

This First Regular Meeting of the Brant Town Board was held on Tuesday December 12, 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        |
| Barbara Daniel | Recording Secretary |

**ABSENT WAS:**

|                    |              |
|--------------------|--------------|
| Michael Muffoletto | Councilman   |
| Linda Giancarlo    | Councilwoman |

**ALSO, PRESENT AND LEGIBLY SIGNED IN WERE:**

|                   |                                  |
|-------------------|----------------------------------|
| Lynda Ostrowski   | Sec to Boards                    |
| Joseph Ostrowski  | Planning Board Chairman          |
| Ellsworth Nolan   | Highway Superintendent           |
| Daryl Novoa       | Highway                          |
| Kristen Podkulski | Resident                         |
| Brian Rott        | Resident                         |
| Debra Ritz        | Resident                         |
| Patty Friend      | Appointed Town Historian         |
| Frank Broughton   | Zoning Board of Appeals Chairman |
| Mark Hageman      | Residents                        |
| Margaret Hageman  | Residents                        |

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

**APPROVE MINUTES of the NOVEMBER 9, 2023 PUBLIC HEARING FOR 2024 BUDGET, and MINUTES the NOVEMBER 14, 2023 REGULAR TOWN BOARD MEETING:** Councilwoman Ross motioned to approve the minutes of both meetings, and was seconded by Councilwoman Marien. 3 ayes, 0 nays. **MOTION CARRIED.**

**SUPERVISOR'S FINANCIAL REPORT:** Councilwoman Marien motioned to approve the Supervisor's October Financial Report, seconded by Councilwoman Ross. 3 ayes, 0 nays. **MOTION CARRIED.**

**TOWN CLERK/TAX COLLECTOR'S OCTOBER 2023 FINANCIAL REPORT:** Councilwoman Ross made a motion to approve the Town Clerk's October 2023 Financial report, seconded by Supervisor DeCarlo. 3 ayes, 0 nays. **MOTION CARRIED**

**COURT CLERK'S OCTOBER 2023 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 October 2023, seconded by Councilwoman Marien. 3 ayes, 0 nays. **MOTION CARRIED.**

**POLICE REPORT FOR NOVEMBER 2023:** Supervisor Mark DeCarlo presented the November police activity report. Councilwoman Ross motioned to approve the report as read, seconded by Supervisor DeCarlo. 3 ayes, 0 nays. **MOTION CARRIED.**

**POLICE CLERK APPLICATION RECEIVED:** Supervisor DeCarlo acknowledged a letter from Renee Granda received by Brant Police regarding a position that was posted for a Police Clerk. Supervisor DeCarlo made a motion to approve the appointment at a rate of \$18.00/hour. After discussion by the Board, the appointment was tabled. The Supervisor's secretary spoke stating the Police Chief wanted her to be able to work next week. It was then decided they would contact him from the executive session the Board will have later in the meeting.

**HIGHWAY SUPERINTENDENT REQUEST TO HIRE:** The superintendent requested approval to hire Josh Bushen for a full-time position as Motor Equipment Operator at a rate of \$23/hour. Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwoman Marien. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Marien-aye, Councilwoman Ross-aye. 3 ayes, 0 nays. **MOTION CARRIED.**

**Superintendent Nolan then presented his November highway report.** The Superintendent requested an updated accounting for his department. Supervisor DeCarlo stated he would get that for him. The Superintendent stated he would like to purchase a new welder for the Highway and mentioned the other is over 40 years old. He noted that he looked at a Hobart Mig Welder at Tractor Supply and it was \$2,300.00. Attorney Trask stated that the current Procurement policy for amounts under \$4,000 do not require three quotes. The Highway Superintendent then asked to have his Procurement limit increased because \$1,250 is inadequate. Supervisor DeCarlo stated they will discuss it at the Organizational meeting. It was then noted that the box culvert on Hammond Road has been completed. The cost was approximately \$4,000.00. A highway sign for the garage was also discussed. The sign was quoted at two hundred dollars. Councilwoman Marien mentioned the need for pointing on the Highway Garage before a sign can be put up. Supervisor DeCarlo motioned to approve the report as presented, seconded by Councilwoman Marien. 3 ayes, 0 nays. **MOTION CARRIED.**

**TOWN CLERK'S NOVEMBER 2023 ACTIVITY REPORT TO THE BOARD:** The Town Clerk read her November 2023 Activity report. The Town Clerk advised that her office is in need of a computer as her computer is very slow and can't handle the newer software. The Supervisor then motioned to accept the Town Clerk's report as presented. Councilwoman Marien seconded the motion. 3 ayes, 0 nays. **MOTION CARRIED.**

**PLANNING BOARD REPORT:** Secretary Ostrowski advised the Town Board that their meeting for December will be on December 14<sup>th</sup>.

