

This First Regular Meeting of the Brant Town Board was held on Tuesday August 8, 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
Barbara Daniel	Recording Secretary

ALSO, PRESENT AND LEGIBLY SIGNED IN WERE:

Jeffrey Souder	Assemblyman DiPietro Representative
Margaret Pantera	Resident
Debra Ritz	Planning Board member
Brian Rott	Resident
Patty Friend	Town Historian
Lynda Ostrowski	Sec to Boards
Joe Ostrowski	Planning Board Chairman
Ellsworth Nolan	Highway Superintendent
Kristen Podkulski	Resident
Joe Giancarlo	Resident
Maria Otrosinka	Resident
Mark Slawek	Chief of Police
William Ford	Resident
Debbie Kloss	Resident

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

APPROVE MINUTES of the JULY 11, 2023 REGULAR TOWN BOARD MEETING: Councilwoman Giancarlo motioned to approve the minutes of the meeting and was seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

SUPERVISOR'S FINANCIAL REPORT: Councilwoman Giancarlo motioned to approve the Supervisor's Financial report, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

TOWN CLERK/TAX COLLECTOR'S JUNE 2023 FINANCIAL REPORT: Supervisor DeCarlo made a motion to approve the Town Clerk's June 2023 Financial report, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED**

COURT CLERK'S JUNE 2023 FINANCIAL REPORTS FOR KACZMAREK & GIER REGULAR AND BAIL ACCOUNTS: Councilwoman Ross motioned to approve both Bail and Regular Financial accounts for Justice Kaczmarek's & Justice Gier for June 2023, seconded by Supervisor DeCarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

POLICE REPORT FOR JULY 2023: Chief Mark Slawek presented the July police activity report. Assisted Dog Control three times. Sixty premise checks. One funeral escort. 349 gallons of fuel used, 5,005 miles.

Councilwoman Ross asked why one of the new cars has 27,000 miles on it already and the other has 6. Response was one of the vehicles has the plate reader. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

HIGHWAY SUPERINTENDENT REPORT: The Highway Superintendent presented his July Highway Report. He listed 637 miles total for the vehicles, 290 gallons of fuel used. Maintenance performed on the equipment. Brush chopped the fields at the Park. Helped clean fallen trees at the groves after storm. Put a patch on one of the grove roofs. Hauled chipping stones. Shared services with Village of North Collins, Village of Farnham and Town of Evans Highway. Councilman Muffoletto commended the joint effort of the Parks department and highway for the job cleaning the park after the storm. He then asked about the insurance status for having the large grove roof repaired after a tree fell through the roof. The Supervisor will look into it. It was mentioned that a metal roof should be put on the grove. Councilwoman Ross motioned to approve the report as presented, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

TOWN CLERK'S JULY 2023 ACTIVITY REPORT TO THE BOARD: The Town Clerk read her July 2023 Activity report. She then advised the Town Board of the 3 quotes she received for a new printer. After comparing the prices, and printers, she asked the Town Board to approve a purchase from Copier Fax who has been doing business with the Town Clerk's office for over 20 years. The printer chosen would produce 45 pages per minute compared to 25 pages per minute, while the price is comparable. The printer options were briefly discussed by the Board. Copier Fax quoted of \$117.57 per month for a 60-month lease. An additional \$36 per month would also be charged for maintenance, repairs and supplies. The total monthly charge would then be \$153.57. After much discussion, Supervisor DeCarlo motioned to approve the 60-month lease with Copier Fax. Councilwoman Marien seconded the motion. 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.**

Approval of the Town Clerk's Activity report: Supervisor DeCarlo motioned to approve the Town Clerk's report as read, seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

PLANNING & ZONING BOARD REPORTS: No reports were presented

RECREATION REPORT: No report was presented.

TOWN HISTORIAN REPORT: Town Historian Patty Friend presented her report for the July meeting. She mentioned a \$5,000 grant offer from Legislator Mills. The next Historical meeting meeting will be the third Saturday of the month, August 19 from 9 am to noon. Councilwoman Giancarlo motioned to approve the report as read, seconded by Supervisor DeCarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

PARK'S REPORT: No report presented.

