

This First Regular Meeting of the Brant Town Board was held on Tuesday October 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
Janice Ross	Councilwoman
Michael Muffoletto	Councilman
Barbara Daniel	Recording Secretary

ABSENT WAS:

Linda Giancarlo	Councilwoman
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ALSO, PRESENT AND LEGIBLY SIGNED IN WERE:

Meg Pantera	Resident
Lynda Ostrowski	Sec to Boards
Ellsworth Nolan	Highway Superintendent
Patricia Friend	Town Historian
Daryl Novoa	Highway
James George	Resident
Allen Nolan	Caretaker
Kristen Podkulski	Resident
Mark Slawek	Chief of Police
Thomas Bieda	Resident
Brian Rott	Resident
Debra Ritz	Resident
Beth Czaster	Resident
Chad Kaczmarek	Resident/Town Justice
Mike Donlin	Resident

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

APPROVE MINUTES of the SEPTEMBER 12, 2023 REGULAR TOWN BOARD

MEETING: Supervisor DeCarlo motioned to approve the September 12th minutes and was seconded by Councilwoman Giancarlo. 4 ayes, 0 nays. **MOTION CARRIED.**

SUPERVISOR'S FINANCIAL REPORT: Councilwoman Ross motioned to approve the Supervisor's Financial Report, seconded by Councilman Muffoletto. 4 ayes, 0 nays. **MOTION CARRIED.**

TOWN CLERK/TAX COLLECTOR'S AUGUST 2023 FINANCIAL REPORT: Councilman Muffoletto made a motion to approve the Town Clerk's August 2023 Financial report, seconded by Councilwoman Marien. 4 ayes, 0 nays. **MOTION CARRIED**

COURT CLERK'S AUGUST 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 August 2023, seconded by Councilwoman Marien. 4 ayes, 0 nays. **MOTION CARRIED.**

POLICE REPORT FOR SEPTEMBER 2023: Chief Mark Slawek presented the September police activity report. When asked about the applicants mentioned at last month's meeting, Slawek stated they had not received applications yet. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Ross. 4 ayes, 0 nays. **MOTION CARRIED.**

HIGHWAY SUPERINTENDENT REPORT: The Highway Superintendent presented his September Highway Report. Supervisor DeCarlo motioned to accept the report as read, seconded by Councilman Muffoletto.

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

TOWN CLERK'S SEPTEMBER 2023 ACTIVITY REPORT TO THE BOARD: The Town Clerk read her September 2023 Activity report. The Town Clerk presented her report for September. The Supervisor then motioned to accept the Town Clerk's report as presented. Councilwoman Ross seconded the motion. 4 ayes, 0 nays. **MOTION CARRIED.**

PLANNING & ZONING BOARD REPORT: Secretary Ostrowski advised that no meeting was held in September, and added that the November meeting will be changed from November 7 to November 8 at 7:00 pm because of the election.

CODE ENFORCEMENT OFFICER'S REPORT: No report was presented for September.

RECREATION REPORT: No report was presented.

TOWN HISTORIAN REPORT: Historian Patty Friend stated no meeting was held but wanted to mention that Janice and Neil Ross donated \$100.00 to the Historical Society. The Notaro family donated a gold jacket and skirt set. She then presented this month's report. In the report she mentions a donation from the post office which consists of a 1927 book entitled "The Examination of the Town of Brant". It was regarding an examination done by the NYS Comptroller's office. She noted that the next historical meeting will be held October 21st. Councilwoman Ross motioned to approve the report as read, seconded by Councilwoman Marien. 4 ayes, 0 nays. **MOTION CARRIED.**

BRANT FARNHAM SENIORS REPORT FOR OCTOBER 6TH 2023: The Secretary presented her report for the October meeting. The Senior's Christmas party will be held at the Colony House on Sunday December 10th. The next meeting will be held on Wednesday November 8th. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Marien. 4 ayes, 0 nays. **MOTION CARRIED.**

OLD BUSINESS: No old business presented

NEW BUSINESS:

SET PUBLIC HEARING FOR CDBG 2024-2025: Supervisor DeCarlo motioned to set the public hearing for the annual CDBG Grant funding and Rural Transit for Tuesday November 14th at 7:30 PM. Councilman Muffoletto seconded the motion. 4 ayes, 0 nays. **MOTION CARRIED.**

