

## Minutes of the Regular Meeting of the Brant Town Board held February 12th, 2013

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This Regular Meeting of the Brant Town Board was held on Tuesday February 12<sup>th</sup>, 2013 at the Brant Town Hall, located at 1272 Brant North Collins Rd, Brant, New York at 7:30 PM.

### **PRESENT WERE:**

Leonard K. Pero	Supervisor
Jeffrey Gier	Councilman
Donald Clark	Councilman
Chad Kaczmarek	Councilman
William J Trask, Sr.	Town Attorney
Barbara J Daniel	Town Clerk, Recording Secretary

**ABSENT WAS: Councilman Clark Borngaber**

### **ALSO PRESENT AND SIGNED IN WERE:**

Donald Hepkins	Police Chief
Joseph Ostrowski	Planning Board Chairman
Lynda Ostrowski	Secretary to the Boards
Lee Brunelli	ZBA member
Janice Ross	Planning Board member
Neil Ross	Planning Board Alt.
Charles Arrigo	Highway Laborer
Joseph Giambrone	Highway Superintendent
Diane Czyz	Deputy Town Clerk
Brian Rott	Resident
Allen Nolan	Town Hall Superintendent
Michele Browning	Supervisor Secretary
Joseph DeCarlo	Assessor
Mark DeCarlo	Resident
Janet Bowman	Assessor's Clerk
Beverly Wasmund	Resident-past councilwoman
Brian Campbell	Reporter for the SUN

The meeting opened at 7:30 PM with a pledge to the Flag.

A Motion was made by Councilman Gier, and seconded by Councilman Clark to accept the **minutes of the January 3rd, 2013 Organizational Meeting and the January 8<sup>th</sup>, 2013 Regular Town Board meeting.** MOTION CARRIED.

Councilman Gier moved and was seconded by Councilman Kaczmarek, to accept the **Supervisor's Financial Report** as presented. MOTION CARRIED.

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Councilman Kaczmarek motioned to accept the Supervisor's **Budget modification** as listed below, and was seconded by Councilman Gier. A roll call vote was taken: Councilman Kaczmarek-aye, Councilman Gier-aye, Councilman Clark-aye, Supervisor Pero-aye. 4 ayes, 0 nays. MOTION CARRIED.

The Budget Officer explained that an overpayment on one of the Town's BAN resulted in a need to move funds remaining unused in other accounts to balance the budget.

See Page One of Budget MOD below:

SUBJECT: Year End Budget Modifications for Tentative Budget Reports dated: 12/31/12

Please make a resolution at the regular Town Board meeting on February 12th 2013 to approve the following Year End Budget change(s) to the 2012 Adopted Budget.

Budget Modification	Dec From/ (Inc) To	Code	Description	Fund Account	Object	Amount Over Budget
<b>General Fund - Townwide (A)</b>						
\$ 365.00	Decrease	A1110.11	Municipal Court (Clerk Services)		Pers Serv	
\$ (365.00)	Increase	A1110.4	Municipal Court		Contr Expend	\$ 364.31
\$ 346.00	Decrease	A1220.2	Supervisor		Equip & Cap Out	
\$ (346.00)	Increase	A1220.11	Supervisor-Secretary		Pers Serv	\$ 345.62
\$ 259.00	Decrease	A1220.2	Supervisor		Equip & Cap Out	
\$ (259.00)	Increase	A1220.4	Supervisor		Contr Expend	\$ 258.23
\$ 485.00	Decrease	A1355.2	Assessment		Equip & Cap Out	
\$ (485.00)	Increase	A1355.11	Assessment-Clerk		Pers Serv	\$ 484.09
\$ 1,110.00	Decrease	A1355.2	Assessment		Equip & Cap Out	
\$ (1,110.00)	Increase	A1355.4	Assessment		Contr Expend	\$ 1,109.90
\$ 2,159.00	Decrease	A1410.2	Clerk		Equip & Cap Out	
\$ (2,159.00)	Increase	A1410.11	Deputy Clerk		Pers Serv	\$ 2,158.34
\$ 142.00	Decrease	A1621.1	New Town Hall		Pers Serv	
\$ (142.00)	Increase	A1620.4	Old Town Hall Building		Contr Expend	\$ 141.82
\$ 1,850.00	Decrease	A1621.1	New Town Hall		Pers Serv	
\$ (1,850.00)	Increase	A1621.11	New Town Hall Custodian		Pers Serv	\$ 1,849.43
\$ 593.00	Decrease	A1621.1	New Town Hall		Pers Serv	
1,130.00	Decrease	A1630.1	Community Building		Pers Serv	
1,445.00	Decrease	A1630.4	Community Building		Contr Expend	
\$ 3,168.00	Increase	A1621.4	New Town Hall Building		Contr Expend	\$ 3,167.13
\$ 365.00	Decrease	A1630.4	Community Building		Contr Expend	
\$ 94.00	Decrease	A1680.2	Central Data Processing		Equip & Cap Out	
\$ (459.00)	Increase	A1625.4	Recreation Building		Contr Expend	\$ 458.95
\$ 682.00	Decrease	A1680.2	Central Data Processing		Equip & Cap Out	
\$ (682.00)	Increase	A1670.4	Central Print/Mail		Contr Expend	\$ 681.07
\$ 124.00	Decrease	A1680.2	Central Data Processing		Equip & Cap Out	
\$ (124.00)	Increase	A1680.4	Central Data Processing Payroll)		Contr Expend	\$ 123.12

