

November 3, 2021

The Gates Town Board held (1) one Public Hearings and its Regular Town Board meeting on November 3, 2021 at the Town Hall Meeting Room at 7:00PM. Those attending the meeting were as follows:

Cosmo A. Giunta	Supervisor
Lee A. Cordero	Councilman
Christopher B. DiPonzio	Councilman
Andrew M. Loughlin	Councilman
Steve Tucciarello	Councilman
Daniel G Schum	Town Attorney
Veronica Owens	Town Clerk

## **7:00PM PUBLIC HEARING**

Supervisor Giunta called the Public Hearing to order at 7:00PM.

Town Attorney, Dan Schum verified the Legal Notice was properly published in the official newspaper as required by law.

### **APPROVING THE 2022 TOWN OF GATES PRELIMINARY BUDGET**

Supervisor Giunta, the Budget workshop was held Tuesday October 19, 2021, at 6:30 in the Supervisors Conference room. A notice of Public Meeting was posted and published per our town law, but no one from the public attended. The Town Board along with the Finance Director, Stephanie Licciardello spent over (3) three-hours going page by page, line by line. After much discussion and consideration Councilman DiPonzio motioned to accept the 2022 Preliminary Budget, second by Councilman Steve Tucciarello. It was unanimously approved, and a copy was made available in the Town Clerks office the next day.

Supervisor Giunta Thanked Ms. Licciardello for all her hard work as well as all the Dept. Heads working on this process from July 2021 till now, going back and forth, processing budget changes and making sure to do the best for the Town.

He continued with a few highlighted items. It was determined they will be collecting \$11,770,370.00 in taxes in 2022. The town tax rate will remain flat again at \$6.11 per thousand. This is in realizing the burden of COVID and the struggles of past year and for this reason decided to keep it flat and allocate \$955,000.00 from the reserved funding in order to do so. Home values increased again in 2021, but not too drastic, only about \$125.00, so the average home sold in the Town of Gates is \$135, 600.00. No change in the special districts, which the town controls the special lighting district, the Ambulance service. Our services are to stay intact with no cuts to them.

Councilman Tucciarello added it is a good budget and appreciates the work the Supervisor did on it as well as the Finance Director it's a good budget for our residents. It's Good Government.

Councilman Loughlin reiterated what Councilman Tucciarello said in Thanking the Town Supervisor and Department Heads

Supervisor Giunta asked if there were any additional comments?

Scott Bubel, 36 Landau Dr., he received a notice from his bank that his mortgage is increasing again next year. It has gone up \$150.00 per month the last (2) two-years because of assessments done during a pandemic, which apparently means more taxes need to be added. He is at a point

where it is becoming more difficult to pay his mortgage and is wondering if he should be expecting more tax increases or assessments going forward because if it is, he will be forced to leave the town.

Supervisor Giunta appreciates Mr. Bubel for speaking up. The assessments is something that is the state mandates and have control over the assessments. Assessments are done every-so-often to equalize the rate to be sure everyone is paying their fair share. The town did a town-wide re-assessment back in 2020, which increased the value within the town of (16%) sixteen percent and everyone felt it, including himself, but it is something the State controls. He told Mr. Bubel that he has the right to fight his assessment during the time of the impact notice and go to grievance if need be. They are mailed out as well as posted for review.

Mr. Bubel, actually didn't receive a notice, but is doing a lot of reviewing now. When he bought the house, he was paying \$1000.00 in mortgage and (12) twelve years later, is paying more than that.

Supervisor Giunta states it's also, something between him and the mortgage company to figure out what has changed.

Mr. Bubel the mortgage company has specifically put it on the assessment increase and the impact of the increased taxes

Supervisor Giunta can only control the town side. School District is (100%) one-hundred percent school taxes goes to them. Whatever is passed in their budget, which runs from July 1<sup>st</sup> to June 30<sup>th</sup> each year. Their budget is in May.

Attorney Schum, the opportunity to grieve your assessment is every year, not just with a reassessment.

Mr. Bubel, unfortunate has not paid attention as he should and actually just started last year when his mortgage jumped (90) ninety and now another (60) sixty and is becoming a problem

Attorney Schum, one thing especially in the towns of Gates, Ogden, Chili, is housing sales are exceeding market value, and all that data goes to Albany and it get used to look at what the assessments of property should be based on recent sales, so people buying houses in Gates, Ogden, Chili and Riga are driving up the average per cost home which equates in looking at homes being low. Mr. Bubel's best approach is going to grievance.

