completed. It was noted that it was completed but we are waiting for the formal report has not been received yet. Councilman Muffoletto motioned to approve both Bail and Regular Financial accounts for Justice Kaczmarek's & Justice Gier for May 2025, seconded by Supervisor DeCarlo. 4 ayes, 1 nay. (Councilwoman Giancarlo opposed). **MOTION CARRIED.**

POLICE REPORT FOR JUNE 2025: Police Chief Mark Slawek had not arrived yet. This report was temporarily skipped.

HIGHWAY SUPERINTENDENT'S REPORTS: Highway Superintendent Ellsworth Nolan presented his June Highway report. He made suggestions regarding locations for the ewaste. He noted that every year they will move it for Brantfest. Discussion began regarding the ordering of the new snowplow truck. Supervisor DeCarlo noted that they received three quotes from State bids. Ellsworth explained that the Town will be piggybacking off another town. The Brant town Attorney reviewed the paperwork, and the Town has his approval. Ellsworth explained the terms for the truck. He stated that the Town has been offered a \$10,000 prepay incentive if Chassis is paid for within 60 days of its arrival at the shop. The chassis is priced at \$132,050 and will be reduced by \$10,000 if paid for within 60 days of arrival. Also, the price from Valley Fab for all the items necessary to complete the truck will be \$113,050.00 for the Salt Box, Plow, wing, setup with hydraulic hoses, lights, tailgate on the dump body, etc. The final cost of the completed snowplow truck will be \$235,704.62. At the end of the discussion, Supervisor DeCarlo made a motion to authorize the Highway Superintendent to place the order. Councilwoman Marien seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Marien-aye, Councilwoman Giancarlo-aye, Councilman Muffoletto-aye, Councilwoman Brady-aye. 5 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo then motioned to approve the Highway Superintendent's report for June. Councilwoman Brady seconded the motion. 5 ayes, 0 nays. **MOTION CARRIED.**

General discussion: Highway Superintendent Nolan asked the Supervisor if he managed to get in touch with Tom Nieswiadomy with the DOT regarding a \$50,000 grant for replacing the culvert pipes on Hammond Road. Supervisor DeCarlo will contact him regarding the status. Supervisor DeCarlo will follow up with the Superintendent next week.

POLICE REPORT FOR JUNE 2025: Police Chief Slawek verbally gave his June Police Report because his office computer is not working. The Chief asked the Board to approve the appointment of Nicholas Pagano as part-time police officer. He stated the applicant is currently a police officer with the Village of Attica. He explained that since he is already a NYS certified police officer, there will be no cost to employ him. He is moving this way and would like to work somewhere closer. The applicant wishes to work weekends.

The Chief then spoke about the juveniles on dirt bikes, and one was almost hit by Jack Giacchino. A board discussion began regarding options for punishment. Debra Ritz stated she is receiving phone calls from residents regarding the incidents occurring. She stated there are claims of property damage being done by these juveniles and believes someone could be charged with the damage in Family court, since these offenders are minors. She will research it further regarding options. Different options were discussed such as charging parents for endangerment, Impounding the ATV/dirt bike, Involve CPS for child endangerment. Also, if the offender has a driver's license they will be issued citations.

Supervisor DeCarlo then motioned to approve the police report as read, seconded by Councilwoman Brady. 5 ayes, 0 nays. **MOTION CARRIED.**

APPOINTMENT OF PART TIME POLICE OFFICER NICHOLAS PAGANO: Supervisor DeCarlo made a motion to approve the appointment of Nicholas Pagano as part time police officer with a starting pay rate of \$30.80 per hour, subject to an eighteen-month probationary period. Councilwoman Brady seconded by motion. 5 ayes, 0 nays. **MOTION CARRIED.**

Chief Slawek thanked resident Debra Ritz for alerting the police regarding a Town Resident who needed a wellness check. Upon gaining access to the home, the resident was found deceased.

