

- August 1, 2022

The Gates Town Board held one Public Hearing and its Regular Town Board meeting on Monday, August 1, 2022 at the Town Hall Meeting Room at 7:00PM. Those attending the meeting were as follows:

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

7:10PM PUBLIC HEARING

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

**TO CONSIDER A CONDITIONAL USE PERMIT FOR PHILIP SILVAROLE
TO OPERATE A TRUCK & FREIGHT TERMINAL AT
630 COLDWATER RD**

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

Supervisor Giunta asked if the applicant was present and would come up to speak on this application.

Philip R. Silvarole, 41 Morningside Park. He has owned this parcel for about (10) ten years and uses it to store vehicles and at times rents spots as well. The Code Enforcer notified him that due to him storing trucks/vehicles on the property a Conditional Use Permit was required and his best way to categorize it was under operating a truck and freight terminal. He actually questioned if there were any complaints from neighbors or such because there was never an issue prior?

Supervisor Giunta, responded, No, there were no complaints. There have been some recent rezoning changes and while doing some auditing of businesses within the town, it was brought to the attention of the Code Enforcer and is making sure everyone is doing what needs to be done.

Mr. Silvarole, he is here to comply

Supervisor Giunta, asked about the space rental?

Mr. Silvarole, rents storage trailers, which are at time full and empty at others. Sometimes there are trailers that belong to other people, some only on weekends

Supervisor Giunta asked about how many trailers can this facility occupy and if it's fenced in?

Mr. Silvarole responded it's a three (3) acre parcel and could possibly hold one-hundred (100) vehicles and is partially fenced in

Councilman DiPonzio asked if there are any hazardous material stored in any trailer?

Mr. Silvarole replied No, no hazardous material, possibly a five (5) gallon gas can for the lawn mower, but nothing more

Attorney Schum asked the hours of operation and also if there is a building on the property?

Mr. Silvarole there are no traditional hours of operation and there are no buildings. There will be no major repairs and maintenance done on property, nothing more than changing a tire.

Supervisor Giunta asked if anyone in the audience had additional comments?

Police Chief Long commented on the ten (10) years Mr. Silvarole has had this property there have been zero complaints or issues and in full support of this application

Supervisor Giunta asked if anyone in the audience had additional comments, hearing none, closed the Public Hearing.

RESOLUTION 116-22

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby approves an application from Philip Silvarole for a Conditional Use Permit to Operate a Truck & Freight Terminal at 630 Coldwater Rd. in a General Industry District (GI)

VOTE OF THE BOARD

Giunta – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye

Motion Carried.

TO CONSIDER THE ENACTMENT OF A LOCAL LAW PROPOSING TO ADD CHAPTER 148 RENTAL PROPERTIES TO THE TOWN CODE OF THE TOWN OF GATES

Supervisor Giunta explained the Town of Greece has this currently in their local laws. It's a way for the town to keep a record of any single-family homes or duplexes that are not owner occupied and are being rented in the Town. In the past there have been homes purchased, for purpose of rented out and it's been very difficult to locate the landlords when there are code issues. This will give us a better grasp on which houses are being rented, it's a tool to use in order to touch base with landlords to be sure properties are properly maintained and if not the ability to go to the proper person.

Attorney Schum agreed with the Supervisor's explanation. It allows for an annual inspection by the building department, on notice to the owner and provides a better way to control or at least attempt to control, out of control properties, where garbage isn't being picked up, the property is unkept with neighbors dealing with it and tenants stating they don't own it and not responsible, it's the landlord's responsibility. This will hold the owner responsible regardless they are renting out and not owner occupied. Tax bills can start being looked at to where they are going as a apposed to where the property is.

Supervisor Giunta added if the tenants do leave, then the landlord would be required to have a new inspection before new tenants could move in.

Attorney Schum added each time the property gets turned over a new inspection will be required. This gives the town the opportunity to see the property is starting off right.

Supervisor Giunta then opened it up to the audience for additional comments

Don Ioannone, 4099 Lyell Rd., agrees with this local law and feels is time to pass this local law.

Supervisor Giunta asked if anyone in the audience had additional comments, hearing none closed the public hearing.

RESOLUTION 117-22

Introductory Local Law 3-2022 A Local Law proposing to add Chapter 148 Rental Properties to the Town Code of the Town of Gates

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman Tucciarello

WHEREAS, the there are numerous rental properties within the Town of Gates; and

WHEREAS, it is the desire of the Town Board to provide for the maintenance of such properties in a manner which will promote the public health safety and welfare and good order and governance of the Town; and

WHEREAS, it is proposed that a Local Law be enacted to provide for such regulation and control; and

WHEREAS, it is necessary that the Town Board hold and conduct a Public Hearing to consider the enactment of such Local Law.

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 shall hold and conduct a Public Hearing to consider the enactment of Introductory Local Law 3-2022 of the Town of Gates which Public Hearing will be held and conducted at the Gates Community Center at 1605 Buffalo Road, Rochester, New York 14624 on the 1st day of August, 2022 at 7:00 pm. and at which hearing all interested persons shall be heard concerning the subject matter thereof.

