

November 6, 2019

The Gates Town Board held two Public Hearings and its regular Town Board meeting on Wednesday, November 6, 2019 at the Gates Town Hall, 1605 Buffalo Road, and first one to begin at 7:00 PM. Those present for the Public Hearing and regular Town Board 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 Hearing

**TO CONSIDER A CONDITIONAL USE PERMIT FOR
ED JARVIS AT LUTHERAN CHURCH OF OUR SAVIOR
2415 CHILI AVENUE, ROCHESTER, NY 14624 TO OPERATE
AN ELECTRONIC CARILLON DEVICE (BELL TOWER)
PLAYED PUBLICALLY WITHIN A RESIDENTIAL DISTRICT**

Supervisor Giunta identified that the Public Hearing scheduled for 7:00PM was erroneously published with incorrect time of 7:15PM and stated that we would wait till that time to conduct it immediately followed by the second one.

Supervisor Giunta called the Public Hearing to order at 7:15PM. He asked if public meeting notice was published as required by law. The Town Attorney verified that the Legal Notice was published as required by law.

Ed Jarvis, Church Council who resides at 99 Riviera Dr., and Pastor Wilkin who resides at 13 Cornflower Dr., N. Chili, addressed the board. The Church is requesting to use a speaker system with four speakers attached to the roof to play hymns in a bell tone. The system is computerized with approximately 2,000 hymns that will play. They are requesting to play them Monday through Saturday at 12:00 PM and 6:00 PM, as well as Sunday before mass at 9:00 AM and 11:15 AM and on special occasions such as Easter, Christmas, Weddings and/or Funerals but no service later than 6:00 PM.

Supervisor Giunta asked how long the hymn would play each time and was informed no more than 5 minutes.

Councilman Tucciarello was concerned some neighbors might find the noise level disturbing, but was informed that if the music is too loud they can turn off one or more of the speakers.

Don Ioannone who resides at 4099 Lyell Rd, goes to mass at Holy Ghost by his home. They also play hymns in a bell tone and has never heard any complaints. He stated that the hymns are played every hour between 8 am and 8 pm for years.

Jim Gray who resides at 1530 Buffalo Rd. stated that the Church is right by the Fire Department and there has not been any resident complaints regarding the trucks with lights going at all hours of the day.

John Zeppetella who resides at 1676 / 1700 Buffalo Rd. stated that as long as it doesn't interfere with the Ambulance or Fire Department it would be nice. Also have bells like this at St. Judes

No further discussion – Supervisor Giunta closed the Public Hearing.

RESOLUTION 136-19 Motion by Supervisor Giunta who moved its adoption.

Resolved that the Gates Town Board hereby grants a Conditional Use Permit; for use of an Electronic Carillon Device (Bell Tower) played publically within a residential district. Monday through Saturday at Noon and 6PM, also on Sundays at 9AM and 11:15AM, and special occasions / holidays before mass.

Seconded by Councilman DiPonzio.

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

7:30 PM PUBLIC HEARING

**APPROVING THE PRELIMINARY
2020 TOWN OF GATES BUDGET**

Supervisor Giunta called the Public Hearing to order at 7:30PM. The Town Attorney verified that the Legal Notices for the workshop meeting and Public Hearing were advertised and published as required by law.

Supervisor Giunta stated that on October 24, 2019 the Gates Town Board spent 3 ½ hours reviewing the budget page by page during the budget workshop and decided on a 1% increase of taxes.

The budget for 2019 was \$6.045 per thousand; the proposed budget for 2020 will increase to \$6.11 per thousand. Same rate as back in 2016. In 2019, \$802,000 was to be allocated from reserve funding, however it is realistic looking like \$1.2 million from reserve funds will be used this year. For the 2020 budget we are looking to allocate \$1.34 million from reserve funding. This will leave under \$600,000 in reserve funding which isn't much at all. This will be the first increase in 12 years and the increase will hopefully help build the reserve fund back up.

