

January 6, 2020

The Gates Town Board held two Public Hearings and its regular Town Board meeting on Monday, January 6, 2020 at the Gates Town Hall, 1605 Buffalo Road, and beginning 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

**CONSIDERING A CONDITIONAL USE PERMIT
FOR CARROLS, LLC TO OPERATE A BURGER KING FAST FOOD RESTAURANT
AT 4 SPENCERPORT ROAD**

Supervisor Giunta called the Public Hearing to order at 7:00 PM. The Town Attorney verified that the Legal Notice had been published as required by law.

Mr. Robert Blood, Landscape Architect of Lauer-Manguso Architects, 4080 Ridge Lee Rd, Amherst NY 14228 and Mr. Bob Storie with Carrols Corporation , 968 James St., Syracuse NY, the operators of Burger King.

Supervisor Giunta validated that the Burger King would be moving into the old Friendly's building.

Robert Blood, correct. Carrols Corp. is currently operates the Burger King at Pixley Rd. They are proposing to redevelop the current Friendly's site on Spencerport Rd to a new Burger King development. Demolishing the existing building, but keeping most of the shared excess roads and parking in place with the noticeable change being the drive-thru all around the back and one side.

Supervisor Giunta asked if they would be closing the Pixley Rd location.

Applicant said No, they plan to remodel that location so this would be another location in the Town of Gates.

Supervisor Giunta also asked for the hours of operation.

Mr. Storie said it would be similar to the Pixley Rd location, weekdays 6am to 11am and weekends 6am to midnight. Possibly only run drive-thru after a 9:00 / 10:00pm closing of the dining room.

Supervisor Giunta asked roughly how many employees would be required.

Mr. Storie said about 40 employees.

Councilman Cordero asked if the new store will be the same footprint or smaller / larger as friendly's.

Mr. Blood stated this location would be a little bit smaller and narrower so the drive-thru and bypass lane can still fit within the footprint of the existing shared excess drives about be 3200 square feet.

Councilman Cordero also asked about the road in the back, would it stay the same?

Mr. Blood it would be accessible to the drive-thru only. Preliminary conversations with Mr. Rappazzo and with the Fire Chief and they sort of agreed that that would be acceptable for now.

Supervisor Giunta asked if this is to pass timeframe when construction would start.

Mr. Storie replied looking to start in spring once everything is done with the planning board.

Councilman Tucciarello asked about the Chili Ave location if Carroll's doesn't operate that one and how many Burger King Restaurants does Carrol's operate statewide?

Mr. Storie replied yes we do about 1050, somewhere around that in 22 states.

Councilman Tucciarello stated he thinks it's a good project and likes it.

Councilman Cordero asked if any are Franchised or solely owned by corporation

Mr. Storie, Carrol's evolved as a Franchise CEO for Burger King.

John Zeppetella, 1676 Buffalo Rd wanted to know if all those locations talked about are still under Carrol Development Corporation or separate entity including the ones on the Thruway

Mr. Storie not the thruway locations

Mr. Zeppetell then all the ones in Gates are under Carrol's Corporation, not the thruway

Mr. Storie there is another Franchisee in Rochester not sure about all the town of Gates locations though

RESOLUTION 33-20: Motion by Councilman Tucciarello who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Carrols, LLC to Operate a Burger King fast food restaurant at 4 Spencerport Road.

Seconded by Councilman Loughlin

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

Motion Carried.

7:10PM PUBLIC HEARING

**CONSIDERING A CONDITIONAL USE PERMIT
FOR DANIELLE DUEMMEL TO OPERATE A WAFFLES R WILD
DINE-IN/TAKE OUT RESTAURANT WITH ADDITION OF A BAR AREA
AT 3872 LYELL ROAD**

Supervisor Giunta called the Public Hearing to order at 7:13 PM. The Town Attorney verified that the Legal Notice had been published as required by law.

Applicant Danielle Duemmel, 61 Summer Lane currently has a food looking to expand into brick and mortar restaurant to serve breakfast, lunch and dinner. Specializing in chicken & waffles serving everything on waffles and want to add beer and cider for now with a small bar and then maybe down the road invest more to add wine and liquor as well.

Supervisor Giunta asked how long she has had the food truck

Ms. Duemmel responded about a year and a half

Councilman Loughlin, clarifying primary business is food with secondary a smaller bar because of concerns that there is a small daycare next door.

Ms. Duemmel Yes, stated she spoke with landlord's wife of the property who owns the daycare next door and with the liquor authority, they are all OK with it as long as it's not a school. Also because they are not serving liquor but rather just serving cider and beer.

Councilman Loughlin added if there's a smoking area to possibly moving it out further away from building. He also questioned what the hours of operation will be and if the restaurant and bar will be the same or different.

Ms. Duemmel yes anytime they are open, both will be open. Looking at 11:00am –midnight during the week and 11:00am to 1:00am-2:00am weekends if we bring bar crowd.

