

This Regular Meeting of the Brant Town Board was held on Tuesday, August 9th, 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
Michael Muffoletto	Councilman
Linda Giancarlo	Councilwoman
Janice Ross	Councilwoman
William Trask, Sr.	Town Attorney
Barbara Daniel	Recording Secretary

ALSO PRESENT AND LEGIBLY SIGNED IN WERE:

Donald Hepkins	Police Chief
Mark Slawek	Police Lieutenant
Ellsworth Nolan	Highway Superintendent
Brian Rott	Resident
Kristen Podkulski	Resident
Joe Giancarlo	Resident
Beth Czaster	Resident
Peter Czaster	Highway
Patty Friend	Town Historian
Joe Ostrowski	Planning Board Chair
Lynda Ostrowski	Sec to PB & BOAR
Joe DeCarlo	Assessor
C.A. Smith	Resident
Daryl Novoa	Highway
Debra Ritz	Resident
Peter Igielinski	Resident

The meeting opened at 7:00 PM.

THE MEETING OPENED WITH A PLEDGE TO THE FLAG

MINUTE APPROVAL July 12, 2022 REGULAR TOWN BOARD MEETING Councilman Muffoletto motioned to approve the minutes of both meetings and was seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

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

TOWN CLERK/TAX COLLECTOR'S July 2022 FINANCIAL REPORT: Supervisor DeCarlo motioned to accept the Town Clerk's Financial Report for July 2022, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

COURT CLERK'S July 2022 FINANCIAL REPORTS FOR KACZMAREK REGULAR AND BAIL ACCOUNTS: Councilwoman Ross motioned to approve both Bail and Regular Financial accounts for Justice

Kaczmarek's & Justice Gier for July 2022, and was seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

DOG CONTROL OFFICER'S REPORT FOR July 2022: 4 Dogs currently in Kennel. \$140 in impound fees Supervisor DeCarlo motioned to approve the report as read, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

POLICE REPORT FOR July 2022: LT. Slawek read the July Police report. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

HIGHWAY REPORT FOR July 2022: Ellsworth Nolan read his report. Residents on Brant Angola Road are Complaining about the sidewalks, that road is a county road, they would like to know who put them in and who maintains them? Councilwoman Ross stated that those are county sidewalks. Attorney Trask advised the Superintendent to call Erie County DPW. He added that he will assist in figuring it out. Supervisor DeCarlo then motioned to approve the report as read, seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

Town Clerk's Report for July 2022: The Town Clerk read her report. Supervisor DeCarlo then motioned to approve the report as read, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

PLANNING BOARD MINUTES: The Planning Board report for their August 2nd 2022 meeting was read by Lynda Ostrowski. Supervisor DeCarlo then motioned to approve the report as read, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

ZONING BOARD: No report presented.

RECREATION DIRECTOR'S REPORT: 150 kids registered.

TOWN HISTORIAN REPORT: Patty read the report. The Town won 1st place for our display at the Erie County Fair!

FIRE DEPT: Supervisor DeCarlo mentioned he spoke with Mayor George in North Collins. He wants to sit & discuss a new three-year contract.

BRANT SENIOR'S REPORT: The seniors had a picnic instead of a meeting.

CODE ENFORCEMENT OFFICER'S REPORT: The July 2022 report was read by Gary Brecker. Several abandoned homes were discussed. Councilwoman Marien wants the Town to go after banks that are holding mortgages on abandoned homes in the Town. She wants banks to be responsible for homes that appear abandoned. Councilwoman Giancarlo stated she has experience with Benlic and Landbanking. If she can have the addresses of the abandoned homes, she will reach out to her contacts. 5 ayes, 0 nays. **MOTION CARRIED.**

OLD BUSINESS:

NFP Telecom Technology Solutions- update phone software & premium service level agreement- Supervisor DeCarlo then motioned to approve the acceptance of the service agreement in the amount of \$2,799.00. Included in this total is a \$509 annual fee for Premium NFP service with unlimited Help-Desk support. Councilwoman Giancarlo seconded the motion. A Roll call vote was taken. Supervisor

DeCarlo-aye, Councilwoman Giancarlo-aye, Councilman Muffoletto-aye, Councilwomen Marien-aye & Councilwomen Ross- aye. **MOTION CARRIED.**

Dog Control Impound Fees policy: Discussion began regarding the adoption of a policy whereby the Town Board could, from time to time waive or lower impound fees where an owner hardship exists. The current Town law Chapter 79, Article II, subsection E of the Town Code regarding the payment of Impound Fees states:

“...provided the owner produces proof that the dog is licensed and identified and pays the fees as prescribed by the Town Board from time-to-time by resolution.”

It was asked by several Board members if this allowed room for the Town Board to adopt a resolution that would allow someone to have their impound fees waived in the event of hardship. Attorney Trask stated this verbiage only granted the Town Board to change the “fees” across the board from time to time, not to issue special fee reduction or elimination. He added that if the Town wants to adopt a “Waiver” policy, it must have standards. It cannot simply be “at the discretion of the Town Board”. But if you are going to establish a waiver, it must establish some standards. There has to objective standards for waiving the fee. If the Board wishes to do this by resolution, you should take the time to have a properly drawn resolution which includes if you’re going to have a waiver of fees, the standards under which waivers can be granted. A policy should be drafted before the next meeting so the Board can act on it. The Dog Control officer and Town Attorney will work together to draft a proper resolution for the Town Board to consider.

