

October 2, 2023

The Gates Town Board held a Public Hearing and its Regular Town Board meeting on Monday, October 2, 2023 at the Town Hall Meeting Room at 7:15PM. 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
Dan Schum	Town Attorney
Veronica Owens	Town Clerk

7:15PM PUBLIC HEARING

**CONSIDERING A CONDITIONAL USE PERMITS FOR DAVID SPRANKLE
TO OPERATE THE COTERIE
AT 777 SPENCERPORT RD. IN A NEIGHBORHOOD BUSINESS DISTRICT (NB)**

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 to speak on this application.

Dave Sprankle, lives in Irondequoit, he's here along with wife, Kristen Anne Sprankle, Business Partner, Benjamin Leitner and his girlfriend, Amanda Angora. This will be a nice sit-down family restaurant, high-end casual Bistro style. They have a business plan, floor plan and building permit (presented a copy to the supervisor) and are still working on the menu. They have been in the process of doing renovations, including the town building inspector and fire marshal to get everything in order with code.

Supervisor Giunta asked what the hours of operation?

Mr. Sprankle responded, Tuesday through Thursday 11:00am-9:00pm, Friday and Saturday 11:00am-10:00pm and Sunday 10:00am-3:00pm for Brunch.

Supervisor Giunta asked how many employees and the targeted date to open?

Mr. Sprankle responded, the four of them for now and are shooting to open the last week of this month (October 2023).

Supervisor Giunta asked about some of the dishes they are planning to serve?

Mr. Leitner responded he likes to do stuff that is not already in the area and so he works on demographics of the area. He takes fine dining techniques and brings them to an affordable menu for the demographics of the area. Everything is made in-house, not a lot of fried foods, for example he makes a homemade Chicken Cordon Blue eggroll, with a vinaigrette dipping sauce, also fun stuff like salad in a jar and many other typical foods with a fun twist.

Supervisor Giunta asked if they will get a liquor license?

Mr. Sprankle they are currently working on that for beer and wine with possibly adding other at a later date.

Supervisor Giunta asked about the seating capacity?

Mr. Sprankle they are thinking to a 60-65 seating capacity, but actual capacity is 100.

Councilman Tucciarello asked about their chef history, how long?

Mr. Sprankle responded in the business plan presented states each one's experience and work history. Mr. Leitner added his is very long, he started at age 15 flipping burgers and by 19 was working at nicer restaurants, at 23, opened his first restaurant in Scottsdale, Arizona, won several Le Cordon Bleu Awards and went on too many more experiences nationwide and locally.

Councilman Loughlin appreciates him bringing his experience here to the Town of Gates and wanted to make them aware of the Gates Chili Chamber of Commerce for any assistance with a ribbon cutting to help the community know about them.

Supervisor Giunta asked if anyone from the audience wanted to speak for or against this, hearing none closed the public hearing at 7:25pm.

RESOLUTION 141-23

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

Resolved, that the Gates Town Board hereby approves an application from David Sprankle for a Conditional Use Permit to Operate The Coterie Restaurant at 777 Spencerport Rd., in a Neighborhood Business District (NB) with the following Conditions:

Hours of Operation:

Tuesday-Thursday, 11:00am-9:00pm, Friday & Saturday, 11:00am-10:00pm
Sunday, 10:00am-3:00 for Brunch

Seating Capacity:

55-65

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 Loughlin

There were no revisions made to the Public Hearings and regular Town Board Meeting minutes from September 5, 2023 and will be published as drafted and available on the website and in the Town Clerk's office

AUDIENCE PARTICIPATION

Chief Long, approximately two months ago an Investigator was added to the Gates Police Department, promotion of an Officer who has done a great job throughout his time with the Gates Police Department with his file full of many accolades from former Police Chiefs, James VanBrederode and DiCaro.

