

May 2, 2016

The Gates Town Board held four Public Hearings and its regular Town Board meeting on Monday, May 2, 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
Frank Cassara	Deputy Town Attorney
Shirley Quinlan	Deputy Town Clerk

**6:30 P.M. PUBLIC HEARING**

**CONSIDERING THE APPLICATION OF  
JOSE ABARCA FOR A CONDITIONAL  
USE PERMIT TO SELL MEXICAN FOOD  
“TO GO” AT 3095 BUFFALO ROAD (TABLED  
AT THE APRIL 4, 2016 PUBLIC HEARING)**

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

**RESOLUTION 83-16:** Motion by Councilman Tucciarello who moved its adoption:  
Resolved that the above captioned application 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.

Mr. Abarca stated that they will be doing some interior renovations to the building. He has provided the drawings to the Fire Marshal for his review and approval. They hope to open for business by May 13, 2016. The hours of operation will be Monday through Saturday 9:30 A.M. to 9:30 P.M. Closed on Sundays.

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

**RESOLUTION 84:16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Jose Abarca to sell Mexican Food “to go” at 3095 Buffalo 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 Saturday 9:30 A.M. through 9:30 P.M. Closed on Sundays.

Seconded by Councilman Cordero.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing.

**6:45 P.M. PUBLIC HEARING**

**CONSIDERING THE APPLICATION OF  
BRIAN STILES ON BEHALF OF THE  
OPEN DOOR MISSION FOR A  
CONDITIONAL USE PERMIT TO OPERATE A  
WOMEN AND CHILDREN’S SUPPORTIVE HOUSING  
PROGRAM TO BE LOCATED AT 250  
COLDWATER ROAD**

Supervisor Assini called the Public Hearing to order at 6:45 P.M. The Deputy Town Attorney verified that the legal notice has been published as required by law.

Supervisor Assini stated that there are approximately 2,000 homeless children in the city school district. Those children and their moms don’t stand a chance in life without a little help. Open Door Mission offers a stable home, with job skill training and help in placement in permanent homes. It is their opportunity to escape poverty and live a better life. We want these families to know we love them and we welcome them. If there is anything we can do to help you, please let us know.

The Program Coordinator from the Open Door Mission explained in detail how the program will work.

Mr. Stiles, the Director of Operations, presented a packet showing the layout of the various floors of the building. He pointed out the interior renovations to be done. They will be able to accommodate between four to five families. They will be installing connecting doors between all of the bedrooms. They will add a security system with cameras and monitors. There will be staff supervision 24 hours a day, seven days a week.

The Fire Marshal and Building Inspectors will do a walk through inspection for Town Code compliance.

Supervisor Assini stated that he has received a letter from the parish stating their total support of this project and the purchase of this building.

There will be two maintenance people to maintain the properties i.e. grass cutting, etc.

Mr. Jim Vogler, of Coldwater Rd. stated that he will be their next door neighbor, and he is in total support of this project, he is in favor of it.

**RESOLUTION 85-16:** Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for the Open Door Mission to operate a women and children’s supportive housing program to be located at 250 Coldwater Road; subject to the following conditions:

1. The term of the Conditional Use Permit is one (1) year.
2. The applicant will provide 24 hour, 7 days a week supervision.
3. The issue of drainage is addressed as presented at this meeting.
4. No additional expansion of the building will be done, any plans for such would have to come back before the Town Board for approval.

Seconded by Councilman DiPonzio.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing.

**7:00 P.M. PUBLIC HEARING**

**CONSIDERING THE APPLICATION OF  
BRONGO CONTRACTING AND SUPPLY  
FOR A CONDITIONAL USE PERMIT TO  
CONSTRUCT AND OPERATE A  
WAREHOUSE AND STORAGE FACILITIES**

Supervisor Assini called the Public Hearing to order at 7:12 P.M. The Deputy Town Attorney verified that the Legal Notice has been published as required by law.