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See Page Two of Budget Mod:

Budget Modification	Dec From/ (Inc) To	Fund Account			Amount Over Budget
		Code	Description	Object	
\$ 527.00	Decrease	A1680.2	Central Data Processing	Equip & Cap Out	
1,920.00	Decrease	A1680.41	Central Data Processing	Contr Expend	
<u>53.00</u>	Decrease	A1910.4	Unallocated Insurance	Contr Expend	
\$ 2,500.00	Increase	A1930.4	Judgements & Claims	Contr Expend	\$ 2,500.00
\$ 84.00	Decrease	A3120.12	Police Court Bailiff	Pers Serv	
1,219.00	Decrease	A3120.13	Police Court Appearances	Pers Serv	
\$ 1,303.00	Increase	A3120.4	Police	Contr Expend	\$ 1,303.05
\$ 203.00	Decrease	A3315.1	STOP DWI- Police PLP	Pers Serv	
\$ (203.00)	Increase	A3315.11	STOP DWI- Police Contract	Pers Serv	\$ 202.13
\$ 145.00	Decrease	A3310.1	Traffic Control(BUNY Grant)	Pers Serv	
\$ (145.00)	Increase	A7110.1	Parks	Pers Serv	\$ 145.00
\$ 798.00	Decrease	A3310.1	Traffic Control(BUNY Grant)	Pers Serv	
1,514.00	Decrease	A3310.11	Traffic Control(STEP Grant)	Pers Serv	
<u>190.00</u>	Decrease	A3310.2	Traffic Control(STEP Grant)	Equip & Cap Out	
\$ 2,502.00	Increase	A7110.4	Parks	Contr Expend	\$ 2,501.80
\$ 44.00	Decrease	A3310.2	Traffic Control(STEP Grant)	Equip & Cap Out	
\$ (44.00)	Increase	A7180.4	Pool	Contr Expend	\$ 43.26
\$ 1,250.00	Decrease	A3310.2	Traffic Control(STEP Grant)	Equip & Cap Out	
\$ (1,250.00)	Increase	A9060.8	Medical/Dental Insurance		\$ 1,249.22
\$ 750.00	Decrease	A3510.2	Control of Dogs	Equip & Cap Out	
<u>921.00</u>	Decrease	A3510.4	Control of Dogs	Contr Expend	
\$ 1,671.00	Increase	A9730.7	Bond Anticipation Notes-Interest	Debt Service	\$ 1,670.67
\$ 400.00	Decrease	A3510.4	Control of Dogs	Contr Expend	
\$ (400.00)	Increase	A9785.6	Installment Purchase Debt-Principal	Debt Service	\$ 399.39
\$ 69.00	Decrease	A3510.4	Control of Dogs	Contr Expend	
\$ (69.00)	Increase	A9785.7	Installment Purchase Debt-Interest	Debt Service	\$ 68.88
\$ (28,632.00)	Decrease	Various appropriation accounts unexpended budget amounts			
\$ 28,632.00	Increase	A9730.7	Bond Anticipation Notes-Principal	Debt Service	\$ 30,000.00

The above budget modification applies the remaining unused budget amounts of one or more dollars to offset the \$30,000 overpayment which resulted in a budget shortfall of \$1,368.

