

February 4, 2019

The Gates Town Board held its regular Town Board meeting on Wednesday, February 4, 2019 at the Gates Town Hall, 1605 Buffalo Road at 7:30 P.M. Those in attendance for the regular Town Board 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

7:30 P.M. REGULAR TOWN BOARD MEETING

Supervisor Giunta began the meeting with a silent Prayer and Pledge of Allegiance to the flag.

RESOLUTION 42-19 Motion by Councilman Cordero who moved the adoption:

Resolved, that the Gates Town Board hereby approves the minutes of January 2, 2019 Organizational meeting and January 7, 2019 regular Town Board meeting as received.

Seconded by Councilman DiPonzio

VOTE: Cordero-aye; DiPonzio-aye; Loughlin-aye; Tucciarello-aye- Giunta-aye

Motion carried

PRESENTATION OF PROCLAMATION

Legislator Frank X Allkofer, James Gray-Gates Ambulance President and Chief VanBrederode honored Peter DiSalvo and Gerald Patterson who recently retired from Gates Volunteer Ambulance. Peter DiSalvo served for 40 years and Gerald Patterson served 38 years. Both served in the U.S. military and will remain active members of Gates Volunteer Ambulance. Supervisor Giunta also presented a certificate of recognition to both Peter DiSalvo and Gerald Patterson for their service, commitment and dedication to our residents and community.

AUDIENCE PARTICIPATION

Councilman Steve Tucciarello asked to address the audience about the concerns on the group home and the changing of the type of residents at 63 Lettington Ave. The town is concerned and has attempted to contact Finger Lakes DDSO and the NY State to seek clarity without any luck. We need to get to the bottom of this, gathering information and need to fight together as one. He feels is not in the best interest of the town and residents and is concerned for the safety of children and residence of our town and believes it's unfair with what the State is proposing. The following residents came to the meeting and spoke:

Zachary Young 80 Lettington Mr. Young thanked the Supervisor, Board members and the Chief in helping out with the situation of the group home. He proceeded to express his concern about having the group home on Lettington which houses sex offenders.

Mike & Marla Chefalo 70 Lettington Mr. & Mrs. Chefalo has lived on Lettington for 23 years and lives across the street from the group home. They are very satisfied with the previous residents which were very friendly and safe. There are current 4 registered sex offenders and heard they were moving the remaining residents out in order to move in additional sexual offenders to replace them. Asking for help to stop this from happening. Mrs. Chefalo stated she has worked for agencies like these before and is very familiar with how the operations work and brought a visual map to the meeting to show where the residents live and the number of children in each house.

Dr. Kathleen Gillespie 114 Lettington Dr. Gillespie is going to be retiring soon and will be thinking about moving out of Gates due to this group home. She is very unhappy about this.

Nicole Schillebbi 80 Lettington Nicole's sister lives at 80 Lettington. She stated that the previous residents were very nice. Her sister has a baby and is concerned for her safety as their home is directly across the street from the group home.

Jay Toops 237 Lettington Bought his home as a fixer upper and spent \$20,000 for updates. Mr. Toops wants his girlfriend and her daughter to move in with him but unfortunately he has second thoughts and may end selling.

Lynne Ville 144 Lettington She does not want any of these sex offenders in the group home. Also mentions that the value of her home will decrease. Very concerned for the children.

John Etter 7 Lettington Concerned about the wooded area behind the group home and is concerned for the young children on the street. Doesn't feel staff is able to handle them.

Andrew Gartley 79 Lettington Showed a picture of the group home during the evening with residents living there – window view. Residents are outside smoking day and night unsupervised. The resident has a pool and is concerned that during the summer he will have children over for swimming. The previous residents were great neighbors and part of the family. He also mentioned that the previous residents were removed for their safety.

Don Iannone 4099 Lyell Rd Here to support the residents of Lettington wanted to remind that there is a day care located in the church facility. Also to mention that on Westfall a facility is vacant and believes they can move residents to that facility.

Gary Scalone 25 Lettington People at the group home have been seen going in and out of a vacant house located on Lettington. One of the sex offenders has been seen with a young female. Believes there is no supervision or proper supervision. Concerned about the value of his home and is shocked that there was no communication on this group home. Wife was thankful to town for taking the vacant home down.