Mr. Bubel, has spoken with new neighbors who did not pay close to assessment price on house and so he is confused.

Attorney Schum, that would be good evidence for your grievance if a new sale in your neighborhood was below assessment value for your neighborhood and would be a very good argument for the assessment board that Mr. Bubel's property is being over-assessed.

Supervisor Giunta it also depends on who they buy from. Sometimes if it's purchased from an elderly person or someone who has multiple exemptions, their taxes may not be quite there yet, but once the state sees the exemptions are removed, the following year they'll remove those exemptions and those particular people will pay more. So, it depends on the particular situation. They may have showed you their taxes and are not paying as much as Mr. Bubel, but there could be other factors. It is public knowledge, and if he would like to stop into the Clerks office for that information.

Supervisor Giunta continued that there are (5) five different taxing agents, the County, Town, Fire, Ambulance and Pure Waters. He reiterated that our rate is remaining flat this coming year

and not increasing by taking money out of the reserved funding to subsidize the little bit of increase.

Mr. Bubel is honestly just wondering if taxes would be more of an issue to figure out if he wants to stay. He has spoken with the Fire District, who were helpful in explaining. He wanted to do some home improvements, but now can't. He appreciates the feedback

Supervisor Giunta it's understandable and if he wants to stop at the town clerk's office to get the year-to-year comparisons or email the clerk as well as look on-line.

Supervisor Giunta asked if there were any additional comments, hearing none closed the public hearing.

**RESOLUTION 171-21** Motion by Councilman Tucciarello who moved its adoption:

**RESOLVED**, that the Gates Town Board hereby accepts the 2022 Town of Gates Preliminary Budget and adopts it as our 2022 Town Budget.

Seconded by Councilman Loughlin

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 Chris DiPonzio.

There were no corrections or additions made to the minutes of October 4, 2021. Minutes stand as published and will be available on the website and Town Clerk's office.

## **PROCLAMATION**

Legislator Frank Allkofer presented Alvah Halloran & Son Funeral Home with a Proclamation for the beautiful and moving display honoring the 2,977 lives lost on the 20<sup>th</sup> Anniversary of 9/11.

Gates Police Chief James VanBrederode thanked Adam and Gina of Alvah Halloran for all the years of committee activities, with the Halloween Trunk or Treat Event, which is one of the scariest and most successful. The 9/11 display which was up for (3) three days with almost 3000 flags and many people came through to see the three-day display. They are a great partner with the community and very proud and appreciative to have them in our town.

Supervisor Giunta also presented Alvah Halloran & Son Funeral Home with a Certificate of Appreciation for such a respectful and beautiful 9/11 display and for hosting the many years of such a successful Halloween Trunk or Treat.

Adam Szeluga, manager, Thanked the Town, Legislator Allkofer and the Chief, they take great pride being in the Town of Gates and being a part of the community and strives to reach out to the community in any way they can. They know a funeral home is not always a cheerful place, but want people to know they do a lot more than sad things and 9/11 was a very important event and can not be forgotten, so wanted to commemorate the 20<sup>th</sup> Anniversary this year. He also, thanked Pete Sybird from the St. Theodore's Knights of Columbus who was very instrumental in the 9/11 event.

**AUDIENCE PARTICIPATION**

None

**OLD BUSINESS**

**CONSIDER 898 BUFFALO RD. ASSOCIATES, LLC TO RE-ZONE  
898 BUFFALO RD FROM ((R-1-8) SINGLE FAMILY AND  
(B-NR) BUSINESS NON-RETAIL) TO  
(PUD) PLANNED UNIT DEVELOPMENT**

Attorney Schum historically at the last Planning Board meeting, the board reviewed in detail Part 2 of the State Environmental Quality Review Act application of 898 Buffalo Rd. Associates. They reviewed each and every item that is required and at that meeting adopted a Negative Declaration of Environmental Significance with respect to the proposed re-zoning. That resolution recited a number of reasons in support of that, among them being that the development of the property under the PUD zoning classification allow for the adaptive reuse of the existing building on the property, that the Mixed Use under the PUD Zone will provide for residential retail services uses consistent with the objective of the PUD Zone, and thirdly that the development of the property in it's final approval by the Gates Planning Board will make sure all the concerns of the development of the property are adequately addressed. Additionally, the Planning Board in it's letter dated April 30, 2021 recommending this rezoning recited a number of reasons as why the proposed rezoning to Planned Unit Development would be appropriate and would recommend this Board adopt this resolution and final order approving of that rezoning. It should also be noted that the resolution being proposed this evening is conditioned that within (3) three years of this date, that the applicant acquire title to the adjoining RG&E parcel and pursue development of the property and default in which the rezoning would a revert. The resolution is on the table for adoption by the board.

