

## Minutes of the Regular Brant Town Board Meeting held June 6, 2019

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This Regular Meeting of the Brant Town Board was held on Thursday, June 6, 2019 at the Brant Town Hall, located at 1272 Brant North Collins Rd, Brant, New York at 7:00 PM.

### Present were:

Mark DeCarlo	Supervisor
Donald Clark	Councilman
Donna Marien	Councilwoman
Mike Muffoletto	Councilman
Janice Ross	Councilwoman
William Trask, Sr.	Town Attorney
Barbara J. Daniel	Recording Secretary

### ALSO PRESENT / SIGNED IN WERE:

Joe Ostrowski	Planning Board Chair
Debra Ritz	Resident
Brian Rott	Resident
Tracy Kaczmarek	Supervisor Secretary
Joe DeCarlo	Assessor
Don Hepkins	Chief of Police
Joe Reynolds	Resident
Jana Reynolds	Resident
Mike Boismenu	Resident
Penny Boismenu	Resident
Linda Giancarlo	Resident
Tish Brady	Resident
Paul Cesana	Resident
Larry Alfe	GM Weitsman Recycle
Thomas Bowman	Pro Shop
Dianna Bowman	Pro Shop
Alden Harwood	Resident
Sandy Harwood	Resident
Jack Trippe	Resident
Julie Duffett	Resident

The meeting opened at 7:00 PM with the Pledge of Allegiance.

Supervisor DeCarlo made a motion to go to Executive Session for personnel issues at 7:01pm, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo made a motion to close Executive Session at 7:28pm, seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

### RECOGNITION OF DIGNITARIES, OFFICIALS AND VISITORS:

Minutes of the Regular Brant Town Board Meeting held June 6, 2019

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**MINUTE APPROVAL MAY 2, 2019 REGULAR TOWN BOARD MEETING:** Councilman Clark motioned to accept the minutes of the May 2, 2019 Regular Town Board meeting. Councilman Muffoletto seconded the motion. 5 ayes, 0 nays. **MOTION CARRIED.**

**SUPERVISOR’S APRIL 2019 FINANCIAL REPORT:** Councilman Muffoletto moved and was seconded by Councilwoman Marien to accept the Supervisor’s April 2019 Financial Report as presented. 5 ayes, 0 nays. **MOTION CARRIED.**

**BUDGET MODIFICATION:** Supervisor DeCarlo read the Budget Modifications

SUBJECT: **Budget Modification #2 as of: April 30, 2019**

Please make a resolution at the regular Town Board meeting on Thursday June 6th 2019 to approve the following Budget Modification(s) to the 2019 Adopted Budget for the following Fund(s):

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

**General Fund Townwide (A)**

\$ 95.00	(DR) Increase	A3021	Court Facilities (JCAP Grants)	Revenues	
\$ (95.00)	(CR) Increase	A1110.42	Municipal Court (Grants)	Contr Expend	\$ 95.00

Expenditure applied to Deferred Revenue from 2018 JCAP Grant received in June

\$ 1,455.00	(DR) Increase	A3060	State Aid Education (Grants)	Revenues	
\$ (1,455.00)	(CR) Increase	A1460.11	Records Management (Grant)	Pers Serv	\$ 1,455.00

Expenditures applied to Deferred Revenue from 2018 NYState Education Grant received in August

Councilman Muffoletto motioned to approve the Budget Modifications, seconded by Councilwoman Marien. Roll Call vote was taken: Councilman Muffoletto – aye, Councilwoman Marien – aye, Councilman Clark – aye, Councilwoman Ross – aye, Supervisor DeCarlo – aye. 5 ayes, 0 nays. **MOTION CARRIED.**

**TOWN CLERK/TAX COLLECTOR’S APRIL 2019 FINANCIAL REPORT:** Councilman Clark motioned to accept the Town Clerk’s April 2019 Regular Financial Report and the Tax Collector’s Report, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

**COURT CLERK’S APRIL 2019 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 for April 2019, and was seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

**CODE ENFORCEMENT OFFICER’S MAY 2019 REPORT:** Code Enforcement Officer Brecker read the May report. He stated he had a call from Mr. Griffith from One Energy Renewal Company regarding a possible solar farm on Mr. Bowman’s farm in Brant. He said he has not received any formal paperwork. This is located by the railroad tracks on Milestrip Rd. He noted that he has provided the “Payment in Lieu of Taxes” resolution to both Mr. Bowman and the One Energy

Renewal. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

**DOG CONTROL OFFICER'S REPORT FOR MAY:** Tabled

**PUBLIC HEARING PROPOSED LOCAL LAW NO. 2-2019 SHORT TERM RENTALS PERMITTED USE – 7:30 PM**

At 7:30 pm, Supervisor DeCarlo motioned to **open** the public hearing for the proposed Local Law No. 2-2019 at 7:30 pm, and was seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

The Town Clerk then read the portion of the Legal Notice pertaining to proposed local law # 2-2019 which was published in the Dunkirk Observer on May 28, 2019.

