

March 1, 2021

The Gates Town Board held four (4) Public Hearings and its Regular Town Board meeting on Monday, February 1, 2021 at the Town Hall Meeting Room at 7:00PM. 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
Daniel G Schum	Town Attorney
Veronica Owens	Town Clerk

**7:00PM PUBLIC HEARING**

**CONSIDERING A CONDITIONAL USE PERMIT FOR GAIL GALLIPEAU  
TO OPERATE CRAVE 360, A RESTAURANT,  
AT 250 PIXLEY RD., IN A GENERAL INDUSTRIAL [GI] DISTRICT**

Supervisor Giunta called the Public Hearing to order at 7:05PM.

Town Attorney, Dan Schum verified that in respect to tonight's Public Hearings, the Legal Notice for all were properly published in official newspaper as required by law.

Supervisor Giunta welcomed the applicant and thanked her for posting the Public Notice signs and noticed she has rebranded the business and asked her hours of operation. These will be put on the Conditional Use Permit, so it must be stated correctly

Gail Gallipeau, 250 Pixley Rd, replied they needed to rebrand the business and that the hours of operation right now during COVID19 are shortened, and differ from normal business

Councilman DiPonzio explained she can use shorter hours if need be, but would not be able to be expanded later when things go back

Mrs. Gallipeau replied then it would be Tuesday through Saturday, noon-11:00pm, being closed Sunday and Monday.

Supervisor Giunta, due to the conditions and guidelines made by the Governor, he wants Mrs. Gallipeau to be sure to be aware and follow all conditions and guidelines going forth, because they do change daily.

Mrs. Gallipeau understood them as she belongs to the National Restaurant Association and had weekly meetings.

Attorney Schum the issuance of any permit is under these conditions, would be for Mrs. Gallipeau to comply with any, State, Federal and Local Law changes

Mrs. Gallipeau responded they have already been compliant throughout this entire year

Supervisor Giunta added the going forward there will be a need for compliance with the Town for any permits that may be needed going forward such as any type of construction or modifications to the building.

He also stated that a new Operational Permit is needed because of the name change to Crave 360 as well as the Outstanding Invoices from 2019 Festival that are still unresolved. Supervisor Giunta would like it to be resolved by the end of this year (2021) and will be placed on as a condition.

Mrs. Gallipeau responded, there will not be any live entertainment or changes and that actually the business is currently up for sale.

Attorney Schum added that the Conditional Use Permit would expire if building is sold. It is not transferrable and would be subject to the same conditions with a letter of compliance if a purchaser wants to purchase just the business, they would need to approach the town.

Councilman Cordero, ask that all the licenses including liquor are up to date and asked why she changed the name of the business and also asked why they are changing the name.

Mrs. Gallipeau responded the licenses are current and as far as the name change, they are going back to just food and no live music, because they couldn't keep up with the regulations and permits required from the town, They were a event venue with live music and parties and couldn't provide advance notice as well as paying the \$300.00 permit fee each time when they would have live entertainment 3 to 4 times a week was not possible, so they decided to go back to just food and parties.

Councilman Cordero asked to clarify if they could not have any live entertainment because of the state regulation.

Mrs. Gallipeau responded no not the state but because of the town requiring the advance notice of the events and added the state didn't come into play until later in the summer.

Supervisor Giunta wanted to clarify that with Chapter 76 it is for Special Events, like a promoted and charged event. Live Music is allowed, as long as not charging for it.

Mrs. Gallipeau, responded they charge for live music and have too as they are hiring the musicians close to \$2,000 on the low end for them and therefore need to charge a cover charge to offset the cost.

Supervisor Giunta asked councilmen for any other questions or comments and then opened anyone from the audience. Hearing none closed the public hearing.

**RESOLUTION 60-21:** Motion by Councilman Loughlin who moved into adoption:

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for Gail Gallipeau to operate Crave 360 a Restaurant, at 250 Pixley Rd, in a General Industrial (GI) District.

