

February 5, 2024

The Gates Town Board held its Regular Town Board meeting on Monday, February 5, 2024 at the Town Hall Meeting Room at 7:30PM. 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

### **7:30PM      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.

Supervisor Giunta noted there were two (2) corrections in the Organizational Meeting Minutes from January 2, 2024. Resolution numbers 13-24 had an incorrect salary listed for Brianna Smith and 15-24 the appointment of Jay Fridley was erroneously left off as Asst. Dog Warden. The revisions were made and will be published along with the Regular Town Board Meeting minutes on the website and made available in the Town Clerk's office.

### **AUDIENCE PARTICIPATION**

Vincenzo Miale, 209 Ramo Dr. stated he has seen in the last four years has notice the garbage companies have increased in price. He also doesn't feel it is the same across the board and some pay more than others. He suggests the town add the garbage pick-up fee in the taxes and choose the company or companies. He calculates this would save about 42% per year. Companies could be divided by sections of the town. He continued that he also notices, the bill actually comes at ten (10) months instead of twelve (12). If it's added to the property tax, everyone pays one (1) price with one company.

Supervisor Giunta, the board has actually discussed this type of thing, but to clarify what Mr. Miale is suggesting is, to have a garbage district, with one (1) company in the Town of Gates collecting garbage.

Mr. Miale, yes, the Town decides, maybe every four (4) years revisit the company chosen and if it's not working, they are out and choose a new one.

Supervisor Giunta, knows other towns, municipalities that have a special garbage district. They bid the process out. This would require further discussion and input from residents and neighborhoods. If a company was interested in servicing an entire neighborhood, then the town would add to the taxes as a special district. There are advantages to that, including a savings to the residents, because they are paying one price, as well as the wear and tear on the streets. Instead of having five (5) trucks going down a neighborhood it would be only one (1).

Mr. Miale added this could benefit the garbage company as well. They can grow and expand if they are doing well and the town is happy and satisfied with their work. More production, more money for them. He feels this would make the town cleaner and fair for everyone.

Supervisor Giunta thanked him for his input and appreciates the suggestion and will look into and possibly survey some of the neighborhoods, splitting into four (4) districts and see what the residents would want.

Steve Wolocki, 117 Renouf Dr. this was his second time speaking at town board about installing a speed bump on his street for all the speeders on Renouf Dr. going towards Cheshire and Dolman. He wants to know what can be done? At last months meeting a comment was made for the residents to park their cars in the street to help alleviate the speeding, but he for one is not going to do that because he fears due to the way they drive now, his car would get hit. He walks and as he's at the stop sign, sees people make a rolling stop. He fears there will be a fatality. He did go down Ezio Dr. and saw the speed right and wonders why Renouf couldn't have one as well? He doesn't know if it would take a petition or for him to come to the town board meetings each month. He like the town and the street he's on, but he pays his taxes, keeps his property kept, works hard and doesn't feel this should take a year or more to get resolved.

Supervisor Giunta as discussed at last months meeting, the majority of speeders are probably neighbors and possible a neighborhood watch group could help.

Mr. Wolocki asked about the speed table like Ezio Dr. realizing there are probably DOT guidelines.

Supervisor Giunta there are criteria's for it, meeting with residents, and let's keep in mind that other streets will also want this in place. The supervisor feels more police patrolling, issuing tickets and reaching out to the neighbors, making them aware of the issue could help. There is no right answer, but knows we need to figure something out, maybe add an electronic speed sign.

Mr. Wolocki said the sign can be placed in front of his house. He continued with complimenting the Gates Police and all they do, realizing they cannot be everywhere at all times. He asked what his next step would be?

Director of Public Works, Kurt Rappazzo, when the Ezio Dr Speedbump went into effect, a policy was created for future locations and is willing to share that information. He agreed with the supervisor, that other streets would want this. If a speed table was installed at Renouf, people would run through the other side streets instead of Renouf. Reducing speed on one street and increase in others, so all the streets would need to be treated equally. He continued, that with Ezio Dr., the spot was chosen because of the street trees there. This helps prevent people driving around onto lawns to avoid the speed table, so that would also need to be required on Renouf if it was to go into place.

Mr. Wolocki knows it will not stop ten out of ten from speeding, but three out of ten is a percentage.

