

September 6, 2022

The Gates Town Board held its Regular Town Board meeting on Tuesday, September 6, 2022 at the Town Hall Meeting Room at 7:30PM. Those attending the meeting were as follows:

Cosmo A. Giunta	Supervisor
Christopher B. DiPonzio	Councilman
Lee A. Cordero	Councilman
Andrew M. Loughlin	Councilman
Steve Tucciarello	Councilman
Daniel G Schum	Town Attorney
Veronica Owens	Town Clerk

### **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 Cordero

There were no revisions made to the minutes of the Public Hearings and Regular Town Board Meeting held August 1, 2022. Minutes will stand, be published and made available on the website and Town Clerk's office.

### **AUDIENCE PARTICIPATION**

Don Ioannone, 4099 Lyell Rd. concerned with what's happening not just in the USA, but around the world and is suggesting there be a police officer present at all public meetings held here at the Town Hall for the Town, Planning, and Zoning Board meetings.

He also mentioned that he sent a letter to the Gates Fire District Clerk announcing his candidacy for Fire Commissioner to have his name added to the ballot for Fire Commissioner.

Supervisor Giunta asked Police Chief Long if it would be possible to have police presence at meeting?

Police Chief Long respond, perhaps but would like discuss further off line.

Laurie Clocksin 69 Coldwater Rd., wanted to confirm something she read about the Amazon facility delaying their opening and if so, for how long and why?

Supervisor Giunta confirmed yes they are delaying the opening due to supply chain issues for completing the project on the inside of the building. The exterior is complete and believes it'll be delayed approximately (6) six-months. He visited the facility roughly 3 weeks prior and was advised that once the contractors confirm everything interiorly is done will hand off as completed. Amazon then will come in and start their process of installation of racks and robotics. He stated the backlogs are happening everywhere including the town as it's still waiting on a piece of equipment since last year. As far as Amazon, it's all the information that has been cascaded to him and he has no reason to doubt them. They have spent over three-hundred million dollars on the facility and doesn't believe they will be going anywhere and are here to stay.

Mrs. Clocksin asked Attorney Schum if the delay represents a breach of contract in any way if not for the Town of Gates, but the County of Monroe for the tax break.

Attorney Schum, stated it's a great question, but No. The applicant (the owner of the property in this case) has the opportunity to apply for when the tax break starts and typically they do not apply till the building is fully assessed and in full operation. The contract in a (10) ten-year exemption, but the start date is flexible based on when the applicant applies, so the Town of Gates will not "suffer" if you will any tax reduction until they apply. It's unlikely they would apply if the building is not fully assessed and operational.

Mrs. Clocksin, but if they don't open their doors then it would, right? Did they pay taxes on building?

Attorney Schum, yes and the assessor has gone through this. March 1<sup>st</sup> is the taxable state, so whatever taxable status that building was in on March 1<sup>st</sup> is what they will be taxed on. It appeared on the school tax bill, which will tell you what it was assessed for from March 1, 2022-February 2023. He doubts it's fully assessed because it wasn't fully completed or operational on March 1<sup>st</sup>. They will probably wait till February/March of 2023 to apply for exemption.

Mrs. Clocksin continued that she had terrible flooding this past winter, which they have never had before and her basement flooded with ground water twice and her husband says if you pave over a piece of property or space that huge, the water table will be moved, and considering it's practically on top of wetlands, also with pipes freezing in the winter and then thawing, a problem could be cause. She just doesn't want flooding again.

She also recently noticed a street light at the end of her driveway which is shining very bright and wants to know when the bulbs are being changed to smart street lights

Supervisor Giunta stated the Town purchased all the street lights and RG&E has been converting them to LED to save money for the town utilities

Highway Superintendent Kurt Rappazzo, added the town received a grant from NYSERDA to cover some of the cost. Over 700 fixtures will be replaced.

Mrs. Clocksin n doesn't think the Smart light fixtures is a good thing. Supposedly it will save money long term, but hasn't proven true. There are several issues, privacy, health, and it's just a part of the internet phase. Everything is connected and if you value your privacy, you will not want a smart street light.