Mr. Robert Winans of LandTech made the presentation on behalf of Brongo Contracting and Supply. This application is for a portion of the property 6.9 +/- acres that will be subdivided from the original 16.3 acres. The proposed use would be for providing lease space for contractors to store materials. The plan shows a proposed subdivision of the land to create a separate parcel for the proposed storage buildings with appropriate driveways and parking areas to be provided.

Councilman DiPonzio asked how visible the buildings would be from the road. Ms. Brongo stated that it is currently wide open and visible. The equipment will be stored indoors and outdoors, a majority of it will be indoors.

Councilman Tucciarello asked how many square feet the buildings would be.

Ms. Brongo stated that there will be 25 x 30 units and 25 x 55 units for larger storage. In the first phase this will allow for 15 units.

Councilman Tucciarello asked if the units would have electricity to allow people to work in them.

Ms. Brongo stated that it is strictly for storage. There will not be any electricity in the storage units.

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

**RESOLUTION 86-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit to construct and operate a warehouse and storage facilities to be located at 2548 Manitou Road; subject to the following condition:

- 1 The term of the Conditional Use Permit is one (1) year.

Seconded by Councilman Cordero.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing 7:18 P.M.

**CONSIDERING ADDING A NEW LOCAL LAW  
ADOPTING AN ORDINANCE TO COLLECT AN  
ANNUAL \$500 REGISTRATION FEE FOR  
VACANT & FORECLOSED HOMES AND  
TO CONTRACT WITH COMMUNITY CHAMPIONS  
TO COLLECT THE FEE ON BEHALF OF THE TOWN  
MAINTAIN SAID REGISTRY AND WORK  
DIRECTLY AS AN ADVOCATE WITH THE  
BANK IN PROPERTY VIOLATIONS**

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

Councilman Tucciarello explained the procedure and what is involved to address this issue and why a new Town Ordinance is required. This proposal will not cost the taxpayers any money because of the registration fees which will be charged to the banks that are foreclosing on homes.

Supervisor Assini stated that vacant and foreclosed homes become a blight on the neighborhoods. They attract nuisances and impact property values across Monroe County. The idea of community partners is to register zombie homes, charge banks a fee to cover repairs and maintenance, and develop contacts with the banks that are reliable. Those minor adjustments will be helpful in developing a better approach to managing the zombie home problem.

**RESOLUTION 87-16:** Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves Local Law 2-2016 – Crating Chapter of the Town Code of the Town of Gates to be entitles “Registration of defaulted mortgage properties” as described by Councilman Tucciarello. (Due to the length of this local law a copy will be attached to these minute.)

Seconded by Councilman DiCaro.

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 88-19:** Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the April 4, 2016 Public Hearings and regular Town Board meeting.

Seconded by Councilman DiCaro.

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

Motion Carried.

### **PRESENTATION OF LIFESAVING AWARD**

Police Chief VanBrederode presented a Lifesaving Award to Special Police Officer Cody Kaminski for his lifesaving actions performing CPR on an accident victim.

### **AUDIENCE PARTICIPATION**

A resident from 55 Firestone Drive addressed the Board stating her concerns regarding the northern boundary consisting of the Book Lea Country Club, which is located behind her property which has several trees some of which are down, the mosquitos, and the drainage...

Supervisor Assini asked Mr. Amico to meet with the residents to address their concerns and see what can be done.

Mr. Don Ioannone stated that the new history book about the Hamlet of Coldwater is back from the printer , they are still taking applications for sponsors.

He requested that the Town of Gates First Responders Day be observed on the third Thursday of September every year instead of the 25th.

Supervisor Assini stated that this change will be made to the proclamation and voted on at the June Town Board meeting.

Mr. Harold Smith of 2651 Lyell Rd. stated that he was concerned about the recent drug bust on Bru-Mar Drive. No one was made aware of it happening and what repercussions would occur as a result.

Chief VanBrederode addressed Mr. Smith’s concerns.

