

This Regular Meeting of the Brant Town Board was held on Wednesday October 19, 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
Diane Czyz	Recording Secretary

ALSO, PRESENT AND LEGIBLY SIGNED IN WERE:

Jeffrey Prince	Resident
Mike & Lory McCarthy	Resident
Donna & David Bown	Resident
Cynthia Miller	Resident
Terri Reynolds	Resident
Laura Brown	Resident
Lynn Feeley	Resident
Sue Scherer	Resident
Frank Scherer	Resident
Daisy Genrich	Resident
Patty Friend	Historian
Charlie Burke	Resident
Lynda Ostrowski	Sec. to Boards
Patrick Vogel	Resident
David M.	Resident
Eric Walter	Resident
Daryl Novoa	Highway
Anne Prina	Resident
Julie D.	Resident
Cindra Halloran	Resident
Margarette Pantus	Resident
Noah M.	Resident
Tish Brady	Resident
Paul Cesana	Resident
Jackie Rogers	Resident
David Rogers	Resident
Marjorie Pantera	Resident
James Bender	Resident
Otis Hovencamp	Resident
Maxine Hovencamp	Resident
Janice Hansen	Resident
Don Hepkins	Chief of Police
Pete Czaster	Highway
Beth Czaster	Resident
Mary & don Alisio	Resident
Kyle Whelps	
Andrew Lonkey	Resident

Kristen Podkelski	Resident
Joe Giancarlo	Resident
Debra Ritz	Resident
Ellsworth Nolan	Highway Supervisor
Brian Rott	Resident
Allen Nolan	Buildings & Grounds

The meeting opened at 7:00 PM.

THE MEETING OPENED WITH A PLEDGE TO THE FLAG

PRIVILEGE OF THE FLOOR:

Charlie Burke: Resident of Wide Beach: He is requesting that the emergency plowing at Wide Beach continue.

Supervisor DeCarlo did speak and stated that The Towns Insurance, The State Comptroller's Office & The Legal end, the concern is, is that the town is using public funds for private services. This is an issue with state law.

Tish Brady: Read a letter to the town board regarding the Town not plowing Wide Beach & Lotus Bay anymore. She stated that the Town Board made this decision in a closed meeting not open to the public, it's unreasonable to think that our emergency crews will call the highway dept., to come and plow these roads in case of a real emergency for example a cardiac arrest. She requested that everyone work together to come to a compromise on this matter.

Brian Rott: was very upset that when the previous Supervisor ordered that the Town plow these roads then why aren't you plowing people's driveways? These are all private properties. He stated that it's up to the residents of Wide Beach & Lotus Bay to hire a contractor if they want their roads plowed. He stated that the plowing has been going on for years and it's wrong, it has to stop. It's a theft of services.

Eric Walter: Resident of Wide Beach. Asked why make the change now?

Councilmen Muffoletto spoke and stated that the emergency plowing isn't going to stop that is not what's happening.

Supervisor DeCarlo: The bottom line is, is that it's not legal, just because we have done illegal things in the past doesn't mean that it's ok to do it moving forward. We are not saying we are never going to plow it. They are private roads and it's a liability. If there is a need, we will plow to get emergency vehicles in but not on a day-to-day basis.

Anne Prince: Stated that the neighborhood has relied on this service and is asking the board to work with us. We are willing to pay for what it takes to bring these roads up to what they need to be to make them town roads so this is no longer an issue.

At 7:30PM Supervisor DeCarlo motioned to enter executive session for Personnel & Contractual reasons, Seconded by Councilwomen Giancarlo. 5 ayes, 0 nays. MOTION CARRIED.

At 7:45 pm Supervisor DeCarlo motioned to close the executive session and adjourn the meeting. He was seconded by Councilwoman Ross. 5 ayes, 0 nays. MOTION CARRIED.

