

April 3, 2017

The Gates Town Board held three Public Hearings and its regular meeting on Monday, April 3, 2017 at the Gates Town Hall, 1605 Buffalo Road and beginning at 6:45 P.M. Those in attendance for the Public Hearings and regular Town Board meeting were as followed:

Mark W. Assini	Supervisor
Lee A. Cordero	Councilman
David R. DiCaro	Councilman
Christopher B. DiPonzio	Councilman
Steve Tucciarello	Councilman
Daniel G. Schum	Town Attorney
Cosmo A. Giunta	Town Clerk

6:45 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
HELEN GERONIKUS FOR A CONDITIONAL
USE PERMIT TO OPERATE A RESTAURANT/
BAR AT 1174 BROOKS AVE.**

Supervisor Assini called the Public Hearing to order at 6:45 P.M. The Town Attorney verified that the Legal Notice was published as required by law.

Supervisor Assini stated that the applicant has requested that this Public Hearing be tabled to the May 2017 Town Board meeting, as she was unable to post the required Public Hearing sign.

RESOLUTION 71-17: Motion by Supervisor Assini who moved its adoption:

Resolved that the above captioned Public Hearing be tabled to the May 1, 2017 Town Board meeting; Public Hearing to be scheduled for 7:00 P.M.

Seconded by Councilman Cordero.

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

Motion Carried.

7:00 P.M. PUBLIC HEARING

**CONSIDERING A NAME CHANGE FOR
BRAMBLEWOOD LANE WEST TO
BRAMBLEWOOD CIRCLE**

Supervisor Assini called the Public Hearing to order at 7:00 P.M. The Town Attorney verified that the Legal Notice had been published as required by law.

Supervisor Assini stated that he has received a memo from the Fire Marshal regarding a meeting that he had with Fire Chief Herrington, Lt. Ballard, and Paul Arndt Town Assessor regarding a public safety issue with emergency responses as a result of the addresses on Bramblewood Lane.

On August 7, 2006 the Gates Town Board adopted a resolution changing the name of Bramblewood Lane (located off Gen Oaks Dr.) to Bramblewood Lane West. In the interest of public safety the members at this meeting are petitioning the Town Board to change the name of Bramblewood Lane West to Bramblewood Circle.

Supervisor Assini stated that he has spoken to the residents at this location. They have no objection to this option.

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

RESOLUTION 72-17: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby approves changing the name of Bramblewood Lane West (located off of Gen Oaks Dr.) to Bramblewood Circle.

Seconded by Councilman DiPonzio.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing at 7:13 P.M.

7:15 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
VG TRUCKING INC. FOR A CONDITIONAL
USE PERMIT TO ALLOW A TRUCK
PARKING TERMINAL AT 78 & 82 MARWAY CIRCLE**

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. Stefaniuk made the presentation. He stated that the trucks that will be parking on this site are tracker trailers. The local drivers will drop off and pickup trucks at this site (it will be a parking lot for trucks). There will not be any type of maintenance or repair work done on site; there will not be any hazardous materials or fueling on site. There will not be any overnight parking of unlicensed vehicles on site. A maximum of 20 trucks will be on site. This operation will not impact traffic in the area. There will not be any building on site.

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

RESOLUTION 73-17: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby grants a Conditional Use Permit to VG Trucking Inc. to operate a truck parking terminal to be located at 78 & 82 MarWay Circle; subject to the following conditions:

1. The term of the Conditional Use Permit is for one (1) year.
2. No overnight parking of personal vehicles is allowed.
3. No maintenance, repair work or fueling is allowed on site.
4. No unlicensed trucks are allowed on the property.
5. A maximum of 20 trucks is allowed on the site.

Seconded by Councilman DiPonzio.

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 74-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the March 6, 2017 Public Hearing and regular Town Board meeting as received.

Seconded by Councilman Cordero.

VOTE: Cordero – aye; DiCaro – aye; DiPonzio – aye;

Motion Carried.