**RESOLUTION 172-21 AND FINAL ORDER**

**RE: REZONING APPLICATION OF 898 BUFFALO ROAD ASSOCIATES, LLC  
16.58+ ACRES, NORTH SIDE OF BUFFALO ROAD FROM BNR AND R-1-8 TO PUD**

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Cordero

WHEREAS, 898 Buffalo Road Associates, LLC has made application to the Town Board of the Town of Gates to rezone from B-NR and R-1-8 to PUD, approximately a 16.58+ acre parcel located on the north side of Buffalo Road and being part of Tax Map 119.08-1-36 and 119.20-3-1 more particularly bounded and described as follows:

**LANDS NOW OR FORMERLY OF 898 BUFFALO ROAD LLC & PORTION OF LANDS  
NOW OR FORMERLY OF ROCHESTER GAS & ELECTRIC CORPORATION.**

**ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN PART IN TOWN LOT 94,  
TOWNSHIP 1, RANGE 2, 20,000 ACRE TRACT, TOWN OF GATES, COUNTY OF  
MONROE, STATE OF NEW YORK, AND MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:**

**COMMENCING AT A POINT IN THE CENTERLINE OF BUFFALO ROAD (ROUTE 33)  
SAID POINT BEING 223.35 FEET EASTERLY FROM THE CENTERLINE OF VARIAN  
LANE AND THE CENTERLINE OF BUFFALO ROAD AS MEASURED ALONG THE  
CENTERLINE OF BUFFALO ROAD;**

**THENCE THE FOLLOWING COURSES AND DISTANCES:**

N 00°13'23" W A TOTAL DISTANCE OF 1960.22 FEET, PASSING THROUGH A REBAR 33.00 FEET DISTANT THEREFROM TO A FOUND CONCRETE MONUMENT BEING 1927.22 FEET FROM SAID REBAR;  
 THENCE N 89°46'37" E A DISTANCE OF 46.22 FEET TO A FOUND CONCRETE MONUMENT AS SHOWN ON LIBER 88 OF MAPS PAGE 8;  
 THENCE CONTINUING N 89°46'37" E A DISTANCE OF 128.77 FEET TO A FOUND REBAR ON THE WESTERLY LINE OF LANDS NOW OR FORMERLY OF THE NEW YORK STATE BARGE CANAL;  
 THENCE S 14°07'23" E A DISTANCE OF 1622.43 FEET TO A POINT;  
 THENCE S 89°32'37" W A DISTANCE OF 128.64 FEET TO A FOUND CONCRETE MONUMENT AS SHOWN ON LIBER 88 OF MAPS PAGE 8;  
 THENCE S 07°59'26" W A DISTANCE OF 87.00 FEET TO A POINT;  
 THENCE S 00°27'23" E A DISTANCE OF 263.95 FEET TO A POINT ON THE NORTHERLY HIGHWAY BOUNDARY OF SAID BUFFALO ROAD;  
 THENCE CONTINUING S 00°27'23" E A DISTANCE OF 33.00 FEET TO A POINT ON THE CENTERLINE OF THE AFOREMENTIONED BUFFALO ROAD (ROUTE 33);  
 THENCE S 89°32'37" W ALONG THE CENTERLINE OF SAID BUFFALO ROAD A DISTANCE OF 424.83 FEET TO A POINT, SAID POINT BEING THE TRUE POINT AND PLACE OF BEGINNING.

BEING AND HEREBY INTENDING TO DESCRIBE ALL THAT PARCEL OF LAND NOW OR FORMERLY OF 898 BUFFALO ROAD, LLC AS WELL AS A PORTION OF LANDS NOW OR FORMERLY OF ROCHESTER GAS & ELECTRIC CORPORATION.