Security Deposit & Rental Fees return policy- It was noted that the Town Attorney and Town Clerk will work on this policy also. No vote was taken.

NEW BUSINESS: Copier proposal for Brant Court- Town Procurement Polciy: - Less then \$4000 but greater then \$500 are left to discretion of the purchaser but all steps taken to solicit prices must be documented in writing by the purchaser. The Town Attorney questioned who the purchaser is Town Officer? Department Head? Supervisor DeCarlo answered the Department head. Councilman Muffoletto asked if a repair quote was sought. The Supervisor’s Secretary noted that the printer used by Court is a cheap one and can’t keep up. Councilman Muffoletto responded that \$3,000 plus \$600/year to keep it can buy a lot of \$200 printers. Councilwoman Giancarlo asked if the Court grant would cover a new printer. Councilman Muffoletto suggested waiting to see if the grant being submitted, which contains the requested printer gets approved. Supervisor DeCarlo asked if court could hold off for 30 days to allow him to look into it. Discussion ended and the issue was tabled.

LETTERS OF RESIGNATION:

A letter of Resignation from Officer Tyler Simpson was read aloud- Supervisor DeCarlo made the motion to accept the Resignation of Officer Simpson, Seconded by Councilwoman Ross. 5 ayes, 0 nays.

A letter of resignation of Officer Jessica Mayco- Supervisor DeCarlo made the motion to accept the Resignation of Officer Simpson, Seconded by Councilwoman Giancarlo. 5 ayes, 0 nays.

Both Officers were with the department for about one year.

Town Board Reports:

Councilwoman Marien- We had a minimal number of people for e-waste last month

Councilmen Muffoletto- nothing to report

Councilwoman Ross- nothing to report

Councilwoman Giancarlo-

BRANT FESTIVAL FINANCIAL SUMMARY:

Distributed expense report for the Brant Summer Festival. She noted total expenses as \$10,309.40 and on the revenue side, we brought in \$11,796. She added that we still have \$100 coming in for the revenue side.

REQUEST APPROVAL TO SEEK ESTIMATES FOR PARK PAVILION:

She then requested official board approval to reach out to local contractors for estimates to build the pavilion at the Town Park. Supervisor DeCarlo motion to approve the request, seconded by Councilman Muffoletto. 5 ayes 0 nays.

PRIVILEGE OF THE FLOOR:

Pete Igielinski - Speed limit signs are still not up on Versailles Plank Rd. Supervisor DeCarlo stated that he would follow up with Highway Superintendent Nolan to check the status. He advised that he requested the speed reduction in April and they are still not up. Supervisor DeCarlo will make sure it gets done.

Cindy Smith – Has question on The Town of Brant taking over the maintenance for the roads at Wide Beach- Supervisor DeCarlo stated that if the Town took these roads over state law would require roads to be up to code and that would cost over \$100,000, and unless the Association is willing to take on that project there is no way the town would be able to take over those roads. Attorney Trask advised that there is not enough space down at Wide Beach to bring the roads up to state law codes which require a road to be a minimum of 30 foot width.

Meetings & Correspondence:

- The 1st July sales tax remittance is in. The current transfer rate is 6.84 % greater than the corresponding 2021 amount. Year-to-date transfers are running 7.22 % above last year at this time.
- Rural Transit- In need of Volunteers: Drivers, Substitute and Office Help 716-549-5098

Supervisor DeCarlo read the Abstract:

ABSTRACT 8 of 2022

*Prepaid and unpaid as of 8/9/22 Total Claims **\$ 70,504.39**

Gen Fund Town wide Vouchers Totaling: **\$ 53,307.95**

Gen Fund – Part Town Voucher Totaling: **\$ 1,271.08**

Highway T.W. Vouchers Totaling: **\$ 2,529.89**

Highway P.T. Vouchers, Totaling: **\$ 9,991.69**

Street Lighting: Voucher Totaling: **\$ 3,403.78**

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

PAYROLL (2 pay periods):

General Town Wide Payroll 6/19/22-7/16/22 – Totaling **\$ 78,309.95**

General Part Town Payroll 6/19/22-7/16/22 Totaling: **\$ 734.32**

Highway Payroll TW 6/19/22-7/16/22 Totaling: \$

Highway Payroll PT 6/19/22-7/16/22 Totaling: **\$ 6,721.39**

Supervisor DeCarlo motioned to approve Abstract 8 of 2022, seconded by Councilman Muffoletto. A roll-call vote was taken: Supervisor DeCarlo-aye, Councilman Muffoletto-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye, Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo announced the next regular Town Board meeting will be Tuesday September 13, 2022 at 7 PM. He also advised the public that the Board will go into executive session and no action will be taken afterwards. He added that the meeting will be adjourned in memory of Anne Rochford, Paula Gelster, Ellen Marcy & Deanna Snyder.

Supervisor DeCarlo mentioned that the streetlight conversion to LED will be started soon. The check has cleared and work will begin.

At 7:57 PM Supervisor DeCarlo motioned to enter executive session for personnel reasons. He was seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

At 8:32 PM, Councilman Muffoletto motioned to close the executive session and adjourn the meeting. He was seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

Respectfully submitted by,

Barbara J. Daniel
Brant Town Clerk