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

*The Town of Brant Town Board will conduct two Public Hearings on Thursday June 6, 2019 at the Brant Town Hall, 1272 Brant North Collins Road, Brant, New York.*

*The first Public Hearing will be held at 7:30 PM local time for the purpose of considering Proposed Local Law #2-2019 "Rental of Residence or Dwelling is Permitted Accessory Use: which would amend several provisions of the Town of Brant Zoning Law to allow residential rentals as permitted accessory used in all zoning districts. Copies of the proposed local law are available in the Town Clerk's office.*

Supervisor DeCarlo opened the meeting by reading letters received by his office. The first letter was from Attorney Weir. The letter states they support the law 100% and feels the town should continue to allow rentals especially during the summer months. The second letter was from Mike and Penny Boismenu. The letter states in opposition of short term rentals and lists the reasons. [clerk's note: both letters will be attached to these minutes as an addendum].

The Supervisor then asked for comments from the floor:

**Tish Brady of Lotus Bay** says it's important for the Board to take time to make the proper decision that will be for the good of the Town. She said we are a "lake town" and people come here to enjoy the lake.

**Paul Cesana of Lotus Bay** reiterated the comments that Tish made. He said the law is appropriate.

**Mike Boismenu of Lotus Point** said the key point of his concern is the commercialization of their neighborhood. These rentals are a business. There needs to be some way to monitor the rentals.

**Julie Duffett of Lotus Bay** said that her daughter rents out her house to help pay for the taxes. She feels using AirB&B has more control of who rents the houses.

**Penny Boismenu of Lotus Point** said that short term rentals are subject to sales tax because it is a business. Hosting "Events" is a business. A dwelling is supposed to be 920 square feet. She said the paper shows that some of the rentals are being advertised as a 3 bedroom should be for 6 people but are advertised for 8. She is concerned about overcrowding. She feels this should be a special use permit, adding that a business does not belong in a permitted accessory use.

**Alden Harwood of Lotus Bay Rd** said their road is 12 feet wide. The families of the community maintain the road. They can't tell who belongs there and who doesn't. They can tell a new car coming in the area because of all the dust that is raised. Visitors don't know where the boundaries are and this annoys the residents. He feels this has lowered their quality of life and the value of his property.

**Sandy Harwood of Lotus Bay Rd** said this issue has divided the road. People are fighting and being belligerent to each other. She doesn't know who their neighbors are.

**Penny Boismenu** inquired about the Florida developer who bought the Genrich property, stating they are related to two of the board members. The Supervisor asked which two board members. Penny named Tish Brady & Paul Cesana. It was then clarified they are not on the Town Board. The Supervisor noted the purchaser has the last name of Brady but that has no bearing on this issue. Penny responded by saying if you want short term rentals it does. Penny requested they be questioned. The Supervisor answered that he would talk to them after the meeting.

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

Supervisor DeCarlo read the following negative declaration:

**TOWN BOARD OF THE TOWN OF BRANT  
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)  
Negative Declaration (June 6, 2019)**

**WHEREAS**, the Town of Brant is considering action relative to the adoption of Proposed Local Law #2-2019 which would amend chapter 161 of the Town of Brant Code being Brant's under law to permit residential rentals as defined therein are permitted uses in all zoning districts, (herein after "Projects" or "Actions"); and

**WHEREAS** the Brant Town Board previously determined that the Proposed Action declared itself Lead Agency by resolution dated April 4, 2019 and a public hearing thereon was held on June 6, 2019; and

**WHEREAS**, the Board has taken a "hard look" at all potentially adverse environmental impacts pursuant to SEQRA.

**NOW, THEREFORE**, be it resolved by the Board that:

Based upon the Board's thorough and careful review of the Action, including the Environmental Assessment Form and all other materials submitted in connection therewith, the Board hereby determines that the Action will not result in any significant environmental impacts and hereby issues a negative declaration for the Action pursuant to SEQRA.

**REASONS SUPPORTING THE NEGATIVE DECLARATION:**

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Action will not create any permanent adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems.
2. Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Characteristics: The Action will not affect agricultural, archeological, historical, natural, or cultural resources.
3. Vegetation, Fish, Wildlife, Significant Habitats, Threatened or Endangered Species: No plant or animal life will be adversely affected by the Action.

Minutes of the Regular Brant Town Board Meeting held June 6, 2019

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4. Community Plans, Use of Land or Natural Resources: The Action is not inconsistent with official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community.
5. Growth, Subsequent Development, etc: The Action will not induce any significant or adverse growth or subsequent development.
6. Long Term, Short Term, Cumulative, or Other Effects: The Action will not have any significant adverse long term, short term, cumulative, or other environmental effects.
7. Critical Environmental Area: The Action will not have significant impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).
8. Public Health and Safety: The Action will have no immediate impact upon these concerns.