TOWN CLERK'S MAY AND JUNE ACTIVITY REPORT TO THE BOARD: The Town Clerk presented her Town clerk report for May and June. Councilman Muffoletto motioned to approve the report as read, seconded by Supervisor DeCarlo. 5 ayes, 1 nays (Councilwoman Giancarlo opposed). **MOTION CARRIED.**

PLANNING & ZONING REPORTS: The Planning Board held no meeting in July. The Zoning Board of Appeals held a public hearing on June 23rd and approved an area variance for an Ellis Rd resident.

At 7:30 PM, Supervisor DeCarlo instructed the Town Clerk to read the legal notice:

The Town Clerk read the notice:

TOWN OF BRANT TOWN BOARD NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN of a **PUBLIC HEARING** to be held by the Brant Town Board in the Town Hall, 1272 Brant North Collins Rd, Brant, New York on the 8th day of July 2025 at 7:30 PM local time for the purpose of considering the Special Use Permit application of Ayush Dhupar and Ironyard Properties, LLC to operate an existing junkyard at 10216 Southwestern Blvd, otherwise identified as SBL# 267.00-2-8. All Interested parties will be given an opportunity to be heard.

Dated June 10, 2025

By order of the Brant Town Board

Barbara J Daniel

Brant Town Clerk

While awaiting 7:00 pm, Councilwoman Giancarlo asked for a moment of silence for the flood victims in Texas.

Supervisor DeCarlo then motioned to open the public hearing, seconded by Councilman Muffoletto. 5 ayes, 0 nays. MOTION CARRIED.

DISCUSSION: Councilman Muffoletto asked the applicant if they will be selling car parts or just recycling metal. The applicant stated he will be doing a little of both. The applicant was asked what equipment he would be using. Applicant stated he will have the previous owner's loader and a car crusher. He stated he will be running the business as it is being run right now. He will not be cubing cars. There is no scale on the property. Planning Board chairman Debra Ritz mentioned that during his application, they noted they will not be changing anything about the activity at the location. Planning Board chairman explained that the applicant understands that if he makes any changes to how the business will run, he will be required to apply for a new special use permit.

At 7:37 PM, Supervisor DeCarlo motioned to close the public hearing, seconded by Councilman Muffoletto. 5 ayes, 0 nays. MOTION CARRIED.

At this time, Supervisor DeCarlo motioned to adopt the following Negative Declaration resolution:

**RESOLUTION OF THE BRANT TOWN BOARD
ADOPTING A NEGATIVE DECLARATION UNDER SEQR
(Application for Special Use Permit and
Site Plan Approval at 10216 Southwestern Blvd., Brant, NY)**

WHEREAS the Town Board of the Town of Brant, Erie County, New York received an application of **Ayush Dhupar and Ironyard Properties, LLC** for a Special Use Permit and site plan approval for vehicle junkyard at **10216 Southwestern Blvd.** in the Town of Brant (hereafter "proposed project"), which application was referred to the Planning Board for review and recommendation, and

WHEREAS, the Town Board previously declared itself Lead Agency under the requirements of the State Environmental Review Act ("SEQRA"), 6 NYCRR Part 617, and

WHEREAS, the Town Board also made a zoning referral to Erie County Department of Environment and Planning pursuant to General Municipal Law Section 239-m and received a response thereto with no recommendation, and

WHEREAS, a public hearing on the proposed Special Use Permit and Site Plan was held by the Town Board on July 8, 2025 and the Town Board has taken a hard look at the environmental impacts of the proposed project and has considered all comments from interested agencies and the public.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Brant hereby finds that the proposed project will have no significant adverse impacts on the environment and hereby issues a Negative Declaration under SEQRA, 6 NYCRR Part 617.

July 8, 2025

Councilwoman Giancarlo seconded the motion. A roll call vote was taken:

Supervisor DeCarlo	Aye	
Councilwoman Giancarlo	Aye	
Councilman Muffoletto	Aye	
Councilwoman Marien	Aye	
Councilwoman Brady	Aye	5 ayes, 0 nays. MOTION CARRIED.

