

This Regular Meeting of the Brant Town Board was held on Tuesday, June 14th, 2022 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
Linda Giancarlo	Councilwoman
William Trask, Sr.	Town Attorney

Absent:

Michael Muffoletto	Councilman
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ALSO PRESENT AND LEGIBLY SIGNED IN WERE:

Donald Hepkins	Police Chief
Tracy Kaczmarek	Supervisor's Secretary
Brian Rott	Resident
Debra Ritz	Resident/Planning Board member
Chris Benfield	Community Center Fitness Classes
Kristen Podkulski	Resident
Joe Giancarlo	Resident
Aaron Weiner	Representative for Weitsman of Brant, LLC
Ruthann Rocone	Rural Transit Service
Joe Gardyjan	ZBA
Jason Kulaszewski	University @ Buffalo Regional Institute
Dolly Huffnagle	Farnham Village Trustee

The meeting opened at 7:00 PM.

THE MEETING OPENED WITH A PLEDGE TO THE FLAG

MINUTE APPROVAL MAY 10, 2022 REGULAR TOWN BOARD MEETING: Councilwoman Ross motioned to approve the minutes, seconded by Councilwoman Marien. 4 ayes, 0 nays. MOTION CARRIED.

SUPERVISOR'S FINANCIAL REPORT: Councilwoman Giancarlo motioned to approve the Supervisor's financial report. Councilwoman Marien seconded the motion. 4 ayes, 0 nays. **MOTION CARRIED.**

TOWN CLERK/TAX COLLECTOR'S APRIL 2022 FINANCIAL REPORT: Supervisor DeCarlo motioned to accept the Town Clerk's Financial Report for April 2022, seconded by Councilwoman Ross. 4 ayes, 0 nays. **MOTION CARRIED.**

COURT CLERK'S APRIL 2022 FINANCIAL REPORTS FOR JUSTICES GIER AND KACZMAREK REGULAR AND BAIL ACCOUNTS: Councilwoman Ross motioned to approve both Bail and Regular Financial accounts for Justice Gier and Justice Kaczmarek's for April 2022, and was seconded by Councilwoman Ross. 4 ayes, 0 nays. **MOTION CARRIED.**

DOG CONTROL OFFICER'S REPORT FOR APRIL AND MAY 2022: the Dog Control Officer presented her April and May dog report. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Giancarlo. 4 ayes, 0 nays. **MOTION CARRIED.**

POLICE REPORT FOR MAY 2022: Chief Hepkins read his report. He presented a letter of commendation for Officer Rick Lopez for assisting a resident who was very ill. He got the resident to the hospital. It was learned later that if the gentleman hadn't received the medical attention when he did, he may not have survived. The letter will be placed in the officer's file. Also, a letter of commendation was issued for Lieutenant Mark Slawek whose investigation lead to the recovery of a stolen generator from a Village of Farnham home. His investigation also lead to possible felony charges for two subjects in the case.

Prior to approval of Police report, the following discussions occurred:

REQUEST TO EXTEND TRIAL PERIOD FOR CALUB BULLARD: The Chief then requested a one year extension of the trial period for Officer Calub Bullard who recently finished his time with Hamburg. He was recently hired for an eighteen month probationary period until his completion of the academy. He has not put any time into Brant at this point. His eighteen month probationary period is almost over so an extension of one year is now being requested. His hourly rate will be at \$22.00 per hour because he has had more than six month's of training. Supervisor DeCarlo motioned to approve the one year extension for Office Calub Bullard, seconded by Councilwoman Giancarlo. 4 ayes, 0 nays. **MOTION CARRIED.**

APPOINTMENT OF CHARLES SKIPPER (PATROLMAN): The Chief asked the Town Board to approve the appointment of Charles Skipper as part-time patrolman at a rate of \$24.00/hour with a six month probationary period. He is a retired police officer with twenty years experience within the City of Buffalo. Councilwoman Marien asked what hours he will work. The Chief replied that he will work wherever the schedule needs someone. There was discussion about having late night hours for the patrolman. Supervisor DeCarlo then motioned to approve the appointment and rate of pay with a six month probationary period, seconded by Councilwoman Giancarlo. 4 ayes, 0 nays.