**Hours of Operation:            Tuesday-Saturday    Noon-11:00PM  
   Sunday & Monday    Closed**

**All Outstanding Fees or Municipal Charges MUST be PAID by December 31, 2021**

Seconded by Councilman Tucciarello

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

**Motion Carried.**

**PUBLIC HEARING****CONSIDERING A CONDITIONAL USE PERMIT FOR TANYA PALERMO  
TO OPERATE, A TRACTOR TRAILER PARKING LOT,  
AT 48 PIXLEY INDUSTRIAL PARKWAY, IN A  
GENERAL INDUSTRIAL [GI] DISTRICT**

Supervisor Giunta welcomed the applicant and thanked her for posting the Public Notice signs

Tanya Palermo, was here a year ago asking to amend the CUP for the Marway Circle location and due to their business expansion and the restriction and loss of parking opportunities for some truckers at the store parking lots are looking to expand their own and would like to buy (4) four-acres of property on 4 Pixley Industrial Parkway, but want to be sure to secure a Conditional Use Permit prior to the purchase. They want to have the area cleaned up and ready to go buy summer, hiring an engineer and working with the Town of Gates Building Department to get it ready and also having a fence and cameras for security, to be sure there are No issues or problems.

Supervisor Giunta confirmed with the applicant, that a site plan approval would be needed if this was to be passed. He also asked how many trucks would be housed on this property?

Ms. Palermo responded there would be approximately 40 Trucks/Cars as well as a storage container. The cars would replace the tractor trailer. It would be under the same conditions as on Marway Circle and include one storage container if need for some storage on the property.

Supervisor Giunta asked if Ms. Palermo was the business owner?

Ms. Palermo, replied No, her husband is, she helps because she speaks better English than him.

Councilman Cordero asked if there would be any flatbed or car puller trailers as all are considered tractor trailers.

Ms. Palermo replied they don't really deal with those type of trailers but yes there could be some.

Councilman DiPonzio clarified the 40 vehicles total, could be a combination of trailers and cars for example there could be 35 trailers and 5 cars but no more than 40 vehicles.

Ms. Palermo agreed and doesn't believe that would even get to 40 for a while.

Councilman DiPonzio asked if they deal with the same issue of truckers leaving a mess for them to clean up after.

Ms. Palermo, actually doesn't have that issues with their truckers, because their property has cameras and her husband would get angry, but actually the suffer more with Wendy's and people not respectfully throwing away garbage property, so they need to clean up and this year they had an issue with stolen license plates off the trucks, but not in view of the security cameras. There was a police report made. They didn't add fencing to the Marway property, but want to at the Pixley Site.

Supervisor Giunta opened it up to the floor and asked if anyone from the audience wanted to come up. Hearing none closed the public hearing.

**RESOLUTION 61-21:** Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Tanya Palermo to operate a Tractor Trailer Parking Lot at 48 Pixley Industrial Parkway in a General Industrial (GI) District, for a total of 40 Trucks/Cars, and One Storage container with an Approved Site Plan from the Planning Board

Seconded by Councilman Cordero

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

**Motion Carried.**

## **PUBLIC HEARING**

### **CONSIDERING A CONDITIONAL USE PERMIT FOR JAMES CAMMILLERI TO OPERATE BURGER KING, A FAST-FOOD RESTAURANT, AT 4 SPENCERPORT RD., IN A GENERAL BUSINESS [GB] DISTRICT**

Supervisor Giunta asked if the applicant was here.

Todd Markevicz with APD Engineering & Architecture, PLLC here representing Mr. Cammilleri to secure a Conditional Use Permit at 4 Spencerport Rd., the former Friendly's building. The proposal is to do an entire interior renovation to transform into a Burger King Restaurant with a double Drive-thru in the rear. Due to being located in a (GB) General Business District, a Conditional Use Permit is required. They have applied and were given Preliminary Approval by the Planning Board last week. It seems the reuse of the property is a good fit with the community

Supervisor Giunta thanked them and appreciates that they are repurposing the existing building and not tearing it down because he believes it's a beautiful building.

Councilman Cordero confirmed they present to the Planning Board and it went well and doesn't foresee and issues with planning or concept presented.

Supervisor Giunta asked about the hours of operation and how many employees

Mr. Markevicz replied seven days a week, Sunday-Saturday, 7:00am-Midnight. The dining room will close at 11:00pm and Drive-thru at Midnight, with approximately 20 employees.