6 NYCRR ss 617.1 state that it is the intention of the SEQR regulation “that a suitable balance of social, economic and environmental factors be incorporated in the planning and decision making of the State, Regional, and Local Agencies. It is not the intention of SEQR that environmental factors be the sole consideration in decision making.”

This Board has considered all of the evidence submitted and has determined that the Action will not have a significant adverse environmental impact on the community.

Supervisor DeCarlo then motioned to adopt the Negative Declaration resolution for SEQR regarding the adoption of Local Law #2-2019. Councilman Muffoletto seconded the motion. A roll call vote was taken:

Supervisor DeCarlo	Voting Aye
Councilman Muffoletto	Voting Aye
Councilman Clark	Voting Aye
Councilwoman Marien	Voting Aye
Councilwoman Ross	Voting Aye

**Resolution Adopted**

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**ENACTMENT OF LOCAL LAW #2-2019:** Supervisor DeCarlo made a motion to enact The Town Of Brant proposed Local Law 2 for the year 2019 entitled: “A Local Law amending the Zoning Ordinance of the Town of Brant (Chapter 161 of the Code of the Town of Brant), to expressly allow rental of entire residences or dwellings as permitted accessory use in the Town of Brant”. Councilman Muffoletto seconded the motion. A Roll Call vote was taken:

Supervisor DeCarlo	Voting Aye
Councilman Muffoletto	Voting Aye
Councilman Clark	Voting Aye
Councilwoman Marien	Voting Aye
Councilwoman Ross	Voting Aye

**Local Law # 2-2019 ADOPTED** [clerk’s note: The new law was not read aloud at this meeting, therefore, a copy of Local Law #2-2019 will be attached to these minutes as an addendum].

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**PUBLIC HEARING ANNUAL SPECIAL USE PERMIT APPLICATION RENEWALS FOR 2019 – 8:00 PM**

Supervisor DeCarlo made a motion to open the public hearing for the Annual Special Use Permits, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

The Town Clerk read the portion of the legal notice pertaining to this Public Hearing:

*The second Public Hearing will be held at 8:00 PM local time pursuant to resolution of the Town Board and pursuant to Local Law No. 1-2016 for the purpose of considering annual renewals for the following Special Use Permits:*

1. *Stefan Artymowycz  
10216 So. Western Blvd.  
Angola, NY 14006  
Junk yard*
2. *Thomas C. Bowman Jr.  
10623 So. Western Blvd.  
Irving, NY 14081  
Junk yard*
3. *Timothy Clark (Cancelled)  
1461 Milestrip Rd  
N. Collins, NY 14111  
Windmill*
4. *Michael & Barbara Daniel  
10575 So. Western Blvd.  
Irving, NY 14081  
Used car sales, auto detailing and windshield repair*
5. *Andrew Lonkey (Empire Collision) (Cancelled per Code Officer 6/6/19)  
10962 So. Western Blvd.  
Irving, NY 14081  
Motor vehicle repair and paint shop*
6. *Joseph Reynolds  
10564 So. Western Blvd  
Irving, NY 14081  
Used car sales*
8. *John D. Snyder  
1506 Burns Rd.  
Angola, NY 14006  
Unrestricted used car sales at  
10623 So. Western Blvd  
Brant, NY 14027*
9. *Ben Weitsman of Brant LLC  
P.O. Box 420  
Owego, NY 13827  
Junk yard at  
1132 Brant Farnham Rd  
Brant, NY 14027*

**10. Family Life Ministries, Inc**  
**7634 Campbell Creek Rd**  
**Bath, NY 14810 EXPIRES 6/30/23**

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

**Dated: May 24, 2019**

**Barbara Daniel**  
**Brant Town Clerk**

Code Enforcement Officer Brecker stated that all permit requests have been paid for and are all in compliance. He did mention that Andrew Lonkey's permit will not be renewed. He has moved from his property to a new place that will be brought before the Planning Board, therefore, no action will be taken for that application.

Supervisor DeCarlo read through the list of the following applicants and requested comments from the Code Officer in regards to his findings about each during his inspections:

- 1) Stefan Artymowycz – Rt. 20 Junkyard. The Code Officer stated he was in compliance of the conditions of his permit and there have been no complaints. No public comments were made.
- 2) Thomas Bowman – Junkyard. The Code Officer stated he was in compliance of the conditions of his permit and there have been no complaints. No public comments
- 3) Michael & Barbara Daniel – The Code Officer stated was in compliance of the conditions of his permit and there have been no complaints. No comments from public.
- 4) Joseph Reynolds – The Code Officer stated he was in compliance of the conditions of his permit and there have been no complaints. No public comments.
- 5) John Snyder – The Code Officer stated he was in compliance of the conditions of his permit and there have been no complaints. No public comments.
- 6) Ben Weitsman – The Code Officer stated he was in compliance of the conditions of his permit and there have been no complaints. No public comments.