DISCUSSION REGARDING BODY CAM: Lieutenant Slawek spoke in favor of the use of Body Cams on the Officers. He explained the cost. He obtained a quote for the service. For the first year, the cost would be \$6,500 and that would include 5 body cams, maintenance, replacements for any type of damage, except for loss. It would include the rent for the Cloud storage space and training. After the first year, the cost if \$400 per camera for a total of \$2,000 per year. He explained that by the end of the year, New York State is going to require Towns to have a policy in place for Body Cams. Also, the District Attorney is requiring In-person interviews of suspects with video and audio cameras on the person being interviewed. He noted that a body cam would suffice for the Audio/Video requirement for interviews. He is seeking policies from other Towns to use for Brant. The cameras document public interactions and the D.A. is going to require them. Supervisor DeCarlo stated he is looking into a grant. He noted that the Town could also use some of the Covid money towards the cost.

At 7:30 PM, the Supervisor asked the Town Clerk to read the Legal Notice of Public Hearing:

LEGAL NOTICE

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

The Town of Brant Town Board will conduct a Public Hearing on Tuesday June 14, 2022 at the Brant Town Hall, 1272 Brant North Collins Road, Brant, New York.

The Public Hearing will be held at 7:30 PM local time pursuant to resolution of the Town Board and pursuant to Local Law No. 1-2016 for the purpose of considering annual renewals for the following Special Use Permits:

1. Stefan Artymowycz

10216 So. Western Blvd.

Angola, NY 14006

Junk yard

2. Thomas C. Bowman Jr.

10623 So. Western Blvd.

Irving, NY 14081

Junk yard

3. Michael & Barbara Daniel

10575 So. Western Blvd.

Irving, NY 14081

Used car sales, auto detailing and windshield repair

4. Joseph Reynolds

10564 So. Western Blvd

Irving, NY 14081

Used car sales

5. John D. Snyder
1506 Burns Rd.
Angola, NY 14006
Unrestricted used car sales at
10623 So. Western Blvd
Brant, NY 14027

6. Ben Weitsman of Brant LLC
P.O. Box 420
Owego, NY 13827
Junk yard at
1132 Brant Farnham Rd
Brant, NY 14027

7. Donald Arcara
30 Woodland Pkwy
Angola, NY 14006
Automotive Repairs at
10962 Southwestern Blvd
Irving, NY 14081

All interested parties will be given an opportunity to be heard during each Public Hearing.

Dated: June 6, 2022

Barbara Daniel
Brant Town Clerk

[clerk's note] It was noted that Mr. Arcara has passed away and a family member will be applying for a new Special Use permit.

Supervisor DeCarlo motioned to open the public hearing, seconded by Councilwoman Ross. 4 ayes, 0 nays. MOTION CARRIED.

Code Enforcement Officer Brecker stated he visited all the sites and all are business as usual. He noted that all the inventories are down. Supervisor DeCarlo stated Councilman Muffoletto's concern was that all the business' have current licenses. Code Officer Brecker replied that they do.

Councilwoman Ross stated the Lonkey Special Use permit required the fencing. Code Officer Brecker noted that the fencing is up, but he stopped in and advised them to put the Handicapped parking sign up.

Supervisor DeCarlo asked for public comment. No one spoke.

Supervisor DeCarlo then motioned to close the public hearing, seconded by Councilwoman Giancarlo. 4 ayes, 0 nays. MOTION CARRIED.

