

March 2, 2020

The Gates Town Board held three Public Hearings and its regular Town Board meeting on Monday, March 2, 2020 at the Gates Town Hall, 1605 Buffalo Road beginning at 7:20 PM. Those present for the Public Hearing and 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

7:20PM PUBLIC HEARING

CONSIDERING THE ENACTMENT OF INTRODUCTORY

**LOCAL LAW 1-2020
TO ADOPT A LOCAL LAW ENTITLED
“SPECIAL EVENTS LAW OF TOWN OF GATES”
AND TO REPEAL IN ITS ENTIRETY THE PRESENT
CHAPTER 76 OF THE CODE OF THE GATES TOWN ENTITLED
“CARNIVAL AND OUTDOOR ENTERTAINMENT”**

Supervisor Giunta called the Public Hearing to order at 7:20PM. The Town Attorney verified that the Legal Notice was published as required by law.

Attorney Schum gave a brief synopsis; the town had some events that occurred last spring and summer at facilities in the town which were uncontrolled and unpermitted causing some personal injury and property damage. The Town of Gates looked into regulating these special event, types of activities and adopted a moratorium last June to allow an opportunity to establish this proposed local law. The Town of Greece already had a successful local law in place which is what Gates modelled theirs to be. The purpose of the local law is to promote and protect the public health safety and welfare allowing activities to be permitted and regulated pursuant to the statute to the local law. It does not regulate church related activities, weddings, funerals, regularly scheduled events within both for-profit and not-for-profit entities, but does regulate one off types that promote bands, concerts, open bar, or \$20 ticket admission with no sanitary or safety regulations or police protection or any other regulations. The proposed Local Law provides for an application to be made for those types of events to the Town Clerk with a great deal of information that needs to be furnished with the application concerning insurance, safety, police protection, sanitation, food service, all the things that should be regulated. It's not intended to prohibit free speech in any respect and recommends the Board consider it for approval this evening to replace the old statute which was put in place over 35 years ago,

Supervisor Giunta opened to the public for comments or concerns

Scott Fudge, 58 Landau Drive, stated he recalls a concert venue off Pixley Rd last summer that had public traffic blocked and wanted to ask about noise ordinance as music was so loud it interrupted his sleep. He was unsure if was able to file a complaint because police were already present due to traffic.

Attorney Schum stated in the proposed local law establishes in the application process, the days the event is intended to happen, including hours and provides information. The Chief of Police and the Town of Gates would have the authority to actually close down an event earlier than the permit may require if it becomes excessive or a burden to the neighborhood or surrounding community. That is the sole purpose of that law.

Supervisor Giunta stated that with this local law in place it will allow for more regulation including shutting the event venue down.

Chief Jim Van Brederode thanked Town Board and the citizens of Gates for allowing him to address everyone. He explained situations from last year. Owners of establishments in town having liquor licenses get into a contract to work deals with a third party promoter who bring bands. All money is made off door sales for promoters and the owner of the establishment makes money off the alcohol sales. There were no requirements for us to be notified on these types of concerts as of now. In two different instances, this past year, the Diplomat and Wheels-Up Bar on Brooks Ave lead into major fights and guns shots. This would give us a heads up on these types of events, so we can meet with them and go over security plans and confirm that everything is in place to prevent mass fights and shootings. This law being passed would require the establishment owner to come in and get a permit, so we know and can work together with the Fire Dept., Ambulance and Police department to put together a plan to prevent these mass riots which have been a problem and not good for our town.

Bonnie Stewart 46 Fisher Rd, questioned if the Diplomat was still open or shut down.

Supervisor Cosmo Giunta, stated the Diplomat is still open but had to appear in court where fines were imposed and have been paid. Wheels-Up has been shut down, and the hotel (Old Holiday inn / Radisson Inn) is being foreclosed and will be demolished at some point

Supervisor Giunta closed the public hearing.

7:30PM REGULAR TOWN BOARD MEETING

Supervisor Giunta called the meeting to order at 7:43PM. He began with a silent Prayer and Pledge of Allegiance to the Flag.

RESOLUTION 55-20 Motion by Councilman DiPonzio to approve

The Gates Town Board hereby approves the minutes of February 3, 2020 Public Hearings and regular Town Board meeting as received.

