

February 6, 2023

The Gates Town Board held Two (2) Public Hearings and its Regular Town Board meeting on Monday, February 6, 2023 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 HEARINGS

**CONSIDERING A CONDITIONAL USE PERMIT FOR
LIVINGSTON WALKER TO OPERATE LIVIES JAMAICAN RESTAURANT,
AT 1583 HOWARD RD A (GB) GENERAL BUSINESS 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.

Livingston and Thalia Walker, 71 Filmore St. 14611, for seventeen and a half (17 ½) years they operated their restaurant at 375 Chili Ave. They wanted to expand and have more seating. They found a broker who then introduced them to this property owner and they like this location. They trying to get going on the project to start serving their Jamaican cuisine as soon as possible, with all the approvals.

Supervisor Giunta, thanked them for choosing the Town of Gates. He asked the hours operation

Mr. Walker replied Mon-Thur. 9:00am-6:00pm, Fri. & Sat. 9:00am-9:00pm and Sunday –closed to the public but will only open for special events.

Supervisor Giunta asked how many employees?

Mr. Walker, including himself and his wife about six (6) total.

Supervisor Giunta asked what are their specialties?

Mr. Walker replied, its Jamaican cuisine, like jerk chicken, jerk pork, which are their big sellers as well as oxtail and also breakfast which includes their national dish Ackee Saltfish, Cod or Baccala with dumplings.

Councilman Tucciarello asked when they plan to open?

Mr. Walker, hopefully within the next two (2) weeks, they have been in the process since October and have had some construction delays.

Councilman Tucciarello asked if the previous business in that location was the Gates Family Restaurant? Mrs. Walker replied, yes it was

Councilman Tucciarello, wished them luck and will visit once open

Councilman Cordero asked if they will close the Chili Ave location once this location is opened.

Mr. Walker, they actually closed the Chili Ave location on the 10th of December because they are family run and didn't want to stretch themselves thin by managing two locations.

Councilman DiPonzio asked as far as seating at the new location, how many seats or if anything is changing in the kitchen?

Mrs. Walker in the previous location they had seating for about sixteen (16) and now it will be forty to fifty (40-50) and the kitchen will have everything he has ever wanted including air conditioning.

Supervisor Giunta asked Mrs. Walker if she too will be helping out at the restaurant?

Mrs. Walker works at Roberts Wesleyan, but does help with the books, ordering and customer service.

Councilman DiPonzio asked about their hours of operation, and if they would think of ever staying open later in the foreseeable future? Mr. Walker responded maybe till 7:00pm.

Councilman DiPonzio suggested and if it gets approved to make the hours later. They don't necessarily have to stay open later, but it's good to get established now and not need to come back to the board for approval.

Councilman Tucciarello suggested 9:00am-9:00pm and Mr. Walker agreed.

Supervisor Giunta confirmed the Hours of Operation: Monday-Saturday 9:00am-9:00pm and Sundays, Closed except for Special Events 11:00am-3:00pm.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this, hearing none closed the public hearing at 7:10pm.

RESOLUTION 42-23

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby approves an application from Livingston Walker for a Conditional Use Permit to Operate Livie's Jamaican Restaurant at 1583 Howard Rd., in a General Business District (GB) with the following Conditions:

Hours of Operation:

Monday-Friday 9:00am-9:00pm

Sunday 11:00am-3:00pm (for Special Events Only)

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

Motion Carried.

**CONSIDERING A CONDITIONAL USE PERMIT FOR
BISMA KHAN (KHAN HOSPITALITY LLC) TO OPERATE
MOTEL 6 AT 1273 CHILI AVE. A (GB) GENERAL BUSINESS DISTRICT**

Supervisor Giunta asked if the applicant was here. He stated he has been in contact with Ms. Khan as she is flying in from NY City and not sure if there was a delay, but will continue with the public hearing with hopes that she arrives.