Supervisor Giunta asked 7 days a week

Ms. Duemmel , Yes also early morning breakfast on Saturday and Sunday mornings 9:00am

Councilman DiPonzio asked for clarification of hours of operation

Ms. Duemmel Monday – Thursday 11:00-midnight Friday 11:00am – 2:00am
Saturday 9:00am – 2:00am Sunday 9:00am – 10:00pm-11:00pm

Councilman Tucciarello questioned if there will be alcohol served during breakfast because you mentioned both food and alcohol would be served during operating hours

Ms. Duemmel it would be served but Sunday being served after noon because of the rules.

Councilman Tucciarello please describe what this business would look like, coming in the front door, what would we see, what will be serving

Ms. Duemmel a full service dinning with someone greeting you at the door sitting you at the table depending on how many in your party then servers will take your order, serve your food. You will have the option to sit at the bar rail, we'll have TV's up at the bar for people to watch sports. It'll pretty much be a full service. Servers, bar tender, there will be a Take-out area up front. We know the previous owner did a lot of take-out orders and delivery with local businesses so we will carry on that service

Councilman Tucciarello asked if this was her first business endeavor

Ms. Duemmel stated the food truck was technically her first time owning a business and did it with my father who has owned a few business of his own

Supervisor Giunta asked if she ever operated a bar

Ms. Duemmel replied no but has worked in a few as well as bartended. She has her serve safe alcohol certificate and has been through taken the course a few times

Councilman DiPonzio asked if her father ever owned a bar

Ms. Duemmel replied no her father worked more with pizzerias, delivery and take out.

Councilman Cordero asked if they were partners or if there are any partners

Ms. Duemmel no they are not nor are there any partners, dad just helping out.

Supervisor Giunta asked if this gets approved through planning, when she would open

Ms. Duemmel looking at somewhere between the 15th - 20th of January 2020

Supervisor Giunta asked if they have already been remodeling

Ms. Duemmel stated yes painting, setting up bar area, and a few other things in place while waiting for the official approval

Supervisor Giunta asked if anything from the liquor authority has been received

Ms. Duemmel started that process, posted in the paper for publication and turned in her 30 day notice. They also will be applying for the temporary permit.

Councilman Tucciarello asked if she would still operate food truck as well and if it would be kept on site

Ms. Duemmel replied yes during summer months and landlord is ok about keeping on site

Supervisor Giunta asked if it would be keep overnight

Ms. Duemmel replied yes on the side by the laundry mat, out of the way of public parking

Attorney Schum asked if they would be serving from both sites {building and food truck}

Ms. Duemmel replied no, the truck would be at other locations during lunches returning at the end of the day to clean, empty fryer, electricity, and water waste

Supervisor Giunta asked if oil would be disposed there in the oil trap

Ms. Duemmel we would use the oil trap there on the side of the building near the dumpster which goes to Baker's Commodity

Councilman Cordero if they sell the old oil back

Ms. Duemmel yes that was already set up with the previous owner

RESOLUTION 34-20: Motion by Councilman DiPonzio who moved its adoption:

Resolved that the Gates Town Board hereby approves a Conditional Use Permit for Danielle Duemmel to operate a Waffles R Wild Dine In / Take out restaurant with additional bar area subject to the following conditions:

1. Hours of Operation: Monday – Thursday 11:00-midnight , Friday 11:00am – 2:00am, Saturday 9:00am – 2:00am, Sunday 9:00am –11:00pm
2. Bar servicing beer , cider and wine

Seconded by Councilman Cordero

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

Motion Carried.

7:20PM PUBLIC HEARING

**CONSIDERING A CONDITIONAL USE PERMIT FOR
G & I IX EMPIRE WESTGATE PLAZA, LLC
C/O DLC MANAGEMENT CORP
TO OPERATE A TRAMPOLINE PARK IN GB AREA
AT 2000 CHILI AVE**

Supervisor Giunta called the Public Hearing to order at 7:23 PM. The Town Attorney verified that the Legal Notice had been published as required by law.

Michael Delisanti, Sr. Tenant Coordinator for DLC Management Corp. managing G&I IX Empire Westgate Plaza. Proposing to put in a new tenant, Fun City Trampoline into shopping center at Chili Ave. Trampoline activities for kids of various ages including indoor activity center that would host birthday parties, team parties etc. Operators are from Massachusetts and are tenants in multiple other plazas. They have a good working relationship are definitely welcomed in all the other shopping centers and communities which have all seemed to have all prospered.

Supervisor Giunta asked if their other location are within Rochester

Mr. Delisanti, no not in Rochester, a couple in central New York, Massachusetts, and Connecticut. Working a few more locations.

Supervisor Giunta asked the occupancy and capacity in the trampoline park

Mr. Delisanti there are limits for the actual capacity of the trampolines and the other activities full capacity would be a maximum 380 occupants.

Supervisor Giunta how many trampolines are there?

Mr. Delisanti there are multi courts with different activities, dodge ball court, zip line, rock wall climbing, and multiple types of activities so it's not strictly trampolines.

Supervisor Giunta what are the hours of operation?

Mr. Delisanti, Monday – Thursday 10:00am to 8:00pm, Friday & Saturday 10:00 am to 11:00pm
Sunday Closed

Attorney Schum asked about alcohol and Supervisor Giunta questioned food

Mr. Delisanti, No Alcohol and food would be catered in for Birthday parties etc.
There will be 3 party rooms isolated from the general public to have parties

Supervisor Giunta will there be any type of security at entrance or can people just come and go into facility.

