

This Regular Meeting of the Brant Town Board was held on Tuesday August 12, 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
Donna Marien	Councilwoman
Linda Giancarlo	Councilwoman
Tish Brady	Councilwoman
William Trask Sr.	Town Attorney
Kristen Podkulski	Recording Secretary

ABSENT WAS:

Barbara J Daniel	Town Clerk
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ALSO, PRESENT AND LEGIBLY SIGNED IN WERE:

Tracy Kaczmarek	Supervisor's Secretary
Mark Slawek	Chief of Police
Chad Kaczmarek	Resident
Lynda Ostrowski	Resident
Janice Ross	Resident
Debra Ritz	Planning Board Chair
Brian Rott	Resident
Angela Bedaske	Resident
James V. George	Resident
Joe DeCarlo	Assessor
Patty Friend	Town Historian

The meeting opened at 7:07 PM with the Pledge of Allegiance to the flag.

APPROVAL OF JULY 8, 2025 MEETING MINUTES: Supervisor DeCarlo motioned to approve the minutes of the July 8, 2025 Regular Town Board meeting, and was seconded by Councilwoman Brady. 5 ayes, 0 nays.

MOTION CARRIED.

SUPERVISOR'S JUNE FINANCIAL REPORT: Supervisor DeCarlo motioned to approve the Supervisor's Financial Report, seconded by Councilwoman Marien. 4 ayes, 1 nay. **MOTION CARRIED.**

TOWN CLERK/TAX COLLECTOR'S JUNE FINANCIAL REPORT: Supervisor DeCarlo motioned to approve the Supervisor's Financial Report, seconded by Councilwoman Brady. 4 ayes, 1 nay. **MOTION CARRIED.**

COURT CLERK'S JUNE 2025 FINANCIAL REPORTS FOR KACZMAREK & GIER REGULAR AND BAIL ACCOUNTS: Supervisor DeCarlo motioned to approve both Bail and Regular Financial accounts for Justice Kaczmarek's & Justice Gier for June 2025, seconded by Councilwoman Marien. 4 ayes, 1 nay. **MOTION CARRIED.**

POLICE REPORT FOR JULY 2025: Police Chief Mark Slawek read the July Police Report. He stated that the County is still in the process of updating their computer system. They are working on a Grant during the month of July. He stated that they are down 2 police officers. He mentioned the excessive amount of people speeding through the park during evening hours while Youth Football is using the park. He gave verbal warnings but will

start issuing tickets if it continues. He also stated that they are desperate for officers and are looking to hire so they can patrol more, especially in the evenings. Attorney Trask advised the Town Board to address the speeding in the park to the committee of the Youth Football league to advise the parents to slow down in the park as it is an ongoing issue. Supervisor DeCarlo motioned to approve the report, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

HIGHWAY SUPERINTENDENT'S REPORTS: TABLED

TOWN CLERK'S JULY 2025 ACTIVITY REPORT TO THE BOARD: Deputy Clerk Kristen Podkulski read the report. She also discussed the possibility of re-closing the office on Wednesday due to lack of interest, but is up for further discussion. Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwoman Brady. 5 ayes, 0 nays. **MOTION CARRIED.**

PLANNING BOARD REPORT: Planning Board Chairperson Debra Ritz stated that they did not have a meeting this month so there is no report.

ZONING BOARD REPORT: No Report.

RECREATION DIRECTOR REPORT: Supervisor DeCarlo advised that there were 112 children registered this year; 43 were residents and 69 were non-residents. The last day for Summer Recreation is Friday August 15th. Councilwoman Giancarlo asked if those numbers were about average and Supervisor DeCarlo stated that it was a little less than last year.

TOWN HISTORIAN REPORTS: No meeting in July. Patty stated that she received a few donations from residents and she has also been working on the Erie County Fair Display with the Town of Evans. Next meeting is this Saturday 8/16. Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwoman Brady. 5 ayes, 0 nays. **MOTION CARRIED**

BRANT FIRE COMPANY REPORT: Supervisor DeCarlo read the report provided by Peter Chiavetta. Kristen Podkulski added that the Brant Ladies Auxiliary will be hosting their Towel Bingo on Sunday August 24th at 1pm. Admission is \$5.00 and there will also be a basket raffle. Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

BRANT FARNHAM SENIORS: No Meeting in August due to their summer picnic.