**WHEREAS**, the Town Board of the Town of Gates did heretofore hold and conduct a public hearing to consider such application, which public hearing was held at the Gates Community Center, 1605 Buffalo Road, Rochester NY 14624 on the 3rd day of November, 2021 at 7:00 p.m. and at which hearing all interested persons were heard concerning the subject matter thereof; and

**WHEREAS**, upon a review of the map plan and application, and after having heard all interested person concerning such application and due deliberation having been had, the Town Board of the Town of Gates is desirous of acting upon such application; and

**WHEREAS**, the planning Board of the Town of Gates has heretofore issued its Negative Declaration of Environmental Significance with respect to the proposed action;

**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 and Final Order, the Town Board of the Town of Gates does hereby approve the rezoning from BNR and R-1-8 to PUD that parcel of land as is more particularly described in the application of 898 Buffalo Road Associates, LLC, as presently on file in the Town of Gates Offices and heretofore described.

Section 2. That the Findings supporting this rezoning approval are as follows:

a) That the development of this property under the PUD zoning classification will allow for the adaptive reuse of the existing building on the property.

b) That the mixed use under the PUD zone will provide for a Residential/ Retail Service uses consistent with the objectives of the PUD zone.

c) That the development of the property and its final approval by the Gates Planning Board will assure that all concerns of the development of the property are adequately addressed.

d) That this rezoning is specifically conditioned upon the applicant, within (3) three years of this approval, acquiring title to that portion of the proposed project presently owners by RG&E, failure of which will result in reversal and return of the zoning classification of the RG&E parcel to the zoning classification which existed prior to the adoption of this Resolution and Final Order.

Section 3, That the Town Clerk is hereby directed to give due notice of the adoption of this Resolution and Final Order by publication and posting, as required by Law and to cause the official Zoning Map of the Town of Gates to be amended to reflect this change in zoning.

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

Attorney Schum a Resolution will be published and posted by the Town Clerk and the zoning map of the Town will be mended accordingly

**TOWN GATE LLC TO REZONE PROPERTY AT  
 1010, 1020, 1032 AND 1036 SPENCERPORT RD  
 FROM (R-1-11) RESIDENTIAL DISTRICT TO (MR) MULTI-RESIDENT DISTRICT**

Attorney Schum this matter was before the Planning Board which has reviewed the proposal and the comments made on it, of which most if not all have already been incorporated by the developer in the proposed plan. The Planning Board has furnished a letter to the Town Board recommending the Re-zoning, dated October 26, 2021 which will become record of this proceeding. If the Board is so inclined, the first thing the board needs to do is to consider SEQR. Attorney Schum informed the Board, he has reviewed Part 1 and Part II of the SEQR, it appears the project does not meet or exceed any of the thresholds of the State of Environmental Quality Review statue with respect to being a Type I Action and also not a Type II Action which falls under an Unlisted and based on the size of the parcel and the proposed use, the information furnished by the applicant would support a Negative Declaration of Environmental Significance.

**SEQR RESOLUTION 173-21**

**RE: REZONING FROM R-1-11 RESIDENTIAL SINGLE FAMILY  
 TO MR MULTIPLE RESIDENCE DISTRICT**

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Loughlin

**WHEREAS**, TOWN GATE LLC has made application to the Town Board of the Town of Gates to rezone from R-1-11 Residential- Single Family to MR- Multiple Residence District approximately 2.04+ acres of land on the north side of Spencerport Road, and being commonly known as 1010, 1020, 1032, and 1036 Spencerport Road.

**WHEREAS**, before the Town Board may act upon such application it must determine the environmental significance, if any, of such proposed action up on the environment; and

**WHEREAS**, the applicant has submitted a Part I Short Form Environmental Assessment Form for the proposed action, and the Town Board has reviewed the same, and has completed Part II thereof, and must now render its determination with respect to such proposed action;

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

Section 1. That the proposed action, rezoning of 2.04 +/- acres of land from R-1-11 to MFR, is not a listed type 1 action and does not meet or exceed any of the thresholds of Part 617.4 of SEQR, and as such is an unlisted action.

Section 2. That based upon the information and an analysis of the same, this Board determines that the proposed rezoning will not result in any significant adverse environmental impacts.

