

December 7, 2020

The Gates Town Board held its Regular Town Board meeting on Monday, December 7, 2020 at the Town Hall Meeting Room and via Zoom at 7:30PM. Those attending the meeting were as follows:

Cosmo A. Giunta	Supervisor
Lee A. Cordero	Councilman
Christopher B. DiPonzio	Councilman
Andrew M. Loughlin	Councilman
Steve Tucciarello	Councilman [Via Zoom]
Daniel G Schum	Town Attorney
Mackenzie Meyer	Deputy Town Clerk

### **7:30PM REGULAR TOWN BOARD MEETING**

Supervisor Giunta called the meeting to order at 7:30PM. He began with a moment of silent prayer and Pledge of Allegiance, led by Councilman DiPonzio.

**RESOLUTION 163-20** Motion by Councilman Cordero to approve

The Gates Town Board hereby approves the minutes of November 4, 2020 Public Hearings and regular Town Board meeting and December 2, 2020 Special Meeting as received.

Seconded by Councilman DiPonzio

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

**Motion Carried.**

### **AUDIENCE PARTICIPATION**

Monroe County Legislator Frank Allkofer greeted the Town Board and welcomed Mr. King and his family who he recognized for their quick response to some suspicious activity on November 1, 2020 at their Gates residence. Mr. King quickly notified the Gates Police Dept. and the suspects were caught. Legislator Allkofer commented that the Town of Gates has incredible people who get involved and take care of one another. He then presented Mr. King with a Proclamation.

Gates Police Lieutenant Robert Long also thanked Mr. King on behalf of the Gates Police Department for his response and following through after getting notified on their Ring. Lt. Long continued that approximately an hour later the suspects were apprehended and taken into custody. Unfortunately they had broken into and gone through a few more cars, but said that the officers and neighbors appreciate Mr. King taking action.

Supervisor Giunta reiterated what Frank Allkofer and Lt. Long said and stated that because of people like the Kings they help keep our Community safe and thanked him for taking action and doing the right thing.

Mr. King thanked everyone for the award, and the Gates Police Department for the quick response.

Councilman Andrew Loughlin also commented that most likely a few Christmas' were saved by Mr. Kings actions. With all the on-line shopping being delivered to houses, there could have been a lot of unhappy children and parents.

Supervisor Giunta welcomed Senator Joe Robach.

Senator Robach thanked the Supervisor, the Town Board as well as Mr. King and noted he probably did the perps a favor, with getting them off the streets with a minor crime and hopefully preventing major crimes in their future.

Senator Robach called up County Legislator Frank Allkofer. He said one of the nicest things that the State Senate gets to participate in is the New York State Veterans Hall of Fame and normally there is a ceremony held in Albany with people from all over the state come to participate in the event, but this year with COVID it will be held virtually, but Frank will be included in this honor. Senator Robach stated that for years he wanted to recognize Frank with this honor, but because he is such a humble person didn't want it. This being his last year in the Senate he insisted in giving this Frank. There are many veterans worthy of this honor and Frank being one of them. Frank served in Vietnam, sustaining injuries, was an asset to his team in the United States Army and most impressive is Frank is a Vets, not just in combat but s Veterans Vet post service. Frank is always there to help Veterans with Honor Flight, giving rides for medical care, Wreaths Across, America, Memorials, whatever it may be. Frank is not just talk about helping, he does it, he is an asset to the whole county, especially in the Town of Gates, his home town.

Senator Robach presented Frank with a plaque signifying he is in the US Veterans Hall of Fame. He mentioned there are 62 people chosen each year and presented Frank with a poster that is put up along with a booklet published with each of them in it for all to see, read and keep. Frank is the first one honored and on page 1.

Supervisor Giunta congratulated Leg. Allkofer and added it is well deserved.

Leg. Allkofer thanked the Senator for the honor and recapped that it's been just over eight years since working with Joe who has been a mentor to him and has advised him in so many issues, along with great latitude in the office to do so many things especially assisting Veterans. Each day including weekends there are so many phone calls from Veterans with injuries or illness, and some situations are very critical. He also thanked the Senator for the new Memorial going up in Highland Park and for his continued support for the Veterans.

Supervisor Giunta thanked Senator Robach, personally and on behalf of the Town Board, for his many years of service, not only to the community, but here in the Town of Gates. Since he started working for the town has seen him always participating at events and has always been a friendly face and hopes to someday emulate what the Senator has accomplished.

Councilman Chris DiPonzio thanked Senator Robach for being a true Statesman with integrity and stated he is like the James Brown of politics, the hardest working man he knows.

Supervisor Giunta also congratulated Joe on his recent marriage along with his new bride Maria who also was present.