AUDIENCE PARTICIPATION

**PRESENTATION OF CERTIFICATE OF APPRECIATION
FROM MONROE COUNTY SHERIFF O'FLYNN; MONROE
COUNTY LEGISLATORS ALLKOFER & MICCICHE &
POLICE CHIEF VANBREDERODE TO CHRISTINE
MILLER AND HER MOTHER ANGEL EVANS**

As a result of their pursuit of a robbery suspect in a stolen vehicle , certificates were presented to the above captioned individuals for getting involved and helping to solve this crime.

OLD BUSINESS

**CONSIDERING LOCAL LAW 1-2017
PROPERTY MAINTENANCE
(TABLED AT THE March 6, 2017 TOWN BOARD MEETING)**

RESOLUTION 75-17: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the above captioned Local Law 1-2017 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 Monroe County determined this to be a local matter. The code has been revised by the Town Board and the Town Prosecutor as well as the Town Attorney. One change recommended was to allow under Section 190 – 19 H Utility trailers. However the trailers are to be empty.

RESOLUTION 76-17: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby approves Local Law 1-17 Property Maintenance, with the recommended change.

Seconded by Councilman DiPonzio.

NEW BUSINESS

**CONSIDERING THE RENEWAL OF THE
CONDITIONAL USE PERMITS FOR THE
FOLLOWING BUSINESSES: COLDWATER
ANIMAL HOSITAL – 612 COLDWATER RD.
DUNN TIRE – 1941 BUFFALO RD; THE
PUP STOPS HERE – 616 TROLLEY BLVD.;
ELMGROVE AUTOMOTIVE - 725
ELMGROVE RD.; NU-LOOK COLLISION –
1931 LYELL AVE.; GUIDA'S PIZZA –
734 ELMGROVE RD.; CARDWELL
CONSTRUCTION CO., INC. – 955
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 77-17: 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 (1) year (through April 3, 2017); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman Cordero.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING
TO CONSIDER LOCAL LAW 2-17
BEST PRACTICES – BEST VAULES
CONTRACT AWARD LAW**

RESOLUTION 78-17: Motion by Councilman DiPonzio who moved its adoption:

WHEREAS, the New York State Legislature amended General Municipal Law Section 103 to provide greater flexibility in awarding contracts by authorizing the Award of Purchase Contracts on the Basis of Best Value; and

WHEREAS, such Legislation authorizes municipalities , including the Town of Gates, to award such Purchase Contracts on the Basis of Best Value, including the use of standardized bid awards procured from other jurisdictions throughout the State and the United States; and

WHEREAS, the Town Board of the Town of Gates desires to establish a Best Value Local Law, so as to best be able to serve the taxpayers of the Town of Gates by awarding bids to the lowest responsible bidder, meeting standardized bid specifications in accordance with the provisions of Section 103 of the General Municipal Law; and

WHEREAS, the Town of Gates is required to adopt a Local law authorizing the use of the Best Value Award process; and

WHEREAS, the adoption of such Local Law is subject to a conduct a Public Hearing concerning the same;

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

Section 1. That the Town Board of the Town of Gates shall hold and conduct a Public Hearing to consider the enactment of Chapter 63 of the Code of the Town of Gates to be known as the Town of Gates Best Value Contract Award Law, which Public Hearing will be held at the Gates Town Hall, 1605 Buffalo Road, Rochester, New York 14624 on the 1st day of May, 2017 at 7:15 P.M. at which hearing all interested persons shall be heard concerning the subject matter thereof.

Section 2. That the Town Clerk's will give due notice of such Public Hearing as required by law.

Seconded by Councilman Cordero.

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

Motion Carried.