**ZONING BOARD REPORT:** Zoning Board secretary Barbara Daniel presented the Zoning Board of Appeals for the Public Hearing they held on December 4<sup>th</sup>. The meeting was to review and consider a variance application for 10455 Versailles Plank Rd. Supervisor DeCarlo motioned to accept the Zoning Board report into the record, and was seconded by Councilwoman Ross. 3 ayes, 0 nays. **MOTION CARRIED.**

**TOWN HISTORIAN REPORT:** Town Historian Patty Friend presented her report. Councilwoman Ross motioned to accept the report as read, seconded by Councilwoman Marien. 4 ayes, 0 nays. **MOTION CARRIED.**

**PARK'S REPORT:** No report was presented. Councilwoman Ross asked if the new truck ordered for the Park's and buildings was in use yet. She then asked why there is no mileage and gas report. Councilwoman Marien asked where it was being stored. Councilwoman Ross stated she wanted to make sure insurance would cover it where it is stored. Supervisor DeCarlo answered that the Town insurance covers them wherever they are.

**RECREATION REPORT:** No report was presented.

**BRANT FARNHAM SENIORS REPORT FOR DECEMBER 6TH 2023:** The Secretary presented her report for the December meeting. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Marien. 3 ayes, 0 nays. **MOTION CARRIED.**

**CODE ENFORCEMENT OFFICER'S REPORT:** The Code Office was not present. The report received contained a list of permits and applications they handled. The list will be available in the Town Clerk's Office for review by those interested. Supervisor DeCarlo motioned to approve the report, seconded by Councilwoman Marien. 3 ayes, 0 nays. **MOTION CARRIED.**

**At 7:30 PM, Supervisor DeCarlo advised that the public hearing for Proposed Local Law #2 and #3 of 2023 will begin at 7:30 pm. The Supervisor instructed the Town Clerk to read the legal notice:**

**LEGAL NOTICE  
TOWN OF BRANT, NEW YORK  
NOTICE OF PUBLIC HEARINGS**

Pursuant to resolution of the Town Board of the Town of Brant, New York, notice is hereby given that the following public hearings will be held by the Brant Town Board in the Brant Town Hall, 1272 Brant-North Collins Road, Brant, New York on the 12<sup>th</sup> day of December, 2023:

- At 7:30 P.M. Local Time, for the purpose of considering Proposed Local Law No.2-2023 which, if approved, would update Senior Tax Exemptions under Chapter 145, Article III, Section 145-4 of the Town of Brant Code.
- At 7:35 P.M. Local Time, for the purpose of considering Proposed Local Law No.3-2023 which, if approved, would update Tax Exemptions for Persons with Disabilities and Limited Income under Chapter 145, Article IV, Sections 145-5 and 145-6 of the Town of Brant Code.

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: December 4, 2023

By order of the Brant Town Board

Barbara Daniel

Brant Town Clerk

Supervisor DeCarlo then motioned to open the public hearing for Proposed Local Law #2-2023, seconded by Councilwoman Marien. 3 AYES, 0 NAYS. **MOTION CARRIED.**

The Supervisor then requested comments or questions from those present. No one spoke. Attorney Trask then explained Proposed Local Law #2-2023, stating it was to update the existing Senior Tax exemption Income limit to coincide with the income limit set by Erie County.