Councilman Andrew Loughlin Congratulated Joe and Maria and also thanked the Senator for all he has done and also congratulated and thanked Frank Allkofer for his accomplishments.

Councilman Lee Cordero thanked the Senator for everything he has done throughout the years.

Councilman Steve Tucciarello thanked the Senator for his leadership throughout the years

**OLD BUSINESS****NEW BUSINESS**

**CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS  
FOR THE FOLLOWING:**

**142 BUELL LLC at 142 BUELL RD.; TACO BELL #24797 at 2317 LYELL AVE.;  
LITTLE CAESAR'S PIZZA at 2394 LYELL AVE.; KENTUCKY FRIED  
CHICKEN at 2222 LYELL AVE.; DEPAUL COMMUNITY SERVICES at  
1931 BUFFALO RD.; JACK'SS BBQ & PIZZA at 3055 BUFFALO RD.;  
TIM HORTON'S at 1563 SPENCERPORT RD.;  
T&T REDEMPTION CENTER INC. at 485 SPENCERPORT RD.;  
CARAGLIO'S PIZZERIA at 3869 LYELL RD.**

Supervisor Giunta stated that he has reviewed the files and there are no violations found for any of these businesses and finds no reason why the Conditional Use Permits for all should not be renewed and should be approved on mass.

**RESOLUTION 164-20** Motion by Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following: 142 Buell LLC at 142 Buell Rd.; Taco Bell #24797 at 2317 Lyell Ave.; Little Caesar's Pizza at 2394 Lyell Ave.; Kentucky Fried Chicken at 2222 Lyell Ave.; DePaul Community Services at 1931 Buffalo Rd.; Jack'ss BBQ & Pizza at 3055 Buffalo Rd.; Tim Horton's at 1563 Spencerport Rd.; T & T Redemption Center Inc. at 485 Spencerport Rd.; Caraglio's Pizzeria at 3869 Lyell Rd

Seconded by Councilman Loughlin

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

**Motion Carried.**

**SCHEDULE PUBLIC HEARINGS STARTING AT 6:30PM  
FOR CONDITIONAL USE PERMITS FOR  
PINKESH PATEL TO OPERATE RODEWAY INN;  
GAIL GALLIPEAU TO OPERATE CRAVE 360;  
YOUSEF MOHAMMAD ABDULLAH TO OPERATE  
TASTE THE ISLAND; FOR TWO FOR HUSSEIN SALAH TO 1. OPERATE A  
FAST-FOOD RESTAURANT AND 2. A GASOLINE SERVICE STATION;  
MARK VAN EPPS, BRICKWOOD MANAGEMENT CORP. TO REZONE**

**RESOLUTION 165-20:** Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, January 4, 2021 starting at 6:30PM to consider the applications for: Conditional Use Permit for Pinkesh Patel to Operate Rodeway Inn, a Hotel in a General Business District, located at 1273 Chili Ave. Suite 1.; Conditional Use Permit for Gail Gallipeau to Operate Crave 360, a Restaurant in a General Industrial District, located at 250 Pixley Rd.; Conditional Use Permit for Yousef Mohammad Abdullah to Operate Taste the Island, a Fast-food Restaurant in a Neighborhood Business District, located at 3095 Buffalo Rd.; two Conditional Use Permits for Hussein Saleh to 1. Operate, a Fast-food Restaurant and 2. Gasoline Service Station in a Neighborhood Business

District, located at 2206 Buffalo Rd.; Brickwood Management Corporation / Mark Van Epps to Rezone a 34.48 acres parcel from PUD district to R-1 (residential) and MR (Multi-Resident) districts, located at 3419 Buffalo Road.

Seconded by Councilman Cordero

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

**Motion Carried.**

**SCHEDULING THE 2021 TOWN OF GATES ORGANIZATIONAL MEETING AND THE REGULAR JANUARY TOWN BOARD MEETING**

**RESOLUTION 166-20** Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules the organizational meeting on Monday, January 4, 2021 at 9:00AM. Also scheduled the regular Town Board meeting on Monday, January 4, 2021 at 7:30PM.

Seconded by Councilman Cordero.

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

**APPROVING THE CONTRACT BETWEEN COMPANION ANIMAL HOSPITAL, 2800 WEST HENRIETTA RD. 14623 AND THE TOWN OF GATES ANIMAL CONTROL FOR ONE YEAR ENDING DECEMBER 31, 2021**

**RESOLUTION 167-20** Motion by Councilman Cordero, .who moved its adoption:

Resolved, that the Gates Town Board hereby Approves the Contract between Companion Animal Hospital, 2800 West Henrietta Rd. 14623 and the Town of Gates Animal Control for one year ending December 31, 2021

