



Brant Town Board Meeting AGENDA

May 10, 2022 @ 7:00 PM



Meeting Call to Order 7:00PM

1.) PLEDGE TO THE FLAG

Recognition of Dignitaries, Officials and Visitors

2.) Approval of Minutes – April 19, 2022 Town Board Meeting

3.) Monthly Reports –

1. Supervisor's Financial Reports
2. Town Clerk/Tax Collector Report
3. Court Clerk's Financial Reports Justices
4. Dog Control Officer's Report ~ *tabled*
5. Police Report ✓
6. Highway Superintendent Report ✓
7. Town Clerk's Report to the Board
8. Planning & Zoning Board's Reports
9. Recreation Director Report
10. Parks Commissioner Report
11. Town Historian Report
12. Fire Company Reports
13. Brant Farnham Seniors
14. Code Enforcement Officers Report

4.) Public Hearings

5.) Acknowledgment of the floor for Visitors, Invited Guests and Presenters

6.) Old Business

7.) New Business

- Vote on appointment of David Poleon, Part-time Police Officer for Town of Brant Police Dept with a payrate \$24/hour, with a six-month probationary period.
- Set Public Hearing for June 14, 2022 at 7:30pm – Renewal of Special Use Permits
- Vote to allow Supervisor DeCarlo to sign 2022-2025 Snow Removal and Ice Control Agreement
Current agreement expires Aug 31, 2022. New 3-year agreement negotiated for snow seasons 2022-2025. Lane mile reimbursement rate increasing 5% increase in Year 1 and 4% increase in years 2 and 3, to expire Aug 31, 2025.
- National Gril Invoice LED Conversion
- Resolution in Opposition of 10 NYCRR (NEW YORK CODES, RULES AND REGULATIONS) 2.13 Isolation and Quarantine Procedures (Effective 4/22/2022)

8.) Reports of Committees

9.) Town Board reports

Councilmen Michael Muffoletto, Donna Marien, Janice Ross, Linda Giancarlo

10.) Recognized Privilege of the floor -- Please stand state your name (You have 3 min. to air your request) Thank You

11.) Meetings & Correspondence

- The second April sales tax remittance is in. The current transfer is 29.03% greater than the corresponding 2021 amount. Year-to-date transfers are running 21.35% above last year at this time.

12.) Approval of Abstract

13.) Next Meeting – June 14, 2022 at 7:00pm

14.) Executive Session – Personnel and Contractual

15.) Motion to Adjourn– In Memory of:

This Regular Meeting of the Brant Town Board was held on Tuesday, May 10th, 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
Michael Muffoletto	Councilman
William Trask, Sr.	Town Attorney
Diane Czyz	Recording Secretary

ALSO PRESENT AND LEGIBLY SIGNED IN WERE:

Donald Hepkins	Police Chief
Ellsworth Nolan	Highway Superintendent
Allen Nolan	Building Superintendent
Tracy Kaczmarek	Supervisor's Secretary
Brian Rott	Resident
Debra Ritz	Resident/Planning Board member
Lynda Ostrowski	Planning Board Secretary
Joseph Ostrowski	Planning Board Chairman
Patty Friend	Town Historian
David Poleon	Police Applicant
Kathy Nerger	Visitor
Joyce Ellis	Resident
Chad Kaczmarek	Town Justice

The meeting opened at 7:00 PM.

THE MEETING OPENED WITH A PLEDGE TO THE FLAG

MINUTE APPROVAL April 19, 2022 REGULAR TOWN BOARD MEETING: Councilwoman Ross motioned to approve the minutes, seconded by Supervisor DeCarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

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

BUDGET MODIFICATION: Supervisor DeCarlo presented the Budget modifications as of December 31, 2022.

SUBJECT: **Budget Modification #1 as of:**

**December 1,
2021**

Please make a resolution at the regular Town Board meeting on Tuesday May 10, 2022 to approve the following Budget Modification(s) to the 2021 Adopted Budget for the following Fund(s):

