

July 10, 2023

The Gates Town Board held its Regular Town Board meeting on Monday, July 10, 2023 at the Town Hall Meeting Room at 7:30PM. Those attending the meeting were as follows:

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

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 Tucciarello.

There were no revisions made to the Public Hearings and regular Town Board Meeting minutes from June 5, 2023 and will be published as drafted and available on the website and in the Town Clerk's office.

AUDIENCE PARTICIPATION

PRESENTATION OF THE EXCELLENT POLICE SERVICE AWARD TO OFFICER NICK VENTRELLA OF THE GATES POLICE DEPARTMENT

Gates Police Chief Rob Long recognized Officer Nick Ventrella with the Excellent Police Service Award and pin. Officer Ventrella served as acting Sergeant while one of the Sergeants was out on medical leave and light duty. Stated Officer Ventrella had to change his schedule and work hours in order to accommodate this. s. During that time he helped capture the criminal involved with the post office employee's robberies across multiple post offices throughout the county and most recently pulled 2 residents out of a house fire through a window. He did so with pride and was well received by his peer during this time as acting Sergeant.

Lieutenant Pascarella thanked Officer Ventrella and also spoke on the fact that Office Ventrella stepped up and is doing a great job and his family should be proud.

Officer Ventrella thanked Chief Long, Lieutenant Pascarella and Sapienza, the Town Board, his coworkers, who he couldn't do his job without them, his family, friends and his girlfriend for all their support though all the changes including his shift and helped him get through it all.

Supervisor Giunta thanked Office Ventrella for stepping up, for all he has done, his dedication and for always serving the community and putting the community first.

PRESENTATING A CERTIFICATE OF RECOGNITION OF HEROIC ACTIONS OF JEFF WEST

Councilman Steve Tucciarello presented a Certificate of Recognition of Heroic actions to Jeff West.

On May 17th, while driving by a house on Foxshire Dr., Jeff observed heavy smoke coming from the back. He stopped simultaneously with a neighbor, observing a vehicle in the driveway, instructed the neighbor to call 911 and to alert any occupants. The resident in the home was

unaware of the fire. Jeff proceeded to the back of the home, noticed a neighbor's garden hose and proceeded to extinguish the fire. Gates Police assisted with entry to the home and Gates Fire arrived shortly thereafter.

Supervisor Giunta congratulated and thanked Mr. West for stepping up as the fire occurred 2 houses away from his, helping a neighbor and his neighborhood.

Mr. West Thanked the board for the recognition, one he was not expecting. He was grateful for a neighbor who was there to help out and they did what needed to be done and happy no one was hurt

Supervisor Giunta asked if there was anyone else who would like to speak in audience participation.

Jacob Rink. 98 Arrowhead Dr. Thanked the board for the opportunity to speak, he has never done this before. He is not a negative person and doesn't like to complain, but to voice his concerns against the chip / fog seal process scheduled for his street and neighboring streets. The neighbors feel the same, he presented the board with a letter which he read, along with signed petitions. He spoke on the concerns of the process and asked for this project to be cancelled.

Karen Cervini, 126 Matilda St. also spoke reiterating all Mr. Rink stated.

Supervisor Giunta replied Gates is not the only town that uses this process and disagrees with his comments. He's not sure of the schedule and where they are in that, to be able to cancel, but will reach out to Kurt Rappazzo, the Highway Superintendent, who is out of town for the week.

Attorney Schum clarified the Highway superintendent is in charge of the duty and responsible for the maintenance of the roadways by law. He submits a list of roads intended to be addressed throughout the year and the board approves it. They work together.

Supervisor Giunta will touch based to see where the project stands and if possible to be cancelled and revisited. Meanwhile he will contact the foremen as well.

Supervisor Giunta asked if there was anyone else who would like to speak in audience participation?

Phil Torti, 380 Hinchey Rd., received the letter from the town about the information meeting on Monday, July 17, 2023. He asked if the letters went out to the entire town?

Supervisor Giunta responded no, just to the residents around the property. This is an informational meeting to possibly correct any misinformation that is out there. There is no voting happening, this is to share possible ideas, answer questions and help verify things.

Supervisor Giunta asked if there was anyone else, hearing none, closed the Audience Participation 8:00pm.

OLD BUSINESS

None

NEW BUSINESS

ACCEPTING THE RESIGNATION FROM ANDREW GARTLEY AS A MEMBER OF THE GATES PLANNING BOARD

RESOLUTION 114-23

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby Accepts the resignation from Andrew Gartley as a member of the Gates Planning Board.

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

Motion Carried.

APPOINTING KEN MARTIN FROM ALTERNATE MEMBER TO PERMANENTE MEMBER OF THE GATES PLANNING BOARD FOR THE REMAINING TERM OF ANDREW GARTLEY, TERM TO EXPIRE FEBRUARY 5, 2025

RESOLUTION 115-23

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Appoints Ken Martin from alternate member to member of the Gates Planning Board for the remaining term of Andrew Gartley, term to expire February 5, 2025.