CODE ENFORCEMENT: Councilwoman Brady read the report. Councilman Muffoletto stated that he's asked twice for an update on the condemned homes around town and still has not received one, Supervisor DeCarlo stated that he will follow up with her. Councilwoman Marien asked if there were any updates on the Vacco scrap yard. Attorney Trask advised until the conditions form is signed, no work can be done. He also stated that the SUP conditions page language also needs to be corrected. Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

Roll Call was taken:

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

MOTION CARRIED.

OLD BUSINESS:

MOTION TO RATIFY RESOLUTION FOR SMART GROWTH PROGRAM COMPREHENSIVE PLANNING & ZONING

UPDATE GRANT PROGRAM: Motion was to ratify the July 31, 2025 resolution adopted by the Town Board via voice/electronic vote which reads as follows:

Resolution for Smart Growth Program Comprehensive Planning & Zoning Update Grant Program

WHEREAS, a comprehensive plan articulates the community vision and goals for land use and economic development; and,

WHEREAS, New York State law requires zoning regulations to be adopted in accordance with a comprehensive plan; and,

WHEREAS, a comprehensive plan should form the legal justification for zoning regulations and other land use regulations adopted by a municipality; and,

WHEREAS, those regulations should be designed to implement the goals and policies set forth in the comprehensive plan; and,

WHEREAS, the Town of Brant Comprehensive Plan was last updated in 2003; and,

WHEREAS, the New York State Department of State has issued a Request for Applications for the Environmental Protection Fund Smart Growth Comprehensive Planning Grant Program, whereby grant funds will pay up to 90% of eligible costs for a comprehensive plan;

NOW THEREFORE BE IT RESOLVED, that the Brant Town Board authorizes the Town Supervisor to sign, and if funded execute a contract with the New York State Department of State for such funding in an amount not to exceed \$100,000 and, upon approval of the grant, to enter into and execute a project agreement with the State for such financial assistance for the Town of Brant Smart Growth Comprehensive Plan;

AND BE IT FURTHER RESOLVED, that the Brant Town Board commits to provide a 10% cash match to insure the timely implementation of the proposed project in accordance with grant guidelines;

AND BE IT FURTHER RESOLVED, that the Town’s Grants Consultant, Connie D. Miner, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Department of State for the purpose of securing these funds.

Supervisor DeCarlo mentioned that this is a 5-year plan, so they have 5 years to use the funds if grant is approved. Supervisor DeCarlo motioned to approve, seconded by Councilwoman Marien.

5 ayes, 0 nays.

Roll Call was taken:

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

MOTION CARRIED.

NYS HAS ADOPTED A LAW REQUIRING ALL AGENCIES TO ADOPT A POLICY FOR PROVIDING CURRENT AND PAST EMPLOYEES NOTIFICATION IF THE EMPLOYEES DISCIPLINARY RECORDS ARE REQUESTED UNDER NYS

FOIL: Supervisor DeCarlo read the policy:

Policy on the Release of Employee-Related Information Under FOIL

Purpose:

Pursuant to Article 6 of the Freedom of Information Law (FOIL), Chapter 302 of the Laws of 2024, all agencies must develop a policy to notify public employees if their disciplinary records are being released in response to a FOIL request. This policy shall ensure the proper notification requirements, contents of the notification, delivery of the notification and define the records to be released.

Definitions:

- 1) FOIL- Freedom of Information Law (also referred to as Public Officers Law, Article 6, Sections 84-90)
- 2) Record- any information kept, held, filed, produced or reproduced by, with or for an agency or state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.

Notification Requirement:

The Town of Brant will provide notice to current and former public employees if their employment records are subject to a FOIL request. Notification shall occur after the records are released, in line with the legislative intent to ensure minimal notice.

Content of the Notification:

The notification will include a statement informing the employee that their employment records have been released. While there is no requirement to provide a copy of the FOIL request or the released records, the Town will provide any records released to the employee.

Delivery of Notification:

The notice should be delivered in writing, either via regular mail or email, depending on the availability of the employee's contact information. In the event that a former employee is unable to be contacted, all reasonable efforts will be made and these attempts documented. Such notification efforts shall be the responsibility of the Town Clerk.

