

September 5, 2017

The Gates Town Board held a Public Hearing and its regular meeting on Tuesday, September 5, 2017 at the Gates Town Hall, 1605 Buffalo Rd. and beginning at 7:00 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

7:00 P.M. PUBLIC HEARING

**CONSIDERING THE ADOPTION OF
THE TOWN OF GATES 2017
COMPREHENSIVE PLAN UPDATE**

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 after review by the Planning Board and input from the Town Board, they have submitted the Master Plan to the County of Monroe for their review. The Master Plan was made available to the public in the Town Clerk's office. However, the Town Board has not received any comments from the public. There have been updates to the plan relative to developments; however the zones have remained the same.

David Chamberlain, who is a member of the Planning Board, stated that he has received a section of updated information from the Conservation Advisory Board, which will be added to the plan. He has received a memo from the Monroe County Department of Planning stating that they consider this a local matter and have no further comments.

There was no one in the audience to speak regarding the updated Master Plan.

Supervisor Assini suggested that the Gates Town Board approve the submission of the updated Master Plan for approval pending the next Board meeting and any further comments that may come in.

Mr. Schum, Town Attorney, stated that the process does require that the State Environmental Quality Review Act be a part of it and that none of the proposed changes impact the environmental matters. He would suggest that unless there are some public comments received between now and the next Town Board meeting, that the Town Board would then adopt a negative declaration for Environmental significance for SEQR and a resolution to approve the updated plan.

RESOLUTION 127-17: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby approves the Updated 2017 Master Plan subject to the Town Attorney recommendations and provisions.

Seconded by Councilman Cordero.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing at 7:08 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 128-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the August 7[<] 3027 Public Hearings and regular Town Board meeting.

Seconded by Councilman Cordero.

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

Motion Carried.

AUDIENCE PARTICIPATION – NONE

**PRESENTATION OF PROCLAMATION
FOR THE SPECIAL POLICE**

Monroe County Legislators Frank Allkofer and Tony Micciche presented a Proclamation of appreciation to the Gates Special Police for the excellent job they do in assisting the community.

Supervisor Assini and Town Historian Bill Gillette presented Certificates of Appreciation and photographs to the volunteers who contributed their time and workmanship to the reconstruction of the historic Wishing Well from the Wishing Well Party House, which was located on Chili Avenue. The following people received Certificates: Vince Schiano, Fred Kilpatrick, Sean Kelly, and Mark Gillette.

The first couple to be married at the well on June 13, 2017 were presented with a commemorative photograph.

OLD BUSINESS – NONE

NEW BUSINESS

**CONSIDERING THE RENEWAL OF THE CONDITIONAL
USE PERMITS FOR THE FOLLOWING BUSINESSES:
DUNKIN DONUTS – 1482 BUFFALO RD.; ROOKIES SPORTS
BAR – 2351 BUFFALO RD. ; SUBWAY – 2206 BUFFALO RD.;
CINEMARK TINSELTONW USA – 2291 BUFFALO RD.;
BURGER KING – 1300 CHILI AVE.; BUCKMAN’S CARWASH –
2234 CHILI AVE.**

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 the businesses. They find no reason why the Conditional Use Permits for these businesses should not be renewed.

RESOLUTION 129-17: Motion by Councilman DiCaro 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 September 5, 2018); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO CONSIDER
THE APPLICATION OF MEL BROOKS FOR A
CONDITIONAL USE PERMIT TO OPERATE A BAR/
RESTAURANT AND RENTAL PROPERTY LOCATED
AT 191 LEE ROAD**

RESOLUTION 130-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, October 2, 2017 at 7:10 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.

**SCHEDULING A PUBLIC HEARING TO CONSIDER
THE APPLICATION OF JENNIFER DAVIES NORTH
(NEW OWNER) FOR A CONDITIONAL USE PERMIT
TO OPERATE A DOG DAY CARE, TRAINING AND
BOARDING FACILITY AT 700 MILE CROSSING BLVD.**

RESOLUTION 131-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, October 2, 2017 at 7:15 P.M. to consider the above captioned application.

Seconded by Councilman Cordero.

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

Motion Carried.

**ACCEPTING THE QUOTATION OF MIKE LAUTERBORN
ENTERPRISES TO FURNISH THE NECESSARY
LABOR, SUPERVISION, TOOLS AND MATERIALS FOR THE
AMPHITHEATER – ELECTRIC**

THIS ITEM WAS REMOVED FROM THE AGENDA

**CONTINUING THE INTERMUNICIPAL CONTRACT
FOR BUILDING INSPECTOR WITH THE
TOWN OF WHEATLAND**

Supervisor Assini stated that the contract is basically the same as previously agreed. There have been a few changes: The hourly wage has been increased to \$50.00 maximum; mileage will also be paid to and from Wheatland to Gates.

RESOLUTION 132-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves continuing the Intermunicipal Contract For Building Inspector with the Town of Wheatland with the noted changes as stated above.

Seconded by Councilman Cordero.

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

Motion Carried.

**APPROVING THE EMERGENCY CALL OUT
SERVICE CONTRACT**

Supervisor Assini stated that the Fire Marshal and the Finance Director have reviewed the bids for the above captioned contract. They have recommended that the Town Board approve the bid of Shield Restoration Services and continue with them for 2018. The Fire Chief has had no issues with them during the past year.

RESOLUTION 133-17: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves the Shield Restoration Services contract for 2017 – 2018 effective September 5, 2017 through September 4, 2018 for emergency call out services.

Seconded by Councilman DiCaro.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman Cordero stated that First Responders Day will be on Thursday, September 21, 2017 at 9:30 A.M. It will take place in front of Town Hall; in case of rain, it will be held in the Town Hall Meeting Room.

Supervisor Assini talked about a new program being held here on Thursdays to help with the on-going drug problems; “Gates to Recovery”. It is being conducted by the Gates Police, the Catholic Family Center and Unity Hospital, and is open to all that may need information or help with related problems.

REPORTS

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

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

TOTAL RECEIPTS	\$804,236.93
TOTAL DISBURSEMENTS	\$1,213,335.41

WARRANTS

GENERAL FUND

ACCOUNTS PAYABLE

CL # 0695 – 0810	\$90,422.39
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HIGHWAY FUND

ACCOUNTS PAYABLE

CL # 0216 – 0247	\$12,902.23
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LIBRARY FUND

ACCOUNTS PAYABLE

CL # 0172 – 0199	\$16,058.15
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Supervisor Assini noted for the record, that the warrants for the month of July 2017 have been examined by the Town Board and paid.

RESOLUTION 134-17: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Supervisor’s Report for the month of August 2017 as read and the warrants for August 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 AUGUST 2017

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

TOTAL REVENUES TO THE SUPERVISOR	\$19,554.09
TOTAL NON-LOCAL REVENUES	7,475.12
TOTAL REVENUES COLLECTED	\$27,029.21

RESOLUTION 135-17: 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 August 2017.

Seconded by Councilman Tucciarello.

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

Motion Carried.

PERSONNEL STATUS REPORT

No changes for the month of August 2017.

There being no further business to come before the Town Board, Councilman DiPonzio made a motion to adjourn the meeting. Councilman Cordero seconded the motion. All were in favor; the motion carried. Supervisor Assini adjourned the meeting at 8:20 P.M.

Town Clerk