SEVERAL DATES WERE THEN SET FOR THE FOLLOWING:

- **SET 2024 BUDGET WORKSHOP DATE:** Supervisor Mark DeCarlo motioned to set Thursday October 19th at 7:00 PM for a budget workshop. The workshop will be held in the Conference room of the Town Hall. Councilwoman Ross seconded the motion. 4 ayes, 0 nays. **MOTION CARRIED.**
- **SET PRELIMINARY BUDGET PUBLIC HEARING:** Supervisor DeCarlo motioned to set the Budget Public hearing for Thursday November 9th at 7:00 pm. Councilwoman Marien seconded the motion. 4 ayes, 0 nays. **MOTION CARRIED.**
- **SET HOURS FOR TRICK OR TREATING:** Supervisor DeCarlo motioned to set the hours for trick or treats in the Town of Brant and Village of Farnham. The hours of 6 pm to 8 pm were set for Tuesday October 31st. Supervisor DeCarlo motioned to approve the hours of 6 to 8

pm for Halloween night, seconded by Councilwoman Marien. 4 ayes, 0 nays. MOTION CARRIED.

- **TRUNK OR TREAT:** Councilwoman Ross mentioned that the date for Trunk or Treats will be Sunday October 29th from 5 pm to 7 pm. The event will be held at the Brant Town Hall. Supervisor DeCarlo motioned to accept the October 29 date for the Trunk or Treat, seconded by Councilwoman Marien. 4 ayes, 0 nays. MOTION CARRIED.

HIGHWAY REQUEST TO HIRE M.E.O.: The Highway Superintendent then requested approval to hire Andrew John as Motor Equipment Operator at a rate of \$22.00 per hour. Supervisor DeCarlo motioned to approve the appointment, seconded by Councilman Muffoletto. A roll call vote was taken: Supervisor DeCarlo-aye, Councilman Muffoletto-aye, Councilwoman Marien-aye, Councilwoman Ross-aye. 4 ayes, 0 nays. **MOTION CARRIED.**

PUBLIC HEARING FOR PROPOSED LOCAL LAW #1-2023:

At 7:30 PM, Supervisor DeCarlo motioned to open the public hearing for Proposed Local Law #1 of 2023. Councilman Muffoletto seconded the motion. 4 ayes, 0 nays. MOTION CARRIED.

The Town Clerk read the legal notice:

LEGAL NOTICE

TOWN OF BRANT, NEW YORK

NOTICE OF PUBLIC HEARING

Pursuant to resolution of the Town Board of the Town of Brant, New York, notice is hereby given that a public hearing will be held by the Brant Town Board in the Brant Town Hall, 1272 Brant-North Collins Road, Brant, New York on the 10th day of October, 2023 at 7:30 P.M. Local Time, for the purpose of considering Proposed Local Law No.1-2023 which, if approved, would update requirements for nonconforming uses in the Town of Brant.

Copies of the proposed local law are available for review in the office of the Town Clerk. All interested parties will be given an opportunity to be heard.

Dated: October 2, 2023

Barbara Daniel

Brant Town Clerk

Supervisor DeCarlo addressed the proposed local law asking for Town Board input. No one spoke. The Supervisor then asked if anyone in the audience had questions regarding the proposed Local Law #1-2023. No one spoke.

At this time, Supervisor DeCarlo motioned to close the public hearing, seconded by Councilwoman Marien. 4 ayes, 0 nays. MOTION CARRIED.

Supervisor DeCarlo then motioned to declare a negative declaration under SEQR in reference to Local Law #1-2023. He was seconded by Councilman Muffoletto. 4 ayes, 0 nays. MOTION CARRIED.

ADOPTION OF LOCAL LAW #1-2023: Supervisor DeCarlo motioned to adopt Local Law #1-2023. He was seconded by Councilman Muffoletto. A roll call vote was taken: Supervisor DeCarlo-aye, Councilman Muffoletto-aye, Councilwoman Marien-aye, Councilwoman Ross-aye. 4 ayes, 0 nays. MOTION CARRIED.