Mary Yates, residing at 538 Valley Creed Rd. wanted verification that for the 2019 budget tax collection was \$10,045,118 million and is being increased to \$10,149,265 million.

John Zeppetella who resides at 1676/1700 Buffalo Rd. stated that the medium home value has dropped from \$104,300 to \$102,700 in the Town of Gates.

Jim Gray who resides at 1530 Buffalo Rd. stated that the Fire Department budget of \$11 million is higher than the entire Town of Gates budget of \$10.1 million. He stated the Fire Department should compensate the Town for collecting their taxes.

Supervisor Giunta stated that with a \$.07 increase per thousand, a \$100,000 home will actually only see an increase of \$7.00 and if \$200,000 a \$14.00 increase. Also mentioned that for the past 12 years because of the surplus in reserve funding we were able to share in the benefit with the residents in utilizing it to subsidize tax increases now we have depleted and have to increase the rate.

Councilman Tucciarello stated that because of the decrease in assessments of \$3.02 town residents will actually see a decrease in their taxes.

No further discussion – Supervisor Giunta closed the Public Hearing.

RESOLUTION 137-19 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby approves the Preliminary 2020 Town of Gates Budget.

Seconded by Councilman Cordero.

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

7:35 PM REGULAR TOWN BOARD MEETING

Supervisor Giunta called the meeting to order at 7:35PM. He began with a silent Prayer and Pledge of Allegiance to the Flag.

RESOLUTION 138-19 Motion by Councilman Tucciarello who moved its adoption:

Resolved, The Town Board hereby approves the minutes of 10/7/2019 regular Town Board meeting and public hearing as received.

Seconded by Councilman Cordero.

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

AUDIENCE PARTICIPATION

Don Ioannone who resides 4099 Lyell Rd. first wanted to congratulate Supervisor Giunta, Councilman Tucciarello and Councilman DiPonzio for winning their elections. He then asked about the storm sewer by on the corner of Baier Dr. and Spencerport Rd. which seems to be approximately 4 inches higher than the road. He was informed that the state needs to fix it before the road can be paved.

Don Romanchych who resides at 149 Matilda Dr. is concerned about an 80 – 90 foot dead tree at 139 Matilda Dr. which is the property of the Town of Gates. It's been going on for years. He is concerned it will fall down on the power lines and/or someone's home. He stated a couple of years ago during a storm a couple of large limbs fell onto power lines and knocked out power for a couple of days. Highway Superintendent Kurt Rappazzo stated that the tree is on their list to be removed. Daniels Tree Service does not have the equipment to take care of it, so he will be looking for a different company.

Councilman Cordero suggested maybe having RG&E / Birchcrest look at it because of the power lines.

Mr. Romanchych also congratulated Supervisor and councilman on the election win

Close Audience Participation.

OLD BUSINESS

Town Attorney Daniel Schum would like to extend the June moratorium concerning mass assembly for three (3) additional months. He will have a draft for the board in December.

NEW BUSINESS

**SCHEDULE A PUBLIC HEARING FOR
PROVIDENCE HOUSING TO REZONE
2047 CHILI AVENUE FROM GB-GENERAL
BUSINESS TO MR -MULTIPLE RESIDENCE DISTRICT**

RESOLUTION 139-19 Motion by Councilman DiPonzio who moved its adoption.

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, December 2, 2019 at 6:45PM to consider the application for Providence Housing to rezone 2047 Chili Avenue from GB-General Business to MR Multiple Residence District.

Seconded by Councilman Loughlin

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

**SCHEDULE A PUBLIC HEARING FOR
PATHSTONE DEVELOPMENT CORPORATION TO
REZONE 1049 WEGMAN ROAD FROM R-1-11 RESIDENCE
DISTRICT TO MR - MULTIPLE RESIDENCE DISTRICT**

RESOLUTION 140-19 Motion by Councilman DiPonzio who moved its adoption.

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, December 2, 2019 at 7:10PM to consider the application for Pathstone Development Corporation to rezone 1049 Wegman Road from R-1-11 Residence District to MR Multiple Residence District.