SEE PAGE THREE OF BUDGET MOD NEXT PAGE:

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

It should be noted that the 2012 General Townwide appropriations budget was exceeded by only \$1,343 whereas the Estimated Revenues Budget including property taxes was exceeded by \$66,982. This resulted in a net increase to the Fund Balance of \$65,639.

General Fund - Part Town (B)					
\$ 51.00	Decrease	B1990.4	Contingent Account		
\$ (51.00)	Increase	B8020.1	Planning	Pers Serv	\$ 50.13
\$ 1,103.00	Decrease	B1990.4	Contingent Account		
\$ (1,103.00)	Increase	B8020.4	Planning	Contr Expend	\$ 1,102.70
Highway Fund - Townwide (DA)					
\$ 1,023.00	Decrease	DA5142.4	Snow Removal	Contr Expend	
\$ (1,023.00)	Increase	DA5130.4	Machinery	Contr Expend	\$ 1,022.53
Highway Fund - Part Town (DB)					
\$ 1,878.00	Decrease	DB5112.1	Permanent Improvements	Pers Serv	
\$ 1,851.00	Decrease	DB5112.4	Permanent Improvements	Contr Expend	
\$ (3,729.00)	Increase	DB5110.1	Social Security	Employee Benefits	\$ 3,728.38
\$ 2,349.00	Decrease	DB5112.4	Permanent Improvements	Contr Expend	
\$ (2,349.00)	Increase	DB9060.8	Medical/Dental Insurance	Employee Benefits	\$ 2,348.35

Councilman Gier moved to accept the **Town Clerk's December 2012 Financial Report**, and was seconded by Supervisor Pero. MOTION CARRIED.

Councilman Clark moved to accept the **Court Clerk's December 2012 Financial Report** for Justice Gugino and Justice Crouse. Councilman Kaczmarek seconded the motion. MOTION CARRIED.

Due to illness in January, **Code Enforcement Officer Gary Brecker** presented both his December and January reports. Supervisor Pero moved to approve the reports and was seconded by Councilman Kaczmarek. MOTION CARRIED.

Code Officer Gary Brecker then requested the Board approve **the permit application of AT&T** for the installation of additional antennae to a Cell Tower located at 633 Cain Rd. Councilman Gier moved to approve the permit and was seconded by Supervisor Pero. 4 ayes, 0 nays. MOTION CARRIED.

Dog Control Officer Barbara Daniel read the **Dog Control Report**. Councilman Gier moved to accept the Dog Control Officer's report for January 2013. The motion was seconded by Supervisor Pero. 4 ayes, 0 nays. MOTION CARRIED.

The **January 2013 Police report** was read by Chief Donald Hepkins. Councilman Clark moved to accept the January report as presented, and was seconded by Councilman Kaczmarek. 4 ayes, 0 nays. MOTION CARRIED.

Town Clerk Barbara Daniel presented her monthly activity report for January 2013. Supervisor Pero moved to accept the **Town Clerk's Report** to the Board and was seconded by Councilman Clark. 4 ayes, 0 nays. MOTION CARRIED

The Town Clerk then asked the Board to approve the insertion of a short survey with each tax bill to select residents (those in the Lake Shore district) seeking their opinion on the possibility of returning the Lake Shore School district tax collection to the Brant Town Clerk's Office. The Board was in favor of the survey and recommended adding a small Town information sheet for the residents. Councilman Gier moved to approve the mailing insert and survey, and was seconded by Councilman Kaczmarek. 4 ayes, 0 nays. MOTION CARRIED.

The Town Clerk then asked the Board to adopt the following resolution regarding the use of New York State's **MU-1 Retention schedule** for determining the disposition of the Inactive records now being reviewed, sorted and purged during the current inactive records grant project.