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

Motion Carried.

Ken thanked the board, it was his pleasure being an alternate and is looking forward to serving the town of Gates the best he can.

ACCEPTING THE RESIGNATION FROM LISA WEST AS A MEMBER OF THE BOARD OF ASSESSMENT REVIEW.

Councilman Tucciarello thanked Lisa for her service to the town and the community. Job well done.

Supervisor Giunta also thanked her and wishes her lots of luck.

RESOLUTION 116-23

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby Accepts the resignation from Lisa West as a member of the Board of Assessment Review.

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

Motion Carried.

APPOINTING VERONICA L. ANTHONY AS MEMBER OF THE BOARD OF ASSESSMENT REVIEW TO FILL THE REMAINING UNEXPIRED TERM OF LISA WEST, TERM TO EXPIRE SEPTEMBER 30, 2027

RESOLUTION 117-23

Motion by Councilman Tucciarello who moved its adoption:

Seconded by Councilman Loughlin

Resolved, that the Gates Town Board hereby Appoints Veronica L. Anthony as a member of the Board of Assessment Review for the remaining unexpired term of Lisa West, term to expire September 30, 2027.

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

Motion Carried.

**ACCEPTING THE RESIGNATION FROM GREG WESTBROOK FROM THE
RECREATION AND PARKS COMMISSION**

Councilman DiPonzio acknowledged Greg has been an outstanding member of the recreation and parks commission for over thirty (30) years. He is moving out of town, but thanks him for his services.

RESOLUTION 118-23

Motion Councilman DiPonzio who moved its adoption:

Seconded by Councilman Cordero

Resolved, that the Gates Town Board hereby Accepts the resignation from Greg Westbrook from the Parks and Recreation Commission.

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

Motion Carried.

**CONSIDER RENEWALS OF THE CONDITIONAL USE PERMITS
FOR THE FOLLOWING:
VALVOLINE INSTANT OIL CHANGE, 427 SPENCERPORT RD.; TOPS
MARKET GASOLINE STATION, 2345 BUFFALO RD.; NEWCOMB OIL, 2960
BUFFALO RD.; PARADISE PIZZA, 777 SPENCERPORT RD.;
LKQ/KEYSTONE CORP., 72 SPENCERPORT RD.;
SERVICE KING, 73 MARWAY CIR.**

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 119-23

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits on mass for the following; Valvoline Instant Oil Change, 427 Spencerport Rd.; Tops Market Gasoline Service, 2345 Buffalo Rd.; Newcomb Oil, 2960 Buffalo Rd.; Paradise Pizza, 777 Spencerport Rd.; LKQ/Keystone Corp., 72 Spencerport Rd.; Service King, 73 Marway Cir.

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

Motion Carried.

**ADOPTING THE NEGATIVE DECLARATION OF ENVIRONMENTAL
SIGNIFICANCE INTRODUCTORY LOCAL LAW #3-2023 TO AMANED CERTAIN
PROVISIONS OF CHAPTER 131 (PARKING) AND CHAPTER 133 (PROPERTY
MAINTENANCE) OF THE GATES TOWN CODE**

RESOLUTION 120-23

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

WHEREAS, the Town Board of the Town of Gates did hold and conduct a public hearing to consider the enactment of Introductory Local Law #3-2023 which public hearing was held and conducted at a regular meeting thereof held on the 5th day of June, 2023 at 7:00 pm at the Gates Community Center, 1605 Buffalo Road, Rochester, New York 14624; and

WHEREAS, the Town Board of the Town of Gates is desirous of enacting such Local Law; and

WHEREAS, it is necessary for the Board to consider the impact of such Local Law upon the environment pursuant to the provisions of the State Environmental Quality Review Act; and

WHEREAS, the enactment of legislation is a purely administrative function and as such is a listed Type 2 Action, and Action that requires no further environmental review;

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

SECTION I. That by the adoption of this resolution the Town Board of the Town of Gates declares itself to be lead agency with respect to the consideration of the adoption of the proposed Local Law.

SECTION II. That the Town Board finds and determines that such legislative action is a Type 2 Action and as such is an Action that will have no significant adverse environmental impact and this resolution shall be considered a Negative Declaration pursuant to the provisions of SEQR.

SECTION III. That the town Board may take such further action with respect to such proposed Local Law without further regard to SEQR.