**AUTHORIZING THE SUPERVISOR TO
SIGN THE LEASE AGREEMENT FOR THE GATES
PUBLIC LIBRARY MEETING ROOM EXPANSION
PROJECT 0386-6732 WITH GALLINA
DEVELOPMENT CORP.**

RESOLUTION 79-17: Motion by Councilman DiPonzio who moved its adoption:

WHEREAS, the Town of Gates has negotiated a Lease Agreement with Gallina Development Corp. for the leasing of additional space at 904 Elmgrove Road, so as to allow the Gates Library to furnish pre-Kindergarten services; and

WHEREAS, such Lease Agreement is specifically contingent upon the receipt of certain grant funds by the Town of Gates Library, all in accordance with a grant application previously submitted by it and subject to inter-municipal agreement;

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

Section 1. That the Supervisor be and hereby is authorized to execute a certain Lease Agreement with Gallina Development Corp. in form and content as reviewed and approved by the Town Attorney.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**RE-APPOINTING KURT RAPPAZZO TO
THE GATES PLANNING BOARD FOR A
SEVEN (7) YEAR TERM; SAID TERM
TO EXPIRE APRIL 3, 2024**

RESOLUTION 80-17: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby re-appoints Kurt Rappazzo to the Gates Planning Board for a seven (7) year term; said term to expire April 3, 2024.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**RE-APPOINTING JOAN TANNOUS TO
THE GATES CONSERVATION ADVISORY
BOARD FOR A TWO (2) YEAR TERM;
SAID TERM TO EXPIRE APRIL 3, 2019**

RESOLUTION 81-17: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby re-appoints Joan Tannous to the Gates Conservation Advisory Board for a two (2) year term; said term to expire April 3, 2019.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**APPROVING A LICENSE FOR SEYREK
SEALING & MAINTENANCE TO
PROVIDE REFUSE SERVICE IN THE
TOWN OF GATES**

Supervisor Assini stated that Mr. Murat Seyrek has submitted an application for a license to provide refuse service in Gates. He has provided all the necessary information and insurance to the Town Clerk. He has done business in Gates since 2002.

RESOLUTION 82-17: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby approves a license for Seyrek Sealing & Maintenance to provide refuse service in the Town of Gates.

Seconded by Councilman Tucciarello.

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

Motion Carried.

ADDITION TO THE AGENDA

PURCHASING A NEW VEHICLE FOR THE HIGHWAY DEPARTMENT

Supervisor Assini stated that he has received a memo from the Highway Superintendent requesting a new vehicle. He would like permission to purchase the vehicle from Van Bortel Ford. They would be “piggy backing” off the Onondaga Bid for a new Ford F-350. The total price for the package they need is \$49,606.79 (Per quote).

RESOLUTION 83-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the purchase of a new Ford F-350 truck; (total package cost of \$49,606.79) from Van Bortel Ford for the Gates Highway Department.

Seconded by Councilman Cordero.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman Tucciarello informed everyone about the Gates Chili Chamber’s anniversary dinner on May 4, 2017. The Lions Club will be holding their annual Geranium Sale on May 13, 2017.

REPORTS

ACCEPTING THE SUPERVISOR’S REPORT FOR THE MONTH OF MARCH 2017

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

TOTAL RECEIPTS	\$557,665.61
TOTAL DISBURSEMENTS	\$1,070,687.19

WARRANTS

GENERAL FUND

Accounts Payable	
CI # 0142 – 0226	\$56,576.67

HIGHWAY FUND

Accounts Payable	
CI #0048 – 0083	\$42,839.42

LIBRARY FUND

Accounts Payable	
CI # 0042 – 0064	\$18,342/52

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

RESOLUTION 84-17: Motion by Councilman DiPonzio who moved its adoption:

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

Seconded by Councilman Cordero.

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

Motion Carried.

**ACCEPTING THE TOWN CLERK’S REPORT
FOR THE MONTH OF MARCH 2017**

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

TOTAL REVENUES TO THE SUPERVISOR	\$11,267.15
TOTAL NON-LOCAL REVENUES	657.84
TOTAL REVENUES COLLECTED	\$11,924.99

RESOLUTION 85-17: 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 March 2017 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 for March 2017 was read for the Board’s information.

There being no further businesses 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 8:05 P.M.

Town Clerk