Seconded by Councilman Cordero.

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

Motion Carried.

AUDIENCE PARTICIPATION

Rosanna Palermo, 110 Calhoun Ave, addressed the board to ask about town decision making and notification what the town is doing. Stated it would be nice if the Town had something that could be updated periodically with public interest events to keep a connection and help people to not be intimidated and feels it's not being done.

Supervisor Giunta asked if Mrs. Palermo is aware of the Town Web site and stated that a Town Facebook Group is being worked on. The plan is to get information from all departments and cascaded to all in the group so that as much Town information can be shared to and by the residents. Continued saying that the town tries to be as transparent as we can. He invited residents to join us at our monthly board meetings. He reminded the audience that the residents of Gates are our eyes and ears, so please inform us of anything going on so we too can be aware of.

Mrs. Palermo stated she is aware of our website and asked about when the budget meeting is held.

Supervisor Giunta replied that department heads start working on budgets in July and then budget workshops are held in mid-October and then the budget is passed the first meeting in November. These are open to the residents and are encouraged to attend as well as the school and fire district which are separate taxing entities.

Several Gates residents questioned the town wide assessment, with concerns of rates, inequity of the process consistency, fairness and if businesses help decrease taxes.

Laurie Clocksin, 69 Coldwater Rd, stated she went through the informal process when she first bought her foreclosed house and felt it was a waste of time, then proceeded with the grievance and went through a great deal of effort to contest the assessment. She felt it was a tremendous effort providing document and feels to do this again is a waste of time. Questioned why the people doing the Informal's are not Assessors and the Assessor are not Gates residents, why the Assessor declined to comment to the news, wanted run down of Gates services are better than other towns and why value has gone up by \$280M. She doesn't want to go in front of a 5 person board.

Supervisor Giunta stated all the Impact Notices have been published on the website for public to view if they choose. Further explained that each town has an assessor and are not required to live in the town. Town decided this year to do a Town wide reassessment which has not been done for 6 years [2014] in order to bring us to 100% valuation. Normally this should occur every year but often difficult to do with 13,000 homes going forward town will be divided into areas/sections. New assessment values would raises the levy roughly \$280M additionally. Valuation goes up due to new businesses and industries that have either moved in or remodeled, by building additions or updated their facilities or residential new builds or putting on additions. The process make the playing field even for everyone to pay their fair share.

Mrs. Clocksin asked if any businesses or properties were exempt from taxes.

Supervisor Giunta answered yes, Tech Park is on pilot program (payment in lieu of taxes) and/or COMIDA. Tax break in order to draw businesses in Gates. 10 year program Pay certain percentage per year which increases yearly. If there are more businesses within Gates it helps elevates tax burden for residents. Schools, religious entities, fire district, ambulance and town properties are exempt. He spoke about the interview with news-10 and of the 20 minutes interview how only a snip of a different topic was used instead and also explained about the comment of Gates services being unmatched.

Bonnie Stewart, 46 Fisher Rd stated she check her neighborhood assessment and each roughly \$20,000 and her taxes increased last year by over \$100.00

Supervisor Giunta, responded to do a line by line comparison on the bill. This years, the fire district went up 17%, that alone raised taxes \$150.00 or more, county services went up as well approximately \$25.00-\$50.00. The town tax rate for the past 12 years has gone down

consistently and is the first time since that it has increased. 2019 had \$.05 increase bringing it to \$6.10 per thousand. 2018 was \$6.05, 2017 was \$6.09 and 2016 it was \$6.11. Reason for lower rates year after year was because of towns reserve fund. It was used to subsidize and help alleviate some of the tax burden for residents. With new assessment, and town valuation being up theoretically tax rate should be lower and hopefully the other agencies like school will follow suit. Other towns have had decreased after a town wide evaluation.

Ken Stoker, 539 Valley Creek Rd wanted to speak about the discrepancies of the assessment and about the previous Assessor Mr. Arndt. Doesn't see a fair assessment was done town wide and there are vast discrepancy and inequality. Doesn't think the entire town values were all increased by the 15-20% as stated. Specifically the condo's vs his town home which values increased only 3%. He feels there is a vast discrepancy in the assessment process.