MINUTES of the September 13 ,2022 REGULAR TOWN BOARD MEETING Supervisor DeCarlo motioned to approve the minutes of the meeting and was seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

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

TOWN CLERK/TAX COLLECTOR'S FINANCIAL REPORT: TABLED

COURT CLERK'S August 2022 FINANCIAL REPORTS FOR KACZMAREK & GIER REGULAR AND BAIL ACCOUNTS: Councilman Muffoletto motioned to approve both Bail and Regular Financial accounts for Justice Kaczmarek's & Justice Gier for August 2022, and was seconded by Supervisor DeCarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

DOG CONTROL OFFICER'S REPORT FOR SEPTEMBER 2022: TABLED

POLICE REPORT FOR September, 2022: LT. Swalek read the Police report. He stated that there has been a lot of complaints of activity happening after hours in the Village of Farnham & the police dept., is working with the Erie County Sheriffs and the Supervisor to fix this problem. He Thanked Supervisor DeCarlo for allowing the variable scheduled hours. He also acknowledged a dog bite incident that occurred at the Evangola Park and thanked DCO Barb Daniel for really helping them out with the incident. He also thanked Code Officer Gary Brecker for his recent assistance with a recent fatality in Town. He then asked that people call in when a streetlight is out. He noted that when someone calls in about an outage, the whole street ends up getting the new LED's installed. Councilwomen Giancarlo motioned to approve the report as read, seconded by Supervisor DeCarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

HIGHWAY REPORT for August & September 2022: Highway Supervisor Nolan read his report. He called the County 4 times about the side walk on Brant Angola rd. with no call back. Ellsworth asked about the plowing at Wide Beach & Lotus Bay, Supervisor DeCarlo responded stating that the plowing would only be done on an emergency basis. A member of the audience asked what constitutes as an emergency. Supervisor DeCarlo responded that an emergency is defined as, when access is needed for police or fire action. Allen Nolan spoke and said that the problem is that the board did not give the residents enough warning to hire a private contractor so roads are plowed in case of an emergency. Councilwoman Marien spoke and stated that just because we have done it before doesn't mean that it should continue. Allen Nolan spoke saying that telling residents in October was too late for them to get a contractor to plow the roads and that we need to help these people out this year. Councilwomen Giancarlo spoke saying that we cannot help them out this year by law. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

TOWN CLERK'S REPORT TO THE BOARD: TABLED

PLANNING BOARD MINUTES: No report presented.

ZONING BOARD: No report presented.

RECREATION DIRECTOR'S REPORT: No report presented

TOWN HISTORIAN REPORT: Patty read the report. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

AT 7:30 PM, THE DEPUTY CLERK READ THE PUBLIC NOTICE:

**TOWN OF BRANT
LEGAL NOTICE OF PUBLIC HEARING**

THE TOWN OF BRANT will hold a public hearing on Wednesday, October 19, 2022 at 7:30 PM at the Brant Town Hall, 1272 Brant North Collins Rd., Brant, New York, regarding the use of Federal Community Development funds in the Town of Brant.

THE TOWN OF BRANT is eligible for a Federal Community Development grant under Title I of the Housing and Community Development Act of 1974, as amended.

THE PURPOSE OF the hearing is to provide an opportunity for Citizens to express Community development and housing needs and to discuss possible projects which would benefit low- and moderate-income persons in the Town of Brant.

CITIZENS ARE URGED to attend this meeting to make known their views and/or written proposals on the Town of Brant's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

THE HEARING WILL also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town of Brant at (716) 549-0282, ext. 2.

October 14, 2022

By order of the Brant Town Board

Barbara J. Daniel, Brant Town Clerk

Supervisor DeCarlo motioned to enter the public hearing, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

Tish Brady: Has noticed that the homes in Brant need weatherization. Supervisor DeCarlo mentioned that there is a grant through the county for people to get new windows. He stated he would give flyers to Tish to hand out as she is a driver for Rural Transit. She also asked about a bike path to the park safely.

Supervisor DeCarlo motioned to close the public hearing, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

FIRE DEPT: No Report.

BRANT SENIOR'S REPORT: Report was read by Secretary Ostrowski. Councilwoman Ross motioned to approve the report as read, seconded by Supervisor DeCarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

CODE ENFORCEMENT OFFICER'S REPORT: Gary Brecker read his report. He did mention to the board about adjusting the code for tiny houses, currently the Town of Brant minimum square footage for a house is 900 square feet. They also discussed Lonkey's property & what still needs to be done. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

OLD BUSINESS:

NEW BUSINESS:

Trunk or Treat- Saturday, October 22 from 2pm-4pm at the Brant Town Hall

Hours for Trick or Treating for Monday 31,2022 is 6pm-8pm

Supervisor DeCarlo made a motioned to approve trick-or-treating hours, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

Accept Don Hepkins resignation as Brant Chief of Police: Supervisor DeCarlo read Chief's resignation letter, effective Thursday October 20, 2022. Supervisor DeCarlo motioned to approve the resignation of Chief Hepkins, seconded by the entire Board. 5 ayes, 0 nays. **MOTION CARRIED.**

Appoint Lt. Mark Slawek Provisional Brant Chief of Police with a rate of pay \$30.78 an hour not to exceed 39.5 hours per pay period. Provisional until the Chief list comes out.

