

This First Regular Meeting of the Brant Town Board was held on Tuesday January 10, 2023 at the Brant Town Hall, located at 1272 Brant North Collins Rd, Brant, New York at 7:00 PM.

Present were:

Mark DeCarlo	Supervisor
Donna Marien	Councilwoman
Linda Giancarlo	Councilwoman
Janice Ross	Councilwoman
Michael Muffoletto	Councilman
Amanda Palmer	Recording Secretary

ABSENT: Barbara Daniel/Town Clerk

ALSO, PRESENT AND LEGIBLY SIGNED IN WERE:

Debra Ritz	Resident
Patty Friend	Town Historian
Lynda Ostrowski	Sec to Boards
Joe Ostrowski	Planning Board Chair
Brian Rott	Resident
Daryl Novoa	Highway
Kristen Podkulski	Resident
Maria Otrosinka	Resident
Joe Giancarlo	Resident
Mark Slawek	Chief of Police
Joe DeCarlo	Assessor
Beth Czaster	Resident
Zach Militello	Resident
Peter Czaster	Highway Dept
Evan Russell	Resident
Ellsworth Nolan	Highway Superintendent
Allen Nolan	Building Superintendent
Gina Hallmark	Resident
Kevin Bartus	Resident
Diane Garrido	
Dolly Huffnagle	Farnham Concert & Village Trustee
Tracy Kaczmarek	Supervisor's Secretary
Jackie Hoisington	Farnham Deputy Clerk
Jere Hoisington	Mayor of Farnham

The meeting opened at 7:00 PM.

THE MEETING OPENED WITH A PLEDGE TO THE FLAG

MINUTES of the December 13 ,2022 REGULAR TOWN BOARD MEETING Councilwoman Giancarlo motioned to approve the minutes of the meeting and was seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

SUPERVISOR'S NOVEMBER 2022 FINANCIAL REPORT: Tabled

TOWN CLERK/TAX COLLECTOR'S NOVEMBER FINANCIAL REPORT: Councilwoman Giancarlo made a motion to approve the report, seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED**

COURT CLERK'S NOVEMBER 2022 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 November 2022, and was seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

DOG CONTROL OFFICER'S REPORT FOR NOVEMBER 2022: TABLED

POLICE REPORT FOR DECEMBER, 2022: Chief Slawek read the Police report. He commended two officer's for being observant. First commendation acknowledged Officer Patrick O'Donnell for performing a welfare check on a car traveling very slow on Old Lake Shore Road. Upon performing the check, he detected the odor of marijuana and upon closer inspection, found 6 lbs of marijuana in the vehicle. The other commended Officer was Officer Kevin Dalton for noticing that a State Park building had been left open with Park equipment left vulnerable. The building was later secured when the officer followed up on the situation. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

HIGHWAY REPORT for DECEMBER 2022: Superintendent Ellsworth Nolan presented his report. He advised that he has now retired from the Chief position from Farnham after twenty years, and the new Chief is now Evan Russell. The Highway Superintendent also commended the Highway staff for a job well done during the storm. Supervisor DeCarlo made a motion to the report as read, and was seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

TOWN CLERK'S DECEMBER 2022 ACTIVITY REPORT TO THE BOARD: Supervisor DeCarlo read the Town Clerk's December 2022 report. The Supervisor noted the attached Dog Census sample wherein the Town Clerk is asking to enclose the Census form with the 2023 Tax Bills in an effort to speed up the census and save money on the mailing. The Town Board will approve the report as read, and then discuss the census form. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

DOG CENSUS FORM DISCUSSION: The Town Board briefly discussed the Dog Census form. Attorney Trask then noted that the Town Board must put into consideration what the Town's responsibility will be with respect to the Intermunicipal Agreement with the Town of Evans regarding dog control. The decision was then tabled.

