

November 4, 2020

The Gates Town Board held five Public Hearings and its Regular Town Board meeting on Wednesday, November 4, 2020 at the Town Hall Meeting Room at 6:45PM. 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

6:45PM PUBLIC HEARING

**CONSIDERING CONDITIONAL USE PERMIT FOR
REGINALD WARREN TO OPERATE, PURA VIDA VILLE
IN A GB DISTRICT, AT 2115 BUFFALO RD.**

Supervisor Giunta called the Public Hearing to order at 6:49PM. The Town Attorney verified that the Legal Notice was published as required by law.

Supervisor Giunta commented that the applicant, Reginal Warren, was not present, but would proceed without him. The Ribbon-cutting Ceremony was this past Friday [10/30/2020]. This is a business that already existed in Gates on the corner of Coldwater Rd and Buffalo Rd., they found this location in the Plaza and wishes them the best and knows they will succeed there. The food is excellent and the owners are very nice people. Nothing has changed like their hours of operation, everything is remaining the same for them.

Supervisor Giunta asked if Board members had questions or comments and then the Audience,

Hearing none closed the public hearing.

RESOLUTION 148-20: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for Reginald Warren to operate Pura Vida Ville a Mexican and Costa Rican Restaurant, at 2115 Buffalo Rd, in a GB District.

Seconded by Councilman Cordero

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

Motion Carried.

PUBLIC HEARING

**CONSIDERING CONDITIONAL USE PERMIT FOR MICHAEL HUNTRESS
TO OPERATE MANITOU ROAD GATES LLC- A TRUCKING
TERMINAL/WAREHOUSE,
AT 2600 MANITOU RD. A GENERAL INDUSTRIAL [GI] DISTRICT**

Supervisor Giunta commented that the applicants are also not present, but did receive an email from Mr. Webber regarding the permit. Feels this project meets all requirements and the intent of the Conditional Use Permit for this zone and district.

Supervisor Giunta added that it's what Tech Park was originally built for and see no issue with granting this permit and opened for discussion

Councilman Tucciarello commented this is the perfect fit for the location and making more business for the Town of Gates is always to our residents' benefit. Supervisor Giunta agreed.

Councilman DiPonzio asked about hours of operation

Councilman Loughlin replied 24/7

Supervisor Giunta agreed that it is 24 Hours, 7 Days a Week Operation, approximately 7-10 trucks per hour. He added that when Kodak was there it was about the same amount of traffic.

Opened to Audience for questions and hearing none closed the public hearing.

Attorney Dan Schum added that this board has granted a Negative Declaration of Environmental Significance, for Site Plan for this project and would have addressed all principle concerns of impact for this and surrounding properties.

RESOLUTION 149-20: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves the Conditional Use Permit for Michael Huntress to operate Manitou Rd Gates LLC., a Trucking terminal / Warehouse at 2600 Manitou Rd, in a GB District.

Seconded by Councilman Cordero

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

Motion Carried.

PUBLIC HEARINGS

TO AMEND LOCAL LAW SECTION 190-170 OF THE CODE OF THE TOWN OF GATES [PLANNING BOARD]

TO AMEND LOCAL LAW SECTION 190-180 OF THE CODE OF THE TOWN OF GATES [ZONING BOARD];

Supervisor Giunta, this would allow reducing to a Five [5] person Board instead of seven [7] with two [2] alternates. In benchmarking with other Towns and Municipalities they have a Five [5] person Board, and Gates would like to follow suite. It's also easier to get five [5] people to attend a board meeting and if one cannot attend there is the alternate. He then opened for discussion from the board and from the Audience.

Hearing none he close the public hearings for both.

RESOLUTION 150-20: Motion by Councilman Cordero who moved its adoption:

INTRODUCTORY LOCAL LAW # 2-2020

WHEREAS, the Town Board of the Town of Gates did hold and conduct a public hearing on November 4, 2020 to consider the enactment of Introductory Local Law #2-2020, Legal Notice of which was given as required by law; and

WHEREAS, at such public hearing all interested persons were heard concerning the subject matter thereof;

WHEREAS, the Town Board is desirous of adopting such Local Law, in part; and

WHEREAS, the adoption of Local Laws is a routine Town Administration and Management Function, and as such is a Type II Action under SEQR;

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

Section I. That the Town Board of the Town of Gates finds and determines that the adoption of this Local Law is a Type II Action under SEQR and may proceed without further regards to SEQR.

Section II. That the Town Board of the Town of Gates does hereby enact Local Law #2-2020 to read and provide as follows: amending §190-179 of the Gates Town Code.

§190-179. Planning Board.