Disciplinary Records:

The Town will use the definition of "disciplinary records" under Public Officers Law (POL)§86(6) for law enforcement, applying it to non-law enforcement employees. Counseling memos may also be classified as disciplinary records if they relate to employment discipline.

Supervisor DeCarlo motioned to approve, seconded by Councilman Muffoletto. 5 ayes, 0 nays.

MOTION CARRIED.

NEW BUSINESS:

RESOLUTION FOR NYS BRICKS INITIATIVE: Supervisor DeCarlo proceeded to read the initiative as follows:

Resolution for NY BRICKS Initiative

WHEREAS the Brant Town Park is the town's only municipal park;

WHEREAS the Town of Brant Community Center is the only such building dedicated for community use to support indoor and outdoor recreation;

WHEREAS the Town of Brant's Community Center has suffered from overuse over the past several decades;

WHEREAS the NY BRICKS Initiative is a new competitive grant to facilitate the design, construction, renovation of Community Centers in communities across New York State;

WHEREAS the Town of Brant seeks grant funding from the NY BRICKS Initiative to make capital improvements to the Brant Community Center to sustain and improve the building;

WHEREAS the Town of Brant seeks a grant in an amount not to exceed \$400,000 to make such capital improvements, which shall include a new septic system within increased capacity to accommodate demand for restrooms, new windows, flooring and other such capital improvements;

NOW THEREFORE BE IT RESOLVED that the Brant Town Board authorizes the Supervisor Mark DeCarlo to sign, submit, and if funded, execute the NY BRICKS Initiative with the NYS Office of Parks, Recreation, and Historic Preservation and the Dormitory Authority of the State of New York.

AND THEREFORE, BE IT FURTHER RESOLVED that upon approval of the NY BRICKS Initiative, the Town will provide a 20% match in an amount not to exceed \$100,000.

Supervisor DeCarlo made a motioned, seconded by Councilwoman Brady. 5 ayes, 0 nays.

Roll Call was taken:

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

MOTION CARRIED.

REFERRAL TO PLANNING BOARD FOR REVIEW AND RECOMMENDATION- VERIZON WIRELESS 11810 MILEBLOCK ROAD-CO-LOCATED TELECOMMUNICATIONS FACILITY-BUILDING PERMIT APPLICATION:

Supervisor DeCarlo made a motion to refer to the Planning Board. Seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

SET PUBLIC HEARING FOR TUESDAY SEPTEMBER 9TH 2025 AT 7:30PM FOR THE 11810 MILEBLOCK ROAD PERMIT APPLICATION: Supervisor DeCarlo made a motion to set the public hearing, seconded by Councilwoman Brady. 5 ayes, 0 nays. **MOTION CARRIED.**

SET CDBG PUBLIC HEARING FOR TUESDAY SEPTEMBER 9TH AT 7:45PM TO HEAR IDEAS ON THE CDBG PROJECTS: Supervisor DeCarlo made a motion to se the public hearing, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

- E-Waste collection will be held on Saturday August 30th, 2025 at the Town Park From 9am-noon.

- Brant Comprehensive Plan Update Public Meeting and Workshop was held in July. Well attended by residents to share their thoughts. The survey is still open if you haven't filled it out yet. Flyers and paper surveys were provided at the meeting near the sign in sheet.

AMENDMENT OF THE LANGUAGE FOR THE SPECIAL USE PERMIT FOR THE VACCO SCRAPYARD Attorney Trask proceeded to address the issue of number 2 of the Special Use Permit and deleting the term "equipment" and add "all scrap material on site is to be stored, stacked, piled below the height of the wall". Councilman Muffoletto questioned if it should say scrap or just material due to the fact that there could be other things that are stored. Attorney Trask advised adding another line to state "equipment used in the scrap process by the owner is exempt from this requirement." This will clarify that the equipment used for the processing of this scrap is exempt from this height requirement. Supervisor DeCarlo then made a motion to amend the Special Use Permit, Seconded by Councilwoman Marien. 5 ayes, 0 nays.

Roll Call was taken:

Supervisor DeCarlo	Aye
Councilwoman Marian	Aye
Councilwoman Brady	Aye
Councilman Muffoletto	Aye
Councilwoman Giancarlo	Aye

MOTION CARRIED.