Officer Patrick Ellison came to the GPD on September 1, 2012 transferring from The Village of Penn Yan, while he was also working part-time with the Seneca County Sheriff's Department. While in GPD he has also worked as an evidence technician, working on some of the high-type crimes and has worked a lot of cases. In 2015 he received the highest award possible as a living

member of the Gates Police Dept. The Distinguished Service Award, which he received into an investigation of a suspect involved in gas station and bank robberies as well as other high crimes. Chief Long then welcomed Officer Patrick Ellison up to swear him in as Investigator.

Supervisor Giunta, Congratulated Investigator Ellison and thanked him for his hard work and knows he will do a fantastic job and looks forward to watching him flourish and feels they made the right choice.

Investigator Ellison thanked the Town Board and the Chief for giving him this opportunity.

Police Chief Long added, just to show the dedication of the three investigators who had previous family plans and obligations, cancelled them due to the incident that happened in Gates over the weekend to work on it. He is humbled and proud of the staff here and feels Chief JVD did a great job bringing on and hiring the right people and hopes to continue to do that as well.

Supervisor Giunta, also thanked them for coming in and getting on top of this investigation.

Supervisor Giunta continued with audience participation and asked if there was anyone else to speak.

Ellen Robinson, 5 Dawn Haven Drive, spoke on a problem that many residents and businesses in Gates have had for decades and has not been solved. She read a letter to the Town Board about the flooding in homes and businesses, not just in her neighborhood, but all over town. Homes at 3, 5, 11 & 13 Dawn Haven, 270 Normandale, homes on Coldwater Rd area as well as 575 Wegman Rd., due to the heavier rains that have occurred in August. She has spoken to these residents and all say the same thing, flooding. She has spent quite a bit of money on clean-up and repairs to her own home due to the flooding. She has called and left messages with several different departments and office of Monroe County and hasn't received any answers, but did get suggestions of ideas that she continued to read. Ms. Robinson is willing to help with getting solutions.

Supervisor Giunta thanked Ms. Robinson and acknowledged receiving her letter including the Councilmen and was going to reach out, but heard she would be attending this meeting and thought along the Highway Superintendent, Kurt Rappazzo they could better respond in person. He added, she had done all the right things, contacting the right places and she unfortunately, was misinformed. Monroe County Pure Waters does handle sewage. The sewage problem is their issue. The town does storm sewer, the water runoff, and so forth. MC Pure waters should have sent someone out immediately, he apologized on their behalf. He continued, there has been an usual amount of rain this summer. Although, our system is only capable of holding "X" amount of water, but when there is "XX" of rain, it doesn't matter which system is installed, the system is not capable of handling more than the "X" amount and that's what causes the flooding. The grounds were so saturated it didn't absorb the excess water like it was supposed to so that didn't help either.

Mr. Rappazzo started by the event in mid-August was tremendous with three-inches of rain in 4 hours and agreed with the supervisor that the sewer systems were overwhelmed as well as the county's in terms of the sanitary sewer. There have been temporary pump stations installed in the past in the town to address some of those issues. The rains in August caused flooding's, never before seen, such as on Buffalo Rd. at Garden Factory and all over town. Thankfully, it was only temporary the sun came out and the rain stopped, the system caught up, soaking up some of the flooding and the few areas that it didn't as quickly as others and they investigated them further and some further maintenance was done to make sure those drains were open and working well, and for the most part our system worked like it was supposed to. It was a very rainy summer. In the spring, the highway department started sweeping all the roads to catch all the grit left after the winter and then periodically throughout the year, the spring buds, maple

seed drops, the “helicopters” cottonwood trying to keep those types of things out of our system.

Check valves are a much simpler thing on a storm sewer system because they should be on the homes sump-pump going out the wall to the storm sewer system. As long as there is a sump-pump with a check valve, there should never ever be any water from the storm systems going into homes. There are several older homes in town, that has a gravity drain from the basement directly into the storm sewer system and one in particular who’s owner was in and was like it never floods, but it did that day because there was so much rain. They went and checked and the pipe was as clean as a whistle.

Mr. Rappazzo offered to go to Ms. Robinsons home to check the system, she welcomes the visit.