Section 3. That this Resolution shall be deemed a Negative Declaration of Environmental Significance pursuant to SEQR, and the proposed rezoning may proceed without further regard to SEQR. The Supervisor is authorized to execute Part 3 on behalf of the Town Board.

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

**RESOLUTION 174-21 AND FINAL ORDER**

**RE: REZONING APPLICATION OF TOWN GATE LLC  
 2.04+ ACRES, NORTH SIDE OF SPENCERPORT ROAD FROM R-1-11 to MR**

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Loughlin

**WHEREAS**, Town Gate LLC has made application to the Town Board of the Town of Gates to rezone from R-1-11 to MR, approximately a 2.04+ acre parcel located on the Northside of Spencerport Road and being commonly known as 1010, 1020, 1032 and 1036 Spencerport Road, more particularly bounded and described as follows:

1010, 1020, 1032 & 1036 Spencerport Road

Lot 84, 85 & Exception Parcel

Sweet Acres Subdivision 103.12-02-65, 103.12-02-77, 103.12-02-78, 103.12-02-79

ALL THAT TRACT OR PARCEL OF LAND, situate in Town Lot 27, Township 1, Short Range, and 20,000 Acre Tract of Phelps Gorham Purchase Town of Gates, County of Monroe, and State of New York, bounded and described as follows:

BEGINNING at a point in the easterly right of way of Lightwood Lane said point being the southwest corner of Lot 89 of Sweet Acres Subdivision Section 1 referenced in a map filed to be described below; thence

N 89° 38' 41" E for a distance of 401.68 feet along the southerly line of said Lot 89 of Sweet Acres Section 1 and also along the southerly line of Lots 201, 202, 203 and 204 Sweet Acres Section 2, referenced in a map filed in Monroe County Clerk's Office in Liber 215 of Maps, Page 27 to a point; thence

S 00° 49' 21" E for a distance of 282.41 feet along the westerly line of Lot 8 of Fairway Acres referenced in a map filed in Monroe County Clerk's Office in Liber 173 of Maps, Page 21 and also along the westerly line of lands of Sandra Fizer referenced in Liber 8198 of Deeds, Page 436 to a point in the northerly right of way of Spencerport Road also known as Lyell Spencerport Road; thence

N 73° 24' 21" W for a distance of 436.77 feet along the northerly right of way of Spencerport Road to a point at the easterly right of way line of Lightwood Lane; thence

N 16° 35' 39" E for a distance of 50.00 feet along the easterly line of Lightwood Lane to a point of curvature; thence

Northerly along the said easterly right of way of Lightwood Land along a curve to the left with radius of 180.00 feet, arc length of 108.88, and delta angle of 34° 39' 25" E to the point of beginning. Comprising an area of 2.034 Acres

The above is intended to describe three parcels of land being Lots 84, 85 and an Exception Parcel as shown on a map entitled Sweet Acres Subdivision Section 1, by Passero- Scardetta dated May 25, 1977, last revised July 23, 1978, filed in Liber 207 of Maps, Page 67.

**WHEREAS**, the Town Board of the Town of Gates did heretofore hold and conduct a public hearing to consider such application, which public hearing was held at the Gates Community Center, 1605 Buffalo Road, Rochester NY 14624 on the 4th day of October, 2021 at 7:00pm and at which hearing all interested persons were heard concerning the subject matter thereof; and

**WHEREAS**, upon a review of the map plan and application, and after having heard all interested person concerning such application and due deliberation having been had, the Town Board of the Town of Gates is desirous of acting upon such application; and

**WHEREAS**, the planning Board of the Town of Gates has heretofore issued its Negative Declaration of Environmental Significance with respect to the proposed action;

**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 and Final Order, the Town Board of the Town of Gates does hereby approve the rezoning from R-1-11 to MR that parcel of land is more particularly described in the application of Town Gate LLC, as presently on file in the Town of Gates Offices and heretofore described.

Section 2. That the Findings supporting this rezoning approval are as follows:

a) That the subject parcels have not been developed for single family use for decades, evidencing that the existing zoning classification is inappropriate.

b) The proposed development of the parcel will allow for addressing existing drainage issues on adjoining single family parcels to the north of the development parcel.

c) That the development of the property for MR- multiple residence district use will be subject to review and approval by the Town of Gates Planning Board to assure that all concerns of the development of the property are adequately addressed.