Supervisor DeCarlo then presented the following resolution approving the Special Use Permit subject to the Public Hearing:

Resolution of the Brant Town Board
Approving Site Plan and Application for Special Use Permit for
Vehicle Salvage Yard at 10216 Southwestern Blvd., Brant, New York

WHEREAS, the applicants, **Ayush Dhupar and Ironyard Properties, LLC** for a Special Use Permit and site plan approval for vehicle salvage yard at **10216 Southwestern Blvd.** in the Town of Brant, and

WHEREAS, a zoning referral was made to Erie County DEP as required by General Municipal Law Section 239-m, and pursuant to such zoning referral, Erie County DEP's response was no recommendation, and

WHEREAS, said application was sent to the town Planning Board for review and recommendation as required by the Brant Code, and

WHEREAS, the Planning Board recommended approval of application with some minor conditions, and

WHEREAS, on July 8, 2025, the Town Board held a public hearing on said application and completed all reviews required under NYS SEQR, and the Town Board issued a negative declaration pursuant to SEQR,

NOW, THEREFORE, be it RESOLVED, that the Brant Town Board hereby approves the Site Plan and Special Use Permit (SUP), subject to the following conditions:

1. Surrender of the Special Use Permit of Stefan Artymowycz for this property.
2. The uses permitted by this SUP are motor vehicle dismantling and salvage of parts for re-use and processing of vehicles for material recycling. temporary storage of product/materials for applicants' business awaiting installation elsewhere. All storage shall be inside the fenced area. No hazardous materials or supplies are permitted to be stored on-site and no other uses, including, but not limited to on-site sales or office space, are permitted under this SUP.
3. Amendments to the Site Plan as recommended by the Planning Board.
4. Proof of licensure from New York State for dismantling, junk and salvage operations must be in effect and made available to Brant Code Enforcement upon request.
5. Hours of operation for the public will be Monday through Friday 8:00 a.m. to 5:00 p.m. Closed to the public on weekends (Saturday and Sunday).

6. On-site handling of fluids, including, but not limited to oil, gas and transmissions fluids, to comply with NYSDEC requirements and off-site disposal through licensed hazardous waste contractors. Records of compliance with this condition shall be made available to Brant Code Enforcement upon request.
7. SUP is non-transferrable and non-assignable and the fee-title owner of 10216 Southwestern Blvd. must be a Permittee under this Special Use Permit.
8. SUP is subject to annual renewal, at which time, following public hearing, conditions could be modified or supplemented, based upon the Permittee's performance record hereunder.
9. Access to the site must remain unobstructed for emergency vehicles and any changes to the existing Site Plan are subject to additional review and approval.

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Councilman Muffoletto seconded the motion. A roll call vote was taken and resulted as follows:

AYES: 5 NOES: None

Supervisor DeCarlo aye
Councilman Muffoletto aye
Councilwoman Giancarlo aye
Councilwoman Marien aye
Councilwoman Brady aye

RESOLUTION ADOPTED

MONTHLY REPORTS (Cont'd)

AT 7:44 PM, the Town Board returned to monthly reports.

RECREATION DIRECTOR REPORT: No June report was presented. Councilman Muffoletto noted that the ratio between resident and non-resident was 2:1 non-residents. He wants to address that next year.

PARKS REPORT: No report presented.

TOWN HISTORIAN REPORT: The Town Historian stated that no meeting was held in June because of Brant Festival. This year's theme was the Brant Shoreline. She thanked Legislator Mills for his grant. The July historian meeting is cancelled. The Erie County Fair display is being worked on. Town Resident Josephine Battaglia turned 103. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Marien. 5 ayes, 0 nays. MOTION CARRIED.

The Town Board congratulated Patty Friend on being named the resident of the year for Brant Festival.

FIRE COMPANY REPORT: None presented.

BRANT SENIOR'S MEETING: Councilwoman Giancarlo presented the minutes for the July 2nd meeting. Senior picnic will be in August. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilman Muffoletto. 5 ayes, 0 nays. MOTION CARRIED.

