

- June 6, 2022

The Gates Town Board held one Public Hearing and its Regular Town Board meeting on Monday, June 6, 2022 at the Town Hall Meeting Room at 7:15PM. 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

7:15PM PUBLIC HEARING

Supervisor Giunta called the Public Hearing to order at 7:18PM.

**CONSIDERING A CONDITIONAL USE PERMIT FOR CHRISTINE GIGANTE
TO OPERATE WOOF'S CANINE CLUB & INDOOR DOG PARK
AT 135 FEDEX WAY IN A GENERAL INDUSTRIAL (GI) DISTRICT**

The Town Attorney, Dan Schum verified that the Legal Notice was properly published as required by law.

Supervisor Giunta asked if the applicant was present and would come up to speak on this application.

Christine Gigante, 73 Emerald Point, founder of Woofs Canine Club & Indoor Dog Park was here respectfully requesting a Conditional Use Permit for an indoor/outdoor dog park with twenty-four (24) hour access, including the option for entertainment and fund-raising events. Unlike a dog daycare or kennel, this will bring a holistic approach to bring dog families together in social gathering center. Owners will stay and remain present with their dogs. There will be staff (Bark Guards) on duty to supervise, support, monitor, and if necessary clean-up after members and guest. A typical dog family would stay between forty-five (45) minutes to two (2) hours, similar to a gym or children's playground. During peak time, reservations will be required to minimize internal and external traffic for the safety of the dogs and their families and to the neighboring area.

Ms. Gigante went over detailed plans about the Amenities and the Whys of why this is a good idea for Gates. She also presented each Board member with a packet of detailed information including photos, floor plans and mission statement, which is to "Bring dog families together in a safe, fun and holistic way". Their vision "is to change the world one dog park at a time".

Supervisor Giunta asked how big the facility is?

Ms. Gigante replied six-thousand (6,000) square feet interior and an addition of twelve hundred (1,200) square feet exterior

Councilman Loughlin asked about staffing with being open twenty-four (24) hours?

Ms. Gigante the main hours of "staffed" operation will be 7:00AM-10:00PM with possible extended hours. She wants twenty-four (24) hour access. There will be a security guard present Members would have a security code on their phones to open gate and then into the facility

Supervisor Giunta asked how many employees?

Ms. Gigante will start off with four (4) because of the size of the location also depending on the peak hours. Right now, is budgeting nine (900) hundred hours (full-time and part-time)

Councilman Tucciarello asked if that's four (4) at any one time, but as time goes on, would she hire more staff?

Ms. Gigante responded yes, possible ten to twelve (10-12) more employees

Supervisor Giunta asked how many dogs, especially in peak hours?

Ms. Gigante, in peak hours can max seventy-five (75) dog families. Need to allow as little as seventy-five (75) square-foot per dog family up to one-hundred and twenty-five (125) square feet per dog family. When the weather is nice and doors are open, this opens the capacity as well.

Supervisor Giunta asked if she plans to offer trainings or some sort of school?

Ms. Gigante haven't said No nor Yes to it. They want to partner up with other business, such as working with the community, hosting events and have food trucks, which would help them as well

Councilman Cordero asked is she would charge a trainer for space?

Ms. Gigante, a minimal fee for a trainer is want to be there, the walls a moveable, so they would be separate from the others.

Attorney Schum asked if people will be able to drop off their dog and leave?

Ms. Gigante, No the purpose is to play or workout together.

Attorney Schum asked if the dogs have free run and what about aggressive dogs vs non aggressive?

Ms. Gigante, yes, it's off-leash and all must be vetted. If there is a dog with a special circumstance, the walls are portable and would allow space for them to utilize, if available.

Supervisor Giunta asked if there will be a kennel and in the Town of Gates it's required that every dog be licensed and wants to know if they'll be checking?

Ms. Gigante, No kennels, they are about togetherness. They will check for proof of licensing and vaccination.

Attorney Schum asked if they will build an outdoor dog run and about the fencing?

Ms. Gigante, it's already an open space with ten (10) foot high fence

Supervisor Giunta asked if anyone in the audience had additional comments, hearing none closed the public hearing.

RESOLUTION 95-22

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Supervisor Giunta

Resolved, that the Gates Town Board hereby Approves a Conditional Use Permits for Christine Gigante to Operate Woofs Canine Club & Indoor Dog Park in a General Industrial (GI) District at 135 FedEx Way

Hours of Operation: Twenty-four (24) hour Access, Seven (7) Days a week with staffed Security Personnel 7am-Midnight
Dogs must be Licensed and Vaccinated

VOTE OF THE BOARD

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 7:40PM. He began with a moment of silent prayer and Pledge of Allegiance, led by Councilman Loughlin
There were no revisions made to the minutes of the Public Hearings and Regular Town Board Meeting held May 2, 2022. Minutes stand and will be published and made available on the website and Town Clerk's office.

