

Minutes of the Regular Brant Town Board Meeting held November 7, 2019

---

This Regular Meeting of the Brant Town Board was held on Thursday, November 7, 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        |
| Michael 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 |
| Tracy Kaczmarek   | Supervisor Secretary |
| Chad Kaczmarek    | Town Justice         |
| Don Hepkins       | Chief of Police      |
| Linda Giancarlo   | Resident             |
| Joe Giancarlo     | Resident             |
| Jacob Barney      | Invited Guest        |
| Anthony Olszewski | Resident             |
| Sharon Trembath   | Invited Guest        |
| Jim Trembath      | Invited Guest        |
| Julie Sager       | Court Clerk          |
| Jeffrey Gier      | Town Justice         |
| Richard Gryksa    | Town Accountant      |

The meeting opened at 7:00 PM with the Pledge of Allegiance led by Jacob Barney.

**RECOGNITION OF DIGNITARIES, OFFICIALS AND VISITORS:** The Town Board and Dog Control Officer Barbara Daniel, presented 11 year old Jacob Barney with a Certificate of Appreciation from the Town of Brant that is hereby granted to Jacob Barney for his outstanding dedication to helping animals in need, by foregoing birthday gifts in exchange for dog food for the towns municipal shelter. The Brant Town Board would like to express its sincere appreciation for this grand gesture.

**SUPERVISOR'S SEPTEMBER 2019 FINANCIAL REPORT:** Councilman Clark moved and was seconded by Councilwoman Ross to accept the Supervisor's September 2019 Financial Report as presented. 5 ayes, 0 nays. **MOTION CARRIED.**

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

SUBJECT: **Budget Modification #7 as of:**

**10/31/2019**

Please make a resolution at the regular Town Board meeting on Thursday November 7th 2019 to approve the following Budget Modification(s) to the 2019 Adopted Budget for the following Fund(s):

| Budget Modification | Dec From/<br>(Inc) To | Fund Account |             |        | Amount Over Budget |
|---------------------|-----------------------|--------------|-------------|--------|--------------------|
|                     |                       | Code         | Description | Object |                    |

Minutes of the Regular Brant Town Board Meeting held November 7, 2019

|   |  |  |  |  |  |
|---|--|--|--|--|--|
| n |  |  |  |  |  |
|---|--|--|--|--|--|

**General Fund Townwide (A)**

|             |               |          |                              |                   |             |
|-------------|---------------|----------|------------------------------|-------------------|-------------|
| \$ 89.00    | (DR) Decrease | A1990.4  | Contingent Account           | Contr Expend      |             |
| \$ (89.00)  | (CR) Increase | A1420.4  | Law                          | Contr Expend      | \$ 88.50    |
| \$ 2,000.00 | (DR) Decrease | A3120.2  | Police                       | Equip & cao Out   |             |
| 1,000.00    | (DR) Decrease | A3120.41 | Police-Cell Phone & Air Card | Contr Expend      |             |
| \$ 1,623.00 | (DR) Decrease | A1990.4  | Contingent Account           | Contr Expend      |             |
| \$ 4,623.00 | (CR) Increase | A3120.4  | Police                       | Contr Expend      | \$ 4,622.54 |
| \$ 881.00   | (DR) Decrease | A1990.4  | Contingent Account           | Contr Expend      |             |
| \$ (881.00) | (CR) Increase | A9055.8  | Disability Insurance         | Employee Benefits | \$ 881.00   |

**General Fund Part Town (B)**

|            |               |         |          |              |          |
|------------|---------------|---------|----------|--------------|----------|
| \$ 67.00   | (DR) Decrease | B8020.4 | Planning | Pers Serv    |          |
| \$ (67.00) | (CR) Increase | B8010.4 | Zoning   | Contr Expend | \$ 66.55 |

**Highway Fund Part Town (DB)**

|             |               |          |                            |                   |           |
|-------------|---------------|----------|----------------------------|-------------------|-----------|
| \$ 745.00   | (DR) Decrease | DB9060.8 | Medical & Dental Insurance | Employee Benefits |           |
| \$ (745.00) | (CR) Increase | DB9030.8 | Social Security            | Employee Benefits | \$ 744.35 |
| \$ 29.00    | (DR) Decrease | DB9060.8 | Medical & Dental Insurance | Employee Benefits |           |
| \$ (29.00)  | (CR) Increase | DB9055.8 | Disability Insurance       | Employee Benefits | \$ 29.00  |

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 SETEMNER 2019 FINANCIAL REPORT:** Councilman Clark motioned to accept the Town Clerk’s September 2019 Regular Financial Report and the Tax Collector’s Report, seconded by Supervisor DeCarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