Pursuant to §271 of the Town Law, the Planning Board of the Town of Gates shall consist of five members appointed by the Town Board, in such manner and for such terms as provided in the Town Law. For the purpose of initiating a Planning Board under this chapter, the normal continuance of the existing Planning Board is established. The Planning Board shall have power to pursue all those duties established for it by statute and this chapter. Such Board shall establish such rules and regulations as are necessary for the transaction of its business and may amend, modify and repeal the same.

Section III. That the Town of Clerk shall give due notice of the enactment by filing of the same with the Secretary of State

Seconded by Councilman DiPonzio

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

Motion Carried.

RESOLUTION 151-20: Motion by Councilman Cordero who moved its adoption:

INTRODUCTORY LOCAL LAW # 3-2020

WHEREAS, the Town Board of the Town of Gates did hold and conduct a public hearing on November 4, 2020 to consider the enactment of Introductory Local Law #3-2020, Legal Notice of which was given as required by law; and

WHEREAS, at such public hearing all interested persons were heard concerning the subject matter thereof;

WHEREAS, the Town Board is desirous of adopting such Local Law, in part; and

WHEREAS, the adoption of Local Laws is a routine Town Administration and Management Function, and as such is a Type II Action under SEQR;

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

Section I. That the Town Board of the Town of Gates finds and determines that the adoption of this Local Law is a Type II Action under SEQR and may proceed without further regards to SEQR.

Section II. That the Town Board of the Town of Gates does hereby enact Local Law #3-2020 to read and provide as follows: amending §190-180 of the Gates Town Code.

§ 190-180. Zoning Board of Appeals.

Pursuant to the provisions of § 267 of the Town Law, a Board of Appeals is hereby created. Said Board shall consist of five members and two alternate members to be appointed by the Town Board, which shall also designate the Chairman, thereof, for such terms as provided by the Town Law and any amendments thereto; and the Board of Appeals shall have all the powers and perform all the duties prescribed by statute and by this chapter. For the purpose of initiating a Board of Appeals under this chapter, the normal continuance of the existing Board of Appeals is established. Said Board shall establish and from time to time amend or repeal rules and regulations for the effectuation of its powers and duties.

Section III. That the Town of Clerk shall give due notice of the enactment by filing of the same with the Secretary of State

Seconded by Councilman DiPonzio

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

Motion Carried.

PUBLIC HEARING

APPROVING THE PRELIMINARY 2021 TOWN OF GATES BUDGET

Supervisor Giunta stated that copies of the preliminary 2021 budget were available in the Town Clerk Office as well as the Gates Library, the past few weeks. The 2021 Budget Workshop meeting was held on Wednesday, October 28, 2020, at 6:30PM in the Supervisors Conference Room.

It was advertised and posted as a Public Meeting per the local law. No member of the Public were present nor were there any submitted statements, comments or questions received from the public. He along with the Councilmen went through the entire budget (page by page, line by line) for about 2 ½ -3 hours, with numerous questions and comments reviewing every revenue and expenses line for each department.

After consideration and discussion Councilman DiPonzio moved we accept the Preliminary 2021 Budget as presented and recorded for public hearing, which is tonight.

Councilman Tucciarello second the motion and with a unanimous vote, we approved the 2021 Budget.

Stated if anyone was interested we can go through the 2021 budget line by line if anyone wants or just some highlights of it.

Supervisor Giunta Thanked Art Plewa , former Comptroller and Pat Pardyjak, current Finance Director, along with all the Department Heads for preparing the preliminary budget proposal and putting in so many hours.

Highlights:

- Good News! Town Tax Rate will remain flat at \$6.11 same as last year.
- Assessed Valuation went up 16% which increased the whole tax levy also by 16%
- Tax Levy is \$269,000,000 higher.
- Along with that the average home value went Up to \$135,484.00 which went up from last year from \$102,700.00. It's pretty significant as the home value went up by more than \$32,000
- In 2021, we will collect \$11,791,317.00 via taxes.
- First year the Town will not add funds from the reserve account. Will keep reserve fund at \$1.3 million which will be the ending balance this year, so we will not need to dip into reserve funding.
- NO Cut in Services

Keep in mind due to COVID, revenue are down this year. Revenue is earned from Court fees, Park rentals, Recreation Dept. programs, Sales tax revenue declined this year because businesses have be closed. In addition with increases in Health Care and employee benefits. After all is factored is in and with the projected increase in the levy we hope not to dip into the reserved funding and allocate as in previous years.

Supervisor Giunta asked if there were any questions from councilmen and then opened it up to the public. Hearing none closed the public hearing.

RESOLUTION 152-20: Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby approves the 2021 Town of Gates Budget.

Seconded by Councilman Tucciarello

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 Steve Tucciarello.

Supervisor Giunta wanted to point out that the numbers of the Town Clerk report for the October 5, 2020 TB meeting were actually the numbers for October 2019, but listening to the minutes and going through it, realized the error and has been corrected.