Silvano Orsi of Bru-Mar Drive addressed the Town Board on several issues. He is concerned about the police drug arrest on his street and the possible repercussions . He wished David DiCaro good luck in the upcoming election. He stated that he has been designated as the Democratic candidate to run for the

Town Board in the upcoming election. He then talked about the Little Italy Neighborhood project and his upcoming Italian Festival and the festival being held by the IASC which is four days after his. He feels that this should not be allowed. This can jeopardize his festival. He also stated that he has received two death threat letters which appear to allegedly come from gentlemen on the Board at the Sports Club. He is going on record to say that. He is very upset with this; he is only trying to do this for the community.

Supervisor Assini stated that the town does not decide who can or cannot have a festival. I will not use the power of the people and the government to suppress one group over another. I am not in favor of doing that. Discussion on this issue continued.

## **OLD BUSINESS**

### **CONSIDERING THE RENEWAL OF THE CONDITIONAL USE PERMIT FOR LAQUINTA INN – 1956 LYELL AVE. (TABLED AT THE APRIL 4, 2016 TOWN BOARD MEETING)**

**RESOLUTION 89-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the above captioned application be lifted from the table for further discussion.  
Seconded by Councilman Tucciarello.

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

Motion Carried.

Supervisor Assini stated that he has met with the owner of the hotel and fully explained what he must do to remain open for businesses. He must comply with all requirements. Therefore, Supervisor Assini is satisfied that the applicant will comply with the Town Codes with regard to this application. He would recommend that this Conditional Use Permit be renewed.

**RESOLUTION 90-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby renews the Conditional Use Permit for LaQuintra Inn – 1956 Lyell Ave. for a period of one (1) year (through May 2, 2017); subject to the same terms and conditions applicable to the original permit.

Seconded by Councilman Tucciarello.

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

Motion Carried.

## **NEW BUSINESS**

### **RE-APPOINTING DAVID CHAMBERLAIN TO THE GATES PLANNING BOARD**

**RESOLUTION 91-16:** Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby re-appoints David Chamberlain to the Gates Planning Board for a seven (7) year term; said term to expire May 2, 2023.

Seconded by Councilman DiPonzio.

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

Motion Carried.

### **APPOINTING LAWRENCE MARTRELLA TO THE GATES BOARD OF ASSESSMENT REVIEW**

**RESOLUTION 92-16:** Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby appoints Lawrence Mastrella to the Gates Board of Assessment Review for a term of five (5) years, term to commence May 2, 2016 and term to expire September 30, 2021 as defined per Real Property Tax Law §523(c) .

Seconded by Councilman Tucciarello.

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:  
#1 CHINESE RESTAURANT – 2317 BUFFALO RD.;  
CHINA WOK – 1661 HOWARD RD.; DOLOMITE  
RUBBLE – 1075 BUFFALO RD.; TIM HORTON’S –  
2311 CHILI AVE.; TIM HORTON’S – 1563  
SPENCERPORT RD.; TIM HORTON’S – 1508  
BUFFALO RD.; WIMPY’S BURGER BASKET -2160  
BUFFALO RD.; BOWSER’S HOTS – 63 MARWAY CIRCLE;  
MCDONALD’S – 1965 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 outstanding violations against these businesses. They find no reason why the Conditional Use Permits for these businesses should not be renewed.

**RESOLUTION 93-16:** Motion by Councilman Cordero 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 May 2, 2017); subject to the same terms and conditions applicable to the original permits.

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 MICHAEL DIMARCO FOR  
A CONDITIONAL USE PERMIT TO OPERATE A  
SIT-DOWN RESTAURNAT AND CATERING BUSINESS  
AT 1273 CHILI AVE.**

**RESOLUTION 94-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, June 6, 2016 at 7:00 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.

**APPROVING THE APPOINTMENT OF THREE  
NEW POLICE OFFICERS TO THE GATES  
POLICE DEPARTMENT**

Police Chief VanBrederode administered the Oath of Office to the three Police Officers (Michael Daly; Rebecca Leonard; James Seeger) and presented a brief background history on each of them.

Supervisor Assini and the Town Board members congratulated them and welcomed them to the Town of Gates.

**RESOLUTION 95-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the appointment of the Michael Daly; Rebecca Leonard; and James Seeger as Police Officers in the Town of Gates Police Department.

Seconded by Councilman DiCaro.

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

Motion Carried.