**COURT CLERK'S SEPTEMBER 2019 FINANCIAL REPORTS FOR JUSTICES GIER AND KACZMAREK REGULAR AND BAIL ACCOUNTS:** Supervisor DeCarlo motioned to approve both Bail and Regular Financial accounts for Justice Gier and Justice Kaczmarek for September 2019, and was seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

**CODE ENFORCEMENT OFFICER'S OCTOBER 2019 REPORT:** Code Enforcement Officer Brecker read the October report. He stated that Solar Energy inquired about zoning at 3 solar farms for creating a Solar farm. It was noted that solar farms must be at least 5 acres. They will have to provide the town with a removal bond. Councilman Clark asked if there had been any activity at the scrap yard. Officer Brecker said there was none. Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

**DOG CONTROL OFFICER'S SEPTEMBER 2019 REPORTS:** Dog Control Officer Barbara Daniel read her September report. The October report was tabled until next month. Councilwoman Marien made a motion to accept the September Report as read, seconded by Councilman Clark. 5 ayes, 0 nays. **MOTION CARRIED.**

**POLICE REPORT OCTOBER 2019:** The October 2019 Police Report was read by Police Chief Hepkins. He stated that he and Supervisor DeCarlo met with the Lake Shore Central School District regarding cameras on buses. The school district wants an agreement with each municipality regarding the camera footage and issues that may happen on school buses as they travel through the various Town's they service. The municipality will be responsible for prosecuting illegal activity captured on video while the bus travels through Brant's jurisdiction. Fifteen of the 54 buses are equipped with cameras. Supervisor DeCarlo made a motion to approve the report as read, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

**PUBLIC HEARING 2020 PRELIMINARY BUDGET, 7:30 PM**

Supervisor DeCarlo made a motion to open the public hearing at 7:30pm, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

The Town Clerk read the legal notice:

**LEGAL NOTICE  
TOWN OF BRANT  
NOTICE OF HEARING ON THE PRELIMINARY BUDGET  
FOR THE YEAR 2020**

Notice is hereby given that the Preliminary Budget for the fiscal year beginning January 1, 2020 and the required Tax Exemption Impact Report will be in the Office of the Brant Town Clerk where it is available for inspection by any interested person during regular business hours and can be found online at [www.brantny.com](http://www.brantny.com).

**PUBLIC HEARING for the Preliminary Budget will be held at the Brant Town Hall, 1272 Brant North Collins Rd, Brant, NY at 7:30 PM on THURSDAY THE 7<sup>th</sup> day of NOVEMBER 2019.**

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

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

|                                   |                    |
|-----------------------------------|--------------------|
| <b>Supervisor</b>                 | <b>\$20,770.00</b> |
| <b>Councilman (4) x each</b>      | <b>\$4,970.25</b>  |
| <b>Town Clerk/Tax Collector</b>   | <b>\$31,960.00</b> |
| <b>Superintendent of Highways</b> | <b>\$33,585.00</b> |

DATED: October 25, 2019  
BY ORDER OF THE  
BRANT TOWN BOARD  
Barbara J Daniel  
Brant Town Clerk

The Supervisor asked for comments. Judge Gier has requested more money for the court clerks in the amount of \$17.00 per hour. He stated that the position requires more training than in the past and the State has placed more requirements including the addition of another D.A. court date. He added they had 46,339 V&T cases in 2018. Councilman Muffoletto said it sounded like they need another clerk. He also said 2 years ago, as a Councilman voting on the budget, Kaczmarek had stipulated that he would agree to raising the court clerks to \$15.00 per hour provided there be no additional raises for three years. Judge Kaczmarek was asked how he felt about that agreement now being ignored. Justice Kaczmarek replied that the job has changed in the last 6 months. Councilman Muffoletto reminded the Justices that the girls cannot work over 39-1/2 hours. Councilman Clark then stated they need more than a pay increase. They need another clerk. Councilman Muffoletto stated extra pay isn't going to change anything, additional help will. Justice Gier stated the clerks are drastically underpaid. It was noted that another meeting would be required to further discuss the requests from Court.

Supervisor DeCarlo made a motion to close the public hearing at 7:47pm, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo made a motion to set another Budget Meeting for Tuesday, November 19 at 6:00pm, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

**HIGHWAY SUPERINTENDENT'S OCTOBER REPORT:** The Highway Report for September 2019 was presented by Councilwoman Marien. Supervisor DeCarlo motioned to approve the report as read, and seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

**TOWN CLERK'S REPORT TO THE BOARD:** Town Clerk Barbara Daniel presented her activity report for October 2019. She asked for the audit of the abstract be returned to the day before the meeting to allow a more thorough review and permit time for questions pertaining to questionable vouchers to be answered. Supervisor DeCarlo replied that this will be taken into consideration. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

**PLANNING BOARD MINUTES:** The minutes will be tabled until next month when Secretary Ostrowski is present.

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

**RECREATION DIRECTOR'S REPORT:** No report.

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

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

**FIRE COMPANY REPORTS:** This report is tabled until next month. Councilman Clark stated that there is a Spaghetti Dinner on Sunday, November 10<sup>th</sup> starting at noon.