BRANT FARNHAM SENIORS REPORT FOR AUGUST 2023: There will be no report for August because the Senior's held their picnic instead.

CODE ENFORCEMENT OFFICER'S REPORT: Councilwoman Giancarlo read the report for July. It was noted that a list of homes in need of demolition or repair will be presented by CEO David Rice next month. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

OLD BUSINESS:

Supervisor DeCarlo mentioned the Pickleball bid award will be announced after a brief executive session at the end of the meeting. The session would be for Contractual reasons.

NEW BUSINESS:

Supervisor DeCarlo presented the following resolution:

**RESOLUTION OF THE BRANT TOWN BOARD
DECLARING LEAD AGENCY STATUS UNDER SEQRA
(Amendment of Brant Zoning Law)**

WHEREAS the Town Board of the Town of Brant, Erie County, New York is considering amending certain provisions of the Brant Zoning Law relative to Discontinuance of Nonconforming Uses, and

WHEREAS, the Town Board seeks to commence proceedings pursuant to the requirements of the State Environmental Review Act ("SEQRA"), 6 NYCRR Part 617,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Brant hereby declares itself as "Lead Agency" for the purposes of compliance with SEQRA, 6 NYCRR Part 617 in connection with this project, and it is further

RESOLVED, that the Town Board shall undertake and complete all duties and obligations as "Lead Agency" as required by 6 NYCRR Part 617 and it is further

August 8, 2023

Councilman Muffoletto motioned to adopt the resolution as presented, and was seconded by Supervisor DeCarlo. A roll call vote was taken: Councilman Muffoletto-aye, Supervisor DeCarlo-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye, Councilwoman Ross-aye. 5 ayes, 0 nays. **RESOLUTION ADOPTED.**

REFER PROPOSED LOCAL LAW TO PLANNING BOARD FOR FURTHER REVIEW: Attorney Trask advised the Town Board to refer the revised proposed local law to the Planning Board for review and report to the Town Board. Supervisor DeCarlo motioned to review the proposed law to the Planning Board for review, and was seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

UPDATE TOWN EXEMPTION FOR SENIOR CITIZENS OR DISABLED CITIZENS: Supervisor DeCarlo noted that an income limit increase is due for the exemptions received by Seniors and disabled residents. Attorney Trask stated that the last update to the income limit was in 2002 in the amount of \$15,000. He advised the Board to determine what they would like to change the income limit to, and he will work with the assessor's office to determine the revenue impact. Once the increase is determined, a local law will be proposed to amend the 2002 local law which will require a public hearing. The Town Board decided they will need more discussion on the increase to the income limit, and involve the Assessor's office. No action was taken.

RESOLUTION OPPOSING THE NYS SENTATE BILL NUMBER S-001398 AND ASSESMBLY BILL A-1358B WHICH WOULD REQUIRE ALL JUDGES RESIDING IN THE 100 LARGEST TOWNS AND VILLAGES TO BE LICENSED TO PRACTICE LAW:

Town of Brant, New York
Resolution in Opposition to New York State Senate Bill S-00139B and
Assembly Bill A-1358B

WHEREAS, New York Senate Bill number S-00139B has been passed which, if adopted by the NYS Assembly (A 1358-B) and signed by the Governor, would require all Judges presiding in the 100 largest Town and Village Courts to be licensed to practice law in the State and to have been admitted to the NYS Bar for at least five years; and

WHEREAS, The Town and Village Courts in Erie County are among the nearly 1,200 Justice Courts in the State of New York that collectively handle close to 1 million cases each year; and

WHEREAS, The Town and Village Courts are known as the “Courts Closest to the People” and have broad jurisdiction, presiding over civil and criminal matters, thereby performing a vital role in the New York State Unified Court System; and

WHEREAS, The Town Court of Brant is a vital service to our residents and the Erie County community as a whole; and

WHEREAS, The Justices in Erie County’s Town and Village Courts have pledged to be ever mindful of their neutrality and impartiality, and render equal justice to all, while continually adhering to judicial rules of ethics and pronouncements of the New York State Commission on Judicial Conduct; and