Seconded by Councilman DiPonzio

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

**APPROVING THE ACCEPTANCE OF DONATION OF OFFICE FURNITURE FROM GALLINA DEVELOPMENT FOR OUR GATES LIBRARY**

**RESOLUTION 168-20** Motion by Councilman Loughlin, who moved its adoption:

Resolved, that the Gates Town Board hereby Approves the acceptance of donation of office furniture from Gallina Development for our Gates Library

Seconded by Councilman Tucciarello

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

**APPROVING THE ACCEPTANCE OF THE CORONAVIRUS AID, RELIEF AND  
ECONOMIC SECURITY ACT [CARES]**

**RESOLUTION 169-20**

INTRODUCED BY: Councilman Lee Cordero

SECONDED BY: Councilman Chris DiPonzio

**WHEREAS**, the Congress of the United States passed the Coronavirus Aid, Relief and Economic Security Act (“CARES”) to assist communities with the economic impacts of COVID-19; and

**WHEREAS**, the County of Monroe is an eligible unit of Local Government under the CARES Act and has received a funding allocation of relief funds under the Act; and

**WHEREAS**, the County desires to distribute a portion of the allocated funds to the Town of Gates, and has required the Town of Gates to enter into an Intermunicipal Agreement for CARES Act Distribution as a condition of such distribution;

**NOW, THEREFORE**, be it resolved by the Town Board of the Town of Gates, Monroe County, New York, as follows:

Section 1. That the Supervisor, be and he hereby is, authorized to execute an Intermunicipal Agreement for CARES Act Distribution Agreement with the County of Monroe whereby and pursuant to the terms of which the Town of Gates will receive \$791,740.91, together with any additional funds the County may make available at its sole discretion.

Section 2. That the Town of Gates shall submit such Certification and Documentation as is required to substantiate the expenditure of such relief funds.

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

**NEW BUSINESS OF COUNCIL MEMBERS**

Supervisor Giunta reminded everyone that the Town held a Rapid COVID testing site at Dunn Tower I and II last Friday, December 4, 2020, over 250 tests were administered. There are also two drive up testing sites scheduled for December 9<sup>th</sup> and 16<sup>th</sup>, 2020 at Memorial Park at 160 Spencerport Rd, Gates, NY. Both dates were via scheduling on website and are completely booked. Supervisor Giunta is looking into adding more dates if testes are available, possibly the following weeks or in January due to the Holiday, but would like to stay with Wednesdays, but possibly add Thursdays. It does take a lot of collaboration with staffing, volunteers and the County. There has been a lot of positive feedback

Councilman Loughlin thanked Jim Campbell and his crew for all the Christmas decoration in the front lawn. He said everything looks festive and beautiful and so many people are enjoying it.

Councilman DiPonzio added on behalf of the Town Board, Happy Holidays to everyone

Supervisor Giunta agreed with both councilmen and wishes everyone a Happy Holiday, Merry Christmas and Happy New Year, and may it be a Healthy one. Hoping we get out of the orange zone, and hopefully the testing will help get the numbers down. He wants to do testing at St. Jude’s and possible other centers to help those who can’t get out.

**REPORTS****SUPERVISOR'S****ACCEPTING THE SUPERVISOR'S  
REPORT FOR THE MONTH OF NOVEMBER 2020****WARRANTS****GENERAL**

CLAIMS # A20-0822 – A20-1032	\$65,101.42
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**HIGHWAY**

CLAIMS # D20-0475 – D20-0531	\$46,077.75
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**LIBRARY**

CLAIMS # L20-0169 – L20-0191	\$44,811.27
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<b>TOTAL DISBURSEMENTS</b>	<b>\$1,310,473.76</b>
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<b>TOTAL RECEIPTS</b>	<b>\$1,055,772.32</b>
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Supervisor Giunta noted for the record that the warrants for the month of November 2020 have been examined by the Town Board and paid.

**RESOLUTION 170-20** Motion by Councilman Loughlin who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of November 2020 as read; and the warrants for the month of November 2020 as read.

Seconded by Councilman DiPonzio

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

**Motion Carried.**

**ACCEPTING THE TOWN CLERKS REPORT  
FOR THE MONTH OF NOVEMBER 2020**

The Deputy Town Clerk read the report for the month of November 2020 showing the following:

TOTAL REVENUE COLLECTED	\$29,335.59
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TOTAL REVENUE TO THE SUPERVISOR	\$27,893.15
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TOTAL NON-LOCAL REVENUE	\$1,442.44
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**RESOLUTION 171-20** Motion by Councilman Cordero who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of November 2020.

Seconded by Councilman DiPonzio

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

**Motion Carried.**

**PERSONAL STATUS REPORT**

The Deputy Town Clerk read the Personnel Status Report for the month of November 2020.  
No changes.

There being no further business to come before the Town Board, Supervisor Giunta motioned to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 8:00 PM.

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Deputy Town Clerk