Supervisor Giunta, asked if this franchisee owns any other Burger King locations in the area?

Mr. Markevicz, replied he does, in Depew, Hamburg, a couple in Downtown Rochester and recently acquired up to 40, in the New England region and is doing quite a bit of work. Burger King is going through a national rebranding, with a much more modern looking buildings.

Councilman Cordero asked when they plan to start renovations?

Mr. Markevicz replied as soon as all the approvals including Final Site Plan approval at the next Planning Board meeting. Looking at the early part of April

Councilman DiPonzio asked best case scenario on when it would be completed?

Mr. Markevicz replied about (3-6) three-six-month time period of open.

Supervisor Giunta opened it up to the floor and asked if anyone from the audience wanted to come up. Hearing none closed the public hearing

**RESOLUTION 62-21:** Motion by Supervisor Giunta who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for James Cammilleri to operate Burger King, a Fast Food Service, at 4 Spencerport Rd, in a General Business (GB) District.

**Hours of Operation:**

**Seven (7) Days a week      7:00AM-Midnight**

Seconded by Councilman Tucciarello

**PUBLIC HEARING**

**TO AMEND CHAPTER 147 OF THE TOWN OF GATES CODE  
CONCERNING THE REGISTRAION OF  
DEFAULTED MORTGAGED PROPERTY**

Councilman Tucciarello, currently have a local law that says banks that oversees or owns property that are vacant, which are referred to as Zombie homes, would once a year need to register with the Town, with specifics like, who owns the property, or the managements company, who do “we” call in an emergency. What was realized is that banks are selling these types of properties so fast that the town if falling behind on information of whose ownership it is. To combat that, the Town is going to every (6) Six-months, reregistering the properties that the banks have. This will help with up-to-date information, which is the basis of what’s going on

Supervisor Giunta asked if Board members had any other questions or comments and then opened it up to the public. Hearing none closed the public hearing.

Attorney Schum added that this type 2 action is legislative in function and is subject to a negative declaration of environmental significance.

**RESOLUTION 63-21:** Motion by Councilman Tucciarello who moved its adoption:

**WHEREAS**, the Town of Gates previously adopted Chapter 147 of the Code of the Town of Gates concerning the registration of defaulted mortgaged property; and

**WHEREAS**, the Town Board wishes to amend Chapter 147 of the Code to provide among other things: semi-annual registration of defaulted properties and to make certain other Amendments 147, all as more particularly set forth in full in the proposed Local Law; and

**WHEREAS**, it is necessary for the Town Board of the Town of Gates to hold and conduct a public hearing to consider the enactment of Introductory Local Law #3-2021;

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

LOCAL LAW No. 3-2021

Town of Gates, NY

A LOCAL LAW, AMENDING CHAPTER 147, OF THE TOWN CODE OF THE TOWN OF GATES ENTITLED, "REGISTRATION OF DEFAULTED MORTGAGED PROPERTY"; PROVIDING FOR RETITLE, PURPOSE, INTENT AND APPLICABILITY OF THE LOCAL LAW REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES; PROVIDING FOR PENALTIES AND

ENFORCEMENT, AS WELL AS THE REGULATION. LIMITATION AND REDUCTION OF REGISTRABLE REAL PROPERTY WITHIN THE MUNICIPALITY; PROVIDING FOR SEVERABILITY. REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Gates Board (Board) desires to further protect the public health, safety and welfare of the citizens of the incorporated area of the Town of Gates and maintain a high quality of life for the citizens of the Town through the maintenance of structures and properties in the Town; and

WHEREAS, properties that are neglected and have unsecured, accessible structures have a negative impact on community value, create conditions that invite criminal activity, and foster an unsafe and unhealthy environment for children; and

WHEREAS, the mortgage foreclosures have serious negative implications for all communities trying to manage the consequences of properties that have defaulted mortgages are in the foreclosure process, foreclosed upon and/or mortgagee owned; and

WHEREAS, properties with defaulted mortgages that are neglected and have unsecured accessible structures have a negative impact on community value, create conditions that invite criminal activity, and foster an unsafe and unhealthy environment for children; and