**SENIORS REPORT:** The report will be tabled until next month when Secretary Ostrowski is present.

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

## **NEW BUSINESS**

Supervisor DeCarlo congratulated the winners of the recent election, Ellsworth Nolan as Highway Superintendent, Barbara Daniel as Town Clerk, and incumbent Councilwoman Janice Ross and Councilwoman-elect Linda Giancarlo for Town Council on their successful campaigns.

**TREE LIGHTING CEREMONY:** The Town Board is looking to do a Christmas Tree lighting ceremony in front of the Town Hall on Saturday, December 7. It will start at 4:30 pm. They will ask Sammy Sicurella to help put the star on the top of the tree. Supervisor DeCarlo made a motion to set the date of December 7<sup>th</sup> for the ceremony, seconded by Councilwoman Marien. 5 ayes, 0 nays. **MOTION CARRIED.**

Discussion began regarding the possibility of having a reception honoring Janet Bowman as she is retiring from her job of 21 years and for Joe Giambrone for 35 years of elected service to the Town of Brant. This will take place in the new year.

**NEW ASSESSOR CLERK APPOINTMENT:** With the Assessor's Clerk retiring, Supervisor DeCarlo made a motion to hire Joanna McDougall who has had a background check done, pay at a rate of \$15.00 per hour for a total of 16 hours per week. Supervisor DeCarlo made a motion to accept the new hire of Joanna McDougall as Assessor's Clerk, seconded by Councilman Clark. 5 ayes, 0 nays. **MOTION CARRIED.**

**Resignation of Patrolman Timothy Fitzpatrick:** Supervisor DeCarlo read the letter of resignation of Patrolman Timothy Fitzpatrick beginning November 1, 2019. Supervisor DeCarlo made a motion to accept the resignation, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

**MINUTE APPROVAL OCTOBER 3, 2019 REGULAR TOWN BOARD MEETING:** Supervisor DeCarlo motioned to accept the minutes of the October 3, 2019 Regular Town Board meeting. Councilman Muffoletto seconded the motion. 5 ayes, 0 nays. **MOTION CARRIED.**

**2019-2022 SNOW REMOVAL AND ICE CONTROL AGREEMENT:** This Resolution authorizes Supervisor Mark DeCarlo to enter into Erie Counties Snow Removal and Ice Control Agreement for the years 2019-2022. Supervisor DeCarlo made a motion to allow him to sign and execute the Snow Removal and Ice Control Agreement with Erie County. He was 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.**

**Resolution to accept the Dispatching Agreement between Town of Brant and Town of Evans:** The agreement is for \$6,000 for the 1<sup>st</sup> year, \$6,000 for the 2<sup>nd</sup> year and \$7,000 for the 3<sup>rd</sup> year. Supervisor DeCarlo made a motion to authorize the him to sign & execute the agreement, seconded by Councilwoman Ross. A roll-call vote was taken: Supervisor DeCarlo-aye, Councilwoman Ross-aye, Councilman Clark-aye, Councilman Muffoletto-aye, Councilwoman Marien-aye. 5 ayes, 0 nays. **MOTION CARRIED.**

## **TOWN BOARD REPORTS:**

**Councilman Muffoletto:** No Report

**Councilman Clark:** No Report

**Councilwoman Marien:** No Report

**Councilwoman Ross:** No Report

**Supervisor DeCarlo:** Supervisor DeCarlo said he spoke with Dipietro's office regarding road repair for Brant. He was able to get a \$50,000 grant for road repair. He filled out paperwork and sent it to the Ways and Means Committee.

**RECOGNIZED PRIVILEGE OF THE FLOOR:** Chief Hepkins forgot to mention that he got a final bid of \$20,600 for the Tahoe. He wants to put the 2009 Impala on "Auctions International" as surplus. This was never a police vehicle. Councilman Muffoletto made a motion to list this vehicle as surplus, seconded by Supervisor DeCarlo. 5 ayes, 0 nays. **MOTION CARRIED.**

Councilman Muffoletto made a motion to allow Chief Hepkins to put the 2009 Impala on Auctions International, seconded by Councilwoman Ross. 5 ayes, 0 nays. **MOTION CARRIED.**

Anthony Olszewski asked if we could have the big recycle bins on wheels. It was explained that the trucks are not equipped for them.

