

August 6, 2018

The Gates Town Board held its regular Town Board meeting on Monday, August 6, 2018 at the Gates Town Hall, 1605 Buffalo Road, and beginning at 7:30 P.M. Those in attendance for the 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

### **7:30 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 97-18:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the July 2, 2018 regular Town Board meeting as received.

Seconded by Councilman Loughlin.

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

Motion Carried.

### **AUDIENCE PARTICIPATION**

Mr. Donald Ioannone, a Gates resident, stated his concerns regarding some of the areas in the town which need attention, high weeds at the Highway Department, properties with long grass and weeds and old signs which should come down.

### **OLD BUSINESS – NONE**

### **NEW BUSINESS**

#### **RENEWING THE AGREEMENT BETWEEN PROPERTY REGISTRATION CHAMPIONS LLC AND THE TOWN OF GATES FOR (1) YEAR; TO TERMINATE ON JUNE 9, 2019**

**RESOLUTION 98-18:** Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby renews the above captioned agreement for (1) year; to terminate on June 9, 2019.

Seconded by Councilman DiPonzio.

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

Motion Carried.

#### **APPROVING AMENDMENT B OF THE NEW YORK STATE DOT SNOW & ICE AGREEMENT WITH THE TOWN OF GATES AND AUTHORIZES THE SUPERVISOR TO EXECUTE SAID AMENDMENT**

**RESOLUTION 99-18:** Motion by Councilman Cordero who moved its adoption:

WHEREAS, the Town Board of the Town of Gates did heretofore execute a certain lump sum Snow and Ice Agreement with the State of New York Being Contract #D009742; and  
 WHEREAS, due to the severity of the snow and ice season during the calendar year 2017 – 18 it is proposed that an Amendment B to the Snow and Ice Contract be revised to reflect a total estimated expenditure of \$310,890.85; and

WHEREAS, it is also necessary to extend the term of the existing Snow and Ice Agreement to and through June 30, 2020.

NOW, THEREFORE, be it resolved by the Town Board of the Town of Gates, Monroe County, New York, as follows:

Section 1. That the Supervisor, be and he hereby is authorized to execute Amendment B to the Contract by and between the Town of Gates and the New York State Department of Transportation amending the estimated expenditures to be received by the Town of Gates and to execute the Agreement to extend the indexed lump sum municipal Snow and Ice Agreement to and through June 30, 2020.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**CONSIDERING THE RENEWAL OF THE  
 CONDITIONAL USE PERMITS FOR THE  
 FOLLOWING BUSINESSES: #1 CHINESE  
 RESTAURANT – 2317 BUFFALO RD.;  
 246 SPENCERPORT LLC – 246 SPENCERPORT RD.  
 BLM CONSTRUCTION CO. INC. – 3392  
 BUFFALO RD.; BUCKMAN’S CAR WASH –  
 2234 CHILI AVE.; CAPITAL TELECOM ACQUISITION  
 LLC VERIZON WIRELESS – 891 PIXLEY RD.  
 CHEF’S CATERING OF UPSTATE N.Y. –  
 1273 CHILI AVE.; HUNAN GARDEN ROCHESTER –  
 781 SPENCERPORT RD.; SHMEG’S RESTAURANT –  
 3027 BUFFALO RD.; STUEDI-BUILT SHEDS –  
 2345 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 100-18:** 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 August 6, 2019); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO  
 CONSIDER RAY TROTTA’S REQUEST  
 FOR A CONDITIONAL USE PERMIT  
 TO CONSTRUCT TWO BUILDINGS  
 PARKING LOTS AND A DRIVE THROUGH  
 AT 2222 & 2232 LYELL AVE.**

**RESOLUTION 101-18:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Tuesday, September 4, 2018 at 7:00 P.M. to consider the above captioned application.

Seconded by Councilman Loughlin.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO  
CONSIDER THE GATES-CHILI FEDERAL  
CREDIT UNION'S REQUEST FOR A  
CONDITIONAL USE PERMIT TO ALLOW  
AN ELECTRONIC MESSAGE SIGN TO BE  
LOCATED AT 2870 BUFFALO ROAD**

**RESOLUTION 102-18:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Tuesday, September 4, 2018 at 7:15 P.M. to consider the above captioned application.

Seconded by Councilman Loughlin.

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

Motion Carried.