Mr. Rappazzo, as explained at last months meeting, the speed table at Ezio was due to people cutting through from Lyell Rd. and Spencerport Rd to avoid the lights at Long Pond. The speeders on Renouf live on Renouf, it not people just cutting through.

Mr. Wolocki also asked about the status of the proposed highway garage?

Supervisor Giunta, there was nothing proposed, the town was exploring the idea and held and informational meeting. They have looked at other locations within the town, but mute for right now.

## **OLD BUSINESS**

None

## NEW BUSINESS

### APPROVING THE PROMOTION OF LIEUTENANT MATHEW PASCARELLA TO RANK OF CAPTAIN

Chief Long, this position has been vacant for the past seventeen (17) years, but as the department has been doing some restructuring and with growth adding more police staff/officers, as well as issues going on in NY State and more responsibilities brought onto the administrative staff, looked at adding a new level of administration, which is the reason for the proposed addition of rank of Captain, promoting from within to help alleviate some of the issues coming in from the town.

Chief Long spoke on Lieutenant Pascarella's career with the Gates Police Department as of when he was bought on in 2006, promoted to Sargent in 2014 (serving as on all three shifts at one point or another), then in February 2021 was promoted to Lieutenant. He has served as a Field Training Offer and currently a Police Instructor. His file has countless letters from people commending him on his ability to instruct at the academy. He took on defensive training/tactics with the Special Police, was an Evidence Technician, lead road patrol functions. Matt is a perfect example of dedication to the Town, even attending special events on his time off, volunteers time, works holidays.

#### RESOLUTION 45-24

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

Resolved, that the Gates Town Board hereby Approves the promotion of Lieutenant Matthew Pascarella to rank of Captain.

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

Supervisor Giunta, stated for the past twelve years he has had the privilege getting to know Matt and his work ethic as the chief expressed, superb.

Chief Long swore Lieutenant Pascarella to rank of Captain with his wife, holding the Bible.

Captain Pascarella, looking at what makes someone successful is not always only about what they have accomplished, but all those who pushed them along the way, including the Chief. He very happy for everyone coming out, it's humbling to have his whole family present and to hear the words being said. He thanked the Town Board and Chief Long for this opportunity to serve, not just the town and its residents, but the members of the Gates Police Department who have become extended family.

After seventeen years of no position of Captain, the question is, why do this and why now and he feels it is a fair question. Change for the sake of change is not progress, it's just boredom. However, a clear and decisive vision for the future, brings about change. Two phrases that kill the progress of an organization. #1. "We have never done it like that before." And #2. "It's always been that way." We honor tradition as we should, but self reflection and evaluation will bring us from mediocrity to our full potential.

He commended Chief Long and the Town Board for facing the question of why and having the vision and fortitude to see the future and to move forward towards it.

Captain Pascarella restated his commitment to the Chief, Town Board and the residents of Gates as he made in presence of his family, most importantly God, that he will continue to serve all to the best of his ability.

**ADOPTING THE RETENTION AND DISPOSITION SCHEDULE FOR NEW YORK  
LOCAL GOVERNMENT RECORDS (LSG-1) AS THE TOWN'S RECORD  
RETENTION AND DISPOSITION POLICY.**

**RESOLUTION 46-24**

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman Tucciarello

**RESOLVED**, By the Town Board of the Town of Gates that *Retention and Disposition Schedule for New York Local Government Records (LGS-1)*, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

- (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;
- (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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

**APPOINTING VALERIE ORBAKER TO THE POSITION OF DEPUTY TAX  
RECEIVER EFFECTIVE FEBRUARY 1, 2024 AT AN ANNUAL SALARY OF \$45,000.**

**RESOLUTION 47-24**

Motion by Supervisor Giunta who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Appoints Valerie Orbaker to the position of Deputy Tax Receiver effective February 1, 2024 at an annual salary of \$45,000.

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

**APPOINTING SARAH LOBENE AS RECORDS MANAGEMENT OFFICER (RMO)  
FOR THE TOWN OF GATES**

**RESOLUTION 48-24**

Motion by Councilman Cordero who moved its adoption:

Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Appoints Sarah Lobene as the Records Management Officer (RMO) for the Town of Gates.

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

**APPOINTING DAVID CICORIA AS PT COURT ATTENDANT  
 TO REPLACE PATRICIA QUIGLEY**

**RESOLUTION 49-24**

Motion by Councilman Loughlin who moved its adoption:

Seconded by Councilman Tucciarello

Resolved, that the Gates Town Board hereby Appoints David Cicoria as PT Court Attendant to replace Patricia Quigley.