Mr. Rappazzo, the light fixtures themselves are not internet ready, not the Smart fixtures they are strictly LED bulbs

Mrs. Clocksin, but they have the capacity

Mr. Rappazzo, not that he's aware of and the town has no way of controlling the lights

Mrs. Clocksin knows the town doesn't, but they can be

Mr. Rappazzo will look into it for her peace of mind

## **OLD BUSINESS**

None

## **NEW BUSINESS**

**CPUB CHAIR, CHRISTINE MAURICE TO PRESENT THE FINAL  
COMPREHENSIVE PLAN UPDATE TO TOWN BOARD FOR REVIEW**

CPUB Chair, Christine Maurice in January the Town created CPUB which is a Comprehensive Plan Update Board. A special board with a purpose to write an update to the towns master plan, which was last done five-years ago in 2017. The goal is for the town to adopt the proposed updated plan by the end of 2022.

Mrs. Maurice acknowledged the members present of the board; Patty Redfern, Brom Bianchi, Steve Zimmer, Virginia McIntyre and Ed Mauro missing was Mike Wall for all their efforts, knowledge, and time to this project for the past 8 months.

They spent the first three (3) months gathering input from the community, other towns, and folks at Monroe County on their updates with in their own plan this year, including attending their public forum.

They created surveys for both home and business owners (hard copy & on-line). Held a public forum in April as well four (4) focus groups in May and June, one of which was with town department heads, some of the them present in this meeting participated and she is very thankful for their input. All of the efforts that were collected from the community are described in detail, including surveys, public forum materials, and some photos from the events.

They have updated the 2017 plan with forward looking recommendations, all with underline intent of assuring Gates remains a terrific place to live and work. All of the data charts from 2017 have been updated.

Mrs. Maurice thanked, the Town Supervisor, Cosmo Giunta and Highway Superintendent Kurt Rappazzo who were both very supportive and very involved with their time and ideas as well as Deputy Town Attorney Rob MacClaren, attending several of the board meetings and always taking her calls. She continued recognizing all the people involved, especially, Lily Alberto confidential secretary to Supervisor Giunta in the whole process which are listed on page two (2) of the 2022 Comprehensive Master Plan.

This completed Phase I of the five (5) year plan which she has handed to the Town Board for their review as well as going through NY State mandated reviews and a Public Hearing before adopting later this year. Mrs. Maurice requested the CPUB stay intact until it is adopted in case they need to be brought back after any of the reviews.

Mrs. Maurice thanked the board for putting trust in CPUB to deliver a Comprehensive Plan Update and believes this proposal has met and even exceed the expectations of the Town Board.

Supervisor Giunta expressed a heartfelt “Thank You” to Christine for spear heading this project and taking the roll of Chairperson for this board. He also thanked all the CPUB board members who participated, the long hours spent and many sessions it took to put this plan together. He watched them go through this process and was aware of some of the difficulties at first, but felt because of the diverse knowledge from planning, zoning, private sectors, EMS and other backgrounds they all brought value. All of them hey came together and remarkably in seven (7) months got this done. He reiterated his gratitude and accepted this plan and the board will review over the next couple months.

Councilman Cordero added the CPUB did an awesome job and appreciated Mrs. Maurice’s communication and keeping them updated throughout the process and thanked her and the team for a job well done.

Councilman Loughlin also thanked Mrs. Maurice and the board and knows they exceeded the expectation that was set and looks forward to reviewing the plan.

Mrs. Maurice thanked the Town Board on behalf of the CPUB for their nice words.

Councilman Tucciarello appreciates all their time and effort and in the limited time he had it and went through it, sees it's well laid out and reads extremely well with great information and looks forward to sitting down and really going through it completely.

Councilman DiPonzio is not surprised, because he knows most of the CPUB members and appreciates all of their efforts and how well thought out and thorough it is.

Supervisor Giunta agreed it being thorough with eighty-seven (87) pages. They will go through it and if they have any questions will be in contact. There will be a copy in the Town Clerks office, a Public Hearing and hopefully adopted in November or December. He thanked them all again for doing this. It's a great collaborative effort.