PLANNING BOARD MINUTES: The Planning Board secretary presented the January Planning Board report. Councilwoman Ross advised to be sure the Town Clerk's Office receives a copy of all training certificates. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

TOWN HISTORIAN REPORT: Town Historian Patty Friend presented her report for the Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

BRANT FARNHAM SENIORS REPORT FOR JANUARY 4, 2023: The report was read by Councilwoman Ross. Councilwoman Ross motioned to approve the report, and seconded by Supervisor DeCarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

CODE ENFORCEMENT: Gary Brecker read his report. Supervisor DeCarlo motioned to approve the report as read, seconded by the balance of the Town Board. 5 ayes, 0 nays. **MOTION CARRIED.**

NEW BUSINESS:

APPROVAL TO SPEND THE 2023 TOWN HIGHWAY FUNDS: Supervisor DeCarlo motioned to approve the Agreement to spend the Town Highway funds and he requested the members of the Board to sign the Agreement today. Supervisor DeCarlo asked his secretary for clarification of which part to sign. Part one was the area where signatures are required. Part two should be crossed out and initialed. Councilman Muffoletto seconded the motion. 5 ayes, 0 nays. **MOTION CARRIED.**

DOG CONTROL INTERMUNICIPAL AGREEMENT WITH TOWN OF EVANS:

Supervisor DeCarlo spoke regarding Dog Control changes. To save money and eliminate liability, the Town of Brant will contract with the Town of Evans for Dog Control Services through a Shared Services agreement. The Supervisor discussed three additional agreements that would be required. One with the SPCA, Jamco, and Eden Vet. The Town Attorney questioned whether the Town needs direct agreements with the additional agencies. He added that under our "Draft" Dog Control Intermunicipal agreement, Evans is responsible for paying those. He suggested authorizing entering into those agreements subject to Town Counsel verifying the additional agreements are actually required. He felt they were not required under New York State law. He added that the Town should then fall under the Town of Evans for those agreements.

Supervisor DeCarlo asked if the Town Board had any questions. Councilwoman Marien asked if the Town of Brant is going to be their back up. The Attorney responded that the only responsibilities to be retained by the Town of Brant will be the issuing of licenses and keeping a Town wide record of all of dog owners. It was noted that the fine details of the Agreement are still being worked out. The Town Attorney then advised the Town Board to authorize the Supervisor to enter into the Intermunicipal Dog Control Agreement with the Town of Evans, and if required, the Agreement with SPCA, Jamco, and Eden Vet. Councilman Muffoletto asked what will happen if we were required to sign all of the Agreements, who would be responsible financially for expenses. Attorney Trask responded according to the Intermunicipal Agreement; the Town of Evans will be fully responsible. Trask added that the lump sum payment of \$7,500 to the Town of Evans provides that Evans will be responsible for all expenses of the service.

After open discussion and with input from the Town Attorney, the following resolution was put forth;

RESOLVED, to authorize the Town of Brant Supervisor to enter into and sign all required agreements for the Town of Evans to provide Dog Control Services to the Town of Brant, subject to the Brant Town Attorney's final approval of Terms and Conditions. The cost of the Service will be \$7,500 and will cover all expenses incurred by the Town of Evans.

Councilman Muffoletto motioned to approve the foregoing resolution, seconded by Councilwoman Giancarlo.

Roll Call vote:

Councilman Muffoletto-aye
Councilwoman Giancarlo-aye
Councilwoman Marien-aye
Councilwoman Ross-aye
Supervisor DeCarlo-aye.

5 ayes, 0 nays. **RESOLUTION ADOPTED**

Supervisor DeCarlo stated that Evans asked for a formal resolution authorizing the Town of Evans Dog Control Officers to appear for any arising court issues, for enforcement purposes, if necessary.

RESOLVED, to authorize the Town of Evans Dog Control Officer(s) to appear in the Town of Brant Justice Court for the purpose of enforcing Dog Control laws as necessary, in accordance with the Dog Control Intermunicipal Agreement with the Town of Evans.

Supervisor DeCarlo motioned to approve the resolution, seconded by Councilwoman Giancarlo.

