

July 2, 2018

The Gates Town Board held a Public Hearing and regular Town Board meeting on Monday, July 2, 2018 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
Christopher B. DiPonzio	Councilman
Andrew M. Loughlin	Councilman
Steve Tucciarello	Councilman
Daniel G. Schum	Town Attorney
Cosmo A. Giunta	Town Clerk

ABSENT:

Lee A. Cordero	Councilman
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7:00 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
BENDERSON DEVELOPMENT FOR A
CONDITIONAL USE PERMIT TO ALLOW
A LKQ/KEYSTONE WAREHOUSE AT
6 – 48 SPENCERPORT ROAD**

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.

James Boglioli, Esq of Benderson Development made the presentation. He began by stating that they are requesting a Conditional Use Permit for a warehouse facility to occupy 45,320 sq. ft. of currently vacant space in the existing building located in the rear of Gates Plaza, on Spencerport Rd. and Howard Rd. The proposed LKQ includes the following components: a warehouse facility; storage and mixing of paint for retail sales; 2,000 sq. ft. retail component for selling of auto parts and paints. They will meet all the necessary requirements.

Councilman Tucciarello asked if there would be any hazardous materials or paints .

Mr. Boglioli replied no, they will comply with all OSHA regulations and Town Codes.

Supervisor Assini asked what the hours of operation would be and how many employees they would have.

Mr. Boglioli replied there will be 35 employees. Hours of operation will be seven days a week 6:00 A.M. to 10:00 P.M.

Councilman DiPonzio stated that he was concerned about the noise made by delivery trucks. When would deliveries be made and where would they take place.

Mr. Boglioli replied that there will be three deliveries a day. All deliveries will be made in the rear of the building. There will be a delivery made in the evening; however, there should not be any problem with noise from the trucks.

Councilman DiPonzio asked that this problem be brought to the applicant's attention and that all deliveries are only to be made in the rear of the building.

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

RESOLUTION 87-18: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby approved a Conditional Use Permit for LKQ/Keystone Warehouse facility to be located at 6 – 48 Spencerport Rd.; subject to the following conditions.

1. The term of the Conditional Use Permit is for one (1) year.
2. Hours of operation to be seven days a week 6:00 A.M. – 10:00 P.M.

3. All delivery trucks are to make deliveries in the rear of the building.
4. All OSHA regulations and Town of Gates Codes are to be adhered to.

Seconded by Councilman Tucciarello.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing at 7:16 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 88-18: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the June 4, 2018 regular Town Board meeting as received.

Seconded by Councilman Tucciarello.

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

Motion Carried.

PRESENTATION OF PROCLAMATIONS

Legislator Allkofer, Legislator Micciche, Chief VanBrederode, and Supervisor Assini presented Proclamations of Appreciation to Laura and Michelle Hardgrove – Wise for their efforts to comfort and attempt to save the life of Tracy Henton – Williams on Buffalo Road.

AUDIENCE PARTICIPATION – NONE

OLD BUSINESS – NONE

NEW BUSINESS

APPROVING A CONDITIONAL OFFER OF EMPLOYMENT TO THOMAS IRWIN FOR THE POSITION OF POLICE OFFICER

Chief VanBrederdoe stated that Officer Lance Duffy will be retiring at the end of August. He requested that the Town Board approve the above captioned request. He then gave a brief background on Officer Irwin.

RESOLUTION 89-18: Motion by Councilman Loughlin who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Offer of Employment for Thomas Irwin for the position of Police Officer.

Seconded by Councilman Tucciarello.

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

Motion Carried.

CONSIDERING THE RENEWAL OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING BUSINESSES: NEWCOMB OIL – 2960 BUFFALO RD.; VALICIA’S RESTAURAT – 2155 LONG POND RD.; VALVOLINE INSTANT OIL CHANGE – 437 SPENCERPORT RD.; TOPS MARKET (GASOLINE STATION) – 2345 BUFFALO RD.;

WAGS DOG CLUB – 700 MILE CROSSING BLVD.

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 90-18: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby renews the Conditional Use Permits (as captioned above) for a period of one (1) year (through July 2, 2019); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**PERMANENT APPOINTMENT OF
DANIEL HOOCK TO THE POSITION
OF RECREATION & PARKS DIRECTOR**

Supervisor Assini stated that Mr. Hoock has successfully passed the Civil Service exam for this position and should be appointed permanently to this position.

RESOLUTION 91-18: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby permanently appoints Daniel Hoock as the Gates Recreation & Parks Director at the annual salary of \$68,000 for the year 2018.

Seconded by Councilman Loughlin.

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

Motion Carried.

