

This Regular Meeting of the Brant Town Board was held on Wednesday November 16, 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
Barbara Daniel	Recording Secretary

Absent was:

Councilwoman Linda Giancarlo
Councilwoman Janice Ross

ALSO, PRESENT AND LEGIBLY SIGNED IN WERE:

Pete Czaster	Highway Dept.
Beth Czaster	Resident
Ellsworth Nolan	Highway Superintendent
Tracy Kaczmarek	Secretary to Supervisor
Debra Ritz	Resident
Frank Schraft	Resident
Catherine Eimers	Resident

The meeting opened at 7:00 PM.

THE MEETING OPENED WITH A PLEDGE TO THE FLAG

Supervisor DeCarlo made a motion to enter Executive Session at 7:05 PM Seconded by Councilman Muffoletto 3 ayes, 0 nays. **MOTION CARRIED.**

Councilwoman Marien made a motion to exit executive session at 7:38pm, seconded by Supervisor DeCarlo 3 ayes, 0 nays. **MOTION CARRIED.**

MINUTES of the October 19 ,2022 REGULAR TOWN BOARD MEETING Councilman Muffoletto motioned to approve the minutes of the meeting and was seconded by Councilwoman Marien. 3 ayes, 0 nays. **MOTION CARRIED.**

SUPERVISOR'S FINANCIAL REPORT: Councilman Muffoletto motioned to approve the Supervisor's financial report, Councilwomen Marien seconded the motion. 3 ayes, 0 nays. **MOTION CARRIED.**

TOWN CLERK/TAX COLLECTOR'S FINANCIAL REPORT: Supervisor DeCarlo made a motion to approve the report, seconded by Councilwoman Marien **3** ayes, 0 nays. **MOTION CARRIED**

COURT CLERK'S September 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 September 2022, and was seconded by Councilwoman Marien. 3 ayes, 0 nays. **MOTION CARRIED.**

DOG CONTROL OFFICER'S REPORT FOR October 2022: Barbara Daniel read the report. She stated that the kennel is finished and she received donation of propane tanks to heat it. Supervisor DeCarlo made a motion to approve the report as read, seconded by Councilman Muffoletto **3** ayes, 0 nays. **MOTION CARRIED**

POLICE REPORT FOR October, 2022: LT. Slawek read the Police report. He stated that they had an officer resign due to health reasons & one officer that was injured not on duty and will be out indefinitely. (Clerk's note: neither officer was identified) Supervisor DeCarlo motioned to approve the report as read, seconded by Councilman Muffoletto. 3 ayes, 0 nays. **MOTION CARRIED.**

HIGHWAY REPORT for October 2022: Highway Superintendent Nolan presented his October report.

He then spoke to the Town Board about various problems with the current Highway Department vehicles. He advised the Town Board that after months of discussion regarding the possibility of purchasing new trucks, he presented the Town Board with two State bid quotes. One was for a Highway truck, and the other was for a truck to be used by the Building Department. He explained that time to place an order would be limited as they may soon be unavailable again.

The Highway Superintendent noted that he received quotes (Order # 9999-F4H) from Emerling Ford for a 2023 Reg Chas Cab DRW for an F450 4x4 truck with a dump body and 9.5 ft MVP3 Western Snow Plow installed. The base price of the State bid listed the Truck as \$50,388.16. The quote then added the plow and dump body for a total price of \$75,028.16. This truck will be for the Highway Department.

The Building Superintendent also obtained a state bid quote (Order # 9989-X2B) for a 2023 Ford F250 4x4 Super Duty Super Cab SRW. The base price is \$52,652.16. The addition of an 8 ft Western PRO PLUS plow installed will bring the total purchase to \$60,087.16.

After reviewing the quotes and further discussion, the Town Board decided both trucks were necessary.

F450: Supervisor Mark DeCarlo then motioned to approve the purchase of the Ford F450 for a total purchase price of \$75,028.16 for the Highway Department, and was seconded by Councilwoman Marien. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Marien-aye, Councilman Muffoletto-aye. 3 ayes, 0 nays. **MOTION CARRIED.**

F250: Supervisor Mark DeCarlo motioned to approve the purchase of the F250 for the Building Department at a total cost of \$60,087.16. He was seconded by Councilwoman Marien. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Marien-aye, Councilman Muffoletto-aye. 3 ayes, 0 nays. **MOTION CARRIED.**

[Clerk's Note: The Board did not vote on the Highway Superintendent's report.]