Budget	Dec From/	Fund Account
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Modification	(Inc) To	Code	Description
<u>General Fund Townwide (A)</u>			
\$ <u>13,440.13</u>	(DR) Decrease	A1110.13	Mun Court Pers Serv - Office Clerk
\$ 3,394.07	(CR) Increase	A1110.14	Mun Court Pers Serv - Bench Clerk
\$ 4,907.60	(CR) Increase	A1110.4	Mun Court Contract Gier
\$ <u>5,138.46</u>	(CR) Increase	A1110.41	Mun Court Contract Kaczmarek
\$ <u>0.20</u>	(DR) Decrease	A1220.11	Supervisor Pers Serv - Sect
\$ 0.10	(CR) Increase	A1220.1	Supervisor Pers Serv - Sup
\$ <u>0.10</u>	(CR) Increase	A1340.1	Budget Pers Serv
\$ <u>1,303.21</u>	(DR) Decrease	A1355.11	Assessment Pers Serv - Clerk
\$ 0.08	(CR) Increase	A1355.11	Assessment Pers Serv - Assessor
\$ <u>1,303.13</u>	(CR) Increase	A1355.4	Assessment Contractual
\$ <u>126.13</u>	(DR) Decrease	A1420.4	Law Contractual
\$ 126.01	(CR) Increase	A1410.4	Clerk Contractual
\$ 0.06	(CR) Increase	A1420.1	Law Pers Serv Town Attorney
\$ <u>0.06</u>	(CR) Increase	A1420.11	Law Pers Serv Town Prosecutor
\$ <u>0.04</u>	(DR) Decrease	A1460.4	Record Mgmt Contractual
\$ <u>0.04</u>	(CR) Increase	A1460.1	Record Mgmt Pers Serv
\$ <u>17,932.50</u>	(DR) Decrease	A1620.11	Bldgs/Grounds Pers Serv Staff
\$ 2,218.88	(CR) Increase	A1620.11	Bldgs/Grounds Pers Serv Superint
\$ 5,520.27	(CR) Increase	A1621.1	New Town Hall Pers Serv
\$ 6,380.67	(CR) Increase	A1621.4	New Town Hall Contractual
\$ 1,797.89	(CR) Increase	A1625.4	Rec Bldg Contractual
\$ <u>2,014.79</u>	(CR) Increase	A1630.4	Community Bldg Contractual
\$ <u>500.00</u>	(DR) Decrease	A1680.41	Central Data Proc Contractual

\$ 500.00	(CR) Increase	A1680.41	Central Data Proc Payroll/WLB Contr
<u>\$ 4,367.46</u>	(DR) Decrease	A3120.12	Police Pers Serv Court Balif
\$ 4,293.63	(CR) Increase	A3120.11	Police Pers Serv Officers
<u>\$ 73.83</u>	(CR) Increase	A1680.4	Central Data Process Payroll WLB Contract

General Fund Part Town (B)

<u>\$ 112.50</u>	(DR) Decrease	B8020.4	Planning Contractual
<u>\$ 112.50</u>	(CR) Increase	B5010.4	Street Admin Drug/Alcohol Testing

Highway Townwide (DA)

<u>\$ 115.00</u>	(DR) Decrease	DA5142.4	Snow Removal Contract
<u>\$ 115.00</u>	(CR) Increase	DA5140.4	Misc(Brush & Weeds) Contractual

<u>\$ 20,000.00</u>	(DR) Decrease	DA9785.6	Installment Purchase Debt
<u>\$ 20,000.00</u>	(CR) Increase	DA5130.4	Machinery Contractual

Highway Part Town (DB)

<u>\$ 1,602.90</u>	(DR) Decrease	DB9060.8	Medical & Dental Ins
\$ 2,235.05	(DR) Decrease	DB9040.8	Workmen's Compensation
<u>\$ 3,837.95</u>	(CR) Increase	DB5110.1	General Repairs Pers Serv
<u>\$ 293.91</u>	(DR) Decrease	DB9060.8	Medical & Dental Ins
<u>\$ 293.91</u>	(CR) Increase	DB9030.8	Social Security

Supervisor DeCarlo motioned to accept the Budget mods as presented, seconded by Councilwoman Ross. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Ross-aye, Councilwoman Giancarlo-aye, Councilman Muffoletto-aye, Councilwoman Marien-aye. 5 ayes, 0 nays. MOTION CARRIED.

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

COURT CLERK'S MARCH 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 March 2022, and was seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

DOG CONTROL OFFICER'S REPORT: TABLED

POLICE REPORT FOR April 2022: Chief Hepkins read his report. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Giancarlo and Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

APPROVAL OF INTERNSHIP (POLICE DEPARTMENT ASSISTANT): Chief Hepkins asked for approval of an internship for Trinnity Palmer as an assistant to the police department. She will work 130 hours between June-August. Her pay will be covered by the Business & Finance Academy at the high school. The board approved pending approval from the Towns insurance company. Supervisor DeCarlo made the motion to approve the request, seconded by Councilman Muffoletto. 5 Ayes, 0 nays. **Motion Carried.**

APPOINTMENT OF NEW PATROLMAN: Chief Hepkins asked for approval to hire new Patrolman David A. Poleon at a rate of pay of \$24/hr with a 6 month probation period, Supervisor DeCarlo made the motion, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

HIGHWAY SUPERINTENDENT April 2022 REPORT: Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

PLANNING BOARD MINUTES: Councilwoman Ross read the report. Councilman Muffoletto motioned to approve the Planning Board minutes, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

ZONING BOARD REPORT: No report

RECREATION REPORT: No recreation report presented.

