

April 4, 2016

The Gates Town Board held two Public Hearings and its regular Town Board meeting on Monday, April 4, 2016, at the Gates Town Hall, 1605 Buffalo Road and beginning at 7:00 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

7:00 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION
OF JOSE ABARCA FOR A CONDITIONAL
USE PERMIT TO SELL MEXICAN FOOD “TO GO”
AT VALERO’S GASOLINE STATION
LOCATED AT 3585 BUFFALO 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.

Mr. Abarca addressed the Town Board. He stated that the location of the business as stated on the application was incorrect. He will be operating his food service business from 3095 Buffalo Road. It is still the same owner as the Valero’s station.

Mr. DiCaro, Town Attorney, stated that because of the incorrect address on the application, (which was also published in the Legal Notice) this matter cannot be heard. If anyone wanted to appear and express their opinion regarding this application they would not be able to.

Councilman Cordero suggested that this application be tabled.

RESOLUTION 70-16: Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the above captioned application be tabled to the May 2, 2016 Town Board meeting and that a Public Hearing be scheduled for 6:30 P.M. on May 2, 2016 to reconsider this matter.

Seconded by Councilman Cordero.

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

Motion Carried.

The Public Hearing was adjourned.

7:15 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
DAWN SAUNDERS FOR A CONDITIONAL
USE PERMIT TO OPERATE A DOG DAYCARE,
BOARDING, TRAINING, GROOMING AND EVENTS
FACILITY AT 616 TROLLEY BLVD.**

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

Dawn Saunders, the owner of the business, addressed the Town Board. They are proposing to use an 8,050 sq. ft. cinder block building located at 616 Trolley Blvd.

Their business goals are to start with daycare, boarding and play groups. They will add training, grooming and special events soon after. The outdoor play area will be enclosed with a 6' high fence. Hours of operation will be 24 hours a day, seven days a week. They will have room for between 25 to 30 dogs.

They have met with the Fire Marshal and he has approved the plan.

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

RESOLUTION 71-16: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for the Dog Daycare facility to be located at 616 Trolley Blvd.; subject to the following conditions:

1. The term of the Conditional Use Permit is one (1) year.
2. Hours of operation to be 24 hours a day; seven (7) days a week.

Seconded by Councilman Tucciarello.

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

Motion Carried.

The Public Hearing was then adjourned.

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 72-16: Motion by Councilman DiCaro who moved its adoption:

Resolved, that the Gates Town Board hereby approves the Minutes of the March 7, 2016 regular Town Board meeting as received.

Seconded by Councilman Tucciarello.

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

Motion Carried.

AUDIENCE PARTICIPATION

Don Ioannone reported that the historical book on the Hamlet of Coldwater is at the printer's and the first copies will be ready soon. They are planning a ceremony for September 10, 2016 to commentate the hamlet. He will have more details at a later date.

OLD BUSINESS – NONE

NEW BUSINESS

**APPOINTING THERESA MAY TO THE
GATES PLANNING BOARD FOR A
SEVEN (7) YEAR TERM; SAID TERM
TO EXPIRE APRIL 4, 2023**

RESOLUTION 73-16: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby appoints Theresa May to the Gates Planning Board for a seven (7) year term; said term to expire April 4, 2023.

Seconded Councilman Tucciarello.

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

Motion Carried.

**APPOINTING PATRICIA QUIGLEY
TO THE GATES SPECIAL POLICE**

RESOLUTION 74-16: Motion by Councilman DiCaro who moved its adoption:

Resolved, that the Gates Town Board hereby appoints Patricia Quigley to the Gates Special Police.

Seconded by Councilman Cordero.

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: COLDWATER
ANIMAL HOSPITAL – 612 COLDWATER RD.;
DUNN TIRE – 1941 BUFFALO RD.; ELMGROVE
AUTOMOTIVE – 725 ELMGROVE RD.;
LA QUINTA INN – 1956 LYELL AVE.; CARDWELL
CONSTRUCTION – 955 BUFFALO RD.; WESTSIDE
YMCA – 920 ELMGROVE RD.; NU-LOOK
COLLISION – 1931 LYELL AVE.; GUIDA’S PIZZA –
736 ELMGROVE RD.**

Supervisor Assini stated that he has received a memo from the Building Department stating that they reviewed the Code Enforcement files, there are no outstanding violations against these businesses with the exception of La Quinta Inn – 1956 Lyell Ave. With the exception of this business, they find no reason why the Conditional Use Permits for these businesses should not be renewed.

