

December 6, 2021

The Gates Town Board held (1) one Public Hearings and its Regular Town Board meeting on December 6, 2021 at the Town Hall Meeting Room at 7:15PM. 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

7:15PM PUBLIC HEARING

Supervisor Giunta called the Public Hearing to order at 7:15PM.

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

CONSIDERING A CONDITIONAL USE PERMIT FOR CARMEN EVENSON TO OPERATE JOE'S KWIK MARTS #481, AT 1952 LYELL AVE.

Supervisor Giunta explained Ms. Evenson was not able to attend in person, but was on via phone.

Councilman Tucciarello asked if Ms. Evenson currently has 480 stores making this location #481 and where are her stores located?

Carmen Evenson, Territory Manager, No, she actually has (5) five in the Rochester area. It's just a number based on other stores they have throughout the U.S. Farmington, Ridge Rd, Lyell Ave. some in Greece, Winton Rd. and Spencerport

Supervisor Giunta asked if they are all named the same (Joe's Kwik Mart)

Ms. Evenson, yes, all are Joe's Kwik Marts. She was actually on the Thruway sites and was lucky enough to get into Rochester

Supervisor Giunta asked if these will be Exxon / Mobil's and also the hours of operation, will they remain the same or change?

Ms. Evenson it will be Exxon or Mobil and the hours will remain the same 24-hour operation, seven-days a week

Councilman DiPonzio any changes of operation then what it is now, with food service and tobacco sales

Ms. Evenson, no changes, deli, gas. It's just changing over to Joe's Kwik Mart

Councilman Tucciarello asked if there will be any changes to the esthetics of building, looking at another location with a different architectural design, or staying with the current style of the building on Lyell Ave

Ms. Evenson it's going to stay pretty much the same, just add Joe's and the red signage at the pumps, Mobil advertises it uses synergy. Will also paint to freshen up.

Supervisor Giunta, if approved, she will need to stop into the Building Dept. for signage information and permit.

Supervisor Giunta asked the Board if there were any additional comments or questions. He then opened up to the audience and asked if anyone was hear for the Public Hearing. Hearing none closed the public hearing.

RESOLUTION 185-21 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby approves a Conditional Use Permits for Carmen Evenson to Operate Joe's Kwik Marts #481 at 1952 Lyell Ave.

Seconded by Councilman Loughlin

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

Ms. Evenson thanked the Board for allowing this hearing to be held with here on the phone.

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 Lee Cordero.

There were no corrections or additions made to the minutes of November 3, 2021. Minutes stand as published and will be available on the website and Town Clerk's office.

AUDIENCE PARTICIPATION

Don Ioannone, 4099 Lyell Rd., back at the October TB meeting as well as Zoning board, he expressed his concerns with the owner/operator of 1269 Chili Ave. who came before the Zoning board back in February for approval for his signage, which the zoning board ruled they could keep their main sign, but remove the signs on the sides and to this date, that has not been corrected

Supervisor Giunta, knows they are coming before the planning board with all this and asked Mr. Rappazzo to speak on it.

Kurt Rappazzo, Director of Public Works, they came before the Planning Board wanting to increase the amount of fuel pumps from (2) two to (4) four and replace the canopy in its entirety, but the owner let the Town know that due to lack of product availability, that work would not be happening right away. All of the canopy and signage was to happen at the same time. He has not heard from the owner since, but will follow up on with him.

Frank Allkofer was here along with Rose Marie LaPietra, chairperson for Wreaths Across America. It's a program Mrs. LaPietra has worked on for several years. It will be held on December 18, 2021 at Noon in the Town Hall Meeting Room.

Mrs. LaPietra this will be the 8th Annual Wreaths Across America Ceremony which is being Sponsored by the Gates Garden Club along with Monroe County Legislator Frank Allkofer and Town Historian Bill Gillette. This event will Honor the (7) Seven Branched of the Military.

Their mission is to; REMEMBER the Fallen US Veterans, HONOR those who serve, and TEACH our children the value of freedom.

The ceremony will be held at 12:00pm sharp on Saturday, December 18th in the Town Hall Meeting Room. Guests will be Gold Star Mothers, Blue Star Families, Patriot Guard Riders, Vietnam Vets, All Branches of Service in uniform and many more. Our Chief of Police James VanBrederode will play “God Bless America” on his bag pipes. There will also be a reception following, in the Annex Room. There will also be a singer, who will be signing “Proud to be an American”

Frank Allkofer added the signer will actually sign (3) three patriotic songs. She preformed at an event in Ogden. He continued to say Mrs. LaPietra puts so much effort into this event and for the military organization

Mrs. LaPietra corrected Frank in saying that they are actually partners from the beginning and do it all together along with her husband, who helps a lot.

Supervisor Giunta thanked them for all the efforts thy put in to this event and looks forward to attending and hopes the Councilmen will be able to as well. It will continue to be advertised on social media and our town website.

Legislator Allkofer Thanked the Supervisor for all his participation and support of this event.

