

October 3, 2016

The Gates Town Board held its regular Town Board meeting on October 3, 2016 at the Gates Town Hall, 1605 Buffalo Rd. 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
David R. DiCaro	Councilman
Christopher B. DiPonzio	Councilman
Steve Tucciarello	Councilman
John A. DiCaro	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 143-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the Public Hearing and regular Town Board meeting of September 6, 2016 as received.

Seconded by Councilman Cordero.

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

Motion Carried.

### **AUDIENCE PARTICIPATION**

Mr. Don Ioannone thanked the Town Board for their support of the book on the Coldwater Hamlet history and its importance to the Town of Gates.

Ms. Carol Wolfe – 2581 Lyell Rd. reiterated her concerns regarding Mr. Silvano Orsi and the Italian Festival, which he organized and held at Gates Memorial Park. She questioned if Mr. Orsi had provided the requested financial information in connection to the festival. She feels if this information is not provided he should not be allowed to hold the festival in the Town's park in the future.

Supervisor Assini noted for the record that Mr. Orsi was not present for this meeting. However, Mr. Orsi told the Board last month that he gave the Open Door Mission \$5,000 and the House of Mercy \$3,000.

Supervisor Assini has spoken with both organizations and they have denied receiving money from Mr. Orsi. Mr. Orsi has since acknowledged in a meeting with the Supervisor that he has not given any money to them, but promised to write a check for \$1,000. Supervisor Assini needs to know if this has been done.

Both organizations did indicate that Mr. Orsi donated leftover food from the Festival. Supervisor Assini has received an itemized list of the food from the Open Door Mission and an estimation of 62 boxes of pasta from the House of Mercy. The value of the food is nowhere near \$8,000.

Supervisor Assini asked to see the financials and Mr. Orsi indicated that the Supervisor could briefly look at the report but could not have a copy because he was going to show his financials at this evening's Town Board meeting. However, Mr. Orsi is not here tonight.

Mr. Orsi stated in the Gates Chili Post that the attendance was nearly 15,000 but in an e-mail he sent to the Supervisor he estimated attendance was well over 10,000. What was the final figure?

The admission fee Mr. Orsi charged residents was \$5.00 each which would be between \$50,000 and \$75,000. That does not include money from the concessions, food, or vendors etc. These issues need to be resolved.

Mr. Greg Benoit, Library Director stated that they have been notified that they have received the \$230,000 grant which will enable them to proceed with their plans to work with the School District on combining programs for the children of Gates. They should receive the money next year.

## **OLD BUSINESS**

### **CONSIDERING THE BID FOR THE PURCHASE AND CONSTRUCTION OF A PAVILION/ BAND SHELL AT GATES MEMORIAL PARK (TABLED AT THE SEPTEMBER 6, 2016 TOWN BOARD MEETING)**

**RESOLUTION 144-16:** Motion by Councilman Tucciarello who moved its adoption:

Resolved that the above captioned item be removed from the table for further discussion.

Seconded Councilman DiPonzio.

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

Motion Carried.

Supervisor Assini stated that this has been discussed by the Board and it has suggested rejecting the bid for the band shell and seeking another option.

**RESOLUTION 145-16:** Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby rejects the bid to purchase and construct a park pavilion/band shell for Gates Memorial Park.

Seconded by Councilman DiCaro.

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

Motion Carried.

## **NEW BUSINESS**

### **CONSIDERING THE RENEWAL OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING BUSINESSES: GATES MANUFACTURED HOUSING – 1531 BUFFALO RD.; GLOBAL SELF STORAGE – 2255 BUFFALO RD.; TRINITY ASSISTANCE – 3545 BUFFALO RD.; SPEEDWAY #07665 – 1511 BUFFALO RD.; #07666 – 2328 CHILI AVE.; #07714 – 718 ELMGROVE RD.; #07593 – 1952 LYELL AVE.; #07744 – 465 SPENCERPORT RD.; BYRNE DAIRY – 2295 SPENCERPORT RD.; AMERICAN NATURAL GAS – 1145 CHILI AVE.; ABSOLUTE SCREEN PRINTING – 485 SPENCERPORT RD.**

Supervisor Assini stated that he has received a memo from the Building Dept. 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 146-16:** Motion by Councilman DiCaro 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 (1) one year (through October 3, 2017); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**SCHEDULING A BUDGET WORKSHOP AND  
PUBLIC HEARING FOR THE PROPOSED  
2017 TOWN OF GATES BUDGET**

**RESOLUTION 147-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Budget Workshop be scheduled for Thursday, October 20, 2016 at 7:00 P.M. to review the 2017 Town of Gates Budget.