WHEREAS, often times, the foreclosing party or property owners are often out of state, and there is no local contact for such a property, which makes it difficult to notice the proper party of the violations of the Town Code, and to maintain the requisite level of maintenance and security on such structures or lots; and

WHEREAS, the Board recognizes an increase in the number of properties with mortgages subject to foreclosure action or foreclosed upon, (hereinafter referred to as "registrable properties") located within the Town which lead to a decline in property value, create nuisances and lead to a general decrease in neighborhood and community aesthetic; and

WHEREAS, the Board has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Board recognizes in the best interest of the public health, safety and welfare a more regulated method is needed to discourage registrable property owners and mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Board has a vested interest in protecting neighborhoods against decay caused by registrable property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of registrable property located within the Town to discourage registrable property owners and mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Board desires to amend the Town's code in order to amend the property registration process that will identify a contact person to address safety

and aesthetic concerns to minimize the negative impact and conditions that occur as a result of vacancy, absentee ownership and the foreclosure process: and

WHEREAS, upon passage, duly noticed public hearings, as required by law, will have been held by the Board, at which public hearings all residents and interested persons were given an opportunity to be heard;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF GATES BOARD:

The Board finds that the implementation of the following changes and additions will assist the Town in protecting neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership and lack of compliance with existing regulations and laws.

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Local Law upon the adoption hereof

SECTION 2. That the Board does hereby amend the Town of Gates Code by amending Chapter 147 entitled "Registration of Defaulted Mortgage Property" retitling the chapter "Registration of Defaulted and Vacant Properties" to read as follows:

Seconded by Councilman Loughlin

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

**Motion Carried.**

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

Supervisor Cosmo 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 64-21** Motion by Councilman DiPonzio to approve

The Gates Town Board hereby approves the minutes of February 1, 2021 Public Hearings and regular Town Board meeting as received.

Seconded by Councilman Cordero

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

**Motion Carried.**

## **AUDIENCE PARTICIPATION**

None

## **OLD BUSINESS**

None

**NEW BUSINESS**

**APPOINTING ZACHARY TROUT AND TIMOTHY O'KEEFE  
TO THE POSTION OF POLICE OFFICERS WITH  
THE GATES POLICE DEPARTMENT**

Chief VanBrederode addressed the Town Board thanking them for allowing to replace the vacant position of retired officer Silvio Palermo and also that they will be swearing in a part-time officer to assist with the Wegmans security detail.

Zachary Trout is transferring over from MCC Public Safety where he was there for 3 years and resides in the Town. Benefit is that he is already certified as police officer and will only have to go through the field training program. He has is Bachelors from Niagara University and believes that Zach would be a good candidate.

Mr. Trout address the board thanking for the opportunity and to be able to serve in the town he resides in.

Councilman Cordero stated he is joining one of the finest police departments in the county. The other councilman welcomed him to the town as well.

**RESOLUTION 65-21** Motion by Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby Appoints Zachary Trout to the positions of Police Officers with the Gates Police Department

Seconded by Councilman DiPonzio

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

**Motion Carried.**

Chief VanBrederode swore in Officer Trout with his family at his side.

He also wanted to introduce Timothy O'Keefe, also from MCC Public Safety will be brought in part-time to assist with the Wegmans detail. He is also a certified police officer.

Mr. O'Keefe, greeted the town council and mentioned he also has worked for the County as a part-time deputy sheriff in the parks, road patrol, civil and airport. He was sworn in by the Chief also.

**ADOPTING A RESOLUTION, FOR THE TOWN OF GATES  
POLICING REFORM PLAN IN RESPONSE TO GOVERNOR CUOMO'S  
EXECUTIVE ORDER #203**

Supervisor Giunta mentioned that this draft plan was available to the Public for review for the entire month of February in his office, the police and town clerk's office. He hadn't heard any feedback from any resident on it therefore looking to adopt the drafted plan.

