

May 6, 2024

The Gates Town Board held Three (3) Public Hearings and its Regular Town Board meeting on Monday, May 6, 2024 at the Town Hall Meeting Room at 7:10PM. 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

7:10PM PUBLIC HEARINGS

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

TO CONSIDER A CONDITIONAL USE PERMIT FOR CARROLS LLC TO OPERATE A BURGER KING LOCATED AT 130 PIXLEY RD. IN A GENERAL BUSINESS DISTRICT

Supervisor Giunta asked if the applicant was present to speak on this.

Mike Abrams, 1920 Walworth –Penfield Rd Walworth, NY is the district manager.

Supervisor Giunta stated this is a formality, Burger King has been in this location for many years, but through an audit, discovered that a Conditional Use permit is required for a fast-food restaurant in a General Business (GB) district. Once approved it will be an annual renewable permit as long as there aren't any violations.

Supervisor Giunta asked how long Burger King has been at this location and how many employees and hours of operation?

Mr. Abrams responded, more than twenty-five (25) years and they have twenty-five (25) employs and the hours of operation are: Sunday 7:00am-11:00pm and Mon.-Saturday 6:00am-Midnight.

Supervisor Giunta asked again if anyone from the audience wanted to speak for or against this? Hearing none, closed the public hearing at 7:16pm.

RESOLUTION 82-24

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

Resolved, that the Gates Town Board hereby approves an application from Carrols LLC for a Conditional Use Permit to Operate Burger King at 130 Pixley Rd., in a General Business District (GB) with the following Conditions:

Hours of Operation:

Sunday	7:00am-11:00pm
Monday- Saturday	6:00am-Midnight

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

**TO CONSIDER A CONDITIONAL USE PERMIT FOR
RICHARD J. CARUOTTO TO OPERATE MACGREGOR'S GRILL AND TAP ROOM
LOCATED AT 2205 BUFFALO RD. IN A GENERAL BUSINESS (GB) DISTRICT**

Supervisor Giunta asked if the applicant was present to speak on this.

There was no one present to represent MacGregor's Grill and Tap Room, but the Supervisor explained this is a similar situation as the prior application and based on an audit discovered that a Conditional Use permit is required for a tavern/pub in a General Business district. He continued that this business has been in this location for a long time and doesn't foresee any issues.

Supervisor Giunta asked again if anyone from the audience wanted to speak for or against this? Hearing none, closed the public hearing at 7:18pm.

RESOLUTION 83-24

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

Resolved, that the Gates Town Board hereby approves an application from Richard J. Caruotto for a Conditional Use Permit to Operate MacGregor's Grill & Tap Room at 2205 Buffalo Rd., in a General Business District (GB) with the following Conditions:

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

**TO CONSIDER A CONDITIONAL USE PERMIT FOR
LETICIA RIVERA TO OPERATE MONTE ALBAN LOCATED
AT 2200 BUFFALO RD. IN A GENERAL BUSINESS (GB) DISTRICT**

Supervisor Giunta asked if the applicant was present to speak on this.

Leticia Rivera, 1906 Penfield Rd, Manager.

Supervisor Giunta thanked Ms. Rivera for bringing her business to Gates. This location was previously Tut's and then Jeremiah's, so this is not an issue, just taking over an established business and bringing in Mexican cuisine. He asked if she has other locations as well?

Ms. Rivera responded yes, Webster, Penfield, Irondequoit (Titus & East Ridge).

Supervisor Giunta commented, business is going well and also asked if it's the same owners of Mesquite Grill on Elmgrove Rd?

Ms. Rivera responded, Yes.

Councilman Cordero asked if they have a liquor license?

Ms. Rivera responded, not yet, still waiting on.

Supervisor Giunta asked the expected time for opening if granted and how many employees?

Ms. Rivera, in about another month, but debating on opening prior to receiving liquor license or not. They have currently about twelve (12) employees

Supervisor Giunta asked the Hours of Operation?

Ms. Rivera responded, 11am-9:30pm Monday through Saturday and Sunday 11am-9pm.

Councilman Loughlin asked with closing at 9:30 does Ms. Rivera anticipate people still at the bar?

Ms. Rivera so far, they have not had any issues with people wanting to stay longer and they announce a cut off.

Supervisor Giunta would like to set time from the start to have to amend later.

Ms. Rivera the staff is there at 8:00am to prep, but opens for customers at 11:00am.