TOWN CLERK'S REPORT TO THE BOARD: Deputy Town Clerk Diane Czyz read the report. Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

PARK COMMISSIONER'S REPORT: No report

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

BRANT SENIOR'S REPORT: Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

CODE ENFORCEMENT OFFICER REPORT FOR April 2022: Gary Brecker read his report. : Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwoman Giancarlo. 5 ayes, 0 nays. MOTION CARRIED.

NEW BUSINESS:

RESOLUTION: Supervisor DeCarlo presented the following resolution:

RESOLUTION – May 10, 2022 Town of Brant

10 NYCRR (NEW YORK CODES, RULES AND REGULATIONS)

2.13 Isolation and Quarantine Procedures (Effective 4/22/2022)

WHEREAS, Despite the expiration of New York State’s Disaster Emergency on June 24, 2021, and the concurrent expiration of the extraordinary authority it granted to the Executive to take measures to contain the spread of the COVID-19 virus, the Governor and the New York State Department of Health have continued to promulgate emergency regulations of far-reaching scope through the agency rulemaking process in violation of the NYS Administrative Procedure Act (“SAPA”), and

WHEREAS, bill A-416 entitled: “AN ACT to amend the public health law, in relation to the removal of cases, contacts and carriers of communicable diseases who are potentially dangerous to the public health” was proposed for several years in Assembly and failed to garner any support at all, and

WHEREAS, the New York State Department of Health took matters into their own hands, and adopted 10 NYCRR 2.13 *Isolation and Quarantine Procedures*, effective 4/22/2022, as an emergency regulation, **with the intent to make it permanent**, and

WHEREAS, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (a4)* endows the Dept. of Health Commissioner with the power to force people diagnosed or *exposed to* a communicable disease to be removed from society (by isolation, quarantine, detention) into a “residential or temporary housing location that the public health authority issuing the order determines appropriate,” of which the location could be anywhere and that time frame could be any number of days, weeks, months or years, and

WHEREAS, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (c2)* empowers the Dept. of Health Commissioner to monitor the person being forcibly held and coordinate with local law enforcement to ensure compliance, and

WHEREAS, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (d)* empowers the Dept. of Health Commissioner to prevent a property owner from entering their property if it is being used as a quarantine facility location, and

WHEREAS, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (f)* establishes civil and criminal penalties if the citizen violates the health authority’s order. Each day a separate infraction, and

WHEREAS, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (g1)* every attending physician shall immediately, upon discovering a case or suspected case of a highly contagious reportable communicable disease, cause the patient to be appropriately isolated and contact the State

Department of Health and the local health authority where the patient is isolated and, if different, the local health authority where the patient resides, and

WHEREAS, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures*, places the decision-making power into the hands of one person to decide the fate of 19 million New Yorkers as far as who can live their life freely and who can be pulled from the privacy of their home, workplace, school, etc. without notice and removed from society for an arbitrary and indefinite amount of time, in a location they are not allowed to choose, and that they are not allowed to leave until said person allows them to, and

WHEREAS, there are hundreds of studies that show that forced quarantines cause psychological, emotional, and physical harm including depression, anxiety, delayed medical exams, loss of jobs, loss of businesses etc., with the harm outweighing the benefit, and

WHEREAS, the Town of Brant believes that the notion of government requiring individuals to isolate in temporary housing or a facility other than one's home is similar to the COVID response we saw authoritarian regimes implement over past two years and not a requirement that should be implemented in a democracy that values due process and individual liberties, and

WHEREAS, the Town of Brant believes that maintaining the doctrine of the Separation of Powers between the Legislative Branch and the Executive Branch is paramount in preserving a representative form of government, and

WHEREAS, the Town of Brant believes if this illegal regulation is permitted to stand, it would signify a breakdown of the checks and balances that define our democratic form of government, and

WHEREAS, the Town of Brant believes that with the height of the pandemic behind us, New Yorkers want the government overreach, tyrannical behavior and unchecked Executive powers that overshadowed the past two years to come to an end, and

NOW, THEREFORE BE IT RESOLVED, that the Town of Brant expresses its opposition to the requirements and intent of the NYS Department of Health regarding Emergency Regulation 10 NYCRR 2.13.

AND FURTHER BE IT RESOLVED, that copies of this resolution will be forwarded to the offices of the ECDOH, NYS Dept. of Health, and Governor Hochul.

