

Minutes of the regular meeting of the Brant Town Board held on Tuesday, November 13, 2002 at 8:00 p.m. and Public Hearing held at 8:15 p.m. for the 2003 Budget as presented, held at the Brant Town Hall, Brant-N. Collins Rd, Brant, New York.

There were present:

Supervisor	Samuel J. Chiavetta
Councilman	Dennis Rubeck
Councilwoman	Ellen Bowman
Councilman	Martin Rosiek
Councilman	Eugene Czyz
Attorney	John Grennell

Also present:

Maggie White	Zoning Board Chairman
Leonard K. Pero	Revitalization Chairman
Diane Czyz	Supervisor's Secretary
Lee Brunelli	Jean Brunelli
Neal Wilson	Louis Small
Ann Small	Bob Palmer
Judy Palmer	Raymond Szafranski
Joseph Gardyjan	Robert Turnbull, Turnbull Nursery, Inc.
Peter Nowicki	Bill Henry
Marge Henry	Sherman Reickart

The meeting was opened with a pledge to the flag led by Maggie White.

Councilwoman Bowman made a motion; seconded by Councilman Czyz to accept the minutes of the Town Board meeting of October 8, 2002 as submitted by the Town Clerk. MOTION CARRIED.

A Motion was made by Councilman Czyz, seconded by Councilman Rubeck to accept the Supervisors financial report for the month of September as submitted. MOTION CARRIED.

A motion was made by Councilman Rosiek and seconded by Councilman Czyz to approve the Code Enforcement Officers report for the month of October as submitted. MOTION CARRIED.

A motion was made by Councilman Czyz, seconded by Councilman Rosiek to accept the Dog Control Officers report for the months of September and October. MOTION CARRIED.

It was noted that a request had been made by Mary Igielinski to Chief Falk to have installed a Children at play sign installed on Versailles Plank Road due to high rate of speed and increased volume of traffic, Chief Falk investigated and did not have any objections to the sign. Councilman Rosiek made a motion to authorize the purchase of the sign and have the Highway Department install at their earliest convenience, depending on weather conditions. Councilman Czyz seconded the motion. MOTION CARRIED.

A motion was made by Councilwoman Bowman and seconded by Councilman Czyz to accept the Police Chiefs report for the months of September and October as submitted. MOTION CARRIED.

A motion was made by Councilwoman Bowman and seconded by Councilman Rubeck to accept the minutes of the Planning Board for the October 22, 2002 meeting as submitted. MOTION CARRIED.

Supervisor Chiavetta stated that there was nothing new to report on the Erie County Water Consortium.

Len Pero stated that the Brant Revitalization Committee had closed on the store property and has made some improvements. Still uncertain as to when the store could be opened.

Supervisor Chiavetta opened the Acknowledgement of Visitors and explained that we did have a public hearing scheduled for 8:15 to discuss the budget and that we would have to interrupt if need be to hold the Public Hearings.

Bob Turnbull of Mile Block Road presented an informational packet to the Town Board and read the contents which vehemently opposed of any kind of solid waste in the Town and more specifically the composting site currently being operated by Hank Dewey. He asked that the packet of information be included as going on record in the minutes.

Dave Taylor also spoke against the Mile Block composting site and presented additional information to the board, for review.

The Code Enforcement officer stated that there was to be a Variance Hearing on December 19<sup>th</sup> at 8:00 p.m. regarding this specific site and suggested that both men try to attend the meeting to speak against this site and present the information there.

Supervisor Chiavetta explained that it was 8:15 p.m. and it was necessary to break for the Public Hearing.

Town Clerk opened the public hearing for the Budget of 2003 of the Town of Brant by reading the notice of Public Hearing that was published in the Hamburg Sun on October 31, 2002.

Supervisor Chiavetta summarized the prior use of the funds and explained that some of the items which have been increased or decreased such as the Water Districts, Fire Contracts and Sewer Districts are dictated by other outside agencies and the Town can not readily negotiate the increases. He stated that the Water District taxes for 2003 would be going down approximately .04 cents per thousand, Fire Protection is up approximately .20 cents higher due to a 10% increase in the contract. Street Lighting is up approximately .02 cents due to increased cost in electricity, the Lotus Bay Sewer district is up from \$4.25 to \$5.03 per thousand and Brant Farnham Sewer is down from \$6.87 last year to \$6.85 this upcoming year. Water District is also down from \$1.47 last year to \$1.34 this year. He explained the fund balances and appropriations. He stated that they tried to keep the change as minimal as possible.

Sherman Riekart questioned the allotment to professional services. Supervisor Chiavetta explained that that is for the grants writer contract. He also explained the grants that are being received are listed as other line items. Mr. Riekart also questioned the police bingo portion of the line items and it was determined that this was amounts for the police car.

Mr. Riekart also questioned the workers comp line items as they are in each fund. Supervisor Chiavetta explained that certain ones must be taken from different funds.

Bill Henry questioned the possibility of being self insured if that may save us money. Mr. Taylor questioned the State Insurance Fund. Councilwoman Bowman stated that the Association of Towns also provides other options. Supervisor Chiavetta stated that our local insurance agent, does review this policy and makes suggestions. Councilman Rosiek stated that he remembers when the Brinkman Agency saved them almost as much as the police car cost a couple of years ago.

Sherman Riekart questioned what the Adult Recreation portion on the budget was, Supervisor Chiavetta stated that this was the Senior Citizen portion.

As all wanting to be heard had been heard, Councilwoman Bowman made a motion to close the public hearing which was seconded by Councilman Rubeck. MOTION CARRIED.

Councilman Rubeck made a motion pass a resolution to adopt the budget as presented. The motion was seconded by Councilwoman Bowman and a vote taken.