REPORTS OF COMMITTEE AND TOWN BOARD REPORTS:

Councilwoman Marien: Thanked Tracy and Chad Kaczmarek for helping with the July E-Waste.

BRANT SUMMER FESTIVAL WRAP UP: Festival Chairperson, Kristen Podkulski read her wrap up letter to the Town Board now that the final numbers were in for the 2025 Brant Summer Festival. She addressed the Town Board with a request for the Town to Sponsor the Fireworks Display for the 2025 Festival and for future festivals. She also spoke about using the money that the festival profited to either go towards improving the Town Park or putting that profit into the next year's budget line for the Summer Festival. This year with the Town's agreement to sponsor the fireworks, the profit would be a little over \$7,000. Supervisor DeCarlo agreed that we can use the profit for a concrete addition to the pavilion. Councilman Muffoletto was also in agreement with the Town paying for the fireworks, but feels that the profit should be put towards the Festival Budget instead of spending it to improve the park. Supervisor DeCarlo asked to get quotes for a concrete pad. Kristen stated that she put a survey up for the community to take for future Summer Festivals to get ideas and suggestions for the following years and has had a great response with that. Councilwoman Marien agreed to add the profit to the budget for next year. Councilwoman Giancarlo addressed Attorney Trask about the proper way to handle the profit. He advised to ask the Town's auditors. Supervisor DeCarlo agreed to have the Town pay for the Fireworks going forward and will address the other suggestions at a later time.

Supervisor DeCarlo followed up with the State Comptrollers 2024-2025 Audit and gave them a verbal report but they will be giving him a written report. He stated that everything went well but is some room for improvement.

PRIVILEGE OF THE FLOOR: No Comments.

MEETINGS & CORRESPONDENCE: Supervisor DeCarlo stated the first August sales tax remittance is in. The current transfer is 7.2% greater than the corresponding 2024 amount. Year-to-date transfers are running at 6.38% ahead of last year at this time.

APPROVAL OF ABSTRACT 8: Supervisor DeCarlo read the Abstract (8 of 2025):

ABSTRACT 8 of 2025

*Prepaid and unpaid as of 8/12/25 Total Claims **\$ 105,456.41**

Gen Fund Town wide Vouchers Totaling: **\$ 64,442.62**

Gen Fund – Part Town Voucher Totaling: **\$ 28,046.36**

Highway T.W. Vouchers Totaling: **\$ 8,850.63**

Highway P.T. Vouchers, Totaling: **\$ 1,517.91**

Street Lighting: Voucher Totaling: **\$ 2,598.89**

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

PAYROLL (2 pay periods):

General Town Wide Payroll 6/15/25-7/12/25 – Totaling **\$ 88,790.24**

General Part Town Payroll 6/15/25-7/12/25 Totaling: **\$ 1,366.34**

Highway Payroll TW 6/15/25-7/12/25 Totaling: **\$ -**

Highway Payroll PT 6/15/25-7/12/25 Totaling: **\$ 9,803.55**

Supervisor DeCarlo motioned to approve Abstract 8 of 2025, seconded by Councilwoman Brady. 4 ayes, 1 nay.

Roll Call was taken:

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

MOTION CARRIED.

Supervisor DeCarlo announced the next regular Town Board meeting to be held September 9th, 2025 at 7:00 PM.

RATIFYING THE PRIOR-APPROVAL OF HIRING A PART TIME CLEANER: Supervisor DeCarlo stated that the board pre-approved via electronic vote the hiring of Heidi Baniszewski as part time cleaner at the town hall as budgeted at an hourly rate of \$18.25 not to exceed 19 hours a week. After 6 months wage will increase to \$19.80/hr. Supervisor DeCarlo motioned to approve, seconded by Councilwoman Marien. 5 ayes, 0 nays.

Roll Call was taken:

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

MOTION CARRIED.

At 8:15 pm, Supervisor DeCarlo motioned to adjourn the meeting in memory of Mary Mueller, Jim Shea and Joseph “Papa Joe” Furlano, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

Respectfully submitted by,

Kristen Podkulski
Brant Deputy Town Clerk