Supervisor DeCarlo made a motion to close the public hearing for the Annual renewal of Special Use Permits seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo made a motion to approve the renewal for a 1 year permit for Stefan Artymowycz Junkyard with the same conditions as prior, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo made a motion to approve the renewal for a 1 year the permit for Thomas Bowman Junkyard with the same conditions as prior, seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo made a motion to approve the renewal for a 1 year permit for Michael & Barbara Daniel Used car Sales, auto detailing and windshield repair with the same conditions as prior, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo made a motion to approve the renewal for a 1 year permit for Joseph Reynolds Used Car Sales with the same conditions as prior, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo made a motion to approve the renewal for a 1 year permit for John Snyder Unrestricted Used Car Sales with the same conditions as prior, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

## Minutes of the Regular Brant Town Board Meeting held June 6, 2019

---

Supervisor DeCarlo made a motion to approve the renewal for a 1 year permit for Ben Weitsman Salvage and Junk Yard with the same conditions as prior, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

**POLICE REPORT MAY 2019:** The May 2019 Police Report was read by Police Chief Hepkins. Councilman Clark asked the Chief for comments regarding the LED Lights. He feels they are much better than what we have now. He said other towns that have made the change said they are a big improvement. Supervisor DeCarlo motioned to approve the report as read, seconded by the rest of the council members. 5 ayes, 0 nays. **MOTION CARRIED.**

**HIGHWAY SUPERINTENDENT'S MAY REPORT:** The Highway Report for May 2019 was presented by Councilman Clark. Supervisor DeCarlo motioned to approve the report as read, and seconded by Councilman Clark. 5 ayes, 0 nays. **MOTION CARRIED.**

**TOWN CLERK'S REPORT TO THE BOARD:** Town Clerk Barbara Daniel presented her activity report for May 2019. Some important items:

- She said she received an email from Bob Matthews of the Board of Elections. He is advising of the new "Early Voter" schedules starting October 26 through November 3<sup>rd</sup>. It requires weekday hours from 11:30 am to 9:30pm. Weekend hours would be from 12 pm to 5 pm. Someone will need to open and lock the doors every day during this 10 day period. Allen is looking into the Town being reimbursed for the hours he is required to open and close the building.
- The clerk stated she placed a Legal Notice on the "Community Board" located at the front door of the Town Hall, but was taken down by someone. The board outside the Court Room has always been the "Community Board" but has now been taken over by the Courts. The Supervisor said a new "Community Board" will be put up.
- Debra Ritz stated that every town is required to have an early voting place and the state has money that can be used for any expenses that the town is incurring. There also needs to be WIFI available at the voting area. Also, the voting area is not just for the town residents but for anyone who wants to vote early. She is concerned about how the Board of Elections is going to be able to guarantee a voters signature.

There was no motion to approve the report.

**PLANNING BOARD MINUTES:** The June 4<sup>th</sup> Minutes were read by Councilwoman Ross. Supervisor DeCarlo motioned to approve the minutes as read and seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

**ZONING BOARD OF APPEALS REPORT:** No meeting held.

**RECREATION DIRECTOR'S REPORT:** No report. There is a list of new people to be hired.

**PARKS COMMISSIONERS' REPORT:** No report.

**TOWN HISTORIAN'S REPORT:** The report is tabled until next month.

**FIRE COMPANY REPORTS:** No reports were received.

**SENIORS REPORT:** Councilwoman Ross read the May and June Reports. Supervisor DeCarlo motioned to approve the minutes as read and seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

**Acknowledgement of the floor for Visitors, Invited Guests and Presenters:** None



## **OLD BUSINESS**

The Supervisor received a letter from the Department of Transportation regarding the **Request for Speed Limit Review**: Changes will be as follows:

Lotus Point Road – Lower speed limit to 45 mph

Hard Pan Road – Lower speed limit to 45 mph

Hammond Road – Lower Speed limit to 40 mph

Versailles Plank Road, Route 249 to Reservation – Lower Speed limit to 50 mph

Versailles Plank Road, Route 249 to Evans T/L – Retain statewide 55 mph speed limit

Mile Block Road – Retain statewide 55 mph speed limit

## **NEW BUSINESS**

Supervisor DeCarlo read the following Resolution:

### **RESOLUTION OF THE BRANT TOWN BOARD**

**WHEREAS**, the Town of Brant has received a petition requesting recognition of IUOE Local 17 as the exclusive bargaining representative for the two (2) full-time Motor Equipment Operators working in the Town of Brant Highway Department, and

**WHEREAS**, no grounds exist for opposing such request,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Brant hereby voluntarily recognizes IUOE Local 17 as the exclusive bargaining representative for the employees in the petitioned-for unit, and it is further,

**RESOLVED**, that the bargaining unit includes the two (2) Full-time Motor Equipment Operators in the Town of Brant Highway Department and excludes all other employees.