He continued, Motel 6 will be run under new ownership/management with Bisma Khan of Khan Hospitality LLC, purchased the current Motel 6 at 1273 Chili Ave. Ms. Khan had contacted the Supervisor since last November and has been in contact since with emails, phone and zoom calls. She wanted information on the hotel because she expressed interest in purchasing it. Supervisor explained the ongoing issues the Town has had with the Motel 6, especially the strain it has put on our First Responders being called there numerous times. During the COVID pandemic, the County continued placing homeless people, addicts, parolees, sex offenders, and others battling different types of issues. This caused a strain on our first responders who were called there very frequently and some of the call unfortunately, were for overdoses. The Supervisor knows Ms. Khan is well aware of all the issues and he truly believes she wants to turn this hotel around. She has been advised that in order to get this granted by the board it will need to be guaranteed to.

Supervisor Giunta since this is a Public Hearing asked if anyone from the audience wanted to speak for or against this?

Gates Fire District Assistant Chief, Tim Goole has concerns with the amount of times they have had to respond to that current location as well as the types of calls they are responding for and hopes with the new ownership there is an opportunity to sit down and address some of their concerns to work through them.

Supervisor Giunta agrees and feels that should be a condition prior, to have a meeting and introduce everyone that has been and will be affected here

Sam Simone 81 Marc Mar Trail wants to know what the intentions of the new owners are and will they continue to operate as Motel 6?

Supervisor Giunta recognized the applicant arriving at the public hearing and welcomed her to the podium.

Bisma Khan, recently purchased Motel 6 at 1273 Chili Ave. Her intentions are to bring it back to the same quality as the original Ramada Inn. She has the capital and intends to renovate the entire place with new flooring, new carpets, painting, new furniture and it will look completely different. She wants it to be affordable luxury living, not just book Motel 6 because it's cheap, but because people really want to stay there, because it's cooler, it's sanitary, it's hygienic, it's new, so people are intrigued by it. Ms. Khan wants this to be inviting to everyone and not to be discouraged by the way it was, but be motivated to come and stay at this brand-new Motel 6.

Supervisor Giunta explained to Ms. Khan the concerns that people attending the public hearing prior to her arriving the meeting were expressing as well as the concerns he expressed to her in their previous conversations. Assistant Fire Chief Goole had mentioned the possibility of an in-person meeting to go over the concerns and questions.

Ms. Khan totally agrees with a meeting and is more than willing to participate in that. Anything that helps everyone through this process.

Supervisor Giunta asked if she will be moving to Rochester from NYC?

Ms. Khan responded she has already moved and is staying in the hotel until she finds a condo of her own.

Supervisor Giunta, in the remodeling process, will all the hundred and fifty (150) rooms be renovated at once?

Ms. Khan not all at once, with road blocks and seeing how long it takes to get materials. She thinks they'll work on five to ten (5-10) rooms at a time, but plans on starting with the lobbies and then towards the hallways and then the rooms.

Supervisor Giunta asked, how is it with the current occupancy situation?

Ms. Khan replied she doesn't plan on having them stay any longer and thinks slowly will have them out and then start the renovation processes

Attorney Dan Schum asked if she purchased the land and building, not just the franchise and if it came with any contract with the County of Monroe?

Ms. Khan replied Yes, she bought all of it and No, there was no contract with Monroe Country?

Attorney Schum, is there any obligation for furnish open rooms to the county for transient residents?

Ms. Khan, under the Motel 6 franchise, she'll have fifty (50) rooms that are her priority and the other fifty (50) rooms she plans on keeping empty until she has more capitol to turn those fifty (50) into Studio 6. So, one-hundred (100) rooms Motel 6 and fifty (50) rooms Studio 6

Attorney Schum asked if there are empty rooms, has there been any conversation with the County of Monroe about NOT wanting to make those available to transient residents?

Ms. Khan has actually Not had any conversation with the county yet.

Attorney Schum suggests Ms. Khan does have a conversation with Monroe County, because his understanding is there could be some county right to compel her to accept transient residents if there are empty rooms, but doesn't know it to be true or not true, but thinks it should be important to her to know it, for her plan

Ms. Khan believes she has a meeting scheduled with the county this week

Supervisor Giunta asked if she knew with whom she was meeting with and if possible for him to join in on that meeting? Ms. Khan is good with him joining in the meeting.