WHEREAS, The Justices are required to be on-call 24 hours a day, 365 days a year to review/sign arrest and search warrants, perform arraignments, and issue orders of protection; and

WHEREAS, The Justices of Town and Village Courts ensure that the rights afforded to defendants by the Constitutions of the United States and the State of New York are provided and protected; and

WHEREAS, The Justices of Town and Village Courts preside over trials involving misdemeanor and violation level offenses, thereby ensuring that the victims of those offenses can be heard; and

WHEREAS, The Town and Village Courts provide a venue for Citizens to pursue a low-cost and efficient procedure for individuals to resolve civil disputes and landlord/tenant matters; and

WHEREAS, The Justices also preside nightly and on weekends and holidays, ensuring that arrested citizens are promptly afforded legal representation, the opportunity to plead to alleged charges, and to be considered for release, bail, or incarceration; and

WHEREAS, The Justices continually strive to improve the administration of justice through participation in mandatory education programs, seminars, meetings of the Erie County Magistrates Association and the New York State Magistrates Association; and

WHEREAS, The New York State Office of Court Administration must certify all as having successfully completed mandatory training both following election and in each subsequent year; and

WHEREAS, The New York State’s Commission of Judicial Conduct’s most recent annual report (2023) identifies that only 13% of the complaints filed against the judiciary were against Town and Village judges while the remaining complaints were against either “State-paid” judges, (constituting approximately 40% of the judiciary) who accounted for approximately 67% of the complaints received, or against non-judicial entities (20%); and

WHEREAS, This Bill attempts to usurp the right of voters to elect those in their communities that they believe to be fair and impartial, and who would best serve that community, whether they be attorneys or non-attorneys; and

WHEREAS, This Bill implicitly suggests that members of a community are incapable of making informed decisions about who should sit in judgment of matters from the straight-forward to the highly complex as may arise in their local courts; and

WHEREAS, this legislative body views the intention of this Bill is not to actually improve the courts, but a blatant and unconscionable attempt by the New York State Bar Association, an organization that represents approximately only fifteen percent (15%) of the State's attorneys, to generate increased opportunities for its members, and to dictate who voters may choose to serve in our local governments;

NOW THEREFORE, BE IT RESOLVED, That the Governing board of the Town of Brant strongly, and in unequivocal terms, calls on both the leadership in the Senate and Assembly, and the Governor to reject this poorly conceived and hastily fashioned seizure of voters' rights to determine, for themselves, who they would choose to sit as their judges as has been the case for almost two hundred years.

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

Supervisor DeCarlo	Voting Aye
Councilwoman Giancarlo	Voting Aye
Councilman Muffoletto	Voting Aye
Councilwoman Marien	Voting Are
Councilwoman Ross	Voting Aye

5 ayes, 0 nays. **MOTION CARRIED**

TOWN BOARD REPORTS:

SUPERVISOR DECARLO: Erie County Municipal Planning has awarded a \$30,000 grant to rework the Comprehensive Master Plan. The grant will require no matching. A committee must be formed. He stated that for the next meeting, he will have the written proposal for the Board to review before he signs the agreement. He also advised the Board that he and Councilman Muffoletto met with Congressman Nick Langworthy last week to discuss some of the needs of the Town. Councilman Muffoletto stated they discussed grants to purchase equipment for the Highway. Supervisor DeCarlo then stated he reached out to Senator Gallivan to ask for funding to improve the Town Hall parking lot and the lighting. It was mentioned the Town may be given up to \$100,000.

COUNCILWOMAN GIANCARLO: Councilwoman Giancarlo spoke about the proposed "Information Sign" for the Brant Town Park. She contacted Farnham to see who they used for their sign. She was quoted \$9,200 for the sign. She then announced that the Pero and Chiavetta families will be covering the cost of the sign. The sign will bare the following verbiage: "This sign donated by the Pero and Chiavetta families" so the community knows who paid for it. The Town would need to have the sign installed. Both families are excited about participating in the project. Councilwoman Giancarlo congratulated both families for covering the expense and saving the taxpayers money.

