

February 1, 2016

The Gates Town Board held two Public Hearings and its regular Town Board meeting on Monday, February 1, 2016 at the Gates Town Hall, 1605 Buffalo Road and beginning at 6:45 P.M. Those in attendance for the Public Hearings and regular Town Board meeting were as follows:

Mark W. Assini	Supervisor
Lee A. Cordero	Councilman
David R. DiCaro	Councilman
Christopher B. DiPonzio	Councilman
Steve Tucciarello	Councilman
John A. DiCaro	Town Attorney
Cosmo A. Giunta	Town Clerk

6:45 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
GIUSEPPE MELLIA TO REZONE PROPERTY
LOCATED AT 810 SPENCERPORT ROAD
FROM BN-R (BUSINESS NON-RETAIL) TO
GB (GENERAL BUSINESS)**

This Public Hearing was transcribed by a Legal Stenographer. A copy of the minutes will be provided to the Town of Gates at no charge.

RESOLUTION 45-16: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the above captioned application is hereby denied as it does not comply with the requirements for rezoning according to Town Code.

Seconded by Councilman DiPonzio.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

7:00 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
TRANSCENT WIRELESS FOR A
CONDITIONAL USE PERMIT TO CONSTRUCT
AND OPERATE A CELL TOWER WITH A
FENCED EQUIPMENT COMPOUND AND
ACCESS EASEMENT TO BE LOCATED AT
THE NORTHEAST CORNER PARCEL OF PROPERTY
LOCATED WITHIN DOLMITE LOCATED
ON LETTINGTON AVENUE**

The applicant has requested that this matter be tabled. As they did not appear for the Public Hearing this application was denied without prejudice. However, several of the neighbors to the property were present and Supervisor Assini invited them to address the Town Board and state their concerns regarding this application. Residents from the following addresses: 85 Dolman; 10 Lettington; 54 Lettington; 9 Lettington; 1 Lettington 60 Lettington and 25 Lettinggggton addressed the Town Board stating concerns regarding the following; traffic; access easement; heath concerns re the radiation; home values.

Should the applicant wish to reapply, the application fee will be waived.

RESOLUTION 46-16: Motion by Supervisor Assini who moved its adoption:

Resolved, that the above captioned application of Transcent Wireless is hereby denied without prejudice. If the applicant wishes to reapply the application fee is hereby waived.

Seconded by Councilman Tucciarello.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

7:30 P.M. REGULAR TOWN BOARD MEETING

Supervisor Assini called the meeting to order at 7:30 P.M. He began the meeting with a Silent Prayer and Pledge of Allegiance to the Flag.

RESOLUTION 47-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby approves the Minutes of the January 4, 2016 Organizational Meeting and the January 4, 2016 Public Hearings and regular Town Board meeting as received.

Seconded by Councilman Cordero.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

AUDIENCE PARTICIPATION

County Legislator Frank Allkofer stated that Senator Robach will be sponsoring a Recycling Day in Monroe County. It will be held on February 28, 2016 at Eagle Park located on Paul Road. The hours will be 9:00 A.M. through 1:00 P.M.

OLD BUSINESS – NONE

NEW BUSINESS

APPOINTING BLAKE LANGDON TO THE GATES SPECIAL POLICE

RESOLUTION 48-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby appoints Blake Langdon to the Gates Special Police.

Seconded by Councilman Cordero.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

APPROVING THE PROMOTION OF POLICE OFFICER MARTIJYN VERBAKEL TO POLICE SERGEANT

RESOLUTION 49-16: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby approves the promotion of Police Officer Verbakel to Police Sergeant in the Gates Police Department.

Seconded by Councilman Tucciarello.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

APPROVING A CHANGE TO THE

VETERANS EXEMPTIONS

RESOLUTION 50-16: Motion by Supervisor Assini who moved its adoption:

Resolve that the Assessor of the Town of Gates is hereby directed to increase the maximum exemption allowable for the alternative veterans exemption under §458 –a, Subdivision 2 (a) and 2 (c) of the Real Property Tax Law of New York State to \$39,000; \$26,000; \$130,000, respectively and to make appropriate adjustments to all alternative exemptions on the assessment roll of the Town of Gates to accurately reflect said increases.

Seconded by Councilman DiPonzio.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

CONSIDERING THE RENEWAL OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING BUSINESSES: EDOYA JAPANESE RESTAURANT – 2131 BUFFALO RD.; AL’S MAINTENANCE – 30 PERSON PLACE; INSURANCE AUTO AUCTION – 522 TROLLEY BLVD.

Supervisor Assini stated that he has received a memo from the Building Department stating that they have reviewed the Code Enforcement files, there are no outstanding violations. They find no reason why the Conditional Use Permits for these businesses should not be renewed.