Supervisor DeCarlo motioned to close the public hearing and was seconded by Councilwoman Marien. 3 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo then motioned to enact proposed Local Law #2-2023 which he read aloud:

TOWN OF BRANT  
LOCAL LAW No. 2– 2023

*A Local Law Amending the Provisions of Chapter 145, Article III, Section 145-4  
of the Brant Town Code updating the Senior Citizens Property Tax Exemption*

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BRANT AS FOLLOWS:

1. *Section 145-4 of Chapter 145 (“Taxation”), Article III, (“Senior Citizens Exemption”) of the Town of Brant Code is hereby amended in its entirety to read as follows:*

**Section 145-4. Exemption Granted.**

*Pursuant to Section 467 of the Real Property Tax Law of the State of New York, as amended, the Town Board of the Town of Brant, hereby grants, for town taxation, an exemption of 50% of the assessed valuation of real property being the principal residence owned and occupied by persons 65 years of age or older who qualify therefor under said section, provided that said persons do not have adjusted gross incomes in excess of \$30,000.00 for the income tax years immediately preceding the date of application for said exemption. Pursuant to the local option granted by said Section 467, distributions from individual retirement accounts and individual retirement annuities shall be included when calculating adjusted gross income for purposes of this section.*

2. *This law shall take effect immediately upon filing with the Office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law.*

Supervisor DeCarlo asked for a second on his motion to adopt Local Law #2-2023. Councilwoman Marien seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Marien-aye, Councilwoman Ross-aye. 3 ayes, 0 nays. **LOCAL LAW #2-2023 ADOPTED**

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When the Board completed the adoption of Local Law #2-2023, there remained time before the second public hearing. During the time remaining, they moved to Old Business for the next Agenda item.

**OLD BUSINESS:**

**REAPPOINTMENT OF JAMES HOOGE TO B.O.A.R:** Supervisor DeCarlo asked for a motion to re-appoint James Hooge as Board of Assessment and Review Chairman for a term of October 2023 to September 2029. Councilwoman Ross made the motion, and was seconded by Supervisor DeCarlo. A roll call vote was taken: Councilwoman Ross-aye, Supervisor DeCarlo-aye, Councilwoman Marien-aye. 3 ayes, 0 nays. MOTION CARRIED.

**RETURN TO PUBLIC HEARING:**

At 7:35 PM, the Supervisor motioned to open the next public hearing for proposed local law #3-2023. Councilwoman Marien seconded the motion. 3 ayes, 0 nays. MOTION CARRIED.

Supervisor DeCarlo then proceeded to read proposed local law #3-2023 aloud:

TOWN OF BRANT

PROPOSED LOCAL LAW No. 3 – 2023

A Local Law Amending Certain Provisions of Chapter 145, Article IV of the Brant Town Code entitled “Exemption for Persons with Disabilities and Limited Income.”

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BRANT AS FOLLOWS:**

1. The following provisions of Chapter 145 (“Taxation”), Article IV, (“Exemption for Persons with Disabilities and Limited Income”) of the Town of Brant Code are hereby amended to read as follows:

**Section 145-5. Exemption Granted.**

Real property owned by one or more persons, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability as defined herein, and whose income, as defined herein, is limited by reason of such disability, shall be exempt from taxation by the Town of Brant, as authorized by Section 459-c of the Real Property Tax Law, up to the extent of fifty (50) percent of assessed valuation thereof as provided herein.

**Section 145-6. Amount of Exemption.**

The Town of Brant hereby adopts the annual income and exemption schedule most recently adopted by the Erie County Legislature for partial exemption from real property taxation by the Town of Brant, pursuant to New York State Real Property Tax Law Section 459-c to persons with disabilities and limited income.

Pursuant to the local option granted by said Section 459-c, distributions from individual retirement accounts and individual retirement annuities shall be included when calculating adjusted gross income for purposes of this section.

2. This law shall take effect immediately upon filing with the Office of the Secretary of State as provided in Section 27 of the Municipal Home Rule Law.

Attorney Trask explained proposed Local Law #3-2023 as an update to the Town’s laws to allow persons with disabilities and limited income to receive tax exemptions to coincide with what Erie Counties last adopted. The Town will then have the same income limit and exemptions for Town and County taxes.