Councilman DiPonzio, once the town has looked at the issue, if further assistance is needed to reach Pure Water, the town will help, Mr. Rappazzo and Supervisor Giunta agreed.

OLD BUSINESS

None

NEW BUSINESS

PRESENTATING A PROCLAMATION TO THE GATES KEYSTONE CLUB POLICE PIPES AND DRUMS BAND

Supervisor Giunta presented a proclamation (which he read) to the Gates Keystone Club Police Pipes and Drums Band. He congratulated and thanked the twelves members present for all their service, for their affiliation with the Town and for what they do for the Town of Gates and all the surrounding communities.

ACCEPTING THE STOP DWI GRANT IN THE AMOUNT OF \$9,491 AND THE STOP DWI-HVEC IN THE AMOUNT OF \$3,993.05 FOR THE GATES POLICE DEPARTMENT INCLUDING ANY ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE FROM THE NYS STOP DWI.

RESOLUTION 142-23

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Accepts the STOP DWI Grant in the amount of \$9,491 and the STOP DWI-HVEC Grant in the amount of \$3,993.05 including any additional funds that may become available from the NYS Stop DWI.

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

ACCEPTING THE POLICE TRAFFIC SERVICES PROGRAM FOR SEAT BELT MOBILIZATION GRANT IN THE AMOUNT OF \$7,020 AND THE REGULAR PTS ENFORCEMENT GRANT IN THE AMOUNT OF \$1,560 INCLUDING ANY INCLUDING ANY ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE FROM THE POLICE TRAFFIC SERVICES PROGRAM

RESOLUTION 143-23

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Accepts the Police Traffic Services Program for Seat Belt Mobilization grant in the amount of \$7,020 and the Regular PTS Enforcement grant in the amount of \$1,560 including any additional funds that may become available from the Police Traffic Services Program.

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

**APPROVING A PLUMBER’S APPLICATION FOR TODD M. RUSSO,
 4311 LOWER RIVER RD., YOUNGSTOWN, NY AS A LICENSED PLUMBER
 TO WORK IN THE TOWN OF GATES**

RESOLUTION 144-23

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

Resolved, that the Gates Town Board hereby Approves a plumber’s application for Todd M. Russo. 4311 Lower River Rd. Youngstown, NY as a Licensed Plumber to work in the Town of Gates.

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

**APPOINTING BRANDON STUHLER AS AN ALTERNATE MEMBER
 TO THE GATES PLANNING BOARD FOR
 A TWO (2) YEAR TERM TO EXPIRE OCTOBER 31, 2025**

RESOLUTION 145-23

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

Resolved, that the Gates Town Board hereby Appoints Brandon Stuhler as an alternate member to the Gates Planning Board for a 2-year term, term to expire October 31, 2025.

VOTE OF THE BOARD

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

Motion Carried.

**APPROVING THE RENEWAL OF THE INTERMUNICIPAL AGREEMENT
 FOR SNOW AND ICE CONTROL SERVICES BETWEEN
 THE TOWN OF GATES AND MONROE COUNTY**

RESOLUTION 146-23

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

Resolved, that the Gates Town Board hereby Approves renewal of the Intermunicipal Agreement for Snow and Ice Control Services between the Town of Gates and Monroe County.

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:**

**TRINITY ASSISTANCE, 3545 BUFFALO RD.; ABSOLUTE SCREEN
PRINTING, 505 SPENCERPORT RD. SUITE 3; BYRNE DAIRY,
2295 SPENCERPORT RD.; PURE IMAGINATION CAFÉ, 2997
BUFFALO RD.; GATES MANUFACTURED HOUSING COMMUNITY,
1531 BUFFALO RD.; SSG ROCHESTER LLC, 2255 BUFFALO RD.;
WESTGATE FASHION, 2170 CHILI AVE.; SPEEDWAY (4-LOCATIONS)
465 SPENCERPORT RD. (#07744), 1511 BUFFALO RD. (#07665), 719 ELMGROVE RD
(#07714), 2328 CHILI AVE. (#7666); BURGER KING, 1300 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 147-23