TOWN CLERK'S REPORT TO THE BOARD: TABLED

PLANNING BOARD MINUTES: TABLED

TOWN HISTORIAN REPORT: Tabled

BRANT FARNHAM SENIORS: Tabled

CODE ENFORCEMENT: Tabled

FIRE DEPT: No Report.

BRANT SENIOR'S REPORT: TABLED

PUBLIC HEARING 2023 TOWN OF BRANT BUDGET:

At 7:55 PM Supervisor DeCarlo instructed the Town Clerk to read the Public Hearing notice. The Town Clerk began by noting that a Notice of Postponed meeting was also posted that advised the Town Board meeting scheduled for November 8, 2022 had been postponed until Wednesday November 16, 2022 at 7:00 pm.

This notice read as follows:

Meeting Notice

Notice of Postponed Brant Town Board Meeting

This notice is to advise that the November 8, 2022 Brant Town Board meeting at the Brant Town Hall, 1217 Brant North Collins Rd, Brant, NY 14027 has been rescheduled for Wednesday November 16 at 7:00 pm. This notice is to comply with the NYS Open Meetings law.

By order of the Town Supervisor

Mark DeCarlo

November 8, 2022

The public hearing notice for the Preliminary Budget was then read as follows:

LEGAL NOTICE TOWN OF BRANT NOTICE OF HEARING ON THE PRELIMINARY BUDGET FOR THE YEAR 2023

Notice is hereby given that the Preliminary Budget for the fiscal year beginning January 1, 2023 and the required Tax Exemption Impact Report will be in the Office of the Brant Town Clerk where it is available for inspection by any interested person during regular business hours and can be found online at www.brantny.com.

PUBLIC HEARING for the Preliminary Budget will be held at the Brant Town Hall, 1272 Brant North Collins Rd, Brant, NY at 7:30 PM on WEDNESDAY THE 16TH day of NOVEMBER 2022.

And at such hearing, any person may be heard in favor or against any item therein contained.

Further notice is given pursuant to Section 108 of the Town Law the proposed salaries of the following Town Offices are hereby specified as follows:

Supervisor	\$22,035.00
Councilman (4) x each	\$5,273.00
Town Clerk/Tax Collector	\$33,558.00
Superintendent of Highways	\$35,631.00

DATED: November 2, 2022
BY ORDER OF THE
BRANT TOWN BOARD
Barbara J Daniel
Brant Town Clerk

Upon the reading of the notice, Supervisor DeCarlo motioned to open the Public Hearing, and was seconded by Councilwoman Marien. 3 ayes, 0 nays. MOTION CARRIED.

The Supervisor requested public comment regarding the proposed budget. Debra Ritz of Mile Block Road spoke:

She noted an email she sent earlier that day to the Board members. She explained that she will try to find a better way to explain the questions she has, since she expresses the same concerns every year. She addressed her budget concern with the Chicken and the egg scenario. She asked if the budget for the police department and the court is where it is because the number of tickets that are written and the amount of fines being assessed to those tickets, or is our budget for the courts causing that amount of tickets to be written and those amount of fines to be assessed. She stated she added up all the lines that are part of the final amount for Police and Court and they amount to over \$400,000. She then asked if the projected figures listed as anticipated revenue from the tickets putting pressure on the police to write more tickets to fund themselves? She stated that after she ran the figures, it looked like there was only an extra \$10,000.

Councilman Muffoletto responded that with insurance costs, wear and tear of vehicles and other expenses, there is no extra money's left. Ms. Ritz stated that means the tax payers are covering those expenses? Councilman Muffoletto then stated this is as close you're going to get anywhere. The Supervisor noted that a third of the tickets written aren't coming from the Brant Police. He added that the Town of Brant also has Routes 5 & 20 and the thruway running through the Town which generate a lot of tickets.

Supervisor DeCarlo asked Chief Slawek to comment on the percentage of tickets that are written by Brant Police. Slawek responded that tickets issued by Brant Police are a small percentage because of staff shortage.

Debra continued her concerns that the revenue needed for these two departments have to be high or property taxes will have to be raised. Supervisor DeCarlo noted that without the Court revenue, taxes would increase by 70%. She responded that Court is not here to balance the budget but to dispense justice. She added that her parking tickets were \$50 and now they are \$150 each and you get two normally.

At 8:03 pm, Supervisor DeCarlo motioned to close the Public Hearing, seconded by Councilman Muffoletto. 3 ayes, 0 nays. MOTION CARRIED.