Supervisor DeCarlo motioned to approve Lt. Mark Slawek as Provisional Brant Chief of Police, seconded by Councilman Muffoletto. A roll Call vote was taken Supervisor DeCarlo-aye-Councilman Muffoletto-aye- Councilwoman Marien-nay- Councilwoman Ross-aye-Councilwoman Giancarlo-aye **MOTION CARRIED.**

Schedule Budget Workshop: October 26th at 6PM

Schedule Budget Hearing: November 8th @ 7:30 PM Supervisor DeCarlo made a motion, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

Discuss Spectrum proposal for internet upgrade at highway barn: Time clock keeps going off line. We need a static IP address and that is \$199.00. Allen Nolan commented what the highway currently has for phone & internet is way out dated. Councilman Muffoletto questioned why his home internet is so much less then the quote Spectrum is giving us. Allan Nolan advised Councilman Muffoletto to call Spectrum. Supervisor DeCarlo made a motioned, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

Grant Opportunity- Body Cameras for police officers; Awardees must have a BWC policy in place or in development that meets or exceeds the provisions set forth int the Municipal Police Training Council's Body Worn Camera Model Policy published by the NYS Division of criminal Justice Services. Set committee to review, draft, and present to the town board Body Worn Camera Policy: Chief Slawek spoke about the grant stating it's free of charge to the town, the cameras are \$2,000 a piece, that the police dept would like to apply for 6 cameras (\$12,000), and that it would help with all aspects of police work. The policy would have to be in place by December 6, 2022. Councilwoman Giancarlo & Councilman Muffoletto volunteered to meet with the police dept to go over the policy.

Softball: Softball is asking permission to use the Rec Building November – March on Monday thru Friday. Allen Nolan spoke stating that cheerleading is using the building Monday's & Wednesday's up until November 30th. Supervisor DeCarlo made a motioned, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

Town Board Reports:

Councilwoman Marien- nothing to report

Councilmen Muffoletto - nothing to report

Councilwoman Ross- would like to do a formal dedication & blessing of the 2 new police vehicles and invite the towns people. Suggested we do it at the tree lighting ceremony.

Councilwoman Giancarlo- Christmas tree lighting at Memorial Park instead of the Town Hall. Councilwoman Giancarlo & Councilwoman Marien will be the Committee

Supervisor DeCarlo: Made a motion for Councilman Muffoletto to get pricing on vehicles for Buildings & Grounds, New & Used. Seconded by Councilman Giancarlo, 5 ayes, 0 nays. **Motion Carried**

Appoint Kyle Waples P/T Parks Laborer with a rate of pay \$14.00/Hour: The board is requesting a resume & back ground check. Allen Nolan spoke saying in the winter he will be taking care of snow removal, the same thing Nick did. Councilman Muffoletto request that Kyle come up to the podium and speak, Councilman Muffoletto asked what kind of back round he had, Kyle responded with that he owned 2 businesses & a Vol. Fire fighter. Councilwoman Giancarlo stated she didn't feel comfortable hiring him, all board members voiced concern about the back ground check and Kyle's attitude, at this time all board members & audience members began to speak over each other. Supervisor DeCarlo made a motion to TABLE the appointment, Seconded by Councilman Muffoletto. 5ays, 0 nays **MOTION CARRIED.**

PRIVILEGE OF THE FLOOR:

Lynda Ostrowski: Fall Craft Show: October 22nd from 10AM – 4PM at the Brant Senior Building, Sponsoring Operation Good Neighbor. Asking people to donate canned goods!

Beth Czaster: Wanted clarification on how many hours Chief Slawek will be working a week & if every employee has to punch the time clock. Supervisor DeCarlo responded with- Chief Slawek will be working 39.5 every 2 weeks & that all employees punch the time clock except patrol officers because they log into a computer system.

