

7/2024

October 7, 2024

The Gates Town Board held its Regular Town Board meeting on Monday, October 7, 2024 at the Town Hall Meeting Room starting 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 Cordero.

He asked the board members if they an opportunity to review the Public Hearing and regular Town Board Meeting minutes from September 9, 2024, and if any revisions were needed. Hearing that there were not, stated that they will be published as drafted and available on the website and in the Town Clerk's office.

AUDIENCE PARTICIPATION

Supervisor Giunta asked if there was anyone for audience participation? He explained each person will have five (5) minutes to present.

Phil Torti, 380 Hinchey Rd. saw in the Cornerstone it was mentioned there would be a review referendum and asked if it would be on the election ballot?

Supervisor Giunta replied if it gets to that point, yes it would be on the election ballot.

Mr. Torti, the town received 2.88 million dollars from the ARPA fund and asked what was it spent on?

Supervisor Giunta replied he believes up to this point, on some equipment, and some I being allocated to new plow trucks, which have already been ordered, but not received yet which is why it's paid out yet. He believes there is still a little over a million for the new pavilion going into Memorial Park.

Mr. Torti asked when does it need to be spent by?

Supervisor Giunta replied it all has to be spent by 2026, but needs to all be allocated by the end of this year (2024).

Supervisor Giunta asked if there was anyone else for audience participation Hearing none closed Audience participation. 7:34pm.

OLD BUSINESS

**CONSIDERING LOCAL LAW #5-2024 AMENDING
§133-8 TO REGULATE PARKING OF MOTOR VEHICLES
IN THE GATES TOWN CODE**

RESOLUTION 151-24

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

Resolved, that the Gates Town Board hereby **UNTABLED** the consideration of Local Law #5-2024, Amending § 133-8 to regulate parking of motor vehicles in the Town of Gates.

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

Supervisor Giunta has been trying to benchmark with the neighboring towns to see what they are doing. He and the Town Board really want to take more time to consider everything prior to passing this.

**CONSIDERING DENYING W/O PREDJUDICE LOCAL LAW #5-2024 AMENDING
§ 133-8 TO REGULATE PARKING OF MOTOR VEHICLES
IN THE GATES TOWN CODE**

RESOLUTION 152-24

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

Resolved, that the Gates Town Board hereby **DENIES WITHOUT PREDJUDICE** the consideration of Local Law #5-2024, Amending § 133-8 to regulate parking of motor vehicles in the Town of Gates.

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

**TO CONSIDER RAISING THE GRADUATED INCOME LIMIT
FOR THE LIMITED SENIOR AND DISABILITY EXEMPTIONS FOR THE TOWN**

Supervisor Giunta stated the Assessor's office has been accumulating more data for the board and believes it's something they are leading towards, but wants to **continue to table** in old business to receive further information until the next Town Board Meeting.

NEW BUSINESS

**ACCEPTING A SEAT BELT MOBILIZATION GRANT IN THE AMOUNT OF \$1,615
AND A POLICE TRAFFIC SERVICES ENFORCEMENT GRANT IN THE AMOUNT
OF \$7,268 INCLUDING ANY ADDITIONAL FUNDS THAT MAY BECOME
AVAILABLE FROM THE POLICE TRAFFIC SERVICES PROGRAM.**

RESOLUTION 153-24

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

Resolved, that the Gates Town Board hereby Accepts a Seat Belt Mobilization Grant in the amount of \$1,615 and a Police Traffic Services Enforcement Grant in the amount of \$7,268 including any additional funds that may become available from the Police Traffic Services Program

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

**AUTHORIZING THE TOWN DIRECTOR OF FINANCE TO MAKE THE
FOLLOWING 2024 BUDGET AMENDMENT IN THE AMOUNT OF \$107,352
WITHIN THE GENERAL FUND FOR THE PURCHASE OF A STAND-ALONE
RESTROOM BUILDING AT MEMORIAL PARK USING AMERICAN RESCUE PLAN
ACT (ARPA) FUNDS**

Councilman Loughlin added he feels this is an appropriate use of the ARPA Funds.