Frances Muscato 421 Hinchey Wanted to know if this group home for sex offenders was zoned properly. Supervisor address that the home has been there for 35 years and is zoned properly. Councilman Tucciarello answered the question stating that the State can do work and Zoning does not affect them. Town Attorney Schum addressed the original commencement of this public forum is of the boards desire to help and that the people in this room should demand answers at the State level and work with this board to address the concerns. Need to be pro-active with Albany. There are many unanswered questions. Who made this decision and if it can be over turned. Need to call the State so they can be advised, how upset the Gates residents are over this group home? The State has the control over this group home. Maybe there is an alternative location that they can use. Councilman Steve Tucciarello stated that the decision makers at the State level need to know that this was a bad decision.

Question by audience wanting to know if these sex offenders have restrictions against children, schools or day care centers. Chief VanBrederode stated that there are no restrictions. After they serve their time they are free to go anywhere they want. There are 50 sex offenders living in the Town of Gates. You are able to go to the sex offender registry and find out where they live. Also the Chief is going to fix the notification process letting the residents know about these new sex offenders via letter or email

John Zeppetella 1676 Buffalo Rd What about the clientele and the supervision there who authorized to put them there? Mr. Zeppetella is very concerned about having the group home on Lettington.

Before closing audience participation, Supervisor Giunta wanted to thank everyone for coming tonight and expressing their concerns to us as we have many concerns as well. The only way we are going to fight this fight, is to work together as Councilman Tucciarello, Town Attorney and I had stated. On our part you have our commitment and hopefully you as well. Just give us some time and hopefully we will get answers. You need to put more pressure on them so starting tomorrow morning start calling them. Before we close is there any other audience participation?

Motion to close Councilman Tucciarello

Seconded by Councilman Loughlin

VOTE: Cordero-aye; DiPonzio-aye; Loughlin-aye; Tucciarello-aye; Giunta-aye

Motion carried

OLD BUSINESS – NONE

NEW BUSINESS

**APPOINTING OF WILLIAM PALMA AS
CIVIL OFFICER FOR TOWN OF GATES FOR
THE YEAR OF 2019**

RESOLUTION 43-19 Motion by Councilman Cordero who moved its adoption:

Resolved, the Gates Town Board hereby appoints William Palma at 2604 Elmwood Ave, Rochester, NY as Civil Officer for the Town of Gates for the year 2019.

Seconded by Councilman DiPonzio

VOTE: Cordero-aye; DiPonzio-aye; Loughlin-aye; Tucciarello-aye; Giunta-aye

Motion carried

**APPOINTING OF KERI CUYLER, MELANIE SAVIDIS
AND MARIELLA MEINHOLD TO THE LIBRARY
BOARD OF TRUSTEES**

RESOLUTION 44-19

Motion by Supervisor Giunta who moved its adoption:

Resolved, the Gates Town Board hereby appoints Keri Cuyler to the Library Board of Trustees with term to expire December 31, 2022

Further resolved, the Gates Town Board hereby appoints Melanie Savidis and Mariella Meinhold to the Library Board of Trustees with term to expire December 31, 2023.

Seconded by Councilman DiPonzio

VOTE: Cordero-aye; DiPonzio-aye; Loughlin-aye; Tucciarello-aye; Giunta-aye

Motion carried

**CONSIDERING THE APPLICATION OF VITALIY
BASISTY FOR A CONDITIONAL USE PERMIT TO
OPERATE A NON-PROFIT RELIGIOUS USE FOR
PROPERTY LOCATED AT 2445 LYELL ROAD**

RESOLUTION 45-19

Motion by Councilman DiPonzio who moved its adoption:

Resolved, a Public Hearing will be scheduled for Monday, March 4, 2019 at 7:00 PM to consider the above caption application.

Seconded by Councilman Cordero

VOTE: Cordero-aye; DiPonzio-aye; Loughlin-aye; Tucciarello-aye; Giunta-aye

Motion carried

**CONSIDERING THE APPLICATION OF
BENJAMIN SECOR (SENSENIQ'SLANDSCAPE SUPPLY LLC)
FOR A CONDITIONAL USE PERMIT TO INSTALL A DIGITAL
LED SIGN TO DISPLAY LOGO AND PICTURE LOCATED AT
3670 BUFFALO ROAD**

RESOLUTION 46-19

Motion by Councilman DiPonzio who moved its adoption:

Resolved, a Public hearing will be scheduled for Monday, March 4, 2019 at 7:15 PM to consider the above caption application.