Roll Call vote:

Supervisor DeCarlo-aye
Councilwoman Giancarlo-aye
Councilman Muffoletto-aye
Councilwoman Marien-aye
Councilwoman Ross-aye

5 ayes, 0 nays. **RESOLUTION ADOPTED**

CPR CLASSES: Councilwoman Giancarlo stated that she had spoken with Supervisor DeCarlo about having a CPR class for residents. Supervisor DeCarlo added that he would like to have something put together within the next 30 days and mentioned the possibility of the Red Cross being involved. Councilwoman Giancarlo stated she will also talk to the Brant Fire Department. Evan Russell spoke about a class being presented in February for the seniors. Evan also advised there are two different types of CPR classes. If Red Cross will be involved, they must be told which type. One is First Responder and the other is a Citizen one.

EVANS DISPATCH AGREEMENT: Supervisor DeCarlo discussed the approval of the 2023 Dispatch Agreement with the Town of Evans. The Agreement shall run from January 2023 to December of 2025. The cost of the Agreement shall raise by \$500 per year for the next three years. *[clerk's note: the previous contract which ended December 31, 2022 was in the amount of \$7,000]*. Supervisor DeCarlo motioned to approve the contact, seconded by Councilwoman Ross. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Ross-aye, Councilwoman Giancarlo-aye, Councilman Muffoletto-aye, Councilwoman Marien-aye. 5 ayes, 0 nays. MOTION CARRIED.

2023 FIRE/AMBULANCE CONTRACT APPROVAL: Councilman Muffoletto motioned to approve the Fire and Ambulance contracts per the budgeted 2023 amounts. *[clerk's note: Fire Protection Brant Budget line SF3410.4= \$137,488, Fire Protection Farnham Budget line SF3410.41= \$122,310, Fire Protection N. Collins Budget line SF3410.42= \$10,470, Farnham Ambulance Budget line B4540.4= \$47,976.00]* Councilwoman Giancarlo seconded the motion. A roll call vote was taken: Councilman Muffoletto-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye, Councilwoman Ross-aye, Supervisor DeCarlo-aye. 5 ayes, 0 nays. MOTION CARRIED.

COMMITTEE REPORTS:

Village Trustee Dolly Huffnagle spoke regarding the upcoming Summer Concert Series. Concerts begin July 10th and end on August 14, 2023.

TOWN BOARD REPORTS:

Councilwoman Ross- Questioned the "For Rent" sign on the Weitsman Property. Joe Ostrowski stated that he didn't believe the property can be rented for Commercial Use.

Councilwoman Giancarlo- Brant Summer Festival plans have begun for June 16 and 17, 2023. This will be the 20th Anniversary of the festival.

Councilwoman Marien- Thank Allen Nolan for getting the tree for the Tree Lighting Ceremony and thanked all who attended. She added that she paid for the tree so no one has to go to jail.

Supervisor DeCarlo- Nothing to report

Councilman Muffoletto – Nothing to report

PRIVILEGE OF THE FLOOR:

Beth Czaster, 438 Commercial Street: Asked the Town Board what the procedure is to get FOIL's filed properly to ensure timely responses. Supervisor DeCarlo responded that the Town Clerk handles FOIL request and since she is not present, he responded a brief note of the procedure. He explained that sometimes information being requested may require research, and some personal information may require redaction. He noted that he has seen her requests and find they are being handled properly. She thanked the Supervisor.

The **Mayor of Farnham**, Jere Hoisington, was acknowledged by the Supervisor. The Town Board wished him a happy birthday. The Mayor advised the Supervisor that they will be hosting the Memorial Day services and asked the Supervisor if Tracy was the person to go to for assistance. The Supervisor said yes. *[clerk's note: the Memorial Park located at the four corners in Brant is usually the Town's location for their annual Memorial Day service, but as a result of a motor vehicle accident at the corner, the Park is temporarily unavailable]*. Councilwoman Marien suggested that a large tree be planted in the Memorial Park. Councilwoman Ross asked when they will be working on the repairing the park. Supervisor DeCarlo stated the insurance is working it out. Some of the expenses will not be covered, such as the landscaping.

