

January 2, 2018

The Gates Town Board held its regular meeting on Tuesday, January 2, 2018 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
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 32-18:** Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the December 4, 2017 regular Town Board meeting as received.

Seconded by Councilman DiPonzio.

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

Motion Carried.

### **AUDIENCE PARTICIPATION**

Mrs. Mary Schlaefter of Elmgrove Rd. addressed the Town Board. She expressed her concerns regarding the retention pond located near her home, on the site of the proposed church. It is very dangerous in the winter. The snow covers it up and no one can see it. If someone is back there they could fall into the pond and get hurt. She asked if some type of protection could be installed around the pond to prevent any accidents.

Supervisor Assini requested that Mr. Rappazzo, Public Works Director, contact the developer and arrange for some type of protection to be installed around the pond.

### **OLD BUSINESS – NONE**

### **NEW BUSINESS**

**CONSIDERING THE RENEWAL OF THE  
CONDITIONAL USE PERMITS FOR THE  
FOLLOWING BUSINESSES: CARAGLIO'S  
PIZZERIA – 3869 LYELL RD.; LITTLE  
CAESAR'S PIZZA – 2394 LYELL AVE.;  
STARBUCK COFFEE #14142 – 2110  
CHILI AVE.; FEDERAL EXPRESS – 2580  
MANITOU RD.; TOMRA NY RECYCLING  
- 509 SPENCERPORT RD.; FAITH OUTREACH  
- MINISTRY – 2820 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 33-18:** Motion by Councilman Loughlin who moved its adoption:

Resolved that the Gates Town Board hereby renews the Conditional Use Permits (captioned above) for a period of one year (through January 2, 2019); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**CONSIDERING THE REQUEST OF 390 SELF-STORAGE  
OF ROCHESTER, 142 BUELL ROAD FOR  
ABANDONMENT OF SUNBROOK AVE.**

Mr. Dan Schum, Town Attorney, stated that Sunbrook Ave. is actually a paper street, it was never developed into a roadway. He explained the process required to grant the abandonment.

**RESOLUTION 34-18:** Motion by Councilman Tucciarello who moved its adoption:

WHEREAS, Joseph Amico Superintendent of Highways of the Town of Gates, has executed a Certificate pursuant to §205 of the Highway Law providing for the Abandonment of Sunbrook Ave.; as more fully described in such Certificate; and

WHEREAS, the statute provides that the consent of the Town Board is required for the approval of such Certificate;

NOW, TEREFORE, BE IT RESOLVED by the Town Board of the Town of Gates, Monroe County, New York, as follows:

Section 1: That by the adoption of this Resolution the Supervisor and Town Board Members approve and consent to the abandonment of Sunbrook Avenue and execute the above reference Certificate as evidenced of the same.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**APPROVING THE LMC CONTRACTS FOR THE  
GATES TOWN HALL, COURT, COMMUNITY  
CENTER AND THE TOWN OF GATES PARKS**

Supervisor Assini stated that this is a yearly renewal, there are no changes to the contracts.

**RESOLUTION 35-18:** Motion by Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby approves the above captioned LMC contracts for the year 2018.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**APPROVING THE UPDATED TOWN OF GATES  
MASTER PLAN**

Supervisor Assini stated that the Town Board members have received copies of the updated Master Plan and have reviewed it. Mr. Sinsebox, Town Engineer and Mr. Kurt Rappazzo, Chairman of the Master Plan Committee have thoroughly gone through the plan making the required revisions and corrections. They have all worked very hard making the revisions to the Master Plan.

**RESOLUTION 36-18:** Motion by Councilman DiPonzio who moved its adoption:

WHEREAS, the Town Board of the Town of Gates did adopt Resolution 122-17 at the regular meeting on September 5, 2017 approving the updated 2017 Master Plan, and

WHEREAS such 2017 updated Master Plan has been edited and finalized as to form and content and has been reviewed and approved by the Town Engineer and Town Attorney.

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

Section 1. That the Board of the Town of Gates does hereby adopt a 2017 Master Plan of the Town of Gates adopted as of December 2017.

Section 2. That a copy of such updated 2017 Master Plan be kept on file in the Town of Gates Library and the Town of Gates Clerk's Office for examination and referenced by all interested parties during normal business hours.

Seconded by Councilman Loughlin.

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

Motion Carried.