**RESOLUTION MU-1 ADOPTION:**

**WHEREAS**, the Town of Brant Town Clerk's Office is in the process of sorting, purging and determining retention of inactive records per the NYS Archive Grant;

**RESOLVED**, By the Town Board of the Town of Brant that Records Retention and Disposition Schedule MU-1, issued pursuant to Article 57-A of the Arts & Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

- a) Only those records will be disposed of that are described in Records Retention and Disposition Schedule MU-1 after they have met the minimum retention periods described therein;
- b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Supervisor Pero moved to adopt the above resolution accepting the **MU-1 Retention schedule** as the Town's guide to determining retention values of inactive records that are currently being reviewed in relation to the Inactive Records Grant. He was seconded by Councilman Clark. A roll call vote was taken: Supervisor Pero-aye, Councilman Clark-aye, Councilman Kaczmarek-aye, Councilman Gier-aye. 4 ayes, 0 nays. RESOLUTION ADOPTED.

**Planning Board Report:** Councilman Gier motioned to accept the January 2013 Planning Board Report as presented by Secretary Lynda Ostrowski, and was seconded by Supervisor Pero. 4 ayes, 0 nays. MOTION CARRIED.

The **Zoning Board** did not meet in January 2013 .

**Recreation Director Report:** None.

**Parks Commissioner report:** None.

**Fire Department Reports:** None received, per Councilman Gier. (Clerk's note: A report was received from Farnham via fax the next day 2/13/13)

Supervisor Pero acknowledged the minutes of the Senior's January Meeting as presented by Linda Ostrowski. Motion to approve the minutes was made by Councilman Clark, seconded by Supervisor Pero. 4 ayes, 0 nays. Motion Carried

**ACKNOWLEDGEMENT OF DIGNITARIES OR OFFICIALS:** None spoke.

**OLD BUSINESS**

**CDBG Project** - Supervisor Pero read the letter officiating that the Town has indeed received the Grant approval. He mentioned that the ADA improvement project cannot move forward until the Town has advertised the project in the Challenger Newspaper which will allow minority citizens an opportunity to bid on the project.

**Park Building Roofs** – This topic was addressed during the February 7<sup>th</sup> workshop. New negotiations resulted in an offer from Gary Marcinkowski re-shingling both park buildings for \$8,600. This figure would include tear down and shingles and would **not** require Town labor as originally requested.

**Inactive Records Room-** Attorney Trask was given a copy of the bid paperwork for his review. Supervisor Pero stated he would like to get the project started since it must be complete by June 30, 2013. The bids accepted were as follows:

- Minor remodeling: Ron Kmiotek bidding \$8,200.00
- HVAC climate control: RM Heating/AC & Refrigeration bidding: \$9,987.00

**Grounds Maintenance Bids:** Supervisor Pero acknowledged the Ground Maintenance bid received by the current contractor, SAK. No other bids were received. He addressed the amount bid \$18,850 annual plus he bid any extra mowing, brush hogging and labor at \$30.00/hour. Councilman Clark moved to table the decision, and was seconded by Councilman Gier. A roll call vote was taken: Councilman Clark-aye, Councilman Gier-aye, Councilman Kaczmarek-abstain, Supervisor Pero-aye. 3 ayes, 1 abstain, 0 nays. TABLED.

**Insurance Quotes:** Supervisor Pero addressed the quotes received for the Town's liability insurance. He explained that the difference between Evans Agency and First Niagara (MYMIR) was so small that he would prefer to stay with Evans because they provide us with our BANS at extremely low rates and the business relationship we have with them is excellent. Councilman Clark moved to accept the final quote from Evans Agency \$37,197. He was seconded by Councilman Gier. A roll call vote was taken: Councilman Clark-aye, Councilman Gier-aye, Councilman Kaczmarek-aye, Supervisor Pero-aye. 4 ayes, 0 nays. MOTION CARRIED.