Mr. Delisanti said typical operation are to come in the main entrance, purchase an hour or more wrist band. It allows the employees or people who are watching to monitor how long people have on the activity.

Supervisor Giunta ask they have enough staff for each of the activities

Mr. Delisanti stated there is typically 10-20 employees Staffing varies at different time of day taking into consideration peak times to monitor and make sure everyone is safely playing.

Supervisor Giunta what are the age groups

Mr. Delisanti there could be from a toddler to an adult

Councilman Tucciarello question about other locations injury history and how often one of your locations would call the ambulance service on a monthly or annual basis.

Mr. Delisanti, honestly doesn't recall there being any in either the Connecticut or Massachusetts location. Stated the same operator building one also in central New York.

Councilman Tucciarello asked if there are any medical staff on site and how would you handle skirmishes maybe between customers/guests

Mr. Delisanti No medical staff and it would be typical like any other business. Employees are trained to properly to make sure there is no fisticuffs so that people wouldn't get injured or any sort of violence

Councilman Tucciarello how often does that happen

Mr. Delisanti We try keeping it from happening but maybe once or twice a year, trampoline are utilized as exercise not competitive or combative with another team

Councilman Tucciarello, there's never competing for space

Mr. Delisanti, No, the size is designed not to have multiple people on one trampoline area.

Councilman Loughlin, has seen similar business models through-out Monroe County with some instances of fighting that take place. This past weekend in Henrietta, multiple police agencies needed to be called for 100's of people fighting. Obviously we want to prevent that. Altitude implemented some security measures that will helpfully alleviate that from happening in the future. They had parents sign in if under 18 and you're unaccompanied must leave by 6:30pm. Do you have anything set up or anything like that?

Mr. Delisanti said he didn't know if they have already considered that and have measures in place but he can definitely make mention of it.

Councilman Loughlin I think that would be a good recommendation
Supervisor Giunta how long have those other locations been opened

Mr. Delisanti believes the Connecticut location had been open for two [2] years and the one in Massachusetts has been open for almost five [5] years.

Councilman Tucciarello with two locations in Massachusetts and Connecticut, why the jump all the way here to Gates, NY

Mr. Delisanti, another is being built in central NY but that's their demographic, they must have seen a need for one but is not familiar with that side of it

Councilman Tucciarello are these franchisees and do you work for the corporate office?

Mr. Delisanti works for the landlord and representing the tenant on this, but has an office is in Buffalo and they are working on another location in Buffalo for them along with the one Central NY. It could be where their business plan is taking them.

Councilman Cordero do you own all the properties they are in right now so they are pretty much following you, where your plazas are

Mr. Delisanti, Yes essentially our leasing agents are probably finding spaces they can fit in and seeing if they're interested and they do the research to see if it's viable or not

Supervisor Giunta opened questions to the public

Mr. James Grey, 1530 Buffalo Rd, wanted to correct councilman Loughlin earlier statement, about the 100 people at South Town altercation was in the news today and it was 200 people. Location wise because it's next door to Wal-Mart, He wanted to encourage the board to consider our local Gates Police department and if the town has the resources to cover both Wal-Mart and this facility if something were to happen. He is a business man, and loves to have businesses in the Town of Gates, but not positive that's the right location.

Councilman DiPonzio asked if Chief VanBrederode wanted to add anything

Chief Jim VanBrederode, Obviously we have some concerns. Experience's here in the Town of Gates for the past 35 years has shown that anytime we have establishments that caters to teenagers especially, and lack of parental supervision, lack of proper security and other venues we've had in town involving that type of age group. With the incident that happened over the weekend Gates sent cars to Henrietta to help cover that large fight out there. Also, other concerns would be the neighbors on Beahan Rd, whose house boarder right up to the plaza can defiantly foresee some complaints about the parking lot and traffic when 300 people exit at once. Calls from neighbors will be generated with potential problems in the parking lot. Asked what the name of the other locations in CT / MA and if he can speak to the representatives getting a track record of those locations.

Councilman Loughlin feels the Chief brings up good points and be better suited to table this to get some more information from Fun City and figure out some more security measure and maybe see what they plan on implementing with security, traffic measures and things like that.

Mr. Delisanti added, he'd send us the contact information of their general manager or their other Fun City Trampoline Centers as well.

Councilman Loughlin motioned to TABLE this, till further investigation

Seconded by Councilman Tucciarello

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

Mr. Delisanti asked if that was information he needed to present at the next meeting of his findings or how to correspond that information.

Supervisor Giunta stated he can provide him with any other information or send to Mr. Rappazzo as well as providing the Chief with any of the contact information. It would provide us some time to do a little more research and investigation on our end and perhaps at the next board meeting on February 3rd we can talk a little more.

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Giunta called the meeting to order at 7:41PM. He began with a silent Prayer and Pledge of Allegiance to the Flag. He also asked that everyone keep Chili Councilwoman Mary Sperr in their prayers and she recently lost her husband last week.

Supervisor Giunta welcomed everyone to our first meeting of 2020 and Happy New Year

RESOLUTION 35-20 Motion by Councilman DiPonzio to approve

The Gates Town Board hereby approves the minutes of December 2, 2019 Public Hearings and regular Town Board meeting as received.