Supervisor DeCarlo motioned to close the public hearing and was seconded by Councilwoman Marien. 3 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo then motioned to enact proposed Local Law #3-2023. Councilwoman Marien seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Marien-aye, Councilwoman Ross-aye. 3 ayes, 0 nays. **LOCAL LAW #3-2023 ADOPTED.**

**NEW BUSINESS:**

**SET DATE FOR ORGANIZATIONAL MEETING:** Supervisor DeCarlo motioned the 2024 Organizational meeting for the 9<sup>th</sup> of January at 6:00 pm, with the first Regular Town Board meeting directly following the Organizational meeting. Councilwoman Marien seconded the motion. 3 ayes, 0 nays. **MOTION CARRIED.**

**VOLUNTEER FIREFIGHTER AND AMBULANCE TAX EXEMPTIONS:** Supervisor DeCarlo mentioned that Erie County passed legislation that allows Active Volunteer firefighters and ambulance workers with at least 5 years service to be eligible for a tax exemption of up to 10%. The Town would be required to pass a local law. Attorney Trask suggested the Supervisor obtain the fiscal impact to determine the % off for Brant. The Town Board will discuss it further at a later date. The current law provides a \$3,000 exemption cap from the assessed value. Trask would need a capped amount to be able to draft the law. March 1<sup>st</sup> is the deadline for exemption applications so any new law being proposed would need to be drafted soon.

At 7:45 pm, Supervisor DeCarlo motioned to open the 3<sup>rd</sup> public hearing to review and approve the 2024 Fire and Ambulance Contracts. Councilwoman Marien seconded the motion. 3 ayes, 0 nays  
**MOTION CARRIED.**

Supervisor then read aloud the agreed upon amounts for each of the agencies partaking in the contracts. The amounts are reflected in the legal notice.

The Supervisor instructed the Town Clerk to read the public hearing notice:

LEGAL NOTICE  
TOWN OF BRANT, NEW YORK  
NOTICE OF PUBLIC HEARING

Pursuant to Town Law Section 184, 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 12th day of December, 2023 at 7:45 p.m. local time for the purpose of considering the proposal of the Town of Brant to enter into the fire protection contracts and general ambulance and emergency service contracts as follows:

1) Fire protection contract with Brant Volunteer Fire Company No. 1, Inc. covering calendar year 2024 for the annual amount of \$141,612.00.

2) Fire protection contract with Village of Farnham/Farnham Volunteer Fire Department, Inc. covering calendar year 2024 for the annual amount of \$125,979.00.

3) Fire protection contract with Village of North Collins/North Collins Fire Department covering calendar year 2024 for the annual amount of \$12,360.00.

4) General ambulance and emergency service contract with Village of Farnham/Farnham Volunteer Fire Department, Inc. Ambulance Squad covering calendar year 2024 for the annual amount of \$49,412.00.

All interested parties will be given an opportunity to be heard.

By order of the Brant Town Board

Barbara Daniel, Brant Town Clerk

December 4, 2023

Supervisor DeCarlo asked all present if there were any comments or concerns. No one spoke. The Supervisor then motioned to close the public hearing, seconded by Councilwoman Marien. 3 ayes, 0 nays. **MOTION CARRIED.**

**SET PUBLIC HEARING FOR SOLAR ENERGY MORATORIUM:** Supervisor DeCarlo then motioned to set a public hearing for 7:30 pm on January 9<sup>th</sup> during the regular Town Board meeting to consider the adoption of Local Law #1-2024 “imposing a temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for the siting of solar energy systems in the Town of Brant.” Councilwoman Marien seconded the motion. 3 ayes, 0 nays. **MOTION CARRIED.**

#### **TOWN BOARD REPORTS:**

The Supervisor asked if anyone had anything to report.

**COUNCILWOMAN ROSS:** Councilwoman Ross asked the Town Board to consider planting a Christmas tree in honor of the recent loss of the Yvonne Heller family. She continued that the tree could be decorated every year in their honor. Supervisor DeCarlo asked Councilwoman Ross to orchestrate the purchase and planting of the tree.

Attorney Trask asked the Supervisor to revisit the Fire and Ambulance Contract to approve the resolution drafted by the Secretary.