**PUBLIC HEARING: GUN CONTROL LEGISLATION**

The Town Clerk read the public hearing notice advertised in the Hamburg SUN on January 31<sup>st</sup>, 2013. It read as follows:

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

**Notice is hereby given that a public hearing will be held by the Brant Town Board in the Brant Town Hall located at 1272 Brant North Collins Road, Brant, New York on the 12<sup>th</sup> day of February, 2013 at 8:30 PM Local Time, for the purpose of allowing public input and opinion regarding the State of New York's new Gun Control Legislation, and for the possible adoption of a resolution regarding the new law.**

**All interested parties will be given the opportunity to be heard.**

**By order of  
Town of Brant Supervisor, Leonard K. Pero**

**Barbara J Daniel  
Brant Town Clerk  
Dated January 29, 2013**

Supervisor Pero opened the public hearing at 8:00 PM. He spoke about how quickly the Gun Control Legislation was passed and how the voice of the people was not heard. He felt it was necessary for the State of New York to hear from the people regarding the new law. He read the resolution he drafted regarding the request to the Governor to repeal the new gun control legislation:

**WHEREAS,** The Town of Brant located in the South West Corner of Erie County in the State of New York objects to the infringement of the 2<sup>nd</sup> Amendment of the Constitution of the United States of America by the governing body of New York State , and

**WHEREAS,** On Monday January 14<sup>th</sup>, 2013 the rights under the second Amendment of our Constitution was infringed upon without due process, and

**WHEREAS,** The Gun control Bill (S.2230) known as NY SAFE Act was rushed through the Senate & Assembly without a single Public hearing or input from the various Law enforcement agency located around our State, and

**WHEREAS,** Even the State lawmakers did not have time to review the bill as presented leaving questions about implementation and regulation of this new law, and

**WHEREAS,** This law should focus on increasing penalties for criminals who use firearms to harm and threaten law abiding citizens and address the issues of mental illness related to violence, and

**WHEREAS,** The residents of the Town of Brant realize that the NY SAFE Act, gun control law must be repealed and must replace the restrictive parts of the enacted law, and

**NOW THEREFORE BE IT RESOLVED,** that The Town Board of the Town of Brant urgently asks Governor Andrew M. Cuomo & the Legislative leaders to suspend this law as soon as possible and to look at all the aspects of Gun control using the proper legal procedure to bring about a law that will address gun control in a more logical manner, focusing on the real issue related to gun control- a law that will strengthen the effect on public safety and not infringe upon our constitutional rights.

**RESOLVED,** that a certified copy of this resolution be forwarded to: Honorable **Governor Andrew M. Cuomo**, Honorable Senate Majority Leader **Dean Skelos** , Majority Leader of Independent Democratic Caucus **Jeff Klein**, Honorable Senate Minority Leader **John Sampson**, Honorable Speaker of the Assembly **Sheldon Silver**, Honorable Leader of the Assembly **Ron Canestrari**, Honorable Minority Leader of the Assembly **Brian Kolb**, and the Western New York Delegation and Erie County Legislators

Supervisor Pero opened the floor for discussion.

- 1) Neil Ross, resident: Nothing in the law protects current owners of guns that handle 7 or more rounds. Gun violence is not a gun problem, it's a social problem.
- 2) Gary Brecker, Code Officer: Agreed with Neil Ross and added that criminals don't have gun permits or have record checks done
- 3) Beverly Wasmund, Resident and past council person: In favor of adopting the resolution.
- 4) Brian Rott, resident: Recommended the Board ask for a show of hands to support the resolution. Raised hands were an overwhelming majority. (Clerk note: when the 2 who didn't raise their hands were later asked why, they stated it was because they only want the law re-written with public input).

After public input ended, Supervisor Pero moved to close the public hearing (8:41 PM). Councilman Gier seconded the motion. PUBLIC HEARING CLOSED.

Supervisor Pero then made the motion to adopt the above resolution showing the Town's opposition of the State of New York's new Gun Control Legislation. The motion was enthusiastically seconded by the balance of the Board. A roll call vote was then taken: Supervisor Pero-aye, Councilman Kaczmarek-aye, Councilman Clark-aye, Councilman Gier-aye. 4 ayes, 0 nays. MOTION CARRIED.

#### **OLD BUSINESS (CONT'D):**

**Highway garage lean to:** Supervisor Pero read the bids received for the work to be done to the highway lean to. He then motioned to approve the bid from Buffalo Red, Inc in the amount of \$8,650 contingent on the approval of the insurance. His motion was seconded by the balance of the Board. A roll call vote was taken: Supervisor Pero-aye, Councilman Kaczmarek-aye, Councilman Clark-aye, Councilman Gier-aye. 4 ayes, 0 nays. MOTION CARRIED.