Councilman Loughlin, it was mentioned, people living there, will it be like an extended stay or a week or two max?

Ms. Khan replied it'll be like a regular Motel 6 customers with a max of one or two weeks

Councilman Loughlin appreciates Ms. Khan taking the initiative to fix that place up, but suggests that she have some in-house security with someone to respond to alleviate the town's first responders until she can build a reputation. People in that area have had better success with having someone keeping an eye on the property.

Councilman Tucciarello asked what the price point is now and what it will be planned to be once renovations are complete?

Ms. Khan believes now room rentals are seventy-five dollars (\$75.00) a night and after renovations thinks it'll be eighty-five to ninety-five dollars (\$85.00-\$95.00) a night.

Councilman Cordero asked what does Ms. Khan plan to do with the people staying at the hotel now, especially those placed by the county?

Ms. Khan wants to speak with the county first and see if they can place them somewhere else, which she hopes they do and then slowly start getting them out

Councilman DiPonzio asked what the difference is between Motel 6 and Studio 6?

Ms. Khan, Studio 6 will have kitchenettes for people who want that option

Councilman Cordero asked if she plans to keep the same name or franchise, Motel 6

Ms. Khan as of right now she plans to keep it the same name, she doesn't have a problem with them, but possibly later rename to a something higher end like a Comfort Inn, but not sure yet

Councilman Cordero asked if she has run hotels before?

Ms. Khan, yes, a Motel 6 in Vernon, Connecticut

Supervisor Giunta asked if the couple with her, were her parents and if they are the owners of the Vernon, CT Motel 6 location and asked what are some of the barriers he faces running a hotel?

Mr. Khan, yes, they are here supporting their daughter and Mr. Khan replied, before Motel 6 he ran other hotels, but has owned the Vernon location for one and half (1 ½) years and is successful. This experience is a nightmare, but they will help her. She was in medical school prior for a couple years and then dropped out to help her father and now this.

Councilman Tucciarello asked if the one in Connecticut is like a travel lodge by Windham because he looked it up

Ms. Khan, it was a Motel 6 and then her father's partner changed it to a Travel lodge

Supervisor Giunta since this is a Public Hearing asked if anyone from the audience wanted to speak for or against this?

Kathleen Johnson, 1 Fairchild, her concerns are with the drugs, sexual predators and no protection for the Community, these are things she has heard and doesn't think it's right to use the town's resources in dealing with it and the many calls they receive with the problems in that area. She is concerned on how this will get dealt with, without putting it on the taxpayers as well as people with mental health issues.

Ms. Khan agrees and feels safety is top concern and she is currently staying at that hotel, and as far as sex predators being placed by the county, it is not true, because it is one of the first question she asked on how it get differentiated on who is placed there and sex offenders can absolutely NOT live there and as far as drug addicts, that can be anyone in the general public that comes in to book room, there is no way of knowing from person to person and that goes for people with mental health issues. Anyone has the right to come and book a room at the hotel, it's not necessarily people from DHS that have issues, anyone can be a criminal. There currently is security the county is providing due to the people from the county there, but once they are all moved out, and with her renovations and attracting a better clientele and a higher price point, she doesn't think security will be needed

Ms. Johnson asked what the plan is, if she can't have them to leave?

Ms. Khan, people can't force themselves to live on her property if she owns it, so she will need to find common ground with everyone in the community, because as a community we need to help on another, because if we don't help one another then there is no unity in the community. Basically there is a need to find common ground between everyone and make it easier on everyone to alleviate these problems.