**RESOLUTION 66-21** Motion by Councilman Cordero who moved its adoption:

**WHEREAS**, pursuant to Governor Cuomo's Executive Order #203, all communities which have police departments, are required to establish a written Police Reform and Reinvention Collaborative Plan so as to identify the needs of the community, establish new policies and practices addressing evidence-based strategies, as well as, identifying future reform strategies involving community policing; and



**WHEREAS**, the Town of Gates Police Department with the guidance and direction from Chief VanBrederode has, over a period of months, addressed the need for such police reform and reinvention and did develop a final plan in accordance with the Governor's Executive Order; and

**WHEREAS**, such reform plan has been the subject of public review and comment; and

**WHEREAS**, each member of the Town Board has reviewed such reform plan and recommends that the same be adopted and submitted to the State of New York in accordance with the Governor's Executive Order;

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

Section I. By the adoption of this Resolution, the Town Board of the Town of Gates does hereby adopt the Town of Gates Police Reform and Reinvention Collaborative Plan, dated March, 2021, and does direct that the Town Clerk and the Chief of the Police Department keep the same on file for public inspection and review at all times during normal business hours.

Section II. That a copy of this Plan, as adopted, shall be submitted to the State of New York, Director of the Division of the Budget, State Capital Building, Albany, NY 12210.

**WHEREAS** the NY State Department of Transportation (NYSDOT) has proposed a Shared Services Agreement with the Town of Gates, whereby and pursuant to the terms of which the Town and NYSDOT would share services and exchange or lend materials and equipment so as to affect a cost savings by effective utilization of both parties' resources, and

**WHEREAS** Kurt Rappazzo, Highway Superintendent, recommends that the Town enter into the same for a period of two (2) years, revocable upon 60 days written notice by either party;

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

Section 1. That Kurt Rappazzo, Highway Superintendent of the Town of Gates is authorized to execute a Shared Services Agreement by and between the Town of Gates and NYSDOT.

Seconded by: Councilman DiPonzio

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

**Motion Carried.**

**ADOPTING THE TOWN OF GATES PUBLIC HEALTH EMERGENCY OPERATIONS PLAN IN ACCORDANCE WITH THE AMENDED NEW YORK STATE LABOR LAW SECTION 27-C AND NEW YORK STATE EDUCATION LAW PARAGRAPHS K AND L OF SUBDIVISION 2 OF SECTION 2801-A [AS AMENDED BY SECTION 1 OF B OF CHAPTER 56 OF THE LAWS OF 2016]**

Supervisor Giunta stated this plan was also shared and collaborated with the Police, Library and Highway Unions and will be put in place if there was ever a need in future of another pandemic arising.

**RESOLUTION 67-21** Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby adopts the Town of Gates Public Health Emergency Operations Plan in accordance with the amended New York Labor Law Section 27-c and New York education Law Paragraphs K and L of Subdivision 2 of Section 2801-A [as amended by section 1 of Part B of Chapter 56 of the Laws of 2021]  
Seconded by Supervisor Giunta

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

**Motion Carried.**

**ACCEPTANCE OF MONROE COUNTY / NYS SEAT BELT MOBILIZATION  
GRANT FOR 2021 IN THE AMOUNT OF \$1,750.00**

**RESOLUTION 68-21** Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby accepts the Monroe County / NYS Seat Belt Mobilization Grant for 2021 in the amount of \$1,750.00

Seconded by Councilman Tucciarello

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

**Motion Carried.**

**ACCEPTANCE OF MONROE COUNTY / NYS PTS ENFORCEMENT  
(AGGRESSIVE DRIVING) GRANT FOR 2021 IN THE AMOUNT OF \$5,600.00**

**RESOLUTION 69-21** Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby accepts the Monroe County / NYS PTS Enforcement (Aggressive Driving) Grant for 2021 in the amount of \$5,600.00

Seconded by Councilman Tucciarello

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

**Motion Carried.**

**ACCEPTANCE OF MONROE COUNTY / NYS STOP DWI GRANT FOR 2021  
IN THE AMOUNT OF \$3,000 FOR COURT EXPENSES AND  
\$10,523.36 FOR ENFORCEMENT**

**RESOLUTION 70-21** Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby accepts the Monroe County / NYS Stop DWI Grant for 2021 in the amount of \$3,000.00 for Court Expenses and \$10,523.36 for Enforcement.

Seconded by Councilman Tucciarello

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

**Motion Carried.**

**ACCEPTANCE OF THE CDBG CULVERT REPLACEMENT PROJECT  
IN THE AMOUNT OF \$22,900.00**

**RESOLUTION 71-21** Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Gates Town Board hereby accepts the CDBG Culvert replacement Project in the amount of \$22,900.00.

