

December 3, 2018

The Gates Town Board held two Public Hearings and its regular Town Board meeting on Monday, December 3, 2018 at the Gates Town Hall, 1605 Buffalo Rd. and beginning at 7:00 P.M. Those present for the Public Hearings and regular Town Board meeting were as follows:

Cosmo A. Giunta	Supervisor
Lee A. Cordero	Councilman
Christopher B. DiPonzio	Councilman
Andrew M. Loughlin	Councilman
Steve Tucciarello	Councilman
Shirley A. Quinlan	Deputy Town Clerk
Daniel G. Schum	Town Attorney

7:00 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
TOM LITTLEFIELD FOR A CONDITIONAL
USE PERMIT TO CONSTRUCT A 7' CHAIN-
LINK FENCE WITH A 1' BARBED WIRE AT
THE TOP FOR A TOTAL HEIGHT OF 8'
TO BE LOCATED AT 142 BUELL RD.**

Supervisor Giunta 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.

Mr. Longwell, Mr. Littlefield's partner in the business, made the presentation. He began by stating that they are a self-storage facility and the fence would be for security. To protect the belongings of the customers. They will also have security cameras and a gated entrance to the site.

He presented photos of other businesses in the area who have barbed wire fencing.

Councilman DiPonzio noted that most of the barbed wire in the photos leans inward. He asked if theirs would also.

Mr. Longwell replied that theirs would probably lean inward.

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

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

Resolved that the Gates Town Board hereby grants a Conditional Use Permit to Mr. Longwell to construct a chain-link fence 7' high with an additional 1' of barbed wire at the top; for a total height of 8'; to be located at 142 Buell Rd.; subject to the following condition:

1. The term of the Conditional Use Permit is for one (1) year.

Seconded by Councilman Cordero.

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

Motion Carried.

Supervisor Giunta adjourned the Public Hearing at 7:08 P.M.

7:10 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
DANIEL HARTWIG FOR A CONDITIONAL
USE PERMIT TO OPERATE A CUSTOM
WINE MAKING FACILITY; TO BE LOCATED
AT 3392 BUFFALO RD.**

Supervisor Giunta called the Public Hearing to order at 7:10 P.M. The Town Attorney verified that the legal notice had been published as required by law.

Mr. Hartwig made the presentation. He stated that they have been in business since 2005. They are presently located in the Regional Plaza at 1424 Buffalo Rd. This move would allow for more room for the facility and more parking. They have received their New York State licenses to operate. They will make the wine in small batches. There will be 5 to 6 cars daily (no more) coming to the site. Traffic will not be a problem. There will not be much waste at all. They would like to make win for commercial use and sell to local restaurants.

They are not sure what they will do with the upstairs area. They may rent it out for offices or for residential use.

Mr. Schum, Town Attorney, stated that the Fire Marshal should review the plans. He asked if he has done so; especially if it will be residential.

Mr. Hartwig replied not at this time.

Supervisor Giunta asked what the hours of operation would be.

Mr. Hartwig replied the hours of operation would be the same as they are at the existing facility

Supervisor Giunta asked if they plan on closing the present location.

Mr. Hartwig replied eventually they will close it.

Councilman Loughlin asked if there would be any consumption of the wine on site.

Mr. Hartwig replied that they have some tastings but do not serve any wine for consumption.

John Zappatella of 1676 Buffalo Rd. asked if they will be using grapes.

Mr. Hartwig replied that they do not use grapes right from the vine, they buy pasteurized grape juice to make the wine.

RESOLUTION 142-18: Motion by Supervisor Giunta who moved its adoption:

Resolved that the Gates Town Board hereby grants a Conditional Use Permit to Daniel Hartwig to operate a custom wine making facility and wholesale winery; to be located at 3392 Buffalo Rd. (Wines By Design); subject to the following conditions:

1. The term of the Conditional Use Permit is for one (1) year.
2. Hours of operation to be as existing at Wines By Design located at 1424 Buffalo Rd.

Seconded by Councilman Tucciarello.

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

Motion Carried.

7:30 P.M. REGULAR TOWN BOARD MEETING

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

RESOLUTION 143-18: Motion by Supervisor Giunta who moved its adoption:

Resolved that the Gates Town Board hereby approves the amended Minutes of the November 7, 2018 Public Hearing and regular Town Board meeting.

Seconded by Councilman Tucciarello.

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

Motion Carried.

AUDIENCE PARTICIPATION

Supervisor Giunta thanked Chief VanBrederode for his excellent organization of the search for the missing Gates resident.

Chief VanBrederode stated that there were many agencies involved and he appreciates all of their help.

Don Ioannone of Lyell Rd. congratulated the Supervisor on his recent appointment as the Town of Gates Supervisor. He asked if the volunteer Board members would have to be reappointed by him.

Supervisor Giunta stated that it would not be necessary to be reappointed.

Legislator Frank Allkofer and Rose Marie LaPietra of the Gates Garden Club and Chairperson of Wreaths across America reported that the ceremony will be held on December 15, 2018 (Saturday) at 12:00 noon. The ceremony will be held in the front of the Gates Town Community Center.

