

January 4, 2016

The Gates Town Board held three Public Hearings and its regular Town Board meeting on Monday, January 4, 2016 at the Gates Town Hall, 1605 Buffalo Road and beginning at 6:30 P.M. Those in attendance for the Public Hearings 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
John A. DiCaro	Town Attorney
Cosmo A. Giunta	Town Clerk

6:30 P.M. PUBLIC HEARING

**CCONSIDERING THE APPLICATION OF
SHEILA RIVERS FOR A CONDITIONAL
USE PERMIT TO OPERATE A BOTTLE AND
CAN RETRIEVAL CENTER LOCATED
AT 509 SPENCERPORT ROAD**

Supervisor Assini called the Public Hearing to order at 6:30 P.M. The Town Attorney verified that the Legal Notice has been published as required by law.

Ms. Sheila Rivers, applicant, made the presentation. She stated that this was an existing business when she purchased it. However, the previous owners never applied or received a Conditional Use Permit to operate the business at this location. The business will remain the same as before, there will be no changes. The hours of operation will be Monday through Friday 8:00 A.M. to 7:00 P.M. and Saturday and Sunday 8:00 A.M. to 5:00 P.M.

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

RESOLUTION 31-16: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Sheila Rivers to operate a bottle and can retrieval center located at 509 Spencerport Road; subject to the following conditions:

1. The term of the Conditional Use Permit is one (1) year.
2. Hours of operation to be Monday through Friday 7:00 A.M. to 8:00 P.M. and Saturday and Sunday 8:00 A.M. to 5:00 P.M.
3. No outside storage of vehicles/ and/or materials is permitted on the property.

Seconded by Councilman Cordero.

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

Motion Carried.

6:40 P.M. PUBLIC HEARING

**CONSIDERING LOCAL LAW 1 – 2016
AMENDING GATES TOWN CODE –
CHAPTER 140 PEDDLING & SOLICITING
AND CHAPTER 157 STORMWATER MANAGEMENT**

The Town Clerk explained the changes in fees for these permits.

RESOLUTION 32-16: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby approves Local Law 1-2016 amending Town Code – Chapter 140 Peddling and Soliciting and Chapter 157 Storm water Management.

Seconded by Councilman DiPonzio.

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

Motion Carried.

(A copy of Local Law 1-2016 is attached to the permanent minutes)

**RECONSIDERING THE CONDITIONAL USE
PERMIT FOR FAITH OUTREACH MINISTRY
(DUE TO A CHANGE IN THE SITE PLANS)**

Supervisor Assini called the Public Hearing to order at 6:50 P.M. The Town Attorney verified that the legal notice had been published as required by law.

Due to the change of the location of the church building (from the rear of the property to the front of the property) it was necessary to review this application. After a lengthy discussion with the engineer, applicant and the Town Board and residents the following resolution was approved and passed. (The recording tape for this Public Hearing will be kept on file for future reference if necessary.)

RESOLUTION 33-16: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby approves the revised plans and Conditional Use Permit for the Faith Outreach Ministry – north side of Buffalo Road; subject to the following conditions:

1. The engineer must provide the drainage calculations and plan for the site to the Town and Mr. Monaco.
2. Berming, fencing and plantings are to be provided around the perimeter of the property to ensure privacy for the neighbors.
3. The ingress/egress is to be designed such that headlights from vehicles entering and exiting the site will not disturb the neighbors.
4. Hours to be 8:00 A.M. through 9:00 P.M.; two exceptions being Christmas Eve services and New Year's Eve services.
5. The State is to provide traffic flow information which was previously submitted to the Planning Board.
6. When designing the pond the geese issue is to be taken into consideration.

Seconded by Councilman DiPonzio.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing at 8:03 P.M.

7:30 P.M. REGULAR TOWN BOARD MEETING

Supervisor Assini called the meeting to order at 8:05 P.M. He began the meeting with a Silent Prayer and Pledge of Allegiance to the Flag.

RESOLUTION 34-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the minutes of the December 7, 2015 Town Board meeting, as received.

Seconded by Councilman Cordero.

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

Motion Carried.

AUDIENCE PARTICIPATION

Don Ioannone, Lyell Road, congratulated all the newly elected Town and County officials and wished them much success in the future.

OLD BUSINESS – NONE

NEW BUSINESS

OFFERING A CONDITIONAL OFFER OF EMPLOYMENT TO EDWIN BOWER AS A POLICE OFFICER IN THE GATES POLICE DEPARTMENT

RESOLUTION 35-16: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby appoints Edwin Bower (Conditional Offer Of Employment) as a Police Officer in the Gates Police Department.