Clerk's note: for convenience of the reader, because the text of Local Law #1-2023 was not read it is listed below:

Local Law 1-2023

**A Local Law Updating Requirements for Nonconforming Uses
in the Town of Brant**

§ 161-20 entitled "Nonconforming Uses" is hereby amended to add the following:

§ 161-20 (C). Discontinuance of Nonconforming Use

Notwithstanding the foregoing or any other provision contained in this code, if, for a continuous period of one (1) year, the active operation of substantially all the nonconforming use of any land, building or structure is discontinued, the said use shall not thereafter be reestablished or reactivated, and any future use shall be in conformity with these regulations. Neither the intent of the owner or operator to resume such nonconforming use nor the existence of a Special Use Permit issued pursuant to this Chapter to mitigate the impacts of such use shall affect the foregoing.

TOWN BOARD REPORTS:

The Supervisor asked if anyone had anything to report.

COUNCILWOMAN ROSS: Councilwoman Ross advised that she attended the dedication of the new ambulance in Farnham. She commended the event well run, and was very enjoyable.

COUNCILMAN MUFFOLETTO: Nothing to report

COUNCILWOMAN MARIEN: Nothing to report.

PRIVILEGE OF THE FLOOR:

MIKE DONLIN OF 165 LOTUS POINT ROAD: Mr. Donlin asked the Town Board to advise of the next step in his application for Special Use Permit. He had addressed the Town Board last month and was awaiting word on what the next step it. Attorney Trask then explained that the Town Board ultimately approves the Special Use Permit but the Town Board first presents the application to Planning Board for review. Secretary Ostrowski questioned that usually she receives the application from the Code Enforcement Officer. Attorney Trask responded that it should be coming from the Town Board. Supervisor DeCarlo then motioned to refer the Special Use Permit application to the Planning Board. Councilman Muffoletto seconded the motion. 4 ayes, 0 nays. **MOTION CARRIED.**

Meetings & Correspondence:

- The first October sales tax remittance is in. The current transfer rate is 5.47 % less than the corresponding 2022 amount. Year-to-date transfers are running 2.84% above last year at this time.

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

Supervisor DeCarlo read the Abstract (10 of 2023):

ABSTRACT 10 of 2023

*Prepaid and unpaid as of 10/10/23 Total Claims **\$ 122,864.67**

Gen Fund Town wide Vouchers Totaling: **\$ 33,953.52**

Gen Fund – Part Town Voucher Totaling: **\$ 56,423.76**

Highway T.W. Vouchers Totaling: **\$ 2,665.57**

Highway P.T. Vouchers, Totaling: **\$ 15,360.26**

Street Lighting: Voucher Totaling: **\$ 2,461.56**

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

Brant Fire Protection Dist.: - Totaling **\$ 12,000.00**

PAYROLL (2 pay periods):

General Town Wide Payroll 9/9/23-9/29/23 – Totaling \$ 47,161.41

General Part Town Payroll 9/9/23-9/29/23 Totaling: \$ 756.34

Highway Payroll TW 9/9/23-9/29/23 Totaling: \$ 0

Highway Payroll PT 9/9/23-9/29/23 Totaling: \$ 5,281.36

Supervisor DeCarlo motioned to approve Abstract 10 of 2023, seconded by Councilwoman Ross. A roll-call vote was taken: Supervisor DeCarlo-aye, Councilwoman Ross-aye, Councilman Muffoletto-aye, Councilwoman Marien-aye. 4 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo announced that the Town Board will go into executive session for personnel reasons, and upon return will adjourn the meeting in memory of Robert Kaczmarek, Paul “Woody-Cork” Lampke and Alfred Jones.

At 7:41 PM Supervisor DeCarlo motioned to enter executive session for personnel reasons, and was seconded by Councilman Muffoletto. 4 ayes, 0 nays. **MOTION CARRIED.**

At 7:56 PM Supervisor DeCarlo motioned to close the executive session, seconded by Councilman Muffoletto. 4 ayes, 0 nays. **MOTION CARRIED.**

At 7:57 pm, Supervisor DeCarlo motioned to adjourn the meeting in memory of Robert Kaczmarek, Paul “Woody-Cork” Lampke and Alfred Jones. Councilwoman Marien seconded the motion. 4 ayes, 0 nays. **MOTION CARRIED.**

Respectfully submitted by,

Barbara J Daniel

Brant Town Clerk