CODE ENFORCEMENT OFFICER'S REPORT: The June report was presented by Mark DeCarlo. Discussion regarding homes in need of demolition. The one on Route 249 with the roof caving in is currently being worked on. Councilman Muffoletto asked that one of the Code Officer's attend the Town Board meetings. Supervisor DeCarlo will reach out. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilman Muffoletto. 5 ayes, 0 nays. MOTION CARRIED.

NEW BUSINESS:

REVIEW AND CONSIDERATION FOR LOCAL LAW: Supervisor DeCarlo announced that NYS is now requiring all agencies to adopt a policy for providing current and past employees notification if the employee's disciplinary records are requested under NYS FOIL. *Policy of the Release of Employee related information under FOIL. Supervisor DeCarlo advised the board to review the new law. It is tabled as of this meeting.

RESOLUTION FOR SMART GROWTH PROGRAM COMPREHENSIVE PLANNING & ZONING UPDATE GRANT PROGRAM: Supervisor DeCarlo advised the Town Board to review this resolution. Its adoption is tabled for now.

PARK GRANT PHASE II RESOLUTION:

Supervisor DeCarlo then presented the following resolution which would allow him to submit a grant application for State funding for the Municipal Parks & Recreation Program:

Resolution 25-07-08

Purpose: to authorize the Supervisor to submit a grant application for State funding assistance for the Municipal Parks & Recreation Program

WHEREAS, the adopted Town of Brant Parks Master Plan encourage the expansion of park facilities in the Town; and

WHEREAS, the Town Board desires to provide safe, accessible and well-maintained town park for recreational use throughout Brant; and

WHEREAS, the Town Board desires to provide this type of facility to residents at the lowest possible cost to Town taxpayers; and

WHEREAS, the Town seeks to rehabilitate and expand the existing park amenities that have hindered the full potential of this park to be enjoyed by all residents;

WHEREAS, the additional outdoor recreation elements will provide enhanced opportunities for field sports, as well as walking, biking, cycling, hiking and interpretive nature opportunities for health, wellness, and fitness purposes, and

WHEREAS, the Town Board commits to providing the required local matching funds of 50% to ensure the timely implementation of the proposed project; **NOW THEREFORE BE IT**

RESOLVED, Mark J. DeCarlo, Supervisor of the Town of Brant, is hereby authorized to sign an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the Environmental Bond Act of 1993, requesting an amount not to exceed \$300,000 and, upon approval of said application for funds to enter into and execute a project to execute the Master Contract with the State for such financial assistance to the Town of Brant for the Brant Town Park Rehabilitation: Phase II.

NOW BE IT FURTHER RESOLVED that Connie D. Miner & Co. Grant Consultants be authorized and directed to complete the necessary application, forms, and attachments to be submitted through the New York State Consolidated Funding Application for the purpose of securing this grant; and

Councilwoman Giancarlo motioned to adopt the resolution as presented, seconded by Councilman Muffoletto. A roll call vote was taken:

Councilwoman Giancarlo	aye
Councilman Muffoletto	aye
Councilwoman Marien	aye
Councilwoman Brady	aye
Supervisor DeCarlo	Abstain

REAPPOINTMENT OF ASSESSOR JOSEPH DECARLO: The Assessor's current term ends on September 30, 2025. Councilwoman Brady motioned to re-appoint Joseph DeCarlo for a new term beginning October 1, 2025 thru September 30, 2031 at a salary of \$20,394 as set by the 2025 budget. Councilwoman Giancarlo seconded the motion. A roll call vote was taken: Councilwoman Brady-aye, Councilwoman Giancarlo-aye, Councilman Muffoletto-aye, Councilwoman Marien-aye, Supervisor DeCarlo-Abstain. 4 ayes, 1 abstain. MOTION CARRIED.

APPROVE HIRING OF RETURNING LIFEGUARD ELIESE MAYBEE: Councilman Muffoletto motioned to approve the hiring of Eliese Maybee at a rate of \$18.25 per hour. It was noted that her background check and certification were complete. Supervisor DeCarlo seconded the motion. A roll call vote was taken: Councilman Muffoletto-aye, Supervisor DeCarlo-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye, Councilwoman Brady-aye. 5 ayes, 0 nays. MOTION CARRIED.