Section 3, That the Town Clerk is hereby directed to give due notice of the adoption of this Resolution and Final Order by publication and posting, as required by Law and to cause the official Zoning Map of the Town of Gates to be amended to reflect this change in zoning.

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

**CONSIDER ADOPTING A LOCAL LAW ELECTING TO OPT-OUT  
OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CANNABIS  
CONSUMPTION SITES WITHIN THE TOWN OF GATES**

Supervisor Giunta, last month there was a Public Hearing held here, to consider this with comments from the audience as well and did close the public hearing and at this point the Town is electing to pass a Local Law to Opt-Out of allowing cannabis retail dispensaries and on-site cannabis consumption sites within the Town of Gates.

Attorney Schum, the state has imposed an arbitrary December 31<sup>st</sup> deadline to either opt-out and if the municipalities, whether it's the town villages or in the city, don't opt-out, then the burden would fall on the municipalities to establish regulations within their jurisdiction solely for retail sales and on-site consumption. The other (7) seven categories of cannabis law would be regulated by the State in any event, so out of an abundance of caution and lack of State guidance, and recommends the Board presently, to adopt the Local Law in Opting-Out, which means these (2) two types of facilities would not be able to be licensed in the Town of Gates. That doesn't prevent people from the Town of Gates going someplace else if other municipalities do type to regulate it. Conversely if the Town were to regulated it, within it's jurisdiction it does not



prohibit people from other than the Town of Gates coming to the Town of Gates to either have On-site consumption or purchase. It can always get Opted back in next year or whenever the State has better guidelines, but will be up to the Board.

**RESOLUTION 175-21** Motion by Councilman Cordero who moved its adoption:

**RESOLVED**, that the Gates Town Board hereby adopts a Local Law electing to Opt-Out, prohibiting the establishing of cannabis retail dispensaries and onsite cannabis consumption sites within the Town of Gates

Seconded by Councilman DiPonzio

**WHEREAS**, the Town Board of the Town of Gates did hold and conduct a public hearing on November 3<sup>rd</sup>, 2021 to consider the enactment of Introductory Local Law #12, 2021 Legal Notice of which was given as required by law; and

**WHEREAS**, at such public hearing all interested person were heard concerning the subject matter thereof;

**WHEREAS**, the Town Board is desirous of adopting such Local Law, in part; and

**WHEREAS**, the adoption of Local Laws is a routine Town Administration and Management Function, and as such is a Type II Action under SEQR;

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

Section I. That the Town Board of the Town of Gates finds and determines that the adoption of this Local Law is a Type II Action under SEQR and may proceed without further regards to SEQR.

Section II. That the Town Board of the Town of Gates does hereby enact Local Law #12-2021 to read and provide as follows:

A LOCAL LAW TO OPT OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION SITES AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4

### **Section 1. Legislative Intent**

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Gates, New York that would otherwise be allowed under Cannabis Law Article 4 as prohibiting such sites within the Town of Gates is in the best interests of the citizens of the Town of Gates in protecting their health, safety, and welfare.

### **Section 2. Authority**

This local law is adopted pursuant to Cannabis Law §131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law §24.

### **Section 3. Local Opt-Out**

The Town Board of the Town of Gates, New York hereby opts out of allowing cannabis retail dispensaries and on-site cannabis consumption sites from being established and operated within the town's jurisdiction.

### **Section 4. Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person,

individual, firm or corporation or circumstances, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Permissive Referendum/Referendum on Petition**

This local law is subject to a referendum on petition in accordance with Cannabis Law §131 and the procedure outlined in Municipal Home Rule Law §24.

**Section 6. Effective date**

This local law shall take effect immediately upon filing with the Secretary of State.

