

February 6, 2017

The Gates Town Board held a Public Hearing and its regular meeting on Monday, February 6, 2017 at the Gates Town Hall, 1605 Buffalo Road and beginning at 7:15 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
Dan Schum	Town Attorney
Cosmo A. Giunta	Town Clerk

**7:15 P.M. PUBLIC HEARING**

**CONSIDERING THE APPLICATION OF  
BIRCHCREST TREE AND LANDSCAPING  
FOR A CONDITIONAL USE PERMIT TO  
ALLOW A BARBED WIRE FENCE  
AT 150 LEE ROAD**

Supervisor Assini called the Public Hearing to order at 7:15 P.M. The Town Attorney verified that the legal notice was published as required by law.

Mr. David Dailey, owner of the business, addressed the Town Board. He began by stating the fence was already there when he bought the property, however, it was in disrepair and only partially up. Due to several break –ins it was decided to erect a new barbed wire fence. They were not aware that a Conditional Use Permit would be required. Since that time they have become aware of this requirement and have come before the Town Board to apply for the Conditional Use Permit.

Supervisor Assini stated that they will also be required to apply for variances from the Zoning Board for this property. If the application is approved tonight it will be conditioned on these variances being obtained.

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

**RESOLUTION 42-17:** Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby grants a Conditional Use Permit to Birchcrest Tree and Landscaping to allow a barbed wire fence at 150 Lee Road; subject to the following conditions:

1. The term of the Conditional Use Permit is for one (1) year.
2. Approval is subject to obtaining the proper variances from the Gates Zoning Board of Appeals.

Seconded by Councilman DiCaro.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing at 7:29 P.M.

**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 43-17:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the January 3, 2017 Organizational Meeting and the 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**

Legislator Frank Allkofer stated that the DWI Awards luncheon will be held on May 7, 2017 at 11:30 A.M. – 1:00 P.M. at Rick’s Prime Rib Restaurant.

Silvano Orsi 9 BruMar Drive addressed the Town Board. He congratulated Councilman DiCaro on his recent election to the Town Board.

He then addressed the issues relating to his last Italian Festival. Due to the length of this discussion, it has been recorded and will be kept on file for any future reference.

**APPROVING THE CONTRACT BETWEEN  
THE TOWN OF GATES AND J. O’CONNELL  
AND ASSOCIATES FOR GRANT CONSULTING  
SERVICES (TABLED AT THE JANUARY 3, 2017  
TOWN BOARD MEETING)**

**RESOLUTION 44-17:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the above captioned matter be lifted from the table for further discussion.

Seconded by Councilman Cordero.

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

Motion Carried.

Supervisor Assini stated that it has been suggested to deny the contract with J. O’Connell & Associates and investigate various other grant service options. They have decided to try an option that was recommended. It has been suggested that Michael Bialaszewski, who has many years of experience in grant writing and comes highly recommended be considered for the position... He would work 20 hours a week and his hourly salary would be \$20.00.

**RESOLUTION 45-17:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the contract between the Town of Gates and J. O’Connell & Associates is hereby denied. The Town Board hereby appoints Michael Bialaszewski as grant writer for the Town of Gates for 2017; at \$20.00 an hour for 20 hours a week.

Seconded by Councilman Tucciarello.

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: EDOYA  
JAPANESE RESTAURANT - 2115 BUFFALO RD.;  
BOTTLE & CAN RETRIEVAL CENTER –  
509 SPENCERPORT RD.; INSURANCE**

**AUTO AUCTION – 522 TROLLEY BLVD.**

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 46-17:** 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 February 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.

**APPROVING THE MONROE COUNTY DEPARTMENT  
OF TRANSPORTATION REQUEST TO ESTABLISH  
TRAFFIC CONTROLS ON MONITOU ROAD AS  
LISTED IN THIS MEMO DATED JANUARY 11, 2017**

The Highway Superintendent explained what the County DOT was proposing to do on Manitou Road by implementing these controls. It provides a safer roadway with outside lanes that can be used for bikes and pedestrians.

**RESOLUTION 47-17:** Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby grants the request of the Monroe County Department of Transportation to establish the attached list of traffic controls on Manitou Road. (As listed in their memo of 1/11/17).

Seconded by Councilman DiPonzio.

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

Motion Carried.

**APPOINTMENT OF BRIAN GERRINGER  
TO THE GATES SPECIAL POLICE**

Police Chief VanBrederode introduced Mr. Gerringer to the Town Board and gave a brief report of his qualifications. The Special Police program has become a vehicle for future police candidates to learn as they prepare to be police officers.

**RESOLUTION 48-17:** Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby appoints Brian Gerringer to the Gates Special Police.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**AUTHORIZING THE FINANCE DIRECTOR TO  
MAKE FUND TRANSFERS WITHIN THE 2015 AND 2017  
TOWN OF GATES BUDGETS**

Supervisor Assini stated that these transfers are usually necessary to balance the accounts at the end of the year.