SECTION II. That the Town Clerk shall give due Legal Notice of this Public Hearing as required by law.

VOTE OF THE BOARD

Giunta – 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, with a Special prayer for Officer Mazurkiewicz, his family and all the men and women in blue. The Pledge of Allegiance, led by Councilman Loughlin followed.

There were no revisions made to the minutes of the Public Hearings and Regular Town Board Meeting held July 11, 2022. Minutes stand and will be published and made available on the website and Town Clerk's office.

AUDIENCE PARTICIPATION

Don Ioannone, 4099 Lyell Rd., questioned at last week's planning board meeting, Mike Ritchie who is the Town Engineer with Costich Engineering, did not represent the town but, actually represented the applicant. He doesn't feel that is appropriate since Mr. Ritchie is paid by the town. He feels that Costich is a large enough business, they could have found someone else to take his place.

Supervisor Giunta made of note of that

Mr. Ioannone also commented on the rental properties and agrees with the new Local Law just passed, but pointed out that other properties, for example Terry's Florist on Long Pond across from Byrne Dairy, which makes it a beautiful corner, but the florist makes it look bad with the junk and junk cars. He has brought this up for several years.

Also, coming down Buffalo Rd. at 1755. It was bought, cleaned out and now there's junk behind that. Unfortunately, Gates is going downhill. He suggests the Town Board get on a recreation bus on a Saturday morning and drive around the town and see what's going on. The zombie houses aren't being taken care of as they should by banks or whoever owns them. The town cuts the grass when it gets too high. Ricks Prime has finally work being done in the back, but the front has weeds eight-ten (8-10) feet high and it looks terrible.

These parcels are the gateways to the community and when people are driving through, it's what they see. Terrible

Supervisor Giunta, is aware and knows the Code Enforcement is working diligently giving them citations and notifications. They are trying

OLD BUSINESS

None

NEW BUSINESS

APPOINTING ROBERTO LONG TO PERMANENT POSITION OF POLICE CHIEF OF THE GATES POLICE DEPARTMENT

Supervisor Giunta, Chief Long has been interim chief for the past six (6) months and has done an excellent job, has shown his leadership skills, has been well received in the department and within the community. He's been great, showing he can lead us, the departments and is his honor to recommend permanently appointing Chief Long to the Gates Police Department.

Councilman Loughlin has heard nothing but good things from the Town of Gates and the employees. Rob is held in high regard amongst the law-enforcement community and seconds the motion.

Councilman Tucciarello also seconds the motion.

Councilman DiPonzio second the motion as well and expanded on the other comments the board members have mentioned. One of the things he was impressed with, was the initiative he took, when seeing the ache going on in the community and decided to hold the vigil. He quickly got the word out and with sixty-eighty (60-80) people in attendance. He appreciates Chief Long taking the initiative and understanding that not only is he a Police Chief, but an Ambassador for the community.

RESOLUTION 118-22

Motion by Supervisor Giunta who moved its adoption:

Seconded by: Councilmen: Loughlin, Tucciarello and DiPonzio

Resolved, that the Gates Town Board hereby Appoints Robert Long to permanent position of Police Chief of the Gates Police Department.

VOTE OF THE BOARD

Giunta – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

**AUTHORIZING THE TOWN SUPERVISOR TO ENTER AN 18-MONTH
EXPLORATORY OPTION T LEASE BETWEEN CATALYST POWER AND THE
TOWN OF GATES FOR TOWN OWNED PARCELS FOR
POTENTIAL SOLAR ENERGY DEVELOPMENT**

Supervisor Giunta explained the town was approached by Catalyst Power who are looking to potentially expand and put some solar panels in the community. This lease is basically exploratory. The Town owns three (3) properties about twenty (20) acres each, kind of hidden behind communities, that are not really visible, more like wetland, land-locked areas. They have eighteen (18) months to explore. If they see something enticing, they can come back and tell us and see if the town is interested in some sort of lease agreement, where they would construct solar panels. It is a way for the town to make revenue later on because of using our land with the leasing and a little profit from the energy made. Nothing set in stone, just an option

Attorney Schum agreed with the Supervisor's explanation. He will furnish a legal notice which this resolution is subject to a permissive referendum even though it's not the sale or lease but the option to lease and it is to be published as a legal noticed published in the paper as well as at the Town. If this comes to pass the town is not bound to any lease agreement unless they come back to the Town and terms are agreed upon.

RESOLUTION 119-22

Motion by Councilman DiPonzio who moved its adoption:

Seconded by: Councilman Loughlin

WHEREAS, Catalyst Power has approached the Town of Gates seeking a certain option to lease which option allows them, for a period of eighteen (18) months, to explore lands in the Town of Gates that might be suitable for solar installations; and

WHEREAS, if Catalyst Power finds any or all of such lands to be suitable for such solar installation and is able to negotiate a successful lease with the Town of Gates such installations would provide for additional unanticipated revenue for the Town of Gates;

NOWTHEREFORE be it RESOLVED by the Town Board of the Town of Gates, Monroe County, New York as follows:

SECTION I. That the Supervisor, Cosmo Giunta, be and he hereby is authorized to execute a certain option to lease by and between Catalyst Power and the Town of Gates in form and content acceptable to the Town Attorney.

