

June 5, 2017

The Gates Town Board held one Public Hearing and its regular meeting on Monday, June 5, 2017 at the Gates Town Hall, 1605 Buffalo Road and beginning at 7:10 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
Daniel G. Schum	Town Attorney
Cosmo A. Giunta	Town Clerk

7:10 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
MICHAEL VALLE – MCM NATURAL
STONE INC. FOR A CONDITIONAL
USE PERMIT TO ALLOW OUTDOOR
STORAGE AND PROCESSING OF
RECYCLED MATERIALS AT
595 TRABOLD RD.**

Supervisor Assini called the Public Hearing to order at 7:10 P.M. The Town Attorney verified that the Legal Notice had been published as required by law.

Mr. Michael Valle, Operations Manager, made the presentation. He began by stating that MCM services include supplying fabrication and installation of Granite, Marble, Sandstone, Limestone, Quartzite, Slate, and various solid surface and Quartz products. They specialize in the custom fabrication of counter tops, vanities, fire place surrounds, fire pits, stone sinks and custom items for both commercial and residential projects, from recycling. He explained the recycling and production process.

At the present time, they are located on Linden Ave. in the city. They will be closing this facility and moving to the new location on Trabold Rd. They will operate seven days a week. At present they have 10 employees and over the next 10 years he anticipates this will increase to 168.

Councilman Tucciarello asked where the outside storage of the recycled materials will be located.

Mr. Valle replied that the materials will all be stored to the immediate west behind the building. There will not be any storage in located in the front of the building. He also stated that the crushing process itself will be done inside the building and will not create very little noise.

Supervisor Assini asked Mr. Valle if he has contacted the DEC regarding environmental concerns in the area and what would be required to protect it.

Mr. Valle stated that they have been working with the DEC right along and will meet all their requirements.

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

RESOLUTION 97-17: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for MCM Natural Stone Inc. to operate a recycled material processing business and have outside storage at 595 Trabold Rd.; subject to the following conditions:

1. The term of the Conditional Use Permit is for (1) one year.
2. All outside storage of materials is to be located to the immediate west behind the building.
3. All DEC regulations are to be adhered to.
4. Hours of operation will be seven days a week.

Seconded by Councilman Cordero.

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

Motion Carried.

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 98-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the May 1, 2017 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.

PRESENTATION TO THE GATES GARDEN CLUB

Legislator Frank Allkofer, on behalf of himself and Legislator Tony Micciche presented a Proclamation of Appreciation to the Gates Garden Club for their contributions and involvement in the beautification of the Town Hall complex and in the town itself.

Supervisor Assini also presented a Certificate of Appreciation to the Gates Garden Club in appreciation of the excellent work they have done in the beautification of the town.

AUDIENCE PARTICIPATION

Mrs. Loretta Aughenbaugh of 77 Wolcott Ave. and Ms. DiMartino of 78 Wolcott Ave. addressed the Town Board regarding their concerns regarding traffic speeding on their street.

Supervisor Assini asked Police Chief VanBrederode to meet with the residents to address their concerns and the possible solutions.

OLD BUSINESS – NONE

NEW BUSINESS

APPROVING A CONDITIONAL OFFER OF EMPLOYMENT TO MICHAEL FORGIONE FOR THE POSITION OF POLICE OFFICER

Chief VanBrederode introduced Officer Forgione to the Town Board and briefed them on his qualifications.

RESOLUTION 99-17: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby approves the Conditional Offer of Employment to Michael Forgione for the position of Police Officer

Seconded by Councilman Tucciarello.

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

Motion Carried.

Chief VanBrederode then administered the oath of Office to Officer Forgione.

**CONSIDERING THE RENEWAL OF THE
CONDITIONAL USE PERMITS FOR THE
FOLLOWING BUSINESSES: VERIZON
WIRELESS CELL TOWER – 891 PIXLEY RD.;
PANERA BREAD #1108 - 1501 HOWARD RD.;
LASER CAR WASH – 3565 BUFFALO RD.;
DISCOVERY CHURCH – 310 HINCHEY RD.;
TIM HORTONS – 1508 BUFFALO 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 business should not be renewed.

RESOLUTION 100-17: 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 June 5, 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 – a ye; Assini – aye.

Motion Carried.

**RE-APPOINTING HARRY AZER TO THE
GATES CONSERVATION ADVISORY
BOARD FOR A TWO (2) YEAR TERM;
SAID TERM TO EXPIRE JUNE 5, 2019**

RESOLUTION 101-17: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby re-appoints Harry Azer to the Gates Conservation Advisory Board for a (2) two year term; said term to expire June 5, 2019.

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
KYLE DIPIERRO (NEW OWNER) TO
OPERATE A BOTTLE AND CAN REDEMPTION
CENTER AT 2324 CHILI AVE.**

RESOLUTION 102-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, July 3, 2017 at 7:15 P.M. to consider the above captioned application.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**APPROVING THE 2016 TOWN OF GATES
AUDIT.**

RESOLUTION 103-17: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby approves the 2016 Town of Gates Audit.

Seconded by Councilman Cordero.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING FOR
CHANGE OF OWNERSHIP FOR
KFC LOCATED AT 1345 CHILI AVE.**

RESOLUTION 104-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, July 3, 2017 at 7:16 P.M. to consider the above captioned application.

Seconded by Councilman Tucciarello.

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

Motion Carried.

AGENDA ITEMS 7 AND 8 WERE DROPPED FROM THE AGENDA – NO ACTION WAS TAKEN.

**APPROVING THE STANDARD WORK DAY
AND REPORTING RESOLUTION FOR
ELECTED AND APPOINTED OFFICIALS
FOR THE NEW YORK STATE RETIREMENT
SYSTEM FOR 2017**

Supervisor Assini stated that he has received a memo from the Payroll Department stating that the New York State Comptroller has requested this action per the guidelines for the New York State Retirement Reporting.

RESOLUTION 105-17: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Board hereby approves the Standard Work Day for Elected and Appointed Officials for 2017 per the New York State Comptroller's guidelines for New York State Retirement Reporting.

Seconded by Councilman DiPonzio.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman DiPonzio reminded everyone about the Town's Summer Celebration to be held on June 24, 2017 at the Gates Chili High School, beginning at 6:00 P.M.

Councilman Tucciarello also told everyone about the Lion's Club Sausage Roast to be held on June 20 at Lions Park beginning at 5:00 P.M.

Supervisor Assini told everyone that the Wishing Well Re-dedication will take place on June 10, 2017 at 11:00 A.M. It will take place in the front of Town Hall at the well.

REPORTS

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

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

TOTAL RECEIPTS	\$798,346.94
TOTAL DISBURSEMENTS	\$1,560,139.01
WARRANTS	
GENERAL FUND	
Accounts Payable	
CI # 0379 – 0491	\$139,204.32
HIGHWAY FUND	
Accounts Payable	
CI # 0112 – 0148	\$80,811.67
LIBRARY FUND	
Accounts Payable	
CI # 0092 – 0115	\$43,012.19

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

RESOLUTION 106-17: Motion by Councilman Cordero who moved its adoption:

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

Seconded by Councilman DiPonzio.

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

Motion Carried.

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

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

TOTAL REVENUES TO THE SUPERVISOR	\$21,255.04
TOTAL NON-LOCAL REVENUES	2,093.15
TOTAL REVENUES COLLECTED	\$29,348.19

RESOLUTION 107-17: Motion by Councilman DiPonzio who moved its adoption:

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

Seconded by Councilman Cordero.

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

Motion Carried.

PERSONNEL STATUS REORT – NONE

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.

Town Clerk