

January 3, 2023

The Gates Town Board held its Regular Town Board meeting on Tuesday, January 3, 2022 at the Town Hall Meeting Room at 7:30PM. Those attending the meeting were as follows:

Cosmo A. Giunta	Supervisor
Lee A. Cordero	Councilman
Christopher B. DiPonzio	Councilman
Andrew M. Loughlin	Councilman
Steve Tucciarello	Councilman
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 Chris DiPonzio.

There were no revisions made to the minutes of December 5, 2022. Minutes stand and will be published and made available on the website and in the Town Clerk's office.

AUDIENCE PARTICIPATION

Don Iannonne, 4099 Lyell Rd wanted to advise us of the carpet squares by the glass door entrance are pulling up and wanted to make us aware.

OLD BUSINESS

None

NEW BUSINESS

PRESENTING LIFESAVING AWARDS TO OFFICER TYLER PRATT AND OFFICER ZACKARY TROUT AND RECOGNITION OF NYS TROOPER RICK NASCA

Chief Rob Long presented Lifesaving Awards to Officer Tyler Prat and Officer Zachary Trout. On December 14th 2022 at about 7pm, while working the afternoon shift, responded with fire and ambulance to call at Hope Hall School where a 66-year-old male collapse and was not breathing. These officers upon arrival seem citizens present trying to administer CPR, they immediately took over with the CPR and the AED, shock was delivered and then the gentleman was transported to the hospital for further care and was released to go home on December 26th.

Chief Long presented a Letter of Recognition as well as a pin symbolized with three (3) red squares, which represents saving a life in the line of duty.

Supervisor Giunta congratulated the two officers and thanked them for their efforts on behalf of himself and the council members. He was proud of them and is sure the gentleman and his family are very appreciative of them as well.

Chief Long also recognized NYS Trooper Rick Nasca with a plaque for helping the Town of Gates Police especially over the past year with several cases. He spoke to his character and how hard a worker his is. He appreciated all his assistance, dedication to our area and especially the relationship he built with Trooper Nasca. He acknowledged that right now there is a lot of negativity towards the police, but Trooper Nasca as well as all the officers present keep fighting the good fight.

Supervisor Giunta thanked Trooper Nasca for all his efforts and assistance to the Town as well as all the Law Enforcers present today

**ADOPTING A SUPPORTING RESOLUTION FOR RESTORE NY ROUND 7
APPLICATION FOR THE PROPERTY LOCATED AT 911 BROOKS AVE.
ROCHESTER, NY 14624**

RESOLUTION 31-23 Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman DiPonzio

WHEREAS the Town of Gates is eligible for grant funding under Round #7 of the Restore NY Communities Initiative Municipal Grant Program and;

WHEREAS the Town Board has considered proposals that qualify for funding under the program and selected one project to be included in an application that will be submitted to Empire State Development Corporation (ESDC) as follows:
Redevelopment through the demolition of condemned property located at 911 Brooks Ave. Rochester, NY 14624, a vacant former hotel building, through the construction of an upgrade and modern hotel facility following the removal of all hazardous material asbestos in need of abatement in the over 170 sq. ft. building and;

WHEREAS this project is consistent with all existing local plans, the proposed financing is appropriate for the project, the project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources and the project develop and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities in the Town of Gates.

NOW THEREFORE BE IT RESOLVED that the Town Board hereby supports and will sponsor an application for Restore NY funding for the condemned property located at 911 Brooks Ave. Rochester, NY 14624 and will administer the grant in accordance with all applicable rules and regulations established by ESDC and;

BE IT FURTHER RESOLVED that the Town Supervisor is authorized to sign the applications and any agreements required by ESDC for grant funding that results from the application

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;
Motion Carried.

**APPOINTING KATHLEEN PLUM TO THE POSITION OF GATES LIBRARY BOARD
OF TRUSTEE FOR A FIVE-YEAR TERM TO REPLACE KERI CUYLER, TERM TO
EXPIRE DEC. 31, 2027 AND EVAN ENGELBERCHT TO FULFILL THE UNEXPIRED
TERM OF MARIELLA MEINHOLD, TERM TO EXPIRE ON DEC. 31, 2023**

RESOLUTION 32-23 Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Appoints Kathleen Plum to the position of Gates Library Board of Trustee for a five-year term to replace Keri Cuyler, term to expire Dec. 31, 2027 and Evan Engelbercht to fulfill the unexpired term of Mariella Meinhold, term to expire on Dec. 31, 2023

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;
Motion Carried.

Gates Library Director Jennifer Erler-Perry thanked both Kathleen and Evan who are great library users for stepping up and joining the board.