ROLL CALL VOTE:	Councilman Muffoletto	Voting Aye	Resolution adopted
	Councilwoman Ross	Voting Aye	
	Councilwoman Marien	Voting Aye	
	Councilwoman Giancarlo	Voting Aye	
	Supervisor DeCarlo	Voting Aye	

OLD BUSINESS:

SPECIAL USE PERMIT RENEWAL PUBLIC HEARING SET FOR JUNE 14: Supervisor DeCarlo Motion to set a Public Hearing for June 14, 2022 at 7:30pm for the renewal of Special Use Permits, seconded by Councilman Muffoletto. 5 ayes, 0 nays. MOTION CARRIED

ICE & SNOW REMOVAL CONTRACT WITH ERIE COUNTY 2022-2025: The following proposed Snow Contract figures were received from Erie County. The Contract allows for an increase of 5% the first

year, 4% the second and third year payable from the adopted Division of Highways, Operating Budget, Fund 210, Cost Center, G/L 52006 Town and Village contracts. The figures will be as follows:

- September 1, 2022 through August 31, 2023 \$4,693.86 per lane mile
- September 1, 2023 through August 31, 2024 \$4,881.61 per lane mile
- September 1, 2024 through August 31, 2025 \$5,076.88 per lane mile

Councilwoman Giancarlo Motioned to accept and allow Supervisor DeCarlo to sign 2022-2025 Erie County Snow Removal and Ice Control Agreement, seconded by Councilwoman Marien. 5 ayes, 0 nays. MOTION CARRIED.

APPROVAL OF L.E.D. STREETLIGHT CONVERSION: Supervisor DeCarlo Motioned to approve and pay the National Grid Invoice # 500121305 in the amount of \$16,463.25 for the LED Conversion, Seconded by Councilwoman Ross. 5 ayes, 0 nays. MOTION CARRIED.

COMMITTEE REPORTS

- **Councilwoman Marien:** E-Waste is bringing in a lot of items. It's doing great
- **Councilwoman Giancarlo:** Brant Summer Festival is moving along. The 5K has been Cancelled. The parade is Saturday June, 18 @ Noon. Fire works will be on Saturday evening
- **Councilman Muffoletto:** For the recreation program, Vince will have all the interviews done next week and get us a list of people he would like to hire.
- **Councilwoman Ross:** Nothing to report

PRIVILEGE OF THE FLOOR:

Supervisor DeCarlo mentioned that this years Memorial Day (May 30) Celebration will be in Brant at Memorial Park at 9AM

The Board acknowledged the Retirement of Chief Hepkins on May 31st

Ellsworth Nolan mentioned that the Farnham Fire Dept will be holding their annual chicken BBQ on Memorial day from Noon till sold out and that this year it will be sit down as well as carry out.

Meetings & Correspondence:

- The second April sales tax remittance is in. The current transfer is 29.03% greater than the corresponding 2021 amount. Year-to-date transfers are running 21.35% above last year at this time.

Supervisor DeCarlo read the Abstract:

ABSTRACT 5 of 2022

*Prepaid and unpaid as of 5/10/22 Total Claims \$ **53,874.13**

Gen Fund Town wide Vouchers Totaling: **\$ 31,431.99**
Gen Fund – Part Town Voucher Totaling: **\$ 8,211.63**
Highway T.W. Vouchers Totaling: **\$7,751.71**
Highway P.T. Vouchers, Totaling: **\$ 3,020.36**
Street Lighting: Voucher Totaling: **\$ 3,458.44**
Brant Water Dist 1 (SS2&SW): – Totaling **\$**

PAYROLL (2 pay periods):

General Town Wide Payroll 3/27/22- 4/23/22 – Totaling **\$54,369.79**
General Part Town Payroll 3/27/22- 4/23/22 Totaling: **\$734.32**
Highway Payroll TW 3/27/22- 4/23/22 Totaling: **\$6,534.17**
Highway Payroll PT 3/27/22- 4/23/22 Totaling: **\$0**

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

Next REGULAR Town Board meeting is Tuesday June 14, 2022 at 7 PM.

At 8:00 PM Supervisor DeCarlo motioned to enter executive session for personnel and contractual reasons. He added that no actions will follow the session, and the meeting will be adjourned in memory of Pat Granica. Councilwoman Giancarlo seconded the motion. 5 ayes, 0 nays.

At 9:15 PM Supervisor DeCarlo motioned to close the executive session and adjourn the meeting in memory of Pat Granica, seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

Respectfully submitted by,


Barbara J. Daniel
Brant Town Clerk



Town of Brant Erie County New York

SUPERVISOR
Mark J. DeCarlo
716-549-0301 opt#3

TOWN CLERK
Barbara J Daniel
716-549-0282 opt# 2

COUNCILMAN
Michael Muffoletto
Donna Marien
Janice Ross
Linda Giancarlo

May 10, 2022

To: Brant Town Supervisor Mark J. DeCarlo.

From: Code Enforcement Officer Gary A. Brecker.

Re: March & April Monthly Reports, 2022.

Field Inspections:

- 2 demolition
- 6 new construction
- 3 complaints
- 2 planed sub. Div.
- 1 scrap yard
- 1 migrant labor camp

8 building permits issued

1 Demolition permit

2021 NYS codes report issued to Albany

3 days training for 24 hrs. credit for code enforcement certification.

