

November 7, 2018

The Gates Town Board held a Public Hearing and its regular Town Board meeting on Wednesday, November 7, 2018 at the Gates Town Hall, 1605 Buffalo Road, and beginning at 7:00 P.M. Those present for the Public Hearing and regular Town Board meeting were as follows:

Mark W. Assini	Supervisor
Lee A. Cordero	Councilman
Christopher B. DiPonzio	Councilman
Andrew M. Loughlin	Councilman
Steve Tucciarello	Councilman
Daniel G Schum	Town Attorney
Cosmo A. Giunta	Town Clerk

7:00 P.M. PUBLIC HEARING

**APPROVING THE PRELIMINARY
2019 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 Town Board has held the Budget Workshop on October 17, 2018 at 5:15 P.M. in the Supervisor's Conference Room at the Gates Town Hall. The budget was reviewed and discussed page by page in detail. The workshop meeting was advertised and posted as required by local law.

There was no one in the audience appearing for or against this matter.

RESOLUTION 127-18: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby approves the Preliminary 2019 Town of Gates Budget with an amendment to lower the 2019 Tax Rate from the Preliminary proposed budget rate of \$6.11 per \$1,000 of assessed value to a rate of \$6.08 per \$1,000 of assessed value.

Seconded by Councilman DiPonzio.

UNDER DISCUSSION

Councilman Tucciarello made an amendment to Supervisor Assini's amendment as follows: to lower the 2019 tax rate from \$6, 11 per \$1,000 of assessed value to \$6.06 per \$1,000 of assessed value.

UNDER DISCUSSION

Town Comptroller Art Plewa stated that a reduction from \$6.11 per \$1,000 of assessed value to \$6.06 per \$1,000 of assessed value would result in a reduction in the levy from the Proposed Preliminary 2019 Budget to the 2019 adopted Budget of \$77,000.

RESOLUTION 128-18: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the above captioned amendment be made to lower the levy by \$77,000 and change the tax rate to \$6.06 per \$1,000 of assessed value and

Further Resolved, the Gates Town Board hereby approves the amended 2019 Town of Gates Budget.

Seconded by Councilman Cordero.

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

Motion Carried.

7:30 P.M. REGULAR TOWN BOARD MEETING

Supervisor Assini called the meeting to order at 7:35 P.M. He began with a Prayer and Pledge of Allegiance to the Flag.

RESOLUTION 129-18: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the October 1, 2018 Regular Town Board meeting and the October 17, 2018 Budget Workshop as received.

Seconded by Councilman DiPonzio.

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

Motion Carried.

AUDIENCE PARTICIPATION

Mrs. Daniella Napoli 21 Gatewood Ave. addressed the Town Board regarding her continuing situation with having chickens. She would like this matter resolved as it has been going on for quite some time.

Several residents addressed the Town Board to extend their gratitude and appreciation to Supervisor Assini for all his hard work and dedication to the residents of Gates during his tenure as Town Supervisor. They wished him much success in his future with his new position.

OLD BUSINESS – NONE**NEW BUSINESS**

**CONSIDERING THE RENEWAL OF THE
CONDITIONAL USE PERMITS FOR THE
FOLLOWING BUSINESSES: LOVING
TOUCH DAY CARE CENTER – 395
SPENCERPORT RD.; MAC’S PIZZERIA &
GRILL – 2346 LYELL AVE.; MARK’S
PIZZERIA – 2103 BUFFALO 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 130-18: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby renews the Conditional Use Permits (as noted above) for these businesses for a period of one year (through November 7, 2019); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman Loughlin.

VOTE: Cordero – aye; DiPonzio – aye; Loughlin – aye; Tucciarello - aye; Assini – aye.

Motion Carried.

**AUTHORIZING THE TOWN CLERK TO
OBTAIN A BLANKET BOND COVERING
ALL TOWN EMPLOYEES AND TOWN
OFFICIALS**

Supervisor Assini stated that this bonding is done annually.

RESOLUTION 131-18: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby authorizes the Town Clerk to obtain a Blanket Bond covering all Town Employees and Town Officials, Employees to be bonded for \$5,000; and the

Town Officials and Employees to be bonded for the additional amounts shown as follows: Supervisor and Deputy Supervisor \$195,000 ea.; Town Clerk and Receiver of Taxes \$95,000 ea.; Deputy Town Clerk \$95,000. Town Comptroller \$95,000; Payroll Clerk \$45,000.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**ACCEPTING THE DONATION OF A
BUSINESS SAFE FROM THE PADULA
AND ROBORTELLA FAMILIES;
ESTIMATED VALUE \$1,500**

RESOLUTION 132-18: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby accepts the donation of a business safe from the Padula and Robortella families.

Seconded by Councilman Loughlin.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO
CONSIDER THE APPLICATION OF TOM
LITTLEFIELD FOR A CONDITIONAL USE
PERMIT TO CONSTRUCT A 7' HIGH CHAIN
LINK FENCE WITH A 1' BARBED WIRE
AT THE TOP; TO BE LOCATED AT
142 BUELL RD.**

RESOLUTION 133-18: Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, December 3, 2018 at 7:00 P.M. to consider the above captioned application.

Seconded by Councilman Cordero.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO
CONSIDER THE APPLICATION OF
DANIEL HARTWIG FOR A CONDITIONAL
USE PERMIT TO OPERATE A WINE MAKING FACILITY (WINE BY
DESIGN INC.) ; TO BE LOCATED AT
3392 BUFFALO ROAD**

RESOLUTION 134-18: Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, December 1, 2018 at 7:10 P.M. to consider the above captioned application.