Seconded by Councilman Cordero.

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

Motion Carried.

AUDIENCE PARTICIPATION

County Legislator Frank Allkofer greeted all and wished a Happy New Year to everyone. He wanted to bring everyone up to date: He had a successful meeting with the new county executive that morning. He reminded that every first Monday of the month he had office hours here in the town and in the Town of Ogden with Legislator Zale. A new program called Monroe County on the Road will be cascaded and the County Execs will come out to Gates or Ogden along with some of his department heads out to meet the residents and answer any questions they may have regarding county government. The program will be starting sometime this year, not exactly sure when.

Also he mentioned another program he's working on with Senator Robach. He has a Veteran's Program coming up March 7th here in the Gates Town Hall Annex. Dave Bellavia and Gary Beikirch, two Medal of Honor winners. Still need to confirm details with those two individuals. Nicholas Stefanovic, from Monroe County Veterans Services Agency and Laura Stradley, from Veterans Outreach and the new director of the Veterans Clinic on Calkins Rd will be in attendance.

Councilman Cordero, asked the time of it?

Legislator Allkofer, 8:00am with coffee and donuts then 9:00am sessions start time, sessions will be 30 -45 minutes each.

Councilman Loughlin, asked what will the sessions consist of?

Legislator Allkofer, Nick to talk about Monroe County Veteran service Agency and what his agency does for veterans. Laura will be touching on Otto House which is for homeless veterans, veterans who are on opioids and things like that. The director of the new clinic will be talking about healthcare services, mental health services, and physical health services of that agency over there. Also working on Memorial Day, Congressman Tom Reed's and Rob Ortt's offices contacted as a possible speakers. He's working closely Town Historian, Bill Gillette on some really neat things planned with the Chamber of Commerce to develop some new programs here in the Town of Gates.

Jim Grey, 1530 Buffalo Rd. He's president of Gates Volunteer Ambulance, who is wholly affiliated with Spencerport Volunteer Ambulance under the Gates Volunteer Ambulance umbrella. For approximately three [3] years he has petitioning the Town Board to negotiate a new contract between the Town of Gates and Gates Volunteer Ambulance. The business model we currently run under is antiquated. There are no other towns in the county of Monroe where their residents get a free ride in an ambulance. GVA cannot continue that business model and are hard pressed to pay the bills currently. Last year they did about 7550 calls, first call out the door of 2020, just after midnight on January 1st. was a transport to a local hospital, \$1200.00 ambulance ride, resident had no insurance, no nothing, we ate that. He implores the Board and Mr. Supervisor to consider a public hearing and conversation with not only him, but with Assistant Chief, Dan DiSalvo, Mr. Schum has kind of supported the idea of a new contract as current one has gone by the waist side and feels is an antiquated contract. He implores that the board work with them to develop a new contract so Gates Volunteer Ambulance can go on for many years to come. At that time he would be willing to answer any questions be happy to meet any time day or night.

Councilman DiPonzio, asked about the first 2020 call scenario being unbillable, how would it be handled with a new contract? What have other entities or municipalities done to avoid that, as you can't tell somebody no, we're not taking you because you don't have any money or insurance?

Daniel DiSalvo, assistant Chief Gates Volunteer Ambulance, stated it depends on what's agreed upon the new contract. Other model we've been seeing around the county are very successful. Henrietta puts a cap on the copays, we would look to reimburse so much money and the residents would responsible for the rest. Everything is negotiable, so there's options. When the tax district was started back in 1996 there was no such thing as a high deductible plan. Everyone had a traditional copay plan \$25.00/\$50.00 copay plan which worked out. High deductible seems to be the norm these days but still a lot of people who do not have insurance or on Medicaid / Medicare and can't even support paying the balance that isn't covered. They need to revisit this and get back up to the times or with what's going on with today and make this successful because this has a huge financial impact on our operation, something we need to look at sooner than later.

Supervisor Giunta, asked if they would be able to provide us with a business model, things that they're looking for perhaps so he can share with the Town Board and if needed set up a meeting to go over any questions

Mr. DiSalvo, absolutely

Mr. Grey, had presented a business model already where the actual cap would have been negotiable. The business model now seeking and stand behind, that other towns have adopted is whether its \$100.00, \$125.00, \$150.00, GVA will eat that first \$150.00, so if Chris DiPonzio councilman has a \$100.00 deductible, he still rides the ambulance for free, because we cover it, if

Councilman Cordero has a \$500.00 deductible, we would eat the first \$150.00 and you would be responsible for \$350.00 and have a third party bill him. So if you Gates Volunteer Ambulance that you don't have \$350.00 to pay installments it would be acceptable. The majority of the residents in the town of Gates who pay taxes, don't use our services. It's the people who don't pay taxes that use our services and they're carrying them, and it's now going to impact the tax payers in the Town of Gates. This is needed and will be something to benefit all of us as a whole and keep Gates Volunteer Ambulance viable and successful for years to come

Councilman Cordero, asked if this new cap would give them the ability to do the third party billing

Mr. Grey yes, we bill now, we have our own billing department, so that would not impact the town one way or another

Councilman Cordero, what would be the difference between now and then?