**ACCEPTENCE OF POLICE TRAFFIC SERVICES PROGRAM FOR  
SEAT BELT MOBILIZATION GRANT IN THE AMOUNT OF \$1,500.00**

**RESOLUTION 124-22**

Motion by Councilmen Cordero who moved its adoption:

Seconded by: Councilmen DiPonzio

Resolved, that the Gates Town Board hereby Accepts the Police Traffic Services Program for Seat Belt Mobilization Grant in the amount of \$1,500.00.

**VOTE OF THE BOARD**

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

**Motion Carried.**

**ACCEPTENCE OF POLICE TRAFFIC SERVICES PROGRAM FOR  
REGULAR PTS ENFORCEMENT GRANT IN THE AMOUNT OF \$6,000.00**

**RESOLUTION 125-22**

Motion by Councilmen Cordero who moved its adoption:

Seconded by: Councilmen DiPonzio

Resolved, that the Gates Town Board hereby Accepts the Police Traffic Services Program for Regular PTS Enforcement Grant in the amount of \$6,000.00.

**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:  
MC DUG OUT, 1370 BUFFALO RD.; PANORAMA RESTAURANT &  
LOUNGE, 730 ELMGROVE RD.; WINES BY DESIGN, 3392 BUFFALOR RD.;  
ROCHESTER ACADEMY CHARTER SCHOOL, 310 HINCHEY RD.;  
DUNKIN DONUTS (#344162) 1300 CHILI AVE.; DOLOMITE, 1075 BUFFALOR RD.;  
BURGER KING (#666) 1300 CHILI AVE.; KFC (TWO LOCATIONS)  
2222 LYELL AVE. AND 1345 CHILI AVE.; GATES-CHILI FEDERAL**

**CREDIT UNION, 2870 BUFFALO RD. TIMSELTOWN USA 2291 BUFFALO RD.;  
AMERICAN NATURAL GAS, 1145 CHILI AVE.; WAGS DOG CLUB, 7 MARWAY DR.;  
DEPAUL COMMUNITY SERVICES COMPLES, (PAST DUE FOR REMAINDER OF  
2022), 1931 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 126-22**

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; MC Dug Out, 1370 Buffalo Rd.; Panorama Restaurant & Lounge, 730 Elmgrove Rd.; Wines by Design, 3392 Buffalo Rd.; Rochester Academy Charter School, 310 Hinchey Rd.; Dunkin Donuts(#344162), 1482 Buffalo Rd.; Dolomite, 1075 Buffalo Rd.; Burger King (#666), 1300 Chili Ave.; KFC (**Two Locations**), 2222 Lyell Ave. and 1345 Chili Ave.; Gates Chili Federal Credit Union, 2870 Buffalo Rd.; Tinseltown USA, 2291 Buffalo Rd.; American Natural Gas, 1145 Chili Ave.; Wags Dog Club, 7 Marway Dr.: DePaul Community Service Complex, 1931 Buffalo Rd. (PAST DUE for remainder of 2022)

**VOTE OF THE BOARD**

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

**Motion Carried.**

**RE-APPOINTING LISA WEST AND ABRAMO BIANCHI TO THE  
GATES BOARD OF ASSESSMENT REVIEW BOARD FOR A  
FIVE-YEAR TERM TO EXPIRE SEPTEMBER 6, 2027**

**RESOLUTION 127-22**

Motion by Supervisor Giunta who moved its adoption:

Seconded by: Councilman Tucciarello

Resolved, that the Gates Town Board hereby Re-Appoints Lisa West and Abramo Bianchi to the Gates Board of Assessment Review Board for a Five (5) year term to expire September 6, 2027

**VOTE OF THE BOARD**

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

**Motion Carried.**

**GRANTING PERMISSION TO THE ARCHANGEL SCHOOL TO  
OPERATE BINGO AND GAMES OF CHANCE IN THE TOWN OF GATES**

**RESOLUTION 128-22**

Motion by Councilman DiPonzio who moved its adoption:

Seconded by: Councilman Cordero

Resolved, that the Gates Town Board hereby Grants permission to the Archangel School to 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.**