Councilman Cordero asked if Ms. Khan plans on having indoor / outdoor cameras, lighting and someone watching them

Ms. Khan there are already over seventy-five (75) cameras and there is someone watching them including herself

Gates Police Chief, Rob Long knows they do have exterior cameras as he has seen them. His concerns that need to be brought to the table and addressed, the dilapidated pool, which is a major concern, with possibly someone falling in, not sure if it'll be upkept or filled in. Also, there are permanent residents, not county placed in the back side of the hotel that the previous owner let live, more like an apartment and not a two-week stay and they were dealing with them as well. Some worked at the hotel and some did not. Chief Long also shared some statistics. In 2021, without January & February, 2.38% of all of the Gates Police calls were to this location (794 calls). In 2022, it spiked up to 894 calls, which is two and three quarter (2 ¾) of all calls. Last year the Police Dept. responded to thirty-two thousand (32000) calls, so it is a big burden on the Police Department and he likes hearing that Ms. Khan plan to renovating and fixing things, but they will need to look into the county contract. No one wants to put anyone out in the streets especially when it's cold out and agrees we need to put people in places, but we need to bring the services to them, unfortunately we're dealing with a lot of mental health crisis.

People are being brought there, left in Gates and the officers are going back time after time dealing with the same people. The chief doesn't know who to go to anymore, he has gone to the county, called people, gotten with the security that's in the hallway, but it's just an ongoing battle with this facility. There have been sex offenders living there that were not registered with the town, and doesn't think the county placed them, but other organizations did. There were mothers of domestic violence with children living in the same building and it doesn't matter if they are a level 1, 2 or 3 it's unacceptable. If the county had anything to do with this it is unacceptable. We were only told this may be a possible shelter during COVID and then one day, an afternoon sergeant wanted to know why they went seven (7) times within a two-hour time frame. There was no notification from the County of the use of this facility. The Gates Police wants to know, so they can help the people, that's how the Gates community is, always helping people. If they knew, they could get mental health there, Gates to Recovery, food to help and hopefully drop calls down. Last February (the shortest month) they went one-hundred and seven times (107). They never have gone to a place so many times even in the higher theft commercial buildings. Chief Long ultimately wants to work together with the Town, Fire District and Volunteer Ambulance.

Supervisor Giunta agrees with Chief Long and hopes with the new ownership they will working together to turn this around and make it better.

Kurt Rappazzo, Director of Public Works, 1605 Buffalo Rd. along with the code enforcement and Fire Marshal of the building department have had issues with this property as well and is absolutely looking forward to working with Ms. Khan in turning this place around returning it to normal and making it the best Motel 6 this town has ever seen.

Sam Simone, 81 Marc-Mar after everything he's heard, the only question he has knowing they are looking for a conditional use permit, if it could be a temporary permit like for six (6) months?

Attorney Schum the conditional use permit is typically granted for a period of one (1) year, but is revoke able at any time, so it could be three (3) months, three (3) days or six (6) months, but it's based on the conditions set forth which the board imposes at the time of the issuances of the permit that control whether or not the applicant has complied, so it's imperative now that the conditions are established under which are expected to be operated and to be monitored as closely as we can to make sure they are in compliance.

Supervisor Giunta asked if anyone else from the audience wanted to speak for or against this, hearing none closed the public hearing at 7:41pm.

He stated that Ms. Khan mentioned having a meeting with the County this week and feels everyone would like to hear what the county has to say prior to making a decision on this application and asked if he along with the Police Chief could attend that meeting? They too want this to be a success and are looking to lean in her favor, but want to be sure things are done right for her sake and the towns sake and to be the most successful Motel 6 in Monroe County.

Ms. Khan agreed.

Supervisor Giunta invited Ms. Khan to come in and meet to discuss further as well as to advise him of the meeting with the County and then possible set up a meeting with the Police, Fire, and EMS and discuss the ongoing issues and work on resolving those

RESOLUTION 43-23

Motion by Supervisor Giunta who moved its adoption:
Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby **TABLES** the application from Bisma Khan (Khan Hospitality) for a Conditional Use Permit to Operate Motel 6 at 1273 Chili Ave., in a General Business District (GB).