RESOLUTION 153-20 Motion by Councilman DiPonzio to approve

The Gates Town Board hereby approves the minutes of October 5, 2020 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

Gates Police Chief James VanBrederode presented two Life Saving Awards to two members of the Gates Special Police, who act as Code Enforcement officers during the day. Sergeant Mic Silvestro and Officer Cosmo Giunta Jr.

Last week, the two officers were out in marked cars, helping out as they do each day as volunteers and also as Town employees and a call came in the 400 block of Spencerport Rd with a two-car crash. They were the first to get there before police, fire or ambulance arrived and noticed an 89-year-old man, driver of the car, slumped over in the front seat, unconscious and wasn't breathing.

The actions of these two-gentleman, they removed him from the car, put him on the ground and immediately performed CPR. The Chief stated, he is still alive in the hospital as of today and his family are so appreciative for the ones who performed CPR. The sooner that gets started, the chances of survival are much better. This is a great example of team work. They got there first and based on their training knew what to do and because of their actions could save this individuals life.

Today, these two men get the red, Life Saving Award pin, they can proudly wear on their shirts. The Chief commented that this is what The Town of Gates is all about.

Supervisor Giunta expressed his appreciation and Pride, not only as the Town Supervisor to both of them, but as a father to his son that they stepped in and helped this gentleman. He reiterated what the Chief said about the family members, who came in to his office to express their sincerest gratitude to them for what they did, if they hadn't did what they did the gentleman would have not survived. He added to keep him in your prayers and again thanked both of then for the outstanding job.

Sergeant Mic Silvestro agreed with Chief and it was a team efforts that training and teamwork is what worked to help save that gentleman. He also introduced his wife and daughter who were present

Cosmo Jr. introduced and thanked his Mom, Nancy, sister GG, and Dad, Supervisor Giunta for coming.

Chief added an announcement. Next Thursday, November 12th at the Gates Library at 6:00PM there will be a Public Forum as with the Police, Elected Officials as part of the Governors, executive order to reimagine policing or at least look into the police department. It's open to the public, especially our Gates residents. He want to hear from you our residents as its their Police Department. Looking for feedback on what we can do to improve policing efforts in Gates.

Supervisor Giunta asked if people need to call to reserve a spot.

Chief, answered no prior reservation, first come

Councilman Loughlin asked if there will be a certain number of occupancies, if too many people attend, will there be a cut off.

Chief, said yes there will be a cut-off and we'll just play it by ear.

Rob Keister, 2348 Long Pond Rd, Gates, NY 14606. He emphasized Gates, NY because last month he received a notice of RG&E stating that he is a City of Rochester resident, due to his zip code being 14606. Mr. Keister followed up with a phone call and they told him yes, he is a City of Rochester resident and he would need to contact the post office to let them know he lives in Gates and not the City. He then contacted the post office, where he was told that anyone in 14606 zip code is considered the City. He contacted Legislator Frank Allkofer, who told him to go in person. He did and was told the same thing, and that they do deliver mail to half of Gates,

but it's considered the City. After speaking with the Legislator and Supervisor Giunta, he then contacted Representative Joe Morelli's office and after 3 days received a call from someone in his office, who sent him a form allowing representation, then he contacted RG&E, but was told everything was taken care of because Supervisor Giunta had beat them to it.

Mr. Keister's question, what if the Monroe County Water Authority wanted to tax because of 14606 being the City, then we would get taxed from both.

He is challenging the Board to look into possibly getting our own rip code. Getting rid of 14606 as part of Gates. We have a Post Office on Howard Rd. To do this Morelli would need to be contacted again. He had a copy of the information they sent him.

Supervisor Giunta, reiterated about their prior meeting, multiple zip codes are shared. Towns of Gates, Chili, Greece, and Ogden. They get shared between Towns and even Cities, like Gates is shared with the city.

The example of RG&E, they could parse out data by special code, those that are considered Gates and those that are actually city residents and not charge him. He assumes, other companies like the Water Authority would also have that capability, and he doesn't believe they would charge Gates residents City taxes. Thank him for catching that, but agreed with his prior comment but it would open Pandora's Box. Supervisor Giunta did say it could be something the Fire Marshall looks into and we happen to have a new person, who will be appointed a bit later in the program.

Councilman DiPonzio added it could be very difficult because different zip code cover so many different areas

Supervisor Giunta, said it would be looked into and see what it entails

Mr. Keister, just wants future problems to be avoided. He stated he would be leaving, due to him being deaf and not able to read lips due to the mask wearing.

Don Ioannone, wanted to point out the 1st light coming in from Buffalo Rd is out on Ralph Esposito's Concourse

Supervisor Giunta will contact the county with the pole number.

OLD BUSINESS

NEW BUSINESS

SCHEDULE PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR GRACE ANN STULPIN TO OPERATE GATES BEVERAGES PLUS LLC, A FAST-FOOD RESTAURANT SERVING ALCOHOL IN A NB DISTRICT, AT 2240 LONG POND.