Seconded by Councilman Cordero.

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

Motion Carried.

**ADOPTING A SEXUAL HARASSMENT POLICY
FOR THE TOWN OF Gates**

RESOLUTION 135-18: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby adopts a Sexual Harassment Policy for the Town of Gates.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**AUTHORIZING THE TOWN COMPTROLLER TO MAKE
A FUND TRANSFER OF \$350,000 FROM THE
GENERAL FUND TO THE HIGHWAY FUND**

Mr. Art Plewa, Town Comptroller stated that we need to transfer \$350,000 from the General Fund to the Highway Fund to cover expenses until we receive our money from the State for snow and ice removal for 2018 – 2019. Last year the Town did not receive the money from the State until later in the month of December. Once the money is received from the State we will transfer it back from the Highway Fund to the General Fund.

RESOLUTION 136-18: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby authorizes the Town Comptroller to transfer \$350,000 from the General Fund to the Highway Fund.

Seconded by Councilman Cordero.

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

Motion Carried.

**DESIGNATING THE TOWN OF GATES
AS AN AUTISM FRIENDLY COMMUNITY**

RESOLUTION 137-18: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby designates the Town of Gates an Autism Friendly Community.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**APPROVING THE MAINTENANCE AGREEMENT
REQUESTED BY THE NYS DOT FOR THE
OPERATION AND MAINTENANCE OF THE FLAG
POLE AND APPURTENANCES LOCATED IN
THE MEDIAN OF I-490 BETWEEN I-390 AND
THE ERIE CANAL**

RESOLUTION 138-18: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby approves the Maintenance Agreement requested by the NYS DOT for the flag pole and appurtenances located in the median of I-490 between I-390 and the Erie Canal. (A copy of this agreement will be provided to the Town Clerk for the file.)

Seconded by Councilman DiPonzio.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Daniel Hoock, Recreation and Parks Director reported that Sunday, November 11, 2018 is the Town's Veterans Day Service in the Town Hall Meeting Room at 10:30 A.M. Then on Saturday, December 1, 2018 the Community Christmas Tree Lighting and Holiday Party will take place at 5:30 P.M. in the Recreation Center Common Area.

REPORTS

ACCEPTING THE SUPERVISOR'S REPORT FOR THE MONTH OF OCTOBER 2018

Supervisor Assini read his report for the month of October 2018 showing the following:

TOTAL RECEIPTS	\$160,115.18
TOTAL DISBURSEMENTS	\$1,677,617.12
WARRANTS	
General Fund	
Accounts Payable	
CI # 1003 – 1099	\$105,767.10
Highway Fund	
Accounts Payable	
CI # 0347 – 0400	\$133,123.59
Library Fund	
Accounts Payable	
CI # 0222 – 0247	\$ 19,405.17

Supervisor Assini noted for the record that the warrants for the month of September 2018 have been examined by the Town Board and paid.

RESOLUTION 139-18: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Supervisor's Report for the month of October 2018 as read, and the warrants for the month of October 2018 as read; subject to the approval of the Gates Town Board.

Seconded by Councilman Cordero.

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

Motion Carried.

ACCEPTING THE TOWN CLERK'S REPORT FOR THE MONTH OF OCTOBER 2018

The Town Clerk read the report for the month of October 2018 showing the following:

TOTAL REVENUES TO THE SUPERVISOR	\$15,569.91
TOTAL NON-LOCAL REVENUES	1,502.60
TOTAL REVENUES COLLECTED	\$17,071.51

RESOLUTION 140-18: 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 2018 as read.

Seconded by Councilman Tucciarello.

PERSONNEL STATUS REPORT

The Town Clerk read the Personnel Status Report for the month of October 2018.

At this point in the meeting, Supervisor Assini addressed the Town Board. He took this opportunity to make a farewell speech and submitted his letter of resignation to the Town Clerk, resigning his position of Supervisor as of 8:13 P.M. on this date.

Mr. Assini then handed the gavel to Councilman and Deputy Supervisor Christopher B. DiPonzio after which the members of the Town Board presented him with a Plaque of Appreciation for all he has done for the community of Gates.

RESOLUTION 141-18: Motion by Councilman DiPonzio who moved its adoption:

Resolved that pursuant to Section 64, Subdivision 5 of the Town Law of the State of New York, Cosmo A. Giunta of 7 Foxshire Circle be and hereby is appointed Supervisor of the Town of Gates to fill the vacancy created by the resignation of Mark W. Assini; said term to expire December 31, 2019.

Seconded by Councilman Cordero.

VOTE: Cordero – aye; DiPonzio – aye; Loughlin – aye; Tucciarello – aye.

Motion Carried.

Town Attorney Daniel G. Schum administered the Oath of Office to Cosmo A. Giunta for the position of Town of Gates Supervisor.

Supervisor Giunta addressed the Town Board and audience and expressed his gratitude and promised to do the job to the best of his ability.

Mr. Giunta submitted his letter of resignation as Town Clerk, to the Town Board.

There being no further business to come before the Town Board, Councilman Cordero made a motion to adjourn the meeting. Councilman Loughlin seconded the motion. All were in favor; the motion Carried. Supervisor Giunta adjourned the meeting at 8:35 P.M.

Deputy Town Clerk