**APPROVING A RESOLUTION IN SUPPORT
FOR A STATE MS-4 MAPPING GRANT
APPLICATION**

RESOLUTION 92-19: Motion by Councilman Tucciarello who moved its adoption:

WHEREAS, the Town of Gates as a designated Municipal Separate Storm Sewer System (MS4) Is responsible for developing and maintaining a storm water management program that will reduce the amount of pollutants carried by storm water during storm events to waterbodies of the State, thereby improving water quality and recreational use of those waterways, and

WHEREAS, the Town is divided into three watersheds. Little Black Creek (Ont. 117.18). Lower Genesee River (Ont. 117), and Round Pond Creek (Ont. 121). The NYS DEC has identified these three waterbodies as either impaired or impacted due to urban storm water runoff, and

WHEREAS, the Town of Gates (hereinafter identified as Town Board) has identified the need for improvements to its current storm water infrastructure mapping, providing a more comprehensive mapping system to assist in the conducting of illicit discharge investigations identifying and mitigating significant sources of pollution that may be contributing to the impairment of waterways, and allowing the Town of Gates and its staff to work effectively with neighboring MS4 communities and regulators agencies in protecting the State's waterbodies;
And

WHEREAS, the New York State Department of Environmental Conservation provides a competitive statewide reimbursement grant program for MS-4s to modify and updated their mapping through the Consolidated Funding Application. Water Quality Improvement Project (WQIP) program: and

WHEREAS, any funding awarded under this Grant Application will be used for the first phase Little Black Creed Watershed, of a three phased project to update the existing MS4 mapping making it more comprehensive, and

WHEREAS, the Town Board has determined under a separate resolution, the update of its MS4 MAPPING IS A Type II Action.

\NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby recognize and does fully support the submission of a Consolidated Funding Application WQIP ON BEHALF OF THE Town for Water Quality Improvement Project funding for MS4 Mapping.

BE IT FURTHER RESOLVED that the Town Board does hereby accept that they shall provide at least 25% match of the total of any grant funding awarded in the form of cash contribution or In-kind services.

Seconded by Councilman DiPonzio.

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

Motion Carried.

APPROVING A SEQR RESOLUTION – TYPE II ACTION
 - **COLLECTION OF INFORMATION AND MAPPING**
 - **OF EXISTING INFRASTRUCTURE RELATED TO**
 - **UPDATING THE TOWN MS4 MAPPING**

RESOLUTION 93-18: Motion by Councilman Tucciarello who moved its adoption:

WHEREAS, the Town of Gates as a designated Municipal Separate Storm Sewer System (MS4), is responsible for developing and maintaining a storm water management program that will reduce the amount of pollutants carried by storm water during storm events to waterbodies of the State thereby improving water quality and recreational use of those waterways, and

WHEREAS, a component of the MS4 storm water management program is comprehensive mapping system of the Town’s storm water infrastructure to assist in the conducting of illicit discharge investigations, and identifying and mitigating significant sources of pollution that may be contributing to the impairment of those waterways, and

WHEREAS, the Town has identified a MS4 mapping improvement project to enhance its current mapping, allowing the Town staff to work effectively with neighboring MS4 communities and regulatory agencies in protecting local waterbodies, and

WHEREAS, the Town intends to phase the mapping project, starting with the Little Black Creek watershed, and

NOW, THEREFORE, BE IT RESOLVED that the Town of Gates Town Board (hereinafter referred to as Town Board) does hereby classify the information collection and mapping of existing infrastructure related to updating its MS4 mapping as a Type II Action under Sections 617.5(c) (17) & (18) of Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), and

BE IT FURTHER RESOLVED, that Type II Actions are not subject to further review under SEQRA provisions as these actions have been determined not to have a significant impact upon the environment or are otherwise precluded from environmental review in the Environmental Conservation Law, article 8.

BE IT FURTHER RESOLVED, that the Town Board in making this classification has satisfied the procedural requirements under SEQRA and directs the Resolution to be placed in the file on this Action.

Seconded by Councilman Loughlin.

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

Motion Carried.

ADDITION TO AGENDA**50TH ANNIVERSARY PROCLAMATION**

RESOLUTION 94-18: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves composing a Proclamation in celebration of the Monroe County Town Clerk/Tax Receivers and Collectors Association's 50th Anniversary.

Seconded by Councilman DiPonzio.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS – NONE**REPORTS**

**ACCEPTING THE SUPERVISOR'S REPORT
FOR THE MONTH OF JUNE 2018**

Supervisor Assini read his report for the month of June 2018 showing the following:

TOTAL RECEIPTS	\$652,356.50
TOTAL DISBURSEMENTS	\$1,278,100.18

WARRANTS**GENERAL FUND**

Accounts Payable	
CI # 0492 – 0592	\$102,804.73

HIGHWAY FUND

Accounts Payable	
CI # 0173 – 0216	\$112,099.78

Library fund

Accounts Payable	
CI # 0096 – 0128	\$34,752.12

Supervisor Assini noted for the record that the warrants for the month of May 2018 have been examined by the Town Board and paid.

RESOLUTION 95-18: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Supervisor's Report for the month of June, 2018 as read; and the warrants for the month of June 2018 as read; subject to the approval of the Gates Town Board.

Seconded by Councilman Loughlin.

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

Motion Carried.

**ACCEPTING THE TOWN CLERK'S REPORT
FOR THE MONTH OF JUNE 2018**

The Town Clerk read the report for the month of June 2018 showing the following:

TOTAL REVENUES TO THE SUPERVISOR	\$16,239.79
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TOTAL NON-LOCAL REVENUES	2,125.15
TOTAL REVENUES COLLECTED	\$18,364.94

RESOLUTION 96-18: 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 June 2018 as read.

Seconded by Councilman Loughlin.

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

Motion Carried.

PERSONNEL STATUS REPORT – NONE

There being no further business to come before the Town Board, Councilman DiPonzio 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 7:57 P.M.

Town Clerk