Kevin Bastus and Gina Hallmark of 1484 Brant North Collins Rd: Gina asked if there is anything they can do about a neighboring properties cats. She explained they are killing animals on their property and defecating on their property. She added that she spoke with the DCO several times. Supervisor DeCarlo noted that there is probably no remedy. Bartus noted that the Brant Police have been more than helpful and have bent over backwards to help them. They stated Catherine has gotten the State Police involved and Bartus and Hallmark felt it was a waste of Community resources. Gina complained that Eimers posted a Facebook plea for donations in the name of her wildlife business to be able to pay for a stockade fence to be put up between their properties. They also explained the sign containing profanity that they hung was meant to stop her from parking her car in their direction with the high beams on and loud music playing. She added that has now stopped.

Diane Garrido: Diane Garrido spoke stating that her name is on the NYS license for the Rehab Rez located next door Kevin Bartus. She added that it is not on the paperwork by choice. She stated Catherine Eimers has 25 cats in her house and there needs to be a law against owning that many cats. Chief Mark Slawek responded that the SPCA told him there is no limit on the number of cats a person can own. It would have to be a municipal law. Diane closed by saying, if something happens with the Rehab Rez, she has nothing to do with it.

Discussion regarding the new electric Streetlighting bills after the LED light conversion: Councilwoman Marien noted that we will need to monitor the electric bills to ensure correct billing. The conversion occurred over the course of 3 months.

Meetings & Correspondence:

- The 1st January sales tax remittance is in. The current transfer rate is 8.01 % greater than the corresponding 2022 amount. Year-to-date transfers are running 5.01 % above last year at this time.
- We received the 4th Qtr Sales Tax Distribution of \$135,247.37. Sales Tax distribution for 2022 came in 11% over the budgeted amount.

Supervisor DeCarlo read the Abstract:

ABSTRACT 13 of 2022

*Prepaid and unpaid as of 1/10/23 Total Claims **\$ 38,127.18**

Gen Fund Town wide Vouchers Totaling: **\$ 30,895.46**
Gen Fund – Part Town Voucher Totaling: **\$ 59.35**
Highway T.W. Vouchers Totaling: **\$ 6,332.83**
Street Lighting: Voucher Totaling: **\$ 839.54 (Carried over credit)**
Brant Water Dist 1 (SS2&SW): – Totaling \$

LAST PAYROLL 2022 (Some 2023 accrued) (3 pay periods):

General Town Wide Payroll 11/20/22-12/31/22 – Totaling **\$ 71,677.30**
General Part Town Payroll 11/20/22-12/31/22 Totaling: **\$1,112.49**
Highway Payroll TW 11/20/22-12/31/22 Totaling: **\$16,048.68**
Highway Payroll PT 11/20/22-12/31/22 Totaling: \$

ABSTRACT 1 of 2023

*Prepaid and unpaid as of 1/10/23 Total Claims **\$ 15,742.98**

Gen Fund Town wide Vouchers Totaling: **\$ 10,045.82**
Gen Fund – Part Town Voucher Totaling: **\$ 180.00**
Highway T.W. Vouchers Totaling: **\$ 1,602.16**
Brant Water Dist 1 (SS2&SW): – Totaling **\$3,915.00**

Supervisor DeCarlo motioned to approve Abstract 13 of 2022 and Abstract 1 of 2023, seconded by Councilwoman Marien. A roll-call vote was taken: Supervisor DeCarlo-aye, Councilwoman Marien-aye, Councilwoman Giancarlo-aye, Councilman Muffoletto-aye, Councilwoman Ross-aye. 5 ayes, 0 nays.

MOTION CARRIED.

Supervisor DeCarlo announced the next regular Town Board meeting will be Tuesday February 14, 2023 at 7 PM.

At 8:02 pm Supervisor DeCarlo motioned to Adjourn in memory of Raymond Dunkel and Jeanette Mirusso. Councilman Muffoletto seconded the motion. 5 Ayes, 0 Nays **Motion Carried.**

Respectfully submitted by,

Barbara J Daniel
Brant Town Clerk