Meetings & Correspondence:

- The 1st October sales tax remittance is in. The current transfer rate is 0.19 % greater than the corresponding 2021 amount. Year-to-date transfers are running 6.7 % above last year at this time.

Supervisor DeCarlo read the Abstract:

ABSTRACT 10 of 2022

*Prepaid and unpaid as of 10/18/22 Total Claims **\$ 67,119.61**

Gen Fund Town wide Vouchers Totaling: **\$ 44,251.48**

Gen Fund – Part Town Voucher Totaling: **\$ 8,246.07**

Highway T.W. Vouchers Totaling: **\$ 3,544.16**

Highway P.T. Vouchers, Totaling: **\$ 4,288.67**

Street Lighting: Voucher Totaling: **\$ 6,789.23**

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

PAYROLL (2 pay periods):

General Town Wide Payroll 8/27/22-9/24/22 – Totaling **\$ 83,432.66**

General Part Town Payroll 8/27/22-9/24/22 Totaling: **\$ 734.32**

Highway Payroll TW 8/27/22-9/24/22 Totaling: **\$ 6,763.38**

Highway Payroll PT 8/27/22-9/24/22 Totaling: \$

Supervisor DeCarlo motioned to approve Abstract 10 of 2022, seconded by Councilwomen Ross. A roll-call vote was taken: Supervisor DeCarlo-aye, Councilwomen Ross-aye, Councilman Muffoletto-aye, Councilwoman Marien-aye, Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo presented the following Resolution:

A RESOLUTION IN OPPOSITION TO NEW YORK STATE ACTIONS RESTRICTING 2ND AMENDMENT RIGHTS

WHEREAS, the Town of Brant has a long, proud tradition of staunchly supporting the 2nd Amendment of the United States Constitution, and

WHEREAS, the Town of Brant supports and promotes safe and responsible gun ownership rights of residents across the State of New York, and

WHEREAS, in the wake of the evil, heinous actions against defenseless persons at Tops Market in Buffalo, the New York State Legislature, after that terrible tragedy seized the opportunity to rush through 10 new laws that are meant to erode the right of legal gun owners and punish the legal & legitimate businesses in the firearm industry, and

WHEREAS, shortly thereafter, the Bruen Opinion was handed down from the United States Supreme Court striking down the restrictive nature of laws limiting and pertaining to Pistol Permits in New York, and

WHEREAS, with the ink barely dry on New York's newest gun laws, the New York State Senate and Assembly, in response to the Bruen Opinion, rushed to pass s.51001 & a.41001 during an Extraordinary Session that essentially gutted the Second Amendment rights of citizens across New York State to carry their concealed firearm in public, and

WHEREAS, the New York State Sheriffs' Association recognized, these new laws as "punitive licensing requirements that aim only to restrain and punish law-abiding citizens who wish to exercise their Second Amendment Rights", and+

WHEREAS, as Town Board members in the Town of Brant, we take an oath of office to uphold the Constitution and this is clearly a flagrant violation of the Constitutional rights of our citizens, taking away their ability to protect themselves and their loved ones and creating a bureaucratic boondoggle that ultimately seeks to disarm our residents, now therefore, be it

RESOLVED, that the Brant Town Board is committed to pursuing all legislative and legal remedies, either alone or in concert with other like-minded municipalities, counties and organizations, to overturn the assault on our Constitutional rights and;

RESOLVED, that copies of this resolution be sent to all Erie County local governments with hope that we can join to overturn these wrong-headed laws;

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Honorable Governor Kathy Hochul, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Senate Minority Leader Robert Ort, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Majority Leader of the Assembly Crystal Peoples-Stokes, Honorable Minority Leader of the Assembly William A. Barclay, and the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature, The Association of Towns, and New York State Conference of Mayors.

Supervisor DeCarlo Motioned to adopt the Resolution, seconded by the Board, 5 ayes 0 nays **Motion carried.**

Supervisor DeCarlo announced the next regular Town Board meeting will be Tuesday November 8, 2022 at 7 PM.

Supervisor DeCarlo motioned to Adjourn in memory of: Mary Ann Militello Ball; Ye Naing Aung; Donald Wolff; and Richard Kirisits.. Seconded by Councilman Muffoletto. 5 Ayes, 0 Nays **Motion Carried.**

Respectfully submitted by,

Amanda K Palmer
Brant Deputy Town Clerk