RESOLUTION 51-16: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby renews the Conditional Use Permits for the above captioned businesses for a period of one year (through February 1, 2017); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman DiPonzio.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

ACCEPTING THE 2015 YEAR END REPORTS FOR JUSTICE PUPATELLI AND JUSTICE VALLERIANI

Supervisor Assini reviewed the reports for the Board; the courts were very busy in 2015.

RESOLUTION 52-16: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby accepts the 2015 Year End Reports for Justice Pupatelli and Justice Valleriani as received.

Seconded by Councilman Tucciarello.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

APPROVING THE STATE AGREEMENT TO EXTEND THE INDEX LUMP SUM MUNICIPAL SNOW AND ICE AGREEMENT

RESOLUTION 53-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the State Agreement to extend the Index Lump Sum Municipal Snow and Ice Agreement for a one year period; now to expire on June 30, 2018.

Seconded by Councilman Cordero.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

**APPROVING A TOWN OF GATES PLUMBING
LICENSE FOR FRANK GRANDINETTI – 22417 FIRST ST.,
GRAND ISLAND, NEW YORK**

RESOLUTION 54-16: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby approves a Town of Gates Plumbing License for Frank Graninetti – 22417 First St., Grand Island, New York. He is to contact the Town Clerk's office and take the appropriate steps to obtain the license.

Seconded by Councilman Tucciarello.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

ADDED TO THE AGENDA

**APPOINTING BILL PALMA AS A
TOWN OF GATES CIVIL OFFICER
FOR THE YEAR 2016**

RESOLUTION 55-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that pursuant to §20, Subdivision 1a of Town Law Bill Palma is hereby appointed Civil Officer for the Town of Gates for the year 2016, and

Further Resolve, that this individual is to serve at no remuneration but he shall be entitled to collect the statutory fees allowed by Law in civil actions and proceedings. This appointment is for an indefinite term, and he shall serve at the pleasure of the Town Board and is required to take his Oath of Office with the Town Clerk.

Seconded by Councilman Cordero.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

**DESIGNATING A DELEGATE AND ALTERNATE DELEGATE
TO ATTEND THE NEW YORK STATE ASSOCIATION
OF TOWNS BUSINESS MEETING**

RESOLUTION 56-16: Motion by Councilman DiPonzio who moved its adoption:

Resolve that the Gates Town Board hereby designates Councilman Steve Tucciarello as the Town of Gates delegate to attend the New York State Association of Towns Business meeting and to cast the vote for said town, and

Further Resolve that Town Attorney John DiCaro be designated as the Town of Gates alternative delegate.

Seconded by Councilman Cordero.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

**APPOINTING LINDA SARACENI
AS THE PLANNING BOARD SECRETARY**

RESOLUTION 57-16: Motion by Councilman Tucciarello who moved its adoption:

Resolved that Linda Saraceni be and hereby is appointed as Secretary to the Gates Planning Board for the year 2016 at an annual salary of \$3,713.

Seconded by Councilman Cordero.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS – NONE

REPORTS

**ACCEPTING THE SUPERVISOR'S REPORT
FOR THE MONTH OF JANUARY 2016**

Supervisor Assini read his report for the month of January 2016 showing the following:

TOTAL RECEIPTS	\$4,746,309.18
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TOTAL DISBURSEMENTS	\$1,522,059.68
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WARRANTS

GENERAL FUND

Accounts Payable

CI # A15-1247 = A15 – 1287	\$15,276.11
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A16-0001 – 0063	\$65,037.11
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HIGHWAY FUND

Accounts Payable

CI # D15 – 0421 – D15 – 0432	\$132,309.38
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D16-0001 – D16 – 0019	\$58,267.98
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LIBRARY FUND

Accounts Payable

CI # L15 – 0385 – L15 – 0420	\$17,406.04
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L16- 0001 – L16 – 0021	\$ 36,244.84
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Supervisor Assini noted for the record that the warrants for the month of December 2015 have been examined by the Town Board and paid.

RESOLUTION 58-16: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Supervisor's Report for the month of January 2016 as read, and the warrants for the month of January 2016 as read; subject to the approval of the Gates Town Board.

Seconded by Councilman Tucciarello.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

**ACCEPTING THE TOWN CLERK'S REPORT
FOR THE MONTH OF JANUARY 2016**

The Town Clerk read his report for the month of January 2016 showing the following:

TOTAL REVENUES TO THE SUPERVISOR	\$18,180.12
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TOTAL NON-LOCAL REVENUE	255.84
TOTAL REVENUES COLLECTED	\$18,435.96

RESOLUTION 59-16: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Town Clerk's Report for the month of January 2016.

Seconded by Councilman DiPonzio.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

PERSONNEL STATUS REPORT – NONE

There being no further business to come before the Town Board, Councilman DiPonzio made a motion to adjourn the meeting. Councilman Cordero seconded the motion. All were in favor; the motion carried. Supervisor Assini adjourned the meeting at 8:10 P.M.

Town Clerk