VOTES TO RENEW SPECIAL USE PERMITS:

Supervisor DeCarlo motioned to approve each of the Special Use permits as follows:

- Motion was made by Supervisor DeCarlo to approve Steffan Artymowicz of 10216 Southwestern Blvd, Irving, NY 14081 Special Use Permit for one year with the original conditions. Councilwoman Ross seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Ross-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye. 4 ayes, 0 nays. MOTION CARRIED.
- Motion was made by Supervisor DeCarlo to approve Thomas Bowman's 10623 Southwestern Blvd, Irving, NY 14081 Special Use Permit for one year with the original conditions. Councilwoman Giancarlo seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye, Councilwoman Ross-aye. 4 ayes, 0 nays. MOTION CARRIED.
- Motion was made by Supervisor DeCarlo to approve Barbara & Michael Daniel's 10575 Southwestern Blvd, Irving, NY 14081 Special Use Permit for one year with the original conditions. Councilwoman Ross seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Ross-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye. 4 ayes, 0 nays. MOTION CARRIED.
- Motion was made by Supervisor DeCarlo to approve Joseph Reynolds 10564 Southwestern Blvd, Irving, NY 14081 Special Use Permit for one year with the original conditions. Councilwoman Giancarlo seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye, Councilwoman Ross-aye. 4 ayes, 0 nays. MOTION CARRIED.

- Motion was made by Supervisor DeCarlo to approve John Snyder's of 10623 Southwestern Blvd, Irving, NY 14081 Special Use Permit for one year with the original conditions. Councilwoman Marien seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Marien-aye, Councilwoman Giancarlo-aye, Councilwoman Ross-aye, 4 ayes, 0 nays. MOTION CARRIED.
- Motion was made by Supervisor DeCarlo to approve Ben Weitsman of Brant, LLC's of 1132 Brant Farnham Rd, Brant, NY 14027 Special Use Permit for one year with the most recent conditions. Councilwoman Ross seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Ross-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye. 4 ayes, 0 nays. MOTION CARRIED.
- Motion was made by Supervisor DeCarlo to table the application from Donald Arcara of 10962 Southwestern Blvd, Irving, NY 14081 because the applicant is now deceased. A new application will now be required. Councilwoman Giancarlo seconded the motion. 4 ayes, 0 nays. MOTION CARRIED.

Councilwoman Marien inquired on the rental and operation status of the business at this time. Code Enforcer Officer Brecker will advise daughter that a new application is required.

At 7:43 PM the Regular Board meeting resumed:

CODE ENFORCEMENT OFFICER'S REPORT: Code Officer Gary Brecker presented his May report. The Code Officer advised the Town Board that he discovered a hidden home in the backyard of a property on Wide Beach. He checked with the Assessor's office and discovered that it was never included in the assessment of the property. Supervisor DeCarlo will look into it with the assessor's office. Supervisor DeCarlo then motioned to approve the report as read, seconded by Councilwoman Marien. 4 ayes, 0 nays. MOTION CARRIED.

LETTERS OF COMMENDATION READ BY CHIEF DONALD HEPKINS: At this time, Chief Hepkins read two letters of commendation for two Town of Brant police. One letter was commending the actions taken by Officer Richard Lopez when he assisted a Town resident who was very ill. The other was a letter commending Lieutenant Mark Slawek for his successful investigation and subsequent recovery of a stolen generator from a home in Farnham. These letters will be placed in the file of each employee.

The chief then spoke about recent comments that the police are writing too many tickets and that the tickets do not serve the residents. He noted that tickets curtail speeding and driver inattentiveness which are the leading cause of accidents. He continued that this makes the roads in Brant safer for residents and people driving through Town. He spoke on the low number of accidents in the Town because the Town's patrol record. The board was also advised by the Chief that he has trained his

officers not to accept vulgarity during a phone call. They have been trained by him to let the caller know to contact the Chief and to hang up the phone.

EXECUTIVE SESSION:

- At 7:56 PM, Supervisor Mark DeCarlo motioned to enter **executive session** for personnel reasons. Councilwoman Janice Ross seconded the motion. 4 ayes, 0 nays. MOTION CARRIED.
- At 8:07 PM Supervisor DeCarlo motioned to close the **executive session**, seconded by Councilwoman Ross. 4 ayes, 0 nays. MOTION CARRIED.