#### **NEW BUSINESS**

**School tax collection:** The Town Clerk addressed her request to begin negotiations on the return of the Lake Shore School district tax collections to the Town of Brant Clerk's office. Councilman Gier needed more information. Councilman Gier motioned to set Wednesday, March 6<sup>th</sup> at 6:30 PM as the date and time for the next workshop to discuss the collection. The motion was seconded by Councilman Kaczmarek. MOTION CARRIED.

**Community Services application to open group home at 10097 Erie Rd.** Supervisor Pero spoke of an application being submitted to the Town of Brant to build a group home at 10097 Erie Rd. The Town must respond by March 10, 2013 with any objections as a purchase of the property is being considered. Since the property would be non-taxable there would be a loss on the tax rolls. The Board chose to table discussion until the March 6<sup>th</sup> workshop. The Board also suggests the Planning Board review the application.



**Angola Pennysaver Calendar:** Supervisor Pero addressed that the Town has been offered a slot on a calendar page that is published by the Penny saver in Angola for the price of \$50.00 a month. Supervisor Pero motioned to accept the \$50.00/month calendar fee and was seconded by Councilman Gier. A roll call vote was taken: Supervisor Pero-aye, Councilman Gier-aye, Councilman Kaczmarek-aye, Councilman Clark-aye. 4 ayes, 0 nays. MOTION CARRIED.

**Employee Handbook:** The Board will add discussion on the new employee handbook at the March 6<sup>th</sup> Town Board workshop.

**Traveling Food Pantry:** This item will be placed on the Penny Saver calendar. The next date for the pantry is February 20, 2013 from 1:30 to 3:30 PM.

**Old Town Hall appraisal:** Lynda Mason will meet with Allen Nolan at the Old Town Hall. The appraisal will be done and advertising for bids will begin as soon as possible.

**Easter Egg Hunt:** The Town will host an Easter egg hunt on Sunday March 24<sup>th</sup>, 2013. All are invited. The event will be held at the Town Hall.

**Internal Audit:** The Town Board desires to begin an internal audit of various Town Departments and was considering Joe Ostrowski as the auditor. Mr. Ostrowski had five years of experience working as Deputy County Comptroller as a CPA and CIA. Councilman Clark asked Ostrowski if he is still a CPA. Ostrowski stated that his CPA and CIA are now retired. Supervisor Pero motioned to appoint local resident Joseph Ostrowski as the auditor at a rate of \$50./hr. as needed, with a cap of \$4,000. for the project. The motion was seconded by Councilman Gier. A roll call vote was taken: Supervisor Pero-aye, Councilman Gier-aye, Councilman Kaczmarek-aye, Councilman Clark-aye. 4 ayes, 0 nays. MOTION CARRIED.

**Review Blue Cross/Blue Shield** (due May 31<sup>st</sup>): Tabled because the quotes will come in April.

**Recreation fees:** Tabled

## **REPORTS OF COMMITTEES:**

**Summer Fest Committee Meeting change:** The Brant Summer fest committee meeting is being moved from February 27 to Monday March 11, 2013 at 6:30 PM.

Councilman Gier stated that the February 6<sup>th</sup> workshop was productive.

Councilman Kaczmarek announced that the Gym curtain has been cut and sewn. Needs only to be hung.

Councilman Clark motioned to approve the new light on pole #100 on Milestrip Rd. He was seconded by Councilman Gier. A roll call vote was taken: Councilman Clark-aye, Councilman Gier-aye, Councilman Kaczmarek-aye, Supervisor Pero-aye. 4 ayes, 0 nays. MOTION CARRIED.

Supervisor Pero stated that Time Warner quoted \$23.00 per month to provide a dedicated phone line to the Hand Stamp time clock machine at the Highway barn. He is working with Justin Neebo from Time Warner about the new dedicated phone line.

RESOLUTIONS: Supervisor Pero mentioned a few other resolutions he would like to act on at this meeting.