VOTE OF THE BOARD

Giunta – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

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

#1 CHINESE RESTAURANT, 2317 BUFFALO RD.; CONTACT PRINTING SOLUTIONS, 246 SPENCERPORT RD.; CHEF'S CATERING OF UPSTATE NY, 1273 CHILI AVE.; GERBER COLLISION & GLASS, 1931 LYELL AVE.; QUALITY INN, 1954 LYELL AVE.; TINA'S NATURAL NAILS, 1016 ELMGROVE RD.; IMAGINATION CHILD CARE, 220 COLDWATER RD.; HUNAN GARDEN, 718 B SPENCERPORT RD.; PARADISE PIZZA, 777 SPENCERPORT RD.; QUICKLEE'S, #1. FUEL SERVICE FACILITY AND #2. FAST-FOOD RESTAURANT, 2055 CHILI AVE.

Supervisor Giunta stated that he has reviewed the files and there are no violations against these businesses with the exception and finds no reason why the Conditional Use Permits for these businesses should not be renewed and approved on mass.

RESOLUTION 120-22

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following; #1 Chinese Restaurant, 2317 Buffalo Rd.; Contact Printing Solutions, 246 Spencerport Rd.; Chef's Catering of Upstate New York, 1273 Chili Ave.; Gerber Collision & Glass, 1931 Lyell Ave.; Quality Inn, 1954 Lyell Ave.; Tina's Natural Nails, 1016 Elmgrove Rd.; Imagination Headquarters, LLC, 220 Coldwater Rd; Hunan Garden, 781B Spencerport Rd.; Quicklee's #1. Fuel Service Facility AND # 2. Fast-food Restaurant 2055 Chili Ave.; Paradise Pizza, 777 Spencerport Rd.

VOTE OF THE BOARD

Giunta – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

**AUTHORIZING THE PAYMENT OF THE CLOSING PRORATED TAX AMOUNTS
FOR THE TOWN & COUNTY AND SCHOOL TAX BILLS TO DOLOMITE
PRODUCTS CO. INC. ON THE FOUR (4) DONATED PARCELS TO THE TOWN**

Supervisor Giunta stated this is for the 110 acres that Dolomite donated to the town. Total amount \$16,583.741. 0 months of Town & County Tax Bill and 4 months of the School tax bills which should have been taken care of during a normal closing.

RESOLUTION 121-22

Motion by Councilman Tucciarello who moved its adoption:

Seconded by: Councilman DiPonzio

Resolved, that the Gates Town Board hereby Authorizes the payment of the closing prorated tax amounts for the Town & County and School tax bills to Dolomite Products Co, Inc on the four (4) donated parcels to the Town.

VOTE OF THE BOARD

Giunta – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Councilman Loughlin invited everyone to the Gates Summer Celebration, Saturday, August 13th at Gates Memorial Park at 6:00pm

REPORTS**SUPERVISOR'S**

**ACCEPTING THE SUPERVISOR'S
REPORT FOR THE MONTH OF JULY 2022**

WARRANTS**GENERAL**

CLAIMS # A22-0375 – A22-0460	\$83,879.41
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HIGHWAY

CLAIMS # D22-0291 – D22-0340	\$471,286.37
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LIBRARY

CLAIMS #L22-0115 – L22-0140	\$21,741.79
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TOTAL DISBURSEMENTS	\$1,789,777.19
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TOTAL RECEIPTS	\$2,647,221.08
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Supervisor Giunta noted for the record that the warrants for the month of July 2022 have been examined by the Town Board and signed.

RESOLUTION 122-22

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Loughlin

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of July 2022 as read; and the warrants for the month of July 2022 as read.

VOTE OF THE BOARD

Giunta – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

**ACCEPTING THE TOWN CLERKS REPORT
FOR THE MONTH OF JULY 2022**

The Town Clerk read the report for the month of July 2022 showing the following:

TOTAL REVENUE COLLECTED	\$28,067.32
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TOTAL REVENUE TO THE SUPERVISOR	\$27,080.90
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TOTAL NON-LOCAL REVENUE	\$986.42
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RESOLUTION 123-22

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of July 2022.

VOTE OF THE BOARD

Giunta – Aye; DiPonzio – Aye; Loughlin – Aye; Tucciarello – Aye;

Motion Carried.

PERSONAL STATUS REPORT

The Town Clerk read the Personnel Status Report for the month of July 2022
Personnel Status Report for the month of July 2022.

Additions: (1) One (Assessors Office)

Terminations: (1) One (Public Safety Retirement)

There being no further business to come before the Town Board, Supervisor Giunta motioned and Councilman DiPonzio second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 7:42 PM.

Town Clerk