Court Cases: 2 active
1 recently abated

Special Use permits: 1 recently issued
7 experation letters being sent

Respectfully Submitted,

Gary A. Brecker
Code Enforcement Officer

1272 Brant North Collins Rd, PO Box 228, Brant, New York 14027 PH (716)549-0282 (716)549-0623

www.brantny.com ~ TDD NY RELAY 1-800-662-1220

The Town of Brant is an equal opportunity provider, and employer. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800)795-3272 (voice) or (202)720-6382 (TDD)

BRANT SENIOR CITIZENS' ORGANIZATION

Wednesday, May 4, 2022 Report

The meeting was called to order.

Nancy Henry was welcomed as our new member.

Prayers were said for: Jeanette Mirusso, Marcy Muffoletto and Father Fliss, Faith's DeLong's niece, Santa Maria, Lynda Ostrowski

Roll call was taken. 25 seniors were present.

The April Minutes were approved.

Treasurer Diane Czyz said the bank accounts are all set. We now have our own Employer Identification Number. She also said that we received our money from the town and wish to thank the board members very much.

Brant Summerfest Bake Sale: Marlene McSkimming is in charge of the Bake Sale. We need people to sign up asap.

Trips:

Friday, May 27: Kleinhans Music Hall to see Star-Spangled Salute.

Tuesday, June 28: Seneca Niagara Casino to see Bette & Barry Tribute.

Wednesday, July 20: Lucy Desi Museum to see Laughing Down Memory Lane.

Wednesday, August 17: Amish Brown Bag. We go to Middlefield Swiss Cheese House.

The meeting was adjourned.

Respectfully Submitted
Sharon Catalano
Acting Secretary

Town of Brant
PLANNING BOARD MINUTES
May 3, 2022

DATE	Tish Brady 2027	Carol Brodie 2024	Brenda Giacchino 2028	Jason Peters 2025	Joe Ostrowski Chair 2026	Rebecca Haskins 2022	Debbie Ritz 2023	Janet Bowman A-1	Alt-2
1/4	Present	Excused	Present	Present	Present	Excused	Present	Present	
2/1	Excused	Excused	Present	Excused	Present	Present	Present	Present	
4/5	Present	Present	Brenda	Excused	Present	Excused	Present	Present	
5/3	Excused	Excused	Present	Present	Present	Present	Present	Present	
Training	3.5	5	2	0	39.5	0	1.5	0	

Also Present: Council Liaison Janice Ross

Open meeting: Having a quorum present, Chairman Ostrowski opened the meeting.

Approval of the April minutes: Jason motioned to approve the minutes, seconded by Becky. Approved.

NEW BUSINESS:

Review of the proposed Site Plan Law, Non-conforming Law, Special Use Permit.

Attorney Trask sent the Planning Board papers to review of these laws. It was the decision of the board to work on the Site Plan Law first.

After a lengthy discussion, the board came up with questions and concerns to be submitted to Attorney Trask.

Everyone was asked to review the packets that were handed out and submit any questions or thoughts to the secretary

A motion to adjourn the meeting was made by Jason, seconded by all. Carried.

Respectfully Submitted,

Lynda Ostrowski, Secretary

**TOWN CLERK'S REPORT TO THE BOARD
MAY 10, 2022 TOWN BOARD MTG
TOWN CLERK APRIL ACTIVITY REPORT**

MONTHLY ACTIVITY

NOTARY SERVICES RENDERED: 7
HANDICAP PERMITS ISSUED: 8
CERTIFIED COPIES OF BIRTH/DEATH/MARRIAGE CERTIFICATES: 6 death (cert copies)
DEATH CERTIFICATES FILED: 1
TOWN PARK RENTAL DEPOSITS TAKEN: 5
TOTAL MONTHLY FEES COLLECTED: \$1,676.00 (TOWN SHARE \$859.54)
MARRIAGE LICENSES ISSUED: None

SPECIAL NOTICES PUBLISHED:

- NONE

MEETINGS ATTENDED:

- April 19, 2022 Regular Town Board mtg

OTHER SPECIAL INFORMATION:

- **CLERK'S PRINTER IS SCHEDULED FOR REPAIR THURSDAY, MAY 12:** I scheduled the Town Clerk's printer repair for this Thursday morning. Copier Fax advised their hourly repair rate is now \$195. The printer is of such good quality that it is worth the cost of repair.
- **TOWN CLERK SUMMER HOURS:** As of the past 2 Saturdays, a staff shortage has made it necessary to hold hours in the Town Clerk's Office by appointment. It went well as I received several phone calls directly. In 2 instances, I provided Notary Services for two residents at their homes. I will now place an ad in the Angola & N. Collins Pennysavers notifying residents of the temporary change. It will also be listed on the Town website; Town Facebook page and a notice will be placed on the Town Hall front door.
- **TAX COLLECTION UPDATE:** The Supervisor has now received the first penalty payment from the tax collection. The penalties as of May 2nd were \$4,051.79. The County was also mailed their second payment in the amount of \$100,000.00. The unpaid balance to be collected is now at \$263,457.50. The collection will be returned to the County at the end of the day on June 30 and any further taxpayer payments must be sent to the County.
- **WEBSITE ACCESS:** The new Board of Assessment page has been added to the site. It will be added to the BOAR secretary's access.