**Meetings & Correspondence:** The Supervisor said the sales tax for October was up 8.26 from 2018 corresponding payment and is up 4.34% year to date.

**Supervisor DeCarlo read Abstract 11:**

**Abstract 11 of 2019**

\*Prepaid and unpaid as of 11/7/19 Total Claims **\$72,151.69**

Gen Fund Town wide Vouchers Totaling: **\$43,010.71**

Gen Fund – Part Town Voucher Totaling: **\$17,827.73**

Highway T.W. Vouchers Totaling: **\$6,644.38**

Highway P.T. Vouchers, Totaling: **\$821.71**

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

Street Lighting: Voucher Totaling: **\$2,807.87**

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

Lotus Bay Sewer Dist. 1: Vouchers: **\$0**

Brant Farnham Sewer Dist: Vouchers: none, Totaling: **\$0**

Brant Water Dist 1: Voucher: none – Totaling **\$1,039.29**

Special Grant Fund: Totaling: **\$0**

**PAYROLL (2 payrolls):**

General Town Wide Payroll 9/29/19 to 10/26/19 – Totaling **\$47,709.20**

General Part Town Payroll 9/29/19 to 10/26/19 Totaling: **\$698.98**

Highway Payroll TW 9/29/19 to 10/26/19 Totaling: **\$9,725.68**

Highway Payroll PT 9/29/19 to 10/26/19 Totaling: **\$0**

Supervisor DeCarlo motioned to approve Abstract 11 of 2019, seconded by Councilman Muffoletto. A roll-call vote was taken: Supervisor DeCarlo-aye, Councilman Muffoletto-aye, Councilman Clark-aye, Councilwoman Marien-aye, Councilwoman Ross-aye. 5 ayes, 0 nays. **MOTION CARRIED.**

A moment of silence was taken for Resident Judd Granica who passed away a few days ago.

**Fire Protection and Ambulance Contracts Public Hearing:**

At 8:15 PM Supervisor DeCarlo motioned to open the public hearing for the Fire and Ambulance Contracts. Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

The Town Clerk read the Legal Notice:

LEGAL NOTICE  
TOWN OF BRANT, NEW YORK  
NOTICE OF PUBLIC HEARING

Pursuant to Town Law Section 184, notice is hereby given that a public hearing will be held by the Brant Town Board in the Brant Town Hall, 1272 Brant North Collins Road, Brant, New York on the 7th day of November, 2019 at 8:15 pm local time for the purpose of considering the proposal of the Town of Brant to enter into the fire protection contracts and general ambulance and emergency service contracts as follows:

- 1) Fire protection contract with Brant Volunteer Fire Company No. 1, Inc. covering calendar year 2020 for the annual amount of \$129,627.00 for 2020.
- 2) Fire protection contract with Village of Farnham/Farnham Volunteer Fire Department, Inc. covering calendar year 2020 for the annual amount of \$115,300.00 for 2020.
- 3) Fire protection contract with Village of North Collins/North Collins Fire Department covering calendar year 2020 for the annual amount of \$11,530.00 for 2020.
- 4) General ambulance and emergency service contract with Village of Farnham/Farnham Volunteer Fire Department, Inc. Ambulance Squad covering calendar year 2020 for the annual amount of \$47,035.00 for 2020.

All interested parties will be given an opportunity to be heard.

By order of the Brant Town Board  
Barbara Daniel, Brant Town Clerk

Supervisor DeCarlo noted this was a one-year extension at the same rate as 2019. The Supervisor asked for any comments. Having none, Supervisor DeCarlo made a motion to close the Public Hearing, seconded by Councilman Muffoletto. 5 ayes, 0 nays.

The Town Attorney advised the Board to approve the contracts with the Fire & Ambulance after the budget is approved.

## Minutes of the Regular Brant Town Board Meeting held November 7, 2019

---

**Executive Session for Personnel and Contractual issues:** There will be no action taken following the session. Supervisor DeCarlo made a motion at 8:19pm, to move into executive session, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

At 8:45 PM, Supervisor DeCarlo motioned to close the executive session, seconded by Councilman Muffoletto. 5 ayes, 0 nays. **MOTION CARRIED.**

Next meeting will be Tuesday, December 10, 2019 at 7:00 PM.

At 8:47 pm, Supervisor DeCarlo motioned to adjourn the meeting seconded by Councilman Muffoletto 5 ayes, 0 nays. **MOTION CARRIED.**

Respectfully submitted by,

Barbara Daniel  
Brant Town Clerk