**ADOPTING THE STANDARD WORK DAY  
FOR ELECTED AND APPOINTED  
OFFICIALS FOR 2018**

**RESOLUTION 103-18:** Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby adopts the Standard Work Day for elected and appointed officials for 2018 as per New York State Comptroller's guidelines for New York State Retirement. (Town Supervisor – 7 hours; Town Councilman – 6 hours; Town Justices – 6 hours)

Seconded by Councilman DiPonzio.

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

Motion Carried.

**APPOINTING ROMEO DILUCIA AS  
CHAIRMAN TO THE GATES CONSERVATION  
ADVISORY BOARD TO FILL THE UNEXPIRED  
TERM OF JOAN TANNOUS**

**RESOLUTION 104-18:** Motion by Councilman Loughlin who moved its adoption:

Resolved that the Gates Town Board hereby appoints Romeo DeLuca as Chairman of the Gates Conservation Advisory Board; to fill the unexpired term of Joan Tannous.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**AUTHORIZING THE TOWN CLERK  
TO ADVERTISE FOR BIDS FOR  
EMERGENCY BOARD-UP SERVICES**

Supervisor Assini stated that the company presently providing this service is unable to continue. Therefore we must go out for bids and procure a new company to provide this service.

**RESOLUTION 105-18:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby authorizes the Town Clerk to advertise for bids to provide emergency board-up services for the Town of Gates.

Seconded by Councilman Cordero.

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

Motion Carried.

**APPROVING A GATES PLUMBING LICENSE  
FOR MATT DAVIN 56 TSNFOM KNOLLS DR.  
PENFIELD, NEW YROK**

**RESOLUTION 106-18:** Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby authorizes the Town Clerk to issue a Plumbing License to Matt Davin, 56 Random Knolls Dr., Penfield, NY and

Further Resolved that Mr. Davin be required to furnish the necessary Bond to be kept on file in the Town Clerk's office, and

Further Resolved, subject to the usual stipulations and conditions for a Plumbing License, and

Further Resolved that said License can be revoked by Order of the Gates Town Board for any just reason.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**NEW BUSINESS OF COUNCIL MEMBERS**

Supervisor Assini requested that two pages in the official Town Board Minute Book be dedicated in the memory of Lucy Malvaso and Ronald Henion, two town employees who recently passed away.

**RESOLUTION 107-18:** Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby directs that two pages in the official Town Board Minute Book be dedicated in the memory of Lucy Malvaso and Ronald Henion, two very dedicated employees who have passed.

Seconded by Councilman Cordero.

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

Motion Carried.

Supervisor Assini also stated that the Town has purchased two trees and will be planting them on Town Hall property in their memory. Two bricks have also been purchased in their memory and will be placed in the walkway to the Wishing Well on the front lawn.

Councilman Tucciarello reminded everyone of up-coming events: Summer Celebration – Saturday, August 11 4:00 – 10:00 P.M. at Memorial Park; Officer Lance Duffy's Retirement Party – Wednesday August 15 at 6:00 P.M. at Valicia's Restaurant; Police Golf Tournament – Friday, August 24 at Brae Mar.

**REPORTS**

**ACCEPTING THE SUPERVISOR'S REPORT  
FOR THE MONTH OF JULY 2018**

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

TOTAL RECEIPTS	\$353,556.79
TOTAL DISBURSEMENTS	\$1,440,279.54

**WARRANTS**

**GENERAL FUND**

Accounts Payable CI # 0593 - 0747	\$229,346.78
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**HIGHWAY FUND**

Accounts Payable CI # 0217 – 0259	\$28,696.34
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**LIBRARY FUND**

Accounts Payable CI # 0129 – 0162	\$31,719.62
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Supervisor Assini noted for the record that the warrants for the month of June 2018 have been examined by the Town Board and paid.

**RESOLUTION 108-18:** Motion by Councilman Cordero who moved its adoption:

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

Seconded by Councilman DiPonzio.

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

Motion Carried.

**ACCEPTING THE TOWN CLERK'S REPORT  
FOR THE MONTH OF JULY 2018**

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

TOTAL REVENUES TO THE SUPERVISOR	\$28,716.43
TOTAL NON-LOCAL REVENUES	1,661.72
TOTAL REVENUES COLLECTED	\$30,378.15

**RESOLUTION 109-18:** 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 July 2018 as read.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**PERSONNEL STATUS REPORT**

The Personnel Status Report was read for the Board's information.

There being no further business to come before the Town Board, Councilman Tucciarello made a motion to adjourn the meeting. Councilman Loughlin seconded the motion. All were in favor; the motion carried. Supervisor Assini adjourned the meeting at 8:00 P.M.

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Town Clerk