Respectfully submitted


Barbara J Daniel



TOWN OF BRANT POLICE DEPARTMENT

Donald D. Hepkins, Chief of Police

1272 Brant North Collins Rd., P.O. Box 251, Brant, New York 14027
Phone: 716-549-4040 Fax: 716-780-7408

May 10, 2022

To: Supervisor Mark DeCarlo

From: Chief Donald Hepkins

I am asking the town board to appoint David A. Poleon, a 27 year veteran from the City of Buffalo Police Dept. as a Part Time Police Officer for the Town of Brant Police Dept.. David has retired recently and is a NYS Certified Firearms Instructor and has passed the background investigation from the Brant Police Dept.

I am asking that his hourly rate be \$24.00 / Hr. with a six month probationary period due to his years of experience in law enforcement.

Respectfully submitted,

Chief Donald D. Hepkins

STATE OF NEW YORK

LEGISLATURE OF ERIE COUNTY CLERK'S OFFICE

BUFFALO, N.Y., April 7, 2022

TO WHOM IT MAY CONCERN:

I HEREBY CERTIFY, *That at the 7th Session of the Legislature of Erie County, held in the Legislative Chambers, in the City of Buffalo, on the 7th day of April, 2022 A.D., a Resolution was adopted, of which the following is a true copy:*

WHEREAS, the County has contracted with local towns in Erie County for many years to provide ice and snow control on County owned roads and facilities during the snow season; and

WHEREAS, the said agreements expire August 31, 2022; and

WHEREAS, the County of Erie negotiated and entered into three (3) year agreements with local municipalities for the control of snow and ice on County roads by towns and incorporated villages for snow seasons 2022-2025; and

WHEREAS, it would be in the best interests of Erie County to execute an agreement at a lane mile reimbursement rate increasing five percent (5%) the first year and four percent (4%) the second and third years, ending August 31, 2025, and representatives of the affected municipalities have agreed to terms with the County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to sign and execute the new Snow and Ice Control Agreements, as modified and updated, at a lane mile reimbursement rate increasing five percent (5%) the first year and four percent (4%) the second and third years, to expire August 31, 2025, payable from the adopted Division of Highways, Operating Budget, Fund 210, Cost Center 1231010, G/L 520060 Town and Village Snow Contracts, as set forth below:

September 1, 2022 through August 31, 2023	\$4,693.86 per lane mile
September 1, 2023 through August 31, 2024	\$4,881.61 per lane mile
September 1, 2024 through August 31, 2025	\$5,076.88 per lane mile

and be it further

RESOLVED, that the County Executive is hereby authorized and directed on behalf of Erie County to execute agreements with participating municipalities; and be it further

RESOLVED, that the Clerk of this Legislature is hereby directed to transmit four (4) certified copies of the foregoing resolution to the Commissioner of Public Works, one (1) certified copy each to the Office of the County Executive, the Division of Budget and Management, the County Attorney, and the Office of the Comptroller.

REFERENCE: COMM. 6E-13 (2022)

ATTEST



ROBERT M. GRABER
Clerk of the Legislature of Erie County

MEMORANDUM

TO: Mark J. DeCarlo, Supervisor

May 10, 2022

FROM: Tracy Kaczmarek, Supervisor's Secretary

SUBJECT: **Budget Modification #1 as of:**

December 1, 2021

Please make a resolution at the regular Town Board meeting on Tuesday May 10, 2022 to approve the following Budget Modification(s) to the 2021 Adopted Budget for the following Fund(s):

Budget Modification	Dec From/ (Inc) To	Fund Account	
		Code	Description

General Fund Townwide (A)