Seconded by Councilman Tucciarello

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

**Motion Carried.**

**CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS  
FOR THE FOLLOWING:  
MEDHANE ALEM ERITREAN ORTHODOX TEMHDO AT 2445 LYELL RD.,  
AND WESTSIDE FAMILY YMCA AT 920 ELMGROVE RD**

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

**RESOLUTION 72-21** Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following: Medhane Alem Eritrean Orthodox Temhdo at 2445 Lyell Rd. and Westside Family YMCA at 920 Elmgrove Rd.

Seconded by Councilman DiPonzio

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

**Motion Carried.**

**RE-APPOINTING ALAN REDFERN TO THE ZONING BOARD OF APPEALS.  
A FIVE-YEAR (5) TERM TO EXPIRE MARCH 3, 2026 AND  
AMENDING STEPHEN ZIMMER, BOARD ROLE AS AN  
ALTERNATE MEMBER OF THE ZONING BOARD OF APPEALS**

**RESOLUTION 73-21** Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Town of Gates do hereby Re-Appoint Alan Redfern to the Zoning Board of Appeals a five-year (5) term to expire March 3, 2026 and amending Stephen Zimmer board role as an alternate member of the Zoning Board of Appeals

Seconded by: Councilman Loughlin

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

**Motion Carried.**

**APPOINTING KENNETH MARTIN AS AN  
ALTERNATE TO THE GATES PLANNING BOARD FOR A (5) FIVE-YEAR  
TERM TO EXPIRE MARCH 3, 2026**

**RESOLUTION 74-21** Motion by Councilman Cordero who moved its adoption:

Resolved, that the Town of Gates do hereby Appoints Kenneth Martin as an Alternate to the Gates Planning Board for a (5) five-year term, term to expire March 3, 2026.

Seconded by: Councilman DiPonzio

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

**Motion Carried.**

**AMENDING DAVID FERRIS APPOINTMENT AS AN  
ALTERNATE TO THE GATES PLANNING BOARD TO AN ALTERNATE  
MEMBER OF THE ZONING BOARD OF APPEALS FOR A (5) FIVE-YEAR TERM TO  
EXPIRE MARCH 3, 2026**

**RESOLUTION 75-21** Motion by Councilman Cordero who moved its adoption:

Resolved, that the Town of Gates do hereby Amends David Ferris appointment as Alternate member of the Gates Planning board to an Alternate member of the Zoning Board of Appeals, a five-year (5) term to expire March 3, 2026.

Seconded by: Councilman DiPonzio

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

**Motion Carried.**

**ADOPTING A RESOLUTION AUTHORIZING THE TOWN OF GATES TO SELL AND  
TRANSFER REAL PROPERTY TAX ID # 119.15-1-9  
OF THE EAST GATES WATER DISTRICT LOCATED ON HOWARD RD.  
TO ELLIOT S. ZIELINSKI.**

Attorney Schum stated that this application has been on file since before he started as Town Attorney and typically the property would be abandon or sold to adjacent neighbors but in this case they are brothers and have come to an agreement that it should go to Elliot if this so passes.

**RESOLUTION 76-21:** Motion by Councilman Tucciarello its adoption:

**WHEREAS**, the Town Board of the Town of Gates has the authority pursuant to the provisions of Town Law to sell real property owned by the Town no longer needed for municipal purposes; and

**WHEREAS**, the East Gates Water District is the present owner of certain real property located on Howard Road which property is no longer needed by the East Gates Water District or the Town of Gates for municipal purposes; and

**WHEREAS**, the Town desires to sell and transfer such property to Eliot S. Zielinski the owner of property which immediately adjoins the lands of the East Gates Water District;

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

Section 1. That pursuant to provision of Town Law, the Town Board of the Town of Gates does hereby authorize and elect to sell lands of the East Gates Water District located on Howard Road to Eliot S. Zielinski, said lands being identified as Tax Account No. 119.15-1-9 on the tax rolls of the Town of Gates.

Section 2. The Supervisor be and he hereby is authorized to execute an appropriate Deed of Conveyance and other documents necessary to complete the transfer of title in accordance with the terms of this Resolution.