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

**ENACTING INTRODUCTORY LOCAL LAW #3-2023
AMENDING CERTAIN PROVISIONS OF CHAPTER 131 (PARKING)
AND CHAPTER 133 (PROPERTY MAINTENANCE)**

RESOLUTION 121-23

Motion by Councilman DiPonzio who moved its adoption:

Seconded by Councilman Cordero

WHEREAS, the Town Board of the Town of Gates did hold and conduct a public hearing to consider the enactment of Introductory Local Law #3-2023 proposing to amend certain provisions of Chapter 131 (Parking) and Chapter 133 (Property Maintenance) which public hearing was held and conducted at a regular meeting thereof held on the 5th day of June, 2023 at 7:00 pm at the

Gates Community Center, 1605 Buffalo Road, Rochester, New York 14624 and at which hearing all interested persons were heard concerning the subject matter thereof; and

WHEREAS, the Town Board of the Town of Gates is desirous of enacting such Local Law; and

WHEREAS, the Town Board of the Town of Gates did heretofore adopt such Negative Declaration of Environmental Significance with respect to the enactment of such Local Law;

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

SECTION I. That by the adoption of this resolution the Town Board of the Town of Gates does hereby enact Introductory Local Law #3-2023 which Local Law proposes to amend certain provisions of Chapter 131 (Parking) and Chapter 133 (Property Maintenance).

INTRODUCTORY LOCAL LAW #3-2023

This Local Law proposes to amend Chapter 131 (Parking) and 133 (Property Maintenance) of the Town of Gates Code to read and provide as follows:

ADD § 131-4A(10) Upon any unpaved, grassed or landscaped area within the public right-of-way of any roadway or immediately adjacent to the paved portion of any public roadway.

This Local Law proposes to amend Chapter 133 (Property Maintenance) of the Town of Gates Code to read and provide as follows:

AMEND § 133-8.c.(1)(a) Be ahead of the front line of any principal building unless located within an approved driveway or parking lot.

ADD § 133-8.c.(1)(e) in R-1-8, R-1-11 and R-1-15 zones the parking of commercial or recreational vehicles shall be restricted to the rear of the front line of the residence.

SECTION II. That the Town Clerk shall give due notice of the enactment of this Local Law by filing of the same with the Secretary of State as required by statute.

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

SCHEDULING A PUBLIC HEARING FOR THE ENACTMENT OF INTRODUCTORY LOCAL LAW #4-2023 TO AMEND CHAPTER 190 ARTICLE V SIGNS OF THE GATES TOWN CODE

RESOLUTION 122-23

Motion Councilman DiPonzio who moved its adoption:
Seconded by Supervisor Giunta

Resolved, that the Gates Town Board hereby schedules a public hearing for Monday, August 7, 2023 at 7:15PM for the enactment of Introductory Local Law #4 -2023 to amend Chapter 190 Article V Signs of the Gates Town Code.

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

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta presented a Centenarian Proclamation to Domenic Palozzi for his one hundredth (100) Birthday. He is a World War II Vet, born in the Town of Gates and looks great. He went along with Police Chief Long, the lieutenants and former Gates Police Chief Jim VanBrederode with a cake.

He continued with a reminder of the informational meeting, Monday, July 17, 2023 at the town hall at 7:00PM to discuss the Dolomite property donation and hopefully clear up and misinformation. Letters did go out to the neighbors.

Councilman Loughlin added the Gates Chili Chamber of Commerce is holding their Golf tournament dinner Monday, July 24th at Morgan’s Crossings in Chili, proceeds will benefit both libraries of Gates and Chili.

He also added the Gates Public Library conducted a community survey May 1st -27th and received good feedback. Highlighting one of the questions, what additional library facilities and services would the community like to see in the future? The top three (3) results were, Markers Space Center, and outdoor greenspace area for the surrounding area of the library and computer and technology resources.

REPORTS

SUPERVISOR’S

**ACCEPTING THE SUPERVISOR’S
REPORT FOR THE MONTH OF JUNE 2023**

WARRANTS

GENERAL

CLAIMS # A23-0244 – A23-0448 \$179,750.65

HIGHWAY

CLAIMS # D23-0203 – D23-0255 \$79,138.54

LIBRARY

CLAIMS #L23-0088 – L23-0114 \$27,881.45

TOTAL DISBURSEMENTS \$1,353,459.31

TOTAL RECEIPTS \$302,993.27

Supervisor Giunta noted for the record that the warrants for the month of June 2023 have been examined by the Town Board and signed.

RESOLUTION 123-23

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that Gates Town Board hereby accepts the Supervisor’s Report for the month of June 2023 as read; and the warrants for the month of June 2023 as read.

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

Motion Carried.

**ACCEPTING THE TOWN CLERKS REPORT
FOR THE MONTH OF JUNE 2023**

The Town Clerk read the report for the month of June 2023 showing the following:

TOTAL REVENUE COLLECTED	\$27,789.20
TOTAL REVENUE TO THE SUPERVISOR	\$26,573.86
TOTAL NON-LOCAL REVENUE	\$1,215.34

RESOLUTION 124-23

Motion by Councilman Loughlin who moved its adoption:
Seconded by Councilman Tucciarello

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of June 2023.

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

PERSONAL STATUS REPORT

The Town Clerk read the Personnel Status Report for the month of June 2023

Personnel Status Report for the month of June 2023.

Additions: 1 (Recreation Department)

Terminations: 0

Net Change +1

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 8:15 PM.

Town Clerk