**ACCEPTING THE 2015 COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM AGREEMENT WITH  
MONROE COUNTY FOR SIDEWALK REPLACEMENT;  
GRANT AMOUNT \$40,000.**

**RESOLUTION 96-16:** Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board approves the above captioned agreement with the County of Monroe.

Seconded by Councilman Cordero.

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

Motion Carried.

**ADOPTING THE STANDARD WORK DAY FOR  
ELECTED AND APPOINTED OFFICIALS FOR 2016**

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 for Supervisors (7 hours); Councilmen (6 hours) and Attorney (6 hours).

**RESOLUTION 97-16:** Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby adopts the Standard Work Day for Elected and Appointed Officials for 2016 as per New York State Comptroller's guidelines for New York State retirement as noted above.

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 DISCOVERY  
CHURCH FOR A CONDITIONAL USE PERMIT TO HAVE  
A CHURCH IN THE OLD ST. HELEN'S SCHOOL AT  
310 HINCHEY ROAD**

**RESOLUTION 98-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, June 6, 2016 at 7:15 P.M. to consider the above captioned application.

Seconded by Councilman DiCaro.

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

Motion Carried.

**APPROVING A PROPOSED AMENDMENT TO  
THE GATES RECREATION AND PARKS  
DEPARTMENT USERS FEE SCHEDULE INCLUDED  
IN THE GATES RECREATION AND PARKS POLICY MANUAL**

Councilman DiPonzio explained the reasons and details for the proposal - Town of Gates organizations should get a reduction on park facilities. This would be for not for profit entity use of the facilities. They would need the proper insurance and completed application along with a copy of the 501c3 and it is to be approved by the Finance Director prior to the reduced rate being granted.

**RESOLUTION 99-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the proposed amendment to the Gates Recreation & Parks Department Users Fee Scheduled, which is to be included in the Gates Recreation & Parks Policy manual.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**NEW BUSINESS OF COUNCIL MEMBERS**

Councilman Tucciarello reminded everyone that the Memorial Day ceremony will be held on Monday, May 30, 2016 at 9:00 A.M. in the front of the Town Hall.

Councilman DiCaro thanked everyone who participated in this year’s Earth Day clean up program around the town.

Councilman DiPonzio stated that the Recreation Department will be holding the annual Town Garage Sale on Saturday, May 14, 2015 between 9:00 A.M. and 2:00 P.M. at the Town Hall.

The Summer Celebration will be held on June 25, 2016 at the Gates Chili High School from 6:00 P.M. to 10:00 P.M. They will also be celebrating the School District’s 60th Anniversary at that time.

**REPORTS**

**ACCEPTING THE SUPERVISOR’S REPORT  
FOR THE MONTH OF APRIL 2016**

Supervisor Assini read his report for the month of April 2016 showing the following:

TOTAL RECEIPTS	\$228,622.92
TOTAL DISBURSEMENTS	\$1,159,956.65

**WARRANTS**

**GENERAL FUND**

Accounts Payable	
CI #0250 – 0417	\$46,321.69

**HIGHWAY FUND**

Accounts Payable	
CI # 0090 – 0121	\$35,779.62

**LIBRARY FUND**

Accounts Payable	
CI #0079 – 0110	\$25,248.05

Supervisor Assini noted for the record that the warrants for the month of March 2016 have been examined by the Town Board and paid.

**RESOLUTION 100-16:** Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Supervisor’s Report for the month of April, 2016 as read and the warrants for the month of April 2016 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 APRIL 2016**

The Deputy Town Clerk read the report for the month of April 2016 showing the following:

TOTAL REVENUES TO THE SUPERVISOR	\$23,200.80
TOTAL NON-LOCAL REVENUES	1,499.27
TOTAL REVENUES COLLECTED	\$24,700.07

**RESOLUTION 101-16:** 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 April 2016 as read.

Seconded by Councilman Cordero.

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

Motion Carried.

**PERSONNEL STATUS REPORT**

The Personnel Status Report was read for the Board’s information.

There being no further business to come before the Town Board, Councilman DiCaro 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 8:35 P.M.

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Town Clerk