He read the first of the resolutions:

**RESOLUTION FOR AN INCREASE IN JUSTICE COURT FUNDING:**

**WHEREAS**, town justice courts provide an essential service that is primarily funded by local real property taxes; and

**WHEREAS**, the State established reimbursement fund (General Municipal Law GML §99-L), designed to assist towns with the operational expenses of justice courts, has not been amended to reflect an increase in operational expenses for more than a decade; and

**WHEREAS**, since last amended, the New York State Police discontinued the practice of prosecuting and pleas-bargaining traffic violations in town justice courts, placing a burden on local governments to provide prosecutors for traffic violations, thereby further increasing court operational expenses; and

**WHEREAS**, the 2013-2014 Executive Budget seeks to impose limitations on the plea bargaining process as it pertains to speeding tickets issued to drivers in excess of 20 miles over the posted speed limit.

**WHEREAS**, state law sets forth the surcharges and fines for many actions adjudicated in town justice courts as well as the distribution of fines and surcharges between the state and the town;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Brant calls upon the Governor and the State Legislature to increase GML §99-L reimbursement fees to assist local taxpayers in funding justice court operational expenses; and

**BE IT FURTHER RESOLVED** that the Town Board of the Town of Brant requests legislative action to establish a new surcharge to maintain the office of town prosecutor thereby reducing the expense to town taxpayers; and

**BE IT FURTHER RESOLVED** that the Town Board of the Town of Brant calls upon the Governor and the State Legislature to ensure that costs associated with new state laws, regulations and policies affecting the courts are not borne by town taxpayers.

Supervisor Pero motioned to adopt the above resolution regarding the request for an increase in Justice Court funding and was seconded by the balance of the Board. A roll call vote was taken: Supervisor Pero-aye, Councilman Kaczmarek-aye, Councilman Clark-aye, Councilman Gier-aye. 4 ayes, 0 nays. MOTION CARRIED.

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The Second Resolution was read by Supervisor Pero was as follows:

**Resolution in opposition to Governor Cuomo's proposal to restrict the use of sales tax exemption as an incentive in economic development projects**

**Whereas**, The Governor has proposed, as part of his Executive Budget, a provision that would greatly restrict the ability of local economic development agencies to use the exemption of state sales tax as part of economic development incentive packages to spur job creation projects, and

**Whereas**, This provision restricts use of the sales tax exemption to just seven business categories of the “Excelsior Jobs” tax credit program, and

**Whereas**, Many economic development projects important to rural, suburban and urban areas including main business district redevelopment, tourism projects, small business projects, commercial redevelopment and adaptive re-use projects will not qualify under this new provision, and

**Whereas**, Projects that do qualify will now have to obtain the approval of Regional Development Councils and the Empire State Development Corporation which will involve additional time and delay that could prove detrimental to development, and,

**Whereas**, Projects that qualify for the sales tax exemption will receive the benefit as a future tax rebate after the project is completed and therefore will not be able to use the benefit as equity in securing private financing which could jeopardize that particular project from even occurring, and

**Whereas**, In efforts to combat vacancy and blight in Erie County, a land bank for County of Erie along with the cities of Buffalo, Lackawanna and Tonawanda, has recently been approved, and

**Whereas**, The six IDAs located in Erie County are finalizing an amendment to the IDA common policy that would create more uniformity is offering incentives under the adaptive reuse program and which would help every town, city and village in Erie County to combat vacancy and blight in their respective community, and

**Whereas**, The restrictions in the Governor’s proposal will restrict an important tool for incentivizing projects identified in numerous plans crafted throughout the state by the Governor’s own Regional Development Councils, and

**Whereas**, The restrictions in the Governor’s proposal will negatively impact every town, city and village in Erie County.

**Now Therefore Be It Resolved**, that the Association of Erie County Governments does hereby oppose this provision of the Governor’s Executive, and

**Be It Further Resolved**, that a certified copy of this resolution be forwarded to:

Honorable Governor Andrew M. Cuomo, Honorable Senate Majority Leader Dean Skelos, Majority Leader of Independent Democratic Caucus Jeff Klein, Honorable Senate Minority Leader Andrea Stewart-Cousins, Honorable Speaker of the Assembly Sheldon Silver, Honorable Leader of the Assembly Joseph Morelle, Honorable Minority Leader of the Assembly Brian Kolb, and the Western New York Delegation and Erie County Legislators.