NEW BUSINESS:

DISCUSSION REGARDING BRANT FOUR CORNERS: Supervisor DeCarlo spoke about a conversation he had with Farnham Fire Chief Assistant Peter Chiavetta who was the first on the scene for the recent accident that occurred on the 4 corners in Brant. He explained his concerns about the 4 corners and noted that he contacted the D.O.T. regarding the idea of putting 4-way stop signs at the corner. Chiavetta would like something in writing from the Town Board showing support for the idea. DeCarlo asked the Board for comments or concerns. Councilman Muffoletto questioned the number of accidents at that corner. Highway Superintendent Ellsworth Nolan responded that in 40 years, he remembers maybe 3 accidents at that corner. Resident Debra Ritz said that when the light was recently a blinking red light 4 ways, people seemed confused about who goes next. She thought it was a bad

idea. Resident Brian Rott felt that the remedy should be adjusted based on the season when the farm trucks are running. Or he suggested a police car parked there. Highway Superintendent Ellsworth Nolan felt that a 4 way stop sign would be better so that people don't get confused. It was noted that the D.O.T. will want to do a study.

ADOPT 2023 BUDGET: Supervisor DeCarlo then made a motion to adopt the 2023 Budget. Councilman Muffoletto seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilman Muffoletto-aye, Councilwoman Marien-aye. 3 ayes, 0 nays. **MOTION CARRIED.**

VOTE TO RANK RURAL TRANSIT FIRST PRIORITY FOR 2023-2024 CDBG GRANT YEAR:

ERIE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS

At a Regular Meeting of the Brant Town Board Erie County, New York, held at the Brant Town Hall, 1272 Brant North Collins Road, Brant, New York on the 16th day of November, 2022 at 7:00 PM Eastern Prevailing Time, there were:

Present were:

Supervisor Mark DeCarlo
Councilman Michael Muffoletto
Councilwoman Donna Marien

Supervisor Mark DeCarlo moved the following Resolution and moved its adoption:

WHEREAS, following the Public Hearing of October 19, 2022, which was held at the Brant Town Hall for suggestions by the public for projects to be submitted for funding, and in consideration thereof,

NOW, THEREFORE BE IT RESOLVED, that the Brant Town Board submits the following projects to be considered for funding by the Erie County Community Development Block Grant Program during the 2023-24 grant cycle:

1st Priority -- Rural Transit Service

NOW THEREFORE BE IT RESOLVED that the Brant Town Board authorizes **Mark J. DeCarlo, Town Supervisor**, to sign, submit, and if funded, execute a contract with Erie County Community Development Block Grant (ECCDBG) Program for Rural Transit Service upon approval of the ECCDBG.

Seconded by **Councilwoman Donna Marien** and put to a vote this resulted as follows:

	AYES:	NOES:
Supervisor Mark DeCarlo	aye	None
Councilwoman Donna Marien	aye	
Councilman Michael Muffoletto	aye	

RESOLUTION ADOPTED

BOARD OF ASSESSMENT AND REVIEW: Supervisor DeCarlo noted the terms that ended in October of 2022. He then listed the renewal of the following appointments:

- Lynda Mason, Board member 5-year term to end Oct 31st 2026
- Janet Bowman, Alternate member 1 year term to end October 31st, 2023
- Frank Broughton, Alternate member 1 year term to end October 31st, 2023

Supervisor DeCarlo motioned to approve the appointments as listed above, and was seconded by Councilwoman Marien. 3 ayes, 0 nays. **MOTION CARRIED.**

ACCEPT RESIGNATION OF OFFICER CALEB BULLARD: Supervisor DeCarlo motioned to accept the resignation of Officer Caleb Bullard effective October 31st, 2022. Councilwoman Marien seconded the motion. 3 ayes, 0 nays. **MOTION CARRIED.**

EBC ATTENDANCE ON DEMAND SOFTWARE SUPPORT: Supervisor DeCarlo advised the Board that the current Time clocks do not meet guidelines of the new laws. The old-time clocks will be going dark as of April. To bring the Town up to date with a new Time Clock system, the cost will be \$3.50 per employment, per month, with a minimum of \$100/month. There will be 2 options for a time clock, badges or Biometric Facial Recognition. We can lease or purchase the equipment. We will need two of them. The Supervisor's Secretary stated that using the Biometric Facial Recognition time clocks require employees to give the Town consent to use their biometric information. The new clocks would be used starting in April. The hand stamp time clocks are no longer being made or recommended due to Covid. The deadline is January 1st. The "Time and Attendance" is now going to be "Attendance on Demand". There is a \$750 fee to transfer everything over to the "Attendance on Demand" system.