\$ 13,440.13 (DR) Decrease A1110.13 Mun Court Pers Serv - Office Clerk

\$ 3,394.07 (CR) Increase A1110.14 Mun Court Pers Serv - Bench Clerk

\$ 4,907.60 (CR) Increase A1110.4 Mun Court Contract Gier

\$ 5,138.46 (CR) Increase A1110.41 Mun Court Contract Kaczmarek

\$ 0.20 (DR) Decrease A1220.11 Supervisor Pers Serv - Sect

\$ 0.10 (CR) Increase A1220.1 Supervisor Pers Serv - Sup

\$ 0.10 (CR) Increase A1340.1 Budget Pers Serv

\$ 1,303.21 (DR) Decrease A1355.11 Assessment Pers Serv - Clerk

\$ 0.08 (CR) Increase A1355.11 Assessment Pers Serv - Assessor

\$ 1,303.13 (CR) Increase A1355.4 Assessment Contractual

\$ 126.13 (DR) Decrease A1420.4 Law Contractual

\$ 126.01 (CR) Increase A1410.4 Clerk Contractual

\$ 0.06 (CR) Increase A1420.1 Law Pers Serv Town Attorney

\$ 0.06 (CR) Increase A1420.11 Law Pers Serv Town Prosecutor

\$ 0.04 (DR) Decrease A1460.4 Record Mgmt Contractual

\$ 0.04 (CR) Increase A1460.1 Record Mgmt Pers Serv

\$ 17,932.50 (DR) Decrease A1620.11 Bldgs/Grounds Pers Serv Staff

\$ 2,218.88 (CR) Increase A1620.11 Bldgs/Grounds Pers Serv Superint

\$ 5,520.27 (CR) Increase A1621.1 New Town Hall Pers Serv

\$ 6,380.67 (CR) Increase A1621.4 New Town Hall Contractual

\$ 1,797.89 (CR) Increase A1625.4 Rec Bldg Contractual

\$ 2,014.79 (CR) Increase A1630.4 Community Bldg Contractual

\$ 500.00 (DR) Decrease A1680.41 Central Data Proc Contractual

\$ 500.00 (CR) Increase A1680.41 Central Data Proc Payroll/WLB Contr

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Budget Modification	Dec From/	Fund Account		
	(Inc) To	Code	Description	

\$ 4,367.46	(DR) Decrease	A3120.12	Police Pers Serv Court Balif
\$ 4,293.63	(CR) Increase	A3120.11	Police Pers Serv Officers
\$ 73.83	(CR) Increase	A1680.4	Central Data Process Payroll WLB Contract

General Fund Part Town (B)

\$ 112.50	(DR) Decrease	B8020.4	Planning Contractual
\$ 112.50	(CR) Increase	B5010.4	Street Admin Drug/Alcohol Testing



Town of Brant Erie County New York

SUPERVISOR
Mark J DeCarlo
716-549-0301 opt#3

TOWN CLERK
Barbara J Daniel
716-549-0282 opt# 2

COUNCILMAN
Michael Muffoletto
Janice Ross
Donna Marien
Linda Giancarlo

STATE OF NEW YORK
COUNTY OF ERIE
TOWN OF BRANT

SS.

RESOLUTION ADOPTED 5/10/22

I, Barbara J Daniel, the duly qualified and acting Town Clerk of the Town of Brant, Erie County, New York, DO HEREBY CERTIFY, that on May 10, 2022, the Brant Town Board held a Public meeting with a quorum of members present, and the foregoing is a true and correct transcript of the aforementioned meeting, which was called, constituted, and duly posted for the public. This excerpt from said original minutes, the whole thereof, and the resolution which was duly adopted by the said Town Board, is on file in my office, therefore to wit: On a motion from Councilman Muffoletto, duly seconded by Councilwoman Ross, the following resolution was adopted with a roll call vote:

RESOLUTION – May 10, 2022 Town of Brant
10 NYCRR (NEW YORK CODES, RULES AND REGULATIONS)
2.13 Isolation and Quarantine Procedures (Effective 4/22/2022)

WHEREAS, Despite the expiration of New York State's Disaster Emergency on June 24, 2021, and the concurrent expiration of the extraordinary authority it granted to the Executive to take measures to contain the spread of the COVID-19 virus, the Governor and the New York State Department of Health have continued to promulgate emergency regulations of far-reaching scope through the agency rulemaking process in violation of the NYS Administrative Procedure Act ("SAPA"), and

WHEREAS, bill A-416 entitled: "AN ACT to amend the public health law, in relation to the removal of cases, contacts and carriers of communicable diseases who are potentially dangerous to the public health" was proposed for several years in Assembly and failed to garner any support at all, and

WHEREAS, the New York State Department of Health took matters into their own hands, and adopted 10 NYCRR 2.13 *Isolation and Quarantine Procedures*, effective 4/22/2022, as an emergency regulation, **with the intent to make it permanent**, and

WHEREAS, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (a4)* endows the Dept. of Health Commissioner with the power to force people diagnosed or *exposed* to a communicable disease to be removed from society (by isolation, quarantine, detention) into a "residential or temporary housing location that the public health authority issuing the order determines appropriate," of which the location could be anywhere and that time frame could be any number of days, weeks, months or years, and

