

September 6, 2016

The Gates Town Board held a Public Hearing and its regular Town Board meeting on September 6, 2016, at the Gates Town Hall, 1695 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 APPLICATION AND PROPOSED
FRANCHISE AGREEMENT FOR FRONTIER
COMMUNICATIONS TO OFFER CABLE/VIDEO
SERVICE IN THE TOWN OF GATES**

Supervisor Assini called the Public Hearing to order at 7:05 P.M. The Town Attorney verified that the Legal Notice had been published as required by law.

This Public Hearing was recorded by a legal stenographer. A transcript will be provided to the Town of its files.

RESOLUTION 132-16: Motion by Supervisor Assini who moved its adoption:

Resolved, that the Gates Town Board hereby approves the application by Frontier Communication for Vantage T.V. to operate in the Town of Gates, with a 5% franchise fee with the understanding that currently about 50% of the town is serviced by Frontier and Frontier would make a good faith effort to service that 50%, depending on their success, they would market beyond 50% into the future.

Seconded by Councilman Cordero.

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

Motion Carried.

7:40 P.M. REGULAR TOWN BOARD MEETING

Supervisor Assini called the meeting to order at 7:40 P.M. He began the meeting with a Silent Prayer and Pledge of Allegiance to the Flag.

RESOLUTION 133-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the August 1, 2016 regular Town Board meeting as received.

Seconded by Councilman DiCaro.

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

Motion Carried.

AGENDA ITEMS TAKEN OUT OF ORDER:

**APPROVING A CONDITIONAL OFFER OF
EMPLOYMENT TO NICKOLAS VENTRELLA
OF GATES FOR THE POSITION OF
POLICE OFFICER**

RESOLUTION 134-16: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby approves the conditional offer of employment to Nickolas Ventrella of Gates for the position of Police Officer.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**PROMOTING OFFICER JAMES COUGHLIN
TO THE POSITION OF SERGEANT IN THE
GATES POLICE DEPARTMENT**

RESOLUTION 135-16: Motion by Councilman DiCaro who moved its adoption:

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

Seconded by Councilman DiPonzio.

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

Motion Carried.

AUDIENCE PARTICIPATION

Mr. Silvano Orsi, 9 Bru-Mar Drive addressed the Town Board. He stated that he believes that he can solve matters with the Town Board and the Supervisor; we always have and always will.

Supervisor Assini stated that as Mr. Orsi said at the festival that Supervisor Assini is a man of his word. Supervisor Assini agreed by saying if I give my word I keep it.

Mr. Orsi stated that he appreciates that very much and that Supervisor Assini still has his vote. He is also a man of his word.

Mr. Orsi invited the Supervisor and Town Board to a meeting on October 7, 2016 regarding a presentation at the Community Design Center of Rochester New York, as part of understanding what the process is of their vision.

Mr. Orsi presented a copy of a Proclamation from Mayor Warren and the County Executive Dinolfo in support of the “Little Italy Festival” and the Little Italy Neighborhood.

He presented a copy of a petition in support of establishing a Little Italy Neighborhood in the Town of Gates. This is an on-going petition that is available on the online.

Mr. Orsi addressed the matter of the festival. They would like to keep the festival in Gates. It is their intention to work with the Town Board to find a park where it could be held and a date to

have it. The festival and the Little Italy Neighborhood have already been recognized by the County Executive.

He thanked Supervisor Assini for allowing them to use Memorial Park.

Supervisor Assini stated that he has asked the Recreation and Parks Director, Linda Fowler, to make sure that she works with Mr. Orsi to schedule a date and she is committed to doing that.

When considering the Little Italy Neighborhood there is a definite process to be followed. This is an extensive process. Mr. Orsi should put together a charrette. A business plan showing what will be paying for the project. Will it be funded by the taxpayers or by investors? If taxpayers, how much will they have to pay. Will it impact property taxes? Is the business plan viable?

Neighborhood meeting should be held to show them the scope of the project and the impact on the neighborhood, i.e. traffic.

Residents that had questions and comments regarding the festival addressed the Town Board. Carol Wolfe 2581 Lyell Rd. questioned the safety of the children attending the summer camp at Memorial Park due to Mr. Orsi setting up before his allowed time. He should follow the rules like everyone else.

Ms. Wolfe also stated that the church parking lot and the road into the park were a mess on Monday following the festival. Mr. Orsi should have cleaned the area completely. It was not done. There were holes in the pavement left from tent stakes that they set in the pavement.

She asked if the festival was a fund raiser and if so, where did the proceeds go?

Supervisor Assini stated that his understanding was that it was a fund raiser. They don't allow business activities in the park. This was supposed to be a fund raiser.

Mr. Orsi stated it was a fund raiser.

Ms. Wolfe asked who he gave the funds to? Is everything documented as far as who received the funds? She asked if Mr. Orsi had the information available tonight, so that she could see it.