Supervisor Giunta answered that he believe there is a different value for assessing town homes vs condos per the state.

Attorney Schum stated that there is a state mandate for the method of assessing different values for a town homes vs condominium. Condominiums have a neighborhood association and owner technically own the 4 walls only vs Town Home which is the property around it, lot lines etc.. He stated that there is a different formula and rules for calculating assessment for condominium and for town homes. Condominiums will not be close to market value per this rule even if look the same as a town house. Town could pass a local law to prospectively not retroactively to change that ruling if they so choose to.

County Legislator Frank Allkofer greeted all and gave an update.

Saturday, March 7th Veterans Forum sponsored by Senator Joe Robach, here in the Gates Town Annex. 5 different speakers from county and state in addition to 15 different agencies setting up tables for the veterans. Starting at 9am open to public and welcoming all interested veterans. Also informed all of new public safety director Rich Tantalo former Irondequoit Chief of Police.

OLD BUSINESS

NEW BUSINESS

ADOPTING A RESOLUTION AND NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE LOCAL LAW #1-2020

RESOLUTION 64-20 Motion by Councilman DiPonzio, who moved its adoption:

Resolved, that the Gates Town Board hereby accepts the adoption of a Resolution and Negative Declaration of Environmental Significance Local Law #1-2020

Seconded by Councilman Cordero

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

Motion Carried.

**ADOPTING THE RESOLUTION FOR THE INTRODUCTORY OF
LOCAL LAW #1-2020**

RESOLUTION 65-20 Motion by Supervisor Giunta who moved its adoption:

Resolved, that the Gates Town Board hereby adopts the resolution for the introductory of local law #1-2020

Seconded by Councilman DiPonzio

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

Motion Carried.

**SCHEDULE A PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR
NARAYAN REGMI, TO OPERATE TAJ MAHAL FINE INDIAN CUISINE, LLC AT
1742 LONG POND ROAD, SUITE 1 IN A NB DISTRICT**

RESOLUTION 66-20 Motion by Councilman DiPonzio who moved its adoption:

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, April 6, 2020 at 7:10pm for a Conditional Use Permit for Narayan Regmi, to operate Taj Mahal Fine Indian Cuisine, LLC at 1742 Long Pond Road Suite 1 in a NB District

Seconded by Councilman Cordero

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

Motion Carried.

**SCHEDULE A PUBLIC HEARING TO
CONSIDER THE PROPOSAL OF THE TOWN OF GATES TO ENTER INTO AN
AGREEMENT WITH THE GATES VOLUNTEER AMBULANCE SERVICE, INC TO
PROVIDE AMBULANCE SERVICES TO THE TOWN OF GATES FOR THE
CALENDAR YEAR OF 2020**

RESOLUTION 67-20 Motion by Councilman DiPonzio who moved its adoption.

Resolved, that the Gates Town Board hereby schedules a Public Hearing for Monday, April 6, 2020 at 7:20PM to consider the proposal of the Town of Gates to enter into an agreement with the Gates Volunteer Ambulance Service, Inc. to provide ambulance services to the Town of Gates for the calendar year of 2020

Seconded by Councilman Cordero

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

Motion Carried.

**ACCEPTANCE OF THE 2019 YEAR END REPORTS FOR
JUSTICE PUPATELLI AND JUSTICE CASSARA**

RESOLUTION 68-20 Motion by Councilman Cordero who moved its adoption.

Resolved, that the Gates Town Board hereby accepts the 2019 Year End Reports for Justice Pupatelli and Justice Casara

Seconded by Councilman DiPonzio

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

Motion Carried.

**ADOPTING THE RESOLUTION IN SUPPORT FOR A 2020 GRANT APPLICATION
FROM THE TOWN OF GATES TO THE NYS ARCHIVES FOR THE LOCAL
GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND**

RESOLUTION 69-20 Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby adopts the resolution in support for a 2020 Grant Application from the Town of Gates to the NYS Archives for the Local Government Records Management Improvement Fund

Seconded by Councilman Tucciarello

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

Motion Carried.