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 7:45PM. He began with a moment of silent prayer and Pledge of Allegiance, led by Councilman Lee Cordero

There were no revisions made to the Organizational or Regular Town Board Meeting minutes of January 3, 2023, Including the January 16, 2023 Workshop Minutes Minutes stand and will be published and made available on the website and in the Town Clerk's office.

AUDIENCE PARTICIPATION

None

OLD BUSINESS

None

NEW BUSINESS

**APPOINTING JAY FRIDLEY TO THE POSITION OF ASSISTANT
DOG CONTROL OFFICER FOR THE TOWN OF GATES**

Supervisor Giunta thanked Officer Fridley who is part of the Gates Special Police for stepping up and helping out as the Assistant Dog Warden

RESOLUTION 44-23

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Appoints Jay Fridley to the position of Assistant Dog Control Officer for the Town of Gates

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

Motion Carried.

**APPOINTING KAYLA GARDNER TO THE POSITION OF FULL-TIME
RECORDS CLERK IN THE GATES POLICE DEPARTMENT**

RESOLUTION 45-23

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Appoints Kayla Gardner to the position of full-time records clerk in the Gates Police Department

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

Motion Carried.

**APPROVING THE HIRE FOR THE TRANSFER, OFFICER CURTIS MILLER TO THE
GATES POLICE DEPARTMENT TO BACKFILL THE POSITION OF
RETIRED OFFICER JENNIFER SKIDMORE**

Police Chief Rob Long addressed the board stating that Officer Skidmore retired in December. In the year of 2022 the PD lost a ton of experience to retirements including the former Chief, who is present in the audience. Now their duty is to backfill with some younger folks and get them in here to their careers and fulfil our requirements here in Gates. With Officer Skidmore retiring they decided to start looking for a lateral transfer candidate because the academy has already started, and couldn't put another into the academy. There were a couple of applicants that interviewed with the Gates Police Department and one stuck out. He's here this evening. Officer Curtis Miller, who came highly recommended by higher people in the law enforcement world. He's very dedicated and comes with a lot of training which some of our officers do not get in a short span of time because he comes from a smaller agency. He put himself through the police academy and worked his way in through a couple different part-time agencies before landing fulltime in LeRoy. He has experience as a fleet manager, quarter master and has been through a lot of classes including breathe test operator for DWI, field training officer, crash management technician and many skills that he feels will be beneficial in the Town of Gates. Therefore Chief Long recommends that we appoint Officer Miller.

RESOLUTION 46-23

Motion by Councilman Cordero who moved its adoption:
 Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Approves the hire for transfer Officer Curtis Miller to the Gates Police Department to backfill the position of retired Officer Jennifer Skidmore

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

Chief Long administered the Oath of Office to Officer Miller

**APPOINTING CHARLES R. JOHNSON TO THE CONSERVATION ADVISORY
 BOARD FOR A FIVE-YEAR TERM, TERM TO EXPIRE FEB. 6, 2028**

Councilman Tucciarello, Charles is going to make an excellent member of the Conservation Advisory Board. He is a professional landscaper, an avid outdoor person, loves the environment and conservation, We are looking forward to working with him and thanked him for stepping up and taking on these responsibilities.

Conservation Advisory Board Chairperson, Virginia McIntire met Charles about six (6) months ago and sees how much he loves working with trees and plants and nature in general, which makes him perfect to be on this team and looks forward to working with him.

RESOLUTION 47-23

Motion by Councilman Tucciarello who moved its adoption:
 Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby Appoints Charles R. Johnson to the Conservation Advisory Board for a five-year term to expire February 6, 2028

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

**AMENDING RESOLUTION #50-22 FOR MONROE COUNTY / NYS STOP
 DWI HIGH VISIBILITY ENGAGEMENT CAMPAIGN GRANT OF \$4,555 TO
 ACCEPT ANY ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE FROM
 NYS STOP DWI FOUNDATION FROM OCT. 1 THROUGH SEPT.30, 2023**

RESOLUTION 48-23

Motion by Councilman Loughlin who moved its adoption:
 Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby approves Amending Resolution #50-22 for Monroe County/ NYS STOP DWI High Visibility Engagement Campaign grant of \$4,555 to accept any additional funds that may become available from NYS Stop DWI Foundation from Oct 1 2022 through Sep 30, 2023.