Seconded by Councilman DiPonzio.

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

Motion Carried.

CONSIDERING THE RENEWAL OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING BUSINESSES: FEDEX – 2580 MANITOU RD.;; HANK PARKER’S PARTY & TENT RENTAL – 200 PIXLEY RD.;; JACK’S BBQ & PIZZA – 3088 BUFFALO RD.;; COINSTAR ENTERTAINMENT SERVICE INC. – 2150 CHILI AVE.;; HUB – LANGE 36 DEEP ROCK 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 outstanding violations. They find no reason why the Conditional Use Permits for these businesses should not be renewed.

RESOLUTION 36-16: 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 January 4, 2017); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman Cordero.

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

Motion Carried.

**APPROVING THE 2016 AMENDATORY AGREEMENT –
ALL SEASONS COUNTY/TOWN WORK AGREEMENT**

RESOLUTION 37-16: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby approves and authorizes the Supervisor to execute the above captioned agreement.

Seconded by Councilman DiPonzio.

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

Motion Carried.

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

RESOLUTION 38-16: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves the above captioned contracts for one year; beginning January 1, 2016 through December 31, 2016.

Seconded by Councilman DiCaro.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO CONSIDER
THE APPLICATION OF GIUSEPPE MELLIA TO
REZONE PROPERTY LOCATED AT 810
SPENCERPORT RD. FROM BN-R (BUSINESS
NON-RETAIL) TO GB (GENERAL BUSINESS)**

RESOLUTION 39-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, February 1, 2016 at 6:45 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.

**SCHEDULING A PUBLIC HEARING TO
CONSIDER THE APPLICATION OF
TRANSCEND WIRELESS FOR A CONDITIONAL
USE PERMIT TO CONSTRUCT A CELL TOWER
WITH A FENCED EQUIPMENT COMPOUND AND
ACCESS EASEMENT; TO BE LOCATED ON
THE NORTHEAST CORNER PARCEL OF LAND**

LOCATED ON LETTINGTON AVE.

RESOLUTION 40-16: Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, February 1, 2016 at 7:00 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.

**CONSIDERING CHANGES IN THE TOWN OF
GATES APPLICATION FEES**

The Town Clerk stated that the proposed changes in the application fees and explained why they should be made.

RESOLUTION 41-16: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves the fee changes for town applications and permits (\$100.00 for a company or \$50.00 for an individual for one year. Special Permit for Food trucks/vendors at same location longer than a month \$125.00)

Seconded by Councilman Cordero.

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

Motion Carried.

**RE-APPOINTING KIRK KETTINGER TO THE
GATES LIBRARY BOARD OF TRUSTEES**

RESOLUTION 42-16: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby re-appoints Kirk Kettinger to the Gates Library Board of Trustees for a five year term; said term to expire December 31, 2020.

Seconded by Councilman DiPonzio.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman Tucciarello thanked the Supervisor and Town Board member for the warm welcome on his first day of work back in the Town of Gates; he had previously been the Chairman on the Zoning Board of Appeals. He appreciates the warm welcome.

REPORTS

**ACCEPTING THE SUPERVISOR'S REPORT
FOR THE MONTH OF DECEMBER 2015**

Supervisor Assini read his report for the month of December 2015 showing the following:

TOTAL RECEIPTS	\$856,311.97
TOTAL DISBURSEMENTS	\$2,738,469.90

WARRANTS**GENERAL FUND**

Accounts Payable CI # 1185 – 1246	\$55,730.29
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HIGHWAY FUND

Accounts Payable CI# 0397 – 0420	\$16,410.72
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LIBRARY FUND

Accounts Payable CI# 0362 – 0384	\$34,175.13
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Supervisor Assini noted for the record that the warrants for the month of November 2015 have been examined by the Town Board and paid.

RESOLUTION 43-16: 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 2015 as read and the warrants for the month of December 2015 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.

**ACCEPTING THE TOWN CLERK'S REPORT
FOR THE MONTH OF DECEMBER 2015**

The Town Clerk read his report for the month of December 2015 showing the following:

TOTAL REVENUES TO THE SUPERVISOR	\$31,272.21
TOTAL NON-LOCAL REVENUES	7,598.07
TOTAL REVENUES COLLECTED	\$38,870.28

RESOLUTION 44-16: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Town Clerk's Report for the month of December 2015 as read.

Seconded by Councilman Cordero.

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

Motion Carried.

PERSONNEL STATUS REPORT

The Town Clerk read the Personnel Status Report for the Board's information.

There being no further business to come before the Town Board, Councilman Tucciarello 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 8:26 P.M.

Town Clerk