RESOLUTION 75-16: 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 (except for La Quinta Inn); for a period of one year (through April 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.

RESOLUTION 76-16: Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the application for renewal of the Conditional Use Permit for LaQuinta Inn – 1956 Lyell Ave. be tabled to the May 2, 2016 Town Board meeting for further discussion.

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
BRIAN STILES ON BEHALF OF THE OPEN
DOOR MISSION TO OPERATE A
WOMEN AND CHILDREN’S SUPPORTIVE
HOUSING PROGRAM; TO BE LOCATED
AT 250 COLDWATER ROAD**

RESOLUTION 77-16: Motion by Councilman Cordero who moved its adoption:

Resolved, that a Public Hearing be scheduled for Monday, May 2, 2016 at 6:45 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.

**SCHEDULING A PUBLIC HEARING TO CONSIDER
THE APPLICATION OF BRONGO CONTRACTING & SUPPLY
FOR A CONDITIONAL USE PERMIT TO
CONSTRUCT A WAREHOUSE AND STORAGE FACILITIES; TO BE LOCATED AT
2548 MANITUR ROAD**

RESOLUTION 78-16: Motion by Councilman Cordero who moved its adoption:

Resolved, that a Public Hearing be scheduled for Monday, May 2, 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.

**APPROVING THE PURCHASE OF A
2015 CATERPILLAR RUBBER
TIRE EXCAVATER, COST \$186,500.00**

Supervisor Assini stated that this equipment purchase is part of the Capital Plan and is in the 2016 Town Budget. It is listed on the NYS OGS NIPA Heavy Equipment contract #POC 66988.

RESOLUTION 79-16: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby approves the purchase of a 2015 Caterpillar Rubber Tire Excavator; cost \$186,500.00 and listed on the NYS OGS NIPA Heavy Equipment contract #POC 66988.

Seconded by Councilman Tucciarello.

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO
CONSIDER ADDING A NEW LOCAL LAW
ADOPTING AN ORDINANCE TO COLLECT
AN ANNUAL \$500 REGISTRATION FEE FOR VACANT
AND FORECLOSED HOMES. 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 BANKS
IN PROPERTY VIOLATIONS**

RESOLUTION 80-16: Motion by Councilman Tucciarello who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, May 2, 2016 at 7:15 P.M. to consider the new ordinance for vacant and foreclosed homes.

Seconded by Councilman Cordero.

UNDER DISCUSSION

Councilman Tucciarello explained the process involved and how it will benefit the community. This program will be done at no cost to the tax payers.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Assini stated that he has received requests from the residents living near the railroad tracks, to establish an area called “Railroad Quiet Zones “. He has also received information regarding these types of zones. He requested that Mr. Amico, Highway Superintendent and Councilman DiCaro work together on this matter to see what other municipalities have done and what we can do. If accomplished it will be the first such zone in Monroe County.

Councilman DiCaro stated that he has been enjoying his time as liaison to the Conservation Advisory Board. He gave a brief update on their activities and upcoming events.

REPORTS

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

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

TOTAL RECEIPTS	\$583,667.66
TOTAL DISBURSEMENTS	\$1,111,858.69
WARRANTS	
GENERAL FUND	
Accounts Payable	
CI #A16-0158 – 0249	\$66,053.75
HIGHWAY FUND	
Accounts Payable	
CI # D16 – 0046 – 0089	\$71,113.10
LIBRARY FUND	
Accounts Payable	
CI # L16 – 0042 – 0078	\$30,176.87

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

RESOLUTION 81-16: Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Supervisor's Report for the month of March 2016 as read; and the warrants for the month of March 2016 as read; subject to the approval of the Gates Town Board.

Seconded by Councilman Cordero.

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

Motion Carried.

**ACCEPTING THE TOWN CLERK'S REPORT
FOR THE MONTH OF MARCH 2016**

The Town Clerk read his report for the month of March 2016 showing the following:

TOTAL REVENUES TO THE SUPERVISOR	\$39,898.62
TOTAL NON-LOCAL REVENUES	807.22
TOTAL REVENUES COLLECTED	\$40,725.84

RESOLUTION 82-16: 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 March 2016 as read.

Seconded by Councilman Cordero.

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

Motion Carried.

PERSONNEL STATUS REPORT – NONE

There being no further business to come before the Town Board, Councilman DiCaro 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 7:45 P.M.

Town Clerk