

August 7, 2017

The Gates Town Board held two Public Hearings and its regular meeting on August 7, 2017 at the Gates Town Hall, 1605 Buffalo Rd. and beginning at 7:15 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
Daniel G. Schum	Town Attorney
Shirley Quinlan	Deputy Town Clerk

Absent: Cosmo A. Giunta Town Clerk

7:15 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
JUSTIN MACCARTHY (NEW OWNER)
FOR A CONDITIONAL USE PERMIT TO
OPERATE A MCDONALD'S FAST-FOOD
RESTAURANT LOCATED AT 1965 CHILI AVE.**

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. MacCarthy addressed the Town Board. He stated that everything will remain as is. There will not be any structural changes to the building and the hours of operation will remain the same as the previous operation.

Supervisor Assini stated that all terms and conditions of the original Conditional Use Permit are to be adhered to. The term of the Conditional Use Permit is one (1) year (through August 7, 2018); and it is to be renewed yearly.

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

RESOLUTION 120-17: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby renews the Conditional Use Permit for Justin MacCarthy to operate a McDonald's fast-food restaurant located at 1965 Chili Ave. for a period of one (1) year (through August 7, 2018); subject to the same terms and conditions applicable to the original permit.

Seconded by Councilman Cordero.

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

Motion Carried.

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

7:16 P.M. PUBLIC HEARING

**CONSIDERING THE APPLICATION OF
MICHAEL ZAZZARO OF CHEF'S
CATERING OF UPSTATE NEW YORK INC.
FOR A CONDITIONAL USE PERMIT TO
OPERATE A FOOD SERVICE BUSINESS AT
1273 CHILI AVE.**

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

Mr. Zazzaro addressed the Town Board. He stated that this will be a catering service. There will not be any sit-down restaurant at the location. He will eventually do some catering for the banquet facility at the hotel. Food will be prepared there and distributed to various locations.

Councilman DiCaro asked if there had been any problems with code compliance in the past.

Mr. Zazzaro replied it concerned the parking for his trucks; however, it has been corrected. The trucks are being parked behind the building, to the right of the back door.

Supervisor Assini asked what the hours of operation would be. Mr. Zazzaro replied the hours will be open seven days a week; 7:00 A.M. to 11:00 P.M.

RESOLUTION 121-17: Motion by Supervisor Assini who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Michael Zazzaro to operate a food catering service at 1273 Chili Ave.; subject to the following conditions:

1. The term of the Conditional Use Permit is one (1) year.
2. Hours of operation to be: seven (7) days a week; 7:00 A.M. to 11:00 P.M.
3. The applicant is to adhere to all Town of Gates Codes and regulations.

Seconded by Councilman DiPonzio.

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

Motion carried.

Supervisor Assini adjourned the Public Hearing at 7:25 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 122-17: Motion by Councilman Tucciarello who moved its adoption:

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

Seconded by Councilman Cordero.

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

AUDIENCE PARTICIPATION – NONE

OLD BUSINESS – NONE

PRESENTATION OF PROCLAMATIONS TO THE LIONS INTERNATIONAL ON IT 100TH ANNIVERSARY

Proclamations of praise and gratitude for their excellent work and service to the community were presented to the Lions International on their 100th anniversary by New York State Senator Joseph E. Robach, Monroe County Legislators Frank X. Allkofer, Tony Micciche and Supervisor Mark W. Assini.

NEW BUSINESS

CONSIDERING THE RENEWAL OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING BUSINESSES:

**HUNAN GARDEN – 781 SPENCERPORT
RD.; STURDI-BUILT SHEDS – 2345
BUFFALO Rd.; SHMEG’S RESTAURANT –
3027 BUFFALO RD.; BLM CONSTRUCTION –
3392 BUFFALO RD.; 246 SPENCERPORT LLC –
246 SPENCERPORT RD.; DOLOMITE RUBBLE –
1075 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 violations against these businesses. They find no reason why the Conditional Use Permits for these businesses should not be renewed.

RESOLUTION 123-17: 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 August 7, 2018); 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.

**CONSIDERING A HOLD HARMLESS
RESOLUTION FOR THE RETIREES
FROM ALTERATIONS TO THE EXISTING
CONTRACTUAL OBLIGATION FOR
HEALTH CARE**

Supervisor Assini explained in detail the background information that resulted in the request for this resolution.

Councilman DiCaro stated that there should have been some advance notice of the changes to the health benefits for the retirees.

Supervisor Assini stated that they meant no hard will and they will need to be more careful in the future.

RESOLUTION 124-17: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby approves a Hold Harmless Resolution for the Retirees from alterations to the existing contractual obligation for health care.

Seconded by Councilman Tucciarello.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman Cordero stated that the new Town sign is complete; it’s up and running and looks great.

Councilman DiPonzio reminded everyone of the Party in the Park – the Recreation & Parks Department’s 60th Anniversary celebration. It will take place on Saturday, August 12, 2017 at Gates Memorial Park.

Supervisor Assini reported that repairs to the Trolley Blvd. bridge will be starting and Trolley Blvd. will close on August 10, 2017 for approximately three months or possibly longer.

REPORTS

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

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

TOTAL RECEIPTS	\$382,795.90
TOTAL DISBURSEMENTS	\$1,224,299.60

WARRANTS

GENERAL FUND

Accounts Payable CI # 0581 – 0694	\$132,369.65
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HIGHWAY FUND

Accounts Payable CI # 0181- 0215	\$61,811.13
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LIBRARY FUND

Accounts Payable CI # 0142 – 0171	\$23,102.88
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Supervisor Assini noted for the record that the warrants for the month of June 2017 have been examined by the Town Board and paid.

RESOLUTION 125-17: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Supervisor's Report for the month of July 2017 as read and the warrants for July 2017 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 JULY 2017**

The Deputy Town Clerk read the Town Clerk's Report for the month of July 2017 showing the following:

TOTAL REVENUES TO THE SUPERVISOR	\$19,353.76
TOTAL NON-LOCAL REVENUES	2,235.10
TOTAL REVENUES COLLECTED	\$21,588.86

RESOLUTION 126-17: Motion by Councilman Cordero who moved its adoption:

Resolved that the Gates Town Board hereby accepts the Town Clerk's Report for the month of July, 201111 as read.

Seconded by Councilman DiPonzio.

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

Motion Carried.

PERSONNEL STATUS REPORT -

No changes for the month of July 2017.

There being no further business to come before the Town Board, Councilman Cordero 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 8:00 P.M.

Town Clerk