OLD BUSINESS

None

NEW BUSINESS

CONSIDERING RENEWALS OF THE CONDITIONAL USE PERMITS FOR THE FOLLOWING:

TACO BELL #24797, 2115 LYELL AVE.; LITTLE CAESAR’S PIZZA, 2394 LYELL AVE.; T & T BOTTLE & CAN REDEMPTION CENTER, 505 SPENCERPORT RD.; STARBUCKS COFFEE #14142, 2110 CHILI AVE.; WINES BY DESIGN, 3392 BUFFALO RD.; 390 SELF STORAGE, 142 BUELL 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 186-21 Motion by Councilman Tucciarello its adoption:

RESOLVED, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following: Taco Bell#24797, 2115 Lyell Ave.; Little Caesar’s Pizza, 2394 Lyell Ave.; T & T Bottle & Can Redemption Center., 505 Spencerport Rd.; Starbucks Coffee #14142, 2110 Chili Ave.; Wines by Design, 3392 Buffalo Rd.; 390 Self Storage, 142 Buell Rd.

Seconded by Councilman Loughlin

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

**RE-APPOINTING CATHERINE MUSCATO, MIRIAM RIVERA AND THERESA MAY
TO THE BOARD OF TRUSTEES OF THE GATES PUBLIC LIBRARY
TO A FIVE (5) YEAR TERM, TERM TO EXPIRE 12-31-2026**

RESOLUTION 187-21 Motion by Councilman Loughlin who moved its adoption:

RESOLVED, that the Gates Town Board hereby Approves Re-appointing Catherine Muscato, Miriam Rivera and Theresa May to the Board of Trustees of the Gates Public Library to a five (5) year term, terms to expire 12-31-2026.

Seconded by Councilman Tucciarello

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

**SCHEDULING A PUBLIC HEARING STARTING AT 7:15PM FOR:
 A CONDITIONAL USE PERMIT FOR FRANK MASTRODONATO TO OPERATE
 WISE GUYS SMOKE SHOP AT 746 ELMGROVE RD.
 IN A (GI) GENERAL INDUSTRIAL DISTRICT**

RESOLUTION 188-21 Motioned by Councilman DiPonzio who moved its adoption;

RESOLVED, that the Gates Town Board hereby schedules a Public Hearings on Tuesday, January 4, 2022 starting at 7:15PM for a Conditional Use Permit for Frank Mastrodonato to Operate Wise Guys Smoke Shop at 746 Elmgrove Rd

Seconded by Councilman Cordero

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

**SCHEDULING THE 2022 TOWN OF GATES ORGANIZATIONAL MEETING AND
 REGULAR JANUARY TOWN BOARD MEETING**

RESOLUTION 189-21 Motioned by Councilman DiPonzio who moved its adoption;

RESOLVED, that the Gates Town Board hereby schedules the 2022 Town of Gates Organizational Meeting on Tuesday, January 4, 2022 at 9:00AM

Seconded by Councilman Cordero

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

RESOLUTION 190-21 Motioned by Councilman DiPonzio who moved its adoption;

RESOLVED, that the Gates Town Board hereby schedules the 2022 January Town Board meeting on Tuesday, January 4, 2022 at 7:30PM.

Seconded by Councilman Cordero

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

**ADOPTING A RESOLUTION FOR THE TOWN OF GATES TO RETAIN
 PAUL F. KENEALLY, ESQ. OF UNDERBERG & KESSLER LLP
 TO REPRESENT THE TOWN IN THE PENDING TEAMSTER’S UNION PERB
 IMPROPER PRACTICE CHARGE**

RESOLUTION 191-21 Motioned by Councilman Cordero who moved its adoption;

RESOLVED, that the Gates Town Board hereby Adopts a resolution for the Town of Gates to retain Paul F. Keneally, Esq. of Underberg & Kessler LLP to represent the Town in the pending Teamster’s Union PERB Improper Practice Charge

Seconded by Councilman DiPonzio

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

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta reminded everyone about the Santa Parade through the Town. Splitting the town into 3 areas starting Sun Dec. 19th, Mon Dec 20th and Wed Dec 22nd starting at 5:30pm

REPORTS

SUPERVISOR’S

**ACCEPTING THE SUPERVISOR’S
 REPORT FOR THE MONTH OF NOVEMBER, 2021**

WARRANTS

GENERAL

CLAIMS # A21-0805– A21-0884	\$142,099.59
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HIGHWAY

CLAIMS # D21-0493 – D21-0546	\$63,594.10
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LIBRARY

CLAIMS #L21-0248 – L21-0273	\$46,204.11
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TOTAL DISBURSEMENTS	\$1,451,169.31
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TOTAL RECEIPTS	\$1,219,612.72
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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 192-21 Motion by Councilman Cordero who moved its adoption:

RESOLVED, that Gates Town Board hereby accepts the Supervisor’s Report for the month of November 2021 as read; and the warrants for the month of November 2021 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 NOVEMBER 2021**

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

TOTAL REVENUE COLLECTED	\$21,288.85
TOTAL REVENUE TO THE SUPERVISOR	\$19,148.27
TOTAL NON-LOCAL REVENUE	\$2,140.58

RESOLUTION 193-21 Motion by Councilman Loughlin who moved its adoption:

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

Seconded by Councilman Tucciarello

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

PERSONAL STATUS REPORT

Personnel Status Report for the month of November 2021.

Additions: 1 (Building & Grounds Department)

1 (Courts Department)

Terminations 0

Net Change +2

Supervisor Giunta thanked everyone for coming, especially a few Boy Scouts that attended the meeting on such a windy day. He also wished everyone a very Merry Christmas and Happy New Year.

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

Town Clerk