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

**ADOPTING AN AMENDMENT TO THE EXISTING AGREEMENT BETWEEN THE
TOWN OF GATES AND PROPERTY REGISTRATION
CHAMPIONS, LLC AMENDING THE PROPERTY REGISTRATION FEE TO \$75.00
IN ACCORDANCE WITH NYS LAW AMENDMENTS WITH RESPECTS TO
FORECLOSURES AND ABANDONED PROPERTIES REGISTERED IN THE TOWN**

Councilman Tucciarello feels the state is moving in the wrong direction on this. This law has been in effect since 2016. It has helped greatly reduce zombie and vacant homes in the Town. He feels the folks at the state level are watering this down and not helping us here in Upstate.

RESOLUTION 49-23

Motion by Councilman Tucciarello who moved its adoption:
Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby Adopts an amendment to the existing Agreement between the Town of Gates and Property Registration Champions, LLC amending the property registration fee to \$75.00 in accordance with NYS Law Amendments with respects to foreclosures and abandoned properties registered in the town

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

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

BIRCHCREST TREE & LANDSCAPING, 150 LEE RD.; VG TRUCKING INC., TWO (2) LOCATIONS; 78 MARWAY CIR., AND 48 PIXLEY INDUSTRIAL PARKWAY, MAC'S PIZZERIA AND GRILL, 2346 LYELL AVE.; TIM HORTONS, 1536 SPENCERPORT RD. SUITE 2; SAVASTANO'S BAKERY, 477 SPENCERPORT RD.; TACO BELL #24797, 2317 LYELL AVE.; 200 PIXLEY RD LLC, 200 PIXLEY RD.; WISE GUYS SMOKE SHOP, 720 ELMGROVE RD.; WORKFIT MEDICAL, LLC, 1190 CHILI AVE.

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 50-23

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: Birchcrest Tree & Landscaping, 150 Lee Rd.; VG Trucking Inc., TWO (2) locations; 78 Marway Cir. AND 48 Pixley Industrial Parkway; Mac's Pizzeria and Grill, 2346 Lyell Ave.; Tim Hortons, 1536 Spencerport Rd.; Suite 2; Savastano's Bakery, 477 Spencerport Rd. Taco Bell #24797, 2317 Lyell Ave., 200 Pixley Rd LLC, 200 Pixley Rd., Wise Guys Smoke Shop, 720 Elmgrove Rd., Workfit Medical, LLC., 1190 Chili Ave.;

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

AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE A SUPPLEMENTAL AGREEMENT NO.2 OF CONTRACT #D014863 FOR THE 2022-2023 SNOW AND ICE AGREEMENT BETWEEN THE TOWN OF GATES AND THE NYS DOT.

RESOLUTION 51-23

Motion by Councilman Loughlin who moved its adoption:
Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Authorizes the Town Supervisor to execute a supplemental agreement No. 2 of contract #D014863 for the 2022-2023 Snow and Ice Agreement between the Town of Gates and the NYS DOT.

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

AUTHORIZING A NOTICE OF BIDDER PUBLICATION FOR THE REPAIR AND REPLACEMENT OF THE ANNEX SECTION OF THE TOWN HALL ROOF

RESOLUTION 52-23

Motion by Supervisor Giunta who moved its adoption:
Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Authorizes a Notice of Bidder publication for the repair and replacement of the Annex section of the Town Hall roof.

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

**ACCEPTING THE OFFER OF DEDICATION FROM
RM EQUITY HOLDINGS, LLC OF GOLDEN OAKS WAY
LOCATED WITHIN THE VILLAS@COLDWATER SECTION 4**

RESOLUTION 53-23

Motion by Councilman Loughlin who moved its adoption:
Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Accepts the offer of Dedication from RM Equity Holdings, LLC of Golden Oaks Way located within the Villas@Coldwater Section 4.