Mr. Grey, they could take them to court. Current contract doesn't allow third party billing, the Town of Gates must reimburse GVA for any losses we suffer, and unfortunately we are losing more, suffering more losses than the Town of Gates is providing us in funding

Attorney Schum, Part of the issue is the uninsured, they might be the party who also can't pay you \$50.00 a month for the next four [4] years to cover their bill.

Mr. Grey, agreed with attorney Schum stated that's were the tax district comes into play, He also asking the town to look at our write-offs realize the tax district is collecting \$540,000.00 for the ambulance and they're writing off \$720,000 and feels the need to raise the tax rate for the ambulance.

Attorney Schum stated since we are privately negotiating the contract for the ambulance it would mean renegotiating the contribution the town makes to the ambulance under the contract. This board is the budgeting board for the Gates district and so it would be adjusting the contribution under the contract that we make to the ambulance service that would reflect the short falls.

Mr. Grey stated that would be accurate

Councilman Loughlin, asked if there are any other obstacles that would prevent them from third party billing with certain customers like Medicare and Medicaid, or are you still able to bill them through a third party

Mr. Grey, currently Medicare and Medicaid are paying us \$.30 on the dollar. So if we bill them for a \$1200.00 ambulance ride, we are reimbursed \$350.00-\$400.00. That \$1200.00 ambulance ride might seem excessive, but if you think about the cost...the ambulance, what it cost to staff it, to maintain it, drugs and they're pay us 35%

Councilman Loughlin, questioned the other \$800.00-\$900.00 balance and if it would be able to be third party billed to Medicare/Medicaid

Mr. DiSalvo, Not under current contract, Medicare/Medicaid pays us that amount and that's all we can get. They can't go after town residents, tax payers for the difference right now under the current contract. We eat that balance and that's a loss under the current contract.

Mr. Grey believes they wrote-off about \$500,000.00 this year

Councilman Tucciarello, do you have a guesstimate of what the overall shortfall is annually?

Mr. Grey, I don't

Councilman Tucciarello, next time we get together that would be a nice piece of information to provide and also asked if two different solutions were proposed

1. Redoing the contract to allow third party billing
2. Bump up the contribution from the Town for the ambulance

Mr. Grey, stated its all one proposal and wanted to reiterate that he wants to be fair to the Town, and taxpayers, but doesn't want to see Gates Volunteer Ambulance go away. He has his heart and soul in that organizations and doesn't want to give it up.

Naeem Butt, 911 Brooks Ave., Rochester, NY. He owns the hotel property which has been under receivership last 6 months. Multiple issues with building and code violations. He's not allowed to fix. States the Town Fire Marshall is trying to evict him. His matter is scheduled for January 7th, and is here to request Supervisor Giunta to get his court date adjourned

Attorney Schum, stated the proper venue to ask for an adjournment is to the judge. The Supervisor and this Board cannot grant any relief in the court.

Mr. Butt, stated he thought the town who is the plaintiff could drop the suit.

Attorney Schum stated these arguments are arguments that you should make to the judge and Supervisor Giunta agreed

Mr. Butt tried to state about miscommunication

Attorney Schum, again advised to address things in a court of law as this is not the proper venue

Mr. Butt, stated he agreed but there's a miscommunication between the Fire Chief and Fire Marshal

Attorney Schum, stated this is a public meeting to discuss matters that this board has jurisdiction over, not matters that this board does not have jurisdiction over.

Mr. Butt, hoping if he met with the Town Board to get the matter adjourned to the next hearing.

Attorney Schum, stated that this board cannot influence the Judge's opinion about his matter. It's a separate jurisdiction. This is a Legislative Body and that is a Judicial Body, asked if heard and understands the separation of powers and that's where this matter lies.

Supervisor Giunta again stated that his matters are something that will be determined by the courts.

Mr. Butt, apologized as he didn't know how this worked and that this was the wrong forum

OLD BUSINESS

1. Supervisor Giunta, asked to un-table the consideration of changing the Alternative Health Care Benefit Stipend for Town employees. Town is considering modifying the terms of the stipend that is given to the Town employees. Currently the stipend is set at 50% for employees who do not take the Town benefits offered to them. Looking at changing the

benefit to a flat rate of \$2500 single coverage and \$5000 employee (plus) if one chooses not to elect health coverage provided by the Town.

Councilman DiPonzio asked when this would take effect.

Supervisor Giunta, starting this year 2020, however benefits that are currently paid for 2019 will be paid in February 2020, so it would not effect that. It would be going forward and taking effect in the February 2021 payment.

RESOLUTION 36-20 Motioned by Councilman DiPonzio

1. To adopt the change to the Alternative Healthcare Benefit Stipend for Town employees to a flat rate of \$2500 for single coverage and \$5000 employee (plus) if one chooses not to elect health coverage provided by the Town.