AUDIENCE PARTICIPATION

None

OLD BUSINESS

None

NEW BUSINESS

PRESENTING OFFICER BRIAN GERRINGER WITH THE EXCELLENT POLICE SERVICE AWARD

Chief Rob Long, stated that throughout his career he has recognized many officers for doing many different things. Being successful on the job, lifesaving awards, but recently one has been brought to his attention and in watching and observing the progression and his ability to be a Police Officer. His ability to talk to people, complete jobs thoroughly, make good proactive arrests. Officer Gerringer has received three (3) Chief letters also signed by Supervisor Giunta. Most by anyone else in the department. These were all due to traffic stops that led to felony criminal possession arrests, an illegal ghost gun off the streets, arrested someone who was wanted for catalytic converter thefts, a number of guns arrests as well as other drug arrests. Citizens have also sent emails in gratitude. He has helped in solving so many other crimes and his report writing is clear and precise.

Lieutenant Pascarella, as road patrol commander wanted to also compliment Officer Gerringer. He continued with a speech commended Officer Gerringer for this level of going beyond the police duty. He thanked him and on behalf of the department and the community thanked him.

Chief Long then presented Officer Gerringer, with the Excellent Police Service Award as well as a pin for him to wear.

Supervisor Giunta congratulated Officer Gerringer on behalf of himself and the Town Board and thanked him for his dedicated service. He's a wonderful officer and told him to keep up the great work.

Officer Gerringer introduced his lovely wife Lisa and his Mom and thanked his fellow officers for what they do and helping him along the way and is always willing to help them. They're a team.

**PRESENTING LIEUTENANT DAVE SAPIENZA WITH
THE JOHN KIMBLE O'NEIL ACHIEVEMENT AWARD**

Chief Rob Long, recently presented the Town Board with a plaque because the Gates Police Dept. had received won the Accreditation Standards, and recently found out that Lieutenant Dave Sapienza won an award. He was recognized by the New York State Department of Criminal Justice Services for his outstanding leadership and dedication as a program manager per state and accreditation in law enforcement. It's the John Kimble O'Neal Achievement Award.

Lieutenant Dave Sapienza the accreditation thing is a lot of work, but going through it, realizing all the standards the state makes us follow are for a reason and Gates does a pretty good job. It never ends and can be a bit daunting at times, but it's something we do every day.

**RE-APPOINTING STEVEN MURPHY
TO THE GATES RECREATION AND PARKS COMMISSION FOR
A SIX (6) YEAR TERM TO EXPIRE JUNE 2027**

RESOLUTION 96-22

Motion by Councilman Loughlin who moved its adoption:

Seconded by: Councilman Tucciarello

Resolved, that the Gates Town Board hereby Re-Appointing Steven Murphy to the Gates Recreation and Parks Commission for a six (6) year term to expire June 2027

VOTE OF THE BOARD

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

Motion Carried.

**RE-APPOINTING MICHAEL WALL AND JOE ARGENTA
TO THE TOWN OF GATES PLANNING BOARD FOR
A FIVE (5) YEAR TERM TO EXPIRE JUNE 2026**

RESOLUTION 97-22

Motion by Councilman Cordero who moved its adoption:

Seconded by: Supervisor Giunta

Resolved, that the Gates Town Board hereby Re-Appoints Michael Wall and Joseph Argenta to the Gates Planning Board for a 5-year term to expire July 2026

VOTE OF THE BOARD

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

Motion Carried.

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

**MR. THEO'S INC., 1174 BROOKS AVE.; LASER CAR WASH,
3565 BUFFALO RD.; OPEN DOOR MISSION, 240 COLDWATER RD.; MCDONALD'S
1965 CHILI AVE.; STURDI-BUILT SHEDS LLC, 2345 BUFFALO RD.; PRAXAIR
DISTRIBUTIONS, 140 ELMGROVE PARK; PANERA BREAD, 1502 HOWARD RD.;
MFA AUTO, 2800 MANITOU RD.; BYRNE DAIRY & DELI, 462 SPENCERPORT RD.;
SENSENIQ LANDSCAPING, 3670 BUFFALO RD.**

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

RESOLUTION 98-22

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following; Mr. Theo's Inc., 1174 Brooks Ave.; Laser Car Wash, 3565 Buffalo Rd.; Open Door Mission 240 Coldwater Rd.; McDonald's, 1965 Chili Ave.; Sturdi-Build Sheds LLC, 2345 Buffalo Rd.; Praxair Distributions, 140 Elmgrove Park; Panera Bread, 1502 Howard Rd; MFA Auto, 2800 Manitou Rd.; Byrne Dairy & Deli, 462 Spencerport Rd.; Sensenig Landscaping, 3670 Buffalo Rd.