Supervisor DeCarlo asked if the new system would require a static IP address. Supervisor's Secretary answered probably not. Resident Brian Rott stated that the Town cameras do not need internet. The only difference is the Town Board will not be able to view the cameras on their phones. Without internet, the Town will save \$200/month. Rott stated if something happens, the Town will just have to go to the camera site, view and save what they need and that's it. Councilman Muffoletto asked the Supervisor's Secretary to verify that the system does not need a static IP address.

Councilwoman Marien asked how many active employees we have now. The answer was 40 active employees which will translate to \$140 per month which will include the police department. Councilman Marien asked if the 40 employees include the police department. Supervisor DeCarlo asked Chief Slawek if clocking in will be a problem for police. Slawek replied it may present a problem if they live in Buffalo and have to come back out here, it will cost the Town more money. Councilwoman Marien responded that the Town would make an exception for that. In other words, the Chief would vouch for the fact that an officer was sent out of Town and was unavailable to sign out, giving Chief the right to over ride that time sheet. She insisted that on a regular basis there should be no problem with everyone coming in to clock in and out.

Discussion continued regarding their choice or badge sign in or facial recognition. It was noted that the badge option doesn't prevent someone from logging in for someone else. Resident Brian Rott suggested that the cameras near the time clock could confirm who logged in if a question arose. Questions were raised whether a camera was on each time clock. Rott suggested using a tablet for the log in. It was noted that each employee can even clock through their phone. Discussion regarding warranty. Supervisor DeCarlo then stated the choice should be the purchase of the system that uses badges, provided they do not require a static IP address. The recreation program will continue as previously conducted with the Recreation Director documenting the attendance on time sheets. The question arose about police not being required to log in. Chief Slawek responded that the State Comptroller advised the police chief that if an officer has to call in when arriving for his shift, the hand stamp (old system) was not necessary.

Supervisor DeCarlo then motioned to approve the purchase of two Badge Time Clock systems and the maintenance agreements, which will provide the software. The purchase will be based on the system not requiring a static IP address. Councilwoman Marien seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Marien-aye, Councilman Muffoletto-aye. 3 ayes, 0 nays. **MOTION CARRIED.**

MEMORIAL PARK DAMAGE: Councilman Muffoletto questioned the status of the damage to the Memorial Park. They are awaiting the police report to be completed. Supervisor DeCarlo stated he will make a call. Councilman Muffoletto would like the clean up to begin. It was noted that the Town employees can perform the clean up without requiring prevailing wage.

Town Board Reports:

Councilwoman Marien- The Trunk or Treat was a success. She also suggested getting a 14 ft tree and put it somewhere in the front of the Town Hall instead of worrying about lights falling off the big live tree. It was decided that the Christmas Tree lighting ceremony can be held on Sunday December 4th, 2022 at 4:00 pm.

Councilmen Muffoletto – Picked up a snow thrower for the Town

Councilwoman Ross- Absent

Councilwoman Giancarlo- Absent

PRIVILEGE OF THE FLOOR:

Catherine Eimers of 1488 Brant North Collins Rd: Catherine identified herself as the owner of a wildlife hospital at her residence. The location was approved for this purpose by the Town Board twenty years ago. She presented the original letter she received approving her facility. She has had no issues with neighbors in all the years she has conducted the rehab facility. She continued that her neighbor purchased the house next door and until January of 2021 they had a very amicable relationship as neighbors. She added that even her cats were not a problem. She stated that with the wildlife on her property, she cannot use poison as rodent control, so the cats are an integral part of the facility. For nineteen years, she has had no problem with any property owner regarding her cats. She added that New York State considers cats free roaming animals.

She continued that on August 22nd of this year, the neighbor's new girlfriend decided to charge her from her yard towards Catherine's and threaten her cats. She stated she was going to "take them and dump them". She called the Brant Police because she knew that was illegal. Officer John Lopez answered the call and advised her that if her cat's go in her neighbor's yard, she can do with it whatever she pleases. Catherine noted that to do so would be a violation of NYS Article 26 animal cruelty. She added that taking owned animals and dumping them is a felony. She continued that on September 12th she came outside to look and move her car and she was confronted with a vulgar political sign aimed at her front yard. The sign cannot be seen from the road but it presents a problem for her NYS rehab license as her facility cannot have any vulgarity where John Q Public brings her wildlife. She has to explain the

neighbor issue and that the sign is not hers. She stated that she then called Brant Police again and Officer Lopez again yelled at her that if her cats go on the neighbor's property, they can do with them whatever they want. She called DEC and spoke with Connie Adams who then called Albany and spoke with the head of special licenses. They stated that while the vulgar sign is not on her property, it directly affects her. They discussed her options with their legal department and she was advised to put up a sign that will serve as a public disclaimer.