Attorney Trask asked if the purchase was under the procurement limits and advised that there should be a formal RFP/purchase agreement from a vendor, and it would require prevailing wage since it's a public work. If Town employees do the install, prevailing wage is not required.

At this time, Supervisor DeCarlo motioned to approve the purchase of the park sign, pending Town Counsel's approval. Councilman Muffoletto seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilman Muffoletto-aye, Councilwoman Giancarlo-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye, Councilwoman Ross-aye. 5 ayes, 0 nays. MOTION CARRIED.

Councilwoman Giancarlo then noted a meeting she had seeking help from the County regarding the abandoned and dilapidated buildings in the Town of Brant. She spoke with the Town's CEO and he is putting together a list of the buildings in need of demolition or repair.

COUNCILWOMAN MARIEN: Councilwoman Marien announced the picnic tables were delivered to the Town by Bud Kusior for \$150.00. They arrived on August 1st. Buildings and grounds will examine the old picnic tables as they put out the new ones, and decided which are worthy of continued use. They may be listed as surplus. The last eWaste & tire disposal event will be held on the last Saturday of August. The date is August 26th.

COUNCILWOMAN ROSS: Nothing to report

COUNCILMAN MUFFOLETTO: Nothing to report

PRIVILEGE OF THE FLOOR:

BILL FORD of 50 Surfside Drive. Mr. Ford addressed the Town Board about a drainage problem at his address. He suggests the Town Board visit his location to see the problem.

Debbie Kloss of 38 Surfside Drive. Ms. Kloss addressed the same drainage problem on Surfside that also affects her property. She described the flow of the water and how it floods her basement and yard.

After discussion, Supervisor DeCarlo requested her contact information and stated they will visit the location to address the problem.

Meetings & Correspondence:

- The first August sales tax remittance is in. The current transfer rate is 5.28 % greater than the corresponding 2022 amount. Year-to-date transfers are running 3.47% above last year at this time.

Supervisor DeCarlo announced the next regular Town Board meeting will be Tuesday September 12, 2023 at 7 PM.

Supervisor DeCarlo read the Abstract (8 of 2023):

ABSTRACT 8 of 2023

*Prepaid and unpaid as of 8/8/23 Total Claims **\$ 35,046.66**

Gen Fund Town wide Vouchers Totaling: **\$ 20,661.23**

Gen Fund – Part Town Voucher Totaling: **\$ 8,581.40**

Highway T.W. Vouchers Totaling: **\$ 0**

Highway P.T. Vouchers, Totaling: **\$ 3,510.92**

Street Lighting: Voucher Totaling: **\$ 2,293.11**

Brant Water Dist 1 (SS2&SW): – Totaling \$ 0

PAYROLL (2 pay periods):

General Town Wide Payroll 7/15/23-8/4/23 – Totaling \$ **102,749.04**

General Part Town Payroll 7/15/23-8/4/23 Totaling: \$ **756.34**

Highway Payroll TW 7/15/23-8/4/23 Totaling: \$ **0**

Highway Payroll PT 7/15/23-8/4/23 Totaling: \$ **5,476.30**

Supervisor DeCarlo motioned to approve Abstract 8 of 2023, 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.**

At this time, Supervisor DeCarlo mentioned that the Town Board will be holding a short executive session for contractual and personnel reasons. He advised that following the executive session, the Board will be voting to award the pickleball contract to the winning bidder. For those who will not remain until the end of the meeting, he announced the names of those who the meeting will be in memory of.

At 8:05 pm, Supervisor DeCarlo motioned to enter executive session for personnel and contractual reasons, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

At 8:25 pm, Supervisor DeCarlo motioned to close the executive session, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

At 8:30 pm, Supervisor DeCarlo motioned to adjourn the meeting in memory of Eugene Myers, Madelyn Borosky, David Berns, Carol Gassman, Joseph Gardyjan, Michele Kujawinski, Dan Jasinski and John Zambanini. Councilman Muffoletto seconded the motion. 5 ayes, 0 nays. **MOTION CARRIED.**

Respectfully submitted by,

Barbara J Daniel
Brant Town Clerk