#### ROLL CALL VOTE:

Councilman Rubeck	Aye
Councilwoman Bowman	Aye
Councilman Czyz	Aye
Councilman Rosiek	Aye
Supervisor Chiavetta	Aye

5 Ayes, No Nays. 2003 BUDGET ADOPTED.

Supervisor Chiavetta stated that we would reopen the acknowledgement of visitors, and asked if anyone wanted to present any other items not on the agenda.

Bill Henry stated that the Bowman property on Milestrip was slowly being cleaned up but still had concerns regarding the tires that are laying around. He also questioned the zoning of the property and whether a commercial property is allowed in the agricultural district. They questioned Attorney Grennell on this and he was uncertain as to the business conducted on the property and whether or not it was grand-fathered in at any point in time.

Mr. Brecker stated that he is on top of this and the property is being cleaned up and he cannot push the issue when the Town has been allowing him to operate this for the past 15 years.

Mr. Henry stated he still had concerns with his well and contaminates with his operations and was told that unless there is a large quantity of leakage there was nothing they could do about it.

Supervisor Chiavetta stated that maybe a Town Law should be passed for all businesses to obtain a permit. Anyone not obtaining a permit would then be illegally operating and be put out of business. He asked Attorney Grennell if this would be possible. Attorney Grennell stated he would have to look into it.

Maggie White questioned if anyone could come into the town and open a business without getting a permit.

Supervisor Chiavetta stated that if anyone was to open the business they should look into where that type of business is allowed and then obtain the permits as necessary from the Code Enforcement Officer.

A request to authorize the Supervisor to apply for funding for the Southtowns Multi-Use Trail had been received from the Grants writer and Councilwoman Bowman made a motion to authorize the Supervisor to apply for such funding which was seconded by Councilman Czyz and a roll call vote taken.

ROLL CALL VOTE:

Councilwoman Bowman	Aye
Councilman Czyz	Aye
Councilman Rosiek	Aye
Councilman Rubeck	Aye
Supervisor Chiavetta	Aye

5 Ayes, No Nays. RESOLUTION ADOPTED.

Supervisor Chiavetta explained the tax law more specifically for the Assessor's position as currently it is a Town Law to have three elected assessors. As it takes quite a bit of training and last year the training had not been completed. There were three options to take care of the matter, one is to let the county take it over, two is to appoint a temporary assessor until they could be trained and third is to pass a local law to go to one appointed assessor. He had asked the Town Attorney to look into the sole appointed assessor due to these training problems.

Attorney Grennell did present a sample local law to present at a public hearing for the possibilities of going to the one assessor, which made the most sense in this case.

A motion was made by Councilman Rubeck and seconded by Councilman Czyz to conduct a public hearing on December 10, 2002 at 8:15 p.m. to change the local law to one appointed assessor. A roll call vote was taken:

ROLL CALL VOTE:

Councilman Rubeck	Aye
Councilman Czyz	Aye
Councilman Rosiek	Aye
Councilwoman Bowman	Aye
Supervisor Chiavetta	Aye

5 Ayes, No Nays. PUBLIC HEARING SCHEDULED.

A letter was received from the Fred Brinkman Agency regarding the sale of the business to Marie Way with a suggestion that the Town stay with Marie as she was familiar with the Town policies and could provide more personalized service. The letter was filed.

An informational listing of County Highway Contact Personnel was received and filed.

A quote was obtained from William Watson & Company for the repairs to the wading pool for the prior month CDBG Grant request and forwarded to the County for review.

A letter was received from NY State Office of real Property Services regarding the 2002 Annual Aid Certification and filed.

The meeting notice for the Erie County Governments meeting to be held on November 21, 2002 in Orchard Park was received and filed.

A request to make budget modifications from the Town Accountant was received and a motion was made by Councilwoman Bowman, seconded by Councilman Rubeck to adopt a resolution to adopt budget modifications as recommended by the Town Accountant.

ROLL CALL VOTE:

Councilwoman Bowman	Aye
Councilman Rubeck	Aye
Councilman Czyz	Aye
Councilman Rosiek	Aye
Supervisor Chiavetta	Aye

5 Ayes, No Nays. RESOLUTION ADOPTED.

A letter was received from Erie County Comptroller for the possible consolidation of accounts was received and forwarded to the Accountant for review.

A motion was made by Councilman Rubeck and seconded by Councilman Czyz that General Town Wide Warrant 2002 #11, Vouchers 405-469, totaling \$24,034.07, General Town Wide Payroll 2002, Warrant #11, Vouchers 40-43 totaling \$29,363.24, General Part Town Warrant 2002 #11, Vouchers 35-36, totaling \$6,874.57. Highway Fund Payroll 2002, Warrant #11, Vouchers 20-22, totaling \$8,952.82, Highway Town Wide 2002 #11, Vouchers 94-109, totaling \$7,473.25, Street Lighting Fund 2002, Warrant #11, Voucher 10-11, totaling \$4,976.52, Lotus Bay Sewer Dist 2002 Warrant #11, Voucher 13, totaling \$226.54, be presented for payment. MOTION CARRIED.

A motion was made by Councilwoman Bowman seconded by Councilman Rubeck to adjourn the meeting at 9:06 p.m. MOTION CARRIED.

Respectfully submitted,

Jamie S. Nolan, Town Clerk

APPROVED BY:

SUPERVISOR CHIAVETTA: \_\_\_\_\_

COUNCILMAN RUBECK: \_\_\_\_\_

COUNCILWOMAN BOWMAN: \_\_\_\_\_

COUNCILMAN CZYZ: \_\_\_\_\_

COUNCILMAN ROSIEK: \_\_\_\_\_

