

June 6, 2016

The Gates Town Board held two Public Hearings and its regular Town Board meeting on Monday, June 6, 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  
MICHAEL DIMARCO FOR A CONDITIONAL  
USE PERMIT TO OPERATE A SIT-DOWN  
RESTAURANT AND CATERING SERVICE  
AT 1273 CHILI AVE.**

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. Michael DiMarco, owner of the business, addressed the Town Board. He stated that the business will be called "Plate King and Catering". It will be located in the Quality Inn at 1273 Chili Ave. Hours of operation will be Monday through Sunday 10:00 A.M. – 12:00 A.M. They will employ approximately 7 to 10 part-time employees. They will provide room service for the hotel guests, dine – in and carry – out service. No interior renovations will be made. There is adequate parking as well as handicapped parking provided.

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

**RESOLUTION 102-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Michael DiMarco to operate a sit-down restaurant and catering service, "Plate King and Catering" to be located in the Quality Inn at 1273 Chili Ave., subject to the following conditions:

1. The term of the Conditional Use Permit is for one (1) year.
2. Hours of operation to be Monday through Sunday 10:00 A.M. to 12:00 A.M.

Seconded by Councilman Tucciarello.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing at 7:08 P.M.

**7:15 P.M. PUBLIC HEARING**

**CONSIDERING THE APPLICATION OF  
DISCOVERY CHURCH FOR A CONDITIONAL  
USE PERMIT TO USE ST. HELEN'S SCHOOL**

**FOR CHURCH SERVICES AT 310 HINCHEY RD.**

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

Mr. Ellicott Sneed, Pastor of Discovery Church, made the presentation. He stated that they will be using three classrooms on the second floor.

Councilman Tucciarello asked if they were relocating to the site and how many people attended their church.

Mr. Sneed replied that for the past four years they have been located on Elmgrove Road. There are about 30 people that attend at this time. There is ample parking at the church which they can use, as they will not interfere with St. Helen's services.

Councilman Tucciarello asked if there would be any functions in the evening.

Mr. Sneed stated that they will have choir practice and other meeting at least three times a week.

Councilman Tucciarello suggested that a time limit should be set for the any music in consideration of the neighbors.

Supervisor Assini stated that the Town Board has received a letter of support for Discovery Church from David Pritchard, St. Helen's Church Trustee and Financial Representative.

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

**RESOLUTION 103-16:** Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Discovery Church to use three rooms on the second floor in St. Helen's School for church services, located at 310 Hinchey Road; subject to the following conditions:

1. The term of the Conditional Use Permit is for one (1) year.
2. All musical activity (practice /programs) is to cease at 8:30 P.M.

Seconded by Councilman DiCaro.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing at 7:22 P.M.

**7:30 P.M. REGULAT 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 104 – 16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Minutes of the May 2, 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.

#### **AUDIENCE PARTICIPATION**

The new Pastor Jimmie Sue Deppe of the Church of the Epiphany on Buffalo Road addressed the Town Board. She stated that she is looking to be involved in the Gates Community. She has already contacted the Open Door Mission regarding their project on Coldwater Road and offered her assistance.

Monroe County Legislator Frank Allkofer stated that the Sheriff's office have brought inmates to Gates this weekend to assist in cleaning up the roads in town. They will be back next weekend and continue the job. He also stated that the Monroe County Legislature will be honoring Police Chief VanBrederode on June 14th at 6:00 p.m. at the Monroe County Chamber in the County office building.

#### **OLD BUSINESS – NONE**

#### **NEW BUSINESS**

#### **APPROVING THE REVISION OF THE FIRST RESPONDERS PROCLAMATION TO DESIGNATE THE THIRD THURSDAY OF SEPTEMBER AS THE DAY OF OBSERVATION**

Don Ioannone briefly explained the reason for the change. Previously September 25 was the designated date; however, this date falls on various different days of the month. By designating the third Thursday, it would always be the same.

**RESOLUTION 105-16:** Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board approves the revision of the First Responders Proclamation to designate the third Thursday of September as the day of observation.

Seconded by Councilman DiCaro.

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

Motion Carried.

#### **RE-APPOINTING GREGORY WESTBROOK TO THE GATES RECREATION & PARKS COMMISSION FOR A SEVEN YEAR TERM**

**RESOLUTION 106-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby re-appoints Gregory Westbrook to the Gates Recreation & Parks Commission for a seven (7) year term; said term to expire June 6, 2023.

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: VERIZON WIRELESS –  
891 PIXLEY RD.; PANERA BREAD #1108 – 1501 HOWARD RD.  
LESER CAR WASH – 3565 BUFFALO 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 against these businesses. They find no reason why the Conditional Use Permits for these businesses should not be renewed.

**RESOLUTION 107-16:** 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 June 6, 2017); 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.