JULY EWASTE & TIRE COLLECTION UPDATE: The Town of Brant's ewaste and tire drop off will be held on Saturday July 26, 2025 from 9 am to noon.

SUMMER CONCERT SERIES: The 2025 free summer concert series began last night (July 7th) and will continue every Monday through August 4th at Farnham Veterans Park. The July 7th concert had 105 attendants.

BRANT COMPREHENSIVE PLAN UPDATE: A workshop will be held on Wednesday July 9th from 6:30 pm to 7:30 pm at the Brant Fire Hall. Surveys and meeting flyers will be available at the Town Clerk's office. The Brant Fire Hall was thanked for allowing the meeting to be held there at no charge.

TOWN BOARD REPORTS:

Councilwoman Giancarlo: Announced that the Town of Brant has a State audit coming soon.

Supervisor DeCarlo: Regarding the upcoming audit, Supervisor DeCarlo responded with clarification. He stated the Annual Financial Reports are not a checks and balance report. It is meant for the State to look at risk factors. They look at what is left in the budget and the reserves. He explained the previous accountant passed away, followed by Covid, and finally his illness which caused the Reports to fall behind. He added that Dresser and Malecki are assisting in getting the Annual Reports current with the State.

Councilwoman Brady: Met with Phil Johnson regarding the concession stand in need of painting and wanted to make sure all board members were ok with it. It was noted that the windows need to be replaced, and new windows and doors are already on site.

RECOGNIZED PRIVILIDGE OF THE FLOOR:

No one spoke.

Meetings & Correspondence:

- The first July sales tax remittance is in. The current transfer rate is .5% greater than the corresponding 2024 amount. Year-to-date transfers are running 6.45% above last year at this time.
- The Town received a grant from Art Services, Inc (ASI) in the amount of \$5,000 for our Creative Impact Fund project Live & Local: A Year of Free Music in Brant-Farnham.

APPROVAL OF ABSTRACT 7: Supervisor DeCarlo read the Abstract (7 of 2025):

ABSTRACT 7 of 2025

*Prepaid and unpaid as of 07/08/25 Total Claims **\$ 212,663.09**

Gen Fund Town wide Vouchers Totaling: **\$ 49,236.74**

Gen Fund – Part Town Voucher Totaling: **\$ 14,283.50**

Highway T.W. Vouchers Totaling: **\$ 3,625.66**

Highway P.T. Vouchers, Totaling: **\$ 7,919.19**

Street Lighting: Voucher Totaling: **\$ 2,464.50**

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

Fire Protection District: **\$ 135,133.50**

PAYROLL (2 pay periods):

General Town Wide Payroll 5/18/25-6/14/25 – Totaling **\$ 66,246.04**

General Part Town Payroll 5/18/25-6/14/25 -Totaling: **\$ 1,366.34**

Highway Payroll TW 5/18/25-6/14/25 -Totaling: **\$ -**

Highway Payroll PT 5/18/25-6/14/25 -Totaling: **\$ 9,349.01**

Supervisor DeCarlo motioned to approve Abstract 7 of 2025, seconded by Councilman Muffoletto.

Roll Call was taken:

Supervisor DeCarlo	Aye
Councilman Muffoletto	Aye
Councilwoman Giancarlo	Nay
Councilwoman Marien	Aye
Councilwoman Brady	Aye

4 ayes, 1 nay. MOTION CARRIED.

Supervisor DeCarlo announced the next regular Town Board meeting to be held Tuesday August 12th, 2025 at 7:00 PM.

At 8:17 pm, Supervisor DeCarlo motioned to adjourn the meeting in memory of Pamela Ertel and Catherine Eimers and seconded by Councilwoman Brady. 5 ayes, 0 nays.

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

Respectfully submitted by,

Barbara J. Daniel
Brant Town Clerk