**APPROVING AND ADOPTING A REVISED TOWN OF GATES  
NON-UNION EMPLOYEE MANUAL**

Supervisor Giunta stated that this is a long overdue update to the employee manual and needed to update policy and procedures as well as getting us in compliance with NYS labor lawsa

**RESOLUTION 129-22**

Motion by Councilman Loughlin who moved its adoption:

Seconded by: Councilman Tucciarello

also

Seconded by: Supervisor Giunta

Resolved, that the Gates Town Board hereby Approves and Adopts the revised Town of Gates Non-Union Employees Manual

**VOTE OF THE BOARD**

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

**Motion Carried.**

**ACCEPTENCE OF THE GOVERNOR’S TRAFFIC SAFETY  
COMMITTEE (GTSC) GRANT TO PURCHASE AN ALCOHOL PRE-SCREENING  
DEVICES (THE INTOXIMETERS ALCO-SENSOR FST) AT NO COST TO THE  
GATES POLICE DEPT.**

**RESOLUTION 130-22**

Motion by Councilmen Loughlin who moved its adoption:

Seconded by: Councilmen Tucciarello

Resolved, that the Gates Town Board hereby Accepts the Governor’s Traffic Safety Committee (GTSC) Grant to purchase an Alcohol Pre-Screening Devices (The Intoximeters Alco-Sensor FST) at NO Cost to the Gates Police Dept.

**VOTE OF THE BOARD**

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

**Motion Carried.**

**SCHEDULE A PUBLIC HEARING TO CONSIDER A  
CONDITIONAL USE PERMIT FOR SUMMIT K-9 TRAINING AT  
1555 BROOKS AVE., IN A GENERAL INDUSTRIAL (GI) DISTRICT  
TO OPERATE A DOG TRAINING BUSINESS WITH SOME BOARDING TO  
COMPLIMENT THE TRAINING**

**RESOLUTION 131-22**

Motion by Councilman DiPonzio who moved its adoption:

Seconded by: Councilman Cordero

Resolved, that the Gates Town Board hereby Schedules a Public Hearing on Monday, October 3, 2022 at 7:15PM for a Conditional Use Permit for Summit K-9 at 1555 Brooks Ave. to Operate a dog training business with some boarding to compliment the training in a (GI) General Industrial District

**VOTE OF THE BOARD**

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

**Motion Carried.**

**NEW BUSINESS OF COUNCIL MEMBERS**

Councilman Loughlin presented the Proclamation for Childhood Cancer Awareness earlier to CURE

Supervisor Giunta, also added, it is Childhood Cancer Awareness month and the Town will be lit up in gold for the month.

Councilman Cordero reminded everyone about the 4<sup>th</sup> Annual Hots with Cops event on Friday, September 9, 2022 at the Town Hall 4:00pm-7:00pm

**REPORTS****SUPERVISOR'S**

**ACCEPTING THE SUPERVISOR'S  
REPORT FOR THE MONTH OF AUGUST 2022**

**WARRANTS****GENERAL**

CLAIMS # A22-0461 – A22-0527	\$90,468.45
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**HIGHWAY**

CLAIMS # D22-0341 – D22-0395	\$294,541.33
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**LIBRARY**

CLAIMS #L22-0141 – L22-0166	\$26,318.42
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**TOTAL DISBURSEMENTS**

**\$1,306,003.43**

**TOTAL RECEIPTS**

**\$1,216,022.00**

Supervisor Giunta noted for the record that the warrants for the month of August 2022 have been examined by the Town Board and signed.

**RESOLUTION 132-22**

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 August 2022 as read; and the warrants for the month of August 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 AUGUST 2022**

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

TOTAL REVENUE COLLECTED	\$46,665.61
TOTAL REVENUE TO THE SUPERVISOR	\$40,941.64
TOTAL NON-LOCAL REVENUE	\$5,723.97

**RESOLUTION 133-22**

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of August 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 August 2022  
Personnel Status Report for the month of August 2022.

Additions: (0) None

Terminations: (2) Two (Buildings & Ground and Library)

There being no further business to come before the Town Board, Councilman Cordero motioned and Councilman DiPonzio second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 8:04 PM.

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Town Clerk