

November 9, 2016

The Gates Town Board held a Public Hearing and its regular Town Board meeting on Wednesday, November 9, 2016 at the Gates Town Hall, 1605 Buffalo Road and beginning at 7:00 P.M. Those in attendance for the Public Hearing 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

7:00 P.M. PUBLIC HEARING

**CONSIDERING THE ADOPTION OF
THE 2017 TOWN OF GATES BUDGET**

Supervisor Assini called the Public Hearing to order at 7:00 P.M. The Town Attorney verified that the legal notice had been published as required by law.

Supervisor Assini stated that the tax rate is down 2 cents per thousand in this budget. The levy is up 1% and the assessed value is up 1.3%. The town tax rate is the lowest it has been in many years. The average town tax bill is \$625.72.

Mr. James Gray, President of the Gates Volunteer Ambulance addressed the Town Board regarding a possible co-pay for residents of \$75.00 per service call. They have been absorbing the insurance co-pay; however, it is getting harder to do it. At this time Gates residents do not pay for ambulance service.

Supervisor Assini stated that this matter needs to be addressed. He will contact Mr. Gray to schedule a meeting in the near future.

RESOLUTION 156-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the 2017 Preliminary Town Budget as the 2017 Town of Gates Budget.

Seconded by Councilman Cordero.

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

Motion Carried.

The Public Hearing was adjourned at 7:25 P.M.

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 157-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the October 3, 2016 regular Town Board meeting as received.

Seconded by Councilman Tucciarello.

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

Motion Carried.

AUDIENCE PARTICIPATION

Mr. Don Gladden of 17 Sudbury Drive addressed the Town Board regarding cats roaming the neighborhoods and messing in people's yards. He has spoken to the Animal Control Officer regarding a town code which would have some control over cats in the town. However, he was informed that the town does not have a code regarding cats.

He presented the Town Board with a copy of the State's Public Health law which addresses cats. He asked that the Supervisor look into the possibility of creating a town code for cats.

Supervisor Assini stated that he will look into the matter with the Animal Control Officer and the Town Attorney.

Ms. Carol Wolf of Lyell Road asked if Mr. Orsi had contacted the Supervisor. He was to be at this meeting to explain his financial reports.

Supervisor Assini stated that he has not heard from Mr. Orsi. He will be sending Mr. Orsi a letter requesting this information.

OLD BUSINESS – NONE

NEW BUSINESS

CLARIFYING THE APPOINTMENT OF PAUL ARNDT AS THE TOWN OF GATES ASSESSOR

Supervisor Assini stated that he has received an e-mail from the ORPS clarifying for the Town Board the proper title for this position. The Town Board had appointed Mr. Arndt as Acting Assessor at the last meeting; however, this title has a different meaning. The Town Board can appoint Mr. Arndt as the Town of Gates Assessor.

RESOLUTION 158-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby appoints Paul Arndt as the Town of Gates Assessor.

Seconded by Councilman Tucciarello.

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

Motion Carried.

APPOINTING TANOIS SARKIS AS THE TOWN OF GATES REPRESENTATIVE TO THE MONROE COUNTY ENVIRONMENTAL MANAGEMENTT COUNCIL

Mr. John Zeppetella, the current representative, addressed the Town Board. He stated that he must resign his position as his work schedule has changed. He thanked the Board for the opportunity to represent the town at this council.

Supervisor Assini thanked Mr. Zeppetella for his many years of service to the town.

Supervisor Assini stated that Tanios Sarkis, an employee in the Building Department, has expressed an interest in applying for this volunteer position.

RESOLUTION 159-16: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby appoints Tanios Sarkis as the Town of Gates representative to the Monroe County Environmental Management Council.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**RE-APPOINTING JOAN NEWELL TO THE
GATES CONSERVATION ADVISORY BOARD
FOR A TWO YEAR TERM – SAID TERM TO
EXPIRE NOVEMBER 9, 2018**

RESOLUTION 160-16: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby re-appoints Joan Newell to the Gates Conservation Advisory Board for a two year term; said term to expire November 9, 2018.

Seconded by Councilman Cordero.

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: LOVING TOUCH
DAY CARE – 395 SPENCERPORT RD.; MARK’S
PIZZERIA – 2103 BUFFALO RD.; ROC CAFÉ –
1166 BROOKS AVE.; PERRI’S PIZZA – 2000 LYELL AVE.;
PONTILLO’S PIZZA – 777 SPENCERPORT RD.;
TROYER’S HORSE FARM – 4599 LYELL RD.;
MAC’S PIZZERIA & GRILL – 2346 LYELL AVE.;
LYELL RD. BOTTLE & CAN RETRIIVAL
CENTER – 2445 LYELL RD.**

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 violations against these businesses. They find no reason why the Conditional Use Permits for these businesses should not be renewed.

RESOLUTION 161-16: Motion by Councilman DiPonzio 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 (1) year (through November 9, 2017); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman Cordero.

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

Motion Carried.

**SCHUEDLING A PUBLIC HEARING TO CONSIDER
THE APPLICATION OF VERIZON WIRELESS FOR A
CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE
A MICRO CELL WIRELESS TELECOMMUNICATIONS
FACILITY AND OTHER SITE IMPROVEMENTS
AT 2150 CHILI AVE.**

RESOLUTION 162-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, December 5, 2016 at 7:15 P.M. to consider the above captioned application.

Seconded by Councilman Cordero.

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

Motion Carried.

ADDITION TO THE AGENDA

CONSIDERING THE DONATION OF LAND TO THE TOWN OF GATES

Supervisor Assini stated that the Town has received an offer of 19 ½ acres of land located at the end of BerMar Park (off of Buffalo Rd.). He requested that Councilman DiCaro and the Gates Conservation Advisory Board examine the land and report back to the Town Board.

RESOLUTION 163-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby requests that Councilman DiCaro and the Conservation Advisory Board review the offer and evaluate the land and report back to the Town Board at the December Town Board meeting.

Seconded by Councilman Cordero.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman DiPonzio reported that on Friday November 11, 2016 (Veterans Day) there will be a ceremony held at the Gates Town Hall at 10:30 A.M. to honor all of the Armed Forces veterans. All are invited to attend.

REPORTS

ACCEPTING THE SUPERVISOR'S REPORT FOR THE MONTH OF OCTOBER 2016

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

TOTAL RECEIPTS	\$163,571.76
TOTAL DISBURSEMENTS	\$1,254,579.04

WARRANTS

GENERAL FUND

Accounts Payable CI #0959 – 1037	\$90,897.89
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HIGHWAY FUND

Accounts Payable CI # 0271 – 0299	\$17,302.92
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LIBRARY FUND

Accounts Payable CI # 0253 – 0285	\$28,331.46
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Supervisor Assini noted for the record that the warrants for the month of September 2016 have been examined by the Town Board and paid.

RESOLUTION 164-16: Motion by Councilman Cordero who moved its adoption:

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

Seconded by Councilman DiPonzio.

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

Motion Carried.

**ACCEPTING THE TOWN CLERK’S REPORT
FOR THE MONTH OF OCTOBER 2016**

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

TOTAL REVENUES TO THE SUPERVISOR	\$17,178.45
TOTAL NON-LOCAL REVENUES	1,651.46
 TOTAL REVENUES COLLECTED	 \$18,829.91

RESOLUTION 165-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Town Clerk’s Report for the month of October 2016 as read.

Seconded by Councilman Cordero.

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 DiCaro made a motion to adjourn the meeting. Councilman Tucciarello seconded the motion. All were in favor; the motion carried. Supervisor Assini adjourned the meeting at 8:00 P.M.

Town Clerk