Section III. That the enactment of this local law is subject to permissive referendum in the manner provided in article 7 of Town Law and subdivision 3 of section 209-e of Town Law

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

**NEW BUSINESS**

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

**PURA VIDA VILLE, 2115 BUFFALO RD., LOVING TOUCH CHILD CARE, 395  
 SPENCERPORT RD., LUTHERAN CHURCH OF OUR SAVIOUR, 2415 CHILI AVE.,  
 MARK'S PIZZERIA, 2103 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 176-21** Motion by Councilman Loughlin its adoption:

**RESOLVED**, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following: Pura Vida Ville, 2115 Buffalo Rd., Loving Touch Child Care, 395 Spencerport Rd.; Lutheran Church of Our Savior., 2415 Chili Ave.; Marks Pizzeria, 2103 Buffalo Rd.;

Seconded by Councilman Tucciarello

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

**ADOPTING A RESOLUTION FOR A SHARED RECREATION PROGRAM AND  
 PARKS SERVICES BY AND BETWEEN THE COUNTY OF MONROE AND THE  
 TOWN OF GATES**

**RESOLUTION 177-21** Motion by Councilman DiPonzio who moved its adoption:

**RESOLVED**, that the Gates Town Board hereby Adopts a Resolution for a Shared Recreation Programs and Park services by and between the County of Monroe and the Town of Gates

Seconded by Councilman Cordero

**WHEREAS**, the County of Monroe has proposed an Intermunicipal Agreement for Shared Recreation Programs and Park Services, and

**WHEREAS**, the proposed agreement is for a term of five (5) years and allows for the County and the Towns request the sharing of recreation programs and park services between each other, and

**WHEREAS**, the intermunicipal sharing of programs and services is a cost- saving measure beneficial to all governmental entities,

**NOW, THEREFORE**, be it resolved by the Town Board of the Town of Gates, as follows:

Section 1. That the Supervisor be and he hereby is authorized to execute the Intermunicipal Agreement for Shared Recreation Programs and Park Services.

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

**ACCEPTING A DONATION FROM DOLOMITE PRODUCTS COMPANY, INC OF APPROXIMATELY 110.55 ACRES OF VACANT LAND ON HOWARD AND HINCHEY ROADS TO BE USED BY THE TOWN SOLELY FOR PUBLIC SERVICES**

**RESOLUTION 178-21** Motion by Supervisor Giunta who moved its adoption:

**RESOLVED**, that the Gates Town Board hereby Accepts a donation from Dolomite Products Company, Inc. of approximately 110.55 acres of vacant land on Howard and Hinchey Roads to be used by the Town solely for public services

Seconded by Councilman DiPonzio

**WHEREAS**, Dolomite Products Company, Inc. has proposed to the Town of Gates to donate to the Town of Gates approximately 110.55 acres of vacant land on Howard and Hinchey Roads, to be used by the Town solely for public services, and

**WHEREAS**, the proposed donation has been reviewed by the Director of Public Works, Kurt Rappazzo and Dan Hoock, Director of Parks and Recreation, both of whom have recommended acceptance of the proposed donation, and

**WHEREAS**, a proposed donation has been received, reviewed, revised and is now in form acceptable for execution.

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

Section I. That the Supervisor be and he hereby is authorized to execute the Donation Agreement by and between the Town of Gates and Dolomite Products Company, Inc. in form and content as approved by the Town Attorney.

Section II. That the Town Attorney shall thereafter undertake to complete the donation of such lands to the Town of Gates in accordance with the terms of such donation agreement.

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

**AUTHORIZING SURETY, FORM AND AMOUNT OF OFFICIAL UNDERTAKING FOR THE FAITHFUL PERFORMANCE OF THE DUTIES OF THE TOWN CLERK AND RECEIVER OF TAXES AND ASSESSMENTS; AND HEARBY AUTHORIZES THE TOWN CLERK TO OBTAIN A BLANKET BOND COVERING ALL TOWN EMPLOYEES AND TOWN OFFICIALS**

**RESOLUTION 179-21** Motion by Councilman Cordero who moved its adoption:

**RESOLVED**, that the Gates Town Board hereby Authorizes Surety, Form and Amount of Official Undertaking for the Faithful performance of the duties of the Town Clerk and Receiver of Taxes and Assessments; and hereby authorizes the Town Clerk to obtain a Blanket Bond covering all Town Employees and Town Officials.

Seconded by Councilman DiPonzio

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

**Motion Carried**

**AUTHORIZING THE TOWN SUPERVISOR, COSMO A. GIUNTA TO EXECUTE THE  
2021-2022 MUNICIPAL SNOW AND ICE SUPPLEMENTAL AGREEMENT WITH  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

**RESOLUTION 180-21** Motioned by Councilman Tucciarello who moved its adoption;

**RESOLVED**, that the Supervisor Cosmo A. Giunta be and hereby is authorized to execute the 2021-22 Municipal Snow and Ice Supplemental Agreement with the New York State Department of Transportation.