SET DATE FOR SPECIAL TOWN BOARD MEETING: Supervisor DeCarlo motioned to schedule a special meeting of the Town Board for Tuesday June 21st at 7:00 pm to approve recreation appointments and any other business properly brought before the Board. Councilwoman Marien seconded the motion. 4 ayes, 0 nays. MOTION CARRIED.

HIGHWAY SUPERINTENDENT May 2022 REPORT: No report presented.

TOWN CLERK'S REPORT TO THE BOARD: The Town Clerk presented her Activity report for May. Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwomen Marien and Giancarlo. 4 ayes, 0 nays. **MOTION CARRIED.**

PLANNING BOARD MINUTES: Councilwoman Ross read the Planning Board report for their June 7th meeting. It was noted that member Jason Peters will be tendering his resignation, which will move Janet Bowman up to regular member from alternate. Supervisor DeCarlo motioned to approve the Planning Board minutes, seconded by Councilwoman Giancarlo. 4 ayes, 0 nays. MOTION CARRIED.

TOWN HISTORIAN REPORT: Tabled

BRANT SENIOR'S JUNE 1ST 2022 REPORT: Councilwoman Janice Ross read the June 1st report. Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwoman Marien. 4 ayes, 0 nays. MOTION CARRIED.

OLD BUSINESS: No old business

NEW BUSINESS:

Supervisor Mark DeCarlo then invited visitor Jason Kulaszewski who is the Clean Energy Coordinator with the University of Buffalo Regional Institute to discuss a points based grant opportunity to the Town Board. Mr. Kulaszewski explained the NYSEERDA funded program as being a program that supports communities who are interested in Clean Energy. It helps municipalities track and reduce energy consumption. It aids in the change of old technology with new technology, such as switching to LED lighting. Communities that complete four actions achieve designation and are eligible for a five thousand dollar grant. They can continue to obtain grant funding. The funding requires tracking of energy consumption. Because the Town's Code Enforcement Officer has attended training, and the Town had already chosen to convert the Town's streetlighting to LED, they had already achieved 2 of the 4 points needed for the \$5,000 grant. The grant program would require the Town to track its energy consumption in Town Buildings and adapt its Town Code to place energy regulations on newly built private homes. It would also require a Unified Solar permit for home owners.

At this time, the Town Board did not act on the proposal. Town Attorney Trask advised the Town Board that he has not been given enough time to review the proposed grant requirements. He also stated the information regarding the Unified Solar Permit and the Benchmark requirements should be forwarded to the Planning Board for review. Mr. Kulaszewski noted that the Village of Farnham had adopted the Unified Solar Permit in 2017.

POLICE CAR PURCHASE:

Supervisor DeCarlo mentioned that DeLacy Ford had two 2022 Ford Police Interceptor Utility Police vehicles available for \$35,889 each on State bid pricing. He expressed interest in financing for four years. He discussed the possibility of using the ARPA money to pay for one and finance the other, or possibly financing both. The current police vehicles are paid off and money has been put aside. He also mentioned selling all three of the old cars. Councilwoman Ross asked if this price included the police package. Supervisor DeCarlo responded that the Town would need to get a new Cage and some of the lights. Chief Hepkins advised the Town Board that not much can be retrofitted from the old cars to the new, except the light bars, sirens and radios. The plate reader Company will also charge to switch the reader to the new car. Councilwoman Marien questioned when the Town Board will act on the requested Highway vehicle purchase. Supervisor DeCarlo responded that the Highway purchase was not possible because no State bid vehicles were available and Ford stopped taking orders. It was noted that money had been budgeted for this purchase.