Section 3. That the adoption of this Resolution is subject to Permissive Referendum, as required by law.

Seconded by: Councilman Loughlin

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

**Motion Carried.**

**ADOPTING A RESOLUTION FOR AN INTER-MUNICIPAL AGREEMENT  
BETWEEN THE TOWN OF GATES AND THE COUNTY OF MONROE  
FOR THE “ELMGROVE ROAD OVER ELMFORD CREEK  
CULVERT IMPROVEMENT PROJECT”**

**RESOLUTION 77-21** Motion by Councilman Cordero who moved its adoption:

**THIS AGREEMENT** is made by and between the **COUNTY OF MONROE**, a municipal corporation with offices at 39 West Main Street, Rochester, New York, 14614, (“**COUNTY**”), and the **TOWN OF GATES**, with offices at 1605 Buffalo Road Rochester, NY 14624 (“**TOWN**”).

**WHEREAS**, a three (3) barrel corrugated metal culvert system known as the Elmgrove Road Culvert over Elmford Creek (S.I.N. 04-158-164) exists beneath portions of Elmford Road (Town Road), Elmgrove Road (County Road 158), and Shadow Lane (Town Road) in the Town of Gates (“**Culvert System**”);

**WHEREAS**, for purposes of this Agreement, the Culvert System shall include all pipes, pipe connections, pipe bends, access risers, manhole frames and covers, concrete collars, pipe bedding, subbase material, asphalt pavement, concrete pavement, headwalls, end sections, retaining walls, and railings;

**WHEREAS**, Elmford Creek flows through the Culvert System from west to east from the culvert inlet, adjacent to 4 Elmford Road, to the culvert outlet, adjacent to 6 Shadow Lane;

**WHEREAS**, the County and Town acknowledge that they own and maintain distinct segments of the Culvert System;

**WHEREAS**, the County and Town desire to formalize the ownership and maintenance jurisdictions of the Culvert System; and

**WHEREAS**, the County expects to replace the middle 250 linear foot segment of the Culvert System in 2021 pursuant to a project entitled “Elmgrove Road over Elmford Creek Culvert Improvements Project.”

**NOW, THEREFORE**, in consideration of the mutual covenants and agreement hereinafter set forth, the parties hereto mutually agree as follows:

1. The County owns and shall maintain the middle segment of the Culvert System from and including the three (3) manhole covers on the west side of Elmgrove Road at the intersection with Elmford Road to and including the three (3) 90-degree bends and manhole covers on Shadow Lane, as set forth in the Maintenance Jurisdiction Map in Appendix A, appended to and made a part of this Agreement.

2. The Town owns and shall maintain the inlet segment of the Culvert System from and including Elmford Creek, the concrete headwall, and the timber railing adjacent to 4 Elmford Road to, but not including, the three (3) manhole covers on the west side of Elmgrove Road at the intersection with Elmford Road, and the outlet segment of the Culvert System from, but not including, the three (3) 90 degree bends and manhole covers on Shadow Lane to and including the culvert end sections, the timber retaining wall, and Elmford Creek adjacent to 6 Shadow Lane, as set forth in the Maintenance Jurisdiction Map in Appendix A, appended to and made a part of this Agreement.

3. This Agreement shall commence upon its execution and expire at such time as the Culvert System is removed, replaced, or abandoned by the County or the Town. If either party desires to terminate the Agreement, that party shall give at least thirty days prior written notice to the other party.

4. The parties acknowledge that they may desire to enter into future agreements to allow the other party to maintain or repair its portion of the Culvert System.

5. Each party hereby covenants and agrees to defend, indemnify and hold harmless the other party and its officers, agents and employees from and against any and all claims, liabilities, obligations, damages, losses and expenses, incurred by the indemnified party as a result of the negligence, omission, breach, or fault of the indemnifying party in the performance of the terms of this Agreement.