**CONSIDERING RENEWAL OF THE CONDITIONAL USE PERMIT
FOR THE YMCA OF GREATER ROCHESTER, 920 ELMGROVE ROAD**

Supervisor Giunta stated that he has reviewed the files and there are no violations against the businesses and finds no reason why the Conditional Use Permit should not be renewed and approved.

RESOLUTION 70-20 Motion by Councilman Loughlin who moved its adoption:

Resolved, that the Gates Town Board hereby approves the renewal of the Conditional Use Permits for The YMCA of Greater Rochester, 920 Elmgrove Road

Seconded by Councilman Tucciarello

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

Motion Carried.

**AUTHORIZING THE TOWN CONTROLLER TO MAKE TRANSFERS WITHIN
THE 2019 TOWN BOARD BUDGET FOR THE GENERAL AND LIBRARY FUNDS**

RESOLUTION 71-20 Motion by Councilman Cordero who moved its adoption:

Resolved, that the Gates Town Board hereby authorizes the Town Controller to make transfers within the 2019 Town Board Budget for the General and Library Funds
Seconded by Councilman DiPonzio

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

Motion Carried.

**AMENDING THE EXPIRING TERM FOR LISA WEST OF THE
GATES BOARD OF ASSESSMENT REVIEW FROM
APRIL 1, 2020 TO SEPTEMBER 30, 2020**

RESOLUTION 72-20 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that the Gates Town Board hereby authorizes amending the expiring term for Lisa West of the Gates Board of Assessment Review from April 1, 2020 to September 30, 2020

Seconded by Councilman Loughlin

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

Motion Carried.

NEW BUSINESS OF COUNCIL MEMBERS

Attorney Schum has been negotiating on behalf of the Town of Gates with Bell Atlantic Global, Verizon for a right of way and pole attachment agreement for the 5G poles they would like to install with the Town of Gates, which would administered by building department. It could get approved tonight so they can get started, which they are eager to install or wait a month for final approval.

Councilman Tucciarello suggested waiting for next month for further discussion.

Supervisor Giunta added that there was an open forum meeting scheduled for this Thursday, March 5th, with the State DOT for the 390/490 Project, they needed to postpone to Wednesday, March 25th 3-7pm.

Councilman Tucciarello wanted to wish Councilman Loughlin a Happy Birthday for next week.

REPORTS

SUPERVISOR'S

**ACCEPTING THE SUPERVISORS
REPORT FOR THE MONTH OF FEBRUARY 2020**

TOTAL RECEIPTS \$7,052,716.51

TOTAL DISBURSEMENTS \$1,695,814.12

WARRANTS

GENERAL

CLAIMS # A20-0060 – A20-0120 \$51,924.81

HIGHWAY

CLAIMS # D19-0438 \$9,878.30

CLAIMS # D20-0027 – D20-0065 \$59,210.99

LIBRARY

CLAIMS #L19-0275 – L19-0282 \$2,881.83

CLAIMS #L20-0003 – L20-0018 \$20,169.06

Supervisor Giunta noted for the record that the warrants for the month of February 2020 have been examined by the Town Board and paid.

RESOLUTION 73-20 Motion by Councilman Cordero who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Supervisor's Report for the month of February 2020 as read; and the warrants for the month of February 2020 as read.

Seconded by Councilman DiPonzio

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

Motion Carried.

**ACCEPTING THE TOWN CLERKS REPORT
FOR THE MONTH OF FEBRUARY 2020**

The Town Clerk read the report for the month of February 2020 showing the following:

TOTAL REVENUE TO THE SUPERVISOR \$12,542.61

TOTAL NON-LOCAL REVENUE \$462.00

TOTAL REVENUE COLLECTED \$13,004.61

RESOLUTION 74-20 Motion by Councilman Tucciarello who moved its adoption:

Resolved, that Gates Town Board hereby accepts the Town Clerk's report for the month of February 2020.

Seconded by Councilman Loughlin

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

Motion Carried.

PERSONAL STATUS REPORT

The Town Clerk read the Personnel Status Report for the month of February 2020.

There being no further business to come before the Town Board, Supervisor Giunta motioned to adjourn the meeting. All were in favor; motion carried. Supervisor Giunta adjourned the meeting at 8:36PM.

Town Clerk