On September 16th the public disclaimer sign was put up. The next day, her grey cat Balu was stolen. On the 18th her black cat Zachary was stolen. Both of them resided at her address for 13 years with no complaints or issues from anyone. Their veterinarian is Dr. James Albert. She contends it was an act of revenge for the disclaimer sign. Brant Police told her it's an animal complaint. The Brant DCO responded that it was a crime, and a police report should be filed. After phone calls and a visit to the police department, no one was willing to file a report. Finally, the Erie County Sheriff gave her a claim number but advised her that Brant has to deal with it. When Brant refused to deal with it, she emailed the NYS police in Albany. Shortly after her email, Brant police showed up in her driveway.

Then on Halloween, the neighbor again trapped another of her cats. The neighbor contacted the DCO and was advised to turn it loose. The DCO asked why she was trapping her neighbor's cats and she denied doing so. That night, Catherine waited until the Brant Police were off duty before calling the NYS police who arrived to take her complaint. The trooper then contacted the DCO for her version. Trooper Cordaro then issued Report number 11126354. He also visited the neighbor's home to speak with her. At his arrival, he received confirmation that the cat had been released. The neighbor then explained that she had wildlife raiding her chicken coop. Catherine then reminded the trooper that there are laws that regulate the trapping of wildlife. She would have had to prove that there is a problem with a certain species, and then they will issue a permit. She stated that trapping owned animals is illegal.

She added that when a police officer puts on their uniform, they are supposed to enforce all NYS laws, not just the ones that will garner revenue. She stated *"You **are** the animal police; you are the **everything** police"*. The State Police are now conducting an investigation at this time. Catherine attended this meeting to ask the Town of Brant Supervisor to please give the Brant Police a directive that they must enforce all NYS laws. She wants her cats back. Supervisor DeCarlo advised her that he will look into the latter and follow up with her.

Councilman Muffoletto then acknowledged and commended her efforts to help wildlife, and stated that they too have brought injured wildlife to her throughout the years. Supervisor DeCarlo asked the Town Clerk to forward Catherine's contact information to him.

Meetings & Correspondence:

- The 2nd November sales tax remittance is in. The current transfer rate is 11.58 % greater than the corresponding 2021 amount. Year-to-date transfers are running 6.89 % above last year at this time.

Supervisor DeCarlo read the Abstract:

ABSTRACT 11 of 2022

*Prepaid and unpaid as of 11/16/22 Total Claims **\$ 37,529.35**

Gen Fund Town wide Vouchers Totaling: \$ **30,572.08**
Gen Fund – Part Town Voucher Totaling: \$
Highway T.W. Vouchers Totaling: \$ **2,600.17**
Highway P.T. Vouchers, Totaling: \$ **49.86**
Street Lighting: Voucher Totaling: \$ **4,307.24**
Brant Water Dist 1 (SS2&SW): – Totaling \$

PAYROLL (2 pay periods):

General Town Wide Payroll 09/25/22-10/22/22 – Totaling \$ **50,624.94**
General Part Town Payroll 09/25/22-10/22/22 Totaling: \$ **734.32**
Highway Payroll TW 09/25/22-10/22/22 Totaling: \$ **7,031.03**
Highway Payroll PT 09/25/22-10/22/22 Totaling: \$

Supervisor DeCarlo motioned to approve Abstract 11 of 2022, seconded by Councilman Muffoletto. A roll-call vote was taken: Supervisor DeCarlo-aye, Councilman Muffoletto-aye, Councilman Muffoletto-aye, Councilwoman Marien-aye, Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

[clerk's note: The Abstract Certification contained the wrong payroll dates of 6/19/22 to 7/16/22 as noted by the Supervisor upon his reading of the Abstract. These minutes now reflect the correct payroll dates]

Supervisor DeCarlo announced the next regular Town Board meeting will be Tuesday December 13, 2022 at 7 PM.

Supervisor DeCarlo motioned to Adjourn in memory of Barbara Scinta. Councilman Muffoletto seconded the motion. 3 Ayes, 0 Nays **Motion Carried.**

Respectfully submitted by,

Barbara J Daniel
Brant Town Clerk