Kathleen is an individual with time on her hands for which she is grateful for and will be stepping in the role for a five-year term and Evan is a Dad, who brings his son to the library for story time as well as other library time visits.

Jennifer is very grateful for both of them for joining the board.

Supervisor Giunta agreed and looks forward to working together.

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

**GATES EXPRESS Inc. (TWO) #1. FAST FOOD RESTAURANT #2. GASOLINE
SERVICE STATION, 2206 BUFFALO RD.; NATIONAL ENTERTAINMENT
NETWORK LLC, 2100 BUFFALO RD. (WAL-MART); WAFFLES-R-WILD, 3872
LYELL 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 33-23 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: (2) Two for Gates EXPRESS Inc., 2206 Buffalo Rd.#1. Fast-food Restaurant & #2. Gasoline Service Station; National Entertainment Network LLC, 2150 Chili Ave. (Wal-Mart); Waffles R Wild, 3872 Lyell Rd.;

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;
Motion Carried.

**APPROVING TOMPKINS INSURANCE AGENCY AS THE AGENT ON
RECORD FOR THE TOWN’S INSURANCE FOR THE YEAR 2023**

RESOLUTION 34-23 Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby approves Tompkins Insurance Agency as the agent on record for the Town’s insurance for the year 2023

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye
Motion Carried.

**SCHEDULING TWO PUBLIC HEARINGS STARTING AT 7:00PM
FOR CONDITIONAL USE PERMITS FOR
LIVINGSTON WALKER TO OPERATE LIVIE’S JAMACIAN RESTAURANT
AT 1583 HOWARD RD.
AND
BISMA KHAM (KHAN HOSPITALITY) TO OPERATE MOTEL 6,
AT 1273 CHILI AVE.**

RESOLUTION 35-23 Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, February 6, 2022 starting at 7:00PM to consider the application for a Conditional Use Permit for: Livingston Walker to Operate Livie's Jamaican Restaurant at 1583 Howard Rd. **AND** for Bisma Khan (Khan Hospitality) to Operate Motel 6, at 1273 Chili Ave.

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

**DESIGNATING SUPERVISOR GIUNTA AS THE DELEGATE AND COUNCILMAN
DIPONZIO AS THE ALTERNATE DELEGATE TO ATTEND
THE 2023 NEW YORK STATE ASSOCIATION OF TOWN ANNUAL
BUSINESS MEETING IN FEBRUARY**

RESOLUTION 36-23 Motion by Councilman Cordero who moved its adoption:

Seconded by: Councilman Loughlin

Resolved, that the Town of Gates do hereby approves Designating Councilman Tucciarello as the delegate and Supervisor Giunta as the alternate delegate to attend the 2023 New York State Association of Town annual business meeting in February.

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio-Aye; Loughlin – Aye; Tucciarello – Aye;
Motion Carried.

**ADOPTING THE TOWN OF GATES NON-UNION PERSONNEL AND
EMPLOYEE HANDBOOK REVISIONS**

RESOLUTION 37-23 Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby Adopts the Town of Gates Non-Union personnel and employee handbook revisions

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye
Motion Carried.

**APPOINTING PAUL IRVING AS SPECIAL DEPUTY TOWN ATTORNEY
AUTHORIZING HIM TO PROSECUTE ALL NYS VEHICLE & TRAFFIC VIOLATIONS
WITHIN THE TOWN OF GATES**

RESOLUTION 38-23 Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Appoints Paul Irving as Special Deputy Town Attorney authorizing him to prosecute all NYS Vehicle & Traffic Violations in the Town of Gates

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye
Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

None

**REPORTS
SUPERVISOR'S**

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

WARRANTS

GENERAL

CLAIMS # A22-0717 – A22-0776 \$60,687.57

HIGHWAY

CLAIMS # D22-0515 – D22-0560 \$182,790.27

LIBRARY

CLAIMS #L22-0245 – L22-0266 \$22,827.04

TOTAL DISBURSEMENTS \$2,783,612.73

TOTAL RECEIPTS \$850,660.66

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

RESOLUTION 39-23 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 December 2021 as read; and the warrants for the month of December 2022 as read.

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;
Motion Carried.

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

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

TOTAL REVENUE COLLECTED \$35,528.33

TOTAL REVENUE TO THE SUPERVISOR \$32,041.43

TOTAL NON-LOCAL REVENUE \$3,486.90

RESOLUTION 40-23 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 December 2022.

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 December 2022

Personnel Status Report for the month of December 2022.

Additions: 0

Terminations 1 Retirement (Highway Department)

Net Change -1

There being no further business to come before the Town Board, Councilman Loughlin motioned and Councilman DiPonzio second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 7:49 PM.

Town Clerk