Seconded by Supervisor Giunta

Councilman DiPonzio, asked the secretary to do a Roll Call Vote

Secretary Lily Alberto, roll call Councilman DiPonzio – Aye; roll call councilman: Cordero – Aye; roll call councilman Loughlin – Aye; roll call councilman Tucciarello – Aye; roll call Supervisor Giunta – Aye

Motion carried

- 2 Supervisor Giunta to un-tabled and reopened Public Hearing for Providence Housing to rezone 2047 Chili Ave from GB-General Business to MR Multiple Residence District. He stated that he received an email and call from the applicant which has withdrawn their application for rezoning of this property.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA

- 3 Supervisor Giunta, asked to un-table and Re-Open Public Hearing for Pathstone Development Corporation to rezone 1-49 Wegman Rd. from R-1-11 Resident District to MR Multiple Residence District.

Motion by Councilman Tucciarello to Re-Open

Seconded by Councilman Loughlin

Supervisor Giunta, the applicant is here to present if need. Councilman do we have any questions for the applicant or the public if there's anything.

Councilman Tucciarello, asked how this works with the taxing of the property, the church owns the property and it looks like Pathstone will be leasing the entire property

Mr. Matt Tomlinson stated that's correct a portion will be leased by them which makes the taxable portion of the property they will be leasing. He then presented an outlined diagram and stated he would work with the Assessor's Office to see if whether or not a separate Tax ID would be generated for that leased parcel and the taxes would be paid by the entente that Pathstones forms to manage the property

Councilman Tucciarello, stated two roads are shown in the plans, one to the north and one to the south. The north road is not currently there, is the plan to add that north exit road from the complex on to Wegman Rd?

Mr. Tomlinson stated it's to show that it is feasible as it was a comment received in the initial conversation with Town staff and in a workshop session with your Board. They have not completed a traffic generation study its part of their planning board process and submitted to the Monroe County Department of Transportation.

Councilman Tucciarello motioned to move forward and grant to Pathstone Development the Re-Zone on 1049 Wegman Rd from R-1-11 to Multiple Resident District.

Attorney Schum, interjected and stated that it is actually a twostep process. First if the Board is inclined to move forward positively with this application, the board first must issue a notice of determination under State Environmental Quality Review Act SEQR and prepared a resolution for it. Second is the approval of Re-Zoning.

RESOLUTION AND NOTICE OF DETERMINATION SEQR

RESOLUTION 37-20 Motion by Councilman Tucciarello who move its adoption.

WHEREAS, Pathstone Development Corp. did heretofore present a Petition, map and plan to the Town Board of the Town of Gates requesting the rezoning of certain lands situate on the west side of Wegman Road in the Town of Gates, Monroe County, New York, such re-zoning request to be from R-1-11 Residential to MR-Multi-Family Residential, as such lands are more particularly described in such Application and Petition; and

WHEREAS, the Town Board, pursuant to legal notice duly given, did hold and conduct a public hearing to consider such rezoning application, which public hearing was held by the Town Board of the Town of Gates at the Gates Community Center, 1605 Buffalo Road, Rochester, New York on the 2nd day of December, 2019, and at which hearing all interested persons were heard concerning the subject matter thereof; and

WHEREAS, prior to acting upon such application the Town Board must determine the environmental impacts, if any, of the proposed rezoning activity upon the environment; and

WHEREAS, the proposed activity of rezoning is an unlisted action pursuant to the provisions of SEQR;

NOW, THEREFORE, the Town Board of the Town of Gates finds and determines as follows:

SECTION I.

1. That the proposed activity of rezoning 3.35 +/- acres of land from R-1-11 Residential to MR-Multiple Residence District is an unlisted activity pursuant to SEQR.
2. That the proposed rezoning will have little to no impact on adjoining land uses as the property to the north is an already developed MR parcel, the property to the south is an already developed commercial/office parcel, the land to the west is a State owned expressway parcel and the remaining lands to the east are developed as a church parcel with related parking.
3. That the proposed development will be serviced by both public sewers and public water.
4. That The proposed development is in keeping with the existing land use and comprehensive plans of the Town of Gates.

SECTION II. That this Resolution shall be considered as a Notice of Determination and Negative Declaration of Environmental Significance with respect to the proposed rezoning activity, and such activity may proceed without further regard to SEQR.

Seconded by Supervisor Giunta

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

Motion Carried.

**RESOLUTION
APPROVING RE-ZONING
APPLICANT: PATHSTONE DEVELOPMENT CORP.**

RESOLUTION 38-20 Motion by Councilman Tucciarello who move its adoption

WHEREAS, Pathstone Development Corp. did heretofore present a Petition, map and plan to the Town Board of the Town of Gates requesting the rezoning of certain lands situate on the west side of Wegman Road in the Town of Gates, Monroe County, New York, such re-zoning request to be from R-1-11 Residential to MR-Multi-Family Residential, as such lands are more particularly described in such Application and Petition; and

WHEREAS, the Town Board, pursuant to legal notice duly given, did hold and conduct a public hearing to consider such rezoning application, which public hearing was held by the Town Board of the Town of Gates at the Gates Community Center, 1605 Buffalo Road, Rochester, New York on the 2nd day of December, 2019, and at which hearing all interested persons were heard concerning the subject matter thereof; and

WHEREAS, after due deliberation and consideration of all public comments, if any made at such public hearing, and upon a review of the Application, map and plan, the Town Board is desirous of acting upon such Application; and

WHEREAS, the Town Board of the Town of Gates did heretofore review the short environmental assessment form submitted by the applicant and did issue its Resolution and Negative Declaration, determining that the proposed activity would have no significant adverse environmental impact;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Gates, Monroe County, New York, as follows:

SECTION 1. That by the adoption of this resolution the Town Board does hereby elect to rezone from R-1-11 Residential to MR-Multi-Family Residential, the following lands: See Exhibit A attached.

