

July 3, 2017

The Gates Town Board held two Public Hearings and its regular meeting on July 3, 2017 at the Gates Town Hall, 1605 Buffalo Road, and beginning at 7:15 P.M. Those in attendance for the Public Hearings and regular Town Board meeting were as follows:

Mark W. Assini	Supervisor
David R. DiCaro	Councilman
Steve Tucciarello	Councilman
Daniel G. Schum	Town Attorney
Shirley Quinlan	Deputy Town Clerk

ABSENT:

Lee A. Cordero	Councilman
Christopher B. DiPonzio	Councilman
Cosmo A. Giunta	Town Clerk

7:15 P.M. PUBLIC HEARING

**CONSIDERING APPLICATION OF
LYLAN DIPIERRE (NEW OWNER)
FOR A CONDITIONAL USE PERMIT
TO OPERATE A BOTTLE AND CAN
REDEMPTION CENTER AT 2324 CHILI AVE.**

Supervisor Assini called the Public Hearing to order at 7:15 p.m. The Town Attorney verified that the Legal Notice had been published as required by law.

Mr. DiPierro addressed the Town Board. He stated that everything would remain the same; there are no changes or construction being done to the business or the building. The hours of operation will remain the same as the previous business.

Supervisor Assini stated that all terms and conditions of the original Conditional Use Permit are to be adhered to. The term of the Conditional Use Permit is one (1) year (through July 3, 2018); and it is to be renewed yearly.

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

RESOLUTION 108-17: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby renews the Conditional Use Permit for Kyle DiPierro to operate a bottle and can redemption center located at 2324 Chili Ave. for a period of one (1) year; (through July 3, 2018); subject to the same term and conditions applicable to the original permit.

Seconded by Councilman Tucciarello.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing.

**CONSIDERING THE APPLICATION OF
KELLY WEISER (NEW OWNER) FOR
A CONDITIONAL USE PERMIT TO
OPERATE A KFC FAST- FOOD
RESTAURANT AT 1345 CHILI AVE.**

Supervisor Assini called the Public Hearing to order at 7:19 P.M. The Town Attorney verified that the Legal Notice had been published as required by law.

The applicant stated that there will not be any physical changes to the business. The hours of operation will remain the same 10:00 A.M. – 11:00 P.M., seven days a week.

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

RESOLUTION 109-17: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby renews the Conditional Use Permit for Kelly Weiser (new owner) to operate a KFC fast-food restaurant at 1345 Chili Ave. for a period of one (1) year (through July 3, 2018); subject to the same terms and conditions applicable to the original permit.

Seconded by Councilman Tucciarello.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing.

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 110-17: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the June 5, 2017 Public Hearings and regular Town Board meeting.

Seconded by Councilman DiCaro.

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

Motion Carried.

AUDIENCE PARTICIPATION

Monroe County Legislator Frank Allkofer presented a map from the 1800's of the Town of Gates to the Gates Historian. This map has been in his family for many years.

OLD BUSINESS

Supervisor Assini stated that the Town Board will be establishing a policy to have the developer mail letter to adjoining neighbors for any new developments being proposed.

NEW BUSINESS

APPOINTING ALANNA POLISSENI TO THE GATES SPECIAL POLICE (TAKEN OUT OF AGENDA ORDER)

RESOLUTION 111-17: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby appoints Alanna Polisseni to the Gates Special Police.

Seconded by Councilman Tucciarello.

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

Motion Carried.

Chief VanBrederode administered the Oath of Office to Mrs. Polisseni.

CONSIDERING THE RENEWAL OF THE CONDITIONAL USE PERMITS FOR THE

**FOLLOWING BUSINESSES: NEWCOMB OIL –
2960 BUFFALO RD.; HB CONSTRUCTION –
150 LEE RD.; VALICIA’S RESTAURANT –
2155 LONG POND RD.; TOPS GAS STATION –
2345 BUFFALO RD.; VALVOLINE INSTANT
OIL CHANGE – 427 SPENCERPORT 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 112-17: Motion by Councilman Tucciarello 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 July 3, 2018); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman DiCaro.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO
CONSIDER THE APPLICATION OF
JUSTIN MACCARTHY (NEW OWNER)
FOR A CONDITIONAL USE PERMIT TO
OPERATE A MCDONALD’S FAST-FOOD
RESTAURANT AT 1965 CHILI AVE.**

RESOLUTION 113-17: Motion by Councilman Tucciarello who moved its adoption:

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

Seconded by Councilman DiCaro.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING
TO CONSIDER THE APPLICATION OF
MICHAEL ZAZZARO OF CHEFS
CATERING OF UPSTATE NEW YORK INC.
FOR A CONDITIONAL USE PERMIT
TO OPERATE A FAST-FOOD SERVICE
AT 1273 CHILI AVE.**

RESOLUTION 114-17: Motion by Councilman Tucciarello who moved its adoption:

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

Seconded by Councilman DiCaro.

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

Motion Carried.

**SOLICITING PROPOSALS FOR
STRUCTURAL EMERGENCY CODE
COMPLIANCE VIOLATION AND
SAFETY CALL OUT SERVICE BY**

**THE TOWN CODE COMPLIANCE
DIVISION**

RESOLUTION 115-17: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby authorizes the Town Clerk to solicit proposals for the above captioned proposal.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**ADDITION TO THE AGENDA
SCHEDULING A PUBLIC HEARING TO
CONSIDER THE UPDATED GATES
MASTER PLAN**

RESOLUTION 116-17: Motion by Councilman Tucciarello who moved its adoption:

Resolved that a Public Hearing be scheduled for September 5, 2017 at 7:00 P.M. to consider the approval of the Town of updated Gates Master Plan.

Seconded by Councilman DiCaro.

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

Motion Carried.

**RE-APPOINTING PLANNING AND ZONING
BOARD MEMBERS RETROACTIVELY**

RESOLUTION 117-17: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby re-appoints all Planning Board and Zoning Board members to the balance of their original terms retroactive to the signing of their oaths.

Seconded by Councilman DiCaro.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman Tucciarello reminded everyone that on July 21st the West end Festival will take place on Pixley Rd. at 585 Burger Bar. The road closings and traffic pattern for the evening were explained.

He also mentioned the Daniel Downing Gold Tournament which will be held at the Brook Lea Country Club on Pixley Rd. the week of July 17th.

REPORTS

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

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

TOTAL RECEIPTS	\$ 662,566.75
TOTAL DISBURSEMENTS	\$1,349,475.15

WARRANTS

GENERAL FUND

Accounts Payable
CI #0492 – 0580 \$154,693.33

HIGHWAY FUND

Accounts Payable
CI #0149 – 0180 #126,623.27

LIBRARY FUND

Accounts Payable
CI # 0116 – 0141 \$26,367.97

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

RESOLUTION 118-17: Motion by Councilman DiCaro who moved its adoption:

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

Seconded by Councilman Tucciarello.

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

Motion Carried.

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

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

TOTAL REVENUES TO THE SUPERVISOR	\$35,231.89
TOTAL NON-LOCAL REVENUES	1,307.31
TOTAL REVENUES COLLECTED	\$36,539.20

RESOLUTION 119-17: 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 June 2017 as read.

Seconded by Councilman DiCaro.

VOTE: Cordero – absent; DiCaro – aye; DiPonzio – absent; 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, Supervisor Assini made a motion to adjourn the meeting. Councilman Tucciarello seconded the motion. All were in favor; the motion carried. Supervisor Assini adjourned the meeting at 7:50 P.M.

Town Clerk