**AUTHORIZING THE TOWN COMPTROLLER TO  
MAKE FUND TRANSFERS WITHIN THE 2017  
TOWN OF GATES BUDGET**

**RESOLUTION 37-18:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby authorizes the Town Comptroller to make the following fund transfers within the 2017 Town of Gates Budget:

From: A00-7510-4730 Historian Mileage & Parking	(\$100.00)
To: A00-7510-4670 Historian Conference	100.00
From: A00-7510-4670 Historian Conference	(\$ 66.75)
To: A00-7510-4850 Misc.	66.75

Seconded by Councilman Tucciarello.

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

Motion Carried.

**APPROVING THE PRESCHOOL CLASSROOM  
SUBLEASE BY AND BETWEEN THE  
GATES PUBLIC LIBRARY AND THE WESTSIDE  
FAMILY YMCA**

**RESOLUTION 38-18:** Motion by Councilman Cordero who moved its adoption:

WHEREAS. the Town of Gates did heretofore enter into a Lease Agreement with Gallina Development Corporation for the Lease of space at 904 Elmgrove Road for the Gates Public Library, and

WHEREAS, the Westside Family YMCA has proposed to sublease a portion of the space for use as a preschool classroom, and

WHEREAS, the terms of such sublease include a 5-year Sublease Agreement with a 5-year renewal option, all in accordance with the terms of such proposed Sublease which has been reviewed and approved by the Town Attorney.

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

Section 1. That by the adoption of this Resolution the Town Board of the Town of Gates authorizes and approves the terms and provisions of such sublease by and between the Gates Public Library and the Westside Family YMCA in accordance with its terms and authorizes the appropriate representative of the Gates Public Library to execute such Sublease Agreement on behalf of the Gates Public Library.

Section 2. That this Resolution shall be effective immediately.

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

Motion Carried.

**APPOINTING PAUL IRVING AS  
THE TOWN OF GATES PROSECUTOR  
FOR 2018**

**RESOLUTION 39-18:** Motion by Councilman Cordero.

Resolved that the Gates Town Board hereby appoints Paul Irving as the Town of Gates Prosecutor for 2018 at an annual salary of \$10,000.

Seconded by Councilman DiPonzio.

VOTE: Cordero – aye; DiPonzio – aye; Loughlin – 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 40-18:** Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby designates Councilman DiPonzio as the Town of Gates delegate to attend the New York State Association of Towns Business Meeting to cast said Town's vote.

Further resolved, that Councilman Tucciarello be designated as the Town of Gates alternate delegate.

Seconded by Councilman Cordero.

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

Motion Carried.

**NEW BUSINESS OF COUNCIL MEMBERS**

Supervisor Assini introduced Dan Hoock the new Recreation & Parks Director to the Town Board.

Mr. Hoock addressed the Board. He is very happy to be a part of the Gates work family. He is a Gates resident and has lived here all of his life. He will do his best to make the Recreation Department a vital part of the town.

Supervisor Assini also announced that Councilman Lee Cordero will now be the liaison between the Gates Police Department and the Town Board.

**REPORTS**

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

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

TOTAL RECEIPTS	\$681,354.86
TOTAL DISBURSEMENTS	\$2,660,988.83

**WARRANTS**

**GENERAL FUND**

Accounts Payable	
CI #1214 – 1293	\$84,685.95

**HIGHWAY FUND**

Accounts Payable	
CI # 0348 – 0380	\$68,550.52

**LIBRARY FUND**

Accounts Payable	
CI # 0269 – 0295	\$13,969.14

Supervisor Assini noted for the record that the warrants for the month of November 2017 have been examined by the Town Board and paid.

**RESOLUTION 41-18:** Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Supervisor's Report for the month of December 2017 as read, and the warrants for the month of December 2017 as read; subject to the approval of the Gates Town Board.

Seconded by Councilman Loughlin.

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

Motion Carried.

**ACCEPTING THE TOWN CLERK'S REPORT  
FOR THE MONTH OF DECEMBER 2017**

The Town Clerk read the Town Clerk's Report for the month of December 2017 showing the following:

TOTAL REVENUES TO THE SUPERVISOR	\$10,572.37
TOTAL NON-LOCAL REVENUES	1,135.95
TOTAL REVENUES COLLECTED	\$11,708.32

**RESOLUTION 42-18:** Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Town Clerk's Report for the month of December 2017 as read.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**PERSONNEL STATUS REPORT**

The December 2017 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 8:00 P.M.

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Town Clerk