SECTION 2. That the Town Clerk is directed to give due legal notice of this change of zoning as required by law and to change the official zoning map of the Town of Gates to reflect such zoning change.

Seconded by Councilman Loughlin

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

Motion Carried.

NEW BUSINESS

Supervisor Giunta, introduced Lily Alberto as his new secretary and welcomed her to her first meeting along with Deputy Town Clerk Mackenzie Meyer in the audience.

**SCHEDULE A PUBLIC HEARING FOR
A CONDITIONAL USE PERMIT FOR VG TRUCKING INC
VADYM GALUSHKO
TO AMEND EXISTING APPLICATION TO OPERATE A TRUCK PARKING
TERMINAL AT 78 & 82 MARWAY CIR. IN A GB DISTRICT**

RESOLUTION 39-20 Motion by Councilman DiPonzio who moved its adoption.

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, February 3, 2020 at 7:00PM to consider the application for VG Trucking Inc. / Vadym Galushko to amend existing application to operate a truck parking terminal at 78 & 82 Marway Cir. In a GB General Business District.

Seconded by Councilman Cordero

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

Motion Carried.

**ACCEPTANCE OF MONROE COUNTY / NYS DWI
CRACKDOWN GRANT FOR THE PERIOD 1-1-20 THROUGH 12-31-20
IN THE AMOUNT OF \$4,625.00**

RESOLUTION 40-20 Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Gates Town Board hereby accepts the Monroe County NYS DWI crackdown Grant for the period of 1-1-20 through 12-31-20 in the amount of \$4,625.00

Seconded by Councilman DiPonzio

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

Motion Carried.

**ACCEPTANCE OF MONROE COUNTY / NYS DWI
STOP DWI GRANT FOR THE PERIOD 1-1-20 THROUGH 12-31-20
IN THE AMOUNT OF \$21,263.84**

RESOLUTION 41-20 Motion by Supervisor Giunta who moved its adoption.

Resolved, that the Gates Town Board hereby accepts the Monroe County NYS DWI Stop DWI Grant for the period of 1-1-20 through 12-31-20 in the amount of \$21,263.84

Seconded by Councilman Tucciarello

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

Motion Carried.

**ACCEPTANCE OF MONROE COUNTY / NYS REGULAR PTS
ENFORCEMENT [STEP] GRANT FOR THE PERIOD 1-1-20 THROUGH 12-31-20
IN THE AMOUNT OF \$5,740.00**

RESOLUTION 42-20 Motion by Councilman Loughlin who moved its adoption.

Resolved, that the Gates Town Board hereby accepts the Monroe County NYS Regular PTS Enforcement [STEP] Grant for the period of 1-1-20 through 12-31-20 in the amount of \$5,740.00

Seconded by Councilman Tucciarello

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

Motion Carried.

**ACCEPTANCE OF MONROE COUNTY / NYS
SEAT BELT MOBILIZATION GRANT FOR THE PERIOD 1-1-20 THROUGH 12-31-20
IN THE AMOUNT OF \$1,540.00**

RESOLUTION 43-20 Motion by Councilman Loughlin who moved its adoption.

Resolved, that the Gates Town Board hereby accepts the Monroe County / NYS Seat Belt Grant for the period of 1-1-20 through 12-31-20 in the amount of \$1,540.00

Seconded by Councilman Tucciarello

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

Motion Carried.

**SCHEDULE A PUBLIC HEARING FOR
A CONDITIONAL USE PERMIT FOR
THREE A RESOURCES LLC / WORKFIT MEDICAL TO OPERATE A FREE
STANDING ELECTRONIC MESSAGE BOARD SIGN IN A GB DISTRICT LOCATED
AT 1160 CHILI AVE.**

RESOLUTION 44-20 Motion by Councilman DiPonzio who moved its adoption.

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, February 3, 2020 at 7:10PM for a conditional use permit for Three A Resources LLC / Workfit Medical to operate a free standing electronic message board in a GB General Business District located at 1160 Chili Ave.

Seconded by Councilman Cordero

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

Motion Carried.

**DESIGNATING COUNCILMAN TUCCIARELLO AS THE DELGATE
AND SUPERVISOR GIUNTA AS THE ALTERNATE DELEGATE TO
ATTEND THE FEBRUARY 16TH -19TH 2020 NEW YORK STATE
ASSOCIATION OF TOWN ANNUAL BUSINESS MEETING**

RESOLUTION 45-20 Motion by Councilman Cordero who moved its adoption.

Resolved, that the Gates Town Board designates councilman Tucciarello as the Delegate and Supervisor Giunta as the alternative Delegate to attend the February 16th-19th, 2020 New York State Association of Town annual business meeting.

Seconded by Councilman DiPonzio

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

Motion Carried.