Supervisor DeCarlo then asked for a motion to approve the Fire Protection and Ambulance contracts, and authorize Supervisor DeCarlo to sign the Contracts with Brant Volunteer Fire Co., No. 1, Village of North Collins Fire Company, Village of Farnham Fire Department and the Village of Farnham Ambulance. Councilwoman Ross made the motion, and was seconded by Councilwoman Marien. 3 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo then spoke regarding Councilwoman Janice Ross whose last Town Board meeting was tonight. He thanked her for her selfless service she has provided the Town throughout her term. He mentioned her spearheading of the renovations of the Senior Center. Among other things, he commented on her efforts for the Easter Eggs hunts and Christmas festivities. He recognized all her hard work and efforts for the Town. He invited all present to join them in the conference room for a get together for Janice.

Councilwoman Ross noted that she will be volunteering for Rural Transit. Supervisor DeCarlo added she will be on the Planning Board. Councilwoman Marien thanked her for always being there for her also. Janice responded she will still be there.

#### **PRIVILEGE OF THE FLOOR:**

**MARK HAGEMAN, CAIN ROAD:** Expressed disappointment that his permit application was denied to allow him to build a pole barn for his farm equipment. He had already spent \$8,000 for site work to prepare for the project. Supervisor DeCarlo advised him that the code does not allow an accessory building on vacant land. Supervisor DeCarlo stated that he will look into it and see what options are available.

**FRANK BROUGHTON, Brant Road:** Asked about the 1987 Water Front Revitalization After the ZBA Chairman finished speaking, Attorney Trask advised him that the only area variances that are type II are construction of One, Two or Three family residential. He advised when he gets a setback variance that he doesn't call it an area variance. Regarding EIF forms, Broughton asked Attorney Trask for clarification if the applicant of those type of variance should fill out the EIF Part one. Trask answered yes, in order to have a record of the information. Frank then asked if lines can be put on Versailles Plank from Rt. 249 to Milestrip as it is hard to drive it at night. Supervisor DeCarlo will look into it with the County because the Town does not have the equipment.

## **Meetings & Correspondence:**

- The first December sales tax remittance is in. The current transfer rate is 2.74 % greater than the corresponding 2022 amount. Year-to-date transfers are running 2.50% above last year at this time.

Supervisor DeCarlo announced the next regular Town Board meeting will be Tuesday January 9, 2024 directly following the Organizational meeting which will start at 6:00 PM.

Supervisor DeCarlo read the Abstract (12 of 2023):

### **ABSTRACT 12 of 2023**

\*Prepaid and unpaid as of 12/14/23 Total Claims \$ **306,342.64**

Gen Fund Town wide Vouchers Totaling: \$ **46,445.48**

Gen Fund – Part Town Voucher Totaling: \$ **8,624.13**

Highway T.W. Vouchers Totaling: \$ **2,554.27**

Highway P.T. Vouchers, Totaling: \$ **116,068.04**

Fire Contract Vouchers Totaling \$ **129,899.00**

Street Lighting: Voucher Totaling: \$ **2,751.72**

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

### **PAYROLL (2 pay periods):**

General Town Wide Payroll 11/5/23-12/2/23 – Totaling \$ **46,914.16**

General Part Town Payroll 11/5/23-12/2/23 Totaling: \$ **698.56**

Highway Payroll TW 11/5/23-12/2/23 Totaling: \$ **6,641.56**

Highway Payroll PT 11/5/23-12/2/23 Totaling: \$ -

Supervisor DeCarlo motioned to approve Abstract 12 of 2023, seconded by Councilwoman Marien. A roll-call vote was taken: Supervisor DeCarlo-aye, Councilwoman Marien-aye, Councilwoman Ross-aye. 3 ayes, 0 nays. **MOTION CARRIED.**

At 8:09 PM, Supervisor DeCarlo motioned to enter executive session for Personnel reasons. Councilwoman Marien seconded the motion. 3 ayes, 0 nays. **MOTION CARRIED.**

At 8:16 PM, Supervisor DeCarlo motioned to close the executive session. Councilwoman Marien seconded the motion. 3 ayes, 0 nays. **MOTION CARRIED.**

At 8:20 pm, Supervisor DeCarlo motioned to adjourn the meeting in memory of Harold Green and Jayson High, seconded by Councilwoman Marien. 3 ayes, 0 nays. **MOTION CARRIED.**

Respectfully submitted by,

Barbara J Daniel  
Brant Town Clerk