Seconded by Councilman DiCaro.

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

Motion Carried.

**RESOLUTION 148-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Wednesday, November 9, 2016 at 7:00 P.M. to consider the 2017 Preliminary Town of Gates Budget.

Seconded by Councilman DiCaro.

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

Motion Carried.

**APPOINTING TANIOS SARKIS TO THE  
GATES CONSERVATION ADVISORY BOARD**

**RESOLUTION 149-16:** Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby appoints Tanios Sarkis to the Gates Conservation Advisory Board for a two year term; said term to expire October 3, 2018.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**APPOINTING PAUL ARNDT AS THE  
ACTING TOWN OF GATES ASSESSOR**

Supervisor Assini stated that the contract for a part-time Assessor with the Town of Chili will expire at the end of the year. They are currently looking for a replacement for this position. He has received a resume from Paul Arndt who is a retired Real Property Appraiser. He has 25 years of experience in the disciplines of the appraisal of residential and commercial properties and Real Property Assessment. He must still comply with the New York State requirement regarding the assessor position, which he is in the process of doing at this time.

**RESOLUTION 150-16:** Motion by Councilman Tucciarello who moved its adoption:

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

Seconded by Councilman DiPonzio.

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

Motion Carried.

**ADDITIONS TO THE AGENDA**

**APPROVING THE LOCAL 118 HIGHWAY  
CONTRACT**

Supervisor Assini stated that the Highway contract has been negotiated. The pay rates for the contract will be 2.9% the first year; 2.8% the second year; and 2.8% the third year. New employees would be required to pay 15% for health benefits.

**RESOLUTION 151-16:** Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby approves the Local 118 Highway Contract for the town of Gates Highway Department for a three year period.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**APPROVING THE KEYSTONE POICE UNION CONTACT**

Supervisor Assini stated that the contract has been negotiated. The pay rate for the next three years will be 2.8%; 2.8%; 2.9%.

**RESOLUTION 152-14:** Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby approves the Keystone Police Union contract for a three year period.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**NEW BUSINESS OF COUNCIL MEMBERS**

Councilman DiCaro thanked Linda Fowler, Recreation & Parks Director for the work she did for the First Responders Ceremony at Gates Town Park.

Councilman Cordero reminded everyone of the Columbus Day Luncheon on October 10th, 2016 (Monday) at the Diplomat Party House on Lyell Avenue. Tickets are \$20.00.

**REPORTS**

**ACCEPTING THE SUPERVISOR'S REPORT  
FOR THE MONTH OF SEPTEMBER 2016**

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

TOTAL RECEIPTS	\$389,758.89
TOTAL DISBURSEMENTS	\$1,048,300.74

**WARRANTS**

General Fund	
Accounts Payable	
CI #0837 – 0958	\$137,695.68

Highway Fund	
Accounts Payable	
CI # 0258 – 0270	\$7,286.49

Library Fund

Accounts Payable  
 CI # 0233 – 0252 \$18,980.32

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

**RESOLUTION 153-16:** Motion by Councilman DiCaro who moved its adoption:

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

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

TOTAL REVENUES TO THE SUPERVISOR	\$18,020.04
TOTAL NON-LOCAL REVENUES	7,599.76
TOTAL REVENUES COLLECTED	\$25,619.80

**RESOLUTION 154-16:** Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Town Clerk's Report for the month of September 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 Cordero made a motion to adjourn the meeting. Councilman DiPonzio seconded the motion. All were in favor; the motion carried. Supervisor Assini adjourned the meeting at 8:20 P.M.

---

Town Clerk