RESOLUTION 154-24

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

Resolved, that the Gates Town Board hereby Authorizes the Town Director of Finance to make the following 2024 Budget amendment in amount of \$107,352 within the General Fund for the purchase of a stand-alone restroom building at Memorial Park using American Rescue Plan Act (ARPA) funds.

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

**APPOINTING JASON KRETCHMER AS THE DEPUTY TAX RECEIVER
FOR THE REMAINING OF 2024**

Supervisor Giunta, being proactive in appointing Jason Kretchmer, with the current Town Clerk and Tax Receiver retiring at the end of next month. Jason is currently working in a law firm as a paralegal with some financial background and lots of experience with customer service. He also helps out in the court as a bailiff and feels he will be a great asset in the clerk's office.

RESOLUTION 155-24

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

Resolved, that the Gates Town Board hereby Appoints Jason Kretchmer as the Deputy Tax Receiver for the remainder of 2024.

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

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

**TRINITY ASSISTANCE, 3545 BUFFALO RD.; ABSOLUTE SCREEN PRINTING, 505
SPENCERPORT RD. SUITE 3; BYRNE DAIRY, 2295 SPENCERPORT RD.;
GATES MANUFACTURED HOUSING COMMUNITY, 1531 BUFFALO RD.;
SUMMIT K-9 TRAINING, 1555 BROOKS AVE.; NATURAL GAS, 1145 CHILI AVE.;
THE COTERIA, 777 SPENCERPORT RD.; SPEEDWAY (4-LOCATIONS)**

465 SPENCERPORT RD. (#07744), 1511 BUFFALO RD. (#07665), 719 ELMGROVE RD (#07714), 2328 CHILI AVE. (#7666); WESTGATE FASHION, 2170 CHILI AVE.; ROCHESTER ACADEMY CHARTER SCHOOL, 310 HINCHEY 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 156-24

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; Trinity Assistance, 3545 Buffalo Rd.; Absolute Screen Printing, 505 Spencerport Rd., Suite 3; Byrne Dairy, 2295 Spencerport Rd.; Gates Manufactured Housing Community, 1531 Buffalo Rd.; Summit K-9 Training, 1555 Brooks Ave.; Natural Gas, 1145 Chili Ave.; The Coteria, 777 Spencerport Rd.; Speedway, (4-Locations) 465 Spencerport Rd (#07744), 1511 Buffalo Rd (#07665), 719 Elmgrove Rd (#07714), 2328 Chili Ave. (#07666) Westgate Fashion, 2170 Chili Ave.; Rochester Academy Charter School, 310 Hinchey Rd.

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

**ADOPTING THE 2024-2028 RECREATION & PARKS,
OPEN SPACE & TRAIL PLAN**

Supervisor Giunta, the Town's Recreation Director Dan Hoock and his team have gone through this 5-year plan.

Dan Hoock, stated they took a lot of feedback from the community, did a survey, some input from the department, and the recreation commission. Mr. Hoock extra highlighted Valerie Young for being the most instrumental in putting the plan together as far as editing. There is a lot of new and exciting and great projects planned from now to the next couple of years. The Town of Gates has really nice parks and with this plan they will be made better.

Supervisor Giunta added this is a very well written plan and knows the things the town is looking to improve and this goes along with the Comprehensive Plan that's been talked about with the residents wanting to see improvements and updates with our parks.

RESOLUTION 157-24

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

Resolved, that the Gates Town Board hereby Adopts the 2024-2028 Recreation & Parks, Open Space & Trail Plan

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

SCHEDULE A PUBLIC HEARING FOR THE 2025 BUDGET WORKSHOP

RESOLUTION 158-24

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

Resolved, that the Gates Town Board hereby Schedules a Public Hearing for the 2025 Budget Workshop for Tuesday, October 22, 2024 at 6:30pm in the Supervisors Conference Room.

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

**SCHEDULING A PUBLIC HEARING TO CONSIDER A PETITION FOR STEVEN &
SHELLY CAAMANO TO REZONE 795 HOWARD RD
FROM NEIGHBORHOOD BUSINESS TO GENERAL BUSINESS**

Supervisor Giunta, stated he and the Town Board are looking for more clarity on this project and would like to remove it for now and not schedule the public hearing for 795 Howard Rd at this time.