Supervisor Giunta asked again if anyone from the audience wanted to speak for or against this? Hearing none, closed the public hearing at 7:22pm.

RESOLUTION 84-24

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby approves an application from Leticia Rivera for a Conditional Use Permit to Operate Monte Alban at 2200 Buffalo Rd., in a General Business District (GB) with the following Conditions:

Hours of Operation:

Sunday	11:00am-9:00pm
Monday- Saturday	9:00am-10:00pm

VOTE: Giunta – Aye; Cordero – Aye; DiPonzio – Aye; Loughlin –; 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 regular Town Board Meeting minutes from April 1, 2024 and will be published as drafted and available on the website and in the Town Clerk's office

AUDIENCE PARTICIPATION

Hailey Sims, 44 Snowberry Crescent, stated she spoke at the February Planning Board meeting and the March Town Board meeting about the hazardous conditions that her neighbors and herself have been subjected too. At the last meeting she stated she was representing herself and her neighbors and is present due to the property that is circled between Snowberry and Ann Marie Dr. is a danger to more than twenty (20) homes in the community.

Ms. Sims continued reading a statement about this land being full of dangerous dead trees that will fall as well as overgrown vines and poisonous plants and could cause measurable damage to children, pets, fences, sheds and pools. She asked if there were people in the neighborhood present to rise and show a hand. (there were four (4) people). She continued that she personally has had property damage and feels the land is not being maintained by the property owner, and there is also a mosquito issue from standing water. She did state Mr. Licciardello did since the last meeting pay her the \$1000.00 judgement and took down some trees in the back of her property, but asked, what about the other neighbors

Supervisor Giunta, knows Mr. Licciardello had his crew out there as well our Highway Superintendent and with the arborist, marked the trees that were dead and to be removed. They also had conversations with the other neighbors and made an agreement with them as well and as far as he knew, this was being rectified and all was taken care of.

Now as far as the mosquitos, he can't control them, everyone has mosquitos including at his home, and it's due to the tremendous amount of rain in April and gets calls every day from many residents.

Ms. Sims asked when was the last time the sewer pipes were cleaned out on the back of the properties as well as on Mr. Licciardello's property.

Supervisor Giunta will need to check on that, he's not sure of the last cleanout, but can add to be checked and cleaned if hasn't been done in a while. He continued, as far as the entire area, it is considered a conservation easement and technically not allowed to remove trees, unless they are endangering and the property owner is put on notice and doesn't respond within X-amount of days the town can interject. He added her other matter with the fence is a Civil matter and the town cannot do anything about that. As far as the vines, the fence is hers and she can remove them. He's not exactly sure what Ms. Sims is asking.

Ms. Sims wants Mr. Licciardello to follow the code on all of his property and not just on the rental property part. She feels he is not maintaining 90% of his property.

Supervisor Giunta reiterated this is a Conservation Easement

Ms. Sims read sections of the Gates Town Codes (copies were provided for the board).

Supervisor Giunta explained the code she was reading are for property maintenance and does not apply to conservation easements. He suggested possibly setting up a meeting with all the neighbors and get the facts. He asked Ms. Sims what she is actually looking for to happen? Does she want Mr. Licciardello to clear out the whole area? From the pictures she shared, everything looks green and not dead.

Ms. Sims responded to be able to enjoy looking out, for it to be cleaned up. The green in the photos are vines and undergrowth with poison ivy going up the trees.

Attorney Schum if the concern is poison oak or poison ivy climbing up the trees, and up to her property line, then she can cut down and remove.

Ms. Sims feels it is a luxury to own property and should not be maintained in selective portions.

Attorney Schum added there are people throughout the Town of Gates who own property that do not maintain it like neighbors would want them too. He added, the codes that Ms. Sims has sited are for residential properties.

Supervisor Giunta will follow up with Mr. Licciardello as well as each resident that borders his property and ask them what they are looking for?

Attorney Schum if the ask is for the property to be maintained on the other side of the fence then it's fair to say that the people who own that property be able to maintain it or at least create a division and if there are encroachments by the neighbors on that property, then it'll need to be addressed.

Hailey's Mom of 44 Snowberry approached mentioned to Mr. Rappazzo about the 2nd house from Lyell Rd. has been fumigated twice, when the garage is open it is packed with stuff, all the

stuff that was in front of the house has now been pushed to the backyard and put a fence around it. She commented that Mr. Rappazzo, told her there are complaints. The trucks in front have plates, but do not match what they are. No one should live next to this.

