

January 3, 2017

The Gates Town Board held its regular meeting on Tuesday, January 3, 2017 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
David R. DiCaro	Councilman
Christopher B. DiPonzio	Councilman
Steve Tucciarello	Councilman
Dan 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 31-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the December 5, 2016 Public Hearing and regular Town Board meeting as received.

Seconded by Councilman Cordero.

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

Motion Carried.

AUDIENCE PARTICIPATION: NONE

OLD BUSINESS: NONE

NEW BUSINESS

**CONSIDERING THE RENEWAL OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING BUSINESSES:
COINSTAR ENTERTAINMENT SERVICES INC. –
2150 CHILI AVE. (WALMART); CALEAST NATIONAL STATIONS – 2380 MANITOU RD.; HUB-LANGIE PAVING, INC. – 39 DEEP ROCK RD.; FAITH OUTREACH MINISTRIES – 2920 BUFFALO RD.; HANK’S PARKER’S PARTY AND TENT RENTAL – 200 PIXLEY RD.; JACK-SS BBQ & PIZZA – 3055 BUFFALO RD.; CARAGLIO’S PIZZERIA – 3869 LYELL 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 32-17: 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 year (through January 3, 2018); 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.

**APPROVING THE LMC (HVAC) CONTRACTS FOR
THE TOWN OF GATES TOWN HALL, COURTS,
COMMUNITY CENTER AND TOWN PARKS FOR 2017**

Supervisor Assini stated that there are no changes to these contracts; all rates remain the same. There have been no increases in costs. The term of the contract is 1/3/17 through 12/31/17.

RESOLUTION 33-17: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves the above captioned contracts for a period of one year (1/3/17 – 12/31/17).

Seconded by Councilman DiPonzio.

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

Motion Carried.

**APPROVING THE CONTRACT BETWEEN
THE TOWN OF GATES AND J. O’CONNELL
AND ASSOCIATES FOR GRANT CONSULTANTS**

Supervisor Assini stated that the contract has increased in cost for services a year. It was suggested that this item be tabled to the February Town Board meeting to allow time to explore other options.

RESOLUTION 34-17: Motion by Councilman Cordero who moved its adoption:

Resolved that the above captioned contract be tabled to the February 6, 2017 Town Board meeting for further consideration.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO CONSIDER
THE APPLICATION OF BIRCHCREST TREE &
LANDSCAPING INC. FOR A CONDITIONAL USE PERMIT
TO ERECT A BARBED WIRE FENCE AT 150 LEE RD.**

RESOLUTION 35-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, February 6, 2017 at 7:15 P.M. to consider the above captioned application.

Seconded by Councilman Cordero.

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

Motion Carried.

**RE-APPOINTING NETTI SCHIANO TO THE
GATES LIBRARY BOARD OF TRUSTEES**

RESOLUTION 36-17: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby re-appoints Netti Schiano to the Gates Library Board of Trustees for a five year term; said term to expire December 31, 2022.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**APPOINTING ART PLEWA AS TOWN OF GATES
COMPTROLLER**

Supervisor Assini proposed the creation of the Office of Town Comptroller, pursuant to Town Law §20 and 34. Said position would be for a term of two years, beginning January 1, 2017 and ending December 31, 2018. The powers of the comptroller will be limited as follows:

1. The Supervisor will retain final approval for any and all purchases as well as all payment authorizations (all town checks).
2. All warrants will continue to be reviewed for approval by members of the Town Board.
3. All audit reviews and associated management letters will be the responsibility of the Town Supervisor in conjunction with the Gates Town Board.

Mr. Plewa's salary will not change.

RESOLUTION 37-17: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby appoints Art Plewa as the Town of Gates Comptroller for a two year term; said term to be January 1, 2017 through December 31, 2018; and subject to the conditions stated at this meeting by the Town Supervisor.

Seconded by Councilman Cordero.

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

Motion Carried.

**DESIGNATING A DELEGATE AND ALTERNATE
DELEGATE TO ATTEND THE NEW YORK STATE
ASSOCIATION OF TOWNS BUSINESS MEETING**

RESOLUTION 38-17: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby designates Councilman Steve Tucciarello as the Town of Gates delegate to attend the New York State Association of Towns Business meeting to cost said town's vote.

Further Resolved, that Councilman Lee Cordero be designated as the Town of Gates alternate delegate.

Seconded by Councilman DiPonzio.

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

Motion Carried.

ADDITION TO THE AGENDA

**APPROVING AN ADDITIONAL JUDGE TO
ASSIST JUDGE CASSARA WITH THE
COURT CASES**

Supervisor Assini stated that he has received a request from Judge Cassara for a judge to hear cases and help to elevate the back-up of cases. This would be for no longer than a six week period.

RESOLUTION 39-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the addition of a temporary judge for a six week period to assist Judge Cassara.

Seconded by Councilman Tucciarello.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Assini welcomed the new Town Attorney Dan Schum to the Town. Mr. Schum has worked in municipal law for 43 years. He will be taking over John DiCaro's position as Town Attorney. After 32 years as Town Attorney and Deputy Town Attorney Mr. DiCaro has resigned his position due to a change in the town laws which will conflict with his current business.

Supervisor Assini recognized Mr. DiCaro for his many years of dedicated service to the residents of Gates and wished him well. He will truly be missed.

REPORTS

ACCEPTING THE SUPERVISOR'S REPORT FOR THE MONTH OF DECEMBER 2016

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

TOTAL RECEIPTS	\$681,283.70
TOTAL DISBURSEMENTS	\$2,402,311.12

WARRANTS

GENERAL FUND

Accounts Payable	
CI # 1248 – 1326	\$45,338.83

HIGHWAY FUND

Accounts Payable	
CI # 0322 – 0365	\$45,622.55

LIBRARY FUND

Accounts Payable	
CI # 0324 – 0357	\$14,116.38

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

RESOLUTION 40-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Supervisor's Report for the month of December 2016 as read and the warrants for December 2016 as read; subject to the approval of the Gates Town Board.

Seconded by Councilman Cordero.

Motion Carried.

ACCEPTING THE TOWN CLERK'S REPORT FOR THE MONTH OF DECEMBER 2016

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

TOTAL REVENUES TO THE SUPERVISOR	\$29,316.03
TOTAL NON-LOCAL REVENUES	7,739.37
TOTAL REVENUES COLLECTED	\$37,055.40

RESOLUTION 41-17: 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 December 2016, as read.

Seconded by Councilman Tucciarello.

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 Tucciarello 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 7:55 P.M.

Town Clerk