Councilwoman Giancarlo motioned to approve the purchase of two police cars from DeLacy Ford for \$35,889 each. She was duly seconded by Councilwoman Ross the above resolution was adopted with a roll call vote resulting in:

Councilwoman Giancarlo

Voting Aye

Councilwoman Ross

Voting Aye

Councilwoman Marien	Voting	Nay
Supervisor DeCarlo	Voting	Aye
Councilman Muffoletto	ABSENT	

3 AYES- 1 NAY, 1 ABSENT, *RESOLUTION ADOPTED*

RURAL TRANSIT: Ruth Ann Rocque spoke about Rural Transit's need for drivers for their program. She explained she has only one van to service several areas. Her office is open 9 am to 1 pm and she is there from 8 am to 3:30 pm. The van runs from 8 am to 4 pm and they go as far as the West Seneca line, Orchard Park, Springville, Dunkirk/Fredonia, and the Brant area. Those interested must have a clean driver's license, over 25 and under 80 years of age. No special driver's license is required.

PROPOSED EXERCISE PROGRAM: Christine Berfield (Group Fitness Professional) spoke regarding her request to set up an exercise program called "Cardio Chisel & Core" at the Senior Community Bldg. The exercise program would be held on a few mornings and the cost would be \$5.00 per person. She can get insurance and certified. It is suitable for all fitness levels. Supervisor DeCarlo requested a copy of her insurance and certification. The Board will address the request upon receipt of the requested items.

HAZARDOUS WASTE DROP OFF: Supervisor DeCarlo advised the public that a Hazardous Waste event will be held on Saturday July 9th at the Highway barns. It is open to the public and funded by Erie County. Appointments are necessary.

PRIVILEGE OF THE FLOOR: No one spoke

FREE CONCERT DISCUSSION: Dolly Huffnagle spoke regarding the Free Monday Night Concert series that she is in charge of. She wants people to enter from Detroit Street. She also made it clear that any changes to the advertisement for the concerts must be directed to her only. She explained that as per the grant, she cannot allow other entities to advertise on the concert flyers. The grant is very specific regarding the information that is permitted on the flyers. The first concert will be held July 11th.

Meetings & Correspondence:

- The second June sales tax remittance is in. The current transfer is 13.12% greater than the corresponding 2021 amount. Year-to-date transfers are running 19.8% above last year at this time.

Beth Czaster then requested to advise the Town Board that Casella did not pick up their garbage stating it contained construction debris, which she denied throwing away construction items. She added that her neighbors also had the same problem. Supervisor DeCarlo stated he will look into it and asked her to get back with him regarding it.

Supervisor DeCarlo read the Abstract:

ABSTRACT 6 of 2022

*Prepaid and unpaid as of 6/14/22 Total Claims **\$ 84,825.47**

Gen Fund Town wide Vouchers Totaling: **\$ 37,287.14**

Gen Fund – Part Town Voucher Totaling: **\$ 8,423.14**

Highway T.W. Vouchers Totaling: **\$592.64**

Highway P.T. Vouchers, Totaling: **\$4,246.38**

Street Lighting: Voucher Totaling: **\$19,113.67**

Brant Water Dist 1 (SS2&SW): – Totaling **\$15,162.50**

PAYROLL (2 pay periods):

General Town Wide Payroll 4/24/22- 5/21/22 – Totaling **\$54,536.27**

General Part Town Payroll 4/24/22- 5/21/22 Totaling: **\$734.32**

Highway Payroll TW 4/24/22- 5/21/22 Totaling: **\$2,741.14**

Highway Payroll PT 4/24/22- 5/21/22 Totaling: **\$3,266.52**

Supervisor DeCarlo motioned to approve Abstract 6 of 2022, seconded by Councilwoman Giancarlo. A roll-call vote was taken: Supervisor DeCarlo-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye, Councilwoman Ross-aye. 4 ayes, 0 nays. **MOTION CARRIED.**

Next REGULAR Town Board meeting is Tuesday July 12, 2022 at 7 PM.

At 9:53 PM Supervisor DeCarlo motioned to adjourn in memory of Ronald Kobel, Diana Szymanski, Josephine Catalano and Frank Pingitore. Councilwoman Marien seconded the motion. 4 ayes, 0 nays. **MOTION CARRIED.**

Respectfully submitted by,

Barbara J. Daniel

Brant Town Clerk