**CONSIDERING RENEWAL OF THE CONDITIONAL USE PERMITS
FOR THE FOLLOWING
HUB-LANGE PAVING INC., 39 DEEP ROCK ROAD;
NATIONAL ENTERTAINMENT NETWORK LLC 2150 CHILI AVE.**

Supervisor Giunta stated that he has received a memo from the Building Department stating that they have reviewed the Code Enforcement files. There are no violations against these businesses. They find no reason why the Conditional Use Permits for these businesses should not be renewed.

RESOLUTION 46-20 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following: HUB Lange Paving INC., 39 Deep Rock Road and National Entertainment Network LLC 2150 Chili Ave.

Seconded by Councilman Loughlin.

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

Motion Carried.

**AUTHORIZING THE SUPERVISOR TO EXECUTE THE COLLECTIVE
BARGAINING AGREEMENT ON BEHALF OF THE TOWNS WITH THE
FOLLOWING UNIONS: GATES KEYSTONE CLUB, GATES PUBLIC LIBRARY
FULL-TIME LIBRARIAN & WA LOCAL 1170 AND
GATES HIGHWAY DEPARTMENT & TEAMSTERS LOCAL NO.118**

RESOLUTION 47-20 Motion by Councilman Tucciarello who moved its adoption:

WHEREAS, Cosmo Giunta, Supervisor and other Department Heads in the Town of Gates have been in the process of negotiating Collective Bargaining Agreements with the various Unions representing employees in the Town of Gates; and

WHEREAS, such negotiations have resulted in terms and provisions of each of such collective bargaining agreements as are mutually agreeable to each of such Unions and the Town;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Gates, Monroe County, New York, as follows:

Section 1. That the Supervisor be, and he hereby is, authorized to execute Collective Bargaining Agreements for and on behalf of the Town of Gates, as follows:

- a) Gates Keystone Club, a three (3) year agreement starting January 1, 2020 thru December 31, 2023; and
- b) The Gates Public Library full-time Librarian and WA Local 1170, 2-year Contract starting January 1, 2020 and ending December 31, 2022; and
- c) Gates Highway Department and Teamsters Local No. 118, 3-year agreement starting January 1, 2020 and ending December 31, 2023.

Seconded by Councilman Loughlin

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

Motion Carried.

**SCHEDULING A PUBLIC HEARING FOR
A CONDITIONAL USE PERMIT FOR
MARDANTH TO OPERATE A ROYAL CAR WASH
LOCATED AT 1190 CHILI AVE. IN A GB GENERAL BUSINESS DISTRICT**

RESOLUTION 48-20 Motion by Councilman DiPonzio who moved its adoption.

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, February 3, 2020 at 7:20PM for a conditional use permit for Mardanth to operate a Royal Car Wash located at 1190 Chili Ave. in a GB General Business District.

Seconded by Councilman Cordero

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

Motion Carried.

**ADOPTING THE 2020 LOCAL HIGHWAY INVENTORY REPORT
PREPARED BY DIRECTOR OF PUBLIC WORKS
AND HIGHWAY SUPERINTENDENT KURT RAPPAZZO
TO ALLOW THE TOWN TO RECEIVE CHIPS FUNDING FOR 2020**

RESOLUTION 49-20 Motion by Councilman Cordero who moved its adoption.

WHEREAS, Kurt Rappazzo, Director of Public Works and Highway Superintendent, has prepared the current Road Inventory of the Town of Gates in conjunction with the New York State Department of Transportation 2020 CHIPS funding; and

WHEREAS, the Town Board wishes to officially accept the Report prepared by the Director of Public Works and Highway Superintendent so that the same may be submitted to allow the Town to receive appropriate CHIPS Funding for 2020;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Gates, Monroe County, New York, as follows:

Section 1. That the Town of Gates Highway Inventory is hereby accepted as the official Highway Inventory for the Town of Gates as follows: See Schedule A. attached.

Section 2. That a copy of this Resolution shall be forwarded to Kurt Rappazzo, Director of Public Works and Highway Superintendent, to assist in his completion and filing of the 2020 Local Highway Inventory.

Seconded by Councilman DiPonzio

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS**REPORTS****SUPERVISOR'S****ACCEPTING THE SUPERVISORS
REPORT FOR THE MONTH OF DECEMBER 2019**

TOTAL RECEIPTS	\$854,246.33
TOTAL DISBURSEMENTS	\$2,639,492.67

WARRANTS**GENERAL**

CLAIMS # A19-1196 – A19-1259	\$48,459.58
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HIGHWAY

CLAIMS # D19-0393 – D19-0428	\$88,001.58
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LIBRARY

CLAIMS #L19-0233 – L19-0249	\$ 39,834.14
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Supervisor Giunta noted for the record that the warrants for the month of December have been examined by the Town Board and paid.

RESOLUTION 50-20 Motion by Councilman Cordero who moved its adoption:

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

Seconded by Councilman DiPonzio

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

Motion Carried.

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

The Town Clerk read the report for the month of December 2019 showing the following:

TOTAL REVENUE TO THE SUPERVISOR	\$27,359.98
TOTAL NON-LOCAL REVENUE	\$3,642.37
TOTAL REVENUE COLLECTED	\$31,002.35

RESOLUTION 51-20 Motion by Councilman Cordero who moved its adoption:

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

Seconded by Councilman DiPonzio

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 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 8:30PM.

Town Clerk