Mr. Orsi replied it was documented; however, he does not have the paper work with him tonight.

Ms. Wolfe suggested holding the festival at the IACC on Manitou Road.

Mr. Sam Simmon asked if this was a non-for profit organization and if so, they should have the proper documentation to provide to the public.

Mr. Orsi responded that the Little Italy Neighborhood Association is a non-for profit association, they have a 501c3 on file in New York State. Every year this event provides a net income statement detailed down to the charge of interest on their bank account. It is a very detailed statement showing where the money goes.

Mr. Orsi called up three people who were at the festival to tell how well the festival went. None of them observed any problems while there with any of the people attending.

OLD BUSINESS – NONE

NEW BUSINESS

**CONSIDERING THE RENEWAL OF THE
CONDITIONAL USE PERMITS FOR THE
FOLLOWING BUSINESSES: DUNKIN DONUTS –
1482 BUFFALO RD.; KENTUCKY FRIED
CHICKEN – 1345 CHILI AVE.; ROOKIES
SPORTS BAR – 2351 BUFFALO RD.;
SUBWAY – 2291 BUFFALO RD.; BURGER
KING – 1300 CHILI AVE.**

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

RESOLUTION 136-16: 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 September 6, 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.

**ACCEPTING THE LOWEST QUALIFIED BID
FOR THE PURCHASE AND CONSTRUCTION OF A PARK PAVILION/
BAND SHELL AT GATES MEMORIAL PARK**

Supervisor Assini stated that more time is needed to study the bid proposals. He suggested tabling this item to the next meeting.

RESOLUTION 137-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the above captioned item be tabled to the October 3, 2016 Town Board meeting.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**APPROVING A PROPOSAL FOR STRUCTURE
EMERGENCY CODE COMPLIANCE VIOLATIONS
AND SAFETY CALL-OUT SERVICE**

Supervisor Assini stated that the current contract is expiring. We have received a proposal from 1-800 Board Up of Western New York which is lower in costs for materials, than the current contract. Mr. Plewa, the Finance Director and David Tytler, the Fire Marshal have met and discussed the two proposals.

Supervisor Assini suggested that the Town Board approve 1-800 Board Up of Western New York.

RESOLUTION 138-16: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby approves 1-800 Board Up of Western New York proposal; term of agreement to be September 12, 2016 through August 31, 2017.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**APPROVING A PERMIT TO HOLD AN
AUTO TENT SALE AT WALMART
ON CHILI AVE.**

After discussion with the applicant, it was noted that this would be a used car sale. The Town Attorney verified that the sale of used cars is not permitted according to Town Code

RESOLUTION 139-16: Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby denies the above captioned permit.

Seconded by Councilman DiPonzio.

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

Motion Carried.

ADDITION TO THE AGENDA

**APPROVING AN INTERMUNICIPAL AGREEMENT
WITH THE TOWN OF WHEATLAND FOR A
BUILDING INSPECTOR**

Supervisor Assini stated that the Town of Greece is no longer able to continue the agreement for a shared building inspector due to the heavy work load in the Town of Greece.

The Town of Wheatland has agreed to provide a building inspector four hours a day 12:00 P.M. – 4:00 P.M. Monday through Thursday.

RESOLUTION 140-16: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves the above captioned agreement; term to be September 12, 2016 through August 30, 2017.

Seconded by Councilman DiPonzio.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman DiCaro reported that he and Mr. Amico have been checking the quiet zones for the railroads and will be reporting shortly on their findings.

REPORTS**ACCEPTING THE SUPERVISOR'S REPORT
FOR THE MONTH OF AUGUST 2016**

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

TOTAL RRECEIPTS	\$693,992.15
TOTAL DISBURSEMENTS	\$1,097,720.24

WARRANTS**GENERAL FUND**

Accounts Payable	
CI # 0740 – 0836	\$71,662.55

HIGHWAY DEPARTMENT

Accounts Payable	
CI # 0220 – 0253	\$50,870.16

LIBRARY FUND

Accounts Payable	
CI # 0203 0 9232	\$23,602.24

Supervisor Assini noted for the record that the warrants for the month of July, 2016 have been examined by the Town Board and paid.

RESOLUTION 141-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Supervisor's Report for the month of August 2016 as read and the warrants for August 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 AUGUST 2016**

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

TOTAL REVENUES TO THE SUPERVISOR	\$25,900.71
TOTAL NON-LOCAL REVENUES	7,065.36
TOTAL REVENUES COLLECTED	\$32,966.07

RESOLUTION 142-16: 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 August 2016 as read.

Seconded by Councilman DiPonzio.

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

Motion Carried.

PERSONNEL STATUS REPORT

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

There being no further business to come before the Town Board, Councilman DiCaro 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 8:55 P.M.

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Town Clerk