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

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

**SAVASTANO’S BAKERY, 477 SPENCERPORT RD.; TIM HORTON’S,  
 1536 SPENCERPORT RD.; VG TRUCKING INC. TWO (2) LOCATIONS,  
 #1. 78 MAR WAY CIR. AND #2. 48 PIXLEY INDUSTRIAL PARKWAY;  
 LIVIE’S JAMAICAN RESTAURANT, 1583 HOWARD RD.; WISE GUYS SMOKE  
 SHOP, 720 ELMGROVE RD.; BIRCHCREST TREE & LANDSCAPING, 150 LEE RD.;  
 200 PIXLEY LLC, 200 PIXLEY RD.; MAC’S PIZZERIA AND GRILL, 2346 LYELL  
 AVE.; SERVICE KING, 73 MAR WAY CIR.; WORKFIT MEDICAL, LLC,  
 1190 CHILI AVE.; STARBUCKS COFFEE (#14142) 2110 CHILI AVE.;  
 TACO’S N TEQUILAS GRILL, 730 ELMGROVE 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 50-24**

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: Savastano’s Bakery, 477 Spencerport Rd.; Tim Hortons, 1536 Spencerport Rd.; VG Trucking Inc., TWO (2) locations; 78 Marway Cir. AND 48 Pixley Industrial Parkway; Livie’s Jamaican Restaurant, 1583 Howard Rd.; Wise Guys Smoke Shop, 720 Elmgrove Rd.; Birchcrest Tree & Landscaping, 150 Lee Rd.; 200 Pixley Rd LLC, 200 Pixley Rd.; Mac’s Pizzeria and Grill, 2346 Lyell Ave.; Service King, 73 Mar Way Cir.; Workfit Medical, LLC., 1190 Chili Ave.; Starbucks Coffee #14142, 2110 Chili Ave.; Taco’s N Tequilas Grill, 730 Elmgrove Rd.

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

**APPROVING THE TOWN’S \$500 DONATION FOR THE PURCHASE OF A  
 BRONZE SPONSORSHIP OF THE 25<sup>TH</sup> COMMEMORATIVE BOOK OF  
 THE GATES KEYSTONE CLUB POLICE PIPES AND DRUMS**

**RESOLUTION 51-24**

Motion by Councilman Cordero who moved its adoption:  
 Seconded by Councilman DiPonzio

Resolved, that the Gates Town Board hereby Approves the Town's \$500 donation for the purchase of a Bronze Sponsorship of the 25<sup>th</sup> Commemorative Book of the Gates Keystone Club Police Pipes and Drums.

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

Dave Staub accepting and thanking the Town Board for the donation. He continued by saying, they represent the band that was formed twenty-five (25) years ago, with six (6) members of the Gates Police Department. The band was formed because there was a lack of ceremonial pipe band in the area to honor fallen firefighters, police offers and so on. For 25-years they have conducted that mission and are honored the Town of Gates will be a part of their history book. He introduced Bob Melville, the band photographer, Steve Winner, and Shanna Baritot.

Supervisor Giunta expressed how the Town of Gates appreciates what they do for the Town of Gates as well as all the surrounding communities, which is why they felt sponsoring them and being added to their commemorative book as part of the history was key. He thanked them all for their commitment and service to our area. He congratulated them on twenty-five (25) Wonderful years and hope for the fiftieth (50) year they can do this again.

Councilman Loughlin added he has done several ceremonies with the Gates Keystone Club and they add a special touch to any ceremony they are part of and is looking forward to the book and knows Mr. Melville has done a wonderful job of documenting every event, taking photos and the book will be fantastic and appreciates all they do and is very proud they carry the name of the Town of Gates.

**APPROVING THE TOWN'S DIRECTOR OF FINANCE TO  
 MAKE 2023 BUDGET AMENDMENTS TO ASSIGN FUND BALANCE  
 WITHIN THE GENERAL AND HIGHWAY FUNDS**

**RESOLUTION 52-24**

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

Resolved, that the Gates Town Board hereby Approves the Town's Director of Finance to make 2023 Budget amendments to assign fund balance within the General and Highway Funds.