6. Each party acknowledges that it has secured the approval necessary to enter into this Agreement.

Seconded by: Councilman DiPonzio

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

**Motion Carried.**

**ADOPTING A RESOLUTION ACKNOWLEDGING THE AFORESAID AGREEMENT ENTERED BETWEEN THE TOWN BOARD OF THE TOWN OF GATES AND GVAS IN 2020 SHALL BE IN EFFECT FOR THE CALENDAR YEAR 2021, AT THE 2020 RATES OF SERVICE AS ESTABLISHED BY GVAS FOR 2021**

**RESOLUTION 78-21** Motion by Councilman Loughlin who moved its adoption:

**WHEREAS**, the Town of Gates did enter into an agreement with the Gates Volunteer Ambulance Service Inc. (GVAS) for the calendar year 2020; and

**WHEREAS**, the Town of Gates wishes to extend the term of such agreement for the calendar year 2021.

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

Section I. That by the adoption Resolution the Town Board of the Town of Gates acknowledged that the aforesaid agreement shall be in effect for the calendar year 2021, at the 2021 rates of service as established by GVAS for 2021.

Seconded by: Councilman Tucciarello

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

**Motion Carried.**

**SCHEDULE PUBLIC HEARINGS STARTING AT 7:00PM  
FOR CONDITIONAL USE PERMITS FOR  
TIEN TRAN TO OPERATE A NAIL SALON AS A HOME BUSINESS, IN A  
RESIDENTIAL DISTRICT (RI) LOCATED AT 2909 BUFFALO RD.;  
TO ADOPT EIGHT (7) LOCAL LAWS, LOCAL LAW #4-2021 THROUGH LOCAL  
LAW #10-2021 TO AMEND CHAPTERS 62, 83, 131, 133, 158, 174 AND 190 OF THE  
GATES TOWN CODE AND  
TO CONSIDER THE RE-ZONING OF 28 LAND PARCELS WITHIN THE TOWN OF  
GATES**

**RESOLUTION 79-21** Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, April 5, 2021 starting at 7:00PM to consider the applications for Conditional Use Permits for: Tien Tran to Operate a Nail Salon as a Home Business, in a Residential District (RI); To Adopt eight (7) Local Laws, Local Law 4-2021 through Local Law 10-2021 to amend Chapters 62, 83 131,133,158,174 and 190 of the Gates Town Code and to consider the Re-zoning of 28 land parcels within the Town of Gates.

Seconded by Councilman Cordero

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

**Motion Carried**

**NEW BUSINESS OF COUNCIL MEMBERS**

**REPORTS  
SUPERVISOR'S**

**ACCEPTING THE SUPERVISOR'S  
REPORT FOR THE MONTH OF FEBRUARY 2021**

**WARRANTS**

**GENERAL**

CLAIMS # A20-1131 – A20-1139	\$55,994.50
CLAIMS # A21-0036 – A21-0089	\$61,607.69

**HIGHWAY**

CLAIMS # D20-0622 – D20-0628	\$5,619.74
CLAIMS # D21-0022 – D21-0076	\$165,663.50

**LIBRARY**

CLAIMS #L20-0238 – L20-0251	\$2,435.39
CLAIMS #L21-0006 – L21-0022	\$22,867.10

<b>TOTAL DISBURSEMENTS</b>	<b>\$2,783,514.89</b>
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<b>TOTAL RECEIPTS</b>	<b>\$8,590,271.88</b>
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Supervisor Giunta noted for the record that the warrants for the month of February 2021 have been examined by the Town Board and paid.

**RESOLUTION 80-21** Motion by Councilman Cordero who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of February 2021 as read; and the warrants for the month of February 2021 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 FEBRUARY 2021**

The Town Clerk read the report for the month of February 2021 showing the following:

TOTAL REVENUE COLLECTED	\$16,037.95
TOTAL REVENUE TO THE SUPERVISOR	\$15,424.39
TOTAL NON-LOCAL REVENUE	\$613.58

**RESOLUTION 81-21** Motion by Councilman Cordero who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of February 2021.

Seconded by Councilman DiPonzio

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

**Motion Carried.**

**PERSONAL STATUS REPORT**

The Town Clerk read the Personnel Status Report for the month of February 2021.

One (1) Addition, One (1) Retired, One (1) Termination – net result minus 1

There being no further business to come before the Town Board, Councilman Tucciarello motioned and Councilman Loughlin second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 7:58 PM.

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Town Clerk