**SCHEDULING THREE PUBLIC HEARINGS STARTING
AT 6:45PM TO CONSIDER:**

**#1. FOR DAN THOMAS (TAOUK DEVELOPMENT) TO REZONE USING INCENTIVE
ZONING FOR 4660 & 4610 LYELL RD., 2480 & 2484 MANITO RD FROM
RESIDENTIAL (R-1-15) TO MULTI-RESIDENCE (MR).**

**#2. FOR ANGELO PALMERINI OF AFSCME COUNCIL 66 TO CONSIDER A
CONDITIONAL USE PERMIT FOR A FREESTANDING SIGN AT 1956 LYELL AVE.
IN A GENERAL BUSINESS DISTRICT.**

**#3. FOR DAN MENDIOLA (DIAMOND Z. ENGINEERING) TO CONSIDER A
CONDITIONAL USE PERMIT FOR THE USE OF BARBED WIRE ON TOP OF THE
FENCE ON FEDWX WAY AT 2580 MANITOU RD. IN A GENERAL
INDUSTRIAL DISTRICT.**

RESOLUTION 159-24

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

Resolved, that the Gates Town Board hereby Schedules **THREE (3)** Public Hearings to consider; #1. A petition for Dan Thomas (Taouk Development) to Rezone using Incentive Zoning for 4660 Lyell Rd, 4610 Lyell Rd, 2480 Manitou Rd and 2484 Manitou Rd from Residential (R-1-15) to Multi-Residence (MR). #2. A petition for Angelo Palmerini of AFSCME Council 66 for a Freestanding Sign at 1956 Lyell Ave in a General Business District. AND #3. A petition from Dan Mendiola (Diamond Z Engineering) for a Conditional Use Permit for the use of Barbed Wire on top of the fence on FedEx Way at 2580 Manitou Rd. in a General Industrial District. for Monday November 4, 2024 to start at 6:45 pm.

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

**SCHEDULING A PUBLIC HEARING AT 7:15PM TO CONSIDER THE
2025 TOWN OF GATES PROPOSED BUDGET**

RESOLUTION 160-24

Motion by Councilman DiPonzio who moved its adoption:

Seconded by: Supervisor Giunta

Resolved, that the Gates Town Board hereby Schedules a Public Hearing to consider the 2025 Town of Gates proposed budget for Monday, November 4, 2024 at 7:15pm.

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Supervisor Giunta reminded everyone the Town Truck or Treat event will be on Sunday, October 27th at the High School, 2:00-4:00pm.

Also, the Gates Chili Chamber of Commerce Awards banquet will be on Wednesday, October 23rd at Jack’s Place if anyone is interested in going there are tickets available.

Councilman Loughlin added the last Gates Farmers Market for the year will be October 20st, 11:00am-3:00pm.

Also, following the Town’s Veterans Day Event, which will be held at the Middle School this year, the Library will host their own event from 2:00-4:00pm. They will have a photo display of veterans and are asking for people to share photos they may have (5x7 or 8x10). Please drop off between Oct 1-31st. There will be a documentary and discussion after.

REPORTS

SUPERVISOR’S

**ACCEPTING THE SUPERVISOR’S
REPORT FOR THE MONTH OF SEPTEMBER 2024**

WARRANTS

GENERAL

CLAIMS # A24-0766- A24-0851	\$248,447.75
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HIGHWAY

CLAIMS # D24-0369 - D24-0429	\$259,133.08
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LIBRARY

CLAIMS # L24-0240 - L24-0276	\$31,166.27
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TOTAL DISBURSEMENTS	\$1,603,543.90
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TOTAL RECEIPTS	\$470,207.59
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Supervisor Giunta noted for the record that the warrants for the month of September 2024 have been examined by the Town Board and signed. The Town Board also examined and approved all payroll and in-lieu of claim expenses per fund for the month.

RESOLUTION 161-24

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

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

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

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

TOTAL REVENUE COLLECTED	\$57,833.89
TOTAL REVENUE TO THE SUPERVISOR	\$53,671.40
TOTAL NON-LOCAL REVENUE	\$4,162.49

RESOLUTION 162-24

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

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

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 September 2024 and there were no changes to report.

There being no further business to come before the Town Board, Councilman Loughlin and Councilman Tucciarello second to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 7:52 PM.

Town Clerk