**RESOLUTION 49-17:** Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby authorizes the Finance Director to make the attached list of fund transfers within the 2016 and 2017 Town of Gates Budget.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING  
TO CONSIDER A LOCAL LAW – PROPERTY  
MAINTENANCE CODE**

**RESOLUTION 50-17:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, March 6, 2017 at 7:00 P.M. to consider the above captioned Local Law.

Seconded by Councilman Cordero.

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

Motion Carried.

**WAIVING THE EDUCATIONAL  
REQUIREMENT FOR A PLANNING  
BOARD MEMBER**

Supervisor Assini stated that the Planning Board member affected by this resolution is Kurt Rappazzo. Mr. Rappazzo actually teaches these courses he is a qualified engineer and has asked to have this requirement waived for him.

**RESOLUTION 51-17:** Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby waives the educational requirements for Gates Planning Board member Kirk Rappazzo.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**APPROVING THE RECREATION AND PARKS  
DIRECTOR'S REQUEST TO ATTEND THE  
NEW YORK STATE RECREATION AND  
PARKS CONFERENCE TO BE HELD IN  
ROCHESTER, NEW YORK**

Supervisor Assini stated that this is a budgeted item. He sees no problem with this request.

**RESOLUTION 52-17:** Motion by Councilman DiCaro who moved its adoption.

Resolved that the Gates Town Board hereby approves the Recreation & Parks Director's request to allow staff and Commissioners to attend the above captioned conference.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**APPOINTING PAUL IRVING AS THE  
TOWN OF GATES PROSECUTOR  
FOR 2017**

**RESOLUTION 53-17:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby appoints Paul Irving as the Town of Gates Prosecutor for 2017 at an annual salary of \$10,000.

Seconded by Councilman Cordero.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO  
CHANGE BRAMBLEWOOD LANE WEST TO  
BRANBLEWOOD CIRCLE**

This agenda item was removed from the agenda. The Town Board is waiting for 911 consent to this change in name. As of this date, they have not replied.

**ADDITION TO AGENDA**

**REVIEW AND UPDATING OF THE  
TOWN OF GATES MASTER PLAN**

**RESOLUTION 54-17:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby requests that the Planning Board Chairman, Mr. Wall, the Town Engineer, Lee Sinsebox, Councilman Cordero, and Joe Amico, Public Works meet to review and update the Town of Gates Master Plan and present it to the Town Board by August 17, 2017.

Seconded by Councilman Cordero.

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

Motion Carried.

**NEW BUSINESS OF COUNCIL MEMBERS**

Mr. Bill Gillette, Town Historian, requested a joint approval from the Gates Town Board, Supervisor Assini and Chief VanBrederode to place a memorial in the Police Department or in another location in the Town Hall, to recognize the service of Constable Franklin G. Dix, the only Town law enforcement officer to have died in the line of duty. Mr. Gillette briefly told of Constable Dix's history and the events that took place.

Supervisor Assini gave Mr. Gillette permission to proceed with this project.

Councilmen Tucciarello reported the 11 agenda items that will be addressed at the new York State Association of Towns Business meeting. He will be attending the meeting and casing the vote on behalf of the Town of Gates.

**REPORTS**

**ACCEPTING THE SUPERVISOR'S REPORT  
FOR THE MONTH OF JANUARY 2017**

Supervisor Assini read his report for the month of January 2017 showing the following:

TOTAL RECEIPTS	\$6,789,591.92
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TOTAL DISBURSEMENTS \$2,267,691.17

**WARRANTS**

**GENERAL FUND**

Accounts Payable	
CL # A16-1327 – A16-1362	\$21,558.33
CL# A17-0001 – A17- 0086	\$892,356.18

**HIGHWAY FUND**

Accounts Payable	
CL # D16-0366 – D16 – 0371	\$15,020.65
CL # D17 – 0001 – D16-0018	\$30,742.36

**LIBRARY FUND**

Accounts Payable	
CL # L16-0358 – L16 – 0375	\$ 4,138.99
CL 3 L17-0001 – L17-0007	\$10,873.34

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

**RESOLUTION 55-17:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Supervisor's Report for the month of January 2017 as read and the warrants for January 20217 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 JANUARY 2017**

The Town Clerk read the report for the month of January 2017 showing the following:

TOTAL REVENUES TO THE SUPERVISOR	\$13,359.37
TOTAL NON-LOCAL REVENUES	416.34
TOTAL REVENUES COLLECTED	\$13,775.71

**RESOLUTION 56-17:** 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 January 2017 as read.

Seconded by Councilman DiCaro.

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

Motion Carried.

**PERSONNEL STATUS REPORT – NONE**

There being no further business to come before the Town Board, Councilman Cordero made a motion to adjourn the meeting. Councilman DiCaro seconded the motion. All were in favor; the motion carried. Supervisor Assini adjourned the meeting at 8:35 P.M.

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Town Clerk