VOTE OF THE BOARD

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

Motion Carried.

**AUTHORIZING A MUNICIPAL SNOW AND ICE AGREEMENT FOR THE 2021-2022
SNOW SEASON BETWEEN THE TOWN OF GATES AND THE NYS DOT**

RESOLUTION 99-22

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby approves Authorizing a Municipal Snow and Ice Agreement for the 2021-2022 snow season between the Town of Gates and the NYS DOT

VOTE OF THE BOARD

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

Motion Carried.

**AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE 2022 BUDGET
AMENDMENTS WITHIN THE GENERAL FUND AND HIGHWAY FUNDS
FOR THE PURCHASE OF AN ASPHALT RECYCLER
USING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS**

RESOLUTION 100-22

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby Authorizes the Director of Finance to make the following 2022 Budget Amendments within the General Fund and Highway Funds for the purchase of an asphalt recycler using American Rescue Plan Act (ARPA) funds:

- *Increase budget for account A00-5031-0000 (Interfund Transfers) by \$58,705
- *Increase budget for revenue account A00-4489-0000 (Federal Aid - Other Health) by \$58,705
- *Increase budget for expenditure account DA0-5130-2001 (Highway- Capital Equipment – ARPA) by \$58,705
- *Increase budget for account DA0-5031-0000 (Interfund Transfers) by \$58,705

VOTE OF THE BOARD

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

Motion Carried.

**GRANTING A HARDSHIP EXEMPTION TO THE WHITE
SABERS DRUM AND BUGEL CORP. TO RELOCATE AND OPERATE BINGO
AND GAMES OF CHANCE IN THE TOWN OF GATES**

RESOLUTION 101-22

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Town of Gates do hereby approves granting a Hardship Exemption to the White Sabers Drum and Bugle Corp. to relocate and operate Bingo and Games of Chance in the Town of Gates

VOTE OF THE BOARD

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

Motion Carried.

**SCHEDULE TWO PUBLIC HEARINGS STARTING AT 7:10PM
#1. A PETITION FROM ROSS COOLEY FOR A REZONE CHANGE OF
558 ELMGROVE RD. FROM BUSINESS NON-RETAIL (BN-R)
TO GENERAL BUSINESS (GB)
#2. TO CONSIDER A LOCAL LAW TO ENACT CHAPTER 191 TO THE TOWN CODE
AND TO PROVIDE USE OF INCENTIVE ZONING IN FUTURE LAND
DEVELOPMENT WITHIN THE TOWN**

RESOLUTION 102-22

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby schedules TWO Public Hearings for Monday, July 11, 2022 starting at 7:10PM to consider #1. a Petition from Ross Cooley for Rezone Change of 558 Elmgrove Rd. from a Business Non-Retail (BN-R) to General Business (GB) AND #2. To consider a Local Law to Enact Chapter 191 to the Town Code and to provide use of Incentive Zoning in future land development/redevelopment within the town.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman DiPonzio commended Supervisor Giunta as well as Legislator Frank Allkofer and Town Historian on the Memorial Day Celebration. It was outstanding.

Councilman Loughlin reminded everyone that June 24, 2022 is the Summer Concert Kick off

REPORTS

SUPERVISOR'S

ACCEPTING THE SUPERVISOR'S REPORT FOR THE MONTH OF MAY 2022

WARRANTS

GENERAL

CLAIMS # A22-0228 – A22-0296	\$54,748.49
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HIGHWAY

CLAIMS # D22-0175 – D22-0229	\$72,858.15
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LIBRARY

CLAIMS #L22-0068 – L22-0091	\$46,923.59
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TOTAL DISBURSEMENTS	\$1,312,317.06
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TOTAL RECEIPTS	\$1,140,301.46
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Supervisor Giunta noted for the record that the warrants for the month of May 2022 have been examined by the Town Board and signed.

RESOLUTION 103-22

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of May 2022 as read; and the warrants for the month of May 2022 as read.

VOTE OF THE BOARD

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

Motion Carried.

**ACCEPTING THE TOWN CLERKS REPORT
FOR THE MONTH OF MAY 2022**

The Town Clerk read the report for the month of May 2022 showing the following:

TOTAL REVENUE COLLECTED	\$17,624.57
TOTAL REVENUE TO THE SUPERVISOR	\$16,610.47
TOTAL NON-LOCAL REVENUE	\$1,014.10

RESOLUTION 104-22

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of May 2022.

VOTE OF THE BOARD

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 May 2022

Personnel Status Report for the month of March 2022.

Additions: (1) One (Highway)

(1) One (Police)

Terminations: (0) None

Net Change: (2) Addtions Two

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 8:00 PM.

Town Clerk