Supervisor Giunta 100% agreed, but explained, when complaints come in and get filed, they go before the courts, then out of the towns hands and becomes the court's decision of what gets done. He has no control of it.

She continued and asked how many warnings do they get before it goes to court?

Supervisor Giunta they get an X-amount of days to get it taken care of depending on the type of violation.

OLD BUSINESS

CONSIDERING A TABLED PETITION FROM KEVIN BRONGO FOR A ZONE CHANGE FROM RESIDENTIAL (R-1-11) TO INCENTIVE ZONING AT 456 WESTSIDE DRIVE

The petition from Kevin Brongo was tabled last month to change the zone from Residential (R-1-11) to Incentive zoning at 456 Westside Dr.

Supervisor Giunta stated it was discussed earlier with the board with the additional information Mr. Brongo provided, but would like more time to go through it all and further evaluate. They did get some input from other towns including some incentives to the town. This will continue to be TABLED till the next month's meeting.

NEW BUSINESS

APPROVING THE HIRING OF OFFICER TYLER MADSEN AND OFFICER JACK GOMBATTO INTO THE GATES POLICE DEPARTMENT

Police Chief Rob Long stated that they've been looking for recruits to send into the academy however didn't find suitable candidates. He came across both of them, who are hired part-time Deputy Sheriff's with Monroe County and currently enrolled in their academy. He continued and spoke to the qualifications of both officers, including their training and educational backgrounds.

Councilman DiPonzio is confident in the selections of candidates Chief Long presents.

Councilman Loughlin commended the Chief and the recruitment process in choosing qualified candidates.

Supervisor Giunta reiterated that the 2024 budget included the hiring of three new officers. This would be two so we're still looking for one more. He agrees and believes they will be great addition to the department and looking forward to them serving with the town.

RESOLUTION 85-24

Motion by Councilman DiPonzio who moved its adoption:

Seconded by both Councilman Cordero and Supervisor Giunta

Resolved, that the Gates Town Board hereby Approves the hiring of transfer MC Sheriff Deputy Tyler Madsen and Sheriff Deputy Jack Gombatto into the Gates Police Department.

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

Chief Long swore them both in with family and friends in attendance for support.

**APPROVING THE APPOINTMENT OF AIDEN MCKENZIE TO
 THE GATES SPECIAL POLICE**

Police Chief Rob Long presented Officer Tyler Pratt, the new Special Police Coordinator who Coincidentally, was his first Officer he hired as Chief. He has done an amazing job and has shown leadership in taking this new role. He is working on finding more special police candidates, especially since they have revamped the program.

Officer Pratt, thanked the board and presented his first Special Police candidate, Aiden McKenzie. Officer Pratt spoke on Aiden educational background and that he is a GC graduate. He then swore him in, while his family and friends were present for support.

Supervisor Giunta welcome him and his family.

Chief Long interjected and stated that the Special Police go through the same background check as the police. They look for the same qualities and drive for special police officers as they do police officers.

RESOLUTION 86-24

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

Resolved, that the Gates Town Board hereby Approves the appointment of Aiden McKenzie to the Gates Special Police

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

**ACCEPTING THE BYRNE MEMORIAL JUSTICE ASSISTANTS GRANTS (JAG)
 IN THE AMOUNT OF \$76,727 FOR THE GATES POLICE DEPARTMENT**

RESOLUTION 87-24

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

Resolved, that the Gates Town Board hereby Accepts the Byrne Memorial Justice Assistants Grant (JAG) in the amount of \$76,727 for the Gates Police Department.

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

**ACCEPTING THE 2023 TOWN OF GATES AUDIT,
 COMPLETED BY EFPR GROUP**

Finance Director, Stephanie Soto, the town was issued an unmodified opinion. There were no material weaknesses or significant deficiencies noted in our towns internal controls overall

financial reporting. The auditors also looked at the town clerk and receiver of taxes records as well as clerks and there were no findings. The towns fund balance is in a very healthy position and overall the town is in good financial position.

Supervisor Giunta thanked Mrs. Soto as well as the department heads, who assisted her with this year's audit with providing all the documentation needed for her and the auditors, which resulted in a great audit.

Councilman Tucciarello, it was a clean, nice audit, everything on the line. He thanked Mrs. Soto for all she did throughout the year in order to make it happen and keep the town in good standing.

Councilman Loughlin second the comments made.