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; Trinity Assistance, 3545 Buffalo Rd.; Absolute Screen Printing, 505 Spencerport Rd., Suite 3; Byrne Dairy, 2295 Spencerport Rd.; Pure Imagination Cafe`, 2997 Buffalo Rd.; Gates Manufactured Housing Community, 1531 Buffalo Rd.; SSG Rochester LLC., 2255 Buffalo Rd.; Westgate Fashion, 2170 Chili Ave.; Speedway, (4- Locations) 465 Spencerport Rd (#07744), 1511 Buffalo Rd (#07665), 719 Elmgrove Rd (#07714), 2328 Chili Ave. (#07666); Burger King, 1300 Chili Ave

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

SCHEDULE A PUBLIC HEARING FOR THE 2024 BUDGET WORKSHOP

RESOLUTION 148-23

Motion by Councilman DiPonzio who moved its adoption:

Seconded by: Supervisor Giunta

Resolved, that the Gates Town Board hereby Schedules a Public Hearing for the 2024 Budget Workshop on Monday, October 16, 2023 at 6:00PM in the Supervisors Conference Room.

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

SCHEDULING TWO PUBLIC HEARINGS:

#1 STARTING AT 7:00PM

**FOR A CONDITIONAL USE PERMIT FOR
ALEX IMPERATORE (THE HAMPSHIRE COMPANIES, LLC) TO OPERATE
MAVIS DISCOUNT TIRE LOCATED
AT 410 SPENCERPORT RD. IN A NEIGHBORHOOD BUSINESS (NB) DISTRICT
AND**

#2 STARTING AT 7:10PM

TO CONSIDER THE 2024 TOWN OF GATES PROPOSED BUDGET

RESOLUTION 149-23

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

Resolved, that the Gates Town Board hereby schedules TWO Public Hearings for Wednesday, November 8, 2023 starting at 7:00PM for #1. To consider a Conditional Use Permit for Alex Imperatore (The Hampshire Companies, LLC) to operate Mavis Discount Tires located at 410Spencerport Rd. in a Neighborhood Business (NB) District. AND #2 starting at 7:10PM To consider the 2024 Town of Gates proposed Budget.

VOTE OF THE BOARD

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta, October is Breast Cancer Awareness Month, which is why he and some councilmen are wearing pink.

Trunk or Treat will be Sunday, October 29, 2023 2:00-4:00pm at Memorial Park.

Amazon is holding a hiring event October 3, 2023 at the IACC on Manitou Rd. the first event was a success.

Councilman Tucciarello asked everyone to get out and Vote on Election Day

REPORTS**SUPERVISOR'S**

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

WARRANTS**GENERAL**

CLAIMS # A23-0658 – A23-0745	\$149,924.58
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HIGHWAY

CLAIMS # D23-0363 – D23-0422	\$263,315.79
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LIBRARY

CLAIMS #L23-0183 – L23-0223	\$41,830.58
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TOTAL DISBURSEMENTS	\$1,438,127.46
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TOTAL RECEIPTS	\$443,897.26
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Supervisor Giunta noted for the record that the warrants for the month of September 2023 have been examined by the Town Board and signed.

RESOLUTION 150-23

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 September 2023 as read; and the warrants for the month of September 2023 as read.

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

Motion Carried.

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

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

TOTAL REVENUE COLLECTED	\$62,600.18
TOTAL REVENUE TO THE SUPERVISOR	\$57,694.26
TOTAL NON-LOCAL REVENUE	\$4,905.92

RESOLUTION 151-23

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 September 2023.

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

PERSONAL STATUS REPORT

The Town Clerk read the Personnel Status Report for the month of September 2023

Personnel Status Report for the month of September 2023.

Additions:	2	1 Public Safety Department
		1 Library
Terminations:	0	
Net Change	+2	

There being no further business to come before the Town Board, Councilman Tucciarello and Councilman Loughlin second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 8:10 PM.

Town Clerk