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

**AUTHORIZING THE TOWN SUPERVISOR TO EXECUTE A SUPPLEMENTAL  
 AGREEMENT NO. 3 OF CONTRACT #D014863 FOR THE 2023-2024 SNOW AND ICE  
 AGREEMENT BETWEEN THE TOWN OF GATES AND THE NYS DOT**

**RESOLUTION 53-24**

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

**WHEREAS**, the Town of Gates ("Gates") and the New York State Department of Transportation ("DOT") did heretofore enter into a municipal snow and ice agreement (Agreement") and

**WHEREAS**, the DOT has furnished to Gates, the calculations in the changes in labor, materials, equipment and fixed costs for the 2023-24 snow and ice season, and

**WHEREAS**, it is necessary for Gates to execute Supplemental Agreement No. 3 to the contract #D014863

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

**SECTION 1:** That the Supervisor be and he hereby is authorized to execute supplemental agreement No. 3 to contract #D014863 by and between Gates and DOT.

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

#### **SCHEDULING TWO (2) PUBLIC HEARINGS TO CONSIDER**

#### **1. RENEWING THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE TOWN OF GATES AND SPECTRUM NORTHEAST, LLC, AN INDIRECT SUBSIDIARY OF CHARTER COMMUNICATION INC.**

**AND**

#### **2. A PROPOSED LOCAL LAW TO ESTABLISH A SIX (6) MONTH MORATORIUM ON SMOKE & VAPE SHOPS WITHIN THE TOWN OF GATES**

#### **RESOLUTION 54-24**

Motion by Councilman DiPonzio who moved its adoption:  
Seconded by: Councilman Cordero

Resolved, that the Town of Gates do hereby Schedules TWO (2) Public Hearings to consider;

1. Renewing the cable television franchise agreement between the Town of Gates and Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications Inc.

2. A Proposed Local Law to establish a six (6) month Moratorium on Smoke & Vape Shops within the Town of Gates for **Monday, March 4, 2024 at 7:10pm.**

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

#### **NEW BUSINESS OF COUNCIL MEMBERS**

Councilman DiPonzio wanted to share an invitation for an informational meeting for the proposed senior townhome residences from Kevin Brongo, the new owner of 456 Westside Drive. The meeting will be held on Wednesday, February 7, 2024 from 6:00pm to 8:00pm in the Annex Room at the Gates Town Hall.

#### **REPORTS**

#### **SUPERVISOR'S**

#### **ACCEPTING THE SUPERVISOR'S REPORT FOR THE MONTH OF JANUARY 2024**

#### **WARRANTS**

#### **GENERAL**

CLAIMS # A23-1022 - A23-1069	\$120,020.19
CLAIMS # A24-0013 - A24-0066	\$1,286,534.06

**HIGHWAY**

CLAIMS # D23-0576 - D23-0594	\$22,863.83
CLAIMS # D24-0001- D24-0036	\$189,882.62

**LIBRARY**

CLAIMS # L23-0345 - L23-0367	\$4,778.17
CLAIMS # L24-0002 - L24-0013	\$24,139.10

<b>TOTAL DISBURSEMENTS</b>	<b>\$2,880,783.02</b>
<b>TOTAL RECEIPTS</b>	<b>\$9,293,921.94</b>

Supervisor Giunta noted for the record that the warrants for the month of January 2024 have been examined by the Town Board and signed.

**RESOLUTION 55-24**

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 January 2024 as read; and the warrants for the month of January 2024 as read.

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

**ACCEPTING THE TOWN CLERKS REPORT  
 FOR THE MONTH OF JANUARY 2024**

The Town Clerk read the report for the month of January 2024 showing the following:

TOTAL REVENUE COLLECTED	\$25,443.20
TOTAL REVENUE TO THE SUPERVISOR	\$24,618.39
TOTAL NON-LOCAL REVENUE	\$824.81

**RESOLUTION 56-24**

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

Resolved, that Gates Town Board hereby accepts the Town Clerk’s report for the month of January 2024.

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

**PERSONAL STATUS REPORT**

Town Clerk read the Personnel Status Report for the month of January 2024.

Personnel Status Report for the month of September 2023.

Additions: 2  
 (1 Town Clerk & 1 Library)  
 Terminations: 0



Net Change +2

There being no further business to come before the Town Board, Councilman Loughlin motioned and Councilman Tucciarello second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 8:15 PM.

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Town Clerk