RESOLUTION 154-20: Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, December 7, 2020 at 7:15PM to consider Grace Ann Stulpin of Gates Beverage Plus LLC for a Conditional Use Permit to operate a Fast-food Restaurant serving Alcoholic Beverages in a Neighborhood Business District at 2240 Long Pond Rd.

Seconded by Councilman Cordero

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

Motion Carried.

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

**LUTHERAN CHURCH OF OUR SAVIOUR, 2415 CHILI AVE.,
LOVING TOUCH CHILD CARE, 395 SPENCERPORT RD.
MARK'S PIZZERIA RESTAURANT; 2103 BUFFALO 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 155-20 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: Lutheran Church of Our Saviour, 2415 Chili Ave; Loving Touch Day Care, 395 Spencerport Rd; and Mark's Pizzeria, 2103 Buffalo Rd.

Seconded by Councilman DiPonzio

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

Motion Carried.

**APPROVING AN APPLICATION FOR DAVID HARRIS JR. FOR
A PLUMBER LICENSE IN THE TOWN OF GATES**

RESOLUTION 156-20 Motion by Councilman Cordero who moved its adoption:

Resolved, that the Town of Gates do hereby approves an application for David Harris Jr. for a Plumber License in the Town of Gates.

Seconded by: Councilman DiPonzio

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

Motion Carried.

**APPOINTING JEFFERY McNULTY TO THE FULL-TIME POSTITION OF
GATES TOWN FIRE MARSHAL**

RESOLUTION 157-20 Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Town of Gates do hereby appoints Jeffery McNulty to the Full-time position of Gates Town Fire Marshal

Seconded by: Councilman Loughlin

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

Motion Carried.

Supervisor Giunta welcomed Jeff to the Town and commented he has been working with us the past 3 weeks and excited to having him on board as a Full-time Fire Marshal as we have a lot of work.

Jeff, thanked everyone at the Town for being so welcoming and super accommodating, he introduced his lovely wife and mentioned he is also Chief of the Clifton Fire Dept. by Black Creek Park. He has been in the fire service for about 12 years. Has an engineering background, graduated from Alfred State, but realized Public Safety is his passion.

ADOPTING A RESOLUTION, FOR A SHARED SERVICES AGREEMENT BETWEEN THE TOWN OF GATES AND THE NYSDOT FOR THE EXCHANGE OR LENDING OF MATERIALS AND EQUIPMENT FOR A PERIOD OF TWO [2] YEARS

RESOLUTION 158-20 Motion by Councilman Loughlin who moved its adoption:

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 Tucciarello

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

Motion Carried.

APPOINTING DOMENIC COCUZZI TO THE BOARD OF ASSESSMENT REVIEW TO REPLACE THE UNEXPIRED TERM OF JANET ROMANO, TO EXPIRE SEPTEMBER 30, 2021

RESOLUTION 159-20 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Town of Gates do hereby appoints Domenic Cocuzzi to the Board of Assessment Review to replace the unexpired term of Janet Romano, term to expire September 30, 2021

Seconded by: Councilman Loughlin

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

Motion Carried.

Supervisor Giunta added that Dom has been a past Assessor in Gates and is will to help out, with the Board of Assessment Review.

Councilman Tucciarello added he is highly qualified and Supervisor Giunta agreed

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta reminded everyone there will be a Ceremony for Veteran's Day at Memorial Park starting at 11:00AM. Please invite any Veterans you may know to celebrate them.

Councilman DiPonzio, November 11 every year commemorates the end of WWI. The eleventh hour of the eleventh day of the eleventh month

REPORTS

SUPERVISOR'S

ACCEPTING THE SUPERVISOR'S REPORT FOR THE MONTH OF OCTOBER 2020

WARRANTS

GENERAL

CLAIMS # A20-0744 – A20-0821	\$99,084.34
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HIGHWAY

CLAIMS # D20-0435 – D20-0474	\$50,974.95
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LIBRARY

CLAIMS #L20-0141 – L20-0168	\$24,000.91
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TOTAL DISBURSEMENTS	\$1,211,842.94
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TOTAL RECEIPTS	\$119,167.09
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Supervisor Giunta noted for the record that the warrants for the month of October 2020 have been examined by the Town Board and paid.

RESOLUTION 160-20 Motion by Councilman Cordero who moved its adoption:

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

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

TOTAL REVENUE COLLECTED	\$22,328.91
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TOTAL REVENUE TO THE SUPERVISOR	\$19,699.92
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TOTAL NON-LOCAL REVENUE	\$2,628.99
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RESOLUTION 161-20 Motion by Councilman Loughlin who moved its adoption:

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

Seconded by Councilman Tucciarello

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 October 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.

Town Clerk