Legislator Allkofer and Supervisor Giunta presented Proclamations of recognition to Carol Michelle Hulsizer and Heather Carroll of Mission Recovery and Hope, Inc. for the excellent work they are doing in the fight against drugs.

OLD BUSINESS – NONE

NEW BUSINESS

**CONSIDERING THE RENEWAL OF THE
CONDITIONAL USE PERMITS FOR THE
FOLLOWING BUSINESSES: BOTTLE
& CAN RETIREVAL CENTER – 509
SPENCERPORT RD. CARAGLIO’S
PIZZERIA – 3869 LYELL RD; DEPAUL
COMMUNITY SERVICES – 1531
BUFFALO RD. PONTILLO’S PIZZA –
777 SPENCERPORT RD.; RC REAL
ESTATE – 055 BFUUALO RD.; TACO
BELL – 2317 LYELL AVE.; LITTLE
CAESAR’S PIZZA – 2394 LYELL AVE.**

Supervisor Giunta 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 144-18: Motion by Councilman DiPonzio 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 (1) year (through December 3, 2019); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman Cordero.

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

Motion Carried.

SCHEDULING THE 2019 TOWN OF GATES ORGANIZATIONAL MEETING AND REGULAR JANUARY TOWN BOARD MEETING

RESOLUTION 145-18: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the 2019 Town of Gates Organizational meeting be scheduled for Wednesday, January 2, 2019 at 9:00 A.M. in the Gates Town Hall Meeting Room.

Further Resolved, that the regular Town of Gates January Town Board meeting be scheduled for Monday, January 7, 2019 at 7:30 P.M.

Seconded by Councilman Cordero.

VOTE: Cordero – aye; DiPonzio – aye; Loughlin – aye; Tucciarello – aye; Giunta – aye.
Motion Carried.

**AUTHORIZING THE TOWN COMPTROLLER
TO MAKE THE FOLLOWING FUND TRANSFER
WITHIN THE 2018 BUDGET: \$410,000 FROM
THE GENERAL FUND TO THE HIGHWAY FUND**

RESOLUTION 146-18: Motion by Councilman Loughlin who moved its adoption:

Resolved that the Gates Town Board hereby authorizes the Town Comptroller to make the following fund transfer within the Town of Gates 2018 budget: \$410,000 from the General Fund to the Highway Fund.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**APPROVING THE REVISED TOWN OF GATES
2018 LOCAL HIGHWAY INVENTORY TO
MEET THE New York STATE DOT DEADLINE
FOR CHANGES TO BE REFLECTED IN THE
2019 CHIPS FUNDING**

RESOLUTION 147-18: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves the Gates Highway Inventory and Scheduled A of the changes to be reflected in the 2019 CHIPS funding.

Seconded by Councilman Cordero.

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

Motion Carried.

**ACCEPTING THE CDBG GRANT (YEAR 42 GRANT)
IN THE AMOUNT OF \$85,000 AND AUTHORIZING THE
SUPERVISOR TO EXECUTE SAID GRANT**

RESOLUTION 148-18: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Community Development Block Grant Year 42 Grant in the amount of \$85,000 and authorizing the Supervisor to execute any and all documents reasonably necessary or required to such Block Grant funds.

Seconded by Councilman DiPonzio.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman Tucciarello reported that the County Executive has organized a coat drive for seniors. His business is a drop-off site for gently used coats.

Councilman Loughlin also stated that the Gates Conservation Advisory Board is collecting various items for the Open Door Mission. A collection box is located in the lobby of the town hall.

REPORTS

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

Supervisor Giunta read his report for the month of November 2018 showing the following:

TOTAL RECEIPTS	\$923,090.70
TOTAL DISBURSEMENTS	\$1,569,686.18

WARRANTS

GENERAL FUND

Accounts Payable CI # 1100 – 1290	\$252,391.85
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HIGHWAY FUND

Accounts Payable CI # 0401 – 0432	\$20,829.78
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LIBRARY FUND

Accounts Payable CI # 0248 – 0273	\$49,665.47
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Supervisor Giunta noted for the record that the warrants for the month of October 2018 have been examined by the Town Board and paid.

RESOLUTION 149-18: Motion by Councilman Cordero who moved its adoption:

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

Seconded by Councilman Loughlin.

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

Motion Carried.

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

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

TOTAL REVENUES TO THE SUPERVISOR	\$12,599.94
TOTAL NON-LOCAL REVENUES	1,958.54
TOTAL REVENUES COLLECTED	\$14,558.48

RESOLUTION 150-18: 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 November 2018 as read.

Seconded by Councilman Cordero.

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

Motion Carried.

PERSONNEL STATUS REPORT – NONE

There being no further business to come before the Town Board, Councilman Tucciarello made a motion to adjourn the meeting. Councilman Cordero seconded the motion. All were in favor; the motion Carried. Supervisor Giunta adjourned the meeting at 8:05 P.M.

Town Clerk