**BE IT FURTHER RESOLVED**, that Town Clerk-certified copies of this Resolution be provided to Hon. Joseph E. O'Donnell, Administrative Law Judge, State of New York Public Employment Relations Board and to Nathaniel G. Lambright, Esq., Counsel for IUOE Local 17.

**Dated: June 6, 2019**

Supervisor DeCarlo made the motion to accept the Resolution, seconded by Councilwoman Ross. Roll call vote: Supervisor DeCarlo – aye, Councilwoman Ross – aye, Councilman Clark – aye, Councilman Muffoletto – aye, Councilwoman Marien – aye. 5 ayes, 0 nays. **MOTION CARRIED.**

**Approval of Part-time Laborer Building & Grounds.** A background check has been completed and verified for Zachary Militello. Supervisor DeCarlo made a motion to approve the appointment of Zachary Militello as Part-time laborer for Buildings and Grounds at a rate of \$14.00 per hour. Councilwoman Marien seconded the motion. 5 ayes, 0 nays. **MOTION CARRIED.**

**Approval of New Hires Recreation Counselors and returning Counselors:** Councilman Muffoletto read the list of new hires pending background checks are: Robin Hidy, Nick Wilson, Brianna Krawczyk, Cole Wishman, Jacey Addison, Lynsey Nolan (part time), A J Puntillo (part time), Olivia Wiktor (part time), Nate Styles (part time), Ajay Cybulski (part time),

## Minutes of the Regular Brant Town Board Meeting held June 6, 2019

---

Kendall Haberer (part time). The following are returning counselors are in good standing with the town and recreation director: Alicia Majkut, Jordan Scholl, Maddie Penn, Marcus Muffoletto, Darien Evans, Mary K. Crapsi, Alexa Haberer, , Madison Miranda, Zach Evans, Patrick Majkut, Brooke Browning, Liz Viapiano (Asst. Dir), John Wilson, Madison Justinger. Supervisor DeCarlo made a motion to hire these people at the same rate as last year (2018) and the amount approved at the 2019 Organizational Meeting [\$9.89/hr], seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

**Approval of Recreation Bus Drivers pending clear background checks:** A motion was made by Supervisor DeCarlo to accept Brooke Kaczmarek and Doreen Chaplin as Drivers and Terry Strohmeyer and Dawn Lamberti as Substitute Drivers pending clear background checks at the same rate as last year and approved at the Organizational Meeting, seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

**Approval of Lifeguards pending clear background checks:** A motion was made by Supervisor DeCarlo to accept Brianna Browning – Head Lifeguard, Bryan Rechin, Emily Gordon, Chris Jakiel, Jill DeMaria, Eleise Maybee as lifeguards pending clear background checks at the same rate as last year and approved at the Organizational Meeting [\$10.96/hr], seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

**It was noted that all employees to be hired must complete the Workplace Harassment course as part of their requirement for hire.**

**Approval of Part Time Grant Court Clerk - \$15/hr:** Supervisor DeCarlo made a motion to accept Sandra Smaldino as a p/t Grant Court Clerk at a rate of \$15.00/hr. She has a previous court background check through the Town of Eden. Councilman Muffoletto seconded the motion. 5 ayes, 0 nays. **MOTION CARRIED.**

**Approval of the Reappointment of Virginia Schilling to the Board of Assessment Review:** Supervisor DeCarlo made a motion to reappoint Virginia Schilling to the Board of Assessment Review for a term of October 2020 – September 2025, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

**Approval of the Appointment of Debra Ritz to the Planning Board:** Supervisor DeCarlo made a motion to appoint Debra Ritz as an alternate to the Planning Board, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

**Resolution to Oppose Driver's Licenses to Illegal Immigrants:** Legislator Mills has written a resolution to oppose Driver's Licenses to Undocumented Immigrants. Town Clerk read the Resolution:

### A RESOLUTION SUBMITTED BY LEGISLATORS RATH & MILLS

**Re: Opposition to Providing Driver's Licenses to Undocumented Immigrants**

**WHEREAS**, New York State is considering provisions that would offer driver's licenses to otherwise undocumented immigrants living in the state; and

**WHEREAS**, over the past ten years, elected officials from Western New York, including Senator Kirsten Gillibrand and Lt. Governor Kathy Hochul, have openly opposed offering driver's licenses to undocumented immigrants; and

**WHEREAS**, this policy essentially directs every County Clerk to knowingly break federal laws when approving undocumented immigrants' applications; and

## Minutes of the Regular Brant Town Board Meeting held June 6, 2019

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**WHEREAS**, a driver's license could be used by illegal immigrants for "cover" as Lt. Governor Kathy Hochul once said, by providing them a valuable form of identification, allowing them to entirely avoid federal immigration authorities, and