WHEREAS, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (c2)* empowers the Dept. of Health Commissioner to monitor the person being forcibly held and coordinate with local law enforcement to ensure compliance, and

WHEREAS, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (d)* empowers the Dept. of Health Commissioner to prevent a property owner from entering their property if it is being used as a quarantine facility location, and

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RESOLUTION – MAY 10, 2022 10 NYCRR (NEW YORK CODES, RULES AND REGULATIONS) CONT'D:

WHEREAS, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (f)* establishes civil and criminal penalties if the citizen violates the health authority's order. Each day a separate infraction, and

WHEREAS, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures (g1)* every attending physician shall immediately, upon discovering a case or suspected case of a highly contagious reportable communicable disease, cause the patient to be appropriately isolated and contact the State Department of Health and the local health authority where the patient is isolated and, if different, the local health authority where the patient resides, and

WHEREAS, emergency regulation 10 NYCRR 2.13 *Isolation and Quarantine Procedures*, places the decision-making power into the hands of one person to decide the fate of 19 million New Yorkers as far as who can live their life freely and who can be pulled from the privacy of their home, workplace, school, etc. without notice and removed from society for an arbitrary and indefinite amount of time, in a location they are not allowed to choose, and that they are not allowed to leave until said person allows them to, and

WHEREAS, there are hundreds of studies that show that forced quarantines cause psychological, emotional, and physical harm including depression, anxiety, delayed medical exams, loss of jobs, loss of businesses etc., with the harm outweighing the benefit, and

WHEREAS, the Town of Brant believes that the notion of government requiring individuals to isolate in temporary housing or a facility other than one's home is similar to the COVID response we saw authoritarian regimes implement over past two years and not a requirement that should be implemented in a democracy that values due process and individual liberties, and

WHEREAS, the Town of Brant believes that maintaining the doctrine of the Separation of Powers between the Legislative Branch and the Executive Branch is paramount in preserving a representative form of government, and

WHEREAS, the Town of Brant believes if this illegal regulation is permitted to stand, it would signify a breakdown of the checks and balances that define our democratic form of government, and

WHEREAS, the Town of Brant believes that with the height of the pandemic behind us, New Yorkers want the government overreach, tyrannical behavior and unchecked Executive powers that overshadowed the past two years to come to an end, and

NOW, THEREFORE BE IT RESOLVED, that the Town of Brant expresses its opposition to the requirements and intent of the NYS Department of Health regarding Emergency Regulation 10 NYCRR 2.13.

AND FURTHER BE IT RESOLVED, that copies of this resolution will be forwarded to the offices of the ECDOH, NYS Dept. of Health, and Governor Hochul.

ROLL CALL VOTE: Councilman Muffoletto
Councilwoman Ross
Councilwoman Marien
Councilwoman Giancarlo
Supervisor DeCarlo

Voting Aye
Voting Aye
Voting Aye
Voting Aye
Voting Aye

Resolution adopted

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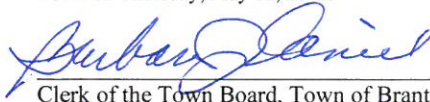
State of New York

County of Erie

Office of the Clerk of the Town of Brant

ss:

In witness whereof, I have hereunto set my hand and affixed the seal of the
Town on Thursday, May 12, 2022.


Clerk of the Town Board, Town of Brant, NY

Town of Brant
PLANNING BOARD MINUTES
May 3, 2022

DATE	Tish Brady 2027	Carol Brodie 2024	Brenda Giacchino 2028	Jason Peters 2025	Joe Ostrowski Chair 2026	Rebecca Haskins 2022	Debbie Ritz 2023	Janet Bowman A-1	Alt-2
1/4	Present	Excused	Present	Present	Present	Excused	Present	Present	
2/1	Excused	Excused	Present	Excused	Present	Present	Present	Present	
4/5	Present	Present	Brenda	Excused	Present	Excused	Present	Present	
5/3	Excused	Excused	Present	Present	Present	Present	Present	Present	
Training	3.5	5	2	0	39.5	0	1.5	0	

Also Present: Council Liaison Janice Ross

Open meeting: Having a quorum present, Chairman Ostrowski opened the meeting.

Approval of the April minutes: Jason motioned to approve the minutes, seconded by Becky. Approved.

NEW BUSINESS:

Review of the proposed Site Plan Law, Non-conforming Law, Special Use Permit.

Attorney Trask sent the Planning Board papers to review of these laws. It was the decision of the board to work on the Site Plan Law first.

After a lengthy discussion, the board came up with questions and concerns to be submitted to Attorney Trask.

Everyone was asked to review the packets that were handed out and submit any questions or thoughts to the secretary

A motion to adjourn the meeting was made by Jason, seconded by all. Carried.

Respectfully Submitted,

Lynda Ostrowski, Secretary