**ACCEPTING THE 2015 TOWN OF GATES AUDIT**

**RESOLUTION 108-16:** Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby accepts the 2015 Town of Gates Audit as received.

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 CHELSIE RICE  
CENTER 4 DOGS, TO AMEND THEIR  
CONDITIONAL USE PERMIT TO ALLOW  
BOARDING OF DOGS**

**RESOLUTION 109-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Tuesday, July 5, 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.

**SCHEDULING A PUBLIC HEARING TO  
CONSIDER THE APPLICATION OF  
HB CORNERSTONE FOR A  
CONDITIONAL USE PERMIT TO OPERATE  
A COMMERCIAL LANDSCAPING AND  
STORAGE OF EQUIPMENT AND  
MATERIALS AT 150 LEE RD.**

**RESOLUTION 110-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Tuesday, July 5, 2016 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.

**APPROVING THE REQUEST OF THE  
MONROE COUNTY DOT TO ESTABLISH  
TRAFFIC CONTROLS AT LES HARRISON DR. @  
ELMGROVE RD.AND TOTAL SPORTS  
EXPERIENCE DRIVEWAY @ ELMGROVE RD.**

**RESOLUTION 111-16:** Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby grants the request of the Monroe County Department of Transportation to establish the following traffic controls: Left Only – Eastbound Les Harrison Dr. @ Elmgrove Rd. Right Only – Eastbound Les Harrison Dr. @ Elmgrove Rd.; Right Only – Westbound – Total Sports Experience Driveway @ Elmgrove Rd.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**AUTHORIZING THE FINANCE DIRECTOR  
TO MAKE FUND TRANSFERS WITHIN  
THE 2016 TOWN BUDGET**

**RESOLUTION 112-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby authorizes the Finance Director to make the following fund transfers within the 2016 Town Budget:

**LIBRARY FUND**

From: L00-0200-000 Library Fund Balance	(\$4,162.00)
To: L7410-4300 Supplies (Business)	\$4,162.00

From: L00-0200-000 Library Fund Balance	(\$13,690.00)
To: L7410-2000 Equipment	\$13,690.00

Seconded by Councilman Cordero.

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

Motion Carried.

**APPOINTING CASEY JOHNSTON  
TO THE GATES SPECIAL POLICE**

**RESOLUTION 113-16:** Motion by Councilman DiCaro who moved its adoption:

Resolved that the Gates Town Board hereby appoints Casey Johnston to the Gates Special Police.

Seconded by Councilman DiPonzio.

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

Motion Carried.

## **ADDITION TO THE AGENDA**

### **SETTING THE HOURLY WAGE FOR THE TEMPORARY JUSTICE FOR THE GATES TOWN COURT**

Supervisor Assini stated that because of the heavy caseload for our courts at this time, it was necessary to hire a temporary Justice. This resolution will establish the hourly rate for this position.

**RESOLUTION 114-16:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby sets the hourly wage of \$100.00 per hour (not to exceed \$250.00 a day) for the temporary Court Justice.

Seconded by Councilman Tucciarello.

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

Motion Carried.

## **NEW BUSINESS OF COUNCIL MEMBERS**

Councilman DiCaro stated that he has been contacted by the Police Dept., Fire Dept. and Ambulance Service regarding their desire to erect a memorial to the First Responders in our community at Memorial Park. He will be meeting with them to further discuss the possibility and will report back to the Town Board on their progress.

Councilman Tucciarello stated that the Summer Celebration will take place on June 25, 2016 at the Gates Chili High School. He encouraged everyone to attend. It will be held beginning at 6:00 P.M.

Supervisor Assini extended the Town Board's deepest sympathy to Councilman Tucciarello at the passing of his brother recently.

## **REPORTS**

### **ACCEPTING THE SUPERVISOR'S REPORT FOR THE MONTH OF MAY 2016**

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

TOTAL RECEIPTS	\$828,356.95
TOTAL DISURSEMENTS	\$1,791,217.11

## **WARRANTS**

**GENERAL FUND**

Accounts Payable

CI # 0418 – 0518 \$159,003.48

**HIGHWAY FUND**

Accounts Payable

CI #0122 – 0162 \$384,529.56

**LIBRARY FUND**

Accounts Payable

CI #0111 – 0139 \$45,871.57

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

**RESOLUTION 115-16:** Motion by Councilman Cordero who moved its adoption:

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

Seconded by Councilman Tucciarello.

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

Motion Carried.

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

The Town Clerk read his report showing the following:

TOTAL REVENUES TO THE SUPERVISOR	\$54,156.41
TOTAL NON-REVENUES	1,296.97
TOTAL REVENUES COLLECTED	\$55,453.38

**RESOLUTION 116-16:** 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 May 2016 as read.

Seconded by Councilman Tucciarello.

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 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 8:00 P.M.

---

Town Clerk