**WHEREAS**, the privilege to drive in New York is not absolute; and, violation of other sections of state law, completely unrelated to Vehicle and Traffic laws can have an impact on the validity of one's driver's license; and

**WHEREAS**, New York law currently allows for the revocation of a driver's license if the person identified has broken another law, like failing to pay child support; and

**WHEREAS**, a person's willingness to avoid following proper immigration procedure calls into question whether they are willing to avoid following other laws, like reporting their income taxes, purchasing proper insurance, or following New York's vehicle and traffic laws; and

**WHEREAS**, law enforcement would not be permitted to review the records of an undocumented immigrant who is pulled over in a routine traffic stop, but could do background checks on U.S. citizens creating a double standard; and

**WHEREAS**, it is the opinion of this body that the privilege to drive legally in New York State should be predicated on the driver being in New York State, and the United States of America, legally.

### **NOW, THEREFORE, BE IT**

**RESOLVED**, this honorable body urges the New York State Legislature and Governor Cuomo to reject the proposal calling for the provision of licenses to undocumented immigrants; and, be it further

**RESOLVED**, that this honorable body urges the Erie County Clerk follow all federal laws and provide driver's licenses to only legal citizens of the United States of America; and, be it further

**RESOLVED**, that certified copies of this resolution be sent to the WNY Delegation to the New York State Senate and Assembly, Governor Andrew Cuomo, and any other party deemed necessary and proper.

Fiscal Impact: None

Supervisor DeCarlo made a motion to adopt this resolution, seconded by Councilman Muffoletto. 5 ayes, 0 nays.

**MOTION CARRIED.**

Supervisor DeCarlo said he had a conversation with the Evans Agency regarding our health insurance for the town. He would like to get an approval from the town board to sign an agreement to make the Evans Agency the broker of record for our current Blue Cross and Blue Shield. The costs won't change but it will allow us to have them manage it and they offer other policies through other carriers. Supervisor DeCarlo made a motion for Supervisor DeCarlo to sign this agreement with Evans Agency. Councilman Clark asked who has it now. Supervisor said we currently go directly through Blue Cross. The motion was seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo stated that the next Board Meeting was scheduled for July 4<sup>th</sup> and therefore would like to change it to July 9<sup>th</sup> or 11<sup>th</sup>. Councilman Muffoletto stated he had a better chance to make the 11<sup>th</sup>. Supervisor DeCarlo made a motion to change the July meeting to the 11<sup>th</sup>, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**  
*[clerk's note: the meeting was later moved to the 9<sup>th</sup> to avoid a scheduling conflict with Brant court].*

**A RESOLUTION IN REGARDS TO OUR POLICY ON ELECTED OFFICIALS RECEIVING HEALTH INSURANCE PAID FOR BY THE TOWN**

**THE RESOLUTION OF THE BRANT TOWN BOARD OF ERIE COUNTY NEW YORK**

**RESOLVED** that this policy confirms that effective January 1, 2020 no elected official shall be eligible to receive paid health insurance. Supervisor DeCarlo made the motion to accept this resolution, seconded by Councilwoman Marien. Roll Call was taken: Supervisor DeCarlo – aye, Councilwoman Marien – aye, Councilman Clark – aye, Councilman Muffoletto – aye, Councilwoman Ross – aye. 5 ayes, 0 nays. **MOTION CARRIED.**

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**LAWN MOWER ESTIMATES:** Supervisor DeCarlo said we received estimates for a new lawn mower as the one we have is in rough condition. Councilman Muffoletto will speak with Allen Nolan regarding this. This will be tabled to the next meeting.

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**Supervisor DeCarlo presented a resolution regarding residency requirements for all new employees:**

**BE IT RESOLVED** that all Town of Brant employees holding positions regarding residency in the Town of Brant are required upon request to provide proof of residency including, but not limited to, providing an affirmation of residency under penalty of perjury to the Town Supervisor, Town Clerk or Town Payroll Clerk.

Supervisor DeCarlo made the motion to accept the Resolution, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

Attorney Trask explained that some positions in the Town require residency. This resolution will then allow residency to be documented.

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**TOWN BOARD REPORTS:**

**Councilman Muffoletto:** No Report

**Councilman Clark:** No Report

**Councilwoman Marien:** No report

**Councilwoman Ross:** No report

**Supervisor DeCarlo:** We had a full inspection by the USDA which is done every 3 to 6 years. Our financing for the sewer and water districts are done through USDA. We passed with flying colors.