Seconded by Councilman Cordero

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

**CONSIDERING RENEWAL OF THE CONDITIONAL USE
PERMITS FOR THE FOLLOWING: SPEEDWAY LLC
LOCATIONS: 1952 LYELL AVENUE, 1511 BUFFALO ROAD,
465 SPENCERPORT ROAD, 719 ELMGROVE ROAD,
2328 CHILI AVENUE; LOVING TOUCH DAY CARE
395 SPENCERPORT ROAD; VALVOLINE INSTANT OIL CHANGE
427 SPENCERPORT ROAD.**

RESOLUTION 141-19 Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Town of Gates hereby approves the renewal of the Conditional Use Permits in mass.

Seconded by Councilman DiPonzio

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

**APPOINTING COSMO V. GIUNTA TO THE
POSITION OF ASSISTANT DOG CONTROL OFFICER
AT THE TOWN OF GATES.**

RESOLUTION 142-19 Motion by Councilman Cordero who moved its adoption.

Resolved, that the Gates Town Board appointed Cosmo V. Giunta to the position of Assistant Dog Control Officer at the Town of Gates.

Seconded by Supervisor Giunta

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

**APPOINTING ALAN REDFERN TO THE ZONING BOARD
OF APPEALS TO FILL THE REMAINING UNEXPIRED
TERM OF KENIT CORDERO: EXPIRING 3/3/2021**

RESOLUTION 143-19 Motion by Councilman Tucciarello who moved its adoption.

Resolved, that the Gates Town Board appointed Alan Redfern to the Zoning Board of Appeals expiring 3/3/2021.

Christine Maurice who resides at 13 Loderdale Rd and is the chairwoman of the Zoning Board of Appeals stated she personally knows Alan and reached out to him to be on the Board.

Seconded by Councilman Loughlin

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

**RE-APPOINTING EMILY LEONE TO THE GATES
CONSERVATION ADVISORY BOARD FOR A 2
YEAR TERM. TERM TO EXPIRE 11/6/2021**

RESOLUTION 144-19 Motion by Councilman Loughlin who moved its adoption.

Resolved, that the Gates Town Board re-appoint Emily Leone to the Gates Conservation Advisory Board for a 2 year term. Term to expire 11/6/2021.

Seconded by Councilman Tucciarello

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

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta reminded everyone that the Veterans celebration will be on Monday, November 11, 2019 at 10:30AM in the Town Hall.

Supervisor Giunta stated that December 7, 2019 at 6:00PM is tentatively the tree lighting ceremony at the Gates Town Hall.

**REPORTS
SUPERVISOR'S**

**ACCEPTING THE SUPERVISORS
REPORT FOR THE MONTH OF OCTOBER 2019**

TOTAL RECEIPTS	240,009.06
TOTAL DISBURSEMENTS	1,589,061.44

WARRANTS

GENERAL

CLAIMS # A19-0904 – A19-0995	99,252.39
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HIGHWAY

CLAIMS # D19-0315 – D19-0344	21,076.07
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LIBRARY

CLAIMS #L119-0196 – L119-0214 18,492.76

Supervisor Giunta noted for the record that the warrants for the month of October have been examined by the Town Board and paid.

RESOLUTION 145-19 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of October 2019 as read; and the warrants for the month of October 2019 as read.

Seconded by Councilman DiPonzio

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

**ACCEPTING THE TOWN
CLERKS REPORT FOR
THE MONTH OF OCTOBER 2019**

TOTAL LOCAL REVENUE TO THE SUPERVISOR	40,856.78
TOTAL NON-LOCAL REVENUE	1,588.09
TOTAL REVENUE COLLECTED	42,444.87

RESOLUTION 146-19 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of October 2019.

Seconded by Councilman Cordero

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

PERSONAL STATUS REPORT

The Town Clerk read the Personnel Status Report for the month of October 2019.

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

Town Clerk