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

**SCHEDULING TWO PUBLIC HEARINGS STARTING AT 7:15PM
#1 FOR CONDITIONAL USE PERMIT FOR
EVAN MAYER (MAYER RESTAURANTS) TO OPERATE JERSEY MIKE’S
AT 20 SPENCERPORT RD.**

AND

#2 FOR A PROPOSED LOCAL LAW TO ESTABLISH A MORATORIUM ON THE APPLICATION FOR OR GRANTING OF PERMITS FOR ALL ELECTRONIC SIGNAGE WITHIN THE TOWN OF GATES FOR A PERIOD OF SIX (6) MONTHS

RESOLUTION 54-23

Motion by Councilman DiPonzio who moved its adoption:
Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby schedules **TWO (2)** Public Hearings for Monday, March 6, 2023 starting at 7:15PM to consider #1. the application for a Conditional Use Permit for Evan Mayer (Mayer Restaurants) to Operate Jersey Mikes at 20 Spencerport Rd. in a (GB) General Business District **AND** #2 for a Proposed Local Law to establish a Moratorium on the application for or granting of permits for all Electronic Signage within the Town of Gates for a period of six (6) months.

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

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta, an FYI, on Thursday (2-9-2023) there is a proposed development coming on Buffalo Rd. and behind the Italian American Community Center. There's about an eighty-five (85) acre parcel that a developer is looking to build including single-family & town home. The developer is having an informational meeting at the IACC at 6:30pm.

**DEDICATION OF A BLANK PAGE INTO THE GATES MEETING MINUTES IN
MEMORY OF JOHN J. PISATURO**

Supervisor Giunta requested a blank page be left in our minute in dedication to former Judge John Pisaturo in his remembrance

RESOLUTION 55-23

Motion by Supervisor Giunta who moved its adoption:
Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby approves the Dedications of a Blank page in the Meeting Minutes in Memory of John J. Pisaturo.

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

Motion Carried.

REPORTS**SUPERVISOR'S**

**ACCEPTING THE SUPERVISOR'S
REPORT FOR THE MONTH OF JANUARY 2023**

WARRANTS**GENERAL**

CLAIMS # A22-0777 – A22-0804	\$167,608.80
CLAIMS # A23-0001 – A23-0039	\$52,635.68

HIGHWAY

CLAIMS # D22-0561 – D22-0584	\$41,453.63
CLAIMS # D23-0001 – D23-0030	\$63,567.66

LIBRARY

CLAIMS #L22-0267 – L22-0280	\$5,385.53
CLAIMS #L23-0001 – L23-0003	\$13,031.38

TOTAL DISBURSEMENTS	\$1,914,471.62
----------------------------	-----------------------

TOTAL RECEIPTS	\$5,231,205.19
-----------------------	-----------------------

Supervisor Giunta noted for the record that the warrants for the month of January 2023 have been examined by the Town Board and signed.

RESOLUTION 56-23

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 January 2022 as read; and the warrants for the month of January 2023 as read.

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

**ACCEPTING THE TOWN CLERKS REPORT
FOR THE MONTH OF JANUARY 2023**

The Town Clerk read the report for the month of January 2023 showing the following:

TOTAL REVENUE COLLECTED	\$32,809.58
TOTAL REVENUE TO THE SUPERVISOR	\$32,220.76
TOTAL NON-LOCAL REVENUE	\$588.82

RESOLUTION 57-23

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 January 2023.

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 January 2023

Personnel Status Report for the month of January 2023.

No Additions, 2 Terminations (Retirement - Police and Court Department)

Net Change -2

There being no further business to come before the Town Board, Supervisor Giunta motioned and Councilman Loughlin second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 8:06 PM.

Town Clerk

THIS SPECIAL PAGE IN
THE TOWN OF GATES
MINUTE BOOK
IS DEDICATED TO THE MEMORY OF
JOHN J. PISATURO
WHO SERVED AS JUDGE IN THE
TOWN OF GATES COURT
FOR 28 YEARS
WHO PASSED ON FEBRUARY 2, 2023