

May 1, 2017

The Gates Town Board held two Public Hearings and its regular meeting on Monday, May 1, 2017 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
Christopher B. DiPonzio	Councilman
Steve Tucciarello	Councilman
Daniel G. Schum	Town Attorney
Cosmo A. Giunta	Town Clerk

ABSENT: David R. DiCaro Councilman

7:00 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
HELEN GERONIKUS FOR A CONDITIONAL
USE PERMIT TO OPERATE A RESTAURANT/BAR
AT 1174 BROOKS AVE. (TABLED AT THE
APRIL 3, 2017 TOWN BOARD MEETING)**

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.

RESOLUTION 86-17: Motion by Councilman Cordero who moved its adoption:

Resolved that the above captioned application be lifted from the table for further discussion.

Seconded by Councilman DiPonzio.

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

Motion Carried.

Mrs. Geronikus, owner of the business, made the presentation. She began by stating that she is a long time resident of Gates and a long time business owner in the town. Mrs. Geronikus has purchased the old Rock Café building at 1174 Brooks Ave., after many years of renting a building; she will now own the building. She will close the existing restaurant at Westgate Plaza on Howard Road.

Mrs. Geronikus distributed a drawing of the interior floor plan to each Town Board member. The bar area will be separated by a 3' wall with glass on the top. There will be seating for 175 people. Hours of operation will be Monday through Sunday 6:00 A.M. to 12:00 A.M. They will serve breakfast, lunch and dinner.

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

RESOLUTION 87-17: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Helen Geronikus to operate a restaurant/bar at 1174 Brooks Ave; subject to the following conditions:

1. The term of the Conditional Use Permit is (1) one year.
2. Hours of operation to be: Seven days a week, Monday through Sunday; 6:00 A.M. – 12:00 A.M.

Seconded by Councilman Cordero.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing at 7:10 P.M.

7:15 P.M. PUBLIC HEARING

**CONSIDERING THE ADOPTION OF
LOCAL LAW 2-2017 BEST PRACTICES –
BEST VALUES CONTRACT AWARD**

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

Mr. Schum, Town Attorney, explained the proposed law and its benefits for the town.

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

RESOLUTION 88-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that by the adoption of this Resolution, the Town Board of the Town of Gates does hereby enact Introductory Local Law 2 of the year 2017, which local law shall read and provide as follows: (Due to the length of the law, a copy is attached to these minutes.)

Seconded by Councilman Tucciarello.

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

Motion Carried.

Supervisor Assini adjourned the Public Hearing at 7:20 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 89-17: Motion by Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby approves the Minutes of the April 3, 2017 Public Hearings and regular Town Board meeting.

Seconded by Councilman DiPonzio.

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

Motion Carried.

AUDIENCE PARTICIPATION

Don Ioannone, Lyell Rd., stated that the Town Veterans Monument located in the front of Town Hall includes the names of three brothers who died in World War II. He suggested that perhaps at the next Memorial Day event or Veterans Day event, the town may want to consider giving special recognition to the brothers. He has more information regarding the brothers, and will contact the event committee.

OLD BUSINESS – NONE

NEW BUSINESS

**CONSIDERING THE RENEWAL OF THE
CONDITIONAL USE PERMITS FOR THE
FOLLOWING BUSINESSES: #1 CHINESE
RESTAURANT – 2317 BUFFALO RD.;
CHINA WOK – 1661 HOWARD RD.;
OPEN DOOR MISSION – 250 COLDWATER RD.;**

**WIMPY'S BURGER BASKET – 2160 BUFFALO RD.;
ITACATE TAKE-OUT – 3095 BUFFALO RD.;
TIM HORTON'S – 2311 CHILI AVE.; TIM
HORTON'S – 1563 SPENCERPORT RD.; BRONGO
CONSTRUCTING & SUPPLY – 2548 MANITOU RD.;
LAQUINTA INN – 1956 LYELL AVE.; BOWSER'S HOTS –
63 MARWAY CIRCLE**

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 90-17: 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 (1) one year (through May 1, 2018); subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman Cordero.

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

Motion Carried.