**RECOGNIZED PRIVILEGE OF THE FLOOR:** None spoke

Supervisor DeCarlo read Abstract 6:

**Abstract 6 of 2019**

\*Prepaid and unpaid as of 6/6/19 Total Claims **\$83,656.78**

Gen Fund Town wide Vouchers Totaling: **\$40,937.23**

Gen Fund – Part Town Voucher Totaling: **\$9,936.87**

Highway T.W. Vouchers Totaling: **\$6,391.63**

Highway P.T. Vouchers, Totaling: **\$8,749.02**

Fire Protection: Vouchers: Totaling: **\$0**

Street Lighting: Voucher Totaling: **\$2,259.53**

H Capital Projects: Vouchers Totaling: **\$0**

Lotus Bay Sewer Dist. 1: Vouchers: **\$**

Brant Farnham Sewer Dist 2: Vouchers Totaling: **\$500.00**

Brant Water Dist 1: Voucher: Totaling **\$14,882.50**

**PAYROLL (2 pay periods):**

General Town Wide Payroll 04/28/19 – TO 05/25/19 Totaling **\$51,032.42**

General Part Town Payroll 04/28/19 – TO 05/25/19 Totaling: **\$698.98**

Highway Payroll TW 04/28/19 – TO 05/25/19 Totaling: **\$0**

Highway Payroll PT 04/28/19 – TO 05/25/19 Totaling: **\$7,988.88**

Supervisor DeCarlo motioned to approve Abstract 6 of 2019, seconded by Councilwoman Marien. A roll-call vote was taken: Supervisor DeCarlo-aye, Councilwoman Marien-aye, Councilman Clark-aye, Councilman Muffoletto-aye, Councilwoman Ross-aye. 5 ayes, 0 nays. **MOTION CARRIED.**

Next meeting will be Thursday, July 11, 2019 at 7:00 PM. *[Clerk's note: meeting later changed to Tuesday, July 9, 2019]*

At 8:47 pm, Supervisor DeCarlo motioned to adjourn the meeting in memory of Evelyn Turnbull, seconded by Councilwoman Marien and Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

Respectfully submitted by,



Barbara Daniel  
Brant Town Clerk

TOWN OF BRANT  
PROPOSED LOCAL LAW NO. 2 OF THE YEAR 2019

A local law amending the Zoning Ordinance of the Town of Brant (Chapter 161 of the Code of the Town of Brant) to expressly allow rental of entire residences or dwellings as a permitted accessory use in the Town of Brant.

Be it enacted by the Town Board of the Town of Brant ("Town") as follows.

**Section 1.** Legislative Findings

The Brant Town Board recognizes that there exists a history of seasonal residential rentals in the town, particularly in lakeside communities. Recent years have also seen the rise of so-called "shared uses" of residential housing on a short-term basis as a result of marketing platforms such as Airbnb, HomeAway, VRBO and others.

The Brant Town Board recognizes the benefit of such uses to property owners who wish to avail themselves of these income opportunities. The Board also recognizes the beneficial impacts to the local economy resulting from short-term visitors coming to Brant. The intention of this local law is to clarify and confirm that rental of entire residences or dwellings is a permitted accessory use in all zoning districts, regardless of the length or duration of such rental.

**Section 2.** Section 161-4 of the Zoning Ordinance of the Town of Brant is hereby amended as follows:

The definition of "TOURIST HOME" is deleted in its entirety.

The definition of "COTTAGE, SUMMER or SUMMER COTTAGE" is deleted in its entirety.

There is added to Section 161-4 the following:

"RENTAL or RENTING" shall mean use or occupancy of a building for monetary compensation by anyone other than an owner of such building.

"RENTAL OF RESIDENCE(S) OR DWELLING(S)" shall mean rental of an entire residence or dwelling for any period of time. Rental of individual rooms or less than an entire residence or dwelling does not meet this definition.

**Section 3.** Chapter 161 of the Code of the Town of Brant, also known as the Zoning Ordinance of the Town of Brant, is hereby further amended to add the following:

In Rural Residential District (RR).

Section 161-13.B (8) Rental of residence or dwelling. [Permitted Accessory Use]

In Medium Density Residential District (R-1).

Section 161-14.B (8) Rental of residence or dwelling. [Permitted Accessory Use]

In Seasonal Residential District (R-2).

Section 161-15.B (8) Rental of residence or dwelling. [Permitted Accessory Use]

In Agricultural District (A).

Section 161-16.B Rental of residence or dwelling. [Permitted Accessory Use]

In Commercial District (C).

Section 161-17.B (4) Rental of residence or dwelling. [Permitted Accessory Use]

In Industrial District (I).