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When Supervisor Pero finished reading the above proposed resolution, Councilman Gier stated he wanted to have a chance to read it before acting on it. No action was taken on the above resolution. The resolution will be reviewed and voted on at a later meeting.

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**Privilege of the Floor** – no one spoke.

**Correspondence:**

- Erie County Health...received the annual report from Erie County Health stating that the Town of Brant Water systems has met all the 2012 reporting requirements.
- Historical – Hamburg Historian inviting Town of Brant historian to share stories in the SUN
- Time Warner sent out their rate chart
- Letter from Sheriff Howard alerting the Towns that the County Executive plans to eliminate 25% of the budget gap by reducing non mandated services such as road patrol, Highways and Parks
- Councilman Gier read from a letter from Lancaster Supervisor Robert Giza commending Supervisor Pero for the job he did as President of Erie County government. View letter below:

Robert H. Giza  
316 Wayside Drive  
Depew, New York 14043  
Phone: 716-684-1284

Supervisor Leonard K. Pero  
Brant Town Hall  
1294 Brant-North Collins Road  
Brant, New York 14027

Dear Len:

Just a note to thank you for serving as President of the Erie County Government Association these past two years.

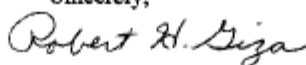
Your Town is very lucky to have someone such as you for Supervisor during these trying times. You not only take care of the Town of Brant, but you also look beyond to help other towns and governments and assist them in any way possible. Your leadership as President of the Erie County Government Association has not gone unnoticed. Many Supervisors and Board Members from other town look to you for advice and counsel.

Your idea of getting together with other Supervisors every first Tuesday of the month at the Elma Town Hall was outstanding. We got to know each other better but more importantly it was a chance to exchange thoughts and explore new ideas that benefited everyone at no cost to our taxpayers. In addition your idea to get together with our neighbors to the North and meeting with Niagara County Association of Supervisors at least once each year was a big move to share our common problems and seeks solutions that are beneficial to all of us.

Your leadership on the Soil and Water Committee was also a big help to everyone serving on that committee.

I've been involved in Town Government at Supervisor of the Town of Lancaster myself for over thirty years and you are one of the best leaders I have had the pleasure to know and now call you my friend.

As you know I will soon be elected as the President of the New York State Association of Towns and I'm looking forward to working with you for a few more years.

Sincerely,  
  
Robert H. Giza

**Abstract 2 of 2013**

**\*Prepaid and unpaid as of February 11, 2013**

Gen Fund Town wide Vouchers pd: #15-24, unpd#25-71 Totaling: \$46,086.35

Gen Fund – Part Town Voucher, pd: #3, unpd #4-5 Totaling: \$16,599.34

Highway T.W. Vouchers pd: #3, unpd#4-15, Totaling: \$24,865.02

Highway P.T. Vouchers, pd None, unpd 3, Totaling: \$11,186.00

Fire Protection: Vouchers: unpd: #1-2, Totaling: \$25,805.00

Street lighting: Voucher pd, #1: \$3,230.67

Lotus Bay Sewer Dist 1: Vouchers: None

Brant Farnham Sewer Dist: None

Brant Water Dist 1: None

Special Grant Fund: None

Capital Projects: Vouchers: None

General Town Wide Payroll 12/30/12- 01/26/13 Totaling: \$37,761.58

General Part Town Payroll 12/30/12- 01/26/13 Totaling: \$639.65

Highway Payroll TW 12/30/12- 01/26/13 Totaling: \$13,209.37

Highway Payroll PT 12/30/12- 01/26/13 Totaling: none

A Motion was made by Councilman Gier, seconded by Councilman Kaczmarek to approve Abstract #2 of 2013. Roll Call: Councilman Gier -aye, Councilman Kaczmarek -aye, Councilman Clark-aye, Supervisor Pero- aye. 4 ayes, 0 nays. MOTION CARRIED.

A Motion was made by Councilman Gier, seconded by Councilman Kaczmarek to adjourn the meeting at 9:42 PM. MOTION CARRIED.

Respectfully submitted by,

Barbara Daniel  
Brant Town Clerk