RESOLUTION 88-24

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

Resolved, that the Gates Town Board hereby Accepts the 2023 Town of Gates Audit completed by EFPR Group.

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

APPROVING THE STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS FOR THE NEW YORK STATE RETIREMENT SYSTEM FOR 2024

RESOLUTION 89-24

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

Resolved, that the Gates Town Board hereby Approves the Standard Work Day and Reporting Resolution for Elected and Appointed Officials for the New York State Retirement System for 2024.

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

CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING:

**TIM HORTON'S (2) TWO LOCATIONS, 2311 CHILI AVE. AND 1508 BUFFALO RD.;
CHINA WOK, 1661 HOWARD RD. SENSENIG LANDSCAPING, 3670 BUFFALO RD.;
AND WIMPY'S BURGER BASKET, 2160 BUFFALO 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 90-24

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; Tim Horton's, (**TWO Locations**) 1508 Buffalo Rd. and 2311 Chili Ave.; China Wok, 1661 Howard Rd.; Sensenig Landscaping, 3670 Buffalo Rd.; and Wimpy's Burger Basket, 2160 Buffalo Rd

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

SCHEDULING PUBLIC HEARINGS TO CONSIDER

#1. LOCAL LAW 2-2024, AMENDING 133-9 (FILLING DUMPING) IN THE TOWN CODE #2. LOCAL LAW #3-2024 TO ENACT CHAPTER 143 (PLUMBING LICENSES) OF THE GATES TOWN CODE #3. LOCAL LAW 4-2024 AMENDING CHAPTER 190-5 TO REGULAR SMOKE SHOPS IN THE GATES TOWN CODE.

RESOLUTION 91-24

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

Resolved, that the Gates Town Board hereby schedules Three (3) Public Hearings for Monday, June 3, 2024 starting at 7:00PM To consider Conditional Use Permits for:

1. Local Law #2-2024 amending § 133-9 (Filling and Dumping) in the Gates Town Code
2. Local Law #3-2024 to enact Chapter 143 (Plumbing Licensed) of Gates Town Code
3. Local Law #4-2024 amending § 190-5 to regulate Smoke Shops in the Gates Town Code

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

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta, reminded everyone of the Police Unity Tour kickoff being held in the meeting room of the Town Hall on Tuesday, May 7, 2024 at 9:00am. to kick off the ride to DC to remember the fallen officers.

Also, Monday May 13, 2024 at 8:00pm on the front lawn, there will be a Police Vigil for all the fallen officers from NY and then the Memorial Day Ceremony in the front lawn as well at 9:00am.

Councilman Loughlin invited anyone who would like to attend the Poetry Celebration at the Gates Library on May 16, 2024 at 6:30pm. Students from the Gates Chili School district will be reading Poetry.

He also recognized this week as Correction Officers Week across the nation and then Police Week the following week.

REPORTS

SUPERVISOR'S

ACCEPTING THE SUPERVISOR'S REPORT FOR THE MONTH OF APRIL 2024

WARRANTS

GENERAL

CLAIMS # A24-0246—A24-0326

\$127,706.85

HIGHWAY

CLAIMS # D24-0127 – D24-0172 \$87,120.10

LIBRARY

CLAIMS # L24-0070 – L24-0112 \$43,240.66

TOTAL DISBURSEMENTS \$1,583,246.12

TOTAL RECEIPTS \$720,309.25

Supervisor Giunta noted for the record that the warrants for the month of May 2024 have been examined by the Town Board and signed.

RESOLUTION 92-24

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 2024 as read; and the warrants for the month of May 2024 as read.

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

**ACCEPTING THE TOWN CLERKS REPORT
 FOR THE MONTH OF APRIL 2024**

The Town Clerk read the report for the month of April 2024 showing the following:

TOTAL REVENUE COLLECTED	\$25,315.42
TOTAL REVENUE TO THE SUPERVISOR	\$24,640.94
TOTAL NON-LOCAL REVENUE	\$674.48

RESOLUTION 93-24

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 April 2024.

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 April 2024

Personnel Status Report for the month of September 2023.

Additions: 4 (3 Police & 1 Buildings and Rec)

Terminations: 2 (Police and Library)
Net Change +2

Net changes for Personnel Status Report for the month of April 2024.

There being no further business to come before the Town Board, Councilman DiPonzio and Councilman Loughlin second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 8:29 PM.

Town Clerk