Seconded by Councilman Cordero

VOTE: Cordero-aye; DiPonzio-aye; Loughlin-aye; Tucciarello-aye; Giunta-aye

Motion carried

**CONSIDERING THE RENEWAL OF THE CONDITIONAL
USE PERMITS FOR THE FOLLOWING BUSINESSES:
HANK PARKERS PARTY AND TENT RENTAL – 200 PIXLEY RD;
BIRCHCREST TREE AND LANDSCAPE – 150 LEE RD**

RESOLUTION 47-19

Motion by Supervisor Giunta who moved its adoption:

Resolved, the Gates Town Board hereby renews the Conditional Use Permits for the following businesses: Hank Parkers' Party and Tent Rental – 200 Pixley Road; Birchcrest Tree and Landscape – 150 Lee Road. This will be for a period of one year (thru February 4, 2020) subject to the same terms and conditions applicable to the original permits.

Seconded by Councilman Loughlin

VOTE: Cordero-aye; DiPonzio-aye; Loughlin-aye; Tucciarello-aye; Giunta-aye

Motion carried

**ACCECPTING 2018 YEAR END REPORTS
FOR JUSTICE PUPATELLI AND JUSTICE CASSARA**

RESOLUTION 48-19

Motion by Councilman Tucciarello who moved its adoption:

Resolved, the Gates Town Board hereby accepts the 2018 year end reports for Justice Pupatelli and Justice Cassara.

Seconded by Councilman Loughlin

VOTE: Cordero-aye; DiPonzio-aye; Loughlin-aye; Tucciarello-aye; Giunta-aye

Motion carried

**APPOINTING JOHN ZEPPELLA TO THE
CONSERVATION ADVISORY BOARD, SAID TERM
TO EXPIRE FEBRUARY 4, 2021**

RESOLUTION 49-19

Motion by Councilman Loughlin who moved its adoption:

Resolved, the Gates Town Board hereby appoints John Zeppetella to the Conservation Advisory Board with said term to expire February 4, 2021.

Seconded by Councilman Tucciarello

VOTE: Cordero-aye; DiPonzio-aye; Loughlin-aye; Tucciarello-aye; Giunta-aye

Motion carried

**ACCEPTING THE MONROE COUNTY
STOP DWI CONTRACT IN THE AMOUNT
OF \$30,376**

RESOLUTION 50-19

Motion by Councilman Cordero who moved its adoption:

Resolved, the Gates Town Board here by accepts the Monroe County Stop DWI Contract in the amount of \$30,376.

Seconded by Councilman Tucciarello

VOTE: Cordero-aye; DiPonzio-aye; Loughlin-aye; Tucciarello-aye; Giunta-aye

Motion carried

NEW BUSINESS OF COUNCIL MEMBERS – no new business

REPORTS

**ACCEPTING THE SUPERVISORS REORT
FOR THE MONTH OF JANUARY 2019**

Supervisor Giunta read his report for the month of January 2019 showing the following:

TOTAL RECEIPTS	10,552,126.66
TOTAL DISBURSEMENTS	2,274,641.62

WARRANTS

General Fund

Claims #A18-1366 – A18-1400	19,456.76
A19-0001 – A19-0066	951,752.01

Highway Fund

Claims #D18-0475 – D18-0481	12,757.96
D19-0001 – D19-0016	34,668.10

Library Fund

Claims #L18-0314 – L18-0328	6,395.70
L19-0001 – L19-0009	15,629.71

Supervisor Giunta noted for the record that the warrants for the month of January 2019 have been examined by the Town Board and paid.

RESOLUTION 51-19 Motion by Supervisor Giunta who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of January 2019 as read, and the warrants for the month of January 2019 as read; subject to the approval of the Gates Town Board.

Seconded by Councilman Cordero

VOTE: Cordero-aye; DiPonzio-aye; Loughlin-aye; Tucciarello-aye; Giunta-aye

Motion carried

**ACCEPTING THE TOWN CLERKS REPORT
FOR THE MONTH OF JANUARY 2019**

The Town Clerk read the report for the month of January 2019 showing the following:

TOTAL REVENUE TO THE SUPERVISOR	19,470.69
TOTAL NON-LOCAL REVENUE	789.34
TOTAL REVENUE COLLECTED	20,260.03

RESOLUTION 52-19 Motion by Councilman Tucciarello who moved adoption:

Resolved, that Gates Town Board hereby accepts the Town Clerk's Report for the month of January as read.

Seconded by Councilma Loughlin

VOTE: Cordero-aye; DiPonzio-aye; Loughlin-aye; Tucciarello-aye; Giunta-aye

Motion carried

PERSONNEL STATUS REPORT - No change

There being no further business to come before the Town Board, Councilman Cordero made a motion to adjourn the meeting. Councilman Loughlin seconded the motion. All were in favor; the motion carried. Supervisor Giunta adjourned the meeting at 9:15pm.

Town Clerk