Section 161-18.B (4) Rental of residence or dwelling. [Permitted Accessory Use]

Mike & Penny Boismenu  
3 Lotus Bay Estate Dr.  
Irving, New York 14081

June 6, 2019

Town Board  
Town of Brant  
1272 Brant N. Collins Rd.  
N. Collins, New York 14111

Re: Proposed Local Law No. 2-2019

We have reviewed a Draft Copy of the proposed Local Law No. 2-2019 which would allow the rental of an entire residence or dwelling as a "Permitted Accessory Use" and offer the following comments and concerns:

1. The Proposed Law fails to recognize that the rental of properties on a short term basis, as advertised and presented on international web sites such as AirB&B, VBRO, Flipkey, etc. indicates that the associated short term rental is a commercial enterprise, which should not to be confused as a Permitted Accessory Use.
2. The Proposed Law fails to address any concerns associated with the safety of all residents especially where the ingress and egress is limited to a 10 foot wide shared private road. There is no reference to the impact the anticipated additional traffic will have on the New York State Uniform Fire Prevention and Building Code.
3. The Proposed Law fails to indicate that the residences covered under the current Seasonal Residential District (R-2) code are limited to Single Family Use Only. Most of the Short Term Rentals in our neighborhood have been multi-family, which is a violation of Section 161-15 of the Code. The overcrowding that results from short term multi-family renting has a major impact on the current resident's quality of life.
4. The Proposed Law fails to address the restrictions as presented in the New York State Property Maintenance Code that limits the overcrowding of a dwelling.
5. The Proposed Law does not include any restriction to the short term rental process that prevents a host from offering the property for various events such as weddings, family reunions, corporate meeting, etc. While the short term rental advocates maintain that they are typically offering their dwelling as part of a 'home-sharing' program, their most recent on-line advertisements indicate that the properties are available for events. This is our neighborhood not a resort.
6. The Proposed Law fails to acknowledge that many Communities all across New York State and the Country are currently in the process of limiting and restricting Short Term Rentals in non-commercial neighborhoods.
7. We are confused with the Board's findings that short Term Rentals will have a positive impact on the economy of the Town of Brant. Is there any economic



analysis that was conducted by an independent agency to support this assessment? There are many supporting studies that indicate that the Commercialization of a given residential neighborhood has a negative impact on the value of the adjoining properties.

While we are not opposed to the long term rental of properties in the Town of Brant, we are opposed to the arbitrary and short sighted inclusion of Short Term Rentals, as a Permitted Accessory Use.

Thank you for your time and consideration and let us all work together to ensure that the integrity of our residential neighborhood is maintained and not corrupted with commercial operations.

Stop the **COMMERCIALIZATION** of our neighborhood and enforce the current Code.

Sincerely;

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Mike Boismenu

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Penny Boismenu

KENNETH A. REDDING



DAVID C. WEIR

**REDDING & WEIR**ATTORNEYS AND COUNSELORS AT LAW  
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law@reddingweir.com  
www.reddingweir.com**- We Answer The Phone -**

June 6, 2019

Town Board of Brant, Supervisor Mark DeCarlo, and Mr. Trask  
1272 Brant North Collins Rd  
Irving, NY 14081

Re: Proposed Local Law 1 of 2019

Dear Town Board of Brant:

As you know, I am one of the few attorneys that represent a group of Brant taxpayers that vigorously opposed the "Proposed Local Law 1 of 2019" brought to you in March. I, along with my Brant clients, applaud you for taking a strong stance against such absurdity in the March public hearing.

As a brief reminder, my clients have lived in the Town for decades and, they, as well as I, are elated that your stance to legally support the summer pastime of vacation rentals is coming to fruition. It sends a strong message to Brant taxpayers that you represent them and that you want Brant to be prosperous, and a place that welcomes visitors to our local businesses, and to our economy.

Unfortunately, because of the short term notice, neither my clients nor I will be able to attend this evenings public hearing. As such, I ask that this letter be read by either the Town Council, William Trask, Town Supervisor Mark DeCarlo, or a Board Member, to ensure that their fellow Brant residents are again heard during the Town hearing on June 6, 2019.

That said, I wish to make it known that we 100% support the law that allows vacation rentals across Brant, NY. The Town of Brant, and it's surrounding communities, have been destination for families on summer vaacations for years and years. As you know, tax payers in the Town of Brant have had a tradition of offering their properties for short vacation stays to people who want to share in the beauty of the Town they call home. As a brief reminder, property owners do this for various reasons, with offsetting their property taxes being one of the most prominent. The history and tradition in many water-oriented communities in New York State, Evans on the Lake, Lake Chautauqua, the Finger Lakes, just to name a few, is to have vacation rentals. This benefits the community by creating awareness of the Town of Brant, and brings new customers to the local businesses, thus supporting many of the local jobs in the area, most specifically the seasonal ones.

Your push to fully recognize this with a law supporting vacation rentals sends an incredibly strong message to the very small minority that do not want to support our town, their fellow Brant

citizens, or local businesses, thus infringing on their basic rights as taxpayers. Their blatant disregard for their own town and neighbors will simply not stand.

Brant is a place that has had vacation rentals for decades, and I, along with my clients, commend you for your support, and urge you to celebrate in that tradition by passing the law allowing it to continue on for decades to come.

Very truly yours,

REDDING & WEIR

By: \_\_\_\_\_

DAVID C. WEIR