Seconded by Councilman Loughlin

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

**Motion Carried**

**APPOINTING TERESA MARKO (PROVISIONALLY) AS  
SECRETARY TO THE DIRECTOR OF PUBLIC WORKS AND HIGHWAY  
DEPARTMENT SUPERINTENDENT OF THE TOWN OF GATES**

**RESOLUTION 181-21** Motion by Councilman Tucciarello who moved its adoption:

**RESOLVED**, that the Gates Town Board hereby Appoints Teresa Marko (Provisionally) as Secretary to the Director of Public Works and Highway Department Superintendent of the Town of Gates

Seconded by Councilman Loughlin

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

**Motion Carried**

Director of Public Works and Highway Department Superintendent, Kurt Rappazzo thanked the Board for considering this appointment and is definitely looking forward to working with Teresa to benefit the residents of the Town and to improve the efficiency and responsiveness' of both the Highway Department and Dept. of Public Works.

**SCHEDULING A PUBLIC HEARING STARTING AT 7:15PM FOR:  
A CONDITIONAL USE PERMIT FOR CARMEN EVENSON TO OPERATE  
JOE'S KWIK MARTS #481 AT 1952 LYELL AVE.  
IN A (GI) GENERAL INDUSTRIAL DISTRICT**

**RESOLUTION 182-21** Motioned by Councilman DiPonzio who moved its adoption;

**RESOLVED**, that the Gates Town Board hereby schedules a Public Hearings on Monday, December 6, 2021 starting at 7:15PM for a Conditional Use Permit for Carmen Evenson to Operate Joe's Kwik Marts #481 at 1952 Lyell Ave.in a (GI) District

Seconded by Councilman Cordero

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

**Motion Carried**

## NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta stated there will be a Veterans Day Ceremony held at the Town in the front lawn, weather permitting, but will get moved indoors if need be. November 11, 2021 at 10:30AM. There will be some elementary school students presenting on what they think Veterans Day is all about, including one of the town employee's children.

Councilman DiPonzio, on behalf of himself and Councilman Tucciarello, Congratulated the Town Supervisor, Cosmo Giunta and Councilmen, Lee Cordero and Andrew Loughlin on a race well run with a lot of hard work put in.

## REPORTS

### SUPERVISOR'S

#### ACCEPTING THE SUPERVISOR'S REPORT FOR THE MONTH OF OCTOBER, 2021

### WARRANTS

#### GENERAL

CLAIMS # A21-0729– A21-0804	\$83,473.75
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#### HIGHWAY

CLAIMS # D21-0451 – D21-0492	\$523,299.81
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#### LIBRARY

CLAIMS #L21-0211 – L21-0247	\$40,647.85
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<b>TOTAL DISBURSEMENTS</b>	<b>\$1,840,885.37</b>
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<b>TOTAL RECEIPTS</b>	<b>\$1,153,701.71</b>
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Supervisor Giunta noted for the record that the warrants for the month of October 2021 have been examined by the Town Board and paid.

**RESOLUTION 183-21** Motion by Councilman DiPonzio who moved its adoption:

**RESOLVED**, that Gates Town Board hereby accepts the Supervisor's Report for the month of October 2021 as read; and the warrants for the month of October 2021 as read.

Seconded by Councilman Cordero

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

#### ACCEPTING THE TOWN CLERKS REPORT FOR THE MONTH OF SEPTEMBER 2021

The Town Clerk read the report for the month of September 2021 showing the following:

TOTAL REVENUE COLLECTED	\$1,353,563.33
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TOTAL REVENUE TO THE SUPERVISOR	\$1,351,382.61
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TOTAL NON-LOCAL REVENUE	\$2,180.72
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**RESOLUTION 184-21** Motion by Councilman Loughlin who moved its adoption:

**RESOLVED**, that Gates Town Board hereby accepts the Town Clerk's report for the month of October 2021.

Seconded by Councilman Cordero

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

### **PERSONAL STATUS REPORT**

Personnel Status Report for the month of October 2021.

Additions 1 (Police Department)

Terminations 1 (Building Department)

Net Change 0,

There being no further business to come before the Town Board, Supervisor Giunta motioned and Councilman Tucciarello second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 7:58 PM.

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Town Clerk