**OPTING OUT OF THE TAX BREAKS FOR
SOLAR, WIND ENERGY AND FARM WATER
ENERGY SYSTEMS**

Supervisor Assini stated that this matter would not be voted on tonight. The Town Board assigned Mr. Art Plewa, Finance Comptroller, and Supervisor Assini to research this matter and report their findings to the Town Board.

**APPROVING THE SUPERVISOR TO
SIGN ALL AMENDMENTS TO THE
CDBG CONTRACT**

RESOLUTION 91-17: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby approves and authorizes the Supervisor to sign all amendments to the CDBG contract.

Seconded by Councilman DiPonzio.

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

Motion Carried.

**RE-APPOINTING JOHN DONNELLY TO
THE GATES CONSERVATION ADVISORY
BOARD FOR A TWO YEAR TERM; SAID
TERM TO EXPIRE MAY 1, 2017**

RESOLUTION 92-17: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby re-appoints John Donnelly to the Gates Conservation Advisory Board for a two (2) year term; said term to expire May 1, 2019.

Seconded by Councilman Cordero.

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

Motion Carried.

**APPROVING THE 2018/19 EXTENSION
AMENDMENTS FOR THE NEW YORK STATE
SNOW & ICE CONTRACT**

RESOLUTION 93-17: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby approves the 2018/19 Extension Amendments for the New York State Snow & Ice contract.

Seconded by Councilman DiPonzio..

VOTE; Cordero – aye; DiCaro- absent; DiPonzio – aye; Tucciarello – aye; Assini – aye.

Motion Carried.

**SCHEDULING A PUBLIC HEARING TO CONSIDER
THE APPLICATION OF MCM NATURAL STONE, INC.
FOR A CONDITIONAL USE PERMIT FOR OUTDOOR STORAGE OF
CONSTRUCTION MATERIALS AT 595 TRABOLD RD.**

RESOLUTION 94-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that a Public Hearing be scheduled for Monday, June 5, 2017 at 7:10 P.M. to consider the above captioned application.

Seconded by Councilman Cordero.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Assini appointed Councilman Cordero and Councilman DiPonzio to be members of the Memorial Day committee and coordinate the event with the Recreation and Parks Department. The ceremony will take place on the front lawn of the Gates Town Hall on May 29, 2017 beginning at 9:00 A.M.

Councilman Tucciarello reminded everyone of the Lions Club Geranium Sale on May 13, 2017. Pre-ordered flowers can be pick-up at Fire Station #1 on Chili Ave.

**ACCEPTING THE SUPERVISOR'S REPORT
FOR THE MONTH OF APRIL 2017**

Supervisor Assini read his report for the month of April 2017 showing the following:

TOTAL RECEIPTS	\$199,808.47
TOTAL DISBURSEMENTS	\$1,068,025.04
WARRANTS	
GENERAL FUND	
Accounts Payable	
CI# 0227 – 0384	\$56,809.19
HIGHWAY FUND	
Accounts Payable	
CI # 0084 – 0111	\$33,307.51
LIBRARY FUND	
Accounts Payable	
CI # 0065 – 0091	\$23,668.69

Supervisor Assini noted for the record that the warrants for the month of March 2017 have been examined by the Town Board and paid.

RESOLUTION 95-17: 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 2017 as read, and the warrants for April 2017 as read; subject to the approval of the Gates Town Board.

Seconded by Councilman DiPonzio.

VOTE: Cordero – aye; DiCaro – absent; DiPonzio – aye; Tucciarello – aye; Assini – aye.
Motion Carried.

**ACCEPTING THE TOWN CLERK'S REPORT
FOR THE MONTH OF APRIL 2017**

The Town Clerk read the report for the month of April 2017 showing the following:

TOTAL REVENUES TO THE SUPERVISOR	\$19,430.60
TOTAL NON-LOCAL REVENUES	1,595.27
TOTAL REVENUES COLLECTED	\$26,025.87

RESOLUTION 96-17: 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 April 2017 as read.

Seconded by Councilman Cordero.

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

Motion Carried.

PERSONNEL STATUS REPORT – NONE

There being no further business to come before the Town Board, Councilman Cordero 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 7:50 P.M.

Town Clerk